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(HANSARD)

**Thursday, May 17, 2007**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Thursday, May 17, 2007

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

Prayers.

### SENATORS' STATEMENTS

#### NATIONAL SENIORS COUNCIL

##### INAUGURAL MEETING

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, during the last federal election campaign, our government promised to create a national seniors council to give seniors a say on issues that matter to them.

I am proud to say that we have delivered on this promise. Next week, our government will convene the inaugural meeting of the National Seniors Council here in Ottawa. Our National Seniors Council has a mandate to advise our government on issues that matter to Canadian seniors such as health care, personal safety, and stability and income security.

I am particularly excited about the members of our National Seniors Council. The six women and three men appointed to this council were selected through a public recruitment process in which an advertisement was listed both online and in the *Canada Gazette*.

• (1335)

A selection panel was held, which made recommendations to our government, and the appointments were announced on the front steps of Parliament Hill by Minister Solberg and me on May 3.

The individuals who sit on our National Seniors Council represent a wide and diverse range of issues relevant to seniors. All of them bring unique perspectives, both personally and regionally.

The members of our council include a woman from New Brunswick who managed an in-home support agency for seniors and the disabled for over 13 years, as well as a former registered nurse from Nova Scotia who currently works with seniors as an addictions specialist.

Our council also includes the rector of the largest seniors residential care facility in Ontario, several experts on gerontology and healthy aging and two researchers on elder abuse. Several National Seniors Council members have received awards for volunteerism, and all are leaders within their communities.

The chair of our council, which we announced on March 5, is Jean-Guy Soulière. He is a distinguished former public servant who is head of one of the largest seniors' stakeholders' networks in the country. His career accomplishments stand on their own merit.

Honourable senators, seniors asked us for a national seniors' council to study and deliver on the issues that matter to them. We have listened to seniors and seniors' groups and this council is the result.

Next week, our council will meet for the first time. I am excited about working with the council to study the issues and to work with our government, so that we can continue to deliver on the priorities of Canadian seniors.

#### NOVA SCOTIA

##### COLE HARBOUR— HALIFAX REGIONAL HISTORICA FAIR

**Hon. Jane Cordy:** Honourable senators, I had the pleasure of attending the sixth annual Halifax Regional Historica Fair in Cole Harbour on May 5.

I am always impressed by the level of enthusiasm shown by the students when talking to them about their projects. It is evident that a lot of hard work went into the planning of their special projects. It is also encouraging to see the young people of Nova Scotia sharing their heritage.

The projects were not only beneficial to the students, but were also invaluable to those who were in attendance, as it gave us all another opportunity to gain a better understanding of our country, its history and its people through the eyes of our young Canadians.

Throughout the years, I have seen that the Historica Fair program has developed into an effective way to interest young people from across the country in discovering and learning about where they live. Canada is a vast country, rich in heritage, with so many stories to tell. I believe that Historica Fairs can serve as the spark to ignite a curiosity to learn about Canada's history.

Honourable senators, my congratulations go to the organizers of the Halifax Regional Historica Fair. These events do not happen without a lot of work. My congratulations also go to the students, whose projects were a reflection of the proud history of our country.

#### WORLD HYPERTENSION DAY

**Hon. Wilbert J. Keon:** Honourable senators, today is World Hypertension Day, which Senator Murray would be happy to know.

As honourable senators are aware, high blood pressure or hypertension is a chronic condition that can damage key organs and lead to kidney disease, stroke, confusion, dementia and death. It also results in cardiovascular disease, which accounts for more than 30 per cent of deaths around the globe.

A startling report was recently published by three international researchers — Dr. Jan Ostergren of Sweden's Karolinska University Hospital; Dr. Panos Kanavos of the London School of Economics; and Dr. Michael Weber of the State University New York Downstate Medical College.

Their work revealed that almost one billion people on this planet have high blood pressure — one in four adults putting their health in serious risk. If we do nothing to combat the condition, the incidence of hypertension is expected to swell to 1.5 billion by 2025.

Part of the blame lies with the worldwide move toward a more Western lifestyle, along with its high-fat diets, long stress-filled working hours and lack of exercise. It is a lifestyle that I am sure many people in this room find all too familiar.

The bottom line of the report is that we appear to be in the midst of a global epidemic and the implications of this epidemic are staggering.

• (1340)

At the release of this report, one of the co-authors, Dr. Kanavos, underscored this point when he stated:

Uncontrolled high blood pressure among people in their 30s, 40s and 50s will inevitably lead to increase in cardiovascular disease and stroke that will strike down men and women at the height of their earning power, potentially turning them from drivers of economic growth and sources of public revenue to long-term recipients of extensive social benefits with increased healthcare needs.

The growing number of chronically ill people at risk of serious disease will put a heavy burden on our health care and social assistance systems at a time in their lives when they are positioned to contribute. This will be the case around the world. Perhaps the only glimmer of hope we can point to in North America is that we have a better record than the rest of the world.

The fact is, we are guilty of resting on our hypertensive laurels rather than pressing ahead with the ongoing struggle. Dr. Weber stated:

Over the past 40 years, focused efforts to diagnose and control high blood pressure have helped to achieve significant reductions in cardiovascular disease, stroke incidence and death. However, we have become complacent about these achievements. The rate of cardiovascular disease reduction has levelled off and the number of people with uncontrolled high blood pressure is once again on the rise.

The challenge for us as policy-makers, physicians, scientists and individuals responsible for our own health is to determine a course of action that we must take now in order to avoid more serious consequences later.

[ Senator Keon ]

## THE HONOURABLE LILLIAN EVA DYCK

### CONGRATULATIONS ON RECEIVING HONORARY DOCTORATE OF LAWS DEGREE

**Hon. James S. Cowan:** Honourable senators, last Saturday our colleague Senator Dyck was awarded an Honorary Doctorate of Laws Degree by Cape Breton University for her outstanding contributions to science, Aboriginals and women. The citation noted her tireless efforts in encouraging improved access for women and Aboriginals to education and careers in science.

Since her appointment to the Senate in 2005, she has continued those efforts across Canada and has repeatedly reminded us of the importance of these issues. I am sure I speak for all honourable senators on all sides of this chamber in congratulating Senator Dyck on this well-deserved honour and in assuring her how much we value and appreciate her ongoing contributions to the Senate and to the public life of this country.

## THE ENVIRONMENT

### REPORT ON COST OF GREENHOUSE GAS EMISSIONS

**Hon. Ethel Cochrane:** Honourable senators, I rise today to discuss a matter of great importance to Canadians: the costs associated with reducing greenhouse gas emissions.

The report released by Environment Canada entitled, *The Cost of Bill C-288 to Canadian Families and Businesses*, showed for the first time the price tag that Canadians would face in meeting the targets in the 2008 to 2012 period. While the model employed in this analysis was validated by some of Canada's leading economists, I know some honourable senators have reservations about the approach and feel the report overestimates the costs.

I would like to share comments made by Carl Sonnen, from Informetrica Limited, and Professor Chris Green, from McGill University, to help allay these concerns. Mr. Sonnen said:

While certainty about the precise impact magnitude on the economy will never be agreed, that the effects would be significantly negative to overall real GDP and incomes, and that these would be disproportionately severe for energy-intensive industries is expected given the need to concentrate actions in such a short period of time.

He went on to say:

Compared to meeting targets over a longer time frame, compressing the time available to meet the Kyoto targets sensibly makes it more difficult to locate (or have available) energy-saving technologies and to have them become a major proportion of the capital stock. Under this circumstance, if there are limits to emission reductions that can be achieved through changes to intensity, it follows that meeting the targets would necessarily require a reduction in economic activity.

In reviewing the report, Professor Green, from McGill University, said:

. . . if anything, Environment Canada's estimated reduction in GDP was too low — that the overall cost to the Canadian economy (measured in terms of GDP reduction) would be greater than Environment Canada had estimated.

• (1345)

He continued:

. . . I indicated to Environment Canada that they could be confident that they had not overestimated the GDP cost of meeting the Kyoto target. I said that I thought that if Environment Canada had erred in its estimate of the GDP reduction, they had erred on the low side. That is, I indicated that the cost of meeting the Kyoto emission reduction target would be greater than Environment Canada had estimated.

[Translation]

## OFFICIAL LANGUAGES

### 2007 REPORT OF COMMISSIONER

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, today I am speaking to encourage both this chamber, which defends minorities, and the government to think more about linguistic duality and official language minority communities, especially in light of the events of recent weeks.

On the same day, the work of the Official Languages committee of the House of Commons was suspended and the Commissioner of Official Languages released his annual report.

In this report, Mr. Fraser expressed his concerns about the promotion and advancement of linguistic duality within federal institutions. He is worried about the impact certain government decisions, made without much consideration, will have on official language minority communities. I find these events troubling. Judging by the situation and the reaction of community representatives and other political parties, I am not the only one. Even the Quebec National Assembly made its concerns known yesterday, when it unanimously adopted a motion urging the federal government to follow up on the report of the Commissioner of Official Languages.

The current government makes some grand statements in the media and in this chamber, but the concrete action it takes, for example, in suspending the work of the Official Languages committee in the other place and cancelling certain programs, does not seem to match these fine words.

Honourable senators, I would like us, as senators and defenders of minorities in this country, to think seriously about this apparent lack of consistency between what they are saying and what they are doing in order to ensure the continued promotion and advancement of linguistic duality within Canadian society and our institutions.

## ROUTINE PROCEEDINGS

### CANADA TRANSPORTATION ACT RAILWAY SAFETY ACT

#### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Lise Bacon**, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, May 17, 2007

The Standing Senate Committee on Transport and Communications has the honour to present its

#### TENTH REPORT

Your Committee, to which was referred Bill C-11, An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts, has, in obedience to the Order of Reference of Wednesday, March 28, 2007, examined the said Bill and now reports the same with the following amendments:

#### 1. Page 20, clause 29:

##### (a) Replace lines 2 and 3 with the following:

“way, a railway company shall cause only such noise and vibration as is reasonable, taking into”; and

##### (b) Replace lines 7 to 11 with the following:

“(b) its operational requirements; and

(c) the area where the construction or operation takes place.”.

#### 2. Page 44, new clause 64: Add after line 12 the following:

#### “COMING INTO FORCE

**64. Section 27 comes into force on a day to be fixed by order of the Governor in Council.”.**

Your Committee has also made certain observations, which are appended to this report.

Respectfully submitted,

LISE BACON  
*Chair*

#### OBSERVATIONS to the Tenth Report of the Standing Senate Committee on Transport and Communications

The Senate Committee on Transport and Communications held five meetings on Bill C-11, an Act to amend the Canada Transportation Act and the Railway

Safety Act, and heard from many stakeholders. In addition to making two amendments to the bill, your Committee wishes to make some observations about what it heard.

A number of stakeholders recommended that your Committee make changes to the bill, all of which were given serious consideration. Your Committee notes that a third and final bill to amend the *Canada Transportation Act* is expected in the near future, which will give some of these stakeholders another forum to present their concerns. Your Committee's evaluation of stakeholders' recommendations respecting provisions that they believed would have a significant impact on their industry is summarized in the following paragraphs.

Clause 7 of Bill C-11 formalizes the Canadian Transportation Agency's authority to provide mediation and/or arbitration services to resolve disputes within its jurisdiction or under commercial dispute resolution processes if all parties agree. Representatives of Canadian rail shippers expressed concern that these provisions would limit their ability to engage private sector mediators and to resolve disputes over cross-border rail services. Your Committee is of the opinion, however, that since the provisions explicitly state that recourse to the Agency's mediation and/or arbitration services requires agreement from all parties, the legislation will not prevent rail shippers from engaging a non-Agency mediator if they wish. Also, your Committee is confident that the wording of the provisions is sufficiently broad to allow the Agency to mediate between any Canadian shipper and any railway regardless of whether the shipment crosses into the United States.

Clause 12 of Bill C-11 sets the statutory review period of the *Canada Transportation Act* at eight years from the day the provision comes into force. While some stakeholders objected to the postponement of the review of the entire Act for eight years, arguing that the Canadian transportation industry will be slow to react to shifts in global markets in the interim, your Committee believes that the extended time frame will allow a review panel to better assess the full impacts of recent and upcoming amendments to the *Canada Transportation Act*. If sectors of the Canadian transportation or shipping communities identify legislative impediments as global markets evolve, your Committee is confident that the Minister of Transport will respond by undertaking an early review of all, or parts of, the Act.

Clause 27 of Bill C-11 obliges the Agency to make regulations requiring airlines advertising services originating in, or destined to, Canada to include all costs of providing the service in the price. While consumer groups generally supported this provision, some Canadian airlines felt that it would put them at a competitive disadvantage for internet sales, which represent a substantial share of total sales, as foreign airlines may not be affected by the regulations in the same way. The Committee notes that, at present, most U.S. and European carriers advertise "all-in" or almost "all-in" prices on the Internet. Moreover, the regulatory process includes a separate consultation process, giving the airlines an opportunity to have their case examined by Transport

Canada and the Treasury Board, should the proposed regulations have a potentially significant negative impact. Nonetheless, your Committee added a new clause to the bill, allowing the Governor-in-Council to postpone the date that the provision respecting airfare advertising regulations comes into force so that the airlines and the government will have more time to consult.

Finally, the House of Commons Standing Committee on Transport, Infrastructure and Communities amended clause 29 of Bill C-11 to require railway companies to cause "as little noise and vibration as possible" when constructing or operating a railway, with due consideration to its obligations and operational requirements and the potential impact upon its residential neighbours, if it has any. Before the amendment, the standard was that the railways "must not cause unreasonable noise." Canadian railway companies believed that the new standard could present a significant threat to their economic viability as there is no jurisprudence on its interpretation. As such, the railway companies recommended that the standard of "reasonableness" be restored to the provision. While accepting that the new standard would be conditional on the railways' operational needs and obligations being met, as stated in new subsections 95.1 (a) and (b), your Committee believed that a standard based on "reasonableness" would be more clear and easier for the Agency and the courts to interpret. We have therefore amended the provision by restoring the concept of "reasonableness" and removing the reference to residential neighbours.

While your committee passes this bill with two amendments, it remains conscious of other concerns raised by the transportation industry and its users, and will monitor the impact that these and other provisions may have. After a period of two years, and should it be necessary, your Committee would then be prepared to seek an order of reference to review these new provisions.

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

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

• (1350)

[English]

## KYOTO PROTOCOL IMPLEMENTATION BILL

### REPORT OF COMMITTEE

**Hon. Tommy Banks,** Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, May 17, 2007

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

#### SIXTH REPORT

Your Committee, to which was referred Bill C-288, An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol, has, in obedience to the Order of Reference of Thursday, March 29, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS  
*Chair*

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

On motion of Senator Banks, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

#### FOREIGN AFFAIRS AND INTERNATIONAL TRADE

##### BUDGET—STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—REPORT OF COMMITTEE TABLED

**Hon. Consiglio Di Nino,** Chair of the Senate Standing Committee on Foreign Affairs and International Trade, tabled the following report:

Thursday, May 17, 2007

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

#### TENTH REPORT

Your Committee, which was authorized by the Senate on Tuesday May 9, 2006, to examine such issues that may arise from time to time relating to foreign relations generally, respectfully requests funds for the fiscal year ending March 31, 2008.

Pursuant to section 2(1)(c) of Chapter 3:06 of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

CONSIGLIO DI NINO  
*Chair*

(For text of report, see today's Journals of the Senate, Appendix, p. 1553.)

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

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

[English]

#### CRIMINAL CODE

##### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Consiglio Di Nino,** Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, May 17, 2007

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

#### ELEVENTH REPORT

Your Committee, to which was referred Bill C-48, An Act to amend the Criminal Code in order to implement the United Nations Convention against Corruption, has, in obedience to the Order of Reference of Thursday, May 10, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

CONSIGLIO DI NINO  
*Chair*

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

On motion of Senator Di Nino, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

[Translation]

#### STUDY OF THE OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

##### INTERIM REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

**Hon. Maria Chaput:** Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on Official Languages, an interim report entitled *Relocation of Head Offices of Federal Institutions: Respect for Language Rights*.

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

• (1355)

[English]

**CANADA-CHINA LEGISLATIVE ASSOCIATION  
CANADA-JAPAN INTER-PARLIAMENTARY GROUP**

ASIA PACIFIC PARLIAMENTARIANS' CONFERENCE  
ON ENVIRONMENT AND DEVELOPMENT,  
FEBRUARY 26-MARCH 3, 2007—REPORT TABLED

**Hon. Nick G. Sibbeston:** Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group regarding the Thirteenth Annual Assembly of the Asia Pacific Parliamentarians' Conference on Environment and Development (APPCED) held in Islamabad, Pakistan, from February 26 to March 3, 2007.

**CANADA-JAPAN INTER-PARLIAMENTARY GROUP**

ANNUAL VISIT OF CO-CHAIRS,  
MARCH 10-16, 2007—REPORT TABLED

**Hon. James S. Cowan:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Japan Inter-Parliamentary Group regarding the annual visit of co-chairs which took place in Tokyo, Hiroshima and Miyajima, Japan, from March 10 to 16, 2007.

## QUESTION PERIOD

### THE ENVIRONMENT

#### KYOTO PROTOCOL—GOVERNMENT POLICY

**Hon. Grant Mitchell:** Honourable senators, it is becoming increasingly difficult to believe almost anything that this government says. Case in point: Minister Baird has been defending a climate change plan for weeks now that will not meet Kyoto objectives for at least 13 years, if ever — that is, 13 years past the time that the Kyoto Protocol established that those objectives must be met.

At the same time, last week in Question Period, Minister Baird said, "We have not turned our backs on the Kyoto Protocol; we are still part of the Kyoto Protocol." One must wonder, which part?

To the Leader of the Government in the Senate, how can Minister Baird say that he is supporting Kyoto when his own climate change plan will not meet Kyoto objectives for at least 13 years, if ever?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** I thank the honourable senator for his question. Minister Baird, when he made the announcement on our plans for the environment, said quite clearly that the Kyoto

goals are something that we support. He pointed out that, under the plan that we have introduced, had this plan been introduced in 1997 — 10 years ago — then we would have met the Kyoto targets.

Unfortunately, as Minister Baird pointed out, and I am sure all of us know, we are not in 1997; we are in the year 2007. Therefore, the Kyoto targets as set by the previous government — and, as Mr. Goldenberg said, those targets were set even though that government knew they could not meet them — does not take away from the fact that the goals are laudable. However, it is quite impossible to meet those goals.

As Senator Mitchell well knows, and outside experts have confirmed, to meet the goals of Kyoto would take the country back to a recession far worse than that experienced in 1981-82, which, coincidentally, was during the years of the National Energy Plan under the Trudeau government. I emphasize, honourable senators, that it was not the people within our government who were saying this but, rather, outside experts who had also reported this fact to the former government.

• (1400)

**Senator Mitchell:** Honourable senators, speaking of 1997, of course the leader forgets it was during that period of time that the current Minister of the Environment was then the Minister of Energy in Ontario, presiding over the doubling of carbon emissions by coal-fired power plants in that province, not helping the national situation.

The new French president makes the point that more countries will also make soon when he promises to impose high import duties on products from countries that do not respect Kyoto. Is this neo-Conservative government not putting at risk Canadian companies that export products abroad to France and many other places when it sends the clear, unequivocal message, by resisting tooth and nail Bill C-288, that it does not respect Kyoto in any way, shape or form?

**Senator LeBreton:** Honourable senators, the fact is that the leader of the honourable senator's own party made it clear in a July 2006 interview that the Kyoto targets could not be met.

The other fact is that our government has introduced a tough new plan to reduce greenhouse gases and air pollutants, cut air pollution in half by the year 2015, reduce greenhouse gas emissions 20 per cent by 2020 and impose, for the first time ever, mandatory emissions and air pollution reduction targets on industry. Our government is the first ever to introduce such a plan.

Some industries felt that we have gone a little too far, and I believe it has been proven since our announcement that, in fact, it was a plan for all industries, but it was done in a way that was fair to everyone. We will involve the Canadian public because the Canadian public has a responsibility in this as well, and we take this issue seriously. I am pleased to see that a significant number of Canadians support what we plan to do.

**Senator Mitchell:** Honourable senators, while mouthing the supposed positions of Canadian industry on Kyoto, is the Leader of the Government in the Senate not aware that the forestry industry in Canada is already 44 per cent below emission levels of

1990; the chemical producers industry in Canada is already 56 per cent below 1990 levels, which is seven and nine times their Kyoto objectives; and that industry can do remarkable things if only they would be led to try by a government that is afraid to lead and will not try?

**Senator LeBreton:** Honourable senators, that is a big mouthful.

The government is working and has worked closely with industry.

**Senator Mitchell:** You are killing me with those quick comebacks.

**Senator LeBreton:** The thought of that is so delicious for me to think of that I can hardly contain myself.

We have worked with industry across the board. We had to be cognizant of industries and the impact on the Canadian economy. I think that honourable senators will agree with me that a poll released only a couple of days ago shows that the Canadian public, while they want something done with the environment, when it comes to doing it themselves, are not so enthusiastic.

**Senator Mitchell:** That is what leadership is all about.

**Senator LeBreton:** That is right. That is why the government brought in a plan, for the first time, that regulates emissions and applies standards. Unlike the previous government, which did nothing and worshipped at the feet of that fraud Al Gore, this government is doing something.

• (1405)

Speaking of Al Gore, it was interesting to note today in the *Ottawa Sun* that Al Gore, in 1997, refused to endorse the Kyoto accord. Why? Here is what Mr. Gore said:

We will not submit this (Kyoto) for ratification until there's meaningful participation by key developing nations . . .

The article goes on:

Problem is, Kyoto required nothing of developing countries such as China and India when Gore made that statement 10 years ago . . .

Nothing requires them now to do the same thing, so Al Gore, for all of his running around mouthing off, living in a house that creates a huge environmental footprint, but he, like the previous government here in Canada, did nothing.

#### POLICY ON CLIMATE CHANGE

**Hon. Terry M. Mercer:** Honourable senators, it appears that the Leader of the Government in the Senate wants to continue to live in the past. She is now quoting old statements by former U.S. Vice President Al Gore. I want to move this debate into the present and into the future. The enthusiasm that the Leader of the Government in the Senate has for this file is overwhelming. You can feel the energy in here. She really wants to get at this job.

Yesterday, Governor Arnold Schwarzenegger's environmental advisor, Terry Tamminen, said that Canada's growing-old government is making the same mistake that the Bush

government is making by failing to take urgent action on climate change. The intergovernmental panel on climate change has warned that the world has about 15 years to avoid catastrophic damage to our environment. It is not hard to see that the plan of Canada's growing-old government does not go nearly far enough.

Indeed, former U.S. vice-president Al Gore, whom the leader likes to quote, has called the plan a fraud. David Suzuki, a great Canadian environmentalist, says it is an embarrassment. Does the Leader of the Government in the Senate even believe in the science of climate change, since her government's plan does nothing to fix the problem?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** The honourable senator should have listened to my answer to the last question, because he did not catch it when I said that Al Gore is the fraud, not our plan, or he would not have been quoting his hero, Al Gore.

The fact is that the cleaning up of the environment, reducing greenhouse gases and reducing air pollution are very serious issues. The Canadian public deserves action. We are providing action. In Budget 2007, we invested \$4.5 billion to clean our air and water, reduce greenhouse gases, and protect our natural environment. The budget confirms that there is \$1.5 billion in the Canada ecoTrust for a provincial and territorial clean air and climate change project, and we have been watching the various announcements that have been made between the federal and provincial governments; the latest in that beautiful part of Nova Scotia at Pictou Lodge on the weekend. There is \$2.2 billion for measures to support cleaner transportation, including a new rebate for fuel-efficient vehicles, a new excise tax to discourage inefficient vehicles, a scrappage program for older vehicles, and support for renewable fuels.

We also introduced \$93 million for a national water strategy to clean up the Great Lakes and the Lake Winnipeg Basin, among other things, and the budget confirms that there is \$225 million for the Nature Conservancy of Canada and provides funding for ecologically important lands in the Northwest Territories and for British Columbia's Great Bear Rainforest.

Of course, we are phasing out the accelerated capital cost for general investment in the oil sands by the year 2015.

• (1410)

**Senator Mercer:** Honourable senators, the leader insists on doing this to herself so I must help her along.

She again called former Vice-President Al Gore a fraud. What former Vice-President Al Gore is to this government is an inconvenient truth because he speaks the truth.

Canada's growing-old government says it has a plan. The same plan allows emissions to increase for the next five years. I told the leader a moment ago we have only 15 years left, so for five years we are still increasing emissions.

If the Leader of the Government in the Senate believes in the science of climate change, she must believe that carbon emissions cause climate change.

Only yesterday, it was announced that Toronto is one of 16 cities around the world receiving a portion of \$5 billion in financing to “go green” by renovating buildings to cut carbon emissions. This financing was not announced by our Prime Minister or by Minister Baird, however, but by former U.S. President Bill Clinton. Clinton said Citi, Deutsche Bank, JP Morgan Chase, UBS and ABN Amro, have each committed \$1 billion to finance these upgrades.

If a former President of the United States can help one of our own cities “go green”, can the Leader of the Government tell us why Canada’s growing-old government will not admit its Green Plan is a sham and not even worth the paper it is printed on?

**Senator LeBreton:** We have our Green Plan. I remind honourable senators that there were three federal budgets in the year 2005, when the honourable senator’s government was in office, including the NDP-driven budget, which would have given the honourable senator a little clue, do you not think?

I also point out to honourable senators that environmentalists at the time were not at all impressed with the February 2005 budget or with the fact that Mr. Goodale’s budget speech did not even mention the word “Kyoto” once. Then, of course, we had other colleagues of the senator’s, former Liberal Environment Ministers Christine Stewart and David Anderson, along with the aforementioned Eddie Goldenberg, who have admitted that the honourable senator’s government, the Liberal government, and Mr. Dion never had a real plan or a real commitment on the environment. In contrast to that, we are taking serious and active measures.

With regard to the honourable senator’s question of the announcement yesterday in New York, I watched part of it on the news last night, and I think —

**Senator Dawson:** I saw you on the news last night.

**Senator LeBreton:** Yes, I saw that too. I think any measure like that of former President Clinton is a credible initiative, and anyone who cares about the environment would be happy to see more initiatives like that.

**Senator Mercer:** The Leader of the Government in the Senate continues to dwell on the past and talk about what we did not do. She continues to remind us that last year they won the election.

I want to know, after all this time, when will the leader stop talking the talk and start walking the walk? Let us get the job done.

**Senator LeBreton:** Honourable senators, Senator Mercer is out of touch. He has not seen all the Ecotrust announcements and he has not seen the regulations announcement by Minister Baird. I have pages and pages of announcements the government has made on the environment, and I will be happy to provide them to Senator Mercer in large print.

#### KYOTO PROTOCOL—IMPACT STUDIES

**Hon. Dennis Dawson:** We saw the leader walking the walk last night on CBC television.

[ Senator Mercer ]

• (1415)

As you know, Senator Mercer talked about Mr. Tamminen, environmental adviser to Mr. Schwarzenegger. Since the Prime Minister will be meeting with Mr. Schwarzenegger in a couple of weeks for a photo opportunity, perhaps the Leader of the Government could ask the Prime Minister to request a meeting between Mr. Baird and Mr. Tamminen to discuss the environment in order to keep updated on what is happening.

[Translation]

You mentioned Mr. Gore earlier. In French we have a saying that only Conservative ministers and fools never change their minds.

My question is for the Leader of the Government in the Senate. Many experts have criticized the dishonest study ordered by the Minister of the Environment to analyze the impact of the Kyoto Protocol on the Canadian economy. These very experts have refuted the falsely disastrous economic forecasts Minister Baird read into it.

Does the Leader of the Government in the Senate still believe that the figures presented by the minister are correct?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, the fact is, as *The Globe and Mail* editorial pointed out a week ago, these economic impact studies had been done and presented to the previous government, which lacked the courage to take the steps that we are taking. I will not comment on the honourable senator’s insulting remark about what they call us in French. The fact is that the honourable senator’s government had those impact studies and they chickened out and did not get the job done. We intend to get it done.

[Translation]

**Senator Dawson:** Honourable senators, I find it irresponsible to support the faulty statements of the Minister of the Environment that have been shot down by everyone.

Dave Martin of Greenpeace mentioned that the cost of taking action to combat climate change is 20 times less than the cost of not taking action. Line Beauchamp, Quebec Minister of the Environment, described the government’s stand as an alarmist one. Clare Demerse, of the Pembina Institute, said that the Conservative government’s study did not take into consideration the costs of climate change and the benefits of taking action. Anthony Cary, High Commissioner of Britain to Canada, has criticized the Harper government’s environmental position.

Does the Leader of the Government in the Senate believe that all these experts and public figures from around the world, representing a majority of public opinion and the international community, are mistaken and that only she, the Prime Minister and Mr. Baird are right?

[English]

**Senator LeBreton:** Honourable senators, my response to that is: Of course not. Only Liberals think that way. The honourable senator might as well throw in David Suzuki and Al Gore. The people he has listed have a view on this matter.

However, other people have studied the impact of implementing Kyoto, not only Mr. Baird or our government. The result was an impact study done by the previous government and supported by economic experts. That impact study showed that if Kyoto is implemented, 275,000 Canadians would lose their jobs by 2009; the cost of electricity bills would jump by 50 per cent; the cost of filling your gas tank would jump by 60 per cent; and the cost of heating a home with natural gas would double.

I heard Senator Cordy say “fear-mongering.” We are not fear-mongering, we are simply reiterating the report as it was presented to your government, which you did not acknowledge. That report has been backed up by independent experts. The Canadian public, quite rightly, wants the government to take action on the environment, and we are doing so. They want us to do it in a reasonable and balanced way that deals with the issues of climate change, pollution and safe drinking water. At the same time, they want us to do it in such a way that their lives are not unduly affected by loss of income or jobs.

We have always approached this subject with three things in mind: the environment, the Canadian energy sector — which is so important to the health of the Canadian economy — and the economy itself.

• (1420)

The launch of Minister Baird’s program and the many announcements we made all over the country, despite all the screeching of the Suzukis and the Gores, have managed to penetrate Canadian thinking, because most Canadians are reasonable people and they know nothing was done. They know absolutely nothing was done, and they know that we have a plan that is reasonable, balanced and fair, and we will implement it.

#### GLOBAL WARMING— INITIATIVES TO ASSIST THE TERRITORIES

**Hon. Nick G. Sibbeston:** Honourable senators, in the next few weeks, I will take a trip to the Arctic to visit people in some of the Arctic communities. While I am there, I hope to drop in close to the North Pole to see Santa Claus. As you know, Santa Claus is real and true. He lives in the North and depends on cold weather to be happy so that he can make the toys for the people of our country.

Climate change in our country is felt most in the Arctic. Already winters are milder, summers are warmer, and people are seeing birds and insects that elders have never seen before. The climate in the North is truly warming up. Infrastructure such as roads, highways and airports are affected by this warm weather. People of the North, when they heard that the government initially would deal with the issue through the Kyoto accord process, were happy that the government in the South would do something that may reduce the greenhouse gases that have the effect of warming the North.

The Government of the Northwest Territories is trying to deal with the effects of global warming, but they, of course, have limited budgets. Is the leader’s government willing to do something? What is the government prepared to do to help the governments in the North deal with the effects of global warming?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, it is too bad the senator started off with the reference to Santa Claus and the North Pole, because this issue is serious. Mentioning Santa Claus is almost as ridiculous as Senator Munson’s question asking me where Osama bin Laden is.

**Senator Mercer:** Conservatives are against Santa Claus.

**Senator LeBreton:** Making reference to Santa Claus and the North Pole is a little bit beyond the pale.

In any event, the Arctic, in all of its possibilities, is important to this government, not only on the environmental side but also in terms of our sovereignty over our northern waters and, therefore, in terms of our military capability in the North. These issues are all important for our government.

I harken back to the government of John Diefenbaker in the late 1950s and early 1960s, when he made a real effort to develop the North and help the livelihood of the people living north of 60. He embarked on a program called “Roads to Resources” that was derided at the time by the Liberals as roads from igloos to igloos. I hope we will not have that situation again. I dare say that had any Conservative ever said that, we would have been roundly criticized from coast to coast to coast.

Honourable senators, the Prime Minister, during the election campaign before Christmas in Winnipeg in December 2005, made an important announcement with regard to Arctic sovereignty.

I can say only that the Arctic is of great importance to the government. We are working on several fronts, and also in conjunction with the governments of the territories. I hope that the government will soon be in a position to make announcements on all fronts with regard to the North.

• (1425)

**Senator Sibbeston:** Honourable senators, I can see that the Leader of the Government has no sense of humour. I raised the issue of Santa Claus because Canadian children truly think that he lives in the Arctic. I was trying to lighten the atmosphere in here. In the last few days we have heard venomous, viperous remarks from the Leader of the Government. We in the North are not very partisan. We come to this place with a view to doing the best we can for our constituents. What we have heard from the government leader is so partisan that it brings down the worthiness of this place. For her to admonish me about talking about Santa Claus is just not called for, with all due respect.

I said it with a sense of humour. Where is the Leader of the Government’s sense of humour? Where is her goodness? Where is her innocence, as it were?

I am asking because I do not like to be admonished and criticized for talking about Santa Claus. I say it sincerely. I am saying I am going to the North. I am going to talk to the people of the North. While I am there, I will look for Santa Claus. Does he not exist at the North Pole? Canadians think that he does. I do not appreciate being admonished in any way by the government leader, and I just say that she is truly a Scrooge!

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting two answers to oral questions: One raised by the Honourable Senator Hays on February 28, 2007, regarding summer jobs for students in the wake of the decision by Canada Border Services Agency officers; another raised by the Honourable Senator Milne on May 3, 2007, regarding financial assistance to help farmers and other producers manufacture and market innovative products.

## PUBLIC SAFETY

### BORDER SERVICES AGENCY—ARMING OF GUARDS

*(Response to question raised by Hon. Daniel Hays on February 28, 2007)*

The presence of students in Canada Border Services Agency (CBSA) positions where officers are to be armed will be phased out over time. Students will be replaced by part-time, fully-trained and equipped CBSA officers. Any person who is carrying out the duties of a CBSA officer at an armed location will be fully trained and equipped. However, the Agency will continue to employ students in positions such as postal centres and airports, where CBSA officers are not to be armed.

That being said, the arming of CBSA officers will have no impact on the hiring of students in this organization for summer 2007.

## INDUSTRY

### FUNDING SUPPORT FOR AGRICULTURE INNOVATION— FUNDING FOR RESEARCH AND DEVELOPMENT

*(Response to questions raised by Hon. Lorna Milne on May 3, 2007)*

Canada's New Government recognizes the opportunities innovation brings to the agricultural sector. The development and commercialization of innovative technologies and products are key to a vibrant and sustainable agricultural sector, and can have additional environmental and social benefits.

The Advancing Canadian Agriculture and Agri-Food Program, commonly referred to as ACAAF, is a five-year, \$240 million program launched in 2004 which aims to position the sector at the leading edge in its ability to seize new innovative opportunities. Numerous projects, both on regional and national levels, have been funded through this program to help the sector in the development and adoption of innovative products and processes, and in bringing these products and processes out of the research stage and into pre-commercialization.

On January 23, 2007, Canada's New Government announced the Agri-Opportunities Program. This five year, \$134 million program seeks to position

Canada's agriculture and agri-food sector at the leading edge to seize new opportunities, increase demand for primary agricultural products and generate benefit across agricultural value chains. Agri-Opportunities aims to accelerate the commercialization of new and innovative agri-products or bioproducts, processes or services that are ready to be introduced into the market place and that are currently not produced or commercially available in Canada. The program provides a maximum contribution of \$10 million per project and per recipient, regardless of the number of projects, over the life of the Program.

[English]

## POINT OF ORDER

### SPEAKER'S RULING

**The Hon. the Speaker:** Honourable senators, at the end of Question Period on Wednesday, May 16, 2007, Senator Tardif rose on a point of order to object to statements made by Senators Angus and Cochrane. Referring to the Ruling of May 2, she noted that rule 22(4) states that, when making statements, "a Senator shall not anticipate consideration of any Order of the Day."

Honourable senators, guidance on this matter is to be found in rules 23(8) and 44(3). Rule 23(8) states that, after Question Period, the Speaker shall call for Delayed Answers, Orders of the Day, Inquiries, and Motions. Rule 44(3) is, in turn, quite clear that a putative question of privilege is taken up after the Senate has completed consideration of the Orders of the Day or by 8 p.m., whichever is earlier. By its very language, stating that consideration of a putative question of privilege will occur "when the Senate has completed consideration of the Orders of the Day," it is clear that, under rules 43 and 44, this does not fall into the category of items included in the Orders of the Day. A putative question of privilege, rather than being an Order of the Day, is an opportunity for a senator, providing certain conditions respecting notice are met, to raise an urgent matter relating to privilege.

• (1430)

[Translation]

As Senator Corbin explained, Senators' Statements and Question Period are not times for debate. The essential characteristic of debate is that it is a process whereby the senators participating seek to support their own position and to bring others around to it. This was not the case with respect to the statements in question. Senators Angus and Cochrane were expressing themselves, in accordance with rule 22(4), on a matter they considered to be of public consequence. This is distinct from, although it may be close to, the more argumentative process characteristic of debate. This issue happened to relate to the question of privilege of Senator Tkachuk, of which he had given oral notice only moments earlier. There is nothing to prohibit several senators addressing the same topic during Senators' Statements, just as can be the case during Question Period. Furthermore, giving oral notice does not deprive another Senator of the opportunity to make a statement before the matter has been taken up by the Senate.

The statements in question did not, therefore, violate rule 22(4) and were in order.

[English]

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Senator Fairbairn, were you intending to raise a matter?

**Hon. Joyce Fairbairn:** I believe, Your Honour, that the issue has been settled by both sides that the Standing Senate Committee on Agriculture and Forestry is prepared to go on its way to Nicolet.

domestic dispute and where the non-custodial parent, in the case of a terminal illness or critical condition, would indeed have the possibility of asking that there be one or more opportunities to see the child under these most extraordinary circumstances.

It was a privilege to study this bill. Bill C-252 advances the law and the justice of this country on behalf of not only children but also parents.

**Hon. Anne C. Cools:** I want to speak to this bill, but I am not ready to speak to it today.

On motion of Senator Cools, debate adjourned.

[Translation]

## ORDERS OF THE DAY

### DIVORCE ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Nolin, for the third reading of Bill C-252, to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).—(*Honourable Senator Trenholme Counsell*)

**Hon. Marilyn Trenholme Counsell:** As one of the speakers to Bill C-252, to amend the Divorce Act (access for spouse who is terminally ill or in critical condition), I wish to tell honourable senators that in committee we had a long and good discussion about the intrinsic meaning of this bill. We had two worthy representatives from the Department of Justice who answered our questions and provided further explanation of the bill and the process that it has gone through. In the end, I believe I speak for all senators on the committee in saying that on that day of additional hearings and clause-by-clause consideration, we were reassured that there are two essential features of the bill.

First, there must be a material change in terms of the condition of the non-custodial parent; in other words, either in terms of a terminal or critical illness, which would have to be well documented by the attending physician.

Second, in all cases, as always, one would look to the presiding judge to assure that whatever decision came from that appeal regarding material change in the condition of the original settlement case was in the best interests of the child. We spoke repeatedly about the best interests of the child, about what this means and how it is protected, no matter what the circumstances.

Essentially, the same principles, of course, apply to this bill as to the Divorce Act. In the Divorce Act, the best interests of the child are first and foremost, and underlie all considerations.

I wish to say that our committee had a worthwhile discussion and we believe that this bill deserves to go forward. It will be helpful in a certain number of cases where there is an ongoing

## OFFICIAL DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Banks, for the second reading of Bill C-293, respecting the provision of official development assistance abroad.  
—(*Honourable Senator Segal*)

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, this morning we discussed this with the Deputy Leader of the Opposition. We wanted the speech at second reading to be delivered by a senator from our party this afternoon. However, I found out around ten o'clock this morning that our spokesperson will be absent this afternoon. Unfortunately, he will not be able to give his speech today. I would like to assure you that the speech will be given at the next sitting of the Senate. If our spokesperson is not here next Tuesday to deliver his speech, we will proceed with referring the bill to the committee, and the speech will be delivered at third reading. As such, I would like to adjourn the debate.

On motion of Senator Comeau, debate adjourned.

## STUDY ON CANADIAN TELEVISION FUND

### REPORT OF THE TRANSPORT AND COMMUNICATIONS COMMITTEE— DEBATE CONCLUDED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Transport and Communications entitled *The Challenges Ahead for the Canadian Television Fund*, tabled in the Senate on May 10, 2007.  
—(*Honourable Senator Bacon*)

**Hon. Lise Bacon:** Honourable senators, I had the pleasure of presenting the report of the Standing Senate Committee on Transport and Communications entitled *The Challenges Ahead for the Canadian Television Fund*. The committee met several times and heard witnesses who enabled it to put the main issues relating to the Canadian Television Fund into perspective.

Our attention was drawn to the fund when two major companies decided to cease making their monthly contributions to it. We wanted to find out more about their concerns and the current state of affairs.

In light of everything we have learned, we are now in a position to take a more informed look at the fund. We wanted to highlight certain realities that affect the Canadian television market. Our market is small.

• (1440)

We have two television systems: one in French and the other in English. We live next door to the largest producer of television content in the world, the United States.

It would be considerably unfair to compare the Canadian reality to the U.S. experience in the area of television. Successful American shows earn significant revenues and have large audiences. Despite this intense competition, Canada can be proud of its many success stories in television.

This is true for the francophone market and for the anglophone market. From *La petite vie* to *Degrassi, the Next Generation*, Canadians recognize themselves in their television shows. They have a window on their world and television programming that reflects who they are.

We must never fall into the trap of minimizing our success. Nonetheless, we have to look to the future with determination and identify the challenges to come. We must continue to believe in a strong public broadcaster, the Canadian Broadcasting Corporation. In the report, we mention practical reasons why the public broadcaster, CBC and Radio-Canada, should be entitled to receive money from the fund.

CBC/Radio-Canada has historically made more effective use of money received from the fund, for television dramas in particular. The world we are living in is ever-changing and the arrival of new broadcasting methods is no longer strictly science fiction. In its third recommendation, the committee suggests that the fund should include in its spending envelopes funds to support new media projects.

We reiterate in our report that it is a privilege to be part of the broadcasting system in Canada. The policy of subsidies for Canadian television production has been in place for almost a quarter century. We are not opposed to commercial interests, quite the contrary, but we want to make sure that social and cultural needs are met.

The report is not an exhaustive study on guidelines for funding Canadian television. We candidly addressed a number of matters, pointing out that, despite the need to question how the fund currently operates, it is still imperative to prevent the industry from developing in a context of financial uncertainty.

Our first recommendation reflects that concern. We recommend that the CRTC immediately change the Broadcasting Distribution Regulations to make the monthly contributions to the Canadian Television Fund a legal requirement. We would like to see objective performance criteria put in place to help the fund fulfil its mandate more effectively. We are well aware that our

input is just the first step in a more far-reaching examination of the future of Canadian television production.

It will be important to consider how a production assistance fund can evolve so as to be even better able to promote the creation of more Canadian programs and how it can motivate producers to make the necessary efforts to improve program quality.

I hope that the work of the Standing Senate Committee on Transport and Communications will serve as a springboard to a broader reflection on the future of television in Canada, and I thank all the senators who took part in our discussions and deliberations during this study.

**Hon. Rose-Marie Losier-Cool:** Would Senator Bacon accept a question?

**Senator Bacon:** Yes.

**Senator Losier-Cool:** You are talking about public money. When you conducted your study, did you meet with Acadians or francophones from minority communities, who feel that Radio-Canada and RDI programming does not really reflect the whole country?

In other words, on RDI, we often hear people say, "Here in Quebec". If Peter Mansbridge were to say, "Here in Toronto," what would happen to the rest of Canada? Did your report raise the issue of programming to reflect Canada's entire francophone community, which is really one of Radio-Canada's objectives?

**Senator Bacon:** That issue was not covered in our report. The terms of reference did not include programming per se. The issue under study was how the Canadian Television Fund is distributed and what its future would be.

We will have to take the study that we have undertaken with this report further and take a deeper look at the various areas, as you are suggesting today.

**The Hon. the Speaker:** If no other senator wishes to speak, this item is considered debated.

[English]

## QUESTION OF PRIVILEGE

**Hon. David Tkachuk:** Honourable senators, may I begin by informing the Senate and His Honour that should His Honour find that I have presented evidence of a prima facie case of a question of privilege, I am prepared to move the necessary motion to have this matter sent to committee.

My core issue is that the conduct of Senator Banks has obstructed me from the ability to discharge my duties in committee. On Tuesday, May 14, after the bells rang in the Senate and the Speaker called for quorum, the upper chamber was adjourned. I and my colleagues, Senator Cochrane and Senator Angus, waited for the Speaker to leave, as is the custom in this place, and then made our way to the East Block, as members of the Energy Committee, to participate in clause-by-clause consideration of Bill C-288.

[ Senator Bacon ]

I left the chamber following the Speaker and went directly to the committee room in room 257 of the East Block. As I entered the meeting room, Senator Banks, to my surprise, did not call the meeting to order but adjourned it. In the absence of any Conservative members of the committee, Senator Banks had conducted clause-by-clause consideration on the bill and was going to report it.

Actively assisting Senator Banks, and without protest, were Senator Milne, Senator Mitchell, Senator Kenny and Senator Lavigne. The Clerk of the Committee was neither asked by the chairman for her opinion of the proceedings nor did she offer to share one. Not one senator raised their voice in protest.

• (1450)

I erroneously mentioned in my statement yesterday that Senator Spivak took part in these events. I have since learned that she went to the committee meeting, but was not present during that time of the committee meeting, and I want to apologize to her for my misrepresentation yesterday.

According to the *Debates of the Senate*, the Senate adjourned at 7:20 p.m., and, according to the evidence from the committee, Senator Banks called the meeting to order at 7:23 p.m. They then passed all clauses of Bill C-288 before we could physically get to the meeting. The meeting was over in less than two minutes. The actual time it took them to do clause by clause was, I am told, less than a minute. In fact, in my hand I have the transcript of the committee hearing. It is less than two pages long and consists of 179 words of dialogue.

The Senate ordered me, by making me a member of the committee, to participate in the deliberations of the committee, including its examination of Bill C-288. The first duty of all senators is to attend and to devote their attention to the deliberations of the whole Senate. When we meet in this chamber, the duty to be in this chamber, unless otherwise excused, is basic and primary. Any action that impedes a parliamentarian from that attendance can be and has been considered a contempt.

Many cases dealing with the other place are outlined in Marleau and Montpetit on pages 83 to 89. In Erskine May's *Parliamentary Practice*, twenty-second Edition, page 121, it says the following:

The House will proceed against those who obstruct Members in the discharge of their responsibilities to the House or in their participation in its proceedings.

At page 95, May has this to say:

An individual Member takes part in a proceeding usually by speech, but also by various recognized forms of formal action, such as voting . . .

The Senate expects members to be in this chamber. Indeed, we do not permit committees to meet while the Senate is meeting, except with specific permission of the whole Senate.

Honourable senators, allowing for the exit of the Speaker, the chair of this committee gave us less than three minutes to get from the chamber in Centre Block to room 257 in the East Block before

starting clause-by-clause consideration, which itself was completed in less than a minute. It was a blatant and obvious attempt by the chairman of this committee, abetted by his Liberal colleagues, to prevent us from doing our duty as senators.

While we may have used the rules to try to encourage further consideration of this bill, just as the majority used their numbers to force a clause-by-clause vote by a strange display of adjournment and then not adjournment, this is part of the business of this place. We came up short in our endeavour and were prepared to go and fight it out in committee. We believed we could cause debate, but, in the end, they had the numbers to overwhelm our side. We had amendments to consider that would have made the bill more palatable and reasonable, amendments based on the testimony of witnesses, but, in the end, we believed we could not win if the majority were set on passing the bill as it stood.

This is not a game, though one Liberal senator mentioned to one of my colleagues Tuesday night that, as far as he was concerned, it was. This is serious business. We believe, based on the testimony of witnesses that both sides found credible, that this bill will force undue hardship on Canadians. Those opposite believe it is necessary to save the planet. There is a chasm here, though one that is, I believe, bridgeable, a point that my colleague Senator Angus made time and again in committee. Instead of working together to bridge that chasm, I, as a senator, along with my colleagues, was denied the right to speak, participate and vote.

As I walked out of the committee meeting, I thought about those who vote in countries where thugs with guns try to prevent them from doing so. I thought about my grandparents who came here and taught me about my obligations to vote. For them, it was most important. Some here believe they are so firmly entrenched that they can deny others their rights and no harm is done. It is just a game.

Honourable senators, this is the Senate. If there is one thing that we are here to do, it is to carry out our obligation to protect democratic freedoms and to set examples for this nation and the world. Arranging it so that certain members of this committee are unable to vote is hardly setting an example. When I walked into that room, certain senators there were snickering and laughing, as were their aides. Their bosses set a fine example for all of them. Chamber of sober second thought? I do not think so.

The right to vote is the most important right in this place, and honourable senators have a duty and an obligation to protect that right. A chairman of a committee has a moral obligation to protect that right. A chair is not a chair of the Liberal side of the committee or the Conservative side of the committee; he is a chair of the entire committee. The chair should have been looking after my interests, at least as far as procedural fairness goes.

Senator Baker, in consideration of Bill S-4 in committee, made a strong argument about procedural fairness, giving an impassioned plea in that regard for Bill S-4 in committee last week.

By contrast, this chair acted in a way that prevented me from doing my job and my parliamentary duty. As a member of the committee, I am supposed to ask questions, debate bills and issues and propose amendments to bills and, certainly, vote on

clause-by-clause consideration of a bill. Those are my functions and our functions. They are the functions of each and every one of us. To interfere with me or with any honourable senator in performing our functions is a breach of privilege.

With respect to privilege, Beauchesne states the following:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions . . .

Honourable senators, parliamentary privilege comprises the right, according to parliamentarians and to Parliament, to enable them to fulfill their parliamentary functions without interference and without obstruction. Any such actions that obstruct Parliament and its members in the performance of their duties are considered contempt of Parliament. The behaviour of the chair constituted such actions.

What I am seeking is a genuine remedy that the Senate has the power to provide. I am raising it because I believe that the actions of the chair of the Standing Senate Committee on Energy, the Environment, and Natural Resources constitute a grave and serious breach that I believe needs to be corrected.

[Translation]

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, it was recognized in earlier decisions such as the one rendered on October 20, 2005: "Traditionally, committees are regarded as the master of their own proceedings." For a committee to meet, the rules require that there be a quorum, and that the committee give public notice of the meeting.

When the Standing Senate Committee on Energy, the Environment and Natural Resources met on Tuesday, after the Senate adjourned, quorum was met and notice had been given that the bill would be examined clause by clause.

In addition, I would like to remind everyone that some standing committees have previously done their work and continue to do their work, even if members from the other side are not present.

[English]

The committee had given public notice that it would be meeting, just as other committees had, and therefore, it met at the adjournment of the Senate, as it had indicated.

There is nothing untoward about the Standing Senate Committee on Energy, the Environment, and Natural Resources having met on May 15. Other committees such as the Standing Senate Committee on Foreign Affairs and International Trade also met that night at the adjournment of the Senate.

**Senator LeBreton:** They waited until people got there.

[ Senator Tkachuk ]

**Senator Tardif:** The Standing Senate Committee on Foreign Affairs and International Trade, which is chaired by Senator Di Nino, even heard from Minister of Justice Nicholson in their study of Bill C-48. No one has objected to that committee having met when the Senate rose the day before, or that its proceedings are not legitimate.

• (1500)

I also wish to note that it is normal practice that committee members gather in the room where the committee holds its meetings so that when the Senate rises, the committee can begin to work as soon as possible.

What we have before us, therefore, is not a question of privilege but, rather, a complaint that an attempt on May 15 to manipulate the normal course of conduct in the Senate, in order to prevent the Standing Senate Committee on Energy, the Environment and Natural Resources from meeting on the Kyoto bill, did not succeed.

[Translation]

What the Speaker and all of us must think about and consider is the relevance of using the Senate itself as nothing more than a tool to prevent the committee from meeting and examining a bill largely supported by Canadians across the country.

This is what we should be discussing, rather than this complaint disguised as a question of privilege.

[English]

**Hon. Consiglio Di Nino:** Honourable senators, first, I, too, am disappointed by the actions of Senator Banks as chair of the committee. The normal courtesies that we extend to each other, as chair or as members of a committee, are that unless it is absolutely impossible, no business is conducted without both sides being present. That is a courtesy which has been accepted and used by this chamber for the number of years that I have been around this place.

I must say that chairmen of committees from the Liberal side of the chamber have been very courteous to me in particular because, as honourable senators know, our numbers have been such that at times we are running from one place to another, and I have had committees awaiting my arrival before starting their meetings, and I thank them for that. I believe that is the right thing to do. That is a courtesy that we have extended which makes this place work.

However, I understand that there are times when that is not possible, or there are times when, because of certain disputes, that will not happen. There was absolutely no indication at this time that the members from this side would not be attending that meeting. There was no indication given, to the best of my knowledge. If any indication existed, it was probably in the minds of members and not in reality.

The comment was made about the Foreign Affairs Committee. I think my colleagues on both sides will back me when I say that I will not run a meeting, and I have not done so —

**The Hon. the Speaker:** If I may interrupt the honourable senator, not only because the rules require that the honourable senator must speak from his or her place in the chamber, but there is a technical reason and that is so that we can all hear through the microphones.

**Senator Robichaud:** He wants to come on this side.

**Senator Di Nino:** I advise His Honour that they will not let me speak from over there; otherwise, I would join my friend any time, as a friend.

The point I am trying to make is that at the meeting of the Foreign Affairs Committee, which was held at the same time, I, as chair, waited until we had not just a quorum but enough members from the other side who had indicated an interest in attending, even though I had a quorum, because we felt that the issue being discussed was an important one. It is a courtesy that I believe has been the norm in this chamber.

My honourable colleague the Deputy Leader of the Opposition suggested that this side was attempting to obstruct the process of the committee. I would say that she could have used that argument if there had been a period of five minutes or a period of 10 minutes. We know very well that it takes more than one minute — unless you are God, and certainly no one on this side is God — to go from this place to the committee room in the East Block. Perhaps Senator Mercer is a god, but I am not.

The Deputy Leader of the Opposition talked about continuing to work as soon as possible. That, honourable senators, does not mean commencing the discussion or the process on a very important piece of legislation which is contentious, which has opposition, and with which we do not agree, within a minute after the adjournment of the Senate. That is unreasonable.

Honourable senators, I suggest that the actions taken were an insult and an offence to each and every one of us, including myself.

**Hon. Elaine McCoy:** Honourable senators, since Senator Tkachuk mentioned that I was at the meeting, I rise to thank him for what I took to be an implied compliment that I might indeed have helped this senior senator from Saskatchewan in his predicament.

As an independent observer at the meeting, I wish to say that I did not intervene for one reason: that I had no knowledge of the strategy that might have been worked out in a caucus to which I do not belong, the Conservative caucus. Having observed the activities in this chamber, which seemed to have been a delaying tactic to pre-empt the meeting of the committee, which failed because they were unable to maintain a quorum, I was not certain as to what their next step might be. For example, I had observed this very senator leave the Environment Committee meeting a few days earlier, saying that he “did not have to listen to this” as he left the committee room. I thought that perhaps he did not want to participate in the debate after all.

On the other hand, I have seen him, and others of his caucus, not join other standing committees as well, so, rather than interfere with the private matters of the caucus, I did not want to

put myself forward. I also observed other senators arrive from this chamber and gather in short order after the vote had been taken, so I take it to have been a possibility to have actually, physically, made the meeting within the limited time.

To explain my non-intervention as a neophyte senator, I just wanted to put on the record that there are considerations beyond that which have been raised by the senator from Saskatchewan.

**Hon. Tommy Banks:** Honourable senators, in speaking to Senator Tkachuk's question of privilege, I want to say that he has not been denied the right to debate this question and he has not been denied the right to introduce amendments to the bill, because I anticipate, now that the debate on the bill in substance will begin presently, that that debate will be hearty, long and complete. As all senators know, amendments to bills can be introduced at the third reading stage, and often have been.

As to the questions about the clock, as His Honour noted a couple of weeks ago, there are clocks and there are clocks. It has been said by members opposite, and repeated in the newspapers, that this meeting concluded its business in a minute or less.

• (1510)

Now, I can speak quickly, but there were 21 questions put to that meeting; each of them was put individually in the proper and prescribed order as per the minutes of the meeting the leader has before her. There were 21 questions on that list, senator. I cannot ask 21 questions in a minute and a committee cannot respond if we rehearsed for a week to do so. It cannot physically be done.

**Senator LeBreton:** It was.

**Senator Banks:** I want to point out, parenthetically — this is not directly related — Bill C-288 is the expressed will of the House of Commons and that is what we are dealing with here, whether we oppose the will of the House of Commons, but that is a matter for debate.

With respect to the question of privilege, it is interesting to note that this complaint about Conservative senators not being present at committee meetings comes from a Conservative side whose leader has forbidden her members, including Senator Tkachuk, from attending meetings of other committees, of another committee.

**Senator LeBreton:** That is not true.

**Senator Banks:** It is clear that the government side has no problem with the non-attendance of Conservative members at committee meetings.

In fact, there is no requirement anywhere in the *Rules of the Senate* that members of any particular political party be present as a condition of the commencement or conduct of a meeting of a committee of the Senate.

The requirement is that there should be a quorum and, as we shall see, there was a quorum at the meeting to which Senator Tkachuk refers. It was a quorum that was comprised, as he has also said, not only of Liberal senators, and there is, therefore, no question of privilege.

Paragraph 807 of *Beauchesne's* says: "Although not obligated to do so by the Standing Orders, it is," as Senator Di Nino has said, "a courtesy for the Chairman to wait until a representative of each party is present before commencing a meeting."

This is a courtesy, which all honourable senators know, I have meticulously observed, even when that results in —

**Senator Comeau:** He says with a straight face.

**Senator Banks:** — discourtesy to witnesses or others who have been waiting. Courtesy works both ways. On Tuesday it did not.

Honourable senators, everyone in this place knows, and Senator Tkachuk and I, in particular, know, because of the years we spent in the entertainment business before we came here, in negotiating contracts with people, it is not a good idea to begin or to interrupt a negotiation or a conduct of business, by the application of a sharp stick in the eye of the other person. That, in my view, is what happened on Tuesday night. Everyone in this place knows, and senators opposite know, perfectly well that if the conduct in this place on Tuesday night had proceeded apace and normally, then the conduct in the meeting would have proceeded apace and normally.

That is not what happened here on Tuesday night. They did not proceed apace and normally. What happened here was the introduction of a simple and clever procedural ploy that was designed for the explicit purpose, as has been referred to by senators opposite, of stopping the Energy Committee from convening and from doing what its notice said it would do in its properly convened meeting in the proper way on that night. It was a simple ploy and it was clever and no one on this side expected it or anticipated anything like it. It nearly worked. I commented at the time to some colleagues on how clever and simple it was.

However, sometimes clever plays have the capacity to backfire, as it did in this case. One side in this place set a clever trap and then stepped in it.

That problem could be solved by the simple expedient of the Prime Minister appointing 12 Conservative senators. Then we would not have that problem.

One side here contrived to stop the other side from doing its job.

**Senator Comeau:** We are afraid of getting more Mercers.

**Senator Banks:** One side in this place contrived to stop that committee from doing its job and the other side contrived, in a way, to ensure that the committee would and could do its job, and that other committees could sit as well.

Senators, I regret that I must speak at some length on this question because it is important that His Honour and all senators be well informed on it. Suggestions have been made here that are wrong and things require clarification.

I will refer, as well, in addition to what Senator Tkachuk said, to statements made on Tuesday by Senator Cochrane and Senator

Angus because those statements are umbilically connected to Senator Tkachuk's point, as His Honour has pointed out.

A bit of background information is essential to understanding the question.

The prescribed time for the Tuesday meetings of the Standing Senate Committee on Energy, the Environment and Natural Resources is — I quote from the rules: "When the Senate rises but not before 5 p.m." That sometimes causes awkwardness, as you can appreciate.

As I said here two weeks ago, everyone knows what "when" means. It means "upon the occasion that." That is precisely what happened on Tuesday evening. Senator Tkachuk, Senator Cochrane and Senator Angus have referred to the proceedings and procedures over the past weeks by which the committee has conducted its business, including the meeting of the previous Thursday, and the honourable senators have suggested that some of those proceedings and procedures were untoward, unfair or even improper. It has been suggested that the conduct of some of those meetings has been "arbitrary," and that decisions of the steering committee have been deficient or have not been followed.

I must take the time, therefore, to show that these things are simply not true. At the meeting of Tuesday, February 27, which is prior to Bill C-288 having been referred to the committee, our steering committee made up of the Honourable Senator Angus, Senator Milne, Senator Spivak and me — Senator Cochrane was away on the day — met in Room 7 of the Victoria Building at 7:55 p.m. Our committee researchers and several senators' staff members were also present.

At that steering committee meeting, the business was consideration of a draft agenda. Along with other things that were agreed to in that meeting, it was agreed that the committee would set aside its other business when Bill C-288 was referred to the committee to deal promptly with that bill. That meeting adjourned at 8:30 p.m.

On February 28, I wrote to Senator Tkachuk, who is the critic for Bill C-288, advising him of that decision and of the decision of the committee to "put aside our other work when and if that referral occurs and to deal with that bill thoroughly and forthwith."

In that letter, I informed Senator Tkachuk that, "The plan is to set aside two meetings for witnesses proposed by Senator Mitchell, the sponsor of the bill, and two meetings for those proposed by you as the critic of the bill, following which the committee would enter into its discussion with a view to reporting its recommendation to the Senate."

"It would be helpful," I continued, "if you could provide the clerk a list of your proposed witnesses as soon as possible. You can of course propose individuals, organizations or panels."

My letter continued on with other suggestions as regards witnesses and stated the hope that "this plan meets with your approval," et cetera. I explained with respect to a proposed witness list that, although we did not yet have possession of the bill, "it would be useful if, when that occurs, we can push the button to start the process as quickly as practicable."

I made a similar request of Senator Mitchell. On March 6, we received Senator Mitchell's list of proposed witnesses and began contacting them in preparation for setting dates for hearings.

On March 8, I sent a message to the clerk of the committee asking that Senator Mitchell's list be circulated to the steering committee for its approval and asking that we remind Senator Tkachuk's office that we were waiting for his proposed list so it, too, could be circulated to steering committee members.

On March 9, the clerk advised me by email she had been informed by Senator Tkachuk's office that, given the fact that the bill had not yet been referred to the committee, they will likely provide a list of suggested witnesses when that occurs.

I received a response from the clerk of the committee saying that, "As for C-288, I believe that the senator is working on a list but I cannot say for sure whether or not it will be provided to us before the bill is referred to the committee."

• (1520)

On Tuesday, April 3, the following message was sent by the clerk to all members of the steering committee, which is to say, Senator Cochrane, Senator Angus, Senator Milne, Senator Spivak and me. It was a message from me addressed to steering committee members and it said:

Bill C-288 has now been referred to us for study. The Steering Committee has decided on a minimum of four meetings to hear witnesses before we give further consideration to the bill. Senator Mitchell is the sponsor of the bill and Senator Tkachuk is the critic.

I propose that we proceed as follows:

Meeting of Tuesday April 17, witnesses proposed by Senator Tkachuk;

Meeting of Thursday April 19, witnesses proposed by Senator Mitchell;

Meeting of Tuesday April 24, witnesses proposed by Senator Tkachuk;

Meeting of Thursday April 26, witnesses proposed by Senator Mitchell.

To continue the quote: "Please let Keli. . ." — the name of the clerk of the Committee — "know as soon as you can whether you are in agreement with this proposed plan of work, in order that invitations to witnesses can be issued."

The message is then signed by me.

In response to that message, I received the following replies: On Wednesday, April 11, from Nicole Power, "Senator Cochrane is fine with this work plan."

On Thursday, April 12, from Jonathan Bishop, "Senator Milne approves of the work plan laid out by Senator Banks in the message . . ."

On Thursday, April 12, from Barbara Robson, "In case you have yet to hear from the Senator, she is in agreement."

On Thursday, April 12, from France Lepine, "I haven't heard back from Senator Angus, but I am sure he would agree with the decision of the Vice-Chair."

On the basis of these approvals by members of the steering committee, we proceeded with plans for the appearance of witnesses on Bill C-288.

On Friday, April 13, the clerk sent another message to the steering committee, seeking their approval, which said:

Senator Banks has suggested that the committee invite Mr. Pablo Rodriguez to appear on Tuesday April 17 at 5:30 p.m. or when the Senate rises for a period of one hour, as well as the Minister of the Environment following Mr. Rodriguez. If the Minister is unavailable, then Senator Banks suggests that the Committee invite him to appear on May 3.

Continuing the quote:

The remainder of the schedule for Bill C-288 would be as follows:

Thursday, April 19, Senator Tkachuk's witnesses

Tuesday, April 24, Senator Mitchell's business people

Thursday, April 26, Senator Tkachuk's witnesses

Tuesday, May 1, Senator Mitchell's NGOs

Thursday, May 3, Clause-by-clause, following the Minister's Appearance.

Please advise as soon as possible whether your Senator is in favour of the proposed plan.

On Monday, April 16, the clerk sent the following message to members of the Steering Committee:

The email below is on behalf of Senator Banks. Please note that the Steering Committee meeting will take place tomorrow in room 172E, Centre Block, at 5:30 p.m. Please let me know if your senator is able to attend. . . .

Keli, the clerk of the committee, sent to all members of the steering committee a note I sent to her. My note to her said:

Keli: I am not comfortable or convinced that we have a clear indication now of how members of either the committee or the Steering Committee have authorized us to proceed.

We have not as yet, so far as I am aware, received a response from Senator Tkachuk to our request for a list of proposed witnesses.

We will therefore please cancel the committee meeting for Tuesday, April 17, and we will instead have a Steering Committee meeting at the usual meeting time, but it can of course be in a place not equipped for television. Please decide upon and find a room that you think most appropriate and advise the respective senators.

Then please tell the members of the Steering Committee that the purpose of the meeting is to consider the following proposal that I now make for consideration of Bill C-288:

Thursday, April 19, Mr. Rodriguez, the author of bill;

Tuesday, April 24, witnesses as proposed by Senator Tkachuk, the Critic of the Bill

Thursday, April 26, witnesses as proposed by Senator Mitchell, the Sponsor of the Bill

Tuesday, May 1, witnesses as proposed Senator Tkachuk, the Critic of the Bill

Thursday, May 3, witnesses as proposed by Senator Mitchell, the Sponsor of the Bill

Tuesday, May 8, The Honourable The Minister of Environment and Mr. Rodriguez;

Thursday, May 10, Clause-by-clause consideration of the Bill.

If this proposal is satisfactory to the members of the Steering Committee, then Tuesday's can be a very short meeting, and we will then be able to proceed with invitations to witnesses.

I am sorry to read this into the record, honourable senators, but it has been suggested that these procedures were not followed and that the committee has been operating arbitrarily. I want to demonstrate irrefutably that is not so. These are the minutes of the meeting of the Steering Committee on April 17:

The subcommittee on Agenda and Procedure met this day in camera in room 172-E, Centre Block, at 5:45 p.m., the Chair, The Honourable Tommy Banks presiding.

Members of the subcommittee present: The Honourable Senators Angus, Banks, Cochrane, Milne and Spivak (5).

In attendance — from the Research Branch of the Library of Parliament: Kristen Douglas. Senators' staff: Jonathan Bishop, France Lepine, Nicole Power and Tom Smith.

It was moved by Senator Angus that Senator Milne be able to participate via telephone conference.

The question being put on the motion, it was adopted.

A discussion of issues related to Bill C-288 followed.

It was agreed that the committee meeting on April 19, would start at 8 a.m. and that Pablo Rodriguez would appear from 8 a.m. to 8:45 a.m., followed by Minister Baird from 8:45 to 10:15 a.m.

It was agreed that the committee would hold five (5) meetings on Bill C-288; two meetings with witnesses proposed by the sponsor of the bill, and two meetings with witnesses proposed by the critic of the bill, and one meeting on the constitutionality of the bill as proposed by Senator Murray.

It was agreed that the committee would hear from the following witnesses:

Thursday, April 18, 8:00 to 8:45 to a.m., Pablo Rodriguez; 8:45 to 10 a.m., The Honourable John Baird PC MP.

Tuesday, April 24, witnesses proposed by Senator Mitchell, Panel of four; Richard Evans, President and CEO of Alcan; William Andrew, CEO of Penn West Energy Trust; Gordon Lambert, Vice-President, Suncor; and Clive Mather President and CEO, Shell Canada.

Those were Senator Mitchell's witnesses. I continue:

Thursday, April 26: witnesses proposed by Senator Tkachuk, Panel of four; Pierre Alvarez, Canada Association of Petroleum Producers, Richard Paton, Canadian Chemical Producers' Association; Hans Konow, Canadian Electricity Association; Perrin Beatty, Canadian Manufacturers and Exporters Association; Dr. David Keith, Director ISEEE Energy and Environmental Systems Group, University of Calgary; Don Drummond, Senior Vice-President TD Bank; Dr. Bob Page, TransAlta/University of Calgary; Aldyen Donnelly, Greenhouse Emissions Management Corporation.

Tuesday, May 1, witnesses proposed by Senator Tkachuk. . .

We did not have a hard list at that point.

Thursday, May 3, witnesses proposed by Senator Mitchell, Panel of four: Richard Nesbitt, TSX group. . .

That operates the Toronto Stock Exchange:

Nancy Olewiler of Simon Fraser University; David Schindler of the University of Alberta; and Matthew Bramley of the Pembina Institute.

Tuesday, May 8, witnesses proposed by Senator Murray: Sharon Sutherland, University of Ottawa; Peter Aucoin, Dalhousie University; Jim Mitchell, Sussex Group; Kelly Blidook, McGill University.

It was agreed that flexibility be given to the chair and clerk in scheduling the witnesses.

At 6:30 p.m. the subcommittee adjourned to the call of the chair.

To the extent possible, and to the extent of the availability of the witnesses in that agreed-to time frame, that is what we did. It has been suggested that I have been arbitrary, and in one sense

that is true. Members of the committee indicated that we should hear more about the concept of international emissions trading, and so I arbitrarily extended the series of meetings considering Bill C-288 by an additional meeting at which experts on the matter of international emissions trading were called to testify.

It is at that meeting, it has been suggested by more than one senator opposite, that I was high-handed; that, according to Senator Angus, "Senator Tkachuk was summarily and abruptly denied the right to question witnesses"; and that, "A decision was arbitrarily made to conduct clause-by-clause on May 15."

Honourable senators, I refer you to the notice of that meeting, which stated clearly that the witnesses would be heard from 8:30 a.m. to 10 a.m. and that the committee would then go in camera to discuss and determine upon future business. That was the agenda stated in the notice given for the meeting of that day.

It is important to understand that the Thursday morning meetings of this committee, which occur no earlier than eight o'clock, must perforce conclude at 10:30 a.m. because the scheduling of committees by the Senate provides that another committee convenes in that same room at 10:45, and 15 minutes are needed to reconfigure the room and allow for necessary changes in clerks, interpreters, stenographers and the like. We do not get to decide when our meeting ends. It is prescribed when our meeting ends. We cannot continue the meeting beyond that point. That is not an option that is open to us. When we bump up against that time, the meeting is over, period.

• (1530)

I must read to you from the transcript of that meeting, at which the witness was Mr. Andrei Marcu, the executive director of the International Emissions Trading Association. Following Mr. Marcu's testimony and opening questions, first by Senator Cochrane and then by Senator Mitchell, I said:

Honourable senators, this part of this meeting must end at ten o'clock so that we can proceed with business of the committee, which is not an afterthought but is to plan between now and when Parliament will rise for the summer. Thus, I would ask senators to keep their questions as concise as possible.

There then followed questions by Senator Milne, Senator Spivak, Senator Angus and Senator Adams. At that point in the meeting, I said:

We are constrained by time. Senator Tkachuk is the critic of the bill and I must allow him time for a question. I have many other senators on the list, but we have to stop at 10 o'clock and go to other business.

**Senator Tkachuk:** Do we have other witnesses?

**The Chairman:** No.

**Senator Tkachuk:** Why not just continue on?

**The Chairman:** We have to deal before 10:30 with future business of the committee, which we have to do today.

**Senator Tkachuk:** Why do we have to deal with future business today?

**The Chairman:** We have to deal with the question of what the committee will address in the remaining meetings between now and the time we can reasonably expect to rise. We have a full plate of business with which we must deal and the committee must determine what that will be before we can proceed.

**Senator Angus:** From 10:00 on, after Senator Tkachuk's question, it is business other than Bill C-288.

**The Chairman:** It includes all the bills that are before us, including Bill C-288. It is scheduling of the business of the committee, as the notice says.

Senator Tkachuk, you are the critic, so please ask a question of the witnesses and then we will have to conclude and go in camera.

**Senator Tkachuk:** I have the right to ask more than one question.

**The Chairman:** There are other senators who have questions, and I have not yet asked a question. We are restrained by time. According to the notice, we must deal with future business.

Senator Tkachuk then asked four questions.

Following him posing his fourth question, I said:

Unfortunately, this has to be the last question.

**Senator Tkachuk:** Mr. Chairman, this particular witness has been interesting. The buying and selling of emission credits is a big part of this bill. Why would we not want to learn about this?

**The Chairman:** I think we are interested in learning about this, but this must be the last question. The witness is asked to answer the question, and the meeting will then go in camera.

**Senator Carney:** I am asking for the compliance of my colleagues. As former Federal Minister of Energy, I have an issue to raise that has not, as I understand it, been raised.

**The Chairman:** I will explain again, members, that in this room, the meeting of the Social Affairs Committee begins at 10:45. It is now 10:10. We have less than 20 minutes now. We only have 15 minutes, because we have to clear the room in order to deal with the procedural matters with which this committee has to deal between now and the time the Senate begins. That is what the notice said, and that is what we will do.

There is more, Your Honour and honourable senators, but you get the gist.

The meeting then went in camera, as the notice said it was intending to do. The committee determined that clause-by-clause consideration of Bill C-288 would be given on Tuesday, May 15 at a meeting beginning when the Senate rises but not before 5 p.m. in Room 257 of the East Block. That brings us directly to Tuesday's meeting.

On that occasion, honourable senators, no infraction of any rule occurred. No infraction of any rule of the Senate occurred. There was, contrary to reports in the newspapers, no meeting convened or started while the Senate was sitting, nor were any senators here unaware of that meeting. Senator Angus, Senator Tkachuk and Senator Cochrane in fact were in the meeting room immediately adjacent to it earlier, eating some of the superb cuisine that our committee provides to its members on Tuesday nights.

Nor were senators other than Conservative senators in starting blocks outside this building. We were all there. We were all standing there in the lobby and in the foyer of the Senate. Senator LeBreton can tell you that because she walked back and forth between us two or three times. Senator Di Nino can tell you that. We were here. We were in the Centre Block. They all saw us standing there, while the Senate continued its business and while the bells rang.

Senator Tkachuk and I, before we came to this place, as I said, both had considerable experience in negotiation. We know that the way things are going here is not the way things ought to go; but we did not start it. The application of Machiavellian devices by one side is apt to trigger the devising of Machiavellian ploys by the other. Perhaps the lesson to be learned is, as history has shown irrefutably, that is not a good way to run a business and it is not a good way to run a country. It is a very slippery spiral, and no rational person wishes to embark upon it.

**The Hon. the Speaker:** Honourable senators, I have determined that I have heard enough. I have been referred to a number of the procedural authors. I have been referred to a precedent. Therefore, I will take the matter under advisement. I will attempt to provide my determination on whether or not a *prima facie* case of privilege exists on the day that we return.

**Hon. Anne C. Cools:** Your Honour, would it then be acceptable for some of us to raise what we wanted to say under the rubric of a point of order? You have decided that you have heard enough, and I believe there are still many senators who would like to speak. I am just wondering, what are senators supposed to do who wanted to make important points in the debate?

Your Honour, I am pleading with you. The rule you have invoked to say that you have heard enough is a rule that was put there ostensibly to prevent questions of privilege from lasting for days and days. There are many of us who wanted to make important points especially to assist Your Honour in making this difficult decision. What is different today about this particular question of privilege, Your Honour, is that an individual senator has been named and identified, and that means a more thorough debate should be allowed.

I am wondering if Your Honour could allow the debate to go on for the next few speakers who wish to speak.

**The Hon. the Speaker:** Honourable senators, it is my approach that I am the servant of the house. The rules provide that on these matters the Speaker listens attentively and carefully. I am very comfortable with the excellent interventions that I have heard to be sufficiently able to deal with the question with which it is my duty to deal. Therefore, I simply advised the house. I thank the honourable senators who have spoken.

However, in the spirit of understanding, I am happy to hear other senators, if they wish to rise. Will Senator Cools rise?

**Senator Cools:** Your Honour, thank you for this. I appreciate this opportunity, because your role is to ensure that the use of time is not violated. Thus far, I have seen no violation.

Honourable senators, I wanted to make a few brief points. This is important because this is a particularly unique debate as one senator has been named. The complaint that Senator Tkachuk has placed before us is not about the committee, *per se*; the complaint is about an individual senator.

• (1540)

I would like to begin at the beginning and say that I observed that, in his remarks, Senator Tkachuk cited the high court of Parliament. I would like to tell Your Honour that whenever any senator here invokes the high court of Parliament, inviting the high court of Parliament to dip into and even exercise its mighty course of penal powers, it is a very serious matter.

In terms of the invocation of the high court of Parliament, that court is presided over by Your Honour on this occasion. The position has its historical roots in the position of the Lord Chancellor of England — it was the Lord Chancellor at the time. The high court of Parliament has all the characteristics of the highest court of the land, particularly the Lord Chancellor's principles from the courts of equity that appeals of this nature — those plaintiffs, individuals and petitioners who bring such complaints — should come with clean hands. This is a major principle in equity.

Senator Tkachuk and the government do not come to this debate with clean hands. Yesterday, I defended him and said that he was not out of order, which I believed then. Yesterday, he gave a lengthy notice that mentioned many things, except the impugning of Senator Banks.

I submit to Your Honour that there is no *prima facie* question of privilege here. What is here is a reasonably felt complaint. I understand the complaint, but what we have before us is a consequence of a misfired strategy, which is an entirely different matter.

There is no moral ground here. Senator Tkachuk and the government cannot stand on any moral or high ground here.

**Senator Tkachuk:** Who are you to say?

**Senator Cools:** I am going with the Senate record, which I have right here in front of me, and which I was reading as Senator Banks was providing the details. I am looking at the Senate debates of Tuesday, May 15, when the government was doing an unusual thing, which was trying to hold the chamber in debate to

prevent the committee in question from sitting. The government did not have the capacity to produce a quorum to conduct its own strategy.

While we are at it, let me point out that the government has been relying on the opposition for over a year now to produce a quorum. What I mean when I say “no clean hands” is the government’s failed strategy.

I am no stranger to party warfare. The fact is, the government’s strategy failed. We have here a failed strategy, a misfired plan. That is the issue.

If Senator Tkachuk had named the committee, it would be a different matter from his naming of an individual senator and tying his whole complaint to the behaviour of one individual. I would like to say to Senator Tkachuk that it is one thing to raise a question of privilege; it is another thing to smear a senator. It is a totally different thing.

In any event, Your Honour, when a senator is impugned, that senator is entitled to notice. That is a basic common law principle. We will come to the whole question of notices at another time. I was here on Tuesday evening. The government’s failed strategy is one wherein perhaps honourable senators on the government side should look into their own souls and hearts as to what is happening in the Senate.

To raise one last point on the question of courtesies and conventions — they are not conventions in any event — and the business of opposition members at committee, this government has spoken loudly and clearly and has informed us all that they are prepared to dispense with what I used to think was the necessity for government members to attend every committee. I will not list the committees. The government has dispensed with the practice of both political parties being present. I submit that in those kinds of behaviours and statements, the government has forfeited its right to complain about certain courtesies. Courtesies are precisely that: they are courtesies. Courtesies can only survive when all sides are courteous. When courteousness is abandoned, the abandoning party does not believe that the others are bound to courtesy. I have been appalled and shocked, I must say, at this government’s treatment of committees, not to mention its committee members.

Honourable senators, I just wanted to provide His Honour with some assistance in this matter. His Honour has become Speaker at a strange time in the history of this institution. He brings a wide variety of gifts to the job. Perhaps instead of raising questions of privilege, there are times in life when some people need to offer a private apology or a public apology. Senator Carstairs made a brilliant point yesterday. Often, in the course of proceedings, mistakes are made or things happen. Apologies go a long way.

It seems to me, honourable senators and Your Honour, that there was no breach of privilege here. There has definitely been a breach of some egos, but there has been no breach of privilege.

There are moments and times when perhaps we should not look to the law for solutions. Perhaps we should look into our hearts and souls.

I would like to end with a quotation that I found in a book called *Weeds Among the Wheat*, written by a Jesuit priest, Thomas H. Green. It is a book dealing with discernment. Thomas Green,

who I believe is still alive, works with individuals doing retreats and attempting to discover different aspects of themselves. In this book, Thomas Green quotes a man from France, Jacques Guillet, who wrote a book called *Discernment of Spirits*. He states:

• (1550)

Man is plunged into a threefold darkness. God commands without being seen: Satan conceals himself, suggests more than he affirms, proposes more than he demands. . . . Finally, there is the darkness in man himself, who is incapable of seeing his own heart clearly, incapable of grasping completely the seriousness of his actions and the results deriving from them.

Honourable senators, it is often difficult for human beings to see into their own hearts, even sometimes to discern their own motivation. However, what happened here in the last few days was that the government side conceptualized a plan or strategy to prevent a committee meeting from happening. Their plan misfired and ran aground because they were not in control of the situation. The first lesson in any battle is to ensure your soldiers are at your side and with you. The first lesson is to ensure the troops are right there.

The Conservative government did not have their troops and their plan fell apart around them. There are now a few damaged egos.

Senator Banks is an honourable member. I thank him. I hold him in high esteem. To my knowledge, most senators here hold him in high esteem. Maybe he had prior notice that he would be singled out; I certainly did not. Based on the law of Parliament, on reality, and on my knowledge of this place, there is no question of privilege here. There are only damaged egos over a failed strategy.

Furthermore, I would like to say that most senators here have obliged to keep the government going by providing quorum. I do not know how many of them were ever thanked. Truth be known, I did not come into the chamber that night for quorum. I will tell honourable senators why. Earlier that day, I saw Senator Jaffer refused five minutes’ time to speak. Honourable senators, I figured I was not needed.

**Hon. Joan Fraser:** This has been a most interesting and wide-ranging debate. I want to come back, if I may, to the core issue. The core issue is whether the meeting of the Energy Committee was properly constituted. If it was, then, by definition, Senator Tkachuk’s privileges were not breached.

It is clear that the meeting was properly constituted. It was held at the appointed time, when the Senate rises. The *Rules of the Senate* do not say that committees can only meet 10 or 15 minutes after the Senate rises. They meet when the Senate rises. That was when the committee was called and that was when it met.

The rules do not say that members from both sides must be present in order for a committee to conduct its business. No rule of the Senate says that. To the best of my knowledge, no rule of the Senate has ever said that, for the very good reason that then it would be possible for one side to paralyze the functioning of committees.

The rules do say that a quorum must be present. A quorum was present, and it consisted not only of Liberal members.

Marleau and Montpetit say, on page 844:

As a courtesy, most committees do not begin their meetings until at least one member of the opposition is in attendance, even if a quorum is present. However, committees may meet and adopt motions in the absence of one or all opposition parties.

What is true for the opposition would also be true for the government. There is substantial precedent not only in the Senate, but also in the House of Commons, for precisely that to happen.

On June 4 and 5, 1991, the Rules Committee met, with no Liberal members present, to deliberate on amendments to the *Rules of the Senate*, and adopted the report on June 5, leading to new *Rules of the Senate*.

In that same year, the Foreign Affairs Committee considered Bill C-6, and I believe conducted clause-by-clause consideration of the bill, with no Liberal members present. I do not know whether the Liberal members had chosen to stay away. They had the right to do that. They did not have the right to paralyze the workings of the Senate.

I believe it was October 2003, that the Rules Committee met, heard witnesses and conducted clause-by-clause consideration of Bill C-34. At that time, Conservative members were not present. This is not even to mention the truly famous occasion when a standing vote was conducted in this chamber, when the Liberal members were outside the locked door and were not able to participate in that vote. I believe that was during the GST debate in the 1990s.

It is true that, as a matter of courtesy, senators usually wait to ensure that both sides are present, but courtesy was not much in evidence here yesterday. That is not, however, the issue. As Speaker Hays ruled on November 3, 2003:

As Speaker, however, I do not have the authority to impose cooperation. This is something that can only be achieved by senators themselves.

The rules were observed. Therefore, it is clear that Senator Tkachuk's privileges were not breached. Indeed, the government side retains all of its power to continue vigorous debate, including the production of amendments, at third reading in this chamber. Therefore, in my view, there is no question of privilege.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I will try to make my remarks brief as well.

As senators, we are here to play a number of roles. We represent our regions, examine bills and conduct studies. As a chamber, we have powers that are equal to the House of Commons, the notable exceptions being the inability to initiate spending bills or to impose taxes.

I will not be sidetracked by such arguments as to whether or not games were being played or if we had a failed strategy. These are irrelevant arguments in this debate.

[ Senator Fraser ]

We must be mindful of the core arguments that should be looked at by the Speaker. We are here to carry out our responsibilities. We must be allowed to attend to the duties of this chamber. A number of people have said this afternoon that it is the role of the government to ensure quorum. In no way is it the responsibility of the government to ensure quorum. It is the responsibility of each one of us. We are a parliamentary chamber; that is our job. It upsets me to continue to hear that it is the government's responsibility to ensure quorum; it is not. We are a parliamentary chamber. However, that is a side issue as well. I do not wish to be sidetracked.

Senator Tkachuk's key issue is that by not allowing sufficient time for him to return to the committee from a vote in the chamber, the chairman, by convening the committee, obstructed his ability to discharge his duties before the Standing Senate Committee on Energy, the Environment, and Natural Resources, a committee of which he is a member under the rules of this place.

• (1600)

By convening the committee almost simultaneously with His Honour the Speaker rising on adjournment in the Senate, before our members or a number of members could make it to the committee room, the chairman of the committee denied the Conservative members of the committee an opportunity to express their views during clause-by-clause consideration, denied them the opportunity to move amendments and denied them the opportunity to vote on individual clauses of Bill C-288.

In my 17 years on the Hill — and some have not always been fun years but some have been very interesting years — I have never witnessed such an affront to the privileges of senators. We have a duty to devote our attention to the deliberations of this chamber when we meet here. That is our primary duty. That is why, when committees want to meet during Senate chamber times, they must seek the permission of this chamber.

Honourable senators, this is a serious business. The arguments being made both by Senator Fraser and Senator Tardif are that we must choose between either voting in this chamber or waiting at a committee room somewhere for the chairman to bang the gavel so that they can attend to committee business. That is what is being proposed. That is what they said: There are no rules that state that the committee chairman cannot convene the meeting the second His Honour walks out of this chamber.

**Senator Banks:** I could not; I was not in the room. How could I do that? I was here.

**An Hon. Senator:** You were not here.

**Senator Comeau:** If I am not mistaken in the timeline, I think His Honour the Speaker has the ability to obtain this information. There are records, and so on, of the time that the meeting started and the time that the meeting finished.

There are many relevant citations that His Honour might wish to refer to in Marleau and Montpetit and in Erskine May. In particular, the definitive work on procedures of the United

Kingdom, Erskine May's *Parliamentary Practice*, has this to say at page 121 of the 22nd Edition:

The House will proceed against those who obstruct Members in the discharge of their responsibilities to the House or in their participation in its proceedings.

It was physically impossible for members of the committee to have attended both the proceedings in the Senate chamber and to have been present at the commencement of the committee, given the time at which Senator Banks called the meeting to order and the very rapid manner in which he dealt with the various clauses of Bill C-288.

Honourable senators, we have heard Senator Murray, time and again in this chamber, state that "If you are calling a vote, remember that my office is in the Victoria Building." By the time he leaves there and is able to make it here to this chamber, he does not like even a 15-minute bell; he wants a half-hour bell. The two whips in this chamber have been accommodating our members because of this. Some of the distances they have to travel are quite large. Some of us are in the Centre Block and we can make it to the chamber quite quickly, but some members are farther away. Trust me: The East Block is a little distance. By the time you leave from the East Block and arrive here, His Honour has left the chamber. There is some distance to cover.

There is a long-standing rule that committees not meet while the Senate is sitting, except when permission is granted, as I noted earlier. This is to allow senators to attend to their duties in this chamber before proceeding on to a committee. We have never had this problem before — this is the very first time that I have ever heard of it — as the long-standing convention is that we allow senators sufficient time to travel to their committee meetings. We provide a bus service to the Victoria Building to facilitate this and there is a tunnel to the East Block. The reality, however, is that even if you go directly to your meeting the second His Honour adjourns the Senate — and to do so you would have to run out in front of him — you will need a few minutes to make it to the meeting.

This meeting was allowed to start before senators could travel from this chamber. The opposition senators were at the committee room, ready to ram this bill through the second they got the signal — by however means they received that signal — that the Senate had risen. If I, as a senator, find that I cannot attend both to vote in the chamber and to deal with legislation in committee, then I am prevented from discharging my duties as a senator.

I sit on the Standing Joint Committee on Official Languages. If it were to be the case that that committee were to start its meeting as soon as His Honour walked out of this chamber, I would be slighted. I would say, "How can I arrive five, six or seven minutes late at a meeting and still be a participant in it?" I think it makes abundant sense that the convention is that we allow senators to reach their meetings.

For all these reasons, I support the question of privilege as stated by Senator Tkachuk. I believe that there has been a breach of the privileges of all honourable senators. I would ask His Honour to rule that this is a *prima facie* case of breach of privilege.

**Hon. Sharon Carstairs:** Honourable senators, I was not intending to speak, but I must respond to what the Deputy Leader of the Government has had to say. I think it is unfortunate. I have been in many committees at four o'clock on a Wednesday afternoon, or at five or 5:30, when it is hoped that this place will rise, when the bell goes and the gavel drops. That has become a frequent custom here. There is nothing in the rules that prevents it. Maybe the rules should be changed. Maybe we should have a 10-minute rule which states that a meeting cannot begin until 10 minutes after the Senate has risen, but we do not have such a rule. As a result, you cannot have a *prima facie* case of a breach of privilege because what occurred was a quick beginning of a meeting, when there are quick beginnings of meetings every single week around this place.

As to the issue of a choice between either one or the other, clearly we all have choices and we make those choices every single day. Look around us. Are there 105 senators, minus the 12 vacancies, present in this place right at this moment? People have made choices.

**The Hon. the Speaker:** Again, honourable senators, I thank you for your assistance. I will take it under advisement and report back.

## THE SENATE

### MOTION TO APOLOGIZE TO SURVIVORS OF INDIAN RESIDENTIAL SCHOOLS ADOPTED

**Hon. Charlie Watt,** pursuant to notice of May 8, 2007, moved:

That the Senate take note and concur with the resolution of the House of Commons apologizing to the survivors of Indian Residential Schools for the trauma they have suffered as a result of policies intended to assimilate our First Nations, Inuit and Métis children, causing them harm and the loss of their aboriginal culture, heritage and language while also leaving a sad and tragic legacy of sexual, emotional and physical abuse.

He said: Honourable senators, I gave a notice of motion on May 8, 2007 that the Senate takes note and concur with the resolution from the other place. The resolution is the apology to the survivors of Indian Residential Schools for the trauma they suffered. This was as a result of the policy of the government in its intent to assimilate First Nation Inuit and Metis. The effect of those policies have caused our people harm and the loss of their Aboriginal culture, heritage and language, while also leaving a tragic and sad legacy of sexual, emotional and physical abuse.

On May 1, 2007, and after a week of discussion, the government finally decided to support the motion in the other place. As stated in the letter from the Archbishop of the Anglican Church, reported in the other place, we have learned that for many survivors an apology is at least as important as a financial compensation, if not more so. People whose lives have been shattered through no fault of their own are helped by having their suffering acknowledged and by hearing the words of an apology. The apology from the other place will greatly help the healing process and will invite us to learn from our mistakes.

Honourable senators, I invite you all to support my motion.

• (1610)

**Hon. Nick G. Sibbeston:** Honourable senators, I am pleased to speak on this motion and tell you about my knowledge of the residential school system and my own experience.

The residential school system was a system in the early years of our history, where Aboriginal children were brought from their homes and parents to a school where they lived and boarded, usually for 10 months of the year, and were then able to go home. However, some remained there for many years. I have cousins who stayed away from their homes and parents for over 10 years without going home.

It was also a system where young children were taught as much as they could and also taught to work. I had an Uncle Ted who has since died, but when he talked about problems, he said he spent many years there, and out of his many years he got a grade 3 education. He used to smile and say, "I got a grade 3 education from the University of Fort Providence," which is where his residential school was situated. Essentially, it prepared young people to go from the residential school out into the world. My uncle began trapping and eventually made his way in the world, but he did generally appreciate the education that he got.

Many of the missionaries who came north and west were from Quebec, so my first language at the residential school was French, because I only knew the Dene, the native language, so it was French, and now English.

The Indian residential school system predates Confederation, and it grew, in part, out of Canada's missionary experience with various religious organizations. The federal government began to play a role in the development and administration of this system as early as 1874, mainly to meet legal obligations under the Indian Act, as well as to assist in the integration of Aboriginal people into the broader Canadian society.

The schools were located in every province and territory except Newfoundland, New Brunswick and Prince Edward Island. Of the 130 schools that existed over time, it is estimated that up to 100 of these could be involved in claims.

The Government of Canada operated nearly every school as a joint venture with various religious organizations. On April 1, 1969, the government assumed total responsibility for the school system, although churches remained involved for some years in many instances.

Some residential schools ceased to operate in the mid-1970s. The last federally run residential school in Canada closed in 1996.

In the Northwest Territories, where I come from, schools were established by the Roman Catholic and Anglican churches in the 1800s. The residential school that I first attended was Sacred Heart School in Fort Providence, which had been set up in 1858, and that is a long time ago. It eventually closed in 1968 or thereabouts, so we have had a system of residential schools in the West and the North for over 100 years.

You can imagine that there were hundreds and thousands of young Aboriginal students who had gone through the process. In the North, that was the main system of educating the people. Many of my relatives, many people that we know in the North

and many who have died over the years, have gone through the residential school system.

Honourable senators, the Indian residential school settlement agreement, which will come into effect this fall, is an important step for our country in dealing with the legacy of Aboriginal people who attended residential schools in our country. The agreement, initiated under the previous government and completed under the current government, will make a real difference in the lives of survivors across the country. I have expressed my appreciation and am truly thankful to the federal government and the churches that they are dealing with this whole issue.

The agreement contains many important elements. There is a cash payment to every former student in recognition of the personal and cultural damage done. Former students who suffered sexual and physical abuse will receive additional compensation, as well as counselling and medical care. There are funds for the Aboriginal Healing Foundation, which has been going on for a number of years and which has been very good. In our area, we have used monies from there to heal, and I can say that I feel a lot better and healthier today than a number of years ago because I have dealt with the trauma of having been sent away to residential school when I was so young.

There will be a Truth and Reconciliation Commission, which will begin in the not too distant future and will be an opportunity for Aboriginal people across the country and non-native Canadians to hear about the stories and hear some of the things that occurred in these schools.

One thing that is missing from all of this scenario so far is a simple apology from the government. There have been expressions of regret and sorrow, but that is not the same. Two weeks ago, the House of Commons passed a motion apologizing for the trauma suffered by former students, and we in the Senate should do likewise. This is what this motion is attempting to do, namely, to have senators understand, and if, in their wisdom, they think that they ought to apologize to the Aboriginal peoples of our country, it would be a positive thing.

In the end, I feel that the federal government, as the government of the people, ought also to apologize, and this is what we are working towards and we hope that it will eventually occur. There have been vague, general attempts at apology. The Statement of Reconciliation in 1995, speaking on a whole range of historical injustices, said the following:

The Government of Canada today formally expresses to all Aboriginal people in Canada our profound regret for past actions of the federal government which have contributed to these difficult pages in the history of our relationship together.

For students who experienced physical and sexual abuse, it went on to state:

To those of you who suffered this tragedy at residential schools, we are deeply sorry.

When the settlement agreement was reached, there were again expressions of regret or sorrow for survivors' suffering made by the ministers and government. While these statements seem like an apology, they lack the essential qualities of acknowledged

responsibility and sincere promises to make amends and do better. Compare this to the statement of the Prime Minister regarding the Chinese head tax:

... on behalf of all Canadians and the Government of Canada, we offer a full apology to Chinese Canadians for the head tax and express our deepest sorrow for the subsequent exclusion of Chinese immigrants.

The statement continues further on:

This was a grave injustice, and one we are morally obligated to acknowledge.

Prime Minister Harper made this apology even though, according to one of the news reports, Justice Canada lawyers had advised him not to do it because they feared it would lead to increased liability and demands from other groups for compensation for past historical wrongs. A similar, full apology was made some years ago by Prime Minister Mulroney to Japanese Canadians. More recently, Maher Arar received a formal apology as part of his settlement with the government.

That is what we want. As Aboriginal people, we want an apology from the government. I heard people say, "Yes, it will be nice because some day, if I get an apology, I can show my children, and my grandchildren can see it, so they can understand why I am the way I am."

All of these apologies that I referred to were fully deserved, and I do not begrudge those who received them. As a senator, I, too, feel obliged to apologize to those who suffered because of the actions or failures to act of previous governments.

• (1620)

Many Aboriginal leaders have called on the Prime Minister to issue a formal apology. Nishnawbe Aski Nation Grand Chief Alvin Fiddler said:

A formal apology from the Prime Minister will mean a great deal in terms of reconciliation and contribute to the healing of those who were directly affected or impacted by the residential school system.

The Assembly of First Nations had sought a national apology as part of the settlement when negotiations began and were disappointed when neither the current Conservative government nor the previous Liberal government would consider doing so.

Editorial writers from various papers across the country have also called for an apology. *The Globe and Mail*, on March 28, said:

On behalf of all Canadians, minister, say we're sorry.

It is just that simple. Just say you are sorry and that would go a long way to appease and satisfy the Aboriginal people.

The *Toronto Star* said:

The Harper government should apologize for this stain on Canada's history which, in the pain and suffering it created,

is every bit as shameful as the treatment of the Chinese migrants and Maher Arar.

The *Daily News*, of Truro, Nova Scotia, from those in the eastern area, said:

The request is for a sincere apology. Under the circumstances, that's not asking a lot.

Why have some groups received apologies but not Aboriginal residential school survivors? The staff writer at *Windspeaker*, which is Canada's Aboriginal newspaper, claimed to know why. A writer said:

Because the government knows full well the true extent of the damage caused and what it would cost. An apology would acknowledge that damage and legally expose the government to the full liability for the harm done.

From *Windspeaker's* perspective, the residential school experience lies at the heart of the "human misery that persists in too many remote communities." The yearly "abduction" of children was "a soul-destroying moment for the community . . . when things started to come apart."

Is there merit in this claim? Does the government take the advice of the justice lawyers with respect to residential schools that they rejected regarding the Chinese head tax? Was it to avoid possible liability? I certainly ask this question. There is some reason to think this might be. Clause H of the "whereas section" of the residential school agreement says:

This Agreement is not to be construed as an admission of liability by any of the defendants named in the Class Actions or the "Cloud" Class Action.

Imagine the government having an agreement in which one of the clauses says: "Even though they are making the payments, there is a clause that says this does not admit to an admission of liability."

Minister Prentice denies that legal liability is the reason for not making the apology. As a lawyer, I know we are taught to be cautious, taught to advise our clients to be careful with words, to admit nothing that might cause trouble in the future. First and foremost, we are taught to do what is right. Apologizing wholeheartedly, sincerely and without reservation, is undoubtedly the right thing to do. In my life experience, whether it is to your spouse, your children or your friends, it is never bad, never wrong to apologize and forgive. This is what I think makes the world move forward. Our world and our country need to know the healing and the positive nature of apologizing.

As I said, we need to do what is right and, hopefully, eventually the government will apologize. It seems overly cautious and even mean-spirited to not go the final step. The settlement acknowledges that harm was done. It provides for those who suffered particular and serious harm additional avenues for redress. It even recognizes that some survivors might not feel it is sufficient and allows them to opt out and continue through the courts.

In his excellent report from February 2006, *The Power of an Apology: Removing the Legal Barriers*, the ombudsman for British Columbia, Howard Kushner, examined the matter of public

apologies and the issue of liability. He wrote about the ability of a sincere apology to satisfy a person who has a complaint, and cites research that shows that apologies do not increase liability but actually seem to reduce it or at least reduce the likelihood of litigation, perhaps as much as 30 per cent.

An apology is not simply a matter of saying "I'm sorry," but requires an acknowledgement that actions have caused harm, an acceptance of responsibility for that harm and the promise to do something about it. Through the settlement agreement, the government has already promised to do something about the harm that was caused. They are making payments, and that is very good, and we are generally very grateful for that.

**The Hon. the Speaker:** Honourable senators, I regret to advise that Honourable Senator Sibbeston's time has expired.

**Senator Sibbeston:** May I have a few more minutes?

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

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

**Senator Sibbeston:** As I say, an apology is important because to make an apology is also to ask for forgiveness and to forgive is always the first step towards true personal healing. I know this to be true.

The Indian Residential School Settlement is an important first step, both in the healing that Aboriginal people in their communities need to do and in the reconciliation process with Canada, but much work still needs to be done. The Aboriginal Healing Foundation must continue its important work. The truth and reconciliation commission, when it is set up, will be very good for all Canadians to be involved with.

We should not wait until their work is done before offering a late and half-hearted apology. We should take the lead, make a full, sincere apology and we will make the work of the foundation and commission more meaningful and the results more complete.

I want to tell honourable senators about a book that I read a number of years ago by Viktor Frankl called *Man's Search for Meaning*. He wrote that book in 1946 after he had been in a concentration camp. He survived and he wrote about his experience of what he went through and what really helped him in his life there and how he survived. He was a doctor and a psychiatrist who was particularly interested in how people react to extreme, harsh survival situations such as existed in the concentration and extermination camps.

Viktor Frankl related his experiences of being taken on a train to an unknown destination, with 1,500 persons in total and 80 people crammed in each boxcar. They arrived at the camp hungry, having had no food for four days, herded into a shed, men in one area and women in another, with their entire personal luggage left on the train, never to be seen again. Clothes, watches and what little jewellery or worthy things they had were all taken away.

At this point, most of the people were herded into the gas chambers, but Mr. Frankl lived. He was herded into another area because he was more fit and able to work. Mr. Frankl was lucky to survive. There was a further stripping of anything else hidden

in clothing or shoes, and everyone was stripped naked except for shoes and belts. Then they were sent to another room where they were shaved. He says not a hair was left on their entire bodies. Finally, they went into a shower room.

That was the start of a very cruel, excruciating, painful life at Auschwitz, working and living with meagre food, meagre clothing, meagre shelter, brutal cruelty and a demeaning of human dignity and in many cases death. As I read this book about this Jew's experience in Auschwitz, I began to recall memories. I began to relate to some of the experiences this gentleman went through, but I would never for a moment compare our experiences with the concentration camps in Auschwitz.

• (1630)

However, it is important that I remembered many of the things that he talked about because we were taken from our parents. My mother voluntarily put me on the mission boat that went up the river to the residential school, but there were other kids who were taken from the grasp of their parents. We did not know where we were going. Like the trains to Auschwitz, we did not know where the boat was going. Remember that we were all five to eight years old, just little kids. There were literally hundreds of us taken on the boat to Fort Providence. When we arrived, we saw a big house. Once we got off the boat, we were herded, boys this way, girls that way. We were eventually herded into this big house where we were shaved. Every piece of hair was taken off, and all our little souls. I remember arriving there with a little bag of my personal belongings. It was all I had, and it was taken away.

I see, Your Honour, that you are concerned about the time? I am just about finished.

**Senator Comeau:** Your Honour, what is happening?

**The Hon. the Speaker:** The honourable senator's extra five minutes has expired, and it would require him to seek unanimous consent to be provided with more time.

**Senator Cools:** Agreed.

**The Hon. the Speaker:** The honourable senator would first need to make the request.

**Senator Comeau:** How much time is the honourable senator asking for?

**Senator Sibbeston:** I need two minutes.

**Senator Comeau:** That is fine.

**Senator Sibbeston:** Victor Frankl, who wrote about his experience, was a grown man relating his experience. We were young children. From our eyes, our experience was horrible.

As children, we were resilient. Children are resilient, and able to withstand all sorts of horrible experiences. This was what our experience was. I often say to people, "Imagine sending your five to eight-year-old child away to a residential school and not seeing him or her for 10 months. Imagine not seeing him or her for 10 years. How would you feel? How would the child feel and

how would you feel as parents?" I am telling you, this was what Aboriginal people, children and parents alike, experienced. This is what the residential school issue is all about.

I just wanted to let you know that this is what we are talking about. As a result of that, the effects have been lifelong. To this date, I suffer from depression, sadness, and sometimes I have a hard time coping with life. I do not mind saying that I take anti-depressants and I must take medication just so that I can live a normal life.

When we began dealing with the residential schools issue, many of us would gather and say, "We have everything in life, we have so much in life." In my case, I have one of the best jobs in the country as a senator, but you are not happy. You do not know how to enjoy life and there is a sadness and darkness that used to exist in my life.

We eventually decided to do something about it. We began gathering and sitting in a circle, talking about our experiences. It is not rocket science but, amazingly, when you sit around a table and speak about your experiences, it is like magic in the sense that we all began feeling better. This is how we dealt with our issues.

I appreciate, again, that the clerk is standing and that time is limited. I want to thank honourable senators for listening. If in any way I have given you an understanding of what the residential schools issue is all about, I am happy to have done that.

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

**The Hon. the Speaker:** Resuming debate?

**Senator Comeau:** Question!

**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.

[Translation]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw to your attention the presence in the gallery of a group of students from the Maurice-Lavallée School in Edmonton. They are accompanied by Annie Dansereau, Carl Girard and Deborah Mahaux.

They are guests of the Honourable Senator Claudette Tardif.

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

[English]

#### AGRICULTURE AND FORESTRY

##### COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

**Hon. Sharon Carstairs,** for Senator Fairbairn, pursuant to notice of May 10, 2007, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Agriculture and Forestry be authorized to sit on Friday, May 18, 2007, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

#### AGREEMENTS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AND TERRITORIES ON CHILD CARE

##### INQUIRY—DEBATE CONTINUED

Leave having been given to revert to Other Business, Other, Order No. 9:

On the Order:

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

**Hon. Terry M. Mercer:** Honourable senators, it is a pleasure to speak today on Senator Trenholme Counsell's inquiry on the funding agreement signed with the provinces from April 29, 2005, to November 25, 2005, for early learning and child care.

In this new era of Conservative budget cuts to programs, they are leaving no stone unturned. Cutting funds for student employment, literacy programs, volunteers and productivity has permeated every home in this country. Child care is no different.

The Conservatives hide behind their slogan of choice; choice for parents and for children. However, Canada's growing-old government is asserting its will on provinces to fund their own programs with less help from the federal treasury.

The Conservatives chose to provide "direct financial assistance" to parents. They see this as choice: \$1,200 per year; \$100 per month. After taxes — yes, that money is taxed — that is almost \$60 per month. That is hardly enough to pay for a week of child care, let alone a month's worth.

Yet the Conservatives consider this choice to be a good thing for Canada's children. I say shame on them. This is not a choice; it is an imposition. Our future belongs to our children and they deserve to be treated as such, not as pawns in a silly game of Conservative choices.

On November 20 of every year, Senator Munson and I host National Child Day, where we are reminded of our responsibility to build a secure and nurturing society for children everywhere. The day commemorates the unanimous adoption by the United Nations General Assembly of the Convention on the Rights of the Child, thereby committing us to protecting and ensuring children's rights. National Child Day highlights the basic human rights that all children are entitled to, from the fundamental right to be protected from abuse to their entitlement to grow into fully participating members of society.

Canada's growing-old government is hardly protecting our children and is not living up to their responsibilities.

Honourable senators, let us recall some history now, as my colleagues have done.

• (1640)

We will recall that the debate on this issue started when the Right Honourable Jean Chrétien proposed a national child care program in the first Liberal Red Book. It was not a great success because proposed funding agreements became a stumbling block to the negotiations between the federal government and the provinces. Unfortunately, no one could agree.

We must keep in mind as well the large debt that Mr. Chrétien was left after the Mulroney years. While trying to balance the budget and keep Canada's social programs afloat, we still tried to start a national child care program.

Ten years later, in December 2003, the Liberal government pledged that early childhood development would be a priority for the government. I have heard colleagues opposite decry the amount of time it took to start anything or even finish it. I am proud of the record, and so are Canadians.

Canada's growing-old government seems to be proud of it, considering they recycle Liberal programs quicker than pop cans in the blue bin. They have not recycled the child care program yet. Stay tuned.

Honourable senators, in Budget 2005, the Liberal government followed through on the pledge for an early learning and child care program initiative for the whole country, with \$5 billion in new investments.

In February 2005, the Minister of Social Development, Ken Dryden, met with the provincial and territorial social services ministers to discuss the new policy framework for child care and early learning. This was done by recognizing the specific needs of the provinces and how their departments or programs were unique amongst themselves, since it is the provinces that have the responsibility for early learning and child care. This time we prevailed.

Agreements in principle were obtained from April 29 to November 25, 2005. It is interesting to note, honourable senators, that funding levels appear nowhere on any government website. We have looked for them and they have mysteriously disappeared.

However, in 2007-08 alone, funding would have reached the following levels — I want you to listen to the levels for your own province. These are levels, according to my briefing notes, when these agreements were made: New Brunswick, \$34.4 million;

Prince Edward Island, \$6.4 million; my home province of Nova Scotia, \$43 million — boy, we could use that money now; Newfoundland and Labrador, \$23.5 million; Quebec, a staggering \$269.7 million; Ontario, \$585.5 million; Manitoba, \$54.8 million; Saskatchewan, \$45.6 million; Alberta a whopping \$152.4 million; and British Columbia, \$197.9 million. That is almost \$1.5 billion in total.

Honourable senators, these agreements were milestones in the history of social program development for Canada. Now they are gone. For a few dollars a month, Canada's growing-old government envisages a first-class child care system. I remind honourable senators they cannot fill up their gas tanks in their cars for \$60 a month, let alone ensure that our country's children are properly cared for and are encouraged to become our next great leaders.

Honourable senators, Conservative times are indeed hard times. Canada's growing-old government is saying "no" to children, "no" to students, "no" to literacy. With child care, Canadians were left with a promise of 125,000 child care spaces. How many have been created since the Conservatives took power? There have been little or none. I have not been able to find any.

For a country where 84 per cent of parents work either in or outside the home to provide their families with the tools they need to succeed in the future, this situation is unacceptable.

According to research, the rising participation of women in the work force has heightened demands for affordable, quality child care programs. In 2002, 65 per cent of women in Canada with children under the age of six were employed. At the same time, developments in neurobiology and social sciences have highlighted the importance of the early childhood period in setting the stage for long-term emotional, behavioural and intellectual well being. Canada's growing old government has turned its back on children and parents who so desperately need help.

Canada continues to lag behind many of its counterparts in the Organisation for Economic Co-operation and Development, OECD, with regard to early childhood development programs, both in terms of the proportion of GDP spent on public funding of early childhood and care, and in terms of enrolment of children in preschool education.

Yet the Conservatives have wasted all our good work, all good Liberal government work. They have turned back the clock on child care in this country.

Honourable senators, the commitment of the Liberal Party of Canada to child care and early childhood development began in 1993. I, no doubt, will hear my colleagues across the floor say we did nothing during our tenure in government. What is the Liberal record on child care?

According to research over the past decade, the federal Liberal government adopted a more proactive approach to collaborating with the provinces and territories to improve services for young children. Our initiatives led to the creation of a National Children's Agenda, a framework envisioned for working together to improve the well-being of children.

This framework led to the development of a series of measures for young children, including the Canada Child Tax Benefit in 1998, the Early Childhood Development Initiative in 2000, and the Multilateral Framework on Early Learning and Child Care in 2003.

In fact, the establishment of the Canada Child Tax Benefit was the most significant national social program created since medicare. With other important elements such as the Head Start program, we planned to pump in an additional \$5 billion over five years to help build an early learning and child care initiative. That is the Liberal record.

However, honourable senators, the Conservatives then were elected and they broke their promises to children. During the election campaign, Stephen Harper promised to keep programs such as child care alive, and then swiftly cancelled all our agreements. This cancellation means the federal government cannot move forward with the provinces toward a shared vision that provides flexibility to address the needs of children and families across this diverse country, because they decided to offer a choice. They are now hiding behind their own choice.

According to an article I read last month in the *Toronto Star*, Ontario is set to receive \$100 million of federal money for daycares this year; enough for 10,000 new spaces. Child care advocates say it falls too short of the real need.

According to Monica Lysack, the Executive Director of the Child Care Advocacy Society of Canada, "for a government that identified childcare as one of their priorities, this is an admission of failure."

She said this after Finance Minister Flaherty released his budget.

She continued:

They have conceded that the former government had the right plan and they're following in their footsteps with the huge exception of having 80 per cent less of the funds that were available.

They beat the program and received the money.

The Conservatives cancelled our program after only two years and replaced it with a monthly cheque of \$100 for parents of children under six, with another plan to give businesses and non-profit organizations the funding to build daycare spaces.

However, in this budget, Minister Flaherty decided to give the money allocated for businesses to create spaces directly to the provinces. Why did he do that? He did that because, after more than a year in government, they had to admit their plan was a failure.

I read another interesting story in *The Chronicle Herald* of Halifax that said that more than \$2 billion of federal child care funding has flowed into a "virtual accountability void" in the last three years.

Officials in Canada's growing-old government have few clues as to how well the cash was spent by most of the provinces since 2004.

Honourable senators, the Conservative actions are a true reflection of their fend-for-yourself approach to social policy. By cancelling the Liberal child care agreements and sending parents a small allowance in the mail, the Conservative government is leaving families to deal with the child care crisis on their own.

Honourable senators, I think it is clear that I and millions of Canadians are left wondering when Canada's government will grow up. With a child care plan like theirs, it does not look like it will be any time soon.

I want to relate a quick story to you, honourable senators. The Standing Senate Committee on Agriculture and Forestry was conducting their study on rural poverty. We were in Charlottetown, Prince Edward Island. I asked a question of one of the witnesses: Has this \$100 per child had an effect in your community? The answer I received was, yes, it has had an affect. It has had the effect of increasing daycare costs in Charlottetown by \$100 a month, because people put the price up by \$100 a month. I have told you it is clawed back, so they really receive only \$60. The net increase is \$40 per family.

What a shame, honourable senators. I encourage you to support this study. Thank you.

On motion of Senator Fairbairn, debate adjourned.

[Translation]

## ADJOURNMENT

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 29, 2007, at 2 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 29, 2007, at 2 p.m.

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# THE SENATE OF CANADA

## PROGRESS OF LEGISLATION

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*

**(1st Session, 39th Parliament)**

**Thursday, May 17, 2007**

*(\*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

### GOVERNMENT BILLS (SENATE)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30	07/03/29	7/07
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs	06/12/06	0 observations + 2 at 3rd	07/02/15	07/03/29	5/07
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30	07/02/20	(subject-matter 06/06/28 Special Committee on Senate Reform)  (bill 07/02/20 Legal and Constitutional Affairs)	(report on subject-matter 06/ 10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23	06/12/12	8/06
S-6	An Act to amend the First Nations Land Management Act	07/04/25	07/05/15	Aboriginal Peoples					

**GOVERNMENT BILLS  
(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3 <sup>rd</sup> (including 1 amend. to report) 06/11/09 Total 158	06/11/09  Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21  Referred to committee 06/11/23  Report adopted 06/12/07  Message from Commons- agree with Senate amendments 06/12/11	06/12/12	9/06
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications	06/12/12	3 observations	06/12/13	07/02/01*	1/07
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03	06/12/12	5/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 ( <i>Appropriation Act No. 1, 2006-2007</i> )	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06	07/02/27	Legal and Constitutional Affairs	07/05/03	0 observations	07/05/16		
C-11	An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts	07/03/01	07/03/28	Transport and Communications	07/05/17	2 observations			
C-12	An Act to provide for emergency management and to amend and repeal certain Acts	06/12/11	07/03/28	Special Committee on the Anti-terrorism Act					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs	07/02/15	0 + 1 at 3rd	07/03/28  Message from Commons disagreeing with Senate amendment 07/04/27  Senate does not insist on its amendment 07/05/01	07/05/03*	10/07
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21	06/12/11	National Finance	06/12/12	0 observations	06/12/13	06/12/14*	11/06
C-18	An Act to amend certain Acts in relation to DNA identification	07/03/29	07/05/09	Legal and Constitutional Affairs					
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs	06/12/14	0 observations	06/12/14	06/12/14*	14/06
C-22	An Act to amend the Criminal Code (age of protection) and to make consequential amendments to the Criminal Records Act	07/05/08							
C-24	An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence	06/12/06	06/12/12	National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade	06/12/14	0 observations	06/12/14	06/12/14*	13/06
C-25	An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act	06/11/21	06/11/28	Banking, Trade and Commerce	06/12/14	0 observations	06/12/14	06/12/14*	12/06
C-26	An Act to amend the Criminal Code (criminal interest rate)	07/02/07	07/02/28	Banking, Trade and Commerce	07/04/19	0 observations	07/04/26	07/05/03*	9/07
C-28	A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/12/11	07/01/31	National Finance	07/02/13	0	07/02/14	07/02/21*	2/07
C-31	An Act to amend the Canada Elections Act and the Public Service Employment Act	07/02/21	07/03/21	Legal and Constitutional Affairs					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-34	An Act to provide for jurisdiction over education on First Nation lands in British Columbia	06/12/06	06/12/11	Aboriginal Peoples	06/12/12	0	06/12/12	06/12/12	10/06
C-36	An Act to amend the Canada Pension Plan and the Old Age Security Act	07/03/20	07/04/17	Banking, Trade and Commerce	07/04/19	0	07/05/01	07/05/03*	11/07
C-37	An Act to amend the law governing financial institutions and to provide for related and consequential matters	07/02/28	07/03/21	Banking, Trade and Commerce	07/03/29	0	07/03/29	07/03/29	6/07
C-38	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 ( <i>Appropriation Act No.2, 2006-2007</i> )	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	6/06
C-39	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 ( <i>Appropriation Act No.3, 2006-2007</i> )	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	7/06
C-40	An Act to amend the Excise Tax Act, the Excise Act, 2001 and the Air Travellers Security Charge Act and to make related amendments to other Acts	07/05/15							
C-46	An Act to provide for the resumption and continuation of railway operations	07/04/18	07/04/18	Committee of the Whole	07/04/18	0	07/04/18	07/04/18*	8/07
C-48	An Act to amend the Criminal Code in order to implement the United Nations Convention against Corruption	07/05/01	07/05/10	Foreign Affairs and International Trade	07/05/17	0			
C-49	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 ( <i>Appropriation Act No.4, 2006-2007</i> )	07/03/26	07/03/27	—	—	—	07/03/28	07/03/29	3/07
C-50	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 ( <i>Appropriation Act No.1, 2007-2008</i> )	07/03/26	07/03/27	—	—	—	07/03/28	07/03/29	4/07

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-252	An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition)	07/03/22	07/04/19	Social Affairs, Science and Technology	07/05/10	0			
C-277	An Act to amend the Criminal Code (luring a child)	07/03/29	07/05/10	Social Affairs, Science and Technology					
C-288	An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol	07/02/15	07/03/29	Energy, the Environment and Natural Resources	07/05/17	0			
C-292	An Act to implement the Kelowna Accord	07/03/22							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-293	An Act respecting the provision of official development assistance abroad	07/03/29							
C-294	An Act to amend the Income Tax Act (sports and recreation programs)	07/04/17	07/05/02	National Finance					
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/05/09							

#### SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1	07/05/10		
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources	07/02/14	0	07/04/25		
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05	06/12/14	Human Rights					
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25	06/12/14	Energy, the Environment and Natural Resources					
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25	06/12/13	Energy, the Environment and Natural Resources					
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology	06/12/14	0	06/12/14		
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17	07/02/20	National Finance					
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30	06/12/13	Aboriginal Peoples					
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans	06/12/11	16	06/12/14		
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							
S-222	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/02/01							
S-223	An Act to amend the Access to Information Act (Sen. Milne)	07/02/15							
S-224	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/04/17							
S-225	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/05/09							

## PRIVATE BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07	07/02/21*	

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