



CANADA

Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 25

OFFICIAL REPORT
(HANSARD)

Friday, December 14, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Friday, December 14, 2007

The Senate met at 9 a.m., the Speaker in the chair.

Prayers.

[Translation]

ROUTINE PROCEEDINGS

THE SENATE

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, later this day, I will move:

That Committees be authorized, pursuant to rule 95(3) (a), to meet between Monday, December 17, 2007 and Monday, January 28, 2008, inclusive, even though the Senate may then be adjourned for a period exceeding one week, provided that both whips have given approval.

• (0905)

[English]

STATE IMMUNITY ACT CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. David Tkachuk presented Bill S-225, An Act to amend the State Immunity Act and the Criminal Code (deterring terrorism by providing a civil right of action against perpetrators and sponsors of terrorism).

Bill read first time.

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

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

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

REPORT ON GOVERNMENT POLLING

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. An independent investigator hired by Minister Fortier to look into past Liberal polling practices has wound up shining an unfavourable light on the present

government's penchant for polling. Daniel Paillé notes that the Conservative government commissioned more than two polls per business day in the past year. He calls this figure "quite astounding." His report shows that the government spent \$31.2 million on opinion research in the last year, more than any previous year and almost twice the \$18 million spent on average during the Liberal years.

In light of all of that information, I ask: Will the Conservative Party reimburse Canadian taxpayers for the \$610,000 that it cost for the unnecessary Paillé poll?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The honourable senator is right: The polling by the various departments was a shock to this government, as well.

Yesterday, Minister Fortier released the government's action plan in response to the report of the Independent Adviser on Public Opinion Research. Despite all the accusations made toward Mr. Paillé, I think he has now presented a good report. As the minister stated last week, commissioning this report was based on a promise we made during the last election campaign related to issues raised by the Auditor General. We made a commitment that we would respond to the Auditor General's 2003 Report.

We are taking concrete action now as a government to reduce spending on public opinion research to ensure that Canadians receive the best value for research deemed necessary. The independent adviser's report makes 24 specific recommendations and the government is taking action on all of them.

• (0910)

As a result of the recommendations, we will introduce new contracting tools to provide greater rigour in how public opinion research projects are managed. As Minister Toews said yesterday, the measures of the Federal Accountability Act and the action plan have already enhanced openness and transparency.

With regard to the cost of Mr. Paillé's study, the total cost was \$610,000, as the honourable senator said. This includes \$135,000 for the independent adviser's honorariums and travel expenses and \$475,000 for audit and administrative services.

The government believes this report is very valuable to the government, and it is good value because it will result in the government taking action on all 24 recommendations.

Senator Tardif: Honourable senators, this report has been completed for more than two months. I find it rather strange that we would wait to release the report until the last sitting day of the House of Commons. Is there an intention to diminish the impact of this report?

Senator LeBreton: Absolutely not. Perhaps honourable senators on the other side wish to talk about advertising and the missing \$40 million. We still have not figured out where that money went and they are worried about \$610,000.

Minister Fortier commissioned this report on behalf of the government to live up to a commitment made during the election campaign. That was in direct response to the Auditor General's 2003 report. The polling in question was conducted by the various departments as they researched various public policy positions.

As I have said, the members of the government also found that this expenditure was excessive, and we are very happy to have the 24 recommendations of Mr. Paillé. As I indicated in my first answer, we plan to take action on all 24 items.

The fact that we commissioned the report and have accepted the inquiries into the present polling is very healthy for our democracy. The government should get credit for wanting to address this issue.

POSSIBLE MORATORIUM ON GOVERNMENT POLLING

Hon. James S. Cowan: Honourable senators, could the Leader of the Government provide an update as to the public musings of the Minister of Public Works and his director of communications with respect to the possibility of a moratorium on polling?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the Minister of Public Works answered that question three times and I think I answered it as well. When the reports appeared in the newspaper the excessive amount of polling did come as somewhat of a shock to all of us. Minister Fortier, quite rightly, at the first opportunity — which was the day after he made those comments — set the record straight. In the spirit of this place, and maybe in the spirit of Christmas, we should accept his word.

Senator Cowan: I am not asking whether we accept the word of the honourable senator. I asked whether the government was still considering the possibility of a moratorium.

The leader surely has read the press reports and understands that there is some confusion that persists. I simply asked her to set the record straight.

Senator LeBreton: Honourable senators, Senator Fortier set the record straight, and I do not believe there is anything more that needs to be said about the matter.

• (0915)

REPORT ON GOVERNMENT POLLING— REQUEST FOR TABLING

Hon. Joan Fraser: I am puzzled. The Leader of the Government in the Senate said that this report was commissioned in response to the Auditor General's 2003 report, but the Auditor General said that she had found that the federal government was managing its polling "in a transparent manner and with adequate controls."

I do not know why we needed to commission another report, which duly came back and said the same thing. We have had it verified twice that the previous government's polling practices were adequate and transparent. This government has been in office for two years and is spending more on polling than the previous government spent but it still does not seem to think that

it needs to report on its practices and does not see the need to impose a moratorium until it gets its own house in order. Is transparency only good when it applies to Liberals?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I wish there had been some transparency applied to Liberals. Senator Fraser, the government commissioned the study based on a commitment. The Auditor General's 2003 report was much more fulsome than the honourable senator put on the record of the Senate. The fact is that this is all good news, not bad. It was independent; otherwise, we would not have this very good report with its 24 recommendations. We had no fear that Mr. Paillé would look at the whole situation. We have exposed the amount of money spent in the various departments on public opinion research. I have made it clear that the government finds that amount excessive. We fully intend to follow up on the 24 recommendations.

In the interests of public policy, for both the previous government and the present government, this is good news. This is not something that we should be running away from.

Hon. Lowell Murray: Honourable senators, we have been talking about a report that some of us have not seen. Will the minister undertake to table it in this house before the end of the day?

Senator LeBreton: Absolutely, Senator Murray, I will do that immediately.

The Hon. the Speaker: Does Senator Fraser have a supplementary?

Senator Fraser: I have 25 supplementaries but I will yield to my colleague.

Hon. Jane Cordy: Honourable senators, the Leader of the Government said that this is good news but when I see \$600,000 of Canadian taxpayers' money being spent on nothing more than a Liberal Party witch hunt, I do not think it is good news. The Paillé report has been in the hands of this government for the past two months. How many polls have been commissioned by the Harper government since the minister and this government have had the report?

Senator LeBreton: Honourable senators, I do not think any Liberal should be talking about witch hunts. This file has been the responsibility of the Minister of Public Works, so I will take the question as notice.

Senator Cordy: Honourable senators, I have a supplementary. According to the news reports, we have had two polls per business day during the past year. Mr. Paillé said that he finds this quite astounding. In response to questions posed by senators this week in the Senate, the leader said that she is quite surprised by this, but someone must have known because two polls per day is quite a high number.

How can the leader say that this government is open and transparent when even the Leader of the Government in the Senate is not aware of two polls commissioned every business day during the past year?

• (0920)

Senator LeBreton: We agree. We were astounded and surprised, and we found it excessive. This view has now been borne out by the findings of Mr. Paillé. He makes recommendations to the government to ensure better value for taxpayers. We intend to strengthen the procurement and reinforce political neutrality.

In the report, I believe there was mention of one particular suspect poll that was conducted in late 2005, early 2006. I have not read all the details. I saw the item in the newspaper. I should not rely only on what newspapers say because so much of it is not well-informed. However, when the story was first reported, before the release of Mr. Paillé's report, I and members of the government in the other House expressed the same shock on behalf of the government that in the various departments and agencies they were making such an excessive use of polling.

Obviously, that was a statement, and now we have a detailed, in-depth study into the whole issue of public opinion polling. It will serve Parliament and Canadian taxpayers well, because Mr. Paillé makes specific recommendations which the government, as I have said several times today, fully intends to follow.

POSSIBLE MORATORIUM ON GOVERNMENT POLLING

Hon. Roméo Antonius Dallaire: Honourable senators, attempting to seek client satisfaction and information is valid. Government is a big business and there is need to obtain information. If MPs, who represent these people, do not obtain the information from other sources, then government may need to revert to other systems for that information, but it also could be a deficiency that might be rectified.

The leader expresses shock and maybe dismay at so many polls. I do not have a problem with the government obtaining information and so on. The statement I might have a problem with is that of Senator Fortier, who stated here that a moratorium would be imposed. To me, that approach gives one a sense of being really messed up, and maybe we do not need it.

The subsequent answer is still uncertain to me. When I was in government, I always feared this shotgun, knee-jerk reaction by politicians when they discover a problem and they go absolutely haywire and close everything.

Can the leader confirm that no orders have been given to stop these polls? I ask that because the polls must have a use. We seem to have a report that says there has been a use for the polls, maybe too much of a use, but still a use. Can the leader confirm also that the process will be permitted to carry on to obtain information needed due to the deficiency of not obtaining it through the other House?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I believe Senator Fortier, the Minister of Public Works and Government Services, answered that question. However, the honourable senator is right. It falls under the rubric of polling, but it is part of the research by various agencies and governments. It is valuable information that departments and agencies use. The question we all must ask ourselves, regarding the people who work in the various departments and agencies, is whether they

rely on polls too much. When they are confronted with a situation of developing policies the first thought may be: "Let us poll and find out what the public is thinking," rather than perhaps, as in the past, engaging in wider consultation.

On the question of the moratorium, the Minister of Public Works and Government Services responded to that. There is no moratorium, and we now have the advantage of a thorough report by Mr. Paillé where he makes 24 recommendations, which I think will guide departments in the government and all people who work in research and policy development in the future.

This report will be of great assistance to government and to parliamentarians, and to people who work in the various departments.

On the moratorium specifically, the answer is, there is no moratorium.

• (0925)

REPORT ON GOVERNMENT POLLING

Hon. Jane Cordy: I think we all agree with Senator Dallaire. There is a place for polling. However, in 2006-07 Mr. Paillé found the current Conservative government — the new Conservative government — asked respondents whether they approve or disapprove of the way Prime Minister Harper and various premiers were doing their jobs. If that is not partisan polling, can the minister tell us what partisan polling would be?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I will take that question as notice. I have not read every single word of Mr. Paillé's report.

First, the opposition attacked Mr. Paillé and his credibility, and now Mr. Paillé presents a report that is frank, open and honest. We do not fear it. We are pleased to have it. It will guide the government in the future, and all agencies and departments of the government.

As far as I am concerned, this report is a good news story that underscores the desire of the government to be open, transparent and honest in dealing with situations we are confronted with.

Hon. Joan Fraser: I have a supplementary question to my colleague's earlier question.

To the Leader of the Government in the Senate, I can understand why she might not know about every poll that has been done. At the rate of two a day, I doubt that anyone knows — which is obviously part of the problem. However, I will ask the leader if she is aware whether one specific poll has been conducted in the last two months. That is, was a poll conducted to ascertain the impact on the popularity of the present government of making public a study that would lead to headlines, such as the ones that appeared in a story today by The Canadian Press: Careful what you investigate; Probe into Liberal polling dings Tories instead.

[Translation]

A francophone newspaper said that the Paillé report has cleared the Liberals.

[English]

That was not, I assume, the initial object. I am glad to say, this side's initial suspicions were wrong. That is good news. The leader is absolutely right.

Did the leader's government commission a poll into the impact of Mr. Paillé's study, which I assume is not what she expected?

Senator LeBreton: That falls in the category of ridiculous questions.

Senator Fraser: No, it does not.

Senator LeBreton: If we were doing public opinion polls on what we feared would be negative headlines, we would have been out of business the first week we were here. This government shows strong leadership in a host of areas, like the environment and protecting the taxpayer. We know there is always an element of the population that will not be pleased with what we are doing. Obviously, as a government, we do not embark on anything worrying about what headlines will be in the newspapers. We certainly do not.

Hon. James S. Cowan: Does the leader expect us to believe that if she and her colleagues believed this report was such good news, that they would have waited until after the House of Commons rose to table it?

Senator LeBreton: In the spirit of Christmas, I absolutely expect you to believe that.

Senator Cowan: Does she also believe in Santa Claus?

Senator LeBreton: Actually, I do.

Senator Cowan: I finally agree with the minister.

• (0930)

DELAYED ANSWERS TO ORAL QUESTIONS

PROCEDURE—REQUEST FOR ANSWER

Hon. Roméo Antonius Dallaire: Honourable senators, I would like clarification about the process of Delayed Answers because I am not sure of the methodology. I have been studying it, but I am not sure of the time limits for the government to provide delayed answers and whether it is part of the process or not.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I thank the honourable senator for his question. I invite Senator Dallaire to compare the speed with which we have been providing delayed answers over our two-year period with that of the previous government. I invite the honourable senator to table his study on the floor of the Senate to see whether we would not be as efficient if not faster.

Senator Dallaire: I thank the honourable senator. Nobody is saying the government is perfect; nor are they. I still want to know whether there is a process. Getting an answer five months later is not pertinent to the question.

Senator Comeau: Honourable senators, I do not think we have any delayed answers that are delayed more than five months. I would be more than pleased to meet with the senator if there is such an answer being delayed. We try to expedite the answers as much as we possibly can.

The speed with which answers are provided depends on the extent, breadth, depth and the shared amount of information requested from the various departments. Some questions are completed fairly quickly, but it depends on the extent and depth of the question. There is a process by which the departments have to dig into their files.

To the best of my knowledge, all such questions are dealt with as expediently as possible.

Hon. Jane Cordy: Honourable senators, on Wednesday, May 9 of this year, I asked a question about child care spaces created under government policies. I have not received an answer to that question. I understand Parliament was prorogued, but that was in September; I have been waiting for an answer for four months.

Senator Comeau: Honourable senators, I will certainly verify that situation.

SENATORS' STATEMENTS

MEMORIAL UNIVERSITY'S ADVANCING CANADIAN ENTREPRENEURSHIP PROGRAM

Leave having been given to revert to Senators' Statements:

Hon. Joan Cook: Honourable senators, my statement is about a young Newfoundlander, Ryan Hopkins, who grew up in the fishing community of Old Perlican at the tip of the south side of Trinity Bay in my province. He attended an all grade school, and, upon graduation, entered Memorial University where he enrolled in a business program. Ryan became interested and involved with a student-run group called ACE Memorial, Advancing Canadian Entrepreneurship, which is a division of the longest running Students In Free Enterprise program in Canada, known as SIFE. Their mission is to create local solutions to global economic challenges.

Honourable senators, ACE Memorial is currently led by its now president, Ryan Hopkins. Recently, their team placed second at the annual world cup this year in September. When they met in Paris, the best teams from 45 countries, including Germany, Botswana, Kirgizstan, China, Mexico and the Philippines all competed to showcase their projects. The competition was judged by global business leaders who based their decisions on the impact team projects had in their communities. In the semi-finals, the ACE Memorial team was edged out by China, who emerged as the overall winner of SIFE challenge.

Back in Newfoundland, the ACE Memorial group work hard within their community to integrate themselves into schools with the goal of teaching the youth of Newfoundland and Labrador about entrepreneurship, ethics and the environment as it pertains to our region.

• (0935)

In the small community of Port Hope Simpson in Labrador, ACE opened a pottery studio that provides a facility for people daunted with the challenges of myotonic dystrophy to contribute to the economic growth of the community while also benefiting from the therapeutic effects of creating pottery. Port Hope Simpson has the highest number of people per capita in the world affected by this muscular disease, and ACE gave these people a much needed retreat from their disease.

ACE has also taken on the challenge of teaching elementary students about recycling through their Shifting to Entrepreneurial Power and Success, STEPS, program. In doing so, they have helped students create an amazing and profitable recycling business for their school.

This year, another ACE Memorial Initiative, "Project Passport," has worked with 48 new immigrants to Newfoundland and Labrador, teaching them valuable marketing skills that will help them find jobs in the area. In fact, ACE still works with 10 of its former Project Passport graduates to help them develop their own business plan. Project Passport is geared to integrating diversity into the culture of Newfoundland and Labrador.

Honourable senators, Ryan Hopkins has truly come from a great heritage and has become a role model for the youth of my home province.

Honourable senators, we all need to continue to support programs such as ACE Memorial in our home communities that foster community development through partnerships with our country's valuable youth.

VIOLENCE AGAINST GIRLS

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak of the savage murder of an innocent child or young girl in Toronto, who wanted to live a life like any other Canadian girl. I know we all strongly condemn violence against our Canadian girls, or any girls in the world.

Honourable senators, sadly, there are many young girls like her who are struggling to integrate. Today, as we prepare for the holiday season, I ask that you give some thought to these girls. Many girls in our country like this girl who was murdered are struggling to be fully integrated into our great Canadian society.

I also ask all honourable senators to work together in the new year to find ways to provide resources to these young girls so that they truly integrate into our society. After all, honourable senators, these are our young girls, our Canadian girls.

Yesterday, I celebrated Khushali, my religious holiday, the birthday of my spiritual leader, the Aga Khan. I wish all Ismaili Muslims Happy Khushali.

I also take this opportunity to wish all of you, my colleagues, Merry Christmas and happy holidays, and I want to thank all the people who make our work possible in the Senate and also wish them Merry Christmas and happy holidays.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to call, with your permission, the second reading of Bill C-18.

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING

Hon. David Tkachuk moved second reading of Bill C-18, an Act to amend the Canada Elections Act (verification of residence).

He said: Honourable senators, I am pleased to have this opportunity to take part in the debate on Bill C-18, an Act to amend the Canada Elections Act (verification of residence).

This important initiative is aimed at correcting a problem that arose in applying Bill C-31, which Parliament passed earlier this year.

• (0940)

Honourable senators will recall that Bill C-31 amended the Canada Elections Act in order to require electors to prove their identity and residence in a polling division before being allowed to vote. In fact, electors were required to provide one piece of government-issued photo identification showing their name and residential address or two pieces of identification authorized by the Chief Electoral Officer which, together, showed their name and residential addresses. If the elector was unable to produce such identification, the elector was allowed to have his or her identity and residence established by another elector in the same polling division who vouched for him or her. This was a major change to the voting process in Canada.

The amendments were in response to misgivings expressed by many that, in the absence of clear identification rules, it is easy to perpetuate elector fraud to try and influence voting results. Basically, these measures in Bill C-31 were intended to protect the integrity of the vote, a highly laudable goal.

Honourable senators, Elections Canada recently advised the government that the new elector identification requirements have given rise to a serious problem for many Canadians across the country. In fact, it seems that many people do not have a civic address that would allow them to prove that they reside in a polling division, or they have a civic address that does not appear on the piece of identification required in order to be able to vote. Elections Canada estimates that over 1 million electors may be affected by this problem.

Indeed, the National Register of Electors data shows that 1,012,989 electors are registered with only a mailing address or some other incomplete address that is of no use in proving residence in a polling division. The situation affects electors in every province and territory. Nearly 81 per cent of Nunavut electors are listed in the register without a civic address. The figures for my province, Saskatchewan, and for Newfoundland and Labrador are 27 per cent and 23 per cent respectively.

Although the proportion of electors affected in some provinces is quite small, we are still talking about people who could have difficulty exercising their right to vote as guaranteed by section 3 of the Canadian Charter. In Quebec, the 0.27 per cent of electors with no civic address listed in the Register of Electors translates into 15,836 Quebec electors who could encounter problems with voting in a future election.

Data from the register does not present a complete picture. In fact, many electors have a civic address, but it is not shown on their identification. In Saskatchewan, for example, apart from the 27 per cent of electors with no civic address, an estimated 16 per cent have an address that does not appear on their identification. This problem requires action to find a solution; hence Bill C-18.

The solution put forward by the government in Bill C-18 was developed with the assistance of Elections Canada, the independent body responsible for administering federal elections. The solution involves accepting as proof of residence a non-residential address that appears on the elector's identification providing that address matches the elector information on the list of electors. Thus, if an elector produces a piece of identification that contains a mailing address — a rural route, for instance — and that mailing address appears on the list of electors, the elector's residence will be deemed to have been proven.

A person vouching for another elector will also be able to show proof of residence in this manner where the address on the piece of identification would not otherwise permit that person to prove that he or she resides in the polling division.

Honourable senators, Bill C-18 rectifies the unforeseen ramifications of Bill C-31 that would prevent many electors from proving residence in order to vote. It is a problem and it is our duty to promptly ensure that Canadian electors who are affected are able to continue to exercise their right to vote as guaranteed by our Constitution.

That is why I support this bill, and I urge all honourable senators to join me in doing so.

Hon. James S. Cowan: Honourable senators, I am pleased to join in this debate. I concur with the analysis of my friend Senator Tkachuk. This bill is not intended to deal with all the problems created in the Canada Elections Act as it currently stands, but only a very obvious situation that impacts directly on rural voters particularly in the Prairie provinces, Newfoundland and Labrador and in the northern territories.

We on this side are pleased to cooperate with the government in giving prompt consideration to this bill, which we received yesterday. I hope that it will receive careful consideration by colleagues on both sides of the house today and that we can deal with it expeditiously.

This demonstrates that when bills are rushed through the other place, sometimes things are missed, which reinforces the benefit of having the Senate study it a second time.

We are pleased to cooperate with the government in giving speedy consideration to this proposed legislation.

Hon. Lowell Murray: Honourable senators, if this bill had not been sprung upon us with so little notice yesterday, I would have taken advantage of the opportunity to have an amendment drafted to restore door-to-door enumeration in federal elections. I hope there will be an early opportunity to do so, and that we will move on that subject at that time.

Senator Lynch-Staunton, I and others opposed the provisions of the bill that effectively did away with door-to-door enumeration. I have heard some horror stories about what has happened since then, and I continue to be concerned about it. The implications are quite far-reaching. I am not sure that the apparent low turnout at elections is not, at least in part, due to faulty lists that are being prepared or published under the present more automated system. However, all of these are matters that we can debate another time and, as I say, I hope that time will be soon. The success of the automated system has been, at the very best, mixed.

The Hon. the Speaker: Is there further debate?

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 and bill read second time.

REFERRED TO COMMITTEE OF THE WHOLE

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

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move that this bill be referred to Committee of the Whole immediately.

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

Hon. Senators: Agreed.

Motion agreed to.

[English]

CONSIDERATION IN COMMITTEE OF THE WHOLE

The Senate was accordingly adjourned during pleasure and put into a Committee of the Whole on the bill, the Honourable Fernand Robichaud in the chair.

• (1000)

[Translation]

The Chair: Honourable senators, the Senate is now in Committee of the Whole on Bill C-18, An Act to amend the Canada Elections Act (verification of residence).

Honourable senators, rule 83 states:

When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it agreed, honourable senators, that rule 83 be waived?

Hon. Senators: Agreed.

The Chair: Carried.

Senator Comeau: Honourable senators, pursuant to rule 21, I ask that we invite the Honourable Peter Van Loan, P.C., M.P., Leader of the Government in the House of Commons and Minister of Democratic Reform, to participate in the deliberations of the Committee of the Whole and that his departmental officials be authorized to accompany him.

The Chair: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Chair: Honourable senators, Mr. Minister, welcome to the Senate. I invite you to introduce your departmental officials and make your opening remarks, after which we will have some questions.

• (1010)

[English]

Hon. Peter Van Loan, P.C., M.P., Leader of the Government in the House of Commons and Minister for Democratic Reform: Honourable senators, thank you for inviting me to speak today on Bill C-18, the verification of residence bill. This bill will solve the problem of verifying the residence of voters who do not have a civic address on their identification.

[Translation]

The purpose of Bill C-18, to amend the Canada Elections Act on the verification of residence, is to ensure that legitimate electors can exercise their fundamental democratic right to vote.

[English]

To properly understand the rationale behind the bill, it is important to understand the precedent Bill C-31. Honourable senators will recall that the government introduced and Parliament passed Bill C-31, to improve the integrity of the voting process in Canada and to prevent voter fraud.

Bill C-18, for the first time ever, will require voters to demonstrate their identity in residence before being allowed to vote. These new requirements ensure that those who wish to vote are indeed who they say they are. The new requirements will prevent, for example, someone from picking up discarded voter information cards in the lobbies of apartment buildings and voting in another person's name. They will also prevent someone from voting in the riding, for example, of a place of work rather than a place of residence — something which is illegal. They

might be doing that, for example, to support a particular candidate in a particularly close contest.

The new voter identification requirements were based upon recommendations put forward by the House of Commons Procedure and House Affairs Committee in its June 20, 2006 report. That report, which received the unanimous support of all political parties in the House of Commons, formed the basis of Bill C-31.

Bill C-31 was a complex piece of legislation and it made many changes to the act and to some other acts. However, when it came time to actually implement the bill, Elections Canada identified an issue with the voter identification requirements that had not been fully anticipated when the bill was considered either by the members of Parliament in the House of Commons or by honourable senators. To the extent the problem we are fixing is one that we are all authors of collectively, it is one on which we did not have accurate information provided to us by Elections Canada or others that would have allowed us the opportunity to make further inquiries.

The issue is that many voters simply do not have a civic address on their identification. Others do have a civic address, but it is simply not used in identification in practice in their areas. For example, in the province of Saskatchewan, in places where people may have rural route addresses, it is often the case that a driver's licence will simply show "Rural Route 3" rather than the municipal address. As I indicated, this situation arises most often in rural parts of the country.

[Translation]

It is a problem that occurs most often in rural areas, where people often only have a post office box number, a rural route number associated with a post office or simply a general delivery address at a specific post office.

[English]

As a result, these individuals will be unable to produce identification with an address that can satisfy the requirement for identification with a civic address and determine their residence in a polling division.

Also, these voters will have difficulty finding someone to vouch for them, since their neighbours are also not likely to have a residential address in their identification. The same problem would face a potential voter.

[Translation]

Upon being informed of this problem by Elections Canada, the government acted swiftly to seek a solution, with the help of Elections Canada and input from all political parties.

[English]

The solution proposed in the bill provides for an address on a piece of identification to prove residence, even a non-civic address, if the address is consistent with information about the voter on the voter's list. Since this is the case, we can now use the mailing address that appears on the voter's list to corroborate that it is the same voter who has already proven that they reside in this polling division.

[The Chair]

The same would apply to someone who vouches for another voter. If the mailing address on his or her pieces of identification corresponds to the information on the voter's list, then it will be considered sufficient proof of residence.

An election official or candidate's representative who has reasonable doubt about a voter's residence will still be able to challenge that voter. In such a case, in order to vote, a person would have to take an oath as well.

It is important to note that for individuals not on the voter's list who are seeking to register in an advance poll or on a polling date to be on the voter's list, they will still have to show a piece of identification that contains a residential address or otherwise be vouched for. This is to ensure the integrity of the information in the register and to ensure that those who are registered to vote in the polling division really do reside in that polling division.

[Translation]

Our bill on proof of residence resolves the problem of verifying addresses for electors who do not have a civic address on their identification documents. Now that the government has taken quick action with the help of Elections Canada and with input from the other parties, it is incumbent upon Parliament to act quickly as well to allow Elections Canada to implement these rules as soon as possible.

[English]

I will note that I appreciate the extra efforts of honourable senators by sitting here to consider this Bill C-18. I believe everyone is aware that there are by-elections in a number of constituencies that need to be called with trigger dates that occur between now and when we are anticipated back in late January. As a result, in order for this law to be in place to deal with those by-elections, one of which includes a large rural municipality where this problem may affect a majority of voters, it makes the passage of this bill much more important. That is why we in the House of Commons disposed with it not entirely on a unanimous basis, but with the strong support and assistance of the official opposition we were able to deal with it quickly and get it here to the Senate. I appreciate the effort that you are taking on this, which I think everyone hopes is the last day before we rise for Christmas, to deal with the matter. I think the voters in those constituencies will thank you as well.

[Translation]

Thank you for your attention. I will now take your questions.

The Chair: Thank you Mr. Minister. I recognize the Honourable Senator Nolin.

Senator Nolin: Mr. Minister, welcome. It is rare that we get the opportunity to see you in this chamber. It is our pleasure to welcome you here.

You have provided some explanations of the urgency of this bill. You made reference to Bill C-31. I need not remind you that after Bill C-31 was passed, despite the testimony in the Standing Senate Committee on Legal and Constitutional Affairs, no one felt the need to change the identification process for electors wearing veils.

• (1020)

The matter became urgent during the by-elections in September 2007. Since more by-elections are expected shortly, why not include provisions to clarify this phenomenon in your bill?

Mr. Van Loan: I would point out that the visual identification of voters is a very important issue that the government identified long before the study of Bill C-18.

At present, Bill C-6 is also being studied in committee. We asked the other parties for their support in passing this bill, but they refused.

[English]

Bill C-6 is the legislation that addresses the issue of visual identification of voters. Everyone will recall that during the Quebec by-elections, all political parties wanted to see that change made, although, since that time, at least one political party has had a change of heart. That bill was drafted before this one; today's bill is Bill C-18. Although it was introduced earlier as Bill C-6 and has been at committee, opposition refused unanimous consent and, as a result, it could not be before us today. Unfortunately, this bill will not be in place in time for the by-elections.

[Translation]

Senator Nolin: Who drafted Bill C-18?

Mr. Van Loan: It was proposed by the government and myself, as minister, but the bill was drafted almost entirely by Elections Canada officials.

[English]

Certainly, we have reviewed it, but the proposed solution and the bill's approach were developed in close consultation with Elections Canada. You will have an opportunity to hear from the Chief Electoral Officer, who will assert that Elections Canada will resolve the problem we are discussing today.

[Translation]

Senator Nolin: In your opening remarks, you explained how the problem emerged after Bill C-31 was passed. I would like to know how everyone could have overlooked this during the study of Bill C-31? Have you received any complaints? If so, how many? Where did the complaints come from? How were they expressed that they provoked such a great sense of urgency?

Mr. Van Loan: In September, the Chief Electoral Officer of Canada contacted me to inform me that Elections Canada officials had discovered some problems with the voters lists.

[English]

After performing various data runs, officials at Elections Canada concluded that there were problems that they had not anticipated before the commissioner appeared on Bill C-31. The commissioner told me that Elections Canada needed to address those problems.

We discussed different approaches, including the adaptation power. He indicated his strong view that he wanted to see legislation introduced. On that basis, we acted as quickly as possible, being mindful of the fact that we wanted this new legislation in place before the upcoming by-elections.

[Translation]

Senator Nolin: Was the bill amended in the House of Commons and, if so, which provisions were amended?

[English]

Mr. Van Loan: There were no amendments at the House of Commons. The New Democratic Party proposed amendments at committee, amendments that dealt largely with other matters. Those amendments were rejected at committee. The bill that is before you is the same as the bill that was introduced in the first instance in the House of Commons.

[Translation]

Senator Nolin: Clause 4 of the bill refers to coordinating amendments. I would like you to explain why these coordinating amendments are necessary.

[English]

Mr. Van Loan: The coordinating amendments, as I understood them, deal with other bills under consideration. One such bill is Bill C-16, which is before the House of Commons, reported back now from the Standing Committee on Procedure and House Affairs, on expanded voter opportunities that seeks to institute additional advance polling days. That has been substantially amended by the Procedure and House Affairs Committee, but the purpose of the coordinating amendments was to deal with such issues.

[Translation]

Senator Nolin: But more specifically, do clause 4 and the clauses that follow, which pertain to coordinating amendments, contain anything substantive or is it just a matter of matching numbers?

[English]

Mr. Van Loan: I will look to my officials to tell me if I am wrong, but my understanding is that they were anticipatory in the sense that if Bill C-16 were adopted in the form that we had proposed, or even in the modified form, the amendments would have application to them. The structure is such that it does not create a difficulty if that were not in place either.

I am told that I am correct.

[Translation]

Senator Nolin: What does the last part of your answer mean?

[English]

Mr. Van Loan: I could go into detail about Bill C-16, which in its original form, it seeks to add two additional polling days, one on the Sunday, which would be the eighth day before the election date, and one on the Sunday immediately before election day. In the original form, the Sunday immediately before election day

would have been an advance poll in every polling station operating the next day. That has been amended out of the bill. This was to ensure that the voter identification requirements would apply to those days as well, and the wording is such that it does not reference a bill that has not been passed. However, if that bill had passed, this wording would cover it as well so that the voter identification requirements would apply to these new voting days.

Senator Baker: I would like to also welcome the minister to the Senate chamber and say that, whereas I do not always agree with everything that he has been doing in the other place, I must say that he has done an admirable job for the government in the performance of his duties. However, I am certain that in his opening remarks, he made a statement that perhaps I should correct. He mentioned that neither the House of Commons nor the Senate saw the problem when we passed Bill C-31. I can tell you, minister, that the Senate committee did see the problem. The Senate committee called the Chief Electoral Officer regarding this matter, called the Canadian Federation of Students as witnesses, and called lawyers from Vancouver to Halifax as witnesses to give testimony regarding this error in Bill C-31.

• (1030)

However, there were so many errors in Bill C-31 that one would have had to negate the entire bill to correct all the mistakes. I realize that the minister did not originate this bill. As the minister explained, he showed great deference to the all-party committee of the House of Commons that devised Bill C-31. The Chief Electoral Officer said that he did not request any of the changes that were made in Bill C-31. He did not suggest any of the changes that were made in Bill C-31. In fact, he said that the change would create problems in some cases. He said that he would never agree to this or that change. This particular bill that we now have before us, which corrects one of the many errors in Bill C-31, was brought up in the Senate committee. This is my question to the minister.

As the all-party House committee said, in relation to the numbers of people who voted in the last federal general election who were not registered at particular polling booths — one polling booth, Spadina, as I recall had 11,000 voters who voted who were not on the voters' list — the Chief Electoral Officer said that they conducted an intense investigation into those 11,000 people and discovered that only in one case was it possible that perhaps a person voted who should not have voted there.

The numbers of people were due to the fact that there was a major university in the area and a large transient population. With the changes in Bill C-31, the Chief Electoral Officer proffered, upon request for an answer, that perhaps over half those people who voted but should have been able to vote will not be able to vote now or in the future because they are transient, because they are students and so on.

This amendment will not correct that problem of the transient voting population in Canada and the great many students in institutions of higher learning. The problem is, minister, as you point out, if someone does not have an address then they can be sworn in, but someone can only vouch for one person under the bill. I do not think you are correcting that situation under this piece of legislation — that someone who vouches for someone else

[Mr. Van Loan]

will be able to vouch for more than one person? In the past, a bus driver could come in from a senior citizen's home and vouch for every single senior citizen in that bus if they did not have photo identification, whereas now and in the future, only one person can be vouched for.

My question is, first, to admit that this bill was not a creation of the Chief Electoral Officer or the Government of Canada but the creation of a House of Commons all-party committee.

Second, I wish to know whether the minister feels that this amendment will still enable transients in our population who were able to vote before upon swearing who they were and, in fact, correct that major problem that has been created by Bill C-31.

Mr. Van Loan: That was a lengthy set of questions, so I will try to address them point by point.

Indeed it is a pleasure for me to be here in the Senate, sitting in one of these seats. I inquired whether would be a camera to take note of this special occasion and I was told that would not occur, which is probably fortunate for me.

On the issue of whether this problem was before the Senate previously — and the honourable senator can ask the Chief Electoral Officer — I think there was no evidence from the Chief Electoral Officer, in either of the appearances in the House or Senate, that there would be a problem with the rural addresses. I do not believe people twigged to that problem. The issue the senator talks about is a different one and deals with a different approach rather than the potential identification with a civic address.

You will have an opportunity to speak to the Chief Electoral Officer, but my recollection is that the evidence he gave you, as he gave to the House of Commons Standing Committee on Procedure and House Affairs, was that while not all Canadians have photo identification with a civic address, that problem could be resolved by the alternates of two other pieces of identification for which Bill C-31 provided. Discretion was given to the Chief Electoral Officer to define what that identification is. The list he produced is almost a page long of acceptable identification, which includes such things as hydro bills, a letter from a university residence indicating residency there, a lease or some kind of agreement like that, or a statement from a homeless shelter. The honourable senator will find there are many issues like that.

The honourable senator might be interested in knowing that a study has been conducted into how Bill C-31 worked in the by-elections. There was a finding that the vast majority of voters found the identification requirements easy to meet and were satisfied with the ID verification and voting process. Most have a favourable view of the identification process. Eighty-three per cent also indicated that they did not feel it took any more time to vote as a result of the identification process, and 95 per cent reported that it was easy to satisfy those identification requirements.

The honourable senator might be interested to know also which identification was used. In most cases, the driver's licence was utilized. The next most popular piece of identification utilized was the provincial health card. One per cent was vouched, but of

particular interest is the notion of attestation letters and leases. Those documents were used. For example, in the case of a homeless shelter and the like, 0.8 per cent used attestation letters and 0.3 per cent used leases, and there were various other documents.

Therefore, I believe the Chief Electoral Officer was right in his evidence to honourable senators that with the discretion he had been afforded in the bill to provide for alternate identification, including the approach of attestation letters to establish address, the address elements could be dealt with. I think with those by-elections, including one in Outremont, which is an urban context, we see that Bill C-31 worked well. Perhaps, the alarm that was sounded by others has been misplaced. The three political parties who strongly supported these elements in the House of Commons — the Liberals, Bloc Québécois and the Conservative Party — were, in fact, correct.

There was one more question and I have lost track of what it was. The honourable senator asked if the origin of the bill was the unanimous report of the Procedure and House Affairs Committee from the political parties. I believe that is a matter of public record and everyone agrees on that.

Senator Baker: Thank you, minister. I have one brief comment.

The Senate committee concluded, I think generally speaking, that there was nothing wrong with the old system.

• (1040)

There were misplaced criticisms of the system we had prior to Bill C-31, in that the Chief Electoral Officer verified to the Senate committee that the concerns were not grounded in fact. In the next general election I am sure the minister will agree that a major change is about to unfold in rural areas throughout Canada when people who have traditionally walked in to vote are asked to prove who they are when the official at the polling booth knows who they are or perhaps is related to them. That is a requirement by law. The requirement to swear a statement acknowledging the penalty that shall be imposed if you are not the person you claim you are I think will be somewhat of an embarrassment to a great many of our senior citizens in these rural areas. That is just a passing comment on Bill C-31.

We will find out after the next general election who is right on this. I stress that perhaps it is not the minister and the government at fault. I am simply giving the minister a way out of this by saying that perhaps it is the fault of the all-party House of Commons committee that do not have that sober second thought present in this place.

Senator Nolin: We will be there.

Mr. Van Loan: Bill C-31 is a very good bill. As one who has to seek election and talks to voters all the time and receives correspondence on this, I can say the most common comment I heard were people complaining to me, "I can't believe they did not ask for any identification when I went to vote. Anyone could have voted in my name." People came to me saying someone already had voted in their name. Those are my personal experiences. To me, that was evidence that people did have a problem with whether they felt there was sufficient integrity in the voting process, and they wanted to see this change.

I think in this case the political parties were right. As to the problems that will occur, the by-elections that took place in Quebec were a good instructive opportunity. The study I will commend Elections Canada to have undertaken was such a good thing to do. There was the urban polyglot constituency of Outremont, the suburban constituency of Saint-Hyacinthe—Bagot, and the traditional, slow-to-change rural constituency of Roberval—Lac-Saint-Jean. There were slices of all the three elements of Canada in terms of the levels of mobilization and mobility. The conclusions were that the identification requirements worked well and smoothly, and Canadians were very supportive of those requirements.

Senator Peterson: In the new bill, can a person registered at a polling station vouch for more than one other voter?

Mr. Van Loan: The bill does not change the previous requirement. This was one of the questions from Senator Baker that I missed, which dealt with multiple vouching. There is still a limitation of vouching for one person. That came in Bill C-31. This bill does not seek to change that.

Senator Peterson: Is there any particular reason why that would be the case?

Mr. Van Loan: The members involved in the procedure and House Affairs Committee that came up with the original report, the drafters of Bill C-31, were concerned that multiple vouching provided a portal for abuse. The concern was how to address a potential abuse. If multiple vouching was permitted, one person intent on committing electoral fraud could do so repeatedly. They were seeking to address that concern.

As I say, our concern here today has narrowed in on addressing the problem of adequate identification for voters in a rural context. The problem was identified to us after reviewing the voters list and some preparation by the Chief Electoral Officer. This is the solution the Chief Electoral Officer has proposed to deal with the issue.

We took the unusual step of having representatives of the political parties meet and consider the draft legislation and make suggestions for changes, if there were any, on how to deal with it. That pre-consultation helped ensure the multipartisan consensus behind this bill. Everyone felt it did the job. They were reassured by the assurances of the Chief Electoral Officer, and that was one of the reasons we were able to deal with it so quickly.

Senator Adams: I thank the minister for appearing before us this morning. The area in which I live would not have street numbers and names for addresses. I remember from the beginning of voting that all we had were names. There were no addresses at the polling stations with the electoral officer. If this bill passes, and even if the polling officers know the person, because they do not have identification with a street number or post office number, they will not be allowed to vote after the bill passes. That will affect my people. That is my question.

Everyone has a name at the polling stations.

Mr. Van Loan: The situation and the problem you describe is exactly what this bill seeks to address. Under Bill C-31, the requirement was established that identification had to have a civic

address. As you well point out, where you do not have a civic address, it is pretty hard to have identification that establishes it.

The way the bill is drafted would address the problem you have identified, and that is the problem that gave rise to the drafting of the bill. It creates the solution that would allow folks in that situation to be able to vote.

Senator Adams: This is typical, minister. Some of my people may not even live with other people, but everyone knows who you are. They know you because your name is at the polling station. When you go to vote, the polling officer says, "I know you are a Canadian citizen, but you do not have identification. I am sorry you cannot vote." Will that happen after this bill passes?

Mr. Van Loan: The situation now does require identification, and that identification needs a civic address. If you do not have a civic address, that is a problem. The situation after Bill C-31 passes is if you are on the voters list and you have identification that establishes your name, you will be able to vote. If you are not on a voters list in the situation you have described would be unlikely, because there is not much mobility in the North. However, if that occurred through an administrative error, you would have someone on the voters list who would be able to vouch for you, even though they did not have a civic address on their identification. That seems to be a close match to resolving the problem if your name was left off the voters list.

Senator Adams: If you have a name in Inuktitut, and it is in syllabics, and they do not know you, they may not let you vote. That is one of the difficulties for Nunavut if the bill passes. Some people do not read English. Someone with a difficult name or who cannot read English would not be able to vote.

Mr. Van Loan: If the name and identification is written in Inuktitut, you might want to pose that question to the Chief Electoral Officer to see how they address that. He will be coming here after me. I know they produce election materials in different languages, including Inuktitut.

• (1050)

I do not know if they will accept that identification. That is a question best posed to the Chief Electoral Officer.

With me today are two officials from the Privy Council Office, Mr. Dan McDougall and Mr. Marc Chénier. Mr. McDougall and Mr. Chénier contributed to the drafting of this legislation and advise me on these matters.

Senator Brown: Minister, I will not thank you for coming today, because if you were not appearing today I would have flown home last night.

I am glad you gave me my address back, because I am one of the residents from rural Alberta who was disenfranchised by a super mailbox. I have lived there for 50 years, and it is nice to know I can go home today.

It is nice to know that the other place was remiss and that all parties were involved. It makes me happy that I chose the perfect chamber. The question is will I be able to go home today? Thank you, Mr. Van Loan.

Mr. Van Loan: Thank you, Senator Brown. I know how seriously you take the right to vote. I would like to see the opportunity to do so more often. I strongly support your sentiment. My hope is this bill will pass and become law today, which would give Canadians in a number of ridings the opportunity to vote in by-elections.

Senator Fraser: Minister, welcome. I would like to come back to the coordinating amendments. Section 5 would amend the Canada Elections Act if Bill C-6, which is now before committee in the House of Commons, receives Royal Assent.

I find it inappropriate to use one bill to amend another bill or to amend a third bill that is still before Parliament. Do you see what I mean? If you want something to happen if Bill C-6 takes effect, then why is the amendment not in Bill C-6? Even stranger is section 4, which says that the Canada Elections Act will be amended by this bill if another bill, which does not exist, comes before Parliament and is passed. That seems very strange to me. Why not wait and see if that other bill comes before Parliament and write it accordingly? This seems to be a very strange procedure and not respectful of the normal role of Parliament.

Mr. Van Loan: I will say first, it is actually quite routine to have coordinating amendments; otherwise, later on you would have to bring along another bill to coordinate contradictory legislation.

You would create a lacuna in the law with paralegal interpretation of a difficult nature. It would create inconsistencies and the different application of rules on different days in the event a bill did not pass, took some time in passing during a by-election event, or if those elections were forthcoming.

Coordinating amendments are quite conventional and regular. In a situation where you want to have consistency, you would do it.

Why did we not put them in Bill C-6 and Bill C-16? That is very simple: Bill C-18 did not exist. We are very clever, but we are not able to foresee the future to put those elements into a bill that had neither been introduced nor written.

Senator Fraser: That is making my point, minister. Of course coordinating amendments are a common practice. We see them all the time. These particular coordinating amendments, however, are doing things that surely would be more appropriately done at a later stage of the parliamentary process, when these other bills are under consideration. Bill C-6 is before committee now. Why could the amendment pertaining to it not be made in it?

This other bill does not exist, but if it comes along, why would it not be the appropriate vehicle in which to make amendments to other legislation pertaining to it, as distinct from simply coordinating whatever existing legislation is affected directly by this bill? That is a standard coordinating amendment.

Mr. Van Loan: The difficulty you pose is the classic chicken-and-egg problem. The Standing Committee on Procedure and House Affairs were considering the two bills on the same day. How am I to know in advance which bill will pass first? If either bill passes, how would members of that committee know in which one to put the amendments? Do you swap it out when one bill overtakes the other in the legislative

process? You could be swapping amendments back and forth between bills at every stage of the legislative process in the House of Commons and in the Senate. It might help you maintain some partisan purity, but as a practical exercise, it would take up too much time. We would be confused at the end of the process, and would likely make mistakes.

The way it is structured is such that there is no prejudice. If a bill is not adopted, the section is rendered meaningless. It is a practical, workable solution. I think we should simply accept that if we have stuff that works, that is the way we should be approaching drafting law — trying to make things that work.

Senator Fraser: That is a reasonable explanation for section 5. I remain flummoxed by section 4. With that said, I appreciate that we are at the end of the session. It was our side in this chamber that first raised the problem of civic addresses. I agree that the essence of this bill addresses an important problem.

I am aware of parliamentary difficulties if this bill is amended now, but I would like to place on the record that I think section 4 is not the way parliamentary business should be conducted. Thank you.

Senator Tardif: Agreed.

Senator Jaffer: Thank you for appearing before us today. I just have one question. How will a person without a residence be able to vote? Of course, the added challenge is that there cannot be multiple vouching for people, and this may cause issues for a person who does not have a residence.

Mr. Van Loan: The issue you raise is one that was more appropriate for the debate on Bill C-31 rather than the bill we are discussing today. The provision that the Chief Electoral Officer has made in the identification requirements is the attestation process: Attestation from a homeless shelter that the person frequents that shelter, as an example. That shelter becomes their residence for the purpose of voting, both in terms of polling division and constituency.

• (1100)

Senator Jaffer: That is my challenge.

Mr. Van Loan: A principle of residence applies in our electoral law that voters must vote in a constituency. They must establish a place of residence. If they have no residence whatsoever, I do not know where their vote would apply. At some point, even a homeless person must settle on a place of residence. The normal approach, for example, is an attestation letter where someone on a voter's list would vouch for them and say that this person is normally resident, to the extent a homeless person is resident, in this constituency, in this polling division.

Senator Jaffer: The challenge, minister, is that people I work with sometimes do not go into homeless shelters and live on the streets in a certain constituency but do not have a residence. How will we deal with that?

Mr. Van Loan: I think I gave the honourable senator the answer, and that is vouching or attestation. That provision has been provided. I invite the honourable senator to ask the Chief Electoral Officer again, but the issue was discussed and canvassed

extensively when Bill C-31 was considered. It is different than the issue we are dealing with today, which is a limited question of an identification requirement for rural voters who do not have addresses, for whom civic addresses do not exist. Therefore, the requirement for a civic address is impossible to meet or impractical to meet, where that civic address never appears on identification. I will not say that situation never applies to homeless people, but most of the homeless situations we deal with are in an urban context where civic addresses are well established. The person occasionally goes to a soup kitchen and the soup kitchen can provide an attestation letter that would be a civic address. That is easy to establish in the attestation letter and thereby establish residence for the purpose of voting in a constituency.

[Translation]

Senator Nolin: I have a supplementary question. Senator Jaffer has raised an issue that I think is fundamental. I realize that our electoral system is based on residency, but guess what: the Charter of Rights and Freedoms includes the right to vote. I think that this is a fundamental public policy issue.

I will rephrase the question. Is the government already considering a public policy to ensure that all Canadians, regardless of whether they have a residence or not, can vote?

[English]

Mr. Van Loan: That is exactly the purpose and objective of this legislation. Right now, as the law sits on the books, the Chief Electoral Officer advises us that many Canadians would not be able to meet the test to exercise their right to vote. Through this legislation, we are attempting to ensure that the right, which is a Charter right, as you say, can be exercised by them.

[Translation]

Senator Nolin: Unfortunately, that does not answer my question. Your bill is based on residency. My colleague wants to know if there is a public policy that enables Canadians to exercise their right to vote even if they decide not to maintain a residence and to be homeless. Some people do decide to be homeless; it is their choice. Do these people have the right to vote? Yes. Has the government considered a public policy to ensure that these people can exercise their right to vote? That is my question. I do not think the bill addresses that question.

[English]

Mr. Van Loan: Those needs were met under Bill C-31. I will restate it. Our whole electoral system is based on residence. Obviously, voters must vote in a constituency. There must be a place of residence. Accommodations were made some time ago for homeless people to vote. The homeless people must establish a residence. It does not mean they are there every day and night; they do not return there. As you know, senators are transient and do not always stay at the same residence every night. It is not that honourable senators are homeless, but, obviously, there are different residences.

A homeless person may be in many different places, but for the purpose of voting, they must identify and select a residence. The practice has been that the residence is often, for example, a place they might frequent to eat, for example, a soup kitchen or a similar social service, or a place where they might stay overnight in a shelter.

[Mr. Van Loan]

What has now proceeded under Bill C-31 and through the implementation by the Chief Electoral Officer are devices whereby they can establish those locations as their place of residence through a letter of attestation from a similar place. If they went to a particular homeless shelter one night in the past two months, they can go to that homeless shelter and obtain a letter of attestation, saying, "Joe Smith, is a person generally without a residence but he has frequented this homeless shelter and this is Joe Smith." He can use that letter to vote.

We saw in the by-elections that 0.8 per cent of the population voting in those by-elections used attestation letters. They could do the same thing from a soup kitchen. A provision has been provided.

Similarly, if I have a residence, and I see someone down the block from me every morning when I walk to work, I can vouch for him and say, "That is the guy who is always on this block. I know him, we chat and his name is Joe Smith."

That vouching for him would allow him to vote. The provisions exist for them to vote and protect their Charter rights.

Senator Nolin: This is my final supplementary question. Are you aware whether the Chief Electoral Officer is organizing a survey to give some meat to what you said?

[Translation]

I would like to see the Canada you have described, but I do not think that is how things work. How many times in your life have you walked down the streets of Vancouver? A lot of Canadians live there even though they do not have an address.

How many of those 12,000 people exercise their constitutional right to vote every time there is a federal election? I would like to know. Has any kind of inventory, analysis or research been done to ensure that the government is taking appropriate action?

[English]

Mr. Van Loan: The specific research I am aware of is from the review of the by-elections dealing with the identification requirements under Bill C-31. Under that research, we found 0.8 per cent using attestation, and 1 per cent being vouched. Those fail-safe mechanisms for those who do not have identification or utility bills, lease or a driver's licence were used to establish identity for almost 2 per cent of the population in those by-elections.

That study is the only one I am aware of, after Bill C-31. That was the only opportunity to study its use since Bill C-31 was passed. It establishes that the devices available satisfy the test you are looking for. Short of gutting any requirement that people show identification, it is a reasonable balance that achieves what you are seeking, which is protecting people's Charter right, while at the same time ensuring there is not an open door to electoral fraud, which the political parties were all concerned about.

There is that other side of the equation, namely, creating a system where electoral fraud is facilitated with no effective way to stop it.

• (1110)

That is one of the problems with some of the retrospective studies where people have suggested there was fraud. It is hard to establish where the test is simply that you say who you are, or that you live somewhere and you put it on the voters list and you never have to prove anything. It is difficult because you cannot ever inquire beyond that.

If electoral fraud occurs, then everyone who is voting has their Charter right to vote violated, because their vote is diminished every time someone votes illegally. We have to be respectful of the Charter right that when you vote, your vote does count and does matter, and is not debased by fraud by others.

[Translation]

Senator Nolin: Since we are talking about electoral fraud, do you have any data? When Bill C-31 was examined, you were asked for data and you replied that you did not have any. I no more wish there to be fraud than you do, but I would like to know whether these are isolated incidents or part of a growing problem.

[English]

Mr. Van Loan: This is a difficult question to assess. There was a study done in the case in Trinity—Spadina where the New Democratic Party believed the Liberal Party was engaged in widespread inappropriate practices. Was it the other way around? It was one or the other. The conclusions of the study were that widespread evidence of electoral fraud could not be found. As I say, under the requirements, it is very difficult to establish fraud. Most of the occasions of fraud we hear about are anecdotal.

My view is that complaints have much to do with the confidence that voters have in the system. I am asked a number of times, “Why do I not get asked for ID?” or “Why was my name already off the list when I went to vote? Somebody voted in my name.” Those things have been asked of me quite often and I have only been a candidate in two elections. I have been asked frequently enough that I know there is uneasiness. I receive correspondence asking that we go farther, that people want a test to show proof of Canadian citizenship to be able to vote. To walk around with proof of Canadian citizenship is not something many people do.

That is something that the parties and the government resisted doing in Bill C-31 and do not plan to do at this point, but there is broad sentiment on that side of the equation as well.

[Translation]

The Chair: Honourable senators, I would like to point out that time is running out and we have other witnesses to hear.

[English]

Senator Kinsella: Mr. Chair, I will be brief because some of my questions have already been canvassed by other honourable senators.

This kind of legislation for me is always extremely important because it speaks to the right to vote of Canadian citizens. As we all know, only three of the rights that are enumerated in the

Canadian Charter of Rights and Freedoms are specific to Canadian citizens. The right to vote is a right of a Canadian citizen; the right to leave Canada and return to Canada is a right of Canadian citizens; and certain minority education rights are rights of Canadian citizens.

That having been said, minister, in our dialogue this morning, I ask you to confirm or reject that this bill will make it easier for Canadian citizens to access their right to vote.

Mr. Van Loan: That is exactly the case.

Senator Kinsella: Further, minister, will government directly or is it the expectation that the Chief Electoral Officer will conduct a public education program so that Canadian citizens will learn what to expect prior to arriving at the poll? Many of us have heard horror stories of what has happened in past elections of being asked for ID and not having the right ID, with everyone in the polling station calling the person by his or her first name.

Will there be a public education program to make Canadians aware of what to expect and how to handle this? If so, whose responsibility will it be? Will it be that of the government or that of the Chief Electoral Officer?

Mr. Van Loan: Thank you very much for the question. On the first question, yes, absolutely, the purpose of this bill is to facilitate the exercise of the right to vote by people who, under the current system, will face problems doing that. We are trying to ensure that their Charter and constitutional right to vote is protected.

Many of the questions I have been asked are, as I say, beyond the scope of the bill that is before us and go back to the original Bill C-31. The bill before us deals simply with expanding the approach on establishing identification for those without civic addresses.

In terms of the communications efforts, there was a campaign conducted in the by-elections with regard to the requirement to show ID. It has been evaluated in the study. The conclusions of the study, which was conducted by Environics, was that most electors felt well informed. Materials achieved good reach and recall.

The observation I make on that was that this was in the context of by-elections. You do not have the same kind of budget you do in a general election to communicate these things, and you are targeting to a narrower market. In the case Outremont, you were dealing with a constituency in a large urban market. That success is a positive thing. That most voters felt they were well informed is positive.

In terms of what works, overwhelmingly it was the voter information card that was mailed to people's homes that is the most effective, because many people, when they decide to vote, read that document and ensure that they bring their identification. They look to see what identification they need to bring and come prepared. That bore itself out, according to this study, in practice.

Senator Kinsella: There is a public interest in having as high a turnout level as we can possibly achieve. Minister, I take it your view is that it is in the public interest for Canada to have as high a turnout level as we can have in our elections; is that correct?

Mr. Van Loan: Absolutely; that is the view of this government. That is partly what this bill is designed to facilitate, though this bill is really designed to facilitate people having the ability and the right to exercise their right to vote; so it is somewhat more narrow than that. It is not voter turnout; it is to allow the people who want to vote, who have the right to vote, to be able to vote, so it is even more basic than that.

Bill C-16, the expanded voter opportunities bill, was designed to enhance voter turnout by creating more opportunities for people to vote through additional advance polling days. The advance polling day immediately before Monday, election day, that would be in every polling station where there would be a poll the next day has unfortunately been deleted by the three opposition parties at committee. I encourage anyone in this chamber who has a sincere and genuine interest in increasing voter turnout to encourage their colleagues in the House of Commons to consider at report stage reversing that alteration and to restore the additional advance polling day. We will then be able to see an increase in voter turnout, which I think is in everyone's interest, not just because that is a good thing for confidence in our electoral system but because it results in a society where all Canadians, all citizens, feel a greater stake and greater ownership in what is taking place, and that sense of community attachment builds stronger communities and a stronger society and is something that we should all be working towards.

Senator Moore: I begin by saying that I, for one, do not appreciate your snide comments about the Senate and those who work here.

I want to pick up on the questioning of Senator Fraser. You mentioned that these two subsections do not come into effect until Bill C-6 receives Royal Assent. Of course, that has not arrived here, and I do not know the status of it in the House of Commons.

• (1120)

Mr. Van Loan, you mentioned earlier that you are hopeful that Bill C-18 will pass in order for it to be available for the impending by-elections. However, Bill C-6 will not be received in the Senate until some time after the Christmas break. I am thinking about time.

The sections you are trying to put into place would not be available for the by-election, would they? I suppose it depends on the dates, but on the face of it, it looks like that which you are trying to gain will not be available until Bill C-6 receives Royal Assent.

What do you think the timing of that bill will be?

Mr. Van Loan: You are correct; Bill C-18 has certainly overtaken Bill C-6 in the legislative process, so the coordinating amendment obviously would not take effect until Bill C-6 passed, and that will not happen before the coming round of by-elections.

That being said, there is nothing in that coordinating amendment that would have any consequence as a result. It is kind of like an appendix in the human body; it might perform a role one day, but it is of no consequence, positive or negative, absent Bill C-6.

Senator Moore: I thought the aim was to get this provision in place for the by-election, but I guess it is not.

Mr. Van Loan: To clarify, the main essence of the bill will be in place and is very important for those by-elections, that is, the alternate identification procedures. The portion in clause 5 that would amend Bill C-6 obviously would not have any effect for the purpose of those by-elections.

Senator Cook: Welcome, Minister and officials.

I wish to make an observation on the issue of homelessness. The homeless population is, as we all know, a very vulnerable population. I believe that vouching for who they are and where they live can be exploited.

A person lives in shelter "A" tonight or tomorrow, and someone in the shelter is authorized to vouch for who this person is. There is nothing to prevent that person from being registered at another shelter. Even in my home city of St. John's there are multiple shelters.

There must be stringent rules to protect the vulnerable homeless population as well as those who live in boarding houses. There should be some mechanism to prevent the exploitation of those people.

Mr. Van Loan: That is a genuine concern and is one that gave rise to the requirements in Bill C-31 for voter identification. When this issue was addressed, there was a concern that a vulnerable population was being exploited and, in some cases, encouraged to do things that might be illegal, such as voting multiply. The hope is that a responsible official at a shelter would not engage in such activity.

Senator Cook: This is key. Often shelters are run by volunteers who genuinely do not know, so the onus will be on the Chief Electoral Officer to put in safeguards or a time frame to ensure that does not happen. We must balance the right of everyone to be eligible to vote.

[Translation]

The Chair: Mr. Minister, on behalf of all senators, I thank you for coming here today and helping us with our deliberations on Bill C-18. I would also like to thank the officials from your department.

Senator Comeau: Honourable senators, Marc Mayrand, Chief Electoral Officer, is ready to appear. Are you ready to hear him?

The Chair: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Chair: Mr. Mayrand, I am pleased to welcome you to the Senate. I invite you to make your opening statement.

Mr. Marc Mayrand, Chief Electoral Officer: Thank you, Mr. Chair. I would like to introduce Rennie Molnar, Senior Director of Operations at Elections Canada.

I am pleased to appear before the Senate to discuss Bill C-18, to amend the Canada Elections Act, concerning verification of residence. This bill will allow voters in rural and northern regions of Canada to establish their place of residence before voting.

Bill C-18 responds to the concerns I had expressed to the Leader of the Government in the House of Commons and the Minister Responsible for Democratic Renewal, and to the Chair of the Standing Committee on Procedure and House Affairs in October 2007.

Since that time, Elections Canada has been working closely with the government to develop the proposal submitted here today. We certainly appreciate how promptly this matter has been addressed.

The bill tackles two problems. First, a large number of voters, estimated at one million, do not have a civic address. The majority of these voters live in the Prairies, Newfoundland and Labrador, and in the three territories. Second, many voters in those same regions use a mailing address on most of their pieces of identification, even if they have a civic address. In either case, these voters could not likely produce proof of residence before voting, as required by the Canada Elections Act.

• (1130)

Furthermore, they could not ask another voter from the same polling division to vouch for them, since their neighbours will be in the same position.

[English]

Bill C-18 provides that electors with no civic address or with pieces of identification that have a mailing address instead of a civic address can establish their residence if the information on their piece of identification is consistent with the information that appears on the list of electors.

In this regard, Bill C-18 builds on and uses information contained in the list of electors for each polling division. As you probably know, the list contains the names of the electors residing in that division and their physical address, as well as their mailing address, if it is different from the physical address.

In cases where the deputy returning officer, poll clerk or a candidate's representative has reasonable doubt regarding an elector's residence, the elector will be asked to take an oath as to his or her residence.

Electors who have not registered before polling day could be vouched for by registered electors in the same polling division who can establish their residence using the process described earlier. When vouching occurs, both electors will be required to take an oath as to their residence.

As indicated in my letter of November 28 to the minister, I am satisfied that the changes being proposed in Bill C-18 would provide the necessary flexibility to resolve the particular challenge facing electors in rural and northern areas. As a result, they will be placed on the same footing as electors of other regions of the country.

In closing, honourable senators, I wish to express my full support for Bill C-18. I hope that it becomes law in the very near future.

[Translation]

Senator Tardif: A few moments ago, the minister said that Elections Canada did not provide the right information to allow him to realize there was a problem related to this missing information. Is that correct?

Mr. Mayrand: My predecessor and I, when we appeared before the committee studying Bill C-31, pointed out the difficulties inherent in proving residence, which is a new concept in Canadian elections. We had noted the possibility that a number of electors would not have adequate identification documents to establish their residential address. At the time, we felt that, by giving returning officers discretionary power to authorize certain identification documents and by using a vouching system, most situations could be resolved.

Once the bill had passed, we began preparing for a possible election. During the staff training sessions in Western Canada, we realized none of the 15 people in the room was carrying identification documents that met the requirements of Bill C-31. Accordingly, we did a more thorough analysis of the situation. These analyses showed that roughly 1 million electors do not have a civic address and therefore no documentation that can establish their place of residence.

Senator Tardif: In your opinion, could Bill C-31 have resolved those problems if your recommendations had been followed?

Mr. Mayrand: We would have liked to spend more time looking at the issue of proof of residence. I understand that Parliament at the time wanted this issue to be addressed and more rigorous requirements to be implemented, as far as identification is concerned, in order to ensure the integrity of the vote. Unfortunately, it was not until later that the full extent of the problem was realized.

The situation that brings us here, in the study of this bill, is the following. It was noted that entire communities did not have civic addresses. We thought that a vouching system could resolve the foreseeable problems. Then we realized that no one — in an entire polling division — would have the proper documentation.

Senator Tardif: Are you convinced that this bill will correct the bulk of the problem?

Mr. Maynard: Yes, I believe it will.

[English]

Senator Baker: I wish to thank the witness for appearing today and to congratulate him for the way he has handled himself in his office as it relates to these matters.

My first question relates to how we got where we are today. Of course, it all originated with Bill C-31, which the minister said was the product of an all-party committee of the House of Commons. The witness will recall that he appeared before the Senate committee, at which time the Senate committee expressed

great concerns about these matters that are now under discussion and which prompted the introduction of this bill to correct a problem that had been instituted by the enactment of Bill C-31.

The reason for Bill C-31 and the reason for this concern for identification of voters at the polling booth arose because of alleged voting by persons who were not eligible to vote as it was alleged. One of the instances raised was that of several thousands of people who had voted in the last general election in, I believe, the district of Spadina.

Did the Chief Electoral Officer investigate this irregularity thoroughly to verify that the complaints that were made of illegal voting actually took place? Furthermore, when there is a complaint or example raised with his office regarding the possibility of persons voting who were not legally able to vote in that polling booth, does his office investigate those complaints or those instances that arise? What has been the result of the Chief Electoral Officer's investigation of those thousands of alleged incidents? I think the figure was 11,000, if my memory serves me correctly. Did his office investigate each one of these cases? What was the result? What was the result of the investigations of the complaints regarding illegal voting in the past?

Mr. Mayrand: The matter that is being referred to here is with regard to Trinity—Spadina, a major urban riding in the area of Toronto, where, in the last general election, there was a significant number of electors who registered on polling day. In fact, over 10,000 electors registered on polling day. That raised several allegations about the legitimacy of the votes cast by those electors registered on polling day.

We did an extensive investigation and reviewed each and every one of the 10,000 cases. We were able to trace the electors and relate them to an address and determine that they did vote and voted appropriately at the proper polling station. Only two cases out of those 10,000 cases are still under investigation, where there is doubt about whether or not the vote cast by those two individuals was legitimate. This investigation is continuing as we speak today.

• (1140)

Senator Baker: Can you address the remainder of my question? In each and every instance, does your department investigate complaints? What was the general result of those investigations in the past relating to this matter?

Mr. Mayrand: We review each and every complaint and trigger proper investigation, given the nature of the complaint submitted.

In the last general election, we received what I consider a rather small number, 383 complaints for the whole country. Out of those complaints, only one led to a compliance agreement; someone who voted while not eligible to do so.

Senator Baker: To sum up, there does not appear to be reasonable grounds to suspect, or reasonable grounds to believe that the old system we had in this country prior to Bill C-31 was deficient in this respect at all.

Mr. Mayrand: As I indicated in previous appearances, there is no evidence of systemic fraud or systemic abuse of the electoral process at the federal level in this country.

Senator Baker: What we have, then, is a new system where people will now be confronted with a protocol of presenting proof that they are who they claim to be. First, they must present a photo ID, government-sponsored, or two other pieces of identification, or a swearing of someone attesting to who they are. Then, they must swear an oath saying that they are not violating the law. Then the penalty is explained if they are violating the law, as, I think, a requirement of the act in those swearing instances. We have this whole new system.

Let me ask you the logical question. Of the 10,000 people who registered only on polling day in Trinity—Spadina, after investigating who these people were and finding out they were legitimate voters, except for two, whose instances you now say are continuing under investigation, how many of those 10,000, after the passage of Bill C-31 and this bill, would not be expected to vote at all under our new laws? Would you have any opinion on that? Can you give us an approximate figure? If you feel you cannot because of your position, we are, of course, not commanding you to do so, although, under section 118 of the Criminal Code, this is a judicial proceeding.

Mr. Mayrand: It would be difficult to project the impact of Bill C-31 on previous events.

One thing we should remember, however, is that if voters register on polling day, even under the previous legislation, they needed to establish their identity and residence. They were required to produce documents evidencing their name and address so they could be assigned to a polling station and vote in the proper section, unless they were vouched for. Again, if vouching was available, there were still written declarations and oaths taken that allowed us to track people afterwards.

Senator Baker: In other words, we do not have any evidence at all, and no studies have been done, that would project the decrease in the numbers of voters in Canada under this new regime compared to those who would normally vote under the old regime. Taking both of the regimes into account, one would have to conclude that fewer people would vote in Canada under this new regime than would have voted under the old regime. Do you wish to comment on that?

Mr. Mayrand: Some electors may be truly challenged or, given their circumstances, may not be able to meet the proof requirements of Bill C-31.

Senator Baker: Thank you.

Senator Cook: Thank you for appearing today. I am thinking of a rural community in my province of Newfoundland and Labrador. I have, before me, the conditions for electors who are not registered. If I heard your opening statements correctly, you said that where the elector is known to the officials, that is okay. Did I hear you say that?

Mr. Mayrand: No, I do not think so.

Senator Cook: I thought I heard you say that when persons present themselves, if they are known to the District Returning Officer, DRO, that is okay. The answer is no, so your officials are passive?

Mr. Mayrand: An elector can be vouched for by another elector, not by electoral staff.

Senator Cook: I understand that here. However, in this operation, your officials are passive. Even though they know Ms. Smith or Aunt Suzie up the road, they are passive.

Mr. Mayrand: They still need to see pieces of identification.

Senator Cook: I heard you wrong. I am sorry. Thank you.

[Translation]

The Chair: Honourable senators, I would like to point out that time is moving on, and I invite you to ask specific questions. I also invite our witnesses to give answers that are brief and to the point, as they are currently doing, for which I thank them.

[English]

Senator Jaffer: I have a simple question. How will you instruct the people who work for you to ensure that people who have no residence are able to vote?

Mr. Mayrand: That problem existed even prior to this legislation. Again, the approach under Bill C-31 is that administrators of shelters can issue a letter of attestation, attesting that this individual resides at the shelter or some area close by. That letter constitutes evidence of residence for the purposes of voting. The elector still needs to provide another piece of identification establishing their name.

Senator Jaffer: The minister said — and time was running out so I did not have an opportunity to ask him about it — that voters cannot vouch multiple times, so who in the shelter can say this person lives in the shelter? The manager is able to vouch for only one person. How will we deal with that?

Mr. Mayrand: We need to distinguish between vouching and a list of authorized identifications. I did not bring it with me today, but there is a list of authorized pieces of ID. One of those pieces is an attestation letter from the administrator of a shelter, a person in authority at the shelter. Normally, through the returning officer, we would distribute those forms to administrators in the week prior to the election. The administrator would fill in the form and attest that so-and-so has resided or is residing at the shelter. That form would constitute one piece of identification for the purposes of voting.

Senator Jaffer: The administrator would be able to do that for many people?

Mr. Mayrand: Yes, for all residents in the shelter.

Senator Jaffer: I must put on the record, as a Muslim woman, that the leadership you have shown on the issue of the veil is much appreciated. Thank you.

[Translation]

Senator Dallaire: Does Bill C-18 make any change to the rules governing voting by military personnel when they are on operations in the field?

Mr. Mayrand: No, there is no change to these rules.

Senator Dallaire: By their very nature, these two bills seem to be making the process much more complicated, which may be cause for concern.

• (1150)

Do you have statistics about people under 30 who exercise their right to vote or who could do so? In your opinion, could this process cause a drop in the youth turnout rate? Because one part of the bill has to do with how to encourage them to vote technically and not just politically.

Mr. Mayrand: In terms of statistics, we know that not quite one out of two young people exercises his right to vote. At least, that was the case in the 2006 general election.

By young people, I mean those between the ages of 18 and 24. The turnout rate has, however, increased compared to the previous general election. In terms of complexity, establishing residence and identity can become a problem, especially for those turning 18.

However, we estimate that with the list of authorized pieces of ID — for example a report card — they will nevertheless be able to meet the requirements of the bill and exercise their right to vote.

Senator Dallaire: Could you tell us what percentage of Canadians aged 18 to 30 can vote, and what percentage of those who actually exercise their right to vote?

Mr. Mayrand: Absolutely. I will have that information sent to the committee.

[English]

Senator Moore: I wish to clarify the matter of vouching. Is it correct that the person who is vouching must be a registered voter in that particular polling district?

Mr. Mayrand: Yes.

Senator Moore: Can they vouch for only one person?

Mr. Mayrand: Yes.

Senator Moore: If I am that person and I am vouched for and I am a registered voter in that district, can I vouch for someone else?

Mr. Mayrand: No.

Senator Moore: Why not?

Mr. Mayrand: A specific provision of Bill C-31 limits the vouching only to the elector that is already registered on the registry.

Senator Moore: I have been vouched for and now I am registered. I am as qualified as anyone else. Why can I not vouch for someone else?

Mr. Mayrand: There is a direct prohibition in Bill C-31 for that.

Senator Moore: I heard you say that, but that does not tell me why. I do not think it is right. The person is a Canadian citizen, has gone through the process and is registered at the polling station.

Mr. Mayrand: There was a perception that such a practice that existed in the past could lead to abuses. I believe there were concerns that it undermined the integrity of the process, so the rules regarding vouching were severely constrained through the amendments in Bill C-31.

Senator Moore: Were there studies or investigations? Were there documentations of abuses? I look at the situation in Spadina and I think it is remarkable. There were 10,000 voters, a number of them were probably vouched for, and only two are still under investigation. The others are okay. I think that is something. Canadians respect this right.

Mr. Mayrand: Yes, there are few cases of demonstrated abuses of the voting process.

Senator Moore: I do not know why, then, we have a prohibition.

Mr. Mayrand: We may have a disconnect between perception and reality at times. Again, there is no evidence of systemic fraud, but there is still a perception that the system can be abused easily. I think that perception is what was driving Bill C-31 largely.

Senator Moore: Clearly, Trinity—Spadina shows that it was not abused. In the example raised by Senator Baker of Trinity—Spadina, the system was not abused.

Mr. Mayrand: No.

Senator Moore: I have one other point. I am concerned about being able to vouch for only one person. I am particularly concerned in the remote areas. If people must travel for an hour or more to a polling station, whether it is in the North or Newfoundland and Labrador, and they do not have an ID and they are there with their family, only one of them can be vouched for. Do we think they will go back home for an ID and come back again to vote? I am concerned that we will lose those voters; they will not do that because of this new process. Do you have any concerns about that?

Mr. Mayrand: Any concern? Certainly, that is why in the recent by-election we had a massive information campaign to electors and their households. Leaflets were delivered to every address in the ridings to ensure electors were made aware of the new requirements for identification.

We also tried to locate the polling station as close as possible to electors and minimize the time. However, we cannot track whether an elector who does not have the required documentation comes back afterwards.

Senator Moore: Are those information pieces that are sent to the homes — I am thinking primarily in the North — printed in the language of the inhabitants?

Mr. Mayrand: The documents are available in 15 Aboriginal languages and also, I believe, in 23 ethnic languages across the country.

Senator Moore: Are they distributed in the language of the household?

Mr. Mayrand: Yes.

Senator Moore: Is that true for Nunavut, the territories, and Labrador?

Mr. Mayrand: Yes; it is also available electronically.

[Translation]

Senator Dallaire: Are you involved in the program to assist other countries in their electoral processes? Are you involved in the training process for supervision of elections in other countries?

Mr. Mayrand: We are occasionally involved in such activities, providing training and assistance for the development of electoral systems. We are also involved in observation missions.

Senator Dallaire: Would you recommend to the people of those countries that they maintain their old system or adopt the new system?

Mr. Mayrand: We are learning that we cannot impose our values and our systems on other countries. We must ensure that they are really tailored to suit the society we are assisting.

In Canada, we really could astonish the rest of the world with our electoral system based on trust: we allow voters to show up on election day, simply state their name and address, and vote. Bill C-31 shifted that balance, but the system is still based on trusting voters.

Everything depends on each emerging democracy. Their system must evolve before it can be inspired by the Canadian model as we know it.

Senator Nolin: We had an interesting discussion with the minister a little earlier, somewhat off the topic of Bill C-18, but related nevertheless to this desire to allow more Canadian citizens to access and exercise their right to vote. This also relates somewhat to Senator Jaffer's concern regarding what to do about homeless people.

• (1200)

Do you intend to follow up on this to try to understand what goes on in this area, which is not well understood, without passing judgment on these people? I know it is not easy to conduct surveys of people in that community. I think the government should try to understand the dynamics of these special communities and see how these people exercise their right to vote. That is one of your responsibilities.

Have you conducted this kind of study or do you have any relevant data?

Mr. Mayrand: We have very little data. The work we do is carried out beforehand. During elections, we have community officers in the ridings who are responsible for making contact with homeless people and homeless shelters. We make an effort to communicate with the people in charge of shelters and with the residents themselves. We disseminate ads and information to make it easier for them to exercise their right to vote.

As to how many actually do vote, we cannot really conduct a survey or do any follow-up because these people are, by definition, very mobile. When they do vote, we do not necessarily know that they are homeless, unless we get the letters of attestation provided for under the new system.

Senator Nolin: With all the trouble we have gone through to ensure that everyone has the right to vote —

Mr. Mayrand: We could perhaps hold more consultations with shelter administrators who might be able to suggest the best way to help these people.

Senator Nolin: Given that Bill C-31 was based on a false premise — we did not really have a problem with identity theft or electoral fraud — we should at least make an effort to find out what is going on with homeless people. I am sure that you understand the scope of the problem. It is complex, but we should make an effort to reach these people, not only during elections, but also to find out if we are doing enough to ensure that they can exercise their rights.

[English]

Senator Adams: I live in the North, in Nunavut. At the beginning of your brief, you said you had difficulty with some of the territorial areas. I questioned the minister earlier. In the community where I live, some of your staff, the electoral officers, know most of the people in the community, some of whom have no address or identification. This is the case for many voters in the community. They usually have a name, and those over 18 years old are allowed to vote. If they do not have a registration card or driver's licence and no post office number, what will happen if Bill C-18 passes?

Mr. Mayrand: With Bill C-18, the place of address to receive mail or communication will be sufficient to establish residence in the community. I expect that Bill C-18 will allow Nunavut electors the same rights as other electors across the country, with the same opportunity to cast their vote.

Senator Adams: For those who register, will this information be only at the polling station, or will it be available from the Government of Canada? Revenue Canada is sometimes looking for these people and their addresses for income tax purposes. As soon as they register, will the information go everywhere in the government? If a person registers and the government finds out if they owe money to Revenue Canada, then they can find you. It sounds that way in the bill.

Mr. Mayrand: I am not sure if I understood you correctly, but the information we collect on electors is not shared with other departments. The information remains with Elections Canada.

I am not sure if that answered your question.

Senator Adams: Yes. What if Revenue Canada receives that information and then finds the person?

Mr. Mayrand: We do receive some information from Revenue Canada, but no tax information. It is simply name and address, and only if the taxpayer agrees, of course.

Senator Keon: It seems to me that a tremendous amount of expense and time could be avoided with the establishment of a single Canadian identifier linking identity to residence, whether this is a modified passport, a modification of the Social Insurance Number or whatever. There are many identifiers, and they are proliferating like flies now. The majority of Canadians live along the border and need some kind of Canadian identifier to move back and forth. Why has there not been thought given to this issue?

Mr. Mayrand: There was some discussion at the House committee level with regard to having a national voter identification card. After some consideration, that option was rejected by the committee at the time.

Senator Keon: It does not matter that it was rejected by the committee. I think it is something that Elections Canada could give some momentum to. There is a real need for it.

Senator Baker: Bill C-31 gave the Minister of National Revenue permission to put a statement in two lines with a check-box on the income tax return. Prior to Bill C-31 being passed, was that question on the individualized income tax returns of Canada?

Mr. Mayrand: Yes.

Senator Baker: If it was, does that verify that what Revenue Canada was doing prior to that was contrary to law?

Mr. Mayrand: No, the change brought about by Bill C-31 was an addition to the form to allow confirmation of citizenship, which was not there before.

Senator Baker: What was there before?

Mr. Mayrand: Confirmation of name and address. The taxpayer was allowing Revenue Canada to transfer information regarding name and address.

Senator Baker: What is on there now?

Mr. Mayrand: Name, address and citizenship. It is the new element where the taxpayer confirms that he or she has Canadian citizenship.

Senator Baker: Am I correct that after Bill C-31 was passed, Revenue Canada included “and citizenship”?

Mr. Mayrand: Yes.

Senator Baker: Was this not included prior to the passage of Bill C-31?

Mr. Mayrand: The citizenship question was not included prior to passage of Bill C-31, correct.

• (1210)

[Translation]

Senator Corbin: Mr. Mayrand, I would like more details concerning information you provided earlier about certain documents available in 35 foreign languages, if I understand correctly, and 50 Aboriginal languages.

Mr. Mayrand: Those documents are available in 15 Aboriginal languages and 25 foreign languages.

Senator Corbin: Thank you for clarifying. My question may not have anything to do with the subject matter of the bill before us, but I would really appreciate your sending me — by mail, not by email — information about how this practice was developed, which documents are printed in various languages, how the practice has changed over the years, and why.

As far as I am concerned, Canada has two official languages, but I recognize, personally — and I have been trying to persuade my colleagues to recognize it, too — that Aboriginal peoples have rights that go back to long before the provisions of the Canadian Constitution went into effect. That would help me go forward with some issues I submitted to the Senate a few years ago. I would find it very useful were you to send me a complete file on this aspect of Elections Canada's linguistic practices.

Mr. Mayrand: It would be my pleasure. I will send you the relevant information.

Senator Corbin: Thank you very much.

The Chair: Thank you, Mr. Mayrand. You have certainly helped us in our deliberations on this bill.

Mr. Mayrand: Thank you, Mr. Chair.

[English]

The Chair: Honourable senators, is it agreed that we move to clause-by-clause consideration of Bill C-18, an act to amend the Canada Elections Act, verification of residence?

Hon. Senators: Agreed.

The Chair: Carried.

Shall the title stand postponed?

Hon. Senators: Agreed.

The Chair: Carried.

Shall clause 1 carry?

Hon. Senators: Agreed.

The Chair: Carried.

Shall clause 2 carry?

Hon. Senators: Agreed.

The Chair: Carried.

Shall clause 3 carry?

Hon. Senators: Agreed.

The Chair: Carried.

[Translation]

The Chair: Shall clause 4 carry?

Some Hon. Senators: Agreed.

The Chair: Carried on division. Shall clause 5 carry?

Some Hon. Senators: Agreed.

The Chair: Carried on division. Shall the title carry?

Some Hon. Senators: Agreed.

The Chair: Carried on division. Shall the bill carry without amendment?

Some Hon. Senators: Yes.

The Chair: Carried on division. Shall I rise and report the bill?

Hon. Senators: Agreed.

The Chair: Carried.

[English]

Senator Fraser: For the record, I would like to note my abstentions on the last two votes.

[Translation]

The Chair: Honourable senators, they will be noted.

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF COMMITTEE OF THE WHOLE

Hon. Fernand Robichaud: Honourable senators, the Committee of the Whole, to which was referred Bill C-18, An Act to amend the Canada Elections Act (verification of residence), has examined the said bill and has directed me to report the same to the Senate without amendment.

THIRD READING

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

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 the bill be read the third time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

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

Some Hon. Senators: On division.

Motion agreed to and bill read third time and passed, on division.

ROYAL ASSENT

NOTICE

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

RIDEAU HALL

Friday, December 14, 2007

Mr. Speaker,

I have the honour to inform you that the Honourable Marshall Rothstein, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, will proceed to the Senate Chamber today, the 14th day of December, 2007, at 1 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of December 14, 2007, moved:

That Committees be authorized, pursuant to rule 95(3) (a), to meet between Monday, December 17, 2007 and Monday, January 28, 2008, inclusive, even though the Senate may then be adjourned for a period exceeding one week, provided that both whips have given approval.

Motion agreed to.

PUBLIC WORKS AND GOVERNMENT SERVICES

REPORT ON GOVERNMENT POLLING TABLED

Leave having been given to revert to tabling of documents:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, before moving another motion, I would like, with leave of the Senate, to table a document that was referred to yesterday, entitled *Public Opinion Research Practices of the Government of Canada*, the report by Daniel Paillé.

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I move that the sitting be suspended to the call of the chair. There will be a 15-minute bell.

The Senate adjourned during pleasure.

• (1300)

ROYAL ASSENT

The Honourable Marshall Rothstein, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned, and being come with their Acting Speaker, the Honourable the Deputy of her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Canada-United States Tax Convention Act, 1984 (*Bill S-2, Chapter 32, 2007*)

An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (*Bill C-15, Chapter 33, 2007*)

An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007, and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007 (*Bill C-28, Chapter 35, 2007*)

An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005 (*Bill C-12, Chapter 36, 2007*)

An Act to amend the Canada Elections Act (verification of residence) (*Bill C-18, Chapter 37, 2007*)

The Honourable Royal Galipeau, Acting Speaker of the House of Commons, then addressed the Honourable the Deputy Governor General as follows:

May it please Your Honour.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bill:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (*Bill C-35, Chapter 34, 2007*)

To which bill I humbly request Your Honour's assent.

The Honourable the Deputy Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

The Honourable the Deputy Governor General was pleased to retire.

The sitting of the Senate was resumed.

• (1310)

[English]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, one advantage of having almost the last

word is to have the opportunity, on behalf of both sides, to extend our warm and best wishes for a happy new year. When we come back, hopefully we will all be rested.

On behalf of my colleague, Senator Tardif, to everyone associated with the Senate on both sides — administration, staff, interpreters, table officers and everyone in between — all the best in the new year.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

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, January 29, 2008, at 2 p.m.

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

Motion agreed to.

The Senate adjourned until Tuesday, January 29, 2008, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

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

(2nd Session, 39th Parliament)

Friday, December 14, 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 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18	07/11/13	Banking, Trade and Commerce	07/11/15	0	07/11/21	07/12/14	32/07
S-3	An Act to amend the Criminal Code (investigative hearing and recognizance with conditions)	07/10/23	07/11/14	Special Committee on Anti-terrorism					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act to amend the Criminal Code and to make consequential amendments to other Acts	07/11/29	07/12/12	Legal and Constitutional Affairs					
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bilingual expression of the provisions of that Act	07/10/30	07/12/04	Banking, Trade and Commerce					
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30	07/11/29	Legal and Constitutional Affairs					
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30	07/11/15	Banking, Trade and Commerce	07/12/13	0 observations	07/12/13	07/12/14	36/07
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30	07/11/21	Legal and Constitutional Affairs	07/12/11	6 observations			

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-15	An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act	07/11/21	07/11/29	Energy, the Environment and Natural Resources	07/12/13	0	07/12/13	07/12/14	33/07
C-18	An Act to amend the Canada Elections Act (verification of residence)	07/12/13	07/12/14	Committee of the Whole	07/12/14	0	07/12/14	07/12/14	37/07
C-28	An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007	07/12/13	07/12/13	Pursuant to rule 74(1) subject-matter 07/12/12 National Finance	Report on subject-matter 07/12/13	—	07/12/13	07/12/14	35/07
C-35	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. 3, 2007-2008</i>)	07/12/11	07/12/11	—	—	—	07/12/13	07/12/14	34/07
C-38	An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River	07/12/12	07/12/12	Committee of the Whole	07/12/12	0	07/12/12	*07/12/12	31/07

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17							
C-287	An Act respecting a National Peacekeepers' Day	07/11/22							
C-292	An Act to implement the Kelowna Accord	07/10/17	07/12/11	Aboriginal Peoples					
C-293	An Act respecting the provision of official development assistance abroad	07/10/17	07/12/12	Foreign Affairs and International Trade					
C-298	An Act to add perfluorooctane sulfonate (PFOS) and its salts to the Virtual Elimination List under the Canadian Environmental Protection Act, 1999	07/12/04							
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							
C-307	An Act respecting bis(2-ethylhexyl)phthalate, benzyl butyl phthalate and dibutyl phthalate	07/11/29							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17	07/11/28	National Finance					
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17							
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17	07/11/13	Legal and Constitutional Affairs	07/11/22	0	07/11/27		
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17							
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17							
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17							
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17	07/11/28	Legal and Constitutional Affairs	07/12/06	0	07/12/11		
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)	07/10/17		Subject matter 07/11/13 Energy, the Environment and Natural Resources					
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	07/10/17							
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17							
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							
S-212	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	07/10/18							
S-213	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	07/10/23	07/12/06	Legal and Constitutional Affairs					
S-214	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	07/10/24							
S-215	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	07/10/30	07/12/06	National Finance	07/12/13 Report amended 07/12/13	19	07/12/13		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-216	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/10/30							
S-217	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/10/31							
S-218	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)	07/10/31							
S-219	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection) (Sen. Ringuette)	07/11/13	07/12/11	National Finance					
S-220	An Act respecting a National Blood Donor Week (Sen. Mercer)	07/11/15	07/11/27	Social Affairs, Science and Technology	07/11/29	0	07/12/04		
S-221	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	07/11/28							
S-222	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	07/12/04							
S-223	An Act to amend the Non-smokers' Health Act (Sen. Harb)	07/12/04							
S-224	An Act to amend the Parliament of Canada Act (vacancies) (Sen. Moore)	07/12/13							
S-225	An Act to amend the State Immunity Act and the Criminal Code (detering terrorism by providing a civil right of action against perpetrators and sponsors of terrorism) (Sen. Tkachuk)	07/12/14							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

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