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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, February 14, 2008

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

• (1335)

Prayers.

[*English*]

[*Translation*]

SENATORS' STATEMENTS

FLAG DAY

FORTY-THIRD ANNIVERSARY OF OFFICIAL PRESENTATION

Hon. Maria Chaput: Honourable senators, in 1965, as Canada's centennial was rapidly approaching, the Government of Canada wanted to bestow a distinctive national flag on the country. A committee of members of Parliament and senators studied the issue and recommended the adoption of the maple leaf flag that is now the Canadian flag.

At noon on February 15, 1965, with thousands of Canadians in attendance, Prime Minister Pearson raised the new Canadian flag. Since then, our flag has appeared all over the world, a symbol of freedom and democracy.

Our flag flies over our embassies on every continent, and at the United Nations headquarters.

Our Canadian flag is present in Afghanistan, proudly borne by our soldiers who are sacrificing so much to bring peace and security to the Afghan people.

In 2010, Canadian athletes will proudly wear the maple leaf as they represent our country at the Olympic Games in Vancouver.

This symbol is imbued with the history of Canadians. We all contribute to the symbolism of the maple leaf through our way of seeing the world and ourselves.

When the maple leaf flag was inaugurated, the Speaker of the Senate, the Honourable Maurice Bourget, said:

The flag is the symbol of the nation's unity, for it, beyond any doubt, represents all the citizens of Canada without distinction of race, language, belief or opinion.

That statement still rings true, even 43 years later.

I would therefore invite all of you to take a few minutes today to celebrate the Canadian flag. Think of all of the Canadians who have helped shape the ideas this symbol represents.

UNDER-REPRESENTED GROUPS IN WORKPLACE

Hon. Donald H. Oliver: Honourable senators, as you know, I have had the honour to speak in Sweden, Denmark and Norway in recent months. The Norwegian government has taken a giant step to bring issues of equality and diversity to the workplace. On January 1, 2008, it became mandatory that women make up 40 per cent of all boardrooms on all listed private companies in Norway. This was after the government passed legislation in 2003 that gave companies five years to enforce this quota or face possible closure.

To many this would seem to be an impossible task. One might have expected outcries of: "Those expectations are too high! There is not enough time for companies to make changes! Such quotas are discriminatory!" Numbers now indicate that women make up 38 per cent of all directors in boardrooms in Norway. According to centres for corporate diversity, all companies are now in compliance.

At the public level, Norway passed the Equal Status Act in 1979, requiring that 40 per cent of the members on local and state government boards and committees be women. After much hard work, Norway is now the world leader in gender equality at the board level. They are a shining example to the rest of the world of the achievements that can come through government intervention.

We now have the opportunity to learn from their innovation. In Canada, we suffer from a gross misrepresentation of certain groups, both in the public and private sectors. People with disabilities, Aboriginal peoples, women and visible minorities are under-represented in the workforce and suffer from employment inequalities. These groups, honourable senators, would benefit from the Canadian government intervening and creating tough policies that create strong quotas with equally strong enforcement legislation. Tough government enforcement measures would be far better than softer initiatives that take place with individual departments, ministries and companies.

The time to act is now. Honourable senators, I have never really been in favour of quotas, but *res ipsa loquitur*.

NATIONAL SECURITY AND DEFENCE

COMMITTEE RESEARCHER SENT TO AFGHANISTAN—RESPONSE FROM CHAIR

Hon. Colin Kenny: Honourable senators, I rise to deal with a matter that came up on February 12 when the Honourable Senator Stratton endeavoured to put a question to the Leader of the Opposition in the Senate. Eventually, Senator Stratton put the question to the Leader of the Government in the Senate. The question related to a report in the *Ottawa Citizen* that had

appeared the previous day suggesting that the Standing Senate Committee on National Security and Defence had sent a senior researcher to Afghanistan for a six-month period.

This did not happen. The committee sent no one to Afghanistan. That was a misquote in the *Ottawa Citizen* and we endeavoured to correct it. The editorial board took place on Tuesday, February 5. The paper came out on Wednesday, February 6, and our first effort to correct the error was Wednesday morning, February 6. When there was no correction, we sent a second request on February 7.

While there were a number of sub-questions that Senator Stratton had relating to the identity of the individual, the cost, et cetera, none of these are relevant because the incident in question did not happen. We have tried twice now to ensure that the *Ottawa Citizen* understands that their quotation was in error. That includes indicating to them that we had reviewed the tape in some detail. I believe this should bring the matter to a close.

THE HONOURABLE HUGH SEGAL

COMMENTS IN MEDIA

Hon. Terry M. Mercer: Honourable senators, it has come to my attention that some senators do not feel our work in this place is warranted. I wish to clarify some of the false information you may have heard. The senator in question said:

. . . its committee work and research on poverty, healthcare, defence, trade and foreign affairs have been a valuable force for progress in this country.

That is from the personal welcome section of the website of Senator Hugh Segal.

• (1340)

I will now read an extract from a motion in the *Journals of the Senate* from Tuesday, May 16, 2006:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on rural poverty in Canada.

Honourable senators, that motion was moved by the Honourable Senator Hugh Segal.

In our deliberations on the rural poverty study over the past year, the Standing Senate Committee on Agriculture and Forestry has visited many places across this great nation. After last night's television appearance, I wondered if Senator Segal had been with us, so I examined the record.

For Maniwaki, Quebec; Kapuskasing, Ontario and Athens, Ontario — all day trips from Ottawa — Senator Segal was in attendance. However, for Nicolet, Quebec; Steinbach, Manitoba; Humboldt, Saskatchewan; Taber, Alberta; Lethbridge, Alberta; Prince George, British Columbia; Debert, Nova Scotia; Annapolis Royal, Nova Scotia; Edmundston, New Brunswick; Cornwall, Prince Edward Island; and Corner Brook, Newfoundland, he was not there.

Honourable senators, it would appear to me from this list that the only place left for us to visit is the North. Our vast northern rural areas are the pride of Canada but these are places wrought with poverty. That is why the next phase of our study will take place in the North.

Our committee has done valuable work, which honourable senators will all be interested in reading about when we produce our report. While these trips cost money, it is money well spent. The cost of our trip is approximately \$294,000, not the \$318,000 quoted on television last night; and that budget is for 12 senators. Since only five senators will be going, I can only assume that we will be well under budget.

Honourable senators, I am deeply disappointed with the attitude of Senator Segal and some of the Conservative caucus as we continue to hear false information about the Senate and its valuable work. When he was appointed to the Senate as a Progressive Conservative, it was thought he would breathe new life into the grand old Progressive Conservative Party. It seems it did not take him too long to drink the dark blue Conservative Kool-Aid and leave many progressive-thinking Canadians behind, as well as very disappointed.

Honourable senators, rural Canadians deserve better. All Canadians deserve better; and we, as senators, deserve better.

MALARIA

BUY-A-NET CAMPAIGN

Hon. Hugh Segal: Honourable senators, Buy-a-Net is a Kingston-based, nurse-led, international malaria prevention group that was founded in the summer of 2004, the year a Kingston nurse, Debra Lefebvre, traveled to Uganda as a registered nurse on a humanitarian effort.

Debra had been in Uganda for two days when she went on a trip to a remote fishing village on the shores of Lake Victoria. There she heard rustling in the tall grass as they made their way from the boat. She came to realize it was the convulsing, writhing body of a young child.

She was told not to stop, that the mother would take care of him. The boy, named David, had malaria. She learned that malaria is the leading killer of children. She also learned that it is preventable and 100 per cent treatable.

Buy-a-Net was founded on and is driven by the deep belief that it is an unspeakable tragedy when a child dies from a preventable disease. In Africa, it is a conservative estimate that 3,000 children die each day from this preventable disease. Every 30 seconds, a child will die from malaria.

Research indicates that malaria has become the forgotten disease in the developing world, allowing it to become the most significant global health threat of our time. It is not only the leading killer above all other diseases but it is also a leading cause of poverty.

The evidence is clear: Without coordinated and fully resourced initiatives to tackle malaria, the millennium development goals will not be met. Canada, in partnership with the entire

international community, can mobilize and do more to protect victims now if we are to have any hope of moving toward the development goals.

Buy-a-Net Malaria Prevention Group firmly believes that the malaria crisis is solvable. Nobody needs to die from malaria. The group recognizes the solution — nets, spraying and the development of a vaccine. Indeed, the net that Buy-a-Net uses is a bed net. It is as simple as that.

Long lasting, insecticide-treated bed nets, approved by the World Health Organization, are the most efficient and cost-effective way to prevent malaria. Our nets are manufactured by a world-leading company, Vestergaard Frandsen, and approved by the World Health Organization.

With all the needs in Africa, with all the requests for help, why this one? Why malaria? Why should we care? We care because it is completely unacceptable that children are dying from a highly preventable disease. We care because we can do something about this right now. The night a net is hung, lives are saved.

• (1345)

HOUSE OF COMMONS

PARLIAMENTARY DEMOCRACY

Hon. Lowell Murray: Honourable senators, I do not know how many in this place turn for lighter reading to the *Debates of the House of Commons*, however, I would like to draw the attention of honourable senators to the fact that yesterday, two bills — worthy to be sure, but that is not the point — passed through all stages in considerably less than 30 seconds each. I draw attention to page 3009 of the *Debates of the House of Commons* where Mr. Peter Van Loan, Leader of the Government in the House of Commons, moved that Bill C-42, An Act to amend the Museum Act and to make consequential amendments to other acts, be “deemed” to have been read a second time and referred to Committee of the Whole; “deemed” considered in Committee of the Whole; “deemed” reported without amendment; “deemed” concurred in at report stage; and “deemed” read the third time and passed.

Still later, at page 3029, Mr. Van Loan moved that, notwithstanding any order or usual practices of the House, Bill C-40, An Act to amend the Canadian Labour Code, the Canada Student Financial Assistance Act, the Canada Student Loans Act and the Public Service Employment Act, be “deemed” to have been read a second time and referred to a Committee of the Whole; “deemed” considered in Committee of the Whole; “deemed” reported without amendment; “deemed” concurred in at report stage; and “deemed” read the third time and passed.

Honourable senators, these are the people who are trying to instruct the Senate in the proper functioning of parliamentary democracy. Oh, God; Oh, Canada!

[Senator Segal]

[Translation]

ROYAL ASSENT

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

RIDEAU HALL

February 14, 2008

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 14th day of February, 2008, at 9:41 a.m.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, February 14, 2008:

An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act (*Bill C-11, Chapter 2, 2008*)

An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act (*Bill C-3, Chapter 3, 2008*)

An Act respecting a National Blood Donor Week (*Bill S-220, Chapter 4, 2008*)

ROUTINE PROCEEDINGS

THE ESTIMATES, 2007-08

SUPPLEMENTARY ESTIMATES (B) TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, Supplementary Estimates (B), 2007-08 for the fiscal year ending March 31, 2008.

• (1350)

[Translation]

CHIEF ELECTORAL OFFICER

RESPONSE TO QUESTIONS RAISED DURING PROCEEDINGS OF COMMITTEE OF THE WHOLE ON BILL C-18—LETTER TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, a letter from the Chief Electoral Officer in response to questions raised during Committee of the Whole on Bill C-18, An Act to amend the Canada Elections Act (verification of residence).

[English]

CANADA TRANSPORTATION ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Donald H. Oliver, Deputy Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, February 14, 2008

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

FOURTH REPORT

Your Committee, to which was referred BILL C-8, *An Act to amend the Canada Transportation Act (railway transportation)*, has, in obedience to the Order of Reference of Tuesday, February 12, 2008, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

DONALD H. OLIVER
Deputy Chair

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

Senator. Oliver: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the bill be placed on the Orders of the Day for third reading later this day.

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

Hon. Senators: Agreed.

On motion of Senator Oliver, bill placed on the Orders of the Day for third reading later this day.

THE ESTIMATES, 2007-08

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (B)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2008.

MUSEUMS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-42, An Act to amend the Museums Act and to make consequential amendments to other Acts.

Bill read first time.

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

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

[English]

CANADA LABOUR CODE CANADA STUDENT FINANCIAL ASSISTANCE ACT CANADA STUDENT LOANS ACT PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-40, An Act to amend the Canada Labour Code, the Canada Student Financial Assistance Act, the Canada Student Loans Act and the Public Service Employment Act.

Bill read first time.

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

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

• (1355)

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO RECOGNIZE SERVICE OF BOMBER COMMAND IN LIBERATION OF EUROPE DURING WORLD WAR II

Hon. Michael A. Meighen: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate urge the Government of Canada to take appropriate steps to end the long and unjust delay in recognition of Bomber Command service and sacrifice by Canadians in the liberation of Europe during the Second World War.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF CANADIAN ENVIRONMENTAL PROTECTION ACT

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

That, notwithstanding the Order of the Senate adopted on December 12, 2007, the date for the presentation of the final report by the Standing Senate Committee on Energy, the Environment and Natural Resources on the review of the *Canadian Environmental Protection Act* (1999, c. 33) pursuant to Section 343(1) of the said Act be extended from February 29, 2008 to March 31, 2008.

By way of explanation, honourable senators, that is to accommodate translation, printing and timing so that we do not release the report on the same day as the budget.

QUESTION PERIOD

LEGAL AND CONSTITUTIONAL AFFAIRS

HOUSE OF COMMONS—MISINFORMATION IN MESSAGE REGARDING BILL C-2

Hon. Jane Cordy: Honourable senators, my question is for Senator Fraser, Chair of the Standing Senate Committee on Legal and Constitutional Affairs.

First, I would like to say that this is a committee which has been working extremely hard. They have been working long hours. The members have agreed to sit next week, when the Senate is not sitting, to examine Bill C-2.

On Tuesday of this week, His Honour read a message from the House of Commons that the Senate must pass Bill C-2 by March 1 and that this is, in fact, a matter of confidence. This message also states that the bill has been at the Senate longer than all stages took in the House of Commons.

Honourable senators, I also heard a number of Conservative MPs saying that we have had this bill for at least 70 days. It certainly appears to me that this is misinformation, both in the comments of the Conservative MPs and in the message that we received on Tuesday.

I personally find it most unfortunate and most troubling that this misinformation on such a very important bill should be used for political gain. Could the honourable senator please add some clarity to this situation and tell this chamber how many sitting days the Senate has had Bill C-2 before it? Could Senator Fraser also let us know how many sitting days Bill C-2 was before the House of Commons?

What I am really asking is this: Could Honourable Senator Fraser walk us through Bill C-2 and clarify what are the facts?

Hon. Joan Fraser: I must thank Senator Cordy for that question.

Senator Comeau: It was a surprise.

Senator Cowan: However, we will actually get an answer here.

Senator Fraser: In particular, let me thank the honourable senator for her kind remarks about the committee and its workload, not only on this bill but also on others. I thank her on behalf of all members of the committee on both sides of this chamber.

Part of the difficulty is that Bill C-2, as honourable senators will recall, wraps up into one package what had previously been five bills.

• (1400)

The first of those bills was presented in the House of Commons nearly two years ago, in May 2006. The others were presented as time went on.

I do not know how many sitting days those bills were before the House of Commons, but I know that they tended to reside in the House of Commons for periods of between six months and one year each.

Senator Mercer: No, no.

Senator Fraser: The House of Commons committee studied the various bills for a total of 38 committee meetings, by my understanding, over a period of well over a year. Bill C-2, which was brought in after prorogation last fall, wrapped them all up into one package. The Commons committee held another seven meetings on Bill C-2, even though it had already completed detailed study on all the component parts. That study made for a total of 45 Commons committee sessions over many sitting days.

Several of those bills arrived in this place, having gone through the House of Commons, in the spring of last year, May and June. Normally, the committee would have studied them in the fall after the summer recess and the bills would have long since been passed by now. However, Parliament was prorogued.

Senator Mercer: Who did that?

Senator Fraser: They never asked my advice.

Bill C-2, in due course, came to this place, as Senator McCoy pointed out not long ago, on November 29. The bill was referred to the Standing Senate Committee on Legal and Constitutional Affairs on December 12, which was two days before the Christmas and New Year recess.

It has been in the Senate for 15 or 16 sitting days. I am not sure which it is, but I can obtain the number more precisely for you. When it was first referred to the Legal Affairs Committee, we were in the midst of our study of Bill C-11, which, honourable senators will recall, was a complex and important bill. As soon as we concluded that study, we started our study of Bill C-2, which was last week.

We have had four sessions. We have heard 22 witnesses so far. As the honourable senator rightly recalled, we shall sit extended hours during the break week, next week, to further our consideration of Bill C-2. I hope that answers the honourable senator's question.

Hon. Lowell Murray: Honourable senators, I have not followed the deliberations on this bill as closely as I should. However, I take it that the bill is an omnibus bill comprising various initiatives that died on the Order Paper with prorogation.

Without bowing to the ultimatum from the House of Commons in any way — which should be treated with the disdain it deserves — I wonder whether the committee has considered splitting the bill so that those portions that presumably might lend themselves to more expeditious passage could be passed and others could be studied at more length. Has that consideration been taken up by the committee?

Senator Fraser: Honourable senators, it has not. Obviously, every time there is a bill of this complexity, the consideration comes up in idle conversation, but the committee has not given any consideration to that proposal, nor has the steering committee. This bill would be a complicated one to sever.

Hon. Terry M. Mercer: Honourable senators, now that we have had a concise and detailed description of the travel of Bill C-2, I have a supplementary question for the Leader of the Government in the Senate.

• (1405)

Perhaps, now that we know all the details, the honourable senator could make that long walk down the hall to the other place and tell her colleagues in the caucus that this place is not dragging its feet. This place is doing its job, the job that Sir John A. Macdonald, her political ancestor and hero, had designed this place to do. Will she finally stand up for this chamber to her caucus colleagues?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I am taking this as a supplementary question to Senator Fraser, the chair of the committee.

Senator Fortier: We had a real supplementary here.

Senator LeBreton: It is pretty clear that this is an important piece of legislation that passed the House of Commons without amendment. It was understood by members that this was a confidence motion in the House of Commons. The bill had been studied in its various forms many times.

I was rather astounded, when the motion was before the House of Commons, to see the Liberal official opposition walk out on us. I took that as a direct indication of their concern about the victims of crime in this country when they turned their backs and walked out.

Some Hon. Senators: Oh, oh!

An Hon. Senator: Right on!

Hon. Donald H. Oliver: Honourable senators, I have a supplementary question for Senator Fraser, if I may.

As I understood Senator Fraser when she was giving her chronology, she indicated that after finishing with Bill C-11, which she indicated was a technical and difficult bill, the committee moved immediately then to Bill C-2.

It was my understanding that the committee did, in fact, study another private member's bill before moving to Bill C-2. Am I incorrect on that?

Senator Fraser: The honourable senator is incorrect in his understanding. The actual sequence of events was that we held hearings with witnesses on Bill C-11, and then, as has been the case with some other bills that have been brought back to the Senate and to the committee from previous sessions in identical form, we scheduled clause-by-clause consideration of a private member's bill on the same morning that we scheduled clause-by-clause consideration of Bill C-11. The steering committee agreed unanimously to do this, as did indeed the members of the committee.

Senator Oliver: However, there was another bill.

Senator Fraser: We did not consider a bill before moving to Bill C-2. We heard from witnesses on Bill C-11. Then on the morning that when we did clause-by-clause consideration of Bill C-11, we took approximately three minutes beforehand to do clause-by-clause consideration of the private member's bill. Having received assurances from the law clerk that it was in identical form to a bill that had been previously adopted by the Senate, we were able to do it that quickly before proceeding to clause-by-clause consideration of Bill C-11.

Our work of examination of Bill C-11 had, of course, taken precedence over any private member's bill.

Senator Oliver: However, it was, in fact, an intervening bill. That was my point.

PRIME MINISTER

DEPRECATORY REMARKS REGARDING SENATE

Hon. Marcel Prud'homme: Honourable senators, my question is to the Leader of the Government in the Senate. It should not be perceived in any way, shape or form as an attack on her or our colleague from the Conservative Party who sits here as senator. I will read it in French.

[Translation]

The Constitution Act says:

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law.

Section 17 of the Constitution Act, 1867, says:

There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

• (1410)

[English]

I have been a member of Parliament for 44 years. I am the only senator who was here for the raising of our current Canadian flag, as well as for many other events.

I do not accept people who question my legitimacy as a senator. In Canada we have Her Majesty the Queen of Canada. I have pledged allegiance to her 19 times, and I may have a chance to do so for the twentieth time. As a senator, I have constitutional rights. We have at our disposal all the time we need to study proposed laws, to be conscientious, to observe what is going on in the House of Commons, and to be responsible.

I do not accept lightly the stupid remark of Mr. Van Loan, who continuously goes after honourable senators. I hope that the Leader of the Government in the Senate, with her good connections, will convey to the Prime Minister of Canada that some senators do not take such comments lightly. I see a precedent developing.

If people start questioning the legitimacy of senators because we are not elected, they can eventually use the same arguments to question the legitimacy of Her Majesty the Queen of Canada, because she is not elected. We accept the system as is, and I would like the minister to convey to the Prime Minister of Canada, in her own way, how much most of us despise being treated in that way.

I do recognize the importance of the bill that is currently the subject of controversy. I was at the meeting of the Legal committee last night. I was very impressed by the evidence from the John Howard Society and the Elizabeth Fry Society, and I hope that colleagues will read that testimony.

I was shaken when I heard Senator Andreychuk and others asking questions. That is what the Senate is all about. We must do our jobs without being pressured, insulted or pushed around. If people think the Senate should be reformed, I am for it, but be aware that there is great need for reform in the House of Commons. However, we can point that out in a gentle and civilized way, without attacking each other.

Would the Leader of the Government in the Senate convey to the Prime Minister, who was kind enough to show up for my anniversary, that we do not take these things lightly and that he should call his minister to order? After all, as a lawyer, he should have read the Constitution Act that I just quoted.

Hon. Senators: Hear, hear.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator. The Prime Minister has never questioned the legitimacy of the Senate.

Some Hon. Senators: Oh, oh.

Senator LeBreton: He has not. The Prime Minister has simply expressed the wish, as have many Canadians, for reform of the Senate.

The honourable senator spoke about the Constitution and our first Prime Minister, the Right Honourable Sir John A. Macdonald. In fact, the Constitution has been amended many times since 1867, and the Senate has not, except for the one minor change in 1965 on the age of retirement.

Senate reform was one issue we took to the Canadian public during the election campaign. The Prime Minister's expression of the desire of a great many Canadians to have the Senate reformed should in no way be misconstrued as a personal attack on individual senators.

• (1415)

With regard to the comments of the House leader in the other place, he is well aware of the concerns senators have when he points out that the Senate only sits three days a week, because many senators have made their views known to him personally, directly and indirectly. I know some people are offended when he says that and, of course, I have pointed out to him that that was the tradition going way back. He is well aware of that. However, this is a free country. The House leader in the other place is perfectly entitled to his opinion.

FOREIGN AFFAIRS

STUDY OF INTERNATIONAL TREATIES

Hon. Bill Rompkey: Honourable senators, my question is separate but not completely unrelated. I want to draw to the attention of the Leader of the Government in the Senate the policy, tabled on January 25 of this year, to table international treaties in the House of Commons. I want to read from that policy:

... treaties... will be tabled in the House of Commons...

It goes on to say that:

... Stephen Harper committed to bringing international treaties before the House of Commons to give Parliament a role in reviewing international agreements.

It goes on to say further:

... the government believes that further engaging Parliament in the international treaty process will give it a greater role in ensuring that these treaties serve the interests of all Canadians. ... members of the House of Commons may review and discuss the treaty. ...

It is a separate question but it is not completely unrelated. Parliament is made up of two chambers, as Senator Prud'homme has just pointed out, and I am a member of Parliament. Once I was an elected member of Parliament, but I am still now a member of Parliament. The policy does not give me the right to study treaties that Canada will enter into.

Will the minister bring to the attention of the government the inconsistency and, indeed, the unfairness of the policy as it reads at the moment, because we want to study international treaties in this house as well as the House of Commons?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Senator Rompkey is quite right. I have a copy of the news release. On January 25 Minister Bernier did announce that all treaties between Canada and other states or entities which are considered to be governed by public international law will be tabled in the House of Commons.

As the honourable senator pointed out, this relates to the commitments we made during the election campaign in 2005-06, and as well in the Speech from the Throne. By submitting our international treaties to public scrutiny, we are delivering on our promise for a more open and transparent government and further engaging the House of Commons in the process will help to ensure that these treaties serve the interests of all Canadians.

Under the new process, as the senator pointed out, members of the other place may review, discuss, examine, debate and vote on the treaties before Canada formally agrees to ratify them. The government will maintain the legal authority to decide whether to ratify the treaty, giving consideration to the view of the House of Commons in coming to a decision.

With regard to the honourable senator's specific question, I took the announcement to be something that referred to the House of Commons, to the elected House. However, as the honourable senator points out, "Parliament" is referred to in several instances in the press release. I will note that with the minister and seek clarification.

STUDY OF CONVENTION OF NORTH ATLANTIC FISHERIES ORGANIZATION

Hon. Bill Rompkey: Honourable senators, we are particularly concerned with the convention of the North Atlantic Fisheries Organization. Senator Cochrane and I both wrote to the Prime Minister to ensure that when that convention is signed, as it will be very soon — it is now in the hands of the Government of Canada as the depositary state for NAFO — we asked if we could study that treaty before it was approved by the Government of Canada. The very committee that raised the issue in the first place, the Standing Senate Committee on Fisheries and Oceans, will not have a chance to study the issue if the policy stands.

• (1420)

We have a letter from Minister Hearn who, in good faith, I am sure, will try to bring this convention through the proper procedures, as enunciated by the Government of Canada. If the policy stands as is, we will not have a chance to study that policy. It is important we ask specific questions on behalf of our regions.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, as I indicated, I will seek clarification. I am well aware of the issue the honourable senator raises with regard to the Fisheries Committee. I will seek clarification.

FINANCE

PROBLEMS IN THE STOCK MARKET— AID TO BANKING COMMUNITY— DISCLOSURE AND TRANSPARENCY

Hon. Jeremiah S. Grafstein: I have a question for the Leader of the Government in the Senate. Last week and the previous week I raised questions respecting the current turbulence in the marketplace respecting our banking and financial institutions, and the leader has not yet responded to those questions.

I discovered that the Department of Finance website has a statement of the G7, which was attended in Tokyo last week by both the Minister of Finance and the Governor of the Bank of Canada. They provided more clarity than we have received from the Leader of the Government in the Senate. It appears I must go to Tokyo or a website to obtain answers.

I will give the Leader of the Government in the Senate an opportunity to clarify that statement. I will quote briefly from it. It is from both the Department of Finance and the G7 websites. I will not go through the whole thing. I will point out issues I raised before and hopefully receive more clarification from the government here than in Tokyo.

Here is what the statement says in part by the Finance Ministers and the central bank governors, including our Minister of Finance and Governor of the Bank of Canada:

Each of us has taken actions, appropriate to our domestic circumstances, in the areas of liquidity provision, monetary policy, and fiscal policy. We also remain committed to strengthening our efforts to enhance growth through necessary reforms.

My question to the Leader of the Government in the Senate is simple: What actions and reforms have the ministry and the governor of the bank taken on behalf of Canadians to stabilize our marketplaces?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I took from the tenor of his question to me today a rather sarcastic note that when he asked technical financial questions in the past, I was not able to provide the answers and therefore the honourable senator was required to go to Tokyo. That is absolutely the truth.

As I pointed out to Senator Grafstein on many occasions, he asks detailed and complex financial questions that require lengthy, detailed and complex replies. Therefore, the honourable senator can understand that, because of the sensitivity of financial markets, I do not want to get into a dialogue with him, especially when he is dealing with information that he has in hand that I may not.

Therefore, it is prudent for me in my position as Leader of the Government in the Senate, in order not to mislead or create a situation in the financial markets that was not intended, to take the honourable senator's questions as notice. I am sorry that I cannot provide Senator Grafstein with the detailed complex financial answers he would like. When he asks me complex financial questions, I will continue to take them as notice.

Senator Grafstein: I do not mean to be sarcastic. I am trying to inform the Senate, and through us the Canadian public, of this lack of transparency in one of the most important, serious impacts on the Canadian banks in decades. The impact is in the press everyday. It is nothing new and is not complicated. If the leader recalls, she says this situation is an international one, and now we hear specifically that domestic circumstances must be addressed.

I will quote from the statement, and perhaps the ministry might be forthcoming as soon as possible. I think transparency is important. Right now, the Canadian public and Canadian investors do not know. We are here to improve transparency.

I am not taking the statement out of context. It says:

We are deeply engaged in working together to strengthen financial stability, limit the impact of the financial turmoil and address factors that contributed to it.

• (1425)

The second paragraph concludes with this statement, which has been my point:

Authorities should encourage market-led improvements in transparency and disclosure practices in this area, and, where needed, provide clear and consistent guidance.

In effect, this statement says that the officials want to help improve the marketplace by transparency and disclosure and where provided, from the government or from the authorities within the government, provide clear and consistent guidance.

Could the Leader of the Government in the Senate find out what steps the government has taken to encourage transparency, to encourage disclosure, and what clear and consistent guidance has been provided to the actors in the field to stabilize this abhorrent situation?

Senator LeBreton: I believe the honourable senator said that he obtained the information he had from the website of the Department of Finance. I think that very fact goes some way to illustrate that the Department of Finance is dealing with these important issues; otherwise, it would not have been publicly available on the website.

[Senator LeBreton]

The honourable senator asked a specific question about transparency and disclosure, and I will take the question as notice.

Senator Grafstein: There is a debate, as best I understand the reports from Tokyo, within the community of ministers of finance and governors of central banks, between the rapid, full and complete disclosure taken by the Germans, on the one hand, and the action taken by other countries, which I assume includes Canada. There is a wholesome debate as to whether or not there should not be immediate, full transparency and, in effect, disclosure of these questionable and difficult financial instruments of value.

Perhaps the Government of Canada might ask the ministry as well, what side of the argument we are on. It appears we are on the side of slow and insipid disclosure. To my mind, this undermines the certainty of the marketplace.

To predict another horrible piece of information, it now appears we are in for more bad news shortly from the banks when they are forced to disclose. This is because they cannot value a portion of their portfolio with these questionable instruments. This situation is beginning to spiral out of control and I would hope that the government —

The Hon. the Speaker: I am afraid, honourable senators, that the time for question period has been exhausted, so I am obliged to call for delayed answers.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

HUMAN RESOURCES AND SOCIAL DEVELOPMENT—
HOMEOWNER RESIDENTIAL
REPAIR ASSISTANCE PROGRAM

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 13 on the Order Paper—by Senator Callbeck.

ORDERS OF THE DAY

THE ESTIMATES, 2007-08

NATIONAL FINANCE COMMITTEE AUTHORIZED
TO STUDY SUPPLEMENTARY ESTIMATES (B)

Leave having been granted to proceed to the following motion:

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice given earlier this day, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2008.

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

Motion agreed to.

• (1430)

[English]

CANADA TRANSPORTATION ACT

BILL TO AMEND—THIRD READING

Hon. Donald H. Oliver moved third reading of Bill C-8, An Act to amend the Canada Transportation Act (railway transportation).

Hon. David Tkachuk: Honourable senators, there will be several brief speeches today on Bill C-8, a bill that improves the shipper protection provisions of the Canada Transportation Act with respect to railways. I will make the first intervention.

I want to thank senators on the Standing Senate Committee on Transport and Communications for dealing with this bill so expeditiously. I thank Senator Bacon for her cooperation and leadership during the meeting last night.

This is a bill that shippers have been waiting a long time for and that railways do not oppose. Only politics could have held this bill up. However, it has been my experience on the Standing Senate Committee on Transport and Communications that, from time to time, good sense triumphs over politics. That has been the case with Bill C-8. Due to the nice relationship we have between the deputy chair, Senator Oliver, and Senator Bacon, the business of the day with Bill C-8 was done expeditiously. After the questions were asked, the matter came to a vote, although not without a passionate reminder from Senator Dawson of our duty to provide due diligence.

Honourable senators, this bill will give the shippers leverage in their negotiations with railways and should lead to better rates and services. This is something we, in Western Canada, think is extremely important.

This is not to say that shippers have to protect themselves from railways across the country, per se. For the most part, free enterprise operates as it should. There are some areas, however — Vancouver, Prince Rupert and in the Maritimes with Canadian National Railways — where the railways have a monopoly. It is for those situations that this bill is designed to protect the interests of the shipper.

The issues Bill C-8 addresses have been the subject of extensive debate and consensus-building dating back to the statutory review of the act, completed in 2001. The review examined the wide range of economic issues related to transportation, not only the provisions in the act related to shipper protection provisions.

The recommendations of the statutory review panel were discussed with stakeholders, and eventually led to Bill C-26, which was a comprehensive bill to deal with all the issues arising from the statutory review. That proposed legislation was tabled on February 20, 2003, and died on the Order Paper when an election was called.

Following the election, a successor, Bill C-44, was tabled in March 2005. That was another comprehensive bill to amend the Canada Transportation Act. It, too, died on the Order Paper. One of the main problems with Bills C-44 and C-26 was that they were lengthy and somewhat complex bills. Therefore, the current government decided to package the amendments into three separate bills to make the process more manageable and to expedite approval. I believe this strategy has been successful.

The first bill was the International Bridges and Tunnels Act, which received Royal Assent February 1, 2007. The second, Bill C-11, received Royal Assent on June 22, 2007. Bill C-8 is the final bill amending the Canada Transportation Act. Bill C-8 has taken longer because it deals with controversial issues related to shipper-carrier relations. As such, it was more difficult to develop a consensus.

Transport Canada worked with various shipper groups in the spring of 2006. Some of the groups had different positions on many of the proposed changes to the shipper protection provisions. Transport Canada officials encouraged them to resolve their differences and to reach a unified position.

In fact, the bill has virtually no opposition from anyone. Even the railways acknowledged the bill will inevitably be passed and have made it clear that they were not interested in coming before the committee.

As such, the Standing Senate Committee on Transport and Communications was able to deal with the bill in one session. It is now subject to third reading. Honourable senators, as I noted earlier, the issues dealt with in this bill have been the subject of extensive consultations and consensus-building, including a statutory review.

When the previous version of the bill was tabled in May 2007, the government announced a commitment to conduct a review of railway service commencing within 30 days after the passage of this bill. This is something all of the stakeholders want and is an extremely important initiative to shippers.

Bill C-8 and the review of the railway services are major initiatives to address complaints. I thank honourable senators for dealing with Bill C-8 so quickly. I also thank the officials, shippers and other industry stakeholders. Their efforts have paid off. We have an excellent piece of legislation that has support from industry and all parties in Parliament. Let us get on with the implementation.

Hon. Rod A. A. Zimmer: Honourable senators, as critic of this bill, I am pleased to stand in support of Bill C-8, an Act to amend the Canada Transportation Act. In a speech that I delivered on February 12, I explained the events that led to Bill C-8 in its current form. I also spoke of the tremendous consensus that exists in both Houses as well as between shippers and railways to pass the legislation as is, as quickly as possible.

While it is easy to become caught up in the urgency to pass a long-overdue bill before a potential election is called, it is our place as members of the upper chamber to reflect on the significance of this bill and its role in modernizing the relationship between shippers and railways. This bill is motivated by recommendations contained in a report called *Vision and Balance*, issued on July 18, 2001, by the panel conducting the statutory review of the Canada Transportation Act.

Yesterday, Senator Dawson told us that four transportation ministers had made various attempts to implement its recommendations. In that same 6.5-year interval, 34 new senators, including myself, have taken their seats in this chamber. As well, there have been five new members of the Standing Senate Committee on Transport and Communications. The clock does not restart with the 2001 CTA review panel. It began with section 53(1) of the Canada Transportation Act of 1996 that requires a statutory review.

Thus, the issues that provoked the recommendations of the 2001 CTA review panel were mature and well known when stakeholders raised them with review panel members. In practical terms, the evolution from ideas to legislation that marks the passage of Bill C-8 is nearly 12 years, not just 6.5.

That it has taken so long to implement these recommendations speaks, perhaps, to the difficulty of trying to get railways and shippers on the same page. It is rather like getting foxes and chickens to agree on common practices while not consuming each other. However, as difficult as it might seem, it is precisely this agreement which is the basis of Bill C-8.

As the opposition critic of this bill, I found little to criticize. I confirm the total support of this bill. For my own peace of mind, I have personally called shippers and a former colleague who is now a vice-president of Canadian National Railways. Both parties were in favour of the quick passage of Bill C-8 as written. No one is opposed. The bill before us now is a compromise, supported by every party in the House. It is a modernization of the relationship between shippers and railways that is supported by both.

It is a bill that had a gestation period of over five years and a maturation period of 6.5. Like fine wine, its time has come.

I invite honourable senators to enthusiastically support quick passage of this bill and to realize that, in doing so, we are partaking in a long-overdue process that will influence the history of relations between shippers and railways.

Finally, honourable senators, I take this opportunity to thank Senator Bacon, Chair of the Standing Senate Committee on Transport and Communications, for her vision, guidance, wisdom and her fair treatment of all members of the committee. She ensured that members of the committee fulfilled our responsibility of due diligence and scrutiny. In turn, she ensured that the constitutional process was followed and that proper balance was maintained between not unduly delaying the process while adhering to the urgency of this bill.

I thank Senator Oliver, the deputy chair, and all the members of the committee for their wisdom, contribution and cooperation to this legislation which will benefit all the citizens of this country whom we are all so proud to serve.

• (1440)

Hon. Tommy Banks: I had not planned to speak on this bill, honourable senators. I am in favour of the quick passage of Bill C-8 because it is a step in the right direction, but it is a tiny, baby step.

We must be careful not to think, when we have passed this bill, that we have solved the problem or done the best things we can for western farmers. The way to solve the problems, which this bill begins to address, relates to introducing competition to the main lines of Canada's railways, particularly with respect to the carriage of grain. There is none.

The present regulations and the parts of this bill are administered by the Canadian Transportation Agency. Appeals for Schedule 1 railways to operate their locomotives and rolling stock on the main lines of either Canadian National or Canadian Pacific are taken — and have been taken in the past — to the agency. Never once has an appeal been allowed — never once in this country. This situation is despite the fact that the study done by Chief Justice Willard Estey, and subsequent studies undertaken by the commission itself — and, in fact, the revamping of the act as it presently exists — had, as their stated purpose, the introduction of competition into the delivery of grain by rail in this country.

We must remember that Canadian National Railway and Canadian Pacific Railway argued in the United States before the Service Transportation Board that host railways who own the trackage lines should permit, at fees, the passage over their rails of locomotives and stock of other railways carrying competitive freight because it is good for business, and that it is good competition. They argued successfully in the United States that competition is a good thing; and both those railways run their cars and locomotives along the tracks of host railways in the United States, not only on the tracks they own.

If we want to fix the problem of carriage of grain by rail in the West and put millions of dollars annually into the pockets of western Canadian farmers, we must revamp this act to the point that it permits genuine competition. Operators of spur railway lines that are running locomotives and stock on rails that either have been bought from or are leased from the two main railways, before they undertake a contract or even the negotiation of those contracts, must undertake that they will not ask to run their rolling stock on the main lines of either CN or CP Rail. That provision is an impediment to competition.

The people who own railways, who originally made that huge investment and took those huge risks, are entitled to substantial returns on their investment. However, they have gotten those substantial returns.

In every other case where there is now commonality of delivery — in telecommunications, pipelines and airlines — there has come a point when this country has said to the people who held virtual monopolies on something: You have had sufficient time to recoup your investment and your legitimately earned profit many times over. You must now allow someone else to deliver electricity along the lines on your poles. You must allow somebody else to deliver gas through your pipeline, et cetera.

The one single example of a monopoly in this country that is left, which is an impediment to the interests of western grain farmers, is the railway monopoly. We must not lose sight of that situation. This bill does not fix that situation. A lot of fixing is left to do.

[Senator Zimmer]

I am sorry, senator, for intervening and I hope we will pass this bill quickly.

Hon. Leonard J. Gustafson: Honourable senators, in regard to what has been said by the Honourable Senator Banks, CPR lines carry American cars and Canadian cars go into the States. The railways work together.

The problem is, these trainloads are two miles long. There is no way that a small operator can compete with that situation. It will not change. These rail companies control the freight.

We have a good rail system in Canada. We are a vast country and we move grain long distances. We are 2,000 miles from Vancouver and further from the East Coast.

I wanted to set the record straight. About 23 trains a day go by our place, and many of them have American cars on them.

Senator Banks: I have a question for Senator Gustafson. The honourable senator is right that they are American cars, but they are pulled by CN or CP locomotives. The proprietorship of those cars is beside the point.

So long as no competition is permitted to exist on the main rail lines of either CN or CP, no company will be able to compete properly. That goes without saying. I agree with the honourable senator in that respect.

Senator Gustafson: In our area, we only have CP and CN in the north, 500 miles north of the CP run. That will not happen.

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

Motion agreed to and bill read third time and passed.

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS—
REQUEST FOR PASSAGE—
MOTION IN RESPONSE—DEBATE ADJOURNED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of February 13, 2008, moved:

That a message be sent to the House of Commons to acquaint that House that:

Whereas Canadians deserve streets that are safe from violent criminals, impaired drivers and sexual predators, the Senate intends to pass C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts by March 1, 2008.

Hon. David Tkachuk: Honourable senators, the primary responsibility of a government is to protect its citizens from criminals who threaten our lives and our property. Conservatives understand that.

Two years ago, my party promised to attack crime with tougher sentences and more police. Under the leadership of Prime Minister Stephen Harper, this government is delivering. Our government cracked down on speed racing, a crime that too often kills. We restricted the use of house arrest sentences for serious crimes, and we invested in 1,000 new RCMP personnel and an anti-drug strategy.

Some Hon. Senators: Hear, hear.

Senator Tkachuk: These accomplishments are real. We are making progress toward safer streets and safer neighbourhoods, and we must do more.

Last year, the other place passed Bill C-2, the Tackling Violent Crime Act, with multi-party support. Bill C-2 is a single comprehensive bill that tackles four distinct areas of violent crime: serious gun crimes; impaired driving; sexual exploitation of youth by adult predators; and dangerous and repeat violent offenders.

Prime Minister Harper supports Bill C-2. So does Ontario's Liberal premier, Dalton McGuinty. Premier McGuinty is concerned about gun violence in Toronto, and he had this to say about Bill C-2 last month:

Now it's winding its way, in a very slow fashion, through the Senate. The Liberals have some influence over that. We want that to receive passage.

Senator Oliver: Who said that?

Senator Tkachuk: That was the premier of Ontario, Premier McGuinty.

Senator Segal: What party was that?

Senator Tkachuk: He is a Liberal. That is what the Liberal premier of Ontario wants from us and that is what he thinks of this chamber.

• (1450)

Prime Minister Harper and Premier McGuinty are not the only people who want us to pass Bill C-2; so do Mothers Against Drunk Driving. The National President of MADD, Margaret Miller, recently wrote: "We plead with the Senators in the Committee and in the Chamber, don't delay passing C-2."

I agree with Margaret Miller. Let us not delay the passage of this bill any further. Some honourable senators say we should take our time, and some honourable senators say we should take an undetermined amount of time to study Bill C-2. That is fair enough but this bill is urgent. There has been plenty of time for this chamber to study it. There is a difference between time and urgency and it is time for this bill. The committee could have met during December, or the week previous, when we invited the Liberal members of the committee to meet, or during the recess.

No matter how the Liberals try to disguise it, the issue is not time. We have had plenty of time. Honourable senators, the issue is urgency. To prove that, after the resolution was passed in the House, all of a sudden, the next week, we have ample time.

Honourable senators, Canadians deserve safer streets, not more excuses for inaction. Bill C-2 has been before this chamber since November. The bill is composed of measures proposed in previous legislation.

For example Bill C-22 would have raised the age of consent to protect our young people from adult predators, but that bill died in the Senate. Bill C-10 would have imposed mandatory minimum penalties for firearms offences, but that bill died in the Senate. My point is that this legislation has been studied and probably in greater detail than Sheila Fraser's report on the sponsorship scandal.

Members of the other place did their job last year and now it is time for us to do our job. Honourable senators, I believe in the Senate. We do some important work for Canadians. I want the Senate to continue to perform that important work.

We passed this bill in November. Debate could have started then. The subject matter of this bill is urgent. The other side could have agreed to sit right after that, but no, they delayed the bill. We could have sat the week before we came here for a whole week and worked eight hours a day, five days a week. We asked the Liberal members to come and sit that week but they refused to do so. The question is not a matter of time; it is a matter of urgency.

This bill was passed by democratically elected members of Parliament. The proposed legislation is designed to protect Canadians from criminals. When Canadians see the Senate blocking such proposed legislation that has been passed by a democratically elected government — a bill designed to protect Canadians from criminals — I fear that it diminishes our credibility in the public eye. I fear that it strengthens the hand of those who would abolish this chamber. Honourable senators, I do not want that.

I ask my Liberal friends in this chamber to reject the politics of obstructionism and to reject Mr. Dion's "hear nothing, say nothing, do nothing" approach to tackling crime. We have an opportunity to vote for safer streets. It is time for us to act. It is time for us to make a difference for Canadians. It is time for us to pass Bill C-2, the tackling violent crime bill.

Hon. Sharon Carstairs: My question is to the honourable senator. Senator Tkachuk used a phrase that the Minister of Justice did not use. When the minister came before the Senate committee, he said that the bill covered non-exploitive sexual activity. Yet, the honourable senator said the bill would address the sexual exploitation of youth. Can the honourable senator explain the inconsistency between his statement and the statement of the Minister of Justice?

Senator Tkachuk: I will not do that because I did not hear the testimony of the Minister of Justice.

Senator Carstairs: My supplementary is: When I specifically put the question to the team of officials from the Department of Justice Canada as to what non-exploitive sexual activity involved, they indicated to me that it could be kissing. Under this bill, that could be a non-exploitive sexual activity. Is that the honourable senator's understanding of this proposed legislation?

Senator Tkachuk: That is not my understanding. The point of the matter is, if the Liberals had had their act together to meet in committee and study the bill sooner, perhaps we would have some answers to those questions. It is honourable senators on the other side who refuse to answer those questions.

Senator Carstairs: With the greatest respect to Senator Tkachuk, the government side was not fully represented at either of the meetings that I attended this week. This side was fully represented at both of those meetings. The committee sat from 4 p.m. until 8 p.m. yesterday and sat again today from 10:45 a.m. until 1:30 p.m. What does the honourable senator mean when he says that senators on this side are not meeting?

Senator Tkachuk: Good for you; what am I to say?

Hon. Claudette Tardif (Deputy Leader of the Opposition): I have a question for Senator Tkachuk. Would the honourable senator view it as appropriate for the Senate or the House of Commons to send a message to the Supreme Court of Canada telling it to conclude its considerations by a certain date?

Senator Tkachuk: I do not know what that has to do with anything. Do I think that the Senate could pass a motion asking the House of Commons to do something? Yes, I do.

Senator Tardif: I asked whether the honourable senator felt that the House of Commons could request something of the Supreme Court of Canada by a certain date.

Senator Segal: This is not the Supreme Court.

Senator Tardif: In the honourable senator's view, is the Senate less independent than the Supreme Court of Canada under the Constitution?

Senator Tkachuk: The Senate is part of Parliament and the Supreme Court of Canada is not.

Hon. Tommy Banks: The honourable senator said that the Supreme Court is not part of the Parliament of Canada.

Senator Day: Is that the answer?

Senator Banks: Senator Tkachuk's speech and answers to the questions of honourable senators demonstrate that, once again, he does not get it. This has nothing to do with the substance of the Bill C-2, which is being dealt with quite properly by the Senate Legal Committee by sitting extra time and by sitting next week as well.

It is offensive to me that Senator Comeau's motion, which is before the house, contains the last four words "by March 1, 2008." That is an offence. This place received an order from the House of Commons. That tugs at the forelock and makes one want to say, "Yes, sir." Neither House of Parliament should do that to the other. As I said the other day, whether in parliamentary terms or otherwise, the message is out of order and this motion is out of order.

Senator Tkachuk: This is the motion from members on this side urging the Senate to complete the study and passage of Bill C-2 by the end of the month. When members opposite were the government, they passed motions on numerous occasions to limit

debate to six hours, and then the deal was done. At least six times in two years, before losing government, they used their majority to limit debate. This side is simply asking that this bill be dealt with by the end of February.

Senator Banks: Honourable senators, the senator is not asking anything. Instead, he is saying, "Yes, sir, how high would you like me to jump and how fast?" That is what this says. This does not urge anybody to do anything. This says, with a pull of the cap, "Yes, sir, we will do your bidding." Nonsense, honourable senators.

• (1500)

The Hon. the Speaker: Honourable senators, are there further questions and comments? There are two minutes left in Senator Tkachuk's time.

Hon. A. Raynell Andreychuk: Unfortunately, I had to slip out on the witnesses for Bill C-2. I seem to hear we were not fully represented on our side. I want it on the record that we were. All of us cannot be in the meeting all the time. I hope I misunderstood Senator Carstairs. I hope she did not mean we were not fully represented on our side.

Senator Fraser: I think there might be one more question.

The Hon. the Speaker: I do not think there is any more time for Senator Tkachuk.

Hon. Joan Fraser: Honourable senators, there are people in this place that it is a delight to listen to even when you disagree with every single word they say.

Senator Di Nino: We have the same problem.

Senator Fraser: I was just jotting down some of the allegations that Senator Tkachuk made, and may I say I was jotting them down with increasing disbelief. Before I address the substance of the motion, I might just comment on some of them.

This bill never did die in the Senate. This bill is now receiving active consideration in the Senate. Some of its predecessor bills died in the Senate, through no fault of any senators. It was the Prime Minister who prorogued Parliament.

Senator Mercer: Exactly. Soft on crime.

Senator Fraser: Senator Tkachuk talked about the urgency of this bill. If it was so urgent, why did the Prime Minister kill it? I do not quite follow the logic there. He believes this proposed legislation is urgent, and he is entitled to his beliefs. His Prime Minister did not appear, at least then, to agree.

Senator Tkachuk: Could Senator Fraser tell her colleague to be quiet so I can hear what she is saying? Maybe he will listen to Senator Fraser.

Senator Fraser: Am I being heckled? Put on your ear piece.

Some senators are aware that a suggestion came from the government side that the Legal and Constitutional Affairs Committee meet during the winter break. The time suggested just happened to coincide with our winter caucus on this side. It was not immensely practicable, from our point of view.

Senator Tkachuk said, a couple of times, I think, that we passed this bill in November.

Senator Tkachuk: I did not say that.

Senator Fraser: You did. I heard you.

We did not pass this bill in November. The House of Commons passed this bill on November 29 and sent it to us, having had it before them for more than a month, as I recall. The Senate has proceeded in normal and diligent fashion ever since then.

I really wish that Senator Tkachuk could come to some of the hearings that the Legal and Constitutional Affairs Committee is having because they confirm, in my view, the need for the Senate to do what it does so well, which is proper committee study of the bill.

For example, Senator Tkachuk said a few moments ago that this bill was designed to protect Canadians from criminals.

Senator Di Nino: It is.

Senator Fraser: We have heard that frequently from the government side. I am sure that members from the government side, in this chamber and the other place, are sincere in making that statement. However, we heard evidence this morning that the doubtless unintended impact of this bill may well be to create a snowball effect and increase crime; not only the prison population but actual crime.

Senator Tkachuk: Please.

Senator Fraser: I will not take the honourable senator's time but, if he reads the transcripts of the committee meeting, he will see the argument, and it is actually quite a sobering thought to contemplate. It is for reasons such as that that the Senate exists, to do proper study, and we are doing proper study of this bill.

As to the substance of this message, if the first paragraph of it were struck, it would then seem to me a reasonable subject for debate. This house does sometimes order committees to report by a certain date. I might argue against it, but it would be a reasonable subject for debate.

What I find profoundly offensive about this motion is that we should be bothering to send a message, a little billet doux, to the House of Commons saying, "We got your billet not so doux, and yes, yes, yes, we will do it, just because you said so."

Senator Tkachuk: Of course, you never did that.

Senator Fraser: Never ever did we send a message to the House of Commons saying, "We click our heels in salute, and we will do what you told us to do." Never. I do not think it would be appropriate for us to do that now.

The Senate may or may not pass this bill by March 1. The Legal and Constitutional Affairs Committee is, as has been pointed out several times this day in this place, actually doing quite an extraordinary amount of work and devoting quite an

extraordinary effort to giving this bill good study within an obviously compressed period of time. If it were not compressed, we would not be sitting next week.

I will never accept that the House of Commons should tell me what I should do and I should write them back a little “thank you” note for having had the effrontery to do that.

Hon. Terry M. Mercer: Honourable senators, on a point of order: I have taken the time to reread this motion. If I read the motion correctly, honourable senators, it presumes the work of the committee. If we pass this motion, it presumes that the committee will do this. It says, “The Senate intends to pass Bill C-2.” How do we know that we intend to pass Bill C-2? We have not seen Bill C-2 back from the committee. How could we possibly assume that we will pass it? We have not seen it. We sent it to committee. We asked the committee to do the work.

I contend, Your Honour, that this motion is out of order and you should so rule and we should get on with the business of the day.

Senator Comeau: Take a deep breath.

The Hon. the Speaker: Honourable senators, I am prepared to rule on the point of order that was raised. Notice was given, and the house was seized of the motion to be debated. The motion was moved and no objection or point of order was raised. We are into debate. However, on the content and the plain language of the motion, I find it to be in order.

Senator Banks: Will Senator Fraser accept a question?

Senator Fraser: If I have time.

Senator Banks: In line with what Senator Mercer just said, the Legal Committee has an order of reference from the Senate. Does that order of reference make any allusion to a date certain by which time the Senate has ordered the committee to report to the Senate?

Senator Fraser: No, it does not.

On motion of Senator Cools, debate adjourned.

[Translation]

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Banks, for the second reading of Bill S-224, An Act to amend the Parliament of Canada Act (vacancies).—(*Honourable Senator Brown*)

POINT OF ORDER

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I rise on a point of order regarding Bill S-224, An Act to amend the Parliament of Canada Act (vacancies).

[Senator Fraser]

Some aspects of this bill are important to consider, in my opinion. I object to the first part of the bill, which provides that:

Within 180 days after a vacancy happens in the Senate, the Prime Minister shall recommend to the Governor General a fit and qualified person for appointment to the Senate to fill the vacancy.

I would like to talk specifically about the need to obtain Royal Consent before this bill is passed.

• (1510)

[English]

As honourable senators will recall, Royal Consent for a bill is required in cases where the prerogatives of the Crown are affected. Marleau and Montpetit states that Royal Consent is required for: “any legislation that affects the prerogatives, hereditary revenues, property or interest of the Crown.” They go on to state that such legislation “requires Royal Consent, that is, the consent of the Governor General, in his or her capacity as representative of the Sovereign.”

I contend that the requirements of this bill would affect the Governor General’s power to make appointments as set out in section 24 of the Constitution Act, 1867, that is:

The Governor General shall from Time to Time, in the Queen’s Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate; and, subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator.

The Governor General makes his or her appointments by convention on the basis of the recommendations of the Prime Minister. Neither the Governor General nor the Prime Minister has any time constraints on when they need to act to fulfill their respective responsibilities with regard to Senate appointments.

In the Governor General’s case, the timing of his or her action is very open-ended. As I mentioned, the Constitution states that: “The Governor General shall, from Time to Time, [make appointments].”

I believe there is a strong argument to be made that by imposing a time constraint on the Prime Minister to make recommendations to the Governor General is tantamount to a fetter on the Governor General’s power. Since, by convention, the Governor General makes his or her recommendation upon the advice of the Prime Minister, binding the Prime Minister to a certain time frame would also bind the Governor General in the same fashion.

While some may argue that this is not a large impairment to the Governor General’s prerogative, the degree of impairment is not the issue. Any impairment is enough to require Royal Consent. Therefore, I believe that Royal Consent must be obtained in this case.

The consent of the Crown may be given at any stage of a bill before final passage, and for government bills is usually given by special message or verbal message of the minister.

The process of obtaining Royal Consent by a private member, as would be the case for Bill S-224, is different. As stated in Beauchesne's at citation 728:

In any case where a private Member wishes to obtain the consent of the Crown, the Member may ask the House to agree to an Address for leave to proceed thereon before the introduction of the bill.

[Translation]

If the Senate gives its approval, the Governor General must approve the Address and confirm her agreement in a message to the Senate. When it is determined that a bill requires Royal Consent, it cannot be sent for third reading without that consent.

Honourable senators will recall that a situation similar to the one involving Bill S-224 occurred in 2002 with regard to Bill S-20. The bill proposed to establish a committee of the Queen's Privy Council for Canada to develop criteria and selection procedures for appointments to the positions of Governor General, Chief Justice of the Supreme Court, Speaker of the Senate, Lieutenant Governor of a province and Commissioner of a territory and for appointments of judges of the Supreme Court and senators.

A number of honourable senators argued that Bill S-20 affected the prerogative of the Crown to appoint the Governor General and required Royal Consent. On review, the Speaker determined that Bill S-20 required Royal Consent because it limited the exercise of the Royal Prerogative to make certain appointments, particularly the appointment of the Governor General.

I believe that Bill S-224 also affects the Royal Prerogative, and I therefore ask the Speaker to decide whether Royal Consent should be obtained in this case.

[English]

Hon. Terry M. Mercer: It seems to me that a few moments ago, when I raised a point of order on Motion No. 1, Your Honour ruled me out of order because the motion had been on the Order Paper, it had been introduced, a debate had started, and no objection had been raised. I contend that here we are again. If Your Honour rules against my point of order on Motion No. 1, I think he should rule this point of order out of order as well.

The members on the government side want to be on their toes and follow the legislation as it is introduced, and challenge it then. If it was too late for me to challenge Motion No. 1, I suggest that it is too late for Senator Comeau to challenge this one.

Hon. Sharon Carstairs: I rise on this point of order because I think it is somewhat specious. If one reads carefully this particular bill, nothing in the bill limits the prerogatives of the Governor General; the bill limits the prerogatives of the Prime Minister, and that does not require a Royal Consent.

This bill does not, in any way, shape or form, purport to tell the Governor General when she may sign the certificates that would appoint someone to the Senate. Then we might have an interesting debate on Royal Consent, although it is clear that Royal Consent can be given to a bill at any time and at any stage.

What is clear in this bill — and I find it somewhat amusing — is that we have a Prime Minister of this country who is ordering a chamber that is not within his purview to take a certain action, and he is demanding that we do such a thing without a bill, without a piece of legislation, without an amendment to the Parliament Act and without an amendment to the Constitution. However, honourable senators on the government side seem to object to the fact that there might be a limitation upon the power of the Prime Minister.

I would argue that, first, no Royal Consent is needed; second, if Royal Consent were needed, it could be given at any stage of the bill; and third, this objection is not, in any way, shape or form, a point of order.

Hon. Joan Fraser: I agree entirely with Senator Carstairs. She made a point that I hoped to be the first to put on the record here, which is that consent may be given at any stage before final passage.

I agree that this bill does not affect the prerogatives of the Crown and that the person whose powers would be affected is the Prime Minister, who is not yet the Crown.

Senator Cools: The Prime Minister who would be king.

Senator Fraser: Since consent may be given at any time, it seems to me that it is unnecessary even to be discussing such a point of order at this stage, since this element presumably would be one of the most interesting elements of committee study of this bill. At that rate, we would be able to call upon authorities who cannot appear here before Your Honour — constitutional lawyers, experts and precedents of this matter. I do not doubt Your Honour's ability to seek precedents in all manner of places of which I am unaware, but it seems to me that a committee hearing might be even broader in its reach and that a committee would be the appropriate place to address this matter.

Hon. Wilfred P. Moore: I refer honourable senators to rule 23(1) of the *Rules of the Senate of Canada*, which stipulates that:

During the time provided for the consideration of the daily Routine of Business and the daily Question Period, it shall not be in order to raise any question of privilege or point of order. Any question of privilege or point of order to be raised in relation to any notice given during this time can only be raised at the time the Order is first called for consideration by the Senate.

• (1520)

I spoke on Tuesday; that was the time to raise the concern. Yesterday, the item was adjourned. They could have raised the matter then; they did not. I suggest to you, Your Honour, that the point of order raised by the honourable senator opposite is not in order.

The Hon. the Speaker: Let me thank all honourable senators. I will take this under advisement because reference has been made to some of the procedural literature. All honourable senators will recall that we have had rulings in the most recent sessions of Parliament touching upon Royal Consent. It is a very important question and I, therefore, will take this matter under advisement.

Senator Moore: Might I ask Your Honour what he is taking under advisement? Are you taking under advisement the question of whether or not the point of order is legitimate, or are you taking under advisement the issue that the honourable senator raised in his questionable point of order?

The Hon. the Speaker: Honourable senators, the chair has been asked to rule on a point of order. I will rule on that point of order expeditiously.

Hon. Tommy Banks: Point of order.

The Hon. the Speaker: Senator Banks on a new point of order.

Senator Banks: Your Honour, my point of order is that the question and point of order raised by Senator Comeau is out of order because it is past the time at which the rules provide that it could have been made. Therefore, no part of it should have been given consideration because it, in itself, is out of order.

The Hon. the Speaker: Honourable senators, in the ruling from the chair, all these matters will be canvassed.

Senator Cools: I want to speak on the point of order, Your Honour.

The Hon. the Speaker: Honourable senators, it is a prerogative of the chair under the *Rules of the Senate* to determine when he or she has heard enough to issue a ruling from the chair.

[Translation]

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-221, An Act concerning personal watercraft in navigable waters.
—(Honourable Senator Comeau)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, we consider this to be a highly important bill. It has been tabled in this chamber a number of times. I am currently looking for a senator who would like to take part in the debate on this bill. I hope some honourable senator will talk about it next week. Until then, I again wish to move the adjournment of the debate in my name.

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

On motion of Senator Comeau, debate adjourned.

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Day, for the second reading of Bill S-206, An Act to amend the Food and Drugs Act (clean drinking water).
—(Honourable Senator Cochrane)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this bill is on its thirteenth day on the Orders of the Day. I would not want us to accidentally lose the time allocated for debate on this bill. That being said, I would like to adjourn the debate in my name until the next sitting of the Senate.

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

On motion of Senator Comeau, debate adjourned.

[English]

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Campbell, for the second reading of Bill C-280, An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171).
—(Honourable Senator Comeau)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Goldstein and I had discussions about this matter yesterday. Senator Goldstein indicated that he wished to find out who it was from our side that had an interest in speaking on this bill. I have had interest shown by Senators Andreychuk, Oliver, Tkachuk and Comeau.

However, I will go over a few issues to set the stage for what my comments would be on this subject in the future. Some people are taking issue with this bill. Although there are issues with this bill, we realize and accept — and I think Senator Goldstein would be the first one to remind me of this — that this bill was in fact passed by the other place. We realize that. Bills are passed by the other place. Although some people may question from time to time the value, degree, or depth of work done by the other place, this particular bill has been passed by the other place. We must take these bills seriously because of that.

Having said that, there are some problems with this bill. I will only refer to a few of them. I think my colleagues will go into further detail with respect to some of the problems. It must be remembered that this bill adds a whole new layer to the

determination process for the expeditious passage and resolution of refugee determination. It could add as much as a minimum of five months. There are costs associated with this. There are minimum start-up costs of \$8 million and ongoing costs of \$12 million per year. There will also be costs for the legal aid that will be provided for the extra steps needed for this bill, plus the extra costs for the Immigration and Refugee Boards, Border Services and the Department of Justice. These are all items that will need to be addressed eventually.

My main concern is that passage of the proposed legislation would add an extra 40,000 cases, at a minimum, to the backlog that already exists. Having said all of this, Canada has one of the most reasonable and fair refugee determination processes in the world. We may not necessarily need to add on to this process.

There has been resistance to this bill, but I checked on this fact: The previous government rejected this bill. It is not necessarily our side saying that this is what we should have at this point. The other side also rejected it when it was in government. In fact, the three previous immigration ministers either voted against the bill or abstained from voting.

I think there are good intentions that come with the bill. We should probably be looking at how we can make the system work better at all times. The Bloc Québécois, which has never had experience in government, may have erred in the drafting of this bill. There may be other ways to do what they are attempting to do without adding to the backlog and layers of work that must be done.

• (1530)

I would like to continue my dialogue with Senator Goldstein as to whether there might be another way to resolve this bill. I will not go into it on the floor of the Senate, but there might be some other way for us to look at this bill without having to vote on the principle at this time. There may be a way of solving, and perhaps questioning, some of the issues I have just raised, without having to do it on the floor of the Senate.

Hon. Yoine Goldstein: As I indicated in other circumstances, I always accept the absolute good faith of Senator Comeau in everything that I have ever seen him do in this chamber and, indeed, outside. I do not, for any moment, doubt what Senator Comeau has said.

It is important to note that this is not a bill that creates the refugee appeal board. The refugee appeal board was created by a law which obtained, if I remember correctly, unanimous consent in the other place. All this bill seeks to do is to ask the government to give effect to three sections of that bill which, to date, it has not done.

That having been said, it is not appropriate, as the honourable senator has very correctly put it, to discuss the bill here and at this stage. I am perfectly happy to discuss it with Senator Comeau at his early convenience with a view to finding a solution. The solution I would propose is that the matter be adopted now, on division. Senators can make their objections whichever way they want and let us deal with them in committee. The honourable senator may be perfectly right, but I think it must be dealt with in committee.

Senator Comeau: With that spirit of cooperation, perhaps we could continue the dialogue.

Having said that, I move the adjournment for the remainder of my time.

On motion of Senator Comeau, debate adjourned.

[Translation]

NATIONAL PEACEKEEPERS' DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Fox, P.C., for the second reading of Bill C-287, An Act respecting a National Peacekeepers' Day.
—(*Honourable Senator Nancy Ruth*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, as you see, this is the fourteenth day of debate for this bill. As I said earlier, we would not want to accidentally lose bills.

I know that the Honourable Senator Nancy Ruth would like to speak, as soon as possible, about this bill. Consequently, with leave of the Senate, I wish to adjourn the debate in her name until the next sitting of the Senate.

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

On motion of Senator Comeau, for Senator Nancy Ruth, debate adjourned.

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— ORDER STANDS

On Commons Public Bills, Item No. 5:

Second reading of Bill C-299, An Act to amend the Criminal Code (identification information obtained by fraud or false pretence).—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this motion for second reading of this bill has not been moved yet, for some reasons. Again, we do not want an accident to happen where the bill might not survive. I am asking that we adjourn this item in my name for continuation.

The Hon. the Speaker: This bill has never been moved.

Senator Cools: He just has to rewind the clock.

The Hon. the Speaker: Honourable senators, in terms of orderliness, the Senate, with great care and deliberation, a few years back, looked at the issue of bills, motions and inquiries with a view to establishing good management of the Order Paper. That is why the 15-day rule was instituted. We have a rule. My duty is simply to remind honourable senators that we have that rule, and items sometimes do drop off the Order Paper. When that

happens, of course, if there is still a desire to have them restored, that only requires that an honourable senator request that that be done.

However, honourable senators are equally masters of this chamber. As we did last week, notwithstanding that rule, there was agreement to use that phrase, “rewind the clock.”

I have just laid out the options. We have an item on the Order Paper on which there has been no motion to proceed. In other words, it is not yet subject to debate.

Senator Comeau: Again, I will come back to my request for permission. Notwithstanding rule 27(3), I ask for leave to let the matter stand on the Order Paper and that we reset the clock.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted. Leave was asked and denied.

The other option now available is to put the matter on for debate and for someone to move the motion. That would set it at zero.

Therefore, it will stand.

Senator Comeau: Stand.

Order stands.

FISHERIES AND OCEANS

BUDGET—STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Fisheries and Oceans, (budget—study on the federal government’s current and evolving policy framework), presented in the Senate on February 7, 2008.—(*Honourable Senator Rompkey, P.C.*)

Hon. Bill Rompkey: Honourable senators, I move the adoption of the report.

The Hon. the Speaker: Is there 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 report adopted.

[The Hon. the Speaker]

• (1540)

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE 2007 DECLARATION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Losier-Cool:

That the following Resolution on Combating Anti-Semitism and Other Forms of Intolerance, which was adopted at the 16th Annual Session of the OSCE Parliamentary Assembly, in which Canada participated in Kyiv, Ukraine on July 9, 2007, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2008:

RESOLUTION ON COMBATING ANTI-SEMITISM, RACISM, XENOPHOBIA AND OTHER FORMS OF INTOLERANCE, INCLUDING AGAINST MUSLIMS AND ROMA

1. Recalling the Parliamentary Assembly’s leadership in raising the focus and attention of the participating States since the 2002 Annual Session in Berlin on issues related to intolerance, discrimination, and hate crimes, including particular concern over manifestations of anti-Semitism, racism, xenophobia and other forms of intolerance,
2. Celebrating the richness of ethnic, cultural, racial, and religious diversity within the 56 OSCE participating States,
3. Emphasizing the need to ensure implementation of existing OSCE commitments on combating anti-Semitism, racism, xenophobia, and other forms of intolerance and discrimination, including against Christians, Muslims, and members of other religions, as well as against Roma,
4. Recalling other international commitments of the OSCE participating States, and urging immediate ratification and full implementation of the Convention on Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the Rome Statute,
5. Reminding participating States that hate crimes and discrimination are motivated not only by race, ethnicity, sex, and religion or belief, but also by political opinion, national or social origin, language, birth or other status,

The OSCE Parliamentary Assembly:

6. Welcomes the convening of the June 2007 OSCE High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding, in Bucharest, Romania as a follow-up to the 2005 Cordoba Conference on Anti-Semitism and Other Forms of Intolerance;
7. Appreciates the ongoing work undertaken by the OSCE and the Office for Democratic Institutions and Human Rights (the OSCE/ODIHR) through its Programme on Tolerance and Non-discrimination, as well as its efforts to improve the situation of Roma and Sinti through its Contact Point for Roma and Sinti Issues, and supports the continued organization of expert meetings on anti-Semitism and other forms of intolerance aimed at enhancing the implementation of relevant OSCE commitments;
8. Recognizes the importance of the OSCE/ODIHR Law Enforcement Officers Programme (LEOP) in helping police forces within the participating States better to identify and combat hate crimes, and recommends that other participating States make use of it;
9. Reiterates its full support for the political-level work undertaken by the three Personal Representatives of the Chair-in-Office and endorses the continuance of their efforts under their existing and distinct mandates;
10. Reminds participating States of the Holocaust, its impact, and the continued acts of anti-Semitism occurring throughout the 56-nation OSCE region that are not unique to any one country and necessitate unwavering steadfastness by all participating States to erase the black mark on human history;
11. Calls upon participating States to recall that atrocities within the OSCE region motivated by race, national origin, sex, religion or belief, disability or sexual orientation have contributed to the negative perceptions and treatment of persons in the region;
12. Further recalls the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its Annual Sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004, Washington in 2005 and Brussels in 2006;
13. Reaffirms especially the 2002 Porto Ministerial Decision condemning "anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom";
14. Recalls the agreement of the participating States, adopted in Cracow in 1991, to preserve and protect those monuments and sites of remembrance, including most notably extermination camps, and the related archives, which are themselves testimonials to tragic experiences in their common past;
15. Commends the 11 member states of the International Tracing Service for approving the immediate transfer of scanned Holocaust archives to receiving institutions and encourages all participating States to cooperate in opening, copying, and disseminating archival material from the Holocaust;
16. Commemorates the bicentennial of the 1807 Abolition of the Slave Trade Act which banned the slave trade in the British Empire, allowed for the search and seizure of ships suspected of transporting enslaved people, and provided compensation for the freedom of slaves;
17. Agrees that the transatlantic slave trade was a crime against humanity and urges participating states to develop educational tools, programmes, and activities to teach current and future generations about its significance
18. Acknowledges the horrible legacy that centuries of racism, slavery, colonialism discrimination, exploitation, violence, and extreme oppression have continued to have on the promulgation of stereotypes, prejudice, and hatred directed towards persons of African descent;
19. Reminds parliamentarians and participating States that Roma constitute the largest ethnic minority in the European Union and have suffered from slavery, genocide, mass expulsions and imprisonment, forced assimilations, and numerous other discriminatory practices in the OSCE region;
20. Reminds participating States of the role these histories and other events have played in the institutionalization of practices that limit members of minority groups from having equal access to and participation in state-sponsored institutions, resulting in gross disparities in health, wealth, education, housing, political participation, and access to legal redress through the courts;
21. Underscores the sentiments of earlier resolutions regarding the continuing threat that anti-Semitism and other forms of intolerance pose to the underlying fundamental human rights and democratic values that serve as the underpinnings for security in the OSCE region;
22. Therefore urges participating States to increase efforts to work with their diverse communities to develop and implement practices to provide members of minority groups with equal access to and opportunities within social, political, legal, and economic spheres;
23. Notes the growing prevalence of anti-Semitism, racism, xenophobia, and other forms of intolerance being displayed within popular culture, including the Internet, computer games, and sports;
24. Deplores the growing prevalence of anti-Semitic materials and symbols of racist, xenophobic and anti-Semitic organizations in some OSCE participating States;

25. Reminds participating States of the 2004 OSCE meeting on the Relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes and suggested measures to combat the dissemination of racist and anti-Semitic material via the Internet as well as in printed or otherwise mediatized form that could be utilized throughout the OSCE region;
26. Deplores the continuing intellectualization of anti-Semitism, racism and other forms of intolerance in academic spheres, particularly through publications and public events at universities;
27. Condemns the association of politicians and political parties with discriminatory platforms, and reaffirms that such actions violate human rights standards;
28. Notes the legislative efforts, public awareness campaigns, and other initiatives of some participating States to recognize the historical injustices of the transatlantic slave trade, study the enslavement of Roma, and commemorate the Holocaust;
29. Urges other states to take similar steps in recognizing the impact of past injustices on current day practices and beliefs as a means of providing a platform to address anti-Semitism and other forms of intolerance;
30. Suggests guidelines on academic responsibility to ensure the protection of Jewish and other minority students from harassment, discrimination, and abuse in the academic environment;
31. Urges participating States to implement the commitments following the original 2003 Vienna Conferences on Anti-Semitism and on Racism, Xenophobia and Discrimination and subsequent conferences that include calls to:
 - a. provide the proper legal framework and authority to combat anti-Semitism and other forms of intolerance;
 - b. collect, analyse, publish, and promote hate crimes data;
 - c. protect religious facilities and communitarian institutions, including Jewish sites of worship;
 - d. promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
 - e. train law enforcement officers and military personnel to interact with diverse communities and address hate crimes, including community policing efforts;
 - f. appoint ombudspersons or special commissioners with the necessary resources to adequately monitor and address anti-Semitism and other forms of intolerance;
 - g. work with civil society to develop and implement tolerance initiatives;
32. Urges parliamentarians and the participating States to report their initiatives to combat anti-Semitism and other forms of intolerance and publicly recognize the benefits of diversity at the 2008 Annual Session;
33. Commends all parliamentary efforts on combating all forms of intolerance, especially the British All-Party Parliamentary Inquiry into Anti-Semitism and its final report;
34. Emphasizes the key role of politicians and political parties in combating intolerance by raising awareness of the value of diversity as a source of mutual enrichment of societies, and calls attention to the importance of integration with respect for diversity as a key element in promoting mutual respect and understanding;
35. Calls upon OSCE PA delegates to encourage regular debates on the subjects of anti-Semitism and other forms of intolerance in their national parliaments, following the example of the All-Party Parliamentary Inquiry into Anti-Semitism;
36. Calls upon journalists to develop a self-regulated code of ethics for addressing anti-Semitism, racism, discrimination against Muslims, and other forms of intolerance within the media;
37. Expresses its concern at all attempts to target Israeli institutions and individuals for boycotts, divestments and sanctions;
38. Urges implementation of the Resolution on Roma Education unanimously adopted at the OSCE PA 2002 Berlin Annual Session to “eradicate practices that segregate Roma in schooling” and provide equal access to education that includes intercultural education;
39. Calls upon parliamentarians and other elected officials to publicly speak out against discrimination, violence and other manifestations of intolerance against Roma, Sinti, Jews, and other ethnic or religious groups;
40. Urges the participating States to ensure the timely provision of resources and technical support and the establishment of an administrative support structure to assist the three Personal Representatives of the Chair-in-Office in their work to promote greater tolerance and combat racism, xenophobia and discrimination;
41. Encourages the three Personal Representatives of the Chair-in-Office to address the Assembly’s Winter Meetings and Annual Sessions on their work to promote greater tolerance and combat racism, xenophobia, and discrimination throughout the OSCE region;
42. Recognizes the unique contribution that the Mediterranean Partners for Co-operation could make to OSCE efforts to promote greater tolerance and combat anti-Semitism, racism, xenophobia and discrimination, including by supporting the ongoing work of the three Personal Representatives of the Chair-in-Office;

43. Reminds participating States that respect for freedom of thought, conscience, religion or belief should assist in combating all forms of intolerance with the ultimate goal of building positive relationships among all people, furthering social justice, and attaining world peace;
44. Reminds participating States that, historically, violations of freedom of thought, conscience, religion or belief have, through direct or indirect means, led to war, human suffering, and divisions between and among nations and peoples;
45. Condemns the rising violence in the OSCE region against persons believed to be Muslim and welcomes the conference to be held in Cordoba in October 2007 on combating discrimination against Muslims;
46. Calls upon parliamentarians and the participating States to ensure and facilitate the freedom of the individual to profess and practice any religion or belief, alone or in community with others, through transparent and non-discriminatory laws, regulations, practices and policies, and to remove any registration or recognition policies that discriminate against any religious community and hinder its ability to operate freely and equally with other faiths;
47. Encourages an increased focus by participating States on the greater role teenagers and young adults can play in combating anti-Semitism and other forms of intolerance and urges participating States to collect data and report on hate crimes committed by persons under the age of 24 and to promote tolerance initiatives through education, workforce training, youth organizations, sports clubs, and other organized activities;
48. Reminds participating States that this year marks the 59th Anniversary of the United Nations Human Rights Commission's adoption of the Universal Declaration on Human Rights, which has served as the inspiration for numerous international treaties and declarations on tolerance issues;
49. Calls upon participating States to reaffirm and implement the sentiments expressed in the 2000 Bucharest Declaration and in this resolution as a testament to their commitment to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion", as enshrined in the Helsinki Final Act;
50. Expresses deep concern at the glorification of the Nazi movement, including the erection of monuments and memorials and the holding of public demonstrations glorifying the Nazi past, the Nazi movement and neo-Nazism;
51. Also stresses that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

52. Emphasizes the need to take the necessary measures to put an end to the practices described above, and calls upon participating States to take more effective measures to combat these phenomena and the extremist movements, which pose a real threat to democratic values.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, this is a motion introduced by our colleague, Senator Grafstein. I have been in contact with him about moving this forward. We both agree that the time is not appropriate. I just make the statement so that you understand I am not trying to delay this. Therefore, I move that this item continues to stand in my name for the remainder of my time.

On motion of Senator Di Nino, debate adjourned.

THE SENATE

MOTION TO URGE GOVERNMENT TO ESTABLISH NATIONAL PORTRAIT GALLERY IN NATIONAL CAPITAL REGION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck:

That the Senate urge the Government to establish a National Portrait Gallery in the National Capital Region without delay.—(*Honourable Senator Stratton*)

Hon. Catherine S. Callbeck: Honourable senators, this motion stands in the name of Senator Stratton, but I have spoken to him. He has agreed that I will speak today and then adjourn it in his name.

I rise in support of the motion put forward by our colleague, Senator Grafstein, to urge the federal government to establish a national portrait gallery in the National Capital Region.

When Senator Grafstein spoke in this chamber, he put forward a number of eloquent reasons why a national portrait gallery belongs in the Ottawa area.

Late last year, the federal government called for proposals to build a national portrait gallery in a number of cities, including Ottawa-Gatineau, Vancouver, Halifax, Quebec City, Montreal, Toronto, Winnipeg, Edmonton and Calgary.

These cities have all been invited to prepare bids for the right to house the gallery. While I have no doubt that each of these cities would make a fine location for any museum, the special nature of a national portrait gallery means it should be located in our national capital. That is the case in every other country of which I am aware that has a national portrait gallery, including Britain, the United States, France and Australia.

The resources that will go into this portrait gallery are rich and rare cultural assets that belong to the people of Canada. As the government's own press release stated, these pieces, "... provide unique testimony to Canada's past and present and contribute to a better understanding of Canada's history and diversity."

That being the case, it is the responsibility of the national government to safeguard and protect our history and our culture. If a national portrait gallery is located in the National Capital Region, it can be showcased in concert and collaboration with our other national institutions in our capital. Viewed together, they provide a wider picture of Canada's development as a nation and as a people.

A great country deserves a great capital with great institutions. National portrait galleries in other capitals, such as London and Washington, complement the wider mix of other institutions. That is why the Museum of Civilization is located in Ottawa. That is why the Canadian War Museum is located in Ottawa. That is why the National Gallery of Canada and the Canadian Museum of Nature are located in Ottawa. Those who come to visit the nation's capital need to be able to visit these great institutions that reflect this nation and that inspire a sense of pride in its greatness.

Locating a national portrait gallery in the capital region will allow us to display all our treasures together and provide a complete reflection of who and what we are as Canadians. I also hope that it will encourage a sense of pride in our traditions and a great spirit of national unity in our shared achievements.

I would also like to quickly take note of an issue that should be addressed in this debate, and that is the cost and the risk of moving items from their present location in Ottawa-Gatineau to a space outside the capital region. In a letter to Senator Grafstein in 1998, the National Archives stated that their portrait holdings exceed 4 million items. One can only assume that their holdings have increased since then. That would mean that priceless works would need to be constantly shipped back and forth between the portrait gallery and the storage area in Ottawa-Gatineau, not only at significant cost, given their value, but also at the risk of damage or even loss of these national treasures.

In speaking about transporting pieces of art, I want to comment on the cancellation last April of the Exhibit Transportation Services, which will cease operation at the end of March. This public service, which operated as a cost-recovery program, allowed art museums to transport exhibits between them at a significantly reduced cost. Without this public funding, smaller galleries, especially those outside of large metropolitan areas, will find it difficult and costly to share exhibits. In fact, Jon Tupper, a director of Confederation Centre Art Gallery in Charlottetown, has said:

It is going to be another 30 to 50 per cent increase in our expenses.

He also said:

We won't be able to bring individual artworks or exhibits to the Confederation Centre like we have in the past.

Hopefully, this government will reverse the decision on the Exhibit Transportation Services in this upcoming budget.

Honourable senators, a national portrait gallery would be a national institution that would belong to the people of Canada. It should be located in the nation's capital. In addition, a national portrait gallery could choose to share its holdings and pay to transport some exhibits to other venues around the country so that all Canadians might share in our vast cultural heritage. In my own province of Prince Edward Island, for example, the Confederation Centre of the Arts has the facilities and resources to display some of the rich treasures of the portrait galleries as it does with other significant national treasures.

The National Capital Region is the natural location for a national portrait gallery. I urge the Conservative government to locate this gallery in its proper place with our other national institutions in the Ottawa area.

The Hon. the Speaker *pro tempore*: Will the Honourable Senator Callbeck accept a question from the Honourable Senator Harb?

Senator Callbeck: Yes.

Hon. Mac Harb: Honourable senators, let me congratulate my colleagues, Senator Grafstein and Senator Callbeck, on their excellent initiative to do what is right, not is what is politically expedient. The fact that we already have the facility in the National Capital Region identified and set up there and so much work has taken place, is testimony to the fact that what they are saying and doing today is the right thing.

It bewilders many people who live in the capital, which belongs to Canada as a whole, that the government is trying to farm out this facility to a number of cities, excluding the capital of Canada, where, in fact, the facility has already been identified and located. It is unbelievable that the National Capital Commission — that was established by an act of Parliament — that has told the Government of Canada that they would prefer to see this facility continue to be in the National Capital Region, yet the government is not listening.

All one can conclude is that there is a tremendous amount of looting of our national treasures that began a few years ago and continues right now before our very open eyes.

It is encouraging to see my colleague standing up to say, not only to my colleagues here in the Senate but also across the country, that the capital does not only belong to the people of Ottawa; it belongs to Canadians. It is the heart of the nation.

• (1550)

If Parliament is the brain, the city and the capital are the heart. When people come to Ottawa, they do not see the "parliament of Ottawa;" they see the Parliament of Canada, the national museums of Canada, the National Arts Centre of Canada and the National Art Gallery of Canada.

Does the honourable senator feel good or bad about the government's action?

[Senator Callbeck]

Senator Callbeck: I thank the honourable senator for the question, but I thought my feelings were very clear when I spoke. I believe that the portrait gallery should be located in the national capital.

As I said, and as Senator Harb repeated, the gallery would belong to the people of Canada and should be located here with the other national museums. Then when Canadians come to our national capital they might have a wider picture of Canada's development as a nation and as a people. This will instill a tremendous sense of pride in Canadians.

Hon. Jim Munson: As the senator for Ottawa/Rideau Canal, who skates by the portraits under the Bank Street Bridge along the Rideau Canal, a UNESCO historic site, I adjourn the motion in my name.

On motion of Senator Munson, debate adjourned.

THE SENATE

CONSIDERATION OF PUBLIC BILLS— INQUIRY—DEBATE ADJOURNED

Hon. Sharon Carstairs rose pursuant to notice of February 12, 2008:

That she will call the attention of the Senate to the custom of allowing Senate Public Bills to be considered free of the procedural obstacles that limit the consideration of Private Members' Bills in the other place, and the custom of ensuring all Senators the fair opportunity to have their proposals decided by the Senate.

She said: Honourable senators, it is rather ironic that I would rise today to speak to this particular inquiry in light of the activity we went through earlier this afternoon. I think it is quite appropriate to extend the time for inquiries, motions or bills that are at 12, 13 or 14 days in order to give all senators adequate time to speak to them.

I did not give leave, however, on a Commons Public Bill, and I did not because the bill had never been moved. It seems to me only appropriate that if a bill is introduced in the chamber, it should be moved within 15 days, although not everyone who wishes to need speak to it in that time.

It is ironic that I rise today on this item because my inquiry this afternoon relates to our customs on Senate Public Bills, which I think would also be appropriate for Commons Bills received in the Senate.

I invite honourable senators to reflect on how we organize our business in this chamber, particularly the business that does not emanate from the government. I want to be clear about this; I am speaking only about business that comes from us or from private members in the other place.

There is a significant difference between the two Houses when it comes to the initiatives of their private members. Our treatment of Senate Public Bills has never been as restrictive as it is in the other place. In that place, members literally have to win the lottery before their bill may even be debated. The lack of

restrictions here is no surprise when we consider that the Senate conducted its work for almost 125 years without ever distinguishing between "government business" and "other business."

Before 1991, the concept of government business did not even exist in the Senate of Canada. All items on the Order Paper were equal in status, none having special priority over the others.

As a former government leader, I can see practical reasons for prioritizing government business. At the same time, I know that we are collectively proud of our fair treatment of the initiatives of private senators. We do not have a lottery here. We do not subject the work of senators to chance or arbitrary exclusions. Everyone is treated equally and senators have a right to make their case and let their colleagues decide.

If anything, over the past several years we have taken steps to minimize procedural obstacles. We have improved the chances that the initiatives of private senators will at least come to a decision. Some of these changes have come about because the volume of private bills introduced by senators has increased in recent years.

When I arrived in the Senate in the First Session of the Thirty-fifth Parliament, eight Senate Public Bills were introduced. Looking 10 years back from today, 17 were introduced in the session that began late in 1997. In the last session, there were 29 — almost double what there were 10 years ago. The session before the 2006 election saw 34 Senate Public Bills introduced. So far this session, which only began a few months ago, we have already seen 25, and I am sure there will be more.

Aside from sheer volume, another measure of change is the proportion of bills that actually receive third reading and pass the Senate. Only 1 out of 17 bills introduced in the session that began in 1997 received third reading before that session ended two years later. In the last session, 4 bills passed out of a total of 29, and we should keep in mind that the session was considerably shorter. In the session before that, the First Session of the Thirty-eighth Parliament, out of 34 Senate Public Bills introduced, 6 passed the Senate and 2 passed the other place and received Royal Assent.

Honourable senators, I apologize for citing so many statistics in rapid succession. Suffice to say that two important trends emerge from examining our recent past. First, the quantity of private bills introduced by senators has increased significantly. Second, those bills have been proceeding much more expeditiously than they have in the past. Third, we are passing more Senate Public Bills than we ever did before. Finally, in proportion to the total introduced, we are passing more than are being passed in the other place.

It is fair to stay that we have embraced these developments and have adapted to make it easier for senators to pursue their initiatives. Honourable senators recall that the Senate Rules Committee recommended a new numbering system for Senate Public Bills. The Senate adopted that new numbering system on June 30, 2005. Our Rules Committee recently recommended that we follow the example of the other place and, indeed, the example of the British Houses of Parliament, by allowing the reinstatement of bills in a new session to the stage at which they died at the end of the previous session.

That report was presented in November and is currently on our Order Paper for consideration. I support this initiative. Of course, reinstatement would not be possible from one Parliament to another, but intersessional continuity would certainly make the work of senators a little easier.

I will turn now to another development in this area that I view as both somewhat positive and somewhat negative. My heart goes out to the Deputy Leader of the Government, Senator Comeau, who regularly rises to put the government's position on the record in relation to Senate Public Bills. With the ever-increasing number of bills, he has taken on quite a chore. Let me be the first to say that the government is to be commended for wanting to respond to each and every proposal. It is useful to have positions made plainly and early in the process as it becomes more difficult to resist a measure later in the process if one has been silent all along. As someone who has held Senator Comeau's position, I sympathize.

At the same time, the government's determination to put its position on the record at second reading is problematic. Given the shrinking population of the government's caucus in this place and the ever-increasing number of bills, it is more and more difficult. I am sure, for Senator Comeau to find people willing and able to speak to each item. Indeed, Senator Comeau has lamented this problem on the record. More often than not he has had to shoulder the burden of acting as critic in the absence of any eager volunteers.

Regrettably, the government's diligence has the deleterious, if unintended, effect of creating significant delay in the consideration of Senate Public Bills. The recent proliferation of bills has only exacerbated this problem.

Honourable senators, as praiseworthy as their instinct of responding to everything may be, the government should not feel that it needs to respond to every Senate Public Bill during second reading debate. Senator Comeau has many times referred to his perceived need to identify a critic to speak for the government on each Senate Public Bill, and the difficulty in finding volunteers in a hard-working but ever-shrinking caucus results in more delay. In fact, this concept is somewhat new, and the practice of designating critics for Senate public bills did not take place under previous governments.

• (1600)

In my case, I limited my role as Leader of the Government or deputy leader to ensuring that ministers had an opportunity to make their positions known to the caucus. However, I did not speak to the bills in the Senate and I did not advocate the minister's position in debate.

Any important points the government feels it needs to make can be made in the usual course of committee examination. Rather than make its position known through the arduous process of identifying, briefing and supporting an individual government senator to act as critic, the government should be content to allow its officials and possibly the minister to appear in committee and make their position and concerns clear.

Of course, there is no reason to assume that every bill will pass second reading, but for those that do, or those that are referred before second reading, committee examination is more than an adequate means for stating the government's position. By

attempting this nearly impossible task at second reading, in all good faith, the Deputy Leader of the Government creates a bottleneck that prevents the Senate from giving fair hearing to the initiatives of all senators, as we have always done.

Honourable senators, I invite you to reflect on how these circumstances have evolved, and how we organize our business. I would be the last person to criticize the government for earnestly putting forward its case on any or all items on the Senate Order Paper. At the same time, I think we can all agree this work can be done without endangering the fairness and openness with which we have always treated each other when it comes to individual initiatives.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Will Senator Carstairs accept a question?

The honourable senator noted that she was in this place some years ago, as Deputy Leader of the Government in the Senate. Can she indicate what the majority position of the government side was at that time?

First, the situation then made it easy to delay or to review in depth at any point in time, whereas when the opposition is a massive majority the government side must use due diligence to be absolutely sure that bills receive the kind of scrutiny they need. At this point, I refer mostly to the numbers she had on her side at that time.

Second, I believe the honourable senator referred to this situation in her earlier comments that during those days, the number of private senators' bills was a far cry from the number of bills arising today. She probably will admit that dealing with a much smaller number of bills coming through was easier in those days.

The measure of value in this chamber is that a government position or some kind of position is given to each and every individual member who brings in a private member's bill so they can be aware at second reading of some of the flaws that may be in the bill.

Senator Carstairs: To answer Senator Comeau's questions — and they are good questions — when I became deputy leader we did not yet have a majority but we were close, in terms of numbers. He is correct. There is a mood in the Senate and it is not necessarily productive, in my view, that we do not want to thwart the initiative of one of our colleagues in any way. The issue is serious and we have to get to the bottom of it. We could pass 250 Senate public bills if the only consideration was, one of my buddies on this side, or one of your buddies on your side, sponsored the bill so I will not bother to give it due diligence.

We must put more faith in our committee process to perform the kind of due diligence that is necessary. However, I recognize that Senator Comeau is under a particularly tough burden from two perspectives: First, there are so few senators on his side. I think he can blame his own Prime Minister, but we can debate that further; second, the mood that, as senators, we are not willing sometimes to stand up and vote "no" when the bill is sponsored by one of our colleagues, as opposed to saying "no" when it is perhaps a government initiative.

[Senator Carstairs]

Hon. Mac Harb: Honourable senators, I wish to make some comments now. I will be brief.

This inquiry is timely. I am sure my colleague, if she were to look at the statistics of bills that come from the other House, from private members of the other place to this house, she would see that a far larger number of those bills come through the Senate, are adopted by the Senate and receive Royal Assent. Many more bills come from the House of Commons to the Senate, than the reverse.

I do not understand why the government worries at all about bills that go from the Senate to the House of Commons. It is literally impossible for any public bill introduced by a senator and passed through the Senate to ever become law in the other place. Why? Because reform has taken place in the other place.

My colleague will correct me if I am wrong, but if I have a bill, and I have a couple of bills now before the Senate — and my bill receives the unanimous consent of the Senate, receives approval at all three stages and goes to the other side to sit on the Order Paper of the House of Commons, it will not be debated, discussed or adopted unless one member of Parliament who has a bill high up on the Order Paper drops his or her bill off the Order Paper and adopts my bill.

Honourable senators, I am not elected. I am appointed. However, honourable senators can understand that someone who must go to their electorate, who has already one or two private member's bills before the House of Commons and must face the electorate, might not give me priority by dropping his or her bill off the Order Paper and adopting my bill to move it through the process.

I believe we must make the push, on the government side in the other place, with our meetings with the House leaders on the other side, to have parity in the system, in order to have fair treatment, transparency and reciprocity. If we are to deal with their bills and give them priority even at the committee level, surely they should give our bills respect and fair and proper treatment when they go to the other place.

Never mind all the frustration that we go through; and I am a frustrated, backbench senator, almost at the far end. I know it does not matter how much I work, or that I have 500 or 10,000 letters supporting a piece of legislation that I bring before the Senate. It does not matter if the Senate approves that legislation. If one member of the other House does not adopt it, the bill will not go anywhere.

That important part is missing from this whole debate on the functionality of Parliament. Do we need to talk about the reform of the Senate? Excuse me, but I served in the House of Commons for 16 years. If we need reform in any place, we need it in the House of Commons. That is where the powers are. That is where ineffectiveness and inefficiencies exist. I say this in all fairness, and I am not afraid to face an electorate. I faced them five times. Thanks to their confidence, I was elected every time.

Honourable senators, the bottom line is that when we talk about the democratic deficit, it exists there as much as it exists here, but to a lesser extent here. We are appointed as part of a constitutional requirement of the government represented by

the Prime Minister of Canada. They are not. They are elected every time. They have to face their voters.

If reform is urgent, it is urgent on the other side. Part of that reform, I submit, can begin now in our discussion. I think Senator Comeau can stand up to them and say, I cannot handle the work anymore because I must take adjournment on — I think today it was about nine or ten bills.

I am not sure Senator Comeau will be able to prepare 10 speeches to speak on those bills. Never mind: as my colleague has said, all he is doing is buying time. We all know that. That situation is not productive and does not help any one of us in advancing the agenda. It creates a bunch of frustrated senators, starting with me.

• (1610)

In essence, the inquiry is very timely, and it is extremely important for the committee that deals with rights of Parliament to get hold of it and arrange a meeting with the other place, to sit down with them to establish some sort of protocol.

The honourable senator is quite right to say that when this matter goes to committee that normally the department and minister appear before the committee to put the position of the government on the record, not here in discussion at second reading. Second reading is normally approval of principle. The fact is that we agree with the principle. We should refer this to committee and let the committee deal with it. That would be more efficient than letting something sit for 15 days.

I have a bill that I have not spoken on, and it is on day 13. I am waiting for day 14. I am not hopeful. It will not go anywhere. I know that. I will speak on it, move second reading; one senator will stand up, take the adjournment, and it will sit for another 15 days. The election will come and, here we go, another six months are gone. I have time on my hands. I have another 20 or 21 years to bring these bills back again to ensure they see the light of day, no matter what.

We are all wasting valuable time. Canadians want to see real action. When they see these kind of fizzles and whistles and gimmicks that take place by playing with the rules in order to not have a bill passed by the Senate and be approved by the House of Commons, that does not serve democracy at all. I will stop here. I know it is 4:15 and many of my colleagues want to get on with their other responsibilities.

Some Hon. Senators: Hear, hear!

Hon. Terry Stratton: In response to Senator Harb, I do recall in previous years having submitted, in every session of Parliament, a bill for the appointment of senators, and it sat and sat and was refused to be moved by the government side. We do not need to beat our breasts too hard. We bring it upon ourselves that these things do not progress. There is a history there we need to look at.

I will take adjournment of the debate, if I may.

On motion of Senator Stratton, debate adjourned.

AGING

MOTION TO AUTHORIZE SPECIAL COMMITTEE
TO EXTEND DATE OF FINAL REPORT—
DEBATE ADJOURNED

Hon. Sharon Carstairs, pursuant to notice of February 13, 2008, moved:

That, notwithstanding the order of the Senate adopted on November 1, 2007, the date for the presentation of the final report by the Senate Special Committee on Aging on the implications of an aging society in Canada be extended from March 31, 2008, to September 30, 2008 and that the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

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

Some Hon. Senators: On debate.

Senator Carstairs: Honourable senators, I have been asked to say a few words on this particular item, so I will.

The Special Senate Committee on Aging was constituted in November 2006 and began meetings in February 2007. The committee presently includes Senator Chaput, Senator Cools, Senator Cordy, Senator Keon, Senator Mercer and Senator Stratton, with Senator Keon as the deputy chair and me as the chair.

Regrettably, we lost Senator Murray and Senator Johnson, but we thank them for their service and we welcome their replacements, Senator Stratton and Senator Cools.

The committee meets on Mondays from 12:30 to 3:30, normally the non-sitting day in this place, and it is a reflection of the dedication of the members of this committee that attendance has been excellent, despite the fact that it has required senators to frequently travel either on Sundays or very early on Monday mornings. For this, their chair is very grateful and appreciative.

Honourable senators, this study has taken on a life of its own in the sense that seniors groups from across the country have interacted with us, as well as many experts in the field. The topics before us, for which we will release an issues and options report in March, includes some topics such as income support, active aging, healthy aging, aging in place and retirement.

After we table this interim options and issues report, it will then be our intention to discuss these options with experts and seniors throughout Canada.

In the summer 2007, I wrote to both whips — Senator Stratton and Senator Cowan — and informed them that the report would take longer than we had anticipated and indicated a date of March 2008 and perhaps June 2008 if a prorogation occurred.

Honourable senators, we know that such a prorogation did occur. Regrettably, we did not have our mandate renewed until November 2007. Although I had moved a motion for June 2007, it was while I was attending a meeting of the IPU Committee on Human Rights of Parliamentarians, a committee I chair, that the

motion was amended to read March 31, 2008. Had I been in the chamber at the time, I would have explained to senators that —, particularly as the last two weeks of March are break weeks in calendar 2008 —, it would have been nearly impossible to table our report by March 13, 2008.

Honourable senators, this motion requests an extension of the deadline until September 30, 2008, and the reasons are twofold. First, October 1, 2008, is the International Day of Older Persons, and the committee hopes that the quality of our report will be such that it will help in the celebration of this very important day.

Second, the staff at the Library of Parliament normally assigned to the study of social issues in the Senate has been extraordinarily busy. There have been wonderful studies on autism, child care, literacy and ongoing studies on cities and population health. This has led to a scarcity of resources. Let me hasten to say that the work I have seen is of an extremely high quality, not only for my committee but for the other committees that have been well served by the Library of Parliament.

In my years in the Senate, I have never known a committee engaged in a special study not to be granted the extension required. The Senate prides itself on the quality of our work, and I would ask that the Special Senate Committee on Aging be given the same consideration.

The Hon. the Speaker: Further debate?

Hon. Terry Stratton: Honourable senators, if I may, I would like to look at the motion over the weekend and respond when we return. I do not think there will be a problem, but I want to talk to a couple of people.

On motion of Senator Stratton, debate adjourned.

THE SENATE

MOTION TO RECOGNIZE CONTRIBUTIONS
OF BLACK CANADIANS AND FEBRUARY
AS BLACK HISTORY MONTH—DEBATE ADJOURNED

Hon. Donald H. Oliver, pursuant to notice of February 13, 2008, moved:

That the Senate take note of the important contribution of black Canadians to the settlement, growth and development of Canada, the diversity of the black community in Canada and its importance to the history of this country, and recognize February as Black History Month.

He said: Honourable senators, as you know, February is Black History Month. The month-long celebration encourages us to honour the significant role that Black people, both past and present, have played in shaping the mosaic of Canada and its values. On December 14, 1995, the House of Commons unanimously approved the motion presented by the Honourable Jean Augustine to recognize February as Black History Month. Since that time, many Canadians were under the impression that Parliament had formally recognized February as Black History Month, but this assumption was false.

• (1620)

We have a bicameral Westminster system in Canada. The Senate is a component of Parliament but has not yet passed such a resolution. My motion today, therefore, is designed to formalize the position of the Parliament of Canada by recognizing February as Black History Month in the Senate.

The celebration of Black History Month originates from the U.S. professor Carter G. Woodson's 1926 declaration of Negro History Week, a week which marked the birthdates of civil rights activists Frederick Douglass and Abraham Lincoln.

The Association for the Study of Negro Life and History, directed by Carter G. Woodson, believed that knowledge was essential in order to challenge the public's perception of Black inferiority and to embrace equality. An understanding of Black history was required in order to grasp the extent of prejudice and discrimination faced by Blacks. Negro History Week was an opportunity to focus the public's attention on a history which had never been told.

In 1976, Negro History Week became Black History Month. This year, Black History Month marks the one hundred and seventy-fifth anniversary of the British Imperial Act of 1833, an act for the abolition of slavery in the British colonies. The British Empire was the first jurisdiction in the world to abolish slavery.

In 1793, Lieutenant Governor Simcoe, himself a slave owner, urged the government of Upper Canada to pass the Anti-Slavery Act, freeing slaves aged 25 and over and making it illegal to bring slaves into Upper Canada. This legislation marked the beginning of what was called the Underground Railway which, from 1800 to 1865, facilitated the arrival of approximately 20,000 Black slaves to Upper Canada. These courageous individuals fled deplorable conditions in the United States. Many Underground Railway fugitives arrived in Upper Canada's urban centres, Windsor-Chatham, Toronto and other southern Ontario small towns where they believed they would prosper. These Blacks contributed to the foundation of the Black community in Canada.

Thornton and Lucie Blackburn, for example, had successfully escaped slavery in Louisville, Kentucky when they arrived in Toronto in the 1830s. Mr. Thornton Blackburn started Toronto's first cab company and would refer to his one-horse cab as the "City". The Blackburns took part in anti-slavery activities and donated time and money to assist other refugees in Canada.

In 1999, the Government of Canada declared the Blackburns "persons of national historic significance" as a testament to their significant influence in the foundation of Toronto.

Mary Ann Shadd Cary was also prominent in the Underground Railway community as editor of the Provincial Freeman, an important Canadian Underground Railway community newspaper. Mary Ann Shadd Cary was the first Black woman editor in Canada.

The Senate's recognition of Black History Month will highlight the many accomplishments of Canadian Blacks. Here are but a few examples:

Rose Fortune became North America's first Black policewoman.

William Hall was the first Black man to win the Victoria Cross.

Anderson Ruffin Abbott was Canada's first Black medical doctor.

James R. Robinson was the first Black graduate of the Dalhousie Law School.

Jack Johnson was the first Black man to win the heavyweight championship of the world.

Portia White was one of Canada's great contraltos who paved the way for talented Black musicians. She was named "a person of national historic significance" by the Government of Canada.

Viola Desmond, a Nova Scotian activist, refused to tolerate racism on November 8, 1946.

Harry Jerome was the first Black Canadian sprinter to hold both the 100-yard and 100-metre records.

Lincoln MacCauley Alexander became the first Black Member of Parliament in the Canadian House of Commons in 1968, and the first Black Lieutenant Governor in Canada.

George Elliott Clark, poet and writer in Toronto, spent his entire life exploring the culture and heritage of Black Nova Scotia.

Carrie Best founded *The Clarion*, the first Black-owned and published newspaper in Nova Scotia.

Austin Clarke won the Giller Prize, Canada's most prestigious annual award for fiction, for his novel *The Polished Hoe*. He is recognized for his literary work which described the adaptation of Black people into White Canada.

Maxine Tynes, the first African Canadian to be appointed a member of the Board of Governors of Dalhousie University.

Betty Riley, the first Black woman in Canada to become a television producer.

Oscar Peterson, renowned jazz musician and recent Chancellor of York University in Toronto.

Wayne Adams, the first Black person elected to the Nova Scotia Legislative Assembly and the first and only Black cabinet minister in Nova Scotia.

Honourable senators, these individuals, and many others, have and will continue to inspire Black Canadians. May their stories of courage in the face of adversity motivate us to continue challenging racism.

Prior to Black History Month celebrations, these stories were unknown to most Canadians. During February, Canadians are making an effort through words, theatre, song and dance to embrace this rich history and to acknowledge the many successes of Black Canadians.

A few examples of Canadian Black History Month include the National Film Board of Canada's screenings of Black Canadians who "took racism to court."

Canadian Heritage's annual Mathieu Da Costa Challenge honours the arrival of the first Black man in Canada. This competition stimulates learning as students aged 9 to 18 submit artwork or writing to illustrate how "specific individuals from Canada's Black, Aboriginal and other ethno-cultural backgrounds have contributed to the development of Canada."

The City of Ottawa is promoting the importance of health in building a vibrant, productive community.

Toronto is offering walking tours of Old York to encourage the public to see where African-Canadians established a community through struggle and triumph.

On December 10, I spoke at Toronto's Commemoration Event for the two hundredth anniversary of the Abolition of the Slave Trade Act in the British Empire.

Montreal's School of Performing Arts is also taking part in the celebration with its show *Sounds of Colour: Black Trailblazers of Yesterday, Today and Tomorrow*.

In October, I spoke at McGill University's Conference on Myths, Misconceptions and Stereotypes. I also shared my experience as a Black Canadian with 150 students at Marymount Academy in Montreal last week.

Vancouver is showcasing gospel choirs and Black jazz and pop singers, while radio stations are featuring Black roots of bluegrass music.

Manitobans are commemorating the one hundredth anniversary of Blacks in St. Boniface.

Saskatchewan, a region where the Ku Klux Klan once had 25,000 members, is paying tribute to Dr. Alfred Shadd, a Canadian-born teacher and doctor who was the first recorded Black resident of Saskatchewan, arriving in 1896.

These many events are unifying Canadians in a much-needed acknowledgement of our Black community.

Honourable senators, we must step up as leaders and respond to the 1995 motion by officially recognizing February as Black History Month here in the Senate. The Senate's recognition is a clear message to the Black community: a message of pride, acknowledgment and encouragement. It is a symbol that Parliament values the role that Blacks have played in our nation.

I always welcome Black History Month as a time to look to solutions to end discrimination. My continuing goal is to ensure that all Canadians, regardless of colour, have access to the same chance to learn, advance and lead in Canadian society.

Carter Woodson felt that by encouraging people to learn more about Black history, Blacks would be proud of their heritage. He also hoped that it would eliminate prejudice. He saw Black History Week as a unifying force.

He said:

We should emphasize not Negro history, but the "Negro in history." What we need is not a history of selected races or nations, but the history of the world void of national bias, race hate and religious prejudice.

Black History Month in Canada is essential since it educates Canadians. Few Canadians know that slavery once existed in Canada, or that many of the British Loyalists who came here after the American Revolution were Black. They do not know that segregation was accepted in Canada well into the 1960s. It is a reminder to all Canadians that racism is not a matter just of the past.

Today, racism manifests itself in the racially unequal workforce, taking the shape of unequal income, discriminatory remarks and the glass ceiling. In light of these challenges, Black History Month is essential to maintain and strengthen the Black community. The narratives of exceptional individuals, like Portia White, Dr. William P. Oliver and so many others, are testimonials of our strength.

More important, honourable senators, Black History Month reminds us that we have and will continue to overcome many tribulations as our fight for equality continues.

Honourable senators, every year I identify the reasons for celebrating Black History Month because I believe that by recognizing the Black community you too can help to eliminate racism. Black History Month is our opportunity to confidently state that racism has no place in Canada.

Honourable senators, let us officially complete Canadian Parliament's position and recognize February as Black History Month. Let us acknowledge a story that has only begun to be told, and let us send a clear message to all Canadians that the Canadian Parliament prides itself on our Black community.

• (1630)

Hon. Lorna Milne: Would the honourable senator accept a question? I very much appreciate the long list of Black Canadians who have contributed so much to this country. To my knowledge, there have been three Black senators in the history of Canada. There may have been more. Perhaps they should be added to the list, honourable senators. One of those Black senators, of course, was speaking today. What he did not mention was the fact that Portia White, that famous singer, was his aunt. What happened to musical talent in the family, honourable senators?

Hon. Sharon Carstairs: I want to join my comments with those of Senator Oliver. I do not have any prepared remarks to make today. However, I think what he has raised this afternoon is significant and long overdue.

We have been celebrating Black History Month. As Senator Oliver knows well, I was born and raised in a city with the largest percentage of Black people in Canada. There are few Canadians who know we had apartheid schools in the north end of Halifax. This was so not because there were any legislative provisions that they be Black-only schools, but because the only children who lived in that area were Black children. The effect was, indeed, the same.

Those children were not encouraged to go on to St. Patrick's or to QEHS, the two high schools of that day. They were encouraged to go to the vocational school. That is all they were considered to be capable of doing.

I grew up in Halifax, and was not allowed to go to Gottingen Street. I was not allowed to go to that street by myself. I certainly was there with my parents, but not by myself. It was not considered a good place for a little White girl to go to. Therefore, I did not go. Yet, I was raised in a family where every housekeeper that my mother ever had was Black.

I have to say that my parents' attitudes towards the Black community were somewhat different than the attitudes of many. That is perhaps attributable in large part to the fact that my father, in Halifax North, represented a large number of Black Canadians.

However, I remember hearing, from other friends who also had Black housekeepers, language that was totally unacceptable when they spoke to them. I knew full well that if I had ever spoken that way to Suzy, my parents would have told me in no uncertain terms how far out of line I actually was.

My father, as many of you know from things I have said with respect to the Halifax explosion, found himself at the age of 19 as the parent, if you will, to nine younger siblings. His father was killed as a direct result of the explosion, and his mother died shortly thereafter. At 19, he became the parent to the rest of the brothers and sisters. There were nine of them, the youngest being two and a half years old. My father recounted in his own memoirs that if it had not been for Suzy Taylor, he would not have been able to raise that family. It would have been impossible. It was from those roots that my sense and understanding of the Black community of Halifax grew.

I had no concept of the discrimination until I got to university. I was the president of FROST — Friendly Relations with Overseas Students. A young Black student came to me and said, "I cannot get my hair cut." I said, "What do you mean, you cannot get your hair cut?" He said, "Nobody will cut my hair." I told him there is a barber at the hotel. "Go down and get your hair cut." He said, "Sharon, they will not cut my hair. They say they do not know how to cut my hair." That was the first time, Senator Oliver, I have to say that all of a sudden I realized I had not experienced the kind of experiences that I know you and many others in our communities have experienced. I was only 16 at the time.

The history of the Black people is rich in this country. It is not one that is taught in our schools. It is not one that our young people learn about. Just as we should learn about the negatives, we should learn about the positives. We must do it in balance. We must make all Canadians — whether they are White or Black, whether they are from India, Southeast Asia or from China — feel pride in our combined histories. If we are to be a truly multicultural country that takes pride in our heritage, then we must know our heritage.

Quite frankly, the first thing we should know is the Black people of Canada, because many of them were here as our very first immigrant people. No, they have not been here longer than our First Nations people, but they have been here so much longer than many other immigrants who came to this country. We should value their legacy, and we are very privileged to have

Senator Cools and Senator Oliver in this chamber to show the magnificence of their achievement against all odds in Canadian society.

Hon. James S. Cowan: I would like to commend my long-time friend Senator Oliver for his eloquent address and his initiative here today. I think the way in which he has spoken of the contribution that our Black fellow citizens have made to this country over our history is significant. I think it is a lesson which all of us need to learn and remember. His initiative today, as well as the eloquent comments by Senator Carstairs in support of that initiative, are lessons we should take to our hearts. Black Canadians have made a tremendous contribution to Canada, and will continue to do so.

As Senator Carstairs rose, I was about to rise to make my remarks, but also to make the same point she did: Like her, I grew up in Halifax. My family was very much involved in the community. I think my father was the first Chair of the Human Rights Commission in Nova Scotia.

I must say it was not until I got to high school that I appreciated that there was discrimination on the basis of race in what was then a very small city. It was through a lack of awareness; it was not due to turning a deliberate blind eye to the situation. That is something of which my children and my grandchildren, who are now growing up in the city of Halifax, would not be as unaware as I was. They are not as unaware as I was of the situation. There is much that has been done but there is much that remains to be done.

I commend Senator Oliver for his comments, and my colleague Senator Carstairs for hers.

As an aside, I am sure Senator Oliver will be as diligent as he usually is in circulating his remarks to ensure that they have as wide an audience as possible. When he does so, I would urge him to highlight the portions at the beginning of his address which made emphasis on the bicameral nature of Parliament, the importance of the two Houses and how we can never take what happens in the other place as speaking for the Parliament of Canada. I am sure he will make that known to his colleagues and correspondents.

• (1640)

Hon. Yoine Goldstein: Honourable senators, I am grateful, as we all are, to Senator Oliver for bringing to our attention again the proud and noble history and contributions of the Black population of Canada to the success of Canada.

As a member of another minority, not as visible as Senator Oliver's minority —, I am particularly sensitive to the matters which Senator Oliver raised. Our society is becoming very much better in terms of treatment to its minorities, visible and otherwise, although we have not yet reached the goal of becoming perfect with respect to minorities.

It may properly be said that the maturity of a society can and should be measured by the way and manner in which it sees and treats its minorities. We are going in that direction, but we are not yet there. I respectfully urge Senator Oliver to continue to be the voice of reason and logic he has been for the past number of years.

Hon. Marilyn Trenholme Counsell: Honourable senators, on this special occasion that has been so eloquently addressed and portrayed by Senator Oliver, I feel compelled to speak about two in New Brunswick who come to mind. I may be forgetting others I should mention, but I do want to speak about Willie O'Ree, the first Black player in the National Hockey League.

His Honour may correct me, but I believe the fiftieth anniversary of Willie O'Ree's first game in the NHL was just celebrated in Fredericton. There were grand celebrations at all levels of society, with great exhibitions of joy and pride. It was a wonderful homecoming. The new sports complex in that city has been named the Willie O'Ree Sports Complex. Young people are learning about his courage, his dream, his success and his example. He is now dedicating himself to young athletes, particularly young hockey players.

I must also mention our glorious, beautiful and talented Measha Brueggergosman. If honourable senators have not seen and heard her in person, I hope you have enjoyed one of her three CDs, and that you will watch for an opportunity to be entertained. Indeed, you will have your heart and soul and mind rise to unknown heights by her talent. She is truly wonderful.

Ms. Brueggergosman has sung at venues such as Carnegie Hall as well as for Her Majesty, Queen Elizabeth II. I feel somewhat like a mother or an aunt to her because we actually had a wedding celebration for her at old Government House when I was lieutenant governor. It was a great surprise for people. Her family and friends, especially, were immensely grateful. It was the first and maybe the only time that kind of thing will ever happen.

I salute these two New Brunswickers, knowing I may be missing some others. I thank Senator Oliver for the chance to bring their names forward today. We love these two New Brunswickers, and are most thankful for them. We pray that all the years to come will be a blessing to them and to all Canadians.

[Translation]

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to take a few minutes to draw your attention to the contribution of the Black community in the Province of Quebec, a community that has endured a rather difficult history, especially in the Montreal area. I would like to point out, however, that the community remains particularly vibrant.

If I may, I would like to share an anecdote. Some time ago, Canada carried out a United Nations peacekeeping mission in Haiti. At the time, Canada sent its commanding officer to assess personnel requirements. It was estimated that we would need only approximately 2,500 troops to carry out the mission. There were more than 22,000 Americans in the field. They had tried to establish security so that the UN could then pursue its usual Chapter 6 mission.

The francophone regiments in Valcartier have only existed since 1968 and were created as a result of a piece of legislation whose purpose was to eliminate the linguistic and cultural discrimination that held sway at the time within those regiments. Those regiments contained a significant number of soldiers who were of Haitian origin, who spoke Creole as well as mastering

French. This advantage allowed us to be extremely effective in the parts of Haiti where, previously, the Americans had never dared penetrate.

The Black community has a vibrant presence in the Province of Quebec. It is my fervent hope that it will keep its language and continue to assert its presence even more vibrantly within the francophone community through its culture and vitality, which are in evidence in many social and professional spheres.

On motion of Senator Stratton, for Senator Kinsella, debate adjourned.

POINT OF ORDER

Hon. Pierre Claude Nolin: Honourable senators, I would like to draw your attention to what appears to me to be a breach of the rules.

On page 23 of the *Order Paper and Notice Paper*, under the heading "Questions", we can read the following:

All questions will appear on the *Order Paper and Notice Paper* of the first sitting day of each week.

We can deduce from this sentence that written questions are reproduced in this part of the Order Paper. However, in my opinion, this violates section 1 of rule 25, which states that all written questions shall be sent in writing to the Clerk of the Senate to be placed on the *Order Paper and Notice Paper* until answered.

Honourable senators, there appears to be a breach of the rules.

The Hon. the Speaker: Honourable senators, I would like to inform you that Senator Nolin was kind enough to raise this with the Speaker earlier, which gave me the opportunity to do some research.

[English]

Honourable senators, I can report that on December 16, 1981, our former colleague, Senator Graham, who was then Chair of the Internal Economy Committee submitted a report to the Senate, which is cited on page 1811 of the *Journals of the Senate* that day. The Standing Committee on Internal Economy, Budgets and Administration recommended, among other things:

That all questions asked pursuant to Rule 20A(1) be printed on the Order Paper on the next sitting day, after they are sent to the Clerk of the Senate and only once a week, on the first sitting day of each week thereafter, until they are answered.

The next day, December 17, 1981, at page 1836, it is recorded:

Pursuant to the Order of the Day, the Senate proceeded to the consideration of the Report of the Standing Committee on Internal Economy, Budgets and Administration respecting the printing of certain information in the *Minutes of the Proceedings of the Senate* and the *Debates of the Senate*.

The Honourable Senator Graham moved, seconded by the Honourable Senator Riley, that the Report be adopted.

- (1650)

Thus in 1981, it was decided by the Senate that questions on the Order Paper are published on the first day of each week that the Senate sits. They are not published every day. I thank the honourable senator for giving me the opportunity to do a little research. The decision of 1981 explains why we find that our *Order Paper and Notice Paper* appears in this way today.

[Translation]

Senator Nolin: Far be it from me to argue with His Honour the Speaker. Nonetheless, I will point to the text of the rules as they stand. Perhaps in 1981 our colleagues should have taken the opportunity at the time to amend the *Rules of the Senate* to ensure that the text of the rules reflected the decision of the chamber. Clearly there seems to be a conflict between a decision by the chamber and the text of the rules. I think it would be appropriate for the honourable senators who are responsible for maintaining the *Rules of the Senate* to review the issue and recommend the necessary corrective measures.

The Hon. the Speaker: Honourable senators, I will take the matter under advisement. This is almost an administrative procedural matter.

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, February 26, 2008, at 2 p.m.

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

Motion agreed to.

The Senate adjourned to Tuesday, February 26, 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)

Thursday, February 14, 2008

*(*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-3	An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act	08/02/06	08/02/07	Special Committee on Anti-terrorism	08/02/12	0 observations	08/02/12	*08/02/14	3/08
C-8	An Act to amend the Canada Transportation Act (railway transportation)	08/01/29	08/02/12	Transport and Communications	08/02/14	0	08/02/14		
C-9	An Act to implement the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention)	08/01/31	08/02/12	Foreign Affairs and International Trade					
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					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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	08/01/31	1 observations	08/02/07 Message from Commons-agree with Senate amendment 08/02/12	*08/02/14	2/08
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	08/01/29		
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
C-40	An Act to amend the Canada Labour Code, the Canada Student Financial Assistance Act, the Canada Student Loans Act and the Public Service Employment Act	08/02/14							
C-41	An Act respecting payments to a trust established to provide provinces and territories with funding for community development	08/02/05	08/02/05	National Finance	08/02/07	0	08/02/07	*08/02/07	1/08
C-42	An Act to amend the Museums Act and to make consequential amendments to other Acts	08/02/14							

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							
C-428	An Act to amend the Controlled Drugs and Substances Act (methamphetamine)	08/02/12							

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	08/02/13	Social Affairs, Science and Technology					
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		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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. Hervieux-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	08/01/31	0	08/02/05		
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		
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	*08/02/14	4/08
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							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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							
S-226	An Act to amend the Business Development Bank of Canada Act (municipal infrastructure bonds) and to make a consequential amendment to another Act (Sen. Grafstein)	08/01/29							
S-227	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	08/02/12							
S-228	An Act to amend the Canadian Wheat Board Act (board of directors) (Sen. Mitchell)	08/02/13							

PRIVATE BILLS

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

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