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Wednesday, April 16, 2008



THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

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THE SENATE

Wednesday, April 16, 2008

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

• (1335)

[English]

Prayers.

[Translation]

SENATORS' STATEMENTS

THE LATE RICHARD PARÉ

TRIBUTE TO FORMER PARLIAMENTARY LIBRARIAN

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to pay tribute to Richard Paré, who passed away in his home on April 10, surrounded by his family.

Mr. Paré was Canada's sixth Parliamentary Librarian, and the first francophone to hold this position. A great Canadian, he always had the best interests of his country at heart. He was proud to help preserve thousands of documents that recount and immortalize Canada's history in both official languages.

He was born in Quebec City in 1938, graduated from Laval University and had a Bachelor of Library Science from the University of Ottawa.

He had been associate Parliamentary Librarian since 1980, and was appointed Parliamentary Librarian by the Prime Minister of Canada in 1994, a position he held until he retired in 2005.

Mr. Paré gained extensive experience in library science in his 25 years at the Library of Parliament. During that time, he developed special expertise in electronic library services and systems.

Mr. Paré was at the helm during the big budget cuts of the 1990s, and oversaw the enormous reorganization of the services in preparation for the extensive renovations to the Centre Block library.

With his knowledge and know-how, this massive project was carried out without any loss of services.

Richard Paré has fought his last battle but leaves us with enduring memories.

I offer my sincerest condolences to his wife, Renée Blanchet Paré, to his children, Michel, Valérie and Nicolas, and to the entire family.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

STUDY ON AFRICA—INTEREST IN FINAL REPORT

Hon. Peter A. Stollery: Honourable senators, I am pleased to inform you that government has accepted one of the most important recommendations of the Senate report on Africa of February 2007 entitled *Overcoming 40 Years of Failure: A New Road Map for Sub-Saharan Africa*.

A short while ago, the Minister for International Development was instructed by the Prime Minister to attend all trade negotiations because of their importance to the developing world. Unfortunately, it was not the Canadian government that accepted our committee's recommendation but the British government.

I also inform the Senate that the report on Africa of the Standing Senate Committee on Foreign Affairs and International Trade, as of March 26, has had 6,955 copies downloaded in English, and 2,278 copies downloaded in French. As honourable senators are aware, one download normally represents a multiplicity of copies of the report, and the demand for the report has not died off. Over the winter, 2,500 copies were downloaded. That is in addition to more than 1,500 hard copies.

Some Hon. Senators: Hear, hear!

[Translation]

OFFICIAL LANGUAGES

NEW BRUNSWICK—SUPREME COURT RULING REQUIRING RCMP TO SPEAK ENGLISH AND FRENCH

Hon. Maria Chaput: Honourable senators, on April 11, 2008, the Supreme Court of Canada ruled in favour of the francophone community of New Brunswick, recognizing the obligation of the Royal Canadian Mounted Police, the RCMP, to provide police services in both official languages throughout New Brunswick.

This ruling recognizes that the RCMP retains its status as a federal institution in all provinces where it provides provincial police services and that it must respect its obligations under the federal Official Languages Act at all times.

By ruling in favour of Marie-Claire Paulin and the Société des Acadiens et Acadiennes du Nouveau-Brunswick (SAANB) in their case against the RCMP, the Supreme Court has clarified certain aspects of linguistic rights in Canada.

All francophone and Acadian communities in Canada welcome this ruling, because it serves as a reminder that linguistic minorities have constitutional rights with respect to official languages. This ruling greatly clarifies the obligations of federal institutions concerning the linguistic rights set out in the Charter.

The Paulin case was before the courts for eight years. It was the last case approved for financial assistance under the Court Challenges Program, just before the program was eliminated by Stephen Harper's Conservative government in 2006. According to officials from the Société des Acadiens et Acadiennes, "Without the assistance of that program, this case would never have gone to the Supreme Court."

Honourable senators, with the Paulin decision, the Canadian Francophonie is claiming victory.

The President of the Société des Acadiens et Acadiennes du Nouveau-Brunswick, Marie-Pierre Simard said:

The solidarity and perseverance of an entire community can ultimately force governments and institutions to recognize our rights and, above all, to obey their own laws.

As in the Montfort case in Ontario, the efforts of the Acadian community in New Brunswick produced positive results in what will be known as the Paulin decision.

We are delighted for our colleagues from New Brunswick and we thank them for their hard work and perseverance in winning this case.

[English]

CRUELTY TO ANIMALS

EXPRESSION OF APPRECIATION FOR BILL S-203

Hon. Willie Adams: Honourable senators, last week Senator Bryden presented a bill that passed without amendment in the Senate. I congratulate Senator Bryden for bringing Bill S-203 before us. The cruelty to animals legislation has had a long life. It was introduced in the House of Commons in 1999 and did not come back to the Senate until sometime in 2002.

• (1340)

At that time, Senator Carstairs was the Leader of the Government in the Senate. When Bill C-10 came into the Senate in 2002, it was combined with another bill. Some honourable senators will probably remember that. After the Standing Senate Committee on Legal and Constitutional Affairs studied Bill C-10 in 2002, it returned here to the Senate, where it was split into Bill C-10A and Bill C-10B. Legislation on cruelty to animals has been debated in the Senate for a long time, from 2002 to 2008. In the 1970s, Greenpeace approached the government to bring in changes regarding leghold traps. All people in the Northwest Territories, now Nunavut, were really hurt by those changes. Prices fell for seal skins and fox pelts. I remember one trapper on Holman Island who made over \$70,000 a year in fur pelts before the bill became law and leghold traps were banned. After Greenpeace succeeded in banning leghold traps, no one could afford to trap anymore. With the fall in prices for furs — pelts went from \$70 to between \$3 and \$5 each — trappers could no longer afford to buy equipment.

I simply wanted to put on record how long this legislation has been before Parliament. At least now, Bill S-203 has defined what type of animals will be included and the municipalities have some rules. That is why the people of Nunavut and especially the hunters are happy with it. Thank you very much for passing this bill, honourable senators.

[Senator Chaput]

[Translation]

WORLD FOOD SHORTAGE

Hon. Lucie Pépin: Honourable senators, the world is gripped by hunger. We are in the midst of an escalating food crisis. Global food reserves are at their lowest levels in 30 years. There are serious shortages of rice, wheat and corn, the basic foods of millions of people around the world.

Prices for staple foods have doubled and even tripled in some countries, and these spectacular increases are having a serious impact on developing countries, where average food costs represent up to 70 per cent of wages, compared to 15 per cent in developed countries.

The scarcity of grains and the huge rise in grain prices are due to a combination of factors. Climate change, the higher cost of petroleum products, extensive biofuel production and financial speculation are the main reasons for the food crisis.

Demonstrations against inflation and the soaring price of staple foods have taken place in Africa, Asia, Latin America and the Caribbean. In some places, there have been violent riots.

This food insecurity could push 100 million people in low-income countries deeper into poverty. Major international agencies say that the world is on the verge of a period of political turmoil, social upheaval and migration due to hunger and inflation.

The situation must be stabilized as soon as possible. Recently, there have been many appeals to that end. The Secretary-General of the UN has called on the international community to take action immediately. The International Monetary Fund has also sounded the alarm. The president of the World Bank has spoken of the need for a new deal on global food policy. The World Food Program has appealed to wealthy nations to provide \$500 million in emergency aid by May 1.

The United States responded quickly and, this week, released \$200 million in emergency food aid for the hardest hit countries. The Europeans followed suit. The World Bank plans to increase its agricultural loans in Africa to \$800 million.

I know that Canada has always been committed to fighting hunger through the World Food Program. However, in light of the urgency and extent of the needs, I appeal to our government to join without delay in the international efforts to alleviate this food crisis, which is taking a serious toll on people around the world. Canada must respond now.

• (1345)

[English]

VISITOR IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Ali Mazrui, an outstanding author, academic and, foremost, an expert on African Studies. He is the guest of the Honourable Senator Jaffer.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

CITIZENSHIP ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Wednesday, April 16, 2008

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

ELEVENTH REPORT

Your committee, to which was referred Bill C-37, An Act to amend the Citizenship Act has, in obedience to the order of reference of Tuesday, March 4, 2008, examined the said Bill and now reports the same without amendment.

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

Respectfully submitted,

ART EGGLETON
Chair

OBSERVATIONS

Your committee has adopted Bill C-37, An Act to Amend the Citizenship Act, without amendment with the hope that the bill will receive speedy passage through the Senate and receive Royal Assent at the earliest time. Changes effected by Bill C-37 that restore or grant citizenship to those who have come to be known as the “lost Canadians” are long overdue. Hundreds of such people, many of whom are elderly, have been waiting years, and in some cases, many decades for legal recognition of the Canadian citizenship to which they have been morally entitled all along.

When the Minister of Citizenship and Immigration, the Honourable Diane Finley, appeared before the committee on 10 April 2008 to speak in support of the bill, she explained that the problem of the loss of Canadian citizenship is being addressed through amending, rather than replacing, the existing *Citizenship Act* in order to ensure a faster and more certain resolution. Members of your committee appreciate the Minister’s reasoning and support her objectives.

However, your committee wishes to focus the government’s attention on the long-standing and obvious need for a new citizenship Act. Canada’s current Act, which came into force in 1977, has been amended many times over the years. Today it is nothing short of a cumbersome patchwork of technically drafted provisions, many of which refer to other provisions in now-repealed legislation. Legal experts find the *Citizenship Act* difficult to understand; for other Canadians it is impossible to navigate.

Your committee is of the opinion that members of the public should be able to read Canada’s citizenship legislation, understand the system and determine whether they are citizens. To this end the committee suggests that the government prioritize replacing the *Citizenship Act* entirely with new, clear and straightforward citizenship legislation in the near future.

The committee notes that Canada’s existing *Citizenship Act* perpetuates distinctions drawn on grounds such as whether a child was born in or out of wedlock. Such distinctions are not compatible with the modern values set out in the *Canadian Charter of Rights and Freedoms*, and therefore should not be carried forward into any new citizenship legislation. Rather, the committee urges the government to ensure that all aspects of new citizenship legislation are Charter-compliant and consistent with Canadian values. Your committee also takes note of the concerns voiced by Professor Donald Galloway who testified that provisions in Bill C-37 would deny citizenship by descent to those who are born or who are adopted outside Canada, where their Canadian parent is also born or will be adopted outside Canada. Such a distinction would grant citizenship to a first generation born outside Canada while denying it to their children and subsequent generations were they to be born abroad. Such a provision strikes your Committee as arbitrary and unfair. At the same time, your committee agrees with Minister Finley that those seeking Canadian citizenship must be able to demonstrate a connection to this country. Accordingly, and as Professor Galloway suggested, guidelines that do not use place of birth as a proxy should be developed indicating clearly how attachment to Canada is to be demonstrated.

Finally, committee members note that Bill C-37 will not resolve the problems experienced by a group of lost Canadians typified by descendants of Mennonites who were issued citizenship cards in “error.” However, it is not our intention to delay resolution for the vast majority of lost Canadians by seeking an amendment to address the problems faced by this smaller group. Therefore, we urge the Minister to put in place a policy with a view to providing a fast and compassionate resolution for those who, through no fault of their own but at great personal cost, and for many years, have relied on the validity of such erroneously issued citizenship cards.

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

On motion of Senator Eggleton, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on the Orders of the Day for third reading later this day.

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

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Wednesday, April 16, 2008

The Standing Senate Committee on National Security and Defence has the honour to present its

FIFTH REPORT

Your committee, to which was referred 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 has, in obedience to the Order of Reference of Tuesday, March 4, 2008, examined the said Bill and now reports the same without amendment.

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

Respectfully submitted,

COLIN KENNY
Chair

**OBSERVATIONS TO THE FIFTH REPORT
OF THE STANDING SENATE COMMITTEE
ON NATIONAL SECURITY
AND DEFENCE
(BILL C-40)**

Your Committee notes that the Canadian Forces Liaison Council is an organization with valuable expertise in negotiating employer support for reservists. Therefore, we propose that in the process of drafting the regulations to be adopted under section 247.97 of the *Canada Labour Code* as amended by Bill C-40, the Minister of Labour consult with the Council, *inter alia*.

Your Committee also notes that the *Public Safety Act* 2002, which received Royal Assent on May 6, 2004, added to the *National Defence Act* new provisions to accord reservists job protection when called upon for duty in times of an “emergency,” which is defined as an insurrection, riot, invasion, war or armed conflict. This amendment never came into force. We propose that the Minister of Labour consider conducting a study, jointly with the Minister of National Defence, to ensure that Bill C-40 and sections 285.01 to 285.13 of the *National Defence Act* are reconciled and do not unduly overlap.

Lastly, your Committee notes that it will be necessary to follow the progress of this bill, once entered into force, to ensure that all parties concerned are not negatively affected by this legislation. We therefore propose that the Canadian Forces Liaison Council be requested to monitor and follow

up on the impact of Bill C-40 and to report its findings to the Minister of National Defence. We also propose that the Minister of National Defence, in turn, table these findings as a report in both Houses of Parliament.

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

Hon. Hugh Segal: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(b), I ask that this bill be read a third time later this day.

Hon. Joseph A. Day: Honourable senators, normally before a request such as this is granted, we are given an explanation as to why leave is being sought. Thus, I ask for an explanation as to why leave is being requested.

The Hon. the Speaker *pro tempore*: Senator Segal, an explanation is being requested.

• (1350)

Senator Segal: I appreciate the opportunity to do so. I understand the leadership on both sides has agreed, because of the urgency of the matter, the great dispatch and the upcoming break, that this matter could be considered later this day. It relates to our reservists, for whom both sides of the house wish to provide protection as quickly as possible.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

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

Some Hon. Senators: Agreed.

Senator Corbin: On division.

Motion agreed to and bill placed on the Orders of the Day for third reading later this day, on division.

[Translation]

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

**TRADE KNOWLEDGE WORKSHOP AND BILATERAL
VISIT, MARCH 17-20, 2008—REPORT TABLED**

Hon. Michel Biron: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian section of the Inter-Parliamentary Forum of the Americas (IPFA), respecting its participation in the trade knowledge workshop and bilateral visit, held in Port of Spain, Trinidad and Tobago, and Bridgetown, Barbados, from March 17 to 20, 2008.

[English]

THE SENATE

NOTICE OF MOTION TO REMIND HOUSE OF COMMONS OF RIGHT TO AMEND MONEY BILLS CONTAINING SUBSTANTIVE NONFINANCIAL PROVISIONS

Hon. Elaine McCoy: Honourable senators, pursuant to rule 58(1)(i), I give notice that, at the next sitting of the Senate, I will move:

That a message be sent to the House of Commons to remind that House that, in recognition of the primacy of the Commons with respect to bills for appropriating the public revenue and implementing government budgets, this house has voluntarily refrained for many years from amending such money bills; and to inform that House that this house nonetheless insists on its right under the Constitution Act, 1867, to amend any money bill containing substantive non-financial provisions such as those amending the Immigration and Refugee Protection Act found in Bill C-50, the Budget Implementation Act, 2008.

Some Hon. Senators: Hear, hear!

[Translation]

QUESTION PERIOD

ELECTIONS CANADA

CONSERVATIVE PARTY CAMPAIGN EXPENSES

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, yesterday, we were both surprised and sad to hear the Prime Minister say that the Conservative Party had produced all of the information requested by Elections Canada. If that is really the case, can the Leader of the Government tell us why the RCMP searched the Conservative Party of Canada's offices yesterday?

• (1355)

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the RCMP made it clear that they are not investigating this matter but were there to support Elections Canada. It is as much a mystery to us as it is to anyone else why they did not simply call and ask for the material.

[Translation]

Senator Hervieux-Payette: Honourable senators, apparently it was a completely different kind of surprise to the Leader of the Government. This issue, which has been called the "in-and-out" affair in the other place, has been on hold for several months. The

RCMP obtained a search warrant. That process is not generally used when there has been full cooperation, but rather when someone suspects that not everything requested was provided.

Can the Leader of the Government tell us what the Conservative government was trying to hide from Canadians when it failed to produce all of the required documents?

[English]

Senator LeBreton: The honourable senator is obviously misinformed. The fact is that the Conservative Party filed their election reports openly, honestly and transparently. Elections Canada disputed some of our reports, while we, in turn, disputed a decision that they made. We challenged their decision and the matter is now before the courts.

With regard to yesterday's actions, we were somewhat surprised because our lawyers planned to attend an examination for discovery with Elections Canada officials today. It is even more interesting that, although we were surprised, the Liberal Party of Canada was obviously not surprised because the Liberal Party was there with cameras. This is the Liberal Party that is in serious debt but can afford to have a camera crew at the ready.

Senator Campbell: There you go with a conspiracy theory again.

Some Hon. Senators: Oh, oh.

The Hon. the Speaker *pro tempore*: Order.

Senator Campbell: You should have called Mr. Zaccardelli. He covers your back.

Senator LeBreton: It is clear that we reported our expenses. In the dispute before the courts, Elections Canada is telling only our party that our candidates cannot promote the party's national platform or the national leader in their ridings.

I have a theory. Maybe the Liberals are behind this because they do not want to promote their leader and their platform in the next election.

Senator Campbell: Bring back Commissioner Zaccardelli!

Hon. James S. Cowan: The Leader of the Government in the Senate is always saying "it is a fact that." Is it not a fact that during the election campaign the government pretended to be the only party purer than the driven snow and that they were the only party able to save Canada from this corrupt Liberal regime?

Were they not funnelling money through their ridings, in contravention of the election laws of this country, as well as trying to get the Canadian taxpayers to pay for the rebates at the cost of hundreds of thousands of dollars?

Senator Mercer: Shame, shame!

Senator Cowan: Is that not the fact?

Senator LeBreton: Honourable senators, the fact is that —

Senator Campbell: We lied.

Senator LeBreton: No, honourable senators, we provided full and open disclosure to Elections Canada. We followed procedure and the laws, like every other political party. All parties do that.

Senator Campbell: Do you hear the door slamming shut?

• (1400)

Senator LeBreton: The issue here is that Elections Canada, for some reason, on the day before they were to appear for an examination for discovery, decided to come to our party headquarters followed by people from the Liberal Party of Canada and the media armed with cameras. That begs a question. We reported all of our things openly and honestly. Elections Canada challenged them. We in turn challenged Elections Canada. Juxtapose that to what happened in the 1997 election when millions and millions of taxpayers' dollars were put in brown envelopes and distributed in the province of Quebec.

Some Hon. Senators: Oh, oh!

The Hon. the Speaker *pro tempore*: Order!

Senator LeBreton: I wonder whether Elections Canada — and it is legitimate: they challenged us; we in turn challenged them — ever presented themselves to the Liberal Party of Canada to find out about the sponsorship money.

Senator Cowan: Is the Leader of the Government seriously suggesting to this house and to Canadians that if the Conservative Party is having a discussion with Elections Canada over the interpretation of the Canada Elections Act, that Elections Canada needed to have the RCMP accompany them to the Conservative Party headquarters for the purpose of pursuing those discussions? That is simply not credible.

The Prime Minister said yesterday that the party had cooperated in every way and provided all the information. If that is so, and this was simply — as the Leader of the Government is suggesting — a legitimate difference of opinion over the interpretation of a couple of sections of the Canada Elections Act, surely it is straining the credibility of the government, the party, and the credulity of Canadians to expect them to believe that it would be necessary to have the RCMP accompany them for those discussions.

Senator LeBreton: Honourable senators, that is exactly what I am saying. The fact is that we fully cooperated with Elections Canada. We had not heard from Elections Canada for months. All of the sudden, on the day before our lawyers are to attend an examination for discovery with Elections Canada, these people appear on our doorstep with the CBC and the Liberal Party of Canada in tow. I have no explanation. The truth of the matter is that we do not know what motivated them. The fact is that this is as a result of something we initiated.

Some Hon. Senators: Oh, oh!

Senator Campbell: We initiated the investigation; you initiated the lawsuit.

Senator LeBreton: The fact of the matter is that we initiated the court action. The honourable senator does not want the truth because he does not want to explain to the Canadian people where \$40 million of taxpayers' money went to.

Senator Cowan: Surely, the fact is that the minister is deliberately confusing the lawsuit brought by the Conservative Party of Canada against the election officials and the ongoing investigation concerning their in-and-out scheme.

Senator LeBreton: The issue here is the returns that the party filed and the advertising in individual ridings. We followed the law. If the law is not right, then clarify the law. Other parties have followed exactly the same practice, but, as I said, we are faced with a situation where the Conservative Party could be the only national party that can go into an individual candidate's riding and not advertise its leader or its national campaign. That is ridiculous. I understand why the Liberals may not want to do that in the next election, but why should it only apply to our party and not to all other parties?

• (1405)

THE RIGHT HONOURABLE STEPHEN HARPER THE HONOURABLE PETER MACKAY

LISTS OF DONORS TO LEADERSHIP CAMPAIGNS

Hon. Wilfred P. Moore: Honourable senators, my question is for the Leader of the Government in the Senate. Could she advise the chamber as to whether the boxes that were removed contain the yet undisclosed names of the donors to the leadership campaigns of Messrs. Harper and MacKay?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I do not know what the boxes contain. The honourable senator knows more about that than we do, I guess.

INDUSTRY

POSSIBLE SALE OF MDA CORPORATION TO ALLIANT TECHSYSTEMS INC.

Hon. Bill Rompkey: Honourable senators, my question is also for the Leader of the Government in the Senate. It is a follow-up to a question I asked her last week about the sale of MacDonald, Dettwiler and Associates and RADARSAT-2. She promised to give me a full and complete answer this week, so I am giving her now an opportunity to give me a full and complete answer.

I do not have to go over the arguments for the leader. This is state-of-the-art Canadian technology that should be kept in this country. I think Minister Prentice is moving in the right direction, but it is not yet a done deal; the deal has not been stopped.

Will the leader see to it that Minister Prentice takes the right decision and keeps that technology in this country?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. The fact is that the law requires a 30-day period for the parties in this particular transaction to respond. It was clear from Minister Prentice's statement at the time, and also in his speech to the employees at the Canadian Space Agency in

Montreal. I think it is significant that, for the first time in the past couple of decades, the government has actually taken such action in the interests of Canadian technology.

Senator Rompkey: That is true, but we have heard from the Americans that they are still talking to Minister Prentice and putting forward arguments. We know the power of corporate America, particularly with the government in office at the present time. This is not a done deal, and until such time as the final decision is taken, there is still some doubt in the minds of Canadians, who, by the way, overwhelmingly support keeping RADARSAT in this country, according to the latest polls.

Will the minister take the message to Minister Prentice that this Senate wants that deal stopped and that we want a decision that reflects that?

Senator LeBreton: I thank the honourable senator for his question.

It is true that the American company had 30 days to respond. The honourable senator spoke about the powers of persuasion and the strength of the American interests in this matter. I would put the power of persuasion and the integrity of the Minister of Industry, Jim Prentice, up against anyone and, in particular, when it assists government and this party, who, for the first time in many years, has focused on the North and on our sovereignty in the North as one of our “stand up for Canada” platforms.

I am confident that the minister will continue along in the interests of Canadians. In fairness, as is required by the law, the parties to this transaction have 30 days to make their case, and I think in any free and democratic society we would want them to make their case.

ELECTIONS CANADA

CONSERVATIVE CAMPAIGN EXPENSES

Hon. Terry M. Mercer: Honourable senators, I would like to go back to Senator Cowan's question. I am curious about the habits of the leader of the current government, Prime Minister Harper. He seems to have problems following the rules as laid down by Elections Canada. This is the same Stephen Harper who was taken to court a number of years ago when he was President of the National Citizens Coalition because he did not abide by the third-party advertising laws of this land, passed by the House of Commons and by the Senate. He chose to ignore them. This is the same Stephen Harper, from the same party, who ran advertisements against Quebec leaders.

Is this a habit for which the Conservative Party should have their leader treated? Prime Minister Harper has become a habitual offender against the election laws of this country. If we had a three-strike law in this country, he would be out!

• (1410)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The honourable senator did not ask a question. Many people challenge Elections Canada, the most recent being your own Bob Rae.

Senator Tkachuk: Not Bob Rae.

Senator LeBreton: Bob Rae challenged Elections Canada successfully. That is his right.

Senator Tkachuk: That is his right.

Senator Campbell: Harper lost.

FOREIGN AFFAIRS

INTERNATIONAL TREATY TO BAN USE, PRODUCTION AND TRADE OF CLUSTER MUNITIONS

Hon. Elizabeth Hubley: Honourable senators, over 10 years ago, Canada showed international leadership in the creation and ratification of the Ottawa treaty to ban land mines. This country earned an enormous amount of respect and admiration for taking the lead in the elimination of a weapon of war that created civilian victims for decades after hostilities ended.

The attention of the world has turned now to the elimination of cluster bombs, a weapon as deadly and indiscriminate as land mines. However, far from taking another leadership role, Canada has not even declared a national moratorium on the use, production and trade of cluster munitions.

My question to the Leader of the Government in the Senate is: Has Canada completed the destruction of its stockpile of cluster munitions? Does this government intend to declare a moratorium on the use, production and trade of cluster munitions?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I believe I responded to a question before on cluster bombs, the danger they pose and the damage they inflict. I will look up that response or resubmit it for an update to this serious issue.

Senator Hubley: The Oslo Process is underway with the intention of finalizing an international treaty to ban cluster munitions. In May 2008, final negotiations will be held in Dublin with a signing scheduled for October 2008 in Oslo. Will Canada participate at the negotiations in Dublin? Does Canada intend to sign and ratify this treaty?

Senator LeBreton: Thank you, Senator Hubley, I will take that question as notice.

[Translation]

OFFICIAL LANGUAGES

REINSTATEMENT OF COURT CHALLENGES PROGRAM—OBLIGATION OF RCMP TO PROVIDE SERVICES IN BOTH LANGUAGES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, on April 11 the Supreme Court of Canada recognized the Royal Canadian Mounted Police's obligation to offer bilingual police services throughout New Brunswick. This case was granted financial assistance under the Court Challenges Program shortly before it was cancelled. Without that program, this case never would have made it all the way to the Supreme Court, and thus a part of the public would have been deprived of its linguistic rights under the Charter.

Can the leader tell us if the government will reinstate this program that is essential in helping this country's minorities to defend their fundamental rights and ensure that they are respected?

An Hon. Senator: Hear, hear!

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I am aware of the decision of the Supreme Court and that the RCMP have indicated their intention to abide by that decision.

With regard to the Court Challenges Program, as the honourable senator knows, the matter is before the courts. Therefore, I cannot comment specifically. The government is working on an action plan in respect of official languages and, as I indicated in this place several times before, the Minister of Canadian Heritage will unveil, in the near future, the new action plan taking into account the report of the Honourable Bernard Lord.

[Translation]

Senator Tardif: Now that the decision has been rendered and that we know that, as a federal institution, the RCMP must respect the Official Languages Act, can the Leader explain how the government intends to ensure that the RCMP will respect its obligations under the Official Languages Act throughout the country?

• (1415)

[English]

Senator LeBreton: I think the RCMP indicated they would abide by this court ruling. I believe that is their intent in the disposition of their duties. I will take the question as notice to determine from the Minister of Public Safety — who is responsible for the RCMP — what type of directive is being distributed across the country to the RCMP with regard to this issue.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

ENABLING ACCESSIBILITY FUND

Hon. Jim Munson: Honourable senators, I have a question for the Leader of the Government in the Senate.

Last week our offices received an information package outlining the virtues of the Enabling Accessibility Fund. This \$45-million fund seeks to promote vibrant communities in which all can contribute and participate, regardless of physical ability.

Honourable senators, this goal is laudable. I congratulate the government for attempting to assist those municipalities and non-government organizations wishing to improve accessibility in their communities.

However, most Canadians will not be aware of the program's existence by the time the submission period ends on April 30, let alone have the resources to create a suitable proposal for

consideration. The question for the Leader of the Government in the Senate is: Why is the first call to receive proposals for this fund only 30 days in duration?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I hear Senator Munson was a pretty good hockey player last night. The coach of the opposing team told me that.

The call for proposals for the Enabling Accessibility Fund went out on April 1, and the call was well advertised.

With regard to the deadline, some people have suggested that perhaps it was not as well known, although it was well advertised. This fund is important: Accessibility is a matter of great concern. The government supports it. I will pass along the honourable senator's concerns about the closing date for submissions.

This project is worthwhile, and the government has said it will invest up to \$45 million.

Senator Munson: If honourable senators want to hear spin, the Liberals "won" the game 5-5. That outcome reflects the public opinion polls, but it is a good start.

Did this government have a specific project or set of projects in mind when this program was announced? Which groups in the disability community were consulted in the elaboration of this bill?

Senator LeBreton: When the accessibility fund was set up, it was made broadly known. Many groups have the ability to access these funds. If the honourable senator is referring specifically to the facility they propose for the riding of Whitby-Oshawa, I have seen the press reports. It would be sad if we were to discriminate against assisting people with disabilities because a facility may happen to be in one riding or another. The issue here is assisting the disabled.

Senator Munson: The Leader of the Government in the Senate has brought up Whitby-Oshawa. I am reluctant to bring up the issue, but it has been in the media. It is the minister's riding, and there are critics.

• (1420)

For example, Traci Walters, National Director of the Canadian Association of Independent Living, and John Rae, the First Vice President of the Alliance for Equality of Blind Canadians, along with a few others, seem to be concerned about the optics of having the program administered in Minister Flaherty's riding. In particular, there are concerns with Minister Flaherty's wife, Christine Elliott, the MPP for the provincial riding, and his executive assistant, Nancy Shaw, sitting on the board of the Abilities Centre.

Senator LeBreton: I have noted the concerns. This program is accessible to all community-based projects across the country.

In this case, the Minister of Finance fully disclosed his wife's role in this worthwhile project with the Ethics Commissioner and completely removed himself from all discussion of the decisions of this endeavour.

[Senator Tardif]

It is important that the government put money into facilities across the country. We should not discriminate against disabled people just because the facility would be located in a riding of any member of Parliament, whether they are Liberal, Conservative or NDP, for that matter.

Hon. Jane Cordy: Honourable senators, I agree that we should not discriminate against those with disabilities in one particular riding, nor should we discriminate against those with disabilities from any other riding in Canada.

When I read the proposal that came across my desk, it appeared to me — perhaps I misread it — that one had 30 days to fill out what I thought was a very substantial application form. When I read that form, it crossed my mind that one would have to have a plan in place. Did anyone receive a heads-up before this particular proposal came before us?

Senator LeBreton: Honourable senators, this plan is open to anyone who wishes to apply. Minister Solberg has stated categorically that everyone is welcome to apply. All organizations that do apply must meet the same criteria and conditions.

With regard to what Senator Munson has said, I have noted that there has been some concern about the call for proposals and the final date for receiving these proposals, and I will bring those concerns to the attention of Minister Solberg.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to an oral question raised on February 6, 2008 by the Honourable Senator Phalen, regarding public safety, Citizenship and Immigration, the 2010 Winter Olympic and Paralympic Games, and trafficking in persons.

PUBLIC SAFETY

BORDER SERVICES AGENCY—2010 WINTER OLYMPICS—TRAFFICKING IN PERSONS

(Response to question raised by Hon. Gerard A. Phalen on February 6, 2008)

Public Safety

Trafficking in persons (TIP) involves the recruitment, transportation or harbouring of persons for the purpose of sexual exploitation or forced labour. TIP can occur either domestically or internationally and often involves organized crime. Traffickers use various methods to maintain control over their victims including force, sexual assault and threats of violence to their family abroad.

The Government of Canada is committed to ensuring that all efforts are made such that the 2010 Winter Olympic and Paralympic Games are not a venue for those that wish to engage in human trafficking.

To ensure that the events unfold peacefully, the Government of Canada's security efforts will continue through the 2010 Winter Olympic and Paralympic Games as part of the overall commitment to ensure the safety and security of Canadians and foreign visitors.

The Royal Canadian Mounted Police (RCMP) has already been identified as the lead agency responsible for coordinating security for the Games and has been specifically tasked to form and lead an integrated police planning group to support the provision of policing and security for the Games; take all appropriate and necessary federal security measures to help ensure the safe holding of the Games; and, cooperate with other key partners, including the City of Vancouver, the Organizing Committee for the Olympic Games and the International Olympic Committee on security-related matters for the Games.

Ensuring the security of the Games also means ensuring that victims are not trafficked into Canada, and, in the event this occurs, ensuring that Canada is equipped to protect victims and not treat them as criminals.

Reports on major sporting events (e.g. the 2006 World Cup in Germany) have demonstrated that prevention and awareness campaigns, targeted training for law enforcement officials, and the development of clear protocols for responding to the needs of victims are among the necessary components of a successful strategy for responding to the potential increase in human trafficking around major sporting events.

This approach is entirely consistent with the Government's current efforts to prevent trafficking, protect the victims and to prosecute the offenders.

Our approach will focus on a number of components related to prevention and awareness, front-line training and, if necessary victim support. For example, the RCMP is currently updating its training video to reflect more information on domestic trafficking and will be used as an awareness tool prior to, during, and after the upcoming Games. The Government of Canada is also delivering human trafficking training workshops for law enforcement, border and immigration officials across Canada. These training workshops will be delivered in the Vancouver region prior to the 2010 Olympics and Paralympics Games, which will address the issue of human trafficking related to the Olympics.

In terms of an awareness-raising campaign, the RCMP will enter into a contract agreement with the *Canadian Association of Crime Stoppers* to develop a national awareness campaign which will be available through the Canadian media. This campaign would serve to inform the public of the potential dangers of TIP, help the public identify occurrences, and provide information on how to report suspected cases. With regard to the later component, the *Crime Stoppers* 1-800 number will be promoted as the central point of contact of reporting.

The Canada Border Services Agency (CBSA) will continue its mission to ensure the security and prosperity of Canada by managing the access of people and goods to and from Canada.

Emphasis will be placed on maintaining a high level of security and efficiency at all Ports of Entry prior to and during the 2010 Games, through ongoing targeting and inspection of travellers and responding to increased demands for intelligence, as well as interagency and foreign requests for information-sharing.

The CBSA can mitigate TIP activities under the agency's "multiple borders" strategy whereby risks to Canadian safety and security are identified and interdicted as far away from our actual border as possible. An example of this is the work of Migration Integrity Officers who collect and report intelligence information on irregular migration, organized TIP and migration crime rings and the routes and methods they use. The CBSA's network of Migration Integrity Officers has 44 specially trained border officers strategically placed at 39 transit hubs around the world.

CBSA Intelligence Officers work to detect and apprehend individuals who commit illegal activities at the border, including migrant smuggling and TIP. Border Services Officers assist in identifying possible trafficking victims through ensuring that foreign nationals seeking entry to Canada have genuine, properly-obtained travel documents, and are entering Canada for a genuine and lawful purpose.

Our federal officials, through the Interdepartmental Working Group, continue to work together building on our strengths in preparation for this major event. We also realize that successful strategies will require collaboration more broadly. Our officials have been in discussion with their provincial counterparts in British Columbia, as well as representatives from the Vancouver Police to ensure a coordinated response. Steps are also being taken to liaise with the RCMP Policing and Security Sub-Committee and the Vancouver Olympic Committee to discuss how best to incorporate our anti-trafficking responses into the larger security planning in relation to the 2010 Games.

Citizenship and Immigration Canada

Citizenship and Immigration Canada (CIC) will continue to work closely with its federal partners on the Interdepartmental Working Group on Trafficking in Persons (TIP) to strengthen federal responses to trafficking in persons, including its responses to TIP in the context of the 2010 Olympics.

Additional measures undertaken by the Minister of Citizenship and Immigration to protect victims of trafficking include the issuance of a short-term Temporary Residence Permit (TRP) for up to 180 days to foreign national victims of trafficking in Canada.

This permit provides trafficking victims with temporary legal status in Canada. It is intended to give victims a period of reflection to consider their options. Short-term TRP holders qualify for medical coverage, including counselling,

under the Interim Federal Health Program and they may apply for a work permit. The short-term TRP and work permit are both fee-exempt. Victims do not have to cooperate in the prosecution of their trafficker in order to obtain this temporary legal immigration status in Canada. CIC visa officers overseas work closely with partners and other law enforcement agencies to prevent and combat human trafficking through information-sharing, intelligence-gathering and will exercise due diligence to identify traffickers and their victims.

The Minister of Citizenship and Immigration also recently introduced legislation (C-17) in recognition of the importance to further protect from exploitation and abuse, vulnerable foreign nationals, who come to work in Canada. It will allow officers to refuse an authorization to work if, in the officer's opinion, public policy considerations expressed in Ministerial instructions justify a refusal. The public policy considerations would aim to protect foreign nationals who risk being subjected to humiliating or degrading treatment, including sexual exploitation.

Finally, CIC will continue to collaborate with its partners in the development of training materials for officers and participation in regional workshops to raise awareness about human trafficking.

[English]

BUSINESS OF THE SENATE

REQUEST FOR ANSWER

Hon. Jane Cordy: Honourable senators, on May 9, 2007, I asked a question with respect to child care spaces. Again, we had a discussion back and forth and the Deputy Leader was putting a tracer on the issue. As a result of Parliament being prorogued, the question that I had asked was dropped but, indeed, the officials had four months to look for the answer.

I again submitted the question as a written question on January 30, 2008. I have since read articles by organizations talking about the number of child care spaces. Those articles indicate that the number of child care spaces has dropped dramatically in the past year. I do not know that because I still do not have the answer to my written question of January 30, 2008.

The last time I made this request, the Deputy Leader of the Government in the Senate said he would put a tracer on it. I am wondering whether he has heard anything about it.

Hon. Gerald J. Comeau (Deputy Leader of the Government): As the honourable senator may know, these responses are often prepared by the Privy Council Office. We do try to remind them that honourable senators are awaiting answers, without unduly asking them to get the lead out. We want to be careful with them.

I should note that we have been good at providing responses to most questions. We have a record that will stack up well against any government over the last number of years. However, I have not had a response from the Privy Council Office.

• (1425)

Again, the question is not necessarily, “When will they respond to us?” It is more for us to say, “People are asking the question. Can you ensure the answers come in as fast as possible?” I do not have a precise date as to when they will respond.

ORDERS OF THE DAY

CITIZENSHIP ACT

BILL TO AMEND—THIRD READING

Hon. Gerald J. Comeau (Deputy Leader of the Government), moved third reading of Bill C-37, An Act to amend the Citizenship Act.

Hon. Art Eggleton: Honourable senators, I wish to speak to the observations. While we passed the bill without amendment, and happily did so, we have a few observations.

This bill deals with what are known as lost Canadians; people who inadvertently or through technicalities lost their citizenship when everyone agrees they should not have lost it. The minister, on behalf of the government, brought forward this bill that, in her estimation, would deal with approximately 95 per cent of the cases. The amendment is significant, and many people are anxiously waiting for this bill. I am glad we are in a position to deal with this bill at third reading today, pass it and move on with restoring citizenship to so many people.

I want to note the observations, however. First, the act that this bill amends, the Citizenship Act, dates back to 1977. It has been amended many times; so much so that people who are knowledgeable in this whole area say they have a hard time understanding the various ins and outs of the act, and certainly, the average citizen would have a hard time understanding it. This piece of legislation has many references that are difficult to trace back and fully understand. Some of those references relate to sections that were removed previously from the act, so that removal adds to the confusion.

The first observation of the committee was the government should give some attention to drafting a new citizenship act that would be clear and straightforward so that citizens can understand how they are covered by this act and whether they have their citizenship. Many people have not known because of the complexity of the current amended act. Therefore we asked the government to prioritize replacing the Citizenship Act with a new piece of legislation.

Second, there is a concern about distinctions that are drawn in the Citizenship Act based on whether a child was born in or out of wedlock. The feeling of the committee, and certainly the testimony we heard, is that this distinction is not in accordance with the Canadian Charter of Rights and Freedoms. When the government drafts a new act, it should take into consideration some of the language and some of the provisions that may not be in accordance with the Charter.

Third, one witness who came before us was Donald Galloway. He is a professor in the Faculty of Law at the University of Victoria and has spent a lot of time studying the Citizenship Act.

• (1430)

He thinks that this bill, which denies citizenship by descent — going back after one generation of people born outside Canada — is a wrong way to do this. He, like most others, did not want to hold up this bill. However, he noted that this legislation says that if individuals are born outside Canada after one generation — and before a second generation that might be born outside Canada — automatically, they do not have citizenship. He said that provision is arbitrary and there should be an examination based on demonstrating a connection to the country.

When the minister appeared before the committee, she stated that there are people born as a second generation outside Canada who do not have any relationship with this country. She did not think they should have citizenship. I do not think there is any quarrel that anyone who does not have a relationship to Canada should have citizenship. On the other hand, because they are born outside the country as a second generation, they should not be denied that possibility automatically. We ask for that provision to be examined further in the light of any amendments to the legislation.

Finally, a group of people from the Mennonite community came before the committee. A number of Mennonites have had their citizenship withdrawn because it was said that they became citizens in error. Apparently, at one point in time before there was a Canadian Citizenship Act, back in the 1930s, a number of Mennonites went to Mexico. They married people in Mexico in religious ceremonies, church weddings, and the spouses were given Canadian citizenship when they returned here because it was felt that those marriages had bonded them to this country because they had married a Canadian.

Subsequently, however, the marriages were not recognized in Mexico because, in that country, they must have a civil marriage for it to be recognized. As a result, the spouses then lost their citizenship. Apparently, there are still a lot of these people in that category. The Mennonite community did not want to see this legislation held up. However, they would like that group of people to be considered in any further amendments, and particularly in any redrafting of the Citizenship Act down the road.

Those observations come as a result of the witnesses we heard before the committee. We support the adoption of Bill C-37, with those observations.

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

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Meighen, that Bill C-37 be adopted at third reading.

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

Motion agreed to and bill read third time and passed.

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

BILL TO AMEND—THIRD READING

Hon. Hugh Segal moved third reading of 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.

He said: Honourable senators, I want to say a few words with respect to Bill C-40. I am thrilled, as I know are people on all sides of this house, that this bill, promised by the government in its Speech from the Throne last October, is finally coming to its conclusion. Should we decide to give it third reading, we can now say to our young men and women of the Canadian Armed Forces reserves that their employment back home will be waiting for them upon their return; and to student reservists, they will not lose their student status, nor will their student loan debt grow larger while they are away.

Bill C-40 has been a long time coming. Its provisions were originally recommended in a White Paper put out in 1987 on the restructuring of the Canadian Armed Forces reserves. Our Canadian Armed Forces, while wonderfully trained and capable, now must rely on the support of their reserve force brothers and sisters when our military's presence is invited or needed around the world in armed conflict, or here at home to assist with disaster relief. Faced with these challenges for which they volunteered, reservists need not face the choice now of serving their country or losing their jobs upon return.

While this bill is a wonderful step ahead, we should keep in mind observations made by the committee. Our job on behalf of the reserves will not be over even if this bill is passed.

Bills passed with similar intent in Nova Scotia, New Brunswick, Prince Edward Island, Manitoba, Saskatchewan, British Columbia and Ontario are deeply complementary to the federal legislation before us. However, some of the legislation has different time frames for both protected leave from work and eligibility periods before the protection comes into place. We can work with the provinces and industry to create greater coherence.

Also, the problem of two pay systems has yet to be resolved fully. These pay systems sometimes see reservists who are sent overseas go unpaid by the Canadian Forces for some time, causing financial hardship on the home front. We can, in the same non-partisan way in which we have all worked together on Bill C-40, work together for our citizen soldiers, airmen and sailors.

I thank the Honourable Jean-Pierre Blackburn for authoring Bill C-40, travelling across Canada to listen to reservists and incorporating their concerns into the bill. I want to thank the leadership on both sides of this chamber, the members of the Standing Senate Committee on National Security and Defence, its chair and deputy chair especially, for their engagement and sense of urgency in seeing Bill C-40 to this stage.

Most importantly, on behalf of all senators in this chamber, I thank and recognize each and every one of the 34,000 Canadian citizens who serve as members of the Canadian Armed Forces

reserve for their commitment to augment, sustain and support the regular force, more than 4,700 of whom have already served actively at great risk in Afghanistan, Bosnia, Croatia, Haiti and other international trouble spots. With great respect, I commend third reading support of Bill C-40 to all my Senate colleagues with enthusiasm.

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

Hon. Joseph A. Day: Honourable senators, I will not speak long on this bill. I know that honourable senators support the concept and objective of helping reservists, and ensuring they have as much job security and protection as possible.

A number of other issues, as my honourable colleague has pointed out, remain to be resolved. I have full confidence that the Standing Senate Committee on National Security and Defence and its Subcommittee on Veterans Affairs will continue to work in a cooperative manner to resolve those issues.

I bring to the attention of honourable senators the observations attached to the bill when it was passed unanimously, with the observations attached, and sent back from committee in this fifth report. Honourable senators will have received those observations today, when the report was distributed in the chamber.

The first point I want to make, so we all understand this point, is that the body that has been in existence for at least 25 years, the Canadian Forces Liaison Council, is a voluntary organization that receives some subsidization from the Department of National Defence. This organization acts as a liaison between the employers of reservists and the department in terms of doing what we talked about, namely, ensuring that reservists have proper attention for the commitment that they make and proper protection for their employment position.

The Canadian Forces Liaison Council, which exists throughout Canada, has representatives in each province in Canada, but the council was not consulted before this legislation was generated. That lack of consultation, frankly, astounded me. That is why we felt it imperative that we have them appear before us.

The position of the Canadian Forces Liaison Council has been, for the last 25 years at least, that employment security and support should be incentive-based — that employers should receive incentives and be convinced to provide support for their employees who are reservists and happen to be, for a limited period of time, fully employed by the Armed Forces. The Canadian Forces Liaison Council admitted to us that because this legislation has been generated, they are prepared to change their position, although the last time I looked on their website it still indicated that they prefer the incentive approach.

• (1440)

We also heard from the Canadian Chamber of Commerce, which, if I might say, was lukewarm to this legislation. They much preferred an incentive approach, particularly, from their point of view, an income tax incentive for employers whose employees are off on full service for a period of time. However, the representative from the Canadian Chamber of Commerce seemed

to be resolved that it will be a legislative approach as opposed to an incentive approach. He suggested that we follow through to ensure that the impact that is being sought — that is, to support the reservists — is achieved.

Honourable senators, the problem and the concerns have been that if someone applies for a position with a company and he or she is a reservist, then the potential employer might be concerned that the employee could be away a little more than the employer would like and would not be providing full and undivided energy and attention to employment. Without saying it and without having a written policy, the employer may not hire that person, all else being equal, and the reservist employee may not even have the opportunity to get hired in that job. That has been the concern throughout. Therefore, all the energy has gone toward communicating to the employer the importance of this service. The reservists perform an important service to this country. The Canadian Chamber of Commerce suggested that we keep an eye on this effect, and our committee suggested the same in its observations.

Honourable senators, I wanted to bring to your attention one other aspect. In this chamber, four or five years ago, we passed a bill entitled the Public Safety Act. I remember it well, since I was the sponsor of that bill. I remember speaking at length about how pleased I was that there were provisions in that bill to amend the National Defence Act to provide protection for reservists. The bill was passed and received Royal Assent on May 6, 2004.

The provision in the National Defence Act has been in there since that time but has never been proclaimed and brought into force. We asked why. If this is, in effect, a policy decision to proceed with Bill C-40 and believe that the section of the National Defence Act is no longer needed, then from the point of view of good legislation, we should remove that section of the National Defence Act.

If the sections are intended to apply to completely different situations and there is no overlap, then that would not be necessary. However, when I looked at Bill C-40, my immediate thought was about the overlap with the existing legislation in the National Defence Act. This issue was not raised in the House of Commons, but because this chamber was familiar with that particular provision, we mentioned that point but we did not get an answer. We observed that the departments and the ministers responsible, namely the Minister of Labour and the Minister of National Defence, should be cognizant of that section of the National Defence Act and have it removed if it is no longer government policy. To leave it sitting there while enacting another piece of legislation as if no one was even aware of the previous law that when through this chamber only a few years previously is not a good way to handle legislation. That was the third of our observations.

Finally, we asked, honourable senators, that there continue to be a monitoring of the effect of this proposed legislation so that we will always have the protection of reservists as the paramount reason for the legislation. We ask to monitor the effect of this legislation on the people who join the Armed Forces reserve, army, navy or air force, and who have private jobs and from time to time are called upon to serve for an extended period as a regular force member. Whether the best way to proceed is legislative or incentive, the jury is still out, and we will have to monitor it.

Honourable senators, I read recently of a reservist in Afghanistan, in Kandahar, who asked to continue to serve longer than her six-month tour because she was working on rebuilding their AM/FM radio station that had been destroyed in a rocket attack. That is the kind of expertise that a reservist can bring to the Forces. Reservists have the military training, as well as the training from their private sector jobs.

In my example, the reservist, in her private sector job, was helping to build and maintain radio transmission. She could apply that other experience that a pure, full-time military person may not have. That is the kind of added value that a reservist can bring to a mission that is dedicated to rebuilding a society. It is not purely a military operation; it is a provincial reconstruction operation, and it that needs that kind of talent. We need to do everything we can to protect that type of individual who is a reservist in the Canadian Armed Forces.

Hon. Tommy Banks: Honourable senators, I will be as brief as I can. Senator Day has correctly outlined the concerns expressed by the committee that unanimously passed this bill and wants it to be passed today.

There is one distinction between this bill and the act to which Senator Day referred, the Public Safety Act incorporating the National Defence Act. Bill C-40 before us now provides protection for the jobs of reservists who are, in their civilian lives, occupied in the public service and in federally regulated industries. The protection that was provided under a slightly different rubric in the National Defence Act covered everyone, regardless of where they were employed.

Senator Tkachuk: In an emergency.

Senator Banks: In an emergency, yes, but not requiring that an emergency be declared. An “emergency” is defined as “insurrections, riots, civil disturbances, war and armed conflict.” That is why we asked in these observations that attention be paid to the provisions of the other act in order that they can be reconciled.

Hon. Nancy Ruth: Honourable senators, Senator Day suggested that we would all be voting for this bill. I am not voting for this bill because of my concern about what I call the “militarization of the public service.”

I know this bill is much broader than the Public Service of Canada, but there has been a tradition since World War II that there be priority for military people to come into the public service.

• (1450)

In testimony yesterday, I asked a reservist who works in Industry Canada if it was his hunch that reservists like him and his buddies were moving ahead faster in the civil service than those without the training in planning, good communication skills and many other valuable skills they learn in the military. His answer to me essentially was yes, they were moving ahead faster. In my vision, there would be many ADMs and deputy ministers who come through this kind of training. I do not believe the Public Service of Canada should be predominantly representative of those people, and I am voting against the bill.

Hon. Roméo Antonius Dallaire: Honourable senators, the last intervention is exceptionally new news to me regarding the militarization of the Public Service of Canada. In fact, in 1993, the public service unions came out with an edict that there would be no more camouflage parachuting. There was action taken to prevent people retiring from the military or those who have been in a military structure to be hired in a competition because they were seen as having skills that others do not have, giving them an unfair advantage, which is incredible when the boss wants more skills.

The second point dealt with predominantly male candidates. We were promoting more female employment in the public service, so if one cuts off the military, that would take away much of the competition, permitting employment of many more women. We were finally able to eradicate that in the latter part of the 1990s when we started the recognition that troops were in harm's way and we gained priorities for employment; so that came back somewhat.

It was unimaginable that the public service would come close to something of a militarization or become overwhelmed with military people except for the fact that, honourable senators, they bring many skills that are not necessarily written in the description of employment.

I return to Bill C-40 having not only direct family who would be affected, but also the wider family of the Canadian Forces. Senator Segal raised the white paper of 1987, which was during Perrin Beatty's time in the Conservative government. That white paper would have raised the reserve force to 90,000 and the regular force would also have risen to 90,000 at the time. We argued strongly for that side of the white paper to be implemented. However, those aspects were not acted upon because the paper was held back.

It has taken the present war scenario to finally see this initiative move forward. The honorary colonels, who are in the backdrop of these units with a responsibility to help find employment for these reservists, have found this initiative to be an enhancement of the recruitment opportunities for reservists or, to put it another way, to increase the recruitment of young Canadians into the reserves.

Hon. Michael A. Meighen: Honourable senators, I wish to add to something that Senator Banks said. It is important to note that "emergency" in the National Defence Act does not include forest fires, such as in the Okanagan where the army and reserve forces assisted; nor does it include floods such as in Winnipeg. This definition is not all-encompassing.

It is also important to note, and perhaps of interest to Senator Nancy Ruth who knows this, that seven provinces have also passed similar job protection legislation. As it was pointed out last night before our committee, the practice has often been that, once the federal government adopts similar legislation, the provinces generally tend to fall in line in terms of harmonizing their legislation so that it becomes a seamless whole and we are not just dealing with the federal public service in that regard.

Senator Day: Would the honourable senator take a question?

Senator Meighen: Certainly.

Senator Day: Senator Meighen is quite correct in relation to the definition of "emergency" as it now exists with respect to this section of the National Defence Act. It is defined as "insurrection, riot, invasion, war or armed conflict."

Is the senator aware as to whether there was any consideration to amend and expand the definition of "emergency" if that was deemed to be lacking?

Senator Meighen: Frankly, I do not know the answer to the question. It is my understanding that this legislation has been around since 2004. For some reason, successive governments have not seen fit to proceed in that fashion.

As all honourable senators have stated here today, it is important to get this legislation on the books and to move ahead. That does not preclude us moving in another direction subsequently if it proves less helpful than we think it will be.

Hon. Percy E. Downe: I wonder if the Honourable Senator Meighen would take another question.

Senator Meighen: Certainly. I did not know I was the spokesperson.

Senator Downe: I support this bill as well, and I follow the lead of the government of Prince Edward Island that introduced similar legislation as one of the first acts of the new government. Was there any discussion in committee or is the committee even considering this? I am concerned that, unlike most countries, there is no requirement for reservists to be called up unless they volunteer. Canada has a massive investment in training, and when we need these people, it is their option, yes or no. I say this as a former reservist with the Prince Edward Island regiment, which I am sure is famous. It always struck me as passing strange that this was optional. If one enlists in the reserves, the government spends a significant amount of time and money with training, and then the recipient of that training can say whether or not they will continue. I think we should follow the lead of other countries. I stand to be corrected, but I am not aware of any other country where it is optional for reservists to say whether they will continue.

Is the committee considering changing that as well?

Senator Meighen: I think the committee members and other honourable senators may have better memories than I. The committee has also found it to be passing strange and wondered whether there could be two classes of reservists. We did not move to any conclusion on the matter.

Reservists now constitute quite a substantial proportion of the forces. Am I wrong in saying 40 per cent, honourable senators? It is in the high 20s to 30 per cent of our forces serving in Afghanistan. It is remarkable how many reservists there are.

I believe that those who enrol feel a sense of obligation to go when called up. In fact, most of them desperately want to go, and that is why they signed up. Unless there is a family emergency or the like, for which one can understand the need to back out at the last minute, they are ready, willing and able to serve. I do not think we have a major problem in people saying, "No. I do not think I want to go."

Senator Downe: The honourable senator is absolutely right; most people do want to serve. Lack of job security may have been the one provision holding people back. That has now been solved, and so perhaps we can look at the other aspect, namely the requirement that, when one joins the reserves and the country calls, one goes.

Senator Dallaire: Honourable senators, for every six reservists, mostly on the army side, one will deploy. However, that figure is considered reasonable. The British have similar scenarios. The majority of those who serve are students. In fact, many of them are not in the right scheme of things to be deployed at that moment because of academics, but they could be a year or two years hence. That voluntary dimension is there as a protection for youth who want to join, serve and continue their academics. I do not think the nature of this bill would want to change the nature of the volunteerism. Even though it may not be perceived as cost-effective, we are still training Canadians to be loyal to Canada and to be good citizens, responsible and disciplined. Does the honourable senator think that would be a worthwhile investment?

• (1500)

Senator Meighen: I thank the Honourable Senator Dallaire for his question. I agree. I thank the senator for his clarification, which is helpful.

One change might be contemplated in due course. The training program for reservists is built around the timetable of the student, not around the ability of a young person in the workforce who must tell his or her employer, "I have to leave for 12 weeks and go on training." I would like to see greater flexibility introduced, and maybe it will be.

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

Some Hon. Senators: Question!

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

Motion agreed to and bill read third time and passed.

CANADIAN WHEAT BOARD ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Hubley, for the second reading of Bill S-228, An Act to amend the Canadian Wheat Board Act (board of directors).—(*Honourable Senator Brown*)

Hon. Bert Brown: Honourable senators, I have not finished my briefing notes on this matter. I would like a little more time before I speak to this bill.

On Motion of Senator Brown, debate adjourned.

DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

THIRD READING

Hon. Roméo Antonius Dallaire moved third reading of Bill C-293, An Act respecting the provision of official development assistance abroad.—(*Honourable Senator Di Nino*)

He said: Honourable senators, I rise today to move third reading of Bill C-293, An Act respecting the provision of official development assistance abroad.

Honourable senators, as many of you know, the purpose of Bill C-293 is to give a clear focus on poverty reduction to the official development assistance — known as ODA — provided by Canada. It also details measures for accountability whereby the minister responsible would be required to report to Parliament on the activities of CIDA. Finally, it states that the minister shall consult with governments, NGOs and the poor.

My colleague in the other place, the Honourable John McKay, introduced Bill C-293 in the House of Commons in May 2006, almost two years ago. It has come a long way since then and has been put through many valuable and essential debates. I believe the debates initiated by Bill C-293 were so important that they will inform the nature of any future essential international development policy and legislation in this country. It is a first step.

I want to thank and commend honourable members of the Standing Senate Committee on Foreign Affairs and International Trade for their diligent and thorough study of Bill C-293 and the issues pertaining to it. I would also like to thank the many witnesses who agreed to share their expertise with the committee in its study of this bill. Since the bill was first referred in May of 2007, the committee has heard from 16 witnesses — diligent work.

[*Translation*]

As I have said, I hope this bill is the first in a series of legislative and policy reforms of CIDA, the Canadian International Development Agency. I think the debates that have been held on Bill C-293 can be used as a solid foundation for future reforms.

[*English*]

This brings me to the bill itself and to the observations that the committee has attached to the bill, which I think are most pertinent. I would like to raise two of the seven observations.

The first observation comes to the arena of the study of Africa and the impact of international development. As the committee learned in its recent study of Africa, a well-documented, well-researched and sought-after report, there will be no progress in lowering poverty in these countries without trade and investment-driven economic growth and job creation. Foreign aid should be provided to help aid-recipient countries develop self-sustaining economies.

That is absolutely right; we are not throwing cash at aid but in fact trying to focus on fighting abject poverty, to permit those countries to build self-sustaining capabilities and in fact have economic growth and job creation.

The second observation is also of great pertinence. I would bring it to you in this fashion. The committee is convinced that what is really required is a bill that would provide a comprehensive legal mandate for CIDA. This new legislation should be crafted in a way that improves the overall accountability, transparency and effectiveness of that aid agency, with the accountability framework going beyond simply reporting statistics.

The committee sincerely hopes that such legislation will materialize in the near future so that CIDA can become the leading development organization that Canadians would like it to be.

I totally agree.

[Translation]

Honourable senators, I agree that these are just the first steps in the development of a modern-day CIDA. The agency has done its best to serve the needs of developing countries, but I believe that, now, with a very specific focus on reducing poverty, this bill could be the first step in an even more progressive development.

I think our study of Africa was useful in the debate on Bill C-293. I also know that not everyone agrees with that analysis and it deserves to be presented and used in the future.

It is therefore beneficial, as support for this bill, for the report to be reviewed or submitted and, if necessary, formally debated in the Senate in order to add to this bill and to the direction of future bills that could help CIDA with its responsibilities.

I must say that CIDA has not been called incompetent and it is certainly not the purpose of this bill to suggest such a thing. On the contrary, in my own experience in Africa, I was able to use a number of schools created by CIDA in Rwanda as emergency shelters, and that allowed us to protect tens of thousands of Rwandans during a period of tremendous conflict. This year marks the 14th anniversary of that conflict. The basic infrastructure to build a country — such as schools, access to water, basic road infrastructure and even buildings where officials can do their jobs — has been established and is still in place in Africa.

The fact remains that CIDA itself could continue to develop and grow by addressing the need in those countries for the internal capacity to achieve economic independence and by helping those countries to overcome the abject poverty they are suffering.

• (1510)

Honourable senators, I hope that we will act together to make Bill C-293 a reality and give CIDA the tools it needs to become more efficient and responsible and therefore evolve to fulfill its role with respect to world poverty and development assistance.

I am happy that the bill's sponsor, John McKay, and I were able to reach an agreement with the government on amendments to the bill that improved and clarified certain aspects of it. I support such noble and exceptionally helpful gestures.

[Senator Dallaire]

After my speech Senator Segal will propose amendments which, in my opinion, seem totally positive for the bill. If I may, honourable senators, I would then like to make some brief comments on the amendments that will be proposed this afternoon.

[English]

Hon. Hugh Segal: Honourable senators, I rise to speak briefly to Bill C-293 and the third reading proposal that Senator Dallaire has made.

Bill C-293, An Act respecting the provision of official development assistance abroad was, as Senator Dallaire indicated, introduced by John McKay in the other place on May 17, 2006. The measure seeks to define a mandate for Canada's official development assistance that would require ministers providing that assistance to be of the opinion that it meets three important tests: First, those ministers must be of the opinion that the assistance genuinely contributes to poverty reduction; second, that it takes into account the perspectives of the poor; and third, that it is consistent with international human rights standards.

The bill also introduces a number of reporting obligations on ministers responsible for Canada's official development assistance. The underlying objectives of Bill C-293, that is, achieving greater clarity of purpose, strengthening accountability and setting new standards of transparency, are absolutely consistent with the government's objectives for Canada's international assistance. Indeed, these are the core elements of better aid.

I am delighted that we have come to an agreement on Bill C-293 that has been before this place and the other for some time, and that we will be able to put forward amendments for the consideration of honourable senators.

I am also grateful to John McKay, the Member for Scarborough—Guildwood, who authored the bill, for his forbearance, initiative and understanding.

Additionally, I thank honourable senators on both sides of this chamber who serve on the Standing Senate Committee on Foreign Affairs and International Trade and the chair of the committee, Senator Di Nino, who suggested we meet with John McKay to find common ground. Honourable senators on both sides of the aisle were able to shape this consensus through the diligence of their engagement.

I also want to thank the government and Minister Oda for seeking a constructive accommodation and undertaking to do everything possible to pass an amended bill from this place, should that be the will of honourable senators.

The support of the government for these amendments and the other side's cooperative and constructive approach to jointly progressing on Bill C-293 reflects that when we embrace a common goal we can strengthen foreign aid, its approach and intent, and are able to work together towards that end without regard for partisanship.

My leader, the Honourable Marjory LeBreton, and her staff played a catalytic, facilitative and constructive role, without which we would not be embracing this collaborative proposition today.

The government has indicated in both the other place and the Senate that it agrees with the intent of Bill C-293. However, originally, we had a number of technical and drafting problems with key clauses in the bill that precluded our immediate support. Our concerns at the time centered on several significant legal risks as well as clauses that could have hindered efforts, however unwittingly, to increase the efficiency and effectiveness of Canada's international assistance.

These concerns were focused on three main areas. First, the obligation to consult in clause 4(2) would have been and could have been interpreted in a narrow way that would have forced government to consult with the three groups named in the clause every time it made any decision. Second, there was a risk that Canada may have been forced under clause 5 to breach the confidentiality policies of the International Monetary Fund and the World Bank. Third, the definition of "international human rights standards" in clause 2 may have required the government to implement the provisions of international human rights conventions that Canada had not, in fact, ratified.

Honourable senators, I am pleased to say that, through the hard work of the Minister of International Cooperation, Mr. McKay and honourable senators in this chamber, we have agreed to five amendments to this bill that will mitigate or eliminate these weaknesses to result in better legislation for Canada's international assistance. Should the Senate pass these amendments, I expect passage will be expedited by all means possible in the House of Commons.

Finally, I express my sincere thanks to the Honourable Senator Dallaire. He has been a stalwart proponent of this bill as its sponsor. Whatever else we may disagree on, we agreed from the beginning that the ideas and core content of Bill C-293 were constructive and, to the extent we could collaborate across the aisle and throughout both Houses of Parliament, we would be advancing the cause of foreign aid that was more sensitive, more reflective of a broad poverty abatement context and more inclusive of those in the field and NGOs who enrich and strengthen the process.

As Senator Dallaire stated, this is not the end in terms of CIDA reform. To paraphrase Winston Churchill, this is not the end of anything. It is not even the beginning of the end. At best it is the end of the beginning.

Escalating hunger; the continued marginalization of women; juntas that oppress, rape and murder through proxies, as in Sudan; thousands of children who die every day from hunger, diarrhoea and malaria remain our challenge.

Let us all agree that, on this front, for more and better targeted aid, for government-wide coherence on trade and aid, we have collectively, individually and, without regard to party affiliation, decided that we in this place have just begun to fight.

MOTION IN AMENDMENT

Hon. Hugh Segal: Consequently, honourable senators, I move that Bill C-293 be not now read a third time, but that it be amended by:

- (a) in Clause 2, on page 1, by replacing line 11 with the following:

"foreign policy, the principles of the Paris Declaration on Aid Effectiveness of March 2, 2005, sustainable development and";

- (b) in Clause 3, by replacing lines 12 to 15 on page 2 with the following:

"“competent minister” means the Minister of International Cooperation, the Minister of Finance, the Minister of Foreign Affairs or any other minister who is providing official development assistance”;

- (c) in Clause 3, by replacing lines 30 and 31 on page 2 with the following:

"rights conventions to which Canada is a party and on international customary law”;

- (d) in Clause 4, by replacing lines 18 to 21 on page 3 with the following:

"(2) The competent minister shall consult with governments, international agencies and Canadian civil society organizations at least once every two years, and shall take their views and recommendations into consideration when forming an opinion described in subsection (1).”;

- (e) in Clause 5, by adding after line 35 on page 4 the following:

"(4) Despite subsections (1) and (3), information shall not be reported under this section if its disclosure is prohibited by the policies of the Bretton Woods institutions.”.

Honourable senators, I thank you for your forbearance and I urge approval of these amendments and the bill as amended.

[Translation]

The Hon. the Speaker pro tempore: Senator Segal has proposed amendments, and I would prefer to deal with them one at a time.

It was moved by the Honourable Senator Segal, seconded by the Honourable Senator St. Germain, that Bill C-293 —

Hon. Senators: Dispense!

[English]

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt these amendments?

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I would like to speak about the proposed amendments to Bill C-293. As a member of the Standing Senate Committee on Foreign Affairs and International Trade, I have spent a great deal of time trying to understand the scope of this bill.

• (1520)

In my opinion, what the bill proposes is self-evident. Consequently, there is no need to put it in a bill and mandate CIDA to comply with this bill in its actions, decisions, reports, accounts, statistics and what have you.

The basic problem is CIDA, not the objective of reducing poverty. We pointed that out in our comments when our report on this bill was tabled in the Senate some time ago.

I do not intend to prevent this bill from being adopted. It seems that only a few senators have had the opportunity to read and try to understand the content and scope of the amendments proposed in this bill. I feel that we are being very hasty. One more day will make no difference, given that we have spent months, over two sessions, studying this bill in committee.

In committee, I would have liked to hear other witnesses, including the ones who appeared in the House of Commons. These witnesses were the spokespersons for departments that objected to certain clauses in the bill.

Honourable senators, you can be hasty if you like, but this bill solves absolutely nothing. I do not want to seem sexist, but there is an expression for this sort of thing: a motherhood issue. Everyone, including CIDA, agrees that the primary objective is to reduce poverty. How do we reduce poverty? Not necessarily by building and paving roads or digging wells. It is by creating jobs. That is how we reduce poverty in Canada. The reason we provide our children with an education and professional and technical training is so that they will not live the rest of their lives in poverty.

I have seen poverty in my lifetime. Even in New Brunswick, I have gone into houses that did not have wooden floors. I have seen poverty in Africa. I have been to Africa many times. There are parts of Africa that are worse than poor. They are in a sort of hell, a human hell.

There are examples every day. Watch the news, even though our Crown corporations or private television stations rarely report on African news, unless it is something sensational. Senator Dallaire knows what I am talking about.

If I did not have TV5, I would have practically no idea what is going on in Africa, if I were to listen only to our broadcasters. I can make up for that by reading the papers, magazines, reports, studies and books, but not all Canadians can be well informed about what is going on specifically in Africa. I know that CIDA covers more than Africa, but Africa needs our particular attention at this time.

CIDA needs a solid foundation that only a bill can provide, but that bill is not the one we are debating today. We must pass another bill to establish CIDA, setting out a clear mandate with responsibilities and with a duty of accountability to Parliament and to Canadians.

I will let this bill go through; I cannot support it for the reasons I just mentioned. As soon as possible, I would like the government, whoever that may be, to finally pass legislation that will give CIDA some muscle. That is what is currently missing. CIDA is being used for all kinds of purposes other than what was originally intended when it was created by order-in-council, and not legislation.

CIDA is being used to do things for which it has no mandate. There should be funding in portfolios other than CIDA's for our activities in certain parts of the world. I need not elaborate; you know what they are.

That is what I wanted to say. Go ahead and vote, but I had to express my disagreement.

Hon. Roméo Antonius Dallaire: Honourable senators, when the amendments were tabled, given that I was the sponsor of the bill, I thought I would lead off the debate on the amendments. I acknowledge the depth of Senator Corbin's experience and his knowledge of CIDA with regard to the committee's study on Africa.

I have some comments regarding the five proposed amendments. I agree with the nature of the amendments. I support these amendments. I recognize their fundamental nature and the good faith of the government in accepting these amendments.

They will expedite the adoption of the amendments in the other place. Ultimately, this will give the bill a somewhat more specific purpose than that stated by my colleague on this side, and specifically give CIDA the role of providing funds to aid the development of developing countries. Rather than the funds being used for a multitude of other activities, they must be used specifically for development and not for conflict resolution.

Treasury Board guidelines have prevented the use of other funds to help the African Union Mission in Darfur, for example. Helicopters were provided by using CIDA funds. Is this truly CIDA's role?

I believe there are two phases in the evolution of developing countries. There is a phase where the individual, if he is dying of hunger, if he is frozen, if he has no clothes, if he is illiterate or if he cannot follow a line of reasoning, cannot even respond if jobs are created.

Foreign companies settle in their countries. I have seen that in Africa in particular. China, for example, arrives in a country to undertake construction projects but, when the work has been completed, the Chinese employees and the equipment they used are shipped back to China. That country builds but does not concern itself with the problem of maintenance.

• (1530)

China does not train people in that country to maintain that infrastructure, assuming there is the necessary funding. Someone needs to take the first step. They must be given something to put in their stomachs and somewhere suitable to live. It must be ensured that they are not grappling with a sheer survival situation.

I say yes to an economy that provides them with employment and that allows them to make the most of those basic skills that are instilled in them, to be competitive and work in jobs that will be created for them.

I agree with Senator Corbin when he says that this bill is not the be-all and end-all. Senator Segal and I have already made this clear in committee.

I would like to reiterate that this is a first step aimed at helping an organization that is absolutely essential to our country CIDA is playing its part as a middle power on the international stage and supporting the development of other countries to be competitive and make the most of the technological skills of its staff.

We have heard this afternoon that the bill is not perfect and that the amendments proposed in the other place demonstrate that there is room for improvement. These amendments do not in any way change the nature of the bill; they make it more specific and we believe that the House of Commons will pass Bill C-293, as amended.

[English]

I want to make a few comments on the five components of the amendments proposed by our colleague, Senator Segal.

The amendment to clause 2, to include the principles of the Paris Declaration on Aid Effectiveness, is most important as it links this bill — and ultimately this policy — to one of the most significant references in international development; the Paris Declaration.

As honourable senators probably know, the Paris Declaration is an international agreement that was entered into in March 2005 by over 100 ministers and other senior officials responsible for development assistance.

The aim of the Paris Declaration is international aid effectiveness, with a focus on harmonization, alignment, results monitoring and mutual accountability. This international agreement is widely recognized by those working in this area as a benchmark in international development cooperation.

I am thus pleased that Senator Segal's proposed amendment includes the principles of the Paris Declaration in the bill and therefore more clearly situates the bill in the context of this international agreement.

The amendments suggested under clause 3 — namely, an amendment to the definition of the “competent minister” — retains the same intent as the previous wording but offers more precision as to who the competent minister is. Clause 3 is the section of the bill entitled “Interpretation” and, therefore, provides us with clarity regarding the definitions of terms used in the bill.

To resume, instead of reading ““competent minister” means any minister designated by the Governor in Council to provide official development assistance in relation to this Act,” the bill would now read that ““competent minister” means the Minister of International Cooperation, the Minister of Finance, the Minister of Foreign Affairs or any other minister who is providing official development assistance.” We cover the whole spectrum with more specificity. No problem.

A further amendment to clause 3 is being proposed by Senator Segal. This amendment is to the definition of “international

human rights standards,” which is now defined as “standards that are based on international human rights conventions and on international customary law.”

The amendment proposed by Senator Segal would have “international human rights standards” defined as “standards that are based on international human rights conventions to which Canada is a party and on international customary law.” I think that helps to further clarify the intent of the bill and certainly provides, once again, more specificity.

The amendment to clause 4 of the bill deals with the requirement for the competent minister to consult with governments, international agencies and Canadian civil society organizations. Amending this section of the bill to add the provision detailing the period, which is every two years, within which the competent minister will be required to consult, provides a helpful guideline to all those who would be affected by this act, and it provides a reference. Again, it is an element that I think improves and does not in any way change the nature of the bill.

[Translation]

The final proposed amendment would add a subsection to clause 5, which responds to concerns about the effect the bill would have on confidential discussions at the Bretton Woods institutions, such as the World Bank, the International Monetary Fund and the World Trade Organization.

Adding this subsection to clause 5 would ensure that no confidentiality policies of Bretton Woods institutions would be violated in the application of this law. I do not think that this addition limits the information we were seeking in order to define Canada's position within these institutions to ensure that these files progress in accordance with our wishes and the objectives of the government in power.

In conclusion, I think that Senator Segal's five amendments bring useful clarifications to a flawed bill that launches a modernization process.

The five amendments will make it easier to meet the requirements of the age we live in and put us in a better position to be more transparent in managing the money we must add to the funding in order to reach the proposed international level of 7 per cent of GDP.

I thank Senator Segal for his remarks. Now this bill and its amendments will have to go through procedures so that it can be passed as quickly as possible in the other place, in order for the bill to trigger a process to update, reorient and modernize the Canadian International Development Agency.

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

Some Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt Senator Segal's motion in amendment?

Some Hon. Senators: On division.

Motion in amendment agreed to on division.

THIRD READING

The Hon. the Speaker *pro tempore*: It has been moved that the bill, as amended, be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: On division.

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

• (1540)

[*English*]

BANKING, TRADE AND COMMERCE

BUDGET—STUDY ON PRESENT STATE OF DOMESTIC
AND INTERNATIONAL FINANCIAL SYSTEM—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on the domestic and international financial system), presented in the Senate on April 15, 2008.—(*Honourable Senator Angus*)

Hon. W. David Angus moved the adoption of the report.

Motion agreed to and report adopted.

[*Translation*]

TRANSPORT AND COMMUNICATIONS

BUDGET—STUDY ON CONTAINERIZED FREIGHT
TRAFFIC—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Transport and Communications (budget—study on containerized freight traffic), presented in the Senate on April 15, 2008.—(*Honourable Senator Bacon*)

Hon. Lise Bacon moved the adoption of the report.

Motion agreed to and report adopted.

[*English*]

AGRICULTURE AND FORESTRY

BUDGET—STUDY ON PRESENT STATE
AND FUTURE OF AGRICULTURE AND FORESTRY—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Agriculture and Forestry (budget—study on the present state and future of agriculture and forestry), presented in the Senate on April 15, 2008.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET—STUDY ON RURAL POVERTY—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Agriculture and Forestry (budget—study on rural poverty), presented in the Senate on April 15, 2008.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn moved the adoption of the report.

Motion agreed to and report adopted.

LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—STUDY ON AMENDMENTS MADE BY
AN ACT TO AMEND THE CANADA ELECTIONS ACT
AND THE INCOME TAX ACT—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Legal and Constitutional Affairs (budget—study on the Canada Elections Act and the Income Tax Act—power to hire staff), presented in the Senate on April 15, 2008.—(*Honourable Senator Fraser*)

Hon. Joan Fraser moved the adoption of the report.

Motion agreed to and report adopted.

CONFLICT OF INTEREST FOR SENATORS

BUDGET—THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Conflict of Interest for Senators (budget—study on its mandate pursuant to rule (86)(1)(t) of the *Rules of the Senate*), presented in the Senate on April 15, 2008.—(*Honourable Senator Joyal, P.C.*)

Hon. Serge Joyal moved the adoption of the report.

Motion agreed to and report adopted.

ABORIGINAL PEOPLES

BUDGET—STUDY ON FEDERAL GOVERNMENT
RESPONSIBILITIES AND MATTERS GENERALLY
RELATING TO ABORIGINAL PEOPLES—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Aboriginal Peoples (budget—study on matters generally relating to the Aboriginal Peoples of Canada), presented in the Senate on April 15, 2008.—(*Honourable Senator St. Germain, P.C.*)

Hon. Gerry St. Germain moved the adoption of the report.

Motion agreed to and report adopted.

AGING

INTERIM REPORT OF SPECIAL COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the third report (interim) of the Special Senate Committee on Aging, entitled: *Issues and Options for an Aging Society*, tabled in the Senate on March 11, 2008.—(Honourable Senator Stratton)

Hon. Jane Cordy: Honourable senators, I know this item was adjourned in the name of Senator Stratton, but I spoke with him last week. When I finish, I ask that it be adjourned again in his name.

Honourable senators, it is my pleasure to participate in the interim report of the Special Senate Committee on Aging. I thank the chair, Senator Carstairs, and the deputy chair, Senator Keon, for their leadership on this committee. I also thank Senator Carstairs for outlining the content of this report in her speech given previously in this chamber.

As Senator Carstairs indicated, in this report the committee has completed the second phase of its work by identifying options in five broad areas: active aging; healthy aging; aging in place; regional distribution of health care costs; and older workers and retirement.

The committee hopes that this report will serve as a catalyst for further debate and discussion among Canadians so the committee can develop a comprehensive set of recommendations for its final report.

The committee has a broad mandate: to review public programs and services for seniors; to determine the gaps that exist in meeting the needs of seniors; and to study the implications for future service delivery as the population ages.

As honourable senators know, to help frame this discussion, this report includes 84 potential options that were identified by witnesses and questionnaire respondents during the second phase of this study. However, committee members recognize there may be some options yet to be identified. In the final phase of our study, we will work to refine this broad menu of options into a focused set of final recommendations.

I want to take a few moments to highlight issues the committee is grappling with.

As part of our work in examining the policy framework, the committee has heard a lot about the need for active aging. If someone has been physically active their whole life and involved in their community, those aspects are likely to carry on when they retire from their work. Those who have not been involved outside their home, who have not been involved in the community or have not been physically active, would find it more challenging to begin these activities when they retire. As the population ages, we need to identify policy options that will encourage active aging so seniors remain healthy, both mentally and physically, for as long as possible.

As we have assessed the federal role in providing services to seniors, one of the biggest issues we have examined is the issue of older workers' retirement and income security. Witnesses have identified a number of goals in relation to labour force participation and retirement income security. The goals can be summed up as ensuring an adequate income for seniors; ensuring an adequate supply of skilled workers; retaining knowledgeable workers in the workforce; and enhancing choice and flexibility in retirement.

Federal programs such as the Canada Pension Plan, the Guaranteed Income Supplement and Old Age Security are designed to respond to some of these goals; but how do we ensure pensions are established in such a way that they provide flexibility and retirement choice? Retaining older workers may not be feasible in certain professions. A coal miner or a steel plant worker who has performed hard manual labour all their life may be ready to retire earlier than someone who has worked in a less physically demanding career.

How do we design programs where individuals have the choice to keep working and are not forced to retire, but where they are also not penalized if they retire early? The committee is trying to address some of these challenges.

• (1550)

One success story with the Guaranteed Income Supplement and Old Age Security is that fewer seniors now live in poverty. This is positive. We know that those most likely to live in poverty today are immigrants who do not qualify for the Guaranteed Income Supplement, seniors who have dependent children and single women. There are also seniors who are eligible for Canada Pension Plan benefit and Guaranteed Income Supplement benefits but do not receive them.

The Standing Senate Committee on National Finance recently recommended that the government make a greater effort to reduce the number of seniors who have not accessed the CPP benefits they are due. Some of our colleagues, notably Senator Callbeck, Senator Downe, Senator Day and Senator Robichaud, have raised this issue in this chamber on a number of occasions. This important issue has also arisen in our committee, and I expect that it will be addressed in our final recommendations.

This concern is not limited to the Canada Pension Plan or even to income-related programs. It is a problem for all programs at every level of government. One problem has been communicating with seniors to inform them they are eligible for the benefits. Witnesses have told the committee that some seniors do not receive all they are entitled to because they are not aware of all the programs available to them. The fact that programs and services are offered by a wide range of federal, provincial and municipal governments, by various branches within these governments and by a variety of community organizations, makes it challenging to provide easy access to services for seniors. Some witnesses have suggested a one-stop shop or a system navigator to help seniors access programs.

Honourable senators, in determining our final recommendations, we must be cognizant of the fact that seniors are a diverse group. The needs of each senior are as individual as their experiences have been. The experiences of people in their senior years vary with the available resources, quality of health

and the degree of integration into social and family networks. The senior years are experienced differently by different segments of the population based on age category, urban or rural residents, and gender, as well as culture and race.

For instance, the committee has heard that for Aboriginal First Nations seniors, age 55 is equivalent to age 65 for non-Aboriginal First Nations seniors. As the needs of our Aboriginal population vary from that of our non-Aboriginal population, should we look at providing services and programs for a younger group of Aboriginal seniors due to health, social conditions, diabetes and so on? These things are for the committee to consider.

Honourable senators, there is no one magic pill, no fountain of youth to counteract aging. Aging is a continuum, not a destination. We must realize that aging is a natural process that starts at birth and ends only upon our death. As our committee embarks on our last phase of its work, our challenge is to identify recommendations for the aging population of today, tomorrow and into the future.

I believe we can meet the challenge before us and formulate recommendations that will allow Canadians to age in place while enjoying a measure of economic security and participating as full, active and valuable members of our community. I look forward to the next phase of our work.

On motion of Senator Stratton, debate adjourned.

BUDGET AND AUTHORIZATION TRAVEL— REPORT OF SPECIAL COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Special Senate Committee on Aging (budget—study on aging—power to travel), presented in the Senate on April 10, 2008.—(*Honourable Senator Keon*)

Hon. Jane Cordy: Honourable senators, I move the adoption of the report standing in the name of Senator Keon.

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

Hon. Eymard G. Corbin: Honourable senators, can we have some explanation about the power to travel that is requested?

Senator Cordy: This committee has never travelled as part of its study on aging. However, when we developed all of our options, we felt it was important to travel across the country and to hear representations from people in Canada.

We are proposing to travel to Welland, Ontario, on May 8 and 9, and to Halifax and Moncton on May 11 to 14. The themes in Eastern Canada will be home care and urban centre and progress care. We are travelling to Sherbrooke, Quebec, tentatively, on May 15 and 16. At that time, we will look at research in aging. We have a trip planned for the first week in June to Western Canada: St. Anne in Manitoba, which is an Aboriginal area, Vancouver and Victoria. The theme for that week will be ethnic issues and palliative care.

Senator Corbin: Honourable senators, perhaps I have not followed events as closely as I should, but what is the difference between this study and the special study that Senator Carstairs is conducting?

[Senator Cordy]

Senator Cordy: This committee is the same one. It is a bit complicated. Senator Carstairs is chair of the committee. She is usually here, but she asked Senator Keon to bring forward the reports. Unfortunately, Senator Keon, the deputy chair, was unable to be here today. In their absence, and because we are coming up to a break week, I was asked if I would bring this report forward today.

Senator Corbin: Did Senator Keon ask the honourable senator to propose the adoption of the committee report on the use of the Inuktitut language in the Senate as well?

Senator Cordy: No, he did not.

Motion agreed to and report adopted.

[*Translation*]

THE SENATE

MOTION TO URGE GOVERNMENT TO NEGOTIATE FREE TRADE AGREEMENT WITH EUROPEAN UNION ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon,

That the Senate call upon the Government of Canada to engage in negotiations with the European Union towards a free trade agreement, in order to encourage investment, free movement of people and capital.—(*Honourable Senator Fraser*)

Hon. Gerald J. Comeau (Deputy Leader of the Government) moved the adoption of the motion.

Motion agreed to.

[*English*]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO STUDY APPLICATION OF THE *CHARTER OF RIGHTS AND FREEDOMS* AS IT APPLIES TO THE SENATE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Di Nino:

That the Senate refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the *Charter of Rights and Freedoms* as it applies to the Senate of Canada.—(*Honourable Senator Cools*)

Hon. Anne C. Cools: Honourable senators, I promised the house and Senator Andreychuk that I would speak to this issue today. However, I am not ready to speak on this item, and I do

not think I will be ready tomorrow. I am prepared to yield the floor to allow whoever wants to speak or, if Senator Andreychuk wants to send it on to committee, that would be fine with me.

Hon. A. Raynell Andreychuk: Honourable senators, I thank the Honourable Senator Cools. If no one else wishes to speak, I ask that we proceed with the question.

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

Motion agreed to.

The Senate adjourned until Thursday, April 17, 2008, at 1:30 p.m.

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