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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, April 30, 2008

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

Prayers.

[Translation]

SENATORS' STATEMENTS

PUBLIC SERVICE COMMISSION

ONE-HUNDREDTH ANNIVERSARY

Hon. Joseph A. Day: Honourable senators, I am pleased to pay tribute to the Public Service Commission today, in honour of the 100th anniversary of this independent agency.

I am certain that honourable senators will join me in expressing our best wishes to this agency as it enters its second century.

This important institution reports to Parliament, and is directly responsible for ensuring the integrity, staffing and political neutrality of the federal public service.

These principles have been essential to building a professional and impartial public service, generally regarded as one of the best in the world.

[English]

The history of the public service form of government can trace its origins to the Qin Dynasty of China, three centuries before the birth of Christ. While Canada's Public Service Commission is not quite that old, it did celebrate its one-hundredth anniversary yesterday.

Over the millennia, civil servants have played a vital role in the administration of governments across the globe. As the British and other European empires expanded in the 18th century, they needed to establish a less militaristic form of governing their colonies and selected the Chinese civilian model.

By the end of the 19th century, the British government had begun to develop the system of an autonomous civil service, which evolved to become the model for our Civil Service Commission of Canada, adopted in 1908. Over the last 100 years, the civil service, which became known as the public service in 1967, has evolved into an autonomous, non-partisan civil body that has done the country a tremendous service of which we can all be proud.

• (1335)

The Public Service Commission of Canada is the guardian of that system. Although, with the Public Service Modernization Act of 2003, the hiring function has been delegated from the Public Service Commission to the deputy ministers, the Public Service Commission continues to audit and ensure that the principles of fairness continue to be employed. Employment equity is one of those principles, honourable senators.

The Public Service Commission also has an important role to play in the audit process to ensure that those four employment equity groups, namely, women, visible minorities, Aboriginal peoples, and people with disabilities are employed proportionately in the public service equal to or exceeding their proportion in the national workforce. The Public Service Commission of Canada thereby helps parliamentarians to ensure fairness in the hiring practice of the public service.

Therefore, honourable senators, I take this opportunity to thank the public servants of Canada for the remarkable work they provide to our country and to wish the men and women of the Public Service Commission of Canada a very happy one-hundredth anniversary and congratulate them on the work they do for us.

THE LATE ARTHUR COLLINS

Hon. Hugh Segal: Honourable senators, Arthur Collins, DFC, died on April 16. A distinguished patriot and Canadian fighter pilot in World War II, he was also the squadron leader for Toronto's famous 400th Squadron of the Royal Canadian Air Force that flew many dangerous missions over enemy-occupied Europe, taking photographs of enemy installations. With information from these photographs the attack on Europe on June 6, 1944, D-Day, and the liberation of Europe that followed allied forces were well-informed as to the nature of the enemy. Those were the days before satellite photography.

On one occasion Arthur Collins flew his aircraft at an altitude of 25 feet and though he took a direct hit, he was able to fly home with the photographs to be used by the Allied Forces. His squadron was called the "eyes" of Eisenhower and was fundamental to Allied success. He was awarded the Distinguished Flying Cross for that service. Four years ago, His Excellency the Ambassador of France extended the Legion d'Honneur on behalf of the French republic for his service as a Canadian who helped to liberate that great country.

In Canada, Arthur Collins was a leader in the advertising industry, a chair of the Institute of Canadian Advertising, and President and CEO of Foster Advertising which served great companies like General Motors and Carling O'Keefe. He was a great friend of Senator Keith Davey, whom we all remember fondly from this place. Though Senator Davey was of another political affiliation, they worked on many committees together such as the Special Olympics which Arthur Collins chaired. Like Senator Davey, who was a trusted Liberal adviser, Arthur Collins was indispensable to Conservatives like Premier Davis, Bob Stanfield and Prime Minister Mulroney for over 30 years.

Arthur Collins was part of what was called the greatest generation of Canadians who survived the Depression, overcame the Nazi and Axis war machine, and showed immense courage, gallantry and diligence. The greatest generation literally saved civilization, protected Canada, defended the Allies and the principles we hold dear, came home, built families, homes, industries, cities and farms. They actually built the Canada they loved and defended with their lives.

Honourable senators, those in attendance at Christ Church Anglican Cathedral in Toronto last week included 400 squadron members, hundreds of friends and fellow soldiers, as well as the family of Arthur Collins, his wife Patricia, his sons, his daughter and his grandchildren. We were all there to give thanks for his life and for those of his generation who served us all and whom he represented so well.

CANADIAN BROADCASTING CORPORATION

CHANGE TO PROGRAMMING ON RADIO 2

Hon. Elizabeth Hubley: Honourable senators, early in March, the Canadian Broadcasting Corporation announced major changes to their lineup of classical music. Radio 2 has reduced the amount of classical music available to Canadians from 12 hours each day to 5 hours, all of which will now be heard in the mid-afternoon, when most Canadians are at work or at school. It was announced that funding will be eliminated. It was also announced that the funding for the CBC Radio Orchestra will be eliminated.

• (1340)

In the vast majority of this country Radio 2 provides a distinct and unique sound. In place of classical music, the CBC will increase their roster of pop, jazz, and world music. Classical music fans across the country have mobilized and staged a series of protests against this move.

The CBC Radio Orchestra has, since 1938, had the mandate to commission and perform the works of Canadian composers. In the classical field there are few outlets for Canadian composers. The loss of even a single classical orchestra is a major loss for this community, particularly one which has been supported so strongly by Canadian taxpayers. The CBC has defended the changes to Radio 2 as a broadening of their spectrum of music and note that classical music will remain the single largest component of their musical offering. I sincerely hope that the CBC will remain committed to providing classical programming so that all Canadians can continue to experience and enjoy this rich part of our country's culture.

PUBLIC SERVICE COMMISSION

ONE-HUNDREDTH ANNIVERSARY

Hon. A. Raynell Andreychuk: Honourable senators, I want to add a few comments to those made by Senator Day in recognizing our Public Service Commission.

In 1908, the first permanent Civil Service Commission was created and given the responsibility by Parliament for safeguarding the principle of merit as the basis for hiring into the civil service. Through the years, successive generations of public servants have dedicated themselves to fulfilling the PSC's mandate, ensuring that merit is the basis for hiring in the federal public service and protecting the political impartiality of public servants. The PSC strives to ensure that the hiring practice and process is free from any and all barriers that prevent the federal public service from reflecting the Canadian public it represents.

Today, Canada's federal public service is regarded as one of the best in the world. Our public servants are regularly consulted by counterparts in other countries seeking to learn more about our system. The PSC is no exception. It has assisted South Africa and Ukraine, as well as countries in Latin America and the Caribbean on issues related to public service governance and staffing.

From April 29 to May 2, Library and Archives Canada is hosting a special exhibit highlighting many of the PSC's achievements during the past 100 years. Among the documents and artifacts on display will be a copy of the Civil Service Amendment Act which created the first permanent Civil Service Commission.

The centenary exhibit reminds us of the tremendous changes that have taken place in the federal public service and the role played by PSC in responding to these challenges. While the commission has evolved with a name change to become the Public Service Commission, the safeguarding of merit and non-partisanship has remained the same.

Honourable senators, it is important that parliamentarians note the need to support and respect the Public Service Commission, and I am sure that all senators join me on this special anniversary to congratulate those dedicated public servants who serve at the Public Service Commission. I believe their achievements merit a celebration and our support in their service to Canada.

NATIONAL ORGAN AND TISSUE DONOR WEEK

Hon. Vivienne Poy: Honourable senators, I wish to take this opportunity to say how happy I am to be back in this chamber. I want to thank many of my colleagues for their kind words and touching messages and for the beautiful flowers I have received over the past weeks.

Particularly in the past month and a half, I have experienced the importance of organ donation, the act of which is giving a new life to another person. In my case, it was to one of our sons. Today, due to a lack of available organs, the majority of kidney transplants are done with organs from live donors. Honourable senators may wonder: Is the surgery painful? Yes, it is. Some may also ask, "Knowing what I know now, would I have done it?" Yes, I would have.

• (1345)

I close by mentioning that last week was National Organ and Tissue Donor Week. I remind honourable senators that signing your organ donation cards is not sufficient. It is vital to let family members and loved ones know if you wish to have your organs donated.

Honourable senators, thank you once again for all your support and encouraging words during my convalescence.

WORLD FOOD SHORTAGE

EFFORTS OF CANADIAN FARMERS

Hon. Leonard J. Gustafson: Canadian families continue to enjoy some of the world's lowest food costs, and spend less than 10 per cent of their household budget on food. As a matter of fact, food prices in Canada's grocery stores remain steady, and increases have remained below the rate of inflation.

Canadian farm families produce enough high-quality and fair-priced food for Canadians and people around the world. Even after filling the vast majority of Canada's demands, Canadian producers export a great deal of quality food around the world.

Last year, Canadian farm families easily produced enough wheat to meet 5 million tonnes of domestic demand and export 20 million tonnes. Canadian farmers are stepping up to meet the increasing world demand and have projects to grow 24 per cent more wheat this year than last year.

Canadian producers have met domestic demand for beef and pork, and still export 360,000 tonnes of beef and 760,000 tonnes of pork.

These are the words of the Minister of Agriculture:

We are monitoring the situation at home and abroad and we are helping less fortunate people in other parts of the world who are facing food shortages by delivering real help as the second-largest contributor to the United Nations World Food Programme.

ROUTINE PROCEEDINGS

STUDY ON GOVERNMENT SCIENCE AND TECHNOLOGY STRATEGY

INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Art Eggleton: Honourable senators, I have the honour to table, in both official languages, the sixteenth report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology entitled: *Mobilizing Science and Technology to Canada's Advantage*.

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

• (1350)

[Translation]

ASSEMBLY OF THE ABORIGINAL PEOPLES OF CANADA BILL

FIRST READING

Hon. Aurélien Gill presented Bill S-234, An Act to Establish an Assembly of the Aboriginal Peoples of Canada and an Executive Council.

Bill read first time.

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

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

[Senator Gustafson]

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF ARCTIC REGION COMMITTEE, FEBRUARY 28-29, 2008—REPORT TABLED

Hon. Yoine Goldstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation on the Meeting of the Standing Committee of Parliamentarians of the Arctic Region, held in Rovaniemi, Finland, from February 28 to 29, 2008.

[Translation]

QUESTION PERIOD

ELECTIONS CANADA

CONFIDENCE OF GOVERNMENT

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

As everyone knows, yesterday the government refused to express confidence in Elections Canada. This is the first time in the other place that a government has turned its back on the independent institution responsible for ensuring fairness and impartiality in the country's elections.

The government has just told Canadians that their democratic system is no longer protected. Does that mean that the Conservative government will not have confidence in Elections Canada during the next election? Does Mr. Harper's government plan to call on the United Nations to send in international observers to guarantee the impartiality of our electoral process during the next election?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The motion the honourable senator refers to was moved in the other place yesterday. It was an opposition day motion moved by the Bloc Québécois. I thought it was rather interesting to see the Bloc Québécois, a separatist party, moving a motion showing faith in a federal institution.

The fact of the matter is that this was not a government action. Government members voted against the motion not because the government is against Elections Canada, but rather the actions of Elections Canada in the case of their treatment of our party on the legitimate filing of our election returns.

[Translation]

Senator Hervieux-Payette: I hope the Leader of the Government in the Senate knows that the government members are ministers and members of the Conservative Party.

Given the undisputed proficiency of Elections Canada and its independent status, which is still respected, or so it was until January 2006, Elections Canada has participated in encouraging democratic electoral processes in several countries around the world and has helped ensure transparency in the electoral processes of new democracies.

• (1355)

Haiti and Afghanistan come to mind, for example. Elections Canada also helped Mexico with its electoral reform and assisted Ukraine with its free election in December 2004.

Since the Conservative government no longer has confidence in Elections Canada, can the Leader of the Government tell us if it intends to revoke Elections Canada's mandate to assist elections in countries that need democratic systems?

[English]

Senator LeBreton: The honourable senator misunderstood the vote that took place in the House of Commons yesterday. The members of the government that voted against the opposition day motion of the Bloc Québécois were not passing judgment on the institution of Elections Canada but, rather, on Elections Canada's actions and their interpretation of the rules in respect of the expenses in the last campaign. It is obvious that Elections Canada broke their own rules in terms of the manner in which they obtained our party's records.

Hon. Sharon Carstairs: I find it fascinating that the leader can respect the institution of Elections Canada and, on the other hand, deem it correct to challenge the decisions made by Elections Canada. Either this government supports Elections Canada or it does not support Elections Canada. The leader's words yesterday would indicate that this government does not support Elections Canada.

Senator LeBreton: Honourable senators, we followed the same rules when we filed our election returns for 2005-06 as we followed in 2004. We followed the same rules as the other political parties. The only difference between 2004 and 2006 was that we won the election in 2006. That is the only difference.

We filed our election returns based on the law, as we understood it, and on precedent of other parties. Elections Canada challenged our elections returns and we filed an action. The matter is before the courts.

It appears that the honourable senator's side knows more about this issue than our side knows, so much so that a senator on her side said in response to a question, and I quote: "We initiated the investigation." This side initiated the lawsuit and the other side initiated the investigation. I am still waiting for an answer to that one.

Senator Carstairs: Is the honourable senator trying to tell the house that her party not only cheated the Canadian people in 2006 but also cheated them in 2004?

Senator LeBreton: I will speak to the reality of the situation. We legitimately filed our elections returns in an open and transparent way, which caused Elections Canada to challenge us. We, in turn, challenged Elections Canada. The matter is before the courts, where it belongs. The money belonged to the Conservative Party.

Juxtapose that situation to what happened under the Liberal Party, with Senator Mercer as executive director, when stolen taxpayers' dollars were distributed in brown envelopes to various ridings and multi-millions of dollars were paid out to advertising firms for phoney invoices. The whereabouts of \$40 million is still unknown.

• (1400)

CONSERVATIVE CAMPAIGN EXPENSES

Hon. Yoine Goldstein: It is false that this was Conservative Party money. Conservative candidates put in for a 60 per cent reimbursement of those expenses, which they did not expend. That is not their money. That, with respect, is electoral fraud, is it not?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The honourable senator is quite wrong. There are many examples from all parties. A report from Jean-Pierre Kingsley, the former Chief Electoral Officer, said that the ads used in the various ridings are local by their tags, not the content. This is exactly what the Liberal Party did themselves along with the Bloc Québécois and the NDP.

At least we had a bit of honesty as demonstrated in *The Globe and Mail* last Friday from Robin Sears, the former National Director of the NDP. Mr. Sears said the NDP followed the same rules and the scandal lies with Elections Canada. It was nice to have a person like Robin Sears set the record straight. Furthermore, in his article, Mr. Sears said it appears that in this case, Elections Canada changed the rules midstream and they applied them only to the Conservative Party. I think we have every reason to challenge the change in rules and that is why the issue is before the courts.

Hon. Terry M. Mercer: I want to set the record straight. In the nine years that I worked at the Liberal Party of Canada with seven of those years as National Director of the Liberal Party, not once did this happen. We never had the luxury that the Conservative Party has of having money to throw around. We never had enough money, so we could not give money.

Honourable senators, let me tell you an interesting thing about Elections Canada. If you have a problem and you are not sure what to do, you may go to them and say, "Here is our problem. Is this within the bounds of the rules?" They will give you a ruling in advance. If you do that, you do not get into any trouble with Elections Canada. That is my advice to my Conservative friends.

STATUS OF WOMEN

ACTION PLAN ON EQUALITY

Hon. Terry M. Mercer: Honourable senators, Status of Women Canada officials and Minister Verner appeared before the House of Commons Standing Committee on the Status of Women yesterday. During her opening remarks to the committee, the minister highlighted last month's visit by Canadian Conservative government officials to the United Nations where they announced their action plan on equality. The action plan was a key initiative announced in the government's budget and therefore, everyone was interested in hearing about it.

Honourable senators, we learned yesterday that the plan does not have any details, money or a timeline. Senior department officials told the committee that they did not even have a target date.

My question to the Leader of the Government in the Senate is simple. When will the Conservatives stop throwing around all these grand ideas and start actually doing something to address gender inequality in this country?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Thank you Senator Mercer, for the question and I feel compelled to answer the honourable senator's preamble.

The honourable senator talked about what to do if there was a problem. We did not approach Elections Canada because we did not have a problem. We were simply following the same rules the other parties followed in other election campaigns. Elections Canada took action against Bob Rae. Mr. Rae challenged them in the courts and the courts ruled in his favour. That is the way it should be.

With regard to Minister Verner and the Status of Women Canada, it is a nice try, honourable senator, but I will leave it to Minister Verner to announce the plan. I will not scoop the minister here in the Senate.

• (1405)

Senator Mercer: Honourable senators, it is difficult to pose this question to Senator LeBreton because she has an extremely good record on the issue of women's equity. She has pushed for that for many years, and I applaud her for that. She has been a strong advocate for women in government, as any of us would be.

It is a fact that women make up more than 50 per cent of our population. In March of 2007, I called the attention of the Senate to gender equity, saying that this place could be a model for gender equity by requiring that our membership be 50 per cent female.

I did not hear the leader's thoughts on that suggestion then, and now her government apparently has no thoughts of any kind on women's issues. They are more concerned about finding their names in the paper and pretending to care about equality.

Let us also not forget that it was a Conservative government that shut down the Court Challenges Program, cut off funding to women's advocacy groups and closed 12 of 16 Status of Women regional offices.

I again ask the leader: Where is the money?

Senator LeBreton: I well remember the honourable senator's admonitions about Senate vacancies. His colleague Senator Prud'homme has, time and again, suggested the same thing.

I will once again go through the programs that the government has undertaken on behalf of women. Although we did not cut off funding, it is true that we changed funding to Status of Women by

directing it away from advocacy groups and toward communities where the money is much better spent, and we also increased the amount.

In 2007, we increased the budget of women's programs in Status of Women Canada by 42 per cent, bringing the budget to the highest level ever of \$15.3 million. Budget 2008 stated that over the next year the government will build on this achievement through the development of an action plan that will advance the equality of women across Canada. Earlier this year, Minister Verner announced a series of projects across the country that will receive funding from the women's program.

For example, on March 26 the minister announced over \$1.5 million for 11 projects in British Columbia, and on April 4, she announced that 10 women's organizations in Alberta will receive over \$2 million in funding. She has made these announcements across the country.

Senator Mercer: I continue to be concerned, however, that Canada's reputation and that of the Government of Canada, no matter who forms the government, is being tarnished with women in Canada and around the world.

I know the Leader of the Government in the Senate does not read *The Globe and Mail*. She has told us a number of times that she does not like to read it. Therefore, I commend to her another fine daily newspaper in Canada, the *Cape Breton Post*, in which there was a great article last week about the appointment of Carmen Chacón, a 37-year-old member of the Spanish Parliament, as the minister of defence in Spain. It is unusual to have a woman as a minister of defence, and the fact that Madam Chacón is seven months pregnant also makes her appointment unusual.

With that kind of symbolism, the Spaniards have said that women have an equal place in their government, including in their cabinet, and that even pregnancy is not a barrier to that equality.

We need to establish some benchmarks here. The government says they have a program, but they have no money, no timeline and no plan.

What is the plan for fixing these problems in this country? Countries all over the world are showing us up.

Senator LeBreton: Honourable senators, I hasten to point out that the first woman cabinet minister in Canada served under a Conservative government. As well, the Conservative government had a female Minister of National Defence, just in case senators have forgotten, and a female Minister of Foreign Affairs.

When I was responsible for appointments in the government, women headed up the Civil Aviation Tribunal and Export Development Canada. Senator Janis Johnson was the first woman director of the Conservative Party.

• (1410)

We are also trying to recognize the rights of Aboriginal women and matrimonial property rights, which, for some reason, members of the honourable senator's party on the other side seem to be stopping.

Minister Verner and all ministers in our government, starting with the Prime Minister, are doing everything we can to enhance Canada's reputation in the world, not only with women but with all Canadian citizens.

THE ENVIRONMENT NATURAL RESOURCES

DEPARTMENTAL REPORTS ON IMPACT OF CLIMATE CHANGE

Hon. Grant Mitchell: Honourable senators, about the time that the Conservatives cancelled all the Liberal climate change programs and denied climate change, their own Departments of Natural Resources and Environment were compiling a remarkable, disturbing and extensive report on the significant and wide-ranging impacts of climate change on Canada and on Canadians.

What levels of hubris, lack of responsibility and incompetence would have driven this government to deny all this information prepared by its own department staff, to cancel clearly effective Liberal environment programs and to continue to deny climate change, despite the peril in which it puts Canadians and Canada?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): First, I do not know whether the word "hubris" applies to the government or to the question.

In any event, one cannot cancel something that never happened, and absolutely nothing happened under the honourable senator's government.

We have now put forward a reasonable climate change plan.

It is nice to answer an environment question for a change because there has not been one in this place since we came back. I took that as a great compliment to Minister Baird, namely, that the environment was no longer such a concern to the opposition and it was not necessary to ask questions about it anymore. It is the same over in the other place as well.

THE ENVIRONMENT

LIBERAL PARTY CLIMATE CHANGE FUND— COMMENTS BY DEPUTY MINISTER

Hon. Grant Mitchell: Speaking of Minister Baird, he is spinning so hard all the time that he is continuously dizzy.

The Leader of the Government in the Senate said that nothing was happening, and that the Liberals had not done anything. Can she please clarify why she has not fired her own deputy minister of the environment who clearly stated the following on February 23, 2006, to Minister Ambrose:

The Climate Fund is a cost-effective vehicle to drive technology innovation and a low-carbon future in Canada.

If nothing was happening, and her deputy minister of the environment was telling her that good things were happening, why is that deputy minister of the environment still there?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I do not remember anyone saying that climate change was not an issue or a problem. I do not believe that.

So the honourable senator knows what we have been doing in the area of climate change, on March 10, the government published details of our regulatory framework, which will put us on a path to reducing emissions by an absolute 20 per cent by 2020. The framework includes details and rules of regulation, including carbon trading, offsets, a technology fund and a credit for early action program.

Budget 2008 included \$66 million over two years to set up key features of the regulations around "Turning the Corner," our practical and credible plan.

Climate change, as the honourable senator has said many times, and we all agree, is a challenge that requires action by all levels of government and all Canadians.

• (1415)

As I have said before, we also created a trust fund of \$1.5 billion. This is money set aside for provincial and territorial clean air and climate change projects. We are all in this together.

CLIMATE CHANGE TARGETS

Hon. Grant Mitchell: Can the leader please explain upon what basis, what reports, what analysis and what data her government based its target? Did it pick this target of 20 per cent reduction of 2006 levels by 2020 out of the air? All the credible scientific information, the Intergovernmental Panel on Climate Change, international standards and our Kyoto obligations clearly state that 20 per cent of 2006 levels by 2020 bears no relationship to what needs to be done.

Senator Stratton: Why did you not do something?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Exactly: I was wondering whether the honourable senator would mention Kyoto. I was expecting a question yesterday on the tenth anniversary of the signing of the Kyoto accord. I was armed with, "We did not get it done" from Mr. Ignatieff to Eddie Goldenberg saying that the Prime Minister of the day signed on to it with absolutely no plan to implement it, but it was sort of a feel-good thing.

In any event, we are taking concrete steps based on the information that we have within our own Department of the Environment. As was the case when the Prime Minister attended the G8 Summit last year, and when he went to the United Nations and to the conference of the Asia-Pacific Economic Cooperation, APEC, there is an acknowledgement from around the world that this problem cannot be solved by one country alone. It must be solved by all countries, including having the big emitters at the table as part of the solution.

JUSTICE

SUPREME COURT VACANCY— APPOINTMENT PROCESS

Hon. Yoine Goldstein: This question is for the Leader of the Government in the Senate. On April 14, two weeks ago, federal Justice Minister Rob Nicholson appointed former New Brunswick Justice Minister Bradley Green as a judge of the family division in Saint John, New Brunswick, where cases can drag on for years, and it takes a full year for preliminary motions to go to trial.

I am sure that Justice Green is a fine gentleman, but he has spent his entire career in politics and has apparently never seen the inside of a courtroom. He was Justice Minister from 1999 to 2006 in Bernard Lord's Conservative government, and Minister of Health and in charge of Aboriginal affairs when he lost his seat in 2006.

Far from starting a law career, he then worked as an adviser to the official opposition in the legislature. The Canadian Bar Association declined comment on this appointment because it violates the bar's position that cabinet ministers should undergo a two-year cooling off period before appointment to the bench to promote public confidence that the judiciary is independent and apolitical.

This appointment was manifestly and clearly a patronage political Conservative appointment without any justification whatsoever, except for the political activities of the appointee.

There is now an opening in the Supreme Court of Canada. Is it the position of the government that it will have an open, free nomination based exclusively and solely on the attributes of the nominee and not at all based on political considerations, or will the government do the same thing all over again?

• (1420)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): First, I think all of us should be concerned with the tone and tenor of Senator Goldstein's question. As the honourable senator knows well, all judicial appointments are made following a judicial review process that was initiated under the previous Conservative government and followed by the subsequent Liberal governments. The appointment of Mr. Justice Green would have followed that process and been part of the recommendation.

As the honourable senator knows, the people who sit on those committees — in this case in New Brunswick — would include the current Minister of Justice in New Brunswick.

Sooner or later honourable senators will have to give up this childish behaviour regarding Senator Fortier because it does not look good on the Senate.

This individual was chosen through a valid process. Only people who are recommended by the process are appointed. If we use the honourable senator's criteria, then Mr. Justice Michel Robert from the province of Quebec should never sit on the bench because he was the President of the Liberal Party.

As far as the vacancy on the Supreme Court is concerned, and with respect to future appointments to the Supreme Court, when we came into government we recommended Mr. Justice Rothstein, who was chosen from the list of former Prime Minister Paul Martin. Therefore, there is an open, transparent and squeaky clean process for appointing judges in the provinces and territories and at the federal level. It behooves all of us, including Senator Goldstein, to avoid denigrating that very good process.

Senator Goldstein: The Leader of the Government in the Senate just finished hearing that that process was not followed and the recommendations of the bar were not agreed to by this government. I completed my remarks by saying that. That information comes from *The Lawyers Weekly*, which is hardly a Liberal newspaper.

CITIZENSHIP AND IMMIGRATION

APPOINTMENTS TO IMMIGRATION AND REFUGEE BOARD

Hon. Yoine Goldstein: Honourable senators, there are over 50 vacancies at the Immigration and Refugee Board, the total complement of which comprises about 140 people. There are thousands of applications for refugee status that are suspended and delayed because the honourable senator's government is not filling the more than 50 vacancies that exist. Is the government waiting for Conservative members who are qualified, or is it looking for qualified people?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Returning to the judicial review process, we followed the recommendation of the Canadian Bar Association. Whether this person who is a member of the Law Society of New Brunswick has a disagreement with the Canadian Bar Association, I cannot say.

With regard to the Immigration and Refugee Board, there was a huge number of vacancies when we took office. Many vacancies were filled by the Martin government, and those vacancies were about to come due. I expect that Mr. Martin was thinking he would be the Prime Minister again and would be able to refill them.

The reason for the delay is that we are at this time putting applicants through a very rigorous process in order to ensure that they are qualified to deal with immigration and refugee cases. They must write and pass a written exam and they must appear before an advisory board. The process is a rigorous one.

We are making progress. I believe we have appointed quite a number of well-qualified people who have some expertise in this field.

• (1425)

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein moved third reading of Bill S-210, An Act to amend the Criminal Code (suicide bombings). —(*Honourable Senator Grafstein*)

He said: Honourable senators, you have heard these arguments before. I will sum up briefly, from my perspective, what took place at the Standing Senate Committee on Legal and Constitutional Affairs.

I commend all senators who served on that committee, cross-examined the witnesses with great precision and intelligence, and ended up with an interesting, instructive and educative record. At the culmination of those committee hearings, the committee unanimously recommended the adoption of this bill.

The evidence before the committee overwhelmingly supported the bill. The only opposition offered was by the Department of Justice, which said the elements of suicide bombing were already contained in the Criminal Code and, as a result, might cause confusion with respect to other aspects of the Criminal Code with respect to prosecutions. The RCMP, called by the government, denied this confusion. They, in effect — if I can sum up their evidence simply — supported the bill and suggested only that perhaps it did not go far enough.

In addition, other witnesses were called. The Dean of York University Law School, Patrick Monahan, who is well known to Parliament, spoke in favour of the bill. Those witnesses who supported the bill included Ed Morgan from the University of Toronto Law School, an international expert who talked about the international ramifications of the bill; Leo Adler, a lawyer with international experience; and Mark Sandler, an outstanding defence lawyer.

Finally, the most telling piece of evidence called by the committee was the representative of the Canadian Council of Criminal Defence Lawyers, William Trudell, who amazingly supported this bill. This is a rare occasion when that association supports or accepts any amendment to the Criminal Code put forward by either government or private members. I urge all senators who have any questions about the bill to read his evidence, which was instructive, as well as the transcripts, which were not long.

On the substance, then, this bill deals with an anathema: something totally unacceptable to civilized society. This bill has also received unbelievable bipartisan support. In my experience, this bill, supported by an association called Canadians Against Suicide Bombing, led by a former judge, Justice Reuben Bromstein, has gained support that reaches across every segment of our community.

Supporting the bill are three former prime ministers: Kim Campbell, John Turner and Jean Chrétien, all of whom, by the way, were former Attorneys General. As well, it is supported by the former chief justice of Ontario, also himself an Attorney General of Ontario.

Four former provincial premiers support this bill, as well as religious leaders from every religion in Canada and distinguished Canadians, including Ed Broadbent. Therefore this bill has overwhelming bipartisan support because they all understand the purpose of suicide bombing, which is to kill innocent people for political, ideological or so-called religious objectives and sow terror in the populace. This cult of death is anathema to every organized religion, be it Christian, Muslim, Jewish, Hindu or others; agnostics and atheists alike all abhor “suicide bombing” as contained in this bill.

The Criminal Code is an educative tool. It is also a tool for deterrence. In the last week alone, honourable senators — and this evidence is anecdotal — over 125 deaths were caused by suicide bombings across the world, as well as countless injuries and maiming. This bill will send a clear and simple message to the international community that Canada stands resolutely against suicide bombing, whether at home or abroad, in any way, shape or form or under any circumstances.

Honourable senators, I urge its speedy adoption.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I have a quick question for the honourable senator, if he will take it.

I believe I heard him say at the beginning of his comments that the bill received unanimous support at the committee stage. Will he confirm if that was the reality at committee stage yesterday?

• (1430)

Senator Grafstein: I apologize. I have just been informed by the leader that the matter was on division, so I take back my previous statement. I assumed, from speaking to senators on all sides, that there was strong support for the bill.

Senator Comeau: I wanted to be absolutely sure. I did read about this matter in *The Hill Times*, I think, as well, that someone had called *The Hill Times* and had indicated that the committee had said that it was agreed to unanimously. I do not know who from the committee would have made such a comment to *The Hill Times*. However, having heard that indication repeated here today, I wanted to be absolutely sure whether or not that was correct.

Given that I had made some comments in the Senate regarding the bill and that I had expressed certain concerns, I was surprised to read that there was unanimous agreement on this item.

Senator LeBreton: *The Hill Times* must do a correction.

Senator Grafstein: I did not speak to *The Hill Times* on this matter. The chairman of the committee is here. If I misled the Senate, I withdraw those comments.

On motion of Senator Andreychuk, debate adjourned.

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Day, for the second reading of Bill S-229, An Act to amend the Constitution Act, 1867 (Property qualifications of Senators).—(*Honourable Senator Tkachuk*)

Hon. David Tkachuk: Honourable senators, I am pleased to participate in debate on Bill S-229, a bill introduced by Senator Banks that would remove the real property and net worth requirements for persons to be qualified to sit in the Senate.

This short speech of mine comes at a rather opportune time as Senator Banks and I had a lengthy discussion last night on the difficult process of coming to unanimity between our two parties. The importance of this bill should not be exaggerated; it seeks to accomplish a needed and overdue but minor reform.

Bill S-224 underscores the marked difference between division of the government on the one hand and the lack of division to maintain status quo on the other. While many paid lip service to Senate reform, actions and results thus far demonstrate the challenge of making reform. This sad reality is being played out, despite the fact that Canadians — and this has been demonstrated in poll after poll — want serious Senate reform to occur. The government, for its part, has listened to Canadians and made Senate reform one of its key priorities.

In last October's Speech from the Throne, the government renewed its commitment to Senate reform and subsequently reintroduced Bill C-19 on Senate tenure and Bill C-20 on Senate appointment consultations. Bill C-19 replaces the former Bill S-4, which was delayed, as honourable senators know, for over a year by the Senate following its introduction and was then effectively killed by the Liberal majority in this chamber. Most Canadians and commentators would regard reducing the tenure of senators as an incremental but important step in making the Senate worthy of 21st century democracy. However, senators on the other side chose to block even this incremental attempt at reform. It is worth reviewing what happened in debate on Bill S-4 because it set the context for the debate we will have on this bill. Suffice to say, the story of Bill S-4 and its treatment in the Senate serves as a cautionary tale for why we need Senate reform.

As I mentioned earlier, the Senate acted to stall progress on the former bill for over a year. While most bills are subject to review once in each chamber by one committee, Bill S-4 was twice subject to committee review. The "subject matter" of the bill was first examined by the Special Senate Committee on Senate Reform chaired by Senator Hays with Senator Angus as deputy chair. The bill was then subject to the regular committee review process in the Standing Senate Committee on Legal and Constitutional Affairs.

In an unprecedented tactic, the Senate ultimately killed the bill by refusing to allow it to proceed to third reading unless it was first referred to the Supreme Court of Canada. This was done despite the fact that the report of the Special Senate Committee —

a committee formed by senators and composed of a majority of Liberal senators, I might add — endorsed the government's overall approach to Senate reform and affirmed the constitutionality of the bill. The report concluded that:

Our discussions with constitutional scholars and legal experts have yielded, for the most part, convincing arguments that the government has chosen the correct approach to making this change. The witnesses generally felt that the Constitution was sufficiently clear on this matter and that a reference to the Supreme Court of Canada to clarify and resolve the matter is not required.

Bearing in mind that it is the subject matter of the bill that has been referred to the Committee, most Committee members have concluded that there appears to be no need for additional clarity on the constitutionality of Bill S-4 as a condition precedent to the Senate proceeding with a consideration of the Bill as proposed.

As the Special Senate Committee report noted, many of Canada's leading constitutional experts appeared before the committee and supported the government's position on the constitutionality of the bill. This list of supportive experts included Peter Hogg, Patrick Monahan, Stephen Scott and former Senator Gérard Beaudoin, to name but a few. When the bill was reviewed again by the Standing Senate Committee on Legal and Constitutional Affairs, Peter Hogg and Patrick Monaghan took the trouble to contact the committee to reiterate their support for the government's constitutional position.

Quite rightly, the government rejected the proposal of the Standing Senate Committee on Legal and Constitutional Affairs for a Supreme Court reference. The vast weight of public opinion supported the government's position that Bill S-4 was constitutionally valid and that there was no need to delay the reform process further with a reference. While I was initially hopeful that the Senate would listen to Canadians and embrace reform, it became obvious during the debate on Bill S-4 that the Senate was opposed to even the most modest reforms.

Honourable senators, I am hopeful that the elected members of the other place will be more sensitive to the views of Canadians on this matter because Canadians are not prepared to accept an institution that has remained virtually unchanged since Confederation, an institution that is neither democratic nor accountable to the people of Canada. While the Senate may have suited 19th century sensibilities when it was created in 1867, it is now an institution that is severely out of touch with our times. In our contemporary society the Senate lacks the credibility to fulfill its role as an effective representative of the regions in the federal legislative process. The status quo is not good enough for our political institution and this is particularly true in regard to the Senate. That is why it is essential that we continue the pursuit of practical, achievable, and meaningful reform that will help to ensure that the Senate devolves in accordance with the expectations of Canadians.

Honourable senators, I believe we are at a critical juncture in the history of the Senate. The patience of Canadians and the government is waning. If we do not embrace change then we may be viewing the dying days of this institution. We have the power to change destiny by supporting real reform to the Senate, as has

been proposed by the government. Honourable senators, because some change is better than no change, I support Bill S-229 and commend Senator Banks for introducing the bill while awaiting the day that I might stand in this chamber and vote in favour of the government's more meaningful Senate reform proposals.

Hon. Sharon Carstairs: Would the honourable senator take a question?

Senator Tkachuk: Yes.

Senator Carstairs: The honourable senator spent a considerable amount of his speech this afternoon addressing the processes of the Hays committee and then the position of the Standing Senate Committee on Legal and Constitutional Affairs, which indicated that they wished to see a reference to the Supreme Court of Canada to ensure clarity and to ensure that there was absolutely no disagreement as to whether the process by which the House of Commons, under the Prime Minister, were moving in terms of legislation.

Had that reference been sent at that time, I suspect that we would now have a reply from the Supreme Court of Canada, at which point, if they ruled with the government, namely that what the government was doing was perfectly lawful, we would be now ready, willing and able to pass a potential bill. Why does the honourable senator believe that such a reference was not made if it would facilitate the process of Senate reform?

• (1440)

Senator Tkachuk: The second Senate committee chose to amend the bill and wished us to send the amended bill, not the original bill as referenced. Therefore, the government decided that it would not do that but introduce these reforms into the House of Commons instead.

Senator Carstairs: With the greatest respect, Senator Tkachuk, the real issue of the report of the Standing Senate Committee on Legal and Constitutional Affairs was: Can the Senate be reformed by the vote only of the House of Commons and the Senate, or does it require the engagement of the provinces of this country? That was the genuine aspect of the question that was to be put before the Supreme Court of Canada.

Why is the government, who espouses the view of the important roles of the provinces of this country, unwilling to put that question to the Supreme Court of Canada?

Senator Tkachuk: I cannot deal with suppositions. I only know that the bill that the second committee decided to refer to the Supreme Court was not the bill that was introduced by the government. Rather, it was an amended bill. Therefore, the government decided that it was not the bill they wanted and they did not refer it to the Supreme Court.

Senator Carstairs: My final question to the honourable senator is that the Government of Canada can refer any reference they wish to the Supreme Court of Canada. It does not have to be the reference of the Standing Senate Committee on Legal and Constitutional Affairs. It can be a simple reference to the Supreme Court of Canada saying: Do the justices of the Supreme Court of Canada believe the provinces must be engaged in a process of significantly changing the number of years in which a senator can serve in this chamber?

Senator Tkachuk: What is it about my answer that the honourable senator does not understand? I told her that the bill was an amended bill and the government decided that it would not refer it to the Supreme Court. Therefore the government has reintroduced the bill into the House of Commons; that is a democratic process.

Hon. Joan Fraser (Acting Deputy Leader of the Opposition): Honourable senators, this debate on Bill S-4 has been extremely interesting. I, however, want to reflect upon Bill S-229 and I have not had time to complete my reflections on that topic. Therefore, I move the adjournment of the debate.

Hon. Marcel Prud'homme: May I have permission to ask a question of the honourable senator, if he chooses to answer? I think all honourable senators know what it is.

Today is a good day in Canada. It is the Prime Minister of Canada's 49th birthday. Since the honourable senator is involved in matters pertaining to Senate appointments, will the honourable senator relay to the Prime Minister our well wishes but will he also ask the Prime Minister to consider something. Soon, we will have an election campaign. Knowing the difficulty of electing a woman in any political party and, having a good institution called the Senate, can he make it his intention to appoint only women until we reach the number of 53 women and 52 men? He can keep his option of appointing whoever he wants, according to the Constitution. My request is that he make a call across Canada to ask people to send the best names. Then he may choose from those names, as it is possible for him to do. We would be the first chamber of the world to have a majority of women in the house, as it should be.

I wish the Prime Minister a happy birthday and I intend to see him later today. I also want to make this suggestion, and I will continue to do so until I leave.

Senator Tkachuk: I promise I will take the wishes of Senator Prud'homme and honourable members of the Senate to the Prime Minister. I know that the honourable senator has asked about this issue previously. The question was discussed. I am sure that the Leader of the Government on this side has already brought that topic to the attention of the Prime Minister. I am sure thousands of Conservative women across this country support it.

Hon. Anne C. Cools: I thank Senator Tkachuk for his comments. The objective of my question is to inquire as to the nature of his optimism on this bill. To the extent that there was a particular outcome on the last go-round on Senate reform, and the Senate and Senate committee pronounced itself, can Senator Tkachuk share with us the evidence that causes him to be optimistic that the outcome would be a different one on this go-round of the study of this bill?

In other words, what evidence does the honourable senator have that persons here are likely to change their minds?

Senator Tkachuk: Senator Cools, this particular bill, Bill S-229, is not my bill; it is Senator Banks' bill. As he is on the Liberal side and I am on the Conservative side, I have more optimism than I did before that this bill may pass.

On motion of Senator Fraser, debate adjourned.

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: I am out of breath having listened in this chamber to the debate on Senate reform.

Honourable senators, it gives me great pleasure to rise and speak to the motion before us. I am pleased at this opportunity to highlight the many ways this government is taking action for Canada's grain farmers. I hope that is why we are here — in the interests of our farmers, not in the interests of partisan politics.

Each and every year, Canada's grain industry conducts \$10 billion worth of business here in Canada and around the world. Those dollars drive the economies of both rural and urban Canada. They create and sustain jobs right through the grain production chain: from farm input suppliers, to elevators, to transporters and to processors. They support our rural communities that contribute so much to Canada's economy.

Canada's grain growers sustain our health and well-being as Canadians by putting the very bread on our tables. We must never forget that. It concerns me when I see the headlines about high food prices as if farmers have anything to do with that. Farmers have endured years of prices well below the cost of production.

To blame them now when, for once, they receive a decent price for their wheat is beyond ludicrous. The value of wheat to the farmer in the average loaf of bread is pennies. Someone is becoming rich but it is not the farmer.

This government has deep roots on the farm. Many of our members come from farms, or are still actively farming. We know the difference between urban myth and reality. We know how critical it is to stand up for a sector that puts food on our tables, and that contributes over \$25 billion to our exports and 8 per cent to our GDP.

That is why, honourable senators, farmers have once again taken the rightful place they deserve in the policies and programs of the Government of Canada. That is why we are investing more than \$2 billion in the development of biofuels to open up new markets for our grain and oilseeds producers, to create new jobs for our rural communities and to create a better environment for Canadians. That is why we are working hard to deliver marketing choice to help our Western wheat and barley producers capture new opportunities and make the business decisions that are right for their farms.

That is why we have moved to eliminate kernel visual distinguishability as a criterion for registering varieties of wheat. This elimination will help our grain producers access new and better wheat varieties; new varieties better suited as livestock feed and as biofuels feedstock, for instance.

• (1450)

That is why we have proposed amendments to the Canada Grain Act to keep our grain producers competitive by improving the regulatory environment for Canada's grain sector.

That is why we are taking real action to reduce transportation costs and improve rail service for farmers' products, by pushing forward Bill C-8 and by adjusting the revenue caps to reflect actual hopper car maintenance costs.

That is why we are taking action at the WTO agriculture negotiations to create opportunities for our exporters, while defending interests important to our supply-managed sectors.

Honourable senators, sometimes the best way for governments to help our farmers is to let them do what they do best by removing obstacles standing in the way of producers maximizing their returns from the marketplace. The bill before us takes a big step backwards in that regard.

Farmers have asked for more transparency, more responsiveness and more clarity from the Canadian Wheat Board, but this bill would do the reverse. It would encumber the current system with more red tape and bureaucracy. It would throw a heavy blanket of procedural delays that would force the government and the CWB's board of directors to hold formal consultations over operational decisions on which the board wants quick Governor-in-Council approval.

This bill is nothing but a series of measures to help the CWB bureaucracy dig in and resist changes demanded by the farmers. This bill is about making it harder to change the status quo. Instead, we need to focus on delivering efficient services for producers and helping farmers prepare for a competitive future.

This bill pins producers down at a time when they need clear signals on spring seeding decisions. Producers need to know how much acreage to put in barley and they need to know it now.

There are many other attractive options out there. We are risking losing those acres to other crops at a time when the future for barley is brighter than ever, when the international marketing opportunities are growing and when the price outlook for both feed and malting barley is strong.

Malting barley exports to the U.S. are expected to grow by almost one third this year. Continued expansion is projected for all barley markets, including malting barley. This is driven mainly by solid growth and demand in markets such as China. Better still, much of the growth is happening on the value-added side, which keeps jobs and dollars in Canada.

Farmers have spoken. They want action, not bickering over semantics.

The Canadian Wheat Board was established in 1935. That was a time when this country was in the midst of the Depression. Electricity was unheard of in most rural areas. Most farmers brought their goods to market by horse and buggy.

The Canadian Wheat Board was established as a voluntary marketing agency for Prairie wheat. In 1943, sales of wheat through the board became compulsory and the price of wheat was frozen in order to provide Great Britain with dependable supplies of wheat to feed the troops.

A few years later, in 1949, the board's powers were extended to include Prairie oats and barley. For 25 years, the board was the single desk for Western oats, barley and wheat, whether for human consumption or animal feed. However, as the markets changed, so, too, did the Canadian Wheat Board.

In the mid-1970s, exclusive marketing rights over Prairie grain fed to animals in Canada were removed from the board. The world did not come to a crashing halt and the bottom did not fall out of the market. In fact, the use of cereal grains for livestock has grown significantly since then.

As the world changed again, so, too, did the Canadian Wheat Board. In 1989, oats were removed from the board's jurisdiction. Again, the world did not end and the bottom did not fall out of the market. A thriving oats processing sector has since developed in Western Canada.

Let us recap how the Canadian Wheat Board has evolved. What started out as a monopoly during the Second World War has been slowly but surely evolving until what we are left with is a single desk for barley and wheat for export and domestic human consumption.

Farmers adapted quickly to the changes. What made sense in the 1940s, when zoot suits were in fashion, honourable senators, does not make sense today.

To conclude, honourable senators, time is of the essence for our farmers. The Canadian barley industry is on the cusp of tremendous growth. What we have to ask ourselves is: Are we about delivering action for our farmers or are we delivering exercises in political gamesmanship like this bill?

The clock is ticking for our producers. Spring seeding is fast approaching. We need to send farmers a strong signal of our support for clarity, transparency and accountability, and our support for farmers and their business goals.

We need to stop the foolishness and defeat this bill.

Hon. Yoine Goldstein: Will the honourable senator take a question?

Senator Brown: Yes.

Senator Goldstein: I was intrigued by the statement of the honourable senator — I hope I wrote it down correctly — that the current government has allocated a significant amount of money “to increase production of biofuels and create new markets.”

Is the honourable senator aware that the cost of production of biofuels exceeds the cost of oil, even in today's elevated oil market?

Further, is the honourable senator aware of the fact that using grains to create biofuels is helping significantly to aggravate the crisis which the world is now experiencing in terms of feeding itself on rice and other grains that are being diverted to biofuels and other like alternatives?

Senator Brown: The cost of biofuels at this moment in time is higher than normal fuels because the industry is in its infancy. The biofuel sector is experimenting with various conversion methods. It is finding new feedstocks. In Brazil, they use only sugar cane refuse, which is of no use for anything else.

Biofuels will use, for instance, the frozen canola feed, which drops from being for human consumption to no use at all by humans because it has a much higher acid content when it is frozen. Number 3 grade canola is no longer useful for human consumption.

We have experienced a couple of years when most of the canola crops in Western Canada were frozen. It would be a very good method to use that and it would be cheap in comparison to what the costs are now.

As far as the biofuel industry goes, it is in its infancy. Time will tell whether it is something that should and would grow.

I forgot the second part of the honourable senator's question. Could he ask it again?

Senator Goldstein: Was the honourable senator aware that the alternative use of grain of all kinds by Canada and other “developed” countries is having the effect of exacerbating the shortage of grain and bread throughout the world, so much so that the World Health Organization has predicted that there will be 100 million additional people living at a starvation level within the next 12 months?

Senator Brown: I agree with the honourable senator's comments to the extent that there have been some biofuels the United States used for corn as a feedstock. The corn can be fed to animals or some of it can be used for human consumption. However, that certainly is not what has caused the 100 million people in the world to be short of food right now.

The industry is in its infancy. They are looking for different feedstocks. They will end up using corn husks and corn plants after harvest is done for that kind of thing in the future. I do not know where the biofuel industry will go over the long term but I know that it was long-supported by many Liberals in both Houses. In response to that support, many people are experimenting with it although it has had some problems.

• (1500)

Despite the problems, we have seen tremendous successes. For example, Brasilia, Brazil, is the only major multi-million-population city that is absolutely devoid of the use of Standard Oil products. The city is sustained completely by sugar cane refuse and ethanol products.

On motion of Senator Fraser, debate adjourned.

LIBRARY AND ARCHIVES OF CANADA ACT**BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED**

Hon. Jeremiah S. Grafstein moved second reading of Bill S-233, An Act to amend the Library and Archives of Canada Act (National Portrait Gallery).—(*Honourable Senator Grafstein*)

He said: Honourable senators, I will not repeat what I said earlier in our resolution in support of this measure. Suffice it to say, I take some ownership of the idea of a national portrait gallery in Canada. I joined forces with Senator Joyal, one of Canada's most outstanding art experts and after our experiences in looking at national portrait galleries around the world, we determined that a national portrait gallery should be located in Canada, in Ottawa. We came to this conclusion, and Senator Joyal was aware of it before I was, that Canada has one of the largest treasure troves of portraits and photographs just across the Ottawa River in Gatineau.

When my colleague and I learned that the American Embassy would be vacated, we agreed that it would be an ideal location for such a portrait gallery. We attended on then Prime Minister Chrétien and persuaded him to move this project forward.

Honourable senators, this is not an issue of taking credit but rather of trying to understand the essence of the current proposal by the government.

Bill S-233 is simple. First, it calls for an amendment to the Library and Archives of Canada Act, which holds this national treasure trove of hundreds of thousands of paintings and photographs. The bill calls for an amendment to establish the portrait gallery within the National Capital Region of Canada. The second and more important amendment is that the matter should be left to Parliament with a vote in both Houses of Parliament to determine whether the measure that I propose in Bill S-233 is acceptable to the people's Parliament.

The government's current plan is to put the location of a gallery to exhibit Canada's greatest treasures up for bids. People have contributed over the years and over the centuries to this national treasure trove. This process of bids pits one region against another and one city against another and is not fair to all regions. Colleagues from the Maritimes are bereft because Prince Edward Island, the home of Confederation, is left out of the bidding process; and that is not fair. Since this is a house of regions, we should realize it is not fair to all regions.

The government's plan for bids is not a cost-effective measure. We have heard about the government's concern for accountability and respect for the taxpayers' dollars. This measure, even though it seeks private funds, is not cost-effective.

The proposed location for a national portrait gallery on Wellington Street across from Parliament Hill is one of the most beautiful Art Deco buildings in this area. Over \$20 million has been spent on that building thus far and an international competition has already been held to renovate the building. Millions of dollars have already been spent on that building across the street from Parliament Hill. As the national portrait gallery it would become the second-most notable building in

Canada because when the national media on the Hill turn their cameras once a day, they would see that building in the background. It will quickly become an unbelievable promoter of Canadian art and culture without any cost to the federal government — all with the turn of a camera, a building as well-known as Parliament itself.

Another problem with the government's plan for bids is its inconsistency with government policy. Senator Joyal brought to my attention that the government, while it proposes transporting these national treasures to the city with the winning bid, has slashed its funding for the transport of such works. The government's plan to receive bids is inconsistent with that government policy and is not cost-effective. The cost of transportation and insurance would be prohibitive.

Would cities such as Calgary, Edmonton or others be left out of the bidding? Obviously not. National portrait galleries in countries such as England and the United States put together small exhibits for cross-country tours, and we could do the same here in Canada. Other cities would not be left out but what would be left out is the entire treasure trove of portraits and photographs that would never be exhibited and, therefore, would not be seen.

It does not solve the problem of taking this treasure trove of paintings and portraits out of the dustbins for the great education that would be available for people to see — the portraits of the great and unknown people that have made Canada the country that it is.

The National Portrait Gallery in London is a jewel of a portrait gallery and is available for viewing on the Internet. You can select pictures and get copies of them. In my office, I have a copy of the first imperial cabinet where Canada sat during the First World War.

There is a way to meet the government's objective to spread culture across the country — and no one on this side disagrees with that — but it must be done in a cost-effective way to the benefit of all Canadians.

What message would this send to artists, who believe that they dedicate their art to the National Gallery? Allow me to give honourable senators one personal example. The National Gallery owns the entire photographic collection of one of Canada's greatest photographers, Yousuf Karsh, whom I knew. His gallery and studio were at the Chateau Laurier Hotel just a few steps from this place. I saw him there often. Mr. Karsh dedicated his entire collection to Canada, having spent most of his life in this country. The famous portrait of Sir Winston Churchill was taken just down the hall in the Speaker's chamber. I can bet you dollars to doughnuts that Yousuf would not have been prepared to contribute his treasure trove of photographs to a gallery that was not in Ottawa.

Honourable senators, each year between 750,000 and 1,000,000 people come to Ottawa to visit Parliament Hill. When they leave the Hill, these visitors do not have any place to go within walking distance. A portrait gallery across from the Hill would be a huge historical and educational opportunity and attraction. It would quickly become the most visited gallery in Canada. Honourable

senators, there is no sense or sensibility in separating the National Archives from an exhibition hall that could take place within the National Capital Region.

I urge the government to give this matter careful consideration. Since Bill S-233 was introduced, I have received dozens of emails from across Canada in support of the bill, with some exceptions, such as some in Alberta who oppose it. I have heard from artists and friends alike who have said that they would be disappointed indeed if, after donating their personal art collections, it were not exhibited here in the national capital.

• (1510)

I urge the government to reconsider their proposal. This government is a minority government. It does not represent all of the people; it represents a relatively small segment of the voting public of this country. Only a vote by both Houses of Parliament can do that.

Therefore, I think it is important that this matter be left to Parliament to decide on a measure so important to the culture, to the art and to the history of this country. If both Houses of Parliament, in their wisdom, opine against it, so be it. However, I believe that if this question was fairly put to both Houses of Parliament this bill would carry. I urge the support of honourable senators.

On motion of Senator Comeau, for Senator Segal, debate adjourned.

[Translation]

CANADIAN SECURITIES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Stollery, for the second reading of Bill S-211, An Act to regulate securities and to provide for a single securities commission for Canada.—(*Honourable Senator Hervieux-Payette, P.C.*)

Hon. Joan Fraser (Acting Deputy Leader of the Opposition): Honourable senators, you will notice that this is the fifteenth day this item has appeared on the Order Paper. However, I know that Senator Hervieux-Payette, who takes a keen interest in this topic, does intend to speak, but she is unfortunately unable to be here.

I therefore move that the debate stand in Senator Hervieux-Payette's name.

The Hon. the Speaker: Honourable senators, the rules are clear on this. Typically, if a senator wants to begin debate on the fifteenth day and the debate lasts two or three minutes, that is within the rules, which the Senate adopted precisely to avoid the initial motion by our colleague, Senator Fraser.

According to the rules, Senator Fraser may move that debate be adjourned for the remainder of her time.

Senator Fraser: Because this is a topic that interests me as well and because I have some very strong opinions about it, I move that the debate be adjourned for the remainder of my time.

On motion of Senator Fraser, debate adjourned.

[English]

EXCISE TAX ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Cook, for the second reading of Bill S-230, An Act to amend the Excise Tax Act (zero-rating of supply of cut fresh fruit).—(*Honourable Senator Cools*)

Hon. Anne C. Cools: Honourable senators, I rise to speak to second reading of Bill S-230. At the outset I wish to say that I support this bill and welcome it. I also wish to thank Senator Lorna Milne for her industry and for her —

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I want to interrupt for a moment. We generally have a tradition whereby the second speaker from this side would have 45 minutes reserved for their intervention. Would Senator Cools mind if the 45 minutes was reserved for our speaker?

Senator Cools: Absolutely not, I am happy to do so. My speech should not detract from that person's 45 minutes.

I was thanking Senator Milne for her efforts in bringing forth this bill. It is a tiny little bill and, to my mind, is crystal clear in what it intends to do.

Before I try to describe the bill in more detail, I will say that I was drawn to support this bill because of my participation many years ago in this house during the so-called GST debate. I am always amazed how consistently and persistently we continue to see the fallout of what I consider to be the insufficiencies and inadequacies of the whole GST legislation.

This bill is of great interest to certain segments of this country, particularly fruit growers, the grocery industry and food retailers. It seems somewhat corny, but a great confusion has arisen in the business of selling fruit. For example, as one often sees at Loblaws, if a plastic container of cut fruit such as pineapple is sold alone — in other words, only pineapple — there is no GST. However, if it were to be combined with any additional item like strawberries or a pear, it becomes a fruit salad. That changes its category and it is then taxed GST. Even then, if several fruits like this appear in a vacuum-packed plastic container, then they are not taxed, no GST.

Apparently, this seemingly insignificant fact creates great confusion in the marketplace. I never paid much attention to it, but once the matter was brought to my attention, I thought it deserved support. It is a great credit that Senator Lorna Milne has brought this matter forward for adoption and study in the committee.

I am a great supporter of the growers of the world. I am a gardener. I was born on a very small island, but I grew up on lots of land on that island. Currently, I have a nice little raspberry patch in my backyard and 64 rose bushes.

Having said that, I find that I always have sensitivity to those individuals who grow and produce food and bring it to market to feed the millions of Canadians. I often wish Canadians would pay more attention to the business of growing and producing food. I was raised by a Methodist mother who always instructed me that I should never trust anyone who would not put their hands into the soil and work it.

This is a good initiative. I am prepared to support it. I am prepared to vote for it. I would like it to have a good hearing and a thorough examination in committee. Perhaps during committee study we could explore some of the related problems around these tax schemes that afflict these particular industries and sectors.

Honourable senators, I thank you for your attention in this matter. It is a good initiative and worthy of our support.

Senator Comeau: I indeed have an interest in this subject. I am still in the process of gathering information. I met with individuals the other day in regard to the issues involved and I want to understand it more from the department's point of view. Therefore, I wish to adjourn the debate for the balance of my time.

On motion of Senator Comeau, debate adjourned.

• (1520)

INCOME TAX ACT

BILL TO AMEND—SECOND READING— POINT OF ORDER—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Day, for the second reading of Bill C-253, An Act to amend the Income Tax Act (deductibility of RESP contributions).
—(*Debate on Point of Order*)

The Hon. the Speaker: Honourable senators, on this item, honourable senators were being helpful to the chair, which has been asked to deal with a point of order raised by Senator Di Nino. I will take my place and hear other points that honourable senators may wish to make to help the chair.

Hon. Joan Fraser (Acting Deputy Leader of the Opposition): Honourable senators, I thank Senator Cools again for her helpful suggestion yesterday that we should take a bit more time to think about the issues surrounding this point of order that Senator Di Nino raised. It is an important matter. Whenever we consider matters that affect our ability to study things that touch Canadians so closely, we must be careful about how we proceed. I have now had the time to consult various authorities on this matter, and I have some thoughts that I hope Your Honour will find useful.

To begin with, let me say that I was glad to hear that Senator Di Nino does not believe that this bill conflicts with section 81 of our rules, which deals with supply bills, or with section 54 of the Constitution Act, which deals with Royal Recommendation for appropriations bills, or that it conflicts with section 53 of the Constitution Act, which says that money bills must originate in the other place.

It is important to repeat those points because those points go to the heart of whether this point of order, if in fact it is a point of order, is valid. We can argue that since Senator Di Nino has conceded that none of those rules and constitutional sections applies, the whole argument the honourable senator raised yesterday then falls. However, I will do him the courtesy of trying to address the matter more carefully. The real issue then becomes, if we have made the concessions that he did, whether this bill is properly before us.

Senator Di Nino believes that it is not properly before us because it was not preceded by a ways and means motion in the other place. The honourable senator also told us that he believes that the process by which the bill reached the Senate was highly irregular and unprecedented. I do not share that opinion. I think it comes close to an attempt on our part to curtail the ability of the House of Commons to govern its own affairs. That, I submit, would be improper and entirely out of order for this chamber to do.

It is part of our system that each House respects the ability of the other House to govern its own affairs. That is a principle that we treasure and that we insist upon respecting. We insist upon respecting it if the House of Commons is trying to tell us how to govern our affairs, and what is sauce for the goose is surely sauce for the gander. Never, never is that more important than when we discuss matters relating to money.

We are in agreement that this bill is not a money bill in the traditional narrow sense, but it does deal with Canadians' money. We know that, in the parliamentary Westminster system, the House of Commons, because it is elected, has a unique role in determining matters affecting policy that touches upon Canadians' money, and this bill does. That does not mean that we cannot ever reach a conclusion that differs with the House of Commons. Of course, it does not mean that. Indeed, on occasion, it will be our duty to say that a bill that the House of Commons has sent us is in some way improper.

I submit that situation is not the case now. In particular, I note that this bill was not the product or the victim of any oversight in the House of Commons. We know that such oversights occur. Bill C-10 offers one current example, but this was not that case. This bill was fully debated and considered over a considerable period of time in the House of Commons.

The issues that Senator Di Nino raised yesterday were raised in the House of Commons. At no stage in the House of Commons did the table officers or legislative counsel raise any objection to this bill, as it is their mandated duty to do if there is any difficulty. Furthermore, the precise point that Senator Di Nino raised yesterday was part of a point of order raised in the other place, and the Speaker ruled on November 1, 2006, that this bill was in order according to the rules of that House.

The bill was duly passed by the Commons and then was sent to us, as is normally the case, by a message received from the House of Commons. As far as I can tell, the message itself is not defective.

I draw to your attention a ruling on May 14, 1996, by the then Speaker of the Senate, who stated:

I cannot accept any point of order founded on the proposition that the other place did not follow adequate parliamentary procedure.

I remind honourable senators again that it is the bounden duty of the Speaker of the other place to uphold, to protect jealously, the rights and privileges of that House, as indeed our own Speaker ruled in June 2005.

In my view, it is extremely inappropriate for us to dispute what the Speaker of the other place ruled in this case. Let me cite one final ruling by our own Speaker on June 12, 2001:

As Speaker, I cannot rule on what was done, or not done, in the other place.

What are we to do? What is the Speaker's role? The Speaker's role is to encourage the continuance of debate. It is to encourage the consideration of matters of public interest and public policy in this place. Indeed, Your Honour ruled a little more than a year ago, on February 20, 2007, and quoted Speaker Molgat, saying:

It is my view that matters are presumed to be in order, except where the contrary is clearly established to be the case. This presumption suggests to me that the best policy for a Speaker is to interpret the rules in favour of debate by Senators, except where a matter to be debated is clearly out of order.

In my view, this bill is clearly in order. Senator Di Nino tried valiantly to raise points concerning the content of this bill, which in his view would put it out of order. However, in my view, all those points are precisely the elements that should be considered in debate in this chamber and in committee. What we should not do is prevent the ability of this chamber to give due consideration to a bill that has been duly passed and approved by the House of Commons and sent to us for our consideration.

It may well be that senators do not like this bill. I gather the government does not like it, and maybe a majority of senators will not like it. We can approve it, reject it or amend it, but we have a duty to study it.

• (1530)

Honourable senators, let me close with a rather telling quote from a retired House of Commons procedural clerk, one B. Thomas Hall, who wrote in *The Hill Times* recently:

It may be that future parliamentarians will want to examine carefully the implications of this use of a private member's bill to effect important changes in the nation's finances. But at the present time, it's completely constitutional and procedurally correct.

Honourable senators, I urge you to take those points into consideration.

Hon. Sharon Carstairs: Honourable senators, with the greatest respect to the Honourable Senator Di Nino, I do not believe he has a point of order. I believe his speech primarily was a speech in opposition to the bill. This opposition, of course, is his right, although not under a point of order. Frankly, I would not expect the other side to support a positive piece of legislation that would encourage forward planning on the part of parents to ensure their children are able to access the post-secondary education they deserve. However, my comments this afternoon will not be on the subject of the bill. They will be confined to the point of order.

I will begin by using Senator Di Nino's own arguments. The first argument that he made was that he admitted in his remarks that the bill does not directly appropriate public funds. Therefore, I suggest there is no point of order.

Senator Di Nino then admits that the bill is not in conflict with section 81 of the *Rules of the Senate*. Again, there cannot be a point of order. He admits it is not in conflict with section 54 of the Constitution Act and admits that section 53 of the Constitution Act has been respected. Therefore, honourable senators, there is no point of order.

Senator Di Nino states that his only concern is that the bill may be somewhat inconsistent with the principles of responsible government. Honourable senators, this vague reference to the concept of responsible government would be much better dealt with in the debate of this chamber and in committee. The vagueness of the honourable senator's concerns, I suggest to you, does not warrant a point of order.

Senator Di Nino concludes that the bill did not receive sufficient scrutiny in the other place. Honourable senators, I suggest that if this situation was a point of order, we could raise points of order on the vast majority of legislation we receive from the other place. Fortunately for the House of Commons, that situation is not a valid point of order.

Finally, I request that His Honour examine the ruling of a former Speaker of the Senate, the late Honourable Gildas Molgat, on April 2, 1998, in responding to a point of order raised by the Progressive Conservatives on Bill S-13. In his Speaker's Ruling, Senator Molgat made specific reference to *Beauschesne's Parliamentary Rules and Forms*, 981 and 982. He argued that there was no violation of those provisions and that the bill was entirely in order. He argued clearly that Bill S-13 was not a tax from a procedural point of view, and I believe those arguments apply also in this case.

We know, honourable senators, that Speaker Milliken has ruled that this bill is in order; that the former House procedural clerk, to whom Senator Fraser has referred, B. Thomas Hall, has said that this bill is in order; and that Ned Franks, a well-recognized academic, has said that this bill is in order. I commend all of those arguments to His Honour and I personally argue that this bill is entirely in order and that the debate should commence as soon as possible.

Hon. Wilfred P. Moore: Honourable senators, it is curious indeed that Senator Di Nino waited until yesterday to raise a point of order, almost two months after the bill was received in

this place. I suggest that the timing of his action flies in the face of the whole reason for giving notice. How long is the chamber to wait? Perhaps this practice should be examined by our Rules Committee.

Regardless of that issue, Senator Di Nino's argument was not a point of order; it was a political speech regarding the substance of the bill itself. He admits as much when he states that rules or practices of the Senate have not been broken, as has been mentioned by both Senator Carstairs and Senator Fraser. His entire point rests on the novel and completely unacceptable position that the Speaker of the Senate has the authority to overrule or second-guess the Speaker of the other place with respect to procedural matters in that other place.

Honourable senators, this point of order is complete nonsense from start to finish. Each House is the sole master of its own procedures. Neither the other House nor any court, nor the Crown, may interfere. If the Speaker of the Senate attempts to do so in this case, it will not be long before the Speaker of the other place will be called upon to interfere in a Senate procedural question and, if it becomes accepted practice that one house can interfere with the other, what will stop a court from doing the same?

The Speaker of the Senate can rule only on the rules and decisions of the Senate. However, Senator Di Nino is not asking to do that. The honourable senator is asking the Speaker of the Senate to rule on the procedures of the other place. That, I submit, he cannot do. I therefore ask the Speaker to rule herein with dispatch.

Hon. Anne C. Cools: Honourable senators, I support Senator Fraser, Senator Carstairs and Senator Moore in their opinions that there is no procedural question here and that there is no point of order here at all. What is here, however, is a good, substantive debate and a good difference of opinions on substantive questions. However, from what I can see, there is no point of order.

Honourable senators, this debate took off on a strange curve. I believe that Dan McTeague, the member for Pickering-Ajax-Uxbridge who brought forth this bill, is an extremely accomplished, able and experienced member of Parliament. When this bill was introduced, it received enormous public support. We all owe him a debt. Time and time again, Mr. McTeague shows what an able member of Parliament he is. He is extremely thorough and he researched all these questions. I wanted to put that on the record so that we are crystal clear that no one here is impugning or questioning Danny McTeague in any fashion.

Honourable senators, what we have here is a most interesting phenomenon that has happened before, namely, a situation where a bill has passed in the House of Commons, supported by the House of Commons, despite the opposition of the ministry. That is the real, substantive question that we have.

To assist His Honour, I have a quotation here from Alpheus Todd that speaks to this particular issue. I quote from his book on *Parliamentary Government in England: Its Origin, Development and Practical Operation*, volume 2, 1892:

But we find no example of any bill being permitted to pass through both Houses to which ministers were persistently opposed. Where the opinion of parliament has been unequivocally expressed in favour of a particular bill, regardless of objections thereto expressed by ministers, it has been the invariable practice for ministers either to relinquish their opposition, in deference to that opinion, and to lend their aid to carry the measure, with such amendments as might be necessary to conform it to their own ideas of public policy, or else to resign.

Honourable senators, there is a plethora of opinion that tells us again and again that the ministry must never find itself in a state of difference, conflict or opposition to the members of the House and that when the ministers discover that the House is determined to express a certain opinion on a measure, it is for the ministers to give way and then to put at the House the disposal of the public treasury and the disposal of the legal minds within the respective departments to assist the members of the House.

• (1540)

I wanted to put that on the record because this fact seems to be no longer well understood. The notion is that Her Majesty's government should never be in conflict with Her Majesty's people or Her Majesty's people's representatives.

I wished to provide that background as an aid to His Honour. I now come to the central point. I, too, had carefully read Senator Di Nino's intervention and carefully highlighted all of his arguments. I think that Senator Fraser and Senator Carstairs have ably articulated those points, so I need not reiterate them. Senator Di Nino says that at every stage, there are problems, but these are not really the problems at all. He says that there is no problem with the major issues, being Rule 81 of the *Rules of the Senate of Canada* and sections 53 and 54 of the BNA Act. Finally, he said that on November 1, 2006, the Honourable Speaker Milliken ruled that a ways and means motion was not necessary.

Having said all of that, honourable senators, we are in a most interesting position whereby Senator Di Nino is appealing under the rubric of a point of order to the Speaker of the Senate to essentially overcome or to defeat the House of Commons vote and the ruling of the Speaker of the House of Commons.

I do not think that is a good position for our Senate Speaker to be in. I should like to encourage His Honour to decline from going down that road, this or any other day. Honourable senators, the natural state of the equipoise, balance or equilibrium of the Constitution is that the various parts of the system are supposed to be in harmony. However, at all times, Her Majesty's servants, the ministers, must never be in conflict with Her Majesty's representatives.

Having said that — and His Honour knows this, because we have discussed this on several occasions — the Speaker of the Senate is the Queen's representative in this place. It is his bounden duty to ensure that Her Majesty does not come into conflict with Her Majesty's representatives, in the house.

I wanted to express my support for my colleagues on this very important question.

[Senator Moore]

In regard to Senator Di Nino's closing paragraph, I wish to speak about ways and means motions. Other senators have articulated these sentiments. At page 1200 of the *Debates of the Senate* of April 29, 2008, Senator Di Nino said the following:

Given the situation, I submit, honourable senators, that the absence of any reference to ways and means motions in the *Rules of the Senate* does not preclude the ability of the Senate Speaker to conclude that the bill does not respect the financial procedures of Parliament.

Honourable senators, the Senate has no cognizance whatsoever of ways and means resolutions, no way of possessing them whatsoever and no way of dealing with points of order on them. If we know anything about Parliament, ways and means resolutions are uniquely and peculiarly creatures of the House of Commons.

I belong to that group of people who remains concerned with the fact that those old committees of supply and ways and means were done away with. I see Senator Stollery looking at me.

The phenomenon of ways and means resolutions, the numerous texts that were cited in support of them and the fact that no minister ever really supported the bill are all red herrings; all of that is totally irrelevant to what is before us. What we have before us is a substantive policy. That is what we have to wrap our minds around.

It is to that substantive discussion that Senator Di Nino should bring these concerns. I think it would be a good debate as well as helpful and instructive in this increasingly arcane business of supply which seems to pass right over most of our heads.

Honourable senators, I close by saying that Senator Di Nino has raised no point of order. He has made a very well-prepared and well-articulated speech, but on substantive questions. His Honour should decline to accept this as a point of order.

Honourable senators, there are many other things that I would like to say, but I think I will leave the matter there. It is crystal clear that a real debate on the proper constitutional roles of the two Houses of Parliament and of the government to the two Houses of Parliament is needed. Our Senate Speaker cannot be asked to do the government's undesirable work of defeating a bill that the government was unable to defeat in the House of Commons.

The Hon. the Speaker: I thank all honourable senators for their contributions. I will study the matter and report back as expeditiously as possible.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Keon, seconded by the Honourable Senator Di Nino, for the adoption of the fifth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*use of Aboriginal languages in the Senate*

Chamber), presented in the Senate on April 9, 2008.
—(Honourable Senator Stratton)

Hon. Charlie Watt: Honourable senators. . .

[Senator Watt spoke in his native language.]

Honourable senators, I stated my intention to His Honour that I would make this short because I do not want to be ruled out of order.

• (1550)

Now I will switch from Inuktitut, but bear with me, because I will be speaking in broken English. That is what Senator Adams and I do to get our points across. I state that fact.

First, let me quickly summarize what I have said. I am thankful for the effort my colleagues have put into this matter, recognizing that it is important, that I do have the right to speak in my mother tongue. I believe that I also have a constitutional right to speak in my mother tongue.

For that reason, I thank the committee for its work, the fact that they have travelled to Iqaluit, studied how the translations take place between French and English and Inuktitut, a service that already exists in this country in Iqaluit. I believe their finding was interesting. Otherwise, I do not think they would have made the report in the fashion they did.

I thank the chair of the committee, Senator Keon, along with the deputy chair, Senator Smith and the other members of the committee. More importantly, I acknowledge and thank, from the bottom of my heart, the person who made the motion, Senator Corbin. This will never be forgotten — not only by me, but by the people in the North.

Over the last three weeks, on a day-to-day basis, week after week, when I was up North and even when I was down South, I heard how proud the Inuit people were that the Senate viewed this issue as an important one that they wanted to move ahead on.

For that reason, as an Aboriginal person who speaks Inuktitut fluently, along with my colleague, Senator Adams, who also speaks Inuktitut fluently, we felt that we were given an opportunity to make a difference in our country today.

As honourable senators have heard, Canada has indicated only four or five Aboriginal languages might have a chance to survive. I want to say to honourable senators that Inuit is strong today. Let me repeat: Today. That does not necessarily mean the strengths of our way of communicating in Inuktitut will remain, because all kinds of influences come from outside our area that interfere with our activities.

Honourable senators, I think it is a time for us to make the move, rather than being looked at by the world as being hesitant to provide space to minority peoples of this country. We are no threat to the official languages, English or French. In no way are we a threat. That should not be taken into account; it should not become a barrier.

I urge all honourable senators — I know you will do the right thing — to move this issue forward and make it happen.

[*Senator Watt spoke in his native language*]

Hon. Terry Stratton: I congratulate Senator Watt on his speech. It was commendable that he is able to speak his language in this chamber. However, I want to make some comments on it, if I may, and therefore take adjournment of the debate.

On motion of Senator Stratton, debate adjourned.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Committee on Internal Economy, Budgets and Administration (committee budgets—legislation), presented in the Senate on April 17, 2008.—(*Honourable Senator Stratton*)

Hon. Terry Stratton moved the adoption of the report.

Motion agreed to and report adopted.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—STUDY ON STATE OF EARLY LEARNING AND CHILD CARE— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifteenth report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—study on early learning), presented in the Senate on April 17, 2008.—(*Honourable Senator Eggleton, P.C.*)

Hon. Art Eggleton moved the adoption of the report.

Motion agreed to and report adopted.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Keon, seconded by the Honourable Senator Segal, for the adoption of the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the *Rules of the Senate*—reinstatement of bills from the previous session of the same Parliament), presented in the Senate on November 20, 2007.—(*Honourable Senator Cools*)

Hon. Anne C. Cools: Senator Comeau was interested in saying a few words on this item today and I had indicated to him that I would yield the floor to him.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Yes, indeed, I want to make some comments on this subject. Unfortunately, I still have some remaining work to do on the important issues arising from this motion. Therefore, I want to adjourn the debate for the remainder of my time.

On motion of Senator Comeau, debate adjourned.

THIRD REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Keon, seconded by the Honourable Senator Eyton, for the adoption of the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the *Rules of the Senate*—questions of privilege and points of order), presented in the Senate on November 20, 2007.—(*Honourable Senator Tardif*)

Hon. Joan Fraser (Acting Deputy Leader of the Opposition): Honourable senators, in my view, this report is extremely important. I was fortunate enough to be a member of the Rules Committee when the work on this report was done and I have a great interest in it.

However, it is Wednesday, and we are running out of time, so I want to move the adjournment for the balance of my time.

On motion of Senator Fraser, debate adjourned.

THE SENATE

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

On the Order:

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

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

Hon. Jim Munson: Honourable senators, I am in the same predicament here. I have a speech that lasts 14 minutes and 59 seconds. I have important things to say and I want to say them tomorrow.

On motion of Senator Munson, debate adjourned.

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

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