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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, May 8, 2008

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

Prayers.

SENATORS' STATEMENTS

ISRAEL

SIXTIETH ANNIVERSARY

Hon. Yoine Goldstein: Honourable senators, today marks the sixtieth anniversary of the foundation of the State of Israel.

The following paragraph is taken from the editorial which appeared in the *New York Post* the day following the foundation of the state:

First recognition of Israel as a de facto State has come from the United States of America. The new nation was formally inaugurated in Palestine at 6 p.m. yesterday. At 6:01 p.m., President Truman issued the proclamation extending recognition and expressing the hope that Israel would work fully with the United Nations Truce Commission for Palestinian peace.

At the same time, war was declared on the world's newest democracy by Egypt, with Syria, Iraq, Transjordan, Lebanon, Saudi Arabia and Yemen proclaiming that "a state of war exists".

The armies massed against Israel in 1948 came from a land mass of many millions of square kilometres, an overwhelming force. Israel had no army, navy, air force or military equipment to speak of.

To give honourable senators some idea of size, the area of the State of Israel is a drop over 20,000 square kilometres. The area of Vancouver Island is a drop over 32,000 square kilometres, so Vancouver Island is more than 50 per cent bigger than all of Israel. The little state of Vermont is 30 per cent larger than Israel. Nova Scotia is more than twice the size of Israel. Nevertheless, Israel survived.

Faced with ongoing hostility from its neighbours — continuous wars, attacks, rocket attacks, suicide bombings, economic primary and secondary boycotts, and threats of nuclear annihilation by Iran's lunatic president — Israel has nevertheless been able to exist, to continue to exist and to create a vibrant, dynamic, democratic society.

All of us in this chamber and in Canada generally should be justifiably proud of the pivotal role which Canada played in the creation of the State of Israel and the unwavering support which Canada continues to give to Israel under governments of every stripe.

Our two countries share the same values. Israel, like Canada, has a free press, gender equality, an independent judiciary, a vibrant and dynamic civil society, a respect for and the application of the rule of law, and of course, a democratically elected Parliament called the Knesset, whose rowdiness from time to time is exceeded only by the antics of Question Period in the other place.

Honourable senators, I am always proud to be a Canadian, but I am especially proud on this day because of the supportive role which Canada has played and continues to play with respect to Israel.

Please join me in wishing Israel a very happy birthday on its sixtieth anniversary.

EMERGENCY PREPAREDNESS WEEK

Hon. David Tkachuk: Honourable senators, the ice storm, the Winnipeg flood, the high winds in British Columbia and Hurricane Juan on the East Coast are all events that have taught us, if nothing else, that an emergency, whether natural or manmade, can strike any place at any time. May 4 to 10 is Emergency Preparedness Week, which is a national campaign organized by Public Safety Canada. It is a reminder that we need to be prepared in the event of an emergency.

This year's theme, "72 hours — Is your family prepared?" is intended to encourage Canadians to be ready to manage on their own for 72 hours — a full three days — should an emergency hit. The hope is that, by ensuring that most people will be able to take care of themselves during the crucial time period, first responders, such as police officers, firefighters and paramedics, may focus on those with urgent needs.

To be ready means knowing what risks one might face in the area in which one lives, developing a plan to respond and putting a kit together. Common sense allows that knowing what one may have to face will allow one to be better prepared.

Being ready also means developing a plan that details how to respond to an emergency, and that could include where one's family should reunite if separated or where to go in the house in case of high winds or a tornado.

Being ready also means having an emergency kit on hand that should include water, food, a radio and a flashlight with extra batteries as well as anything else one might need to make it through 72 hours alone.

For more information I urge honourable senators to check the website www.getprepared.ca.

• (1340)

[Translation]

NATIONAL NURSING WEEK

Hon. Lucie Pépin: Honourable senators, National Nursing Week will be held from May 12 to 18, 2008. I am always pleased to speak about this week which celebrates my profession. I would like to express my full support and admiration for nurses in Canada.

This year's celebrations are particularly special, as they coincide with the 100th anniversary of the Canadian Nurses Association.

Nurses play a very important role in our health care network. Their human qualities are recognized and appreciated. Through their compassion and knowledge, nurses are the key to understanding, accepting and treating illness.

Nurses are proud of their contributions, but they are becoming more and more stressed and dissatisfied because they are unable to do their jobs safely and generously. Not being able to do their job properly is demoralizing for nurses and detrimental to the well-being of their patients.

Last year's theme, "Think you know nursing? Take a closer look," has been reprised. Canadians are being asked to challenge their perceptions of the role of nurses and to learn about the various roles they play.

Changes in the health care system affect the nursing profession, which is undergoing change itself. Nurses' duties are expanding and some nurses are becoming specialists. In many hospitals, nurses are considered an integral part of the care delivery team, not simply secondary staff. They are assigned responsibilities that go beyond simple caregiving tasks. They conduct primary care consultations, follow up on chronic illnesses, inform and educate patients and take preventive action.

Our health care system is full of challenges that complicate the lives of nurses, but nurses are always finding innovative and creative ways to develop solutions to the challenges that arise in their work.

I invite honourable senators to support nurses in their requests and to take a closer look at the diverse and essential roles they play in our constantly evolving health system.

ROUTINE PROCEEDINGS

STUDY ON AMENDMENTS MADE BY AN ACT TO AMEND THE CANADA ELECTIONS ACT AND THE INCOME TAX ACT

REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TABLED

Hon. Joan Fraser: Honourable senators, I have the honour to table the eleventh report of the Standing Senate Committee on Legal and Constitutional Affairs on the amendments made by An Act to amend the Canada Elections Act and the Income Tax Act.

[English]

PARLIAMENT OF CANADA ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Joan Fraser, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, May 8, 2008

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill S-224, An Act to amend the Parliament of Canada Act (vacancies), has, in obedience to the order of reference of Tuesday, March 4, 2008, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER
Chair

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

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

• (1345)

FINANCIAL ADMINISTRATION ACT

BILL TO AMEND—FIRST READING

Hon. Lowell Murray presented Bill S-236, An Act to amend the Financial Administration Act (borrowing of money).

Bill read first time.

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

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

THE SENATE

NOTICE OF MOTION TO AMEND CONSTITUTION ACT, 1867 REGARDING WESTERN REGIONAL REPRESENTATION

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

WHEREAS an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assemblies of the provinces as provided for in section 38 of the *Constitution Act, 1982*;

AND WHEREAS it is desirable to amend the Constitution of Canada to provide for a better balance of western regional representation in the Senate;

AND WHEREAS it is desirable that the 24 seats in the Senate currently representing the division of the western provinces be distributed among the prairie provinces of Manitoba, Saskatchewan, and Alberta, and that British Columbia be made a separate division represented by 12 Senators;

NOW, THEREFORE, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. Sections 21 and 22 of the *Constitution Act, 1867* are replaced by the following:

“21. The Senate shall, subject to the Provisions of this Act, consist of One hundred and seventeen Members, who shall be styled Senators.

22. In relation to the Constitution of the Senate, Canada shall be deemed to consist of Five Divisions:

1. Ontario;
2. Quebec;
3. The Maritime Provinces, Nova Scotia and New Brunswick, and Prince Edward Island;
4. The Prairie Provinces of Manitoba, Saskatchewan, and Alberta;
5. British Columbia;

which Five Divisions shall (subject to the Provisions of this Act) be represented in the Senate as follows: Ontario by Twenty-four Senators; Quebec by Twenty-four Senators; the Maritime Provinces and Prince Edward Island by Twenty-four Senators, Ten thereof representing

Nova Scotia, Ten thereof representing New Brunswick, and Four thereof representing Prince Edward Island; the Prairie Provinces by Twenty-four Senators, Seven thereof representing Manitoba, Seven thereof representing Saskatchewan, and Ten thereof representing Alberta; British Columbia by Twelve Senators; Newfoundland and Labrador shall be entitled to be represented in the Senate by Six Senators; Yukon, the Northwest Territories and Nunavut shall be entitled to be represented in the Senate by One Senator each.

In the Case of Quebec, each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada specified in Schedule A. to Chapter One of the Consolidated Statutes of Canada.”

2. Sections 26 to 28 of the Act are replaced by the following:

“26. If at any Time on the Recommendation of the Governor General the Queen thinks fit to direct that Five or Ten Members be added to the Senate, the Governor General may by Summons to Five or Ten qualified Persons (as the Case may be), representing equally the Five Divisions of Canada, add to the Senate accordingly.

27. In case of such Addition being at any Time made, the Governor General shall not summon any Person to the Senate, except on a further like Direction by the Queen on the like Recommendation, to represent one of the Five Divisions until such Division is represented by Twenty-four Senators or, in the case of British Columbia, Twelve Senators, and no more.

28. The Number of Senators shall not at any Time exceed One hundred and twenty-seven.”

CITATION

3. This Amendment may be cited as the *Constitution Amendment, [year of proclamation] (western provincial representation in the Senate)*.

• (1350)

[Translation]

QUESTION PERIOD

FOREIGN AFFAIRS

BURMA—CYCLONE NARGIS—PROVISION OF AID

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. The disaster that has hit Myanmar seems to be taking horrific proportions, and I cannot help but feel for the victims in light of the human drama that these people are living. We are now hearing about 100,000 dead and missing, and epidemics threatening the survivors who are struggling to find access to potable water.

Can the Leader of the Government in the Senate tell us if the government has proposed sending the Disaster Assistance Response Team, DART, with the emergency medical aid and potable water needed by the victims of this terrible tragedy?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I absolutely agree that this is a catastrophic event taking place in Burma. The news reports now indicate that well over 100,000 people could have perished, not to mention the thousands who have been displaced or are seriously injured or ill.

The government has been willing and ready to respond. As the honourable senator knows, there has been great difficulty with the regime in Burma. The Canadian International Development Agency, CIDA, has indicated its readiness to help, and we have set aside \$2 million for aid through that agency.

We also have indicated our willingness to send our DART, but we have the delicate situation of dealing with the regime. The United Nations and other countries have been urging that regime to allow the United Nations, the United States and others who are willing to help into the country to do just that.

[Translation]

Senator Hervieux-Payette: That \$2 million could certainly be called a beginning. However, given the magnitude of the disaster, we know that \$2 million will not be nearly enough to help these people through the crisis.

I would encourage the minister to propose that her cabinet colleagues and the Prime Minister create a partnership between the Government of Canada and Canadians, through our banks or with some other arrangements, to collect money to help the victims of this disaster. Following the tsunami, Canadians were extremely generous.

Will the minister make such a proposal in order to channel Canadians' generosity and desire to help?

[English]

Senator LeBreton: I would certainly agree with that. The minister initially pledged \$2 million.

We well remember the response of Canadians when the tsunami hit and the efforts of the Red Cross and Red Crescent. The government stands ready to assist in any way possible. We have been urging the regime in Burma to lift their visa requirements. The United Nations is also doing everything it can. It is a very frustrating situation for all of us who live in the free world.

With regard to the honourable senator's excellent suggestion concerning assistance from Canadians, I will be happy to pass it on.

[Senator Hervieux-Payette]

CORRECTIONAL SERVICE

PROGRAMS FOR OFFENDERS—FUNDING

Hon. Lillian Eva Dyck: My question for the Leader of the Government in the Senate is supplementary to the question that Senator Milne posed yesterday with regard to the Correctional Service of Canada. She asked about rehabilitation programs and whether there has been increased funding.

• (1355)

Will there be any increase in funding with respect to programs directed toward literacy and employment training within federal prisons?

I am interested, in particular, in Aboriginal offenders because, according to the Correctional Service of Canada, only 2 per cent of the adult population is Aboriginal; however, in federal prisons across Canada, 17 per cent is Aboriginal, and the situation is magnified within Saskatchewan.

When the leader speaks to the minister and reviews the funding, would she please look specifically at funding for Aboriginal prisoners with respect to literacy programming and employment skills?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the senator for the question. There have been increased monies allocated to the Correctional Service of Canada. I will obtain a breakdown as to how the monies that have been directed, particularly in connection with rehabilitation and education and preparing incarcerated individuals for their return to society. I am happy to provide that information.

As honourable senators know, there has been a great effort on the part of the Minister of Indian Affairs and Northern Development to put significant funds into education for our Aboriginal peoples, particularly in the North and the areas in which they live. With the labour shortages in the country and the ability and the skills and availability of Aboriginal people in some of these communities, it only makes sense that we should be increasing our efforts in their education and training. Hopefully we can develop a situation whereby they will not be in the position of the group of which the honourable senator speaks.

For those who are incarcerated, I will specifically ask the Minister of Public Safety what programs are in place in relation to Aboriginal inmates.

NATIONAL CAPITAL COMMISSION

GATINEAU PARK—HOUSING DEVELOPMENT

Hon. Tommy Banks: Honourable senators, my question is for the Leader of the Government in the Senate and deals with Gatineau Park, one of my favourite subjects. On April 15 I received a delayed answer from the government in response to an earlier question about stopping a residential development on Carman Road in Gatineau Park. That answer was somewhat

encouraging. It said that the National Capital Commission considers the Carman Road situation to be very serious, and that it:

. . . initiated various actions to seek a solution in keeping with the conservation mandate of Gatineau Park.

As well, the Minister of Transport, who is responsible for the National Capital Commission, is quoted in the April 1 edition of the *Ottawa Citizen* as saying that he backs a freeze on development in Gatineau Park.

Defenders of the park have some reason to be hopeful and heartened, but I disagree with a part of the delayed answer of April 15 where it says that the National Capital Commission has no authority over private property in Gatineau Park.

Honourable senators will recall that twice in the recent past I have tabled and referred to documents, orders-in-council of Quebec and of the Government of Canada and an agreement between Quebec and Canada, which have the effect of transferring the control and management of these lands to Canada and, therefore, to the NCC.

Relating to my question and the answer, specifically having to do with the National Capital Commission's authority, the Supreme Court in the case *Munro v. National Capital Commission* clearly confirmed the powers of the NCC by virtue of section 19 of the National Capital Act to implement zoning bylaws to govern its activities.

My question has three parts. First, why has the government not acted clearly and concisely to use its powers to stop new residential development in Gatineau Park?

• (1400)

Second, how many more developments are foreseen in Gatineau Park before it becomes a patchwork of urbanization instead of a nature reserve?

Third, what specific steps did the National Capital Commission take to prevent the Carman Road development so as to ensure that Gatineau Park's conservation mandate is respected?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the Honourable Senator Banks for the question, and I thank him for the courtesy of providing notice. However, I was in cabinet meetings this morning and received the notice only half an hour before coming into the chamber.

I understand the question of zoning to be on the level of the overall zoning of the park. There is still some question about privately owned property within the boundaries of the park and the ability of the National Capital Commission to direct private property owners as to what they can and cannot do with their property.

Having said that, Senator Banks did clearly ask three specific questions today, as well as in the notice he provided, and I will be happy to seek further clarification from departmental officials and the NCC on those questions.

Senator Banks: Will the minister bear in mind that I am not suggesting anyone should ever have their property taken away. There are approximately 300 private property owners who own over 2,000 acres within Gatineau Park. Their rights, whatever they are, should never be abridged or abrogated in any way.

However, privately owned property anywhere in this country is susceptible to zoning regulations that can preclude or allow residential or commercial development. That is the nature of my question. It has nothing to do with impinging rights or even remotely with expropriation or anything of the like. My question is: What can be done with privately owned property within the park?

Senator LeBreton: I do understand that the senator's question is specific to zoning and zoning laws, and I will seek proper clarification as to exactly how the NCC and departmental officials plan to deal with the zoning laws.

THE ENVIRONMENT

ALBERTA OIL SANDS—DEATH OF MIGRATING DUCKS

Hon. Francis William Mahovlich: Honourable senators, further to the question I posed to the Leader of the Government in the Senate on Tuesday of this week, I felt that the answer was insufficient and incomplete. The response — "An investigation is currently moving forward. . . . we are taking measures to develop more environmentally friendly ways to deal with the emissions in the future . . ." — contains points we already know. These toxic emissions have been negatively impacting the environment for the last 40 years.

[Translation]

God only knows how many animals and plants have died during that time.

[English]

Why not address this problem of environmental friendliness now? Mere sound-makers are not enough.

[Translation]

Surely the ducks deserve better.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Ducks deserve better. Honourable senators, I am a great lover of mallard ducks. I live on the Rideau River in Manotick, and I spend a considerable amount of money each winter feeding corn to these ducks. Even though the river freezes where I live and the ducks stay below the dam where the water is open, they know enough to fly up and land on the snowbank on my lawn.

I assure Senator Mahovlich that the government is very concerned in this matter. The Prime Minister has expressed his concern over the unfortunate death of this flock of ducks.

• (1405)

As I said to the honourable senator, there is a full, formal investigation taking place to determine how this happened. If negligence is found, those responsible will be held fully accountable.

As Senator Mahovlich knows, the oil sands developments and Canada's role as an emerging energy superpower are of great importance to the country. However, having said that, environmental concerns go hand in hand with those developments and are also of great importance to the government and the Canadian public. Hence, the government is proceeding with our own greenhouse gas agenda, which has important implications for the oil sands industry — primarily, it is the issue of carbon capture and storage.

We take this issue seriously, as does Syncrude Canada Limited, the developer of the oil sands. The government is investigating the matter, as I said the other day.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

DISCONTINUANCE OF UNITED KINGDOM COMMONWEALTH SCHOLARSHIP PROGRAM FOR CANADIAN STUDENTS— OTHER SOURCES OF FUNDING

Hon. Yoine Goldstein: Honourable senators, we are all, of course, aware that post-secondary education in Canada is under significant stress. The increasing cost of schooling precludes many young people from pursuing their education at the post-secondary level and especially at the PhD level.

Indeed, the statistics with which we were provided just yesterday indicate that Canada's proportion of PhD graduates is among the lowest in the Western world, which makes it one of the lowest in the world.

One of the programs that encourages PhD studies is the Commonwealth Scholarship Plan, which was created in 1960 as a result of a meeting of the Commonwealth countries in Canada in 1959. That program has continued and, indeed, has flourished for almost 50 years. We have just discovered that the United Kingdom, which has been financing that program, proposes to withdraw the financing for Canadian students.

Honourable senators should know that since the establishment of the program some 1,500 Canadians have obtained PhDs as a direct result of having been awarded these scholarships. Five hundred applications are received per year for these scholarships in Canada, and 30 Canadians obtain their PhDs each year in Canada as a result of the scholarships.

To give you some idea of how significant the scholarships have been, here is a partial list of the people who have been accorded these scholarships in Canada: George Bain, former President of Queen's University Belfast; Peter Boehm, Assistant Deputy Minister in the Department of Foreign Affairs and International Trade Canada; Mark Carney, Governor of the Bank of Canada; Edward Greenspon, Editor-in-Chief of *The Globe and Mail*; Janice Kulyk Keefer, the author of *The Ladies' Lending Library* and *Thieves*; Steven Langdon, a former NDP member of Parliament; and Kevin Lynch, the Clerk

of the Privy Council. I could go on to mention, for instance, for Senator Campbell's benefit, that Stephen Toope, the President of the University of British Columbia, was one of the recipients of this scholarship.

It is clear, therefore, that the program is essential.

My questions are to the Leader of the Government in the Senate. First, what is Canada doing, if anything, to influence the government of the United Kingdom to change its mind and reverse its decision?

• (1410)

Second, if the Government of Canada does not succeed in having the United Kingdom reverse its decision, will the Government of Canada fill the breach and provide that program of scholarships before the commencement of the next school year?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. Obviously, this is a scholarship program administered offshore by another body and is not under Canadian control. I would be happy to find out the details or investigate the reasons for cancelling this program. It was not clear to me whether they were cancelling the program for Canada or whether the program was being cancelled outright.

Having said that, as the honourable senator knows, the government has, particularly in the most recent budget, indicated that a great deal of money will be set aside, \$350 million to be exact, for the new Canada Student Grant Program in 2009-10, growing to \$430 million in 2012-13.

We are told that this funding will reach an estimated 245,000 students, especially those from low- and middle-income families. That is 100,000 more students than are in the current system. This program has been designed to be simple, transparent and broad-based, providing certainty and predictability for Canadian families so that we can broaden the base in terms of the people who wish to proceed to post-secondary education.

With regard to the specific program that Senator Goldstein mentioned, and specifically as it relates to monies directed to people who have taken their PhD, I will be happy to provide a delayed answer for that part of the honourable senator's question.

INTERGOVERNMENTAL AFFAIRS

BILL C-41—DISBURSEMENT OF COMMUNITY DEVELOPMENT FUND

Hon. Lorna Milne: Honourable senators, when Bill C-41 was introduced in this chamber, it was done in such a hurried manner that second reading debate began before the bill was actually distributed to the members of the chamber.

As honourable senators may remember, Bill C-41 provided the legislative framework for the Community Development Trust Fund to provide the provinces and territories with funding to support provincial and territorial initiatives for vulnerable communities.

During his remarks at second reading on February 5 of this year, at page 657 of the *Debates of the Senate*, Senator Stratton, the sponsor of the bill, remarked that there was a sense of urgency about passing this bill. He added:

Once the legislation is authorized by Parliament and agreements are signed with the provinces, the money can begin to flow.

• (1415)

Honourable senators, the Province of Ontario signed an agreement with this government on March 27 of this year, yet it is my understanding that communities in my province have yet to see any funding. Can the Leader of the Government in the Senate tell honourable senators how this money is being distributed to the province, and what is the nature of the delay in providing the province with this urgent funding for vulnerable communities?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Milne for the question. The reason for the urgency was that the bill had to be passed before the end of the fiscal year, March 31. In order to make the funds available to provinces, the provinces had to apply before the end of the fiscal year. The distribution of the funds was entirely in the hands of the province.

I will be happy to have someone contact the provincial officials and ask them why the money has not been distributed as per their own application, because it is my understanding that it is up to the province to distribute the money.

Senator Tkachuk: We got ours in Saskatchewan.

Senator Milne: Why does that not surprise me, sir?

Senator Tkachuk: I have no idea.

Senator Milne: I thank the Leader of the Government in the Senate for that reply, but it does not explain why the bill was introduced so late that our standing committee had the opportunity to have only one meeting on it. I understand that in the other place this bill passed through all stages in 11 minutes.

If the members of our committee had known that extensive delays would occur in the delivery of these funds, I am sure they would have preferred to receive the bill a little earlier so that these monies would not become, as Senator Murray so eloquently put it, a slush fund in the hands of the provinces.

I understand that that money has been set aside, but can the honourable senator tell us, if the parameters have been established, how they will be used other than for a press release?

Senator LeBreton: When this fund was initially discussed, there was some suggestion that it would be tied to the budget. The honourable senator's own leader made a very good case in this place, as did other members of Parliament, that it should not be tied to the budget. They said that there was such an urgent need in the provinces where communities and industries were suffering that the creation of this fund should be detached from the budget

and, instead, be presented as a stand-alone piece of legislation. The government agreed with that and therefore brought in a stand-alone piece of legislation.

That bill was rushed through Parliament because the monies had to be allocated before March 31, the end of the fiscal year. The onus was on the provinces to make application for the funds and then the funds would flow.

I cannot speak for what has happened in the Province of Ontario. I will be very happy, through Minister Ambrose, who deals with federal-provincial relations, and through the Department of Finance, to ascertain what process was followed in terms of Ontario's application and where these issues currently stand.

Senator Milne: I thank the Leader of the Government for that answer, but I must point out that when the bill was before us on February 7, Senator Murray correctly predicted that:

... the tulips will be blooming on Parliament Hill before much of this money gets into the hands of its putative beneficiaries. ... To suggest that there is an all-fired urgency is truly far-fetched.

The people of those communities that will benefit from these funds deserve to get the money, and the sooner we can get it to them, the better. I appreciate very much the leader's approach to the minister.

Senator LeBreton: With all due respect to Senator Murray and blooming tulips —

Senator Tkachuk: They were not blooming in Saskatchewan, I will have you know.

Senator LeBreton: — I believe the money has been distributed. I do not know what the situation is with respect to the Province of Ontario. I have already indicated that I will try to find out. I believe that the money has been distributed in British Columbia. I have no idea what has happened in Ontario. However, as I have indicated, I will be happy to find out.

[Translation]

HEALTH

FUTURE OF CONSORTIUM NATIONAL DE FORMATION EN SANTÉ

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government.

All Canadian citizens have a basic right to be served in the official language of their choice. That right is all the more important when it comes to health care services. The Consortium national de formation en santé provides health care education in French to students in ten francophone institutions in minority communities. Will the government commit to supporting the work of the Consortium national de formation en santé in the years to come?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, this is an officially bilingual country — French and English. As a matter of fact, we have Bill C-13 before the Senate right now, a justice bill that seeks to do in the courts just what the honourable senator is suggesting. In the interests of minority language rights, I hope that bill will be passed quickly.

• (1420)

With regard to the health care field, I do believe that great effort is being made. I cannot comment directly on the specific example Senator Tardif cites. However, in this country, certainly on the part of the government, a great deal of effort in support of minority language rights is a matter of some urgency and concern. Our government is on record and committed to protecting and enhancing minority language rights.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before I proceed to Orders of the Day, I should like to introduce a page who is with us from the House of Commons. Alyssa Sherman of Red Deer, Alberta, is studying at the Faculty of Social Sciences at the University of Ottawa where she is majoring in international studies and modern languages.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of the participants in the spring 2008 Parliamentary Officers Study Program.

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

[English]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM
COMMONS—CONCURRENCE IN AND DISAGREEMENT
WITH SENATE AMENDMENTS—MOTION FOR
NON-INSISTENCE UPON SENATE AMENDMENTS—
ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Tkachuk:

That the Senate do not insist on its amendments 1 and 3 to Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments) to which the House of Commons has disagreed; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I wish to pose a question to the Deputy Leader of the Opposition in regard to Bill C-13. My understanding is that this bill provides for enhanced services for the language of an accused individual. I know that both the Deputy Leader of the Opposition and I have a great deal of interest on the subject of the official languages of Canada.

Might I ask my honourable colleague when we can expect to hear from the other side on this most important subject?

Hon. Claudette Tardif (Deputy Leader of the Opposition): The honourable senator is quite right; the subject of official language minority rights is certainly an issue about which I feel strongly. Bill C-13 addresses an important issue.

Six amendments were proposed in committee. Four amendments were retained on the government side and two amendments were rejected. The two amendments that were rejected would have enhanced the situation of official language minorities and we are now considering the implications of that.

Senator Chaput, in her intervention two days ago, raised some important questions for people to consider and honourable senators require time to reflect on those issues. This is what we are considering at the moment.

I am sure Senator Comeau will appreciate that on complex issues the amount of time required is an essential element. We have the right to take the appropriate amount of time to consider all aspects of this very important legislation.

Order stands.

ASSEMBLY OF THE ABORIGINAL PEOPLES OF CANADA BILL

SECOND READING—DEBATE CONTINUED—
POINT OF ORDER

On the Order:

Resuming debate on the motion of the Honourable Senator Gill, seconded by the Honourable Senator Watt, for the second reading of Bill S-234, An Act to establish an assembly of the aboriginal peoples of Canada and an executive council.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I rise on a point of order on Bill S-234, An Act to establish an assembly of the Aboriginal peoples of Canada and an executive council, as introduced yesterday by Senator Gill.

Without commenting on the merits of Bill S-234, which is another subject, I submit that this bill contains provisions that directly infringe upon the financial prerogatives of the Crown.

• (1425)

Honourable senators will know that section 53 of the Constitution Act, 1867, states that:

Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

Section 54 of the Constitution Act, 1867, requires that bills that appropriate any part of the public revenue must be recommended to that House by the Governor General.

Let me also refer as an example to *Bourinot's Parliamentary Procedure*, fourth edition. Page 407 of that authority refers to the financial initiatives of the Crown as a constitutional obligation, and states that:

No principle is better understood than the constitutional obligation that rests upon the executive government of alone initiating financial measures . . .

The relevant provisions of the Constitution give rise to rule 81 of *Rules of the Senate of Canada* which states that:

The Senate shall not proceed upon a bill appropriating public money that has not within the knowledge of the Senate been recommended by the Queen's representative.

Although the Speaker cannot rule on matters of law, or on the constitutionality of bills, it is his duty to uphold the *Rules of the Senate of Canada*.

Honourable senators, many provisions of Bill S-234 are inconsistent with constitutional requirements and the *Rules of the Senate of Canada*. For example, clause 3 of Bill S-234 proposes to establish an assembly of the Aboriginal Peoples of Canada. Clause 32 proposes to establish an executive council. Clause 18(4) would provide for the appointment of an ethics officer or office. Clause 21 provides for the establishment of a secretariat, the appointment of a clerk of the assembly and a law clerk of the assembly.

I would argue that a Royal Recommendation is required for all of these provisions as they create new bodies that do not currently exist to be financed by the Crown.

Clauses 20, 22 and 42 provide authority for salaries and benefits for the members of the assembly, the employment of staff to provide support for the assembly and for the executive. Salaries and benefits for staff to support the assembly would be paid at the rate equivalent to salaries paid to the staff of the Senate and to staff employed to serve the executive. Such salaries would be fixed by the executive council. Remuneration for members of the assembly would be set in a way that compensation would not exceed the amounts paid to senators who hold similar positions or carry out similar functions.

The purpose of clause 25 is to appropriate monies from the Consolidated Revenue Fund in order to pay the remuneration of the members of the proposed assembly.

I will quote in full from that clause:

There is hereby granted to Her Majesty, out of any unappropriated moneys forming part of the Consolidated Revenue Fund, an annual sum sufficient to enable Her Majesty to pay the remuneration of the members of the assembly.

Honourable senators, I would also like to point out that clause 24 of the bill sets out a financial process for the tabling of estimates for funds provided by Parliament for the assembly and its staff. I will quote from page 781 of the 17th edition of Sir Erskine May's *Parliamentary Practice*:

Although a resolution of this type initiates no immediate charge, but is intended only to authorize the eventual presentation of an estimate, it is . . . regarded as containing a "charge" in the technical sense and could not be brought before the House without the recommendation of the Crown.

Honourable senators, I would also like to draw your attention to clause 52(2) of the bill, and a relevant ruling by the Speaker. Clause 52(2) states:

No order may be made under subsection (1) unless the appropriation of moneys for the purposes of this Act has been recommended by the Governor General and such moneys have been appropriated by Parliament.

On October 23, 1991, during the Third Session of the 34th Parliament, the Speaker ruled on the admissibility of Bill S-5, an Act to amend certain Statutes of Canada and to Recognize the Wartime Service of Veterans of the Canadian Merchant Navy. The Speaker of the Senate stated:

It is the opinion of the Chair that notwithstanding clause 15 of the bill which states: "No payment shall be made out of the Consolidated Revenue Fund to defray any expenses necessary for the implementation of this Act without the authority of an Act of Parliament for such purpose," Bill S-5 falls into the category of measures which, according to our parliamentary tradition, requires the recommendation of His Excellency. . .

Since Bill S-5 fringes upon the financial initiatives of the Crown and therefore requires a royal recommendation and, since Rule 82 of the *Rules of the Senate of Canada* states "The Senate shall not proceed upon a bill appropriating money that has not, within the knowledge of the Senate, been recommended by the Queen's Representative," it is not in order. . .

• (1430)

The Speaker's ruling on Bill S-5 acknowledges citation 611 of Beauchesne's sixth edition, page 185:

A bill from the Senate, certain clauses of which would necessitate some public expenditure, is in order if it is provided by a clause of the said bill that no such expenditure shall be made unless previously sanctioned by Parliament.

The Speaker ruled as follows:

In my opinion, citation 611 is not relevant in this instance. Citation 611 refers only to “certain clauses” of a bill necessitating some public expenditure. This is not the case regarding Bill S-5. The whole purpose of Bill S-5 and most of its fifteen clauses involve public expenditures.

In conclusion, honourable senators, Bill S-234 should be found to be out of order. First, as I have identified, numerous provisions of the bill would require new spending and, therefore, must be introduced in the other place and accompanied by a Royal Recommendation.

Second, precedence clearly shows that efforts to circumvent this requirement by using the approach in clause 52(2) are out of order.

Hon. Joan Fraser: Honourable senators, with respect, I do not think there is a point of order here at all, on two grounds.

First, I believe it has been long established in this chamber that we understand that almost any bill that originates here, no matter what its subject, is likely to involve some expenditure of public money but that if the principal purpose of that bill is to achieve a matter of public policy and the expenditure of public money is ancillary to that it is in order for the Senate to study such a bill. I believe that has been well established. It is clear that Senator Gill’s bill is an attempt to break the logjam that has been affecting relations between Aboriginal Canadians and non-Aboriginal Canadians, particularly in respect of governance.

As honourable senators continue our work on this bill, we may or may not agree with Senator Gill’s suggested solution, but I truly believe it is entirely in order for him to put this bill to us and to have us consider it. I do not believe a Royal Recommendation is required for a bill so patently designed to achieve such an end and where the spending involved would simply be an ancillary element.

However, even if Your Honour should disagree with me — it would not be the first time, but I trust you will not on this occasion — it is my understanding that a Royal Recommendation can be appended to a bill at any stage and that, therefore, there would be absolutely no reason to delay proceeding with this bill while the necessary negotiations continued, if there were to be such negotiations.

Finally, I observe that it has happened quite frequently in the past that the House of Commons has disagreed with the Senate about the propriety, the “in order or not in order status” of various pieces of legislation. That does not stop us from doing our job. It is exactly the kind of element that I would expect a Senate committee to be able to consider when it will study this very well-thought-out and seriously presented bill.

For all of these reasons, Your Honour, I do not believe we have a point of order.

Hon. Charlie Watt: Honourable senators, I also disagree with the position that this bill is out of order. I do not feel it is out of order.

I do not want to speak on this bill today. I did not expect the deputy leader on the other side to come so quickly with a point of order, so I did not prepare myself in advance. I am planning to speak on this bill, but I am not ready, so I would like to adjourn the debate.

The Hon. the Speaker: We are on the point of order, and I will hear from other honourable senators. The matter is not unfamiliar to the chair, as has been alluded to.

[Translation]

Hon. Pierrette Ringuette: Honourable senators, I am by no means an expert on Senate procedure or points of order. After listening to Senators Comeau and Fraser very carefully, I reflected on the two arguments put forward by Senator Comeau, namely, the financial argument and the constitutional argument.

I recall another bill introduced during a previous session by Senators Murray and Hays concerning increasing the number of senators from the West, a bill that could have involved the same point of order based on these financial and constitutional questions. It seems to me that the same line of reasoning will probably re-emerge.

I am therefore anxious to hear your ruling, Your Honour, on this point of order.

[English]

Hon. George Baker: Honourable senators, we all understand that a bill that commits money from the public treasury must be accompanied by royal authority. In other words, the government in power has the authority to spend money. Opposition parties or parties that lose elections do not have the authority to spend money. That is basically upon what this well-recognized practice is grounded.

However, in the past 20 years there have been some exceptions to that general rule. I recall when the first couple of exceptions were approved by the Speaker in the House of Commons, and it has consistently been challenged over the years since that time.

However, there is one way, I believe, Your Honour, to get around the question of a Royal Proclamation. In other words, a bill could be introduced that sets out an expenditure of money, but the bill may be written to say that the legislation would not approve the expenditure of money unless the government of the day approves the expenditure of the money.

That is a very good point. The Deputy Leader of the Government has just recognized that, and he just said it is a good point. He would agree that if this bill said that it would be all right.

However, another honourable senator, a professor of law, and a well-known jurist in this country, recognizes this to be correct. He says, “Does it say it in the bill?”

I direct honourable senators to clause 52 of the bill. Under the heading “Coming into Force,” it states:

Subject to subsection (2), the provisions of this Act other than section 51 come into force on a day or days to be fixed by order of the Governor in Council.

Then there is a special clause, and the side note is “Royal Recommendation.” That is what we have been talking about, Your Honour. It says the following:

No order may be made under subsection (1) unless the appropriation of moneys for the purposes of this Act has been recommended by the Governor General and such moneys have been appropriated by Parliament.

Some Hon. Senators: Hear, hear!

• (1440)

Senator Baker: I would submit, Your Honour — and I see that you are also nodding your head — that this does settle the matter.

The Hon. the Speaker: Given that the tradition in this chamber is an oral one, the chair will make his comment and his ruling. I thank honourable senators for their contribution to the discussion on the point of order. We will bring in our ruling expeditiously.

[Translation]

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator McCoy, for the second reading of Bill S-227, An Act to amend the National Capital Act (establishment and protection of Gatineau Park).—(*Honourable Senator Tkachuk*)

Hon. Pierre Claude Nolin: Honourable senators, Senator Tkachuk having agreed to let me speak in his place today, I am speaking today at second reading stage of Bill S-227, introduced in the Senate by Senator Spivak on February 12, 2008, concerning the establishment and protection of Gatineau Park.

Gatineau Park is a gem in the National Capital Region's crown. It is wholly located in Quebec and spreads out between the Ottawa and Gatineau rivers. It stretches over some 50 kilometres and covers more than 36,000 hectares of forests, mountains, rock, streams and lakes characteristic of the Canadian Shield landscape.

Under the auspices of the National Capital Commission, the federal government owns over 29,000 hectares, or some 80 per cent of the park. Quebec holds the property titles on roughly 6,000 hectares, or 17 per cent, and individuals and others own roughly 855 hectares, or nearly 2 per cent of the park, including the roads that belong to the municipalities or the Province of Quebec.

The government has indicated a number of times that it is in favour of protecting Gatineau Park. Gatineau Park is a wonderful resource for the National Capital Region, and this must be recognized in the National Capital Act.

I heard the question that Senator Banks asked Senator LeBreton earlier today. The question had to do with the housing development on Carman Road in Gatineau Park. I do not plan on going into detail about this project, but I would like to state the position of the National Capital Commission, which says that the regulatory authority of the National Capital Act prevents it from going ahead with the zoning.

I listened to Senator Banks' argument, and I believe that in committee we will be able to clarify both the meaning of section 19 of the National Capital Act and the significance of the new section 20 proposed by Senator Spivak.

Two sections of the National Capital Act pertain to the National Capital Commission's regulatory authority, and Senator Spivak is amending the second section to make it much broader in scope than it is at present.

I do not intend to go into detail. The committee will do that, and it will be extremely interesting to hear the witnesses interpret the case law that applies to the National Capital Act.

The National Capital Commission's mandate review resulted in 31 recommendations, some of which pertain to the commission's role in environmental stewardship of federal green spaces in the National Capital Region, including Gatineau Park and the Greenbelt.

The government is developing its vision of the National Capital Commission's future based on the results and recommendations that came out of the NCC mandate review. The government thus believes that Bill S-227 is premature and that it would be preferable to legislate the status of Gatineau Park in keeping with the government's vision of the future of the NCC.

That said, the government does not want to oppose the efforts of Senator Spivak, for whom this is the second bill pertaining to Gatineau Park. The government is prepared to support Bill S-227 on certain conditions. For example, the government supports the fact that Bill S-227 incorporates the technical description of the park.

It supports the fact that, by virtue of this bill, the vision of the park will be enshrined in law, that vision being that the park is intended for the people of Canada for their benefit, education and enjoyment, and the fact that maintaining and restoring the park's ecological integrity shall be a priority of the National Capital Commission in managing the park.

However, the government would like to see amendments made to the bill. I would like to talk about these amendments.

First, like Bill S-210, Bill S-227 proposes to make the acquisition of privately owned real properties and provincial properties in Gatineau Park part of the mission of the National Capital Commission.

The government is worried that the courts could interpret this provision as creating an obligation for the National Capital Commission to purchase private or provincial properties in the park.

When Senator Spivak introduced Bill S-227 for second reading, she indicated that the provision would not oblige the NCC to purchase private property in the park, but she also indicated that

the bill encourages the NCC to fulfil its obligation of buying property. We can clearly see that there is a slight contradiction there. We will be able to explore the significance of these obligations and responsibilities in committee.

According to the government, the scope of that NCC obligation is not very clear. Obviously, the question of knowing whether the bill establishes an obligation is important from a financial standpoint. There are presently some 300 private properties in the park with an estimated total value of approximately \$350 million.

In the event that the National Capital Commission is required to purchase these properties, there would be a significant financial impact on the NCC, and Bill S-227 would therefore be a money bill, and that brings us right back to the debate on Bill S-234.

The principle of transparency in infrastructure management always implies respect for financial constraints and for the planning measures duly approved by those in charge.

• (1450)

Bill S-227 also proposes to prohibit the sale or disposal of a private property in the park, unless the owner submits to the commission an unconditional offer for sale of the property at fair market value.

However, this proposal does not include any mechanism for determining fair market value of the property. The government considers that the right of first refusal, as worded, constitutes a right of first offer. We will not belabour the meaning. We will decide in committee on the exact wording to define the desired concept.

The bill thus requires the owner or vendor to submit to the commission an offer for sale at fair market value without the vendor having necessarily received offers from third parties that could establish market value.

The technical amendments that Bill S-227 makes to the original wording of Bill S-210 do not satisfy the government's concerns about establishing fair market value. In committee, we will hear the government's opinion and make a decision on whether we should amend Bill S-227 or keep the original wording.

The government is also concerned about the fact that the right of first refusal could be interpreted as applying to other types of property surrender, including testamentary transfer.

According to Senator Spivak, she was told — I assume by officials from either the NCC or Transport Canada — that with trust agreements families could transfer their properties to their heirs. For Senator Spivak this may be a major restriction on the right to private property, and the government is taking this matter very seriously. The government wants to closely examine the issue of whether the proposed amendments allow such trust agreements.

In that same vein, the bill proposes a vision of the park whereby it should be maintained and made use of so as “to leave it unimpaired” for the enjoyment of future generations.

Unfortunately, the goal of leaving the park “unimpaired” for future generations does not correspond to today's reality. The biggest challenges facing the park are related to its proximity to the urban centres of the National Capital Region and its appeal to visitors wanting to use it for recreational purposes.

The 2005 Gatineau Park Master Plan acknowledged the situation, saying that:

The Park is easily accessible and peripheral areas are becoming increasingly urbanized.

As such, the government believes that it is more realistic to work toward managing the activities that occur in the park in order to protect the park's natural resources.

Moreover, the term “unimpaired” could be interpreted in such a way as to unduly restrict the rights of private landowners and the public in the park.

I participated in the debate at second reading of Bill S-210, and even though I understand the issue a little better now, I remain convinced that we must at all times ensure that:

The advantage of [this bill] is that it would give Gatineau Park the same kind of statutory protection and parliamentary oversight that we have granted all other significant parks in this country — parks not within sight of the Peace Tower.

Third, the bill would require the government, through the minister responsible, to obtain the province's approval before expanding the park's boundaries. The problem with this is that it imposes an obligation on the federal Crown where no such obligation currently exists.

According to the amendments proposed in Bill S-227, the Governor-in-Council may, by order, expand the park's boundaries. The government wants the Governor-in-Council's approval to be required for all changes to the park's boundaries, not just changes that would make it bigger.

Fourth, the bill would prohibit the sale of federal public lands within the park. I would like to point out that Gatineau Park is part of the National Interest Land Mass, or NILM. NILM designation is a formal expression of the government's interest in the long-term use of these properties in support of building the national capital.

It is true that, in the past, the National Capital Commission has had to review the property rights within the park in order to regularize certain titles. However, it was a matter of making some minor adjustments following surveys by private landowners. The government would therefore like to amend the bill to remove the ban that prohibits the sale of any public lands and replace it with the obligation to obtain authorization from the Governor-in-Council in the event of sale.

On this point, I would add that the government has no intention of selling any of its properties in the park. Furthermore, we must never lose sight of the fact that:

The NCC has been the steward of Gatineau Park since its creation in 1958. It has made every possible effort to focus on preserving the park's natural and cultural heritage. It is constantly striving to strike a balance between encouraging Canadians to enjoy the park's splendours and ministering to the desperate need to protect the delicate balance of its natural ecosystems.

The Department of Justice pointed out some corrections to the government, including typographical errors and terminological differences between the English and French versions that warranted further attention. For instance, clause 10.3 in English refers to "no amendment to remove portions of park", while the French refers to "no amendment to reduce the surface area of the park". I understand the meaning, but the French and English are not exactly the same.

Honourable senators, for all these reasons, the government agrees with Bill S-227, with some conditions, and is anxious to take part in the clause by clause study in committee.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Spivak, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE—ORDER STANDS

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, I would ask the Deputy Leader of the Government when his side will speak to this motion.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Stratton will be in the chamber next Tuesday. We will be able to answer the honourable senator's question at that time.

Order stands.

• (1500)

[Translation]

THE SENATE

CONSIDERATION OF PUBLIC BILLS— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carstairs, P.C., calling the attention of the Senate to the custom of allowing Senate Public Bills to be considered free of the procedural obstacles that limit the consideration of Private Members' Bills in the other place, and the custom of ensuring all Senators the fair opportunity to have their proposals decided by the Senate.—(*Honourable Senator Stratton*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this is an issue that greatly interests me as well as Senator Stratton. To avoid having this inquiry dropped from the Order Paper, I ask that it stand in my name.

POINT OF ORDER

Hon. Roméo Antonius Dallaire: Honourable senators, in my opinion, this practice of taking the adjournment of an inquiry after 15 days is being abused. It seems to me that 15 days is sufficient time to do the work that is needed. I have the feeling that senators are having a field day with this rule. When a senator realizes that he will not be able to take part in the debate within that time, he simply has to ask a colleague for help. That is what I believe.

[English]

Senator Comeau: Senator Carstairs introduced an extremely important subject, one in which I have a significant amount of interest. She went to the effort of introducing the inquiry and made an excellent speech on it. I intend to read it again.

If we let this item die after 15 days, which is what the honourable senator is proposing, it will be wiped off the Order Paper. That will be the result after all of Senator Carstairs' work on this subject if no one rises to speak.

There are some senators in this chamber — such as myself, Senator Stratton and others — who wish to speak on this subject. Yet, Senator Dallaire is saying we should let the matter die; that no one is interested in it. If we have not had a chance to prepare our notes within 15 days, we should forget about it. That is wrong.

The 15-day rule was drafted so that items would not die unnecessarily and we could keep them alive. After 15 days, if no honourable senator has any interest in a subject, the item is wiped off the Order Paper, which is a good thing.

If an honourable senator has not spoken to an item after 15 days have elapsed, that does not necessarily mean that he or she has lost interest in the subject. We are not all superhuman, like Senator Dallaire, where we are able to tackle hundreds of things at the same time. Every once in awhile, some of us need more time to prepare our notes.

[Translation]

The Hon. the Speaker: Honourable senators, I am ready to rule on this immediately.

I agree with Senator Dallaire. Rule 27(3) states:

Unless previously ordered, any item under “Other Business”, “Inquiries” and “Motions” that has not been proceeded with during fifteen sittings shall be dropped from the *Order Paper*.

The motion currently before the Senate thus has nothing to do with this rule. The motion moved by Senator Comeau, seconded by Senator Tkachuk, is in order. It deals with adjourning debate to the next sitting of the Senate.

However, I would like to emphasize the point Senator Dallaire made. This is and will continue to be part of the *Rules of the Senate of Canada* until the Senate decides otherwise.

The motion before us is in order.

Are honourable senators ready for the question? Is it your pleasure, honourable senators, to adopt the adjournment motion?

Some Hon. Senators: Agreed.

Senator Dallaire: On division.

On motion of Senator Comeau, debate adjourned, on division.

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 13, 2008, at 2 p.m.

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

Motion agreed to.

The Senate adjourned until Tuesday, May 13, 2008, at 2 p.m.

THE SENATE OF CANADA PROGRESS OF LEGISLATION

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

(2nd Session, 39th Parliament)

Thursday, May 8, 2008

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

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18	07/11/13	Banking, Trade and Commerce	07/11/15	0	07/11/21	07/12/14	32/07
S-3	An Act to amend the Criminal Code (investigative hearing and recognizance with conditions)	07/10/23	07/11/14	Special Committee on Anti-terrorism	08/03/04	2	08/03/06		

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act to amend the Criminal Code and to make consequential amendments to other Acts	07/11/29	07/12/12	Legal and Constitutional Affairs	08/02/27	0 observations	08/02/27	08/02/28	6/08
C-3	An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act	08/02/06	08/02/07	Special Committee on Anti-terrorism	08/02/12	0 observations	08/02/12	*08/02/14	3/08
C-8	An Act to amend the Canada Transportation Act (railway transportation)	08/01/29	08/02/12	Transport and Communications	08/02/14	0	08/02/14	08/02/28	5/08
C-9	An Act to implement the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention)	08/01/31	08/02/12	Foreign Affairs and International Trade	08/02/28	0	08/03/04	*08/03/13	8/08
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bilingual expression of the provisions of that Act	07/10/30	07/12/04	Banking, Trade and Commerce					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30	07/11/29	Legal and Constitutional Affairs	08/01/31	1 observations	08/02/07 Message from Commons-agree with Senate amendment 08/02/12	*08/02/14	2/08
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30	07/11/15	Banking, Trade and Commerce	07/12/13	0 observations	07/12/13	07/12/14	36/07
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30	07/11/21	Legal and Constitutional Affairs	07/12/11	6 observations	08/01/29 Message from Commons-agree with 4 amendments and disagree with 2 08/04/17		
C-15	An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada–Nova Scotia Offshore Petroleum Resources Accord Implementation Act	07/11/21	07/11/29	Energy, the Environment and Natural Resources	07/12/13	0	07/12/13	07/12/14	33/07
C-18	An Act to amend the Canada Elections Act (verification of residence)	07/12/13	07/12/14	Committee of the Whole	07/12/14	0	07/12/14	07/12/14	37/07
C-23	An Act to amend the Canada Marine Act, the Canada Transportation Act, the Pilotage Act and other Acts in consequence	08/05/07							
C-28	An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007	07/12/13	07/12/13	Pursuant to rule 74(1) subject-matter 07/12/12 National Finance	Report on subject-matter 07/12/13	—	07/12/13	07/12/14	35/07
C-31	An Act to amend the Judges Act	08/04/15							
C-35	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (<i>Appropriation Act No. 3, 2007-2008</i>)	07/12/11	07/12/11	—	—	—	07/12/13	07/12/14	34/07
C-37	An Act to amend the Citizenship Act	08/02/26	08/03/04	Social Affairs, Science and Technology	08/04/16	0 observations	08/04/16	*08/04/17	14/08

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-38	An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River	07/12/12	07/12/12	Committee of the Whole	07/12/12	0	07/12/12	*07/12/12	31/07
C-40	An Act to amend the Canada Labour Code, the Canada Student Financial Assistance Act, the Canada Student Loans Act and the Public Service Employment Act	08/02/14	08/03/04	National Security and Defence	08/04/16	0 observations	08/04/16	*08/04/17	15/08
C-41	An Act respecting payments to a trust established to provide provinces and territories with funding for community development	08/02/05	08/02/05	National Finance	08/02/07	0	08/02/07	*08/02/07	1/08
C-42	An Act to amend the Museums Act and to make consequential amendments to other Acts	08/02/14	08/02/26	Human Rights	08/03/04	0	08/03/05	*08/03/13	9/08
C-44	An Act to amend the Agricultural Marketing Programs Act	08/02/26	08/02/27	Agriculture and Forestry	08/02/28	0	08/02/28	08/02/28	7/08
C-48	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (<i>Appropriation Act No. 4, 2007-2008</i>)	08/03/12	08/03/13	—	—	—	08/03/13	*08/03/13	10/08
C-49	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 (<i>Appropriation Act No. 1, 2008-2009</i>)	08/03/12	08/03/13	—	—	—	08/03/13	*08/03/13	11/08

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-253	An Act to amend the Income Tax Act (deductibility of RESP contributions)	08/03/06							
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17	08/03/04	Human Rights					
C-287	An Act respecting a National Peacekeepers' Day	07/11/22	08/02/26	National Security and Defence					
C-292	An Act to implement the Kelowna Accord	07/10/17	07/12/11	Aboriginal Peoples	08/04/29	0			
C-293	An Act respecting the provision of official development assistance abroad	07/10/17	07/12/12	Foreign Affairs and International Trade	08/04/03	0 observations + 4 at 3rd	08/04/16		
C-298	An Act to add perfluorooctane sulfonate (PFOS) and its salts to the Virtual Elimination List under the Canadian Environmental Protection Act, 1999	07/12/04	08/03/11	Energy, the Environment and Natural Resources	08/04/10	0	08/04/15	*08/04/17	13/08
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-307	An Act respecting bis(2-ethylhexyl)phthalate, benzyl butyl phthalate and dibutyl phthalate	07/11/29							
C-343	An Act to amend the Criminal Code (motor vehicle theft)	08/02/28	08/04/10	Legal and Constitutional Affairs					
C-428	An Act to amend the Controlled Drugs and Substances Act (methamphetamine)	08/02/12							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17	07/11/28	National Finance	08/02/27	4	08/03/06		
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17	Dropped from Order Paper pursuant to Rule 27(3) 08/04/01						
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17	07/11/13	Legal and Constitutional Affairs	07/11/22	0	07/11/27	*08/04/17	12/08
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17	08/02/13	Social Affairs, Science and Technology	08/04/17	0	08/04/29		
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17	08/03/05	Banking, Trade and Commerce					
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17	08/04/03	Energy, the Environment and Natural Resources					
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17	07/11/28	Legal and Constitutional Affairs	07/12/06	0	07/12/11		
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17		Subject matter 07/11/13 Energy, the Environment and Natural Resources	Report on subject-matter 08/02/28				
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	07/10/17	08/03/13	Legal and Constitutional Affairs					
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17	08/02/28	Legal and Constitutional Affairs	08/04/17	0			
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							
S-212	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	07/10/18	08/04/17	Rules, Procedures and the Rights of Parliament					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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S-214	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	07/10/24	08/04/01	National Finance					
S-215	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	07/10/30	07/12/06	National Finance	07/12/13 Report amended 07/12/13	19	07/12/13 Message from Commons-7 amendments 08/05/06 Senate agree with Commons amendment 08/05/07		
S-216	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/10/30	Dropped from Order Paper pursuant to Rule 27(3) 08/03/13						
S-217	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/10/31							
S-218	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/10/31	08/03/05	Human Rights					
S-219	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection) (Sen. Ringuette)	07/11/13	07/12/11	National Finance	08/04/03	1	08/05/01		
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S-222	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	07/12/04	08/04/15	Social Affairs, Science and Technology					
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