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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, June 18, 2008

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

• (1335)

Prayers.

[Translation]

[Translation]

CANADIAN FORCES BASE GAGETOWN

ROYAL ASSENT

NOTICE

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

RIDEAU HALL

June 18th, 2008

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, will proceed to the Senate Chamber today, the 18th day of June, 2008, at 3:00 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

SENATORS' STATEMENTS

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I wish to advise the Senate that I have received a request from the Government Whip, pursuant to rule 22(7), that the time allotted for Senators' Statements be extended by 15 minutes.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

FIFTIETH ANNIVERSARY

Hon. Marilyn Trenholme Counsell: Honourable senators, it gives me great pleasure today to congratulate and thank Canadian Forces Base Gagetown in New Brunswick as it celebrates 50 years of defending Canada and providing professional soldiers trained for various peace and humanitarian aid missions.

Recently, the base has contributed to the mission in Afghanistan by deploying many soldiers and providing the necessary resources to secure the mission's safety and stability.

Officially opened in 1958, CFB Gagetown has become the largest military training centre in Canada and the British Commonwealth. Over the years, it has been home to a number of regiments, including the celebrated Black Watch and the Royal Canadian Regiment.

In the past 50 years, the base has grown and evolved and has become Canada's pre-eminent military training centre. In fact, CFB Gagetown is recognized as the home of the Canadian army. It plays a pivotal role in developing young Canadians' leadership skills. For instance, Camp Argonaut provides top-quality training to 1,200 promising young people each summer.

This will be a year of celebration for CFB Gagetown. At the same time, the base will continue to fulfil its military mandate by preparing more than 200 soldiers to leave for Afghanistan in September.

CFB Gagetown also plays an active role in the town of Oromocto, the greater Fredericton area and the province of New Brunswick. With its 4,000 military members and 700 civilian employees, the camp has a significant economic impact, contributing approximately \$200,000 to the local economy and nearly \$500 million to the provincial economy each year.

The soldiers contribute to the community and the province through their volunteer efforts, especially those involving young people. Thanks to the exemplary partnership between the base and the local population, the town of Oromocto has been proclaimed "Canada's model town."

Clearly, CFB Gagetown's 50-year history represents military professionalism at its best. I am proud of our base's past and have every confidence that it will continue to prepare our soldiers to face any challenge, be it in combat or in peacekeeping, with the excellence that has been CFB Gagetown's hallmark for the past 50 years.

[English]

EFFICACY OF WEALTHY NATIONS TO END CYCLE OF VIOLENCE AND DISPARITY IN POOR NATIONS

Hon. Roméo Antonius Dallaire: Honourable senators, how is it that we can allow human suffering in its many forms when we have the means to prevent it? Canada is part of the 20 per cent of the “have” nations of humanity. Canada is a leading middle power and one of the nine most powerful countries in the world. How is it that international suffering continues and is, at times, perceived as unabated?

There are disconnects between what we can do and what is happening in the international sphere and our inability to bring counsel or communion between the two. As an internal example, only last week, the government issued an apology to former students of the residential schools, but it voted against the United Nations Declaration on the Rights of Indigenous People.

As further instances, when the horrors of the Shoah were exposed, the world cried out in a united voice, “Never again,” but we let the genocide unfold in Cambodia and Rwanda. In 2005, the world unanimously endorsed the principles of responsibility to protect and affirm the international community’s responsibility to take vigorous action to protect innocent civilians when their human rights are massively abused. We created it; we sold it to the world and to the UN. Yet, the Government of Sudan continues to rain terror onto its citizens with impunity because we will not step up to the plate. We have known for more than five years about the ongoing scorched-earth and mass rape campaigns, but we continue to let the genocide unfold in Darfur.

[Translation]

The suffering in Darfur, as in many conflict zones, is intimately linked to the cycle of violence and the disparity between rich countries and poor ones. It is also linked to the availability of weapons and small arms. Is it possible that there are more than 650 million small arms on this Earth today?

• (1340)

How it is possible that the permanent members of the UN Security Council are selling, to developing countries, these same weapons that are being used to perpetuate misery and make poverty reign? These weapons are used by male and female child soldiers. What is worse, Western countries maintain protectionist policies for their agricultural markets, thus forcing famine upon more than 850 million people. What are we waiting for to turn our words into action?

The recent spike in prices of agricultural products is causing panic among humanitarian organizations. They are hard-pressed to provide the most rudimentary nourishment to the poor in this world. Despite all of this, in Canada we choose to subsidize ethanol production, which, according to analysts, is the cause of the 30 per cent rise in basic food costs. Canada’s development aid is a mere 0.2 per cent of our GDP. Yet, we do not even have a timeline for reaching the 0.7 per cent target. How can we live such a two-faced life in such a powerful country?

[English]

ZIMBABWE

Hon. A. Raynell Andreychuk: Honourable senators, I rise today to ask you to join with me in supporting the people of Zimbabwe at this important time as they struggle and, in many cases, lose their lives in attempting to bring change and justice to their country. Zimbabweans deserve an open and transparent election process in which all parties can campaign and citizens can exercise their political rights without fear of persecution and retribution.

The alarming escalation of violence, extra-judicial killings and torture by the state security and paramilitary groups is shocking and unacceptable. The shutting down of non-governmental organizations and the intimidation of the press is equally worrying. Amnesty International has accused the government of using food for political gain.

I support the Canadian government in continuing its strong statements to the Government of Zimbabwe to desist in using the coercive powers of the state for political ends.

The Canada-Africa Parliamentary Association was able to send a delegation of parliamentarians to visit Zimbabwe from May 7 to 9, 2008. I believe they were the first parliamentary group after the recent elections in Zimbabwe to be allowed in to make some on-the-ground observations. The delegation met with representatives of the NGO community, individuals as well as political parties. Our delegation called for a free and non-violent operation of the second round of presidential voting, which is coming up shortly.

Since its return, the Canada-Africa Parliamentary Association has condemned the interference of the Government of Zimbabwe and expressed its deep concern about the events in that country during the campaign for the presidential run-off election.

In its news release, particularly, the association has denounced the recent repeated detention by police of Mr. Morgan Tsvangirai, the murders of and attacks on his supporters and the use of the military to intimidate citizens. The news release went on to express concerns about the Government of Zimbabwe’s interference with diplomats and aid groups.

We understand that the greatest influence and pressure must be brought by the Southern Africa Development Coordination Conference, or SADDC, made up of the neighbours of Zimbabwe. In addition, the Security Council of the United Nations should again address this alarming situation. Nonetheless, by maintaining our High Commission staff in Zimbabwe, Canada is giving the proper signal to the people of Zimbabwe that we stand with them in their struggle for justice and a free and fair election.

At this critical time, I commend High Commissioner Roxanne Dubé and her staff for their work in Zimbabwe at a particularly dangerous and difficult time. Their professionalism, dedication and hard work should be acknowledged by all parliamentarians. The risk to their own security is no small matter, and parliamentarians should be extremely grateful, as should Canadians, that in the cause of this democratic struggle, Canada stands firm.

• (1345)

I call on the Government of Canada to continue its proactive efforts, particularly in impressing upon SADDG leaders that the time is now. The issue is critical, and it could be turned around to get the forces supporting President Mugabe to respect the international norms and the rule of law for election campaigns and for peace to return for its citizens.

[Translation]

CLIMATE CHANGE

Hon. Grant Mitchell: Honourable senators, we recently learned that Environment Canada officials had shared details of the Liberals' plan to fight climate change with the Conservative government. Even though they told the government that this plan could have some significant benefits for Canadian society, the government undermined it and essentially destroyed it.

The Liberals presented a clear strategy to reduce emissions from 115 megatonnes to 75 megatonnes per year, in order to honour the commitment Canada made to cut its emissions by 270 megatonnes.

In a document made public through the Access to Information Act, the Climate Fund is described as a cost-effective vehicle to drive technology innovation and a low-carbon future in Canada. This memo, written by Samy Watson, former deputy minister of Environment Canada, said that the fund would be a primary purchaser of credits generated by the Canadian offsets. The memo also stated that a "Made in Canada" mandate for the Climate Fund would drive market and environmental benefits for Canada.

The Conservatives blatantly ignored Environment Canada's urgings and disregarded this plan, and many others, that could have led to some important changes. They knew about the plan and deliberately discarded it.

We need good leadership now, so that Canada can rank among the top nations successfully fighting climate change. When will this government decide to take on the environmental challenge instead of shirking its responsibilities to the country and the planet?

[English]

NATIONAL BLOOD DONOR WEEK

Hon. Ethel Cochrane: Honourable senators, I wish to take this opportunity to recognize the great success of Canada's first ever National Blood Donor Week, which officially ended on Sunday.

Some Hon. Senators: Hear, hear!

Senator Cochrane: It was a special day and a special time to celebrate and thank blood donors and volunteers across the country, people like Mike Nordby, a fitness instructor and cyclist from St. John's, Newfoundland and Labrador, who raised awareness through his Cycle for Life Ride. Following stops at various mobile blood clinics, Mike returned to St. John's on Friday where he donated blood for the first time.

Honourable senators, I was pleased to be on hand to welcome him and to support the great work being done by Canadian Blood Services. However, Mike's tour is only one of the many ways that National Blood Donor Week was celebrated in my province. Annual awards events were held in a number of communities under the theme "Honouring Our Lifeblood." These events provided an opportunity to honour donors, volunteers and community partners.

• (1350)

Among this year's honourees was a donor who has made more than 500 donations and is currently the only person in the province to have reached this remarkable milestone. Local blood product recipients were also featured prominently at the events in Newfoundland and Labrador. Like Senator Mercer, these recipients have remarkable stories to share about how blood donations helped them in their recoveries and how anonymous donors made a significant difference in their lives. Honourable senators, their stories were in equal measure both deeply touching and inspiring.

National Blood Donor Week has officially ended but the need for blood and blood products continues. I invite all honourable senators to join Senator Mercer and me in thanking blood donors across Canada and in encouraging new donors to step forward. The demand for blood and blood products in our communities is constant, and new donors are always needed. With this one simple act, we have the ability to help many people in a time of great need.

THE LATE MURIEL MARGUERITE FARQUHAR DAVIDSON

Hon. Lorna Milne: Honourable senators, I wish to share with you some moments of gratitude, remembrance and sorrow. I express my sorrow at the passing of Muriel Marguerite Farquhar Davidson last Tuesday, June 10, at the age of 83; and gratitude for all that she did to help my seven-year campaign to force Statistics Canada to release historic census data.

Honourable senators might remember the total of 26,000 people who petitioned the Senate, first monthly, then weekly and, finally, almost daily, from 1998 to 2004. It was Muriel, that feisty little lady, who collected and organized most of those petitions and delivered them to my front door week after week. She spent hours on the Internet contacting her many genealogical and medical friends across Canada, finally organizing the Canadian Census Committee, known as the CCC, who worked so diligently for so long to free and preserve historic census data forever.

Some honourable senators may also remember how extremely good Muriel was at flooding your offices with emails and faxes. I remember well how it frustrated and even infuriated some fellow senators.

When the campaign was eventually successful, in 2005, Muriel turned the attention of the CCC with all of her energy and enthusiasm towards the Library and Archives project of indexing all the names in the 1906 census — the first census of the new provinces of Western Canada, Saskatchewan and Alberta. She then directed that energy and enthusiasm toward doing the same thing for the 1911 census of this great country. She even had people in Australia indexing portions of the Canadian census.

In addition to all of her efforts on behalf of the genealogical community, Muriel found the time to author seven family histories. Brampton, Ontario, will remember Muriel for the thousands and thousands of volunteer hours that she donated to so many projects in that city. She was a volunteer par excellence. She was a veteran of World War II, as was her late husband, Bill. When they first moved to Brampton, she organized the Floral Rebekah Lodge, #369 and was its last surviving charter member. She was also a member of Beaux-Arts Brampton.

Over the years, Muriel was involved in the Boy Scouts and the Canadian Cancer Society. She was a regular columnist in local newspapers, and was a coordinator of the obstetrical knitting program at Peel Memorial Hospital.

Muriel had no sooner moved to the Woodhall Park Retirement Village a few months ago when she got to work re-organizing everything there. She was already treasurer of one of the recreational groups.

I will miss our many conversations over a cup of tea, and her regular phone calls to find out what was happening up in Ottawa and to tell me what should be happening in Ottawa. Muriel is survived by her children Don, Lynden and Randy; and her step-children, Laurie, Geneva Dean, Marie, Malloy and Dennis. The city of Brampton will be poorer without her.

• (1355)

THE VICTORIA CROSS OF CANADA

Hon. Michael A. Meighen: Honourable senators, since its creation in 1856, a total of 94 Canadians, persons who were Canadian-born, persons serving in the Canadian army, or those with a close connection to Canada, have been awarded the Victoria Cross. This decoration remains to this day the highest honour that can be bestowed upon a member of the Canadian Forces or of an allied armed force serving with or in conjunction with the Canadian Forces.

The first citizen of our nation to receive the Victoria Cross was Alexander Roberts Dunn, born in York, or present day Toronto, who was awarded the VC for actions during the charge of the Light Brigade, at the Battle of Balaklava in October 1854, some 13 years before Confederation. He was only 21 years old at the time, serving with the British army's 11th Hussars.

Many honourable senators will fondly recall that the last surviving recipient of the VC, Ernest Alvia Smith, lay in state in the foyer of Centre Block in August 2005. "Smokey," as he was known to all, had served in Italy during the Second World War. A proud "D-Day Dodger" and a private, on the night of October 21-22, 1944, he single-handedly held off attacks from German tanks to establish and consolidate a bridgehead position that led to the capture of San Giorgio Di Cesena and a further advance to the Ronco River.

I was indeed fortunate to have travelled with this genuine Canadian hero on pilgrimages to both Italy and Normandy.

[Translation]

When the Canadian honours system was created in 1967, the Victoria Cross was the highest Canadian award for military valour. In 1993, Her Majesty the Queen authorized the creation of the Canadian Victoria Cross, which would take its place among Canada's honorary orders, decorations and medals.

Although the Canadian Victoria Cross has existed on paper since that time, it only became tangible quite recently.

On May 16, 2008, Governor General Michaëlle Jean and Prime Minister Stephen Harper unveiled the new Canadian Victoria Cross at an official ceremony at Rideau Hall. This beautiful symbol of honour is the work of artisans from the Royal Canadian Mint and Natural Resources Canada.

Although based on the original Victoria Cross design, the Canadian Victoria Cross includes a few uniquely Canadian features. Fleurs-de-lis have been added to the medal's scroll, along with the traditional rose, thistle and shamrock.

[English]

The motto has also been altered from "for valour" to "pro valore," reflecting our heritage. Like the original VC, the Canadian VC is made, in part, from the bronze of a cannon captured during the Crimean War. The Canadian Victoria Cross also includes bronze from the medal which was struck to commemorate Confederation in 1867, along with elements of copper from every province and territory. The long heritage of self-sacrifice and devotion to duty that stretches back to the first recipients of the Victoria Cross has been firmly incorporated, honourable senators, into the Canadian VC. This is an honour that truly reflects our history and our land.

MR. GORDON SLATER

TRIBUTE ON RETIREMENT AS DOMINION CARILLONNEUR

Hon. Jim Munson: Honourable senators, listen closely as you walk across Parliament Hill. For each quarter hour, half hour and hour, you hear a bell ring. Once a week in July and August you get an hour-long concert. For the rest of the year, there is a noon-hour 15-minute musical interlude. When you were told that you were appointed a senator, did you even think that music at work would be one of the noon-hour perks?

Since 1971, honourable senators, Ottawans, parliamentarians and visitors to this wonderful place have had the privilege of listening to the work of Mr. Gordon Slater, our very own Dominion Carillonneur.

Today I draw the attention of honourable senators to this very special man, this musical talent who has brought so much beauty to our workplace, who is retiring at the end of this month.

About six years ago, when I worked at CTV, I did a news story in the Peace Tower with Mr. Slater. The music sounds effortless on the outside, but on the inside the gentleman with his gloves on is running back and forth in order to create beautiful music. He must be quite an athlete to do what he has done. It was a pleasure to do that Christmastime story with him.

[Senator Milne]

• (1400)

How do you replace someone who is so unique? Who can we find to play 53 bells that span more than four octaves? The largest bell weighs 10 tonnes and the smallest bell weighs a mere 10 pounds.

The carillon we hear every day is only one of 600 in the world. I believe I can say that Gordon Slater, who has been our own carillonneur for more than 30 years, will be a hard act to follow.

Thank you, Gordon Slater, for your music; thank you for filling our workplace with music; we will miss you.

FREE TRADE AGREEMENT WITH COLOMBIA

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise to draw your attention to the background of the importance of Canada's most recent free trade agreement.

Earlier this month, Canada and Colombia concluded negotiations on free trade, labour cooperation and environmental agreements. This is the third free trade agreement signed by our government this year, following similar agreements with Peru and the European Free Trade Association. Two-way trade between Canada and Colombia totalled \$1.1 billion last year.

Once implemented, this comprehensive agreement with Colombia will provide improved market access for agricultural products, industrial goods and services trade between the two countries, as well as a more secure environment for investment.

It will also ensure that Canadian exporters are not put to a disadvantage relative to countries that have or are seeking preferential access to Colombia's market. The parallel labour and environment agreements will ensure that progress on labour rights and environmental protection go hand-in-hand with economic progress.

The conclusion of negotiations with Colombia builds on Prime Minister Harper's commitment to the re-engagement of the Americas, which is a major foreign policy goal of our government. The good news is that we are also pursuing trade agreements with the Caribbean community, the Dominican Republic, Central America Four, South Korea, Singapore and Jordan.

Delivering results with our aggressive international trade agenda is good for our economy and good for jobs. It opens up opportunities for Canadian companies in key markets around the world, including the Americas.

[Translation]

RADIO-CANADA

INEQUALITY OF SALARIES

Hon. Lucie Pépin: Honourable senators, Radio-Canada, a Crown corporation, recently confirmed that it was appointing more women to positions of responsibility. As of July, Louise Lantagne will head the television division. In 2009, Céline

Galipeau will become the anchor for Radio-Canada's TV newscast, *Le Téléjournal*, during the week and Pascale Nadeau will anchor the weekend edition.

These appointments are to be applauded and I commend the management at the national public broadcaster. I hope that these appointments are a prelude to a final resolution to the long-standing pay inequality between women and men employed by Radio-Canada.

Salary inequality at this Crown corporation has been recognized and documented for a long time. This gender inequality was a major issue during the 2002 lockout and is still at the heart of union negotiations.

In 2003, researchers France Duchesne and Jeannine David-McNeil looked into the matter and found that "women in the same position at Radio-Canada, with the same seniority, audience and schedule, are very likely to receive smaller bonuses than men."

Basic salaries are not the problem. They are the same. Nonetheless, that is not the case for bonuses for fame, assignments, excellence and skill. These bonuses are negotiated separately and can represent 10, 20, 30, 40, even 100 per cent of salary in some cases, which, of course, leaves the door wide open to caprice and inequity.

Men fare much better when it comes to these bonuses. Male anchors receive almost 27.5 per cent more in bonuses than female anchors; male hosts earn almost 28.6 per cent more annually than female hosts; and male reporters receive 17 per cent more than their female counterparts.

I would hope, in light of the recent visibility Radio-Canada gave its female staff, that management has decided to establish pay equity and that it realizes that pay equity is a human right related to equality and dignity. Maybe pay equity will finally become a reality at Radio-Canada.

• (1405)

[English]

THE LATE LUC BOURDON

Hon. Francis William Mahovlich: Honourable senators, I rise today to pay respect to Luc Bourdon, a rising hockey star whose life was tragically cut short on May 29, 2008, while riding his motorcycle near his hometown of Shippagan, New Brunswick.

The young 21-year-old had big dreams from an early age to play in the NHL and was not afraid of the hard work needed to achieve his dreams. He was selected tenth overall by the Vancouver Canucks in the 2005 draft. I would like to remind everyone that the draft is taking place this weekend here in the city of Ottawa. He also helped Canada win back-to-back medals at the World Hockey Championship in 2006 and 2007. He was named a tournament all-star the first year and scored the third-period goal that forced the game into overtime in the second year. While he only played 27 games in his prematurely ended career with the Canucks, he still managed to score two goals and rack up 20 minutes in penalties.

He has been described as a shy, dedicated, generous and well-liked young man. He always made a point of helping others and staying true to himself and where he came from. In return, last week, over 2,000 people from all parts of the community gathered in the local arena to pay their respects to someone they all genuinely admired.

In his memory, fans from around the world donated money to a cause that he heartily supported, Canuck Place Children's Hospice. Less than two days after his terrible accident, over 200 donations were made, all involving his jersey number 28 in some way.

Luc will be greatly missed by his family and friends and all those whose lives he touched. His passion and drive, I am sure, will inspire many future players in the game of hockey.

THE HONOURABLE CATHERINE CALLBECK

CONGRATULATIONS ON INDUCTION INTO CANADIAN WOMEN IN POLITICS HALL OF FAME

Hon. Elizabeth Hubley: Honourable senators, last week, our colleague, the Honourable Senator Catherine Callbeck, was inducted into the Canadian Women in Politics Hall of Fame. As the first woman elected premier of a province in Canada, Catherine Callbeck is well deserving of this honour.

Senator Callbeck was first elected in 1974 to the Prince Edward Island legislature and was quickly appointed to cabinet. She held two portfolios: Minister of Health and Social Services and Minister Responsible for Disabled Persons. She did not seek re-election in 1978 but returned to politics as a member of the other place in 1988.

In 1992, she returned to provincial politics. Senator Callbeck became the leader of the Liberal Party in Prince Edward Island and was sworn in as premier in January of 1993. On March 29, 1993, she became the first woman in Canada to be elected premier of a province.

An initiative of Equal Voice, which promotes the involvement of women in politics, the Canadian Women in Politics Hall of Fame was created to help celebrate the achievements of Canadian women in the field of politics and to inspire a new generation of women to become involved politically.

Senator Callbeck joins other distinguished Canadian women in the hall of fame, such as Monique Bégin, social activist and former Minister of National Health and Welfare; Cairine Wilson, the first female senator; Jeanne Sauvé, our first female Governor General; and Nellie McClung, a member of the Famous Five.

I know you will join me in congratulating Senator Callbeck on receiving this honour.

[Senator Mahovich]

ROUTINE PROCEEDINGS

STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

INTERIM REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the thirteenth report, interim, of the Standing Senate Committee on Human Rights entitled: *Canada and the United Nations Human Rights Council: A Time for Serious Re-Evaluation*.

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

• (1410)

[Translation]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

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

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to sit from Thursday, June 19, 2008, to Thursday, June 26, 2008, inclusive, even if the Senate may then be adjourned for a period exceeding one week.

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

Hon. Senators: Agreed.

Motion agreed to.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

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

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Aboriginal Peoples be authorized to sit from Thursday, June 19, 2008, to Thursday, June 26, 2008, inclusive, even if the Senate may then be adjourned for a period exceeding one week.

[English]

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

Hon. Senators: Agreed.

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

Hon. Roméo Antonius Dallaire: Honourable senators, either I am not reading my mail or not attending the meetings, but I wonder this: What is the purpose of these motions?

Senator Comeau: I will explain. The first motion deals with providing permission for the Energy Committee to sit up until next Thursday, should they wish to continue meeting on Bill C-33, the biofuels bill.

This motion is a fairly new one. I will seek leave to look at Bill C-34, the Tsawwassen First Nation Final Agreement bill. We will deal with that bill later on. If the honourable senator later provides the means by which to deal with that bill, we will seek permission for the Aboriginal Committee to sit from tomorrow morning until next Thursday, at which time, hopefully, we will meet to deal with this bill as well. These two motions are to provide permission for those two committees to sit during the next week.

Senator Dallaire: I am aware of the motion for the Energy Committee; we have battled on that one. Bill C-34, however, comes out of the blue. Is this part of the last minute exercise of trying to move bills through the Senate rapidly or, again, am I out of sync?

• (1415)

Senator Comeau: If the honourable senator would support this motion, he can always deny permission later on when we put a motion to deal with Bill C-34. At that time, he can say no and that will nullify this motion; it will be dead in the water. However, by nullifying the motion now, there will be no opportunity to deal with Bill C-34 later on. In the meantime, this motion will provide the honourable senator with the opportunity to speak with Senator Campbell, who, I am positive, will be able to give him a much deeper and more robust briefing than I am able to provide.

Senator Tkachuk: “Robust” is the right word.

Senator Comeau: Bear with us. Honourable senators still have the motion to say no later on, and that will nullify this motion.

The Hon. the Speaker: On debate?

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

Motion agreed to.

[*Translation*]

THE SENATE

MOTION TO EXTEND TODAY'S SITTING AND AUTHORIZE COMMITTEES TO MEET DURING SITTING ADOPTED

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

That, notwithstanding the Order of the Senate of October 18, 2007, the Senate continue its proceedings

today beyond 4 p.m. and follow the normal adjournment procedure according to rule 6(1); and

That committees of the Senate scheduled to meet today be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

Hon. Senators: Agreed.

Motion agreed to.

[*English*]

TELECOMMUNICATIONS ACT

BILL TO AMEND—FIRST READING

Hon. Donald H. Oliver presented Bill S-242, An Act to amend the Telecommunications Act (telecommunications consumer agency).

Bill read first time.

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

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

• (1420)

[*Translation*]

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

MISSION TO REGULAR SESSION OF GENERAL ASSEMBLY OF ORGANIZATION OF AMERICAN STATES, JUNE 1-3, 2008—REPORT ADOPTED

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian Parliamentary Delegation of the Canadian Section of the Inter-Parliamentary Forum of the Americas (FIPA), concerning its participation in the thirty-eighth regular session of the General Assembly of the Organization of American States (OAS), held in Medellín, Colombia, from June 1 to 3, 2008.

THE SENATE

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO HEAR REPORTS ON PROGRESS ON ISSUES FACING ABORIGINAL COMMUNITY

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

That, at 3 o'clock p.m. on Thursday, June 11, 2009, the Senate resolve itself into a committee of the whole in order to hear from Phil Fontaine, National Chief Assembly of First Nations; Patrick Brazeau, National Chief of the Congress of Aboriginal Peoples; Mary Simon, President of the Inuit Tapiriit Kanatami; and Clem Chartier, President of the Metis National Council, for the purpose of reporting

on progress made on commitments endorsed by parliamentarians of both Chambers during the year following the Government's apology to former students of Indian Residential Schools.

[English]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

NATIONAL DEFENCE— RESPONSES TO TENDERS FOR PROCUREMENT

Hon. Terry M. Mercer: Honourable senators, we learned yesterday that the Department of Defence project to purchase commercial trucks quickly for the army is virtually dead. Only one firm submitted a bid on the multi-million-dollar program, and the federal government determined that proposal did not meet requirements. Firms bidding for types of projects like this say the hassle they face dealing with the Canadian Forces is not worth the effort. Others are disqualified or have decided not to bid because of what they say are unreasonable requirements set out by the military and public works.

At the same time, General Motors, Oshawa plant, which currently employs 2,600 Canadians, is one of four GM truck plants that the company plans to close due to the waning demand for their products, putting thousands of Canadians out of work.

Therefore, my question for the Minister of Public Works and Government Services is: As part of a government that says it has streamlined the bidding process and wants to support the military, how can the minister stand by idly when the government cannot solicit firms to bid on projects? How can he justify not looking at the rules and possibly amending them so that companies like General Motors in Oshawa may be able to obtain contracts and save thousands of Canadian jobs?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for the question. As a matter of fact, we have been looking at a number of these procurement rules to streamline the process, not to have fewer people interested in these opportunities but more. That is the objective.

With respect to the trucks to which the honourable senator referred, there have been articles in the paper, and I think it is important that I correct the record. The request for proposals, RFP, for this particular project to which Senator Mercer referred closed April 15, and the bid evaluation is still in progress. Any suggestion that the government has concluded that there are no compliant bids is erroneous.

CONTRACTS WITH CALIAN TECHNOLOGIES LTD.

Hon. Terry M. Mercer: Honourable senators, it seems that the Department of Public Works and Government Services has a good process in place to ensure other firms can bid on contracts.

On May 7 of this year, Calian Technologies Ltd. announced that it was awarded a contract by the Department of Defence for professional services for the design, management and delivery of courses with respect to the training of military aircraft technicians.

• (1425)

The initial three-year contract is valued at \$30 million, but contains three one-year options which, if exercised, could increase the total value of the contract to \$60 million over a six-year period.

I took the time to research the board of directors of Calian Technologies. I thought it would be interesting to see who was involved in this company. Lo and behold, I find that Larry O'Brien, the Mayor of the City of Ottawa, is on the board. I knew that Mr. O'Brien was the founder of Calian and had been involved in the company for a long time.

Upon further research, I found that over the past few years over \$100 million worth of contracts were signed by the federal government with Calian.

I do not expect the Minister of Public Works to have all these documents in front of him. I will ask him some questions in the hope that he will have some of the information that I am seeking in the binder that he brings here each day.

Was Calian the sole bidder on any of the contracts in question? Were there any cases among these contracts in which there was more than one bidder but Calian was the only bidder that qualified? Did any of these competitive processes involve a fairness monitor or any other outside person engaged to observe and report on the government's compliance with its own rules?

I am thinking in particular of the larger contracts, five of them worth over \$5 million and two worth over \$20 million.

If there are reports from fairness monitors, could the honourable senator table them in this place?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for that question. I do not know all the details with respect to these contracts. I will certainly find out and table what I can. The department does not always indicate who is bidding on contracts.

The honourable senator will understand that, for competitive and commercial reasons, some companies, even when they lose, do not want their competitors to know that they bid for a piece of business. I will find out what I can with respect to these contracts.

On the fairness monitor, the department decides when to use a fairness monitor. It is most often used in circumstances where the value of the contract is in excess of \$250 million. If a contract is less than \$250 million, that does not mean there would not be a fairness monitor. If the department expects many bids and a significant amount of traffic around the opportunity, it may hire a fairness monitor.

I do not know the specifics with regard to these situations, but I will find out for Senator Mercer.

[Senator Joyal]

CONTRACTS WITH CALIAN TECHNOLOGIES LTD.—
INVOLVEMENT OF MINISTER
OF THE ENVIRONMENT

Hon. Terry M. Mercer: Honourable senators, I thank the minister for that response. I think that the use of fairness monitors is a great protection for the government and for taxpayers.

Two of these individual contracts with Calian were worth over \$20 million, as I indicated earlier. The obvious question is whether these required approval from Treasury Board's submission process. The answer, of course, I happen to know already, is yes, one must get the permission of the Treasury Board.

During the period when these submissions were being vetted by the Treasury Board Secretariat or on the dates of meetings where they were considered by Treasury Board ministers, was Mr. O'Brien's close political buddy and Ottawa fixer, Minister Baird, a member of the Treasury Board, an alternate member of the Treasury Board or the President of the Treasury Board? Second, did Mr. Baird attend a Treasury Board meeting on any or all of the dates in question?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. I would have to look at the dates. Obviously, the honourable senator is quite incorrect in his characterization of Minister Baird. He is not a close political fixer for His Worship, Mayor Larry O'Brien. The tone of that question underscores what is wrong with what is happening in Ottawa right now.

• (1430)

It was very clear through many reports that Minister Baird is not and has not been a close associate of Mayor O'Brien. Obviously, in the city of Ottawa, people know each other, but it is completely unfair to characterize Minister Baird or Mayor O'Brien in this way.

In answer to the specific question, I am a member of the Treasury Board and I can indicate that Minister Baird is not.

Senator Mercer: That may very well be the case; but he was the President of the Treasury Board at one time, and contracts were granted to Calian Technologies — I am assuming while he was minister, and therefore taking part in Treasury Board meetings.

The real question here — to return to my discussion with the Minister of Public Works — is about the fairness monitor, which is a great term, though sometimes hard to say. It is to assure all Canadians, and particularly, in this case, to assure the residents of the city of Ottawa, that the controversy that has embroiled this city with Mayor O'Brien, Terry Kilrea and Minister Baird has not affected the awarding of contracts to Mr. O'Brien's firm. That is the issue, minister.

The Leader of the Government in the Senate may not like my characterization of Mr. O'Brien's relationship with Mr. Baird. That is fine. However, the question remains. Was Mr. Baird in the room when decisions were made to give contracts to Calian Technologies, which is owned or was owned by Larry O'Brien, who is still a board member of that company?

Senator LeBreton: The premise of the honourable senator's question is entirely wrong. Calian has been a very successful Canadian company that Mayor O'Brien was associated with prior to winning the election as the Mayor of Ottawa. I dare say that the company was very successful winning contracts with the previous government.

I think this is totally unfair, just as it would be unfair for me to point out that Mayor O'Brien was chair of a Liberal fundraising dinner when the previous government was in power. The aspersions that the honourable senator casts are unfair now, and they would have been unfair then. As Mayor O'Brien happened to chair a fundraising dinner for the Liberal Party, did that somehow ensure that he won contracts? That is the kind of talk and actions that are totally unacceptable.

We brought in very strict conflict of interest guidelines. The Lobbying Act will come into effect on July 2. We have brought in many measures so that the public has faith in the bidding processes of various businesses. To suggest a possible conflict of interest because someone knows or is associated with the Mayor of Ottawa or any former mayor is wrong. We all like Senator Campbell; he was the former Mayor of Vancouver. With the honourable senator's way of presenting this, all of us should be afraid to talk to Senator Campbell. That is how ridiculous this is.

Senator Mercer: Let us be perfectly clear. There is no question that Mayor O'Brien was a Liberal at one time. At various times, he wanted to be a Reform Party candidate, an Alliance candidate and a Liberal candidate. Indeed, he did chair that dinner; I know, because the chair of the dinner reported to me. I do know about Mr. O'Brien's involvement. He did a good job for us and I thank him for it.

However, the question is about today. There have been political stories around the election of Mr. O'Brien to the office of mayor in Ottawa and stories that Minister Baird was involved in allegedly enticing one of Mr. O'Brien's competitors to drop out of the race. Therefore, I think it is only right that this government should want to come clean and ensure that there has been no untoward influence by Minister Baird on the awarding of contracts to Mayor O'Brien's company.

• (1435)

Senator LeBreton: With regard to Mayor O'Brien and his company, there is a matter before the courts and we cannot comment on that.

I will address the question of Minister Baird next. I do not know where Senator Mercer has been. Minister Baird's association with Mayor O'Brien has been looked at because of an inquiry of a member of his own party. It has been reported publicly that Minister Baird had no association in connection with these stories. That is exactly what they were; malicious stories.

It is my own personal belief that John Baird did not even vote for Mayor O'Brien. These stories, perpetrated by certain members, are the kind of thing that would discourage anyone from wanting to run for any political office.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

ON-RESERVE CHILD CARE FUNDING

Hon. Sharon Carstairs: My question is to the Leader of the Government in the Senate. Yesterday, in reply to my question about the inadequacy of Aboriginal school funding, she said:

The honourable senator obviously does not accept my comments of going forward. . . . I believe we have made great strides. . . .

Senator LeBreton, I do not believe great strides have been made when Aboriginal patients in long-term care facilities have inferior spaces to non-Aboriginal Canadians, when Aboriginal children have less money spent on their education than non-Aboriginal children, and when special-needs Aboriginal children do not have acceptable programming.

Therefore, let me put another question to the Leader of the Government in the Senate. Can she explain to this house why the amount of money provided to Aboriginal children living on reserves who are taken into care is 20 per cent less than what the provinces pay for children in care?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, as I said yesterday, we are making great progress on both the health and education fronts.

Budget 2008 makes several health-related investments. I have said this recently in this chamber. There is a \$147-million program over two years to strengthen First Nations and Inuit health programs. The budget commits \$43 million over two years for prevention-based models for child and family services on reserve. It invests over \$330 million over two years to improve access to safe drinking water in First Nations, which is a vital health concern.

The action plan we launched in 2006, on the water side, has cut the number of high-risk water systems by over half.

As I said yesterday, there is a great deal of work to be done. Many things have happened in the past that cannot be corrected. We must go forward from here. The Minister of Health has launched pilot projects for patient wait times in First Nations communities, including for prenatal care.

Honourable senators, all these things are designed for, and hopefully will bring, better services and conditions in the health care field to our Aboriginal peoples.

ON-RESERVE HOUSING FOR SENIORS

Hon. Sharon Carstairs: That is interesting in that the grant to the First Nations health branch has been frozen at a time when provincial budgets have been increasing rapidly each and every year. Budgets have not been increasing to the First Nations and Inuit health branch.

Overcrowding in housing on Aboriginal reserves is a common occurrence. When I visited Sagkeeng First Nation two weeks ago, I was informed by the chief that they required 500 new units to

satisfy the needs of the community. Many members of the community were forced to live off-reserve because they could not find adequate accommodation.

• (1440)

The Leader of the Government in the Senate is also the minister responsible for seniors. Could the honourable senator tell me, in specific terms, what studies she is conducting to identify the housing needs of seniors in Aboriginal communities?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Senator Carstairs is always so angry.

Some Hon. Senators: Oh, oh.

Senator Carstairs: Here is my violin.

Senator LeBreton: Really, I am glad we do not have television in this place because it would not do us any good.

An Hon. Senator: Did she hurt your feelings?

Senator LeBreton: No, she did not hurt my feelings. It would take a heck of a lot more than Sharon Carstairs to hurt my feelings.

As the honourable senator knows, the government is working very hard on health, education and housing. I was at a meeting where I reported on the question of seniors housing, especially for Aboriginals, which is always something that is brought to my attention. Despite the honourable senator's rather gentle demand that I tell the house what I am doing, I have no intention of sharing comments that I have made in the secrecy of cabinet.

Senator Mercer: What does that mean?

Senator LeBreton: It means exactly what it says, Senator Mercer.

However, Budget 2006 invested \$1.4 billion in three housing trusts for affordable housing for the provinces, for northern housing and for Aboriginal off-reserve housing. Budget 2007 invested \$300 million in developing housing markets in First Nations communities. Budget 2008 commits another \$110 million for the Canadian Mental Health Commission to develop demonstration projects. I am happy to say that our former colleague Senator Kirby played a large role in this.

Therefore, we are making progress in all these areas concerning Aboriginal communities: housing, health, education, settling land claims, residential schools and seniors. Our government has made more progress in two and a half years than the honourable senator's government made in 13 years.

ON-RESERVE SAFE DRINKING WATER

Hon. Sharon Carstairs: Honourable senators, let the angry senator continue.

It appears that the Honourable Leader of the Government in the Senate and the minister responsible for seniors is not conducting any studies with respect to the needs of seniors in Aboriginal communities. If the honourable senator was, she would say so.

Therefore, perhaps the honourable senator can describe what she is studying as the minister responsible for seniors, about the impact of the 100 boil-water advisories in Aboriginal communities. What impact are those boil-water advisories having on the health of seniors in those communities?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I hate to have to point this out to the honourable senator, but the actions that the government has taken with regard to safe drinking water affects all people who live in Aboriginal communities, including seniors. Therefore, many of the areas in which the government is making progress also affect seniors.

I have been in the seniors portfolio for a year and a half. In that time, we have managed to make great strides, including pension splitting for seniors. The honourable senator was in the audience the other day when I discussed the \$13 million that I managed to obtain in Budget 2008 to address elder abuse. A large component of that is for seniors in Aboriginal communities.

This government has lived up to its commitment to seniors by appointing a minister responsible for the portfolio. We do not have a leader like the honourable senator's leader who, when asked a question about seniors, said, "Please, do we have a better topic?"

• (1445)

ON-RESERVE SEWAGE DISPOSAL FACILITIES

Hon. Sharon Carstairs: The minister clearly does not want to talk about her responsibilities to Aboriginal seniors, but I will ask her another question anyway.

Frail, elderly seniors must have proper nutrition and they must have proper care. There are 5,486 Aboriginal houses in this country that do not have sewage disposal.

Can the honourable leader and minister responsible for seniors explain to this house what is being done for those Aboriginal seniors who live without appropriate sewage disposal?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Obviously, that would be a matter of great concern. The honourable senator must have picked up that information when she travelled the country with her Senate committee. Of course, I would not have at my finger tips the information that Senator Carstairs requests, so I will take the question as notice.

ON-RESERVE SAFE DRINKING WATER

Hon. Jeremiah S. Grafstein: Honourable senators, I have a brief supplementary further to Senator Carstairs' question on water. The issue has been before the Standing Senate Committee on Energy, the Environment and Natural Resources, so ably chaired by Senator Banks. The committee heard evidence several

weeks ago from the Canadian Medical Association that between 178 and 225 Aboriginal communities out of more than 600 do not have clean drinking water. The number of boil-water advisories is the highest per capita of all the boil-water advisories across Canada.

The leader just indicated that the government is making progress. Can the honourable leader tell the house the exact progress being made in terms of improving drinking water? I am aware that money has been allocated, but how much money has been spent in the last year on improving drinking water in Aboriginal communities?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I have answered that question. Three hundred and thirty million dollars have been invested over two years in Budget 2008 to improve access to safe drinking water in First Nations, which is a vital health concern. The reports we have indicate that there is still a great deal of work to do, but we have cut in half the number of high-risk water systems since we began our action plan. That is certainly a major improvement and a major step in the right direction. The program was started under Minister Prentice and has continued under Minister Strahl.

NATIONAL DEFENCE

AFGHANISTAN—ESCAPE FROM SARPOZA PRISON

Hon. Tommy Banks: My question is to the Leader of the Government in the Senate. Sarpoza Prison in Afghanistan is located about 30 kilometres from the main Canadian military base. Access to information reports have shown Canadian military officials in Afghanistan red flagged the Sarpoza Prison's dilapidated condition as far back as January 2006. On January 12, 2006, a briefing note stated:

Due to the lack of maintenance, both the ceiling and walls have deteriorated to a point where there is a possibility that they may collapse.

Last Friday, a single Taliban suicide bomber breached the rear wall of that prison. The majority of the prisoners who escaped through that hole in the rear wall were Taliban militants who had been captured during previous NATO actions. Now, in what is shaping up to be a major assault, the escapees have to be captured again.

Yesterday, in the other place, the Minister of Defence, in answering a question about this, said:

Mr. Speaker, with respect, I do not think the hon. member is somehow suggesting that a suicide bomb attack, where explosives were placed on a fuel truck, could have been prevented in any way by having a thicker wall at the prison.

Well, there was an explosive-laden fuel truck at the front of the prison, which, sadly, killed Afghan police officers, but the prison wall breached was at the rear of the prison. It was accomplished by one single suicide bomber wearing explosives.

• (1450)

Will the Leader of the Government in the Senate agree that the government has made an error of omission by not heeding the earlier warning about the state of the prison walls, in particular, thereby putting at risk the Canadian Forces that must now set out to recapture those Taliban fighters?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. First, I think it is important to note that this is a serious security breach. It reminds us all of how dangerous the situation is in Afghanistan, and the level to which the Taliban will go to create havoc, destruction and death.

The fact is Sarpoza is an Afghan facility and this incident has put not only Canadian Forces in jeopardy, but has put all NATO forces in jeopardy. Obviously, with prisoners now loose, that will cause difficulty for Canada and our NATO allies. Some people believe the situation is not so serious, others believe it is more serious. The fact is that the Government of Afghanistan is in charge of security.

Representatives from Corrections Canada were there, though they were not at Sarpoza when this incident took place. There was a breach, as Senator Banks knows, not only in the back of the prison but also through the front gates.

Obviously, the Afghan government has some serious concerns about the prison system. General Hillier, the Chief of the Defence Staff, acknowledged yesterday his concerns over the lack of intelligence about this breach. The Government of Canada, our military, our NATO partners and the Afghan government have some serious work to do to secure prisons like this and to ensure that they are safe from future Taliban attacks.

The Hon. the Speaker: Honourable senators, is it your pleasure that the Senate do now adjourn during pleasure to await the arrival of Her Excellency, the Governor General?

Hon. Senators: Agreed.

The Senate adjourned during pleasure.

• (1510)

[Translation]

ROYAL ASSENT

Her Excellency the Governor General of Canada having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, Her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Bill S-207, Chapter 20, 2008)

[Senator Banks]

An Act to amend the Canada Marine Act, the Canada Transportation Act, the Pilotage Act and other Acts in consequence (Bill C-23, Chapter 21, 2008)

An Act to establish the Specific Claims Tribunal and to make consequential amendments to other Acts (Bill C-30, Chapter 22, 2008)

An Act to implement the Kelowna Accord (Bill C-292, Chapter 23, 2008)

An Act to amend the Judges Act (Bill C-31, Chapter 26, 2008)

An Act respecting a National Peacekeepers' Day (Bill C-287, Chapter 27, 2008)

An Act to implement certain provisions of the budget tabled in Parliament on February 26, 2008 and to enact provisions to preserve the fiscal plan set out in that budget (Bill C-50, Chapter 28, 2008)

An Act to amend the National Defence Act (court martial) and to make a consequential amendment to another Act (Bill C-60, Chapter 29, 2008)

An Act to amend the Canadian Human Rights Act (Bill C-21, Chapter 30, 2008)

The Honourable Peter Milliken, Speaker of the House of Commons, then addressed her Excellency the Governor General as follows:

May it please Your Excellency.

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

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

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 (Bill C-58, Chapter 24, 2008)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 (Bill C-59, Chapter 25, 2008)

To which bills I humbly request Your Excellency's assent.

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

The House of Commons withdrew.

The Honourable the Governor General was pleased to retire.

The sitting was resumed.

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I seek leave to suspend the sitting of the Senate for a period of approximately 45 minutes, and to have the bells ring for 15 minutes before we resume.

• (1520)

[English]

The Hon. the Speaker: Honourable senators, is it agreed?

Is there explication from the Honourable Senator Comeau?

I believe it is an opportunity to visit with Her Excellency and we will return in 45 minutes.

Senator Comeau: Honourable senators, the Governor General will be in the Speaker's chamber during that period and senators have been invited to attend a small reception. We will return in 45 minutes from now, with a 15-minute bell.

The Hon. the Speaker: Is there unanimous consent of the house that the sitting suspend to resume at 4:15?

Hon. Senators: Agreed.

The sitting of the Senate was suspended.

• (1610)

The sitting was resumed.

STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the tenth report, interim, of the Standing Senate Committee on National Security and Defence, entitled: *Report on Reductions of Services Income Security Insurance Plan Long Term Disability Benefits*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

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

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Bill C-34 is on the Order Paper for second reading at tomorrow's sitting of the Senate. I am seeking the consent of honourable senators to have it called today following Bill S-4.

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

Hon. Senators: Agreed.

[English]

ENERGY EFFICIENCY ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Ethel Cochrane moved second reading of Bill S-4, An Act to amend the Energy Efficiency Act.

She said: Honourable senators, I am pleased to have this opportunity to comment on Bill S-4, which makes much needed amendments to our Energy Efficiency Act. This bill allows the government to implement new, more stringent energy efficiency standards that will cover over 80 per cent of the energy used in homes and businesses. It is an important element of our government's balanced approach to tackling climate change, one that is good for the environment and certainly good for the economy.

The Energy Efficiency Act provides the basis for performance standards related to energy-consuming products in everyday use in the country. These include, for example, household appliances and various types of equipment used in business and industrial environments.

There have been many changes in technology and energy consumption standards in the 16 years since the original bill was introduced. Bill S-4 simply delivers on a commitment by the government to bring the Energy Efficiency Act up to date. The proposed amendments to the act accomplish a number of objectives. For example, they provide the Minister of Natural Resources with additional authority to regulate energy use with respect to certain consumer products. The legislation also helps Canadian consumers to identify energy-efficient products. This is highly important because, as honourable senators know, by reducing energy consumption, we reduce our greenhouse gases.

All of these amendments are designed to strengthen our ability to combat climate change. As Minister Lunn has often said, the largest untapped source of energy in this country is the energy we waste every day. It is larger than the oil sands production. It is larger than any other energy source that we have.

Our experience shows that setting minimum energy performance standards for energy-consuming products is a very effective way of reducing energy use.

Household appliances are a good example. The first Energy Efficiency Act was introduced in 1992, and major household appliances were a prime focus of the legislation. Historical data shows that in the years between 1990 and 2005, the use of major appliances in Canada went up by 38 per cent. During that same period, however, the total energy consumed by these appliances went down by 17 per cent. Setting energy efficiency standards for products like these under the Energy Efficiency Act and developing labelling programs like EnerGuide and Energy Star greatly contribute to achieving our nation's climate change goals.

• (1620)

This is good news because the simple reality is that we must become more energy efficient in this country. Look at the amount of energy we consume. We are among one of the highest users in the world. Of course, there are understandable reasons for this. Chief among them are our northern climate and the vast distances we must travel.

Honourable senators, I see great potential in reducing our energy consumption without compromising our way of life or our economic competitiveness. Bill S-4 will help us reach that goal by focusing on many products we use everyday. Reducing demand for energy consumption in many everyday products is a win-win proposition. It helps reduce greenhouse gas emissions on the one hand, and it saves money on the other.

If we can reduce unnecessary energy consumption in our daily lives, we will free up valuable energy supplies for other uses. At the same time, lower energy input costs mean Canadian consumers and businesses will also save money. This is why Bill S-4 is so important and why it deserves support from both the Senate and the House of Commons.

The bill gives the government the authority it needs to meet these win-win objectives with standards, regulations and labelling requirements that are in tune with today's marketplace and technological realities. A lot has changed since the original act was introduced in 1992: Our knowledge base has expanded, new technologies have been developed and there have been big changes in the marketplace.

The basic principles of the act remain the same. When the act was first introduced, it was designed to do three key things. First, it was to create a national system to regulate energy efficiency standards and labelling; second, it was to complement provincial regimes; and, third, it was to harmonize Canada's standards with others in the international community.

These same principles still apply today, honourable senators, and they remain at the heart of what we want to achieve with these amendments.

When the act was introduced 16 years ago, it broke new ground and set for Canada some of the highest standards for energy efficiency in the world. The amendments set out in Bill S-4 will ensure that our regulatory regime will continue to meet that high standard.

The first regulations introduced under the act in 1995 include standards for common household appliances as well as home heating devices and some commercial and industrial equipment. Over the years, the regulations have been amended nine times to reflect changing circumstances, to add more products to the standards list and to increase the stringency of existing standards.

However, there remains much more to do. Some of the needed changes could be implemented under the government's existing authority without even coming to Parliament for approval, but others require a new authority.

As it stands now, mandatory minimum energy performance standards are in place for over 30 products in Canada. Standards like these are proving to be powerful tools. They achieve results and are proving to be an increasingly popular policy instrument in the fight against climate change around the world. Canada has traditionally been at the leading edge in the use of this approach, and we want to stay there.

In October of 2006, we announced a four-year plan to add another 20 products to the portfolio of products for which we have minimum energy performance standards. These 20 new products range widely from commercial refrigeration to traffic signals and from commercial clothes washers to telephone chargers. Existing standards for 10 products will be made more stringent.

Among our proposals are new regulations for consumer electronics products that operate on a so-called "standby mode." As honourable senators know, many electronic products we use all the time may not be turned off when not in use. However, even when not in use, these products can continue to draw power. This is called standby power. To name a few, these products include the timer on the microwave, the telephone charger and the flashing clock on the VCR.

There are significant potential savings to be gained by reducing the energy consumed by products that use standby power. The bill we are introducing will allow us to deal with these products in an effective way. With the implementation of all the changes we are planning, our country will continue to be a world leader in the number of products regulated for energy efficiency.

The amendments of Bill S-4 are specific and meaningful. Honourable senators, they do not change the principles of the act, but they will make it more effective and allow our regulations to be more responsive to technological developments and rapidly changing market trends. In my opinion, this bill responds to the technological and energy realities we see today.

Honourable senators, in conclusion, by supporting this bill we have a timely opportunity to express our support for improved energy efficiency and better consumer choices, for lower greenhouse gas emissions, and for a more efficient regulatory process. By voting for this bill we will ensure our country is greener and more competitive and will remain a world leader in setting energy efficiency standards.

On motion of Senator Tardif, debate adjourned.

TSAWWASSEN FIRST NATION FINAL AGREEMENT BILL

SECOND READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) moved second reading of Bill C-34, An Act to give effect to the Tsawwassen First Nation Final Agreement and to make consequential amendments to other Acts.

He said: Honourable senators, with second reading of this ground breaking legislation we are within reach of our goal of creating a better future for First Nations in the province of British Columbia. By moving forward in this way we are confirming clear, agreed-upon treaty rights and responsibilities that reconcile federal-provincial interests of the Tsawwassen First Nation.

This modern-day treaty is a major milestone, not only for British Columbia but also for our country. This agreement is the first final agreement reached under the British Columbia treaty process to be presented to this chamber for ratification. It is also the first treaty set in a metropolitan area to be negotiated in Canada. Set in Greater Vancouver, it will bring increased certainty and economic benefits to the entire Lower Mainland region, and to Canada as a whole.

This landmark legislation also brings real-world reconciliation, establishing a partnership with Aboriginal people based on mutual recognition, respect and trust. It is the model of what can be accomplished through a shared commitment to negotiate in good faith and address the issues that have challenged the parties for some time.

Of all the people who have demonstrated their commitment to partnership, none is more impressive than Chief Kim Baird. Chief Baird is an extraordinary young leader whose leadership and passion for her people earned her the respect of everyone involved in the negotiation.

I also want to thank and pay tribute to Premier Gordon Campbell of the Government of British Columbia. Particularly, we must recognize the Minister of Aboriginal Relations and Reconciliation, Mike de Jong, and Steven Point, the former Chief Commissioner of the British Columbia Treaty Commission and now Lieutenant Governor of British Columbia. As well, we recognize the dedication and long years of hard work of all the negotiators for all three parties, which enabled us to reach this agreement.

Honourable senators, when you look at the features of this legislation, it is easy to understand why Bill C-34 has earned widespread support.

• (1630)

First and foremost, it defines and clarifies the rights of the Tsawwassen First Nation regarding the ownership and management of its land and resources. This is what treaty making is all about.

Under the agreement, the First Nation will receive approximately 724 hectares of treaty settlement land. This land includes approximately 290 hectares of former reserve land and 372 hectares of former provincial Crown land. Tsawwassen First Nation will own an additional 62 hectares of land comprised of the Boundary Bay and Fraser River parcels.

It needs to be noted that the land will be held by Tsawwassen in fee simple and remain under the jurisdiction of the Corporation of Delta. The Highway 17 corridor and Deltaport Way are not part of the Tsawwassen lands.

The certainty surrounding Tsawwassen territories is essential to Aboriginal and non-Aboriginal people alike in the region. With this agreement, there will be increased incentive for investors to explore opportunities for economic growth and partnership with the Tsawwassen First Nation. Thanks to Bill C-34, the parties can move forward together in confidence that these issues are finally resolved.

Honourable senators, the treaty includes a cash settlement to provide a financial base with which the First Nations can build a strong economy. The agreement will provide a capital transfer of \$13.9 million over 10 years, less outstanding negotiation loans, to be shared by provincial and federal governments; \$15.8 million in one-time funding to support start-up and transition costs; and \$2 million set aside to compensate for the surrender of First Nation's rights to mines and minerals under previously surrendered reserve lands. The legislation will also include \$2.8 million per year to finance programs and services the First Nation will assume as a result of their self-government component.

Under the terms of this treaty, Tsawwassen will assume responsibilities for the funding of programs and services from its own sources of revenue. The Tsawwassen government will have the ability to levy direct taxes on its members within settlement lands.

As its economy grows, the First Nation will be able to assume a greater percentage of the costs of operating their own government. Honourable senators, economic development and social progress depend on First Nations taking the lead in shaping their future — identifying and implementing solutions to their challenges and seizing opportunities that benefit their members. The key to unleashing this potential is ensuring they have the modern governance tools they require, which the self-government agreement in this treaty provides.

Bill C-34 requires the First Nation to have a constitution that provides for a government that is democratically and financially accountable to its citizens. Members will now have a direct say in decisions affecting their community, whether they run for office or vote for their elected representatives.

The agreement gives the First Nation the authority to establish public institutions, make contracts, deal with property matters and raise money to invest, borrow or spend to meet members' needs. The Tsawwassen government will become responsible for land-use planning and development as well as the delivery of health, education and public works.

I point out, honourable senators, that Bill C-34 ensures that residents of Tsawwassen lands who are not members will be able to participate in the decision-making process in matters that significantly affect them.

Non-members will be able to vote and stand for election as a member or select a representative to sit on a Tsawwassen institution such as a school board or a health board. Non-members will also have the same rights of appeal as community members.

One of the greatest advantages of this agreement is that it enables the First Nation to enter the economic and political mainstream of Canada. The Tsawwassen government will be recognized as a local government, compatible with other local governments in Canada.

To sustain their heritage, Tsawwassen members will have the right to harvest wildlife and migratory birds for food, social and ceremonial purposes within the respective wildlife or migratory bird harvesting areas, but will be subject to conservation, public health and public safety considerations. Bill C-34 also provides treaty allocations of several species of salmon for food, social and ceremonial purposes. The catch limits will be determined by the Minister of Fisheries and Oceans every year.

A separate harvest agreement provides for fishing licences to be issued for specified commercial catch for several salmon species in the Fraser River, as well as up to five commercial crab licences. Licences will only be issued as retired licences become available, so there will be no additional pressure on local fish stocks.

The long-term promise of Bill C-34 is that Tsawwassen children and youth will grow up knowing opportunity and self-sufficiency. They will not need to leave the community in search of work when they are older, as work will be available where they live on the Tsawwassen land. They will experience the pride, self-confidence and all the other benefits that come with good jobs, productive people and healthy communities.

As Chief Baird recently told the standing committee members in the other place:

We are confident that in 15 years or so we will no longer need transfers from Indian Affairs because we will be economically self-sufficient. And this economic independence will allow us to pursue our sustainability goals with respect to our culture, the environment and our social fabric. It will allow us to provide culturally appropriate services to our membership, tackle poor housing and more. It will allow us to rebuild our culture, contribute to our wellness and contribute to the educational aspirations of our youth.

Honourable senators, this legislation will enable the Tsawwassen First Nation to move forward with the hope of a better future for their people. As such, Bill C-34 deserves our wholehearted support.

Hon. Larry W. Campbell: Honourable senators, I rise today in support of Bill C-34, An Act to give effect to the Tsawwassen First Nation Final Agreement and to make consequential amendments to other Acts.

Before I speak on that, I commend the leadership on both sides of this house for allowing this bill to come forward and to proceed to Royal Assent. I spoke to Chief Baird yesterday. She is incredibly pleased with what is happening here.

Being Canada's first urban land claim treaty, it is a tremendously important and historical step in the right direction. It is my hope and the hope of the Government of British Columbia that this treaty will act as a model for all the urban First Nations, not only in the Lower Mainland but across Canada, on how to achieve a just treaty.

When the treaty comes into effect, the Tsawwassen First Nation will own their own land. They will have their own independent government, the right to self-determination and resources and funding to begin building a better future for their people.

The final agreement provides a structure that maintains federal and provincial laws while entrenching the rights of Aboriginals to be the chief determinants of their future.

In addition, this agreement insists on government that is accountable through the creation of a Constitution. This Constitution will require the principles of democratic governance and financial accountability to be central to the Tsawwassen First Nation. These provisions guarantee that the community is served in a responsible and democratic manner.

I am personally honoured to have the opportunity to speak to this bill and strongly believe that through the implementation of this legislation we will have a blueprint for other urban First Nations across Canada.

It is difficult for urban First Nations to come to agreements. Much of their former land is occupied and is now part of our houses, infrastructure and communities. Therefore, it is no easy feat to find a way to come to grips with all the different and conflicting ideas and concerns.

Honourable senators, there was non-partisan support for Bill C-34 in the other place.

In the words of the Conservatives:

It is a bill to be celebrated.

In the words of the Bloc Québécois:

The agreement is a fine example of self-government.

In the words of the NDP:

It will provide economic certainty, it will promote autonomy and provide compensation.

On behalf of the Liberals, I agree on all fronts and look forward to seeing this bill pass. Again, my heartfelt thanks to both sides for the leadership they have shown in this matter.

• (1640)

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Aboriginal Peoples.

EMPLOYMENT INSURANCE ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Sharon Carstairs moved second reading of Bill S-239, An Act to amend the Employment Insurance Act (foreign postings). —(*Honourable Senator Carstairs, P.C.*)

She said: Honourable senators, several months ago, I presented an inquiry to the Senate with regard to the high attrition rate of foreign service officers and the relationship between this and the Government of Canada's treatment of the spouses of our foreign service officers. I told many of their personal stories, indicating their problems in finding employment abroad and upon their return. I spoke of the inequities in their inability to collect Employment Insurance, to maximize their contributions to the Canada Pension Plan, and their battles with Revenue Canada. I encouraged either the Standing Senate Committee on Human Rights or the Standing Senate Committee on Foreign Affairs and International Trade to consider this issue. Regrettably, honourable senators, this has not occurred, so this bill is a first attempt to address one of those inequities.

In order to collect Employment Insurance, the rules state that one must have been employed in Canada for so many weeks in the previous 52, with a maximum extension of 104 weeks or 2 years. When the spouse or common-law partner of a Canadian public servant and/or a member of the Armed Forces leaves Canada in order to accompany their spouse or common-law partner who has a posting abroad, they are frequently gone for between three and five years. They paid into the EI fund while they worked in Canada but, because of the delay in their return, which is no fault of their own, they are ineligible to collect when they return to Canada.

This bill will extend the exception for foreign service officers and other federal government employees and members of the Armed Forces from two years to five years, or 260 weeks. This will mean that when a spouse or common-law partner of someone who has provided distinguished service to their country returns to Canada, the spouse or common-law partner will be eligible to collect Employment Insurance until they find employment, abiding by all of the other normal rules.

This is a simple concept, honourable senators, but one that I believe will restore some equity to the spouses and partners of those who serve us with distinction.

On motion of Senator Stratton, debate adjourned.

[*Translation*]

INVESTMENT CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Leave having been given to proceed to Other Business, Senate Public Bills, Item No. 1, for Thursday, June 19, 2008:

Hon. Céline Hervieux-Payette (Leader of the Opposition) moved the second reading of Bill S-241, An Act to amend the Investment Canada Act (foreign investments).

She said: Honourable senators, it gives me great pleasure to rise at second reading stage of Bill S-241, which seeks to amend the Investment Canada Act.

This bill contains 10 provisions that would establish a mechanism whereby the government could review foreign investments in Canada in order to protect the national interest.

The backdrop for our debate today is the whole concept of what constitutes a nation. According to Renan, a nation is a soul, a spiritual principle, a moral conscience based on a shared past, a desire to live together and common aspirations. In the foreground of this debate is the question of what means we should employ to protect the interest of Canada as a nation in terms of foreign investments.

The means I propose, honourable senators, is Bill S-241. The mechanism the bill creates would give the government the power to review any investment made by foreigners for the purpose of establishing a new Canadian company, if the government is of the opinion that the national interest is at stake. This measure would also apply where a foreign takeover of a Canadian business could be contrary to the national interest and where the total value of the investment is equal to or exceeds \$295 million. This amount may be revised, but only upward, according to international organizations.

[*English*]

Honourable senators who are familiar with the foreign investment file may remember that a similar measure, Bill C-59, was tabled by the Liberal government in June of 2005. Unfortunately, that legislation died on the Order Paper when the last election was called. As well, the Honourable Roy Cullen, member of Parliament, has done much valuable work on this issue, developing a well-reasoned and compelling case in support of this timely reform.

• (1650)

In November 2006, he introduced Bill C-386, a private member's bill similar to Bill S-241. While Bill S-241 includes many of the same provisions as Bill C-59, the nature and scope of the foreign investment review is different. Although Bill C-59 would have introduced a mechanism to determine whether an investment would be injurious to national security, Bill S-241 speaks to investments that are contrary to the national interest. Moreover, as I mentioned earlier, Bill S-241 requires that all foreign investment over \$295 million be reviewed automatically and referred to cabinet for approval.

[*Translation*]

Although the concept of national interest may seem outdated in the era of globalization, a number of factors lead us to believe that serious thought must be given to this matter and that Canada must take steps to protect its interests. These factors include the recent wave of international mergers and acquisitions and the growing role of emerging countries in the global economy.

Many countries are now wondering whether they should adopt provisions to review foreign investment as a means of protecting national interest or national security. Some countries, including

the United States, Germany, Australia, France, India and Japan, have already implemented measures to review foreign takeovers in strategic sectors or sectors perceived as being essential to national security.

We should note that the German government is currently considering amendments to its legislation governing the approval of direct foreign investment. The proposed amendments would give the government broader powers to control investments in all sectors of the economy and to eliminate time limitations on the review.

Canada is among the countries that recently expressed their intention to review the criteria for examining foreign investment projects in sectors of national interest. Not only did the previous Liberal government introduce a bill in that regard in 2005, but the current Conservative government also indicated its intention to do so some time ago.

However, this government has not yet taken any action in the matter, outside of creating a competition policy review panel, which is to report by June 30. While we wait for more definitive action, uncertainty is growing, spreading, and undermining the confidence of foreign investors.

As honourable senators know, most countries wish to attract foreign investment from all over the globe because it is a powerful tool for creating employment and prosperity. While fostering a more competitive business climate, it helps increase productivity through purchases of machinery and equipment. These investments are of prime importance to our economy and governments must avoid making decisions that will fuel uncertainty.

Nevertheless, while encouraging foreign investment, we have to have the tools to ensure that such investment does not harm the national interest. We have to establish rules for foreign investment in our country's strategic sectors. Companies controlled by foreign capital might act against our national interest. Furthermore, it is always possible that earnings from those companies might be redirected abroad or that foreign ownership could compromise national security if the products or industries at issue are of strategic significance. These concerns are greater in the energy sector, the renewable and non-renewable natural resources sectors, and in the regions across Canada.

Honourable senators who want to know more about this phenomenon in those sectors can read the excellent article that ran in *L'Express* on February 21, 2008, entitled, "Canada, frénésie en sous-sol." It covers the natural resources rush in Western Canada and highlights the concerns expressed by our politicians and environmentalists.

For the reasons we have just explained, few countries are inclined to provide foreign investors with unlimited access to national assets. A number of countries limit investment in sectors deemed strategically or culturally important, while others have foreign investment review mechanisms to ensure that such investments serve the national interest.

For example, in 2001, Australia rejected Shell's hostile takeover bid for the Australian energy corporation Woodside Petroleum Ltd. The reason: Shell would operate the company in the framework of its international portfolio and not in the interest of the company itself. The rejected investment was worth Aus \$10 billion.

It would seem that this decision had little or no effect on foreign investment in Australia, since investment went from US\$9 billion in 2001, to US\$58 billion in 2004.

It is perfectly possible to protect Canada's national interest while at the same time stimulating foreign investment.

Here is another, more recent example. On April 21, 2008, the American Department of the Treasury declared that even capital acquisitions of less than 10 per cent of American companies could be subject to review by the Committee on Foreign Investment. The purpose of this decision was to avoid acquisitions of foreign sovereign wealth funds that deliberately remained under the 10-per-cent limit, which was becoming increasingly common.

We should note that Canada already limits foreign investments in the areas of banking, transportation, telecommunications and culture.

However, unlike the other G8 countries, Canada currently does not have a similar review mechanism to protect our national interest. The only current criterion for approval is the net benefit test, provided for in section 20 of the Investment Canada Act. To determine whether an investment is likely to be of net benefit to Canada, the minister must look at six factors set out in this section. These are all economic factors, and they ignore any consideration of sovereignty or national interest.

Furthermore, it is important to note that the only takeover blocked since the Investment Canada Act was passed 23 years ago was one that recently made headlines: the sale of MacDonald Dettwiler to the American company Alliant Techsystems, a sale that involved the Canadarm and the aerospace technologies related to the Radarsat program. Of some 13,000 foreign takeovers that have taken place since 1985, this was the first that Investment Canada has blocked.

However, the minister's reasons for blocking the takeover are unclear. He first claimed that his decision was based on the net benefit factors set out in section 20 of the Investment Canada Act. He then changed his story on April 10 and admitted that Canadian sovereignty in the Arctic played an important role in his decision to block the takeover.

[English]

I underline the fact that nowhere does the Investment Canada Act mention national sovereignty as a condition for blocking foreign investment. It seems that the minister has confirmed inadvertently that the act needed to be amended and that national interest criteria are needed to review foreign investment. I hope honourable senators will examine this bill carefully and implement the needed changes in due course.

[Translation]

By granting the federal cabinet the authority to review all major foreign acquisitions, in accordance with the national interest test, we could make sure that all Canadian companies of a strategic nature would remain Canadian property, thereby contributing to achieving our national objectives.

Since 1985, 12,801 Canadian businesses have been bought out by foreign companies. A few that come to mind are Dofasco, Inco, Alcan, Falconbridge, Deer Creek Energy, Western Oil Sands, PrimeWest Energy and Norcan Energy Resources. I would also point out that only 1,587 of these some 12,000 acquisitions were reviewed, and the only consequence was that a few conditions were imposed on some purchasers before their plans were approved.

Canadians are concerned about this wave of unchecked acquisitions, as evidenced by a number of surveys. In May 2007, a survey by Strategic Counsel confirmed that nearly 70 per cent of Canadians were worried about foreign control of Canadian corporations and more than half wanted the government to impose tighter restrictions. Our business leaders are also worried about this wave of acquisitions. According to a recent survey conducted by the Canadian Council of Chief Executives, four out of five top business executives believe that Ottawa should impose new restrictions on takeovers by sovereign wealth funds. Moreover, seven out of ten of them said that foreign acquisitions should be assessed in terms of national security.

• (1700)

The recent spate of acquisitions that has carried off leading Canadian companies should do more than just make us think. It should sound the alarm, or at least the alarm clock. But for one exception, the current mechanism has given free rein to all foreign takeover attempts since 1985. This country's governments, both Liberal and Conservative, have turned a blind eye, preferring to wait while, one after another, our companies are sold off to foreign interests.

Honourable senators, the time has come to amend and update the Investment Canada Act. The act needs a more realistic, better-thought-out mechanism to govern foreign investment in Canada. The new review mechanism should do two things. First, it should enable Canada to maintain its reputation as a good place to invest, a place where the rules of the game are fair and the process is transparent. Second, it should enable us to confront the obstacles, surprises and ups and downs we have to expect from a rapidly evolving global market.

In short, any transaction that could have a significant impact on the safety and well-being of Canadians should be subject to a thorough review. To promote accountability and transparency, decisions concerning the national interest should be made by politicians, not by bureaucrats.

The Governor-in-Council should develop national interest criteria via regulations, orders-in-council and agreements focusing on strategically important national assets that ensure our sovereignty, security and prosperity. These criteria should

reflect the rich legacy of memory that we share as a nation. They should be inspired by our desire to live together and promote our national heritage; the history, values and dreams that have shaped our country.

Honourable senators, Bill S-241 opens an important and fundamental debate on our sovereignty, our economy and the values that we share. I hope that this debate will convince all senators of the importance of taking action and supporting the measure I have introduced today.

I will close with a few lines from Kipling's poem *Our Lady of the Snows*, which I believe summarizes the issue before us very well:

[English]

A Nation spoke to a Nation,
A Queen sent word to a Throne:
"Daughter am I in my mother's house,
But mistress in my own."

On motion of Senator Comeau, debate adjourned.

INCOME TAX ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

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

Hon. James S. Cowan: Honourable senators, I prepared my remarks on Bill C-253 some weeks ago. With the passage yesterday of the Budget Implementation Bill, the specific legislative initiative proposed in the bill is no longer on the table. Nonetheless, I do want to place my views on the record and contribute further to the ongoing debate on the financing of post-secondary education in Canada.

Senator Moore, in his speech on March 12, 2008, explained the main provisions of the bill. For those honourable senators who were not present during his speech I commend it to you for your careful consideration.

Bill C-253 proposed to amend the Income Tax Act to allow contributions to a Registered Education Savings Plan, an RESP, to be tax deductible. The bill set out a regulatory regime similar to that in place with respect to RRSPs, and contained penalties and guidelines to prevent the RESP from being used as a tax shelter rather than for its stated purpose of funding post-secondary education.

Honourable senators, a highly skilled and educated workforce is of critical importance to the future economic growth and prosperity of our country. Surely there can be no higher priority than the education of our young people. Why should Canada not aspire to be a nation that ensures post-secondary education is available and affordable to all qualified students without regard to their personal financial circumstances?

In my view, it is perfectly legitimate to use federal taxation policy to promote and support such a vital national objective. Unfortunately, as we all know, higher education is beyond the means of many young Canadians. Enhancing the RESP regime in and of itself will not eliminate this problem, but it is a step in the right direction and will improve the situation for many Canadians.

Passage of this bill would have assisted families in supporting family members seeking to gain post-secondary education. It would have assisted students in obtaining the funds necessary to meet the rapidly escalating costs of that education and enable more Canadians to attain higher levels of education.

Making contributions tax deductible offers families a much-needed incentive to create an RESP. In addition to providing a means to help address education costs, it would have had a positive impact on post-graduation debt. It is estimated that the total federal student debt is currently close to \$13 billion.

Many of those graduates are new parents, who struggle to pay off their own student loans while trying to save for their children's education. This bill would have provided a much-needed boost to those parents.

Honourable senators, the provisions of this bill were not just for the rich. They would have benefited all taxpayers who wished to assist in deferring the cost of education by contributing to an RESP. While \$5,000 is the maximum annual contribution, contributions of smaller amounts can be made.

At present, I understand that some 27 per cent of Canadian families have an RESP. Passage of this bill would have enabled and encouraged more families to begin saving in this way. By supporting this bill, we could have enhanced the ability of students and their families to play their vital role in achieving the goals of accessibility and sustainability of our post-secondary education system.

In closing, I remind honourable senators that this bill received the support of a majority of members elected to serve in the other place. The government made it clear from the outset that it did not support this bill and vowed to kill it in any way possible.

Senator Mercer: Shame!

Senator Cowan: For a fleeting moment, the government even appealed to the majority in this place for help, before reverting to the alternative of inserting a poison pill into the ways and means motion and then into the Budget Implementation Bill, Bill C-50.

This government has time and again adopted a disturbing double standard when it comes to bills passed by the House of Commons and sent to the Senate. On the one hand, when the bill is supported by the Harper regime as, for example, the twin Bill C-2s, the accountability bill and the crime bill, the bill arrives in this place accompanied by all manner of threat of retaliation if the bills are not adopted quickly and without amendment.

However, in the case where a bill does not accord with their ideologically-driven agenda as, for example, Bill C-292, the

Kelowna bill; Bill C-293, the international development assistance bill; Bill C-288, the Kyoto bill, and now this bill, the government stalls, delays, obstructs and frustrates the clearly expressed views of the elected members.

Honourable senators, which is it? Surely the government cannot have it both ways. As I have argued in these remarks, the financing of higher education in this country is multi-dimensional and multi-faceted. Each of the stakeholders has a major role to play, not the least of which is the Parliament of Canada.

• (1710)

It is incumbent upon this government to play its full part. It is not enough to simply reject the initiatives that emanate from the opposition. It is not enough to simply say what you are against. Government has a responsibility to step up to the plate and say what it is for.

Mr. McTeague has laid down a marker. If this proposal is not acceptable to the government, I challenge the government to produce something better. If not this initiative, then what?

On motion of Senator Comeau, debate adjourned.

FEDERAL SUSTAINABLE DEVELOPMENT BILL

SECOND READING

Hon. Grant Mitchell moved second reading of Bill C-474, An Act to require the development and implementation of a Federal Sustainable Development Strategy and the development of goals and targets with respect to sustainable development in Canada, and to make consequential amendments to another Act. —(*Honourable Senator Tardif*)

He said: Honourable senators, I get to speak for the second time in, I think, six days on environmental bills. I find myself in a strange quandary that seems to be becoming a trend. Last week, I found myself actually in agreement with a government bill.

Senator Mercer: How did that happen?

Senator Mitchell: I have this terrible, deep, nagging fear that will come back to haunt me. Then I get Bill C-474 and, as they say, I am girding for battle and ready to fight. I am thinking that there is no way this Conservative government would ever support a bill sponsored by Liberal member of Parliament John Godfrey, from the other place, no less. One might expect such a thing at some point in this house — but there it is — I find myself having now to speak to a Liberal bill that the government actually supports. This is a new experience for me.

Senator Mercer: Hallelujah, we have seen the Promised Land!

Senator Mitchell: I was ready to go at it, as they say. Then I thought, "I do not want to offend the Conservatives and maybe upset this delicate balance." On the other hand, I do not want to disappoint my colleagues on the Liberal side, so I will moderate my comments.

Some Hon. Senators: Oh, oh.

Senator Mitchell: If I go over the line, I ask my Conservative colleagues for forgiveness in advance. I am changing; some might say I am evolving, but I am not yet convinced. I am sure I will be able to find myself at some point.

Senator Nolin: The institution is growing on you.

Senator Mitchell: Yes, and it has only been three years.

I do want to sincerely thank the government for its support of this bill. I understand the legislation was supported wholeheartedly in the House of Commons and I understand that support is sustained in the Senate. I do think this is a clear example of the kind of cooperation and non-partisan work that can be done on an issue that is as important as environmental reform and initiative. This bill is a powerful step in creating the kind of environmental policy that this government and the Canadian people need for now and the future to provide leadership in Canada and around the world on this incredibly important issue.

There is a history to this bill that I will outline to provide a context for honourable senators. In 1995, the then Liberal government responded to obvious demands for ever stronger environmental policy by establishing a process by which federal government departments were expected and required to develop sustainable development strategies. They were to report every three years on their strategies and their progress. That was done. It was done three times under the Liberal government and it became very clear that this was being treated, to some extent, as little more than a bureaucratic nuisance. Very little came out of this process.

The fourth report occurred under the then new Conservative government.

Senator Mercer: It is much older now.

Senator Mitchell: Not surprisingly, the result was the same. To her credit, then Minister Ambrose outlined her concern that these reports were vague, did not accomplish much and needed improvement. Therefore, I believe she initiated a process under which the Department of the Environment would initiate, and did initiate, a study and review of the sustainable development strategy process.

Senator Mercer: Was she rewarded for that?

Senator Mitchell: I do not know whether she was rewarded for that.

To some extent, that was a step in the right direction. However, the argument can be made that the Department of the Environment had the responsibility for this process in the first place and had supervised four consecutive reporting stages by other departments that were simply inadequate and never got any better.

It was in that context that John Godfrey developed this bill — the sustainable development strategy act — that will require a number of things. First, the government will be required to develop an overall sustainable development strategy for the government as a whole. We have waited too long for that. Part of that process will be that each department will be required

specifically to develop a sustainable development strategy for their department that will be consistent with that overall strategy.

There will be some accountability processes. The Commissioner of the Environment, who has been reviewing these documents and reports, will be similarly charged to sustain that responsibility. As well, a support mechanism to the cabinet committee of the environment has been contemplated by this bill so that there is the backup, support and kind of research required to handle this properly. That underlines the need to have strategy developed and coordinated at the most senior levels, such as cabinet, because it must be driven at that level. This initiative is too important to be left anywhere else.

This act also calls for a monitoring process that includes public reporting, so the public can play a role in holding government accountable for the sustainable development strategy and for progress that is or is not being made in the effort to achieve the goals of that strategy.

This bill is based upon a number of principles. Three key principles recognized the work of an organization called The Natural Step, which is a very credible environmental organization formed in Sweden. It is not unreasonable that we should look around the world for insight and inspiration for a bill of this nature. The environment, of course, is global. This bill is consistent with the values I believe that Canadians hold for their environment.

The Government of Canada accepts the basic principle that, in a sustainable society, nature must not be subject to the systematic increase of, first, concentrations of substances extracted from the earth's crust; second, concentrations of substances produced by society; and, third, its degradation by physical means.

• (1720)

The act also establishes goals for Canada with respect to sustainable development; they are critical goals and elements in building a strategy for the medium, long and short term. Canada should become a leader in a number of areas, such as living in a sustainable manner and protecting the environment and modifying production and consumption patterns to mimic nature's closed-loop cycles, thus dramatically reducing waste and pollution.

Among these goals, it continues to say that Canada should move to the forefront of the global clean energy revolution. Additionally, Canada should become globally renowned for its leadership in conserving, protecting and restoring the natural beauty of the nation and the health and diversity of its ecosystems, parks and wilderness areas. These are laudable and inspirational goals and they are the kind of principle end goals that can inspire not only governments and their departments but also the people of Canada to achieve what needs to be achieved in this critical and important area of public policy.

In a nutshell, that is what the act does. It is very laudable. I congratulate John Godfrey for his initiative in bringing this in. I congratulate the House of Commons and the Senate for embracing this bill. However, it is only a necessary condition for doing what we have to do for the environment; it is not a sufficient condition. We need to understand that this development

strategy is only the basis upon which we can do what we have to do for the environment, and it can never be developed, implemented and executed without leadership.

My concern is that we have been lacking leadership on the environmental front. I am reminded of the nature of leadership. I believe in my heart of hearts — and there is so much evidence of this — that great leaders seek great challenges. In fact, great leaders cannot be defined as great leaders unless they confront and overcome a great challenge. An obvious example is Winston Churchill. Churchill would have been a footnote in history but for the Second World War, which he encountered at the age of 65. He rose to the challenge to assist the world, if not lead the world, in winning.

Instead of having profoundly strong leadership, I believe that we have had leadership that has been inclined to be, at least, ambivalent about climate change, for example. It has had an “approach avoidance” kind of reaction to doing what needs to be done. We have seen arguments that I think miss; they have to be addressed and confronted in a proper sustainable development strategy.

The first and most pervasive myth is that the environment and the economy are mutually exclusive; somehow, we cannot walk and chew gum at the same time. It is a myth. Somehow, in the ether, this statement has been made over and over again: Having a strong, effective environmental policy will somehow hurt an economy. It has become almost subsumed into our culture that it is true.

Yet, I do not think I have ever seen an example in that debate from that side that shows where strong environmental policy or strong environmental business initiative has ever hurt an economy or a business. It is quite the contrary: Strong environmental policy and strong environmental business initiative almost invariably stimulate an economy and a business.

I can give all kinds of examples where the reverse is true: Bad environmental policy and poor environmental business initiative can destroy economies and businesses. There are many examples of that.

How is it that we have accepted this idea in society, at some level, that there is a trade-off between the environment and the economy? It simply is not true. We need a paradigm shift whereby we begin to look at the economy and the environment in a fundamentally different way.

It is also part of this myth that it is very expensive. How many times have we seen companies argue against an environmental policy — against launching itself, for example, on something that would confront climate change — arguing the most expensive possible cost to do that? When they are forced to do it, it is usually done about 10 times faster and at about 10 per cent of the cost, and there usually is economic benefit to boot.

The acid rain recession, the argument about acid rain, never happened. Lee Iacocca, who then worked for Ford, said that the catalytic converter would cause whole industries to collapse; whole towns to fall and 800,000 jobs to be lost; it never happened.

We had to deal with CFCs on an international scale. DuPont said it would cost \$135 billion and that whole towns would be destroyed; it never happened. It was quite the contrary in each and every one of those examples.

We do not have to be slaves to this myth that the economy will be hurt by constructive environmental policy. Quite the contrary; I would argue that, if we want to hurt this economy, we just need to keep doing what we are doing.

The United States has passed a bill that forbids government agencies — the army — from buying fuel is derived from oil that creates in its production more greenhouse gas than conventional oil. That is oil sands oil, which becomes an affront to the Canadian economy. It is something we will see more and more frequently.

I should also say there is a great deal of evidence that industries have stepped up and have surpassed benchmarks set out in the Kyoto Protocol. The Canadian Forestry Association has dropped its membership's carbon footprint by 44 per cent of 1990 levels. Kyoto requires only 6 per cent of 1990 levels. That is seven times 1990 levels, and they have already done it.

The Canadian Chemical Producers Association has decreased its carbon footprint by 66 per cent of 1990 levels. That is nine times Kyoto. The Canadian Manufacturers & Exporters membership has decreased its carbon footprint by 7.5 per cent compared to the 6 per cent required under the Kyoto Accord. It has established that its membership's efficiency has increased by 50 per cent. There is example after example about how much more achievable these goals and objectives are than we are led to believe.

A second myth is that it is way too expensive to confront climate change or the Kyoto Protocol. I am being moderate when I say this: Conservatives will often argue, “Let the market decide.” I agree. Let us let the market decide.

Do you know that in Alberta today, aggregators are aggregating and selling to firms in Alberta that have to meet Premier Stelmach's caps? Carbon credits that are a real reduction are being bought from farmers for \$6 a tonne. They are insured by Lloyd's of London. They are third-party authorized and verified. They are \$6 a tonne. The Kyoto Protocol requires us to reduce our carbon footprint in Canada by 250 million tonnes a year from 2008 to 2012. At \$6 a tonne, that is \$1.5 billion a year. The GST cut cost \$12 billion a year.

I am not saying we should just do it with credits. However, I will say we should not rule out credits, because they are real and they represent real reductions. They represent investments in small Canadian business, if done properly, in big Canadian business and in farmers. I do not know a farmer in Canada who has too much money. They can use that money; it is real money to them, is a real investment and it would encourage initiative that would allow us to meet Kyoto.

That puts a price on it. It demonstrates that there is a lot of low-hanging fruit. It underlines that it is much easier to achieve Kyoto and deal with climate change than people have been led to believe, and we have to deal with it.

Even in the European market, where it is more expensive — \$20 a tonne — you would arrive at Kyoto for \$5 billion a year, if you bought only credits. I am not saying you should, but I am answering the Conservative maxim that we should let the market decide. Let us go and see how the market priced it, because it is possible to do it.

• (1730)

We need to have a different vision of how things can be done. We need to stop fighting groups like Ontario and Quebec who want to do something. This is a classic example of where the federal government could step in to encourage, nurture and partner to make that possibility happen. We should not limit leadership when we see it. We should inspire leadership, making more of it and building on that which is undertaken, perhaps, almost spontaneously. The federal government could do that. It is in a position to provide world-class leadership.

I want to talk about the green shift. Again, this requires another paradigm. It is interesting that, at least to this point, the Conservative government is considering a cap-and-trade system. I applaud them for that. I do not believe their caps are sufficient, nor have they overcome this ambivalence sufficiently to provide the leadership.

When we compare the cap-and-trade system to a green shift, two fundamental differences need to be kept in mind. With a green shift, prices will probably increase to consumers. However, there will be a pool of funds to help the consumer offset those price increases. In a cap-and-trade system, does anyone here believe that big corporations will not pass down those expenses to consumers to meet their cap? Of course they will, but there will not be a pool of funds to offset the price increases.

It is interesting to me that a Conservative government, which does not like regulation and government intervention — I am sympathetic to that — when confronted with the choice between a green shift and a cap-and-trade system, chooses the cap-and-trade system. It is the most interventionist option. It requires huge amounts of regulation and will end up having government workers making decisions about how penalties raised within that system will be invested to reduce carbon. It seems to be a great contradiction to the Conservative philosophy that the cap-and-trade system would be their default choice.

With a green shift, where they price carbon directly, they begin to open up the market forces. They need to make an infinite number of decisions to make it work and to achieve the objective of bringing carbon footprints down to manageable levels.

We should not be too quick to dismiss that option. I hope the debate is not mired in misconceptions, mistruths and misdirection, and that this government is able to understand there is much to be gained by it. Perhaps they could embrace it rather than dismiss it and diminish it.

We have a remarkable initiative. It has all-party support. That may be, in and of itself, historic in this time of environmental policy development. It is the basis for leadership of historic proportions. It provides the leader who wants to do it with, perhaps, a place in history. It can provide Canada with a place to be leaders in the world and it gives us great promise.

This bill is a hopeful one at a time when we need hope about climate change and other environmental initiatives. I thank the Conservatives and all my colleagues for supporting this bill. I hope we can pass it with great dispatch and allow the government to begin working with it.

Hon. Consiglio Di Nino: Thank you for this opportunity. There may be some overlap of my comments with those of the Honourable Senator Mitchell. However, I think it is worth the repetition, if only to see the honourable senator's road to conversion. It is a welcome surprise. I think a lot of strange things happen in Parliament at this time of the year.

Senator Mitchell: I am tired.

Senator Di Nino: Maybe the honourable senator is tired. He should possibly rethink his position, because I think he could come all the way and stay here with us forever. We would welcome him.

Honourable senators, I am pleased to rise and speak in support of second reading of Bill C-474, the proposed federal sustainable development act.

I want to begin by thanking the House of Commons Standing Committee on Environment and Sustainable Development for working together in cooperation and compromise to make this bill into a workable, effective piece of legislation. The Honourable Senator Mitchell talked about the all-party support, which I also welcome. It is also appropriate to acknowledge that all-party support means we give and take. That is how we achieve things in Parliament.

I particularly congratulate John Godfrey, who is a Member of Parliament from my city of Toronto. He is the sponsoring member of Bill C-474. I thank him for this commitment to this cause, which he has had for a long time. I thank him and wish him my warmest best wishes as he prepares to focus his career on new endeavours. I wish him much good luck and Godspeed.

Some Hon. Senators: Hear, hear!

Senator Di Nino: Honourable senators, the bill before you today will enable the government to articulate its environmental sustainability priorities more effectively and to align the work of federal departments to support these priorities. There will be an overarching federal sustainable development strategy for the first time since the sustainable development strategies were introduced in 1995.

This bill responds to a number of international commitments to develop such a comprehensive strategy. The first commitment was made at the Earth Summit in Rio de Janeiro in 1995 and was reiterated at the 2002 World Summit on Sustainable Development in Johannesburg, South Africa. The government is pleased to meet its international commitments through this legislation and to have worked with all political parties in its development.

The federal strategy will contain federal goals and targets for sustainable development along with implementation strategies for each. This strategy will increase transparency and accountability and improve federal sustainable development planning and reporting.

Bill C-474 will also respond to the calls of the Commissioner of the Environment and Sustainable Development to develop such a federal strategy. The commissioner has repeatedly emphasized the need for a strategy that will clarify the government's priorities and provide focus for departmental efforts.

In addition to the development and implementation of a federal sustainable development strategy, the bill includes a number of elements that will serve to advance sustainable development in Canada. For example, Bill C-474 outlines an important oversight role for cabinet in the development and implementation of the federal sustainable development strategy. Not only will this role keep environmental sustainability at the forefront of government decision-making, it will also ensure accountability for progress on sustainable development at the highest political level.

The bill establishes a sustainable development advisory council with a broad membership that will include provincial, territorial, Aboriginal and non-government representatives, as well as representatives from the business and labour communities, to offer the Government of Canada advice on how the federal sustainable development strategy should work. This bill also calls for the establishment of a new office within Environment Canada to develop and monitor progress of this strategy.

The bill outlines an important audit and assessment role for the Commissioner of the Environment and Sustainable Development, largely through consequential amendments to the Auditor General Act, which outlines the roles and duties of the commissioner. Through these amendments, the commissioner will be required to evaluate whether the targets and implementation strategies are capable of being assessed by reviewing a draft of the federal strategy before it is finalized.

The commissioner will continue to perform a function for the departmental strategies and report on the extent to which departments and agencies have contributed to meeting the targets set out in the federal sustainable development strategy. The commissioner will also assess the fairness of the information contained in the progress report on sustainable development to be prepared by Environment Canada. Honourable senators, these are important steps towards increasing transparency and accountability for Canadians.

• (1740)

Honourable senators, this bill will allow Canada to meet its domestic and international commitments to developing an overarching sustainable development strategy. The government is pleased to support this bill.

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

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

STUDY ON CONTAINERIZED FREIGHT TRAFFIC

REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Robichaud, P.C., for the adoption of the seventh report of the Standing Senate Committee on Transport and Communications entitled: *Time for a New National Vision — Opportunities and Constraints for Canada in the Global Movement of Goods*, tabled in the Senate on June 10, 2008.—(Honourable Senator Tkachuk)

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise today to speak to the seventh report of the Standing Senate Committee on Transport and Communications, entitled *Time for a New National Vision*.

At the outset, I thank the chair of the committee, Senator Bacon, for her excellent, strong and measured leadership. Her guidance ensured that we came up with a significant report.

The committee spent almost two years on this study of the Canadian container transportation system. We began hearings in June 2006 and completed our work in April 2008. We heard from witnesses in Ottawa as well as from Vancouver, Prince Rupert, Montreal and Halifax.

Our goal was to find ways to enable our containerized freight transportation system to become more competitive and attract a greater share of the North American container traffic. This, of course, could lead to economic growth, jobs and an improved standard of living for all.

As honourable senators are aware, prior to containers, maritime cargo was handled through building and loading pallets of goods in a long, labour-intensive process. This conjures up iconic images of long ago, of pallets swinging from a crane and goods piled on, seemingly at risk of crashing to the ground at any time.

The use of sealed steel boxes of standard dimensions is transforming the movement of cargo. Shipping time is reduced as the steel boxes may be transferred from ship to rail to truck, the intermodal aspect of container systems, very quickly. The goods being shipped are in less danger of being stolen or damaged. The use of containers with temperature controls allows the shipping of a whole different range of products.

The transportation of cargo in containers has been growing in absolute terms, over 10 per cent per year on average between 1970 and 2004, and, as a percentage of total general cargo, currently half of the world's trade is moved in containers.

Within Canada, most of the tonnage is in the form of bulk cargoes, but container traffic is expected to dominate in the future. Container traffic between North America and Asia is expected to more than double by 2015, a mere seven years from now. By that time, we expect to trade 13 million metric tonnes of containerized freight with Asia and 11 million with Western Europe.

Canada is uniquely positioned to take advantage of this growing container traffic for several reasons. We are the closest route trader to the North Pacific and the North Atlantic, and we are the only North American country with a transcontinental scheduled railway. Furthermore, demand is expected to exceed capacity in many U.S. ports in just over 10 years, providing a great opportunity on which we should capitalize. However, in order to do so, we need to invest substantially in improved integration with our intermodal transportation network. Some of the weaknesses include port congestion, system reliability, labour, government policy, and problems related to cabotage, the cargo that moves from within our domestic market.

Improving integration is a hugely complex issue, requiring an international, national and regional perspective. While the federal government can take a leadership role, many of the issues play out at the provincial and local levels.

On the private sector side, the committee has recommended that there be:

... the creation of a National Gateway Council to bring together industry stake holders and governments from across the country to seize and exploit the evident opportunity by enhancing communications, bringing efficiencies to the system and marketing Canada's container transportation to the world.

Honourable senators, I should like to focus on a few key issues raised by this report that are especially relevant to my home province of Nova Scotia and its major port of Halifax.

Atlantic Canada services many international freight markets as well as markets in Central Canada and the United States. The deep harbour of Halifax competes against other eastern ports as well as Montreal for container traffic.

Furthermore, there is plenty of capacity available for freight coming out of Nova Scotia by rail. CN Rail currently operates double-stack rail service from Nova Scotia to Central Canada and the United States twice a day, and it has reported that this could be expanded by up to 20 trains a day.

However, while neither one of the two container terminals at Halifax harbour are being fully utilized, there is still not enough excess capacity for a ship of 6,000 to 8,000 containers to fully unload or load once a week.

Clearly, the potential for growth exists in Halifax, as well as in other Canadian harbours. Adequately dealing with the issues raised in the report can help to ensure that ports are well positioned for the future.

As the size of ships being used for containers has grown, the cost of shipping an individual container has declined. However, there is a shortage of empty international containers, even though there are more of them, in particular moving west through the ports back to Asia.

The difficulty is that there is little economic incentive for those who own the containers to allow them to be used by Canadian producers rather than import loads that will provide a much higher yield. In addition, as witnesses told this committee, our customs policy towards international container equipment is also contributing to the shortage of containers.

Several approaches were discussed that might help to alleviate this situation. Transport Canada officials told the committee that they were examining the problem of customs tariffs. As the report stated, they acknowledge that "some competitive gains might be easily achieved through minor changes to public policy regulation."

The committee made two recommendations in this area: first, that Transport Canada negotiate harmonizing its container negotiations with those of the United States in order to increase the supply of empty containers for Canadian shippers; and, second, that the government remove the customs tariffs on the point-to-point movement of containers in Canada to increase the number of containers available to domestic shippers.

Another issue highlighted by our committee report is what is called short-sea shipping, or the local movement of cargo on barges. In Canada, this would also include shipping in areas such as the Great Lakes and along the Pacific and Atlantic coasts.

This is a frontier for cargo transportation, and it has been used in Europe to solve problems related to gridlock, delays and the environmental impact of moving goods. In fact, on that continent, short-sea shipping accounts for 40 per cent of goods being transported within Europe, compared to 45 per cent for trucking.

There is room to expand container traffic on the Great Lakes, and this approach would have the potential to save both time and fuel, which is, of course, a growing concern.

• (1750)

Currently, short-sea shipping between Halifax and U.S. ports is intermittent at best. It could be a more competitive option for points south of Philadelphia; however, demand is less in southern markets. Unfortunately, significant regulatory and monetary obstacles stand in the way of increasing short-sea container shipping.

The committee made several recommendations that would support the growth of short-sea shipping. Some involve exempting short-sea vessels from various taxes and fees and negotiating multilateral cabotage exemptions for short-sea container shipping operations.

A balance must also be met between the need for security and the efficient and effective movement of people and goods, with privacy issues hovering as a backdrop.

Maintaining security in a port is a multi-tiered responsibility. Transport Canada oversees port security generally; the respective port authority is responsible for security at the port; the terminal operator is responsible for security at the terminal; and the Canada Border Services Agency is responsible for cargo security. Four different agencies are involved in various aspects of security.

A port is also a hub of economic activity relying on the free flow of goods. Consequently, there is a certain amount of tension as a port strikes an appropriate balance between security and efficiency. Mr. Morley Strachan, Executive Vice President of TSI Terminal Systems Inc., stated:

Other initiatives embarked on by the government have created some concern operationally for us. They seem to be at cross-purposes with the objective of moving freight. I will not say it is not required but I am talking specifically about security programs that seem to be at cross-purposes with trade.

Furthermore, trucking representatives believe that additional security costs might not be sustainable over time. They were also concerned about the duplication and overlap in security programs.

Other witnesses told the committee that some security measures for containers have actually increased efficiency in the container transportation system. The screening of containers travelling to the United States by rail and the qualification of rail operators under the U.S. e-manifest system means that a container train can cross the border in 10 minutes compared with the hours that it might take for trucks carrying the same number of containers.

This discrepancy points to potential opportunities for Canadian ports. Ensuring that security measures in Canada are consistent with those in the United States opens more doors for Canadian ports to be the North American port of entry for U.S.-bound containers.

I am aware that other Senate committees have studied the issue of port security. This continued exploration of the issue will help us to arrive at approaches that could help to ensure that the security of Canadians is maintained without unduly slowing the flow of goods.

Another issue is that the supply of labour is barely keeping up with demand in the container transportation system. Our report quotes Lisa Baratta, from the Western Transportation Advisory Council:

The industry will need to recruit and train tens of thousands of workers across Canada in the next 10 years not only to replace the retiring workers but also to expand the workforce to handle the increase in traffic volumes for container imports and break bulk exports.

Labour disruption is another potential problem. All honourable senators recall the service withdrawal of Vancouver container truckers in 2005 and the railway strikes in 2007. The committee

heard how these disruptions affected the overall supply chain as well as Canada's reputation abroad. Witnesses felt that the federal government did not respond in a timely manner and that the labour stability was necessary if we hoped to re-establish our reputation.

The committee made several recommendations on approaches to attracting and training new workers in the transportation sector and to achieving improved labour harmony. Witnesses told the committee that making major transportation infrastructure investments could lead to major changes in how we produce and with whom we trade, essentially restructuring the Canadian economy.

I would like to point out that this Conservative government has made substantial investments in our transportation infrastructure. Budget 2006 committed to investing \$16.5 billion in infrastructure. Budget 2008 acknowledged the need to accelerate public spending on intermodal infrastructure. In July 2007, the federal government announced the seven-year, \$33-billion Building Canada Plan for provincial, territorial and municipal infrastructure, which is intended to be invested in infrastructure projects that contribute to increased trade, efficient movement of goods and people, and economic growth.

The committee believes that these funds could also be used for container infrastructure. The government's goal is to undertake transportation projects that give us a competitive edge over the United States — a point that was made before the committee by Lawrence Cannon, Minister of Transport, Infrastructure and Communities. As such, major connection points between the modes are a priority for future investment. However, we need a policy framework that strengthens, as the report states, "effectiveness and competitiveness throughout the container transportation system and that reveals bottlenecks, backlogs and other delays."

To do this we need to understand how decisions were made along the supply chain where bottlenecks and other problems were occurring and how they gummed up the works. There appears to be some disagreement about the extent to which Transport Canada is doing the research necessary to find the answer to these questions. The committee believes that clearly defined policy on transportation and trade would strengthen the container transportation system.

Honourable senators, the future is ours if we can rise to the challenge. Canada is poised to take advantage of her strengths and the challenges facing others. I urge this chamber to accept the report of the Standing Senate Committee on Transportation and Communications.

Hon. David Tkachuk: Honourable senators, one thing about living in the Prairies, in particular during the winter, is that even a train going by is really interesting. The other good thing about living in the Prairies is that no matter how long the train is, you can see the end of it. Hence, my interest in these matters is not because I am particularly mechanical or interested in trains but because trains are the lifeblood of the prairie economy.

When you live long enough, you see change. Bulk containers became more and more prominent on the Prairies, and then came the talk about inland terminals, which intrigued me. I was

fortunate enough to be appointed to the Standing Senate Committee on Transport and Communications with a great group of senators and a great chair in Senator Bacon. We all agreed that we would study this matter of containerization in Canada. Interestingly, Parliament had rarely studied ports. There was no expertise in ports, except at the departmental level, and I do not think it was that great there either. The people who manage the ports were terrific. Honourable senators can read all about what we were able to do. The study was a great experience and we were able to learn something new about a relatively unknown subject. It was wonderful to meet all these wonderful people who are running our ports and shipping all the goods that we need and enjoy.

Of course, people like Senator Zimmer and I became excited at the prospect of the study because prairie boys do not usually think about ports. With inland ports, we were able to lobby along with people from the East and West coasts who had their own axes to grind about what was happening in Halifax, Vancouver and Prince Rupert. We were able to talk about what is happening in the Prairies today, which is inland ports, with one built in Edmonton and one announced for Regina. Of course, we are hoping for ports in Winnipeg and Saskatoon as well.

We produce not only bulk grain for bulk shipment but also many specialty pulse crops where containers are needed. Therefore, the thought that they would be stopping in the Prairies to allow us to fill them with our products is a very positive thing for Canada and for our province.

• (1800)

This study was never boring. Senators may think it would not have been interesting, but it really was. If you take the time to read the report you will find it has a lot to do with everything we do, everything we buy and everything we sell. I urge senators to read it, to tell your friends about it and to promote it.

I want to thank Senator Bacon and, of course, my new deputy chair, as I got unceremoniously dumped from that committee and moved to another one. Senator Oliver took over as deputy chair and did a great job too. I thank Senator Bacon for keeping everything so civil. All of us were able to get along very well and produce a report that was unanimous from start to finish. I appreciate that. It is an example of the great work that a Senate committee can do.

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

Motion agreed to and report adopted.

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Human Rights (Bill C-280, An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171), with an amendment), presented in the Senate on June 10, 2008.
—(Honourable Senator Andreychuk)

Hon. A. Raynell Andreychuk moved adoption of the report.

She said: Honourable senators, as Chair of the Standing Senate Committee on Human Rights, it is my duty under rule 99 to explain the amendments that your committee has made to Bill C-280.

This bill appears simple on the surface. It would bring into force certain provisions of the Immigration and Refugee Protection Act, specifically with respect to the refugee appeal division.

The refugee appeal division, known commonly as RAD, was originally drafted as a way for refugees who are rejected by the first-line refugee determination process to seek a second opinion. Successive ministers of immigration decided against bringing the RAD into force.

The Hon. the Speaker: Honourable senators, it being six o'clock, what is the will of the house? Is it your desire not to see the clock?

Hon. Senators: Agreed.

Senator Andreychuk: On a point of clarification, I am speaking to the report. Someone can move third reading of the bill thereafter.

I will continue. This led to a variety of stakeholders advocating for a private member's bill to do just that, which ultimately led to this bill being introduced by Ms. Nicole Demers from the Bloc Québécois, in the first session of this Parliament.

Your committee has heard from a broad cross-section of stakeholders, including both the current and a former Minister for Citizenship and Immigration. Opinions varied on the efficacy of the RAD and, indeed, some question was raised on the value of adding another level of appeal to a refugee determination system that already provides several avenues of recourse for failed claimants.

Ultimately, the majority of the committee decided that the bill was worth advancing, but the committee was persuaded of the need for some critical amendments.

Former Minister for Citizenship and Immigration, Joe Volpe, gave us a clear understanding of the background of and rationale for the decision not to implement the RAD. Following his presentation, we heard an extremely persuasive presentation from Minister Finley, the current minister. Minister Finley indicated that while she does not support the principle of the bill, she accepted that a majority of parliamentarians have decided to pass this through the House of Commons and seemed likely to pass it through the Senate as well. The minister indicated that before the bill could become law, two key areas would have to be addressed through amendments.

First, the bill as drafted would come into force upon Royal Assent. This would require a massive undertaking and could not be facilitated without extensive lead time to prepare procedures, train staff and provide for all the assorted logistics that would be required. Because of this, the committee unanimously accepted that the bill be amended by delaying the coming into force by one year.

The second amendment stems from the request by Minister Finley that the bill contain transitional provisions. This would clarify who is and who is not able to appeal to the RAD when it comes into force. As drafted, the bill could lead to every failed refugee claimant being able to appeal to RAD all the way back to the passage in 2002 of the original bill.

The committee was therefore persuaded that it would be unacceptable to start the RAD off with a backlog of up to 40,000 potential claimants. This situation would clearly be unjust. The committee again unanimously agreed to amend the bill to clarify that only refugee claimants who are, if I may say, “in the pipeline” — to use Senator Goldstein’s expression — can have access to RAD when it comes into force.

I trust that this brief description of the amendments will satisfy honourable colleagues and demonstrate once again that the Senate is doing its job in addressing difficulties in legislation that come before us in this place from the other place.

The committee has had many interesting meetings on this subject and I want to expressly thank the committee for their due diligence on this bill, as it was extremely difficult work. The bill itself was very simple, but it relates back to a very complex immigration bill. I thank honourable senators on the committee for the time and the thoughtful expressions that they provided for the committee as we studied this bill.

I especially want to thank Senator Goldstein as the Senate sponsor of the bill and Senator Di Nino as the critic. They both argued their cases extremely well, and I believe that we came to some understanding of the difficulties in the bill through their efforts.

Therefore, the committee urges the chamber to adopt this report, which addresses the critical flaws in Bill C-280 as it was originally referred to us.

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

Motion agreed to and report adopted.

THIRD READING

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

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(b), I move that the bill be read the third time now.

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

Hon. Senators: Agreed.

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

Some Hon. Senators: Agreed.

Hon. Gerald J. Comeau (Deputy Leader of the Government): On division.

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

• (1810)

STUDY ON GOVERNMENT SCIENCE AND TECHNOLOGY STRATEGY

INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Milne, for the adoption of the sixteenth report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Mobilizing Science and Technology to Canada's Advantage*, tabled in the Senate on April 30, 2008.—(Honourable Senator Keon)

Hon. Wilbert J. Keon: Honourable senators, I am pleased to speak to Senator Eggleton’s motion that the Senate adopt the sixteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, which is entitled: *Mobilizing Science and Technology to Canada's Advantage*.

The committee’s mandate was to examine issues related to the federal government’s new Science and Technology Strategy, namely *Mobilizing Science and Technology to Canada's Advantage*.

At the outset, I thank the Minister of Industry, the Honourable Jim Prentice, for his very helpful testimony before the committee on January 31. We also owe a great deal of thanks to the other expert witnesses who appeared and provided their insights, as well as to those who forwarded written submissions, which helped a great deal with our recommendations.

As Minister Prentice pointed out in providing us with the reasons for the science strategy:

To me, the facts are clear: countries that invest aggressively in innovation have high standards of living and high quality of life. The government’s mobilizing science and technology strategy is an essential part of our future as a nation. Yet, according to some commentators, Canada must make substantial improvements if we are to succeed in this.

The strategy was released by the Prime Minister one year ago, in May 2007. It embodies four principles: excellence, partnerships, accountability and priorities. Those priorities include: natural resources, the environment, health and information technology.

The strategy seeks to foster three advantages. The first is a knowledge advantage, building on research and engineering skills. The second is an entrepreneurial advantage, translating knowledge into practical applications to improve wealth. The third is a people advantage, which means developing, attracting and retaining highly skilled people.

The strategy's goals are to create high-quality jobs in the science and technology sector, improve Canada's standard of living and quality of life and build a stronger economy and a stronger Canada for future generations. It seeks to turn science and technology innovations into a true competitive advantage for Canada.

Building up our science and technology assets and expertise is as important to Canada's economic future as the development of our infrastructure and the use of our natural resources. It cannot be stressed enough that fundamental research is a vital tool that leads to economic growth and a rising standard of living. Scientific innovations lead to better medicine, communications and just about everything one can think of — from Research in Motion's BlackBerry, which we hear so often here, to Banting and Best's life-saving insulin and everything in between.

Science and technology play important roles in almost every aspect of our lives, be it improved health, a cleaner environment, a stronger society or our economic well-being. The committee's report reinforces this point with its opening statement:

Science, research and development underpin Canada's position in the knowledge economy, where strength depends on capacity to innovate and to stay ahead of the technological curve.

When he appeared before us, Minister Prentice provided a brief overview of the measures being taken to implement the strategy. For example, he told us that work on developing a people advantage has focused on increasing the support of Canada Graduate Scholarships and offering young Canadians the chance to hone their research skills in applied settings through launching the industrial research and development internship program.

He told us that the government is encouraging a knowledge advantage for Canada through revitalizing funding for the important research that takes place at Canada's many excellent universities and colleges.

As well, new funding for granting councils has been targeted on the science and technology strategy's four priorities: the environment; natural resources and energy; health and life sciences; and the important area of information and communication technology. Other investments highlighted by Minister Prentice include the Canada Foundation for Innovation, CFI, Genome Canada and the Canadian Institute for Advanced Research.

He also pointed to the many measures being taken to cultivate an entrepreneurial advantage for Canada's companies. There is, for example, a study group on competition policy and a study of the tax credit for scientific research and experimental development, which both offer excellent possibilities for improving the strategic frameworks that are essential for private sector innovation.

By establishing the Centres of Excellence in Commercialization and Research, the Business-Led Networks of Centres of Excellence and the College and Community Innovation

Program, we have created mechanisms that will make it easier to perform public-private partnerships in research that will benefit Canada's business.

As Minister Prentice pointed out, we must do more in order to obtain the results that we expect.

Honourable senators, I think that we are on the right track. The past three budgets have made significant investments in science and technology, providing \$2.4 billion in overall funding. This includes \$250 million to support strategic large-scale research projects; \$500 million for the Canada Foundation for Innovation to support state-of-the-art education research infrastructure; \$250 million to develop and diffuse carbon capturing technology; \$350 million for 18 Centres of Excellence for Commercialization and Research to encourage public-private R&D and commercialization projects; and, in the most recent budget, a further \$140 million for Genome Canada.

Beyond scientific research funding, the government has, to cite but a few examples, provided the provinces with an additional \$800 million to support post-secondary education; provided tax relief for post-secondary education students through the tuition tax credit and the elimination of federal tax on scholarships; and made Canada a more attractive place to invest and earn a living through significant business and personal income tax reductions.

The most recent budget included measures to improve the scientific research and experimental development tax credit, including an increase from \$2 million to \$3 million in the amount of research that qualifies for the enhanced 35 per cent tax credit.

The committee, while fully endorsing the strategy in the report, heard from other witnesses, some of whom suggested some improvements. When Senator Eggleton spoke on May 6, he provided an overview of the report's 12 recommendations, which cover the following topics.

The first topic is the breadth and scope of research. The second — and from a personal point of view, the most important one — is venture capital funding. This is a truly serious problem in Canada. It is a truly serious problem for any young company trying to get off the ground, but particularly for young R&D companies trying to compete in the global market — especially trying to keep a company in Canada when the venture capital pools in the United States are hundreds of times larger than we have here.

• (1820)

Other important areas are the preservation of intellectual property, the indirect costs of research, the recruitment and retention of students and researchers, the safeguarding of government-funded private-sector research, funding for the social sciences, regional representation and Networks of Centres of Excellence. Finally, in at least one area, the government acted before we could present our report here in the chamber when it announced the ownership of the RADARSAT-2 satellite remaining in Canada. Also, the scientific tax credit measures announced in the last budget clearly show that the government supports improved access to venture capital, a subject of major concern to us.

Honourable senators, our committee fully supports the government Science and Technology Strategy and it is our hope that our recommendations will assist the government in proceeding even further with our undertakings.

Hon. Catherine S. Callbeck: Honourable senators, the report of the Standing Senate Committee on Social Affairs, Science and Technology makes a number of important recommendations with respect to initiatives in the field of science and technology in Canada. These recommendations relate to the 2007 science and technology strategy report entitled: *Mobilizing Science and Technology to Canada's Advantage*.

The report sets out a comprehensive, multi-year science and technology agenda. I commend the government for its recognition of the importance of science and technology to Canada's economic progress. Innovations in science and technology enable the Canadian economy to prove its competitiveness and productivity, thereby giving all Canadians a means to achieve a higher standard of living and a better quality of life.

The government has also recognized that this country can and must do more to turn our ideas into innovations that provide new ways to deal with issues such as our environment, health care and reaching our social and economic goals.

Canada has built a strong research base. Canadian researchers are at the forefront of leading scientific developments in many fields of inquiry. They rank first in the G7 when it comes to the number of publications produced on a per capita basis.

The chair of the committee, Senator Eggleton, has already spoken on this report and outlined the committee's recommendations. However, I want to comment on two recommendations that are of special interest to me. The first recommendation of the report is that government should not limit additional funding in science and technology to only the four categories mentioned as priorities. Those categories are environmental science and technology, natural resources and energy, health and related life sciences and information communication technology.

I agree with the recommendation that the breadth and scope of research be expanded beyond the four priority areas identified by the government. In my province, the provincial government recently announced a five-year strategy to make the most of new opportunities emerging in the global marketplace. There are some areas where the provincial strategy falls within the four priorities identified by the federal government, such as biotechnology, energy, and information and communication technology.

Other promising areas, however, such as aerospace, do not fall within the federal government strategy. I would like the federal strategy to better reflect opportunities that have been identified in the economic development strategies of other governments across the country. We are a big country with a great deal of diversity. I believe we should work more cooperatively to build on the strengths and opportunities that exist in each province and region.

I also wish to comment on recommendation 12. A number of my colleagues were concerned about the low representation of Atlantic Canada the distribution of Network Centres for Excellence, and we are asking that further consideration be given to more balance to Atlantic Canada.

Presently, there are no centres led by an Atlantic Canadian university and few Atlantic Canadian universities are involved in these networks. Budget 2007 announced that one new Centre of Excellence in Commercialization and Research would be in Atlantic Canada at the Life Sciences Research Institute in Halifax, affiliated with Dalhousie University. However, it is not yet up and running. In the latest report available, 2006-07, Networks of Centres of Excellence in Atlantic Canada receive less than 6 per cent of expenditures.

Honourable senators, a national science and technology strategy must include all regions of this country. Rapid advances in technology are changing the world in which all regions of this country compete. Technology is driving innovations that lead to new products and services, that enhance existing products and services, and that approve production processes and technology.

I have a list of 19 Centres of Excellence that have been funded in other parts of Canada. While I applaud the federal government for its funding of these innovative new facilities, I regret that none as yet has been established in the Atlantic region so that businesses in that region have more opportunity to benefit. However, I am hopeful the government will carry through with its Budget 2007 commitment I spoke about earlier.

In closing, honourable senators, I reiterate my support for investments in the science and technology area. We need to invest in the ingenuity of our people in order to support and encourage innovation and to make this country a leader in the application of science and technology for the benefit of all Canadians.

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

Some Hon. Senators: Question!

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

Motion agreed to and report adopted.

MOTION REQUESTING GOVERNMENT RESPONSE ADOPTED

Hon. Art Eggleton: Honourable senators, with leave of the Senate and notwithstanding rule 57(1), I move:

That the Senate request a complete and detailed response from the Government to the Sixteenth report entitled *Mobilizing Science and Technology to Canada's Advantage* of the Standing Senate Committee on Social Affairs, Science and Technology, adopted by the Senate on June 18, 2008, with the Minister of Industry being identified as Minister responsible for responding to the report.

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

Hon. Senators: Agreed.

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

Motion agreed to.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY NATIONAL DEFENCE ACT COURT MARTIAL PROVISIONS AND OPERATION

Leave having been given to revert to Notices of Motions:

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

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the provisions and operation of *An Act to amend the National Defence Act (court martial) and to make a consequential amendment to another Act* (S.C. 2008, c.29); and

That the committee submit its final report no later than December 31, 2008.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Committee on Internal Economy, Budgets and Administration (committee budget—legislation), presented in the Senate on June 17, 2008.—(*Honourable Senator Furey*)

Hon. George J. Furey moved the adoption of the report.

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

Motion agreed to and report adopted.

• (1830)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

STUDY ON AFRICA—OVERCOMING 40 YEARS OF FAILURE: A NEW ROAD MAP FOR SUB-SAHARAN AFRICA—MOTION TO PLACE COMMITTEE REPORT TABLED DURING PREVIOUS SESSION ON ORDER PAPER ADOPTED

On the Order:

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

That the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled *Overcoming 40 Years Of Failure: A New Road Map For Sub-Saharan Africa*, tabled in the Senate on February 15, 2007, during the First Session of the Thirty-ninth Parliament, be placed on the Orders of the Day for consideration at the next sitting of the Senate.—(*Honourable Senator Andreychuk*)

Hon. Sharon Carstairs: Honourable senators, I would like to put a few words on the record.

My understanding is that there is a desire to bring this motion to a vote tonight. I want to lay out carefully why I will vote against this motion.

Honourable senators, while I believe that this motion may be in order, I believe it is bad Senate practice. In my view, the Honourable Senator Di Nino should not have requested this motion. The honourable senator should have asked for a motion that would have reissued the African mandate to the Standing Senate Committee on Foreign Affairs and International Trade.

I want to give honourable senators a little background. This report has been before us in some form for 17 months. I know there is a great deal of angst on the part of many members about having it voted on.

There are privileges to which each and every senator is entitled. When a report is debated in a committee, one of those privileges is having the full opportunity to issue a dissenting opinion.

I have reviewed the minutes of this particular committee. I cannot find a motion that empowered the steering committee of this committee to complete this report. I can find no motion that would, in fact, have given final approval.

I know there were two senators, Senator De Bané and Senator Andreychuk, who wanted to make substantive additions to the report. These honourable senators feel that the opportunity was denied to them. In my view, it is a shoddy performance, honourable senators.

I recognize, as well as anyone in this chamber, that some of our rules can be extremely frustrating. A document may be presented to a committee in French only or English only. We are compelled — and I think rightfully so — not to distribute those documents because they are not in both official languages.

Senators want to get their hands on the material. They want to read it. They want to be kept abreast of it, but we have rules. We have rules for good reasons, honourable senators.

I am an ordinary senator and I was not a member of this committee, but I have read the report several times. I also will not support the report because I do not agree with some of its conclusions, frankly.

This report was extremely critical of the Canadian International Development Agency, CIDA. I have not been to all the sites that the committee visited. However, I have visited CIDA projects in China, South Africa, Nigeria and the Philippines, and I am extremely impressed with the work of CIDA. I am also impressed with the concept of CIDA hiring local people to put the projects into place.

We all remember that in the 1960s and 1970s people made reference to the ugly American concept. That was the concept in which North Americans, whether Canadians or Americans, would go into foreign countries and say, “We know how to do this better; we have an expertise you do not have,” and they would not take into consideration the wishes of the local community.

I think CIDA has learned from that experience. Taking into consideration the local experience, and allowing local actors to perform the functions is a good idea.

I also disagree that the entire world has failed Africa. Honourable senators, mistakes have been made, that is true. However, progress has also been made and the positives, in my view, have been ignored in this report.

I will not support the report tonight, honourable senators, primarily because I know that Senator De Bané wants to speak. It can be argued that he has had time in the past, but some politicking was going on here. I think that is fair to say.

Unfortunately, he is currently housebound as a result of surgery. As a courtesy, I think we owe it to Senator De Bané to give him the opportunity to speak.

I do not think it is necessary to pass this report. I have been assured by members of the committee that the report is already well-known throughout the world. If it is well-known as a work of our Foreign Affairs Committee, what is the absolute urgency to vote tonight and put a so-called imprimatur on this report?

I do not think it is necessary. I believe that an injustice was done to two of our colleagues who sat on that committee. We would do a further injustice tonight if we did not allow Senator De Bané to speak.

Hon. Pierre Claude Nolin: Honourable senators, I think we face a major problem. I honestly and humbly say that this report is not properly in front of us. We have heard that this report is not a report of the committee. That is wrong. I do not know how we reached this point, but I need to be guided by someone. His Honour will need to rule on that before we proceed.

It is now in front of us and we have heard an honourable senator saying that the report was not properly adopted by a committee. If the report was not properly adopted by the committee, the report does not exist. That is my problem. How can we vote on a report that does not exist?

I suggest that His Honour may reflect on the situation and come back to guide us on how to operate.

Hon. Peter A. Stollery: Honourable senators, I appreciate the Honourable Senator Carstairs having alerted me that she would make some comments this evening. I want to clarify the situation on behalf of the committee chair, the Honourable Senator Segal. I also want to add that we are dealing here with a motion of Senator Di Nino.

Here is the sequence of events regarding the report. On December 13, 2006, the Foreign Affairs Committee met in camera to discuss the draft report. Present at the meeting were Senator Corbin, Senator Dawson, Senator Di Nino, Senator Downe, Senator Mahovlich, Senator Merchant, Senator Segal and Senator Stollery. Overall, this was the fourth meeting considering the draft report. The committee decided to give members until January 10, 2007, to submit their comments on the draft.

• (1840)

The committee also unanimously adopted a motion that the report be amended as discussed by the committee, that the

members of the steering committee be empowered to examine and approve the final version of the report, and that the chair table the report in the Senate as soon as possible.

Steering met on January 18 and 29 and adopted the final version. On February 8, the committee ordered the clerk to canvass all members as to whether "another meeting of the committee on behalf of the report was required." A majority answered "no" to that question, and the chair, Senator Segal, tabled the report in the Senate on February 15, 2007.

I also point out, as Senator Carstairs has said in regard to the technical area in terms of procedure, that this is a special study. Special studies have traditionally been dealt with in this way, as compared to legislation, which is usually dealt with at the final point by the full committee. This is a special study and the committee followed the procedures that the Senate has for special studies.

Without pursuing this any further, as 15 months have passed since the report was tabled, a point of order could have been raised at any time in the last year, but that has not been done, and therefore, honourable senators, I think we should put the question.

[Translation]

Senator Nolin: Honourable senators, I think what I said bears repeating. I did not officially say I had a point of order, but I will do so, if necessary. The goal of my speech is precisely that.

[English]

Senator Carstairs just told us that the report is not before us. She is questioning the appropriateness of a document that we are now asked to vote on. We just heard from an important member of the committee in regard to the sequence of events leading to the adoption of something. I think we need guidance before we vote. I just heard that we may not be voting on a report of a committee. We may have to vote on a document of a group of senators, but that is not a report of a committee. We need guidance from Your Honour before we vote on the motion.

The Hon. the Speaker: Honourable senators, as you know, a ruling was made in this matter. I had the opportunity to study this question carefully some time ago. I invite honourable senators to carefully review the motion that is before the house at this time. We are being asked to make a decision on the following: That the seventh report be placed on the Orders of the Day for consideration. This is one of the methodologies that was identified. We are not making a decision right now about the report; it is simply a procedural motion that is before us.

If the house decides that they wish to place this matter on the Orders of the Day, it will appear on the Orders of the Day, and then we can have a substantive debate. That is helpful, honourable senators, and if you are ready for the question, I will put the question.

[Senator Carstairs]

Hon. Joan Fraser: I was hoping to speak.

The Hon. the Speaker: On the motion?

Senator Fraser: On the motion, yes.

Honourable senators, I should like to associate myself with the remarks of Senator Carstairs. It is terribly unfortunate that it has reached the point where we are having this argument in this chamber. It should have been possible to resolve this matter to the satisfaction of all concerned within the committee. I am not a member of the committee. I am not privy to the dynamics of the committee. All I know is that what we have been engaged in here is not what the Senate normally finds itself doing.

Senator De Bané has raised serious questions about the process leading to the adoption of this report. Senator De Bané is a senior senator, a Privy Councillor and a person of substantial experience and expertise in matters of African policy and in the Senate. For example, it is his view, as I understand it, that when committee members' views were canvassed, his views were essentially not taken into account, which is, shall we say, unusual in the case of such a senior and experienced senator. I do not presume to adjudicate the accuracy of his views, although I found the case he made excessively interesting. However, honourable senators, I do believe, as Senator Carstairs has said with greater eloquence than I, that we owe him the chance to make his case before we put this controversial report on the Orders of the Day. That is all we are talking about here: Wait until he can make the case himself.

This report, as we have all been made aware, has had a significant impact without being on the Orders of the Day, without being adopted by the Senate, and that will not change. Outside the confines of this chamber, this argument will have zero to minimal impact on the impact of the report, but within the confines of this chamber, we owe each other respect. That is what I sense has been missing.

Honourable senators will notice that I have spoken about Senator De Bané because, as Senator Carstairs said, he is unable to be here. Senator Andreychuk is here, so I would not undertake to speak for her; I would not dare to speak for her. However, these are two senior, experienced senators with specific experience on Africa and on that committee. I repeat that I think we owe them that extra measure of respect.

[*Translation*]

Hon. Dennis Dawson: Honourable senators, I have not been in this chamber as long as my colleague, but I sat on the committee and I attended every meeting. We heard some 400 witnesses from 40 or 50 different countries. In good faith, we accepted countless amendments proposed by Senator De Bané during the four meetings leading up to the adoption of the report.

Once again, we would be happy to give him the opportunity to speak to it further, but our request today is about procedure. We have had to endure a prorogation, the removal of our chair — because of internal problems on the other side of the chamber — and having to put the report back on the Orders of the Day. We did so in good faith; we moved it forward gradually and, for the past 16 months, its finalization has been blocked by various technicalities. We would simply like to be able to debate it.

Senator Fraser is quite right. With all due respect for Senator De Bané, even though he is obstructing it — and the tyranny of the minority is no better than the tyranny of the majority — he should have the opportunity to speak, but for goodness' sake, we must also allow our colleagues from the committee, who adopted the report legitimately and appropriately, to debate it.

With all due respect for Senator Nolin, unfortunately, we are forced to follow procedures that are somewhat complicated, but our aim is to have the opportunity to put the report back on the Orders of the Day in order to debate it, and hopefully, out of respect for the 400 witnesses who appeared before us, adopt it.

• (1850)

There is a fundamental difference, honourable senators, between a report required by the Senate and one that is not. The government is not obliged to respond to a report that has not been adopted, whereas if we table our report and it is adopted by the Senate, CIDA and the Minister of Foreign Affairs will have to reply to the questions in the report.

I am not asking Senator Carstairs to agree with everything written in the report. We watered the report down as Senator De Bané asked because he found it too aggressive. We did this in the spirit of cooperation.

Now we are asking you to give us another opportunity for debate. Senator De Bané will return and he, too, will have the opportunity to participate in the debate.

[*English*]

Hon. Consiglio Di Nino: Honourable senators, I will not speak at length other than to comment on a couple of the remarks made.

At this time of the night, at this time of the year and at this stage of my life, perhaps my memory should not be fully trusted. Having said that, while I was Deputy Chair of the Foreign Affairs Committee we dealt with this report in its preparation. All of the members were canvassed for their opinions, which were included in the discussions. Some of those opinions were not accepted by the vast majority of the committee and were not included in the report.

As Senator Dawson said, adjustments were made to the original three to five drafts to reflect the opinions of those who offered opinions. I do not buy the argument that opportunities were not given or that we denied certain people the opportunity to contribute. Yes, as in other debates in this chamber and committees, there are different views and, at some time, a consensus of a majority has to be accepted. Certainly, to the best of my recollection, that happened.

When Senator Stollery properly presented this report to the Senate, he put on the record that he had consulted with the staff on how to do this, and that is the direction he followed. On this particular item, throughout the entire process, we had our staff, who are professional and impartial people who conduct themselves always in a non-partisan way and are fully respectful of everyone. They have guided us throughout the process. The matter was discussed at the committee while I was chair, and

the committee voted upon to present the report in this manner to the Senate with the advice of staff. Therefore, from a procedural standpoint, I believe that all of the appropriate procedures were followed in the preparation of the report and in the presenting of the report to this chamber.

[Translation]

Senator Nolin: Honourable senators, we do not have the report in front of us; we only have a document. The motion seeks to put this document on the Orders of the Day for consideration at the next sitting of the Senate. Is that the motion before us?

Senator Ringuette: Yes.

[English]

Senator Nolin: That is the motion and that is the interpretation. Many words in the motion should not be there.

Senator Dawson: There are always many words.

Senator Nolin: The only important thing is the title of the document. My point is that if we vote on the motion as it is worded, we will be voting on something that is wrong and not true. It is not a report and so we would be voting on a document and creating precedent in doing so. That is my problem. I am all for putting a document on the Orders of the Day.

Hon. Eymard G. Corbin: The honourable senator has not indicated whether he is speaking to the item or whether he is on a point of order. Could that be clarified?

[Translation]

Senator Nolin: Honourable senators, before we can vote, I would just ask for clarification from His Honour.

[English]

The Hon. the Speaker: Is there further debate on the motion before the house?

[Translation]

Senator Corbin: Honourable senators, I find all of this rather childish. I am not talking about anyone in particular, and especially not Senator Nolin, whom I respect, but I say this because many things have happened since Senator Segal tabled this report in February 2007.

I think that if a senator objected for any reason to the procedure surrounding the tabling of the report, he should have risen on a point of order. We have been working hard for months to bring this report before the Senate in order to come to a conclusion — likely not a unanimous one, but a conclusion nonetheless, which is how it works in any self-respecting democracy.

I sympathize with the fact that Senator De Bané is unable to be here today. However, I remind senators that in the previous Parliament, Senator De Bané had months to speak to the contents of this report. He delayed his right to speak from one sitting to the next, until there was a new session. Today he is still asking for the same consideration.

[Senator Di Nino]

Senator Dawson, who is an experienced parliamentarian — Senator Dawson need not apologize for being a junior senator in this chamber; he has a great deal of parliamentary experience — was saying that the minority has to respect the majority. It works both ways. When a colleague objects for personal reasons to the content of a report, it goes without saying that we listen to him or her, but when that colleague refuses to speak, week after week, we have to question his or her intentions. In my view, given the stage we have reached this evening, now is not the time to come up with points of order.

This is a very simple matter. This report cost the taxpayers a great deal of money; it has been very well received in many sectors throughout the world, not just in Canada. I have heard that the government agrees with a number of the recommendations in this report. I also heard just today that the government intends to proceed with a major reform of certain institutions — I will not list them, but I will mention that CIDA is included. Furthermore, the president of CIDA has just stepped down and has been replaced by a senior official from the Privy Council. Things are happening. The outgoing president told us in his testimony last week that CIDA started changing its ways last June, three months after our report was tabled. Our report had an impact. We must have some self-respect.

We spent a great deal of time on this study. We travelled and we gave it a lot of thought. As Senator Dawson and others have said, we heard from a number of witnesses and I do not know what more could be said at this point. It seems to me that the time has come to move on to the question and to give those who want to debate the report the opportunity to do so at a later sitting.

• (1900)

Hon. Fernand Robichaud: Honourable senators, I would like to ask the Speaker to remind us of the main factors in his decision, made a while ago, with regard to the issue before us, namely, how a report finds its way to the Senate. I believe there are various ways in which it can be done. I do not wish to impose my views, but I believe that would be very helpful.

The Hon. the Speaker: Honourable senators, I must remain true to the motion now before the Senate. It is not my place to enter into the debate. I believe the question is very clear and it is up to the Senate to decide.

[English]

Are honourable senators ready for this question?

Hon. Senators: Question!

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there advice from the whips as to the length of the bell?

Hon. Terry Stratton: We require a 30-minute bell.

The Hon. the Speaker: Therefore, the vote will be held at 7:32 p.m.

Does the Speaker have permission to leave the chair?

Hon. Senators: Agreed.

The Hon. the Speaker: Call in the senators.

• (1930)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Bacon	Hubley
Callbeck	Kenny
Corbin	Losier-Cool
Cordy	Mercer
Cowan	Peterson
Dallaire	Phalen
Dawson	Ringuette
Di Nino	Stollery
Eggleton	Trenholme Counsell
Hervieux-Payette	Watt—20

NAYS THE HONOURABLE SENATORS

Andreychuk	Keon
Brown	LeBreton
Carstairs	Milne
Champagne	Nancy Ruth
Comeau	Oliver
Fraser	Stratton—12

ABSTENTIONS THE HONOURABLE SENATORS

Nolin	Tardif—3
Robichaud	

THE SENATE

MOTION URGING GOVERNMENT TO NEGOTIATE WITH THE UNITED STATES FOR THE IMMEDIATE REPATRIATION OF OMAR KHADR ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Day:

That the Senate call on the Government of Canada to negotiate with the Government of the United States of America the immediate repatriation to Canada of Canadian citizen and former child soldier Omar Khadr from the Guantánamo Bay detention facility;

That the Senate urge the Government of Canada to undertake all necessary measures to promote his rehabilitation, in accordance with this country's international obligations on child rights in armed conflicts, namely the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; and

That a message be sent to the House of Commons to acquaint that House with the above.—(*Honourable Senator Jaffer*)

Hon. Mobina S.B. Jaffer: Honourable senators, I rise today to speak in response to Senator Dallaire's motion to urge the government to negotiate with the United States for Mr. Khadr's immediate repatriation. I speak to this motion because the government has become schizophrenic in its values and there is an urgency given that young Omar Khadr's trial is set for this week.

I fully agree with Senator Goldstein when he said that the issue before us is not a matter of opinion, discretion or a contestable interpretation. What is preventing this government from acting? Why has Canada remained silent for so long? This government's concern, honourable senators, and the question that should be the focus of our debate today is: Should Canada intervene in the case of Omar Khadr?

I recognize that this is a difficult question to answer because we want to respect U.S. sovereignty and its judicial process. I find it difficult to defend certain members of the Khadr family because they harmed my community very much.

Honourable senators, Canada has cooperated for many years and maintained a respectful and diplomatic relationship with our neighbour. This is evident in our collective efforts to restore justice and protect human rights in Afghanistan. Why should we intervene in this particular case?

One reason is that Canada has an obligation to protect the human rights of its citizens. Mr. Khadr has been detained in Guantanamo Bay in violation of international human rights laws, and the fact is that the Supreme Court of the U.S. agrees and the Supreme Court of Canada agrees, not to mention the legal scholars and international organizations that have been paying careful attention to this case.

Another, and more significant, reason to intervene is that the United States has shown that it is not capable of observing both the rule of law and its own precedents and values in its judicial proceedings of Mr. Khadr's case. The U.S. has failed to maintain judicial integrity in its continued refusal to act impartially in Mr. Khadr's trials. Mr. Khadr has not been afforded an impartial decision maker. He has been and will be prosecuted by the people who captured and detained him and labelled him an enemy combatant in a non-adversarial proceeding. These facts were cited by Navy Capt. John W. Rolph, the Deputy Chief Judge of the Military Appeals Court, in *U.S. v. Khadr*.

A non-adversarial proceeding means that Mr. Khadr has not been afforded legal representation and has not been given an opportunity to submit evidence to challenge his status as an enemy combatant. This lack of due process seriously undermines the integrity of the judicial process.

• (1940)

Honourable senators, this is the same military tribunal that stated:

Even 'unlawful enemy combatants' . . .

— deserve to —

. . . be tried by a 'regularly constituted court affording all the judicial guarantees recognized as indispensable by civilized people.'

These are the words of Justice Holden of the United States Court of Military Commission Review. It is also the view of the U.S. Supreme Court. Therefore, why has Mr. Khadr not been afforded the judicial guarantee of due process?

Mr. Khadr has been detained without trial for six years. His trial date has been continuously delayed without an opportunity to petition for a writ of habeas corpus because the U.S. government passed a law to take away this fundamental right. Last Thursday, on June 12, the U.S. Supreme Court ruled that this practice is wrong and is in violation of the U.S. Constitution.

Clearly, the United States has shown its incapacity to observe its own values and legal precedence by letting its inherent bias cloud its judicial process.

The U.S. Military Tribunal's inability to stay impartial does not stop them. Despite the undisputed fact that Mr. Khadr will be tried for the acts he allegedly committed when he was a 15-year-old, not when he was 18 or 21, the U.S. military tribunal refused to consider him as a child soldier and denied the defence counsel's motion.

The rationale for this ruling is tenuous at best. The commission does not find the arguments to be germane to the issue before it and that last-in-time rule as a catchall makes the Military Commission Act superior to all prior statutes, treaties and customary international law because it is the most recent rule of law that has been adopted by Congress.

The reasoning here is obviously flawed because the Child Soldiers Optional Protocol is germane to Omar Khadr's case. The Optional Protocol expressly prohibits the recruitment and use of children as soldiers and it discourages the recruitment of children under the age of 18 into the armed forces.

Under the Child Soldier Optional Protocol, anyone under the age of 18 is a child. It implicitly recognizes the special treatment that should be afforded to children under the age of 18 who were trained and used as soldiers in armed conflicts.

In addition, the U.S. cannot invoke the last-in-time rule to deny Mr. Khadr his fundamental human rights. No matter how authoritative and legitimate its application may be, the last-in-time rule cannot be used to override the protection of fundamental human rights that international laws are designed to protect.

Furthermore, recently, the judge who has been overseeing the entire process decided to suddenly retire before Mr. Khadr's trial proceeds.

These are only a few examples of the inability of the United States to maintain the integrity of the judicial process and to assume the role as an impartial decision maker in handling Omar Khadr's trial.

Honourable senators, we must ask why civilized nations have legal systems in place. Why do we value fairness and equity guaranteed by the judicial process? The legal system is there to play a vital role in the assurance of justice and when one system fails, it is another's obligation to intervene.

Canada's intervention is essential because it is likely that Mr. Khadr's health will continue to deteriorate until Canada intervenes to repatriate him. There is no proper retroactive remedy that can be afforded to Mr. Khadr for the treatment and the resulting injuries he has received.

According to Amnesty International's report on the case of Mr. Khadr published in April of this year, there are numerous pieces of evidence to show that Mr. Khadr has been subjected to threats and inhumane and degrading treatment that no inmate, let alone a child, should endure. There is also evidence of the deterioration of Mr. Khadr's psychiatric and physical health from his treatment. All of these issues have been documented in a brief submitted to the Standing Senate Committee on Human Rights by the University of Ottawa's Faculty of Law.

No human being, especially a juvenile, deserves abuse and torture. No juvenile should endure the agony of violent interrogation that is allegedly occurring in Guantanamo Bay.

I return to my initial comment that it seems our government has become schizophrenic in its values. Why are we choosing to ignore Mr. Khadr while we are vigorously involved in protecting the human rights of other people as we are in Afghanistan?

Has this government really become schizophrenic on the issue of choosing which human rights to protect? I wish to believe this is not the case. I want to believe this contradictory behaviour is the result of a grave error.

Honourable senators, when it comes to protection of fundamental human rights, especially of our citizens, we must have a responsible government that speaks with one voice for all our citizens.

Some Hon. Senators: Hear, hear!

Senator Jaffer: We all grieve the deaths of many of our soldiers in Afghanistan. They have gone to protect other peoples' rights. As soldiers have died to protect these fundamental human rights — and they should never be compromised — there is no room for the discriminatory application of human rights.

When it comes to fighting against terrorism and for the protection of our national security, we also speak with one voice. We all condemn terrorism, but we also stand by the protection of human rights.

There seems to be a belief that repatriation of Omar Khadr means that we want Mr. Khadr to be excused without a trial and reinstituted in our society upon arrival to this country. I am not suggesting that. This repatriation must occur so Mr. Khadr can be afforded the simple, most basic fundamental human rights as a human being.

Some may argue the recent decision by the U.S. Supreme Court to reinstitute the alien detainee's habeas corpus rights has made the repatriation of Mr. Khadr unnecessary. Honourable senators, reinstituting the right to the habeas corpus petition does not mean Mr. Khadr will be afforded the fundamental rights that have been denied by the U.S. It does not mean Mr. Khadr will be afforded all his due process rights.

Immediate repatriation must happen so that Mr. Khadr can be allowed family visits while being rehabilitated or denied, whatever is fit under the rule of law. That must happen so he can have access to proper nutrition, medical attention and legal representation. That must occur so that he can be free from physical and mental abuse. Discussions about Mr. Khadr's return to Canada are not premature.

Any concerns with regard to Omar Khadr being a threat to national security and an alleged terrorist can effectively be addressed without deprivation of Mr. Khadr's rights under international law and without the further infliction of irreparable physical and mental harm on Mr. Khadr. This is not impossible.

Honourable senators, the time for action is not tomorrow. We must negotiate and open up a dialogue with the United States today. Canada's goal in its negotiation with the United States should be for the immediate repatriation of Mr. Khadr in exchange for a promise of a full trial that is in line with applicable domestic and international law.

Our government should also provide assurances that there will be monitoring and rehabilitation of Mr. Khadr as necessary after the trial in exchange for him remaining in Canada thereafter.

Honourable senators, this situation is not beyond what is occurring in other countries. Many countries have acted to ensure the fair and impartial trials and repatriation of their citizens. For

example, a European Parliament resolution on the fight against terrorism was passed in 2006 that called on the U.S. administration to ensure:

... that every prisoner... be treated in accordance with international humanitarian law and be tried without delay in a fair and public hearing by a competent, independent and impartial tribunal.

In 2003, the Australian government reached an agreement with the Bush administration to no longer delay the trials of its citizens held in Guantanamo Bay and to guarantee the fundamental rights of impartial representation and the rights of its citizens. The same year, British Prime Minister Blair, as well as the British Attorney General, held talks with the Bush administration to ensure that British citizens held at Guantanamo Bay would be guaranteed fair and impartial representation in the trial.

• (1950)

This included the right to choose their own lawyers, the right to appoint a U.K. lawyer to serve as a consultant on the defence team, and the right to decide to what extent they wish the appointed military counsel to participate in the preparation of their cases.

The time to act is now. Canada, just as any other nation that has acted, must assert its sovereignty in maintaining its commitment to the observance of international laws and the protection of the fundamental rights of Canadian citizens.

Honourable senators, recently our Standing Senate Committee on Human Rights was in Geneva, where people told us we should be embarrassed because we have not brought Omar Khadr, a child soldier, back to Canada. Canada has a reputation for rescuing and helping child soldiers all over the world, and Canada's credibility as a champion of rescuing child soldiers has suffered.

Let me share with you my personal experiences in this matter. As part of a parliamentary delegation to Sierra Leone, I met a young child soldier who had no limbs. When I asked him what had happened to him, he said that he had been abducted and had to fight as a child soldier. When he tried to flee, his limbs were cut off. He further described in detail how his captors had hacked his right leg, then his left hand, then his left leg and, lastly, his right hand. He then went on to say, "Canadians rescued me, and now Canadians are helping me."

As your envoy to Sudan, I had many occasions to go to Northern Uganda, to Gula, to meet with ex-child soldiers. While there, I spoke with a young man and his brother. The young man described how he had been drugged and then given a knife. In this drugged state, he hacked his own mother's ears, lips and toes. They both went on to say that Canadians have come to rescue them and are helping them.

Honourable senators, we have a child soldier, a Canadian citizen, detained at Guantanamo Bay. When will we rescue and help him? Yes, our credibility as a champion of human rights has suffered, and I respectfully state that we must act now on this matter.

I leave you with this thought from Justice Chaskalson, President of the Constitutional Court of South Africa:

It is only if there is a willingness to protect the worst and the weakest amongst us that all of us can be secure that our rights will be protected.

Hon. Terry M. Mercer: Honourable senators, I had not intended to speak on this matter this evening, but the speech by my colleague and good friend Senator Jaffer has moved me to do so.

I have been sickened for some time by the issue of any prisoners at Guantanamo Bay. I have been sickened by the fact that George W. Bush, with his right-wing agenda, has imprisoned people without the right to counsel, without the right to trial and without the right to proper representation.

I think about the hundreds of thousands of young American men and women who have gone into battlefields all over the world and who have died. They gave their lives to protect what our friends in the United States of America consider this great freedom that is being frittered away by George W. Bush opening a prison in Guantanamo Bay. He has ignored all the rights that those men and women fought and died for. They gave their lives, and he has ignored all of that. It bothers me. I wonder what George Washington, Abraham Lincoln, John Fitzgerald Kennedy and Martin Luther King would think about this situation today. They would probably all be spinning in their graves. Shame on you, George W. Bush, and shame on you, United States of America, for allowing this to happen.

More important, shame on you, the Government of Canada, this government and previous governments, for not acting to repatriate a Canadian citizen, a recognized child soldier, to this country. Let him face the full weight of the law in this country. We stand embarrassed in the world. Every other Western country has brought back anyone imprisoned in Guantanamo Bay. Australia has done it.

What is Stephen Harper thinking? If you listened to my speech, I did not stop at Stephen Harper. I went back to previous governments, but today, Stephen Harper is the Prime Minister. What is he thinking when he allows Mr. Khadr to rot in a prison in Guantanamo Bay, Cuba? What is he thinking? This is not about whether Stephen Harper thinks this is a good man or a bad man. This is not about whether Mr. Khadr is guilty or not guilty. This is about the fact that this person is a Canadian, and it is Stephen Harper's and the Government of Canada's job to protect Canadians, no matter whether they are in Moose Jaw, Saskatchewan or Musquodoboit Harbour, Nova Scotia or Bathurst, New Brunswick, or Prince George, British Columbia, or Guantanamo Bay.

It is Stephen Harper's job as the Prime Minister of Canada to protect Canadians. People expect the Government of Canada to protect them and to protect their interests worldwide. All of us travel extensively, some more than others, and when something goes wrong, what do we do? We immediately run to the embassy and seek the protection of our government. Our government is there to protect us.

We are the citizens of the greatest country in the world, better than any country anywhere else, with great freedoms and great protection. We have an absolutely fabulous country with absolutely fabulous people, and it is built on Canadian values.

What happens to Mr. Khadr? He gets caught up in this web. I have no idea whether he is guilty or not guilty. That is not the question at this point. The question is who is protecting him. Who is speaking for him? Is it George W. Bush? I do not think so. Are his guards at Guantanamo Bay protecting him? I do not think so. More importantly, is it Stephen Harper? I am afraid the answer to that question is "no."

When any Canadian, no matter his or her political stripe or attitude toward world politics, is asked if Stephen Harper is in his or her corner and the answer comes up "no," that is a pretty sad reflection of where we are today. Stephen Harper and the Government of Canada have a responsibility to stand up for this young man and to bring him home. Let him feel the full force of the law when he comes back to this country, but let us get him home. Let us repatriate him now. For God's sake, let us start acting like Canadians.

The Hon. the Speaker *pro tempore*: Honourable senators, it is my duty to inform the chamber that if Senator Dallaire speaks now, his speech will close the debate.

Hon. Roméo Antonius Dallaire: Honourable senators, I have spoken before on this motion, and I have spoken on a few other occasions with respect to the issue of child soldiers. I wish to give you a brief anecdote of facing child soldiers.

• (2000)

I personally have faced them and have faced those young eyes, totally out of control, under duress, under fear, on drugs, and indoctrinated to kill and maim. The logic of their use of force is non-existent. There is no logic. It is not an adult making an adult decision. It is a child that has been massively abused and has been armed by adults to kill and maim.

I had a patrol that went into a village that had been wiped out. As the patrol was going through the village, the chapel doors of the small village opened, and about 100 people were hidden inside, which was unusual. Normally, the extremists told people to go into the churches where they would be protected, by convention. Once the churches were chockablock full, they would surround them and go in and slaughter them, row after row — for days on end, in certain cases. They had not yet slaughtered these people. The sergeant in charge of the patrol called my headquarters and said he needed vehicles to move these people to a safe place. As he was on the radio calling, from one side of the village about 30 boys, aged 9 to 16, opened fire on the sergeant and soldiers, clearly in uniform, and the people he was protecting. As he was reeling from that attack, he saw at the other side of the village about 20 girls, the same ages, some of them pregnant. They were human shields behind which other boys were shooting at the sergeant, his soldiers and the people he was protecting.

The question I pose to you is: What does the sergeant do? What orders does the sergeant give? A corporal who was part of that patrol, every now and again remembers, and falls into a state of

post-traumatic stress disorder, PTSD. He hears the sergeant give the order to fire. He feels his finger pulling the trigger. He sees digitally clear the cartridge leaving his rifle. He is looking through the sight and he sees the head of a child exploding. Was that the right answer? Was that ethical? Was that moral? Was that legal?

Honourable senators, we are talking about a combatant facing other combatants who are illegally combatants by convention, for they are child soldiers. By international law, the International Criminal Court is now trying adults who are using child soldiers in the Congo.

The child soldier Omar Khadr is held in an illegal prison, was shot twice and was put under all kinds of scrutiny. Even our Supreme Court has said that the documents taken by that interrogation are not appropriate for use by the court. He is then held six years.

Senator Mercer: Six years!

Senator Dallaire: In 2002, we knew about Guantanamo Bay. We did not act. In 2002, I was writing my book on a genocide created by people who ruled without any rules; people who did not believe in human rights, the rule of law and good governance. They only wanted to keep power, and they slaughtered by the hundreds of thousands. Omar Khadr was not on my radar screen. The 800,000 other human beings that we abandoned were on my radar screen, as were the 14 soldiers who were killed under my command.

I moved through that, started to research child soldiers at Harvard and started to look at the impact of child soldiers. Thirty wars are going on right now using 300,000-plus child soldiers who are held under duress and drugged by adults to achieve their aims. We are letting that go by as if it does not exist. We do not want nuclear war, but wars that use children as the primary weapons system are okay; we will let that go. It is not in our self-interest to be involved.

We are being hoisted on our own petard, because now we have a Canadian child who was abducted, moved into a combat area and used as a combatant when all the adults involved knew it was illegal. That child suffered under combat duress and was injured. He has been incarcerated as an adult for the last six years, in a process that has been identified by everyone under the sun who has an opinion as illegal, inappropriate, abusive, against human rights and against the rule of law. He is being abused because a nation has panicked under a threat they do not understand and have not been able to handle, and that nation is using every means to achieve their aim of security, including fiddling with human rights, civil liberties and conventions, including the Geneva Convention.

Honourable senators, if we let them continue to do that, we will have security. We will build a fortress North America as they wanted us to build on September 12, 2001, but we will be living in a police state. What is the aim of all these debates and decades of work, if, ultimately, the only way we can be safe is by living in a police state?

Honourable senators, this child was used illegally as a combatant, was injured in action, was traumatized by it and has been held in jail illegally. Tomorrow afternoon, a trial will start that can put him in jail for the rest of his life in an illegal process that we know is against the conventions that we believe in.

I went to Sierra Leone three years ago and negotiated with the rebels to release the children. I had the credibility to negotiate that and to manoeuvre with UNICEF, Save the Children and the UN mission. Honourable senators, if we keep Omar Khadr in jail and we put him through that American process, we will have to stay home because we will be going to other countries as hypocrites.

This motion is extremely time-sensitive. This is not an insignificant gesture. This is not only a matter of one human being. Not one of us, no matter what our differences — be they ethnic, religious, tribal or political — is more human than the other. We bent over backwards yesterday to ensure that our soldiers are treated fairly in our own judicial system, and they are adults. How is it conceivable that today we would let a motion go by that permits a child soldier to be treated illegally?

I ask you to vote for this motion.

Some Hon. Senators: Hear, hear!

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to, on division.

• (2010)

MOTION TO TELEVISION PROCEEDINGS— DEBATE CONTINUED

On the Order:

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

That whenever the Senate is sitting, the proceedings of the upper chamber, like those of the lower one, be televised, or otherwise audio-visually recorded, so that those proceedings can be carried live or replayed on CPAC, or any other television station, at times that are convenient for Canadians;

And, on the motion in amendment of the Honourable Senator Banks, seconded by the Honourable Senator Segal, that the motion be amended by deleting all words after the first “That” and replacing them by the following:

“the Senate approve in principle the installation of equipment necessary to the broadcast-quality audio-visual recording of its proceedings and other approved events in the Senate Chamber and in no fewer than four rooms ordinarily used for meetings by Committees of the Senate;

That for the purposes set out in the following paragraph, public proceedings of the Senate and of its Committees be recorded by this equipment, subject to policies, practices and guidelines approved from time to time by the Standing Committee on Internal Economy, Budgets and Administration ("the Committee");

That selected and edited proceedings categorized according to subjects of interest be prepared and made available for use by any television broadcaster or distributor of audio-visual programmes, subject to the terms specified in any current or future agreements between the Senate and that broadcaster or distributor;

That such selected proceedings also be made available on demand to the public on the Parliamentary Internet;

That the Senate engage by contract a producer who shall, subject only to the direction of the Committee, make the determination of the programme content of the selected, edited and categorized proceedings of the Senate and of its Committees;

That equipment and personnel necessary for the expert selection, editing, preparation and categorization of broadcast-quality proceedings be secured for these purposes; and

That the Committee be instructed to take measures necessary to the implementation of this motion."—
(Honourable Senator Comeau)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move:

That the question now before the Senate be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

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

Hon. Joan Fraser: I think I like very much what Senator Comeau is trying to do. I just want to understand that if we accept the motion he is putting before us we have also accepted the motion on the Order Paper; and if we have, then might we be referring the subject matter to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament?

Senator Comeau: My understanding is that we would not be accepting this motion; we would be sending it for study. The chamber would be sending the subject matter for study because, as the honourable senator knows, there is quite a bit of food for thought in the Rules Committee.

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

On motion of Senator Corbin, debate adjourned.

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

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator Johnson:

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

Hon. Joseph A. Day: Honourable senators, over the past few months I have stood in this chamber and noted the immense contribution made by all branches of the Canadian military in ensuring our freedom and security. Today I wish to join in the debate of Senator Meighen's motion, which reads:

... to end the long and unjust delay in recognition of Bomber Command service and sacrifice by Canadians in the liberation of Europe during the Second World War.

The Bomber Command campaign received public attention last year when many in the military community protested the Canadian War Museum's wording on its display entitled: *An Enduring Controversy*. Many felt that the wording on the panel was derogatory to veterans, and after extensive deliberation by our Subcommittee on Veterans Affairs, the museum changed the wording to a more acceptable, neutral statement. I very much appreciate the words of Senator Segal when he spoke on this motion, acknowledging the contribution our Subcommittee on Veterans Affairs made in relation to that public debate.

Honourable senators, on April 1, 1924, six years after the birth of the Royal Air Force, the Royal Canadian Air Force came into being. At the outbreak of the Second World War in 1939, Canada had only a handful of RCAF personnel and a small number of outmoded aircraft. Yet the ambitious program to train thousands of pilots, air crew and officers in Canada under the British Commonwealth Air Training Plan, which began in December 1939, was very successful. That success was due to the efficiency, the enthusiasm and the organizational talent of the resourceful personnel of the Royal Canadian Air Force.

In acknowledgement of the high number of Canadians serving in the RAF, that is the Royal Air Force, at the beginning of World War II, a separate group under Bomber Command was created called No. 6 Group made up primarily of the Royal Canadian Air Force. That happened in January 1943. Bomber group was in existence prior to that and continued for the rest of the war.

Honourable senators, it is important for you to understand that Bomber Command No. 6 Group was comprised almost entirely of Canadians. Canadians served in the other five Bomber Command groups as well, and also in other groups under different commands later.

Overall, Bomber Command units were made up of 125,000 soldiers or air persons — British, Canadian, Australian and other Commonwealth personnel. Overall, approximately 30 per cent of the Royal Air Force Bomber Command wartime flying personnel were Canadians — approximately 40,000.

Honourable senators, missions routinely faced enemy fighter aircraft, anti-aircraft fire, intense clouds, rudimentary wireless equipment and petrol tanks punctured by flak, leaving Bomber crews little chance of returning to their bases in Britain. The flight into battle required courage, decisiveness, daring and, one could say, a bit of recklessness.

The war that raged from September 1939 to 1945 brought such harrowing experiences and tragic destruction to the lives and property that some areas have not yet fully recovered from the damages caused. The deep penetration by Bomber Command flights into Germany, France and Italy devastated inland industrial cities, destroying iron and steel plants, petroleum storage facilities, aerodromes and railroad yards by dropping many tonnes of high explosives and bombs.

Bomber crews attacked strategic targets of importance that included launching sites for the V-1 rocket bombs that were launched towards London and major communication centres. By so doing, they contributed to the collapse of the German military hegemony that had been built up over a period of five years of annexation and conquest. To military specialists of Nazi Germany, units of the Royal Canadian Air Force deployed overseas and RAF — Royal Air Force — Bomber Command constituted a persistent threat. Although there were many unfortunate civilian casualties as a result of the bombing campaign, the Royal Air Force, along with the specific Canadian and Australian groups operating within the RAF, were able to inflict crippling blows to some of the most important Nazi assets. Without the work of Bomber Command, the final Allied victory would undoubtedly have been achieved much later, if at all.

Canadian fatalities of those fighting within Bomber Command were one in four, honourable senators, and amounted to 10,500 air crew personnel. Canadian Armed Forces' casualties over the course of the war totalled 41,000 personnel; hence, one quarter of all the losses were Bomber Command air crew.

Honourable senators, it will be apparent that the members of Bomber Command are deserving of recognition for their tremendous contribution. Today, the only specific recognition available to the men and women who served so bravely and who fought for our freedom in the service of Bomber Command is a commemorative medal produced by a private company in the United Kingdom. There is no official Bomber Command medal or bar from any Allied government. For a force so involved in the Second World War, one wonders if their service should be marked by something more than a mere commemorative medal which they may not even wear as part of their formal dress as an official award.

The medals that the Canadian Bomber Command personnel may have received are rather generic. They include the Canadian Volunteer Service Medal, which was awarded to persons of any rank in the navy, army or air force; the Defence Medal, which was awarded to Canadians who served at least six months in Britain; the War Medal; the 1939-45 Star for air force personnel; the Air Crew Europe Star and the France and Germany Star.

• (2020)

Honourable senators, in addition — and it is important for us to remember — officers and warrant officers who displayed exceptional valour, courage and devotion to duty were awarded the Distinguished Flying Cross; and 4,292 Canadians were awarded the Distinguished Flying Cross during the Second World War.

Bomber Command personnel were also eligible for decorations such as the Victoria Cross, George Cross, Distinguished Service Order and many other awards for valour. Most Bomber Command personnel would have received five or six medals. They have been well decorated by the British and Canadian governments, even without a specific medal for their arena.

Even though there was no specific honour for Bomber Command, they were awarded. In World War II, certain campaigns other than Bomber Command did receive specific recognition, such as the Dieppe Bar, a bar worn on the Canadian Volunteer Service Medal.

Honourable senators, one possible path to take to meet Senator Meighen's motion may be a bar recognizing Bomber Command. I point out, honourable senators, that no other command in the Royal Air Force or the Canadian Air Force received any special recognition.

The question is how to best promote this deserved recognition. Bomber Command was a British formation in which Canadians participated. I am aware of a major campaign to convince British authorities to award a medal for all Bomber Command personnel.

What role does the Canadian Parliament have in encouraging a decision of the British government? Do we encourage Canada to award or recognize only the Canadians who served in Bomber Command? What about those Canadians who worked tirelessly to keep the aircraft serviceable? Any pilot will say they believe the ground crew personnel who looked after their aircraft and kept them serviceable were heroes as well. Should recognition be awarded to the air crew who flew in planes as well as to ground crew personnel?

Additionally, there exists a further hurdle to overcome from the British point of view, and that is the long-standing practice in Great Britain of not rewriting history by awarding recognitions and awards more than five years after the event.

Honourable senators, there are many worthy campaigns and battles from various wars in which Canadians have fought, but all were fought in a collective, unified cause, and we cannot have awards for every one of their efforts, lest special awards lose their impact.

I am also aware of an individual effort led by Mr. John Wiebe — a different Mr. John Wiebe from our former colleague — who lives in Ottawa. His campaign is to erect a monument dedicated to Bomber Command personnel at the Canada Aviation Museum in Ottawa. Perhaps this is the best way in which to recognize the extraordinary contribution of Bomber Command personnel. Such a monument would be a

lasting tribute to our deserving veterans, both air and ground crew, and it would be a public monument that would serve to keep their memory alive for future generations.

Honourable senators, the Canadians who served in the army and the merchant navy, the Royal Canadian Navy, the Royal Canadian Air Force and Canadians who served in Bomber Command, in particular, served in a joint effort with all of the Allied forces, ultimately securing our freedom. By recognizing the sacrifices of certain units we must avoid diminishing the collective efforts that ultimately brought us victory, and with it the peace and security for which those sacrifices were made.

We must honour all of their accomplishments and pay them the respect they so richly deserve.

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

Motion agreed to.

CONSTITUTION ACT, 1867—MOTION TO AMEND
REAL PROPERTY PROVISIONS FOR SENATORS—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Corbin:

That,

WHEREAS, in the 2nd Session of the 39th Parliament, a bill has been introduced in the Senate to amend the Constitution of Canada by repealing the provision that requires that a person, in order to qualify for appointment to the Senate and to maintain their place in the Senate after being appointed, own land with a net worth of at least four thousand dollars within the province for which he or she is appointed;

AND WHEREAS a related provision of the Constitution makes reference, in respect of the province of Quebec, to the real property qualification that is proposed to be repealed;

AND WHEREAS, in respect of a Senator that represents Quebec, the real property qualification must be had in the electoral division for which the Senator is appointed or the Senator must be resident in that division;

AND WHEREAS the division of Quebec into 24 electoral divisions, corresponding to the 24 seats in the former Legislative Council of Quebec, reflects the historic boundaries of Lower Canada and no longer reflects the full territorial limits of the province of Quebec;

AND WHEREAS section 43 of the *Constitution Act, 1982* provides that 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 assembly of each province to which the amendment applies;

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. Section 22 of the *Constitution Act, 1867* is amended by striking out the second paragraph of that section, beginning with the words “In the Case of Quebec” and ending with “the Consolidated Statutes of Canada.”.

2. (1) Paragraph (5) of section 23 of the Act is replaced by the following:

(5) He shall be resident in the Province for which he is appointed.

(2) Paragraph (6) of section 23 of the Act is repealed.

Citation

3. This Amendment may be cited as the *Constitution Amendment, [year of proclamation] (Quebec: electoral divisions and real property qualifications of Senators)*. —(Honourable Senator Comeau)

Hon. Tommy Banks: Honourable senators, I rise on a point of order because I do not wish to speak to the motion. This item is concomitant with the item that appears as Item No. 1 on the Order Paper today under the rubric of Senate Public Bills. The two go together. This item has gone 10 days into its time, whereas Senator Fraser spoke the other day. I wonder if someone might say a word and adjourn this so that it is at about the same time.

Hon. Gerald J. Comeau (Deputy Leader of the Government): The adjournment stands in my name.

Hon. Joan Fraser: I want to make a comment, which the honourable senator could follow up on if he wishes.

Honourable senators may recall that late last night I observed that this motion was a paired and essential part of the proceeding of the bill that Senator Banks has introduced.

It is late and I am sorry if I am not being coherent. However, I will attempt to speak to the bill at the next sitting of the Senate.

If honourable senators wish, I could then also rise at this point on the Order Paper and say that everything I said earlier today applies. However, if Senator Comeau wishes to continue the adjournment in his own name, that is fine with me. I will, in fact, be speaking to this motion at the next sitting.

Senator Comeau: The honourable senator may take the adjournment.

On motion of Senator Fraser, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY ACCESSIBILITY TO POST-SECONDARY EDUCATION— DEBATE CONTINUED

On the Order:

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the accessibility of post-secondary education in Canada, including but not limited to:

- (a) analysis of the current barriers in post-secondary education, such as geography, family income levels, means of financing for students and debt levels;
- (b) evaluation of the current mechanisms for students to fund post-secondary education, such as Canada Student Loans Program, Canada Student Grants Program, Canada Access Grants, funding for Aboriginal students, Canada Learning Bonds, and Registered Education Savings Plans;
- (c) examination of the current federal/provincial transfer mechanism for post-secondary education;
- (d) evaluation of the potential establishment of a dedicated transfer for post-secondary education; and
- (e) any other matters related to the study; and

That the Committee submit its final report no later than December 31, 2009, and that the Committee retain until June 30, 2010, all powers necessary to publicize its findings.
—(*Honourable Senator Keon*)

Hon. Wilbert J. Keon: Honourable senators, I am pleased to rise and speak in support of Senator Callbeck's motion authorizing the Standing Senate Committee on Social Affairs, Science and Technology to examine and report on the accessibility of post-secondary education in Canada.

We must recognize that in our governing system post-secondary education is the responsibility of the provinces. However, the federal government plays a role, through transfer payments to the provinces, in direct support of research and development and student financial assistance.

Post-secondary education is the bedrock upon which an innovative and prosperous society is built. As the Conference Board of Canada stated in its annual report card last June on how our nation is performing, well-educated and skilled people make important contributions to business innovation, productivity and national economic performance. Education drives success.

The report went on to say that well-educated and talented individuals drive the bulk of innovation that we count on to create and improve products and services and to give us the edge needed to compete globally. We need people who have had the benefit of post-secondary education. Without them, our standard of living crumbles, taking with it our health, safety, economy and stability.

When Senator Callbeck spoke to this item on April 29, she reminded us that a mere five years from now as many as 70 per cent of new and replacement jobs, about 1.7 million in all, will demand some post-secondary education qualifications. Unfortunately, only 45 per cent of adult Canadians have college or university qualifications. A large gap is looming as the number of post-secondary graduates needed far outstrips the number available.

• (2030)

How do we bridge this gap? Senator Callbeck's motion is an attempt to find answers. It is an attempt that I strongly support.

However, other issues related to accessibility to post-secondary education warrant investigation. Those issues deal with the difficulty we have in Canada of transferring post-secondary education into economic development and prosperity. Such questions may be beyond the scope of Senator Callbeck's study, but they are no less important to our future.

According to the Conference Board report, Canada has one of the highest rates of post-secondary education completion compared with other highly industrialized nations, but even this level is not enough to meet demand in coming years. The problem is that we are turning out the wrong kind of graduate.

A closer examination of our post-secondary participants shows some disturbing facts. As the Conference Board stated:

An examination of differentiation by field of study suggests that we should be concerned about Canada's relatively poor showing on the proportion of graduates with math, science or engineering backgrounds — where Canada ranks only 12th of 17 countries. Canada's ranking on its Ph.D. graduation rate is also strikingly low, (16th among 17 countries). . . . In addition, Canada ranks a modest eighth in scientific articles per million population, even though it ranks second in higher-education R&D spending as a percentage of GDP.

Thus, while Canada's completion rates are generally very good, the skewed distribution of graduates by field of study away from high-demand science and technology subjects, the low number of Ph.D.s graduating, and the relatively low creative output of highly skilled people in science and technical disciplines give cause for concern.

The Conference Board further states the following:

Overall, our education system does not stimulate enough students to complete post-graduate degrees, especially in the science and technical disciplines that underpin innovation. This helps to explain Canada's comparative weakness in high-level academic achievement and our declining relative performance in innovation.

The Conference Board gave Canada a grade of D — D as in dust — on innovation, where we ranked fourth to last among 17 countries being compared in the group. This mark is crucial for our competitiveness and our sustainable prosperity, and this is where we are falling down. While we provide a broad post-secondary education — although, even there, the numbers are insufficient for future demand — we do not fund high performing academic elites.

Honourable senators, my hope is that this chamber will support Senator Callbeck's motion to study the question of accessibility to post-secondary education. I look forward to working with her and the rest of the committee in exploring this matter, teasing out the problem areas and finding solutions. I also hope we will have an opportunity to consider some of the barriers to higher-level academic achievement and innovation.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, a study on this area would be extremely timely. I am pleased that Senator Keon supports the motion to look at this.

We often neglect the extremely important fact that our students should have university education not only in Canada but outside Canada. As we move closer to a globalized world, we need our students to be knowledgeable about what is happening in Europe, Asia and South America, so we should encourage students to attend foreign universities as part of their full academic program.

I have heard about statistics — I am not in a position to quote them right now — that Canada ranks low in terms of numbers of students who attend universities abroad. I have heard the numbers are as low as 3 per cent, so that issue could be looked at as well. For some countries, that figure goes as high as 25 per cent.

In a world that is becoming more of a neighbourhood, if Canada lags behind other countries with this kind of formal education, we will lag behind in how we venture out into the world and how the world ventures out to us.

We should also look at the barriers and the reasons for them. Are there financial barriers? Are there language barriers?

Maybe as part of the programs. Perhaps we could look at changing the structure of post-secondary education granting programs. I want this international component to become part of the study that the honourable senator is proposing.

[Senator Keon]

I want to reflect more on this and possibly come up with an amendment to include this component within the study that the honourable senator is proposing. The study at this point is limited to domestic considerations, and I would like to see it expanded.

With that in mind, I want to adjourn the motion for the balance of my time.

On motion of Senator Comeau, debate adjourned.

[*Translation*]

MOTION TO AUTHORIZE COMMITTEE TO STUDY
GUARANTEED ANNUAL INCOME SYSTEM—
DEBATE CONTINUED

On the Order:

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the implementation of a guaranteed annual income system, including the negative income tax model, as a qualitative improvement in income security, with a view to reducing the number of Canadians now living under the poverty line;

That the Committee consider the best possible design of a negative income tax that would:

- (a) ensure that existing income security expenditures at the federal, provincial and municipal levels remain at the same level;
- (b) create strong incentives for the able-bodied to work and earn a decent living;
- (c) provide for coordination of federal and provincial income security through federal—provincial agreements; and

That the Committee submit its final report no later than June 30, 2009; and

That the Committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.—(*Honourable Senator Johnson*)

Hon. Pierre Claude Nolin: Honourable senators, Senator Segal is asking us to make the Standing Committee on Social Affairs, Science and Technology responsible for a very important study. I remember old speeches on the guaranteed annual income system, and until now, my thoughts on the subject were progressing nicely.

Now Senator Segal has asked us to look at the negative income tax model as a way to enhance income security and reduce the number of Canadians now living below the poverty line. I must say, honourable senators, that I found the introduction

intriguing, but that I have only recently developed an interest in this subject. That is why I am seeking leave to adjourn the debate in my name and resume it later for the remainder of my time.

On motion of Senator Nolin, debate adjourned.

[English]

• (2040)

HUMAN RIGHTS

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

On the Order:

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

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

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

1. Recalling the Parliamentary Assembly's leadership in raising the focus and attention of the participating States since the 2002 Annual Session in Berlin on issues related to intolerance, discrimination, and hate crimes, including particular concern over manifestations of anti-Semitism, racism, xenophobia and other forms of intolerance,
2. Celebrating the richness of ethnic, cultural, racial, and religious diversity within the 56 OSCE participating States,
3. Emphasizing the need to ensure implementation of existing OSCE commitments on combating anti-Semitism, racism, xenophobia, and other forms of intolerance and discrimination, including against Christians, Muslims, and members of other religions, as well as against Roma,
4. Recalling other international commitments of the OSCE participating States, and urging immediate ratification and full implementation of the Convention on Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the Rome Statute,

5. Reminding participating States that hate crimes and discrimination are motivated not only by race, ethnicity, sex, and religion or belief, but also by political opinion, national or social origin, language, birth or other status,

The OSCE Parliamentary Assembly:

6. Welcomes the convening of the June 2007 OSCE High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding, in Bucharest, Romania as a follow-up to the 2005 Cordoba Conference on Anti-Semitism and Other Forms of Intolerance;
7. Appreciates the ongoing work undertaken by the OSCE and the Office for Democratic Institutions and Human Rights (the OSCE/ODIHR) through its Programme on Tolerance and Non-discrimination, as well as its efforts to improve the situation of Roma and Sinti through its Contact Point for Roma and Sinti Issues, and supports the continued organization of expert meetings on anti-Semitism and other forms of intolerance aimed at enhancing the implementation of relevant OSCE commitments;
8. Recognizes the importance of the OSCE/ODIHR Law Enforcement Officers Programme (LEOP) in helping police forces within the participating States better to identify and combat hate crimes, and recommends that other participating States make use of it;
9. Reiterates its full support for the political-level work undertaken by the three Personal Representatives of the Chair-in-Office and endorses the continuance of their efforts under their existing and distinct mandates;
10. Reminds participating States of the Holocaust, its impact, and the continued acts of anti-Semitism occurring throughout the 56-nation OSCE region that are not unique to any one country and necessitate unwavering steadfastness by all participating States to erase the black mark on human history;
11. Calls upon participating States to recall that atrocities within the OSCE region motivated by race, national origin, sex, religion or belief, disability or sexual orientation have contributed to the negative perceptions and treatment of persons in the region;
12. Further recalls the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its Annual Sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004, Washington in 2005 and Brussels in 2006;
13. Reaffirms especially the 2002 Porto Ministerial Decision condemning "anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom";

14. Recalls the agreement of the participating States, adopted in Cracow in 1991, to preserve and protect those monuments and sites of remembrance, including most notably extermination camps, and the related archives, which are themselves testimonials to tragic experiences in their common past;
15. Commends the 11 member states of the International Tracing Service for approving the immediate transfer of scanned Holocaust archives to receiving institutions and encourages all participating States to cooperate in opening, copying, and disseminating archival material from the Holocaust;
16. Commemorates the bicentennial of the 1807 Abolition of the Slave Trade Act which banned the slave trade in the British Empire, allowed for the search and seizure of ships suspected of transporting enslaved people, and provided compensation for the freedom of slaves;
17. Agrees that the transatlantic slave trade was a crime against humanity and urges participating states to develop educational tools, programmes, and activities to teach current and future generations about its significance
18. Acknowledges the horrible legacy that centuries of racism, slavery, colonialism discrimination, exploitation, violence, and extreme oppression have continued to have on the promulgation of stereotypes, prejudice, and hatred directed towards persons of African descent;
19. Reminds parliamentarians and participating States that Roma constitute the largest ethnic minority in the European Union and have suffered from slavery, genocide, mass expulsions and imprisonment, forced assimilations, and numerous other discriminatory practices in the OSCE region;
20. Reminds participating States of the role these histories and other events have played in the institutionalization of practices that limit members of minority groups from having equal access to and participation in state-sponsored institutions, resulting in gross disparities in health, wealth, education, housing, political participation, and access to legal redress through the courts;
21. Underscores the sentiments of earlier resolutions regarding the continuing threat that anti-Semitism and other forms of intolerance pose to the underlying fundamental human rights and democratic values that serve as the underpinnings for security in the OSCE region;
22. Therefore urges participating States to increase efforts to work with their diverse communities to develop and implement practices to provide members of minority groups with equal access to and opportunities within social, political, legal, and economic spheres;
23. Notes the growing prevalence of anti-Semitism, racism, xenophobia, and other forms of intolerance being displayed within popular culture, including the Internet, computer games, and sports;
24. Deplores the growing prevalence of anti-Semitic materials and symbols of racist, xenophobic and anti-Semitic organizations in some OSCE participating States;
25. Reminds participating States of the 2004 OSCE meeting on the Relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes and suggested measures to combat the dissemination of racist and anti-Semitic material via the Internet as well as in printed or otherwise mediated form that could be utilized throughout the OSCE region;
26. Deplores the continuing intellectualization of anti-Semitism, racism and other forms of intolerance in academic spheres, particularly through publications and public events at universities;
27. Condemns the association of politicians and political parties with discriminatory platforms, and reaffirms that such actions violate human rights standards;
28. Notes the legislative efforts, public awareness campaigns, and other initiatives of some participating States to recognize the historical injustices of the transatlantic slave trade, study the enslavement of Roma, and commemorate the Holocaust;
29. Urges other states to take similar steps in recognizing the impact of past injustices on current day practices and beliefs as a means of providing a platform to address anti-Semitism and other forms of intolerance;
30. Suggests guidelines on academic responsibility to ensure the protection of Jewish and other minority students from harassment, discrimination, and abuse in the academic environment;
31. Urges participating States to implement the commitments following the original 2003 Vienna Conferences on Anti-Semitism and on Racism, Xenophobia and Discrimination and subsequent conferences that include calls to:
 - a. provide the proper legal framework and authority to combat anti-Semitism and other forms of intolerance;
 - b. collect, analyse, publish, and promote hate crimes data;
 - c. protect religious facilities and communitarian institutions, including Jewish sites of worship;
 - d. promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
 - e. train law enforcement officers and military personnel to interact with diverse communities and address hate crimes, including community policing efforts;

- f. appoint ombudspersons or special commissioners with the necessary resources to adequately monitor and address anti-Semitism and other forms of intolerance;
 - g. work with civil society to develop and implement tolerance initiatives;
32. Urges parliamentarians and the participating States to report their initiatives to combat anti-Semitism and other forms of intolerance and publicly recognize the benefits of diversity at the 2008 Annual Session;
 33. Commends all parliamentary efforts on combating all forms of intolerance, especially the British All-Party Parliamentary Inquiry into Anti-Semitism and its final report;
 34. Emphasizes the key role of politicians and political parties in combating intolerance by raising awareness of the value of diversity as a source of mutual enrichment of societies, and calls attention to the importance of integration with respect for diversity as a key element in promoting mutual respect and understanding;
 35. Calls upon OSCE PA delegates to encourage regular debates on the subjects of anti-Semitism and other forms of intolerance in their national parliaments, following the example of the All-Party Parliamentary Inquiry into Anti-Semitism;
 36. Calls upon journalists to develop a self-regulated code of ethics for addressing anti-Semitism, racism, discrimination against Muslims, and other forms of intolerance within the media;
 37. Expresses its concern at all attempts to target Israeli institutions and individuals for boycotts, divestments and sanctions;
 38. Urges implementation of the Resolution on Roma Education unanimously adopted at the OSCE PA 2002 Berlin Annual Session to “eradicate practices that segregate Roma in schooling” and provide equal access to education that includes intercultural education;
 39. Calls upon parliamentarians and other elected officials to publicly speak out against discrimination, violence and other manifestations of intolerance against Roma, Sinti, Jews, and other ethnic or religious groups;
 40. Urges the participating States to ensure the timely provision of resources and technical support and the establishment of an administrative support structure to assist the three Personal Representatives of the Chair-in-Office in their work to promote greater tolerance and combat racism, xenophobia and discrimination;
 41. Encourages the three Personal Representatives of the Chair-in-Office to address the Assembly’s Winter Meetings and Annual Sessions on their work to promote greater tolerance and combat racism, xenophobia, and discrimination throughout the OSCE region;
 42. Recognizes the unique contribution that the Mediterranean Partners for Co-operation could make to OSCE efforts to promote greater tolerance and combat anti-Semitism, racism, xenophobia and discrimination, including by supporting the ongoing work of the three Personal Representatives of the Chair-in-Office;
 43. Reminds participating States that respect for freedom of thought, conscience, religion or belief should assist in combating all forms of intolerance with the ultimate goal of building positive relationships among all people, furthering social justice, and attaining world peace;
 44. Reminds participating States that, historically, violations of freedom of thought, conscience, religion or belief have, through direct or indirect means, led to war, human suffering, and divisions between and among nations and peoples;
 45. Condemns the rising violence in the OSCE region against persons believed to be Muslim and welcomes the conference to be held in Cordoba in October 2007 on combating discrimination against Muslims;
 46. Calls upon parliamentarians and the participating States to ensure and facilitate the freedom of the individual to profess and practice any religion or belief, alone or in community with others, through transparent and non-discriminatory laws, regulations, practices and policies, and to remove any registration or recognition policies that discriminate against any religious community and hinder its ability to operate freely and equally with other faiths;
 47. Encourages an increased focus by participating States on the greater role teenagers and young adults can play in combating anti-Semitism and other forms of intolerance and urges participating States to collect data and report on hate crimes committed by persons under the age of 24 and to promote tolerance initiatives through education, workforce training, youth organizations, sports clubs, and other organized activities;
 48. Reminds participating States that this year marks the 59th Anniversary of the United Nations Human Rights Commission’s adoption of the Universal Declaration on Human Rights, which has served as the inspiration for numerous international treaties and declarations on tolerance issues;
 49. Calls upon participating States to reaffirm and implement the sentiments expressed in the 2000 Bucharest Declaration and in this resolution as a testament to their commitment to “respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion”, as enshrined in the Helsinki Final Act;

50. Expresses deep concern at the glorification of the Nazi movement, including the erection of monuments and memorials and the holding of public demonstrations glorifying the Nazi past, the Nazi movement and neo-Nazism;
51. Also stresses that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;
52. Emphasizes the need to take the necessary measures to put an end to the practices described above, and calls upon participating States to take more effective measures to combat these phenomena and the extremist movements, which pose a real threat to democratic values.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, this item has been on the Order Paper for a number of months now. It is an issue in which Senator Grafstein is very interested. In effect, it is his motion.

Senator Grafstein and I have been chatting about when would be the appropriate time to express thoughts on this motion, and because of other commitments he has, he has not been able to devote the time to work with me to be able to deal with this motion at this time.

I would like to rewind the clock once more, with the strong hope that we will be able to deal with this when we return after the summer break.

Therefore, I move the adjournment for the remainder of my time.

On motion of Senator Di Nino, debate adjourned.

MATERNITY AND PARENTAL BENEFITS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hubley, calling the attention of the Senate to the current state of maternity and parental benefits in Canada, to the challenges facing working Canadians who decide to have children, and to the options for improving federal benefits programs to address these challenges.
—(*Honourable Senator Trenholme Counsell*)

Hon. Catherine S. Callbeck: This item stands in the name of Senator Trenholme Counsell, but she has agreed that I speak at this time and adjourn it in her name.

Honourable senators, I would like to thank Senator Hubley for introducing this inquiry on maternity and parental benefits. It is true there are tremendous challenges for working women who decide to have children, but there are measures the federal

government can implement in order to assist and support working women, and so improve the present situation.

Although there have been changes to the EI Act over the years that have affected working mothers, there are still problems that need to be addressed. As Senator Hubley mentioned in her remarks introducing this inquiry, the National Association of Women and the Law indicates that one in every three mothers does not have access to maternity and parental benefits under EI.

Today, due to time constraints, I want to focus my remarks on the lack of maternity and parental benefits for women entrepreneurs and the need for the federal government to develop a program to include these businesswomen.

Women entrepreneurs contribute more than \$18 billion to the Canadian economy and employ 2.6 million Canadians. According to Statistics Canada, there are more than 866,000 women entrepreneurs in Canada and they are the fastest-growing segment of the Canadian economy. It is estimated they will surpass the 1 million mark by the end of this decade. In fact, there has been a growth of 50 per cent in the number of women entrepreneurs over the last 15 years. It is important that the federal government support and encourage them so they can continue to provide jobs and help stimulate the economy.

These days, many of these women are asking themselves: Is it possible for me to have a child and continue to operate my business? They know that they can give up their business, work for someone else and qualify for maternity benefits.

When we travelled from coast to coast to coast with the Prime Minister's Task Force on Women Entrepreneurs, we heard over and over again that women entrepreneurs did not want to choose between continuing to own and operate their businesses and having a child. We heard that they would gladly pay into a fund in order to have access to these benefits.

That is why the task force's final report included a recommendation on this very subject. Recommendation 4.01 stated very explicitly: "The federal government should extend maternity leave benefits for self-employed women."

The task force has not been the only group to advocate for the extension of maternity leave benefits to women entrepreneurs. In the Pink Book, the Liberal Women's Caucus also reached out and heard from thousands of individuals and more than 100 women's organizations about a variety of issues of concern to them. One of these issues was maternity and parental benefits. A recommendation to build an improved income-replacement plan for parents, including the self-employed, is included in the first volume of our Pink Book.

Discussion has also happened in the other place. In its Fifth Report, the House of Commons Committee on the Status of Women recommended:

That the government develop a framework for extending maternity and parental benefits to self-employed workers under the EI program and examine other program models which could provide maternity and parental benefits to self-employed workers.

This report was presented to the House just prior to the last election in November 2005. After the election, to make sure their views were not lost on the Conservative government, the committee re-adopted the report in May 2006 and tabled the recommendations again in the House. Unfortunately, according to the government's response, it has no plans at this time to fulfill these recommendations.

Such discussions have also taken place in my home province. We are very fortunate to have the Women's Network, a non-profit organization that has done great work on a number of issues. I want to commend them on their commitment, dedication and hard work.

For example, in 2002, the Women's Network PEI began a five-year study with an advisory committee made up of representatives from each of the Atlantic provinces. Their research focused specifically on maternity and parental benefits, and the report's second recommendation was aimed directly at the issue of self-employed women:

We recommend that the federal government extend eligibility for maternity and parental benefits by changing qualifying requirements to allow self-employed individuals the option to pay into the employment insurance program.

Lack of benefits has a profound impact on the length of time self-employed women may remain home with a child. According to the Canadian Council on Social Development:

The federal government has stated that parents and families have the primary responsibility for the care of their children. Governments have a responsibility to ensure that this is possible. In the current climate, it is difficult for self-employed women to find a way to spend the first month with their newborn children.

When I attend women-in-business meetings in my home province, I am always asked about when the government will recognize the needs of women entrepreneurs and include them in programs for maternity and parental benefits. I applaud the Province of Quebec for having such a program.

We also have a lot to learn from other countries around the world. A large number of them provide some form of benefits to self-employed women, including Denmark, Finland, Hungary, Ireland, Italy, Portugal, Sweden, the United Kingdom and Norway. If it can be done in Quebec and in other countries, why can these benefits not be available here, in all of Canada?

Honourable senators, as I said at the beginning, the federal government needs to support and encourage women entrepreneurs because these businesswomen help stimulate our entire economy. These women are asking for a program that will include them in maternity and parental benefits. Doing so would help our entire country, by creating, maintaining and promoting strong families as well as healthy individuals.

Hon. Jane Cordy: Would Senator Callbeck take a question?

Senator Callbeck: Yes.

Senator Cordy: That was an excellent speech.

The Standing Senate Committee on Social Affairs, Science and Technology Committee, Subcommittee on Cities heard witnesses concerned with Employment Insurance benefits. As we spoke with them, one of the issues that came up related specifically to maternity and parental benefits.

I was quite flabbergasted to hear the number of women having babies who are not entitled to maternity benefits, for a number of reasons. Senator Callbeck spoke about this, and the figure was well over 40 per cent. That figure shocked me, because we tend to think that in Canada we have great social benefits and that everyone will get them. I was very surprised to hear that number.

We heard about entrepreneurs who are not paying into the program and who are not entitled to the benefits. We also heard about part-time workers who were not able to work the 600 hours required in the previous work year to collect the benefits.

Just over 50 per cent of people who were able to claim the benefits tended to be the older parents and the better-educated parents who had been in the workforce for a while and had full-time jobs, not contract or part-time jobs.

• (2050)

One suggestion that we heard from some of our witnesses was that benefits such as maternity and parental benefits, compassionate care benefits and benefits for the disabled be removed from the Employment Insurance pot and come out of general revenues. Some countries are doing that.

What would the honourable senator think of that type of approach to ensure that those who are most needy and not receiving maternity and parental benefits would receive them? We have young students, for example, who may not even have been in the workforce who are not entitled to benefits, and students who are on contract work and not paying into the Employment Insurance plan and not receiving benefits.

Senator Callbeck: I thank the honourable senator for the question.

Certainly, that was an idea we heard as well when we were conducting the task force on women entrepreneurs. It is an idea that has pros and cons, and certainly would have to be studied in depth. As I say, many women presented that to us.

Hon. Joseph A. Day: I wonder if I could ask Senator Callbeck a question as well. This may be a bit of a heads-up.

Under Bill C-50, Employment Insurance will now fall under a new regime. There is a separate corporation being created, and the board of this corporation and the members will be people whose focus is finance as opposed to some of the social aspects.

Has the honourable senator given any thought to whether this new organization could possibly interfere with some of these programs, such as maternity leave and employment in areas where people only work for a certain period of time each year? Those programs will not fit in with a purely insurance approach to Employment Insurance.

Hopefully someone will be keeping an eye on the developments in relation to this now that Bill C-50 has passed. Is Senator Callbeck contemplating doing that?

Senator Callbeck: I thank Senator Day for the question. Certainly I think having a separate corporation is a serious concern because, as the honourable senator says, the directors or the board will be people with a financial focus rather than a social one. That could have serious implications for some of our programs.

The Hon. the Speaker: Is it agreed, honourable senators, that this item remain standing in the name of the Honourable Senator Trenholme Counsell?

Hon. Senators: Agreed.

On motion of Senator Callbeck, for Senator Trenholme Counsell, debate adjourned.

CANADA PENSION PLAN

SENIORS' BENEFITS— INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the thousands of Canadian seniors who are not receiving the benefits from the Canada Pension Plan to which they are entitled.—(*Honourable Senator Cowan*)

Hon. Jane Cordy: Honourable senators, I wish to thank Senator Callbeck for initiating an inquiry into Canadian seniors who are not receiving their Canada Pension Plan benefits to which they are entitled. Senator Callbeck's inquiry calls our attention to a very important issue that affects some of the most vulnerable members of our society in every province and territory.

I was very surprised to learn that tens of thousands of people who are eligible for retirement benefits under the Canada Pension Plan — people who have contributed to the plan — have failed to apply and are not receiving their pension.

As we have heard in the Special Committee on Aging, Canada's population is getting older. This is an issue that affects families, individuals, communities, governments and the economy in every part of the country.

In my own province of Nova Scotia, with a sustained out-migration of young people over the past several decades, the over-75 age bracket is nearly 6 per cent of the population. That is considerably larger than the national average of 5 per cent, and it is growing. Issues surrounding income support for seniors are of great importance to my region.

Honourable senators, I want to pick up on an aspect of this issue that has been mentioned in discussions in the chamber, in the Aging Committee and in the National Finance Committee.

As Senator Callbeck has explained, the bulk of people who do not receive their CPP benefits have simply never applied for them. That failure to apply is most likely because they are not aware that they are eligible. From the real-world cases we know about, and the evidence we heard at the Aging Committee, the issue seems to affect women disproportionately.

A woman aged 75 today would have been 31 years old when Prime Minister Pearson negotiated the constitutional amendment in 1964 to allow the establishment of the CPP. She would have been 33 when the pension was established in 1966. If she is a mother, she might have followed the example of many women of her generation and entered the workforce after her children became independent; probably in the mid-1970s. We know that women in this situation often worked to supplement the income of their husbands. She may have only worked for a few years and, in many cases, the husband may have managed the household finances.

As with so many cases we know of decades later, she may have forgotten that she contributed to the plan. Or perhaps, like other cases, she may incorrectly assume that she is not eligible, either because she did not participate in the labour force long enough or because her husband never applied for the pension on her behalf.

As the years advance, now widowed, she may have to turn to her children for support to help her age in place. Eventually, she may ask for assistance with alternatives when independent living is no longer feasible. It is often at this stage that her children discover that she has been eligible for retirement benefits for 10 or 15 years.

As the family is struggling to shoulder the financial burden of maintaining quality of life for their mother, they are at first relieved and encouraged to find a nest egg that has been forgotten, but that feeling quickly turns to disappointment when they learn that the bulk of their mother's pension — which she paid for with forced contributions — is denied to her because she did not even know she qualified to receive it, and no one told her that she should apply for it.

Even if she only worked for a few years, she would have been obligated to contribute a portion of her earnings to the Canada Pension Plan. Contributions were never voluntary. She contributed. Her contributions were kept apart from general government revenues, and because her contributions were invested on her behalf, the CPP fund contains more than enough money to pay all of her benefits with no limit on retroactivity. It is her money.

I emphasize that because it is important. The Canada Pension Plan is not taxpayer funded. It is funded by contributions. Morally, at least, if not legally, their benefits belong to the contributors. It is not a gift of the state; it is a form of retirement savings.

We know the fund can meet all liabilities because the chief actuary tells us so. The CPP is funded by contributors and it is financially sound. There is no question, according to actuarial reports, that the fund can sustain a 100 per cent take-up rate. That is why I am mystified by those who would argue against improved retroactivity on the basis of cost. That argument is illusory.

There may be grounds to place some limits on retroactivity, but cost is not one of them. The contributions and the return on investment are more than adequate to cover all liabilities. If we give any credence to the chief actuary's reports, there is no cost associated with paying retroactive benefits. That is why it seems so terribly wrong to impose a punitive limitation on retroactive claims at worth of benefits.

In the case of our imaginary widow, that represents as little as 7 per cent of the benefits she bought and paid for with her contributions.

Honourable senators, I understand the floodgate argument as well. I can appreciate the inclination to impose some sort of limitation but, as we see from the example of the Quebec Pension Plan, which allows for applications up to 60 months following eligibility, the Canada Pension Plan is, I believe, quite stingy at 11 months' retroactivity. By the way, honourable senators, interest is not included in the retroactive payments.

• (2100)

I agree with the recommendation of the Standing Senate Committee on National Finance that the government should engage its provincial partners to seek agreement to increase the retroactive benefits available to people who are missing out on their pension. Again, I must emphasize that such a proposal would not represent a burden on the treasury of either level of government. It would merely be a change in the way the CPP fund is administered.

Just as important as the retroactivity issues for today's beneficiaries is concern for the long term. The National Finance Committee also calls on the government to improve its outreach activities to eliminate the problem of people missing out on benefits simply because they do not know they are eligible. If the government takes up this challenge and realizes the high levels of uptake that Quebec has been able to achieve, retroactivity will eventually become an insignificant issue.

Honourable senators, I once again want to acknowledge the important initiative of Senator Callbeck. I also want to compliment the National Finance Committee, under the able chairmanship of Senator Day, for its work in focusing attention on this issue. As Senator Carstairs has already mentioned in debate in this chamber, we have also heard concerns expressed about this issue from witnesses in the Special Senate Committee on Aging.

Beyond parliamentary reports and recommendations to government, I also want to reiterate Senator Callbeck's recent challenge to each and every one of us. In debate on the National Finance Committee report, she urged us all to talk about this issue when we are speaking at or attending events in our home communities to do our individual parts in raising awareness. I, for

one, plan to take up that challenge and help to ensure that every Canadian receives the pension benefits they paid for with their own hard-earned wages.

Hon. Terry M. Mercer: Will Senator Cordy accept a question?

Senator Cordy: Yes.

Senator Mercer: I think that Senator Cordy will agree that the Special Senate Committee on Aging has heard testimony about people who have applied for the Old Age Security benefit and the Guaranteed Income Supplement. If they call Service Canada and ask a question about Old Age Security, for example, the person they speak to, as directed by their superiors, answers that question and that question alone, while they can see in the file of the person, which they have before them, that the person is not only eligible for Old Age Security but also for the Guaranteed Income Supplement and perhaps for the Canada Pension Plan, CPP. If this were done in a commercial situation, someone would be charged with fraud.

Am I correct that the Special Senate Committee on Aging has heard this in its hearings?

Senator Cordy: Unfortunately, that is exactly what we have heard. We heard that when people call a government agency to make an inquiry about Old Age Security, the Guaranteed Income Supplement, or CPP survivor benefits, and these people are already in the system, government officials know they are entitled to the benefits and do not tell them. The excuse that is used is that they do not want to intrude on the person's privacy. I find it offensive that they would use that as an excuse when they are talking to the person on the phone about their file, and what they are entitled to.

We have heard a number of stories about this situation. One was that of a gentleman whose wife had died. He had three young children and did not realize that he was entitled to survivor benefits. I believe he was a truck driver. He struggled because he needed to pay for child care since the children no longer had a mother. He learned when the children were adults that he and his children had been entitled to survivor benefits. They received 11 months of benefits retroactively, which was truly unfortunate.

It is morally wrong for a government worker sitting before a computer screen, knowing that the person on the other end of the phone is entitled to CPP benefits, not to tell them that. To justify this treatment as a privacy matter, when they are speaking to the person who is entitled to the benefit, is morally wrong.

Senator Mercer: Does Senator Cordy find, as a Nova Scotian, which I am as well, that Nova Scotians are discriminated against in a way that Quebecers are not? I congratulate the Government of Quebec and the Quebec Pension Plan for aggressively seeking out seniors to ensure that they maximize their benefit.

Does Senator Cordy think seniors of the nine other provinces and the three territories are discriminated against because governments of Canada, present and past, have discriminated against them by not giving them the benefits to which they are entitled? As I said earlier, if this were done commercially,

someone would be charged with fraud, with stealing money from the people who bought the insurance policy, be it CPP or otherwise.

Senator Cordy: I had not thought about this matter from the perspective of discrimination, but Senator Mercer is absolutely right.

I also wish to congratulate the Government of Quebec for the amazing job they have done. There is virtually no one who is not taking up QPP benefits. The Quebec government sent letters to seniors who were entitled to receive the benefits. The uptake on the letters was less than 10 per cent, so they realized that a letter was not the answer. They then phoned or visited seniors who were entitled to receive QPP benefits and were not receiving them.

We spoke to a seniors' group of volunteers in Welland, Ontario who went door to door visiting seniors to talk to them about their rights. The Government of Canada has to consider why not all seniors are receiving the benefits to which they are entitled.

Hon. Nancy Ruth: I wish to ask a question of Senator Cordy.

Senator Cordy: May I have an extension of five minutes, honourable senators?

The Hon. the Speaker: Is that agreed?

Hon. Senators: Agreed.

Hon. Gerald J. Comeau (Deputy Leader of the Government): No more than five minutes.

Senator Nancy Ruth: Sometimes I wonder whether it would not be better to eliminate all these benefits, give everyone in Canada \$20,000 a year, and fire the civil service that administers them. In that way, we would not have to tax more because we would all have this nice salary. We would then not have these problems of people not receiving benefits.

What does Senator Cordy think about that idea? It is called guaranteed minimum income.

Senator Cordy: We have talked about that idea. It is on the Order Paper of the Senate and we will be able to vote on whether the Standing Senate Committee on Social Affairs, Science and Technology will receive a mandate to study it.

Senator Nancy Ruth has gone a little further than Senator Segal's motion suggests. Perhaps the Social Affairs Committee can look at that idea at a later date. Senator Keon has raised that issue on many occasions.

The Hon. the Speaker: There being no other senators who wish to speak to this inquiry, it will be considered debated.

• (2110)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Ethel Cochrane, pursuant to notice of June 11, 2008, moved:

That the Standing Senate Committee on Fisheries and Oceans be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study of the federal government's current and evolving policy framework for managing Canada's fisheries and oceans by June 30, 2008, if the Senate is then adjourned for a period exceeding one week; and that the report be deemed to have been tabled in the Chamber.

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

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Colin Kenny, pursuant to notice of June 16, 2008, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on National Security and Defence be authorized to sit for two days this summer, on dates to be determined after consultation with the committee members, for the purpose of considering a draft report, even though the Senate may then be adjourned for a period exceeding one week.

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

Motion agreed to.

COMMITTEE AUTHORIZED TO DEPOSIT REPORTS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Colin Kenny, pursuant to notice of June 16, 2008, moved:

That the Standing Senate Committee on National Security and Defence be permitted, notwithstanding usual practices, to deposit up to three reports, one on Canadian military leadership, one on the evacuation of wounded soldiers and one on emergency preparedness in Canada, from June 20 to September 15, 2008, with the Clerk of the Senate, if the Senate is not then sitting; and that the reports be deemed to have been tabled in the Chamber.

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

Motion agreed to.

COMMITTEE AUTHORIZED TO MEET
DURING ADJOURNMENT OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Colin Kenny: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That, pursuant to Rule 95(3)(a), the Standing Senate Committee on National Security and Defence be authorized to sit on Thursday at 1:30 p.m. June 26, 2008, for the purpose of considering a draft report, even though the Senate may then be adjourned for a period exceeding one week.

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

Hon. Senators: Agreed.

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

Motion agreed to.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET
DURING ADJOURNMENT OF THE SENATE

Hon. Art Eggleton, pursuant to notice of June 16, 2008, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to sit June 18 and June 19, 2008, for the purposes of its study on population health and its study on cities, even though the Senate may then be adjourned for a period exceeding one week.

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

Motion agreed to.

COMMITTEE AUTHORIZED TO DEPOSIT REPORT
WITH CLERK DURING ADJOURNMENT
OF THE SENATE

Hon. Art Eggleton, pursuant to notice of June 16, 2008, moved:

That the Standing Senate Committee on Social Affairs, Science, and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study of current social issues pertaining to Canada's largest cities, between June 19 and June 30, 2008, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

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

Motion agreed to.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO
DEPOSIT INTERIM REPORT WITH CLERK DURING
ADJOURNMENT OF THE SENATE WITHDRAWN

On motion No. 119, by Honourable Senator Andreychuk:

That the Standing Senate Committee on Human Rights be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate before June 30, 2008 an interim report under the order of reference adopted by the Senate on November 21, 2007 authorizing the committee to examine and monitor issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations, if the Senate is then adjourned for a period exceeding one week; and that the report be deemed to have been tabled in the Chamber.

Hon. A. Raynell Andreychuk: Honourable senators, we tabled our report today, so the motion is redundant and I seek leave to withdraw it.

The Hon. the Speaker: Honourable senators, is it agreed that the motion be withdrawn?

Hon. Senators: Agreed.

Motion withdrawn.

[Translation]

ADJOURNMENT

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

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 Thursday, June 26, 2008 at 4 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Thursday, June 26, 2008, at 4 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)

Wednesday, June 18, 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		
S-4	An Act to amend the Energy Efficiency Act	08/06/03							

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 Senate did not insist on its 2 amendments 08/05/13	*08/05/29	18/08
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-21	An Act to amend the Canadian Human Rights Act	08/05/29	08/06/12	Human Rights	08/06/16	0	08/06/17	08/06/18	30/08
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	08/05/15	Transport and Communications	08/06/04	0	08/06/11	08/06/18	21/08
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-29	An Act to amend the Canada Elections Act (accountability with respect to loans)	08/06/17							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-30	An Act to establish the Specific Claims Tribunal and to make consequential amendments to other Acts	08/05/13	08/05/27	Aboriginal Peoples	08/06/03	0	08/06/12	08/06/18	22/08
C-31	An Act to amend the Judges Act	08/04/15	08/05/14	Legal and Constitutional Affairs	08/06/12	0	08/06/16	08/06/18	26/08
C-33	An Act to amend the Canadian Environmental Protection Act, 1999	08/05/28	08/06/12	Energy, the Environment and Natural Resources					
C-34	An Act to give effect to the Tsawwassen First Nation Final Agreement and to make consequential amendments to other Acts	08/06/17	08/06/18	Aboriginal Peoples					
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
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

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-50	An Act to implement certain provisions of the budget tabled in Parliament on February 26, 2008 and to enact provisions to preserve the fiscal plan set out in that budget	08/06/10	08/06/10	Pursuant to rule 74(1) subject-matter 08/05/15 National Finance Bill 08/06/10 National Finance	Report on Bill 08/06/12	0 observations	08/06/17	08/06/18	28/08
C-58	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. 2, 2008-2009</i>)	08/06/10	08/06/10	—	—	—	08/06/16	08/06/18	24/08
C-59	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. 3, 2008-2009</i>)	08/06/10	08/06/10	—	—	—	08/06/16	08/06/18	25/08
C-60	An Act to amend the National Defence Act (court martial) and to make a consequential amendment to another Act	08/06/17	08/06/17	Committee of the Whole	08/06/17	0	08/06/17	08/06/18	29/08

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-207	An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions)	08/06/12							
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	08/06/10	1	08/06/18		
C-287	An Act respecting a National Peacekeepers' Day	07/11/22	08/02/26	National Security and Defence	08/06/10	0 observations	08/06/16	08/06/18	27/08
C-292	An Act to implement the Kelowna Accord	07/10/17	07/12/11	Aboriginal Peoples	08/04/29	0	08/06/12	08/06/18	23/08
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 Message from Commons-agree with Senate amendments 08/05/13	*08/05/29	17/08
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	08/05/27	Legal and Constitutional Affairs					

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	08/05/13	Energy, the Environment and Natural Resources					
C-343	An Act to amend the Criminal Code (motor vehicle theft)	08/02/28	08/04/10	Legal and Constitutional Affairs					
C-377	An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change	08/06/10							
C-428	An Act to amend the Controlled Drugs and Substances Act (methamphetamine)	08/02/12	08/05/27	Legal and Constitutional Affairs					
C-459	An Act to establish a Ukrainian Famine and Genocide ("Holodomor") Memorial Day and to recognize the Ukrainian Famine of 1932-33 as an act of genocide	08/05/28	08/05/28	—	—	—	08/05/28	*08/05/29	19/08
C-474	An Act to require the development and implementation of a Federal Sustainable Development Strategy and the development of goals and targets with respect to sustainable development in Canada, and to make consequential amendments to another Act	08/06/16	08/06/18	Energy, the Environment and Natural Resources					

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	08/06/18	20/08

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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	08/06/12	1	08/06/17		
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	08/06/16		
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					
S-213	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	07/10/23	07/12/06	Legal and Constitutional Affairs	08/01/31	0	08/02/05		
S-214	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	07/10/24	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	*08/05/29	16/08
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					

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