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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, June 10, 2009

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Floyd Roland, Premier of the Northwest Territories; the Honourable Louis Tapardjuk, Minister of Culture, Language, Elders and Youth, Government of Nunavut; Paul Okalik, former Premier of Nunavut, and currently a member of the Legislative Assembly of Nunavut; Paul Quassa, former President of Nunavut Tunngavik and signatory of the Nunavut Land Claim Agreement in 1993. They are the guests of the Honourable Senator Adams.

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

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE WILLIE ADAMS

The Hon. the Speaker: Honourable senators, I have received a notice from the Leader of the Opposition who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Willie Adams, who will be retiring from the Senate on June 22, 2009.

I remind senators that, pursuant to our rules, each senator will be allowed only three minutes, which, I also remind you, is the time allowed for Senators' Statements, and that they may speak only once.

However, it is agreed that we continue our tributes to Senator Adams under Senators' Statements. We will, therefore, have the balance of the 30 minutes for tributes not including the time for Senator Adams' response. Any time remaining after tributes will be used for statements.

Is that agreed, senators?

Hon. Senators: Agreed.

The Hon. the Speaker: As we have agreed to use Inuktitut during tributes today, senators can follow the proceedings in English on channel 2, in French on channel 3, and in the floor language on the other channels.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, no one who has ever met Willie Adams or heard him speak has failed to be impressed by the depth of his passion for his people.

In his first speech to the Senate, on August 5, 1977, he spoke eloquently about his responsibility to represent the people of the North, their rights, their way of life, and the challenges and opportunities arising out of exploration and development.

The passage of time has only sharpened that focus. Only last week he was urging us to approve a motion for concurrence in the passage of the Official Languages Act by the Legislative Assembly of Nunavut, which would enhance and protect the special status of the Inuit language.

• (1335)

Who will forget his speaking Inuktitut during last week's Committee of the Whole proceedings when Mary Simon was our guest? Senator Adams spearheaded our efforts to enable our Aboriginal colleagues to speak to us in their own languages.

Prime Minister Trudeau appointed Senator Adams to the Senate on April 5, 1977. Senator Adams had served on the Rankin Inlet Community Council and as a member of the Northwest Territories Council from 1970 to 1974. Those of us who had an opportunity to travel with him in the North know full well the enormous respect with which he is held in that part of Canada.

Senator Adams has never forgotten from whence he came and has taken every opportunity to help us understand the special place that is our North and the special people who have lived there for thousands of years.

Honourable senators, the interaction of northern and southern cultures has not always been happy. Senator Adams has done much to raise our awareness of the difficulties and challenges which have been the result. Time after time, he has described the impact of climate change and environmental degradation upon the way of life in the North.

Senator Adams is a passionate Canadian, but he is not afraid to draw public attention to numerous examples where his Canada has failed his people. Whether it is in the areas of education, health care or ensuring the availability of food, fuel and other necessities at a reasonable cost, he is a constant fighter for a fair deal for those who live and work in the North.

As a member of our Standing Senate Committees on Fisheries and Oceans, and the Standing Senate Committee on Transport and Communications, he has been able to advocate effectively for the issues about which he cares so deeply.

Honourable senators, as we pay tribute today to our friend Senator Adams on the eve of his retirement from the Senate, let us recognize the good work he has done and pledge that we will honour his service by continuing the fight in those public policy areas that have been close to his heart — land claims, living costs, fishing rights and the environment.

Willie Adams is a wise man and we have learned — and have so much more to learn — from him.

Willie, we will miss your wise counsel on a regular basis and we know that our friendship continues and that we will have many opportunities to see you and Mary in the months and years ahead.

Just yesterday, Senator Adams presented to the Senate a magnificent sculpture that will grace the Aboriginal Peoples room and will be a tangible reminder of his presence here.

Senator Adams, we thank you for your work in the Senate and wish you and Mary a long, healthy and happy retirement.

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I rise to pay tribute to our departing colleague, Senator Willie Adams, who retires after a long history of representing the citizens of the Northwest Territories and, since 1999, the citizens of Nunavut. His very distinguished 32-year career in the Senate is not surpassed by anyone sitting in the chamber today.

Over 40 years ago, while continuing to work as an electrician, Senator Adams began his illustrious career in public service, serving on the Rankin Community Council, as chairman of the Hamlet Council in Rankin Inlet and as a member of the Northwest Territorial Council.

As Senator Cowan mentioned, it was in April 1977 that former Prime Minister Pierre Elliot Trudeau decided that Inuit should have representation in the Senate of Canada. Warren Allmand, then Minister of Indian and Northern Affairs, was tasked with recruiting potential candidates. It was during this recruitment period that he approached Willie to ask if he would be interested in becoming the first Inuk to sit in the Canadian Senate. Willie's admirable work ethic was clearly demonstrated when he proposed postponing a meeting with Prime Minister Trudeau so that he could finish the electrical wiring of two houses, a commitment in which he took great pride.

I knew there was something about you, Senator Adams. You are a working man, with a trade background, and that is a good thing to have here in the Senate.

At the time of his appointment to the Senate, Willie had little knowledge of this institution. We could probably all say that, Willie. Even people like me, who had spent many years around Parliament Hill, could say that.

Senator Adams, you had little knowledge of the institution in which you would spend the next 32 years of your life, serving and representing the interests of your fellow citizens in the North. Throughout your work as a member of various Senate committees, you have thoughtfully worked on a multitude of issues concerning the North and your fellow Inuit peoples.

• (1340)

As demonstrated by your many contributions to public life, you have come to be known as a well-respected senator amongst us. Senator Adams, it is regrettable that the Nunavut official languages motion did not pass through the Senate last week with

leading officials from the North in the gallery to witness it. It is to be hoped that your colleagues here will see fit to resolve this issue before your official retirement date of June 22.

Senator Adams, as you leave us today, but officially as of June 22, to embark on a new journey in your life, to dedicate more time to your hobbies and to spend more time with your wife Mary and your children and grandchildren, I thank you, on behalf of my colleagues, for your dedication to public service and your contribution to the Senate of Canada. I personally and all honourable senators wish you the best.

Hon. Bill Rompkey: Honourable senators, I rise not to say farewell but to say au revoir to my colleague from the North, and my neighbour to the north, Willie Adams.

Udlukut, Willie — good day.

Silatsiak, Willie — have nice day.

Quvianaqtuq, Willie — it has been fun.

The details of his life are known. He was born in Kuujjuaq, went to the Anglican mission station there, and we have heard that he became an electrician and so on. However, the real value of being born an Inuk and having gone to that school is that Willie knows a bit about both cultures and has provided for us a unique bridge to understand his people and where he came from.

That has been a unique contribution for honourable senators, and I doubt that any other legislature in the country has had that opportunity. We have had Inuk, it is true, in the House of Commons, but Willie and Charlie were both able to speak their languages here in this chamber, and Willie has been able to bring to us that unique bridge.

He was an electrician. He trained at the base during the war, and I have to remind people that the Second World War was a turning point in the North because it provided opportunities for young people like Willie to train in trades, training that would stand them in good stead in their future. That training happened all across the North. It happened in Kuujjuaq, Goose Bay, Greenland and Iceland because of the ferry routes across the North. Those bases gave Willie the opportunity, but he also had the desire, opportunity and ambition to create the communities and businesses that he created.

Honourable senators, Willie took that business experience, and today in Canada we are celebrating the rise and the expansion of Aboriginal businesses in this country. Willie started that rise and expansion decades ago.

Willie understands turbot, turbot quotas and how they are accessed, both off Labrador and off Newfoundland, but he provided a bridge and a unique idea to harvest those stocks. They had stocks off Nunavut, and they had, of course, people who wanted to harvest those stocks. They had boats, and there were unused fish plants on the Labrador coast. One idea was to have a joint enterprise in which both Labrador and Nunavut could benefit. There were Nunavut boats and many Nunavut people, no doubt, on those boats, but the fish was brought to Labrador, Makkovik in particular, where it was harvested.

• (1345)

That creative idea came from Willie, just one of the great ideas that he has had. I want to pay tribute to Willie today, and I want to say: *Taima qanuq* — now what; *tunngasugit* — you are welcome; and *nakurmiik* — thank you.

Hon. Ethel Cochrane: Honourable senators, I rise today in tribute to our colleague Senator Willie Adams. Since 1977, when he was first appointed to this chamber by Prime Minister Trudeau, Willie has been tireless in his efforts to raise awareness of the issues facing his people and his territory. He has been a constant presence in this chamber, around committee tables and, most importantly, in his beloved territory of Nunavut.

With his characteristic passion and perseverance, Willie always looks out for the little guy. He asks the questions that the people he represents want answered, and he takes every opportunity to bring attention to the issues that matter to him and to them. He is undeniably vocal when it comes to northern issues and his people, and he will leave no stone unturned in getting their issues addressed.

When we travelled together last June with the Standing Senate Committee on Fisheries and Oceans, I gained insight into where that drive of Willie's comes from. I was impressed by the fact that everywhere we went, it seemed everyone knew him. It did not matter if it was in Iqaluit, Resolute Bay, Pond Inlet or Pangnirtung, people knew him and approached him. It seems to me that he just has that warm, open way of "being" that draws people to him. He listens attentively to what is being said, regardless of the speaker or the setting.

Honourable senators, anyone who knows Willie can attest to the fact that he is always cool, calm and collected. I was reminded, for example, of a trip to California some years ago with the Standing Senate Committee on Energy, the Environment and Natural Resources. We were travelling by bus to San Francisco. I believe it was in San Francisco that the bus suddenly broke down on the side of the road. Can you imagine? There we were — a group of weary travellers — suddenly stranded on a busy highway. However, Willie was not shaken. Instead, I remember that he got out and took a look around just to see what he could do.

In all these years of working together, even during some emotionally charged committee meetings, I have never seen Willie lose his composure. Instead, in all situations, whether good, bad or indifferent, he chooses to keep a smile on his face and to take the high road.

Willie, to say that you have made a great contribution to the people you represent is an understatement. We have been fortunate to have you with us in this chamber. Through your work, you have inspired us and reminded us of the great honour we have been given to serve our communities and our fellow Canadians. I have appreciated your friendship, Willie, and the kindness that you have shown to me over the years. I wish you, your wife and your children many happy years together in your retirement.

[Senator Rompkey]

Hon. Nick G. Sibbeston: Honourable senators, Senator Willie Adams has served the people of the North in an honourable, down-to-earth, sincere and effective manner. Willie was born on the land in the area of Leaf River, 60 kilometres west of Kuujuaq in 1934. His mother had two girls and him, and his father was the Hudson's Bay manager. Without going through all the details, later in his life he discovered that his father is still living in Newfoundland and is 94 years old.

In 1970, we were both members of the N.W.T. Territorial Legislative Council, a partly elected and partly appointed body that eventually evolved into today's legislative assembly. I was elected for Mackenzie Liard and he was elected from Keewatin South, and we were seatmates for four years. In 1975, we both left the council. He went back to Rankin Inlet to continue his business career and two years later, in 1977, was appointed to this chamber by Prime Minister Trudeau.

• (1350)

I want to say a word about the fact that someone like Willie Adams, coming from humble beginnings in the North, has been able to make a contribution to the government in the North as well as in the Senate. Honourable senators must remember that we in the North had never had government as we now know it. We had never had a democratic government; we were governed from afar in Ottawa.

It was in that era that Willie became involved in politics. He comes from a background that was different from the environment of today. During his life in politics, the region of the Northwest Territories was divided, and governments in both Nunavut and the Northwest Territories have evolved into more responsible governments.

For the last 32 years, Willie has been a stalwart defender of the interests of the North, first as a senator for the Northwest Territories and then for Nunavut. He has brought an Inuit style of decision-making to this chamber and to the many committees that he has served on over the years. He does not make fancy speeches; he tells simple stories about how the lives of ordinary Inuit are impacted by government policies and laws.

Recently, in our Standing Senate Committee on Energy, the Environment and Natural Resources, where Senator Angus is the chair, he brought in a clock to try to limit senators to their set time. We reminded Senator Angus that he would have to recognize the cultural difference and recognize that someone like Willie needs more time, because the way of the Inuit and other Aboriginal people is to tell a story and to take their time to make a point. Fortunately, Senator Angus was patient and allowed that approach.

The Hon. the Speaker: Honourable senators, Senator Sibbeston's time is up. I call on Senator St. Germain.

Senator Sibbeston: Can I ask permission to have my time extended by one minute?

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

Hon. Senators: Agreed.

Senator Sibbeston: We have people from the North here observing us.

Honourable senators, Senator Adams performs his work with humility and humour and adds a great deal of civility to our deliberations. Willie's first language is Inuktitut, and it is a great legacy to him that on the days before his retirement the Senate has begun a pilot project to permit Inuktitut to be spoken and translated here.

Willie, I wish you the best in your retirement. I am glad to see your family and other people from the North here.

Hon. Gerry St. Germain: Honourable senators, Willie, my friend, I guess this is it, or as close as it will come.

The way Willie tells it, when he was asked 32 years ago if he would like to become the first Inuk to hold a seat in the Senate of Canada, he asked, "What is a Senate?" Well, Senator Adams, 32 years later, you sure found out the answer to that question.

More importantly, the Senate of Canada has learned the answer to the question, "Who is Willie Adams?" We not only know the answer, but — and I think I can speak for all honourable senators — we have come to know and respect Willie Adams and we have a great deal of affection for him.

Senator Adams also tells a story that after he indicated an interest in the appointment, he was asked to fly to Rankin Inlet to meet with then Prime Minister Pierre Elliott Trudeau. He replied that he could not go. He was too busy: "I am an electrician and I have two houses to wire."

• (1355)

Since then, Senator Adams, in your distinguished career in Ottawa, you have served Inuit Nunaat very well. In doing so, you have also served Canada. You have demonstrated that you are a man of honour and commitment; a man dedicated to his people.

You are likely one of the greatest environmentalists of this country because you always spoke of protecting the fish, the whales, the bears and the caribou of the North.

Sir, June 22 is your seventy-fifth birthday. We wish you a happy birthday. I hear you plan to do a lot of goose hunting. With all respect, I might say that I would guess you have picked up many ideas on strategy right here in this place, in Ottawa, that should serve you well while goose hunting.

Remember, Willie, you can take Bill C-68 with you. I do not know what you want to do with it, but I know you voted against the long-gun registry and it would be a blessing to this country, and especially to our First Nations people, if you took it with you.

We wish you much happiness in the years to come. We hope there will be opportunities for us to see you again frequently. We hope that you can enjoy your life with your family and your children. Thanks to you, sir, I honestly believe this Senate is a better place. Good luck and God bless you.

Hon. Lise Bacon: Honourable senators, today we bid farewell to a friend and a colleague who has served in this place since 1977. Not only is he one of the longest-serving appointees in the upper chamber — 11,755 days to date — but he is also one of the rare ones who represented two different senatorial divisions over the years. First appointed on the advice of the Right Honourable Pierre Elliott Trudeau for the Northwest Territories, Senator Adams became the first senator to represent Nunavut when it became a territory in 1999.

Over the years, he has distinguished himself as a respected businessman, a great parliamentarian, but also as an advocate for Inuit issues. In fact, Senator Adams has worked tirelessly for decades to advance files and to find innovative solutions for the benefit of the population living north of 60.

He managed to work with successive federal governments and found arguments to convince them to act to improve the lives of people in Inuit communities. If honourable senators ever had a chance to speak to Senator Adams about education, land claims or infrastructure, it is impossible not to be impressed by his ability to paint a realistic picture of the challenges in northern communities. More than once I have been moved by the plea of a passionate man; the plea of a man of convictions.

Senator Adams was born in Tusiujaq and schooled in Fort Chimo, a community now known as Kuujuaq, in northern Quebec. As a minister of the Quebec government, I had the opportunity to visit this unique place.

Over the years, I enjoyed the company of Senator Adams, especially during fact-finding missions for the Standing Senate Committee on Transport and Communications. I would like to thank him for his active participation in every meeting he attended. He has brought to the Senate a unique point of view and an expertise that will be difficult to find elsewhere.

[Translation]

Senator Adams, I would also like to thank you for performing your duties so professionally and for the great respect you have always shown for the Senate and the people who work here.

To your credit, you have worked hard to promote collegiality in Senate affairs. I truly believe that you will find a way to put your talent for bringing people together to good use in your current and future undertakings.

I wish you many happy years together with your family and loved ones. *Naqurmiik.*

[English]

Hon. Charlie Watt: Honourable senators, I will speak in Inuktitut.

[Interpretation]

My colleague in the Senate is retiring after so many years in his position. He has been diligently working here along with me over the years. I have worked with Willie for many years at the Senate.

• (1400)

Sometimes we are alone because we work so hard to represent Inuit issues. As representatives of a people, we do not always have one voice. That is how it is in the world. That is the practice.

I have known Willie Adams for many years. I have known him since Kuujuaq used to be called Fort Chimo, where we are from. He left the community on a ship called the *C.D. Howe* in 1953. I was a young boy then. However, Inuit were not large in number in each community. We were a small population. Some communities were very close together and they would hunt nearby before the government started putting all Inuit communities together.

Willie Adams' family and my family were like one big family in the beginning. We would be together in one building. I remember this vividly as a child growing up.

He was in Fort Churchill, Manitoba, in 1954. He came to pick up his family in a DC3 plane with three engines. I remember that from when I was a young boy. It was snowing heavily. The plane was carrying a large load and Inuit people had to lend a hand in packing it.

I would like to say to Senator Adams that we do not want him to go. However, after 32 years in the Senate, I guess it is time for him to go. I have been sitting with Willie Adams since I became a senator.

Willie, it will not be easy to have you leave. I know that I will miss you. I will be all by myself as an Inuk here. I will be wishing that you were here because I will need your support. I hope you will not move to a different community too far away. I hope you will be nearby.

Willie's family is present in the gallery — his children, grandchildren and great-grandchildren. I am sure that many of them are here. Those people who are not senators will be able to see Willie more often. I sometimes wonder how he is feeling when his family, office and home are here, so far from his homeland in Nunavut. I am grateful that you came here. We have come this far. While I am not too happy that you are leaving this place, to give a more positive side to your retirement, there is your family. You will be able to be with your grandchildren, your great-grandchildren and your entire family.

• (1405)

[English]

Hon. Lowell Murray: Honourable senators, as incoming dean of the Senate, I do want to salute the retiring dean who has borne the burden so well. I have been a heartbeat away from the deanship for quite a while. Now that my time has come, I am glad that Senator Adams is about to greet the first day of the rest of his life in such excellent health. I would not have wanted that this burden be thrust upon me in traumatic and premature circumstances.

As senator for the Northwest Territories and, since 1999, as Nunavut's first senator, the Honourable Willie Adams has had to try to educate us about his people and their territory. Unfortunately, we have not always been the most apt pupils, preoccupied as we myopically or selfishly are with other issues

elsewhere. Nevertheless, Senator Adams has persisted and he has made us listen, especially when governments have tried to pursue policies and programs without much thought for their impact on northern peoples.

I confess that during the years when I was Leader of the Government in this place, my heart always sank when I saw Senator Adams rising during Question Period. I knew that I would not know the answer to his question. I also knew that Willie knew I would not know the answer to his question. However, his purpose was never to embarrass anyone, but, rather, to focus our attention on an issue that we had neglected or was completely new to us.

Those southerners who have travelled to the North will have seen for themselves, and heard from Willie's people and from their representatives in the Nunavut government, what he has been telling us about these many years: The incredible challenges of providing needed infrastructure — social as well as physical, and effective political representation — for a population thinly spread over vast distances; education; a resolution of the interminable conflict with Ottawa over a fair sharing of resource revenues; and adequate transportation.

Above all, and subsuming all, we owe respect for the ancient culture and modern aspirations that the story of the life of Willie Adams, his successful business career and his political apprenticeship as an elected member of the old NWT Council made him uniquely qualified to impart to us. If we are somewhat more knowledgeable and respectful than in the past, honourable senators, it is at least partly because of the respect honourable senators have for their colleague Senator Adams. He leaves here with our admiration and thanks and that of the people he has served so well.

A final thought: The one Senate seat for Nunavut ought not to be left vacant for long. His people, more than most, need a voice in both Houses of Parliament.

Hon. Nancy Greene Raine: Honourable senators, it is a pleasure for me to pay tribute to Senator Willie Adams as he retires from this chamber after a long and distinguished career.

I have enjoyed working with him on the Standing Senate Committee on Fisheries and Oceans and have been very impressed with his wise and knowledgeable contributions to the issues being studied. I only wish that I could have known him for a longer time.

It also gives me great pleasure now to read this short message from a mentor of mine, former Senator Len Marchand, of Kamloops, B.C.:

To Willie:

Many thanks for your many years of service to our country. You made an immense contribution, in your own quiet way, to bettering of lives of Canada's Aboriginal peoples.

On a personal note, Donna and I enjoyed our many visits with you and Mary at your farm. I especially enjoyed the time we went horseback riding — an Indian cowboy and an Inuit horseman riding off into the sunset together.

[Senator Watt]

May you and Mary and your family enjoy a long, healthy and happy retirement.

That is from your friend, Len Marchand.

• (1410)

I will say one more quick word. Len told me a lot about the Senate and, in particular, he told me that I would enjoy meeting Willie and Charlie. It was only then that I realized why he always knew the names of my children. He always asked me how Willie and Charlie were doing, and I know it was because he was thinking of you.

All the very best. Thank you so much.

Hon. Céline Hervieux-Payette: Honourable senators, one of the Fathers of Nunavut, John Amagoalik, gave private testimony:

Throughout this long and distinguished career as Senator, Willie Adams served on the Standing Senate Committee on Aboriginal Peoples; Fisheries and Oceans; Energy, the Environment and Natural Resources; and Transport and Communications.

He continues:

In 2006, Senator Adams called for a probe into complaints about foreign involvement in Nunavut's fragile fishery in Davis Strait, especially for the turbot and shrimp resources, a move that resulted in the establishment of the Fishery Coalition to look into the matter.

He had one of his last opportunities to stand up for the rights of Nunavut Inuit when the Standing Senate Committee on Fisheries and Oceans met in Nunavut in June 2008 and he spoke on the question of fishery allocations in waters adjacent to Nunavut and related shore infrastructure needed to lift the economy. The committee travelled to Iqaluit and Pangnirtung, including Pangnirtung Fisheries Limited.

A 1998 editorial in Nunatsiaq News admitted:

No one could ever suggest that Senator Adams has not represented Nunavut and the Northwest Territories to the best of his ability.

This newspaper also mentioned:

He not only voted against his own Liberal party's firearms bill in 1995, for example, because it clashed with the subsistence hunting needs of the Inuit, but resigned from the Standing Senate Committee on Aboriginal Peoples over this matter.

This was, honourable senators, the only issue on which we did not share the same views.

In 2006, he called again for some protection and asked for an "audit of Inuit benefit from the fishery."

Every time he was off from Senate, Senator Adams went back to Rankin Inlet. In the beginning, honourable senators, the trip took two days each way. His wife Mary said, "Even though we have been together for 32 years, I have only seen him for 16."

In my case, I must say that I have shared his passion for politics and his community for 19 years, which is five years during the Trudeau era and since 1995 in the Senate.

[Translation]

Three years ago, I made a commitment to stand up for seal hunters, and Senator Adams has always proven to be a faithful ally and advisor, which is further proof of his dedication to serving the people of Nunavut. Once again this year, Senator Adams has stood with me in proposing an innovative strategy to European ambassadors that resulted in the Universal Declaration on the Ethical Harvest of Seals.

[English]

Senator Adams was an advocate for hiring policies that include Aboriginal people at all levels of government and for this he has my full support.

Senator Adams supported the motion for concurrence in the Legislative Assembly of Nunavut's passage of the Official Languages Act.

[Translation]

It is with much feeling that I say goodbye and thank you to you and your family.

• (1415)

[English]

Hon. Mobina S.B. Jaffer: Honourable senators, I rise today to pay tribute to our colleague, Senator Adams. He was appointed to the Senate by the Right Honourable Pierre Trudeau on April 5, 1977, representing the Northwest Territories until the creation of his current region of Nunavut in 1999. He has been called the Dean of the Senate, as he is the longest-serving member of this institution. He has served with distinction in the role of senator for 32 years.

During this time, Senator Adams has been a passionate advocate for Canada's Inuit community, not such an easy constituency to represent. The geographic complexities of this region alone make it an exceptional place for a parliamentarian. It is beautiful, but vast.

Who could have predicted in the spring of 1977 that Senator Adams' life would take such a dramatic turn? That year, Prime Minister Trudeau decided that Inuit should be represented in the Senate by an Inuk, and that Willie Adams would be the first.

An article from the *Nunatsiaq News* of March 1997 tells of the circumstances of Willie Adams' appointment. The Minister of Indian Affairs and Northern Development was dispatched on a mission to screen three or four potential candidates. Senator Adams remembers that interview with the minister with great clarity, and he describes it in the newspaper with the dry wit we have all come to know so well and to appreciate in this chamber.

He said, “Why me?” He was surprised to learn he was even being considered. He had served two terms as chairman of the hamlet council, but gave it up as there was “not very much money in politics.” In his words, “Electrical contracting provided a better living,” but still he was curious.

“What does the Senate do?” he asked.

“Not much,” said the minister.

Some things do not change.

“What does it pay?” he asked.

The minister told him, and Senator Adams said, “I’ll take it.”

Senator Adams, for the entire duration of your career in this place you have given so much. You have ensured that the Inuit are consulted on important issues such as sovereignty, fisheries, mineral resources, land use and wildlife resources. You have helped us understand issues such as the preservation of language, culture and identity, as well as the struggles and ability of the Inuit to survive and enjoy what their land has to offer.

I would be remiss if I did not mention your enthusiastic support of the Nunavut Land Claims Agreement and your active role in the process involving the creation of Nunavut in 1999. They are part of your legacy here.

Senator Adams, as a senator you have brought this land and its people closer to us. You have been an educator, an advocate and a promoter of Inuit customs, culture and concerns. Your voice will be missed by your region and by your colleagues here on Parliament Hill.

In the article from the newspaper, Willie admits, “I still get a little lonely for the North sometimes.”

Senator Adams, may this loneliness for the North be replaced with more time in Rankin Inlet and treasured memories with your family who have shared you with us for far too long.

Hon. Jeremiah S. Grafstein: Honourable senators, I am rather angry today about Willie’s departure. Everyone is praising him, and I am upset that he is leaving, because he has left me with the responsibility for what he and I started with our good friend Charlie Watt some nine years ago.

Nine years ago, Willie, Charlie and I were having dinner in the parliamentary restaurant. I was upset with the water crisis in Walkerton. Willie and Charlie said, “Why are you so upset? We have lived all our lives with bad water. It is just coming to your attention for the first time.”

It was that conversation that led me to my almost decade-long quest to have clean drinking water for everyone across the country, including in the Aboriginal communities.

I have always believed that drinking water is a question of equality and that it is unfair that we should have clean drinking water in the Senate when there is not clean drinking water in the far reaches of this country.

Those bills are still on the Order Paper, Willie, and you are leaving. I am upset because your support has been invaluable.

I will relay an incident for honourable senators. There has been a great debate in committee about bad drinking water. We have heard reports from one government agency after another telling us how good the drinking water is, and how they are improving the product.

Willie said to me one day, “I can help you with that.” The following week when he came down from the North he brought me his house water filter, which was black. He said, “This is the drinking water that they think is clean, and that is what my family has to deal with every day.”

Willie, the mission continues. We will discuss water today, tomorrow and as long as I am here.

There is no question that you have the best smile in the Senate. You have the brightest eyes in the Senate. May your smile and bright eyes continue to shine on all those who have had the privilege of your company.

• (1420)

The Hon. the Speaker: Honourable senators, the Honourable Senator Adams.

Hon. Senators: Hear, hear!

[*Editor’s Note: Senator Adams spoke Inuktitut.*]

[*Interpretation*]

Hon. Willie Adams: Honourable senators, thank you for your kind words. Your comments were wonderful and clear. My family was mentioned earlier throughout the speeches. I would like to introduce some other important people in the gallery — the Commissioner of Nunavut, Ms. Ann Hanson; and Mr. Paul Quassa, who was one of the signatories of the Nunavut Land Claim Agreement in 1993.

Growing up in Nunavik 75 years ago, the Senate of Canada was not an institution I knew anything about. Keeping my family — my mother and my two sisters — together was my main concern, and I took various jobs in the community to do this.

To find a better life for myself, I put my name forward with families from Inukjuak and Pond Inlet in 1953 to travel to Resolute Bay and Grise Fiord as part of the Inuit relocation. However, once in Churchill, where the boat was forced to stay for six weeks, I discovered that I would not be allowed to travel to the High Arctic as I was a single man and they only wanted families.

• (1425)

Therefore, I stayed in Churchill, became an electrician and eventually moved my young family to Rankin Inlet. It was just a new community at that time and because I was interested in the future of the community, I became a member of the Hamlet Council. I guess that was my first step to the Senate.

I have a picture in my office, taken in Ottawa, in which Mr. Chretien, the Minister of Indian and Northern Affairs, met with people who had traveled to Ottawa to discuss a land claim

agreement. As the group had no money, Mr. Chrétién proposed a motion in the House of Commons that money be set aside to assist the group in their negotiations.

I remember very well in the beginning of our land claims negotiations, especially Indian and Northern Affairs. Like I said earlier, it was in the 1970s when things really started going. We did not have our ITK office in Ottawa. It was in Edmonton. The office ended up relocating here, I think for about 30 years. I do not really remember. I do not remember how many people have worked with ITK. One example is Paul Quassa, who is sitting in the gallery. His name was already mentioned. At the time the Nunavut land claims agreement was signed Mr. Thomas Siddon was the minister of Indian Affairs, and I would like to express my appreciation to him, and to Ms. Cournoyea, who was the Government Leader for the Northwest Territories.

I said earlier they have negotiated for nearly 30 years, and at the time, as a group, we had no money. Mr. Jean Chrétien proposed a motion in the House of Commons, as he was the Minister of Indian Affairs. He told me the amount of money he was talking about, because during the land claims negotiations, First Nations, Inuit and Metis did not have the money allocated. Mr. Chrétien said we should talk about this, and if we were to borrow money to return it after the land claims, and that is what we did. Jean Chrétien's idea was that at the time. As I said earlier, \$30 million was paid back to the Government of Canada from \$580 million transferred to the new territory of Nunavut. The \$580 million was given to Nunavut for the land claims negotiations. So they returned the \$30 million of the \$580 million that they borrowed for negotiations.

• (1430)

This amount of money totalled \$30 million which was paid back to the Government of Canada from the \$580 million transferred to the new Territory of Nunavut. It was the recognition necessary to start the long journey to self-government.

In the 1960s, three or four people from the Northwest Territories were elected and the remaining seven or eight were appointed by the Prime Minister and were from Indian and Northern Affairs in Ottawa. This was because people in the North were not familiar with the federal legislative process.

From 1970 to 1974, I was a member of the Northwest Territories Legislative Assembly where I first met my colleague Senator Sibbeston. Stuart Hodgson was the Commissioner of the Northwest Territories and we used to call him the King or *umingmak* — which means muskox — of the territories.

My father was originally from Newfoundland and after living in Montreal went to work for the Hudson's Bay Company. A comment earlier about him was mistaken. My father and Charlie's mother knew each other. We used to ask them where my father was. At the time, the Hudson's Bay Company workers would bring White people to work in the communities at the store called Hudson's Bay Company. Those were the only White people who came to our communities. I just wanted to correct my colleague about my family history. The government in Ottawa will have a correct history of my family. The attraction was in working for Hudson's Bay Company in those days. For about five years, he lived in the Inuit community and worked

there. Sometimes these days children have to leave the communities for educational purposes. My granddaughter, Stephanie, had gone to Cambridge, Ontario, for a school trip. A relative of my father saw her. My father knew about me but he never mentioned me. That is a little bit about my family.

• (1435)

I am sure Nick knows the history. It seems that the King or *umingmak* name was a good description because it gave him the drive to work harder.

At the time in Yellowknife, the airlines did not operate as efficiently as they do today. Many times, we had to travel by land or sometimes the White people would arrive by Lear jet. We used to think the commissioner was like a prime minister, or even more. Then there was a deputy commissioner, John Parker, and they both did a wonderful job working with community councils on housing, water, waste delivery and health care. These jobs are important jobs that they strived for.

Discussions were undertaken at this time to have elected members from the four regions in the territory — the Mackenzie Delta, Baffin, High Arctic and Keewatin regions. When I was a member, I was the only representative from the Eastern Arctic speaking on behalf of seven communities. There are now seven representatives in the Nunavut Legislative Assembly representing the Keewatin area.

I also wish to thank Wally Firth. He was elected as the first Aboriginal MP for the Northwest Territories. Peter Ittinuar replaced him later. After Nunavut was created, Jack Anawak was a representative in the House of Commons. I would also like to extend my thanks to him and to Paul Quassa, Tommy Saluk, who was also a Conservative member of Parliament for the Inuit; and Nancy Karetok-Lindell.

We are happy that Minister Aglukkaq is a Member of Parliament. I am sure she is more than capable.

In the 1970s, I represented Rankin Inlet. Today, territorial representation has improved a lot. Today we have two representatives in Rankin Inlet. I am happy that this system has improved. We did not even have TV, radio or technology at the time.

In 1977, the NWT Legislative Assembly was sitting in Rankin Inlet, and what Senator St. Germain was saying was true. Warren Allmand was a federal minister then, and he came to listen to the legislative assembly.

He said he was staying at the hotel and that he would like to see me after the meeting. When I went, he said that Prime Minister Trudeau would like to appoint an Inuk person to the Senate. First I asked, what is the Senate? What do they do? How will I represent them, being all the way from Nunavut, or Northwest Territories, knowing everything is operated in Ottawa?

• (1440)

Like I said earlier, my salary at the time was small at the Legislative Assembly. For example, I was making \$13,000 a year. Once I was elected, it went down to \$7,000, so it went the other way around. It was like I was demoted.

Of course, I was curious about the Senate and what the senators did while sitting in the Senate. That is why I was asking questions. We did not even have a name or title when we were first appointed to Parliament. These days they use an Inuktitut term that means "senators' chamber." That is why we have the official name of the Senate here. A lot of people ask me about it.

At the time, I was asking, "What is my annual salary and how long would I be serving in the Senate?" "I am not asking you how old you are," I was told, "but you will quit when you reach 75." Once he said that: "What kind of money will I make?" "You will make around \$60,000 a year." That is the kind of money I ended up making, which was quite a bit more than what I was used to making when I served as a legislative member in Yellowknife.

On April 5, 1977, I was sworn in as member of the Senate along with Senator Royce Frith, Senator Peter Bosa, and Senator Bud Olson. Claire Barnabe, who is in the gallery today, was present when I was sworn in and she represented my family as they could not make the long trip. Thank you, Claire.

Like I said earlier, moving from my home community of Rankin Inlet to Ottawa, back and forth, was not easy. I left my young family behind for longer periods of time. I missed quite a few milestones as they grew up but travel to Rankin Inlet in those days took two days from Ottawa through Winnipeg to Rankin Inlet and two days return to Ottawa.

I ended up moving here to Ottawa because it was too difficult for me to fly back and forth in a short period of time.

I have been a senator since 1977. I met many wonderful people who have left this place already. In 1977 when I arrived, senators shared offices with other senators and I shared an office on the sixth floor with my dear friend, the late Dan Riley. Then I moved to room 160-S, where my office is now. My first seatmate in the chamber was Senator Hartland Molson.

Like I said, Senator Riley was my good friend. Some of you knew him and some of you did not. He became my good friend and colleague and we had our offices on the fourth floor. There were three of us in that office. Senator Molson served a lifetime here. I think many of you knew him. He was here during the GST debate. He told me that he wore ear plugs because it became too noisy here.

• (1445)

Senator Dan Riley had quite a sense of humour. When Canada celebrated its centennial in 1967, a group of us were in Whale Cove celebrating the centennial. We built an igloo outside the village.

We then went into town to take part in the festivities. Someone forgot to blow out the candles and when we returned in the morning, there was nothing left but a bit of cardboard and cans from the cases. Senator Riley and Senator Bosa never let me forget that incident and always asked me if I was able to collect insurance on the igloo fire.

[Senator Adams]

• (1450)

Since then, whenever we went out to eat together, he asked that same question: "Did you collect insurance on the igloo fire?" I always told him that I never had a chance because I was too busy.

I have my family here. My grandchildren and my children are in the gallery. As Inuit, when a child is born, it is Inuit custom to name them after someone who has died. We named one of my grandchildren after an important person. My great-granddaughter Riley, who is six years old, was named after Dan Riley. My grandsons, Clarke and Elliott, who are in the gallery today, were named after former Prime Minister Joe Clarke and former Prime Minister Pierre Elliot Trudeau. I know Senator Murray will be pleased to hear this.

I have had many friends. Senator Paul Lucier was one of them. When I was first appointed, he said, "Willie, when you become a senator, I hope you will have a good working relationship with your new colleagues." I always remember his words. A man named Guy Williams, from Vancouver, took me to the Senate chamber. I have always remembered those people.

Honourable senators, I want to mention those important people who played a big role in my work and in my life, for example, Senator Bill Petten, Senator Lorne Bonnell, Senator Derek Lewis, Senator Ray Perrault, Senator Herb Sparrow, and many more. I have many colleagues whom I consider to be my friends. They were all gentlemen and women who cared deeply about this wonderful institution. I have watched them all leave and now it is my time to depart this distinguished place too.

In 1984 among Senators appointed were Senators Joyce Fairbairn, Dan Hays, Len Marchand and my seat mate, Charlie Watt, who shares the same dreams I do for the Inuit of Nunavut and the Inuit of Nunavik. Len has retired but we still keep in touch. I know I have missed many names but you have all had an enormous impact on my life here.

You can tell it is time for me to go as Harry Hays was a member when I was sworn in and his son, Dan, who was appointed in 1984 retired in 2007.

Senator Jacques Hébert was always interested in the North. He wanted to travel to one of the communities to find out for himself to what life was like there. He asked me which community would be the best to visit. A few years before he retired he took his grandson to Igloolik.

Senator Jacques Hébert once asked me, "How do people survive in the Arctic?" He wanted to travel to one of the communities to find out for himself to what life was like there. He asked me to tell him which community would be the best to visit.

• (1455)

Senator Marchand, along with one of his grandchildren, was looking for a Catholic minister he knew so that he could have a place to stay while he was there. Since he thought the place was too expensive and too small, he asked me where else he could possibly stay.

I told him, "What about living in an igloo? You wanted to find out for yourself what it is like to be up North. Here is a good chance."

He asked me, "Can you build an igloo for me?"

"Yes," I told him that I could easily build an igloo for him.

He asked automatically, "Who would build the igloo?"

I said, "Go to the hamlet office in any community. I am sure they know who could build an igloo where you can sleep."

The next question that popped out was, "What kind of a blanket is available, or do you have any warm blankets?"

I responded, "Well, we do have caribou skins for your mattress and blankets for both you and your grandchild." I am sure some honourable senators know Senator Marchand. In the chamber, he was involved in dealing with finances. When he came back to Ottawa he said, "How do you people survive in the Arctic?" He took the thermometer so he could test the igloo and see how cold it was. He told me, "It was minus 42 degrees."

I told him that in the morning the temperature was only minus 32 degrees. I am sure his memoirs, probably in French only, speak of his long service here in the chamber.

Before we conclude, I want to thank all my colleagues here, especially my earlier colleagues from the past. I would like to express my appreciation to all of you, my friends, Bill, and my colleagues, especially in dealing with issues relating to the Standing Senate Committee on Fisheries and Oceans. Senator Rompkey mentioned earlier about our last trip to Nunavut. I want to express my appreciation to honourable senators, my colleagues, in believing in the issues I have brought up.

• (1500)

Upon my arrival in the Senate, I became a member of the Standing Senate Committee on Transport and Communications, the Standing Senate Committee on Energy, the Environment and Natural Resources, and the Standing Senate Committee on Fisheries and Oceans.

The Energy Committee studied many issues, most of which had an impact on the North. Climate change will always be of utmost importance to people living in the Arctic, as we see the changes to our environment on a daily basis.

During my time with the Fisheries Committee, fishing in the North became a major source of income for fishermen from all over due to the depletion of stocks on the East Coast. It has been and will continue to be my hope that Inuit will become the major stakeholders in the resource. There is high unemployment in Nunavut and the jobs created would provide much needed income for the communities.

After the Fisheries Committee's latest trip to Nunavut, it recommended the development of a commercial fishery. It has been rewarding to see the Fisheries Committee, under the direction of Senator Rompkey, take such a keen interest in Nunavut since its creation in 1999.

I want to mention all who assisted me while I served on in this committee. I neglected to mention earlier that I became the chairman of the Fisheries Committee. I worked with former Senator Marshall. I cannot mention everyone's name, but he stands out.

When we were dealing with infrastructure issues, there was always a problem with dollars, and that shifted according to the kind of government in power, especially when dealing with fisheries and oceans and new land claims settlements, among many other issues. I know there will be infrastructure in Nunavut. I travelled with Senator Comeau on a Canadian Coast Guard ship, the *Louis St-Laurent*, a few years ago. Senator Comeau and I spent a few days on that ship, which also had guest scientists from Russia, China, United States and Japan who were studying the permanent ice and the changes that were occurring. It was an amazing trip, and I know he enjoyed it as I did. I would also like to express appreciation to Senator Comeau for being my friend and colleague. Our trip was wonderful. We were very welcome and met with the captain. We celebrated together, ate together and drank together.

• (1505)

In the last year and a half, three committees travelled to Nunavut to hear witnesses on special studies. I guess the Arctic is the place to be these days. The Standing Senate Committee on Agriculture and Forestry studied rural poverty, and the witnesses expressed concerns about the lack of affordable housing and poverty in Nunavut, especially for women who may be raising children on their own, or may be the sole wage earners of their families.

The Standing Committee on Rules, Procedures and the Rights of Parliament went to study the prospective use of Inuktitut and other Aboriginal languages in the Senate.

I also want to mention Senator Robichaud. I will tell you a funny story. Senator Robichaud was at a gathering where we were celebrating. People kept asking me to dance. I told them to ask Senator Robichaud. I want to thank him for being willing to dance at that time and take my place. He was a very good dancer.

I have watched the territory of Nunavut evolve from a dream to a reality with a strong and promising future. It is only natural that Nunavut has its own government in which we can follow Inuit culture to manage our affairs to ensure a future for our children and grandchildren. We must cherish and nurture them in their own culture.

I have met many wonderful people during my travel throughout the North, many who have the same concerns and dreams I have. We have much to be proud of, especially our heritage, culture and language, all of which we must ensure is passed on to our children and grandchildren.

One of my hopes is that Inuit children remain in school and receive an education to enable them to qualify for jobs within the Nunavut government and other organizations.

Our leaders and many different leaders — government leaders, Inuit leaders and Nunavut leaders — sometimes we do not always come up with the solutions we are looking for. However, Charlie Watt and I know what the problems are, and sometimes it takes a long time to get what you are asking for. That is how the system works.

There is one seat in the Senate for Nunavut; that is the system we follow. Although I was appointed as a Liberal, in Nunavut or in the Inuit communities or Inuit Nunaat; there are no parties. Sometimes it is difficult when the operating government is not the government we want. That is a reality of life. We do not have party politics in Nunavut.

• (1510)

I thank you very much for giving me the opportunity to speak and to say goodbye to you all. Although I will not be sitting here, I will be seeing you. Although I cannot speak in this chamber, I will be speaking on behalf of Inuit Nuunat — Inuit of Canada.

Thank you to all the staff that I have had the pleasure of working with during my time in the Senate, from Chamber officers, Committee staff, security and services. We are blessed to have such committed people who make our lives so much easier. It has always been a pleasure to walk through the doors to spend time with my second family.

I thank honourable senators, my family in the gallery and all my friends, children, grandchildren, my wife, and my wife's family, who are sitting up there. Please stand up.

Hon. Senators: Hear, hear!

Senator Adams: Finally, I should not forget Anne Ryan. I know honourable senators have secretaries but she has been my secretary for 29 years. She is wonderful. I would very much like to thank you, Anne, and your family, for your hard work over the years.

I want to thank my children for allowing me to spend the last 32 years in this place. I know I missed many events as you were growing up but you were always in my heart. I thank you for your understanding and patience over the years. My children and my grandchildren are wonderful. Perhaps this week I will be with them.

I do not know if honourable senators understand what I am trying to say in my speech but I thank you very much.

Before I leave, I very much want to thank all of you. I would not have left this place peacefully at my age of 75 if I did not have good colleagues, staff and family.

I grew up not knowing my father, just my extended family in Kuujuaq. I always thought my father came from Scotland as he worked for the Hudson Bay Company and they called him Whitey. About ten years ago my granddaughter, Stephanie, was on a student exchange in Cambridge, Ontario and she told people her Grandpa was Senator Adams and a relative of my father heard this and realized that Nelson Adams was my father. He had worked for the Hudson Bay Company in the Lake River post and from there he went to Wakeham Bay, Kimmurit, Lake Harbour and Coral Harbour and moved back to Newfoundland to become a member of the Merchant Navy when the war broke out.

I want to thank Mary who has supported me and been at my side for so many years. She has been my guiding light.

[Senator Adams]

• (1515)

In closing, I thought I would never use my own language in the Senate chamber. I am very happy that you approve of me speaking Inuktitut, and from now on we will be speaking Inuktitut. This will be a great help for Inuit in all Nunavut if we can use our own language. We are all Canadians, and although we have different languages, we should have the right to speak that.

It has been my heartfelt honour to have represented the designation of Northwest Territories from April 5, 1977 until March 31, 1999 and Nunavut until June 2, 2009.

Thank you.

[English]

YUKON GREEN INFRASTRUCTURE FUND PROJECT

Hon. Hector Daniel Lang: Honourable senators, this past winter, the federal government outlined many priorities in the Throne Speech, highlighting the need to protect the environment, reduce greenhouse gas emissions and, at the same time, promote economic development. As part of Canada's economic action plan, the government included the Green Infrastructure Fund, which will provide \$1 billion over five years to support projects that promote cleaner air and water, and reduce greenhouse gas emissions in Canada.

I want to inform all honourable senators about a win-win project that meets all these objectives, which was announced last week in my region of the country, Yukon. Yukoners are pleased to have the first project approved under this fund. The Government of Canada and the Government of Yukon have committed a 50-50 cost-sharing agreement to expand the existing hydro power infrastructure in northern Yukon, called the Mayo Hydro Facility, and to complete the construction of the hydro transmission grid between Mayo and Whitehorse.

Presently, Yukon relies heavily on diesel to generate its electricity. With completion of this \$142 million energy project, it will eliminate the need to purchase \$20 million of diesel per year and 50,000 tons of greenhouse gases from the atmosphere annually. Further, it will cut our annual diesel demand by over 40 per cent by 2012 and reduce greenhouse gases by 50 per cent from current levels.

An added benefit to the project is the completion of the transmission grid, which will allow Yukon Energy to consider new clean energy projects in the future. The project will create up to 350 jobs during construction, and will provide many opportunities for First Nations for employment and business involvement, as well as long-term investment possibilities.

Also, I think it is important to note there are many economic opportunities for southern companies to supply transmission line poles, as well as manufacturing of the turbine that is required for the hydro expansion.

As I stated earlier, Yukon is the first jurisdiction to benefit from the Green Infrastructure Fund. Credit must be given to the Yukon Energy Corporation for the thorough work they provided to develop the project. I also want to recognize the positive

working relationship that the Government of Yukon and the Government of Canada have developed over the years that helped to expedite this successful application.

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

ACCESS TO INFORMATION ACT AND PRIVACY ACT— 2008-09 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, pursuant to section 72 of the Access to Information Act and section 72 of the Privacy Act, I have the honour to table, in both official languages, the 2008-09 Annual Reports on the administration of those Acts with the Office of the Information Commissioner.

• (1520)

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

NATIONAL GOVERNORS ASSOCIATION WINTER MEETING: INNOVATION AMERICA, FEBRUARY 24-27, 2007—REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group to the National Governors Association Winter Meeting: Innovation America, held in Washington, D.C., from February 24 to 27, 2007.

Through inadvertence, this report was improperly signed and I was not able to table it until today.

INTER-PARLIAMENTARY UNION

ONE HUNDRED EIGHTEENTH IPU ASSEMBLY AND RELATED MEETINGS, APRIL 13-18, 2008— REPORT TABLED

Hon. Donald H. Oliver: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union to the One Hundred Eighteenth IPU Assembly and Related Meetings, held in Cape Town, South Africa, from April 13 to 18, 2008.

UNITED NATIONS PARLIAMENTARY STAKEHOLDER FORUM ON OFFICIAL DEVELOPMENT ASSISTANCE, JUNE 12-13, 2009—REPORT TABLED

Hon. Donald H. Oliver: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union to the United Nations Parliamentary Stakeholder Forum on Official Development Assistance, held in Italy, Rome, from June 12 to 13, 2009.

QUESTION PERIOD

NATURAL RESOURCES

CHALK RIVER NUCLEAR LABORATORIES— MEDICAL RADIOISOTOPE SUPPLY— COMMENTS OF MINISTER

Hon. Terry M. Mercer: Honourable senators, the shortage of medical isotopes is becoming less and less “sexy” than the minister would have us believe. First, there were reports out of rural communities that they have exhausted their small supply of isotopes. We have now learned that urban centres that keep larger inventories on hand have depleted their stockpiles. The Ottawa Hospital, for example, has to turn away 70 per cent of its patients and move them to the back of the line. It has to reduce diagnostic testing by 180 patients. It is estimated that 60 per cent of those people have cancer. That figure represents the time between now and this weekend alone. These patients are waiting to hear the results of a diagnosis that may, indeed, mean their life.

Further, on the tape recording of the minister that was released the other day, she went on to say, “. . . it’s just about money, we’ll figure it out. It’s not a moral issue.”

Honourable senators, this is a moral issue.

Let me give Senator LeBreton a couple of quotes to consider as she formulates her answer.

This is a quote from the CBC yesterday. It is from Jennifer Holdner, a cancer patient:

I hope if I do need more treatment, the isotopes are going to be available. Because it’s just torture to wait. Cancer doesn’t stop growing in your body just because Chalk River shuts down.

This next quote is from Jean-Luc Urbain, the President of the Canadian Association of Nuclear Medicine.

Because of the lack of foresight and the decisions of the government, we have to practise 20th-century medicine in 2009. . . . Prolonged shut down of the NRU reactor is a real catastrophe for two million patients in Canada. . . . The chronic and acute shortage of medical isotopes is neither a funny nor sexy story. It is a real drama we have to live with our patients on a daily basis.

The final quote is, “If the level of medical isotopes supplied —

Senator Lang: What’s the question?

Senator Mercer: I will get to the question.

Karen Gulenchyn, Medical Chief, Department of Nuclear Medicine, Hamilton Health Sciences and St. Joseph’s Healthcare Hamilton, said to the Standing Committee on Natural Resources, June 9:

If the level of medical isotope supply falls to the point that we are able to deliver less than 50 per cent of the usual examinations, then I believe that deaths will occur due to the additional strain on the health care delivery system.

To the Leader of the Government in the Senate, when will we see a concrete plan? When will isotopes be delivered to hospitals in urban centres, and to rural communities? When will the isotopes be available to those who today need to be treated?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank the honourable senator for the question. As I have said in this place many times before, all of us could get up and quote various opinions and people. According to the Ontario Association of Nuclear Medicine on last night's "Reality Check," there has been no disruption of critical medical isotope testing. The CBC spent some time on the isotope issue and the impact the closure of Chalk River has had on testing in Canada. That program maintains that there has been no disruption.

Honourable senators, the minister considers this a serious issue. We all know the problems at Chalk River and we know it produces 50 per cent of the world's supply of isotopes. Obviously, an unexpected shut down in May is of great concern.

Minister Raitt and Minister Aglukkaq — Minister Raitt in particular because of her responsibilities for the AECL issue — have been working around the clock trying to work with partners in the world to secure isotope supply. They have met with great success because other people in the world recognize the difficulty we are having. We have come to their aid many times when reactors have been shut down in their countries and they are likewise stepping up to the plate this time.

Honourable senators, this situation requires cooperative global responses. At Canada's request, all isotope-producing countries will meet for a high-level panel meeting in Toronto early next week. Minister Raitt will chair this panel.

The panel includes representatives from countries that have all agreed to increase production of isotopes, including Australia, South Africa — which has increased production by 30 per cent — and the Netherlands. This panel will bring global experts together to discuss ways to coordinate isotope supply to come up with solutions to this global problem.

I wish to also report to the honourable senator that, as a result of the efforts of the minister, next week we expect that isotope delivery to our hospitals across the country will be approximately 50 per cent of normal supply.

There is progress on this serious issue. The minister has been working diligently on this issue. I believe that a number of columnists, who have taken a close look at this matter, have pointed out that the minister has been seized of this matter and has been working very hard. In fact, Minister Raitt has been working on this file long before the unexpected shut down of the Chalk River facility in May.

Some Hon. Senators: Hear, hear!

Senator Mercer: I do appreciate the minister's answer and I appreciate the minister's serious tone. Indeed, this is a serious matter. The Leader of the Government in the Senate will have to admit that delivering 50 per cent of our normal supply is not good enough.

[Senator Mercer]

What about the woman diagnosed with breast cancer, or the person diagnosed with bone or lung cancer? We all have personal cases, honourable senators. I live with cancer every day.

• (1530)

In 1996, my wife discovered a lump in her abdomen and was diagnosed with ovarian cancer within a month. We have been living with that ever since. Thank God she had access to good quality medical care and services. Thankfully there was no isotope shortage at that time so that she could receive the diagnosis and treatment she required. We are lucky that she is healthy today and still surviving with ovarian cancer.

Honourable senators, this is a serious issue. We appreciate that Minister Raitt apologized today — it is about time — for her comments about this being a "sexy" issue. However, the shortage of medical isotopes is a direct result of the Chalk River facility being closed. This is a Harper Conservative crisis that has happened on the honourable senator's watch when her government was in charge.

Minister Raitt says she is working with the Minister of Health to solve the problem. However, 50 per cent is not good enough. The leader has commented that we are getting supplies from other countries around the world. That may be true, but it is still not enough. For example, Kevin Charlton, the commercial manager of isotope supply at the Petten FHR reactor in the Netherlands, said yesterday:

It would be pretty difficult to see how the medical community could manage to cope if we have to go out for a long period before the (Canadian) reactor comes back.

This is not only our crisis, minister. We have exported this crisis around the world because we are a major supplier. This government should be in crisis mode. The Prime Minister should be on top of this file and have a minister in charge who is competent to get the job done.

Senator LeBreton: Honourable senators, this is not an issue that is exported around the world. The honourable senator knows and we all know the state of the various isotope-producing reactors around the world and their age.

I explained yesterday that the Australians had a start date of the fall and have now moved that up. They have asked for our assistance. They are coming here and we have offered to send people to Australia. We are also working with the United States on a medium-term supply and, more fundamentally, on the global supply.

We have a competent minister. The Minister of Natural Resources is dealing with this issue and has been seized of this issue since she was made minister. She set up an expert panel to deal with Chalk River. The minister knew and the government knew that other supply sources would have to be worked on, and she has worked on this since she was appointed last October. The power outage and leak discovered in May were unexpected.

With regard to patients in urgent need of medical isotopes, several experts and doctors have explained to the public that those in immediate need of testing are given priority. The people for whom it is not as serious a matter are not given priority. Anyone whose life depends on this testing is not being denied testing.

For Senator Mercer to say they are being denied does not make it fact. The isotope supply is a serious concern not only for Canadians but also for people around the world. When the honourable senator refers to the figure of 50 per cent, that is 50 per cent of normal supply, which is quite encouraging. Apparently, today is the point where shortages are starting to be felt. We will replenish the supply to 50 per cent of normal by next week.

Honourable senators, despite all of the flak and noise in the background, Minister Raitt deserves great credit. If we read anything about her background, her own family experiences with cancer put her on a different educational path to understand these issues. That is why she is the obvious person to be the minister responsible for this file. She understands the medical and technological background.

All honourable senators should be encouraging her and her counterparts from other countries to keep working as diligently as they are now to resolve this matter. This high level of cooperation between Canada, the United States and other isotope-producing countries places us in a much better position than had nothing been done and everyone ran around wringing their hands over the unexpected shutdown of Chalk River.

Honourable senators, AECL appeared before the parliamentary committee and were hopeful that they would have this reactor up and running. However, the government, isotope-producing countries and the medical profession know that a situation like this cannot be allowed to continue. We are making every effort to alleviate the problem and fix the situation.

HEALTH

H1N1 OUTBREAK IN NORTHERN MANITOBA

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate with respect to the H1N1 outbreak in Northern Manitoba reserves and in Nunavut. Last evening, there were 21 cases in ICU. Half of those were Aboriginal people. They were all on respirators. The World Health Organization has expressed concern over the severity of these cases. They base that concern on what happened with the Spanish flu pandemic that killed as many as 90 per cent of the residents in some Aboriginal communities.

Can the leader tell me if the Minister of Health has struck a special task force to ensure that problems specific to the health needs of those living in Aboriginal communities will be addressed?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, Minister Aglukkaq has pointed out that the H1N1 flu virus does not discriminate with respect to the people it affects. As I stated yesterday to Senator St. Germain, the situation in Northern Manitoba is a serious situation. It was featured last night on CBC. A number of people

have been evacuated to Winnipeg. I think they are in the St. Boniface General Hospital.

It is sort of an all-hands-on-deck situation. Minister Aglukkaq is working with the province, INAC and Aboriginal organizations to ensure a coordinated response. As I pointed out yesterday, Health Canada has provided additional nurses to the community. Physicians are on-site and the Public Health Agency of Canada has epidemiologists in the community who arrived last week. There are also registered nurses in the community. They are in contact with the minister twice daily to update her and health department officials on the status.

• (1540)

On June 5, the minister announced that the government will fund a national influenza research network focused on pandemic vaccine evaluation. As I said yesterday in answer to Senator St. Germain, the minister has also been working closely with Minister Oswald in Manitoba to deal with this serious outbreak. One of the situations that Senator St. Germain pointed out yesterday is the serious housing issue. Having people living in close proximity exacerbates the problem.

I can assure the Honourable Senator Carstairs that Health Canada officials, people working at the laboratory in Winnipeg and all public health organizations are working diligently to deal with this outbreak and to treat the people who have been stricken with this virus.

Senator Carstairs: Honourable senators, it is clear that H1N1 does not discriminate. However, we are beginning to see the impact of the H1N1 virus on Aboriginal peoples. For reasons of which we are not entirely sure, the rate of severity affects how they deal with the virus.

In communities like St. Theresa Point and Garden Hill, as the minister knows, many homes do not have running water. One of the major prevention strategies is to ensure that hand washing becomes a part of daily life. Have these and other communities been provided with emergency provisions of alcohol sanitizers?

Senator LeBreton: There has been a public awareness effort to educate and to bring people up to speed, not only in our Aboriginal communities but also in all communities. In this specific case, I do believe they have stepped up their activities as to what people might do to guard themselves against the effects of this virus.

I saw an expert making reference to the fact that people who have respiratory problems seem to be more susceptible to the H1N1 virus. The experts that we have primarily in your own city and in your province of Manitoba are assessing and will continue to assess the unique situation in which some people have contracted H1N1 to try to find out if there is a specific link as to why some people are more susceptible and why this virus seems to affect younger people as opposed to older people. There was some speculation not long ago that people who lived through the 1950s and early 1960s, when there was a similar type of flu virus, were inadvertently immunized because of that flu strain. That might be the reason why older people are not affected. Dr. Butler-Jones and the people involved with the lab in Winnipeg are working here and also with the WHO to determine why some people are more susceptible to H1N1 than others.

With regard to the outbreak in Northern Manitoba, Minister Aglukkaq has a special interest in this issue. She understands the situation and the people living in remote areas. She has been working very hard with her officials. Every possible thing is being done to assist people living in these communities. The government has made an incredible investment in on-reserve and off-reserve housing, including, in Budget 2009, \$2 billion to address social housing, of which \$400 million is for direct support for on-reserve housing; and \$200 million for housing in the North.

Minister Strahl and, before him, Minister Prentice have made great inroads, but it is still not where it should be in terms of improving the quality of water for people living on-reserve.

Senator Carstairs: Public education programs about washing hands are excellent programs and I promote them, but it is difficult to do that when you do not have running water. That is why I suggested that we could obtain an emergency supply or employ an alternative strategy such as alcohol sanitizers.

GOVERNMENT EMERGENCY AND EVACUATION STRATEGY

Hon. Sharon Carstairs: Honourable senators, my next question is about evacuations. In almost all cases in northern reserves, people who are seriously ill must be medevaced. In most cases, they are medevaced to Winnipeg. The ICU beds are beginning to run short in the city of Winnipeg. Does the government have an emergency strategy in place so that these patients can be medevaced to communities other than Winnipeg in order to get the ICU services they will require?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): The honourable senator is quite right. Winnipeg does accommodate the vast majority of evacuees. I will take the question as a delayed answer. I am quite sure that the department has other contingency plans.

With regard to hand sanitizers, while I do not have the actual facts, I cannot imagine that Health Canada would be up there with doctors and nurses without them. Common sense would tell you that they would have a supply of alcohol and hand sanitizers and all the other supplies they need to deal with this situation. That seems to make sense.

With regard to the evacuation, I will be happy to get a response to the honourable senator.

NATURAL RESOURCES

CHALK RIVER NUCLEAR LABORATORIES— MEDICAL RADIOISOTOPE SUPPLY

Hon. Wilfred P. Moore: Honourable senators, I have a question for the Leader of the Government in the Senate with regard to the isotope issue. The minister mentioned that Canada supplies 50 per cent of the world's demand of isotopes per year. How many is that and what is the demand of Canada each year?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): That is a good question, honourable senators. I imagine that it is quite a number. I do not know the answer to that question, but I would be happy to find out.

Senator Moore: On the economic side of the issue, I presume that the Atomic Energy Canada produces and sells them. What do we charge per unit? I would like to know what kind of revenues we get and what we may be losing with the current loss of production.

Senator LeBreton: As the honourable senator knows, there is a complicated distribution system in place with MDS Nordion. MDS has filed a legal action over the MAPLE reactors. Even when the NRU reactor at Chalk River was running, it still went through this complicated distribution system. When MDS Nordion had them, they would sometimes distribute them down to the United States before they were distributed in Canada.

I will refer the honourable senator's question, plus the economic side of it, to the department. Regarding this rather complicated distribution system, it would be in all of our interests to have the reply written down on paper. I am sure it would be helpful to all senators to understand the processes. I thank the honourable senator for the question.

• (1550)

TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

CITY OF TORONTO APPLICATION FOR INFRASTRUCTURE FUNDING

Hon. Art Eggleton: Honourable senators, my question is to the Leader of the Government in the Senate. Canada's municipalities are urging the government to send them infrastructure money so that they can get projects up and running. To date, they have only received a lot of promises. We now hear that, over the weekend, Minister John Baird commented on a crucial job creation application by the City of Toronto to build street cars, and his blunt and profane dismissal. This project is exactly what the country needs. It would help the struggling manufacturing industry in Ontario and the parts industry in Quebec and Manitoba by creating jobs now. Also, this project is building the kind of green infrastructure that your government says it wants. Public transit reduces congestion. Street cars are environmentally friendly. Will the Toronto application be funded?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank the honourable senator for the question. We have had incredible support from the Province of Ontario and many municipalities in Ontario. We have announced nearly \$3.4 billion for nearly 1400 projects province-wide, the largest combined infrastructure investment in Canadian history.

Having been a former municipal politician and later a federal cabinet minister, Senator Eggleton knows that we did double the tax fund to \$2 billion a year and accelerated the first payment to municipalities. Much of the infrastructure that has been taking place has been as a direct result of this accelerated payment.

In defence of Minister Baird, I think he was expressing some frustration. Many mayors and many municipalities in the province of Ontario have filed their requests, put the requests for proposals in, tendered the contracts and are ready to go or are

already working. Minister Baird was expressing some frustration with the Mayor of Toronto, when all of these other people can get their projects in on time and cooperate with the provincial government and the federal government. As the honourable senator knows, Minister Baird did apologize for expressing his frustration, even though he thought he was expressing it in private.

Honourable senators, as I said to Senator Eggleton and other senators, we will provide to Parliament and to the Canadian public a complete and detailed report of every project and all of the activity, not only in Ontario but also across the country.

I cannot specifically comment on the status of the 23-streetcar project, but I will take that part of the question as notice.

With regard to public transit, we have announced support for the expansion of the Spadina subway, for GO Transit, to refurbish Union Station and to support the Sheppard line. I believe that the good City of Toronto has taken advantage of the various government programs in support of some much needed work.

JUDGES ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-39, An Act to amend the Judges Act.

(Bill read first time.)

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be read the second time at the next sitting of the Senate.

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

Hon. Senators: Agreed.

(On motion of Senator Comeau, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

THE SENATE

TRIBUTE TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, from today until the end of next week, we will be saying farewell to departing pages and wishing them luck for the years ahead.

[Translation]

Mélanie Chartrand is very happy to have had the opportunity to work as a Senate page. This summer, she will travel in Europe, and in September, she will be taking a Masters in Public and International Affairs at the University of Ottawa. She thanks the Senate for this unforgettable experience.

[English]

Charlene Kwiatkowski has thoroughly enjoyed her two years as a Senate page, serving the senators and getting her feet wet in politics. Charlene plans to complete a master's degree next year and is increasingly enticed to return to her roots in British Columbia, where the natural beauty and her mother's cooking are weighty considerations. Charlene wishes to thank all honourable senators and the staff who have made her time here an unforgettable experience.

[Translation]

After two years with the Senate, Jessica McLean is leaving us after having completed her B.A. in International Policy at the University of Ottawa. Before starting her post-secondary studies, she will head to Istanbul, Turkey, to teach English and perfect her fourth language, Turkish.

Jessica sincerely thanks the wonderful team of pages, and of course, all the senators and employees of the Senate, who have made the past two years an unforgettable experience.

[English]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have consulted with all sides regarding the fact that we are getting close to four o'clock. I believe I have agreement from all sides, notwithstanding the existing order that we sit until four o'clock on Wednesday. I believe we have agreed to sit beyond that time to deal with Government Business and Private Bills, at which point we will ask that all items remain in their place and adjourn. Along with this motion, I would ask that we allow committees to sit while the Senate is sitting.

Hon. Joseph A. Day: Honourable senators, have we made some accommodation for the many people who are here for Senator Adams? There is a reception planned.

Senator Comeau: I would have no objection at all to including that as part of the house order and bring in Senator Adams farewell tributes. If the honourable senator is talking about the reception, that might cause some problems. I leave it to all honourable senators as to how we might deal with that issue.

The Hon. the Speaker: Honourable senators, if I could be of some help, with the assistance of colleagues who often replace the Speaker in the chair, I would absent myself at the appropriate time to look after our guests in Senate quarters. Is there unanimous consent to proceed as described?

Hon. Senators: Agreed.

[Translation]

CREE-NASKAPI (OF QUEBEC) ACT

BILL TO AMEND—THIRD READING

Hon. Patrick Brazeau moved third reading of Bill C-28, An Act to amend the Cree-Naskapi (of Quebec) Act.

He said: Honourable senators, I have the honour to start our examination at third reading of Bill C-28, An Act to amend the Cree-Naskapi (of Quebec) Act.

• (1600)

[English]

The value of this proposed legislation is clearly evident to us all. For proof, I need only look to the words that were spoken during debate on this bill at second reading and during consideration of it by the Standing Senate Committee on Aboriginal Peoples.

I would like to take this opportunity to thank Senator Watt for his words of support during second reading debate. As one of the signatories of the James Bay and Northern Quebec Agreement of 1975, he possesses profound knowledge of the history, the current needs and the future ambitions of the Aboriginal peoples of that region.

I would also like to acknowledge the witnesses who testified before the Standing Senate Committee on Aboriginal Peoples. In particular, I want to pay tribute to the representatives of the Cree of Eeyou Istchee and Oujé-Bougoumou, the people who will be deeply and directly affected by this bill. These witnesses provided us with firsthand evidence of how Bill C-28 will enable the residents of the nine Cree communities of Northern Quebec to take greater control over their lives and their futures.

I also want to highlight the remarks made by the Minister of Indian Affairs and Northern Development during his appearance before the committee. What impressed me most about the minister's testimony were his remarks on the consultation between the Government of Canada and the representatives of the Cree of Eeyou Istchee. The minister clearly pointed out that not only did the Cree play an integral role in the development of the bill, but the consultative process also reflects the defining traits of all productive relationships between Aboriginal and non-Aboriginal peoples in this country: cooperation, collaboration, negotiation and partnership. I can think of no better foundation for a strong, enduring relationship than these characteristics. In fact, I can assure honourable senators that this consultative process continues, even as we speak. Representatives of the federal government and the Cree of Eeyou Istchee meet regularly to address shared concerns.

The two parties hold these meetings through the Cree-Canada Standing Liaison Committee. Established as a result of the signing of the New Relationship Agreement, this committee is a permanent dispute resolution mechanism authorized by the two sides to resolve any differences they may arise in the future.

Honourable senators, I just mentioned the New Relationship Agreement. For those who do not know, it is a landmark accord signed last year by the Government of Canada and the Cree of Eeyou Istchee. Raising that historic agreement provides me with a perfect opportunity to delve into the details of Bill C-28 itself and show just how direct and definite an influence it will have on the lives and futures of the Cree of Eeyou Istchee.

Like the Cree-Canada Standing Liaison Committee, Bill C-28 has been created as a direct result of the New Relationship Agreement. To be more precise, Bill C-28 amends the Cree-Naskapi (of Quebec) Act to give the force of Canadian law to two fundamental elements of the agreement. First, Bill C-28 provides the Cree Regional Authority with bylaw-making powers similar to those now enjoyed by local Cree governments in the region. The Cree Regional Authority is the administrative body of all nine of those communities.

Armed with the legal authority to develop and enforce bylaws, the Cree Regional Authority will oversee several essential local functions that are managed by municipal governments throughout our country, including police, sanitation and firefighting services. These new bylaw-making powers will also enable the Cree Regional Authority to administer key contributors to regional economic growth and development, such as job training and employee recruitment and placement.

At the same time, Bill C-28 empowers the Cree Regional Authority to set standards for water quality, financial accounting, land use and environmental protection throughout the region. The Cree Regional Authority has stated that it intends to appoint a Cree regional environmental administrator. This official will oversee all environmental assessments conducted on the traditional lands of the Cree of Eeyou Istchee and will take steps to ensure that any development of natural resources is environmentally sustainable.

Honourable senators, the second aspect of Bill C-28 is equally important and consequential to the Cree of Eeyou Istchee. Bill C-28 amends the Cree-Naskapi (of Quebec) Act to bring a ninth Cree band, the Oujé-Bougoumou, under the act. In so doing, the bill ensures that this community will have the same status, rights and responsibilities as the other eight Cree communities in the region.

Like the eight communities already covered by the Cree-Naskapi (of Quebec) Act, the Oujé-Bougoumou have made the lands and waters of this region their home for thousands of years. However, this community did not enjoy the same legal status as the other Cree communities in the region because they had been relocated temporarily to other First Nations communities near the town of Chibougamau and, therefore, had not been distinctly recognized in the James Bay and Northern Quebec Agreement that was concluded in 1975.

Nevertheless, the Cree of Oujé-Bougoumou had remained their own distinct Cree community, entitled to the same rights and opportunities enjoyed by the other Cree communities in the region. Bill C-28 now fulfills a commitment to rectify the situation by formally recognizing the Cree of Oujé-Bougoumou as the ninth Cree band under the Cree-Naskapi (of Quebec) Act.

Honourable senators, those are the main features of Bill C-28 that will have a direct and definite influence on the lives of the Cree of Eeyou Istchee. While this bill empowers the Cree of

Eeyou Istchee to take greater control over their lives right now, I believe its real value lies in how it blazes a clear path to an exciting future for these people. Let me explain.

[Translation]

Bill C-28 is the first step in a two-part process through which the Government of Canada and the Cree of Eeyou Istchee will negotiate the full self-government of the Cree people of northern Quebec.

[English]

The path to self-government is clearly laid out in the New Relationship Agreement. Once Bill C-28 is adopted, all sides will work together to identify the subject areas that the Cree of Eeyou Istchee will control, the degree of authority that these people will have over these areas and the exact geographical jurisdiction in which this authority will be exercised.

When these negotiations have been successfully concluded and a self-government agreement ratified, the Cree Nation government will be in a position to fully represent all Cree communities in the region. Instead of nine voices speaking for nine communities, the Cree of Eeyou Istchee will have one voice speaking for all. The Cree Nation government will place the Cree of Eeyou Istchee in a much stronger position to achieve their shared goals.

[Translation]

Honourable senators, none of those benefits can be achieved if we do not pass Bill C-28.

[English]

With those stakes clearly in mind, honourable senators, let us give our sanction to Bill C-28, which will have a direct, definite and immensely beneficial influence on the lives and futures of the Cree of Eeyou Istchee.

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

Hon. Senators: Question.

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

(Motion agreed to and bill read third time and passed.)

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. John D. Wallace moved third reading of Bill S-4, An Act to amend the Criminal Code (identity theft and related misconduct), as amended.

He said: Honourable senators, I am pleased today to speak to Bill S-4, which amends the Criminal Code to address the growing problem of identity theft. Bill S-4 has received a comprehensive and detailed study by the Standing Senate Committee on Legal and Constitutional Affairs, which reported the bill back with amendments.

This legislation is urgently needed. By all accounts, identity theft is growing in both the number of incidents and the amount of losses to consumers, retailers, service providers, financial institutions and governments.

At the personal level, identity theft hurts Canadian in more than just their pocketbooks. In increasing numbers, Canadians fear that they will become victims of identity theft. Often, sensitive personal information is misappropriated by criminals, and the individuals whose information is being used may be completely oblivious that their information has been compromised for quite some time. During that time, they are vulnerable without even knowing it.

When that information is eventually used in the course of a fraud, a travel-related offence or another offence, the ramifications can be severe.

• (1610)

Victims of identity theft report psychological impacts, such as feeling violated and feeling that they have lost control over their lives. They could lose some or all of their life savings; they could lose their home; they could be left unable to get credit; and they could be subject to suspicion that they are involved in criminal conduct. Even if they are lucky enough to remedy all of that damage, they may be left wondering for years if their identities will be compromised again.

We also know that new technologies have dramatically improved our lives in many ways, but enterprising criminals have been quicker to take advantage of the new technologies than governments may have been to ensure that those same technologies do not leave Canadians vulnerable. We also know that identity theft is linked to organized crime and to terrorism. People's identities and information are used to generate large-scale profits to fund other crimes and are also used by organized criminals to conceal their true identities.

Virtually all of the witnesses the committee heard from, including the Privacy Commissioner of Canada, the Canadian Bar Association, Visa and MasterCard, the Royal Canadian Mounted Police, the Interact Association and the Canadian Bankers' Association recognized that this issue has reached a critical stage and that Bill S-4 is urgently required.

The most important components of Bill S-4 are the creation of three new offences that are directly targeted to the early phases of identity theft operations. These new offences would complement offences already in the Criminal Code, which prohibit the most harmful consequences of identity abuse. Offences such as fraud, impersonation and forgery, for instance, already apply if Canadians have their identities misused by others for gain.

The new offences are directed toward the earlier phases of these crimes. They will allow the police to take action and lay charges even before a fraud is committed, a person is impersonated or someone unlawfully crosses the border.

Here is how Bill S-4 will do that: One new offence will prohibit the obtaining or possessing of another person's identity information where the information is intended to be used

deceptively in connection with an offence. This offence will allow police to go after people at the point of collection, who gather this information either for their own criminal use or as a supply source to other criminals. That information allows identity crime to be committed.

Another offence targets middlemen, those who traffic the information from one person to another but who may not otherwise be involved in the fraud or other crimes in which the information is destined to be used. This is often a specialty activity in the chain of organized crime identity fraud.

Finally, Bill S-4 creates an offence that targets the unlawful possession or the trafficking of crucial government-issued identity cards that pertain to other people. The RCMP told the committee that they believe these new offences will help them stop more serious crimes before they happen. That is everyone's shared objective.

Other amendments contained in Bill S-4 clarify or complement existing offences in the Criminal Code. For instance, the bill introduces complementary forgery and Canada Post offences and brings greater clarity to the credit card offences in the offence of impersonation, which would be renamed "identity fraud."

Bill S-4 also extends the restitution provisions in the Criminal Code to help victims recover some of the costs they must bear if they are unfortunate victims of this crime.

As I mentioned, the committee heard from many important witnesses. Following a comprehensive study, the committee made some changes to the bill. Two changes in particular were made to ensure that the Criminal Code can capture new technology and new developments as they occur.

The first amendment was based on testimony by Visa and MasterCard, who brought to the attention of the committee the fact that new technologies for authenticating the identity of users when their credit cards are used are always under development. In response to the recommendations made by these witnesses, the committee amended clause 4 of the bill by adding the notion of "personal authentication information" to the offence of unlawful possession of credit card data. This amendment means that as identity authentication technology evolves, the Criminal Code will stay current.

The committee made other adjustments to clause 1 of the bill, which introduces a new offence of unlawful possession or transfer of specified government-issued identification documents. The amendments add to the list of documents covered a death certificate and a government employee identification card. In addition, the committee added the phrase "or other similar document" so that Parliament will not have to amend the Criminal Code if the federal or provincial government introduces a new type of identity card.

All of these amendments to Bill S-4 improve its ability to deal with identity crime by ensuring the law will be able to stay current and relevant, and will be able to deal with developments in technology and security which cannot yet be foreseen.

[Senator Wallace]

The committee also introduced a five-year review of the legislation. Although there are already offences for fraud impersonation, Bill S-4 does introduce new offences to target the early stages of identity crime.

I hope honourable senators will agree it is appropriate for us to review the implementation and application of these laws to determine how effective they are at helping to reduce and prevent identity fraud of various sorts. That evaluation will give us an opportunity to recommend any corrective amendments or other improvements that may be necessary to better protect Canadians.

Honourable senators, Bill S-4 will not end identity crime, but it is a major leap forward in equipping our police with the tools they need, the very tools they asked for, to begin to more effectively combat the scourge of identity crime. I urge all honourable senators to pass this legislation, with the improvements made by the committee, and send it to the other place for their consideration.

Hon. Serge Joyal: Honourable senators, I rise to speak today on third reading on Bill S-4 because there is an important issue related to the rule of law in the bill, which we considered at the committee stage during our study of Bill S-4 and that I would like to bring to your attention today.

First, I would like to commend Senator Wallace for sponsoring the bill. I know it was his baptême de feu, his christening, if I can use a religious expression, and he did it very well. We were pleased to have him as a new recruit at the Standing Senate Committee on Legal and Constitutional Affairs.

My concern, honourable senators, relates to sections 7 and 9 of the proposed bill. Senator Wallace has not alluded to those two sections of the bill, but they are very important for the principle at stake.

Sections 7 and 9 of the bill allow a person to commit forgery in good faith at the request of a police force or the Canadian Forces. An employee of any government agency could be requested by a police officer to make a forgery. It could be a birth certificate, a driver's licence or one of the documents that the bill already enumerates. It gives a kind of blessing to everyone. An employee who is requested by the police to duplicate or to make a fake document — a fake passport, for instance — would be absolved of any wrongdoing. To paraphrase clause 9; No public officer is guilty if the acts alleged to constitute the offence were committed by the public officer for the sole purpose of establishing or maintaining a covert identity.

A police officer who uses a fake passport, birth certificate, marriage certificate or any kind of public document in the context of a covert operation would not be found guilty under the Criminal Code, because we are creating a new offence.

• (1620)

Those two clauses were of great concern to the Canadian Bar Association when they testified at the committee. In their brief tabled at the committee, they said:

Our fourth recommendation to you deals with the exception for police and other official acts. Clauses 7 and 9 propose another exemption for certain activities of public

officers as defined by section 25.1 of the Criminal Code. Given the existing legislative scheme, it is unclear why another exemption might be necessary.

The CBA Criminal Justice Section has strongly opposed an exemption for criminal liability for police and their agents, arguing that the law should apply to everyone, but acknowledges the existing sections contain detailed procedural safeguards and reporting requirements. The section sees no reason why the acts specified by Bill S-4 would be inadequately addressed by the existing scheme and are opposed to creating further exemptions of this sort. The Criminal Justice Section recommends that police activities in clauses 7 and 9 of the Bill S-4 be removed.

In other words, the Canadian Bar Association has requested for us literally to delete those two clauses of the bill.

Honourable senators, I am not standing here this afternoon to ask you to delete those two clauses. Covert operations are a part of police reality.

I went back to the Bible of police activities, the McDonald commission report. You will see that I am consistent in using my religious vocabulary today. I am inspired by Senator St. Germain.

The McDonald commission, in its 1981 report, had a lengthy chapter on undercover operations — chapter 9. Paragraph 28 states:

The kind of support documentation used varies with the operation involved. Several common types of false documentation have been brought to our attention. They include:

- driver's licences
- S.I.N. cards
- passports
- credit cards
- motor vehicle registrations
- licence plates
- birth certificates
- education certificates

Honourable senators will remember that the McDonald commission investigated wrongdoings of the RCMP following the FLQ crisis in Quebec — Senator Rivard will certainly remember that. The commission came forward with many recommendations, but they recognized that covert operations were an essential element of any police investigation.

The McDonald commission report clearly stated the principles of our criminal justice system. I am turning to Senator Grafstein at this point. The first of those principles is the Bill of Rights. The 1689 English Bill of Rights is the foundation of our criminal justice system. Section one states:

That the pretended power of suspending of laws, by Regal authority, without consent of Parliament, is illegal.

That the pretended power of dispensing with laws, or the execution of laws, by Regal authority, as it hath been assumed and exercised of late, is illegal.

The foundational principle of our criminal justice system is that the rule of law applies to everyone. That principle is well enshrined in the doctrine or textbook of criminal law documentation: "It is an established principle of constitutional law that official position and superior orders, whether of the Crown or of a private master, are not in themselves a justification for committing an act that would otherwise be a legal wrong." In other words, you cannot say that you have been authorized by your superior to commit a wrongdoing as an excuse for committing a criminal offence. This principle is foundational to our criminal justice system.

Honourable senators, we had to deal with that issue before. We claim that our house has an institutional memory. I call on you to remember our debates in 2001 when we adopted Bill C-24, An Act to amend the Criminal Code (organized crime and law enforcement). The situation was similar in 2001.

Bill C-24 was adopted and received Royal Assent on December 18, 2001. Police were requesting from Parliament special powers to break the law in order to fight organized crime. It could be for a police officer to buy drugs on the market to show that he is part of a gang or to break and enter a premise to steal something with another member of the gang, et cetera. When police infiltrate a gang organization, they are part of the lifestyle of the group that they are infiltrating and they might be called on to break the law.

We were very concerned with the issue because we thought it was essential for the police to have that power in the same way as it is for police to use forged documents — passports, driver's licences, et cetera.

However, eight years ago, in 2001, we could not let that bill go forward without "framing" that power. A police officer cannot be free to decide on his own that he will buy drugs on the market because sometime down the road he might be called to an investigation where he will be asked to infiltrate a gang. Similarly, a police officer cannot request a departmental employee to make a fake passport because he thinks it will be needed in a covert operation sometime.

We amended the government bill in 2001. I was sitting on the government side at the time, as was Senator Moore. We were on the Standing Senate Committee on Legal and Constitutional Affairs. We proposed at third reading an amendment to the then bill, which is now section 25.2 of the Criminal Code. This was the amendment adopted at that time to try to frame the power of a police officer to commit a crime:

25.2 Every public officer who commits an act or omission — or directs the commission by another person of an act or omission — under paragraph 25.1(9)(a) or (b) shall, as soon as is feasible after the commission of the act or omission, file a written report with the appropriate senior official describing the act or omission.

When a police officer commits a crime under the organized crime bill, he or she must report that to his or her superior in writing. It remains within the confines of the department and will be reported in the usual chain of operation.

There is a counterweight in the system. When we had the debate in the chamber, senators on both sides spoke in support of that amendment. Senator Moore declared on December 5, 2001 — and I informed Senator Moore that I would quote him:

... the Canadian Bar Association and the Barreau du Québec ... expressed concerns about these provisions. There were concerns that expressly allowing law enforcement officers to engage in conduct that would otherwise constitute offences could undermine the rule of law in Canada.

I have informed the Honourable Senator Andreychuk that I would be quoting her today. She said:

It is time that there be some mechanism — be it in the Senate, the House of Commons or jointly — to address the continual reduction of the safeguards and protections we have built up in our system in order that police officers do not become arbitrary and government ability to use police cannot become dictatorial. There is a fine balance between the need for security and the need to protect the individual freedoms that make this country different from other countries.

• (1630)

I think this principle is fundamental to our discussion today. Of course, when we were concerned about this issue, the report that the Standing Senate Committee on Legal and Constitutional Affairs tabled in support of Bill C-24 at that time, raised similar concerns. Members of the Canadian Bar Association and Barreau du Québec, along with representatives and practicing defence lawyers were unanimous in their concern that the exemption from criminal liability provisions in Bill C-24 would fundamentally change our criminal justice system. They were requesting amendments.

Today, honourable senators, we are in the same position as far as the principles are concerned. A police officer could now use any kind of fake document in a covert operation and would not have to report it, as much as an employee who would be asked by police to make a fake document would not be compelled to report it to his superior.

Therefore, honourable senators will understand that the concern of the bar associations and the concerns of witnesses we heard last week at the committee are of tremendous importance for the principles of our criminal justice system.

That is why, at third reading of Bill S-4, especially regarding clauses 7 and 9, I informed the honourable senators attending the debate that it needs further reflection and that, at third reading, I reserved the right to introduce an amendment to those two clauses — not to delete them. Again, the bar asked for them to be deleted. I am not asking the chamber to delete those clauses.

I am proposing to frame that power so that the employee or police officer will have to present a written submission to his superior. Additionally, if the superior decides to report it at the appropriate time and not identify any of the parties or any of the times it was used, it be noted that they had to resort to breaking the law to try to fight crimes or use documents that might be needed in the course of their investigation.

[Senator Joyal]

MOTION IN AMENDMENT

Hon. Serge Joyal: Therefore, honourable senators, I move:

That Bill S-4, as amended, be not now read a third time but that it be amended,

(a) in clause 7, on page 5, by adding after line 17 the following:

“(6) The Minister responsible for an entity referred to in subsection (5) that has requested a person to make a false document shall disclose or cause to be disclosed each year, in a report that is published or otherwise made available to the public, the number of times that the entity made such a request during the immediately preceding year.

(7) For the purposes of subsection (6),

(a) the Minister of Public Safety and Emergency Preparedness is the Minister responsible for the Royal Canadian Mounted Police;

(b) the Minister responsible for policing in a province is the Minister responsible for a police force constituted under the laws of that province;

(c) the Minister of National Defence is the Minister responsible for the Canadian Forces; and

(d) the Minister who has responsibility for a department or agency of the federal government or of a provincial government is the Minister responsible for that department or agency.”; and

(b) in clause 9, on page 6,

(i) by replacing line 15 with the following:

“**368.2** (1) No public officer, as defined in sub-”, and

(ii) by adding after line 22 the following:

“(2) Subject to subsection (3), every public officer who commits an act that would, but for subsection (1), constitute an offence under any of sections 366 to 368.1 shall, as soon as is feasible after the commission of the act, file a written report with the appropriate senior official describing the act.

(3) A public officer who commits more than one act referred to in subsection (2) involving the same forged document is not required to make more than one report under that subsection in respect of those acts within any twelve month period.

(4) A competent authority, as defined in subsection 25.1(1), may designate senior officials for the purposes of this section.

(5) The competent authority shall include in the annual report referred to in subsection 25.3(1) the number of acts that were reported under subsection (2) to senior officials designated by the competent authority.

(6) In this section, “senior official” means a senior official who is responsible for law enforcement and who is designated under subsection (4).”.

Honourable senators, I know it is very technical. However, it is to the same effect that we have under sections 25.1 and 25.3 of the Criminal Code, in as much as the laws against organized crime was adopted and voted on in this chamber eight years ago.

The Hon. the Speaker: It is moved by the Honourable Senator Joyal, seconded by the Honourable Senator Grafstein, that Bill S-4 be not now read a third time but that it be amended (a) in clause 7 — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Shall there be further debate on the amendment?

Hon. John D. Wallace: Honourable senators, there is no question that it is a technical amendment and it is a lot to absorb, especially for senators who have not been part of our discussions at our Standing Senate Committee on Legal and Constitutional Affairs.

I had thought that Senator Joyal might make an amendment. I was not quite sure what form it might take. What he has said does not totally catch me by surprise.

I would like to begin by saying that the amendment proposed by Senator Joyal is to amend clauses 7 and 9. I want to begin by telling you that those particular clauses are integral to supporting a key police function in the fight against crime in that they seek to provide the police with an exemption for the use of identification documents in a fictitious manner in order to support covert law enforcement operations.

Having listened to a very compelling presentation by Senator Joyal, I want honourable senators to be aware that the exemption included in Bill S-4 is very narrow and restricted. That was done purposely so that it would not open up opportunities for improprieties, many of which were referred to by Senator Joyal. It is no question: There are cases when the type of reporting that Senator Joyal has suggested from section 25 is and would be appropriate in the future.

However, I would strongly say it is not appropriate and not required in this rather unique situation where we have a very narrowly-defined set of offences that would be subject to that. Honourable senators will have to bear with me because I have bits and pieces here that pull together and, having heard Senator Joyal's comments, I want to ensure I clearly communicate all the points to you.

Clauses 7 and 9 of the bill provide an exemption for peace officers for what would otherwise be only forgery-related offences committed in the course of their undercover work. That is the

fundamental job of police officers. The exemption would also relate to people who, in good faith, make forged documents at the request of a government agency.

I say to honourable senators that these exemptions, in their current form in the bill, are essential and very much required.

• (1640)

Concealing the true identities of undercover police officers is a protection akin to a uniformed officer carrying a side arm. In that regard, police do not have to rely on the law enforcement justification in the Criminal Code to carry their guns. Instead, they are provided a clearly defined exemption in the law to certain firearms offences. Obviously, every time police officers are required to put their holster on and go out and do their duty day-to-day, there would not be a requirement — nor would any of us believe there should be — that a report be filed and once a year be reviewed. That is accepted and has been very much part of the duties of our police officers.

Of course, police officers are there for the benefit of our citizens. They are there for all of us. They are doing the job that all of us require to be done in order that we can sleep safely at night and so that our children will not be the subject of crime. There must be a practical appreciation of the types of offences we are considering here, as compared to other offences that were considered some years ago, as Senator Joyal has said, when section 25 qualifications to the exemption provision may have been appropriate.

Regarding Senator Joyal's proposed amendment, it is important to understand that the exemptions in the bill do not provide the police with immunity from identity theft offences that are created by this bill or by any existing offences in the Criminal Code with a fraud element. The exemptions have nothing to do with that subject. Honourable senators should never be left with the impression that the bill gives the police carte blanche to break the law and, somehow, entitle them to commit identity fraud. That is not the case. This bill comes down to giving our police, our law enforcement officials, the legitimate tool that they need to protect the interests of our public. That is it, plain and simple.

These exemptions facilitate the acquisition and use of identification in a fictitious name for police to use in order to build and maintain their undercover status. Such steps are taken every day by police officers across the country. It is essential that we provide a clear and effective legal basis for them to use this tool so without placing roadblocks in their way. While perfectly appropriate in other circumstances, as I said earlier, these roadblocks have absolutely no place in this context.

What are we talking about, honourable senators? We have a serious problem in this country with identity theft. We know that many citizens have suffered from the scourge of identity theft. We know that organized crime have infiltrated identity theft and, to a large extent, control it. The police have their hands full dealing with it. You and I, and everyone else out on the street, as well-intended as we might be, want to see this identity situation curbed or better controlled. Frankly, there is not one of us, by ourselves or even as a group, who are capable of curbing or controlling the it. It is the police, the law enforcement officials, who have the ability, if anyone has, to deal with this problem.

I say to honourable senators in the strongest terms that we must let our law enforcement officials do their jobs. We must let them do what we have hired them to do, and what wish them to do effectively every day, namely, to protect our citizens. That is what this bill is all about: protecting our citizens.

As with each of you, I have neither faith nor trust in organized crime and the criminal element — none. However, I do have faith and trust in our law enforcement officials. I say that not to imply that we have blind faith and no checks and balances in the system. Generally, those things have a place, but I do not share the suspicions of our police and our law enforcement officials that maybe others have. From all evidence that I have seen, they are always well-intended and always try to do the right thing. I start from that premise. I realize that none of us are perfect; there are times when certain situations arise. However, we need them and they want to do the right thing. About 99 times out of 100, that is exactly what happens. They know the law enforcement business. I would say not one of us in this chamber understand it to the extent that they do.

Honourable senators, we must allow them to do their job, particularly in this case, where we have a narrowly defined offence. These exemptions that are contained in clauses 7 and 9 relate to public officers. Clause 9 of Bill S-4 states in part in the proposed section 368.2:

... for the sole purpose of establishing or maintaining a covert identity for use in the course of the public officer's duties or employment.

It must be in relation to the public officer's duties or employment.

Obviously, there must a framework within which our law enforcement officials operate. We must define that framework; we cannot be naive about it. I agree with that 100 per cent. On the other hand, we cannot, and we should not, micromanage the day-to-day operations of our law enforcement officials. With all due respect to Senator Joyal, for whom I have tremendous regard, I believe that is what his amendment does. It will compel us effectively to start micromanaging those day-to-day operations. I agree that it is not that clauses 7 and 9 of the bill would be repealed. However, amending them in the way in which Senator Joyal has suggested would involve reporting once a year. What is that reporting? It is administration; it is bureaucracy. That will not change effectively what happens on the street day-to-day.

Honourable senators, I believe that we should move ahead and show confidence in our police and in our law enforcement officials. With all due respect, I strongly oppose the amendment suggested by Senator Joyal and I move the adoption of Bill S-4, as amended by the Standing Senate Committee on Legal and Constitutional Affairs, as soon as possible.

Hon. Tommy Banks: Honourable senators, this bill, which seeks to do good things and to protect us all, is important, as Senator Wallace has said. However, the bill deals in a large degree with technology. I have a particularly sensitivity to the changes in technology in the Alvin Toffler sense of the telescoping speed at which it happens.

This bill deals with identity and information relating to identity, and with the means by which that information is stored, registered and conveyed. Senator Wallace will be aware of what I am talking about because I talked about this issue in committee. He will recall that I was planning to make these amendments in committee but we ran out of time. I have taken the chair's advice and I am now making them at third reading.

The intent of the amendments that I will propose, honourable senators, is to strengthen the bill by ensuring that the technology that is referred to and the lists of the means by which information will be stored and conveyed are not overtaken by time and by advances in technology.

• (1650)

Honourable senators, if someone had said to you in 1950 that DNA would be the means of absolute determination of identity, 11 or 12 people in the world would have understood what you were talking about; DNA was not used for that purpose in 1950. If someone had said to you 10 years ago that someday, you would not sign a credit card slip because there would be a chip in it and you would have a secret PIN number, you would not have believed that person. My cat has a chip in his ear that clearly identifies him.

I do not think that we can say that DNA used as a means of identity; or looking in a machine that reads your iris to determine your identity; or a chip in one's ear to determine one's identity, are documents, and this bill refers in several places to "documents."

My amendment deals with that in the hope of bullet-proofing the bill in order to provide for when changes in technology take place in the means by which personal identification will be made. Honourable senators, I promise you that before any of us leave here, the means by which personal identity is made certain will change and it will not be by documents in the normal sense of the word. There will not necessarily be cards in the sense that we are now limited to. We cannot conceive of the means by which we will in the not distant future be required to establish our identity.

MOTION IN AMENDMENT

Hon. Tommy Banks: In that context, honourable senators, I move:

That Bill S-4, as amended, be not now read a third time but that it be amended,

(a) in clause 1, on page 2, by adding after "or any similar document," the following:

"or any other document, apparatus or information storage device that establishes or purports to establish the identity of a person,"; and

(b) in clause 10, on page 7, by replacing line 3 with the following:

"including, without limiting the generality of the foregoing, a fingerprint, voice print, retina".

The second part of my amendment is a belt and suspenders amendment. I am referring to the language “without limiting the generality of the foregoing”, because following the word “including” is a list of the kinds of information being talked about. I know that, in law, the word “including” followed by a list is not exclusive. It does not circumscribe that list and say that nothing else is on the list. I understand that.

The second part of my amendment is for greater certainty, saying that the list that follows the word “including” is not a complete, exclusive or circumscribed list of the kinds of information that are referred to there. It is belt and suspenders and makes it more certain that the bill will contemplate other kinds of information and other kinds of materials that will in the future be used for those purposes. I commend those amendments to your positive consideration, honourable senators.

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Banks, seconded by the Honourable Senator Moore that Bill S-4 as amended be not now read the third time but that it be amended —

Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, our motions in amendment are stacked, and therefore debate can proceed either on the main motion, the motion in amendment by Senator Joyal or now the motion in amendment by Senator Banks.

Hon. John D. Wallace: Honourable senators, we discussed Senator Banks’ concept in committee. As you can appreciate, it is difficult, when you hear those amendments, to fit them into the bill as it is now, but I did hear enough of it, and some of it did sound familiar. We had considerable discussion around opening up some of the defined terms or expanding them or giving some flexibility to cover the types of situations to which Senator Banks just referred. We had a rather exhaustive discussion around that, that is, all of us who are regular members of that committee.

Having been through that exercise in committee and having given serious thought to those issues so that we provide as much flexibility as possible going forward, my response at this time would have to be that the amendments that Senator Fraser presented as part of the report of the Standing Senate Committee on Legal and Constitutional Affairs reflect the flexibility that I would be prepared to support. There has to be a point here where we draw a line.

As the sponsor of the bill, when the report of the Standing Senate Committee on Legal and Constitutional Affairs was presented yesterday, I spoke and indicated I had reservations around those amendments when we were in committee. When looked at from a practical point of view, to move this forward, considering the urgency to get this bill into legislation, I and others who would have a thought on that felt we would show flexibility, and, as long as it did not detract from the overall intent and operation of the bill, that we would agree to those amendments. We did, and I think that worked well.

However, with all due respect, having been down that trail and having discussed these issues of trying to provide for the future and what it may hold, I believe we have done that effectively at

this point with the amendments that Senator Fraser included in her report, and that would be as far as I would be prepared to support. I would have to oppose the proposed amendment.

Senator Banks: May I ask a question?

Senator Wallace: Yes, sir.

Senator Banks: As the honourable senator well knows, the amendment that was made by the committee, talking about different kinds of documents, added the following: “Or an employee identity card that bears the employee’s photograph and signature, or any similar document.” I would ask the honourable senator whether he thinks that those words, all of which rely on the word “document,” can reasonably be counted upon to describe the means by which we will establish our personal identity, let me take an arbitrary number, five years hence? In other words, does the word “document” along with the words “or any similar document” include, and would it be seen by the courts to include, a chip in my ear, for example?

Senator Wallace: Is the honourable senator asking me for a legal opinion?

Senator Banks: No, just a comfort.

Senator Wallace: When we look at trying to enforce any of this legislation and interpret it, we do have to deal with something that is tangible. I agree that we could think about a number of different ways that information could be transferred and have a debate whether or not they were covered. When you look at the Criminal Code and these types of issues, the history has been that reference to “document” is entirely appropriate, and there is strong case law dealing with what constitutes a document. Therefore, I would rely upon that going forward.

I would point out one other thing, honourable senators. Honourable Senator Banks was present at the last meeting when we introduced this amendment that would provide for a review period in five years.

• (1700)

This crime is new. We all have an idea of how the bill will work, and we know what we want it to do. However, time will tell how we will work through it. It was an excellent suggestion to have a review period. I am sure that in five years’ time there will be other issues for discussion. I would say to honourable senators that the word “document” is appropriate. If the bill is accepted into law, we will see how it functions over five years and then deal with amendments at that time.

Senator Banks: Senator Wallace, my second question is almost the same. I hope you will understand that my intent with this amendment is to strengthen the bill and make it more applicable and more bulletproof. Although my question is rhetorical, this technology is neither theoretical nor happening in five years: Today, I can look into a machine at an airport that reads my eyes. Is that a document?

Senator Wallace: We can go back and forth with that question but I would like to make a fundamental point. For those who are not as familiar with the bill as perhaps Senator Banks, Senator

Joyal and I are, there is a new offence created if someone is in possession of an “identity document.” Essentially, that document is a government-issued document. There are serious consequences for anyone in possession of an identity document that refers to another person. Obviously, there would have to be a lawful excuse as to why that document is in their possession.

I am not sure whether Senator Banks heard the evidence provided at committee when Department of Justice officials were forceful in saying that because of the consequences of what would constitute an identity document, they were restrictive in the definition of it. They did not want to leave any ambiguity as to what could constitute an identity document, since the consequences for someone in possession of someone else’s identity documents would be serious. That definition is in contrast to the definition of “identity information,” which is in proposed section 402.1 of the bill. There is identity information and there is an identity document.

The definition of “identity information” has more breadth to it. In the case of government-issued identity documents, the Department of Justice felt strongly that it should be definitive and there should be no ambiguity — as little grey as possible around what constitutes that type of document.

I understand what Senator Banks is saying. His intention makes a lot of sense. However, I suggest that it would be more appropriate in, and is reflected in, the definition of “identity information,” as opposed to “identity document.” We are introducing a new offence and if this bill is accepted into law, we should be cautious in not creating ambiguity around what an identity document could be. The language includes any other document, apparatus and information storage device. What is an information storage device? Those are the kinds of things that lawyers tend to get into.

We need clarity, in particular with the introduction of this new offence. I strongly recommend that we limit ourselves to the definition of “identity document” as it stands in the bill.

Hon. Bert Brown: Honourable senators, I have a question for Senator Wallace. I want to point out that the scanner in an airport reads the eyes for the identification of a document that holds your entire life history and whether you have committed any crimes. A document exists, but it is not on the iris of the eye.

Hon. Wilfred P. Moore: Will Senator Wallace take another question?

Senator Wallace: Certainly.

Senator Moore: I believe it was in 2006 that I attended a Canada-U.S. meeting in Philadelphia. One of the issues discussed was identity theft. Two people on the panel were state legislators, from Ohio, I believe, one of whom related the story of her mother suffering an identity theft. That state brought in legislation and they referred to existing similar legislation in other states at the time.

In the course of the study of this bill, did the committee canvass existing identity theft legislation in other jurisdictions, including some of the states in the United States?

Senator Wallace: No witnesses before the committee provided such information concerning jurisdictions beyond Canada. I am thinking back to the evidence we received from Justice officials. There is no question in my mind that other legislation was well canvassed. There was a great awareness in crafting the language in this bill of what the rest of the world was doing, was taking that into consideration. Specifically, we did not hear evidence presented by third parties as to what was taking place in the United States. However, I felt comfortable that we were not operating in a fish bowl in terms of the preparatory work behind the bill.

Senator Moore: I thought that evidence might have been provided by witnesses from those jurisdictions and that there might be provisions that could be used readily by us to solve some of these issues.

Senator Wallace: I respectfully suggest that the bill I propose does the job effectively.

Hon. Jeremiah S. Grafstein: Will the senator allow another exchange on Senator Joyal’s amendments?

Senator Wallace: Yes.

Senator Grafstein: Section 25(2) of the Criminal Code, which was passed after some discussion in the House of Commons but mostly in the Senate, provides that every police officer who commits an act or offence or directs the commission of another person, et cetera, under section 25.1(9), (a) or (b) of the Criminal Code, shall file, as soon as feasible after the commission of the act, a written report with the appropriate officials describing the acts or omissions. It deals with break-ins and drugs, et cetera.

The Hon. the Speaker: Honourable senators, I apologize for interrupting but Senator Wallace’s time has expired. Does the honourable senator ask for an extension?

Hon. Gerald J. Comeau: Five minutes.

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

Hon. Senators: Agreed.

Senator Grafstein: Essentially, my understanding is that the section creates the new approach to policing, which is to provide surveillance of police activities that might be covert or improper otherwise, under the law. Senator Joyal’s amendment is not a new notion. This motion was debated here and accepted by both houses. It is not in any way, shape or form to demean, undermine or question police activity or interfere with police activity. Rather, it is to provide proper oversight of police activity. There is nothing new in that motion.

• (1710)

The reason why I support Senator Joyal’s amendment is that the honourable senator’s amendment makes the Criminal Code consistent. If certain acts are illegal otherwise, such as breaking and entering or taking drugs, for the purposes of covert surveillance in pursuant of an officer’s appropriate and proper duties, then he has a reporting mechanism to report to a senior officer.

This in no way, shape or form opens up or diminishes appropriate police activity. Quite the contrary, it makes the Criminal Code more consistent. Instead of having some set of acts where the police committing illegal acts have to report, these are other illegal acts that, in effect, require the police to report.

As we have heard from Senator Moore and Senator Banks, this is a new field. We are now into technology that we do not even know. It is better, I would think, at the outset to put a reporting mechanism in place, which does not impede police investigation in any way, to provide proper civilian oversight.

Would it not be more consistent for the Criminal Code to do that rather than to have a set of provisions of unlawful acts on the one hand and then have unlawful acts on the other hand with proper reporting mechanisms? I think it is inconsistent the other way. It makes the Criminal Code more uncertain to have some set of activities reportable, and others that are equally unlawful *prima facie* without proper surveillance. His amendment makes the Criminal Code more coherent. Do you not agree?

Senator Wallace: Senator Grafstein is correct that consistency is important, especially involving matters as significant as the Criminal Code. I agree with him on that point.

Part of the difficulty is we are talking about amendments to the Criminal Code. Frankly, to appreciate some of these thoughts, one must have an in-depth understanding of how the code works. That is an obvious statement.

What I would say to the honourable senator is that from his comments, I would tend to assume that he feels that the code now has this section 25 reporting for anything that could otherwise constitute a criminal act.

Senator Grafstein: No.

Senator Wallace: As I said earlier, if any one of us walked the street carrying a gun it would be an offence. It is not, however, for police officers. It is not for police officers because there is an exemption in the Criminal Code that enables them to carry their firearms.

Again, I would say that is akin to what we are talking about here. Law enforcement officials carrying out undercover, covert operations — and I am sure all of us realize it is necessary — are required at times to have false documentation to maintain this covert identity. It is in our interest; it is part of what they have to do. In much the same way as the ability of law enforcement officials to carry firearms without having to file a report every day or once a year, there is an exemption. I think this is very much akin to that.

The other thing I would say to the honourable senator, thinking back to Senator Joyal's presentation, is he describes the need to have consistency, and that there is no concern here really about the police; it is just a matter of administrative consistency and these reports should be filed. However, I did listen with interest and Senator Joyal did speak about the need; we have the police, we have the law enforcement officials but we need to have a counterweight in the system. It cannot all be on that side of the table; we cannot be subject to dictatorial and arbitrary actions, I believe Senator Joyal said, on the part of police officials.

My sense is that the amendment could be based upon that assumption, if the amendment were to prove that there is a concern about how law enforcement officials would conduct themselves in a dictatorial or arbitrary way. We all have our own assumptions when considering these things.

When we are going to draw analogies that we are going to have consistency — as the honourable senator suggested that we have consistency throughout the code in how these issues are reported — I would say the type of consistency he is describing is not how the Criminal Code works today. What I am proposing is consistent with the types of exemptions that the code recognizes.

The Hon. the Speaker: Honourable senators, Senator Wallace's time is exhausted. We are at that point, unless other senators wish to participate in the debate.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, this government bill originated in the Senate. Therefore, I think that we should do our due diligence and take the time to consider the technical amendments that have been presented today.

It has been a long day and I think we need to take the time to read these amendments and reflect on them. Therefore, I move the adjournment of the debate.

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

Some Hon. Senators: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker: I will put the motion formally.

It was moved by the Honourable Senator Tardif, seconded by the Honourable Senator Munson, that further debate on this matter be considered at the next sitting of the Senate.

Would those honourable senators in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Would those honourable senators opposed to the motion please say "nay."

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

Hon. Jim Munson: Honourable senators, I think under rule 67(1), I have the right to ask for a deferral of this vote so we can seek more clarity.

Senator Stratton: You are going to which rule?

Senator Munson: Rule 67(1), which states that either whip can bring this to the attention of the house. In terms of the clarity of these amendments —

The Hon. the Speaker: Honourable senators, as far as the Rules are concerned, what we have here is a motion to adjourn the debate. That is not debatable. The powers that the *Rules of the Senate* give the whips to defer timing of votes are on motions that are debatable.

Senator Stratton: Believe me, he is the expert on the Rules.

The Hon. the Speaker: Honourable senators, to make it clear, rule 67(1) states:

After a standing vote has been requested, pursuant to rule 65(3), on a motion which is debatable. . . .”

We are dealing with a motion that is not debatable. It is an adjournment motion.

Senator Stratton: Is there agreement on a half-hour bell?

Senator Mercer: A 44-hour bell.

Senator Stratton: A half-hour bell?

Senator Munson: Yes.

The Hon. the Speaker: If it is agreed, honourable senators, it is a 30-minute bell. Therefore, the vote will be taken at 5:50 p.m.

Do I have permission, honourable senators, to leave the chair?

Hon. Senators: Agreed.

The Hon. the Speaker: Call in the senators.

• (1750)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Adams	Hervieux-Payette
Bacon	Jaffer
Banks	Joyal
Bryden	Mahovlich
Callbeck	Massicotte
Chaput	Mercer
Cook	Merchant
Corbin	Milne
Cordy	Mitchell
Cowan	Moore
Dawson	Munson
Day	Pépin
Downe	Peterson
Dyck	Ringuette
Eggleton	Robichaud
Fox	Rompkey
Fraser	Sibbeston
Furey	Smith
Grafstein	Tardif
Harb	Watt—40

NAYS THE HONOURABLE SENATORS

Andreychuk	MacDonald
Brazeau	Manning
Brown	Martin
Champagne	Meighen
Cochrane	Mockler
Comeau	Nancy Ruth
Di Nino	Neufeld
Dickson	Nolin
Eaton	Oliver
Eyton	Raine
Fortin-Duplessis	Rivard
Gerstein	Segal
Greene	St. Germain
Housakos	Stratton
Johnson	Tkachuk
Lang	Wallace
LeBreton	Wallin—34

ABSTENTIONS THE HONOURABLE SENATORS

Nil

CANADA NOT-FOR-PROFIT CORPORATIONS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Dickson, for the second reading of Bill C-4, An Act respecting not-for-profit corporations and certain other corporations.

Hon. Wilfred P. Moore: Honourable senators, I rise to speak at the second reading of Bill C-4, An Act respecting not-for-profit corporations and certain other corporations. I would like to commend my colleague and fellow Nova Scotian Senator Oliver for his thoughtful comments regarding this bill.

As we have heard, the not-for-profit sector in Canada has been regulated by legislation entitled the Canada Corporations Act, which dates back to 1917.

• (1800)

As an aside, coincidentally, this is the same year as the Halifax Explosion that, unfortunately, provided the newly-formed Canadian National Institute for the Blind, a volunteer organization, as well as physicians of the day, with a training ground for the treatment of eye injuries. Approximately 600 people suffered eye injuries because of the implosion of glass in the windows of houses from which some citizens watched as the ships *IMO* and *Mont-Blanc* collided.

Honourable senators, on Monday of this week, we had a good reminder of how important not-for-profit organizations are, when Statistics Canada published its newest report on the volunteer sector entitled the *Canada Survey of Giving, Volunteering and Participating*. According to the report, volunteering has been on

the rise to the tune of two billion volunteer hours in 2007, which works out to be the equivalent to one million full-time jobs. On average, volunteers volunteer 166 hours of work per year, the equivalent of a month at a full-time job. As well, almost 13 million people volunteered their time in 2007, which is close to half the population of Canada over the age of 15 years.

On the financial side of the not-for-profit world, Canadians donated over \$10 billion in 2007 for an average of about \$437 per donation, which I believe is absolutely amazing. As Senator Oliver mentioned, this activity comprises a significant portion of the services provided in our robust Canadian society.

Given these significant numbers, it is high time that our laws governing the not-for-profit sector be updated. This particular bill has been tabled in Parliament four times since 2004. Bill C-4 is the result of consultations initiated by the previous Liberal government in the form of the Voluntary Sector Task Force in 1999.

In 2000 and 2002, Industry Canada held consultations with the goal of reforming the not-for-profit sector. The results of these consultations came in the form of a paper that was entitled *Reform of the Canada Corporations Act: The Federal Not-for-Profit Framework Law*.

Bill C-21 was a first attempt to pass these reforms and appeared in 2004. It was reintroduced in 2008 as Bill C-62. Here we are in 2009 with Bill C-4 — essentially the same legislation introduced five years ago. The bill is an attempt to provide a modern framework of legislation under which not-for-profit organizations can operate in the year 2009.

As the government states, the objective of this bill is to "... promote accountability, transparency and good corporate governance for the not for profit sector. . . ." while allowing these volunteer groups to spend less time and money on paperwork and more time on . . . what they do best — helping deliver valuable services and programs to Canadians in need."

Bill C-4 divides not-for-profits into two types: soliciting and non-soliciting corporations. Incidentally, this is the only major change from the legislation introduced in 2004 and is a result of the first study of the bill. Not-for-profit organizations asked for more clarity from the government in the definition of these entities and this change was the result.

A soliciting corporation is one that has received funding from the public or government of more than \$10,000 over the past year. A non-soliciting corporation is any other not-for-profit.

The proposed Canada not-for-profit corporations act, or Bill C-4, would implement many new rules for the not-for-profit sector. Following are some of the provisions of the bill. Improved accountability is one. Under this provision, financial statements would be required as well as audits, depending on the size of the corporation.

Member rights is another provision. Members of not-for-profits would have access to corporate records, including those to record the activities of boards and committees. Membership lists would be created and open to members, and there would be remedies to members to enforce and uphold their rights.

Communication provisions are other important provisions. Not-for-profits will have flexible provisions, including electronic communications to enhance member participation.

Another provision is the rights and responsibilities of directors and officers. Senator Oliver explained this area fully in his second reading speech. Bill C-4 will essentially introduce standards of care that will clarify duties of directors and reduce uncertainty. The "due diligence" defence is available to protect directors from litigation.

The streamlined incorporation process provision gives volunteering individuals the capacity to create corporations, and amend corporation articles and by-laws, thus decreasing institutional burdens.

Honourable senators, in closing, these points are only the basics of the bill. We will, of course, look more deeply into Bill C-4 in committee and I look forward to that study as soon as possible.

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

Hon. Senators: Question!

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read a third time?

(On motion of Senator Oliver, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

POINT OF ORDER

Hon. Marcel Prud'homme: I will speak only briefly. I am attentive to votes taking place in the house. As an independent, I was in a committee. I went to my office but the bell does not ring in my office. There was no communication for me to know there was a vote. I was right there, downstairs.

However, for the future people who may be enjoying my office soon, it would be good for them to know about that situation. Had I been here, I would have voted with the government.

Some Hon. Senators: Hear, hear!

Senator Prud'homme: Whatever it is.

CRIMINAL CODE**BILL TO AMEND—THIRD READING**

Hon. Jeremiah S. Grafstein moved third reading of Bill S-205, An Act to amend the Criminal Code (suicide bombings), as amended.

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

(Motion agreed to and bill, as amended, read third time and passed.)

• (1810)

DRINKING WATER SOURCES BILL**SECOND READING**

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Baker, P.C., for the second reading of Bill S-211, 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.

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

Some Hon. Senators: Question.

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

(Motion agreed to and bill read the second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Grafstein, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

(The Senate adjourned until Thursday, June 11, 2009 at 1:30 p.m.)

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