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Thursday, June 11, 2009

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, June 11, 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, before calling for Senators' Statements, I wish to draw your attention to the presence in the gallery of Jennifer Lynch, Chief Commissioner of the Canadian Human Rights Commission.

On behalf of all honourable senators, chief commissioner, welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, we also welcome a large contingent of distinguished visitors from the Democratic Republic of Congo, a delegation of 100 Canadian Congolese Women who come from the communities of Montreal, Toronto, Ottawa and Gatineau.

Again, on behalf of all honourable senators, I wish to welcome the Canadian Congolese women to the Senate of Canada. You are very welcome here.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

APOLOGY TO STUDENTS OF INDIAN RESIDENTIAL SCHOOLS

Hon. Patrick Brazeau: Honourable senators, one year ago today, our government rendered an historic apology to the survivors of Indian residential schools. It was an emotional day for many. For others it was a spiritual and personal moment of reckoning. What is more, it was a defining moment in the history of this country in terms of the relationship between Canada and its Aboriginal peoples.

Honourable senators, I can tell you with certainty that being led by Prime Minister Stephen Harper on to the floor of the other place with Aboriginal leaders, and again into this noble chamber, gave me a unique and heart-warming sense of the respect, recognition and sincerity being offered by this government and this Parliament in the spirit and intent of the apology.

There can be no denying the apology marked a new beginning. Through it, we jointly achieved the means for the government and Aboriginal peoples to move forward in a spirit of forgiveness, reconciliation and hope for a better future together.

Today, honourable senators, I wish to move beyond citing statistics and enumerating our endeavours. Celebrating this anniversary today is about much more than partisanship.

We greet the leadership of the national Aboriginal political organizations in this chamber once again this day, just as we did last week when ITK President Mary Simon was here. As we do so, I would like us to consider where we might be and what we might achieve together in the days and years to come.

Honourable senators, it is no secret that I have always had a special affection for the less fortunate, the voiceless and those who might be considered the forgotten peoples. Grassroots Aboriginal peoples matter deeply to me, and their needs, aspirations, hopes and dreams are what inspire me.

I dream of an Aboriginal community where the needs of the many always overtake the privilege of the powerful few. I dream that governance of First Nations, Inuit and Metis communities will be transparent, accountable and responsible; that sustainable self-government will no longer be a lofty dream, but a readily achievable goal; that Aboriginal education outcomes will be vastly improved and managed by Aboriginal peoples for Aboriginal peoples; that the health of our peoples will be robust, as will be the culture and language in First Nations, Inuit and Metis communities; and that the days of repeated problem definition will be over.

Honourable senators, I believe we have the means and opportunity to achieve great things together with Canada's Aboriginal community. Our growth, success and meeting the challenges will not be easy, but it must be done.

Today, honourable senators, join me in applauding and celebrating the diversity, vigour and potential of Canada's Aboriginal peoples. After all, hope is not something we should dream of; it is something we can create.

I believe, honourable senators, that we can get there, we will get there and we must get there. As parliamentarians, we can help pave the road in partnership with willing Aboriginal peoples to do just that.

RAPE AND VIOLENCE IN THE DEMOCRATIC REPUBLIC OF CONGO

Hon. Mobina S. B. Jaffer: Honourable senators, the war in the Democratic Republic of Congo has been called a war against women. In the eight years of civil war, tens of thousands of women have been victims of rape as a weapon of war on a scale the world has never seen before. They are physically ravaged, emotionally terrorized and financially impoverished. This war has killed over 5 million people since 1998; more than any other conflict since the Second World War.

A year ago this month, the United Nations asked Canada to take a lead role in the peacekeeping mission. It was disappointing to see that our government declined this opportunity to help. We

have a proud history of peace-making, and we need Canada to make its presence known in East Congo. Canada is a world leader of human rights, and we need to live up to this reputation for women and children in the Congo.

Today, I want to share a story about a Congolese woman I met who changed my life. Her name is Bernadette. The first time the militia invaded her house, they killed her husband, one son, and they raped and killed her daughter while she was forced to watch. That day, Bernadette was also raped. She shouted for help, but no one answered her pleas.

The second time the Congolese army invaded her house, they raped and killed her second daughter while Bernadette was forced to watch. Bernadette was raped again. She shouted for help, but no one came.

• (1340)

The third time the militia invaded her house, luckily her other three children were not at home. Bernadette was again savagely raped. This time her genitals were mutilated. The militia poured kerosene in her vagina and lit her on fire. Although Bernadette survived, this time she did not shout for help. She knew there was no one to answer her pleas.

Honourable senators, that was the reality of many of the women who are sitting here amongst us on Parliament Hill. This reality continues for many women in the Congo.

Canadians need to hear Bernadette's cry. We have a duty to stand for the sake of humanity, but we have a further duty. Canadians have many mining interests in the Congo. We benefit from all those interests. The cellphones we use come from the Congo. If Canadian companies are extracting these resources, there must be a program to give something back in the way of social responsibility.

Honourable senators, I ask you today to work with me to join hands, so that we can support women like Bernadette in the Congo. The women on Parliament Hill today are Canadian. Their families are suffering in the Congo. Honourable senators, we need to act.

Hon. Senators: Hear, hear.

[*Translation*]

Hon. Eymard G. Corbin: Honourable senators, in 2005, I had the distinct honour of visiting a health clinic in Goma, North Kivu province, Democratic Republic of the Congo, with other members of the foreign affairs committee. Most of the work at the clinic involved caring for the battered bodies of adult and teenage women and very young girls who had been brutally raped by rebel soldiers, bands of roving militia, other teenagers and child soldiers.

As I said, it was an honour to visit the clinic so that I could witness the exemplary dedication of the African doctors and medical staff to their humanitarian work. They are utterly devoted to putting their professional knowledge and experience into practice, often in innovative ways. Unfortunately, most of the women who had been assaulted died in appalling conditions before they could even make it to the clinic.

Today, I want to emphasize how terrible I felt when I saw the degree to which that particular region of the Congo is still suffering from violence, savagery and the complete absence of respect for the law. Some say that 5 million have died. That number does not even begin to tell the story of the suffering, the physical and mental cruelty that people have been subjected to, and the trauma that will last a lifetime.

The tens of thousands of foreign UN troops on the ground on a peace mission could have intervened and would have intervened had they been authorized to do so. That is what a high-ranking commander told me. It goes without saying that he was frustrated. Why have they not been instructed to intervene? What are all of these countries waiting for? Why allow such cruelty and misery to persist?

I have the utmost respect and admiration for those martyred women. Never will I forget the monstrous criminal acts perpetrated against them and the suffering of the people in general. It is difficult, if not impossible, to find the words to speak of the unspeakable.

Never will I forget the battered women of the Congo. Never will the memory of the people of the Congo be erased from my mind.

[*English*]

Hon. Consiglio Di Nino: Honourable senators, I want to join with Senator Corbin and Senator Jaffer to speak about the appalling and continued use of systematic rape against women in the eastern regions of the Democratic Republic of Congo.

During the visit of the Standing Senate Committee on Foreign Affairs and International Trade to Africa as part of the committee's research leading up to the 2007 report entitled *Overcoming 40 Years of Failure*, as honourable senators heard from my colleague, we visited some remarkable doctors, nurses and volunteers in the eastern Congo city of Goma. As a result of the systematic and brutal rape of women, these medical professionals had opened a hospital specializing in vaginal reconstruction. Visiting this hospital left me — and I dare say, all of us — with an immense sense of anger and frustration that such inhumanity should exist. However, in meeting some of these women, I was also struck by their courage and determination to attempt to rebuild their lives after this most inhumane treatment by men on both sides of the conflict.

Honourable senators, Senator Jaffer reminded us of the relationship between the ongoing atrocities committed against these women and the production of cellphones and the BlackBerry. Much of this brutal violence in the Democratic Republic of the Congo, which includes the systematic rape of women, is a means to gain control over the minerals mined in the country. A recent article from *The Guardian* reported:

> Recent public and private reporting out of one of the hotbeds of conflict mineral production, North and South Kivu, suggests that the nexus between mineral resources and violence, especially rampant sexual violence, continues unabated.

• (1350)

I tell you this, honourable senators, not to make you feel uncomfortable. I only wish to illustrate that this is not some remote violence unrelated to us, occurring in a distant land. We are all connected to this conflict through our material consumption. Perhaps our cellphones and BlackBerrys might stand as a reminder of this fact.

The lot of women in too many places in this world only reminds us of how low the human animal can stoop. Man's inhumanity to man continues to be one of the most disturbing elements of our collective existence. Let us not forget, in reflecting on the brutality that continues unabated in the eastern Democratic Republic of Congo, particularly to women, that this is not some isolated conflict in Africa but a symptom of a wider problem to which we are all connected and that we shamefully ignore.

Honourable senators, if these young women, and indeed many children by our definition, who are systematically and brutally violated were White, would the world continue to ignore the problem?

NATIONAL BLOOD DONOR WEEK

Hon. Ethel Cochrane: Honourable senators, I rise today in celebration of National Blood Donor Week, which began on Monday and culminates with World Blood Donor Day on Sunday, June 14. This year's theme is "It Takes All Types" — and that is true on so many levels. During this week, we celebrate and thank the many donors and volunteers who do so much to ensure the health of their fellow citizens and the strength of our blood system.

As honourable senators may recall, it was only last week that a bill put forth by our colleague Senator Mercer — Bill S-220, An Act respecting a National Blood Donor Week — received Royal Assent. I was pleased to stand in this chamber in support of that legislation. Again, I congratulate our colleague on that important bill.

Nationally, it is estimated that one in two Canadians is eligible to give blood. Last year, however, only one in 60 actually did. Clearly, as a country, we have room for growth and improvement.

However, we are making great gains. I will take a moment to highlight some of the increases we have seen in my own province. Approximately 6 per cent of Newfoundlanders and Labradorians donate blood. This rate is higher than that national average, which is only 3.5 per cent. Last year, the province saw whole blood collections reach almost 27,000; platelet collections were also up 4 per cent over the previous year. The most dramatic increase was seen in plasma collections. Last year, there was a remarkable 11.5 per cent increase in collections over the previous year.

This is fantastic news. Personally, I like to think that this legislation initiated here last year had something to do with this growth.

Ultimately, this success is due to the dedicated volunteers and donors who are the backbone of Canada's blood system. They are truly devoted to the cause. Last summer, for example, there was a huge hospital demand for blood. The national blood inventory was depleted by 40 per cent. The situation was so dire that Canadian Blood Services called on donors nationwide to help boost the inventory and respond they did. Within three weeks the national blood supply was back at its optimal level.

Honourable senators, we owe a debt of gratitude to each and every Canadian who takes the time to donate blood products. It is a service that we can take pride in and that we can depend on when we, our friends and families are in the greatest medical need. Many of us in this chamber have benefited from the selfless acts of our blood donors. I invite you to join me in thanking them.

CANADIAN LIVER FOUNDATION

Hon. Bill Rompkey: Honourable senators, the liver plays a critical role in protecting and nurturing our bodies and is vital to our overall health. Every day our decisions regarding what to eat, what medications or supplements to take, or even our extracurricular activities can have both short-term and long-term impact on our liver health.

Liver disease affects 1 in 10 Canadians and can strike men, women and children of any age. While there is a misconception that liver disease is only caused by alcohol consumption, the fact is that only 1 of 100 diseases of the liver is alcohol-related.

The Canadian Liver Foundation's mandate is to fund research into the causes, diagnosis, prevention and treatment of all forms of liver disease. The foundation has chapters across Canada that provide liver health information and ongoing support for liver disease patients and their families.

On June 7, my wife and I participated in the Ottawa chapter's fourth annual Stroll for Liver. Trisha Nagpal, a healthy 18-year-old Ottawa girl, died suddenly of liver disease in 2005. It only took 11 days from the time Trisha was first admitted to the Ottawa Hospital and then sent to London for a liver transplant before, sadly, she passed away due to liver failure. It is in Trisha's memory that her family started the first Stroll for Liver in Ottawa to bring greater attention and support to the often overlooked health issue of liver disease.

The Ottawa chapter's Stroll for Liver has raised more than $115,000 over the past four years and, as a direct result, the Trisha Nagpal Memorial Scholarship was established. Last year's recipient, Adrian Hastings, helped us in our understanding of the hepatitis B virus. This year, our support will help provide liver health education and awareness programs in our community in support of families living with liver disease.

The Canadian Liver Foundation's chapters hold volunteer-driven fundraising and awareness events like Stroll for Liver in cities across Canada. I invite honourable senators to join me in supporting these events and the Canadian Liver Foundation in your communities. I applaud the Canadian Liver Foundation and its volunteers for raising awareness regarding liver health and for helping families living with liver disease.

ROUTINE PROCEEDINGS

Thursday, June 11, 2009

CANADIAN HUMAN RIGHTS COMMISSION

SPECIAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, a special report of the Canadian Human Rights Commission entitled: *Freedom of Expression and Freedom from Hate in the Internet Age*, pursuant to section 61(2) of the Canadian Human Rights Act.

[*Translation*]

CANADA'S ECONOMIC ACTION PLAN

SECOND REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the June 2009 second report to Canadians concerning Canada's Economic Action Plan.

[*English*]

BUDGET IMPLEMENTATION BILL, 2009

STUDY ON ELEMENTS DEALING WITH EQUITABLE COMPENSATION (PART 11)—THIRD REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table the third report of the Standing Senate Committee on Human Rights entitled: *The Public Sector Equitable Compensation Act*.

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

STUDY ON ELEMENTS DEALING WITH EMPLOYMENT INSURANCE—SIXTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table the sixth report of the Standing Senate Committee on National Finance entitled: *The Budget Implementation Act, 2009*.

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

[*Translation*]

ROYAL CANADIAN MOUNTED POLICE SUPERANNUATION ACT

BILL TO AMEND—SEVENTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

The Standing Senate Committee on National Finance has the honour to present its

SEVENTH REPORT

Your committee, to which was referred Bill C-18, An Act to amend the Royal Canadian Mounted Police Superannuation Act, to validate certain calculations and to amend other Acts, has, in obedience to its order of reference of May 28, 2009, examined the said bill and now reports the same without amendment.

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

Respectfully submitted,

JOSEPH A. DAY
Chair

Observations to the Seventh Report of the Standing Senate Committee on National Finance

During the committee's examination of this legislation, it was brought to our attention that the 6 month Royal Canadian Mounted Police (RCMP) cadet training period, which is not considered pensionable service, is as issue that requires further policy changes by the Government of Canada and the RCMP. Since 1994, cadets have not been employees of the RCMP, and as such, cannot contribute to the pension plan. In contrast, some other major Canadian police forces regard cadets as employees and thus contribute to their respective pension plans during the training period. With the passing of this legislation, this will create an inequity between RCMP cadets and some transferring police officers, as the latter will have the option to buy back prior service, including their training period, or to transfer pension credits as cadets to the RCMP.

The committee therefore calls on the Government and RCMP to undertake to consult with all stakeholders, and to consider policies that designate new cadets as employees of the RCMP and determine if full retroactivity to post-1994 graduates is possible.

The committee asks that the results of this review be reported back to this committee within 12 months.

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

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

[*English*]

THE ESTIMATES, 2009-10

MAIN ESTIMATES—EIGHTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, June 11, 2009

The Standing Senate Committee on National Finance has the honour to present its

EIGHTH REPORT

Your committee, to which were referred the 2009-2010 Estimates, has, in obedience to the order of reference of Tuesday, March 3, 2009, examined the said Estimates and herewith presents its second interim report thereon.

Respectfully submitted,

JOSEPH A. DAY
Chair

(*For text of report, see today's* Journals of the Senate*, Appendix A, p. 843*.)

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

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

[*Translation*]

ENVIRONMENTAL ENFORCEMENT BILL

EIGHTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE PRESENTED

Hon. Grant Mitchell, Deputy Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, June 11, 2009

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

EIGHTH REPORT

Your committee, to which was referred Bill C-16, An Act to amend certain Acts that relate to the environment and to enact provisions respecting the enforcement of certain Acts that relate to the environment, has, in obedience to the order of reference of Wednesday, May 27, 2009, examined the said bill and now reports the same without amendment. Your committee appends to this report certain observations relating to the bill.

Respectfully submitted,

GRANT MITCHELL
Deputy chair of the committee for W. David Angus, chair of the committee

Observations to the Eighth Report of the Standing Senate Committee on Energy, the Environment and Natural Resources

Your committee has the following observations:

First, your committee has heard concerns that Bill C-16 may contravene certain of Canada's international obligations under the International Convention for the Prevention of Pollution from Ships (MARPOL), the International Convention on Civil Liability for Oil Pollution Damage (CLC), and the United Nations Convention on the Law of the Sea (UNCLOS), particularly with respect to provisions which contemplate imprisonment of mariners convicted of various environmental offences.

In recommending passage of this bill without amendment, your committee is relying largely on the testimony of the Honourable Minister that prosecutions under respective Acts will not proceed if such prosecutions would contravene any treaty or international convention to which Canada is a signatory. Your committee will follow prosecutions and sentencing under C-16 with great interest and careful scrutiny.

Second, Bill C-16 seeks to deter would-be polluters by strengthening enforcement provisions of environmental statutes. In general, witnesses before your committee were supportive of the bill. However, some raised a specific concern regarding these increased penalties for discharging waste into water. Ships need to discharge waste as part of their normal operations. Currently, a lack of reception facilities at Canadian ports leaves mariners with no legal means to discharge waste. Recognizing that the provision of reception facilities is crucial for the effective implementation of pollution prevention treaties, the International Maritime Organization strongly encourages port States under the MARPOL Convention to provide adequate reception facilities. Witnesses appearing before your committee stressed the need for these facilities at Canadian ports, and your committee endorses this view. Strong deterrence measures, absent realistic means of complying with the law, are unreasonable.

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

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

• (1400)

BUDGET IMPLEMENTATION BILL, 2009

STUDY OF ELEMENTS DEALING WITH THE NAVIGABLE WATERS PROTECTION ACT— NINTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE TABLED

Hon. Grant Mitchell: Honourable senators, I have the honour to table the ninth report of the Standing Senate Committee on Energy, the Environment and Natural Resources on the Navigable Waters Protection Act (Part 7), contained in Bill C-10, the Budget Implementation Act, 2009.

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

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON NEW ISSUES RELATED TO MANDATE— TENTH REPORT OF COMMITTEE PRESENTED

Hon. Grant Mitchell, Deputy Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, June 11, 2009

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to table its

TENTH REPORT

Your committee, which was authorized by the Senate on Tuesday, March 3, 2009 to examine and report on emerging issues related to its mandate, respectfully requests funds for the fiscal year ending March 31, 2010, and requests, for the purpose of such study, that it be empowered:

(*a*) to travel inside Canada, and

(*b*) to travel outside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

GRANT MITCHELL
Deputy chair of the committee for W. David Angus, chair of the committee

(*For text of budget, see today's* Journals of the Senate, *Appendix B, p. 878*.)

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

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

CANADIAN AGRICULTURAL LOANS BILL

FIFTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE PRESENTED

Hon. Percy Mockler, Chair of the Standing Senate Committee on Agriculture and Forestry presented the following report:

Thursday, June 11, 2009

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

FIFTH REPORT

Your committee, to which was referred Bill C-29, An Act to increase the availability of agricultural loans and to repeal the Farm Improvement Loans Act has, in obedience to the Order of Reference of Tuesday, June 9, 2009, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

PERCY MOCKLER
Chair

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

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

[*English*]

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY— FOURTH REPORT OF COMMITTEE PRESENTED

Hon. Pamela Wallin, for Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, June 11, 2009

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

FOURTH REPORT

Your committee, which was authorized by the Senate on Thursday March 5, 2009, to examine and report on the national security policy of Canada, respectfully requests supplementary funds for the fiscal year ending March 31, 2010.

The original budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* on May 7, 2009. On May 27, 2009, the Senate approved the release of $349,175 to the committee.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

PAMELA WALLIN
For Colin Kenny, Chair of the committee

(*For text of budget, see today's* Journals of the Senate*, Appendix C, p. 888*.)

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

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

[*Translation*]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

SEMINAR OF UNITED NATIONS DEVELOPMENT PROGRAMME AND MEETING OF PARLIAMENTARY AFFAIRS COMMITTEE, MARCH 23-25, 2009— REPORT TABLED

Hon. Pierre De Bané: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the seminar of the United Nations Development Programme and the meeting of the Parliamentary Affairs Committee of the Assemblée parlementaire de la Francophonie, held in Fribourg, Switzerland, from March 23 to 25, 2009.

• (1410)

FOURTH WORLD ACADIAN CONGRESS 2009

NOTICE OF INQUIRY

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rules 56 and 57(2), I give notice that, on Wednesday, June 17, 2009:

I will call the attention of the Senate to the fourth World Acadian Congress (2009), scheduled to take place from this August 7th to the 23rd, in the Acadian Peninsula, in the province of New Brunswick.

[*English*]

FISHERIES ACT

CESSATION OF COMMERCIAL SEAL HUNT— PRESENTATION OF PETITION

Hon. Mac Harb: Honourable senators, I have the honour to present a petition signed by residents of British Columbia calling on the Government of Canada to amend the Fisheries Act to end Canada's commercial seal hunt.

QUESTION PERIOD

NATURAL RESOURCES

CHALK RIVER NUCLEAR LABORATORIES— MEDICAL RADIOISOTOPE SUPPLY

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Canada has been the world's leading producer of medical isotopes and a leader in nuclear technology with all the medical and economic benefits that follow — but no more. Yesterday, the Prime Minister made the astonishing announcement that Canada would get out of the business of producing medical isotopes.

Canadians can no longer count on their government to provide them with the medical treatment they deserve; the world can no longer count on Canada to be a leader in the production of medical isotopes. Not only has this Prime Minister let Canadians down, but Canada has let down the rest of the world. My question is simple. Why has the government let down Canadians and the world in this critical area?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I think what the Prime Minister said was very clear. He did not blame any government, even the previous government, for the inability of AECL to produce isotopes with the so-called new technology that we are building.

The reality is that the NRU reactor is an aging nuclear reactor. Currently, as we all know, it is experiencing an unplanned, unexpected shutdown. AECL has stated that it will take at least three months to make proper repairs. When the government accepted the decision of the AECL board of directors to shut down the MAPLE project, it did request an extension of the NRU's licence beyond 2011, to 2016. We are committed to ensuring that this is completed in a timely manner. In our recent Economic Action Plan, we provided funding to AECL to pursue this extension. Any decision to extend the life of the NRU is taken by the Canadian Nuclear Safety Commission, which is an arm's-length regulator.

As stated in reply to questions in the last few days, Minister Raitt and the government struck an expert panel to determine the long-term supply of medical isotopes. This panel will review all the options, including how Canada receives its supply of isotopes in the future and in the long term. It is very prudent, I would say,

for the government to look at how Canadians produce isotopes in the future, given the current challenges that we face today with the NRU at Chalk River.

One thing is clear, honourable senators: The government and the taxpayers of Canada cannot continue to spend hundreds of millions of dollars on a project that has not produced one isotope. With the new technologies being developed, many facilities, McMaster University in Hamilton included, are now producing their own isotopes. Many avenues of supply can be considered in the future, but that is precisely why the expert panel was announced. Well before the unexpected shutdown in May, the government realized full well that it would have to turn to expert advice on the best course of action to follow in terms of our future supply of medical isotopes.

Senator Cowan: With respect, minister, if the government was so concerned about this issue, why did it not set up the expert panel a year ago when this situation first arose? This is not the first time; it is the second time. What is really at issue here is the fact that this government has mismanaged this file and has demonstrated incompetence time and again. Once again, Canadians' lives are at risk.

Is it not time for the government to accept its responsibility rather than simply appoint a panel here, a panel there, fire someone here, blame someone there? This government must face up to the fact of the matter, which is that it is in charge now; it cannot blame anyone else.

Senator LeBreton: Honourable senators, I do not think I blamed anyone in my response. I have acknowledged today and also in answer to questions over the last few days that this is a difficult and serious issue. The panel was announced after the decision was made with regard to the MAPLE reactors. The government took the advice of AECL because this project, as honourable senators know, was supposed to be online in 2000. A decision was taken on an action plan, therefore, in fall 2008. We accepted the advice of AECL not to continue throwing money at the MAPLE reactor, which has not produced one single isotope, and that is when the expert panel was struck under Minister Raitt.

Honourable senators, securing medical isotopes is not only an issue for Canadians; it is an international issue. We are not blaming anyone. We are seeking global cooperation. We have assisted other countries in the past when they have had unexpected shutdowns of their aging reactors. This is a cooperative, global response.

Next week, we expect isotope delivery to hospitals across the country, as I said yesterday, to be at approximately 50 per cent of normal supply. I have heard several people today make reference to the fact that there is good management of the testing and scanning to this point. That was also mentioned in "Reality Check" on CBC news on Tuesday night, and yesterday by an individual I believe from Senator Cowan's province.

At the government's request, we are bringing together all isotope-producing countries for a high-level panel meeting in Toronto next week, which will be chaired by Minister Raitt. The panel includes representatives from countries that have agreed to increase production of isotopes, including Australia; South Africa, which I mentioned earlier has increased production by 30 per cent; and the Netherlands, which, as I mentioned in the last few days, has increased production by 50 per cent. The meeting will bring global experts together in one room to discuss ways to coordinate isotope supply. This is a worldwide issue requiring global cooperation, and that is what the government is doing.

Honourable senators will have noticed in the newspaper this morning that other replacement products can assist in these tests.

• (1420)

Health Canada has been stepping up the approval process. The government is doing everything possible in cooperation with the provinces and territories and our global partners to address this serious issue.

As everyone has pointed out, this issue causes great concern because — with the exception of Australia, which is bringing on a new reactor and, as I mentioned, is seeking our assistance — all these isotope-producing nuclear facilities are old and getting older.

Senator Cowan: Honourable senators, if the government is gathering together these isotope-producing countries next week and is waiting for the report of the expert panel, why in the world would the Prime Minister announce, before the report of the expert panel is released and before the conference that is to take place next week, that Canada is getting out of the isotope production business?

Senator LeBreton: Honourable senators, as I mentioned in my first answer to Senator Cowan, we have sought from Atomic Energy of Canada Limited an extension from 2011 to 2016. The Prime Minister was simply stating the absolute reality, that the Canadian taxpayer and the Canadian government cannot continue to spend hundreds of millions of dollars, in the case of the MAPLEs, on a program that does not produce one single isotope.

With regard to the existing NRU reactor, it is to be hoped that when the AECL people complete their repair work, which they believe will take at least three months, we can rely again to a certain degree on that reactor; but that reliance will not prevent the government from dealing with our global partners and with the various medical research facilities around the country that currently produce medical isotopes. Many hospitals have equipment now that is capable of producing medical isotopes, even in Ottawa.

The purpose of the meeting is to address the global response, but in the meantime, Minister Aglukkaq, the Minister of Health, is also working with the provinces and territories, coordinating with them and the various health officials to manage the isotope issue and to ensure that people who require immediate testing are not denied that testing.

Hon. Bert Brown: Honourable senators, I want to ask a question of the Leader of the Government in the Senate. I want to know, first, how many hundreds of millions of dollars were spent on the MAPLE reactors, how many years ago they were started, who the government was and how long it would take to build a new reactor to replace the 57-year-old reactor we now have.

Senator LeBreton: Honourable senators, I do not know when the decision was made to build the MAPLE reactor. I can find that information. I know the project has cost an incredible sum of money with incredible cost overruns, I believe in the billions. I know that the reactor was supposed to be up and operating in 2000. Many efforts were made by the previous government and our government to support AECL in the development of the MAPLE reactors. AECL finally came to the government last year and indicated that the problems with the MAPLE reactors were not solvable, that they would never produce a single isotope, and they recommended to the government that the MAPLE reactor project be disbanded.

The government took the advice of AECL and has now announced an expert panel. The past problems with the NRU were compounded by the problems with the power outage and then the resulting discovery of the leak in May. As honourable senators will see in many of the news reports, the government has been working on this issue and with some success, in terms of working with our global partners and also, with various medical research facilities around the country in identifying a new supply of medical isotopes and also alternative methods of testing. We have seen examples in the last few days of some of these tests, from the honourable senator's own province of Alberta, in terms of a superior product to test for bone cancer, spinal problems and fractures. The method of testing is claimed to be superior even to the nuclear medical isotopes.

I will be happy, honourable senators, to provide the cost of this failed project. I know it will be shocking. There is no reason any government should agree to continue throwing money at something that will not work.

Hon. Joseph A. Day: Will the honourable Leader of the Government in the Senate, at the same time as investigating that information with respect to the MAPLE-1 and MAPLE-2 reactors, let us know which government it was that cancelled the project? Will the leader also tell us whether a company that is involved with respect to selling the isotopes worldwide — MDS Nordion, which has its head office in Ottawa and is testifying before a House of Commons committee today — is urging the government to reconsider that particular decision to cancel the MAPLE project? Could the leader also determine whether the report that appeared in the *Ottawa Citizen* today is correct:

> Engineering sources at Chalk River and elsewhere have said the MAPLEs are in "cold standby" and could be fired up to produce isotopes, perhaps within months.

Senator LeBreton: Honourable senators, I mentioned MDS Nordion yesterday in response to a question from the honourable senator's colleague, Senator Moore.

As we know, MDS Nordion has a contract for the distribution of isotopes. I mentioned yesterday that there is a legal dispute as a result of the MAPLE reactors. I will not, therefore, comment specifically on that issue.

I saw the report today. Obviously, the advice that the government received from AECL was that the project had incredible cost overruns and was eight years past the date it was supposed to be running. I would be surprised, when officials at AECL advised the government that they could no longer justify spending multi-millions of dollars on the MAPLE reactor, to hear that some people in Chalk River now say they can. I wonder where they were last year.

Having said that, in response to a question yesterday from Senator Moore, I promised to provide Senator Moore with information that is similar to what the honourable senator asks for, so I will provide a written answer.

ENVIRONMENT

GOVERNMENT SUPPORT OF NEW ENERGY

Hon. Catherine S. Callbeck: Honourable senators, my question is directed to the Leader of the Government in the Senate.

Prince Edward Island has been a leader in clean, renewable wind energy. Presently in our province, we have roughly 150 megawatts of wind energy installed that give us roughly 18 per cent of our electricity needs.

The Wind Energy Institute of Canada has been located in North Cape since 1981, when it was opened as the Atlantic Wind Test Site.

Last spring, the institute's core funding was cut. Since then, only partial funding has been restored and it is only for three years.

• (1430)

What is the federal government's plan for the long-term sustainability of the Wind Energy Institute of Canada?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): If the honourable senator was listening to the Prime Minister speaking this morning from Cambridge, then she would have heard his specific reference to the wind energy project, the commitments that the government has made and the technology with regard to the wind energy project near Summerside, Prince Edward Island.

On May 19 this year, the Clean Energy Fund was announced in Edmonton. It allocated $1 billion as follows: $150 million for research and development in clean energy, including ocean and tidal power; $650 million for a large-scale carbon capture and storage demonstration project for coal-generated electricity, which is important for Nova Scotia as well as for the oil sands in Alberta; and $200 million for renewable energy demonstration projects, including wind energy.

Senator Callbeck: My question was not related to the windmills in Summerside, but rather the government's plans for the long-term sustainability of the Wind Energy Institute of Canada, which is in North Cape, Prince Edward Island.

I wish to ask about another program, namely, the Renewable Power Production Incentive for new energy projects. That program pays developers one cent for every kilowatt hour produced. Last year, the wind farm at east Prince Edward

Island received about $900,000, but it has been cancelled for new projects. I think that we should be encouraging developers, not cancelling successful programs that encourage development and create jobs. Why did the federal government cancel the Renewable Power Production Incentive for new projects?

Senator LeBreton: I do not have the details on the project of which the honourable senator is speaking. One of the programs that the Prime Minister highlighted this morning in his statement was this new wind energy project in Prince Edward Island and where it is in terms of its development. I do not know the exact details of the program the honourable senator is mentioning. Therefore, I will seek to obtain further information.

INDUSTRY

KNOWLEDGE INFRASTRUCTURE PROGRAM

Hon. Hector Daniel Lang: Honourable senators, I have a question for the Leader of the Government in the Senate. I wish to discuss another area of concern for all senators in the chamber, namely, the question of post-secondary education and research.

Much criticism has been levied at the Government of Canada regarding the new direction that it has taken. Last Friday, I was pleasantly surprised to find in the *Globe and Mail* a full-page paid advertisement from the Association of Universities and Colleges of Canada in which the president of the association congratulated the federal government for the Knowledge Infrastructure Program. The advertisement was entitled, "Smart move! Investing in tomorrow by building better campuses today." The body of the advertisement states that the steps being taken are good for research in Canada.

An Hon. Senator: Question!

Senator Lang: I am getting to the question. I have learned from the opposite side that we all want to play by the same rules. I am sure Senator Mercer would agree.

First, why would the association pay for an advertisement, which is very expensive, to be put in a major newspaper in this country? Second, can the minister clarify for the record and for the members opposite exactly what the government is doing to help create jobs, upgrade science facilities, and attract and retain researchers in Canada?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank the honourable senator for those questions.

When I saw the advertisement in the *Globe and Mail*, I, too, was pleased. As a matter of fact, I was thinking that I would buy several copies of the *Globe and Mail* and distribute an original copy to everyone in the Senate. In fact, I may change my mind about the *Globe and Mail* now.

As I said before, the Knowledge Infrastructure Program has been allocated $2 billion over two years to support infrastructure enhancement of post-secondary institutions across Canada. These projects will not only generate economic activity and support job creation — repairing, refurbishing and expanding laboratories and research facilities — but also enhance research capacity, attract new students, and provide a better educational experience. This is all necessary for the required highly skilled workers of tomorrow.

The program was launched on March 9 and the first projects to qualify were announced in British Columbia on April 8. Last month, the honourable senator announced a couple of projects on behalf of the government at the Dawson City and Pelly Crossing campuses of Yukon College.

In addition to Yukon and B.C., we have made funding announcements in several other provinces. For example, on May 25, we announced 28 projects for Ontario universities and colleges. They will receive $587 million in federal funding. Colleagues on this side and I am sure on the other side will be interested to know that this announcement has received a tremendous amount of support. In fact, the President of the University of Ottawa — the well-known, non-partisan Allan Rock — said about our infrastructure:

> It will make a world of difference in our ability to build the infrastructure our students and faculty need.

Honourable senators, we have put $5 billion into science and technology. We are receiving very positive responses from our colleges and universities. I am extremely happy that even Allan Rock and Lloyd Axworthy have applauded the government for its tremendous efforts in this regard.

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 H1N1 on Northern Manitoba reserves.

My office and I made contact with Aboriginal officials in Manitoba today to get an update on what is happening with respect to H1N1, and I am deeply disturbed by the information that my staff received.

David Harper, Chief of Garden Hill First Nation, states that there has been no communication — I repeat, no communication — with anyone in government. Can the minister explain why a chief on a reserve in which H1N1 has been confirmed has had no contact with this government?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I find that difficult to — I do not want to challenge what individuals may say. I can only say to the honourable senator what I told her yesterday regarding the Public Health Agency of Canada and the Department of Health. The federal Minister of Health and the Minister of Health for Manitoba, Minister Oswald, had a conversation this morning to discuss this issue. People have been evacuated. There are nurses and specialists on the ground.

I cannot respond directly to the honourable senator regarding what she is claiming. I know, however, that this is a serious issue. As we know, the WHO has now upgraded the H1N1 flu virus to phase 6. It was a situation that was not unexpected. Concern has been expressed by public health officials about the severity of this virus on our Aboriginal communities as opposed to other Canadians.

• (1440)

I listened to a public health official this morning, who said that they are working hard to determine why this is the case. There are many factors to consider, including, as we discussed yesterday, the availability of clean water and proper housing facilities.

With regard to the honourable senator's specific comment about this one individual, I would have to make an inquiry of the health officials, and perhaps even INAC officials, to see why this would be the case.

Senator Carstairs: Honourable senators, I am interested that the leader used as an example of communication strategy a phone call between the two ministers of health. Minister Oswald, on CBC Radio this morning, indicated that communications had broken down with Health Canada and that the community was not receiving supplies. The community is not receiving hand sanitizers.

In addition, it has been reported by Chief Harper that there has been no doctor on site at Garden Hill, despite what the minister said yesterday in this chamber, that physicians were on site.

Can the minister explain why there has been no doctor on site in an Aboriginal community that has diagnosed cases of H1N1?

Senator LeBreton: I can only provide the honourable senator with information I have. Senator Carstairs obviously has other information. I was advised that the ministers did, in fact, speak this morning. I have no idea why Minister Oswald would say that this was not the case. I hope that we can count on both the federal and provincial leadership, as well as the Aboriginal leadership, to cooperate on this serious issue.

The information I have is that there are registered nurses, epidemiologists and doctors on site. I cannot say anything more at the moment. I will have to draw the honourable senator's comments to the attention of Health Canada and the Public Health Agency and ask if they can explain the discrepancy.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to present a delayed response to a question raised by Senator Watt on April 22, 2009, concerning Indian Affairs and Northern Development, location of proposed northern development agency.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

LOCATION OF PROPOSED NORTHERN DEVELOPMENT AGENCY

(*Response to question raised by Hon. Charlie Watt on April 22, 2009*)

While the federal government has certain unique responsibilities in Yukon, Northwest Territories and Nunavut, it also has responsibilities which extend throughout Northern Canada. The Government of Canada's Northern Strategy, therefore, has relevance to all regions of Canada's North, including Nunavik, and is not limited to the three territories. The expansion of the Canadian Rangers, projects under the Arctic Research Infrastructure Fund, food mail, and funding for International Polar Year research projects are examples of Northern Strategy initiatives which offer direct benefit to northern regions beyond the territories.

However, programs delivered by the new northern economic development agency, such as Strategic Investments in Northern Economic Development (SINED), will apply only to the three territories. Canada's other northern regions are already supported by economic development agencies; Nunavik by Canada Economic Development for Quebec Regions, and Nunatsiavut by the Atlantic Canada Opportunities Agency. The northern economic development agency will collaborate closely with these organizations on initiatives of common interest to all northern regions.

In addition, it is anticipated that some of the policy work done by the new northern economic development agency will relate to northern regions across Canada, including those outside of the territories. This policy work could include northern economic development research, advocacy on northern economic issues, and co-ordination with the other regional development agencies to increase effectiveness of northern programs and better support economic development opportunities across the North.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: second reading of Bill C-39, third reading of Bill S-4, and consideration of the report of the Standing Senate Committee on Legal and Constitutional Affairs on Nunavut. This report has not yet been submitted.

[*English*]

JUDGES ACT

BILL TO AMEND—SECOND READING

Hon. Gerry St. Germain moved second reading of Bill C-39, An Act to amend the Judges Act.

He said: Honourable senators, I am pleased to rise today in support of Bill C-39. The bill proposes to amend the Judges Act and permit the appointment of an additional judge to the Manitoba Court of Queen's Bench, and nothing more. This amendment would support the continuing implementation of the Indian Residential Schools Settlement Agreement.

As my honourable colleagues recognize, a fundamental component of the Indian Residential Schools Settlement Agreement is the Truth and Reconciliation Commission. The TRC currently lacks a chairperson, as the person originally appointed to the position resigned. A new candidate has earned the unanimous approval of all parties to the Indian Residential Schools Settlement Agreement. The parties to the agreement include the national Aboriginal organizations, survivor groups, the churches and the federal government.

Honourable senators, the selected candidate is currently a sitting judge on the Manitoba Court of Queen's Bench; however, appointing this candidate to the commission would negatively affect the court's operation and would simply not serve the needs of Manitobans. To prevent this consequence, Bill C-39 would authorize the appointment of an additional judge to the Queen's Bench, allowing the court to continue to maintain its full complement and tackle its workload on behalf of Manitobans.

It is important to appreciate the importance of the proposed legislation. Therefore, allow me to provide some context about the Truth and Reconciliation Commission and the settlement agreement.

The Indian Residential Schools Agreement represents an historic milestone for Canada. It is the largest class-action settlement ever negotiated in this country. I believe, however, that the significance of this agreement extends far beyond Canada's borders; in fact, it is an accomplishment of great consequence for the Western world.

Canada's settlement agreement is one of the most significant steps towards reconciliation between non-Aboriginal and Aboriginal peoples in history. Honourable senators, in both its words and deeds, never before has a nation acknowledged the devastating role that its policies and actions had on the peoples who originally inhabited its lands.

As momentous as this acknowledgment may be, however, the settlement agreement also aims for much higher goals. It strives for reconciliation through truth and reparation.

Five components of the agreement contribute to these goals: a Common Experience Payment for all eligible former students who resided at the recognized Indian residential schools; an Independent Assessment Process to investigate and resolve claims of sexual and serious physical abuse; measures to support healing, such as the Indian Residential Schools Resolution Health Support Program and an endowment to the Aboriginal Healing Foundation; commemoration activities; and the Truth and Reconciliation Commission.

Each of these elements aims to deal with the negative impacts that Indian residential schools had and continue to have on former students, their families, their communities, and Canadians generally.

One year ago, the Prime Minister spoke of the enduring nature of these impacts when he rose in other place and apologized to former students on behalf of Canada. The Prime Minister said:

> The legacy of Indian residential schools has contributed to social problems that continue to exist in many communities today.

Honourable senators, we all recognize that former students and their families suffered terribly during this shameful phase of our history, and the suffering continues today. I believe that part of our reconciliation process involves acknowledging that Indian residential school policies effectively diminished all Canadians.

There can be no doubt that the founders of Canada somehow lost their moral compass in their relations with the people who occupied and possessed the land; and while the policies and decisions that came about as a consequence of Indian residential schools are certainly unconscionable, we must recognize that they are an indisputable fact of our history. While we can never erase this fact, I believe we can come to terms with it if we continue to confront it with honesty, grace and compassion. Canada stands to grow stronger as a result. Ultimately, this is what the Truth and Reconciliation Commission hopes to accomplish.

In pursuit of these goals, the Truth and Reconciliation Commission will conduct a series of formal activities. It will hold meetings, both in public and private, to hear from affected Canadians. It will also gather the information needed to establish a research centre on the Indian residential school system and travel across Canada to engage and educate the public about related issues. Obviously, these activities can begin only once a new chairperson and commissioners are in place.

• (1450)

The Government of Canada, and I think I can say all parliamentarians, profoundly regret that the Truth and Reconciliation Commission got off to a difficult start. Although resignations have delayed the progress of the commission's work, good progress continues to be made on all other elements of the agreement.

As of early May, for instance, more than $1.5 billion in Common Experience Payments had been made and more than 94,000 claims had been processed. Similar progress has been made through the Independent Assessment Process. The most recent statistics published by the Indian Residential Schools Adjudication Secretariat indicate the receipt of more than 11,000 claims and payments in excess of $140 million.

Of course, no amount of money — and I repeat, no amount of money — can ever hope to compensate for the damage caused by Indian residential schools. All we can do is hope that this process enables individuals to move forward with their lives and achieve a sense of peace.

Non-Aboriginal Canadians also have a role to play in the healing process. To ensure that Indian residential schools form an appropriate and meaningful role in our history, Canadians must be engaged in the commission's work. Effective reconciliation requires all Canadians to read, watch, and listen to the accounts of former students and their families, and, I might add, to participate in the public hearings that will take place across Canada. All Canadians must open their hearts and minds. To forge a new relationship with Aboriginal peoples, we must confront the past.

The government of Canada has taken a number of significant steps towards this new relationship. Partnerships with Aboriginal organizations, for instance, have produced plans that effectively address a host of long-standing issues, such as the safety of drinking water and the quality of child care and family services on reserve.

The Indian Residential School System is part of the shared experience that is Canada and, while we cannot change history, we can learn from it and we can use it to shape our common future. The Truth and Reconciliation Commission will strive to create a lasting and positive legacy out of a tragic episode. This effort is crucial in realizing the vision of creating a compassionate and humanitarian society, the society that our ancestors, the Aboriginal, the French and the English peoples, envisioned so many years ago — our home, Canada.

Bill C-39 will take us one step closer to this goal, and I hope that all senators will join me in supporting the difficult but essential work of the commission by endorsing this single provision amendment to the Judges Act. It is a simple amendment. It adds one judge, nothing more, nothing less.

What a day today is — the first anniversary of the apology. Today, in Committee of the Whole, some of those that were sadly affected and those that represent them will be here.

With that, honourable senators, I know there is precedent that is of concern, but I would like to see the compassion of this place. When I sat on the other side, I always preferred to act with compassion. Deal with this bill immediately. Thank you, honourable senators.

Hon. Serge Joyal: Would the honourable senator entertain a question?

Senator St. Germain: Certainly.

Senator Joyal: I want to say first to Senator St. Germain that I totally support Bill C-39. However, I wonder if the honourable senator can give us more information about the facts over the past year.

When Justice Harry LaForme was appointed, it was hailed as a great appointment. The two assessors who resigned on June 1 were Jane Brewin Morley and Claudette Dumont-Smith. They spent $2.5 million during that year and, as the honourable senator said today, we are almost at square one of the operation. What facts led to this result, and what corrections have been introduced so that Justice Murray Sinclair, whose nomination was announced yesterday, will not be in a position similar to that of his predecessor, and we will not be in the same position a year down the road?

Senator St. Germain: Honourable senators, in all honesty, we could have a repeat. There is always that possibility. This question is about human behaviour — nothing more, nothing less.

From my understanding and from the information I received, honourable senators, a personality clash obviously erupted among the original appointees. I can stand here and say this, that and the other thing, but I believe that there is risk in everything. There is no reward without risk. The honourable senator has sat in cabinet, as have I, and he knows that every time they make a recommendation about a Governor-in-Council appointment, there is always a risk. That risk played out to the limit in this particular case. I personally know one of the commissioners who was appointed, but I do not know the chair, the Honourable Justice Sinclair. There is no further explanation other than that human behaviour became involved in the whole situation.

Hon. Joseph A. Day: Will the honourable senator entertain another question? With respect to the earlier chair, Justice LaForme, who has since resigned, did we have similar legislation to increase the number of judges in the particular jurisdiction from which he came, similar to the legislation that we have here increasing the number of judges in Manitoba to cover the position of Justice Sinclair?

Senator St. Germain: I believe the question is, did we take this action in the case of Justice LaForme?

Senator Day: That is what I meant.

Senator St. Germain: I believe so. It is deemed important to maintain the numbers in the Manitoba courts. As I say, it is one short sentence:

> Paragraph 16(d) of the Judges Act is replaced by the following:
>
> (d) the 31 puisne judges of the Court of Queen's Bench, $232,300 each.

That amendment adds one judge. There were 30 previously, and now there will be 31, with His Honour Justice Sinclair chairing this commission.

Senator Day: Is the honourable senator saying that in the jurisdiction from which Justice LaForme came earlier, it was deemed not necessary to increase the number of judges in the Judges Act, or is this bill some way of trying to solve the problem that has existed since the creation of this commission?

Senator St. Germain: I cannot answer that question in the case of the appointment of Justice LaForme. I see no ulterior motives here. I know that in my province, the justices have heavy loads at all levels. I imagine that Manitoba sought the addition of one judge and the government responded. I know nothing more than that, and I cannot give any more information than that.

[*Translation*]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, today, on the first anniversary of the official apology to the victims of residential schools, Bill C-39, An Act to amend the Judges Act, ensures our continued support of Aboriginal communities in this country. This bill allows the appointment of a judge of the Manitoba Court of Queen's Bench to chair the Indian Residential Schools Truth and Reconciliation Commission.

In a press release today, the Leader of the Official Opposition in the other place said:

> While we cannot rewrite history, we can look to a brighter future for all Aboriginal people as we work in partnership with them to aid in their healing and ensure they can share in this country's prosperity.

I am speaking here today to underscore the importance of this bill and to ask that it be referred immediately to the Standing Senate Committee on Legal and Constitutional Affairs.

• (1500)

[*English*]

Senator St. Germain: Honourable senators, for clarification in response to Senator Joyal's question on this bill, under the guidance of Frank Iacobucci, a new governance structure is in place.

In the case of Ontario and Justice LaForme, it was not necessary because the authority existed under the Judges Act to appoint an additional judge in the Ontario system.

I thank honourable senators for their support.

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: Honourable senators, when shall this bill be read the third time?

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

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being 3 p.m., pursuant to the order adopted March 24, 2009, I leave the chair for the Senate to resolve itself into a Committee of the Whole to hear from the National Chief of the Assembly of First Nations, the National Chief of the Congress of Aboriginal Peoples and the President of the Métis National Council for the purpose of reporting on progress made on commitments endorsed by parliamentarians of both chambers during the year following the government's apology to former students of Indian residential schools. It was on the same subject that Mary Simon appeared last week. Please also note that the President of the Native Women's Association of Canada, though invited, was unable to be with us today.

[*Translation*]

APOLOGY TO STUDENTS OF INDIAN RESIDENTIAL SCHOOLS

REPRESENTATIVES OF ABORIGINAL COMMUNITY RECEIVED IN COMMITTEE OF THE WHOLE

On the Order:

> The Senate in Committee of the Whole to hear from the National Chief of the Assembly of First Nations, the National Chief of the Congress of Aboriginal Peoples, the President of the Inuit Tapiriit Kanatami, the President of the Métis National Council, and the President of the Native Women's Association of Canada, for the purpose of reporting on progress made on commitments endorsed by parliamentarians of both Chambers during the year following the Government's apology to former students of Indian Residential Schools.

The Senate was accordingly adjourned during pleasure and put into Committee of the Whole, Senator Losier-Cool in the chair.

The Chair: Honourable senators, rule 83 of the *Rules of the Senate of Canada* states:

> When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it the pleasure of the honourable senators to waive rule 83?

Some Hon. Senators: Agreed.

[*English*]

The Chair: I remind honourable senators that, pursuant to the order of June 9, the committee will meet for a maximum of two hours.

[*Translation*]

I now ask the witnesses to enter.

[*English*]

(Pursuant to Order of the Senate, Phil Fontaine, Kevin Daniels and Clément Chartier were escorted to seats in the Senate chamber.)

The Chair: Honourable senators, the Senate is resolved into Committee of the Whole to hear from First Nations for the purpose of reporting on progress made on commitments endorsed by parliamentarians of both chambers during the year following the government's apology to former students of Indian residential schools.

We welcome Phil Fontaine, National Chief, Assembly of First Nations; Kevin Daniels, Interim National Chief, Congress of Aboriginal Peoples; and Clément Chartier, President, Métis National Council.

[*Translation*]

Thank you for being here with us. Unless you would rather proceed differently, I would invite you to speak in the order in which I introduced you.

[*English*]

Phil Fontaine, National Chief, Assembly of First Nations: *Meegwetch*. Good afternoon, honourable senators and distinguished guests. Today we celebrate and reflect on the one-year anniversary of the federal government's apology to residential school survivors, which set Canada on the path to reconciliation. Reconciliation is about coming to terms with a difficult history, respecting our unique relationships and the rights and responsibilities that come with that. It is about embracing new attitudes while working together to create a future that benefits First Nations peoples and all Canadians.

The path toward meaningful partnership and reconciliation has not been and will not be an easy one. We may not always agree, but partnership in an era of reconciliation implies a renewed Canada that is fundamentally about how we practise social justice, equality, democracy, human rights, inclusiveness, mutual respect and mutual responsibility.

• (1510)

A year ago today, the invitation was graciously extended to the Assembly of First Nations to return each year to this place to discuss the progress on the commitment made to First Nations by the government to forge a new path in our relationship in the spirit of reconciliation. I am honoured to be able to provide this update today on the state of reconciliation on the first anniversary of Parliament's apology to residential school survivors.

As June 11, 2008, attested, the residential school experience left the raw legacy of pain for myself and so many of us who attended. It decimated our families and communities, who endured the effects of our experiences in residential schools.

As a watershed moment in Canadian history, the apology to the survivors of residential schools was the first step in the process of acknowledging the truth and embarking on reconciliation. On that day, we came full circle. We were able to speak in the very place where our voices were absent, where our free will was legislated away and where decisions were made without our consent, against our will and with little regard for our humanity.

In April of this year, we visited with Pope Benedict XVI in Rome. We have received apologies from the Anglican, United and Presbyterian churches and the Government of Canada for the residential school experience. The expression of understanding, acknowledgement and emotion by His Holiness on behalf of the Catholic Church closes the circle of apologies, and we now move toward the path of reconciliation.

His Holy Father's apology, like the government's apology, not only acknowledged the past but, fundamentally, the apology was an admission that the prescription of the past has no place in the Canada of today and tomorrow. It is in this context of reconciliation that I stand here to address you all today.

Last June 11, the Prime Minister committed Canada to reconciliation. He promised that First Nations' rights would be respected, and that no government would ever again try to denigrate or destroy the identity of First Nations as distinct peoples, or compromise First Nations' culture and families.

This opportunity to speak to you is important in terms of guiding Canada toward reconciliation and building a Canada that respects and honours the treaty and historic relationships between First Nations and Canada.

The way I see it, there are four dimensions of reconciliation. Each of these dimensions contains a set of priorities and goals. Each of these categories is interrelated and interdependent, and our treaties cut across them all.

In broad terms, I believe the components of reconciliation are political, economic, legal and moral. Considerations of the political dimension of reconciliation include, but by no means are limited to, addressing First Nations' governance jurisdiction, building processes and institutions to facilitate dialogue so we can participate more inclusively in the Canadian, provincial and territorial governments.

Reconciliation also means that our own representative institutions and political organizations — that is, how we choose to represent ourselves — are treated with respect and as a legitimate expression of our inherent self-determination and self-government rights.

Article 19 of the UN Declaration on the Rights of Indigenous Peoples affirms these rights:

> States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

The economic dimension includes closing the socio-economic gaps of disadvantage between our people and children, and other Canadians. This dimension includes a full policy agenda to

address child welfare, poverty eradication, education, health care, labour issues, economic development, just land claims resolution and other initiatives to improve our economic sustainability and self-sufficiency, and to improve our individual and community well-being.

The legal dimension of reconciliation means that we must ensure that section 35, our Aboriginal and treaty rights, is upheld, the rule of law is respected and that responsible government is fulfilled. This dimension is about pursuing the human rights of our children through the institutions that will provide a remedy to end discriminatory practices and a narrowing of our rights.

This dimension is also about Canada's international human rights obligations, and ensuring that instruments such as the UN Declaration on the Rights of Indigenous Peoples is implemented in our country, and that the draft Organization of American States Declaration on the Rights of Indigenous Peoples is realized.

On that score, we remain profoundly disappointed that Canada continues to ignore the human rights of indigenous peoples by failing to implement the recommendation of the United Nations Human Rights Council made under Canada's Universal Periodic Review to endorse the UN Declaration on the Rights of Indigenous Peoples.

Finally, the moral dimension of reconciliation is about the principles, values, attitudes and ideas that underlie a new relationship and partnership between First Nations and Canadian governments, as well as a new relationship between First Nations and Canadian society. In a post-apology era, the honour of the Crown must be a defining feature in the new relationship where legal obligations are vigilantly observed, where First Nations are diligently consulted and accommodated on all matters affecting our lives, and our right to free, prior and informed consent is respected.

Bill C-8, a bill in which the government imposed a paternalistic view on how First Nation governments ought to address domestic land matters upon family breakdown, demonstrates that we have some way to go before real partnership and real consultation has real meaning in this country. This bill suffers from an irreparable lack of legitimacy among First Nations citizens, including First Nations women, even though the government claims the contrary.

Let it be clear that First Nations care deeply about our human rights — the human rights of the women in our communities, our children, our families and our communities.

The principles of reconciliation, such as mutual respect, coexistence, fairness, meaningful dialogue and mutual recognition, are not empty words. These principles are about action; that is, they give shape and expression to the material, political and legal elements of reconciliation.

It has been an eventful year in Canadian and global politics, society and the economy since last June. First Nations have been affected by the decisions of the Government of Canada during this time. Following prorogation last December, we were extremely busy compiling a First Nations' stimulus package. At the January 2009 First Ministers meeting, we presented it to the government for budgetary consideration.

The Assembly of First Nations' economic stimulus plan for First Nations calls for immediate action on First Nations' infrastructure to create jobs for our people and safer, healthier First Nation communities. We call for investments in First Nations' education to secure a strong and competitive economy now and in the future; and we ask for a repayable loan fund to encourage partnerships between First Nations and the private sector and to support economic development for our people.

In addition, we want a process that looks beyond the fiscal stimulus to deal with structural changes that will create a more effective and efficient way of addressing our issues during these times of economic volatility. Our people know all too well about economic tough times; after all, our communities have been in a recession for years now. We also know that when tough fiscal decisions have to be made, those who are most vulnerable often fare even worse.

• (1520)

Given the level of poverty among First Nations, our economies and communities are at an alarmingly high risk of sinking further into the bleakness and despair of poverty. We, as a society, must not let this happen.

Of course, we must also plan for the post-stimulus period. Our plan builds on the Kelowna Accord, an agreement beneficial for all of Canada, to forge a new path forward. We need political will and goodwill to forge ahead on this new path.

Contrary to what has been said, the Kelowna Accord was not a press release; it was not a pre-election publicity stunt. The Kelowna Accord was, indeed, a plan of action. It was agreed to by all five national indigenous leaders — all First Nations — and the Prime Minister, and had the backing of Canadians who were represented by their governments. However, while the 2009 Budget included some positive measures for First Nations, it needed to do more to strengthen First Nation economies, which in turn benefit all Canadians. This is not to suggest, by the way, that we are ungrateful. We are grateful for the commitments of $1.4 billion for First Nations issues. My point is not to suggest that we are dismissive of the efforts of the government to respond to our needs. My point is simply that we can do better.

For example, when I make the point that we have achieved incredible progress in terms of education in the last 50 years — where we have increased the number of First Nation students in universities and colleges from 10 in 1952 to approximately 30,000 today — it is an incredible achievement in itself. However, because of the gap that exists between our incredibly diverse First Nations community and the rest of the country, the number should be 90,000. It should be 90,000, and not 30,000. Can you imagine what 90,000 First Nations students in universities and colleges would mean for the country? It would be of enormous benefit for Canada. It would strengthen this already beautiful country. That is my point.

The infrastructure investments to First Nations by this government were definitely welcomed, as I just pointed out, and necessary, as are the investments in health and child and family services. Now, we must ensure that these important stimulus dollars roll out so they reach First Nation communities as they are needed.

We were, however, disappointed that there was no response to our call for investments in education and a repayable loan fund. Investments in education would get more of our people working and would certainly help eliminate poverty.

As well, our government should have access to credit to spark economies and to develop partnerships with the private sector. In addition, this month, in response to Canada's Universal Periodic Review of human rights by the UN Human Rights Council, the Government of Canada rejected to commit to concrete poverty reduction strategies and programmatic action to close the quality-of-life gaps that currently exist between Aboriginal and non-Aboriginal Canadians. The government refused to commit while 109 out of 633 First Nation communities remain under drinking water or boil water advisories, with another 40 communities with high-risk water systems. Our government is not acting fast enough to ensure all First Nations have access to safe drinking water.

The promise of rights does not mean much when our First Nations people live in dire poverty. Many of our people live in conditions much like those of the developing world and yet Canada is considered an advanced industrialized nation.

How can the potential of all Canadians be realized when the dreams of First Nations children are not allowed to flourish, amidst devastating poverty; when our children are not given the same fair chance at succeeding right from the start; and when First Nation students receive an average of $2,000 less per student than non-Aboriginal students? In fact, in some school divisions, the disparity gap is as high as $9,000 per student.

How can the potential of all Canadians be realized when poverty steals them of their childhood, their hopes and fair future; when 27,000 of our children are in state care — more than three times the number of children attending residential schools at the height of the residential school experience; when so many of our communities do not have running water or safe drinking water; when many of our homes are unsafe, overcrowded, drafty and mouldy; when overcrowding, a lack of running water, poor housing, poor health care and poor living conditions exacerbate the spread of illnesses such as swine flu?

We have all been reading about the terrible situation in the northeastern part of my province. It is a scary thought and we would argue that what we are all witnessing in that part of the country is a direct consequence of poverty. We need to move urgently to deal with this issue; otherwise, it will become something that we will be unable to address or arrest in any significant positive way.

When the government argues that the H1N1 pandemic knows no race, we know it affects our communities more than any other in Canada. Many of us die of cancer, get diabetes, tuberculosis, depression and are obese — far above the national average. Some, including children, see suicide, alcohol and drug use as their only escape from the powerlessness of poverty.

In addition, even though the government has invested in First Nations housing on reserves, for which we are very grateful, the Canadian housing program does not sufficiently address need. Currently, there are 87,000 units. This is the backlog in new housing stock required across all First Nation communities, which falls vastly short of the 2,300 units built each year by our governments with support from the federal government. At this rate, it will take us 35 years to reach the need at 2009 levels.

The government's housing strategy fails to meet social housing needs for our people, especially the elderly, the disabled or single-parent families headed by women. This further exacerbates the effects of poverty and overcrowding among this group. The Government of Canada continues to practise discriminatory and punitive funding with regard to First Nations citizens.

You may think this is a contradiction when I made the point about how grateful we are for the additional resources of $1.9 billion in the stimulus budget. However, we, in fact, have had to struggle with a 2 per cent cap on core programs and services — housing, education and health — since 1996. That is 13 years now, and there does not seem to be any hope, at least in the next short while, that this cap will be lifted.

That means that our governments are unable to keep up with the cost of living increases, as well as population growth. As you know, our population growth is the fastest in Canada. It is three times the national average. Therefore, our governments are being forced to do more with less, year after year. This is a huge challenge, not only for First Nations, but the country.

All of this results in predictably negative social determinants of health and well-being, and a lower quality of life for First Nations. Economic and social rights are also human rights. On this score, Canada continues to actively discriminate against First Nations through its funding practices.

Post-secondary education is considered a treaty right by our people; yet, the post-secondary education program for First Nations has had a fiscal cap, as I just mentioned, to the growth of the program since 1996-97. The consequence is that fewer First Nations youth are being supported by this program each year. In fact, there is a waiting list of approximately 15,000 eligible First Nations students who are unable to access universities and colleges because of this lack of appropriate education funding. While Canada continues to say that it is acting to make higher education accessible for First Nations, this claim is not supported.

• (1530)

Canada's commitment to improve health care and the general welfare of indigenous people requires Canada to implement Jordan's Principle. Jordan's Principle is a "child first" principle to resolving jurisdictional issues and disputes within and between

federal, provincial and territorial governments. We also call on the government to eliminate discriminatory funding for First Nations child and family services, compared to the funding provided to responsible provincial and territorial authorities for non-First Nation or off-reserve First Nation children in provincial and territorial care.

If this partnership between all founding partners of the federation is to be meaningful, mutual responsibility and accountability must also define the relationship. This means, among other things, that the shackles of the Indian Act — a statute born out of intolerance, imposition, paternalism and assimilationist ideas — must be repealed once and for all.

We should avoid a piecemeal approach. We should avoid tinkering with the Indian Act. This is a racist, archaic piece of federal legislation that needs to be repealed now and replaced with a new nation-to-nation, government-to-government relationship in which our respective authorities are respected, and for which we both share accountability and responsibility for decisions over our peoples. This is part of what reconciliation means.

To be sure, to state of First Nations' rights and realities is a sober one, and there are significant barriers to reconciliation and transformative change. The agenda for substantive changes and outcomes is a full one. However, it is one I firmly believe can be met.

Canada is a tolerant society, and Canadians are generous, caring and believe heartily in the respect for human rights, equality and true opportunity. Political goodwill, forward-mindedness, determination and respect for what a reconciled relationship ought to mean in practice can see significant improvements in outcomes and in the relationship of First Nations and Canada.

On this one-year anniversary of the apology, now more than ever we are, as a country, faced with choices that will shape what Canada is today and what it will become tomorrow.

The process used to craft Bill C-30, the Specific Claims Tribunal Act, which was passed last June, was a fruitful basis upon which to build greater dialogue, demonstrate mutual respect and advance the relationship between First Nations and the government.

Reconciliation then implies a solemn duty to act, a responsibility to engage, and an obligation to fulfill the promises inherent in an advanced democratic and ethical citizenship. That is, the Government of Canada — in fact, all members of Parliament, in both houses — has a responsibility with the involvement, consultation and engagement of First Nations to bridge the past to a future in which the gap in the quality of life and well-being between non-Aboriginal and Aboriginal people vanishes, where First Nations' poverty is eradicated, where our children have the same opportunities and life chances as other children, and the promises of our treaties are fulfilled.

Reconciliation must mean real change for all of our people in all the places we choose to live, change that addresses the wrongs in a way that brings all of us closer together. Human rights, hope, opportunity and human flourishing are not the privilege of one group or one segment of Canadian society; they belong to all of us.

Achieving an apology is not an end point. We can look back at the hard work necessary to get to a place where the government apologized to residential school survivors. The time to experience reconciliation as a country is upon us. The power of exposing the truth of the residential school experience, ushered in by the apology, frees us from our intolerant past to become a true democracy that encompasses all the virtues that reconciliation entails.

The achievement of an inclusive, cohesive and fair society is a project which we, as a country, cannot afford to abandon. It is a project that we all must wholeheartedly embrace.

Thank you. *Meegwetch*. Merci beaucoup.

The Chair: I will call on Mr. Kevin Daniels, Interim National Chief of the Congress of Aboriginal Peoples.

Kevin Daniels, Interim National Chief, Congress of Aboriginal Peoples:

[*Editor's Note: Mr. Daniels spoke in his native language.*]

Good afternoon, senators, elders, residential school survivors and fellow Aboriginal leaders.

I welcome the opportunity to be here today, on the unceded territory of the Algonquin peoples, to speak to the Committee of the Whole of the Canadian Senate of progress made on commitments following the apology to former students of Indian residential schools.

I wish to honour the resilience and the courage of the residential school survivors, and recognize their ongoing healing efforts and determination to seek the truth.

Of all the stories of abuses that have been inflicted upon my people, one story stands out in my mind. It is the story of White Bear Woman Standing, how she was brutally beaten for speaking her language and placed in a coma for five months. It was by the will of the Great Spirit that she survived and was able to live a long life.

It was by the will of the Great Spirit that she survived a stroke to see her first residential school payment from an elder. It is by the will of the Great Spirit that I hold in my hand her eagle fan, to fan you spiritually in prayer and hope that the federal government will release all monies owing to our peoples as promised.

It is by the will of the Great Spirit that I am standing here addressing you today because White Bear Woman Standing is my mother.

If White Bear Woman Standing had perished that day at the residential school she attended, I, as national leader of the Congress of Aboriginal People, would not be here today.

• (1540)

This day will be remembered by my children. This day will be remembered by my grandchildren. This day will be remembered by my great grandchildren. We will never forget this day — June 11, 2009.

June 11 marks an important day in the history of this country. When the Government of Canada apologized to former students of the Indian residential schools, the significance of the apology to all Aboriginal peoples represents a profound moment when we move from the dismal legacy of the residential schools. From now on, this moral point in our collective history needs to be at the heart of Canadian policy-making processes.

However, the Congress of Aboriginal Peoples is committed and supportive of all Aboriginal efforts to break the inter-generational cycle of dysfunction. We will rebuild our families. We will rebuild our communities. Most important, we will rebuild our nation. This rebuilding has been the core part of the mandate of our organization since 1972. We need to be careful that the rebuilding ensures that forgotten peoples are included in all efforts — status Indians, Bill C-31 Indians, non-status Indians living off the reserves, and Metis peoples.

This meeting today in the Senate of Canada is symbolic of our collective will to build trust and self confidence in dealing with authority. There is an opportunity for us to undertake conscious reflection on the work that has been done and the work still before us.

I appreciated learning from Senator Tardif that the Senate has always been the chamber of Parliament that gives voice to minorities. It is with comfort and pride that I am here today among Aboriginal senators, including our former chief, Senator Patrick Brazeau.

We do not pretend that the questions we are dealing with are simple. It is false to think that addressing the underlying systemic problems can be achieved with some great magic bullet. We have some hard terrain to cover, and it will require our collective will and determination. Only through a collaborative and constructive approach will progress be made.

The Congress of Aboriginal Peoples represents the interests of status Indians, non-status Indians living off the reserve and Metis peoples. The congress was established in 1971 and we have been a participant in all the constitutional negotiations. I, personally, am a veteran of those negotiations. It was our leader, Harry Daniels, who negotiated Metis peoples into section 35(2) of the Canadian Constitution.

We are fully supportive of extending the settlement agreement to include the thousands of Metis who attended Indian residential schools. There is no defensible reason for excluding Metis. We are talking about the Metis that Harry spoke about — the Metis from coast to coast. The Congress of Aboriginal Peoples will never accept any narrowing of the aspirations and hopes of Metis people across Canada.

It is not helpful to politicize the residential school issue. It is not an issue for narrow political interests. Truth, sharing, and politics are a strange mix. I am concerned about the troubled start with the Truth and Reconciliation Commission. I was alarmed at the resignation of Justice LaForme because of political attempts to interfere with the commission.

The Congress of Aboriginal Peoples was not part of that selection committee for the Truth and Reconciliation commissioners. However, we are encouraged that a fresh start has been undertaken in accordance with the recommendations of Frank Iacobucci. The Congress of Aboriginal Peoples should be involved in this selection committee. I cannot tell you why we are not involved and why the hurt is perpetuated.

We are also concerned with the length of time it is taking for survivors of sexual abuse and serious physical abuse to be compensated. Even after their awards have been approved, the process is too lengthy. We recognize the difficulties in implementing a timely and effective compensation program, but there is no need for this inordinate delay after the paperwork has been completed. These delays are an additional stress factor that these survivors do not need.

We are concerned that the costs and travel expenses incurred by independent adjudicators are not being honoured. This is not the time for bureaucratic delay. The backlog of claims needs to be resolved. We are heartened to know that officials are seeking to issue payments 45 days after a decision has been rendered.

We all recognize that bringing closure is at the heart of reconciliation. I agree with Senator Watt that the apology was a second step to constitutional negotiations in 1982. When our leader, Harry Daniels, negotiated the Metis into section 35, he was looking forward to a future for the forgotten people — non-status Indians, Bill C-31 Indians and Metis peoples.

The dark threats to our culture, language and spirituality are still present through the Indian Act. The Congress of Aboriginal Peoples represents Metis peoples and Indian people not recognized by the Indian Act. We are committed to ending this legal regime.

Litigation has been a critical tool in advancing the interests of our constituents. We have worked hard over many years to develop positions and defend vigorously the rights of Bill C-31 individuals. The Congress of Aboriginal Peoples has played an active role in seeking changes to the Indian Act. We honour Sharon McIvor who spent 20 years in the courts to change the rules of Indian status to prevent discrimination. We are pleased that she has decided to appeal the B.C. decision to the Supreme Court of Canada.

In 1999, Harry Daniels left us with the legacy of the *Daniels* case. It seeks a judicial declaration that Metis non-status Indians are Indians within the federal government's jurisdictions under section 91.24 of the Constitution Act, 1867 and that Metis non-status Indians are owed a fiduciary duty by the Crown and Aboriginal peoples. We hold the right to be negotiated with in good faith.

These actions demonstrate our commitment and determination to end the Indian Act regime. The long-standing denial of our rights was described by the Royal Proclamation on Aboriginal peoples as the most basic form of governmental discrimination.

We ask every senator in this chamber to join us in the struggle to right the wrongs of our past so that we all may have a better future.

Meegwetch.

• (1550)

Thank you very much for this opportunity to speak.

The Chair: Thank you, Mr. Daniels.

I will now ask Clément Chartier, President, Métis National Council, to speak.

Clément Chartier, President, Métis National Council: Honourable senators, it is a pleasure to be back here. Thank you for inviting me today to mark this one-year anniversary of Canada's apology to the survivors of the Indian residential school system.

I speak here today as the voice of the Métis National Council, the sole and legitimate representative of the Metis nation, whose traditional territory covers the three Prairie provinces and extends into Ontario, British Columbia, the Northwest Territories and the northern United States.

It was my honour to be in the House of Commons one year ago to witness and support the Prime Minister's sincere apology to the survivors of the Indian residential school system and for Canada's past policies of assimilation. When I participated in that apology ceremony, and when I first appeared here before you in the Senate, I pledged the Metis nation was prepared and willing to do our part in Canada's collective journey towards healing and reconciliation. I am still prepared to do that. Our nation is still prepared to do that.

I wish today that I could report on a strong beginning of that journey during the past year, but for most Metis survivors, however, this is simply not true. While the small — and I emphasize "small" — number of Metis who attended schools recognized by the Indian Residential School Settlement Agreement are eligible for compensation, the vast — and I say again, the vast — majority of Metis survivors are not.

Thousands of Metis attended church-run, government-sanctioned schools, some of them boarding schools. The intent was the same as those schools covered by the agreement, which was to assimilate Metis.

Metis survivors of these schools endured the same forced separation from family and community, the same attacks on our culture and way of life and, in many instances, were victims of the same physical and sexual abuse.

As I said last year, I am a survivor of the Metis residential school in Ile-a-la Crosse Saskatchewan and I can personally attest to the horrors inflicted on our people. Yet we are denied any compensation, are excluded from the settlement agreement and excluded from the Common Experience Payments. Frankly, I am not even sure why I am here. I am here, I guess, to tell you this, although you already know it.

Why, after a historical and unprecedented outpouring of regret from Canada's leaders, from millions of Canadians, are the Metis left out? The answer to this question is well known to the Metis nation. It has plagued us at every turn for generations, and has continually impeded us securing our rightful place in Canada ever since we first negotiated Manitoba's entry into Confederation. It is the jurisdictional wrangling between the federal and provincial governments.

The boarding schools attended by Metis survivors were for the most part funded by provincial governments or religious orders and were not part of the federally funded Indian residential school system. It is the same way that the Metis people are not eligible for virtually all federal programs. Although the funding was different, the intent of the schools were the same; assimilate the children.

Today, even during this past year, neither the federal nor the provincial governments are willing to accept responsibility for what happened. This impasse over how to deal with Metis survivors personifies, in real human terms, the true cost of Ottawa's persistent refusal to accept the historical, constitutional, and moral responsibility for dealing with the Metis people as a distinct Aboriginal people and nation.

The implications of this abdication of federal responsibility are seen daily in the lives of Metis people. We are denied access to federal Aboriginal education and health care assistance. We are excluded from the federal land claims resolution process, despite having been the victims of a systematic and fraudulent scheme of dispossession and displacement from our traditional land.

We are denied the use of test case funding, which at least provided us a modicum of assistance to pursue the resolution of our historic land claims through the courts. Our Metis nation veterans are denied fair and just compensation. We are currently being told that we will be invited to participate in the hearings of the Truth and Reconciliation Commission. Why would we want to do that? No government has yet stepped forward and accepted responsibility for what was done to us. There has been no apology, whether it is from the government, the churches, or the Pope. There has been no offer of compensation.

Given all this, why would we want to or be expected to participate? Our citizens who suffered the residential schools assimilationist policies and practices believe and feel that they are not inferior beings, and should benefit from the positive developments accorded to other Aboriginal peoples and not just be recipients of the negative policies, harm and dehumanization suffered by all.

The release of the federal stimulus budget on January 27 of this year demonstrated the practical impact of the federal policy of non-recognition of the economic conditions of Metis people. Having met with the Prime Minister twice in January to discuss a

Metis nation economic stimulus proposal we have been asked to write, we learned on January 27 that not one cent had been set aside in the budget specifically for the Metis.

On the occasion of the first anniversary of the apology, I call on both chambers of Parliament to take up the call for the federal government to assert its jurisdictional responsibility for dealing with the Metis nation.

• (1600)

As an alternative to costly litigation, the Prime Minister should be asked by you, the Senate, to refer the question of whether the Metis are included in section 91.24 of the Constitution Act, 1867, to the Supreme Court of Canada. This issue was resolved in a like manner for the Inuit in the 1930s, with the Inuit decision of 1939.

The Prime Minister should be asked by your Senate to establish a Metis claims commission with a mandate similar to that of the Indian Claims Commission in order to restore the land base of the Metis nation.

In the interim, the Senate should strike a committee or mandate the Standing Senate Committee on Aboriginal Peoples to convene a special hearing on the implementation of the federal legislation that led to the dispossession of the Metis from our lands and resources.

Honourable senators, the record of Canada-Metis nation relations during the past year is not all bleak, however. In September of 2008, I signed the Métis Nation Protocol with Minister Chuck Strahl, the Federal Interlocutor for the Metis, committing the federal government and the Métis National Council to work together on a range of bilateral issues. Where appropriate, it allows for multilateral discussions with the five western-most provincial governments.

Minister Strahl has demonstrated a personal commitment to move forward with the leadership of the Metis nation in resolving outstanding moral issues from the past while also pursuing opportunities for social and economic development today. He has committed to doing this on a government-to-government basis. This is indeed encouraging.

The Métis National Council hopes this protocol will enable us to navigate through the jurisdictional quagmire and address the real and immediate needs of Metis people.

One particular area of progress is economic development, where Minister Strahl has opened doors for us. Working with the minister through the protocol and the new framework for Aboriginal economic development, we are aligning our initiatives in business development, community economic development, and employment and training to build a powerful engine for economic growth. Again, this is just in the beginning stages. Hopefully we can report positively on it if we are invited again next year along with the First Nations.

As promising as these initiatives may be, they do not address the long outstanding need for justice for those who feel the effects of dispossession and landlessness in their daily existence, those who experienced the horrors of the Metis residential school system and those brave Metis veterans who sacrificed so much and remain hopeful that they will one day receive the justice that they so very much deserve.

As a leader of the Metis nation, I often ask Metis nation citizens for many things: I ask our elders for their knowledge and advice; I ask our youth for their energy and to dedicate themselves to education; I ask all Metis nation citizens for their support in heart and mind as we work toward the betterment of our people.

However, for our Metis residential school survivors, there is one thing I cannot ask of them any longer: I cannot ask for their patience.

Thank you.

The Chair: I would now invite questions. I wish to remind senators that you each have 10 minutes for questions. I will call out now the list of senators in the order they have indicated to me they would like to ask questions. I can also say to our witnesses that you can remain seated for questions, and I believe there is a microphone for your use.

I have on my list Senators Pépin, Grafstein, Dyck, St. Germain, Joyal, Moore, Adams, Brazeau and Carstairs.

[*Translation*]

Senator Pépin: With the amendment of the Indian Act in 1985, Aboriginal women could marry a non-Indian, keep their Indian status and pass it on to their children. However, the problem was just passed down to the next generation. Grandchildren are not affected by the reinstatement of this right.

We all agree that Aboriginal people must have the same rights as all other Canadians. We have that common goal. But still today, the law treats Aboriginal men and women differently when it comes to passing Indian status and band membership on to their grandchildren.

Can you tell us what position your organizations take on this discriminatory treatment? What initiatives have you taken to have the law changed so that Aboriginal women have all the same rights as Aboriginal men when it comes to transferring status? And how can you help us in our efforts to have grandchildren recognized?

[*English*]

Mr. Chartier: Thank you for the question. I will defer the answer to the First Nations leadership. The Metis nation, although we do have an interest in seeing justice done for all Aboriginal Peoples, will not take a position on this. I will take this opportunity to say, however, that — no, I will not.

Mr. Daniels: That is a very good question. The Indian Act, being the kind of legislation it is, has caused a lot of division amongst our people, amongst our women and of course our children. We certainly do want our children to be recognized as Indian people. Our grandchildren and our great grandchildren should have the right to be Indians and who they truly are.

We will continue to work on ensuring that all our Indian peoples have the right to be Indian peoples without having to face the discriminatory laws of the Indian Act. That is very important for our future. That is why we continue to work in trying to right those wrongs of the past.

It will take a lot of work. There are still a lot of court proceedings ongoing, with the *Sharon McIvor* case as well as the *Daniels* case. We are not too sure, but we may have a whole new list of *McIvor* Indians.

• (1610)

With Bill C-31, with Indians and non-status Indians, we may have a whole new list of Indians; we do not know.

Hopefully, with the end of the *McIvor* case, we will see exactly where Indian people will stand in the future.

Mr. Fontaine: I did not pick up my equipment quickly enough, so I missed the first part of your question. If the question is related to the Indian Act provisions on status or band membership, I will speak to your question.

First, Bill C-31 was supposed to remedy that problem for all time. While the numbers of reinstated First Nations citizens increased significantly — I believe in the order of 100,000 additional members with Indian status were added to the list kept by the registrar — it became obvious, soon after the bill came into effect, that it was not the panacea we were hoping it would be in terms of dealing with this issue. It has become obvious that the bill is, in effect, a termination bill.

We see the answer to this problem as something that ought to be addressed on a government-to-government basis because it is obvious to us, and I am sure it is to you, that citizenship is a matter that must be left to governments. That right to define citizenship ourselves, to determine who our citizens will be, has been denied our government. I regret the previous attempt to address this issue was put aside because we had agreed to a process to address this issue. We did not want to talk about band status, band members or band membership lists; we wanted to talk about citizenship, and citizenship is a matter for, and a prerogative of, governments. As I said, this right has been denied us.

We want to see a process that brings us together with the federal government to deal with this issue of citizenship. It must be done in a way that engages our governments and our leaders to the fullest extent possible.

We should not be forced to go to the courts for a remedy, as we are now. The *McIvor* case is only one example. I understand there are at least another 60 cases similar to the *McIvor* case. On that point, we have been consistent that we will support Sharon McIvor in whatever decision she takes on this issue. She has decided that she will seek leave to appeal and we will support that decision.

Senator Grafstein: Chiefs, welcome. I want to continue the conversation that I have had with Chief Fontaine for lo, these many years that he addressed early in his presentation dealing with water for Aboriginal communities. The statistics are still alarming. You indicated there are at least 109 boil water advisories and 40 high-risk communities. We heard an estimation on June 4 from Mr. Strahl of somewhere between 95 and 100 high-risk communities. My estimate is that at least another third are medium-risk, and we have recent information, I am sure you are familiar with it, that to go from medium-risk to high-risk is not far. The situation, based on what we have gathered recently, although progress has been made, is not happy.

Do you have any medical statistics to indicate the consequences of bad drinking water on Aboriginal reserves across the country?

Mr. Fontaine: We do not have scientific evidence, if this is what your question is about. We have anecdotal information, but I recognize that evidence is not good enough. What you are exposing here, senator, with your question, is that we have poor data; poor statistical information on so many of these issues.

For example, we cannot get our numbers straight on housing. The Auditor General cites one number; the Department of Indian and Northern Affairs has another number; and we have another number. That situation is true also in education. We say that there is a waiting list of 15,000 students eligible to go to university. We do not know if that number is absolutely certain. It is the same thing with the issue of boil water advisories.

One thing is missing, and I would like to request the Senate to provide this missing piece: Call for a complete and comprehensive overview of the situation of First Nations on all these issues and sectors, whether we are talking about housing, water, education, schools, the state of schools and children in care. We say 27,000; talk to the government and they will say only 9,000. It is difficult to make fair and appropriate management decisions when we do not have the data and the statistics. I am absolutely certain that the Department of Indian and Northern Affairs would welcome this call.

I have given you a long answer. I have not given you an answer actually, other than to say that I do not have the statistics; but we know the consequences because many of our people end up in hospital care. Many of them — we are talking about people in remote parts of the country — have to be flown to urban centres. We are witness to that right now at Garden Hill in St. Theresa Point in Northeastern Manitoba.

Senator Grafstein: I raise that point because we had a discussion about statistics in committee this morning. I agree with you that there is a dearth of statistics kept by various departments responsible for public health, which is part of the problem.

Can you give us an anecdotal assessment of what you consider to be the stage of enhancement with respect to clean drinking water across the Aboriginal communities? I know progress has been made, but, again, one step backward, one step forward, and sometimes two steps backward. That is my take, but I would appreciate hearing from you as we heard from Mary Simon last week.

Mr. Fontaine: Senator, I would be completely unfair to suggest that we have not achieved some success. There have been some improvements in the situation. However, we are dealing with a desperate situation. We are dealing with communities that have to

operate with boil water advisories because they do not have access to safe drinking water — clean water. That is the case with St. Theresa Point today, and it is mind-boggling that we have this situation in Canada in 2009.

Many reasons have been cited by different authorities as to why we have this situation. Some argue there is lack of regulatory regime. Others argue there is not enough money; others argue we do not have enough trained people, and the reasons for this situation are many.

The fact is, we lack money. It is true we need a regulatory regime that is controlled by First Nation governments. We need trained personnel, and after we have trained our people, we need the money to keep them in our communities. Recently, after the last crisis, many of our people were trained; but then when they were trained, their communities could not afford to keep them so they were hired by municipal governments and other urban centres.

As I said, there are a number of reasons for this situation, but clearly the situation we have is completely unacceptable.

• (1620)

Part of the difficulty with this is that we never polluted these waters. We did not contaminate our river systems and lakes. Yet, we are being forced to pay the consequences. Whenever a situation comes up such as we have now, we are blamed for it. The victim is being blamed. It is completely unfair and unreasonable.

Mr. Daniels: I would like to comment briefly regarding the water issue. When we talk about water, the first thing that comes to my mind is the Walkerton tragedy. Here in Ontario we have a Clean Water Act, but waste management corporations are exempt from this act. When these companies and corporations dump sewage and garbage over underground clean water systems, they are polluting not just Aboriginal peoples' lands and territories but your own territories as well.

That is a concern for me as a leader, because we see it now happening just outside of Barrie at Dump Site 41. I think senators should be standing up assisting those poor Anishinabe women and the farmers who are taking a stand to protect the clean water that is going through their lands and territories. All human beings must come together to remedy the fact that we are polluting our water systems across this country.

Another water issue that comes to my mind is in Watson Lake in Southern Yukon, where water problems are causing Aboriginal peoples to get very sick. That is a concern to me as well. It is as a result of dumping waste and military hardware and all kinds of other garbage that is going into the water systems.

We need to clean up our act as Canadians and as Aboriginal peoples. We have to put a stop to what is going on.

Senator St. Germain: Honourable senators, I have two questions of our witnesses. First, I would like to congratulate them all for their excellent presentations and I thank them for being here today.

We have National Chief Phil Fontaine, who I understand is not running for office again and in all likelihood will not be here next year if this process takes place, which I understand it most likely will.

National Chief, we have not always agreed on everything, but we have agreed on one thing — trying to improve the plight of Aboriginal peoples in Canada. You have done a significant job and have left a very positive mark in this area. I personally would like to thank you for that special effort.

Hon. Senators: Hear, hear!

Senator St. Germain: If you would like to comment, please go ahead, but I have a question.

Mr. Fontaine: Senator St. Germain, thank you so much for your very generous words. They are very much appreciated. *Meegwetch.*

Senator St. Germain: National Chief, you said the Indian Act should not be tinkered with or be dealt with piecemeal. I have heard this from all concerned. As you know, we have had great success recently working with the Standing Senate Committee on Aboriginal Peoples. We have worked in a non-partisan fashion. I look at Senators Carstairs and Peterson and all those on the other side who sit on that committee. We have taken a real objective and non-partisan view in trying to deal with First Nations issues.

This issue continues to come up: Why do we not get rid of the Indian Act?

My question is: What would we replace it with in the interim? There would be a transition. How would we deal with it? What would be the eventual outcome? What would replace the Indian Act that would be satisfactory to First Nations people?

I ask you this question because you are at the stage in your First Nations political career that you possibly can go further than you might have in the past.

Mr. Fontaine: Thank you, Senator St. Germain.

I realize that the position I have taken on the Indian Act can be controversial. I say so because I know that not everyone in the community that I represent will agree that the Indian Act ought to be repealed. Most however, most would agree that it is archaic and discriminatory in the main, and that what is needed, as indicated in my written presentation, is legislation that is based on a nation-to-nation relationship that recognizes our right to govern ourselves. We need legislation that recognizes that we have jurisdictional responsibilities over a whole number of areas, and that the recognition of these matters is best left to negotiations between governments.

For example, there are certain provisions in the Indian Act that First Nations who are involved in economic development would prefer to have maintained. When I say repeal of the Indian Act, I am not suggesting that this is a wholesale casting aside of all provisions in the Indian Act. We would want to incorporate those provisions in the Indian Act that are favourable to First Nation citizens and governments.

As far as a transition piece, that is a matter that would be best left to a process of negotiations between the federal government and ourselves. One option that I see would be enabling legislation that would be considered a transition piece before full self-government would kick in.

Senator St. Germain: Mr. Chartier, under section 35, Aboriginal peoples were spoken of as First Nations, Inuit and Metis. Why is it you think we have fallen between the cracks as Metis when you cite the situation of Metis residential schools and various other aspects?

My understanding is that Aboriginal peoples were these three groups in our society. We are all equal, from my reading of section 35.

Why do you think the Metis fell through the cracks?

Mr. Chartier: It is an easy question, but not so easy an answer. It will probably take several days of lecturing. I will try to make it short.

Basically, it is a long-standing policy position of the federal government based on historical events: the 1867 or 1869-70 resistance at Red River; the negotiation of Manitoba into Confederation; the Battle of Batoche in 1885, and the provisions that came out in the Manitoba Act; and later, the Dominion Lands Act provided for dealing with the Metis as individuals. It depends on where you sit. From where I sit, I would say it was done to break the back of the Metis nation by treating us as individuals as opposed to a nation — a collective of people with legitimate rights that must be recognized.

• (1630)

Based on that, the federal position as conveyed to us in 1981 by then Minister of Justice Jean Chrétien was such that whatever Aboriginal rights or title the Metis had were extinguished. Therefore, whatever rights we could establish later in the courts or through negotiations under section 35 would be respected, but their starting point was that Metis have no rights.

I mentioned the Inuit experience in the 1930s. The Quebec government stated that the Inuit were a federal responsibility. The federal government said, "No. Quebec is responsible to deal with the well-being of the Inuit people in Northern Quebec." They agreed jointly to refer the matter to the Supreme Court of Canada, asking if Inuit were Indians for the purpose of section 91.24. Several years later, the answer came back saying "yes." If we did not have that judicial decision, the position of the federal government today would be that only people defined by the Indian Act are Indians under section 91.24 and that the Inuit and Metis are not. It was resolved for the Inuit by decision of the Supreme Court of Canada.

The Indian Act was amended after that to state that those Aboriginal peoples known as Inuit are not Indians for the purposes of the Indian Act. The definition of Indian in the 1867 act, which is part of the Constitution, is generic. We say it is synonymous to Aboriginal peoples. Our argument would be that the federal government has responsibility for Aboriginal peoples and the lands reserved for Aboriginal peoples. It is an outstanding issue.

I want to go back to what I said I would not say; I will say this now: In terms of the Indian Act, I agree with National Chief Fontaine that it is a matter of citizenship on a government-to-government basis. One of the positive things about the Metis nation and our relationship with the federal government on a government-to-government basis is that we are developing our own citizenship registries based on the criteria we developed in 2002. We have been getting funding since *Powley* to register our people, but it is under our government, our jurisdiction, our criteria and our laws. I fully support the national chief's comment that that is the only way to go. It must be in the hands of the peoples and of the nations themselves.

As we are doing this, Bill C-31 opened up an issue for the Metis nation in that some people thought, "Here is an opportunity to get rights under the Indian Act and take advantage of those opportunities." Many individuals that had both Metis nation and Indian ancestry opted for Bill C-31. Hundreds of them came to us over the last 15 years. I have been approaching the federal government for those 15 years to ask them to amend the Indian Act to let my people out. They have said "No. Once you are under the Indian Act, you cannot get out." If we are to open the act and deal with citizenship, thousands of Metis people want out. That needs to be dealt with as well.

Senator Dyck: Welcome. It is a great pleasure to have you here today.

I will not ask you questions about bills or legislation or about section 35 and section 74 of the various acts. The pieces of legislation that we have, such as the Indian Act, are reflections of what our society thinks and believes. The Indian Act was enacted because, at that time, society believed that Indian people were inferior. It was discrimination. They were trying to convert us into something else. Things have changed, and it is good to see progress.

Mr. Fontaine, you were talking about the number of First Nations and Metis students who are graduating and getting advanced education.

I have two short stories to relate to you that disturb me. First, I was at an Aboriginal Human Resource Council meeting in Vancouver two months ago. There were 100 hand-picked Aboriginal post-secondary graduates. If you talked to them personally, you would find out that a lot of them are still facing discrimination. Some are being told, as I was told 30, 40, 50 years ago, "You have it made. You are a woman. You are an Aboriginal. You are a visible minority." That is the cultural attitude of mainstream society that some of our younger people are still facing. This is disturbing because, as you pointed out Chief Fontaine, the Aboriginal population, Metis and First Nation, is primarily young. We are seeing its growth. It is important that these young people be afforded the greatest opportunities and be supported in the best possible ways.

Second, in the local Saskatoon paper, it was reported — and this is a true story — that a couple was donating half a million dollars to the College of Nursing at the university. However, the couple said, "We do not want any scholarship to go to an Aboriginal student because Aboriginals have got it made." How

do we combat that attitude? What do we do? What kind of programming do we establish? What can the government do to change the way society thinks? I think most of our society is on side, but we have pockets of people who are outright racist. We have pockets of people who do these things out of ignorance because they do not know our story. What do you think the solutions might be?

Mr. Fontaine: There is no easy answer to what is a very difficult question.

It is sad to hear these stories about our young people. Maybe some of these people are not so young, but our people are being discriminated against as too many of our people were discriminated against years ago. Some of it has to do with discriminatory funding issues — that is, the way our governments are funded in regard to our education students.

I cannot say that the numbers I quoted are absolutely precise, but we do know — and I made this point earlier; I hope that senators heard it — that we have had to contend with this 2 per cent cap since 1996. It is not just one government that is responsible for the imposition of this cap. It has been in existence for 13 years now and has caused all kinds of problems.

As far as what to do, there are two immediate solutions. First, it should be compulsory for high schools to teach a native studies course. Before one is able to graduate from high school, it would be mandatory for students to take a native studies course. Second, it should also be mandatory to take a native studies course prior to graduating from university with an undergraduate degree.

We have proposed to the Council of Ministers of Education in Canada that this innovation be introduced in all our universities and schools. It would do so much to build a good knowledge base of the true history of this country, including the place of the indigenous people in that history. It is true that a knowledge base would aid in developing a much better understanding of our peoples than exists today. That is why we end up with stories like the one you told us. It is the same as this myth that we get $10 billion a year. That is simply not true. What reaches our communities is $5.1 billion.

• (1640)

The rest is eaten up by provincial and territorial transfers and the maintenance of the public service. We have about 10,000 public servants who are dedicated to delivering programs and services to our people. We should dispel those myths, and one of the places where that ought to happen is in this place.

In my view, the most important vehicle for the kind of transformation that the honourable senator is talking about is the Truth and Reconciliation Commission. The Truth and Reconciliation Commission is about the true history of Canada. It is about writing the missing chapter in Canadian history, and it is about our people. The Truth and Reconciliation Commission is about the residential school experience, but it is much more than only the experience; it is dealing with the attitudes. As the Prime Minister said last year, on June 11, the attitudes that resulted in the residential school experience have no place in this country.

The Truth and Reconciliation Commission will continue for five years and we will all be afforded the opportunity to say our peace. The Truth and Reconciliation Commission process is a conversation not only with survivors but with all Canadians. This story is about Canada, and every person should avail themselves of this opportunity. It is important that we all make a contribution to the commission so that it becomes the kind of success we need it to be. I view the Truth and Reconciliation Commission as the most important vehicle for addressing the problem we spoke about here.

Senator Joyal: I first want to say to Chief Daniels that I know his father. He testified in 1980 with Georges Erasmus, who was then Chief of the Assembly of First Nations. The representative of the Inuit Tapirisat of Canada, Senator Charlie Watt, was among the group of witnesses who pressed upon the joint committee, at that time chaired by the late Senator Harry Hays and myself, the inclusion of the Metis people.

You referred to the plight that your mother endured in the residential school because she spoke her own Aboriginal language, and the fact that all residential school children were beaten if they spoke their own Aboriginal language, which is fundamental to one's identity.

Has there been any progress in the last year in restoring the status and use of Aboriginal languages among First Nations, Inuit and Metis? The roots of one's identity are first through language, because language carries thought, mythology, religion and pride in one's culture. Has there been any progress, to your knowledge, in restoring and promoting the use of Aboriginal languages among your peoples?

Mr. Daniels: I believe you mentioned Harry Daniels.

Senator Joyal: Yes.

Mr. Daniels: He is not my father.

Senator Joyal: Are you in any way related to him?

Mr. Daniels: Yes. My father is Metis. He is related to Harry. We all come from Saskatchewan. We have a long Daniels history in the province of Saskatchewan.

Of course, my mother, Lily Daniels, is a well-respected elder in the city of Regina. She has been practising and teaching cultural dancing, the dancing of our women, jingle dress dancing, fancy dancing. She has taught many young women who have gone on to become productive citizens in society, such as RCMP officers and lawyers. They became good people because they embraced their culture and were proud of their culture.

Unfortunately, when my mother left the road allowance, she lost her language. There was no one in the city to speak to and she eventually lost her language. However, the Cree language is still alive and well in North America. We are happy for that, but now we have to go to university to learn it.

Senator Joyal: Chief Fontaine, would you care to comment on the importance of Aboriginal languages in the reconciliation process of Canadians sharing in the culture of Aboriginal people?

Mr. Fontaine: Thank you, senator. Language is important to all peoples in the world. Language represents everything that we are as a people. Language is a repository of our histories. It is about

our values, our teachings and our traditions. Language is of fundamental interest to all peoples in every part of the world, including the first peoples here, the indigenous peoples.

The residential school experience was devastating in terms of the protection of our languages and cultures. The honourable senator is absolutely right when he points out that we were denied the use of our languages in residential schools. That restriction has been successful in terms of putting into effect the policy that resulted in the residential school experience, which was to kill the Indian in the child. They did this by removing the children from the influence of their families. They took the children out of their communities and sent them away, as was the case in Mr. Chartier's situation and my own. I was away for ten years.

We were discouraged from speaking our languages. Some people, including myself, would argue that there are 55 indigenous languages spoken in Canada; others would say 53. Only three of those indigenous languages remain strong today: Cree, the language of Mr. Daniels; Inuktitut, the language of the good senator; and the language I speak, Ojibwa. The other 52 languages are in a precarious state. They are in various stages of disappearing. Once they disappear in Canada, they disappear forever, because this is the homeland of those languages. They are indigenous to this part of the world.

We had a commitment from the previous government, a number of years ago, of $172 million for the preservation and enhancement of indigenous languages. That commitment was deleted from the current government's agenda, and what we were left with was what we had before. Of course, what we had before did not deliver in terms of the preservation and enhancement of our languages. Our languages are disappearing.

We are seeking fair treatment. It would be a tragedy if even one indigenous language were to disappear from here, but we are faced with 52 indigenous languages disappearing. We face a huge disaster and we need to do something to fix the situation.

• (1650)

Mr. Chartier: I would add our disappointment, as the national chief stated, with respect to scrapping the program, which would have been helpful. I know the language of the Metis, Michif, is on the verge of extinction, although we have been working at it strenuously over the last 15 years. There has been some minimal progress. Fortunately, much of the Michif has a Cree influence, so the strong use of the Cree language is helping us maintain the Michif language.

To illustrate something I said earlier in terms of Bill C-31, Kevin Daniels and I have known each other for 30 some years, and he was one of the leaders of our Metis youth movement in Saskatchewan, and a good youth representative at the time. Through Bill C-31, he was able, along with his mother, to gain Indian status, along with thousands of others. Others say, though, that they want out because they feel more comfortable in the Metis world and they want to continue with the Metis culture, but the act does not allow them to do that.

Senator Brazeau: Thank you.

[*Editor's Note: Senator Brazeau spoke in Native language.*]

Thank you for being here this afternoon. Leading up to today, I received a lot of phone calls and correspondence about potential questions to ask all the leaders, and I have narrowed it down to three, if I have time. I will start with my two first questions, and those are for Chief Fontaine.

The first question deals with the issue of accountability. I agree with you, obviously, that many of our peoples live in poverty-stricken situations, and I do not think that we will disagree on that point. However, we have had our disagreements with respect to the need for greater accountability. I was always a strong advocate for greater accountability, and the accountability I talked about was the accountability from chiefs across the country to their citizens. I am not talking about accountability from chiefs to the Department of Indian and Northern Affairs because we both know that there is also an issue with respect to lack of accountability with the department.

Having said that, it is common knowledge that many Canadians, and more importantly, Aboriginal Canadians, across the country now call for greater accountability. In 2006, the Conservative government introduced the Federal Accountability Act. It is no secret that, at that time, the Assembly of First Nations lobbied the New Deomcratic Party and the Liberal Party to introduce amendments to that act so that any Aboriginal organization, reserve community or tribal council that received funding in excess of $5 million on a yearly basis would not be subject to the Federal Accountability Act.

On behalf of those who have approached me to ask you this question, why did the assembly lobby the government to have amendments introduced so they could be exempt from that act? You can correct me if I am wrong, but either you or one of your spokepersons said that the Federal Accountability Act went against Aboriginal and treaty rights. Can you comment on that issue?

Mr. Fontaine: Thank you. The one thing I can say about you, Senator Brazeau, is that you have been consistent on this issue. I would like to see all those letters of concern that you mentioned.

Senator Brazeau: I will share them with you.

Mr. Fontaine: The fact of the matter is that the Assembly of First Nations has never been opposed to the issue of accountability. It is clear that First Nation governments are the most accountable in the country. Our governments are expected to submit, on the average, 160 reports to the federal government, and most of these reports are of no consequence. One could argue that these are bogus because they go to the government, but it is at the insistence of the federal government that these provisions are in place. Every First Nation government is expected to meet these requirements. That is one point.

In terms of the accountability of First Nation governments, in the last report, only 3 per cent of First Nation governments were non-compliant, which means that 97 per cent were compliant. These governments were able to meet strict accounting principles and guidelines. Here again, this reporting is at the insistence of the federal government. We have never opposed that. That is the second point.

The third point is that when we spoke out against the provisions of the accountability act, one important fact was overlooked, that we proposed a number of years ago the creation of two important

institutions. The first was our own Auditor General, someone who would be completely separate and independent from First Nations political interference. The other institution that we wanted to create and establish was the First Nations ombudsman to deal with all the concerns and grievances that apparently are out there regarding poor accountability measures by First Nation governments.

Those important innovations were dismissed. We have never had a take-up on the part of this government to deal with those proposals, and that is the clearest demonstration of our commitment to meet whatever accountability measures are being called for to prove that First Nations are accountable, not only to government but to our people. We are not opposed to any of those measures, but we want our governments to be recognized for what we are, governments, in the same way that other governments are recognized.

Senator Brazeau: My second question deals with the Truth and Reconciliation Commission. Obviously, we had some good news announced yesterday with respect to the commission having different individuals named so they can start the important work that needs to be done. However, if we go back a little, we had a credible and capable individual step down, former Chief Justice LaForme, who was applauded by the Aboriginal community. He indicated that one of the reasons he stepped down was political interference by the Assembly of First Nations.

Having said that, everyone knows that your former chief of staff was also the executive director who was fired by Justice LaForme. Some have suggested as well that perhaps the interference was by yourself in trying to have family and/or friends hired on to this commission. I ask you this question with all due respect. Can you comment on that, please?

Senator Carstairs: Colleagues, I have known Phil Fontaine in several incarnations, both as the Grand Chief of the Assembly of Manitoba Chiefs —

Senator Brazeau: No answer?

Senator Carstairs: — and also as the Grand Chief of the Assembly of First Nations. I want my colleagues here in the Senate to know that his legacy will be that it was never about Phil. It was always about his people, and particularly the children and his desire to have Aboriginal children have appropriate housing, education, health care and children's services.

Meegwech, Phil.

I want to ask a question about children's services. The Wendy Report was clear. The amount of money given to Aboriginal people, whether Metis, or off-reserve or on-reserve persons, is far below the amount of money that is afforded to any other people when their children need to be in care. At the same time, there are greater numbers of children in care than in the general community. I would like to hear from Chief Daniels, Chief Fontaine and Mr. Chartier about what we need to do to ensure that your children receive the services they require.

• (1700)

Mr. Fontaine: I am not aware of the rules and procedures of this place and whether one has immunity from making certain accusations about individuals. What I have heard from Senator Brazeau is defamatory, and I need to protect myself.

Some Hon. Senators: Hear, hear!

Senator Moore: Absolutely!

Mr. Fontaine: One would make such arguments when one does not understand the settlement agreement or has never read it. The fact is that there are six parties to the Indian Residential School Settlement Agreement. The Assembly of First Nations is one of those parties, in fact the only party that has a clear and explicit role in terms of an ongoing responsibility for the implementation of the settlement agreement.

For example, on the recent appointment of the chair of the Truth and Reconciliation Commission, and two other commissioners, the Honourable Minister Strahl consulted with me because that is one of the provisions in the settlement act.

I consider myself one of the architects of the Indian Residential School Settlement Agreement. When we were fighting for this issue, we were a lonely voice. I never heard Senator Brazeau raise his voice once — not a single time — to talk about the great importance that the fair and just resolution of this matter meant, not just for the survivors but the for entire country. It was only after we had completed the difficult and complicated negotiations that people started complaining. Until then, we met with silence.

I am quite disappointed that Senator Brazeau would make those kinds of allegations. They are completely uncalled for but very consistent with Senator Brazeau.

I want you to understand that that is the settlement agreement, and I would urge you to read the provisions of it. Then, you will understand why the Assembly of First Nations had a strong interest in ensuring that the provisions of the settlement agreement are honoured and that everything proceeds in the best interests of not only the survivors but of the country. This is about Canada.

Do we have any regrets about the past? Of course. Will we be stuck in the past? No. We are moving forward with the government on the implementation of the settlement agreement. This very important undertaking will be before us for five years. It represents not only a tremendous opportunity for the country but also a tremendous challenge to get it done right.

The Chair: Witnesses and honourable senators, I am sorry to interrupt but the committee has been sitting for two hours. In conformity with the Order of the Senate of June 9, I am obliged to interrupt proceedings so that the committee can report to the Senate.

Honourable senators will join me in thanking most sincerely the witnesses for being with us today.

Hon. Senators: Hear, hear!

The Chair: Honourable senators, is it agreed that the committee rise and that I report to the Senate that the witnesses have been heard?

Hon. Senators: Agreed.

[*Translation*]

The Hon. the Speaker: Honourable senators, the sitting is resumed.

REPORT OF COMMITTEE OF THE WHOLE

Hon. Rose-Marie Losier-Cool: Honourable senators, the Committee of the Whole authorized by the Senate to hear from First Nations witnesses for the purpose of reporting on progress made on commitments endorsed by parliamentarians of both Chambers during the year following the Government's apology to former students of Indian Residential Schools, reports that it heard the witnesses.

[*English*]

STUDY ON MOTION FOR CONCURRENCE IN LEGISLATIVE ASSEMBLY OF NUNAVUT'S PASSAGE OF THE OFFICIAL LANGUAGES ACT

EIGHTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

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

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

Thursday, June 11, 2009

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

EIGHTH REPORT

Your committee, to which was referred the motion "That, in accordance with section 38 of the *Nunavut Act*, chapter 28 of the Statutes of Canada, 1993, the Senate concur in the June 4, 2008 passage of the *Official Languages Act* by the Legislative Assembly of Nunavut," has, in obedience to the order of reference of Thursday, June 4, 2009, examined the said motion and herewith presents its report.

Your committee recommends that the Senate adopt the said motion.

Respectfully submitted,

JOAN FRASER
Chair

(*For text of report, see today's* Journals of the Senate*, Appendix D, p. 904.*)

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

Senator Fraser: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be considered later this day.

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

Hon. Senators: Agreed.

(On motion of Senator Fraser and notwithstanding rule 58(1)(g) report placed on the Orders of the Day for consideration later this day.)

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator Mockler, for the third reading of Bill S-4, An Act to amend the Criminal Code (identity theft and related misconduct), as amended;

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Grafstein, 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).";

And on the motion in amendment of the Honourable Senator Banks, seconded by the Honourable Senator Moore, 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".

Hon. Fred J. Dickson: Honourable senators I rise to speak to Bill S-4 and the proposed amendment of the Honourable Senator Banks and the proposed amendments of the Honourable Senator Joyal.

On Senator Banks' amendment to broaden the means of identification, the position of the government is thus: The motion to amend clause 1 of the bill which creates an offence for unlawful handling of government-issued identification documents seeks to make clear that future technologies for identification can be captured. This is a laudable objective. We would not want this offence or any offence to be limited to current technologies and, therefore, require amendment as technologies change and improve.

• (1710)

However, the government cannot support the amendment as proposed by Senator Banks. The reason for this is that the words he has proposed are not sufficiently clear to get across their desired meaning. Simply, it is not clear that the public or the courts will understand what is meant by an "apparatus or information storage device that establishes . . . the identity. . . ."

There is some concern that the uncertainty of how this would be interpreted could elevate charter risks for the offence.

Another concern is that by talking about "information storage devices," the amendment could give the impression that this offence covers, for instance, a scan of a passport on someone else's computer. This is not the intent of this offence. That kind of conduct, storing the information from a document, is appropriately prosecuted under the identity theft offence also proposed in this bill.

Honourable senators, I would say that this amendment is not necessary. These days, the term "document" is understood to include computerized or electronic documents, and generally means anything that is capable or intended to convey information. It is certainly not limited to cards.

With respect to the proposal to add the phrase "without the generality of the foregoing," I would say this amendment is not necessary. The definition of identity information in proposed section 402.1 of the bill is non-exhaustive. A general descriptor provided with the definition reads:

> . . . any information . . . of a type that is commonly used alone or in combination with other information to identify or purport to identify an individual . . . .

This descriptor can capture any information, without limitation. Therefore, it is already crystal clear — the list is only a set of examples. One can read this section and be left in doubt that it is open-ended. The reading of this section leaves no doubt that it is open-ended.

I urge honourable senators to oppose this amendment because it serves no purpose. It is always possible that if you add too many "for greater certainty" clauses, you end up causing some uncertainty. In my view, no additional clarification is required here and no benefit will be achieved by this amendment.

Turning now to the amendment suggested by Senator Joyal, his amendment added, I must say, further bureaucracy to the process which, in the opinion of this side of the house, is not necessary. The amendment before us by Senator Joyal deals with reporting requirements on the exemptions contained in clauses 7 and 9 of this bill, which deal with the use of false documents to support undercover operations by law enforcement.

Concealing the true identities of undercover police officers is a protection akin to a uniformed officer caring a sidearm. We do not require the police to rely on law enforcement justification in the Criminal Code because there is an exemption for police officers from offences that would otherwise be committed by carrying their guns. Instead, we provide a clearly defined exemption in law to certain firearms offences. However, we do not require them to report on the fact that they do so.

Similarly, our laws prohibiting the possession of child pornography allow the police to do so in the course of their duties; yet we do not require them to report either internally or publicly when they do so. Reporting requirements such as those in

sections 25.2 and 25.3 of the Criminal Code have their place as important accountability mechanisms, but only in the context of the police exercising discretion to commit offences that have not been defined in advance as acceptable.

In the case of the current bill, it is open to Parliament to decide in advance that the production and use of false documents to support undercover activities is in the public interest and is reasonable and proportionate in the context of combating crime. In that context, and with the proposed exemptions defining a discrete activity that can be carried out by the police, my strong view is that a reporting requirement is out of place and will unduly hamper the police in carrying out their duties.

I would also point out that while I understand law enforcement was consulted in determining the need for these exemptions, they have not had an opportunity to comment on the imposition of reporting requirements. I would remind honourable senators that when the RCMP appeared before the committee examining the bill, neither the exemptions themselves nor a proposed reporting requirement were raised by them.

In fact, senators were particularly concerned with the ability and capacity of the RCMP to enforce the law. The RCMP have clearly indicated that they need these exemptions. If senators are, in fact, committed to supporting law enforcement in carrying out their duties, they should reject this motion to amend the bill.

I would further add that the amendments, as proposed, actually impose a greater reporting requirement than would otherwise be the case if the police made use of the existing law enforcement justification in the code. The reporting requirements in sections 25.2 and 25.3 of the Criminal Code are only triggered where offences are committed by the police that were "likely to result in loss or serious damage to property." The making or use of a false document to support an undercover persona would not meet the threshold. Therefore, the reporting requirements proposed in this motion are not only inappropriate and unnecessary from a public policy perspective; they are also absurd in the burden they would place on the police.

That is exactly what Bill S-4 proposes for the use of covert identification and the considerations are the same. These exemptions do not provide the police with immunity from the identity theft offences created by this bill or the existing offences in the Criminal Code with a fraud element.

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

For these reasons, I call on honourable senators to oppose this motion.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, I will be brief because Senator Dickson has already raised some the items I wanted to discuss.

With regard to Senator Banks' amendments, the Quebec Court of Appeal has already ruled that the definition of "documents" includes more than just paper documents. It ruled that, among other things, a spreadsheet was a document under the Criminal Code.

It is quite likely, based on the definition in clause 56.1 of Bill S-4, that the courts will use this jurisprudence to conclude that the definition of "identity document" includes not just paper-based documents but also computer media that may contain information leading to the conclusion that the person who owns the USB flash drive is the person identified by the information.

With regard to Senator Banks' other amendment, the term "including" has also been examined by the courts on a number of occasions. When the term "notamment" is used in the French text of a law, what follows is representative and not restrictive. The term "including" just denotes "among other things, it means such and such", but it is not restrictive. Therefore, we need not add the proposed amendment.

As to Senator Joyal's amendments, senators heard a description of this bill at second and third reading. This bill seeks to create preparatory offences, minor offences that lead to more serious offences. The bill proposes exceptions for three very specific classes of offences. First is the making of a false document, and all elements of the offence that result in the fabrication of a forgery. This targets individuals who print forgeries, who use instruments to fabricate false documents.

The second offence covered under the exceptions is the use of a forged document, and the third, being in possession of instruments used to make forged documents. It is very limited.

• (1720)

Honourable senators have heard Senator Dickson's points. The Department of Justice has said — and I agree — that these were minor offences and that police officers had to have the power to create false documents in the context of undercover operations so they could pursue investigations thoroughly. So it is fair and reasonable for this bill to include such exceptions for minor offences.

In closing, I would note that the committee unanimously agreed to Senator Joyal's proposal to review the bill in five years. We will have all the time we need in five years to study the content of this bill once it has been enacted, to see whether it is working, and to determine whether any amendments are needed.

Honourable senators, I recommend that you not adopt the proposed amendments, but pass the bill at third reading as reported from the committee.

[*English*]

The Hon. the Speaker: Continuing debate?

Hon. Senators: Question.

The Hon. the Speaker: There being no honourable senators wishing to enter the debate, we will put the question on the motion in amendment of the Honourable Senator Banks.

It was moved by the Honourable Senator Banks, seconded by the Honourable Senator Moore, that Bill S-4 — shall I dispense?

Some Hon. Senators: Dispense.

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

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

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

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion in amendment will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it. The motion in amendment of Senator Banks is defeated.

The Hon. the Speaker: Honourable senators, I shall now put the second motion in amendment.

It was it was moved by the Honourable Senator Joyal, seconded by the Honourable Senator Grafstein, that Bill S-4 as amended be — shall I dispense?

Hon. Senators: Dispense.

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

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion in amendment will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it. The motion in amendment of Senator Joyal is defeated.

The Hon. the Speaker: The main motion is moved by the Honourable Senator Wallace, seconded by the Honourable Senator Mockler, that Bill S-4, an Act to amend the Criminal Code (identity theft and related misconduct), as amended, be read the third time.

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

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

[*Translation*]

ROYAL ASSENT

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

RIDEAU HALL

June 11, 2009

Mr. Speaker,

I have the honour to inform you that the Honourable Rosalie Silberman Abella, Puisne Judge of the Superior Court of Canada, in her capacity as Deputy of the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 11th day of June, 2009, at 3:56 p.m.

Yours sincerely,

Secretary to the Governor General
Sheila-Marie Cook

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, June 11, 2009:

An Act to amend the Customs Act (*Bill S-2, Chapter 10, 2009*)

An Act to amend the Arctic Waters Pollution Prevention Act (*Bill C-3, Chapter 11, 2009*)

An Act to amend the Cree-Naskapi (of Quebec) Act (*Bill C-28, Chapter 12, 2009*)

[*English*]

STUDY ON MOTION FOR CONCURRENCE IN LEGISLATIVE ASSEMBLY OF NUNAVUT'S PASSAGE OF THE OFFICIAL LANGUAGES ACT

EIGHTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Legal and Constitutional Affairs, entitled: *Language Rights in Canada's North: Nunavut's* New Official Languages Act, presented in the Senate earlier this day.

Hon. Joan Fraser: Honourable senators, I think it is in order to give a little explanation of this report. This report arises out of the motion proposed by Senator Joyal, a week ago today, that the Standing Senate Committee on Legal and Constitutional Affairs study the motion— before the Senate voted on it — to concur in the passage by the Legislative Assembly of Nunavut of an Official Languages Act.

Honourable senators will recall that there was a passionate debate on this motion last week. I thought it was one of the Senate's finer moments. Senators expressed concern about, and dedication to, core principles — respect for Aboriginal people, respect for individual rights and respect for the rights of minority linguistic communities.

It was in that perspective that the committee held intensive hearings yesterday and adopted its report, which I now present today. Before I go any further, let me say that the committee expresses in its report, and cannot over-express, its gratitude to all the staff who have worked practically non-stop since last Thursday afternoon to enable us to produce a report that the Senate could find useful and appropriate in the short time that was available to us.

We heard witnesses yesterday. We heard from the Government of Nunavut, the Languages Commissioner of Nunavut, the federal Commissioner of Official Languages; a representative of the Francophone Association of Nunavut; from representatives of Inuit associations in Nunavut; and from the Department of Justice Canada.

Honourable senators, it became clear to us that the bill that we are being asked to concur in arises out of a unique situation in Nunavut. In Nunavut, the vast majority of the population are Inuit. However, the increasingly pervasive language is English in the public administration, in the courts, in business, and increasingly even in the home.

There is also in Nunavut a small but determined and committed francophone community, committed to Nunavut as francophones.

• (1730)

The object of this bill, that we are asked to concur in, is to make the Inuit language one of three official languages of Nunavut together with English and French which have been official languages of the territory since before there was a Nunavut and it was all part of the Northwest Territories.

Given that the Inuit are the overwhelming majority of the population in Nunavut, it seems clear that that objective is not only understandable, but desirable.

The bill provides for many things that will be familiar to those who have studied the official languages situation here in the South. Debates, records and journals of the Legislative Assembly shall be in English and French and in the Inuit language and all versions of the acts shall be equally authoritative. The acts shall be published in English and French and may, by resolution of the Legislative Assembly, be published in the Inuit language as well, and all versions will be equally authoritative, as is now the case for the French and English versions of legislation that we pass here.

Individuals may use any of the three official languages in judicial or quasi-judicial proceedings. Final decisions, orders or judgments from those proceedings may be in any of the official languages and a person who has been involved in the pleadings may request and will receive a translation of the decision into another official language. The person will receive a translation if it involves a question of law of specific interest, or importance affecting the minority language community in question; if it is a matter of significant interest to the general public, or importance in general public law; or if it is particularly significant for the individual who is requesting the decision.

Territorial institutions — territorial in the sense of government of the territory — must provide signs, notices to the public and instruments in all official languages. Members of the public have the right to communicate with the institutions in the official language of their choice, always with the head office of an institution and in other offices where there is a significant demand.

The phrase "significant demand" raised the antennae of some of us who remember the passionate debates over the phrase "where numbers warrant," which here in the South has often used as a tool to limit the provision of minority language services.

We asked the Official Languages Commissioner of Nunavut how she would interpret that phrase. She gave the most wonderful answer. She said, well, take health services, for example, and in a given community there may be, say, 85 per cent Inuit people, so, of course, for service in the Inuit language there is a significant demand for service in the Inuit language. She went on to say, suppose 10 per cent of the population are English speaking; there is a significant demand for English services. She completed her answers by saying that if there were one francophone; that person would be entitled to health services in his or her language.

May I say, honourable senators, that that answer was typical of what we discovered about the design, development and elaboration of this bill, and of companion legislation which is not before Parliament, because it does not require our concurrence, which is designed to promote and protect the Inuit language.

This program has been developed in that wonderful Inuit tradition of consultation, conciliation, cooperation, compromise and consensus. It was very moving to us, to hear all those who had participated. Honourable senators, I may say that the federal Commissioner of Official Languages, reinforce the fact that it was the basis upon which this program and the bill has been developed.

No one spoke more eloquently or more movingly about this process than the representative of the francophones in Nunavut, who supports this bill with all the passion I can ask you to imagine. He said: We share the Nunavut dream. We believe in the importance of this legislation, and we trust the Inuit majority of Nunavut to work with us as we go forward. He said, we know there are risks; there are always risks in human endeavour, but we believe in this process, and we want it to move forward. I think it is fair to say that every member of the committee was moved and impressed by that avowal.

Our first recommendation, honourable senators, is that the Senate indeed concur in the passage of this bill by the Legislative Assembly of Nunavut which, I might point out, has been waiting patiently for one year for Parliament to get around to doing this. Nunavut passed this bill one year ago, on June 4, 2008. It is not Nunavut's fault that Parliament has taken so long to do what Parliament was asked to do.

We also ask, however, that Statistics Canada monitor and report on the composition of Nunavut's population to identify the use of five Aboriginal languages that, under the terms of this bill, will no longer be considered official languages: Chipewyan, Cree, Dogrib, Gwich'in and North Slavey and South Slavey. Those are all languages that are spoken and used in the Northwest Territories, from which the existing regime in Nunavut was inherited.

Statistics Canada has found, in a number of those cases, no residents of Nunavut for whom any of these is their native language. In the case of several languages it is literally zero; in one or two it is ten or so.

However, we suggest that the situation continue to be monitored, because populations are mobile. We have also suggested that, if Nunavut asks, the federal Commissioner of Official Languages should work with Nunavut to make available his expertise and advice to assist in the implementation of the act and its objectives.

We have strongly suggested that, as we move forward, the Government of Canada make adequate and sustained funding available to the Government of Nunavut for the continued protection and promotion of official languages in the territory, as is consistent with the government's legal obligations. The Government of Canada has numerous legal obligations to the Aboriginal peoples in general, and to the people of Nunavut in particular.

Those obligations — however eloquently we may speak here in the South — will remain empty unless we provide the resources necessary for them to be met.

Finally, honourable senators, there is a recommendation that may seem rather technical, but it is thanks to a question that was raised by Senator Corbin during our hearings, I believe. He noted that this bill was before us for concurrence because the Nunavut act calls for the concurrence of Parliament by way of resolution if a bill that diminishes anybody's language rights is passed in Nunavut. You will recall that, should there be a speaker of Dogrib in Nunavut, his rights will have been diminished because his language is no longer is official. I am trying to suggest to you that diminution is tiny, but we have to concur in it.

The question is what is Parliament? The Department of Justice officials said that, oh well, Parliament in this case — because the act calls for resolutions — just meant resolutions by the Senate and the House of Commons.

As you know, Parliament, strictly defined, also includes Her Majesty. We recommend that, for greater certainty, the Governor General, as the representative of Her Majesty, also be asked to concur in the passage of this bill by Nunavut, thereby eliminating any possible question as to it is validity.

• (1740)

Honourable senators, we believe this bill is important. We believe it is important to adopt this report. I will explain why by quoting from a letter that Thomas Berger wrote as a report to the then Minister of Indian Affairs and Northern Development, the Honourable Jim Prentice, in March 2006. He said:

> Inuktitut is the vessel of Inuit culture. The Inuit are determined to retain their language; it is integral to their identity. . . .
>
> Our ideas of human rights, of strength and diversity, of a northern destiny merge in the promise of Nunavut. It is a promise that we must keep.

I urge you, honourable senators, to adopt this report.

Hon. Tommy Banks: Would the honourable senator accept a question? It is merely a question of curiosity.

The Hon. the Speaker: Senator Fraser's time has elapsed.

Senator Fraser: The hour is late, but I would seek leave to respond to one question.

Hon. Gerald J. Comeau: One question.

Senator Fraser: Can I make that two questions because Senator Adams, who has particular expertise in this area, will also have a question.

Senator Comeau: Five minutes.

The Hon. the Speaker: There is agreement for a five-minute extension.

Senator Banks: The Nunavut legislature passed the act in June 2008. The resolution was introduced in the House of Commons in June 2009 — a few days ago. It was addressed with alacrity there. Today is June 11. I think that Parliament has had possession of this resolution for about 10 days. Where was it in the intervening year?

Senator Fraser: Thank you for that question, Senator Banks. I do not know where it was physically. It may have been on someone's desk. It is now before us.

Hon. Willie Adams: Honourable senators, I have a similar question to that of Senator Banks.

Bill C-7, the Inuit Language Protection Act, was passed by the Nunavut legislature on June 4, 2008. At the same time they passed an education act. Somehow the bill was delayed in the legislature in Iqaluit in translation from Inuktitut. The delay was not in Ottawa. That is why it came here a week ago with the motion to concur. It has not been sitting in the House of Commons for a year.

Some of the recommendations deal with Inuktitut, English and French. Around 1982 or 1984, Inuktitut was recognized in the Northwest Territories. At that time, the Government of Canada recognized six languages in the Northwest Territories.

The Nunavut Implementation Commission was appointed in 1993. Its nine members studied the establishment of the Nunavut government. In 1996, it tabled two reports entitled *Footprints in New Snow* and *Footprints II* that talked about how the Inuit culture began, how to govern Nunavut in the future and education in the languages of Nunavut. Nunavut was created in 1999.

Currently, the Cree, Chippewa and Dene are still maintaining their own languages. After Bill 6 was passed, the Official Languages Act of Nunavut, those nations can do whatever they want. They have different dialects that we do not understand. It is like the differences between French and English.

The committee report references a Royal Recommendation. We do not need a Royal Recommendation to go to the Governor General. What came here from Nunavut was a motion to the House of Commons and to the Senate. They do not need a Royal Recommendation. It is like languages and schools for the provinces. We have a good curriculum in Nunavut and it will now be better. It may be better than any of the provinces.

A Royal Recommendation will delay this for the Nunavut government. They will ask what happened. If the Senate passes that recommendation, will the Nunavut government have to put that into its language regulations?

Senator Fraser: Honourable senators, Senator Adams was using understandable shorthand when he talked about a Royal Recommendation. I should stress that we are not talking about a Royal Recommendation in the technical sense, which involves spending of public money. There is no spending by Parliament involved here.

Senator Adams, this is only a recommendation. It does not have the force of law. It is a recommendation by the committee that the Governor General also be asked to sign a letter saying she agrees. When the Nunavut Act was passed, section 38 of the act said that if language legislation in Nunavut diminishes anyone's rights, such as those non-speakers of Dogrib or other languages, it must be concurred in by Parliament by way of resolution. The British North America Act states that Parliament is the House of Commons, the Senate and the Queen.

The Department of Justice Canada thinks that when we pass this resolution, that is it — it is done. Maybe it is. I am sure Nunavut will think it is done. The committee said, "Why not get a belt and suspenders here and also get yourself a letter signed by the Governor General?"

Her Excellency has shown an intense commitment to the welfare and advancement of northern peoples, particularly in recent times. We saw no reason to believe that she would delay signing such a letter if she were asked.

In any case, adopting this report cannot make it a requirement. Adopting this report does not change anything in the laws of Nunavut. It is only a recommendation. It is an idea that we thought was a good one.

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

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Fraser, seconded by the Honourable Senator Munson, that this report be adopted now.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

(Accordingly, the Senate adopted the motion that it concur in the June 4, 2008 passage of the Official Languages Act by the Legislative Assembly of Nunavut.)

• (1750)

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, given the hour, I would request leave to proceed to the adjournment motion and that all items on the Order Paper stand in their place.

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

Hon. Senators: Agreed.

[*Translation*]

ADJOURNMENT

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

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

> That when the Senate adjourns today, it do stand adjourned until Tuesday, June 16, 2009, at 2 p.m.

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

Some Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned to Tuesday, June 16, 2009, at 2 p.m.)

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

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

(2nd Session, 40th Parliament)

Thursday, June 11, 2009

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

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Customs Act	09/01/29	09/03/03	National Security and Defence	09/03/31	1	09/04/23	*09/06/11	10/09
S-3	An Act to amend the Energy Efficiency Act	09/01/29	09/02/24	Energy, the Environment and Natural Resources	09/03/11	0	09/03/12	*09/05/14	8/09
S-4	An Act to amend the Criminal Code (identity theft and related misconduct)	09/03/31	09/05/05	Legal and Constitutional Affairs	09/06/09	5	09/06/11		
S-5	An Act to amend the Criminal Code and another Act	09/04/01							
S-6	An Act to amend the Canada Elections Act (accountability with respect to political loans)	09/04/28							
S-7	An Act to amend the Constitution Act, 1867 (Senate term limits)	09/05/28							

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to implement the Free Trade Agreement between Canada and the States of the European Free Trade Association (Iceland, Liechtenstein, Norway, Switzerland), the Agreement on Agriculture between Canada and the Republic of Iceland, the Agreement on Agriculture between Canada and the Kingdom of Norway and the Agreement on Agriculture between Canada and the Swiss Confederation	09/03/31	09/04/22	Foreign Affairs and International Trade	09/04/23	0	09/04/28	*09/04/29	6/09
C-3	An Act to amend the Arctic Waters Pollution Prevention Act	09/05/05	09/05/13	Transport and Communications	09/05/28	0	09/06/02	*09/06/11	11/09
C-4	An Act respecting not-for-profit corporations and certain other corporations	09/05/05	09/06/10	Banking, Trade and Commerce					
C-5	An Act to amend the Indian Oil and Gas Act	09/04/21	09/04/23	Aboriginal Peoples	09/05/05	0	09/05/06	*09/05/14	7/09

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-7	An Act to amend the Marine Liability Act and the Federal Courts Act and to make consequential amendments to other Acts	09/05/14	09/06/03	Transport and Communications					
C-9	An Act to amend the Transportation of Dangerous Goods Act, 1992	09/03/26	09/04/28	Transport and Communications	09/05/07	1	09/05/13 Message from Commons-agree with Senate amendment 09/05/14	*09/05/14	9/09
C-10	An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures	09/03/04	09/03/05	National Finance	09/03/12	0	09/03/12	*09/03/12	2/09
C-11	An Act to promote safety and security with respect to human pathogens and toxins	09/05/06	09/06/02	Social Affairs, Science and Technology					
C-12	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 (*Appropriation Act No. 4, 2008-2009*)	09/02/12	09/02/24	—	—	—	09/02/26	09/02/26	1/09
C-14	An Act to amend the Criminal Code (organized crime and protection of justice system participants)	09/04/28	09/05/27	Legal and Constitutional Affairs					
C-15	An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts	09/06/09							
C-16	An Act to amend certain Acts that relate to the environment and to enact provisions respecting the enforcement of certain Acts that relate to the environment	09/05/14	09/05/27	Energy, the Environment and Natural Resources	09/06/11	0 observations			
C-17	An Act to recognize Beechwood Cemetery as the national cemetery of Canada	09/03/10	09/03/12	Social Affairs, Science and Technology	09/04/02	0	09/04/02	*09/04/23	5/09
C-18	An Act to amend the Royal Canadian Mounted Police Superannuation Act, to validate certain calculations and to amend other Acts	09/05/12	09/05/28	National Finance	09/06/11	0 observations			
C-21	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 (*Appropriation Act No. 5, 2008-2009*)	09/03/24	09/03/25	—	—	—	09/03/26	*09/03/26	3/09
C-22	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 (*Appropriation Act No. 1, 2009-2010*)	09/03/24	09/03/25	—	—	—	09/03/26	*09/03/26	4/09

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-24	An Act to implement the Free Trade Agreement between Canada and the Republic of Peru, the Agreement on the Environment between Canada and the Republic of Peru and the Agreement on Labour Cooperation between Canada and the Republic of Peru,	09/06/04	09/06/09	Foreign Affairs and International Trade					
C-25	An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody)	09/06/09							
C-28	An Act to amend the Cree-Naskapi (of Quebec) Act	09/05/27	09/06/04	Aboriginal Peoples	09/06/09	0	09/06/10	*09/06/11	12/09
C-29	An Act to increase the availability of agricultural loans and to repeal the Farm Improvement Loans Act	09/05/27	09/06/09	Agriculture and Forestry	09/06/11	0			
C-33	An Act to amend the War Veterans Allowance Act	09/06/04	09/06/09	National Security and Defence					
C-39	An Act to amend the Judges Act	09/06/10	09/06/11	Legal and Constitutional Affairs					

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Library and Archives of Canada Act (National Portrait Gallery) (Sen. Grafstein)	09/01/27							
S-202	An Act to amend the Canada Elections Act (repeal of fixed election dates) (Sen. Murray, P.C.)	09/01/27							
S-203	An Act to amend the Business Development Bank of Canada Act (municipal infrastructure bonds) and to make a consequential amendment to another Act (Sen. Grafstein)	09/01/27	09/05/06	Banking, Trade and Commerce					
S-204	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	09/01/27							
S-205	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	09/01/27	09/03/31	Legal and Constitutional Affairs	09/06/04	1	09/06/10		
S-206	An Act respecting the office of the Commissioner of the Environment and Sustainable Development (Sen. McCoy)	09/01/27							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-207	An Act to amend the Employment Insurance Act (foreign postings) (Sen. Carstairs, P.C.)	09/01/27	Bill withdrawn pursuant to Speaker's Ruling 09/02/24						
S-208	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	09/01/27	09/04/29	Energy, the Environment and Natural Resources					
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	09/01/27							
S-210	An Act respecting World Autism Awareness Day (Sen. Munson)	09/01/27	09/03/03	Social Affairs, Science and Technology	09/05/14	0	09/05/26		
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 (Sen. Grafstein)	09/01/27	09/06/10	Legal and Constitutional Affairs					
S-212	An Act to amend the Canadian Environmental Protection Act, 1999 (Sen. Banks)	09/01/27							
S-213	An Act to amend the Income Tax Act (carbon offset tax credit) (Sen. Mitchell)	09/01/27							
S-214	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	09/01/27							
S-215	An Act to amend the Constitution Act, 1867 (Property qualifications of Senators) (Sen. Banks)	09/01/27	09/03/24	Legal and Constitutional Affairs					
S-216	An Act to amend the Federal Sustainable Development Act and the Auditor General Act (Involvement of Parliament) (Sen. Banks)	09/01/27	09/03/11	Energy, the Environment and Natural Resources	09/04/02	0	09/04/23		
S-217	An Act respecting a National Philanthropy Day (Sen. Grafstein)	09/01/27	09/05/05	Social Affairs, Science and Technology	09/05/14	2	09/06/02		
S-218	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	09/01/29							
S-219	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	09/02/03	Bill withdrawn pursuant to Speaker's Ruling 09/05/05						
S-220	An Act respecting commercial electronic messages (Sen. Goldstein)	09/02/03	09/04/02	Transport and Communications					
S-221	An Act to amend the Financial Administration Act (borrowing of money) (Sen. Murray, P.C.)	09/02/04							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-222	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Murray, P.C.)	09/02/04							

CONTENTS

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