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OFFICIAL REPORT
(HANSARD)

Wednesday, June 2, 2010

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

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THE SENATE

Wednesday, June 2, 2010

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

Prayers.

SENATORS' STATEMENTS

THE FUR TRADE

Hon. Nicole Eaton: Honourable senators,

> The history of Canada has been profoundly influenced by the habits of an animal which very fittingly occupies a prominent place on her coat of arms. The beaver . . .

So begins Harold Innis's book *The Fur Trade in Canada*, completed 81 years ago this month.

[*Translation*]

The Fur Trade in Canada: a title does not get more ambitious than that, and would certainly not be found on a typical best sellers list. At first glance, Innis's work appears to be a prosaic study of a long-forgotten and unimportant form of trade.

However as we dig deeper, we find that he reveals the truth about the founding of our country.

[*English*]

In his landmark work of Canadian scholarship, Innis contends that trade in beaver pelts largely determined Canada's early physical and political development. Explorers, adventurers and traders used the vast, intricate system of lakes and interconnecting rivers along the edge of the Canadian Shield to tap into the rich fur lands of the continent's interior. Over time, merchants of the two great fur trading companies created a constellation of forts, trading posts, portage points, and eventually small communities from the St. Lawrence up to the Mackenzie River and then onward to the Columbia River and the shores of the Pacific Ocean.

The border these traders carved into the land roughly coincides with the current boundaries of Canada. In laying out this thesis, Innis turns conventional historical wisdom on its head. The country's natural trading patterns did not run north to south but east to west. As a result, the country we have today emerged not in spite of its geography, but because of it.

"The lords of the lakes and forest may have passed away," Innis writes, "but their work endures in the boundaries of the Dominion of Canada and in Canadian institutional life."

[*Translation*]

Innis's book laid the foundation for what we have come to know as the "staples theory" of Canadian development.

According to this school of thought, the relationship between Canada and Great Britain grew stronger primarily because our country continued to export basic commodities to an increasingly industrialized mother country.

Furs were replaced by fish, which were replaced by wood, which was replaced by pulp and paper, wheat and minerals like gold and nickel.

Today, the economic ties we had with Great Britain have dissolved, but Canada's natural resources remain an engine of political, social and economic development.

For proof, we need only look at the rapidly expanding gold mines in the north. However, Innis was wrong about one thing: the lords of the lakes and forests have not passed away; they are still with us.

FRANCO-MANITOBAN FLAG

THIRTIETH ANNIVERSARY

Hon. Maria Chaput: Honourable senators, I rise today to draw attention to the thirtieth anniversary of the Franco-Manitoban flag.

Allow me to tell the story behind our flag, which was designed in 1980 by Cyril Parent of Manitoba. The Franco-Manitoban flag features red and yellow bands representing the Red River and Manitoba's wheat, and green stems symbolizing deep roots which become living leaves that form an "F" for francophones.

A group of 29 Manitoba cyclists travelled 2,200 kilometres from Winnipeg to Ottawa to celebrate the thirtieth anniversary of the Franco-Manitoban flag and raise its profile across Canada. The event was called "À vélo pour mon drapeau!"

Before getting under way, they gathered around the gravesite of Louis Riel, a founding father of Manitoba and staunch defender of francophones' rights. The group set off from the Saint-Boniface cathedral on Friday, May 14, at 7 a.m. The trek that began on May 14 in Winnipeg ended in Ottawa on May 30. On Monday, May 31, the cyclists and their support team were welcomed to Ottawa by the Honourable James Moore, Minister of Canadian Heritage and Official Languages, and by Shelly Glover, the member for Saint-Boniface. It was my great pleasure to be at the reception. The president of the Franco-Manitoban society, Ibrahima Diallo, gave a very touching speech.

I would like to close with some of Mr. Diallo's words:

> The word "tenacity" is often used to describe the history of Manitoba's Francophonie and the people who choose to be a part of it. How else can one explain the fact that Manitoba has always had a modern and dynamic Francophonie that brings together people of Franco-Manitoban origin, the Métis, immigrants, bilingual people and francophiles? People love being part of our francophone

> community, which encourages them to be the best they can be. People say that a symbol represents an evocative, magical or mystical object or image. For the past 30 years, the Franco-Manitoban flag has been our symbol, the symbol of a modern and dynamic Francophonie.

Honourable senators, now more than ever before, this flag will inspire a deep feeling of pride and belonging in us and for us.

[*English*]

ITALY

REPUBLIC DAY

Hon. Consiglio Di Nino: Honourable senators, the Italian peninsula has had a long and storied past, including centuries as the centre of the Roman Empire. Its peoples became a nation in 1861, when Garibaldi, with his "1,000" — these were men that he had under his leadership — united them under one flag, ruled by the monarchy of King Vittorio Emanuele II.

In 1946, after the brutal and devastating experience of World War II, Italians held a referendum to approve the creation of a modern republic. Today, June 2, 2010, marks the sixty-fourth anniversary of La Republica Italiana.

Once the new republic had taken hold, Italy played an important role in creating a new world order.

[*Translation*]

Italy was a founding member of both the European Union and the North Atlantic Treaty Organization. It is an important member of the G8 and G20 organizations, and sits on the Organisation for Economic Co-operation and Development, the World Trade Organization, the OSCE and the Council of Europe, just to name a few.

[*English*]

Well over one million Canadians claim Italian heritage, creating a strong bond between Canada and Italy.

[*Translation*]

As a proud Canadian and proud son of Italy, I would like to offer all Italians my sincere congratulations in celebration of their national holiday, as well my best wishes for continued success in all of their endeavours.

• (1340)

[*English*]

THE LATE HONOURABLE MARTHA PALAMAREK BIELISH

Hon. Joyce Fairbairn: Honourable senators, it is with sadness but fond memories that I listened last week as Senator Lowell Murray paid tribute to an old friend, the late Honourable Martha Bielish. Senator Bielish entered this chamber in 1979 as the first female member of the Senate representing my beloved province of Alberta. She was also proud to be the first woman of Ukrainian heritage to serve as a senator.

Martha Bielish was an inspired choice of then Prime Minister Joe Clark. She followed the legacy of the Famous Five — Albertan women who fought with great vigour in 1929 to open the doors of this chamber so that women could have the same opportunity as men. Equality has grown in the footsteps of Martha.

During Martha's years in this place, she enthusiastically brought to our attention concerns on agricultural issues and the needs of transportation and communication for those far away from the centre of Canada. Senator Martha Bielish led the way in creating opportunities for women at the forefront of communication in this country.

As we both came from rural, agricultural areas based in communities in Alberta, when I entered this place almost 26 years ago, as the second woman senator from Alberta, Martha held out her hand to me. She served as my mentor and friend and urged me to speak up, to give a fair chance to rural people who needed to be supported, then and now.

Martha was a hard worker with a great sense of kindness and good spirit. She will always be fondly remembered and respected by those of us who knew her here, by her family and friends, and the women who have followed in her footsteps.

We will miss you, Martha.

QUESTION PERIOD

INTERNATIONAL COOPERATION

OFFICIAL DEVELOPMENT ASSISTANCE ACCOUNTABILITY ACT

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. Could she give us a report or a response on the implementation of Bill C-293 that was passed two years ago on May 28, 2008? The bill created an act respecting the provision of official development assistance abroad.

Can the leader confirm that this bill has been put into operation by this government?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will take the honourable senator's question as notice and ascertain the facts.

Senator Dallaire: If I may, I have a supplementary question. I raise the question at this time because section 5(1) indicates:

> The Minister or a competent minister shall cause to be submitted to each House of Parliament, within six months after the termination of each fiscal year or, if that House is not then sitting, on any of the first five days next thereafter that the House is next sitting, a report —

A slew of sub-elements follows.

I fear I have seen nothing of that nature put before this house. Unless the Chair of the Standing Senate Committee on Foreign Affairs and International Trade has seen something, it seems to me that nothing has been produced yet.

Senator LeBreton: Honourable senators, I will request a written response to the stipulations in the bill and ask the minister to address each of them.

Senator Dallaire: I thank the leader for her response. So much has evolved and so many decisions have been taken at CIDA over the last while on a variety of subjects with regard to our international development funds. It seems to me that there may not be a strategic purpose with regard to the focus of this act, which is poverty reduction. As there has been so much action, there is a sense of urgency to the response with regard to whether this bill has been applied by the government.

Senator LeBreton: As the honourable senator knows, CIDA expends a considerable amount of money on various development projects around the world. Many of these projects are presently under review to ensure that the money is sent where it is intended in the area of development aid. All of this is to say that CIDA is at the centre of much activity at the moment, and I will seek clarification on the status of this legislation.

CANADA POST

RURAL POST OFFICES

Hon. Robert W. Peterson: Honourable senators, my question is for the Leader of the Government in the Senate.

On April 20 of this year, I raised the question of Canada Post office closures. On May 13, I received a written answer as follows:

> On September 12, 2009, the Government of Canada announced the establishment of the Canadian Postal Service Charter expecting that Canada Post will continue to provide postal services Canadians can count on, maintain rural service, and protect Canadians' mail. The provision of postal services to rural regions of the country is an integral part of Canada Post's universal service. The Service Charter stipulates that Canada Post will maintain service in rural Canada and upholds the moratorium on the closure of rural post offices.
>
> As a result the moratorium on the closure of rural post offices has been maintained. Canada Post believes its rural post offices are an essential part of the company's network — a network that has greater reach than any other retailer in Canada and greater depth and breadth than that of any other logistics or delivery company.

Unfortunately, the answer is not substantiated by reality.

On May 31, two weeks after receiving confirmation of the moratorium on post office closures, the post office in the resort village of Elbow, Saskatchewan, was closed. The terms of the Canadian Postal Service Charter were ignored.

Can the leader advise this chamber how many additional rural post offices in Saskatchewan are targeted for closure this year?

Hon. Marjory LeBreton (Leader of the Government): As the honourable senator correctly stated in his preamble, the Canadian Postal Service Charter announced last fall reflects the government's commitment to universal, effective and economically viable postal services for all Canadians, both rural and urban. Part of that initiative was protecting rural mail delivery by imposing a ban on the closure of rural post offices.

• (1350)

The honourable senator has cited an example where the initiative was not respected by Canada Post. I will have to refer the question to the department and the minister responsible to find out exactly what happened in this instance.

I would hope this is not the case in other places in Saskatchewan. The government has made it clear to Canada Post many times that they must maintain rural delivery. Therefore, I will have to check into the facts with regard to the post office box in Elbow, Saskatchewan.

I had some questions from Senator Chaput about a post office in St. Boniface. When we checked into the matter, the post office was not being closed but might move a few blocks down the street. As I did with Senator Chaput, I will ascertain exactly what the situation is with regard to the post office in Elbow, Saskatchewan.

[*Translation*]

NATIONAL DEFENCE

OFFICIAL LANGUAGE TRAINING

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. According to Graham Fraser, the Commissioner of Official Languages, francophone and anglophone soldiers still do not have equal access to training in their own language. It is crucial that the minister responsible for the Canadian Armed Forces show some leadership and commitment in order to address this discrepancy.

Can the Leader of the Government in the Senate suggest to the minister responsible for the Armed Forces that he act on all 20 recommendations made by Mr. Fraser?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. The Canadian Forces recognize the importance of supporting both official languages and ensuring that French and English have equal status. It is not only the right thing to do, it also makes operational sense.

I will seek an update on the status of this program, but I will say the government is fully committed to it.

[*Translation*]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, some time ago, I also asked some very similar questions regarding courses offered in French for Canadian Forces members. Here we are a few years later and the situation has not changed. Shortcomings in strategic and operational planning make it difficult for the Canadian Forces to effectively evaluate how many courses are needed in each official language; waiting times are far too long; there is a significant shortage of instructors who can give courses; and lastly, official languages are not considered to be an essential component of the individual training and education management framework.

Can the minister tell us when we can expect to see these problems resolved?

[*English*]

Senator LeBreton: I thank the honourable senator for her question. Shortly after we formed the government in 2006, the Department of National Defence set out to transform its official languages model. Since then, it has made measurable progress. National Defence has enhanced policy development, strengthened the network of language coordinators, increased awareness activities and created a performance measurement system.

With respect to Camp Borden, in particular, the Canadian Forces have taken a number of specific immediate actions to support both official languages. I am only using CFB Borden as an example because I was asked about that base here before. For example, the orientation program for new students now includes information on linguistic rights and responsibilities, which has increased language rights awareness from under 20 per cent in 2007 to over 90 per cent in 2008. Based on the experience at CFB Borden and the positive results we have had there, National Defence is adopting similar measures in Gagetown and Saint-Jean to improve the provision of training, education and services in both official languages.

If there is more updated information than what I have already provided, I will be happy to provide it.

PUBLIC SAFETY

PRISON FARM PROGRAM

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate and is with regard to the cancellation of the prison farm program. Recently, the Committee on Public Safety and National Security in the other place heard from witnesses who spoke in favour of keeping these farms open. Only the government officials supported the closures, and they did not provide any information that would justify the government's actions.

What evidence did the government use to shut down this program? If there is any evidence, would the leader present it to the Senate, please?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Callbeck for her question. Honourable senators, I understand aspects of the prison farm issue are still getting some attention in the other place. With regard to the overall success of the prison farm program, less than 1 per cent of prisoners released into the community have actually gone and worked in the agricultural sector in the last five years. That is a significant number.

Senator Callbeck: The leader says those people have gone to work in the agricultural sector, but what about the inmates who took part in the prison farm program and have gone on to other sectors? The government testified that they had no idea as to what that number might be. They had no evidence as to whether the farms are more successful than other programs.

Working on the farm gives inmates skills they need to succeed when they get out: a strong work ethic, responsibility, compassion, how to be a team player, and how to resolve conflicts.

The committee's report that I spoke about in my first question called on the Minister of Public Safety to refrain from taking any steps to sell, dismantle or reduce operations of any of Canada's prison farms in any way until independent experts have an opportunity to fully review the situation, value the farm program and report in writing.

What steps has the government taken to carry out this recommendation of parliamentarians, or has the government completely ignored the recommendation?

Senator LeBreton: The decision regarding prison farms was made following an extensive review of the program and after hearing expert advice.

The honourable senator mentioned the prisoners receiving valuable training on prison farms. Initially, the primary function of prison farms was to train people in the agricultural sector. I pointed out that less than 1 per cent of the prisoners who participate in this program actually go into the agricultural sector.

The honourable senator mentioned they go into other sectors. However, in our corrections facilities and the prison system, many other trades and programs are available to these individuals. The fact that they might have been on a prison farm and developed some skills that later served them well in the general Canadian population does not automatically mean they would not have gotten that training in any event in a prison facility.

This issue is the result of a committee in the other place. With regard to the recommendations, I will take the honourable senator's question as notice as to what the minister will be doing in order to respond to the report.

Senator Callbeck: I had trouble hearing the first part of the leader's answer, but I believe she said the government received expert advice. If that was what the leader said, would she table that expert advice?

• (1400)

Senator LeBreton: Honourable senators, I will do no such thing. The advice was provided to the Minister of Public Safety. The issue is still current. Activity is ongoing in the other place with regard to prison farms and what the future holds for them in many parts of the country.

Prison farms were found mainly at minimum security institutions. Their initial intent was to train and prepare prisoners to work in the agricultural sector once they left the institution.

The original intention of the prison farm program was not met when less than 1 per cent of prisoners end up working in the agricultural sector. That is not to say the minister is not listening or has not responded to what might happen at these facilities in the future. It is that part of the honourable senator's question that I take as notice.

Senator Callbeck: Honourable senators, the leader said the prison farms train people for the agricultural field, but the farms also produce milk, eggs, meat and vegetables for the institutions. I am told that the cost to replace the milk from the farms will be $1 million in Ontario alone. The cost of operating all these prison farms is $4 million. It is likely that the cost of outsourcing all of the food produced on these farms will exceed the cost of running the program.

Did the government conduct an assessment to determine the full cost of replacing the food that will no longer be produced by the prison farm program? If so, will the leader table that assessment in the Senate?

Senator LeBreton: Honourable senators, if such an assessment is available to the public, I will be happy to table it.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

PROTECTION OF CHILDREN

Hon. Art Eggleton: Honourable senators, my question is to the Leader of the Government in the Senate.

Canadian children are integral to the future prosperity of Canada. However, many Canadian children continue to face severe hardships across the country. Approximately 800,000 children live in poverty. Thousands of children are without high-quality early learning and care. We see an increasing number of children with mental health problems and learning disabilities.

The United Kingdom has commissioners for children, and they provide independent analysis and advice on children's issues. Continuing with the post created in 2003, the current Conservative-Liberal Democrat government recently appointed a minister of state for children and families. Will the government create similar portfolios in Canada to ensure the issues that Canadian children face are being addressed?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the government and taxpayers of Canada want us to help children and families. I do not believe that creating another bureaucracy in Ottawa will help to resolve the problem.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

POVERTY, HOUSING AND HOMELESSNESS FOR URBAN ABORIGINALS

Hon. Art Eggleton: Honourable senators, my question for the leader of the government arises from the report adopted by the Senate a few weeks ago, entitled: *In From the margins: A Call to Action on Poverty, Housing and Homelessness*. Particularly hard hit are urban Aboriginal children, who are over-represented in poverty, face discrimination and live in unsafe housing.

Will the government commit to the establishment and funding of Aboriginal working groups in all communities to identify priorities for urban Aboriginal peoples to address poverty, housing and homelessness issues in their communities?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, our government acknowledges and recognizes the growing needs of urban Aboriginals. That is why we have 80 programs with spending of over $500 million annually to address issues of specific concern to urban Aboriginals. We have a long-term urban Aboriginal strategy to focus our government-wide efforts. We are working to reduce the number of families, particularly women and children, living in poverty. We also have programs targeted at youth. We promote job training, retraining and entrepreneurship programs to take advantage of the strong and recovering Canadian economy.

INTERNATIONAL COOPERATION

CLIMATE CHANGE DISCUSSION AT G8 SUMMIT MEETINGS

Hon. Grant Mitchell: Honourable senators, a poll today indicates that Canadians place twice as much emphasis and priority on climate change as an issue of discussion for the G8 conference as they do on the maternal health initiative on which the government has spent so much time.

That is not to say the government should not continue with its maternal health initiative, particularly in an effort to simply get it right. It does say that if the government is spending time on maternal health because it seems to be the right thing to do, there is also good reason to spend at least as much initiative, emphasis and focus on climate change in the context of the G8 summit and its agenda.

Can the leader tell us whether the Prime Minister is developing policy commensurate with the level and significance of the maternal health initiative on climate change as he approaches the G8 conference?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the millions of women and children who die each year, and the 24,000 children that die each and every day should not be considered an either/or situation. I do not think the honourable senator suggested that.

I have not seen the poll that Senator Mitchell referenced. However, the government is fully committed to our climate change agenda. This is Environment Week, which was started by Conservative Prime Minister John George Diefenbaker.

The government is engaged in a number of initiatives with regard to climate change and the environment, which is acknowledged by the Prime Minister. At some point in the G8 and G20 discussions, I believe reports and updates will be provided on how each country is progressing in terms of the Copenhagen Accord. The Copenhagen Accord was the first time that all major emitters signed such a document. This is the umbrella under which the government is working.

Senator Mitchell: Honourable senators, I appreciate the leader acknowledging that I did not say "either/or" in regard to maternal health and the environment. I was saying this government could do both, that it could actually walk and chew gum at the same time. That is a major concession.

I am further interested in the fact that the answer seems to be vague. Maybe the Prime Minister will talk with other G8 summit leaders, such as China, on this particular initiative.

Could the leader tell honourable senators if there is a specific agenda item prompting the leaders to talk about climate change because the Prime Minister of Canada has initiated the subject and provided international leadership on this important issue for a few moments?

• (1410)

Senator LeBreton: Honourable senators, we are proud that we are hosting two major world meetings, the G8 and the G20 summits, and that we have been fully participating with our partners in the ongoing, primary issue of restoring the world to economic health and prosperity.

The Prime Minister announced yesterday that in addition to hosting the G8 and the G20 summits and the thousands of delegates who will be attending, he will be holding individual meetings with the leaders of China and India.

Honourable senators, I have been waiting for this opportunity to go through the list of items the government has done on the environment.

As I mentioned, this is Environment Week. This initiative was first championed by a former boss of mine, the Right Honourable John George Diefenbaker, in 1970, so it is a good time to reflect on what we have accomplished since 2006, starting with the Copenhagen accord, which for the first time included all the world's major emitters. We harmonized our emission targets with the United States and introduced tailpipe emission standards for passenger cars, light trucks and heavy-duty trucks. We established biofuel content regulations for diesel and gasoline. We introduced historic national wastewater standards for sewage, and have a comprehensive action plan for clean water, which includes investment in clean water for Aboriginal communities.

Canada's national parks have been expanded by 30 per cent, including a massive expansion of Nahanni National Park Reserve. In February, we announced a new national park reserve for the Mealy Mountains area of Labrador, which will be the largest in eastern Canada. We have also made significant investments in protected areas such as the Great Bear Rainforest in British Columbia, Vancouver's Stanley Park and Halifax's Point Pleasant Park.

In addition, as Senator Mitchell is aware, President Calderón pointed out in his speech to the joint session of Parliament last Thursday that Mexico looks to Canada as a leader on the environmental front.

[*Translation*]

ANSWER TO ORDER PAPER QUESTION TABLED

INDUSTRY—DO NOT CALL LIST

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 20 on the Order Paper—by Senator Downe.

ORDERS OF THE DAY

SENATORIAL SELECTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Brown, seconded by the Honourable Senator Runciman, for the second reading of Bill S-8, An Act respecting the selection of senators.

Hon. Pierre Claude Nolin: Honourable senators, as indicated in the summary, Bill S-8 invites us to establish a framework to provide guidance to provinces and territories for the text of legislation governing senatorial elections. The bill, if adopted, formally establishes that, henceforth, persons recommended to Privy Council as Senate nominees shall be selected by a democratic election by the people.

Before commenting on the bill, I would like to point out that the Prime Minister is well aware of my opinion of the bill. The conversation I had with him predates —

The Hon. the Speaker: Honourable senators, Senator Nolin is speaking. I would ask the honourable senators who wish to have discussions to do so outside this chamber in the area provided for that purpose.

I take this opportunity to remind senators that, since this is a government bill, it is customary to provide 45 minutes for the speech.

Senator Nolin: I do not intend to speak for 45 minutes. I will try to not to exceed 15 minutes.

The Prime Minister is well aware of my views. In fact, we had that conversation several years ago. I have informed the members of my caucus of the remarks I will be making.

I think it is inappropriate to require the Prime Minister — because this would actually be an obligation on him as senior advisor to the Governor General — to consider, in recommending Senate nominees to the Governor General, individuals selected through such an election. That would be an inappropriate approach.

An election identifies the people's choice. It is the culmination of a competition that produces the most popular candidate. This house should be made up, if possible, of popular people, but more importantly, of competent people. That is why the Fathers of Confederation devised a system in which the Prime Minister retains full responsibility for recommending to the Governor General the nominees best qualified to serve as senators.

Under the guise of bowing to popular democracy, Bill S-8 is contrary to what the Fathers of Confederation had in mind.

The popularity shown by an election is certainly something appropriate, but it should not be viewed as a fundamental consideration for determining whether or not an individual Canadian should be nominated to this place.

In recent history, this chamber has seen its work influenced by a number of senators. Senator Keon retired just a little while ago; a few years ago, it was Senator Beaudoin. I will name only these two, given the time I am allotted. I know Senator Beaudoin very well and I got to know Senator Keon. Senator Keon told us that he would never have run in an election because he did not feel the need to be popular in order to be efficient. He would have opposed the passage of Bill S-8.

We have here several French-speaking senators from outside Quebec, including Senator Mockler from New Brunswick. Do you think that the people of New Brunswick, most of whom are English-speaking, would have voted for Senator Mockler, an Acadian?

Senator Segal: Undoubtedly.

Some Hon. Senators: And overwhelmingly.

Senator Nolin: Do you think that the people of Alberta would have voted for Senator Tardif?

Senator Angus: Same answer.

• (1420)

Senator Nolin: My second point is this: How many Aboriginal senators are there in this chamber?

Senator Segal: Not enough.

Senator Nolin: Exactly, not enough. Why are there more Aboriginal senators than Aboriginal members of the other place? Because they are in the minority. All across Canada, except in the territories, Aboriginal Canadians from various reserves and of various origins are in the minority. Do you think that, in a popularity contest, people would be willing to put the names of Aboriginal candidates and then vote for them? The answer is no. Should we have Aboriginal senators in this chamber? Yes!

The third point I want to make concerns women. More than one third of senators are women. I think we should thank the prime ministers who made a point of ensuring that women would be represented in this chamber. Today, the fact that one third of all senators are women — it should be a half — does credit to those prime ministers and is in the best interests of Canadians.

Let us draw a comparison with the other place. What is the proportion of women in the other place?

Senator Segal: Not enough.

Senator Nolin: Not enough, exactly, Senator Segal. Eighteen per cent. The women who ran for office were not popular enough. Were they competent? I think so, but they were not popular, so they did not win. What is as true for women is also true for francophones in the other provinces and minority Aboriginal people. They have a place in this chamber because we have a system that gives a prime minister the chance to fill vacancies with competent candidates.

Finally, the proponents of Senate reform — our colleague Senator Brown is one of the best-known advocates — have talked for a long time about a Triple-E Senate. What Bill S-8 proposes is one of those "Es": elected. Personally, I feel that what counts is the third "E": effective. That is the real "E."

I do not agree with giving up the "E" for effective for the sake of the "E" for elected. That is not what we are here for. We are not here to replace the House of Commons, but to complement it, to add effective second thought to the legislative process initiated in the other place. We are not here to replace the work of the members of Parliament, but to complete it.

Honourable senators, this much-sought-after effectiveness takes aim at the so-called legitimacy that being elected could provide us, because electing senators does not guarantee effectiveness. The only thing "E" for elected will get us is popularity. Popularity is what they have in the House of Commons. We are not the House of Commons. The Senate of Canada offers Canadians effective work.

This effectiveness results from our individual and collective expression of the independence that the current process allows us. Any honourable senator may act in good conscience in the interest of Canadians, independently of pressure exerted by the House of Commons and of his or her political affiliations. Any independence resulting from electing candidates to the Senate is certainly not going to make the Senate more effective.

Honourable senators, it is up to us to exercise this independence and use it carefully, sparingly, and in the interest of Canadians.

[*English*]

Some Hon. Senators: Hear, hear!

Hon. Bert Brown: Will Senator Nolin take a question?

Senator Nolin: Yes.

Senator Brown: Does the honourable senator know why the Canadian media unanimously have called this place illegitimate for over 100 years?

Some Hon. Senators: No, no.

Senator Nolin: Senator Brown, we do not have much time so I will be brief.

First, I do not agree that all media and the entire population have said that. Recently, I saw numbers to indicate that the split is 50/50 between those who want an elected Senate and those who do not. The key question is not about legitimacy coming from an election. At the end of day, senators will be judged on their effectiveness, and not in terms of whether or not the media like the Senate. Effectiveness is the key word. Can senators be effective only when they are elected? I doubt it. Elected senators can be effective, but being elected should not be a prerequisite. Independence from the other place is the tool that provides efficiency and effectiveness to senators. What the media thinks, I do not really care.

Senator Brown: Honourable senators, I have a second question for Senator Nolin. Is the honourable senator saying that people in the House of Commons are not as good as the people who are appointed? I do not understand that line of thinking. Why would this chamber not be at least as well respected if we were elected, as the members of the House of Commons are? Currently, this chamber is divided into two parties and the respective party whips ensure that senators vote with the side that appointed them to this place.

Some Hon. Senators: Oh, oh.

Senator Brown: I fail to see how that makes us independent. Most of the votes I have seen in this chamber during the last three years have been for one party or the other.

Senator Nolin: The honourable senator raises a good question. When former Prime Minister Mulroney phoned me to say that he was recommending me to the Governor General, I asked him about that issue. He said that I did not have to follow him and that he was recommending me for appointment to the Senate so that I could defend Canadians.

Some Hon. Senators: Hear, hear!

• (1430)

Senator Nolin: May I have five more minutes?

Hon. Senators: Agreed.

Senator Nolin: The honourable senator raised the important question of whether elections in the other place ensure effectiveness. The other place is the house of the representatives of the population. That is how it was formed. It was created for that reason.

Honourable senators, look at British history. There was a civil war and a king lost his head because he decided to go against the will of the population. It is in the other house that confidence matters are raised, because the members in that house represent the population, which is the fundamental characteristic of their existence.

We are here to complement that work. You have heard the word "redundancy" when we talk about electronics, intellectual property and the use of computers. The same question is asked a different way, and if the result is the same, that is the answer — redundancy. We are here to ensure that the final legislative product is good for Canadians.

The members of the other house are popular because they must receive a mandate from their constituents. We do not have to be popular; we have to be effective and efficient.

Hon. Hugh Segal: I wish to ask a question of Senator Nolin.

Senator Nolin: With pleasure.

Senator Segal: Honourable senators, I am fascinated by Senator Nolin's citation of the original intent of the Fathers of Confederation. I want to get a sense from the honourable senator of how far that original intent should constrain our ability in this chamber to try to improve the legislative framework which, at the present time, has one third of our national legislators unelected, Senator Brown notwithstanding.

The very same Fathers of Confederation did not anticipate women sitting in this chamber. In fact, it took the Supreme Court and the Privy Council in Great Britain to make that happen. The Fathers of Confederation did not anticipate women having the right to vote, and that changed over time, thanks to Prime Minister Meighen. The Fathers of Confederation did not anticipate the vote being extended to our brothers and sisters in the First Nations, and that change was made.

We all relish Senator Nolin's ability to cite original sources and do remarkable research before he speaks in this place on a wide range of issues. Surely, one of the fundamental principles of the original British North America Act is our ability in this place to move in a democratic direction that would preserve the Prime Minister's constitutional authority to make recommendations to Her Excellency while allowing the population to express its view, but to do so in a way that protects provincial option.

Does the honourable senator think that the original intent of the Fathers of Confederation prevents us from trying to make that kind of progress as an open and democratic society?

Senator Nolin: Honourable senators, my answer will be brief. I am not saying that this is the last word or that it is the end of the world. I am only saying that it is there, and I do not think Bill S-8 adds to that.

The intent is sober second thought, as framed by Sir John A. Macdonald. I do not think being elected will add to the principle of sober second thought. Quite to the contrary, I think it would create havoc between this house and the other house because we would try to be more popular and more democratic.

That is not what the population in 1867 needed, and it is not what the population needs now. The population needs a second chamber that will add to the quality of the work of the first chamber by giving sober second thought to the work done by the first house, without concern for glamour, popularity or beauty contests. We have a job to do, and we are free and independent. We can do it without being pushed by the people in the other place. Let us use that. We are not using it. We must be independent; then we will be effective.

Hon. Senators: Hear, hear.

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

Hon. Senators: Question.

(On motion of Senator Joyal, debate adjourned.)

[*Translation*]

SUPREME COURT ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Rivest, for the second reading of Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages).

Hon. Andrée Champagne: Honourable senators, when I read Bill C-232 for the first time, my reaction was completely visceral. "It's about time!" I thought. Being the proud Quebecer that I am, I cannot imagine voting against this bill. That is what the sponsor of this bill in the other place repeatedly said, as often as possible, to anyone who was willing to listen.

Talk about responsibility! I told myself that if I was able to put forth the effort to understand and express myself more or less correctly in my country's two official languages, men and women who are intelligent enough and wise enough to sit on the Supreme Court of Canada should also be able to master a second language.

After all, if a student in Switzerland cannot graduate from high school without being able to speak French, German, Italian and English, our best legal minds should at least be bilingual. If it is obligatory to know Arabic, French and English in a country like Tunisia, why have we waited so long to require our lawyers and judges to speak at least two languages? More and more often we expect it of our politicians, and they have made great progress. Our Prime Minister himself is one example.

[*English*]

If I could do it, I felt, so could our judges. Yes, I know, the meaning of many words still escape me and I do have an accent which becomes more pronounced when I am weeks or months at a time without speaking the language, but I can understand English, read it and even write it.

However, as the weeks went by I started to ask myself other important questions: Why is this being studied now? Remember that language issues always bring difficult moments in Parliament and always find their place in the media. Now, as our government is still in a minority situation, the opposition has decided to raise the ante.

[*Translation*]

As my grandmother used to say, "There's nothing to get yourself in a lather about."

[*English*]

Then I wondered why do some people who normally favour bilingualism find themselves against this bill?

[*Translation*]

Let us take a look. According to our Constitution and our Official Languages Act, the use of one language or the other is acceptable in our courts.

• (1440)

Canadians can always express themselves in the language of their choice. In the lower courts, it goes without saying that the judge hearing the case should be able to understand the language being spoken by the parties, but this is not required of the Supreme Court. Why not?

As Senator McCoy explained, the Supreme Court examines cases that have already been ruled on by the lower courts, but for which extremely specific legal aspects are being called into question. The judges will have read and reread all the related documents before even deciding whether the case should be heard. If they decide it should, the witnesses who will be heard by the judges are not ordinary citizens, with their regional expressions and accents. They are brilliant lawyers pleading each side of the case. During the hearing, a judge can, if he wishes, use simultaneous interpretation, just as we do every day.

But the question remains. Will the interpretation be good enough? I decided to speak to some translators and interpreters.

[*English*]

They brought to my attention the fact that, for example, some of them spend years learning the special vocabulary of different sciences, of different subjects. Always finding "le mot juste" is not necessarily an easy task. Competent ones go the extra mile and specialize in a given field.

[*Translation*]

We can assume that the interpreters who are assigned to work at the Supreme Court have the knowledge necessary to do an excellent job.

As Senator Carignan explained very clearly, if ever there were a major problem, the parties could always appeal.

Yes, the appeal would go to the same Supreme Court, but on the condition that the original text and its translation be submitted to show that there was an error, or that the meaning of a sentence was misunderstood. Therefore, translation and interpretation are essential tools. Why do some people want to see them disappear?

I thought I would try to assure myself that the best Canadian jurists would understand our two official languages, and that, as some supporters of the act contend, bilingualism should be one of their professional qualifications. However we must not give more weight to linguistic knowledge than to legal knowledge.

In a speech to the Canadian Bar Association in 2007, our Commissioner of Official Languages spoke about the difficulties that official language minority communities have accessing legal services in their language. He said that a shortage of bilingual court personnel and legal and administrative resources often compounds the lack of bilingual judges and lawyers.

[*English*]

Francophone lawyers appearing as witnesses at our Official Languages Committee complained about the lack of bilingual colleagues and bilingual judges. They added that this caused long delays in cases being heard. As honourable senators know, and as the saying goes, justice delayed is justice denied. They also mentioned the fact that very few lawyers are knowledgeable in both the common law and the Napoleonic Code.

However, what really bothered me with their testimony is that a few minutes after expressing all of the serious problems they encounter, they bluntly and shamelessly stated that they want all Supreme Court judges to be bilingual. Fine, I said, but in this day and age, if there are so few lawyers and judges out there who are bilingual and who know both of the law systems in use in our country, where would our Supreme Court judges come from?

[*Translation*]

Given that all Canadians have the right to express themselves in the language of their choice, why would the judges who decide their fate not have the opportunity to listen to arguments in the language of their choice, through competent simultaneous interpretation if necessary?

If, in the case of Supreme Court justices, we chose to interfere with that custom, to eliminate that option, where would that lead us? What would we be opening the door to?

If we begin by attacking the strong, will we move on to attacking the weak? We all know that people who live in minority language communities across Canada are the most vulnerable. In our attempt to protect them, are we jeopardizing their basic rights?

Of course it would be ideal if all of our lawyers and judges were bilingual. That would be the best of all possible worlds.

But it does not make sense to me to start at the top and to insist that the bilingual requirement be implemented overnight. Learning a second language does not happen overnight, least of all for adults.

The wise approach would be to convince future lawyers, regardless of where they live or study, that mastering both of our official languages is essential and to ensure that they have the opportunity to do so.

In a report released last week, the Commissioner of Official Languages deplored the fact that:

> Other students would like to perfect the language skills they acquired in primary and secondary school by pursuing university studies in their second language [but] this option is currently not readily available. In Canada, very few post-secondary institutions give their students the opportunity to take courses within their field in the official language of their choice.

That, honourable senators, is where we need to focus our attention.

If we waste time in wishful thinking, our legal system will suffer in the end.

I am sorely tempted to propose an amendment to Bill C-232 that goes something like this: "That, beginning July 1, 2017, bilingualism become an essential requirement for appointments to the Supreme Court of Canada."

This would give those who aspire to fulfill these important roles the time to do their homework and learn the other language. It would also be a marvellous way to celebrate Canada's 150th anniversary.

Will we have solved all of our problems by then? With the same wry grin and the same wink, I would suggest that we forget all of this for now and come back to it in seven years. As the old saying goes, good things come to those who wait.

In any case, this bill and all the attention it is receiving here in the Senate will have unexpected benefits in the short, medium and long terms.

First of all, if we reject it, we will avoid all the aggravation of determining whether it is constitutional, which is one possibility that Senator Carignan, a legal expert, pointed out.

Lawyers and judges everywhere, including future lawyers and judges, will all be aware of the importance of understanding, speaking and writing both of Canada's official languages.

Furthermore, I believe that in the future the Minister of Justice and the Prime Minister will be even more conscious of bilingualism among those on whom they confer the enormous responsibility of becoming one of the nine people who serve on the bench of our highest court.

On the other hand, with Bill C-232, who would be responsible for confirming and testing the quality of the bilingualism demonstrated by these individuals?

There is a huge difference between being able to have a conversation at a social event and knowing, in both languages, all the nuances and terminology of our two legal systems.

Without this requirement, we have managed to appoint an impressive number of Supreme Court judges who have become able to communicate in both official languages, so why should we change the procedure? As they say in English:

[*English*]

"If it ain't broke . . ."

If speaking either of the two official languages, French and English, while relying on the help of interpreters is good enough for the 15 judges elected by the UN to sit at the International Tribunal in The Hague, it should be acceptable for our judges in our superior court. To have all judges sitting in federal courts and in the Supreme Court be completely bilingual is a fantastic dream. Together, let us keep it alive, but to demand that the complete knowledge of both languages become the law of our land today for Supreme Court judges would not be wise. The chamber of sober second thought cannot support this proposition.

• (1450)

I do support bilingualism, and I will keep on trying to improve mine, but I will not support this bill.

[*Translation*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): I would like to ask my colleague Senator Champagne a question. We heard people say that there were problems with the interpretation services. The Commissioner of Official Languages even stated that certain nuances were lost and were not reflected in some bills.

If that is so and if a lot of people who support this bill are basing their support on this statement, should we not consider the following issue: in this chamber, because we draft and pass legislation in French and English and we are telling Supreme Court judges that they must be bilingual, should we hold senators to the same standard?

Some Hon. Senators: Hear, hear! Why not?

Senator Champagne: Honourable senators, I do not agree with those who question the quality of the work our interpreters do. I think they do an outstanding job, and they are always there to help us when we do not understand the meaning of a sentence.

In fact, deciding who could assess people's bilingualism would pose a problem. If we want to reach the point where our Supreme Court judges are bilingual, then we need to proceed gradually.

We could reach the point where we say that Canada has two official languages, so if someone is not bilingual, too bad. Then those who want to run for a seat in the other place would have to be bilingual, as would those who hope to take our places some day, because we will all be leaving some day. And if we have to be bilingual to take part in designing and drafting legislation, then all the public servants who help us would have to be as well?

They would, and not just in regions considered bilingual. This week, we heard that 40 per cent of public servants are bilingual. I think that being able to speak both official languages would be an asset for them, just as it would be for Supreme Court judges and all of us who work in this chamber and the other place.

[*English*]

If we can do it for ourselves, maybe we can ask it of somebody else, and then ask for our judges, all our lawyers and all our judges in federal courts to be bilingual as well.

[*Translation*]

Senator Comeau: You heard the Commissioner of Official Languages, who said:

> The bill extends the requirement that now applies to justices of the Federal Court, that is, the requirement to conduct a trial with judges capable of listening to testimony in both official languages without interpretation.

However, I believe that the Commissioner of Official Languages forgot to add the fact that the Federal Court is presently subject to the Official Languages Act.

I read Bill C-232 very carefully and I did not see any mention of the Official Languages Act. Have you considered why the Commissioner of Official Languages must speak to a bill that makes no mention of the Official languages Act?

Senator Champagne: You will correct me if I am mistaken, but I believe that when the Official Languages Act was passed 40 years ago, it did not apply to the Supreme Court.

The reason given by Mr. Hnatyshyn, our former colleague and justice minister at the time, was that we were not ready. Earlier I talked about seven years and I think we have to give it that.

I would like all Canadians to be able to master both official languages. In the legal world, I would like all our young lawyers to be able to argue their cases in both official languages. We would then have no difficulty in recruiting people who are competent in the fields of both law and language.

Hon. Jean-Claude Rivest: I understand that the honourable senator's argument deals with safety, to ensure that there is no misunderstanding on the part of Supreme Court justices. The honourable senator is opposed to the bill by reason of what we could call "the legal security of the Supreme Court's good judgment."

In her opinion, are there other areas of activity where, for reasons of public security or interest, bilingualism in Canada should not be respected? I think that, as a Quebecer, she is very sensitive to that. Could this argument that she has developed apply, for example, to airline pilots?

Senator Champagne: I remember that, in Quebec, there were problems with pilots and the air traffic controllers. We had to make sure that they fully understood one another.

From what I have seen, I do not think that it is a question of security for the Supreme Court. It is a question of ensuring that the judges on that bench are the best in their field of expertise. I also spoke about the fact that this bill is important because it puts bilingualism back in the spotlight. I hope that in the near future a larger number of us here will be bilingual and that the nine judges on the Supreme Court will also be able to express themselves in either of our official languages.

[*English*]

The Hon. the Speaker *pro tempore***:** I regret to inform the honourable senator that her extended five minutes are up, and that there were three other senators who had questions.

Is there further debate?

Hon. Tommy Banks: I seek Your Honour's guidance because I have never done this before.

Honourable senators, I seek leave to speak now on this bill. The reason I seek leave is that rule 37(1) precludes senators speaking more than once during debate at any stage of a bill. I have technically spoken once before, which is why I am asking for leave. I want to tell honourable senators about it.

On April 20, at page 348 of Hansard, one can see that after Senator Tardif had spoken on this bill, I rose to state what ought to have been a question. In fact, on that day I rose and pointed out that Mr. Yvon Godin, the author of the bill, was here. Then I said the following: ". . . I will not presume to opine on this bill until I have heard further debate on it."

I should have put it in the form of a question, but I then went on to comment on the translation, oddly enough, of a particular phrase in the bill. I did that. Therefore, I have technically spoken on the bill. However, I seek leave to tell you what I really think about it.

• (1500)

Some Hon. Senators: Agreed.

Senator Comeau: From this side, we have no objection. Senator Banks explained the fact that he was asking a question. Therefore, we have no problem with the request.

The Hon. the Speaker *pro tempore***:** Leave is granted.

Senator Banks: I want to be sure that the deputy leader understands that I am not sure if it is exactly accurate to say that I was under the impression that I was asking a question. I was saying that I ought to have asked a question. I was making an observation. However, I appreciate your courtesy.

As I proceed, I think the Honourable Senator Champagne will see that she has been reading my mind, in a way. When I was being introduced a long time ago to the niceties of marketing and advertising, I asked a wise person in that field what was the most important thing to remember when you wanted to get a point across. He said, "First, you tell them what you want to tell them; second, you tell them; and, third, you tell them what you told them." I will try to do that today.

At its heart, this is a good bill. It is a well-intentioned bill. I cannot think of a single cogent argument against the intent of this bill. However, if, in its present form, it appears again here at third reading, I will not be able to vote in its favour. I will vote for it at second reading because such a vote at second reading is an indication of support for the principle of the bill and I support the principle of the bill. I am hopeful that careful consideration will be given in committee to the question of when the bill might actually be brought into force.

The bill as it is presently before us does not contain a coming into force clause. The question of coming into force clauses in acts of Parliament is one with which I have more than passing familiarity. It is the very subject of an act of Parliament called the Statutes Repeal Act, of which I happen to be the author and which was passed into law and received Royal Assent on June 18, 2008. Despite having received Royal Assent on that day, that act of Parliament is not yet in force. That is because it contains a clause called "coming into force," which provides that the act will come into force not on the day that it received Royal Assent but, rather, on June 18, 2010, a couple of weeks from now. That is two years after it was studied and passed by all three parts of Parliament. If Parliament passes into law an act that does not contain specific provisions for the determination of the date of its coming into force, then that act of Parliament comes into force on the day on which it receives Royal Assent.

The reason for the inclusion of a coming into force provision in the Statutes Repeal Act is that it would have been imprudent for us to require that act to come into force immediately upon its passage by Parliament. It would have placed unreasonable demands upon the government and upon bureaucracy, which demands would have been extremely difficult if not impossible to meet. It would not have given sufficient notice to the persons and the offices of Parliament and to the legal community that will be directly affected by that act. It would not have provided sufficient notice, warning if you like, to all the people concerned with it, about what will be contained in the first cases to which it will apply a significant change to the body of law in Canada.

To bring such an act into force immediately would have been unwise. To bring such an act into force immediately would have been unfair and disruptive. Everyone concerned with that act and with its implications understood the concept that reasonable and sufficient notice — that is, warning — had to be given in order for the system to prepare and to properly and reasonably deal with those implications.

That is why, even though the previous government and the present government, and all their officials and members of the legal profession, all agreed with the principle of the Statutes Repeal Act and with the eventual application and effect of that act, they also understood and agreed that it was wise and prudent to give warning of its implications. That is exactly my view of Bill C-232, having to do with the linguistic qualifications of justices of the Supreme Court.

Absent provisions to the contrary, Bill C-232, should we pass it, would become an act of Parliament, and would be in full force and effect on the day that it receives Royal Assent. That could, at least theoretically, be tomorrow, or next Thursday. That would not, in my view, be wise. That is why, if such an amendment is not proposed by the Standing Senate Committee on Legal and Constitutional Affairs, to which I presume this bill will be sent for study, I will introduce an amendment at third reading which would provide that the act will come into force and effect on a day five years after the day on which it receives Royal Assent. I will, as a matter of information, provide a copy of my proposed amendment to the committee clerk of the Standing Senate Committee on Legal and Constitutional Affairs.

A few moments ago, I used the words "linguistic qualification" as it applies to justices of the Supreme Court. I agree with those who characterize the thrust of the present bill as being one of qualification. I agree with those who see functional bilingualism as a reasonable criterion for appointment to that high office. I disagree with those who argue that such a criterion would infringe upon the constitutional rights of judges. The rights of any Canadian to speak in either of the two official languages of his or her choice in any court in the land cannot be used to argue against a skill or competence requirement for justices of the Supreme Court. In the end, it is a matter of the competence of justices, not of the rights of justices.

An argument has been made against the principle of this bill by saying that the Chief Justice of the Supreme Court, for example, would not, at the time of her appointment have been qualified on the basis of this language requirement. Madam Justice McLachlin only became functionally bilingual after her appointment. Honourable senators, that is not an argument against the practicality of bilingual competence in the Supreme Court; it is an argument demonstrating that practicality. The Chief Justice found it practical.

It is impossible for me, despite my seemingly resolute unilingualism, to comprehend an argument to the contrary when it is widely known and understood that advancement to most middle management levels in the federal public service requires functional bilingualism. Officers of the Canadian Forces understand perfectly well that their advancement to higher office requires functional bilingualism. Functional bilingualism is, as I understand it, legally mandated by a 1988 amendment to the Official Languages Act as a precondition for appointment to the Federal Court or to the Federal Court of Appeal. If there is functional bilingualism in those places, it is because of legal and regulatory requirements and not because it just happened all by itself.

Sometimes, governments must actually lead. In this case we need to lead. We need a law which does nothing more than to end an exemption for the Supreme Court from those provisions of the 1988 amendments to the Official Languages Act requiring that judges and justices in the federal court system be functionally bilingual, as they are now in those federal courts except for the Supreme Court. We need notice and we need warning — not notice or warning as was given 40 years, namely, that this linguistic competence requirement might come into force some day, but that it will come into force on a specific date and year.

We need to have time before the actual implementation of such a law in order that legal practitioners, law teachers, law schools, provincial bars and benches, and others in those provinces with smaller francophone populations with less everyday conduct of business in the language of Moliére, can be governed accordingly.

• (1510)

Honourable senators, hypothetically, through perhaps an accident of time and geography, if it were to be decided by Parliament that a thorough and fully conversant understanding of the arcane provisions of marine law were to be a requirement for appointment to the Supreme Court, we would be unwise to have that provision come into force and effect next week, because it might obviate the appointment of otherwise eminently-qualified persons who live in landlocked provinces. Not all provinces are maritime ones and we are not all seafarers; some of us are landlubbers, as I am regrettably unilingual.

Canada is not yet a bilingual country. It is a country in which two languages are spoken, and that is quite a different thing. Someday, the noble aspiration of national bilingualism will no doubt be reached, and the present question will no longer be pertinent.

There is no reasonable argument against such an aspiration. We now look back and say "Can you believe that we actually used to sit on the edge of our hospital beds and smoke?" Yet, someday we will look back and say, "Can you believe that we used to actually argue about that silly question of bilingualism?" I hope that time will come, but we are not there yet.

Within the foreseeable future, appointments will be made to the Supreme Court. Some of the candidates will, of necessity, come from parts of our country in which functional bilingualism is not yet a fact of life. We need to allow for fairness, and selection based on present and known qualifications for those next immediate appointments. We need to allow for that time to elapse, for reasonable notice, and we need to be prudent.

For that reason, I will vote in favour of Bill C-232 as it now stands at second reading, but I would oppose it at third reading if it is reported back to us in its present form, unchanged. My best hope is for the amendment of the bill by the addition of a coming into force clause, providing that the act comes into force on the day five years after it receives Royal Assent.

Thank you, honourable senators.

Senator Comeau: Honourable senators, I listened to Senator Bank's speech and heard him say that there had been an amendment to the Official Languages Act in 1988. Senator Banks pointed out that the Federal Court mandated that incumbents to the court would all have to be functionally bilingual.

Would the honourable senator care to share where he got that information? My understanding is that the Federal Court, like other appeal courts, et cetera, of a federal nature, is an institutional bilingual court, which is far different from the individual incumbents being bilingual. They are institutionally bilingual.

Honourable senators, this bill would impose individual bilingualism rather than institutional bilingualism, which is what the Federal Courts are at this time. The honourable senator might wish to expand on this, as well. This would be the first time in history that individual bilingualism would be imposed. I have tried to find another law on the books, and I have not been able to find any instance in the history of Canada whereby individual bilingualism has been imposed.

I have seen institutional bilingualism, which offers all the protections and provisions of the Official Languages Act, but this is completely different. This is referred to as individual bilingualism.

Senator Banks: I thank the honourable senator for his question. The short answer is that I have done no personal research into that question and I have relied upon the representations made in this place by other honourable senators who have said during the course of previous debate on this subject that amendments made in 1988 to the Official Languages Act required bilingualism on the part of judges in the Federal Court and in the federal appeals court. I took that at its face value, and I did not take into account the distinction you have made between institutional bilingualism and individual bilingualism.

Hon. Roméo Antonius Dallaire: Although the Armed Forces are institutionally bilingual, individual officers must be bilingual to achieve a certain rank. A day finally arrived when the soldiers said they would not go and fight and die in the language of the officer; the officer is to give them their orders in their language. Thus ended the unilingual scenario in the Canadian Forces.

We have had official bilingualism in institutions like the forces, when you look at the general officer corps, since 1968. That is over 40 years of progress, and we are still fiddling with the level of competency of functional bilingualism.

I agree entirely that you need time to bring it in because it was an exception. Is five years from the previous experience long enough to do it, and is there a criteria used in that?

Senator Banks: To say that I am not experienced or knowledgeable in the question of the obtaining of second languages is to greatly understate the case. I will not presume to answer the question other than to say that the five years I have imposed is entirely arbitrary, and I am sure that others who are better equipped than I to answer that question in committee will address it.

In all the short 10 years I have been here, I have been on a committee which has had the honour of frequently dealing with military officers. From the level of major and up, I have not yet met one who is not fluently and functionally bilingual.

The Hon. the Speaker *pro tempore***:** Continuing debate?

Hon. Pierrette Ringuette: I have a question.

Senator Banks: I ask for five more minutes.

The Hon. the Speaker *pro tempore***:** Will honourable senators grant Senator Banks five more minutes?

Hon. Senators: Agreed.

Senator Ringuette: Honourable senators, I believe that many issues need to be clarified. Linguistic professionals will tell you that interpretation is not equal to translation. That is a major issue here. They are two different competencies and two different approaches in regard to linguistic skills and providing professional services.

One of the other items I think we need to keep in mind is that we are talking about human rights. People in Canada, whether they speak French or English, have the right to be heard by a court and understood in the language of their choice. It is a question of rights for citizens, whereas it is not a right to be a Supreme Court judge.

The Official Languages Act has been in place for 40 years. For the last 30 years, most of the provinces have been offering second language training. In 40 years, we have made some progress. Is the honourable senator saying that we need an additional five years so that nine Canadians can make that necessary progress?

Senator Banks: No, honourable senators, I am not. There are places in this country where French and English are the everyday languages of everyday commerce, and where the necessity and the practicality of being functionally bilingual is a daily fact of life. However, there are also places in this country, represented specifically by a number of Supreme Court judges where that is not the case. I will use as examples British Columbia, Alberta, Saskatchewan and some of the Maritime provinces, excepting New Brunswick. In those places, while we are inordinately proud of our French heritage, English is the predominant language. I can speak for a long time about how proud I am of the French heritage of my city, which was first settled by francophones. This heritage is evidenced in the street and district names. French is a proud and continuing part of the culture of the city.

• (1520)

The fact is that most people who graduate in law from the University of Alberta and the University of Calgary do not, as a matter of course, speak French. If, 40 years ago, when Mr. Ray Hnatyshyn said what he said, it had been made clear that forty or even five years hence French would be a requirement for those who have aspirations to high judicial office, it would perhaps be a fact today.

However, the idea of saying that something might come to pass some day, so perhaps, you should prepare for it, does not contain the weight of a law that says it will come into force on a particular day. That clarity would achieve different results. Regulation and law are sometimes needed to bring about the results that society wants.

Hon. Pierre De Bané: Honourable senators, Senator Banks talked about our western provinces where there are not sizable French-speaking communities. Is the honourable senator not struck by the fact that the Chief Justice of the Supreme Court was born in Alberta and grew up in British Columbia, the top civil servant of the land is from Saskatchewan and the Chief of Defence Staff is also from the West? All of these people are bilingual.

I was here in 1969 when we passed the Official Languages Act. Many people said we cannot pass such a law; the public service is unilingual English. How could we put English and French on the same level? In 1928, we put that language equality into the supreme law of the land.

Every time something like this happens, people are rightly concerned about whether the action takes stock of realities. I suggest to Senator Banks that those eminent lawyers who want to sit on the Supreme Court will take example from the five bilingual English-speaking judges. Twenty-six judges can preside over trials in French in Western Canada.

(On motion of Senator Comeau, for Senator Meighen, debate adjourned.)

[*Translation*]

INCOME TAX ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Jean-Claude Rivest moved the second reading of Bill C-288, An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions).

He said: Honourable senators, this bill has a very important objective: to encourage graduates, through the use of financial incentives, to stay in the various regions of Canada.

We know that one of the government's priorities is the overall development of society, which is to say economic, social and cultural development. All governments share this goal. They more or less fail, depending on the circumstances, or they more or less succeed, depending on how you look at it. However, quite often, the overall well-being of the community as a whole does not mean that citizens who live outside large centres enjoy the benefits of the public policies.

Governments have always made sure that their general policies reach people from all walks of life, regardless of their income, personal characteristics or where they live. It is not a given — and God knows we are aware of this — that a national or provincial policy can resonate everywhere.

We have always taken the issue of the regions to heart. Exceptional initiatives have to be taken to emphasize and ensure that the wealth and progress created are distributed and accessible to all citizens, wherever they may live in the country. What is more, we know that the major cities in Canada and in each province have the energy, creativity and powerful assets that allow them to be the primary beneficiaries of any measures that are adopted. We have to make sure that people in the regions have access to these measures. Regions are smaller and have less of the resources, creative energy, institutions and population needed to survive and develop at the same rate as the large cities.

Bill C-288 gambles on the specific issue of new graduates by offering them tax incentives to stay in the regions. This is a very specific ad hoc measure that is part of a bigger picture. In Canada, we have a federal system precisely because we are very aware, given the size of our country, of the regional realities. Federalism highlights those realities. We see this in our institutions, whether in the House of Commons, the Senate or any of our political institutions. There is always this concern for the regions.

What is more, when it comes to economic, social and cultural policies, specific tools are always given to the regions to allow them to keep up with changes in society. This is made possible through the regional economic development agencies.

The measure proposed in Bill C-288 would be in addition to everything that currently exists to support the regions. It will allow us to focus on something very exciting for the future of the regions and that is the new graduates. The exodus of new graduates to major cities truly exists. It is somewhat ironic because, with modern technology, a new graduate can very well work, develop and make a contribution while staying in the home region.

• (1530)

There is a little back and forth movement that should really be encouraged. Bill C-288 proposes a method. It has a very clear purpose; this approach is one tool among others, which will not yield perfectly effective results but might have a very significant impact.

Something similar is used in Quebec when there is a need to attract doctors to the regions. In the health field, tax incentives make this approach practicable. In Saskatchewan, there is a program in place that is similar to the one proposed in Bill C-288. The information available to us indicates that it is clearly and significantly effective.

The bill passed by the House of Commons, which I am respectfully submitting to honourable senators, simply proposes that we give a tax credit to every new graduate who settles in a designated region. This tax credit would be equal to 40 per cent of the individual's salary, or $3,000, or the amount by which $8,000 exceeds all amounts paid for a preceding taxation year. There will be an opportunity to assess the merit of these terms and conditions in future discussions concerning this bill, but they are reasonable provisions akin to all existing provisions within each Canadian province that support the development of the regions and the affirmation of their distinct personalities.

There is no better way to support regional development than to enable the regions to retain their people within their own jurisdictions, especially those regions that have invested in the primary lever of economic progress, that is the men and women who have access to university education and to the know-how that comes from knowledge, have benefited from all the institutions in the community, and can now put that to the service of their regions. There is nothing constraining in there, only a very attractive incentive.

Honourable senators, the Parliamentary Budget Officer has already estimated the costs. These come to between $200 million and $600 million per year, depending on the number of students who will become eligible under the regulations that will be made as the program is implemented. Naturally, cities with a

population of more than 200,000 would be excluded. This means that, across Canada, many small and middle-sized towns or communities will be able to take advantage of this kind of program and initiative.

Honourable senators, I truly believe that this bill will support the regions and encourage development not only across Canada but in each province and every community. This bill targets young graduates, who, once they have acquired knowledge, will be able to continue serving their communities for the greater good of the people they live with, their provinces and the country.

I urge all honourable senators to support this bill to build our country's future.

(On motion of Senator Ringuette, debate adjourned.)

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Internal Economy, Budgets and Administration (*committee budget—legislation*), presented in the Senate on May 27, 2010.

Hon. David Tkachuk moved the adoption of the report.

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 report adopted.)

[*Translation*]

PARLIAMENTARY REFORM

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the issues relating to realistic and effective parliamentary reform.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, Senator Cowan's inquiry deals with a very interesting topic. I am pursuing my research into this matter and I would like more time. I would like to move adjournment of the debate in my name for the remainder of my time.

(On motion of Senator Tardif, debate adjourned.)

THE SENATE

MOTION TO RECOGNIZE THE DANGER POSED BY THE PROLIFERATION OF NUCLEAR MATERIALS AND TECHNOLOGY TO PEACE AND SECURITY ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Nancy Ruth,
>
> That the Senate:
>
> (*a*) recognize the danger posed by the proliferation of nuclear materials and technology to peace and security;
>
> (*b*) endorse the statement, signed by 500 members, officers and companions of the Order of Canada, underlining the importance of addressing the challenge of more intense nuclear proliferation and the progress of and opportunity for nuclear disarmament;
>
> (*c*) endorse the 2008 five point plan for nuclear disarmament of Mr. Ban Ki-moon, Secretary-General of the United Nations and encourage the Government of Canada to engage in negotiations for a nuclear weapons convention as proposed by the United Nations Secretary-General;
>
> (*d*) support the recent initiatives for nuclear disarmament of President Obama of the United States of America;
>
> (*e*) commend the decision of the Government of Canada to participate in the landmark Nuclear Security Summit in Washington, D.C., in April, 2010 and encourage the Government of Canada to deploy a major world-wide Canadian diplomatic initiative in support of preventing nuclear proliferation and increasing the rate of nuclear disarmament; and
>
> That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Dallaire*)

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to discuss the motion moved by Senator Segal to recognize the danger posed by the proliferation of nuclear materials and technology to peace and security. I will also take this opportunity to draw your attention to a few related issues.

Honourable senators, I am encouraged by the great strides achieved over the past year in the context of the international campaign to promote nuclear disarmament. The Nuclear Security Summit in Washington and the ever-increasing co-operation between the United States and Russia seem to confirm that the nuclear problem is definitely considered a top international priority.

However, there is still a lot of skepticism about whether these measures are really leading somewhere and whether the intentions are genuine. I must admit that I understand that skepticism. Years of diplomatic efforts, although encouraging, have

not always yielded the results we might rightfully have hoped for. The situation seems to have gotten worse in many respects.

Senator Segal's timely and relevant initiative is necessary to establish Canada's position on security and nuclear disarmament. Although Canada joined like-minded countries to help create the International Atomic Energy Agency in 1957, and to help pass the Treaty on the Non-Proliferation of Nuclear Weapons in 1970, since then, Canada has been remarkably silent in recent years. Nevertheless, I think we could do a better job than simply highlighting the declarations and initiatives made by others.

I understand that it is important to show our support for the initiatives described in the motion. However, I think it is also time for us to start thinking seriously about how Canada can help the discussions on the abolition of nuclear arms move forward.

• (1540)

We need to ask ourselves two questions: Does Canada really believe in this? If so, how can Canada use its resources to ensure that future generations will live in a world without nuclear weapons? If we really believe in abolishing nuclear weapons — and I think we do — then we have to prove it. We need to know how Canadians can make a credible, constructive contribution to improving nuclear safety and achieving the goals of nuclear non-proliferation and, ultimately, nuclear disarmament. Our contribution must be in line with those of our allies and the international community.

Canada has extensive and unique expertise and experience that are directly relevant to preventing nuclear proliferation. Should we not make the most of that expertise and experience and put those skills to use?

[*English*]

I believe that one area in which Canada could make a significant and invaluable contribution is around verification. Nearly every initiative outlining the necessary steps moving forward on nuclear disarmament, including those mentioned in Senator Segal's motion, stress the need for an effective and, therefore, meaningful system of verification. The key element of such a system will be unrestricted access by the inspectors.

An agreement on arms control and disarmament without meaningful rules for verification will no doubt give rise to grave consequences. It could lead to violations being overlooked or to unfounded accusations of non-compliance. Either way, the system will have been weakened. If it is unable to get off the ground in the first place, it will certainly not be able to maintain the commitment or adherence of its members.

Some institutions have risen to the challenge of devising a system that could work. As one example, VERTIC, the Verification Research, Training and Information Centre, in London, has been carrying out research in international simulations to test new ground in arms control, non-proliferation and disarmament verification.

Despite this work, there are still aspects of the existing proposals that fail to respond to the concerns of interested countries. For instance, how can verification of a treaty be undertaken without relying on the national technical means of participating countries, without requiring countries to disclose justifiably classified information and without violating their state sovereignty? This is only one of the policy and legal challenges in verification. On technological grounds, the limits of my knowledge of the science involved prevent me from going much further into the challenges that have been raised.

However, let me assure honourable senators that although the road ahead seems long, notwithstanding the knowledge and the experience gained by the IAEA since it began implementing its first nuclear safeguard systems in 1967, there is room to advance and to achieve the aim. That there are complex legal, scientific and engineering challenges in developing a credible system of treaty verification of nuclear disarmament, is one of the loudest arguments made by those opposed to disarmament. Opponents can easily point to the fact that the existing international treaties have not prevented certain states from developing clandestine nuclear weapons programs. The IAEA's nuclear safeguard system has been very effective insofar as the nuclear programs declared by states and those states concerned. However, undeclared clandestine programs are beyond the vigilance of the agency. Why undertake the process of disarmament if it cannot be verified? Why commit the political capital and diplomatic resources if cases of non-compliance cannot be identified?

There is undeniable scope for taking on joint research among countries and for sharing information on verification research more broadly. This is valuable not only because it improves the thinking and available machinery for verification but also because it serves to enhance confidence between countries as they cooperate in overcoming their common problems. I think we can see that that area represents a clear need for action and a great opportunity.

Where is Canada in all of this? Honourable senators might be aware that Canada has a proud history of leading the field of verification research for arms control and disarmament. By bringing together the very best experts in government, the academic community and the private sector, Canada was able to develop important technological, legal, and institutional tools of verification. We can rightly claim that these tools constituted a significant contribution to the international framework upon which the watershed arms control agreements in Europe in the 1980s were negotiated and implemented.

My point is not to dwell on the past initiatives or past accolades, though as a side note it is worth noting that the Verification Research Program operated successfully on an annual budget of only $1 million. Rather, I want to draw attention to Canada's demonstrated ability to respond to the needs of the international community in the very practical and meaningful way, as we have done in the past.

This is the kind of thinking we need now. We need this country's leadership. We need this country's grey cells to take on this role. Verification is but one issue central to the disarmament

objective. Achievement of this objective cannot be dismissed as a matter dependent on the political will among the great powers. Its achievement will require the dedicated effort of countries like Canada to promote transparency, act as an honest broker and put all the required multilateral processes into action. We actually initiate, create and anticipate. Moreover, efforts to strengthen tools of verification should be combined with sustained efforts to address some of the issues that lead to proliferation, including poverty, resolution of regional and global tensions, such as the Middle East and the Far East.

Our Prime Minister should be seen to be solidly supportive by regularly speaking out on nuclear proliferation and disarmament, not just when the issues are topical, such as the Washington Summit. This has to be a consistent message and be made whenever and wherever opportunity presents itself. Canada should be clearly and strongly associated with the resolution of these challenges to world peace and prosperity and be universally known as the non-nuclear weapon world advocate.

[*Translation*]

I would also like to draw the attention of the Senate to another issue related to this motion, namely the fact that there is no mention of the Arctic, and I am talking about the Far North.

The Arctic is opening up more and more, and neighbouring countries are fighting each other for a share of the Arctic coastline and ocean floor. We can therefore expect a certain degree of militarization. To date, the process has been mainly peaceful and co-operative. We can declare that there is no place for nuclear weapons in the Arctic.

The Canadian Pugwash Group, along with a host of other international organizations, has spent the past few years looking at the problem and gathering support for an Arctic nuclear-weapons-free zone. As part of this campaign, the organizations are calling on Arctic nations that do not have nuclear weapons, such as Canada, to do the following: first, negotiate a nuclear-weapons-free zone to be created on their land north of the Arctic Circle.

• (1550)

Second, as a preliminary measure, include in these negotiations any states possessing nuclear weapons, so that these states include their own Arctic territory in an Arctic nuclear-weapons free zone; third, in order to actively promote a step-by-step approach, first target land territories, then, through negotiations, work on air space and marine areas; fourth, urge NATO to remove all restrictions from its member states that would impede the creation of an Arctic nuclear-weapons-free zone, for example, a nuclear arms storage agreement during times of war.

Canada must take this issue very seriously. Creating an Arctic nuclear-weapons-free zone will be a long process. Now is the time to launch this initiative, while the Arctic is being shaped, because this opportunity will not exist for long.

Honourable senators, I urge you to support Senator Segal's motion. It is a major effort to initiate a debate in our country and draw attention to an issue that Canada could and should be more actively involved in. Nuclear weapons, by their very nature, threaten human rights around the globe. We need to seize the opportunities that are given to us and do everything in our power to ensure that this world is safer for future generations.

[*English*]

I would like to end with an anecdote regarding a speech I gave at a high school just south of Winnipeg. After I spoke, a grade 11 student asked me: "Why are we worried about plastic bags and dirty water, when we have the ability to completely obliterate and eliminate the whole of the environment, the whole of the surface of the Earth?" I stood back and I said that, yes, she was right. We have nuclear weapons that can actually do that.

It is rather surprising that developed countries, over the last 20 years since the end of the Cold War, have invested nearly $1 trillion in modernizing these nuclear weapons, for absolutely nothing. We have not invested $1 trillion in protecting the environment.

We should not be surprised if the youth of this country think that we send mixed messages and that we are not necessarily consistent in how we see the future and the future of humanity.

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 Segal that the — shall I dispense?

Hon. Senators: Dispense.

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

(Motion agreed to.)

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO STUDY PROGRESS MADE ON GOVERNMENT'S COMMITMENTS SINCE THE APOLOGY TO STUDENTS OF INDIAN RESIDENTIAL SCHOOLS

Hon. Gerry St. Germain, pursuant to notice of May 27, 2010, moved:

> That the Standing Senate Committee on Aboriginal Peoples be authorized to study and report on progress made on commitments endorsed by Parliamentarians of both Chambers since the Government's apology to former students of Indian Residential Schools;
>
> That the committee 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, and the President of the Métis National Council on this subject; and
>
> That the Committee report no later than December 2, 2010.

He said: The motion standing in my name seeks to study the progress made on commitments expressed in the government's apology to former students of Indian residential schools. Further to the named Aboriginal groups in the motion, I must point out that I erred in omitting the Native Women's Association of Canada, NWAC. The committee is certainly free to determine whether other witnesses ought to be called and provide testimony. NWAC would certainly be invited.

As well, the Truth and Reconciliation Commission may wish to provide an update on their important work and findings to date, and it may be that other agencies of the federal government may wish to appear to provide their evidence as to what measures they have taken to respond to the formal apology.

Honourable senators, the Indian residential school system was intended to force the assimilation of the Aboriginal peoples in Canada into a Euro-Canadian society. Children were removed from their families and communities and placed in those schools, all whose purpose, as described by many, was, "to kill the Indian in the child."

Honourable senators will recall that on June 10, 2008, our Prime Minister offered an official apology on behalf of the Government of Canada and parliamentarians to former students of Indian residential schools. As our honourable colleague Senator Joyal so eloquently said when he spoke on this matter last Thursday:

> The government recognizes that the treatment of children in residential schools is a sad chapter in our history and that such a policy has had lasting and damaging effects on Aboriginal culture, heritage and language.

Many of those children were victims of violence, both sexual abuse and physical abuse. In many cases, the trauma of the residential school experience has left not only those children but also their families and their communities with debilitating emotional and cultural scars that they must endure throughout their lives.

The statement of apology committed to ". . . moving towards healing, reconciliation and resolution of the sad legacy of Indian Residential Schools . . ." and the ". . . implementation of the Indian Residential Schools Settlement Agreement. . . ." This agreement provides a new beginning and an opportunity to move forward together in partnership.

Honourable senators, the motion of Senator Joyal, replaced by the motion I am now moving, will provide the Senate with a progress report on the commitments made to heal these injuries that were created so long ago and whose effects continue to this day.

I thank all honourable senators in advance for the consideration they have given to this important issue. I personally would like to thank Senator Joyal for his commitment to this important subject.

Hon. Joseph A. Day: Would the honourable senator take a question? I understood when the honourable senator introduced this motion that he indicated that he had omitted a particular women's group. Is the honourable senator now moving an amendment to this motion in that regard?

Senator St. Germain: I do not think it is necessary. I think we have that option, as a committee. I just mentioned that we were going to seek their attendance. If the honourable senator will recall, one year ago, approximately, in the Committee of the Whole, we had the four representatives. NWAC was not there at that particular time but, by virtue of the motion and by virtue of the mandate being given to the committee, we, as a committee, procedurally have the right to call additional witnesses. I just made mention of NWAC because they do such a credible job for Aboriginal women and Aboriginals as a whole.

Senator Day: I thank the honourable senator, but the way I read the motion, it is pretty clear about who may appear before the committee in relation to this mandate. The usual wording that we might expect to see, namely, "and such other witnesses as the committee may decide," does not appear here. I would think the honourable senator would be acting outside the parameters that this body is giving to him if he leaves that motion the way it is.

Senator St. Germain: If the honourable senator would like to move a motion in modification, I am sure honourable senators would give their approval at this time.

MOTION IN MODIFICATION ADOPTED

Hon. Joseph A. Day: Would the honourable senator consider adding this wording at the end of the second paragraph: "and such other witnesses as the committee deems appropriate"?

Hon. Gerry St. Germain: I so move.

The Hon. the Speaker: It is moved by Honourable Senator St. Germain, seconded by the Honourable Senator Day, that the motion be modified at the end of the second paragraph following the words "the President of the Métis National Council on this subject," by adding the words:

> and such other witnesses as the committee deems appropriate.

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

(Motion agreed to, as modified.)

The Hon. the Speaker: Honourable senators, it being 4 p.m., pursuant to the order adopted by the Senate on April 15, 2010, I declare the Senate continued until Thursday, June 3, 2010, at 1:30 p.m., the Senate so decreeing.

(The Senate adjourned until Thursday, June 3, 2010, at 1:30 p.m.)

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