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# Debates of the Senate

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OFFICIAL REPORT  
(HANSARD)

**Friday, November 25, 2005**



THE HONOURABLE SHIRLEY MAHEU  
SPEAKER *PRO TEMPORE*

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## THE SENATE

Friday, November 25, 2005

The Senate met at 9 a.m., the Speaker *pro tempore* in the chair.

Prayers.

### SENATORS' STATEMENTS

#### NATIONAL DEFENCE

##### AFGHANISTAN— DEATH OF PRIVATE BRAUN SCOTT WOODFIELD

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I would like to add a few words to the information we were first informed of by Senator Prud'homme regarding the death of a Canadian soldier in Afghanistan.

Yesterday, one of the Light Armoured Vehicles operated by members of the Canadian Forces overturned on a highway in Afghanistan. The accident involved members of the Golf Company, 2nd Battalion of the Royal Canadian Regiment, who were conducting a routine patrol near the village of Lagman.

This accident caused the death of Private Braun Scott Woodfield. Private Woodfield was 24 years old, born in British Columbia, and lived in Eastern Passage, Nova Scotia.

Also injured were private Paul Schavo of London, Ontario; Corporal Shane Dean Jones of White Rock, British Columbia; Sergeant Tony Nelson McIver of Fredericton, New Brunswick; and Corporal James Edward McDonald of Pembroke, Ontario. None of these injuries was reported as life-threatening.

This tragedy reminds Canadians that as every member of the Canadian Forces works on behalf of others, they place themselves in continued risk as they carry out their duties.

I want to offer the sincere sympathies of this chamber to the families of Private Woodfield and the three soldiers who were injured.

**Hon. Consiglio Di Nino:** Honourable senators, I, too, would like to take a few moments to reflect on what happened in Afghanistan.

As most honourable senators know, I spent a week in August visiting the 2 Combat Engineer Regiment there. I travelled a number of times in the LAV, the vehicle that took the life of Private Woodfield. I can tell you the troops were delighted to have been given these new, safe vehicles.

I take you back several years to when we lost soldiers in Afghanistan because the equipment did not protect against land mines.

Indeed, this new vehicle, I was assured, was designed in such a way that the vehicle might, in effect, come apart, but the

protective shield around the soldiers would stay intact. This incident did not involve a land mine. Obviously, it was an accident. I do not know whether, as has been suggested, it was known that this might happen, but it is a tragedy.

I rise today to join with my honourable friend across the way in his sentiments to the families, because I found out last night that Private Woodfield is the nephew of a good friend of mine from Cambridge, Ontario. The family is distraught, as honourable senators can appreciate. It brings home my personal experience there and the fact that we have courageous and wonderful young men and women who are there to protect peace and justice around the world. When occasionally we are faced with the situation we are faced with today and lose the life of one of our soldiers, it is a tragic moment for us all.

I join with Senator Austin in extending our condolences and sympathies to the family, to the forces and to all who knew Braun Woodfield.

[Translation]

#### ROYAL ASSENT

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

##### RIDEAU HALL

November 24, 2005

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 24th day of November, 2005, at 3:47 p.m.

Yours sincerely,

Barbara Uteck  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bills assented to on Thursday, November 24, 2005:

An Act to Amend the Criminal Code and the Cultural Property Export and Import Act (*Bill S-37, Chapter 40, 2005*)

An Act to amend the Official Languages Act (promotion of English and French) (*Bill S-3, Chapter 41, 2005*)

An Act to amend the Food and Drugs Act (*Bill C-28, Chapter 42, 2005*)

• (0910)

[English]

### THE LATE CHARLES V. KEATING, O.C.

**Hon. Jane Cordy:** Honourable senators, it is with sadness that I rise today to honour Charles Keating, who died of cancer on Tuesday of this week. Charlie Keating was born in Dartmouth in 1933 and he lived life to the fullest. He was a great Dartmouthian and Nova Scotian who helped so many, sometimes publicly, but often privately behind the scenes. He was a charismatic, bigger-than-life man who stood well over six feet tall, with a booming voice and hardy laugh. One always knew when Charlie was in the room.

Charlie attended St. FX University and graduated with an engineering diploma. He actually had to convince the university to allow him to enrol in engineering because he had not finished high school and did not have the academic credentials. Whoever made this decision was very wise because Charlie Keating never forgot his beloved St. FX. He gave a gift of over \$5 million to the university for the Charles V. Keating Millennium Centre, which opened in 2001. He wore his X ring with great pride and his four children are all graduates of the university. In fact, when his son suggested that he might attend another university, Charlie said that Gregg could make that decision, but if he wanted his father to pay, he would do so only if he went to St. FX — a bit of gentle persuasion, I guess.

In addition to serving as director for a large number of companies, Charlie served on more than 40 community boards and charities during his life. In 1994, he was recognized as the Outstanding Individual Philanthropist in Atlantic Canada. He is a member of the Order of Canada and was inducted into the Nova Scotia Business Hall of Fame.

When Charlie became Chair of the QEII Hospital Board, the largest hospital in the Atlantic region, he put a cot in the basement and slept there often. He told his family that he would get to know the cleaning staff first and then work his way to the brain surgeons.

Charlie Keating was a respected businessman, a community leader and a philanthropist. He had a zest for living and a passion for what he believed in. He will be missed by all Nova Scotians, but particularly by those of us who knew him well in Dartmouth. My heartfelt condolences to his children: Gregg, Anne Marie, Cathy and Susan.

[Later]

**Hon. J. Michael Forrestall:** Honourable senators, I should like to associate myself with Senator Cordy's remarks about a great Dartmouthian, a great eastern shore resident and entrepreneur, a great Canadian. The cable vision that we enjoy in this country today was long ago imprinted with Charlie's enthusiasm, his sense of what would happen in the future, and his determination as president of that association, among other associations of the Canadian cable industry.

Charlie and I grew up together. I am sorry that I am not in Halifax today. John Buchanan, former premier of that province and now our colleague here, will be in attendance, without question.

Charlie's role in all our lives, those whom I never knew and will never know, benefited from his humanism and civility, his care and concern, not just for himself but for his fellow human beings.

I say a prayer for Charlie. I wish his family every condolence from myself and Marilyn.

**Hon. Jeremiah S. Grafstein:** Honourable senators, I wish to add my condolences. Charlie Keating was a lifelong friend. We met over 40 years ago. He was an active member of our party and an active supporter in all our political endeavours. I do not want the house to be confused with the fact that not only was Charlie a great Canadian, but he was a great and outstanding Liberal, a good friend and a stalwart. His energy, his creativity, his commitment and his passion, not only for the party but also for the country, was undiminished.

I was saddened to hear this morning that he had passed away. I am unhappy that I will not be able to attend his funeral, but to his family and to his friends, and on behalf of his friends in Ontario, we will miss him.

[Translation]

### MS. BLANDINE JOURDAIN

#### CONGRATULATIONS ON ONE-HUNDREDTH BIRTHDAY

**Hon. Aurélien Gill:** Honourable senators, I would like to draw to your attention the coming one-hundredth birthday of an important figure in the aboriginal community of Uashat-Maliotenam, a Montagnais reserve in the Sept-Îles region of Quebec.

This coming February 4, Ms. Blandine Jourdain will reach the venerable age of 100. Her century of life is a special gift of nature and she has shared that gift with many in her community. All through her life, this courageous and wise Montagnais woman has put her wisdom and talents to the service of her community and others.

She has played numerous important roles within her community, often serving as the liaison between the members of her nation and the clergy, government health and administrative representatives.

Within her community this great lady is respectfully referred to as Nokum, meaning grandmother, and she is revered as a model and sage for her nation.

A musician, businesswoman and artisan in her day, Ms. Jourdain is first and foremost a caring mother. She devoted a great deal of her life to rearing her 14 children, 7 sons and 7 daughters, and has been blessed with more than 160 grandchildren and great-grandchildren.

The family has always been very high in her priorities. She can be justifiably proud of the contribution her children and their children have made to a number of sectors of activity in Canadian society.

Ms. Jourdain is still very much in possession of all her faculties, and still lives on the Uashat-Maliotenam reserve near her family members. A devout Catholic, she still attends Sunday mass at the church where she played the organ for 25 years.

I would invite all honourable senators to join with me in wishing Ms. Blandine Jourdain a wonderful celebration of her hundredth birthday and many more happy years with her loved ones.

• (0920)

[English]

## ROUTINE PROCEEDINGS

### EXCISE TAX ACT

#### BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Jerahmiel S. Grafstein**, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Friday, November 25, 2005

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

#### EIGHTEENTH REPORT

Your Committee, to which was referred Bill C-259, An Act to amend the Excise Tax Act (elimination of excise tax on jewellery), has, in obedience to the Order of Reference of Wednesday, November 23, 2005, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN  
*Chair*

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

**Hon. Consiglio Di Nino**: Honourable senators, with leave of the Senate, I move that the bill be read the third time later this day.

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

**Some Hon. Senators**: Agreed.

**Hon. Madeleine Plamondon**: No.

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

## STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL OBLIGATIONS

### REPORT OF HUMAN RIGHTS COMMITTEE— GOVERNMENT RESPONSE TABLED

Leave having been given to revert to Tabling of Documents

**Hon. Bill Rompkey (Deputy Leader of the Government)**: Honourable senators, I have the honour to table, in both official languages, the government response to the 18th report of the Standing Senate Committee on Human Rights entitled, *Canadian Adherence to the American Convention on Human Rights: It is Time to Proceed*.

## BANKING, TRADE AND COMMERCE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY ON CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR

**Hon. Jerahmiel S. Grafstein**: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Tuesday November 16, 2004, and the Order of the Senate adopted on Thursday June 16, 2005, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to examine and report on consumer issues arising in the financial services sector, be empowered to extend the date of presenting its final report from November 30, 2005 to June 30, 2006; and

That the Committee retain until September 30, 2006, all powers necessary to publicize its findings.

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY ON CHARITABLE GIVING

**Hon. Jerahmiel S. Grafstein**: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Thursday, November 18, 2004, and the Order of the Senate adopted on Tuesday, March 22, 2005, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to examine and report on issues dealing with charitable giving in Canada, be empowered to extend the date of presenting its final report from November 30, 2005, to December 31, 2006; and

That the committee retain until March 31, 2007, all powers necessary to publicize its findings.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

#### MOTION TO EXTEND FRIDAY SITTING ADOPTED

**Hon. Bill Rompkey (Deputy Leader of the Government)**, pursuant to notice of November 24, 2005, moved:

That, notwithstanding rule 6(2), when the Senate sits on Friday, November 25, 2005, it continue its proceedings beyond 4 p.m.;

That, notwithstanding any other rule of the Senate, when the Senate has completed consideration of every item on the Order Paper and Notice Paper of Friday, November 25, 2005, the sitting shall be suspended to the call of the Chair.

Motion agreed to.

#### MOTION TO AUTHORIZE SUNDAY SITTING ADOPTED

**Hon. Bill Rompkey (Deputy Leader of the Government)**, pursuant to notice of November 24, 2005, moved:

That, when the Senate adjourns on Saturday, November 26, 2005, it do stand adjourned until Sunday, November 27, 2005, at 1:30 p.m.

Motion agreed to.

### CRIMINAL CODE

#### BILL TO AMEND—THIRD READING

**Hon. Lorna Milne** moved third reading of Bill C-49, to amend the Criminal Code (trafficking in persons).

**The Hon. the Speaker pro tempore:** Is the house ready for the question?

**Some Hon. Senators:** Question!

[*Translation*]

**Hon. Madeleine Plamondon:** Honourable senators, I move that the bill be not now read the third time but that it be read a third time this day six months' hence. I so move.

**The Hon. the Speaker pro tempore:** Honourable senators, who is seconding Senator Plamondon's motion?

• (0930)

[*English*]

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Plamondon, seconded by the Honourable Senator Prud'homme, that this bill be read the third time six months' hence. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** No.

**The Hon. the Speaker pro tempore:** All those in favour of the motion, please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** All those opposed to the motion, please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker pro tempore:** In my opinion, the nays have it.

Is the house ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Milne, seconded by the Honourable Senator Gill, that this bill be read the third time now.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.

### CRIMINAL CODE CONTROLLED DRUGS AND SUBSTANCES ACT

#### BILL TO AMEND—THIRD READING

**Hon. Bill Rompkey (Deputy Leader of the Government)** moved third reading of Bill C-53, to amend the Criminal Code (proceeds of crime) and the Controlled Drugs and Substances Act and to make consequential amendments to another Act.

Motion agreed to and bill read third time and passed.

### REMOTE SENSING SPACE SYSTEMS BILL

#### THIRD READING

**Hon. Robert W. Peterson** moved third reading of Bill C-25, governing the operation of remote sensing space systems.

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

[*Translation*]

**Hon. Madeleine Plamondon:** Honourable senators, I move that the bill be not now read the third time but that it be read a third time this day six months' hence. I so move.

**The Hon. the Speaker pro tempore:** Do you have a seconder, Senator Plamondon?

**Senator Plamondon:** Senator Prud'homme.

[*English*]

**The Hon. the Speaker *pro tempore*:** It was moved by the Honourable Senator Plamondon, seconded by the Honourable Senator Prud'homme, that this bill be read the third time six months' hence.

Is the house ready for the question?

**Hon. Senators:** Question!

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** All those opposed to the motion will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** In my opinion, the nays have it.

*And two honourable senators having risen:*

**The Hon. the Speaker *pro tempore*:** Call in the senators. Is there agreement on the bell?

**Hon. Rose-Marie Losier-Cool:** Could we agree to a five-minute bell?

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

**Hon. Senators:** Agreed.

**The Hon. the Speaker *pro tempore*:** The bell to call in the senators will sound for five minutes.

• (0940)

Motion negatived on the following division:

YEAS  
THE HONOURABLE SENATORS

Plamondon

Prud'homme—2

NAYS  
THE HONOURABLE SENATORS

Angus  
Austin  
Bacon  
Banks  
Bryden  
Callbeck  
Chaput  
Christensen  
Cochrane  
Comeau  
Cools  
Cordy  
Cowan

Harb  
Hubley  
Joyal  
Keon  
Kinsella  
Lapointe  
Losier-Cool  
Mahovlich  
Merchant  
Milne  
Moore  
Munson  
Peterson

Day  
De Bané  
Di Nino  
Downe  
Fairbairn  
Fitzpatrick  
Forrestall  
Fox  
Fraser  
Furey  
Gill  
Grafstein  
Gustafson

Phalen  
Poy  
Ringuette  
Robichaud  
Segal  
Smith  
Stratton  
Tardif  
Tkachuk  
Trenholme Counsell  
Watt  
Zimmer—51

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

**The Hon. the Speaker *pro tempore*:** The amendment is defeated. Is the house ready for the question?

**Some Hon. Senators:** Agreed.

**The Hon. the Speaker *pro tempore*:** It was moved by the Honourable Senator Peterson, seconded by the Honourable Senator Goldstein, that the bill be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Hon. Marcel Prud'homme:** On division.

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

PUBLIC SERVANTS DISCLOSURE PROTECTION BILL

THIRD READING

**Hon. David P. Smith** moved third reading of Bill C-11, to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings.

**Some Hon. Senators:** Question!

[*Translation*]

**Hon. Marcel Prud'homme:** Honourable senators, at the time when I was appointed to the Senate, I was the only independent. I was really very lonely. I was totally isolated from the government of the day. I moved motions from time to time, but I had no one to second them.

Then, Senator Murray said that senators should not be isolated. He told me that he would second anything I moved, but pointed out at the same time that he would not vote in favour of my proposals because he wanted the discussion to follow its course. I am doing something similar today.

[English]

Yes, I will speak on the matter. Do not worry. Relax, everybody.

When I arrived in the Senate, I was totally isolated by the government of the day. I introduced some motions from time to time. I am sorry, is the debate on Bill C-11 or not? On third reading or not?

**Senator Austin:** Third reading.

**Senator Prud'homme:** Therefore we can speak. I repeat again: When I arrived, at times I put motions to the Senate and there was no seconder. A fine gentleman who is known to all of you, Senator Lowell Murray, said, "It is wrong to isolate a senator. I will second whatever Senator Prud'homme intends to propose." I want him to know, ahead of time, that I will not vote for his proposals. He wanted a free flow of discussion leading to an ultimate decision, and I think that is what I have done now.

The Senate just voted on Bill C-25, and I voted against it. I originally wanted to abstain. I went to the committee hearings, and members of the committee were opposed to that bill. If the vote had been called on Tuesday, it would have been defeated, but we saw all kinds of tactics and delays, and a postponement until the day after so that there would be a majority of supporters for the bill.

The Conservatives at that time introduced an extraordinarily good amendment, put forward by Senator Carney and Senator Downe. I was ready to vote for it at the Foreign Affairs Committee sitting on Bill C-25. However, through the use of tactics, the vote was delayed to the day after, and the bill passed. Fine. I have consistency. I still believe that the proposal by Senator Downe and by Senator Carney would have been better for Bill C-25, but it was not to be, and the bill has now been passed. At least I am on record as explaining what happened.

• (0950)

If you would cool off a little bit, you would get everything you want today. I just said to the Leader of the Government, "Tell your people to cool off a little bit."

I am sure that the senator does not need Marcel Prud'homme's advice. She has hired people. She has books that I have never read. She is not practical in upgrading herself to the latest *savoir-faire* of all the rules, so she hires someone. I see the books on rules that are never read.

It is her right to do so. Why would honourable senators deny her that right?

The other night, I asked for consent to comment on a speech by Senator Gill. All I wanted to say is that 10 years from now, Jean Chrétien will be remembered not for what is happening now but for the fact that he kept us out of Iraq. I was not even allowed to praise the former Prime Minister because of the impatience of two senators who said "No." I do not name them because they are friends of mine.

[ Senator Prud'homme ]

As honourable senators know, Bill C-11 is not the best bill. Be practical, senators. We know that whomever discloses wrongdoing will affect their career. There is not enough protection for whistle-blowers. This bill is a start, a beginning. Therefore, I will most likely vote in favour of it.

Bill C-11 will demand a lot of supervision. If a whistle-blower were to come forward they would be told, "No problem, you will receive good treatment." However, the protection for whistle-blowers is not strong enough. Their careers would be on the table and they could be refused promotions.

I feel that the bill has not been strengthened enough. We will let the future decide where the mistakes are and then bring forward the necessary corrections. I would not like to be a civil servant who sees things that, according to this new law, should be reported higher up. I would not like to be in his or her skin, having to report for the best interests of Canada and for the best interests of public administration the abuse that takes place every day between senior bureaucrats and lobbyists. I see people attacking politicians, but they are attacking the wrong people. I am proud to have been a politician for the last 50 years.

We should look at the cozy dealings between senior civil servants and lobbyists. If some good citizen working for Canadians sees things that they feel are not in the best interests of the Canadian population and they report them, they know that they are putting their future in jeopardy.

Honourable senators, this is not the right kind of protection. I do not want lobbyists in my office. I do not want my name to appear in the press, "Having met with Senator Prud'homme," and then zap, \$5,000.

The only thing I received was to be appointed to the Standing Senate Committee on Banking Trade and Commerce. For 10 years I wanted to be on the Foreign Affairs Committee. I was deprived for all kinds of political pressure by various groups. I do not want to enter into a new speech that senators will hear next session.

One day I made a joke to Senator Carstairs. She said, "Stop saying Foreign Affairs, Foreign Affairs, Foreign Affairs." I thought to myself that they would never give me a seat on that committee. I said, "Okay, Foreign Affairs, Foreign Affairs; they will never give me that." They gave me Banking. Senators all laughed collectively when she said, "I am pleased to announce that Senator Prud'homme has just been appointed to the Standing Senate Committee on Banking, Trade and Commerce," because you all know it is not my *savoir-faire*.

I went there. When Leo Kolber arrived and the committee studied a bank merger, I forced a vote that never took place in the private banking club called the Banking Committee. The vote was 11-1 against the merger of the bank with all of the richest lobbyists.

I spoke to five great bankers at the Rideau Club, five bankers in one night. I had never seen that in my life before and have never seen it since. I said, "You are surrounding us today with lobbyists that you pay a fortune for." We were a little tipsy, nice wine, Rideau Club, bankers. I asked them, "How many employees do



you have altogether?" Not one of them could answer. I said, "Do you know you have 232,000 employees? Do you know that these employees could all be lobbyists because their jobs are in jeopardy?" They did not know what would happen to the jobs if the merger took place.

I forced a vote. It did not pass. The government, a few months later, delayed time and time again. There were two major arguments that I used. I was inspired by one of our friends, Senator Setlakwe.

I just want to say that before we vote on bills like that, we should reflect. Bill C-11 is not strong enough. Civil servants do not feel protected enough. We have all heard that. If it is to be a step in the right direction, I will vote for it. However, if the good senator asks for a vote, with all due respect, I will not isolate her. I will second her. I prefer that she does not make such a request, but she does not listen to me. She says, "You are not my boss."

I will tell her ahead of time that if I second that motion, it is just to give her the privilege of putting forth her views. Once she has stated her views, I will vote the way I feel I should.

**Hon. Madeleine Plamondon:** I move adjournment of the debate.

**Senator Prud'homme:** I second the motion.

**The Hon. the Speaker pro tempore:** It is moved by the Honourable Senator Plamondon, seconded by the Honourable Senator Prud'homme, that further debate be adjourned until the next sitting of the Senate.

• (1000)

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

**Some Hon. Senators:** No.

**The Hon. the Speaker pro tempore:** All those in favour of the motion will please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** All those opposed will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker pro tempore:** In my opinion the "nays" have it.

*And two honourable senators having risen:*

**Hon. Rose-Marie Losier-Cool:** There will be a one-minute bell.

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

**Hon. Senators:** Agreed.

• (1005)

Motion negated on the following division:

YEAS  
THE HONOURABLE SENATORS

Plamondon

Prud'homme—2

NAYS  
THE HONOURABLE SENATORS

Austin	Harb
Bacon	Hubley
Banks	Joyal
Biron	Kinsella
Bryden	Lapointe
Chaput	Losier-Cool
Christensen	Mahovlich
Cochrane	Merchant
Comeau	Milne
Cools	Moore
Cordy	Peterson
Cowan	Phalen
Dawson	Poy
Day	Ringuette
Di Nino	Robichaud
Fairbairn	Rompkey
Fitzpatrick	Segal
Forrestall	Sibbeston
Fox	Smith
Fraser	Stratton
Gill	Tardif
Goldstein	Tkachuk
Grafstein	Trenholme Counsell
Gustafson	Zimmer—48

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

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

**Hon. Senators:** Question!

[*Translation*]

**Senator Plamondon:** Honourable senators, regarding this bill, I would like to draw your attention to a letter I have received from —

**The Hon. the Speaker pro tempore:** Honourable senator, you have asked for the debate to be adjourned. You cannot speak at this stage.

[*English*]

**The Hon. the Speaker pro tempore:** Is the house ready for the question?

**Some Hon. Senators:** Question!

[*Translation*]

**Senator Plamondon:** Honourable senators, I wanted to speak on the motion.

**The Hon. the Speaker *pro tempore*:** You have already spoken on the motion, Senator Plamondon.

[*English*]

**Hon. Anne C. Cools:** May the honourable senator not speak on third reading?

**The Hon. the Speaker *pro tempore*:** The honourable senator proposed the adjournment of third reading. Are we ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** It was moved by the Honourable Senator Smith, seconded by the Honourable Senator Cordy, that the bill be now read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

## WAGE EARNER PROTECTION PROGRAM BILL

### THIRD READING

**Hon. Bill Rompkey (Deputy Leader of the Government)** moved third reading of Bill C-55, to establish the Wage Earner Protection Program Act, to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act and to make consequential amendments to other Acts.

**The Hon. the Speaker *pro tempore*:** Is the house ready for the question?

**Hon. Marcel Prud'homme:** Your Honour, would you kindly speak louder? I keep saying we need better microphones and lighting. We would like to know exactly what is said. None of us heard what bill you called.

**The Hon. the Speaker *pro tempore*:** We are on Bill C-55.

**Hon. Anne C. Cools:** I am getting quite lost. We are now on Bill C-55. I am back on the previous situation. I do not understand why Senator Plamondon was not allowed to speak at third reading. Your Honour said that she had moved the motion for adjournment, which was defeated, but that in no way disqualifies her from being able to speak at third reading of the bill itself.

• (1010)

I do not understand why that was allowed to happen. It is not in order. Perhaps it is a little late, but my understanding is that she moved a motion to adjourn the debate and that it was disposed of in the negative. We then returned to the main motion and Senator Plamondon should have been allowed to speak at third reading.

**Senator Rompkey:** She wanted to speak on the adjournment.

**Senator Cools:** It does not matter. It is a different question.

**Senator Rompkey:** That is what she wanted to speak on.

**Senator Cools:** It is my understanding that she wanted to speak on third reading.

**Senator Prud'homme:** She is right. You cannot run the Senate this way.

**The Hon. the Speaker *pro tempore*:** Is there further debate on this issue?

[*Translation*]

**Hon. Madeleine Plamondon:** Honourable senators, I want to read to you the third paragraph of a letter written by David Kilgour, who has studied the issue of whistleblowers. It will not take long.

[*English*]

**Senator Rompkey:** We are on Bill C-55, the Wage Earner Protection Program Bill.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** We have dealt with that order. It has been sent back to the House. We cannot revert.

**Senator Prud'homme:** Unless we have permission.

**Senator Stratton:** Once it is gone, it is gone.

**The Hon. the Speaker *pro tempore*:** I will have to revert to Bill C-55.

Is the house ready for the question?

**Some Hon. Senators:** Question!

[*Translation*]

**Senator Plamondon:** Honourable senators, I want to share my opinion at third reading stage of Bill C-55, which I have spoken to once before. At this third reading stage, I must tell you I am disappointed that I did not have time to look at it more thoroughly.

No consumers groups were called as witnesses to the committee. There were no witnesses at all. This was done quickly. At second reading of the bill, I asked that consumer groups be invited and Senator Austin told me I would be able to speak at third reading. That is what I am doing.

I wanted to know what consumer groups involved in daily credit counselling would have had to say about this. I would have liked time to read all the reports of the Standing Senate Committee on Banking, Trade and Commerce, which were tabled before I arrived at the Senate and which I have not looked at.

This bill is important for consumers and it is a shame it is being pushed through. It is disrespectful to consumers to approve this bill, which was criticized at second reading but is still being rushed through the Senate.

It will be more difficult to amend this bill once it becomes law. I cannot understand how the government could table this bill without considering the findings of the Standing Senate Committee on Banking, Trade and Commerce.

[English]

**Hon. Jeremiah S. Grafstein:** Honourable senators, I regret the last comments of the Honourable Senator Plamondon, whom I greatly respect. She has been an active member of our committee. However, regrettably, she was not at our extensive deliberations that went beyond the sittings of this house. I regret that she was not able to participate, but perhaps before she opines on this matter she would allow me an opportunity, as chairman of the committee that has presented a unanimous report, to explain, and perhaps she might come to a different conclusion.

Honourable senators, I first want to thank all members of the Banking Committee. In particular, I want to thank our august Deputy Chairman, Senator Angus. I want to thank every member of the committee, including our expert members. We have Senator Goldstein on our committee, who was at one time counsel to the committee and was very much involved in the Senate studies on the subject matter of Bill C-55. I thank all honourable senators who participated, read the materials carefully and held very strong convictions about the bill.

I also want to thank the clerk of our committee, Gérard Lafrenière who, under arduous circumstances, fulfilled his duties with great professionalism. In addition, I want to thank our senior analyst, June Dewetering, who helped us, on a tight time frame, to come to what I hope is a very satisfactory conclusion.

I also want to commend the Leader of the Government in the Senate and the Leader of the Opposition in the Senate, who collaborated in the interests of the Senate to come up with a compromise that I believe dealt with not only the public will, as exemplified in the other place, but also the concerns in this house and our constitutional responsibilities.

I reiterate that I regret that Senator Plamondon was not there, because she has been a very active, astute and helpful member of our committee in our deliberations. As this bill came to us so suddenly from the other place, we were unable to consider a bill into which she had great input, that being the consumer study bill, although we intend to deal with it as soon as possible. However, it is our constitutional responsibility to deal first with government business referred to our committee.

I will explain what happened. The committee was confronted with a Solomonian choice or, as one of our astute members said, a Hobson's choice. Just this week, we received Bill C-55, a very large omnibus bill that deals with not only worker protection but also insolvency and bankruptcy, which is the underlying framework of our economy. We, therefore, were faced with a

terrible dilemma. There was a clear demonstration of public will in the other place. As honourable senators know, the other place is a House of confidence, while we are not a house of confidence. The House of Commons unanimously adopted a bill that they wanted to have passed quickly in light of a pending dissolution of Parliament, which bill would protect vulnerable workers, a principle with which I believe all members of this house agreed.

Our difficulty was that we were told — and the committee looked at this question very carefully — that in light of the pending dissolution there was no opportunity to hear witnesses or to amend the bill, if we so desired, because had we done so the bill could not have been dealt with in the other place and would have died on the Order Paper given the timetable that developed due to actions of all parties in the House of Commons.

What to do? We believed that we had to protect vulnerable workers under the wage earner protection provisions in the bill. However, as Senator Plamondon pointed out, we were told by government officials that the bill was flawed. We were further told that government officials had prepared amendments not only to the legislation itself but also to the regulations that were to be implemented in the future as they were not satisfied with the bill. That was the evidence before the committee. Therefore, what were we to do to fulfil our constitutional responsibilities?

• (1020)

Let me spend a minute or two, Senator Plamondon, because I think it is important that all senators, and new senators, be reminded of their constitutional responsibilities. I will try to be succinct.

Our constitutional responsibilities go back to the great Sir William Blackstone, and Blackstone enunciated, back in the 17th century, the principle of checks and balances. The human condition was imperfect, and the popular will sometimes thwarted and unfair, so we developed a system of governance based on checks and balances between the executive, the house of popular will and the secondary chamber. Each was to check and balance the other so the public will was ultimately, properly and appropriately exercised.

When it came to the Fathers of Confederation, they set up this particular institution to represent the regions of the country and those voices that could not be heard in the popular will, and hence we were considered under our constitutional responsibilities to be a chamber of second sober thought.

The Americans put it well too, because they have the same theory, a different practice but also checks and balances. What did the Americans say? They said that the second chamber, the upper chamber, was to be a chamber that when they received scalding tea in a cup they were to pour it, which represented the heated or overheated public will. They were to put the scalding tea in a saucer and allow it to cool so that it could be ingested without scalding the innards of the public interest.

That, in a nutshell, is our constitutional responsibility: to be a check and balance on the popular will. However, when the popular will is clear, it is not up to us to thwart that public will, and that is the dilemma we faced. Then what would we do?

I now refer honourable senators to the report of the committee, which is succinct. It will set out the rationale in clear terms as to what we were confronted with and what our compromise solution was, which I think will commend itself to this place. I will read from the report. Senator Plamondon was not there; otherwise she might have read the report. It was tabled yesterday. Let us refer to the report. It is in French and English, but I will read portions of it in English.

The committee wishes to indicate our disappointment with the process by which the Bill arrived in the Senate. We recognize the extraordinary circumstances that exist with the impending dissolution of Parliament, but we believe we had

— as Senator Plamondon pointed out —

an inadequate opportunity to review comprehensively such an important piece of framework legislation.

Notwithstanding the foregoing, the Committee has decided to report Bill C-55 without amendment and without having conducted the customary comprehensive study and review. We do so not because we approve of the legislation in its entirety, as drafted, but rather because of three key factors.

First, the Committee unanimously supports and approves of the long-overdue wage earner protection provisions of the Bill and does not wish to delay, or in any way deny — or appear to deny — access to the enhanced legislated protection for this vulnerable group of creditors.

Second, the witnesses heard by the Committee, including the Minister of Labour and Housing and the Parliamentary Secretary to the Minister of Industry, gave unqualified assurance to the Committee, to be confirmed in writing forthwith, that Bill C-55 would not be proclaimed

— would not, in effect come —

into force, prior to 30 June 2006 at the earliest.

I will pause for a moment to talk about the time frame. We believe there is pending dissolution. We believe that there will be an election. This is our belief. We cannot really know until next week. We believe that there will be an election in the month or so ahead. We believe there will be a period of time after that for the government of the day to regroup itself, and we believe that we will be back here some time early next year. We believe that will allow us adequate time to do what we think will fulfil our Constitutional responsibilities.

Third, the Committee expects that between now and the proclamation of Bill C-55, we will receive a timely Order of Reference that will enable us to undertake the thorough review of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act* that would have occurred with respect to Bill C-55 had it been referred to committee to us on a more timely basis.

In connection with the Committee's study in 2006, we look forward to receiving, from Industry Canada officials, the legislative and regulatory changes they undertook

— and I add “in committee” —

to provide to improve Bill C-55 and Canada's insolvency regime more generally. All stakeholders should have an opportunity to share with us their views on key aspects of the *Bankruptcy and Insolvency Act*, and the *Companies' Creditors Arrangement Act* as well as other insolvency legislation. Unfortunately,

— and this is right out of the report —

too few witnesses were heard and there was insufficient study at Committee in the House of Commons during its examination of Bill C-55 which may, in part, explain why obviously needed amendments were not introduced before the Bill was sent to the Senate.

The Committee has

— and this is a piece of history that Senator Plamondon should understand —

in-depth knowledge of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*. In 2002 and 2003 we reviewed these Acts and, in November 2003, tabled our report *Debtors and Creditors Sharing the Burden: A Review of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act*. In that report, we comprehensively examined and made recommendations respecting the full range of consumer and commercial insolvency issues as well as on administrative procedural matters.

Now, the report goes on, Senator Plamondon.

While the Committee wholeheartedly supports the principle of wage earner protection regime, even in that instance we have questions. In our view, workers should be compensated in the timeliest manner possible, and we are not certain that the Bill's provisions meet that test of timeliness. For example, we wonder why the administrator is not able to pay the workers immediately, rather than waiting for workers to be paid out of the Wage Earner Protection Program.

I will move from the report and explain what we tried to do.

In the last two days, your committee was seized of this matter, or about to be seized of it, and I, with our august deputy chairman and all members of the committee, with their leadership on both sides, sought to come up with a solution. One solution was to split the bill, and that was our intention. However, we then found the bill difficult to split in a timely manner without amending it, which would have made it die on the Order Paper because we needed provisions from one section of the bill to be implemented to finally and fully protect the workers. Therefore we struggled to come up with a timely solution, but it was not to be because of the exigencies of the matter.

I will conclude by saying — and I will not read this but you should — moreover, we listed a number of provisions unrelated to wage earners' protection that we believe fall far short, and we have listed them in the report. I will not belabour or take the time of the house to go over those provisions, but it appears it is in the heart of the bill.

Let me conclude with these comments:

The committee notes that we have some experience with delayed proclamation of legislation. A similar approach was adopted in December 1997,

— and Senator Murray will all recall this —

when the Minister of Finance delayed the coming into force of the governance and investment provisions of the *Canada Pension Plan Investment Board Act* until April 1998 in order that we could study them. The Minister also agreed to refer the draft regulations governing the Investment Board to us for review and comment. We believe that this approach was successful then, and will be successful when we have the opportunity to study and review, in a comprehensive manner, the subject matter of Canada's insolvency framework legislation in 2006.

The committee concludes with these comments, which I am sure will help satisfy, in part, the concerns of Senator Plamondon:

The Committee continues to believe that the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act* constitute critical framework legislation that affect, in a very fundamental manner, the Canadian economy and all Canadians who participate in it.

Finally, the committee says this in our report:

The Committee understands that the appropriate government legislative initiatives will be taken to ensure the foregoing.

We then had an undertaking in the committee by the government to withhold the implementation of this bill, but the message would go out clearly to workers that they, in fact, will be protected. As well, in the normal course of circumstances, the question that was raised in the Senate by the Honourable Senator Tkachuk, which was if the bill will be proclaimed in June, why can we not kill the bill now without amendment? I believe the clear answer on the record was, had we done that, we would defer worker protection for still a longer period, because it takes a number of months to implement and put into place the infrastructure, the amendments and the regulations to give effect to worker protection.

**The Hon. the Speaker** *pro tempore*: I am sorry, but Senator Grafstein's time has expired, unless he wishes leave to continue.

**Hon. Senators:** Agreed.

**The Hon. the Speaker** *pro tempore*: Five more minutes?

• (1030)

**Some Hon. Senators:** Agreed.

**Senator Grafstein:** Again, I think Senator Plamondon would like to hear this explanation.

At the end of the period, we concluded that this was the only workable explanation. We required, of course, a key. It is not in the report, but as some honourable senators have mentioned, this was a pre-condition because the committee was not satisfied. In light of the circumstances of dissolution of the other place, we wanted assurance in writing.

If honourable senators had been present at the committee last night when we dealt with Bill C-55 and gave it a thorough review and commended it to this place, at that time I received a letter from the Minister of Industry Canada responsible for the bankruptcy proportions of this bill. I would like to read that letter to the house. All members, had they been present, would have received a copy of this letter, which I circulated at the time. That occurred late last evening while we were hard at work.

The letter is addressed to me and is dated November 24, 2005. It is under the letterhead of the Minister of Industry, David L. Emerson. Honourable senators, I am prepared to place this on the record of the house with your consent. Allow me to read it in full:

I am writing in response to observations made during your committee's meeting of November 23, 2005 with respect to Bill C-55, an Act to establish the Wage Earner Protection Program Act, to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act and to make consequential amendments. As the Committee noted, the bill is a very important piece of legislation that will have significant impact on the economy, the protection of workers, and the life of many Canadians who face a situation of financial distress.

Bill C-55 contains a comprehensive and balanced reform to Canada's insolvency system. There is very strong and broad support for the policy objectives of the bill, which underscores the importance of securing its adoption by Parliament in a timely manner. However, given exceptional circumstances, the scrutiny of the detailed provisions of the bill has raised a number of implementation issues that deserve further consideration. In this regard, the Government commits not to proceed with the coming into force of Bill C-55 before June 30, 2006. As soon as possible in 2006, the Government, through the Leader of the Government in the Senate, will refer the matter to the committee for further study.

I would like to thank your committee for its diligence and cooperation.

Sincerely, David L. Emerson.

Honourable senators, we have received a written assurance by the government. This assurance, to my mind, gives me confidence that we will be able to fill our constitutional responsibilities as soon as we come back.

We will be here, and Senator Plamondon will also be here. I commend to the Senate that we speedily pass this measure in the interest of the workers of Canada.

**Some Hon. Senators:** Hear, hear!

**Hon. W. David Angus:** Honourable senators, first let me say to my colleague, Senator Grafstein, thank you for his generous comments towards not only his deputy chair but also towards the other members of the team, the committee and the support staff.

Honourable senators, I would simply and heartily endorse most of what my colleague has said. I am not sure I agree textually with his references to Blackstone. In general, I think honourable senators will recall my remarks in this chamber the other day about our constitutional duty and the image of senators, generally, at times such as this with important legislation.

I want to reiterate, honourable senators, that in a 24-hour time frame starting three days ago, we were inundated. When it became clear in the media that Bill C-55 was on a fast-track process, we were literally inundated with emails, letters, phone calls and requests for meetings and briefs from the stakeholders of the section of the bill that relates to the review and *reconfection* of our laws of insolvency, bankruptcy and restructuring. Therefore, we were in a *crise de conscience*, as Senator Grafstein has stated.

I compliment the chairman for his integrity and openness towards finding a solution. Initially, as I had stated in this chamber, we had grave doubts and concerns on this side. I have to salute Senator Grafstein for his openness towards finding a solution.

**Some Hon. Senators:** Hear, hear!

**Senator Angus:** I want to say, in the twelve and a half years I have been in this place, this is one of the most fulfilling exercises that I have undertaken. I felt that all sides were working together in a difficult situation to do what was right.

Therefore, I feel comfortable with the undertakings given by Minister Emerson, Minister Fontana, Parliamentary Secretary Pickard and by the officials who all appeared before the committee and placed on the record their genuine concerns that the wage earner protection provisions be enshrined in a law that will ultimately come into force on the one hand; but also their recognition of the need to fix the errors, omissions and flaws in the other part of the bill that crept in as a result of perhaps the undue haste with which it was brought to this place.

Therefore, honourable senators, I think we all understand where we are. The letter is on the record.

I would simply request the Leader of the Government in the Senate, as his office is referred to in the letter, to confirm for our comfort that the spirit of this correspondence is indeed what the government has in mind.

If I might add to what Senator Grafstein has stated, the officials are already compiling a list of proposed amendments and areas in the legislation for which improvement is required. Part of our study and work is underway in that regard.

[ Senator Grafstein ]

Senator Goldstein, who, as Senator Grafstein stated, is knowledgeable and has served as counsel to the committee in the past, has some 40 other proposals that would, I think, improve the bill. The proposals are ready to be worked on whenever we get back to this place in the New Year.

I ask for a statement on the record from the Leader of the Government in the Senate that he endorse this procedure, this process, and that there be an intention for government legislation, as opposed to private-member-sponsored legislation, to implement these amendments when the committee next has an opportunity to report back to this chamber.

Honourable senators, my final remark is, subject to Senator Austin's forthcoming comments, that we get this bill passed but not proclaimed.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I want to address the issue of Bill C-55 in terms of its standing here today and its ongoing standing as requested by the chair of the Standing Senate Committee on Banking, Trade and Commerce, and by Senator Angus, who has just concluded his remarks.

Honourable senators, as both my colleagues have stated, Bill C-55 has presented to this chamber a difficult circumstance. Obviously, there was a great deal of support for the policy directions in this bill. The bill also had not been properly considered in the other place and needs to be reviewed in detail.

Those circumstances were discussed with me by Senator Grafstein. The result is the letter from the Minister of Industry, David L. Emerson, to Senator Grafstein dated November 24, 2005, in which the Minister of Industry gives an undertaking on behalf of the Government of Canada that the bill will not proceed with coming into force before June 30, 2006. The reason for that provision, as discussed with the Minister of Industry, is to permit the Senate to do its proper work in the study of this legislation, not with respect to the principle of the legislation but with respect to the way in which its legislative proposals are to be delivered, the way in which workers are to be protected and the way in which the financial institutions of this country are given proper and balanced consideration in the amendment of the other legislation that this bill proposes to amend.

• (1040)

Therefore I am very pleased to add confirmation to that of the Minister of Industry in the letter of November 24, 2005, and say that if we are the government on the return of the election writ, the government on this side will propose that Bill C-55 be referred by order of reference to the Standing Senate Committee on Banking, Trade and Commerce to review Bill C-55 and to propose whatever amendments are appropriate in the view of the committee.

I would also like to add to what Senator Grafstein has said. The government has been concerned with some parts of the legislation contained in Bill C-55 and had the intention of proposing amendments in the other place and, when that turned out to be difficult, amendments in this place. However, we were not capable of dealing properly with any amendments, however proposed.

I believe that the committee, as Senator Grafstein said, has come up with a solemn conclusion. I share with Senator Angus questions about Blackstone's references, although I agree entirely with the thesis of the checks and balances that Senator Grafstein spoke about.

Senator Grafstein says, "Read Blackstone." Anyone here who is a lawyer had this 30-pound book dumped on his or her desk and was told, "Read it before you go to your first law class." Nobody did, of course, except perhaps Senator Grafstein.

In any event, because the matter is a serious one, I do want to say one more time that should the Liberal Party form the next government, the Leader of the Government in this place will refer Bill C-55 to the Banking Committee forthwith upon the first opportunity so to do. The government has made the commitment not to bring the bill into force before June 30, 2006.

With the consent of the Senate, I will table the original letter of the Minister of Industry, addressed to Senator Grafstein, dated November 24, 2005.

**Some Hon. Senators:** Hear, hear!

**Senator Austin:** The honourable senator proposed it.

**Senator Grafstein:** With leave of the Senate, I propose, in accordance with the rules, that this document be appended to the *Debates of the Senate* of this date.

(For letter, see today's Debates of the Senate, *Appendix*, p. 2241.)

**Hon. David Tkachuk:** I just want to break up this collegiality here, as I tried to do in the committee. This is a bad piece of work. We have been acting as responsibly as we could under the circumstances. I want to make it clear to everybody here that even though we knew that the bill would not be implemented for quite some time, as it takes quite a number of months for a bill like this to be implemented, the letter was asked for by our side because we wanted to send a clear signal to the markets that it would not be implemented until at least June 30 of next year.

I want there to be no illusion amongst honourable senators. Even if the letter was not asked for, workers would not have been protected in January, February, March, April, May or June, and probably not till 2007, or perhaps, at the earliest, the fall of 2006. I just want everybody to know that.

The Minister explained that this procedure would speed up the process, and that is why it is important. Of course, all the parties in the house agreed to that, but, honourable senators, it was not one of my proudest moments, even though this was a difficult solution to a difficult problem. All honourable senators worked towards that, and that is why the matter was resolved so quickly.

I want to thank the chair and the deputy chair of the committee because their relationship is pretty cozy, more cozy than I would probably like. They get along pretty well, so what can I say?

**The Hon. the Speaker pro tempore:** Senator Kinsella?

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I just want to place on the record that Prime Minister Harper has indicated to my colleagues that he will welcome a knock on his door — that is a quote from Senator Angus — in the same spirit in which Senator Austin has made an undertaking that it would be done in his caucus should the unimaginable happen. I place on the record that we have that commitment verbally from Mr. Harper.

**Some Hon. Senators:** Hear, hear!

[*Translation*]

**The Hon. the Speaker pro tempore:** Senator Plamondon, since you have already spoken on this bill at third reading, you must have unanimous consent to speak again.

[*English*]

In order for Senator Plamondon to speak, we must have unanimous consent.

Are there any questions? Are you asking a question of Senator Austin?

**Senator Plamondon:** May I ask a question of Senator Grafstein?

**The Hon. the Speaker pro tempore:** Will Senator Grafstein accept a question?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** She spoke already.

**The Hon. the Speaker pro tempore:** The honourable senator would have to ask a question of Senator Tkachuk, who was the last speaker.

**Senator Austin:** Senator Kinsella was the last speaker.

**The Hon. the Speaker pro tempore:** I am sorry, Senator Kinsella.

**Senator Plamondon:** I will pose my question to whoever wishes to answer it.

**The Hon. the Speaker pro tempore:** Does Senator Kinsella wish to respond to questions?

**Senator Kinsella:** No.

**The Hon. the Speaker pro tempore:** Sorry, leave is not granted, senator.

Is the house ready for the question?

**Senator Prud'homme:** Instead of dumping — my neighbour, who is the most eloquent person, made me correct a word that I was about to use. Instead of abusing Senator Plamondon, or dumping on her, we should thank her. We were about to stampede bills within a moment. Mr. Fox may disagree, but he is my long-time friend. I gave him his first Liberal membership card

as a Rhodes Scholar at the University of Montreal, so I can never fight with him. He is brilliant. I would never want to have a debate with him because he knows that I was also a champion of debating, and most likely I would win.

I am happy that a debate is taking place. I thought that is what the Senate was all about. We cannot all go to committees. Now, because of the insistence of the honourable senator in delaying, we have had immensely good information from Senator Grafstein. He must be happy. He can print this speech because it is a good one. He gives us more explanation. I watched all of you, senators, from where I sit, and you paid attention to what he was saying. For most of you, it was the first time you had heard about that bill on which you are about to vote.

• (1050)

Thanks to the Honourable Senator Plamondon's insistence on not going too fast, we have learned more about that bad bill. My friend — and I call him my friend, and I usually do not abuse that word — and I disagree quite passionately on one issue only. He knows that I started my campaign for Ross Thatcher in 1964 in Saskatchewan, and campaigned for the first woman ever elected, Sally Merchant, who is the mother-in-law of Senator Pana Merchant. I campaigned in 1967 all over Saskatchewan. I know Saskatchewan better than some places in Quebec.

Senator Tkachuk said that this is a bad bill. Another friend said, "Well, it was sent by the House of Commons as a bad bill." I thought that the duty of the Senate was exactly that: to correct bad bills that come from the House of Commons.

Now we are being asked to vote quickly on a bad bill from the House of Commons with the assurance, or in some cases the arrogance, of people who say, "Do not worry. When we come back..." — as if they have been given a sign from God that they will be sitting in the same place — "...we will continue with this bill."

However, the universe may not unfold as we think. The time is now to show to the other chamber what is becoming more and more of a bad habit. It is also done in the National Assembly in Quebec. I am on record as having booed from the gallery in the National Assembly — where I am much more popular than here, on both sides of the aisle — what they were trying to do over there by saying, "If you do not pass this before midnight, you will come back between Christmas and New Year. If you do not do this, you will sit until midnight. If you do not do this, you will sit Saturday."

I said, "So be it." If you do not do it, you will sit on Sunday. Now, the Lord's Day has taken a hike. I remember once we were supposed to sit on Holy Friday on a debate in the House of Commons by two members from the NDP, a member from Skeena, whose name escapes me, and Mr. Peters from Temiskaming. If we were to sit on the joyful day called Hanukkah, I would imagine there would be strong representation here. Suddenly, we say, "Who cares about Sunday anymore anyway? We will sit Sunday." For what reason, I do not know.

[ Senator Prud'homme ]

It is a bad thing to say that the Senate seems to be espousing working with a gun to its head or a knife to its throat on a multiplicity of bills that we were about to pass this morning, until we got some explanation of this bill because of the insistence, again, of Senator Plamondon. We heard quite a great statement by Mr. Austin, who earlier — and I am not attacking him — as I can read faces, seemed to be not very happy with the development of the events this morning.

Look at what is going on. Every member would now like to ask questions. What is this all about, really?

Senator Grafstein quoted a letter that members who were at the committee hearing received. We all know that Senator Plamondon was not at the committee meeting; therefore, she did not receive that letter. I just checked. She is a different member already; she did not receive the letter because she was not there. However, she was not there because she had already indicated that she preferred to be here while you were there.

Correction: It was yesterday evening, but she did not receive the letter. Her having said that she did not receive the letter surprised me, but it seems to be a very important letter. I am sure Senator Grafstein will give her a copy. I am very pleased.

All of that is to say, in a nutshell, that it is very difficult for me as a senator to vote for legislation when the expert who sat on the committee tells me that the bill is a bad bill. It came here as a bad bill. We did not correct the bill because of expediency, because of so-called events that will take place; but it is okay; we will solve that later on.

Senator Plamondon's *raison d'être* at the Senate was to be the champion of the consumers' association. Now, instead of explaining a policy, she will have to explain why there were no witnesses, why there was no time for various consumer associations to be heard.

I can tell you one thing: You would not have done that to big bankers, unless a private phone call were to take place, saying that we are touching your interests but we do not have time to bring you in as witnesses. We would not do that to very highly influential Canadians if we were to touch their daily lives. I do not think we would. We would not do that to people who contribute vast amounts of money to the electoral funds. I do not think you would do it if they were to get on the line to the Prime Minister's office and speak directly to him, saying, "You are affecting us. My lobbyists on the Hill tell me that it is terrible because you are intending to pass that bill. We do not agree with that, but you are going ahead anyway, and we have not had a chance to be heard." I think that you are all very practical politicians. You all know the secrets of life, especially those who have been active as fundraisers. I see one, two or three here, four, five, six, seven and eight.

It is too bad that there are 39 absent senators. I know that we cannot refer to senators' absences by name, but we can by number. There are at least 39 senators who will not know what is happening today, what happened this morning and why there is this rush. They would not have had a chance to listen to the words of wisdom of Senator Grafstein, the Chairman of the Banking Committee. They would not have been in a position to listen to



the commitment by Senator Austin. I hope some day before I leave — relax; you do not have many more years to see me — to use my time, if I can, to solve another problem, as you know. All I would have to do is to try to make Canadians understand that they could be proud of having a Senate to protect their interests; that Indians in Canada could be proud to know that they have champions in Canada; that the minorities in Canada could be proud to know that someone is standing up for their rights. The Senate has a role to play.

I do not know if you are signifying me. No?

Okay. We are here in the Senate with a *raison d'être*. I defend the Senate. I believe in the Senate. Even in Quebec now, the Bloc and the Péquiste are talking about a new regional house. I said to them — because I have good contacts with them, and I am not one of them yet — “If I understand you well, you want to reinstitute a legislative council.” They call that a house of regions. It was just abolished, as you know. Quebec was the last place where they abolished the legislative council, the upper house, 24 members. I knew them all. They waited until most of them died and then they bought off the last three with a pension, because they were not allowed a pension. Now, suddenly, they have discovered that there is something missing somewhere. It is called a house of regions. We have the Senate; but, senators, for God’s sake, for Pete’s sake, for France’s sake, for Madame’s sake, for all of our sake, do we really believe in what we are doing here? Some senators told me last night, “I am so fed up with this place.” I said, “Senator, why do you not resign? If you are fed up with this place, there are hundreds of Canadians waiting to serve Canada. Canada will go through crises. We need active members who believe they can do something. If you are fed up, just resign.” I will not say who it was. However, those who know me know I can back up what I say with a real name. If you are fed up, resign — that is, if you do not like to sit a few more hours for the salary we receive. It is the last ultimate private club in North America. It is the last ultimate private club of Canada. I think someone said “right.”

• (1100)

We have privileges, but we have a role to play — and that is what Senator Tkachuk said — namely, to correct that bill. It is a bad bill. Or do it with Bill C-25, on foreign affairs. If there would have been a vote, as I said to people, “Why not vote now?” The bill would have been defeated.

We should not apologize for delaying things a bit more. We know there is a motion to sit this afternoon, until we get exhausted; and tomorrow, and Sunday, and Monday. I am of the opinion that we will get out of here much sooner than that. Having said that, I will not leave Madame alone. On the next bill, I will not take any more action. On Bill C-54, I have reason to act differently.

**Senator Rompkey:** Question!

**The Hon. the Speaker *pro tempore*:** Is the house ready for the question?

**Some Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** It was moved by the Honourable Senator Rompkey, seconded by the Honourable Senator Losier-Cool, that this bill be read a third time now. Is it your pleasure, honourable senators to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.

[*Translation*]

**Senator Plamondon:** Honourable senators, I move that the bill be not now read the third time but that it be read six months hence.

[*English*]

**Senator Rompkey:** We just passed it.

**Senator Prud'homme:** On a point of order, I think there has been some bulldozing going on. The microphones — I do not know if there is a problem; it was not open — or not working. She was already up.

**Senator Stratton:** You have an ear piece. You can clearly hear with an ear piece.

**The Hon. the Speaker *pro tempore*:** Senator Plamondon had already spoken on third reading of the bill.

#### FIRST NATIONS OIL AND GAS AND MONEYS MANAGEMENT BILL

##### THIRD READING

**Hon. Rod A. A. Zimmer** moved third reading of Bill C-54, to provide first nations with the option of managing and regulating oil and gas exploration and exploitation and of receiving moneys otherwise held for them by Canada.

**The Hon. The Speaker *pro tempore*:** Is there debate on the issue?

**Some Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** Is the house ready for the question?

**Some Hon. Senators:** Question!

Motion agreed to and bill read the third time and passed.

#### ENERGY COSTS ASSISTANCE MEASURES BILL

##### THIRD READING

**Hon. John G. Bryden** moved third reading of Bill C-66, to authorize payments to provide assistance in relation to energy costs, housing energy consumption and public transit infrastructure, and to make consequential amendments to certain Acts.

**The Hon. the Speaker *pro tempore*:** It is moved by the Honourable Senator Bryden, seconded by the Honourable Senator Poy, that the bill be read the third time now.

Is there debate on the issue?

**Some Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** Senator Plamondon.

[Translation]

**Hon. Madeleine Plamondon:** Honourable senators, I move that the bill be not now read but that it be read six months hence.

[English]

**The Hon. the Speaker *pro tempore*:** Do you have a seconder, Senator Plamondon?

The motion is seconded by the Honourable Senator Prud'homme that this bill be read the third time six months hence.

**Hon. Marcel Prud'homme:** Again, read the number of the bill so that we can follow, please. It is what?

**The Hon. the Speaker *pro tempore*:** The clerk read the bill, senator.

**Senator Austin:** Bill C-66.

**The Hon. the Speaker *pro tempore*:** We are dealing with Bill C-66 and Senator Bryden now has the floor.

It is moved by the Honourable Senator Plamondon, as I said, seconded by the Honourable Senator Prud'homme —

**Senator Prud'homme:** No, no.

**The Hon. the Speaker *pro tempore*:** No? Does Senator Plamondon have a seconder? There is no seconder.

Is the house ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** It is moved by the Honourable Senator Bryden, seconded by the Honourable Senator Poy, that this bill be read the third time now.

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

**Senator Prud'homme:** You could at least ask kindly, either the proposer or the mover — to show them that we do not rush stuff around here — to give us a very brief explanation of what took place in the committee. I think it is only fair that they say a word or two.

**The Hon. the Speaker *pro tempore*:** Is the house ready for the question?

**Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** Is leave granted, honourable senators? Are you ready for the question? It is moved by the Honourable Senator Bryden, seconded by the Honourable Senator Poy, that the bill be read a third time now.

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

**Some Hon. Senators:** Agreed.

**The Hon. the Speaker *pro tempore*:** Carried.

**Senator Prud'homme:** Your honour, I think you said it very fast. I think you should look around. You sit down all the time. I am asking if it we are at third reading, but you go so fast; you do not look. You look at your paper and you sit down. You should look to see if there are senators standing, and your Clerk should advise accordingly.

**Some Hon. Senators:** Order!

**The Hon. the Speaker *pro tempore*:** If I may, Senator Prud'homme, I asked twice if the house was ready for the question.

**Senator Prud'homme:** And I got up twice.

**The Hon. the Speaker *pro tempore*:** No, I am sorry. I have asked twice.

Motion agreed to and bill read third time and passed.

## BUSINESS OF THE SENATE

### MOTION TO PASS BILL C-57 AND BILL C-71 ADOPTED

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, I move:

That, pursuant to rule 38, in relation to:

Bill C-57, An Act to amend certain acts in relation to financial institutions; and

Bill C-71, An Act respecting the regulation of commercial and industrial undertakings on reserve lands;

no later than 2:45 p.m. Friday, November 25, 2005, the Speaker shall interrupt any proceedings before the Senate and all questions necessary to dispose of all remaining stages of the above-mentioned bills shall be put forthwith and successively without further debate, amendment, or adjournment and that any votes on any of those questions be not further deferred; and

That if a standing vote is requested, the bells to call in the Senators be sounded for fifteen minutes.

**The Hon. the Speaker *pro tempore*:** This motion is in accordance with rule 38. I would like to read it again so that everyone is aware of what we are doing.

• (1110)

Rule 38 states:

At any time while the Senate is sitting, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate may state from his or her place in the Senate, that there is an agreement among the representatives of the parties in the Senate to allot a specified number of days or hours to the proceedings at one or more stages of any item of government business. At the same time, without notice, the said Leader or Deputy Leader may propose a motion setting forth the terms of such agreed allocation and every such motion shall be decided forthwith without debate or amendment.

[Translation]

**Hon. Marcel Prud'homme:** Could her Honour read rule 38 in French, please?

**The Hon. the Speaker pro tempore:** This motion is based on rule 38 of the *Rules of the Senate*:

At any time while the Senate is sitting, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate may state from his or her place in the Senate, that there is an agreement among the representatives of the parties in the Senate to allot a specified number of days or hours to the proceedings at one or more stages of any item of government business. At the same time, without notice, the said Leader or Deputy Leader may propose a motion setting forth the terms of such agreed allocation and every such motion shall be decided forthwith without debate or amendment.

[English]

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, I confirm that there is agreement on this side to proceed with this motion under rule 38 of the *Rules of the Senate*.

**Some Hon. Senators:** Question!

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Rompkey, seconded by the Honourable Senator Stratton:

That, pursuant to rule 38, in relation to:

Bill C-57, An Act to amend certain Acts in relation to financial institutions

Bill C-71, An Act respecting the regulation of commercial and industrial undertakings on reserve lands

no later than 2:45 p.m. Friday, November 25, 2005, the Speaker shall interrupt any proceedings before the Senate and all questions necessary to dispose of all remaining stages of the above-mentioned bills shall be put forthwith and successively without further debate, amendment or adjournment and that any votes on any of those questions be not further deferred; and

That, if a standing vote is requested, the bells to call in the Senators be sounded for fifteen minutes.

[Translation]

**Senator Prud'homme:** In French, please.

**The Hon. the Speaker pro tempore:** It is moved by the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Stratton:

That, pursuant to rule 38, in relation to:

Bill C-57, An Act to amend certain Acts in relation to financial institutions,

Bill C-71, An Act respecting the regulation of commercial and industrial undertakings on reserve lands,

no later than 2:45 p.m. Friday, November 25, 2005, the Speaker shall interrupt any proceedings before the Senate and all questions necessary to dispose of all remaining stages of the above-mentioned bills shall be put forthwith and successively without further debate, amendment or adjournment and that any votes on any of those questions be not further deferred; and

That, if a standing vote is requested, the bells to call in the Senators be sounded for fifteen minutes.

[English]

All those in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** All those opposed to the motion will please say "nay."

**Senator Prud'homme:** Nay.

**The Hon. the Speaker pro tempore:** In my opinion, the "yeas" have it.

*And two honourable senators having risen:*

**The Hon. the Speaker pro tempore:** Call in the senators.

Is there agreement on the bell?

**Hon. Lowell Murray:** I appreciate the problem that honourable senators are experiencing with repeated denials of unanimous consent. However, I have protested on other occasions about 15-minute bells to summon honourable senators who might not be in the chamber but rather in their offices. Certainly, a one-minute bell, even if 104 senators were present in the chamber, would not be sufficient and would be an abuse by our majority. Therefore, I would appeal to the whips to come to an agreement for something more reasonable than a one-minute bell.

**Hon. David Tkachuk:** I would agree to a 15-minute bell.

**Hon. Rose-Marie Losier-Cool:** Agreed.

**The Hon. the Speaker *pro tempore*:** Is it agreed that there will be a 15-minute bell?

**Hon. Senators:** Agreed.

**The Hon. the Speaker *pro tempore*:** The bell to call in the senators will sound for 15 minutes.

• (1130)

Motion carried on the following division:

YEAS  
THE HONOURABLE SENATORS

Angus	Harb
Austin	Hubley
Bacon	Joyal
Baker	Keon
Banks	Kinsella
Biron	Lapointe
Bryden	Losier-Cool
Buchanan	Mahovlich
Callbeck	Merchant
Chaput	Milne
Christensen	Moore
Cochrane	Munson
Comeau	Peterson
Corbin	Phalen
Cordy	Poy
Cowan	Ringuette
Dawson	Robichaud
Day	Rompkey
Di Nino	Segal
Fairbairn	Sibbeston
Fitzpatrick	Smith
Forrestall	Stollery
Fox	Stratton
Fraser	Tardif
Furey	Tkachuk
Goldstein	Trenholme Counsell
Grafstein	Zimmer—55
Gustafson	

NAYS  
THE HONOURABLE SENATOR

Plamondon—1

ABSTENTIONS  
THE HONOURABLE SENATORS

Cools	Murray
Gill	Watt—4

**Senator Prud'homme:** On a point of order, I knew there would be howling and shouting. I was on the telephone, and I entered too late. Had I voted, I would have abstained, as did the last four honourable senators, for reasons one or two of them may explain in third reading debate.

FIRST NATIONS COMMERCIAL  
AND INDUSTRIAL DEVELOPMENT BILL

SECOND READING—DEBATE SUSPENDED

**Hon. Tommy Banks** moved second reading of Bill C-71, respecting the regulation of commercial and industrial undertakings on reserve lands.

He said: Honourable senators, I am not only pleased but proud to rise today to ask for your support of Bill C-71, the First Nations Commercial and Industrial Development Act. I urge all senators to support the passage of this bill so that First Nations can begin to enjoy the benefits that will accrue from it in terms of economic development, social development and quality of life.

I point out, honourable senators, that this bill and its objectives have grown into a commitment from the Government of Canada in response to an impetus that has come directly from the First Nations. Its object is to close the socio-economic gap between First Nations and other Canadians.

• (1140)

The gap in opportunities: We pride ourselves on equality of access to opportunity. This bill will move toward equal access of opportunity for First Nations.

It is part of a transformative agenda that involves working in partnerships with the First Nations to help them strengthen their economic prosperity and exercise greater control over their future prosperity.

To this end, the government signed a political accord with the Assembly of First Nations in 2005 that underlined a shared commitment to help First Nations exercise greater control over their social and economic aspirations.

As with previous legislation such as the First Nations Land Management Act and the proposed First Nations Oil and Gas and Moneys Management Act, Bill C-71 has the three following characteristics: The bill has been developed in partnership with First Nations, as a result of requests from First Nations. At every stage from the beginning concept of the bill, the design of the bill, and the examination of the downstream implications of the bill in every respect, there have been processes in which the First Nations have not been merely consulted, they have been at the table and part of the design of what we have before us now.

The physical application of this bill is completely optional for First Nations. This bill imposes nothing. It requires nothing. It demands nothing of any First Nation that does not wish to use it.

It requires complete community ratification from every bona fide voting member of any First Nation before that nation undertakes to use the opportunities that are provided in this bill, before any of its provisions can come into effect on reserve lands.

First Nations themselves advocated this initiative. They helped develop it. They helped write it. They have become its ambassadors to other First Nations. The five partnering nations who have been involved in the design and concept of this bill are the Squamish Nation of British Columbia, the Carry the Kettle

First Nation of Saskatchewan, the Fort William First Nation of Ontario, and the Tsuu T'ina Nation and Fort McKay First Nation in Alberta. These First Nations have all passed band council resolutions in support of this proposed legislation.

This is a First Nations-led initiative. The Government of Canada has received letters of support from other First Nations and in addition to that, other First Nations organizations have received briefings, technical briefings and support documentation on this bill including the Canadian Council for Aboriginal Business, the First Nations Summit, the First Nation Economic Summit, the Indian Resource Council, the Union of Ontario Indians and the Federation of Saskatchewan Indian Nations. Many industry groups have indicated their support for this legislation as well.

These First Nations have recognized the enormous opportunities that exist on their reserve lands to improve their economic prosperity and the quality of their life through the development of large-scale and complex commercial undertakings.

For these First Nations and for all future First Nations who wish to participate in the regulatory measures that will become possible under this bill, it will represent a huge step forward in their capacity to realize their potential and to have access to that equality of opportunity for all Canadians of which we are most proud.

For First Nations to take advantage of these complex developmental undertakings, legislative and regulatory renewal must take place because there is an absence of such regulatory regimes on reserve land. Regulatory regimes are a vacuum in that respect.

The government has made this renewal a priority. It means access to equality of opportunity and to their social structures for all Canadians.

In the Auditor General's 2003 report, one impetus for this bill, the Auditor General, commenting on economic development in First Nations communities, found that regulatory barriers were one of the main impediments to First Nations economic development.

This bill fixes that problem and puts into place things that can be used by First Nations if they wish to do so to take advantage of their natural resources and developmental possibilities.

In testimony before the Standing Senate Committee on Aboriginal Peoples in Vancouver, Harold Calla, senior counsellor for the Squamish Nation, spoke about the need to address the institutional and legislative barriers to economic development of First Nations reserves. He also raised another issue that is central to this debate.

I am referring to his testimony. He indicated that First Nations and the Government of Canada must anticipate rather than react to the opportunities that First Nations are beginning to see,

recognize and realize. He said and now I quote him: "It is too late when impediments to economic development are starting to be discovered by First Nations communities because, for the first time, they may have an opportunity knocking on their door."

This bill addresses precisely what Mr. Calla discussed. Bill C-71 anticipates that First Nations will have those opportunities and will continue in the coming years to bring forward opportunities for large-scale complex economic commercial and industrial development prospects on reserve lands, much like the ones that are anticipated directly as a result of the impetus in this bill.

Honourable senators, I urge you, with alacrity and careful consideration, to vote for this bill today because the sooner we do it, the sooner those opportunities will be available.

Subject to First Nations agreement, the agreement of the provinces and the agreement of the Government of Canada under this bill, the direct opportunities that will be the first users of the regulatory powers, are waiting to push the button to start these developments going to the direct and immediate benefit of First Nations. I do not need to tell you what the real cost is, not in terms of delayed advantages to First Nations, but in terms of delayed plans for projects which are imminent.

Honourable senators, I urge your support now for this bill.

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, I wonder if the honourable senator would take a couple of questions.

**Senator Banks:** Absolutely.

**Senator Kinsella:** Could the honourable senator give us an example of the power that is alluded to in subclause 3(1) of the bill, page 2, which says, "The Governor in Council may make regulations governing commercial or industrial undertakings that are located on reserve lands described in the regulations."

Those regulations are yet to be formulated, I assume. However, the regulations are in such areas as to "confer on any person or body the power exercisable in circumstances and subject to conditions similar to those applicable to the exercise of that power outside reserve lands under the laws of the province."

Could you give us a couple of examples of those powers in paragraph 3(1)(c)?

**Senator Banks:** I thank the honourable senator for his question. I hate it when people say I am glad you asked that question but I am glad you asked that question, Senator Kinsella.

I will give you an Alberta example because that is where I am from and I am more than grazingly familiar with the kind of question to which you refer.

First, I want to ensure that we understand that it makes sense that in land that is contiguous and almost in every case contained and surrounded by provincial land — most often provincial Crown land — the federal regulations that will come into place to govern development on reserve land should be approximate to the regulations that apply to the provincial Crown land that surrounds it.

• (1150)

To have a different set of regulations that are operated and adjudicated by a different means would be inefficient, duplicative and impractical in the extreme. In the case of the Fort McKay First Nation, who are the first people to take advantage of this, we are talking about an oil sands deposit contiguous to the land directly next to it. To have a different set of regulations would be silly.

The government has chosen to make federal regulations which very closely approximate or may be exact mirror images of the provincial regulations that would apply in the immediate surrounding contiguous land. That would apply to whatever provincial regulations might apply whether it be in Nova Scotia, Quebec, British Columbia or any other province or territory.

In Alberta's case, the powers having to do with the development that the Fort McKay First Nation will undertake are governed by the Alberta Energy and Utilities Board and the Alberta Energy Resources Conservation Board. These groups govern extraction processes, ecological considerations and the like. The powers of these boards are quasi-judicial and practically legislative, which they must be for reasons we all understand. It would be the policy and practice, subject to the agreement of the First Nations, the provinces and the Government of Canada, that the federal regulations put into place on those reserve lands would be, for all intents and purposes, the same as the regulations that apply in the lands that abut the reserve lands. They would be different in every province.

This is not a derogation of authority; these are federal regulations. They will be agreed to by all the parties. However, it is practical that they will be administered and adjudicated by the bodies in the respective provinces who already do that, who already have a compendium of knowledge, who already have the expertise and the regulatory and adjudicative processes in place. They will exercise federal authority on those reserve lands in the same way as those regulations would apply on the lands that surround their reserves.

[*Translation*]

**Hon. Aurélien Gill:** Honourable senators, I would like to begin by congratulating the senators, the minister and the communities that have studied this bill. I have been interested in this issue for some years, and we have not yet found a way to provide economic development that would be of real help to the communities.

I am speaking on behalf of a number of communities in Quebec. They are subject to the Indian Act — federal legislation — which we do not like and have long wanted to change. What has prevented us from doing so, however, to some extent is that we

[ Senator Banks ]

did not want to move out of federal jurisdiction — although the administration of Indian Affairs has not always been a great success — and into provincial. There has been an almost ongoing tendency for Indian and Northern Affairs to want to put us into provincial hands. Managing Indians is sometimes annoying. It is not always easy. That is what has always stopped us from obtaining something that might advance our cause and decrease the gap between Aboriginal communities and our non-Aboriginal neighbours.

Can you assure me that this is not a transfer of responsibilities to another level of government, but rather a responsibility that will remain under federal jurisdiction? If ever there is a transfer of responsibilities, will it be to the people in the communities concerned, and not the provinces? If you can guarantee that, I will have no problem supporting this bill.

If I understand correctly, the bill is going to apply to the communities that request it. It is my understanding that we would have to ask in order to have the bill apply to us. Is that the case?

[*English*]

**Senator Banks:** To answer the second question first, this legislation does not demand anything of anyone. This is not even framework legislation. This is enabling legislation which permits a First Nation to, and only if a First Nation wishes to, undertake certain kinds of complex and large-scale developments. They can enter into negotiations to arrive at, let us call it, a deal for that development; it may not be a development of a natural resource but an entirely different kind of development. The impetus to do that must come from the First Nation. If it does not want to do that, nothing would proceed — nothing would exist.

To answer the honourable senator's first question, there is not a devolution of federal responsibility to anyone. The federal government retains entirely its jurisdiction for providing regulation over industrial development on reserve lands. It does say that, subject to information coming from a First Nation for development, the federal regulations which will apply on that reserve, subject to the approval of the First Nation, will be the same as the ones that apply to the provincial lands that surround it, provided the First Nation agrees.

When that deal is made, it must be subject to, first, informed consent by every member of the First Nation in a referendum. Pursuant to that referendum, it then must be subject to a band council resolution. Nothing can proceed at any stage along the way without having first received the entire approval of the First Nation. This is not a devolution of federal responsibility. It is a statement of how the federal responsibility will be discharged.

**Hon. Nick G. Sibbeston:** Honourable senators, the Standing Senate Committee on Aboriginal Peoples is studying the issue of the involvement of Aboriginal peoples in industrial projects and businesses. It is a fascinating and inspiring study. We have heard from academics, various government departments and of course Aboriginal people here in Ottawa and more recently on a tour to British Columbia and Alberta.

We are finding that despite many difficulties and impediments, Aboriginal people are getting into business and are involved in our Canadian economy. People talk about the impediments or difficulties, but one of the things we are finding is a need for certainty. First Nations need certainty in terms of their powers. Businesses and industrial projects that want to go on reserves also want certainty. They want to be sure that the applicable rules will not change every time there is a new council.

This bill is part of the puzzle, part of what our government can do to help First Nations and Aboriginal people in our country create the regulations that will apply if First Nations, indeed, desire them on their reserves.

• (1200)

Honourable senators, Bill C-71 will give the federal government the ability to create regulations that apply to First Nations. Clause 5 states:

Regulations may not be made under section 3 in respect of undertakings on reserve lands of a first nation unless

(a) the Minister has received a resolution of the council of the first nation.

Therefore, this bill does not automatically apply to all First Nations and reserves in the country. First Nations must pass band council resolutions asking the federal government to have these regulations apply to their reserves, which is very significant.

In the last few days, I have received correspondence from First Nations expressing concerns and says that they have not been consulted. This bill has not been widely circulated and consulted upon throughout the country. I suspect that the federal government, through the Department of Indian Affairs, has been working with those First Nations communities that are likely to be impacted by industrial projects which they want to go forward on their land. I think that explains the concern of the few First Nations about this bill.

In the last few days, I have had the opportunity to meet with First Nations who have urged me to support this bill, and I am glad to do so. Implementation of industrial projects requires rules and regulations. People in the communities will want to be involved. They want to ensure that the projects will not harm them or the environment in any way, and the regulations will provide for that. They will provide comfort to First Nations that the projects will be conducted safely and not harm them. On the other hand, business requires certainty, and I think this bill will provide that. I am very pleased to support Bill C-71.

**Hon. Hugh Segal:** Would Senator Sibbeston entertain a question?

**Senator Sibbeston:** Yes.

**Senator Segal:** My question is with regard to the fiduciary obligations of the Crown to our First Nations. Let us assume that a band council has voted to have the provisions of this bill apply, which facilitates an Aboriginal community moving ahead in partnership with a resource company or other corporations for the purpose of economic development. If there is a difficulty, a

dispute or an environmental exposure, does the fiduciary role of the federal Crown still apply, or has the nature of the vote that has transpired and the implications of this legislation move that fiduciary obligation elsewhere? Does it expose the Aboriginal community to undue risk, particularly in the context of environmental exposure?

**Senator Sibbeston:** I recognize that the federal government has a fiduciary responsibility to ensure that projects on First Nations lands are conducted properly and that there is no harm to the lands and waters. I suspect that First Nations people will also be very observant and careful in this regard because, if things go wrong, it is the people themselves who will be adversely affected.

From my own experience in the Northwest Territories, I know that people are very careful when a project comes into their area. After many meetings and much study, a decision is taken on whether the project should proceed. Due consideration is given to ensure that the project is conducted as safely as possible.

People in the North have been concerned that pipelines on their lands and under their waters may eventually break and cause environmental damage, but that has not happened. I assume that the regulations will ensure that the projects are successful. However, there can be earthquakes, floods and other things that are not anticipated. In this world, we do the best we can. Hopefully, these regulations will provide as much protection as possible. If something goes wrong, I suspect that the federal government will ultimately be responsible. I do not think that these regulations will alleviate the federal government of any liability or responsibility. I think the fiduciary responsibility will still apply, but I am sure that everyone will do all they can to ensure that the projects proceed in a safe manner.

[Translation]

**Hon. Madeleine Plamondon:** I would like to ask Senator Banks a question, if I may.

[English]

**The Hon. the Speaker pro tempore:** The question should be asked of the last speaker, Senator Plamondon.

**Senator Plamondon:** Honourable senators, on page 2 of the bill, clause 3(2) reads:

Regulations made under subsection (1) may

(a) designate a particular undertaking or a class of undertakings to which the regulations apply;

Does that mean that the federal government could require certain companies to partner with Aboriginals? What does the clause mean?

**Senator Sibbeston:** I do not entirely understand the question, but these regulations cannot be imposed by the federal government on First Nations. The First Nations must always have band council approval before any of these regulations are applied on their lands. Companies, in conjunction with the federal government, cannot proceed with a project without First Nations consent, which is very important.

**Hon. Terry Stratton (Deputy Leader of the Opposition):** Honourable senators, although we support Bill C-71 in principle, it is quite intrusive into the inner workings of First Nations governments. I am quite concerned about the near complete absence of First Nations consultation and the fact that there has been little parliamentary scrutiny. This legislation is not specific to one nation, nor is it specific to one region of the country as is, for example, the Yukon agreement legislation.

• (1210)

The government has said in their documents that:

The First Nation-led legislative initiative was developed in cooperation with five partnering First Nations (Squamish Nation of British Columbia, Fort McKay First Nation and Tsuu T'ina Nation of Alberta, Carry the Kettle First Nation of Saskatchewan and Fort William First Nation of Ontario). All five partnering First Nations have passed Band Council resolutions in support of the legislative initiative, and each has plans for various commercial or industrial projects.

These five partnering First Nations have also taken a lead role in reaching out and engaging First Nation communities across Canada, providing information and soliciting support for the proposed legislation. Their efforts have included outreach with national and regional First Nations organizations, such as the Atlantic Policy Congress of First Nations Chiefs, who have indicated support of the proposed legislation.

As far as we can tell, there has been no real consultation. In Aboriginal country, no one seems to know that it even exists. Was it even discussed when the Senate Aboriginal Peoples Committee was in Tsuu T'ina? The excuse is that it just affects the five First Nations promoting it, that it is voluntary, that it affects no one else, et cetera. The bill is about Indian Affairs tightening the noose and foreclosing on self-government.

There is some opposition to this legislation from certain First Nations and from the Indian Resource Council of Canada. They view this legislation as an attempt by the federal Crown to shed the "fiduciary or trust-like obligation" that is owed to First Nations in respect of mineral development. The Indian Resource Council of Canada is not to be taken lightly.

Honourable senators, I will elaborate on the concern of the federal government's downloading of fiduciary responsibility by way of commenting on a couple of excerpts from the bill. The summary of the bill on the cover states:

As Parliament has exclusive jurisdiction to make laws in relation to Indian lands...

We know this is not true. Parliament's jurisdiction may make provincial jurisdiction *ultra vires*, but now that we have section 35(1), this is a First Nation jurisdiction that the government now wants to squelch. It could have been said, "Provincial regulatory laws do not apply on reserve." Why the preamble, then? It reveals the thinking of the government drafters.

Here is another example: The preamble states, "Whereas existing Acts of Parliament do not provide sufficient authority for Canada or First Nations to establish such [regulatory] regimes..."

My two comments are as follows: With section 35(1), an act of Parliament is not needed to "provide sufficient authority" for a self-governing First Nation to regulate its internal affairs, for example, establishing a regulatory regime which can cover its own conduct and, by contract, cover the conduct of anyone operating on its lands.

The second comment is that there is already an act of Parliament called the Indian Act which could be used. A First Nation can establish a bylaw by simply incorporating provincial law as its own law. This accomplishes the same end result as Bill C-71, without destroying First Nation jurisdiction.

Any senator of any party should be concerned about the regulations permitted by this legislation. Imagine this: Through regulation, the government can "confer any legislative, administrative, judicial, or other power on any person or body that the Governor in Council considers necessary to effectively regulate the undertakings."

Can you imagine that being acceptable anywhere else in Canada? How could a decision thus made be appealed if it could not go to the Federal Court for judicial review?

While some of the subsections require that the powers exercised be done in a manner similar to that of a province, other sections seem to give unbridled power. There is also a possible regulation, which I do not fully understand, but it raises great concerns as to how it can be used. The regulation permits "the disposition by any person or body of any right or interest in those [designated] lands for the purposes of the undertaking and specify the terms and conditions of such dispositions."

By regulation, the reserve lands could be included from the application of the Indian Oil and Gas Act. While the act is flawed, it at least provides certain protections to the way tremendous assets are dealt with, and there is no guarantee that the protections would be carried out in the regulations which could be established at the government's discretion.

Subsection (q) is really of great concern. It provides that the regulation could determine "the relationship between the regulations and aboriginal and treaty rights referred to in s.35 of the *Constitution Act*, including limiting the extent to which the regulations may abrogate or derogate from those aboriginal and treaty rights." Such legislation gives the government the right to determine the relationship, and implies that if it does not limit the extent to which the regulations may abrogate or derogate. The regulations can abrogate or derogate.

In section 5, there is the suggestion that the regulations may not be made unless there is a resolution of council requesting that the minister recommend regulations. I see some problems with that, but I also see some positive aspects to it. For instance, this will likely be a blanket authorization given by any First Nation coming under the act. However, there is no provision for a subsequent council to withdraw from the regulations. Does this



mean a separate regulatory regime for each First Nation coming under the act? Is it not more logical to assume that there will be blanket regulations which will apply to all First Nations which come under the act?

In this regard, the government's backgrounder describes that the "Participation is optional; the development of project-specific regulations would be triggered at the request of the First Nation through a Band Council Resolution and with community ratification." There is no real requirement for community ratification that we can find, at least, and I think that should be there. As well, they should consider that under the regulations.

Note section 8(2). It provides for appeal or review by provincial courts of the exercise of provincial law unless otherwise provided by regulation. In other words, by regulation, the right of appeal could be totally withheld.

The implication of section 12 is not clear. No civil proceedings can be brought against the Crown. I interpret this to mean that even the First Nation could not subsequently sue the Crown against any abuses, mismanagement, et cetera. What is it that the Crown anticipates could happen that would cause it to provide itself with that protection? The legislation and the department's information says or implies that, "The legislation limits the future liability of the Federal Crown." That is a crafty way of saying that The First Nation can never sue Indian Affairs.

With respect to the matter of supremacy, it says, "Federal regulations passed under this Act prevail over all First Nation laws or by-laws." While I think this is true, it is not easily apparent in reading the bill. This is worrisome because it provides precedence for a regulation explicitly not subject to review under the Statutory Instruments Act. It could demolish a bylaw, including existing bylaws which have the effect of federal legislation.

The department characterizes the legislation as being "self-government." How? Where? This is entirely contrary to self-government. I quote, "The legislation is important sectoral self-government legislation that will cure a gap in the Indian Act..." I again quote, "...a gap in the Indian Act?" First, I do not think there is a gap, and second, why not fix the gap within the Indian Act if that is a concern? The big question is: Why not use this as an opportunity to do some real self-government and encourage First Nations to pass regulations which they consider to be to their advantage.

I understand that the government has said or indicated that Bill C-71 will "foster economic development on Indian reserve lands," and that there will be "an immediate and positive economic impact." I guess that has yet to be seen. We are a little concerned, needless to say, but without going forward, we will never know.

The largest dollar project proposal to come under this legislation is the Fort McKay/Shell Oil Development. I think Parliament should hear what Shell Oil thinks of the legislation. Are they saying they will not invest unless the bill passes? That would be interesting to know.

• (1220)

In conclusion, if there ever was such a case of sober second thought, I think we should watch this legislation in the future with respect to the regulations to ensure that the concerns I have expressed have been addressed.

**Hon. Lowell Murray:** Honourable senators, I appreciate the analysis that has been placed on the record by Senator Stratton, and I am glad it is on the record for what I am sure will be future reference.

In particular, I was interested in his comments and criticism of the lack of consultation with regard to this bill because those statements run completely counter to what we have heard from the sponsor of the bill, Senator Banks, as well as from Senator Gill and from Senator Sibbeston. I will return to that matter of consultation and indeed opposition to the bill in a moment.

I think we all agree that we are rushing legislation through under the gun of impending dissolution rather faster than we would ordinarily do. I think we know that we are putting legislation through to which under normal circumstances we would give greater study and examination.

What compounds the matter in the case of most of the bills we have seen yesterday and today is that the House of Commons also rushed them through. One has only to look at the *Journals of the House of Commons* to see such descriptions as: "deemed concurred in at report stage;" "deemed read the third time and passed;" "deemed reported with amendment;" "deemed considered in Committee of the Whole;" "deemed reported without amendments," and so on. It has been something of a rush job for much of this legislation in the other place.

In the case of Bill C-55, we heard a very coherent and, in the end for me, persuasive case on the part of the Chairman of the Standing Senate Committee on Banking, Trade and Commerce as to why that bill ought to be put through now. He accompanied this with a report on various undertakings he had been given by the government, which, if they are respected, will help to mitigate the risks we always take when we move too quickly with important legislation.

With regard to this bill, I abstained on the motion to invoke rule 38 and put this bill through all of its stages by 2:30 this afternoon. I abstained only because the process was not clear to me.

I am now told informally that we will not have Committee of the Whole, that the intention is to proceed through second reading, immediately to third reading, and if the Senate is so disposed at that stage, to pass the bill.

Before we do that, I think I should place on the record, and Senator Stratton alluded to this in his speech, the fact that strong opposition both as to process and to substance has been expressed by the Chiefs of Ontario.

Honourable senators, I presume, have received the same documents that arrived in my office in the last day or so. One is a copy of a letter dated November 23 to the Minister of Indian Affairs and Northern Development, Mr. Scott; and the other document is addressed to the Senate of Canada dated November 25. Both of these documents are signed by Angus Toulouse, Ontario Regional Chief.

I think I saw Chief Toulouse on television within the past 24 or 36 hours speaking from Kelowna where he is attending the first ministers' meeting on Aboriginal matters. I assume therefore he is a person of some considerable standing in the community.

I do not make his arguments my own. I simply say that, in fairness, his concerns should be placed on the record. I will not read the documents in their entirety. I will in a moment ask for consent to table them.

In his letters to Minister Scott, Chief Toulouse states that the First Nations who had concerns about the bill were not even allowed to appear before the House of Commons committee that studied it.

I may say in parentheses that when I looked at the legislative history of this bill, it was introduced on November 2 and then sent to the Standing Committee on Aboriginal Affairs and Northern Development of the House of Commons before second reading on November 18, reported without amendment on November 22, deemed concurred in at report stage and read the second time, debated at third reading, deemed read the third time and passed, all on November 23. There was no opportunity for Chief Toulouse to appear and express his concerns.

What he says to the minister, first of all, is that he protests quite vigorously the lack of consultation and opportunity to appear before a parliamentary committee. He makes several substantive criticisms of the bill. I will not quote them verbatim, but he says that the approach of incorporating provincial law by reference provides a model that could be used elsewhere and represents a precedent never before used in a piece of national legislation potentially applying to First Nation reserve lands. They have very considerable concern about that.

Second, he says that the issue of the appropriate use of federal regulatory powers in this case and incorporating provincial law to apply to First Nations land rather than advancing recognition of inherent law-making powers is of deep concern.

Finally, he says again that the failure to allow any First Nations who may have concerns or be opposed to the bill to appear before the Commons committee is completely unacceptable and undemocratic.

Then in his brief to the Senate, he states that the manner in which this legislation was developed and rushed through Parliament constitutes a breach of the Crown's fiduciary duty to properly consult with First Nations before making a decision. He wants the Senate to hold the government accountable and ask what review of section 35 compliance the government has undertaken with regard to this bill or, for that matter, any other bill that comes before Parliament.

Honourable senators, what I think we should have done, frankly, is arranged to have even a brief meeting of the committee of the whole today to have heard Chief Toulouse or others who may have concerns about this bill. Perhaps we may have heard from the minister as well. We still could have dealt with the bill in all stages, as that seems to be the wish of the Senate. However, we are proceeding even faster, I think, than we need to or than is advisable in this case.

I simply want to place the concerns of the Chiefs of Ontario on the record. With the permission of honourable senators, I would request leave to table the two documents received from Chief Toulouse.

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

**Hon. Senators:** Agreed.

• (1230)

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I want to speak briefly in this debate because issues have been raised, and the Senate should be advised of the views of the government with respect to those issues.

First, I want to say that none of the fiduciary obligations of the Crown is affected by this legislation. The fiduciary obligations of the Crown can only be surrendered by specific legislation, and that was illustrated when we had the Nisga'a Final Agreement before us. That was an example of an Aboriginal community asking for the rights of self-government and agreeing to the termination of fiduciary obligations.

This is not so in this case, honourable senators, and the honour of the Crown with respect to dealing with Aboriginal communities who may bring themselves under this legislation continues.

The key issue here has raised a political division within the Aboriginal community. There are members of the Aboriginal community who maintain that their inherent law-making rights, as we have heard quoted by Senator Murray, and their political entitlement to recognition as sovereign nations must come before there are any changes to the Indian Act or any steps taken that would create a differentiation in their economic situation.

In my view, that has not been accepted by the majority of the Aboriginal communities in this country. We have been passing legislation at the request of a number of Aboriginal communities who have a different philosophy. The philosophy of entitlement to sovereignty is a political argument that says, "We will keep our current condition within Canada physically, legally as leverage, and," if I may say so, "the worse our condition, the more your conscience will recognize us as First Nations." That is a political argument. It is one to which they are entitled, of course. However, it is not an argument that is accepted by many other Aboriginal communities. That Aboriginal policy or political thinking certainly does not pertain in my province.

I believe the majority of the Aboriginal community — it is interesting that we are speaking here today during the Kelowna first ministers' conference — want to develop their economic

self-reliance and their economic capabilities, and, where they have opportunities to do so, they want to be free to do so. Basically, the philosophy is that their political power will grow out of economic growth, out of obtaining wealth and not out of poverty. Thus, there is this dichotomy in the Aboriginal community, and this bill reflects the wishes of those who wish to gain economic growth.

Senator Stratton asked why this is not just a bylaw that could be passed by the band council. The answer is simple. There are major economic investments which these communities have the potential to realize, and those investors want the security of regulations under statute. Bylaws can be easily changed. Regulations under statute are more difficult to change. Therefore, there is a greater certainty for those investors where the band council acts under the authority of regulations.

Some of the arguments that have been put in opposition to this bill are an attempt to connect dots that are not connectable. I do not want to go on at any length because Senator Banks has the right to conclude this debate and will make additional comments.

However, I want to emphasize one point that the Honourable Senator Banks has made and to which Senators Sibbeston and Gill have referred, which is that no Aboriginal community need put itself under the provisions of this legislation. It would require a band council resolution and ratification by the members of the Aboriginal community. Those are two very serious and highly democratic steps, so there is no community that will take action here unless it should wish to do so. Otherwise, the status quo will remain for the others.

**Hon. Consiglio Di Nino:** I wish to ask a question of Senator Austin. The comments of my two colleagues during debate that most resonated with me was not on the merits of the bill. Some would be for it and some against it; that is always the case.

My concern is that some Ontario representatives, in particular, were not given or were denied the opportunity to appear before either the committee of the other place or the committee of this place to put their concerns on the record. We are here under the authority of the Constitution of our country to be a body of sober second thought, if I can digress for a moment. When a controversial bill comes before us, I am often asked which way I will vote on this bill. My standard answer is that I will wait until I listen to the people who will be most affected by it. I will listen to their opinions, thoughts, comments and wisdom; I hope I will be able to make a fair judgment after that.

We denied that opportunity to some folks that I heard of, and that is inappropriate for our institution. It further demeans the respect for our institution.

Why do we not give interested parties an opportunity to present their cases?

**Senator Austin:** Honourable senators, I would like to raise two points in response. First, this bill only affects those who wish to be affected by it. Therefore, there are others across town who might care whether I cut my grass today or tomorrow or two weeks from now, but how are they affected? That is the answer to the first question.

With respect to the second question of the honourable senator, this chamber would want to have witnesses and listen. Our business is to consult. However, we have been placed in a difficult position by the political process. The party to which Senator Di Nino belongs has placed a non-confidence motion in the other place, and it will be voted on Monday evening.

Therefore, we must come back to a simple human principle: Is the bill good? I say it is. Is it the best bill on the subject? It probably is not. It is the old axiom that the perfect can drive out the good. We must be pragmatic. We have a trust relationship with Aboriginals. We must act in favour of that trust relationship because these communities have asked us to act in their interests. It affects no one else.

**Senator Di Nino:** For the record, I do not think it is ever wrong to listen to people who have an interest in the issue, and we could have easily done it, as Senator Murray suggested, with a brief meeting of the Committee of the Whole.

**Senator Austin:** As the honourable senator pointed out, the chief is in Kelowna and the minister is in Kelowna. An important conference is taking place that deals with the economic growth of the Aboriginal community. That community, as expressed by the major organizations representing Aboriginals in this country, including the Assembly of First Nations, is there asking for policies from the federal, provincial and territorial governments to deal with their economic growth, and they are not putting principles of sovereignty and political imperatives ahead of their economic interests.

Debate suspended.

• (1240)

## TELECOMMUNICATIONS ACT

### MESSAGE FROM COMMONS— SENATE AMENDMENT CONCURRED IN

**The Hon. the Speaker** *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-37, to amend the Telecommunications Act, and acquainting the Senate that they have agreed to the amendments made by the Senate to this bill without amendment.

**Hon. Senators:** Hear, hear!

## FIRST NATIONS COMMERCIAL AND INDUSTRIAL DEVELOPMENT BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Day, for the second reading of Bill C-71, respecting the regulation of commercial and industrial undertakings on reserve lands.

**Hon. Tommy Banks:** Honourable senators, I would point out that if I speak now, it will serve to close the debate.

**The Hon. the Speaker *pro tempore*:** Does any honourable senator wish to speak?

**Senator Banks:** Honourable senators, I am sorry to take a bit of time, but I want to answer some specific questions that have been asked before we proceed with this bill. I will do them in no particular order.

Senator Stratton raised several questions, in one of which he said the Indian Resources Council of Canada opposed this bill. I am obliged in response to read honourable senators a letter from the President and Chief Executive Officer of the Indian Resources Council, addressed to Chief Sanford Big Plume. I must quote the letter in its entirety. It is dated November 18, 2005.

**Re: Bill C-71(FNCIDA)**

Further to our telephone conversation with regards to the above, I want to clearly state that the Indian Resource Council has not sent any official correspondence or communication to the Aboriginal Standing Committee nor to any of its members.

We have sent correspondence to the committee on the matter of Bill C-54 and we are quite disappointed that the committee refused to hear our concerns. We are more alarmed that one of the Standing Committee's members had stated that he had consulted with some of our bigger producing tribes on the contents of Bill C-54, when in fact this was not the case as evidenced by our member tribes at the Annual General Meeting (AGM) on November 8 & 9, 2005, in Edmonton, Alberta.

I am now informed that one of the committee members is now indicating that the IRC has sent official communication to the Standing Committee and that we are against Bill C-71. This is also an untruth.

Chief Sanford, perhaps you can straighten out certain members of the Standing Committee and ensure that they carry out their responsibilities in an honest matter; based on dignity and integrity and not on lies.

The second question raised by Senator Stratton was whether or not Shell Canada, in the case of one of the participating partner nations, should we pass this measure, will be able to use the provisions of this bill. I quote to honourable senators a letter from Brian Straub, Senior Vice-President of Oil Sands for Shell Canada Limited, dated November 1, 2005, and addressed to Chief Jim Boucher of the Fort McKay First Nation.

Shell Canada Limited is in support of the proposed First Nation Commercial and Industrial Development Act (FNCIDA). We understand that this legislation is a crucial component for major developments on Reserve, including commercial scale oil sands mining.

I want to add something else. He says:

Additionally, it provides the door of opportunity for all First Nations across Canada to work with industrial developers in large projects so that they may achieve their goal of significant economic success.

That speaks to what the leader was talking about, the fact that there are some First Nations who, for whatever reason, do not wish to operate with a set of federal regulations that will apply on reserve lands now before achieving certain other goals.

Honourable senators, the point of this legislation is to enable that access to opportunity about which I spoke earlier on the part of First Nations who have not achieved complete self-government. Senator Stratton referred to the concerns of some nations that this abrogated self-government. First Nations who have achieved complete self-government do not need this legislation. They will never do anything to access the opportunities that exist under this legislation because they are absolved from these responsibilities. They can make their own laws. They can deal with their own lands in ways that they want. This bill is for nations that are on their way to obtaining complete self-government and want to obtain economic self-sufficiency and improve their social and economic conditions along the way. That is to whom this bill is directed.

Senator Stratton used the word "intrusive." That word, with a careful reading of this bill, is oxymoronic to the intentions of this bill, since, as the Chair of the Standing Senate Committee on Aboriginal Peoples has said, not only is this bill not intrusive, but a First Nation must take action in order to have anything happen under this bill. It cannot be imposed upon them. There is nothing that anyone can impose upon any First Nation based upon this bill. In answer to a question asked earlier by the Honourable Senator Plamondon, there is nothing that would permit the Government of Canada to impose a commercial concern in preferential consideration to another one on a First Nation. If the First Nation does not agree to any aspect of what I will colloquially call a deal under this legislation, then it stops. It cannot happen. It will not happen.

The disposition that was referred to by Senator Stratton has to do with leases and with respect to the abdication of fiduciary responsibilities that was referred to in an earlier question. An indication of the fact that that will not happen is given in the fact that nothing changes the ownership and responsibility of the land in this case. The only land use that will be made is on the basis of a lease or some other similar disposition of the land.

In answer to another question raised, there is not and there cannot be anything to which the term "blanket" would apply under this legislation because it is specific to each individual situation. The regulations that will be agreed to by all of the parties, beginning with the First Nations under this legislation, will be different in each and every circumstance because the nature of the development will be different in each and every circumstance. Two of the partnering nations right now are going to move. One of them will develop oil sands. The other one will pursue a large residential development and deal with waste water. They are totally different. The regulations will be totally different, so the word "blanket" is also oxymoronic when it comes to this legislation.

As Senator Stratton pointed out correctly, the ratification process is not in this bill. Nothing in this bill states that First Nations will vote on these deals. It is a constructive relationship between this and the Indian Act because the Indian Act provides

that no disposition of Indian land, of reserve land, including a lease or anything like that, can be made unless a referendum is taken on all parts by all members of the respective First Nation. That is in the Indian Act. That cannot be changed. It is not changed. When it happens, if it were to happen, having to do with regulations under this act, the Indian Act would prevail and such a referendum must take place because of those provisions.

Senator Stratton made reference to the question of the courts. Any legal action under these regulations would flow through the provincial courts and then to the Supreme Court, not through the Federal Court. The reason for that is so that there is consistency, because matters that would be brought into court under the provincial regulations — and remember that the federal regulations will very closely approximate those provincial regulations — would proceed through the provincial courts and then into the Supreme Court of Canada. That will be the case with court action that would take place under these regulations as well.

• (1250)

In short, this is enabling legislation to which First Nations, should they choose, have access. Should they choose, they can use it. Nothing can be done with respect to any of these regulations or any resource that exists in any First Nation reserve without first having received the approval, including a referendum, followed by another band council resolution for whatever action might take place.

I urge honourable senators' support for this bill.

**Some Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** I shall now put the question.

It was moved by the Honourable Senator Banks, seconded by the Honourable Senator Day, that this bill be read the second time.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

**The Hon. the Speaker *pro tempore*:** When shall this bill be read the third time?

**Senator Banks:** I move that this bill be placed on the Orders of the Day for third reading later this day.

**Some Hon. Senators:** Now, now!

**Senator Banks:** With leave, I move that the bill be read the third time now.

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

**Some Hon. Senators:** Agreed.

**Hon. Madeleine Plamondon:** No.

**The Hon. the Speaker *pro tempore*:** Leave is not granted.

**Senator Banks:** In accordance with the house order, I move that this bill be placed on the Orders of the Day for third reading later this day.

**The Hon. the Speaker *pro tempore*:** It is moved by the Honourable Senator Banks, seconded by the Honourable Senator Day, that this bill be placed on the Orders of the Day for third reading later this day.

**Senator Stratton:** Now!

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

**Some Hon. Senators:** Agreed.

**Senator Plamondon:** I already said that leave is not granted.

**Senator Kinsella:** We are under the house order. Call the next item.

On motion of Senator Banks, bill placed on the Orders of the Day for third reading later this day.

[*Translation*]

## A BILL TO AMEND CERTAIN ACTS IN RELATION TO FINANCIAL INSTITUTIONS

### SECOND READING—DEBATE SUSPENDED

**Hon. Mac Harb** moved the second reading of Bill C-57, to amend certain acts in relation to financial institutions.

He said: I thank the honourable senators for giving me the opportunity to move second reading of Bill C-57. Federally regulated financial institutions like banks, insurance companies and cooperative credit associations all play a leading role in the Canadian economy.

It is therefore important that they be equipped with the most modern and sophisticated governance tools. Bill C-57 follows up on a government commitment in that respect. It will bridge the gap between the governance standards for financial institutions and those adopted in 2001 for other federally regulated corporations and update certain governance standards that are unique to financial institutions.

The new legislation will amend elements of the Bank Act, the Insurance Companies Act, the Trust and Loan Companies Act, and the Cooperative Credit Associations Act.

In a word, this bill is providing Canadian financial institutions with the advanced governance frameworks they need in order to be able to compete both nationally and internationally. How essential is Bill C-57 exactly?

The financial services sector is one of the key foundations of any modern industrial economy, and Canada is no exception. In fact, financial institutions employ about 600,000 Canadians and account for something in the order of 6 per cent of Canada's GDP. They are also leaders in the use of information technology.

As such, the financial services sector is a key part of our economy and it has an essential role to play not only in safeguarding wealth, but also in ensuring stability and fuelling growth and productivity.

To enable Canadian federally incorporated financial institutions to play their role, related statutes such as the Bank Act, the Insurance Companies Act, the Trust and Loan Companies Act, and the Cooperative Credit Associations Act set out governance rules for them.

Governance rules underpin the effective functioning of these institutions by, in particular, setting up rules relating to the rights of shareholders, policy holders and members, the role of directors, auditors and other advisers, and rules relating to the preparation, review and disclosure of information.

The governance framework set out in the financial institutions statutes uses the Canada Business Corporations Act, otherwise known as the CBCA, as its point of reference. Changes made to this act are normally implemented in the statutes as appropriate for financial institutions.

In 2001, the government undertook a comprehensive reform and modernization of the CBCA. Bill C-57 would provide financial institutions with the same modern governance tools by updating their governance framework generally along the lines of the changes made in the CBCA in 2001 and would update certain governance standards that would be unique to financial institutions.

[English]

Honourable senators, we ought to look at the measures within this legislation. You will see that there are five broad categories: clarifying the role of directors; enhancing the rights of shareholders; modernizing governance practices; strengthening the governance element of the regulatory framework; and increasing disclosure of respect by participating in adjustable life insurance policies.

I should like to walk honourable senators through those categories briefly and outline how each one will benefit from this proposed legislation. First, regarding clarifying the role of directors, in recognition of the importance of an effective board of directors in protecting the best interests of a financial institution, the financial institution statutes set out the standards, qualifications and duties expected of directors of those institutions.

Among the provisions in Bill C-57 is a clear statement that the due diligence defence is available to directors of financial institutions, just as it is available for directors of other Canadian corporations. This encourages directors to take proactive measures to fulfil their legislative responsibilities and to act with confidence that reasonable defences are available in the event of challenges.

[ Senator Harb ]

Bill C-57 gives directors of financial institutions the same rights as directors of other corporations, in that they can demonstrate that they have exercised the appropriate care, due diligence and skill in the course of fulfilling their responsibilities.

The second element of the bill is to enhance the rights of shareholders. Here again, honourable senators, there would be no doubt that everyone would agree that an important element of good corporate governance is a shareholder's ability to monitor and influence corporate performance. The financial institutions statutes currently set out the rights of shareholders to participate in major decisions of financial institutions in which they have interest.

• (1300)

However, for shareholders to exercise their right to participate, it is important to ensure that they have timely access to corporate information. Bill C-57 enhances the ability of shareholders to exercise their rights by allowing them greater freedom to communicate without triggering the proxy rules. This means that shareholders who wish to communicate about issues to be considered at the annual meeting must circulate a formal document to every shareholder of the bank. This can be an impediment to informal communications between shareholders. Bill C-57 will provide greater premium for shareholders to communicate how they intend to vote at an annual meeting and will provide greater freedom to communicate with small numbers of other shareholders.

Under the third category, modernizing governing practices, Bill C-57 recognizes the importance of keeping good governance practices up to date. To that end, the proposed legislation adds a going-private framework and enables insider reporting, proxy and prospectus rules to be harmonized with the rules adopted by provincial regulatory authorities. Bill C-57 also facilitates a more efficient flow of information using electronic communications. This will not only reduce compliance costs but also promote more effective governance practices. For example, this change will make it possible for financial institutions with written consent to communicate with their shareholders electronically.

Under the fourth category, strengthening the governance elements of the regulatory framework, Bill C-57 proposes to strengthen a number of governance elements of the regulatory framework, including improving the flow of information to OSFI. Federal financial institutions, unlike ordinary business corporations, are regulated by the Office of the Superintendent of Financial Institutions. As part of its mandate, OSFI oversees the safety and soundness of federally regulated financial institutions. The bill also harmonizes various governance standards within and across the financial institutions statutes. For example, medium-sized insurers, trust companies and loan companies would be able to apply for an exemption from the requirement that they float 35 per cent of their voting shares on a stock exchange. This reflects the same ability currently enjoyed by the same sized bank.

The fifth category, increasing disclosures in respect of participating and adjustable life insurance policies, relates to a proposed change to the current policyholder governance framework in the Insurance Companies Act. This framework

reflects the unique interests and role of policyholders in the corporate governance of insurance companies. The proposed changes would work to increase disclosures in respect of participating and adjustable policies. For example, the proposed legislation requires directors to establish policies in respect of the management of participating accounts and requires directors to establish criteria for changes that the company makes in respect of adjustable insurance policies. It requires the actuary of the company to prepare fairness reports for the board's consideration. It also sets out requirements for communicating and making information available to participating and adjustable policyholders and shareholders.

Honourable senators, my remarks thus far reflect this government's commitment to update the financial institutions governance framework that was announced in Budget 2005. In keeping with the Government of Canada's commitment to conducting regular reviews of the federal financial services regulatory framework, this year's budget also announced a review of the legislation concerning financial institutions. These reviews play a key role in ensuring the efficiencies and competitiveness of the sector. Work will progress on a review of the federal financial services regulatory framework over the coming months with a view to having legislation ready to come into force by the deadline of October 2006.

Honourable senators, it is important to note that Canada's practice of regular reviews of the financial services sector makes us unique compared to virtually every other country in the world. This practice provides our financial institutions an important advantage vis-à-vis our foreign competitors.

Finally, honourable senators, Canada's financial institutions form an integral part of Canada's economy. In the face of ever-expanding globalization, they are also major players on the international scene. It is, therefore, crucial that Canada's financial institutions have the modern governance tools that they need to compete at home and in a global marketplace. The proposed legislation before the house today will provide them with those tools. I give Bill C-57 my full support, and I urge all honourable senators to do the same.

**Hon. Fernand Robichaud (The Hon. the Acting Speaker):** Would the honourable senator entertain a question?

**Senator Harb:** Yes.

**Hon. James S. Cowan:** Could the honourable senator tell the house to what extent Bill C-57 was examined when it was before the House of Commons, and by which committee? Second, what was the general thrust of the submissions made to that committee?

**Senator Harb:** There is no doubt about the bill having had due process in the House of Commons. There was consultation with stakeholders in the industry, and the majority of suggested amendments were incorporated in this bill. Bill C-57 had the full support of the committee in the other place and in the House of Commons.

To that extent, I can say that this bill is long overdue. As honourable senators are aware, this is part of an update that took

place in 2001 in that it brings the financial institutions to the same level playing field and improves on some of the issues brought forth to the Government of Canada before the bill was introduced. I would say that the bill had the full consideration that it deserved and, therefore, earned the full support of the House.

**Hon. W. David Angus:** Honourable senators, I rise to join the debate at second reading of Bill C-57, to provide a corporate governance framework for banks and other federally regulated financial institutions such as trust companies, insurance companies and cooperative credit associations.

More important, honourable senators, the framework in the bill will bring the federal legislation regarding financial institutions into harmony with the companion legislation that governs corporations generally in the Canadian business world, pursuant to amendments to the Canada Business Corporations Act that were enacted in Bill S-11 in 2004. As honourable senators are aware, the CBCA is the main statute that sets out the rules by which federally incorporated businesses govern themselves. The CBCA went through a massive updating.

• (1310)

That updating followed extensive and exhaustive study by the Standing Senate Committee on Banking, Trade and Commerce, and other bodies that were involved with the modernization with respect to Canada's corporate statutes and regulations.

Then it became evident that the federally regulated financial institutions were far out of date in terms of their corporate governance and other elements relating to their internal management and control. Therefore, another study was conducted by the Banking Committee, namely, a study on corporate governance of federally regulated financial institutions. The committee duly heard witnesses, travelled across the country and finally reported to the government.

That led to the issuance by the federal government of a consultation paper in January 2003 entitled, *Corporate Governance of Financial Institutions*. I understand that consultation paper was widely circulated and discussed with the stakeholders, and culminated in Bill C-57.

I was aware that Bill C-57 had been introduced in the other place. I had started to become familiar with its terms; and ultimately, of course, with my colleagues in the Banking Committee, to give it the sober second thought that we all agree this kind of framework legislation is entitled to. Indeed, our constitutional duty dictates that we should give legislation this kind of thought.

Therefore, honourable senators, you can imagine my concern earlier this morning. Not being a member of the higher echelons of the administration of this place, I was not aware that this piece of framework legislation was going to be dealt with today. It landed here on my desk, and on everybody else's desk. I think it is less than an inch thick; we have been talking about how many pages. This is much longer than Bill C-55; it is 279 pages long.

I thought to myself, "Oh, my goodness," because I realized there was no time for it to be referred to the Banking Committee. I realized that we were going to be asked to fast-track this bill through this place, as we now are; and I wondered how on earth we were going to deal with this request.

I have been thinking madly about it for the last two hours. I have consulted with colleagues on both sides of the chamber. I have looked through all my files, and I have determined that there is no great outcry from the stakeholders, as there was in the case of Bill C-55. Then I started to think, what are the differences between this bill and Bill C-55?

First, this bill completes a process that was initiated in the wake of Enron and scandals in the corporate world earlier in this decade. Canada, I am happy to say, has been at the forefront in terms of legislating and regulating measures that will help to restore investor confidence, and that will develop frameworks in which our corporate world — our capital markets and the regulatory bodies that govern them — can function in a way that will give transparency and confidence to our investors.

One area in which we were not up to date was the area relating to the financial institutions, such as the insurance companies. There have been a number of so-called scandals relating to activities, financial products and the like, emanating from some of these institutions. Therefore, it is high time that we brought the corporate governance framework for financial institutions into line with the ones we have already put in place for other publicly traded, private-sector corporations.

I agree with Senator Harb and the shopping list he went through in terms of all the good things that are in there. That is not really why I have risen to speak. More importantly, I want to continue to differentiate this bill from Bill C-55. Senator Cowan, I suspect your question might have gone to this point, when you asked about the passage through Parliament of Bill C-57.

There have been only two significant protests in the last 48 hours, and before — since the bill was tabled in the House of Commons — that could be deemed to be substantive criticisms of the legislation. In other words, I have not had 1,000 emails, nor has Senator Grafstein. We have discussed it and there has not been the same kind of groundswell saying, this would be a terrible breach of your constitutional duty if you did not have this bill in committee, study it in depth, and make amendments that are crying out to be made. We do not see that with this bill.

What we do see, though, is the Canadian Institute of Chartered Accountants, which has been lobbying for at least 12 years that I know of for a modified, proportionate responsibility. This proportionate responsibility would replace joint and several liability for acts that may be committed in which accountants are not the negligent party, but they have been swept in with other defendants and, even if found 1 per cent at fault could pay 100 per cent. The same joint and several liability applies to other financial advisers — investment bankers, lawyers, evaluators, appraisers, engineers and architects — so why should there be a special deal for accountants?

Let me tell you, honourable senators, the Banking Committee studied this question as well on a number of occasions. At the time when Senator Kirby was chairman, we had an exhaustive

study. Rightly or wrongly, the Banking Committee made its recommendations and they were incorporated in the Canada Business Corporations Act. The government was fully aware of all the arguments, and the Banking Committee issued a report.

In its wisdom or otherwise, as a matter of public policy, the government decided not to grant modified proportionate liability in Bill C-57. I do not know what went on in the cabinet room; but I do know this government has decided upon a fundamental matter of public policy. The accounting profession is well aware of that. If we went to the Banking Committee, studied the bill and came back to recommend it, I am sure it would be voted down. Therefore, I find it is not analogous in any way to the kinds of imperfections we find in Bill C-55.

The other complaint came through the Canadian Bankers Association with respect to a provision that I understand requires that minutes of meetings be made public in certain circumstances. For example, if a director of a bank, during deliberation on a major loan for an acquisition, declares a conflict of interest — say he is also chief executive officer of Falconbridge, which could be affected by the deal — this bill requires that the minutes of that directors' meeting where that declaration of conflict of interest is declared be made public. The same rules are found in Bill S-11. The same rules are now being made to apply to banks.

They have protested. Their protests were considered, I understand, by the government, and they were considered in the other place. Therefore, I do not consider that to be the type of thing either that we found with Bill C-55.

I am not aware, nor is Senator Grafstein or many of my other colleagues that I have canvassed this morning, of any other flaws with this bill. On the contrary, in terms of the financial services sector, the financial community at large and investors in particular, the kinds of things that are laid out in this bill are things that we have sought for a long time, and that respond to recommendations made by the Banking Committee.

I can assure you, honourable senators, in the course of the rest of the day if things happen that are out of keeping with the usual procedures and fall into this extraordinary circumstances syndrome, I am comfortable that this bill can go forward without going to committee and having the exhaustive study that it would normally receive. I say that in a guarded way because on the face of it, Blackstone would probably roll over in his grave because the check and balance is not being accessed in this case. Therefore, we have to be careful.

However, I want to add my little word for you all, honourable senators. In this case, unless there are some last-minute protests, even though this bill is not 100-per-cent satisfactory to everybody out there in corporate Canada, the issues that are controversial have been considered by the government. As a matter of policy, the government did what it did. I am sure that even if the Banking Committee proposed amendments, they would be voted down.

• (1320)

In that spirit, honourable senators, I must say that I approve, and I believe my colleagues on this side approve, in principle the legislation that is proposed in Bill C-57.



**Hon. Jeremiah S. Grafstein:** Honourable senators, I found myself in exactly the same position as my colleague, the Deputy Chair of the Banking, Trade and Commerce Committee. We were confronted by this bill today. We had received notice of it earlier, and that allowed us an opportunity to review our files and consult prior to his address. I want to say at the outset that I affirm and agree with what he said.

I have received, as Chairman of the Banking Committee, two concerns — one from the Canadian Institute of Chartered Accountants and one from the Canadian Bankers Association. Rather than trying the patience of our house, I affirm, exactly in precise detail, what my honourable colleague on the Banking Committee has indicated to the house.

Let me say this: Members of the Banking Committee have been critical of the lag in Parliament for modernizing our important legislation dealing with corporate governance. This bill has been in process for 12 years, as the honourable senator said. It has come before the Banking Committee. We have dealt precisely with the issues of concern to these two objectors. These are the only two that I have received as of this minute.

Barring other unforeseen things that may happen today, this is not the case that we talked about earlier today because this has been well known to all members of the financial institutions that are affected by this legislation.

There are, in fact, two issues of policy. The Banking Committee, in hearings and in reports, opined on those two issues — the question of the proportion of liability with respect to chartered accountants and the question of privacy with respect to directors declaring interests. I am not sure whether the Banking Committee, had it looked at the latter question today, would have come to a different conclusion in conformity with this particular bill.

Honourable senators, while this case is unusual, it is not in any way, shape or form a case similar to Bill C-55. We have presented that case. We have approved that in committee. I agree with our deputy chair, and I agree with Senator Harb's excellent presentation. This bill is a long-needed step in the modernization of our governance structures that will allow for a level playing field and give our shareholders and investors, who are responsible for wealth creation, the opportunity to move ahead. I agree with this goal, senators, and will be supporting this bill.

**Hon. Serge Joyal:** Honourable senators, I am in a special position. I would like to put on record my position in relation to this bill that has been circulated this morning on our desks, Bill C-57. Of course I did not have time to read it through, but I did read the summary, which refers to a certain number of financial institutions and states:

This enactment amends certain Acts governing federal financial institutions. It makes changes to the corporate governance framework of banks, bank holding companies, insurance companies, insurance holding companies, trust and loan companies and cooperative credit associations to

bring the Acts governing those institutions up to the standards adopted in 2001 for business corporations in the *Canada Business Corporations Act* that are appropriate for financial institutions and adapted to the financial institutions context, and updates certain governance standards that are unique to financial institutions.

Honourable senators, I have listened to our honourable colleagues who have spoken today. I must declare that I might be in a position of appearance of conflict of interest, so I will refrain from participating in the debate and the voting on this bill. I would like the today's *Journals of the Senate* to reflect that fact.

**The Hon. the Speaker pro tempore:** Senator Joyal has now made a declaration of interest in this bill. He will not be debating or voting.

[*Translation*]

**Hon. Marcel Prud'homme:** Honourable senators, I appreciate Senator Joyal's integrity. I am wondering if a number of other senators who have not read Bill 57 may not be in a conflict of interest situation.

Contrary to what Senator Angus said, there are indeed 283 pages in this bill. I really think it is going a little too far to ask the Senate of Canada, this chamber of sober second thought, to now pass a bill that was passed in the other place on November 23. They throw at us this massive 283-page document which may, unbeknownst to them, put a number of honourable senators in an embarrassing situation.

I consulted the Senate ethics officer about 15 times because I felt uncomfortable and wanted to be sure to do the right thing. I did not read the bill, but it is not because I am lazy. I just received this incredibly complex and massive 283-page document, while we have bright minds, top-notch bankers who sit on the Standing Senate Committee on Banking, Trade and Commerce, and whose job is precisely to review these bills.

[*English*]

When I was at university, Professor Olivier used to say to his naive students that Parliament is divided into three institutions: the House of Commons, the Senate and the Banking Committee of the Senate.

**Some Hon. Senators:** Hear, hear!

**Senator Prud'homme:** I am ready to believe that Professor Olivier, who was a predecessor to Mr. Audcent, our law clerk, was quite close to the truth. It is quite an institution. That is probably why I did not stay long on the Banking Committee.

I may have offended a senator earlier today. That is not my style. If, in the heat of the discussion, I offended a senator by saying that I was told that the government is very happy to announce that Senator Prud'homme is now a member of the Banking Committee, if that was taken as an insult by the honourable senator — she may prefer that I not mention her name — it was not my intention to insult her, especially since I

praise her so much for other work she does and other work she will do and in which I want to be involved with her. If she would only look at me, I would say that is the end of the matter. If not, well, we can continue.

Having said that, referring back to this brick, could you imagine if the press was outside later and grabbed five of us and said, "Oh, you just voted on Bill C-57." If they poked the mike right under my nose and said, "Would you kindly give us your general views," I would do as Senator Joyal has just done. Not only would I do that, but I would take that summary page and carry it in my pocket until we adjourn definitely for the election. If I am stuck having to explain, I will give them a summary and disappear.

I am not satisfied that the Senate is doing the right work. Again, Senator Rompkey and others are impatient with me today, but we are coming to the end. It is not proper. It is not correct. It is not the role of the Senate to be pushed around at the last minute by the other chamber with respect to bills as complicated and as important for many of the financial institutions as is this one.

• (1330)

For the same reason as expressed, I am afraid many senators will have to get up and follow the leadership of Senator Joyal, having not read the bill and not knowing all of its implications. I am very ill at ease because I am not a rich man. At least I can say that. I do happen to deal with banks and financial institutions for my father's estate, et cetera. I wonder if, according to the new rules, I may not find myself slightly in a conflict of interest. I doubt that. I am not in the same high position as Senator Joyal may be. He has to be more careful being chair of the Conflict of Interest Committee.

I will not further participate except where I am allowed to participate and say that I will not vote at all for the reasons I just expressed. If people watch the vote, they will think I am absent. I do not like my name to be put as absent from the Senate. I have been here almost 13 years, and I think my record is almost 100 per cent present. My attendance at committees is way above what I am expected to do. I like to go to committees.

Senators, how many more bills do you intend to throw at us at the last minute; to say, "Well, events are going to unfold, and tough luck. Hold your nose and vote for it." I will not hold my nose; I will vote today on other pieces of legislation as well as those that will be thrown at us from the other chamber.

I see the able chairman of the Standing Senate Committee on Banking, Trade and Commerce, Senator Grafstein, acknowledging my remarks. If that honourable senator agrees with me, that means he is serious. He knows his stuff, and a bill of that kind should have been brought to our attention. Is it impossible to have it before or is it possible to postpone? I do not know. I will bow to expertise, and there are four of them here that are at least as influential, including Senator Biron and Senator Grafstein —

**Senator Angus:** Plamondon.

**Senator Prud'homme:** — Senator Angus and Senator Tkachuk. These people do not seem to be too thrilled to push this bill on us because they themselves would have liked to study it further.

[ Senator Prud'homme ]

I regret this, and I wish that the Leader of the Government in the Senate would take his responsibility seriously and send a message to the other chamber and say, "Enough is enough. Let the universe unfold and when we come back, we will proceed more rapidly."

I am embarrassed. I see the Leader of the Government in the Senate coming back to his seat. I want him to know that bills like this are unbelievable. The members of your own Banking Committee, I am sure, wanted to have more time to study that important piece of legislation, which consists of 283 pages, and where even some members are uncomfortable. One has already expressed the thought that he is not too sure, not having had time to read the bill, whether some of us may not even be in a conflict of interest.

You see the embarrassment. Mr. Minister, will you be kind enough at least to send an urgent message to the other chamber, not only to make them happy by saying that the Senate has passed everything they have thrown at us but begging them not to send us anything else until the universe unfolds on Monday night.

Debate suspended.

## EXPORT AND IMPORT OF ROUGH DIAMONDS ACT

### BILL TO AMEND—MESSAGE FROM COMMONS

**The Hon. the Speaker** *pro tempore* informed the Senate that a message had been received from the House of Commons returning Bill S-36, entitled an act to amend the Export and Import of Rough Diamonds Act, and acquainting the Senate that they had passed this bill without amendment.

## A BILL TO AMEND CERTAIN ACTS IN RELATION TO FINANCIAL INSTITUTIONS

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Smith, for the second reading of Bill C-57, to amend certain acts in relation to financial institutions.

**Hon. Jack Austin (Leader of the Government):** Honourable senators, I want to assure the House that there are no further bills from the other place yet to be expected in this chamber today.

**Senator Prud'homme:** They do not sit tomorrow.

**Senator Austin:** They do sit Monday, so I cannot speak for Monday.

Honourable senators, on the bill itself, I spent several years on the Standing Senate Committee on Banking, Trade and Commerce and the review of the CCBA was part of the work that I participated in and enjoyed very much.

All of us know that corporate governance is a major issue and that Canadian financial institutions should be operating at the highest of standards with respect to corporate governance.

The sole purpose of this bill is to bring the provisions that apply to financial institutions to the level of the private corporate practice or commercial corporate practice. It is essentially an updating process. It is a bill that is very important to those institutions. To have those institutions governed by this legislation, they are asking to have these new standards applied to them. They may be practising these standards now, and I believe they are. However, I think we should put the legal footing to those practices.

I want to thank Senator Harb for the work that he has done, and I want to thank Senator Angus for his statements. He is very knowledgeable about corporate practice and corporate governance. I appreciate his statements and I want to express my appreciation to the chair of the Standing Senate Committee on Banking, Trade and Commerce for the comments that he has made.

**Hon. Jeremiah S. Grafstein:** May I ask a brief question of the Leader of the Government in the Senate?

**The Hon. the Speaker pro tempore:** Will the honourable senator accept a question?

**Senator Austin:** Of course.

**Senator Grafstein:** We have heard from Senator Prud'homme and his concerns about unintended consequences that might occur as a result of this bill. I think Senator Angus mentioned that in his comments there might be other issues that have not come to our attention, and I assume that we have the assurance of the government that if these matters come to our attention *ex post facto*, we will be able to deal with them expeditiously when we return after dissolution, if it occurs.

**Senator Austin:** Honourable senators, I would like to give the house the assurance that if the Standing Senate Committee on Banking, Trade and Commerce seeks an order of reference to deal with some matters that are contained in Bill C-57, I, or at least the Leader of the Government in the Senate following the election, would undoubtedly want to put that order of reference quickly to the committee.

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

**Hon. Marcel Prud'homme:** Just a comment to ensure that we are clear. I appreciate the words of the minister. Of course, that is all he can say. He cannot commit himself, if he were to remain. He can hardly commit any other leader to do as he just mentioned.

**Senator Austin:** As Senator Prud'homme knows, I cannot commit a future leader if it is not I.

**Hon. Senators:** Question!

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

Motion agreed to and bill read second time.

• (1340)

**The Hon. the Speaker pro tempore:** When shall this bill be read the third time?

**Hon. Mac Harb:** Now.

**The Hon. the Speaker pro tempore:** Is leave granted?

**Hon. Madeleine Plamondon:** No.

**The Hon. the Speaker pro tempore:** Leave is not granted, Senator Harb.

**Hon. Mac Harb:** I move, then, that the bill be read the third time later today as per the decision of the house earlier this day.

**The Hon. the Speaker pro tempore:** It is moved by the Honourable Senator Harb, seconded by Senator Smith, that this bill be read the third time later this day as prescribed in rule 38. Is it your pleasure, honourable senators to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill placed on the Orders of the Day for third reading later this day.

## BUSINESS OF THE SENATE

**Hon. Lorna Milne:** Honourable senators, I ask leave to revert —

**Hon. Marcel Prud'homme:** No.

**The Hon. the Speaker pro tempore:** Is leave granted for Senator Milne to revert?

**Senator Prud'homme:** I said no.

**The Hon. the Speaker pro tempore:** Leave is not granted.

**Senator Milne:** You do not even know what I want to revert to.

## INTERNMENT OF PERSONS OF UKRAINIAN ORIGIN RECOGNITION BILL

### SECOND READING

**Hon. Terry Stratton (Deputy Leader of the Opposition)** moved second reading of Bill C-331, to acknowledge that persons of Ukrainian origin were interned in Canada during the First World War and to provide for recognition of this event.—(*Honourable Senator Kinsella*)

He said: Honourable senators, I am pleased to rise today to speak to Bill C-331. Bill C-331 is a private member's bill introduced by the Conservative Member of Parliament in the other place Inky Mark. This bill will help to heal a scar on this nation's history, one that we have worn for close to 100 years.

This bill will create an act to recognize the injustice done to persons of Ukrainian descent, and other Europeans, who were interned at the time of the First World War. It also provides for public commemoration and restitution which is to be devoted to public education and the promotion of tolerance.

There are two main components of this bill. The first is to call for recognition that, during the First World War, people of Ukrainian descent and other Europeans were interned in Canada. Let me remind you, honourable senators, that between 1914 and 1920 over 88,000 Ukrainians were made to register with officials. They were required to report each month to the police and to have their registration cards stamped. During that same time, more than 9,000 people were interned. Let us be honest with our words; this means they were put into what were essentially prison camps.

Over half these people, some 5,000, were Ukrainian-Canadians. However, here is an odd twist of history that we often come across in this great country of ours. At the time that our government was interning Ukrainian-Canadians, Filip Konowal, himself a Ukrainian-Canadian, received a Victoria Cross while fighting in Europe.

Honourable senators, we need to acknowledge this historic wrong against Ukrainian-Canadians. Bill C-331 will provide for negotiations to take place between our government and Ukrainian-Canadian organizations regarding the specific measures that this recognition will constitute.

The second part of this bill is a call for redress. This means the return of properties confiscated by the government of the day. When these people were interned, their private property was confiscated by our country and never returned.

Under Bill C-331, this restitution amount, which remains to be negotiated, will go to public education. It will go to promoting tolerance and the role of the Canadian Charter of Rights and Freedoms.

This kind of action will help all Canadians learn from our past and ensure that this wrong is never repeated. Sadly, it has taken many years to get to this point.

The issue of redress for Ukrainian-Canadians was first debated in the other place in September 1991, but only through a motion. Bill C-331 has been introduced twice before, the first time in 2001, but it was never debated. Only now, thanks to the hard work of Mr. Mark we are seeing injustices dealt with.

To quote Senator Andreychuk yesterday in Hansard:

... I call on senators individually and collectively to use their heroic efforts and to pass Bill C-331 before we rise in this session.

She goes on to say:

Honourable senators, this chamber, with its courage to take a stand, will, I am sure, pass this bill. It will be one further assurance that within Canada such action will not be repeated.

[ Senator Stratton ]

**Hon. Vivienne Poy:** Honourable senators, I should like to speak in support of Bill C-331, which acknowledges the internment of persons of Ukrainian origin during World War I and calls for the recognition of this event through commemoration and public education.

In addition, the act expresses the deep sorrow of Parliament for that event and allows a request to be made to the Canada Post Corporation for the issue of commemorative stamps.

Lately, we have heard a lot about the need to acknowledge past wrongs perpetrated by the Canadian government and the need for redress. Since we cannot change the past, our efforts must focus on making sure such unfortunate events cannot occur again. The only way we can do that is through acknowledgement, public education and commemoration.

As the Prime Minister said, "It is not enough to remember the past, you have to learn from the past."

Between 1914 and 1920, as a result of the War Measures Act, and the Order-in-Council that followed, 8,579 Eastern Europeans including 5,000 Ukrainian-Canadians, according to the published reports were rounded up and placed in internment camps.

Essentially they were imprisoned in their new homeland because of where they came from and who they were, and they became "enemy aliens."

These same Ukrainians have gone on to form the backbone of our multicultural country. In Western Canada, in particular, Ukrainian heritage is most evident. It has shaped the region. For the longest time, these families have been denied the satisfaction of having their history officially acknowledged by our government.

• (1350)

It is time that we as Canadians take ownership of our past, both the good and the bad, so that we can move forward to share in the collective future of our great country.

An agreement in principle was signed between the Government of Canada and the Ukrainian Canadian community on August 24, 2005, for the initial amount of \$2.5 million, for acknowledgement, commemoration and education. Without a doubt, Bill C-331 and the determination of its sponsor, Inky Mark, provided the catalyst and foundation for negotiations between the Ukrainian Canadian organizations and their government counterparts.

I would like to take this opportunity to publicly congratulate Inky Mark, the Ukrainian Canadian Congress, the Ukrainian Canadian Civil Liberties Association and the Ukrainian Canadian Foundation of Taras Shevchenko for jointly supporting Bill C-331. I would like to congratulate as well the Minister of State for Multiculturalism, Raymond Chan, and our Prime Minister for beginning the process of reconciliation.

Honourable senators, I urge all my colleagues to support this bill.

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, my association with the Ukrainian community goes back more than 40 years. In 1964, when I was a young newly elected parliamentarian, the Right Honourable Pearson allowed me to go and campaign with Ross Thatcher, in Saskatchewan, on his first election campaign. This allowed me to get to know the Ukrainian community better. I became one of Mr. Thatcher's preferred speakers for that region.

[English]

I said yesterday, I became a close personal friend of the first woman elected there, I believe, Madame Sally Merchant, who became a minister. She is the mother-in-law of our colleague Senator Pana Merchant.

In 1967, having many good connections in Saskatchewan, I was called back again, and I again campaigned throughout Saskatchewan. That is when I met Otto Lang, who eventually became a federal minister, and I became his parliamentary secretary. Therefore, my association goes back a long way.

There still exists a good and prosperous Ukrainian community in Rosemont in eastern Montreal. I had the pleasure of meeting there a gentleman who is now a big businessman in Toronto and who helped the emerging democracy of Ukraine. His name is Lubomyr Kwasnycia.

How can we not support this great initiative? I live in a district in Montreal called Little Italy, where all the friends of my father were interned during the war. Little Italy is at Boulevard St-Laurent and Marché Jean-Talon. Many people were interned during the Second World War, and only now do we see fit to render justice to them.

My neighbour on the corner of Beaubien and St-Denis, where I was born and still live, still has in a frame the passport that all Chinese had to carry. It cost \$500. I became acquainted with him when I was young. I saw this passport in my favourite restaurant and asked him what it was.

We are repairing all the wrongs of the past.

I am sure that the Trudeauists, of which there are still some here, will pay attention to the following: There was a big discussion in caucus about repairing the damage done to the Japanese community. Mr. Trudeau, as always, made it a philosophical debate. He spoke about precedents and showed us a list of all the wrongs that had been committed in the history of Canada, although I am sure that it was not his preference to speak as he did. As you know, this atonement to the Japanese community was made under the Right Honourable Brian Mulroney.

It was Mr. Trudeau's view that many wrongs have been done in Canada in the past. I remember that someone disputed him in that discussion. Mr. Trudeau said, very intelligently, "If you create a precedent, there will be no end to them." He mentioned

the Chinese and the Italians. The man who disputed him was a well known personality from New Brunswick. As a matter of fact, he voted for me in the election for chairman of the national Liberal caucus.

Mr. Trudeau said that if we continue like this, we will need to go back to the deportation of the Acadians and make recompense to those who were deported. I think he had a point. My ancestors arrived in Canada in 1634 from l'Île St. Louis. Captain Prud'homme was in charge of the military to defend the new colony. There must be an end eventually.

I am happy that this group will receive justice. I am surprised that many people of Acadian origin say that they are not French Canadians but are, rather, Acadian, and I am proud of that. The Canadian government has apologized to the Acadians, but I believe that the ultimate goal of la Société des Acadiens is to get an apology from Her Majesty. It would not hurt her, because she is not responsible for what happened in 1760, but that would close a sad page in our history. In the deportation of the Acadians, families were separated.

We have heard about this from some of our colleagues who are Acadians. Senator Comeau has played a great role in promoting this issue, along with others. Ultimately, an apology has not been made. I do not know whether it will ever be made.

Since I am the only one here who was made a member of the Queen's Privy Council by the Queen herself, and not by the Governor General, perhaps I should sit down with la Société des Acadiens and draft a polite letter to our gracious Queen, the Queen of Canada, saying that in order to close the book on all of these past injustices, there should be royal apologies for wrongs committed in the past.

Needless to say, I am very close to the Ukrainian community. It will please some Westerners to know that Laurence Decore of Alberta was once my teacher. He comes from an elite family. Senator Austin could confirm that he was mayor of Edmonton and leader of the Liberal Party, and he was my teacher. As a matter of fact, he was very close to Senator Pépin. I want it to be on record that Senator Pépin has also known Mr. Laurence Decore. I am also aware that he has informed Senator Pépin of the importance of the Ukrainian community in Canada.

• (1400)

I did not know that Mr. Decore was Ukrainian until he told me, because his name has both English and French pronunciations. However, he was a very proud person of Ukrainian origin and came from an immensely proud Ukrainian community.

All that to say, without preparation — I did not know this was to pass today — that I speak of what I saw from my experience. I am delighted to join in, and I am sure my colleague here will join with me, although I cannot speak for her. I have a feeling that if she were to speak, she would speak the same way as we all just did. If we were to vote on this bill, we would all vote together, although I only speak for myself. I do not want this matter to be delayed any further.

We will all rejoice in the spirit of Christmas.

**Senator Stratton:** Question!

**Hon. Sharon Carstairs:** Honourable senators, I wish to say a few words. I come from a city, as does my colleague across the way, which has large numbers of Ukrainians, some of whom were interned and for whom Mr. Mark is trying to bring some cause and attention. I want to congratulate him on the way in which his bill was written, because I think that he has got to the essence of what we must say and what we must do in compensation for people who were treated unfairly.

I have never believed in the blanket apology of one generation for the acts of another generation because in some ways it is meaningless. If we were not there, if we did not take part in the act, what are we apologizing for?

If, on the other hand, we are recognizing that a misdeed was done to certain people and we want to ensure that that misdeed is not done to other people, then we are, in fact, taking the appropriate action. That is what Mr. Mark has chosen to do in the presentation of his bill.

I also think that we should be mindful of the fact that the Canadian Museum of Human Rights is being built in Winnipeg. One of my concerns, when Mr. Asper first came to talk to me about that museum, was that while I recognized the Holocaust and wanted appropriate tribute to be paid to what happened in the Holocaust, I also knew that there were grievous injuries and injustices sustained by other people, although not necessarily in our country, but in other countries. In particular, the Ukrainian famine is a perfect example of that. I was concerned that the museum reflect many of these tragedies that had happened in our country and worldwide because it is a marvellous opportunity in a museum of that nature to portray man's humanity to man, to portray the mistakes that we have made in the past, to portray the Charter of Rights and Freedoms, which are certainly steps taken by us in the right direction to not make those actions a reality in the future.

I was pleased when Izzy Asper told me that that is exactly what the intent of this museum was: that it would, in fact, make reference to the Chinese head tax, which was not exactly a wonderful time in our history; that it would make reference to the internment of Italians and Ukrainians during the war; and that it would reflect not only the good things that we do in this country but what is more important, it would remind us that in the past, and unfortunately perhaps also in the future, we will take actions which are not appropriate and for which we must be held accountable. I believe that this bill, on that basis, is a very good first step.

**Hon. Senators:** Hear, hear!

[*Translation*]

**Hon. Madeleine Plamondon:** Honourable senators, I would like to add a comment. I have read the press release and the history of the bill.

I will be pleased to support Bill C-331. I feel that a grave injustice was done to people of Ukrainian descent, and it is in a spirit of justice that I support this bill.

[*English*]

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

**Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** It was moved by the Honourable Senator Stratton, seconded by the Honourable Senator Comeau, that this bill be read the second time.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

### THIRD READING

**The Hon. the Speaker *pro tempore*:** When shall the bill be read the third time?

**Hon. Terry Stratton (Deputy Leader of the Opposition):** I move that this bill be read the third time now.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.

• (1410)

### BUSINESS OF THE SENATE

#### MOTION TO DEAL WITH BILL C-331 AND BILL C-259 ADOPTED

**Hon. Terry Stratton (Deputy Leader of the Opposition),** pursuant to notice of November 24, 2005, moved:

That, no later than 3:30 p.m. Friday, November 25, 2005, the Speaker shall interrupt any proceedings then underway and all questions necessary to dispose of all stages of the following bills shall be put forthwith without further adjournment, debate or amendment:

Bill C-331, An Act to acknowledge that persons of Ukrainian origin were interned in Canada during the First World War and to provide for recognition of this event

Bill C-259, An Act to amend the Excise Tax Act (elimination of excise tax on jewellery).

He said: Honourable senators, the motion speaks for itself. It goes without saying that Bill C-331 has been dealt with, and we are now left with Bill C-259. That is all we are dealing with now.

**Some Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** Is the house ready for the question?

**Some Hon. Senators:** Question!

**Hon. Madeleine Plamondon:** I do not agree. I ask for a vote.

**Some Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** Is the house ready for the question?

**Some Hon. Senators:** Question!

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

**Some Hon. Senators:** Agreed.

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** All those opposed to the motion will please say "nay."

**Hon. Marcel Prud'homme:** Nay.

**The Hon. the Speaker *pro tempore*:** In my opinion, the "yeas" have it.

**Senator Prud'homme:** On division.

Motion agreed to, on division.

**Hon. Bill Rompkey (Deputy Leader of the Government):** We have, honourable senators, a house order for a vote at 2:45 p.m., and we have no further business before us at the moment. We would either need to change the house order or suspend the sitting until 2:45 p.m.

**Senator Stratton:** Why would we not ask for consent to deal with all three items now, rather than suspend?

**Senator Rompkey:** Is there consensus in the chamber that we proceed now to deal with all three items?

**Some Hon. Senators:** Agreed.

**Senator Rompkey:** There appears to be consensus.

**Some Hon. Senators:** There is not.

**Senator Prud'homme:** Many things have happened. Repeat what you are asking, and then we will make a decision. Please remind us. We are getting old.

**Senator Rompkey:** There was a house order that we vote on Bill C-71 and Bill C-57 at 2:45 p.m. There is also a motion from Senator Stratton that we vote on Bill C-259. Therefore, there are three items before us to be voted on, one at 2:45 and one no later than 3:30. The chamber is being asked now whether we want to proceed immediately to vote on those three items.

**Senator Stratton:** It must be unanimous.

**Hon. J. Michael Forrestall:** If my memory serves me correctly, the wording is "not later than" 2:45 p.m.

**Senator Rompkey:** No. The wording is 2:45 p.m. but not later than 3:30 p.m.

**Hon. Tommy Banks:** If I recall correctly, both of the motions say exactly what the honourable senator has just said. Neither motion says, "not until 2:45" or "not until 3:30." Both motions say, "not later than."

**Senator Stratton:** We do not need consent to proceed now. Call the question.

**Senator Rompkey:** I propose, if the house is agreed, that we have a 15-minute bell to begin now and that we then vote on those three items.

**The Hon. the Speaker *pro tempore*:** Is that agreed?

**Some Hon. Senators:** Agreed.

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

**Hon. Senators:** Question!

#### FIRST NATIONS COMMERCIAL AND INDUSTRIAL DEVELOPMENT BILL

#### THIRD READING

**Hon. Tommy Banks** moved third reading of Bill C-71, respecting the regulation of commercial and industrial undertakings on reserve lands.

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

**Some Hon. Senators:** Agreed.

[*Translation*]

**Hon. Madeleine Plamondon:** Honourable senators, I move that the bill be not now read the third time but that it be read a third time this day six months hence.

**The Hon. the Speaker pro tempore:** I am sorry, Senator Plamondon, but it was previously agreed that we would proceed to a third reading vote on Bill C-57 and Bill C-71 no later than 2:45 p.m. today.

[English]

**Hon. Marcel Prud'homme:** Although I know it is the whip who decides, the honourable senator would like a recorded vote with a 15-minute bell, although some people may take a different view.

[Translation]

**The Hon. the Speaker pro tempore:** Senator Plamondon, is your intention to request a recorded division?

**Senator Plamondon:** Yes, that is right.

• (1420)

[English]

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** All those opposed to the motion will please say “nay.”

**Senator Plamondon:** Nay.

**The Hon. the Speaker pro tempore:** In my opinion, the “yeas” have it.

*And two honourable senators having risen:*

**The Hon. the Speaker pro tempore:** Call in the senators. There will be a 15-minute bell.

• (1430)

**The Hon. the Speaker pro tempore:** The question before the Senate is on the motion of Senator Banks, seconded by the Honourable Senator Day, for the third reading of Bill C-71.

Motion agreed to and bill read third time and passed, on the following division:

YEAS  
THE HONOURABLE SENATORS

Angus	Joyal
Atkins	Keon
Austin	Kinsella
Bacon	Lapointe
Banks	Losier-Cool
Callbeck	Mahovlich
Carstairs	Merchant
Christensen	Milne
Cochrane	Moore
Comeau	Munson
Corbin	Pépin
Cowan	Peterson
Dawson	Phalen
Day	Poy
De Bané	Ringuette

Fairbairn  
Fitzpatrick  
Forrestall  
Fox  
Fraser  
Goldstein  
Grafstein  
Gustafson  
Harb  
Hervieux-Payette  
Hubley

Robichaud  
Rompkey  
Sibbeston  
Smith  
Stollery  
Stratton  
Tardif  
Tkachuk  
Trenholme Counsell  
Zimmer—51

NAYS  
THE HONOURABLE SENATORS

Nil

ABSTENTIONS  
THE HONOURABLE SENATORS

Di Nino  
Gill  
Plamondon

Prud'homme  
Segal  
Watt—6

A BILL TO AMEND CERTAIN ACTS IN RELATION TO  
FINANCIAL INSTITUTIONS

BILL TO AMEND—THIRD READING

**Hon. Mac Harb** moved third reading of Bill C-57, to amend certain Acts in relation to financial institutions.

**The Hon. the Speaker pro tempore:** It is moved by the Honourable Senator Harb, seconded by the Honourable Senator Dawson, that this bill be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** All those opposed will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker pro tempore:** In my opinion, the “yeas” have it.

*And two honourable senators having risen:*

**The Hon. the Speaker pro tempore:** Is there agreement on the bell?



Five minutes. Is leave granted?

**Senator Harb:** Honourable senators, there was a motion earlier today for the bells to ring so that all stages could be completed before 2:45 p.m. I take the position, as an individual senator who introduced Bill C-57, that we cannot postpone past 2:45 p.m. without contravening that motion passed earlier.

**Senator Kinsella:** All questions are put.

**The Hon. the Speaker *pro tempore*:** I will read part of the house order to honourable senators.

If a standing vote is requested, the bell to call in the senators is to be sounded for 15 minutes.

Is there agreement to go to five minutes? Is leave granted?

**Hon. Senators:** Agreed.

**The Hon. the Speaker *pro tempore*:** It will be a five-minute bell.

Call in the senators.

• (1450)

**The Hon. the Speaker *pro tempore*:** Honourable senators, the question before the Senate is on the motion of Senator Harb, seconded by Senator Dawson, that Bill C-57 be read the third time.

Motion agreed to and bill read third time and passed, on the following division:

YEAS  
THE HONOURABLE SENATORS

Angus	Hubley
Atkins	Keon
Austin	Kinsella
Bacon	Losier-Cool
Baker	Mahovlich
Banks	Merchant
Callbeck	Milne
Carstairs	Moore
Christensen	Munson
Cochrane	Pépin
Comeau	Peterson
Corbin	Phalen
Cowan	Poy
Dawson	Ringuette
Day	Robichaud
De Bané	Rompkey
Di Nino	Segal
Fairbairn	Sibbeston
Fitzpatrick	Smith
Forrestall	Stollery
Fox	Stratton
Fraser	Tardif
Gill	Tkachuk
Grafstein	Trenholme Counsell
Gustafson	Watt
Harb	Zimmer—52

NAYS  
THE HONOURABLE SENATORS

Hervieux-Payette	Prud'homme—3
Plamondon	

ABSTENTIONS  
THE HONOURABLE SENATOR

Lapointe—1

EXCISE TAX ACT

BILL TO AMEND—THIRD READING

**Hon. Consiglio Di Nino** moved third reading of Bill C-259 to amend the Excise Tax Act (elimination of excise tax on jewellery).

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

**Hon. Senators:** Agreed.

**Hon. Marcel Prud'homme:** On division.

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** All those opposed please say "nay."

**Some Hon. Senators:** Nay.

**Some Hon. Senators:** On division.

**The Hon. the Speaker *pro tempore*:** In my opinion, the "yeas" have it.

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

BUSINESS OF THE SENATE

**Hon. Noël A. Kinsella (Leader of the Opposition):** Honourable senators, knowing that we are at the end of the Orders of the Day, and recognizing that there may be other business we want to conduct, I will now yield the floor to Senator Grafstein.

**Hon. Jeremiah S. Grafstein:** Honourable senators, when Order No. 4 on the Order Paper under Senate public bills was before the chamber, I was outside dealing with Bill C-57. Unfortunately, I was not here. I ask leave of the Senate to revert to Order No. 4, which is Bill S-46, a bill respecting National Philanthropy Day.

**Hon. Marcel Prud'homme:** No.

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

**Some Hon. Senators:** Yes.

**Senator Prud'homme:** No.

**Senator Grafstein:** No?

**The Hon. the Speaker *pro tempore*:** Leave is not granted, Senator Grafstein.

**Senator Grafstein:** I ask for a motion to proceed.

**The Hon. the Speaker *pro tempore*:** There is no consent to revert to Orders of the Day.

• (1500)

**Hon. Jack Austin (Leader of the Government):** This brings the house to the end of its legislative role. Of course, the sitting of the Senate will be suspended to await the summons with respect to Royal Assent, when senators will return to the chamber.

In these closing moments I would like to say that this session of Parliament has been constructive. I appreciate very much the understanding that the Leader of the Opposition and his colleagues have for the role of the government in this chamber. I know that the honourable senator appreciates that I understand the role that must be played by the opposition in this chamber and the balances that are structured between the two sides.

I thank all honourable senators for their diligence, their work and their application to the important public issues that all senators have had to deal with in this chamber.

I confess that I will miss Question Period for the next few weeks because I looked forward to it throughout the session, although not necessarily to every question. I am certain the opposition does not look forward to every answer. Nonetheless, it is an important part of the proceedings in this chamber.

I thank the staff of the Senate for their hard work. They have been kept busy at various times, not least over the last few days. Of course, these remarks are in anticipation of the carriage of a no-confidence motion in the other place. Should the motion fall, we will see you back here on Tuesday afternoon.

**Senator Kinsella:** Should this Thirty-eighth Parliament conclude early next week, senators will not be back here on Tuesday. If otherwise, I look forward to seeing all honourable senators next week.

In consideration that this might be the eve of the dissolution of the Thirty-eighth Parliament, I must say that, on balance, it has been a very good one. The work done by all honourable senators on both sides of the aisle in this chamber has been first class. It contributes to the public good of the great Canadian common weal and all senators should be proud of the work that has been achieved.

The chairs and deputy chairs of the Senate committees do an outstanding job of work, whether in policy studies for which they provide leadership or the analyses of proposed legislation. Those hours are never counted, and their work is more public in this chamber when senators gather in the fullness of the house. However, Senate committees are putting in long hours and the quality of the work is first-class.

I want to use this opportunity to single out the chairs and the deputy chairs and all members of the Senate committees. Certainly, all honourable senators will join me in thanking the

staff, the table officers, the pages, the reporters and translators who make the house run so smoothly, for the work that they have done during the Thirty-eighth Parliament. Noting the time of the year, I wish all a safe and happy Christmas.

[*Translation*]

**Senator Prud'homme:** Honourable senators, I am not the spokesperson for the unaligned senators, but I do personally think that a voice other than the official ones needs to be heard. The 11 senators with no governmental or official affiliation have been forgotten. I know that they like to pass us by, though that is a sizeable number, and it is likely to — and in my opinion should — get even larger.

I would like to thank the pages and to congratulate them. I hope they have learned that a person can remain above the madding crowd and that we need to passionately defend our ideas and not slavishly follow orders. It is good to hold definite opinions, provided one is very honest — as I always say, with honesty in our head and our heart, we must not be afraid to stand up, even if we stand alone. In later years, it is often the one who stands up and stands out who wins the day.

I therefore encourage any of you who are headed toward law to read the dissenting Supreme Court judgments. That is something I have been doing for 50 years. I have discovered that the dissenting justices often, over time, end up being the voice of the majority.

I want to thank all of the staff for their extraordinary loyalty. All of the internal workings of this place are always at our disposal. I wish them a happy holiday.

[*English*]

The Leader of the Government in the Senate said that he will miss Question Period. Well, Mr. Trudeau used to simply say that we will let the universe unfold as the universe will unfold. We might sit much longer than we think. We will let Canadians decide who the next government will be. My decision is taken and I will vote in a way that might surprise many of my friends.

Having said that, I trust we are still allowed to say “Merry Christmas” rather than that silly “Season’s Greetings.” Last year I sent 200 letters with that message. Being respectful of all Canadians, I wish some a Happy Hanukkah and others a Merry Christmas. Let us all return as civilized as it seems we are now when we part.

[*Translation*]

**Hon. Madeleine Plamondon:** Honourable senators, first I would like to thank you for supporting the bill on which I have been working since I first came to the Senate. This has been a long battle for me, and I have always cared about the plight of low-income earners.

I also want to thank the Senate’s legislative staff, to whom I often turned and from whom I often received very good advice.

Senators from both sides of the house have also been very generous in providing explanations. I have often bothered Senator Prud'homme with questions of procedure, because I was not familiar with them.

If I upset anyone over the past few days, it is because I felt that, with a snap election on the way, using the procedure to try to pressure the other side into paying more attention to the substance of the bill was the only means at my disposal.

I learned a lot of things with these procedures. The battle over this bill is not over. It may continue in another arena, but I would like us to carry it on, with all the friendships that I have developed in the Senate, during the next Parliament.

[English]

**The Hon. the Speaker *pro tempore*:** Honourable senators, pursuant to an Order of the Senate adopted earlier this day, the Senate will now suspend to the call of the chair. Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**The Hon. the Speaker *pro tempore*:** I do now leave the chair. I invite all honourable senators to the Speaker's quarters for a reception.

The Senate adjourned during pleasure.

• (1720)

[Translation]

The sitting of the Senate was resumed.

### ROYAL ASSENT

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

#### RIDEAU HALL

November 25, 2005

Mr. Speaker:

I have the honour to inform you that the Honourable Michel Bastarache, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 25th day of November, 2005, at 4:57 p.m.

Yours sincerely,

Barbara Uteck  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bills Assented To Friday, November 25, 2005:

An Act to amend the Criminal Code (trafficking in persons) (*Bill C-49, Chapter 43, 2005*)

An Act to amend the Criminal Code (proceeds of crime) and the Controlled Drugs and Substances Act and to make consequential amendments to another Act (*Bill C-53, Chapter 44, 2005*)

An Act governing the operation of remote sensing space systems (*Bill C-25, Chapter 45, 2005*)

An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings (*Bill C-11, Chapter 46, 2005*)

An Act to establish the Wage Earner Protection Program Act, to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act and to make consequential amendments to other Acts (*Bill C-55, Chapter 47, 2005*)

An Act to provide first nations with the option of managing and regulating oil and gas exploration and exploitation and of receiving moneys otherwise held for them by Canada (*Bill C-54, Chapter 48, 2005*)

An Act to authorize payments to provide assistance in relation to energy costs, housing energy consumption and public transit infrastructure, and to make consequential amendments to certain Acts (*Bill C-66, Chapter 49, 2005*)

An Act to amend the Telecommunications Act (*Bill C-37, Chapter 50, 2005*)

An Act to amend the Export and Import of Rough Diamonds Act (*Bill S-36, Chapter 51, 2005*)

An Act to acknowledge that persons of Ukrainian origin were interned in Canada during the First World War and to provide for recognition of this event (*Bill C-331, Chapter 52, 2005*)

An Act respecting the regulation of commercial and industrial undertakings on reserve lands (*Bill C-71, Chapter 53, 2005*)

An Act to amend certain Acts in relation to financial institutions (*Bill C-57, Chapter 54, 2005*)

An Act to amend the Excise Tax Act (elimination of excise tax on jewellery) (*Bill C-259, Chapter 55, 2005*)

• (1730)

[*English*]

### ADJOURNMENT

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

**Hon. Bill Rompkey (Deputy Leader of the Government):** Honourable senators, with leave of the Senate, I move:

That notwithstanding the orders of the Senate of November 23 and 25, 2005, when the Senate adjourns

today, it do stand adjourned until Tuesday, November 29, 2005, at 2 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 29, 2005, at 2 p.m.

## Appendix

(see page 2211)



Minister of Industry

Ministre de l'Industrie

David L. Emerson  
Ottawa, Canada K1A 0H5

NOV. 24 2005

The Honourable Jerahmiel S. Grafstein  
Senator and Chair of the Standing Senate Committee  
on Banking, Trade and Commerce  
Room 217, East Block  
The Senate of Canada  
Ottawa, Ontario K1A 0A4

Dear Senator Grafstein:

I am writing in response to observations made during your Committee's meeting of November 23, 2005, with respect to Bill C-55, *An Act to establish the Wage Earner Protection Program Act, to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act and to make consequential amendments to other Acts*. As the Committee noted, this bill is a very important piece of legislation that will have a significant impact on the economy, the protection of workers, and the life of many Canadians who face a situation of financial distress.

Bill C-55 contains a comprehensive and balanced reform of Canada's insolvency system. There is very strong and broad support for the policy objectives of the bill, which underscores the importance of securing its adoption by Parliament in a timely manner. However, given exceptional circumstances, the scrutiny of the detailed provisions of the bill has raised a number of implementation issues that deserve further consideration. In this regard, the government commits not to proceed with the coming into force of Bill C-55 before June 30, 2006. As soon as possible in 2006, the government, through the Leader of the Government in the Senate, will refer the matter to the Committee for further study.

I would like to thank the Committee for its diligence and cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. L. Emerson'.

David L. Emerson

c.c. Mr. Gérald Lafrenière, Committee Clerk

Canada

**THE SENATE OF CANADA  
PROGRESS OF LEGISLATION**

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

**(1st Session, 38th Parliament)**

**Friday, November 25, 2005**

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

**GOVERNMENT BILLS  
(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-10	A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	04/10/19	04/10/26	Legal and Constitutional Affairs	04/11/25	0 observations	04/12/02	04/12/15	25/04
S-17	An Act to implement an agreement, conventions and protocols concluded between Canada and Gabon, Ireland, Armenia, Oman and Azerbaijan for the avoidance of double taxation and the prevention of fiscal evasion	04/10/28	04/11/17	Banking, Trade and Commerce	04/11/25	0	04/12/08	05/03/23*	8/05
S-18	An Act to amend the Statistics Act	04/11/02	05/02/02	Social Affairs, Science and Technology	05/03/07	0	05/04/20	05/06/29*	31/05
S-31	An Act to authorize the construction and maintenance of a bridge over the St. Lawrence River and a bridge over the Beauharnois Canal for the purpose of completing Highway 30	05/05/12	05/06/07	Transport and Communications	05/06/16	0	05/06/21	05/11/03	37/05
S-33	An Act to amend the Aeronautics Act and to make consequential amendments to other Acts	05/05/16	Bill withdrawn pursuant to Speaker's Ruling 05/06/14						
S-36	An Act to amend the Export and Import of Rough Diamonds Act	05/05/19	05/06/09	Energy, the Environment and Natural Resources	05/06/16	0	05/06/20	05/11/25*	51/05
S-37	An Act to amend the Criminal Code and the Cultural Property Export and Import Act	05/05/19	05/06/15	Foreign Affairs	05/06/29	0	05/07/18	05/11/25*	40/05
S-38	An Act respecting the implementation of international trade commitments by Canada regarding spirit drinks of foreign countries	05/05/31	05/06/15	Agriculture and Forestry	05/06/23	3	05/07/18	05/11/03	39/05
S-39	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	05/06/07	05/06/15	Legal and Constitutional Affairs					
S-40	An Act to amend the Hazardous Materials Information Review Act	05/06/09	05/06/30	Social Affairs, Science and Technology	05/09/29	0	05/10/20		

**GOVERNMENT BILLS  
(HOUSE OF COMMONS)**

<b>No.</b>	<b>Title</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>Committee</b>	<b>Report</b>	<b>Amend</b>	<b>3<sup>rd</sup></b>	<b>R.A.</b>	<b>Chap.</b>
C-2	An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act	05/06/14	05/06/20	Legal and Constitutional Affairs	05/07/18	0 observations	05/07/19	05/07/20*	32/05
C-3	An Act to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act and the Oceans Act	05/03/21	05/04/14	Transport and Communications	05/06/09	0 observations	05/06/22	05/06/23*	29/05
C-4	An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment	04/11/16	04/12/09	Transport and Communications	05/02/15	0	05/02/22	05/02/24*	3/05
C-5	An Act to provide financial assistance for post-secondary education savings	04/12/07	04/12/08	Banking, Trade and Commerce	04/12/09	0 observations	04/12/13	04/12/15	26/04
C-6	An Act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain Acts	04/11/18	04/12/07	National Security and Defence	05/02/22	0	05/03/21	05/03/23*	10/05
C-7	An Act to amend the Department of Canadian Heritage Act and the Parks Canada Agency Act and to make related amendments to other Acts	04/11/30	04/12/09	Energy, the Environment and Natural Resources	05/02/10	0	05/02/16	05/02/24*	2/05
C-8	An Act to amend the Financial Administration Act, the Canada School of Public Service Act and the Official Languages Act	05/03/07	05/03/21	National Finance	05/04/14	0	05/04/19	05/04/21*	15/05
C-9	An Act to establish the Economic Development Agency of Canada for the Regions of Quebec	05/06/02	05/06/08	National Finance	05/06/16	0	05/06/21	05/06/23*	26/05
C-10	An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts	05/02/08	05/02/22	Legal and Constitutional Affairs	05/05/12	0 observations	05/05/16	05/05/19*	22/05
C-11	An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings	05/10/18	05/10/27	National Finance	05/11/24	0	05/11/25	05/11/25*	46/05
C-12	An Act to prevent the introduction and spread of communicable diseases	05/02/10	05/03/09	Social Affairs, Science and Technology	05/04/12	2	05/04/14	05/05/13*	20/05
C-13	An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act	05/05/12	05/05/16	Legal and Constitutional Affairs	05/05/18	0	05/05/19	05/05/19*	25/05

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-14	An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts	04/12/07	04/12/13	Aboriginal Peoples	05/02/10	0	05/02/10	05/02/15*	1/05
C-15	An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999	04/12/14	05/02/02	Energy, the Environment and Natural Resources	05/05/17	0 observations	05/05/18	05/05/19*	23/05
C-18	An Act to amend the Telefilm Canada Act and another Act	04/12/13	05/02/23	Transport and Communications	05/03/22	0 observations	05/03/23	05/03/23*	14/05
C-20	An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts	04/12/13	05/02/16	Aboriginal Peoples	05/03/10	0	05/03/21	05/03/23*	9/05
C-22	An Act to establish the Department of Social Development and to amend and repeal certain related Acts	05/06/09	05/06/21	Social Affairs, Science and Technology	05/07/18	0	05/07/20	05/07/20*	35/05
C-23	An Act to establish the Department of Human Resources and Skills Development and to amend and repeal certain related Acts	05/06/02	05/06/14	Social Affairs, Science and Technology	05/07/18	0	05/07/20	05/07/20*	34/05
C-24	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories)	05/02/16	05/02/22	National Finance	05/03/08	0	05/03/09	05/03/10*	7/05
C-25	An Act governing the operation of remote sensing space systems	05/10/18	05/11/01	Foreign Affairs	05/11/24	0 observations	05/11/25	05/11/25*	45/05
C-26	An Act to establish the Canada Border Services Agency	05/06/14	05/06/29	National Security and Defence	05/11/01	0 observations	05/11/02	05/11/03	38/05
C-28	An Act to amend the Food and Drugs Act	05/10/19	05/11/01	Social Affairs, Science and Technology	05/11/22	0	05/11/23	05/11/25*	42/05
C-29	An Act to amend the Patent Act	05/02/15	05/03/07	Banking, Trade and Commerce	05/04/12	2	05/04/14	05/05/05*	18/05
C-30	An Act to amend the Parliament of Canada Act and the Salaries Act and to make consequential amendments to other Acts	05/04/13	05/04/14	National Finance	05/04/21	0	05/04/21	05/04/21*	16/05
C-33	A second Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004	05/03/07	05/04/20	National Finance	05/05/03	0	05/05/10	05/05/13*	19/05



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 2, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	27/04
C-35	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 3, 2004-2005</i> )	04/12/13	04/12/14	—	—	—	04/12/15	04/12/15	28/04
C-36	An Act to change the boundaries of the Acadie—Bathurst and Miramichi electoral districts	04/12/13	05/02/01	Legal and Constitutional Affairs	05/02/22	0 observations	05/02/23	05/02/24*	6/05
C-37	An Act to amend the Telecommunications Act	05/10/25	05/11/02	Transport and Communications	05/11/22	2 observations	05/11/24	05/11/25*	50/05
C-38	An Act respecting certain aspects of legal capacity for marriage for civil purposes	05/06/29	05/07/06	Legal and Constitutional Affairs	05/07/18	0	05/07/19	05/07/20*	33/05
C-39	An Act to amend the Federal-Provincial Fiscal Arrangements Act and to enact An Act respecting the provision of funding for diagnostic and medical equipment	05/02/22	05/03/08	Social Affairs, Science and Technology	05/03/10	0	05/03/22	05/03/23*	11/05
C-40	An Act to amend the Canada Grain Act and the Canada Transportation Act	05/05/12	05/05/16	Agriculture and Forestry	05/05/18	0	05/05/19	05/05/19*	24/05
C-41	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005 ( <i>Appropriation Act No. 4, 2004-2005</i> )	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	12/05
C-42	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2006 ( <i>Appropriation Act No. 1, 2005-2006</i> )	05/03/22	05/03/23	—	—	—	05/03/23	05/03/23*	13/05
C-43	An Act to implement certain provisions of the budget tabled in Parliament on February 23, 2005	05/06/16	05/06/21	National Finance	05/06/28	0	05/06/28	05/06/29*	30/05
C-45	An Act to provide services, assistance and compensation to or in respect of Canadian Forces members and veterans and to make amendments to certain Acts	05/05/10	05/05/10	National Finance	05/05/12	0	05/05/12	05/05/13*	21/05
C-48	An Act to authorize the Minister of Finance to make certain payments	05/06/28	05/07/06	National Finance	05/07/18	0 observations	05/07/20	05/07/20*	36/05
C-49	An Act to amend the Criminal Code (trafficking in persons)	05/10/18	05/11/01	Legal and Constitutional Affairs	05/11/24	0	05/11/25	05/11/25*	43/05
C-53	An Act to amend the Criminal Code (proceeds of crime) and the Controlled Drugs and Substances Act and to make consequential amendments to another Act	05/11/22	05/11/22	Legal and Constitutional Affairs	05/11/24	0	05/11/25	05/11/25*	44/05

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-54	An Act to provide first nations with the option of managing and regulating oil and gas exploration and exploitation and of receiving moneys otherwise held for them by Canada.	05/11/22	05/11/22	Aboriginal Peoples	05/11/24	0 observations	05/11/25	05/11/25*	48/05
C-55	An Act to establish the Wage Earner Protection Program Act, to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act and to make consequential amendments to other Acts	05/11/22	05/11/23	Banking, Trade and Commerce	05/11/24	0 observations	05/11/25	05/11/25*	47/05
C-56	An Act to give effect to the Labrador Inuit Land Claims Agreement and the Labrador Inuit Tax Treatment Agreement	05/06/16	05/06/20	Aboriginal Peoples	05/06/21	0	05/06/22	05/06/23*	27/05
C-57	An Act to amend certain Acts in relation to financial institutions	05/11/23	05/11/25	—	—	—	05/11/25	05/11/25*	54/05
C-58	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2006 ( <i>Appropriation Act No. 2, 2005-2006</i> )	05/06/15	05/06/21	—	—	—	05/06/22	05/06/23*	28/05
C-66	An Act to authorize payments to provide assistance in relation to energy costs, housing energy consumption and public transit infrastructure, and to make consequential amendments to certain Acts	05/11/22	05/11/22	Energy, the Environment and Natural Resources	05/11/24	0	05/11/25	05/11/25*	49/05
C-71	An Act respecting the regulation of commercial and industrial undertakings on reserve lands	05/11/23	05/11/25	—	—	—	05/11/25	05/11/25*	53/05

#### COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-259	An Act to amend the Excise Tax Act (elimination of excise tax on jewellery)	05/06/16	05/11/23	Banking, Trade and Commerce	05/11/25	0	05/11/25	05/11/25*	55/05
C-302	An Act to change the name of the electoral district of Kitchener—Wilmot—Wellesley—Woolwich	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	4/05
C-304	An Act to change the name of the electoral district of Battle River	04/12/02	04/12/07	Legal and Constitutional Affairs	05/02/17	0 observations	05/02/22	05/02/24*	5/05
C-331	An Act to acknowledge that persons of Ukrainian origin were interned in Canada during the First World War and to provide for recognition of this event	05/11/23	05/11/25	—	—	—	05/11/25	05/11/25*	52/05

#### SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Citizenship Act (Sen. Kinsella)	04/10/06	04/10/20	Social Affairs, Science and Technology	04/10/28	0	04/11/02	05/05/05*	17/05

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-3	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/10/06	04/10/07	Official Languages	04/10/21	0	04/10/26  Senate agreed to Commons amendments 05/11/22	05/11/25*	41/05
S-4	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/10/06	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-5	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	04/10/07	04/10/26	Transport and Communications (withdrawn) 04/10/28 Legal and Constitutional Affairs					
S-6	An Act to amend the Canada Transportation Act (running rights for carriage of grain) (Sen. Banks)	04/10/07							
S-7	An Act to amend the Supreme Court Act (references by Governor in Council) (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/02/22						
S-8	An Act to amend the Judges Act (Sen. Cools)	04/10/07	Dropped from Order Paper pursuant to Rule 27(3) 05/06/16						
S-9	An Act to amend the Copyright Act (Sen. Day)	04/10/07	04/10/20	Social Affairs, Science and Technology					
S-11	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/10/19	04/10/26	Legal and Constitutional Affairs	05/04/12	2 observations	05/05/17		
S-12	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/10/19	05/06/01	Energy, the Environment and Natural Resources	05/06/29	0	05/11/23		
S-13	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/10/19	04/11/17	Legal and Constitutional Affairs					
S-14	An Act to protect heritage lighthouses (Sen. Forrestall)	04/10/20	04/11/02	Social Affairs, Science and Technology	05/03/21	0	05/03/23		
S-15	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/10/20		Subject matter 05/02/10 Transport and Communications					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-16	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	04/10/27		Subject matter 05/02/22 Aboriginal Peoples					
S-19	An Act to amend the Criminal Code (criminal interest rate) (Sen. Plamondon)	04/11/04	04/12/07	Banking, Trade and Commerce	05/06/23	1	05/06/28		
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/11/30		Subject matter 05/02/02 Legal and Constitutional Affairs					
S-21	An Act to amend the criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	04/12/02	05/03/10	Legal and Constitutional Affairs					
S-22	An Act to amend the Canada Elections Act (mandatory voting) (Sen. Harb)	04/12/09	Dropped from Order Paper pursuant to Rule 27(3) 05/10/18						
S-23	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	05/02/01	Dropped from Order Paper pursuant to Rule 27(3) 05/11/25	Subject matter 05/07/18 Legal and Constitutional Affairs					
S-24	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	05/02/03	05/03/10	Legal and Constitutional Affairs					
S-26	An Act to provide for a national cancer strategy (Sen. Forrester)	05/02/16	05/06/01	Social Affairs, Science and Technology					
S-28	An Act to amend the Bankruptcy and Insolvency Act (student loan) (Sen. Moore)	05/03/23	05/06/01	Banking, Trade and Commerce					
S-29	An Act respecting a National Blood Donor Week (Sen. Mercer)	05/05/05	05/06/01	Social Affairs, Science and Technology					
S-30	An Act to amend the Bankruptcy and Insolvency Act (RRSP and RESP) (Sen. Biron)	05/05/10							
S-32	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	05/05/12	Dropped from Order Paper pursuant to Rule 27(3) 05/11/03						
S-34	An Act to amend the Department of Justice Act and the Supreme Court Act to remove certain doubts with respect to the constitutional role of the Attorney General of Canada and to clarify the constitutional relationship between the Attorney General of Canada and Parliament (Sen. Cools)	05/05/16							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-35	An Act to amend the State Immunity Act and the Criminal Code (terrorist activity) (Sen. Tkachuk)	05/05/18	Dropped from Order Paper pursuant to Rule 27(3) 05/11/25						
S-41	An Act to amend the Department of Foreign Affairs and International Trade Act (human rights reports) (Sen. Kinsella)	05/06/21	05/11/22	Human Rights					
S-42	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	05/07/20							
S-43	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	05/09/28							
S-44	An Act to amend the Public Service Employment Act (Sen. Ringuette)	05/09/28							
S-45	An Act to amend the Canadian Human Rights Act (Sen. Kinsella)	05/10/25		Subject matter 05/11/24 Human Rights					
S-46	An Act respecting a National Philanthropy Day (Sen. Grafstein)	05/11/03							
S-47	An Act to amend the Criminal Code (impaired driving) and other Acts (Sen. LeBreton)	05/11/22							

## PRIVATE BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of The General Synod of the Anglican Church of Canada (Sen. Rompkey, P.C.)	05/02/10	05/03/23	Banking, Trade and Commerce	05/05/05	0 observations	05/05/10	05/05/19*	56/05
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