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(HANSARD)

Friday, November 3, 2006



THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

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THE SENATE

Friday, November 3, 2006

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

Prayers.

SENATORS' STATEMENTS

WORLD WAR I

NINETIETH ANNIVERSARY OF BATTLES OF THE SOMME AND BEAUMONT-HAMEL

Hon. Consiglio Di Nino: Honourable senators, I would like to share with you a poem that is contained in the Veterans Affairs Canada "Canada Remembers Division" website, written by a young person who attended the 90th Anniversary of the Somme and Beaumont-Hamel remembrance journey this summer. His name is Lee MacPherson. Lee wrote:

Remember the remembered
Never forget the forgotten,
And live for those who are dead.

Be brave like those before us,
Smart enough for those behind us;
Someday you too may die for those beside or behind you.

If you remember the remembered
Their memory will never fail,
And their legacy will march on forwards.

But by forgetting the forgotten,
You'll never hear their untold stories;
Their stories are simple whispers, heard only on the wind.

If you live for those who are dead,
You shall always honour their sacrifice.
Your freedom was founded through the cost of their sacrifice.

You took this torch, now hold it high.
Though you may stumble on your journey,
Please never let this torch fall.

Remember the remembered
Never forget the forgotten
Live for those who are dead,
Your freedom was not free.

• (0905)

ATLANTIC CANADA OPPORTUNITIES AGENCY TRADE MISSION TO FLORIDA

Hon. Donald H. Oliver: Honourable senators, I rise to inform you of a Team Canada Atlantic Canada Opportunities Agency, ACOA, trade mission that I had the honour to lead to Orlando and Tampa, Florida last weekend.

More than 45 businessmen from the four Atlantic provinces participated in what is considered to be the most successful trade mission undertaken since they began in 1999. These missions have one overriding goal, that is, to raise awareness of, and open doors to, Atlantic Canadian businesses in our most important marketplace, America. These missions have already targeted key regional markets in Washington D.C., Atlanta, New England, New York and Chicago. Florida is a strategic economic centre of the Americas. If that state were a country, it would be the fifteenth largest economy in the world.

I led the mission to Florida because the Florida market provides an excellent opportunity for Atlantic Canadian businesses to display their products in life sciences, information technology, agri-food, seafood, aerospace and the security sector — areas in which Atlantic Canada has proven expertise.

Each province was represented by a senior minister in the mission, namely, the Honourable Richard Hurlburt, Minister of Economic Development and Minister responsible for Nova Scotia Business Incorporated; Honourable Trevor Taylor, Minister of Innovation, Trade and Rural Development in Newfoundland and Labrador; Honourable Greg Byrne, Minister of Business New Brunswick; and Cletus Dunn who substituted for the Honourable Michael Currie, Minister of Development and Technology, Prince Edward Island.

Before I left Florida to return to my Senate duties on Tuesday, many of the 45 companies had already had several productive meetings with prospective purchasers, such as Disney Corporation.

Past trade missions have allowed more than 360 small businesses from Atlantic Canada to connect with some 3,000 buyers from all over the United States.

When I spoke at the prestigious Tampa Club on Monday, I told the senior business community that Atlantic Canada not only is a supplier but a leader and innovator in the northeast. I told them that the Port of Halifax is the second deepest natural harbour in the world and, with the Port of St. John's, the region helps provide 88 per cent of America's natural gas and 17 per cent of its oil imports.

I also proudly told the business community in Florida that Canada continues to lead the G8 in terms of low costs of doing business. Of the 91 major centres surveyed among the G8 countries, including cities such as London, Paris, Frankfurt and New York, three Atlantic cities ranked in the top five out of 91. Those three cities are Moncton, New Brunswick, Charlottetown, Prince Edward Island and Halifax, Nova Scotia.

Honourable senators, Monday night was called, "Taste of Atlantic Canada Night." It was the showcase and reception that continues to be the key draw for U.S. participants and a highly successful event. This one was no exception. In addition to showcasing Nova Scotia seafoods and foods, the reception

provided mission participants with an opportunity to network with representatives from local business, industry associations and government officials.

In conclusion, I am convinced that this trade mission demonstrated the commitment of Canada's new government in cooperating with our number one trade partner, the United States of America.

ROUTINE PROCEEDINGS

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

CONFERENCE OF PARLIAMENTARIANS
OF ARCTIC REGION, AUGUST 2-4, 2006—
REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Canada-Europe Parliamentary Association to the meeting of the Standing Committee of Parliamentarians of the Arctic Region for the seventh conference of parliamentarians of the Arctic region, held in Karuna, Sweden, from August 2 to 4, 2006.

• (0910)

QUESTION PERIOD

THE SENATE

OFFICE OF LEADER OF THE GOVERNMENT—
MEDIA LEAK ON NATIONAL SECURITY AND
DEFENCE COMMITTEE TRIP TO DUBAI

Hon. Tommy Banks: Honourable senators, my question to the Leader of the Government in the Senate arises from my having read the Hansard of yesterday in which I had the temerity to ask the leader three times in succession about when she knew that a person in her office was in the business of pursuing and collecting detailed information on the hotel bills of senators travelling on Senate business.

Each time, she answered in the context of telling the house when she heard the testimony of yesterday morning's proceedings of the Standing Committee on Internal Economy, Budgets and Administration. I infer from that response that that is when she first heard of it.

Could the honourable leader confirm to the Senate that prior to hearing yesterday's proceedings or hearing about yesterday's proceedings of the Standing Committee on Internal Economy, Budgets and Administration she had no knowledge that anyone in her office was pursuing and collecting detailed information about the hotel bills and any other information in respect of senators travelling on Senate business?

[Senator Oliver]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Banks for his question. I have not read a copy of yesterday's Hansard because I have not yet received it. I do not believe that any detailed hotel bills were sought or provided. I have not seen the bills to which the honourable senator keeps referring.

With regard to when I knew that we had some information, I cannot put a precise time on it. However, it was around the time that we were preparing for the question of privilege that my colleague Senator Stratton was about to table in the chamber.

Senator Banks: I now understand, which I did not yesterday, that the leader had that knowledge. The fact a person who works in the leader's office asked for detailed information is not an allegation or a suggestion. Rather, it is an irrefutable fact. Documentation tabled yesterday demonstrates that, without question. I understand that at some time prior to yesterday morning, the leader had knowledge that that was being done in her office. Am I correct in understanding what the leader said?

Senator LeBreton: I will not acknowledge that there were detailed bills from hotels sought because I do not think they were sought and I do not think they were provided. I still have not seen these bills. As the honourable senator said yesterday, there were details of people's phone calls. I do not believe that is the case because I have not seen the bills and I have not seen the documents tabled before the Standing Committee on Internal Economy, Budgets and Administration. As I said a moment ago, when we were preparing for the question of privilege raised by Senator Stratton regarding the trip to Dubai, I was informed that there was some information about this from a particular member of my staff. I was not alarmed by it because I do not believe that it is improper to seek information that is clearly public. People know that members of the Standing Senate Committee on National Security and Defence went to Dubai and stayed in hotels. Unless and until the honourable senator can prove otherwise, I do not believe that detailed information was sought with regard to the charges of individual senators and staff on that trip.

• (0915)

Senator Banks: Madam minister, I tabled in this house yesterday, and I commend to the leader's attention, copies of an email message sent by a man named Jeffrey Kroeker, an employee of the Senate of Canada working under her direction in her office, addressed to the Renaissance Hotel in Dubai in which Mr. Kroeker specifically asks that hotel to provide him with more detailed information than the information which they had prior to the message already sent to him.

I wish to inform my honourable friend now that I will inquire of her further once she has had a chance to familiarize herself with that message.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, by way of a supplementary question, I take it from the Leader of the Government in the Senate that she is still unconcerned and unwilling to look into this matter in terms of her staffer making these requests for information, which is essentially personal information, about senators' expenses while they were in Dubai, and also whether that might have been the means by which this information became public.

The exchange of information started on October 10. The detailed information was provided on October 17 and 18 with the first news reports. It may or may not be that those inquires produced documentation that found its way into the public domain by way of a leak or otherwise.

My question to the honourable leader yesterday was whether she intended to look into this matter by meeting with her staff member to satisfy us as to whether or not that might have happened. She said, no, that she would not. When I said she does not care, she said that she does care. The way in which she cares I think is best summarized by her response to Senator Banks yesterday when she said:

...I support his right, as a person working on such files, to make any inquiries he wishes.

I will give the honourable senator a chance to respond to the question again as to whether she remains unconcerned and unwilling to look into this matter with her staff person.

Senator LeBreton: I must say that this is quite an unusual debate.

An Hon. Senator: It is an unusual occurrence.

Senator LeBreton: The issue here is the fact that the trip took place in the first place. The attempts by senators opposite to change the channel and focus on a member of my staff are rather interesting.

Having said that, I do not believe that anyone on my staff acted improperly, and I do not believe that they were the source of the leaks to the media.

Senator Hays: Is the government leader unwilling to speak with that person and come back and confirm that with us?

Senator LeBreton: I do not think that I would expect the Leader of the Opposition to report to the Senate chamber private deliberations with his staff, and I do not intend to do it myself.

Senator Comeau: That's right.

Senator Hays: I think the concerns expressed rise to a higher level than that. I would like to get into what has been alluded to as the other "channel," and that is the leader's approval of this method of operating within her office. It was apparently unsupervised by her because she did not know about it yesterday and is unwilling to make the inquiries I have requested. The reason I think they rise above a normal senator-staff relationship, in particular a Leader of the Government-staff relationship, is because they have been the subject of our exchanges in Question Period and a rather long deliberation in the Internal Economy Committee yesterday.

I take it from the honourable leader's view on this question that it would be appropriate for any senator to have staffers working on — she said "such files" — inquiries into various senators to find out what they spent and to obtain copies of their phone bills. Quite frankly, for a very important leader in the Senate, the second most important after the Speaker, to condone

unsupervised staff inquiries into such things as senators' hotel bills — for what purpose I am not sure — would be a dramatic change in the culture of this place.

• (0920)

Senator Comeau: It is on public business.

Senator Hays: I think that would change the culture of this place and it could become a shooting gallery. We could all have staff people working on what so-and-so spent when they went here or there — leaking it or not — raising those as issues, which would tend to demean and discredit this place, if we followed that example. Does the Leader of the Government agree?

Senator LeBreton: I do not agree. I do not support staffers or anyone prying into the private accounts of senators. I do not condone that for a moment. I am surprised the honourable senator would even suggest that.

The issue here before the Senate and the public is very controversial, about a specific trip by a committee to Dubai. The issue was in the news. Regarding the fact that someone made an inquiry specifically in relation to this trip, I do not believe that — and I have not seen the documents, I have not seen the bills — information was sought or given about the personal, private expenses charged to hotel rooms by the senators involved. I am at a disadvantage here because I have not seen these bills, and I certainly was not ever made aware that anyone was probing into the private affairs of any individual senator.

Senator Hays: The Leader of the Government has not seen them. I commend them to her. I think when she sees them, she will see — as has been put on record and tabled in this place — that the inquiries were made into what is personal information.

The inquiries were an example of someone in her office having such files, and the approval of the Leader of the Government in making these inquiries, which is, I guess, approval for us all to do the same thing. Personally, I do not like that activity and I will not do that.

In this place, we have developed ways over time of ensuring that when we spend public money, we do so under the supervision of those in the clerk's office and those responsible for clerking and performing administration work on committees. We have a Standing Committee on Internal Economy, Budgets and Administration and through this committee we ensure that monies are spent properly. We are always vigilant; it is a never-ending process.

However, I take it from the procedures in the office of the Leader of the Government, she does not have sufficient confidence in those procedures that are in place, such that she thinks it is necessary to have staff people in her office doing the same work, possibly creating records — accidentally or on purpose, we do not know — that enter the public domain and bring discredit to this institution.

Senator LeBreton: That almost warrants no answer because it is so insulting. Of course, I respect the clerk and the officers of the Senate. Of course, I believe that we should be accountable for any public monies that we spend.

To suggest that I have no faith in the Standing Committee on Internal Economy, Budgets and Administration is also incorrect, because it is precisely why my colleague, Senator Stratton, referred the matter to the Internal Economy Committee. If I had no faith in the Internal Economy Committee, I would have said, let us have it all out on the floor of the Senate.

With regard to this particular incident, I do not believe that a member of my staff sought out personal information and I do not believe it was given. This particular staff member works on keeping our senators informed on committees. When the activities of a committee on which he is working on our behalf, providing information and research material for your senators, becomes the focus of public attention — as was the case with this particular committee — that would explain his inquiry. However, I do not believe he sought out, or was given, personal information, nor do I believe he was the source of the leaks.

• (0925)

Senator Hays: Honourable senators, let me then put on the record what has been tabled here and in the Standing Committee on Internal Economy, Budgets and Administration. This is a short message from an employee of the Renaissance Dubai Hotel, Amjad Khan. It is addressed to Jeffrey Kroeker, the government leader's office, dated September 17, re Invoices for Canadian Senators Meet. It is from Mr. Kroeker in the government leader's office, and I quote:

Dear Amjad, thank you so much for sending me the invoice. I was hoping you could help me with further detail.

First — if possible, could you please send me the invoices for Senator Colin Kenny, his name was not included on the invoice and I believe it might be under a separate invoice.

Second — if possible, can I get detailed breakdowns for each room?

Third — if possible, I note that no lunches or other costs were included on the invoice. Were those included in room charges? If not, would you be able to track down any and all sundry costs associated with the stay?

Thank you,
Jeffrey.

Senator Kenny: This material was tabled yesterday.

Senator Hays: It is part of a series of correspondence, it acknowledges receipt of information and it contains a request for more information, much of which would be personal. I put that on the record and ask the leader, now that she has heard what it contains, whether she acknowledges that someone in her office was seeking personal information about senators?

Senator LeBreton: I did not hear the honourable senator say that they asked for personal information. I do not believe that anyone would want personal information but, again, the issue here is —

Senator Kenny: It is spying on senators.

Senator LeBreton: The issue here is that the committee travelled to Dubai. The committee is funded publicly —

Senator Kenny: Spying!

Senator LeBreton: — with taxpayers' dollars and it was becoming a matter of some public notice, quite justifiably. Therefore, the issue here is whether we think that members of the Senate, no matter what committee they may be part of, somehow or other should not be accountable to the public and to the taxpayer for monies that they expend while they are on so-called public business.

Senator Kenny: Answer the question.

Senator Hays: Would the leader not agree that, in addition to getting good value for what we spend, the issue here is that we have a parliamentary committee travelling to the United Arab Emirates, a country with which we want to have a good relationship, looking into ports issues when their acquisition of a port in our country is possibly controversial but, in any event, something that we want to know more about, and then attempting to find out more about one of the big issues of the day, which is the Canadian presence in Afghanistan and its success or otherwise. Is that not the really important issue, and is that not the role that we should be really focusing on, namely, whether parliamentarians can effectively do that sort of thing? Is that not the issue?

Senator LeBreton: Finally, Senator Hays has come around to what the real issue is. Of course, the issue with this particular trip is the Afghanistan portion. As we all know, the committee was advised before the trip even began that they would not be able to get into Afghanistan. The purpose of Senator Stratton's question and the referral was upgrading the trip to Afghanistan. When Senator Kenny spoke of this trip in June, it was all predicated on getting into Afghanistan. Even the London, Rotterdam and Dubai portions were all predicated on getting into Afghanistan, which was precisely the question that Senator Stratton raised.

I believe that Canadians, of course, want to know the situation in Afghanistan. I think all Senate committees have done good work in this and other areas. That is the issue here. However, the underlying issue is that the trip to Afghanistan was cancelled. The committee went ahead, knowing that the trip to Afghanistan had been cancelled. I have heard all of the arguments about why they continued to go on to Dubai when it was very clear — and I am not certain of this but I believe the committee had been in Dubai within —

Senator Kenny: Answer the question.

• (0930)

Senator LeBreton: I do not take orders from you, Senator Kenny. Many people might, but I do not.

I do not think the word "disgraceful" applies to me, Senator Kenny.

Honourable senators, the issue is that this trip was of particular interest, and I do not believe that a member of my staff did anything improper in making an inquiry. I do not believe the intent was to seek out personal information. I totally agree that personal information should not be sought. I agree on that small point.

[Senator LeBreton]

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government. I want to come back to the phrase she used yesterday in response to Senator Banks about Mr. Kroeker being “a person working on such files.”

The leader told us yesterday that she has a small staff, and I agree that nine is not a large staff for the Leader of the Government in the Senate and a member of the cabinet. Therefore, I assume that every single staff member has to set, under the leader’s instruction or autonomously, rigorous priorities.

In that context, can she explain precisely what she meant by “such files.” Does the leader have a person in her office whose job it is to check up on how Senate money is spent by senators doing the work that the Senate assigned to them?

Senator LeBreton Honourable senators, no, I do not.

Senator Fraser: In that case, I am still bemused about the meaning of the phrase “such files.” What did the leader mean by “a person working on such files?”

Senator LeBreton: As I explained in an earlier answer, this individual works in my office assisting senators on our side to coordinate their activities in committees. He worked long hours with Senator Oliver on Bill C-2.

When I say “such files,” I am talking about pertinent matters that are before the Senate. He works with my colleagues and me, preparing us for the work of the committee with which he happens to be working.

Senator Fraser: Honourable senators, I believe we all agree that one of the key principles of this place is that all senators are, or should be, on a level playing field with regard to the working of the rules. Therefore, I will return to a question that I asked the Leader of the Government yesterday, which she said she would not dignify with an answer. When she gave me that answer, she was at the end of a long and fairly arduous Question Period. Perhaps upon reflection she might have chosen to answer, so I will give her another chance to answer it.

I asked whether she would undertake to establish a system of principles and practices in her office to indicate to all senators that it is not appropriate behaviour for staffers to snoop into fields that are the appropriate domain of the Senate administrative rules, which are administered by the Senate administration and by the Standing Committee on Internal Economy, Budgets and Administration.

Senator LeBreton: Honourable senators, I will not answer that question because I do not have staff poking around in matters that are being dealt with by the Internal Economy Committee. The expenses incurred in Dubai, which were the subject of some long meetings yesterday, have already been submitted to the Senate finance directorate, where I expect they are being processed as they should. That is their job. I have a good staff. They work hard, and they are not the type of people with whom I would need to sit down and lecture about Senate propriety.

• (0935)

This whole issue underscores part of the problem here, which is a problem that the public has, that somehow or other senators, individually or collectively, are beyond the reach of scrutiny by the ordinary public and, therefore, by the ordinary taxpayer.

I have many things to do in my office, and I can assure honourable senators that I am not interested in the personal activities of individual senators. However, I am interested in protecting taxpayers’ hard-earned dollars.

Senator Hays: Surely the last statement by the leader cannot be characterized as anything other than an expression of want of confidence in our current procedures such that she believes her office has to come in and supplement procedures to make up for deficiencies in our administration, Internal Economy and other areas. I would like the Leader of the Government in the Senate to come clear on that point.

Senator LeBreton: In an earlier answer, I expressed great confidence in the administration of the Senate, the Clerk and the members of the Internal Economy Committee. This particular matter was aired before the Internal Economy Committee, as was mentioned yesterday, which is where it should be aired. This debate is interesting to me. With all the other issues that are taking place, the idea that we are so concerned about this particular issue that we would spend two full Question Periods discussing it causes difficulty and explains why the public feels the way that it does about the Senate.

Senator Fraser: I am having some difficulty squaring the circle of the various answers of the Leader of the Government in the Senate. She says that she has faith in the Senate administrative rules and in the Standing Committee on Internal Economy, Budgets and Administration, as do we all, I hope, but she continues to say that it was appropriate for a member of her staff to make detailed inquiries about the expenses of individual senators, including sundries, while on Senate business. If the Leader of the Government in the Senate believes that that is appropriate, it is, as the Leader of the Opposition suggested earlier, a significant change in the culture and practices of this place. If we are to have such a change, it seems to me that to get back to the level playing field that I referred to earlier, we should make it standard.

Would the Leader of the Government in the Senate then support a change in the Senate administrative rules to include provision for staffers whose job it is to snoop into the work business of other senators?

Senator LeBreton: That is a very foolish and silly question. Of course I would not support such a change. I have already expressed great confidence in the officers and staff of the Senate. I do not support people snooping into the personal affairs of any senator, and I do not believe that that was the intent of the member of my staff.

The issue here, in my view, is that taxpayers’ dollars were spent on a committee travelling to Dubai when they knew that their destination, Afghanistan, was not possible. Obviously, these documents are now before the Finance Committee and the Internal Economy Committee, and I think the public and the Senate have a right to know whether this trip was a prudent use of taxpayers’ hard-earned dollars.

[English]

Senator Kenny: See you Monday, Marjory.

• (0940)

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that, when we proceed to Government Business, the Senate will address the items beginning with Item No. 1 under “Reports of Committees” followed by the other items in the order in which they stand on the Order Paper.

[English]

FEDERAL ACCOUNTABILITY BILL

REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Comeau, for the adoption of the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, with amendments and observations), presented in the Senate on October 26, 2006;

And on the motion in amendment by the Honourable Senator Milne, seconded by the Honourable Senator Cook, that the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs be not now adopted but that it be amended at amendment No.146(a), by adding, in the French version, after the word “Commission,” the following:

“ou le renouvellement de son mandat.”.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, like those who have preceded me in this debate, I begin by congratulating all the members of this committee. They were handed an impossibly difficult job to which they devoted long hours and enormous physical and intellectual energy. They all worked wonderfully well. They did not all agree on all items in the report but I think that this was one of our shining moments as an institution.

This bill is of mind-boggling complexity. It is absolutely extraordinary. It could easily have been brought to us as five bills, and even each of those five bills would have been complex pieces of legislation.

For the members of the committee to have tackled this bill as seriously and as strenuously as they did and to do such fine work, under very able chairmanship, as I can testify, having attended some of the committee meetings myself, is extraordinary, and the efforts put forth by all of the staff humble me. I simply cannot imagine how they survived this extraordinary effort. I want to give all of them my most heartfelt congratulations.

There are only three elements here that I would like to address in my remarks to the chamber this morning. The first is in response to the serious and thoughtful comments by Senator Nolin the other day. Senator Nolin made a very reasoned argument about the proper job of the Senate and whether the committee had exceeded what he thought to be the proper job of the Senate.

I listened to his remarks with care, and then I reread them last night with care, partly because I listen to almost anything he says with care but also because I thought the argument was important. I came to the conclusion that I do not, in fact, agree with him. As I contemplate the amendments that the committee made to this bill, they are a fine example of the Senate doing what the Senate is supposed to do. Some of the amendments were technical. The Senate does this kind of thing all the time. It catches technical errors in legislation sent to us from the other place, or presented to us as drafted by lawyers in the vast bureaucracy of this capital. We are expected to correct technical errors, and we do it very well.

However, that is not all that we are expected to do. We are, in my view, and probably in the view of most senators, also expected to contemplate legislation that comes before us and hold it up to certain fundamental standards and principles, some of which are obvious. We are always concerned with whether a piece of legislation is, in the view of the members of this chamber, in conformity with the Charter of Rights and Freedoms. The lawyers who drafted the legislation always say that it is, but sometimes they are wrong. I have learned that to my own chagrin.

I can remember, in particular, supporting a piece of legislation vigorously on the faith of these lawyers who had assured us that it was in conformity with the Charter of Rights and Freedoms. Senator Joyal and Senator Grafstein told me that I was wrong. I said that they were wrong. The Supreme Court said that they were right, and the lawyers on whose advice I had been counting were wrong. That taught me that no matter how hard the civil servants assure us that something is right, we need to exercise independent judgement about it.

We also, I believe, spend a fair amount of our time — I will use lay language here, and if it sounds like legal language please understand that I do not mean it to be legal language — contemplating legislation to see if it abides by what we consider to be principles of fundamental justice and/or simple common sense. That is a large part of what the committee did in the various amendments that it brought to this bill. Some of those amendments were, indeed, of significant substance, but all of them, to the extent that I understand them, and I have tried to understand as many of them as I possibly could without actually having participated in the committee, do go back to a basic principle of fairness and/or of common sense.

On those grounds, therefore, I believe that the committee did do what the Senate is supposed to do. We are not supposed simply to contemplate government policy and say, "Yes, the government wants this, so we can only tinker with the details." There would not be much point in having a Senate if that were all that we were supposed to do.

My further remarks will be concerned with the system of the Senate Ethics Officer and the new ethics commissioner proposed in this bill, and the system that the Parliament of Canada has devised for governing ethical matters and conflicts of interest.

The committee, like the Senate itself in previous attacks on this particular subject, separated out the Senate Ethics Officer to provide that this chamber should continue to have its own Senate Ethics Officer. That has not been well received by the government and by its spokespeople, but as I have listened to the arguments advanced against having our own Senate Ethics Officer, I have not heard one of substance. All that I have heard is a sort of indication that it is inherently obvious that if senators want a separate ethics officer, there must be something wrong with that. It is inherently suspect because the Senate is suggesting it, and, therefore, self-evidently wrong.

Honourable senators, it is not self-evidently wrong, and as Senator Joyal pointed out the other day, we did not invent anything when we chose to abide by this principle in saying that the two chambers of Parliament should have separate ethics officers. We abided by the system that exists in the United States Congress, in the Parliament of Westminster, in the Parliament of Australia, and for all I know in others, but those are the three parliamentary institutions with which we most often compare ourselves. In all three of them and, as Senator Joyal reminded us, in the Constitution of the United States, it is firmly set out that the two chambers handle these things separately because the two chambers are separate. They have their own traditions, rules, practices and systems of governing themselves, including matters of ethics and conflicts of interest. It is no secret that most of us who have ever contemplated the subject in this place believe that the House of Commons should also have its own ethics system and should not be lumped in with other public office-holders, but it is not our job to tell the House of Commons how to order themselves, any more than it is their job to tell us how to order ourselves.

I want to put that on the record. There is nothing new, revolutionary or inherently wrong. On the contrary, it is profoundly obedient to the basic principles of bicameral systems for the two chambers to have separate systems.

Next, I would like to address one of the amendments in particular that was made to the bill that I believe is very important. As the bill was originally written, the Ethics Commissioner would receive complaints and provide a report on those complaints, and I quote from the original text of the bill:

...even if the Commissioner determines that the request was frivolous or vexatious or was made in bad faith or the examination of the matter was discontinued...

— because it was groundless and did not merit further pursuit.

• (0950)

With respect to the report that the commissioner provided on groundless and vexatious complaints or those made in bad faith, such a report would have had to be provided to the Prime Minister — one wonders why — and made public.

Can you imagine, honourable senators? Some poor soul is the subject of a complaint that is made vexatiously or frivolously or in bad faith, or perhaps in good faith, but that turns out to be absolutely groundless. Even so, the report is to be made public and indeed go to the Prime Minister. One wonders why it goes to the Prime Minister in particular. That means any Prime Minister of any party. This bill is not designed to last for the duration of only one government.

Imagine, poor you. You have been found blameless by the commissioner, but your name will be dragged through the mud anyway. When mud is flung, some of it sticks, always. There will always be some people who say that where there was smoke, there must have been some fire, even if the person has been whitewashed by the commissioner. We have seen examples of that kind of thing.

The committee made, in my view, an absolutely excellent amendment. The committee's amendment states that if the commissioner determines that the request for an investigation was frivolous or vexatious, or was made in bad faith, or the examination of the matter was discontinued, the commissioner shall complete a report but shall provide that report only to the member of Parliament who made the request and the public office-holder or former public office-holder who is the subject of the request. The commissioner shall not make the report available to the public or to the Prime Minister. In other words, there would be some protection against groundless mudslinging.

It was suggested that some people who have been the object of frivolous, vexatious or bad faith complaints may wish to make the report public because the complaint might have been made public. That person would obviously want to say, "The highest authority in the land in charge of these matters has examined the case, has determined that there is nothing to this complaint, and I have been exonerated."

This amendment would allow that person to do that. This amendment says that the commissioner shall not make the report public, but obviously if you are the person who has been exonerated, you could still make the report public because nothing here would prevent you from doing so.

Similarly, if there is any need for the Prime Minister to know that you have been exonerated, you could send a report to the Prime Minister to say, "I have been exonerated."

Another observation was that the reason for having the commissioner make reports to the Prime Minister was so that the Prime Minister could seek advice from the commissioner, particularly in the case of people who are under consideration for appointment to significant positions of public office. However, nothing in the bill as amended would prevent that because the committee has specifically retained, and indeed has expanded, a clause that allows the commissioner to provide advice to the Prime Minister, including on the request of the Prime Minister, with respect to the application of this act to individual public office-holders.

Therefore, the Prime Minister would remain completely free to turn to the commissioner and say, for example, "I want to appoint Jane Blogs to be the Privacy Commissioner. She has these corporate affiliations. Do you think they would conflict with the position of Commissioner of Privacy?" The Ethics Commissioner could say, "This one is a conflict but that one is not. This charitable thing is fine, but the business over here about direct sales is not." The Prime Minister would be absolutely free to seek advice.

I only want another couple of minutes, if I might seek leave.

The Hon. the Speaker *pro tempore*: The honourable senator is asking for more time.

Senator Comeau: We will agree to five minutes.

Senator Fraser: Thank you, honourable senators.

The point is that it is essential for the commissioner to be free to make inquiries when complaints are lodged. It is essential that the commissioner be free to give advice to the Prime Minister when that is appropriate.

It is essential also, however, that the privacy and the good name and the reputation of those against whom complaints are made be protected unless and until it is known that a complaint is worth investigating and that there are sufficient grounds for a full investigation to be conducted. At that point, the public would be informed. That is appropriate. Otherwise, no one should be subject to public tarring over complaints that are vexatious, frivolous or made in bad faith.

I would like to commend the committee for its excellent work on this particular element. I think it has strengthened the bill and the system very significantly.

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

Hon. Joseph A. Day: Honourable senators, my understanding is that Senator Mercer was to continue the debate today, but for some reason he has not yet arrived. I checked outside, and I did not see him near the chamber.

I know he has prepared a speech and that he may have amendments to propose, which would be appropriately proposed at this stage if indeed he decides to do so. Therefore, I would ask the indulgence of honourable senators and that the debate be adjourned in the name of Senator Mercer.

On motion of Senator Day, for Senator Mercer, debate adjourned.

PUBLIC HEALTH AGENCY OF CANADA BILL

THIRD READING

Hon. Wilbert J. Keon moved third reading of Bill C-5, respecting the establishment of the Public Health Agency of Canada and amending certain Acts.

He said: Honourable senators, both the other place and the Senate have had an opportunity to discuss elements of this bill. I am pleased to see the strong support of both Houses of Parliament for this legislation, which will provide the stability and authority that the proposed public health agency of Canada and the chief public health officer need to help protect and promote the health of all Canadians.

I feel it is also important, honourable senators, to underline the strong cooperation between the various parties in both Houses on this legislation. They showed strong support for the principles of this legislation and have cooperated to ensure quick passage through Parliament.

Clearly, we all recognize the urgent need for a federal focal point for pan-Canadian cooperation and collaboration in public health to ensure the government's continued ability to protect and promote the health of Canadians.

I would also like to underline the contribution of the Standing Senate Committee on Social Affairs, Science and Technology, chaired by Senator Kirby, with respect to the discussions on the renewal and reform of health protection and promotion in Canada.

• (1000)

Specifically, I would like to commend the Standing Senate Committee on Social Affairs, Science and Technology on their development of recommendations that informed this legislation. The 2003 report of the committee was on several expert reports considered in the process of developing this bill, and its recommendations remain influential in the ongoing process of public health renewal. This report is a concrete example of value added by the Senate to the public policy development process.

Honourable senators, once again I would like to outline briefly what Bill C-5 does and why it is so important that it be passed quickly.

The bill does three important things. It gives legislative sanctions to the agency, establishes the role and powers of the chief public health officer and includes specific regulatory authorities for the collection, management and protection of health information. By establishing the agency as a separate departmental entity within the health portfolio, the legislation will give greater prominence and visibility to public health issues, while at the same time supporting policy cooperation and coherence across the health sector.

Honourable senators, some stakeholders expressed a preference for a more independent agency. Their views received careful consideration. However, public health issues are extremely complex. For example, addressing a public health emergency requires coordination, not only within the health portfolio but with other federal departments, provincial health ministries and municipal and local health authorities.

Given this complexity and the immediacy of potential public health threats such as pandemic influenza and the increasing burden on our health costs by chronic diseases, it is crucial that the agency be integrated as a key player within the federal system. As a departmental entity, the agency will be a key player that will be able to influence the policy-making process directly and to play this important coordinating role.

Honourable senators, the legislation also sets out a unique dual role of the chief public health officer. As the deputy head of the agency, the CPHO will be accountable to the minister for the management of the agency and will be the lead adviser on public health. At the same time, as Canada's lead public health professional, the CPHO will be a trusted and credible spokesman on public health issues with the legislative authority to communicate directly with Canadians on public health, based on a clear understanding of the evidence.

The legislation will also require the CPHO to submit to the Minister of Health, for tabling in Parliament, an annual report on the state of public health in Canada. Honourable senators, this direct accountability to Canadians is an extremely important aspect of the role of the CPHO.

Finally, this bill includes a clear regulatory-making authority for the collection, analysis, interpretation, publication, distribution and protection of public health information. Honourable senators, this authority will give provinces and territories the necessary assurances that they can share public health information with the agency in accordance with their own privacy legislation. This authority is needed in the event that we are faced with a public health emergency such as a pandemic.

I want to outline briefly the important role the federal government plays in public health in Canada. Honourable senators, for more than a century the federal government has played an important role in protecting and promoting the health of Canadians. This role has its roots in our constitutional authority for quarantine at Canada's borders, and has evolved to include coordination of preparation and response to infectious disease outbreaks.

More recently, as Canadians have increasingly called upon the federal government to take action on health issues of national interest, we have also acted to address HIV/AIDS, chronic diseases such as heart disease and cancer, and programs and activities promoting good health such as early childhood development, physical activity and community action on health.

Following the outbreak of severe acute respiratory syndrome, SARS, in 2003, expert reports from the provinces and territories and stakeholder groups called for a federal focal point with appropriate authority and capacity to work with them in preparing for and addressing public health emergencies. This legislation responds to these calls by providing a statutory foundation for the agency, giving it the legislative footing from which to continue playing this existing federal role, and making its unique contribution to the renewal of public health in Canada. It is important to note that this bill does not expand the existing role in public health.

In providing a statutory footing for the agency, this legislation simply continues the strong tradition of collaboration and coordination that has been Canada's approach to public health for decades.

For example, the agency has worked with provincial and territorial authorities to establish the pan-Canadian public health network as a forum for multilateral intergovernmental collaboration on public health issues that respect jurisdictional

responsibilities in public health. The network represents a new form of federal-provincial-territorial collaboration on public health matters.

International public health cooperation is a crucial area in which the proposed public health agency of Canada will bring added value to public health in Canada. As the federal focal point, the agency can link into worldwide efforts in public health and with institutions such as the World Health Organization so that best practices can be applied in Canadian settings. The agency is also the primary mechanism through which Canada can work on a government-to-government basis with other countries such as the U.S. to address health issues, including the management of any public health emergency.

As you can see, the federal government has a well-established leader role in public health, working in collaboration with provinces, territories, municipalities and international bodies. Further, the federal government provides unique contribution to public health, and that contribution supports efforts in other jurisdictions. The federal government brings clear added value to public health.

I have already mentioned the pan-Canadian public health network, and the support provided for the creation of a forum on multilateral intergovernmental collaboration on public health matters that respects jurisdictional responsibilities in public health.

Another example is the National Microbiology Laboratory in Winnipeg, Canada's only level 4 lab. The federal government makes this and other specialized facilities available to the provinces and territories to strengthen diagnostic capabilities.

Honourable senators, it is important to note that the provinces and territories have worked together with the federal government for decades to protect and enhance the health of Canadians. Bill C-5 simply represents a new phase of this historical collaboration. Not only does this bill respect jurisdictional responsibilities in public health, but the bill actually responds to provincial and territorial calls for a federal focal point with appropriate authority and capacity to work with provinces and territories in preparing for and addressing health emergencies.

Provinces and territories are looking increasingly for federal assistance in a range of public health activities as they recognize that the federal government brings to the table a range of assets that support and complement local efforts.

Honourable senators, I support this important piece of legislation and I would like to thank this house for its support and congratulate senators on the constructive and cooperative spirit that has prevailed in dealing with this bill.

Honourable senators, a review of the debate of Bill C-5 by the Standing Senate Committee on Social Affairs, Science and Technology shows that concerns were raised by the Inuit and First Nations people. To deal with these concerns, a number of observations were added; hence the bill was passed without amendment but with observations. To further deal with the concerns of the First Nations and Inuit people, the committee notes that there is no legislative basis for the federal government's role and responsibility for the provision of health services for the First Nations and the Inuit.

The committee wants the government to work collaboratively with First Nations and the Inuit in the development of a First Nations and Inuit public health act and other relevant statutes. The committee intends to be seized of this matter in dealing with public health issues that respect the First Nations and the Inuit.

• (1010)

The committee will recall the agency for a full review of their operations after six months in order to determine the extent to which it has implemented these observations and, specifically, to confirm the agency's commitment to the First Nations and Inuit.

Honourable senators, once again, thank you for your support.

Hon. James S. Cowan: Honourable senators, I rise to support my colleague Senator Keon and to commend the committee for the excellent work it has done in reviewing this bill, which was introduced in the previous Parliament and then died on the Order Paper. This government is to be commended for reintroducing the legislation.

The committee heard evidence with respect to our First Nations and Inuit people. Apparently that is something that was not brought to the attention of legislators before. Once again, this points to the value that this house brings to our legislative process.

On behalf of colleagues on this side of the house, we are pleased to offer our support for this legislation.

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

Motion agreed to and bill read third time and passed.

[*Translation*]

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF COMMITTEE ON SUBJECT MATTER—DEBATE CONTINUED

On the Order:

Resuming debate on the first report of the Special Senate Committee on Senate Reform, which deals with the subject matter of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure). (*Tabled in the Senate on October 26, 2006*)

Hon. Maria Chaput: Honourable senators, as a member of the Special Senate Committee on Senate Reform, I have an obligation to take part in this debate here today at second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

In 1867, the founders of Canada wanted a Parliament that could respect the will of the majority of the Canadian population and could also protect the interests of the regions and the minorities. The reality in 2006 puts parliamentary reform in the forefront and the Senate is an important link in the legislative process.

[Senator Keon]

Government Bill S-4 seeks to limit the term of office of senators to eight years. Personally, I have always believed that a task carried out conscientiously is completed within a well-defined period and with a specific mandate. Although I do not have any problems in principle with fixed terms of office, I must say, quite frankly, that I have many concerns about this bill because it deals precisely with the Senate, its purpose and its role.

First of all, I believe — as do many of our witnesses — in a progressive approach and in the underlying principle of the legislation, which is to establish a fixed term of office. In the eyes of Canadians, this has the potential to get the ball rolling on reform of the upper house and to breathe new life into the institution.

However, before expressing my own more specific views on the bill, I would like to share with you the principles and premises behind my reasoning, my understanding of the government's intentions with this bill, some expert opinions and the testimony of witnesses who appeared before our committee.

Our honourable colleague, Senator Michael Pitfield, warns us in the foreword to *Protecting Canadian Democracy: The Senate You Never Knew*, by our colleague, the Honourable Serge Joyal, that:

The proper study of Senate reform inevitably gives rise to important issues that touch many of the core principles and values that inspire the whole Canadian constitutional framework...Despite all the discussions about Senate reform, few proposals seem to have thoroughly assessed the role and function of the Upper Chamber in our modern federal system of government, which is so ingeniously complex, centered as it is now on the constitutional guarantee of personal rights and freedoms, dual linguistic equality, the recognition of aboriginal status, entrenched regional identities, and strong provincial governments.

I do not need to praise Senator Pitfield's lengthy experience in public administration here. Let me just say that these words come from a former chief public servant and were written in the spirit of non-partisanship. I share Senator Pitfield's point of view, which reminds us of what the founders of Canada intended when our Parliament was created. The upper chamber had its purpose. In my opinion, it still has its purpose, and the fundamental character of the Senate cannot be changed.

That said, the current government is proposing to change the tenure of members of the Senate, the first step in Senate reform. I support this idea. But we must be careful. Eight-year terms for senators are not long enough, considering what is expected of them. Senators ask questions, listen, analyze, discuss and report on issues that are critical to millions of Canadians. This sort of work can only be done when members of the upper chamber have a number of years ahead of them to delve into issues of concern to the citizens of our country. This is corroborated by Ned Franks, professor emeritus at Queen's University, who, when he appeared before the Special Committee on Senate Reform, recognized the importance of the work the Senate does in providing sober second thought.

We must not forget what characterizes the Senate, what makes the Senate different from the House of Commons. Janet Ajzenstat, Professor Emeritus at McMaster University, who appeared before the committee as well, reminded us in *Protecting Canadian Democracy* that “senators should ensure the independence of the Senate from the Crown and also set it apart from the lower chamber.” She also reminded us that George Brown said, “We wanted to make the Senate a perfectly independent body” and that Sir John A. Macdonald said:

What would be the use in having a Senate, if it did not use, at the appropriate time, its right to reject or amend bills from the lower chamber or to delay their passage?

In his book, our honourable colleague, Senator Joyal, reminds us that representing the interests of minorities is a characteristic of Canadian democracy. In our parliamentary system, the Senate has this responsibility and can influence the dominant will of the majority, represented more specifically by the House of Commons. Again, in his book, Senator Joyal says:

The characteristics of independence, long-term outlook, continuity and stability are critical to the proper functioning of the Senate.

Our honourable colleague goes on to say:

Reducing the length of tenure could hinder the proper functioning of the Senate which, in the words of Sir John A. Macdonald, provides a “sober second thought” on legislation.

Let us come back to Bill S-4 introduced by the Harper government. It addresses only one aspect of Senate reform: the length of a senator’s tenure. But what other aspects of this reform does the current government intend to bring forward? How do we respond to the issue of minorities through a democratic process? How do we ensure that the upper house does not become a replica of the House of Commons? How do we preserve the fundamental nature and purpose of the Senate?

It would seem there is no good answer to all these questions, but rather a series of concessions. The Harper government has opted for limited tenure as a necessary starting point and is considering an election process for senators. We, the senators, members of the Senate, are an integral part of the Canadian parliamentary system. It is therefore essential that we make informed decisions on the Senate’s specific purpose and mandate and then ensure that its composition and its authority are consistent with its purpose.

Yes, I support the idea of limiting senators’ terms because I believe that as long as we have clear goals, we can and must do good work within a fixed period of time. However, in my humble opinion, eight years in the Senate is not enough time to do serious and worthy work, work that does justice to the confidence that citizens have in the members of the upper chamber. Mandates should be at least 10 or 12 years long and be non-renewable. We must give careful consideration to the reforms the government proposes for the Senate as a whole, not piece by piece, as Prime Minister Stephen Harper proposes.

• (1020)

When he appeared before the Special Committee on Senate Reform, Mr. Harper said that Bill S-4 was just a modest move forward. He said:

...we will continue to move forward with further proposals as part of our plan to give Canadians the accountable, democratic institution they desire and deserve.

Honourable senators, this is why Bill S-4 does not have my full support. I agree with fixed terms, but I want a 10-year non-renewable mandate, not an eight-year term.

I support the committee’s conclusion that limited terms for Senators can build on existing strengths of the Senate, and help to unlock its unrealized potential. I think we have to be wary of the changes the government may propose if they do not take into account the representation of minorities. The Senate must pay particular attention to this.

I will not support any change that dilutes, in any way, the essential role the Senate plays. In *Protecting Canadian Democracy*, Senator Serge Joyal said that attempts to reform the Senate

...should not serve as the pretence for weakening the constitutional protection of sectional interests and of minority and human rights built into our legislative process.

On motion of Senator Fraser, debate adjourned.

[English]

FISHING INDUSTRY IN NUNAVUT

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Adams calling the attention of the Senate to issues concerning the fishing industry in Nunavut related to the use of fishing royalties, methods of catch, foreign involvement and a proposed audit of Inuit benefit from the fishery.—(Honourable Senator Hubley)

Hon. Elizabeth Hubley: Honourable senators, I started speaking briefly yesterday in support of Senator Adams and the attempts being made by the Inuit people to realize greater economic benefit from the Nunavut turbot fishery.

Honourable senators, the Nunavut turbot fishery currently is worth about \$32 million a year. However, the benefit to the Inuit is less than \$1 million, specifically to the communities of Broughton Island and Pangnirtung on Baffin Island. The value of the Nunavut turbot fishery has grown by 500 per cent since 2000, and allocations have more than quadrupled, yet the Inuit people still benefit only marginally from this lucrative resource.

It is an old, familiar Canadian story, unfortunately; it is the story of fishermen in small communities using traditional methods and technologies, obliged to compete with large, foreign-owned fishing fleets that harvest rather than catch fish. It is a story of hook-and-line and gill nets competing with trawlers.

None of us here should ever forget the slow and methodical destruction of the Atlantic cod fishery as a result of foreign overfishing, and the callous federal policies that chose international trade over the livelihood and welfare of thousands of Newfoundland fishermen and their communities. The destruction of that fishery represents one of the dark marks in our 20th century Canadian history because we could have avoided it. We could have chosen people and their future livelihood over so-called broader-scope, national objectives.

Honourable senators, now we are confronted with another situation involving people and fish, another place and time where the livelihood and economic future of Canadians is being jeopardized by apparent mismanagement, corporate greed and the spectre of overfishing. We should not allow history to repeat itself. Surely it is possible to learn from our past mistakes. We should support the people of Nunavut and defend their right to benefit economically from their own resources, for how else can they hope to build an economic future for themselves?

In preparing myself to speak today, I took a look at the historic land claim agreement reached in 1993 between the Inuit of the Nunavut Settlement Area and the Government of Canada. This agreement clearly sets out certain rights and benefits to the Inuit people. The agreement also established a public institution known as the Nunavut Wildlife Management Board that, in conjunction with the federal Department of Fisheries and Oceans, determines how fish quota is allocated and who receives licences.

Section 5.6.39 of the land claim agreement is entitled "Priority Harvesting by Inuit Organizations" and it says:

...the NWMB shall allocate resources to support the establishment and continued operation of viable economic ventures...designed to benefit Inuit.

Section 5.6.45 further states:

...In the allocation of commercial licences, preference will be given to applications which will likely provide direct benefits to the Nunavut Settlement Area economy, in particular through employment of local human and economic resources.

I understand that this applies to the Nunavut groundfish licence, which was handed over to the Baffin Fisheries Coalition in 1994. In other words, honourable senators, the resources of Nunavut are to be owned and controlled by the Inuit people for their economic benefit. That is the legal intent and spirit of the land claim agreement as I read it.

The Nunavut Wildlife Management Board is guided by these provisions, and they apply specific criteria in the granting of licences and quotas, ostensibly giving priority to applicants adjacent to the resource, including hunters' and trappers' associations, organizations that employ Nunavut residents, especially Inuit, organizations that provide training, and those who have a history in the fishery and uphold the principles of conservation. That is how it is supposed to work.

[Senator Hubley]

• (1030)

However, since 2000, the turbot fishery has benefited mainly foreign fishing interests, in particular the Royal Greenland Corporation, which takes about 75 per cent of the current 8,000 tonnes of quota and hauls it off to Greenland to be processed. In June, Senator Rompkey spoke about the problem of absentee ownership of our fishery resource, of people other than Canadians owning the licences and accessing the quotas.

Honourable senators, Prince Edward Island knows something about absentee ownership. For the better part of its colonial history, the island was owned by a group of absentee landlords in Great Britain, and thousands of farmers lived as tenants on the land they had laboured on for generations. The Land Purchase Act of 1875 mercifully put an end to that oppressive system once and for all. The people of my province now own their land, and ever since then the island economy has been fuelled by a prosperous agricultural industry.

Honourable senators, small rural communities need to own and control their primary resources to be prosperous and independent. I believe this ownership is essential to our northern communities where indigenous culture is paramount and slow to change, and where the economic stakes are high. I know that Senator Adams has been working extremely hard to achieve control of resources for the economic prosperity for the Inuit people.

What are the choices? Do we want a foreign-owned or a Canadian-owned fishery? Should we allocate quota to communities and allow them to decide who catches the fish? Are we willing to make a greater national investment in the fishery to help local companies capitalize and compete? Should we take a lesson from the Newfoundland and Labrador cod fishery and ban dragging in the North to protect the fish stocks?

Honourable senators, my own answer to these essential questions is a resounding "yes." Personally, I am doubtful that the present fishing industry in Nunavut meets the requirements of the 1993 land claim agreement. In previous testimony before our Standing Senate Committee on Fisheries and Oceans, Inuit community representatives who have been trying to obtain turbot quota with limited success claimed that the Nunavut Wildlife Management Board criteria were not adhered to and that non-Inuit firms were favoured.

Is it possible that the NWMB has made allocation decisions that are not in the best interests of the Inuit communities, and that Inuit are being systematically excluded from the turbot fishery? If this is true, honourable senators, we must find a way to change the system.

Honourable senators, the federal government must play a key role in addressing this issue through the Minister of Fisheries and Oceans. I encourage him and his officials to meet with the Nunavut government and local organizations to help strike a better deal for the Inuit people.

On motion of Senator Downe, debate adjourned.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO REFER DOCUMENTS
FROM STUDY ON BILL S-39 IN PREVIOUS
PARLIAMENT TO STUDY ON BILL S-3

Hon. Donald H. Oliver, pursuant to notice of November 2, 2006, moved:

That the papers and evidence received and taken and work accomplished by the Standing Senate Committee on Legal and Constitutional Affairs on Bill S-39, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act

during the First Session of the Thirty-eighth Parliament be referred to the Committee for its study on Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

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

Motion agreed to.

The Senate adjourned until Monday, November 6, 2006, at 2 p.m.

**THE SENATE OF CANADA
PROGRESS OF LEGISLATION**

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*
(1st Session, 39th Parliament)

Friday, November 3, 2006

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

**GOVERNMENT BILLS
(SENATE)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce					

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 observations			
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications					
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02							

COMMONS PUBLIC BILLS

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

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources					
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					
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