



CANADA

# Debates of the Senate

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3rd SESSION

• 40th PARLIAMENT

• VOLUME 147

• NUMBER 75

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OFFICIAL REPORT  
(HANSARD)

**Wednesday, December 8, 2010**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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

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Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
**Also available on the Internet: <http://www.parl.gc.ca>**

## THE SENATE

Wednesday, December 8, 2010

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

Prayers.

### SENATORS' STATEMENTS

#### THE HONOURABLE DANNY WILLIAMS

**Hon. Ethel Cochrane:** Honourable senators, I am thrilled to say that I come from a province that is led today by a strong and capable female premier, the Honourable Kathy Dunderdale.

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

**Senator Cochrane:** As a matter of fact, we are unique in that all three political parties in Newfoundland and Labrador are led by women. As honourable senators are all well aware, it is an exciting and prosperous time for us.

Under the dynamic leadership of Danny Williams, the province has earned a new place in the Canadian federation and in the consciousness of all Canadians. Newfoundland and Labrador is a strong contributor, equal partner and commanding voice on the national scene. The rest of the country now sees us as we have always seen ourselves, and of this we are rightfully proud.

As premier, Danny Williams served Newfoundland and Labrador with a strength and passion that inspired us all. He never backed away from a fight or bowed to pressure, either from governments or from big business. In every sense of the word, he is a politician with integrity. As we say on the island, he is a rare breed.

Make no mistake about it: Danny Williams' achievements in political life are many. While much attention has focused on his work in relation to the Lower Churchill Project and the oil and gas industry, I also want to point out another, perhaps less obvious achievement: the Poverty Reduction Strategy. Created with a goal of making Newfoundland and Labrador the province with the lowest poverty rates in Canada by 2014, the results since 2003 have been dramatic. For example, the incidence of low income decreased from 63,000 persons in 2003 to 33,000 in 2007. That remarkable result was achieved in only four years.

Over the same time, the depth of poverty decreased by \$600 and is now the lowest in the country. Today, Newfoundland and Labrador has the third lowest level per capita in the country of persons living with low incomes. This progress is incredible.

Throughout his political career, Danny Williams remained a man of the people. He leaves the province well positioned and poised for even greater success. When announcing his departure, he said, "We have come this far together and the best is yet to come."

Honourable senators, I could not agree more. I thank Danny Williams for his outstanding contribution to the lives of Newfoundlanders and Labradorians, and I ask honourable

senators to join with me in congratulating Premier Kathy Dunderdale as she begins her historic post as the province's first female premier.

[*Translation*]

#### NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

TWENTY-FIRST ANNIVERSARY OF TRAGEDY  
AT ÉCOLE POLYTECHNIQUE

**Hon. Lucie Pépin:** Honourable senators, 21 years ago, 14 women were killed at École Polytechnique in Montreal. On Monday, we remembered these young students who were killed simply because they were women. Over time, December 6 has become a day for us to speak out in unison against violence against women.

Every day, Canadian women are victims of psychological, physical and sexual violence. Very often, this violence is perpetrated by someone they know. Seniors are twice as likely to be abused by a family member, as well. The rate of spousal homicide among Aboriginal women is still much too high. Hundreds of Aboriginal women and girls have disappeared and the authorities are indifferent. This double standard is disturbing in a fair and egalitarian society like ours. Immigrants are another category of women who are vulnerable to domestic violence because of their economic dependence, language barriers and limited access to resources.

Any type of violence has devastating physical, emotional and psychological consequences. Many victims will never fully recover, not to mention the children who grow up in that kind of environment.

These days, we are certainly more aware of violence against women. However, there is still work to be done to ensure that our sisters and our daughters are no longer persecuted or threatened because of their gender.

Acts of violence should not be tolerated or excused. When we work together, we can effectively combat all forms of violence in our society. Let us not forget that.

[*English*]

#### DISCRIMINATION BASED ON SEXUAL ORIENTATION

**Hon. Nancy Ruth:** I stand today to tell honourable senators that the United Nations has decided that it is okay to kill gays. The United Nations General Assembly, at the Third Committee on November 16, decided to remove a reference to sexual orientation from a resolution on extrajudicial arbitrary and summary executions. For 11 years, the resolution has included sexual orientation as one of the discriminatory reasons that killings have

been committed and that warranted investigation. Other groups identified at risk include persons belonging to ethnic, religious or linguistic minorities.

However, an amendment jointly proposed by the African Group, the Arab Group and the Organization of the Islamic Conference to remove a reference to sexual orientation was adopted. The amendment means that the resolution no longer urges states to protect against, and investigate, gay killings.

All extrajudicial, arbitrary and summary executions must be condemned, no matter what their basis. However, certain groups are especially vulnerable, and the lesbian, gay, bisexual and transgender, LGBT, community is particularly at risk.

Therefore, if honourable senators are travelling south in January to Cuba, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, Barbados, Colombia, Trinidad and Tobago, St. Vincent and the Grenadines, they should remember that those countries voted against, or abstained from, protecting gays, and they will let gays be killed. If honourable senators want to change their travel plans, they should head for Costa Rica, the Dominican Republic or Mexico.

• (1340)

#### NORTEL

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, in 2008, when Nortel officials announced that the company had sought bankruptcy protection, to say the world was shocked is an understatement. With this announcement came a cloud of uncertainty that hovered over both the country's economy and its politics. As more and more information became available, it soon became clear to the entire country that stories about the Nortel bankruptcy would continue to dominate news headlines.

However, no news story can dominate without some form of a human face. In the case of Nortel, stories were centred on the numerous worries and concerns of the thousands of Nortel employees across the country.

As honourable senators may know, Nortel workers were divided into four main pension groups. Of these groups, three were unionized and one was not. While the union sprang into action organizing various lobby teams and starting to plan protests, those without a union umbrella wondered where to begin.

In a time of crisis, human instinct often has us turn to others for help, whether it be one's family, friends or neighbours. In the case of Nortel, this person was the Canadian government. Amongst all Nortel's employees, there was a general belief that there was no way the government would let their pensions fail. Surely, they said, the politicians would realize the implications and the hardships these individuals would face if the pension fund collapsed. In lunchrooms and coffee shops across the country, they hoped, all anxiously awaiting news on the fate of their pensions — their livelihoods.

For months, Nortel's call for help remained unanswered, until word reached the Congress of Union Retirees of Canada. "We will help," they said. "Please tell us what you need."

[ Senator Nancy Ruth ]

Within a matter of months, they, along with Nortel's retirees executive board, had organized three rallies: one on Parliament Hill and two in front of Queen's Park. Buses were hired, speakers were found and a tiny ray of hope was offered to all Nortel pensioners, union or non-union. To those caught in the middle, knowing they had the support of the Congress of Union Retirees of Canada was a comfort beyond words.

Nortel collapsed in 2009. To date, their pension fund is the largest pension fund to have failed. Honourable senators, we have heard the stories of those who are most at risk, notably those who are dependent on long-term disability payments, which are finished as of December 31, 2010.

As senators, we have a responsibility towards our fellow Canadians in need. Time is of the essence. Only 23 days remain for those dependent on long-term disability benefits. The government has a responsibility to act.

[Translation]

#### NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

##### TWENTY-FIRST ANNIVERSARY OF TRAGEDY AT ÉCOLE POLYTECHNIQUE

**Hon. Judith Seidman:** Honourable senators, on Monday, we marked the twenty-first anniversary of the École Polytechnique massacre in Montreal, during which 14 young women were shot and killed because they were women.

[English]

Unfortunately, incidents like those are not uncommon around the world. Statistics show that women and girls are more often the victims of violence and assault. In Canada alone, close to 200 women or girls are killed annually in acts of gender-based violence. Victims of sexual assault are almost six times more likely to be female.

From November 25 until December 10, we are marking the 16 Days of Activism on Violence Against Women.

[Translation]

Honourable senators, I hope that you noticed how, on Monday, all flags on Parliament Hill were at half mast to mark the National Day of Remembrance and Action on Violence Against Women. We must never forget the many women who have been victims of violence or murder.

[English]

We also heard recently about the murder of a Toronto man by a crossbow. A son killed his own father due to years of physical and emotional abuse suffered by both him and his mother. Nora Fang, the abused mother, had a restraining order against her husband. This was not enough to keep her safe.

What transpired between the father and the son was a tragic result of violence against a woman — a mother.

This is only one recent example of violence against women in our society. More than 100,000 women and children are admitted to Canada's shelters for abused women across this country per year. There is a need for more public awareness, vigilance, education and support for the victims.

[Translation]

Ending violence against women is one of our government's priorities.

[English]

Since 2007, we have approved over \$30 million in Status of Women funding for projects to end violence against women and girls. As a result, many community projects are under way to help the women and girls who desperately need it.

We have also launched a citizenship guide through Minister Jason Kenney's initiative to highlight Canadian principles of equal and fair treatment of women and girls.

Honourable senators, by working together on such projects, we hope to put an end to all forms of violence against women and girls in Canada.

## HALIFAX EXPLOSION

### NINETY-THIRD ANNIVERSARY

**Hon. Terry M. Mercer:** Honourable senators, on Monday, December 6, we remembered a solemn day in Nova Scotia's history, for it was on that day in 1917 when the Halifax Explosion ripped through neighbouring communities, killing 2,000 people and wounding over 9,000. Everything within a two-kilometre radius was destroyed, including the neighbourhood where I grew up many years later. A tsunami with over 60-foot waves pounded at the shoreline.

A French cargo ship, the SS *Mont-Blanc*, was fully loaded with explosives and collided with the SS *Imo*, a Norwegian ship, in Halifax Harbour. To this day, the explosion is still the world's largest man-made accidental explosion.

It was close to Christmas, and winter had arrived, so the population was stocked up with fuel for heat and light. As a result of this fuel, the explosion caused major fires throughout the city, most notably in the North End, where I grew up.

Entire streets were on fire and entire communities destroyed. What made the disaster even worse was that a blizzard arrived the next day. At the school, which I attended many years later, the gymnasium was turned into a morgue for the bodies of the dead.

Honourable senators, during such disasters we often hear about acts of heroism. We cannot forget the brave sacrifices made by the firemen, many of whom lost their lives, and the hard work of the boatmen who helped in the harbour.

We also remember Vince Coleman, the railway dispatcher, whose telegraph message stopped all incoming trains from arriving in the city, saving hundreds of lives, even at the cost of his own life.

We cannot forget the work of the doctors, nurses and other aid workers who worked as best they could to help save lives and care for the injured. Help came from all over Eastern Canada, including Montreal. Even the City of Boston sent workers to help, who arrived on a train the day after the explosion. They were also the last to leave.

In 1918, Halifax sent a Christmas tree to the City of Boston to thank the many doctors, nurses and volunteers who came to Halifax to help in the relief efforts. This tradition was restarted in 1971. Since then, a Christmas tree has been donated every year to the City of Boston. This year, a nearly 50-foot white spruce was donated by Gary and Roseann Misner from North Alton, King's County, Nova Scotia, and was lit in the Boston Common on December 2.

Honourable senators, especially during the Christmas season, we should remember the sacrifices of all those who helped in the aftermath of the Halifax explosion.

We should all aspire to sacrifice of ourselves to help others, for is that not truly the meaning of Christmas?

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• (1350)

## ROUTINE PROCEEDINGS

### CONFLICT OF INTEREST FOR SENATORS

#### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Terry Stratton:** Honourable senators, pursuant to rule 104, I have the honour to table, in both official languages, the first report of the Standing Committee on Conflict of Interest for Senators, which deals with the expenses incurred by the committee during the Second Session of the Fortieth Parliament and the Intersessional Authority.

(For text of report, see today's Journals of the Senate, p. 1063.)

[Translation]

## THE SENATE

### NOTICE OF MOTION TO SUSPEND THURSDAY'S SITTING FOR THE PURPOSE OF ADJOURNMENT OR TO RECEIVE MESSAGES FROM THE HOUSE OF COMMONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That following the completion of the Orders of the Day, Inquiries and Motions on Thursday, December 9, 2010, the sitting be suspended, if either the Leader or Deputy Leader of the Government so request, to resume at the call of the chair with a fifteen minute bell; and

That, when the sitting resumes, it be either for the purpose of adjournment or to receive messages from the House of Commons.

[English]

#### CANADIAN NATO PARLIAMENTARY ASSOCIATION

VISIT OF COMMITTEE ON CIVIL DIMENSION  
OF SECURITY TO OBSERVER PROGRAMME  
OF EXERCISE 'ARMENIA 2010',  
SEPTEMBER 16-17, 2010—REPORT TABLED

**Hon. Jane Cordy:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association to the Visit of the Committee on Civil Dimension of Security to the Observer Programme of Exercise 'Armenia 2010', held in Yerevan, Armenia, from September 16 to 17, 2010.

VISIT OF SUB-COMMITTEE ON EAST-WEST ECONOMIC  
CO-OPERATION AND CONVERGENCE,  
SEPTEMBER 29-OCTOBER 1, 2010—REPORT TABLED

**Hon. Jane Cordy:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association to the Visit of the Sub-committee on East-West Economic Co-operation and Convergence, held in Prague, Czech Republic, from September 29 to October 1, 2010.

#### THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT  
TO PROVIDE FUNDING FOR DEVELOPMENT  
OF NATIONAL BRAIN STRATEGY

**Hon. Sharon Carstairs:** Honourable senators, pursuant to rule 58(1)(i), I give notice that, one day hence, I will move:

Whereas the Senate of Canada recognizes that brain conditions, including developmental, neurological and psychiatric diseases, disorders, conditions and injuries, are a priority health, social and economic issue threatening the well-being and productivity of Canadians;

Whereas 5.5 million Canadians are living with a neurological disease, disorder, or injury and an estimated one in three Canadians will be affected by a neurological or psychiatric disease, disorder or injury at some point in their life;

Whereas the federal government has a leadership and coordination role with regards to health care in Canada; and

Whereas a targeted, coordinated National Brain Strategy developed in collaboration with government, non-profit and private sector stakeholders and focusing on innovative approaches to address research, prevention, integrated care

and support, caregiver support, income security, genetic discrimination and public education and awareness would minimize the impact of brain conditions in Canada;

Be it resolved that the Senate of Canada urge the Government to provide funding for the development of a National Brain Strategy for Canada;

And that a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

#### CONFLICT OF INTEREST FOR SENATORS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO REFER PAPERS AND DOCUMENTS FROM  
SECOND SESSION OF FORTIETH PARLIAMENT  
AND INTERSESSIONAL AUTHORITY

**Hon. Terry Stratton:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the papers and documents received and/or produced by the Committee on Conflict of Interest for Senators during the Second Session of the Fortieth Parliament, and Intersessional Authority be referred to the Committee on Conflict of Interest for Senators.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO MEET DURING SITTINGS OF THE SENATE  
FOR DURATION OF CURRENT SESSION

**Hon. Terry Stratton:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, for the duration of the current session, the Standing Committee on Conflict of Interest for Senators be authorized to sit even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

[Translation]

#### WOMEN IN PRISONS IN CANADA

NOTICE OF INQUIRY

**Hon. Grant Mitchell:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to issues related to women in prisons in Canada.

[English]

## QUESTION PERIOD

### INDUSTRY

#### LONG-TERM DISABILITY BENEFITS— NORTEL EMPLOYEES

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

I have a letter from Helen Ma of Calgary, Alberta.

To All the Senators

Do you have parents who are elderly, in retirement and receiving government pension?

What do you think would happen to them, if they were being cut-off from those payments? How do you think they would eat, pay their medical bills from aging illnesses and cover utilities to warm and light their home? You would see the hardship that they would be thrust into. Being that they are your family, you would do what you could to help them.

I am a Nortel disabled employee who is essentially losing her pension!

It is a direct relation, because I am too young to retire and I am unable to work because of my illness. I need to worry about all those same things that your aging parents would have to worry about, except with the important addition of my children to feed, keep healthy and warm and, most important, to continue to trust in me as a parent to keep them safe.

I am not asking for the world. I am merely asking for your compassion to help me keep my family from living in poverty and possibly on the streets.

Please look deep into your hearts and see us as family, your fellow Canadians.

Bill S-216 would only mean a little less profit for creditors but would mean life or death for us, the LTDers.

You have the power to determine our destiny.

How does the government respond to Helen Ma?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, obviously, with respect to the situation Senator Eggleton has described in that letter, I am certain that all senators, myself included, would be doing everything we could to help our family members. However, honourable senators, one thing I would not do is hold out false hope that a piece of legislation I brought in would in any way change the situation for these unfortunate victims of the situation at Nortel.

All senators sympathize with these unfortunate people; however, witnesses before our committees have told us that the bill will not help Nortel long-term disability recipients and instead will lead to endless litigation to the detriment of all involved. This situation is the result of a court-approved agreement between the parties enacted under the legislation in effect at the time, and yesterday my colleague Senator Greene in his excellent remarks here in the Senate succinctly put the facts on the record.

Those are the facts. It does not lessen our concern for these individuals. However, for the honourable senator and for anyone else to suggest to Nortel pensioners that his bill would in any way help their situation is, as he knows, quite wrong and does a great disservice to these people.

**Senator Comeau:** No conscience.

**Senator Tkachuk:** You are the ones exploiting them, not us.

**Senator LeBreton:** As Senator Greene pointed out yesterday, this is a shameless act. These people are in a very difficult position. Obviously, we all understand and sympathize with their dilemma. The honourable senator is wrong to suggest that his bill would change their situation. Furthermore, the Ontario government is the primary government responsible for pensions of this type.

• (1400)

This is not something from which any of us gets any joy. All senators receive these letters and I am as upset by them as anyone else. However, I would not do what Senator Eggleton is doing and have these people believe that the actions of this place can change their situation in any way, because Senator Eggleton knows that is not the case.

**Senator Eggleton:** The leader still has not answered the question on what the government would do, but I will say that she is absolutely wrong. False hopes? That is ridiculous.

Honourable senators, this bill was drafted after consultation with experts in the field of corporate business law, commercial law and bankruptcy law. The leader talks about the provincial government. This is an amendment to the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act, which are federal laws.

The only witnesses who indicated opposition to this were the ones representing the self-interests of the Canadian Banking Association. Do you expect them to get up and say we want more regulation? Did they justify their opposition? No, they did not. The expert witnesses who appeared before committee said that this bill could do the job. The leader does not respond to the facts; she and her colleagues give political spin. That is all.

Let me bring it closer to the floor since she will ignore Helen Ma of Calgary. Let me talk about six senators who sit on the other side with the leader. In the Banking Committee on November 25, after they put forward that terrible report we will vote on later today, those honourable senators very quickly said that they wanted to have a letter sent to the Honourable Tony Clement because they wanted to go on record as saying that something should be done for these people.

The letter said:

... all members of the Committee are urging you to develop and implement a solution to rectify what some believe is a grave injustice. Time is of the essence, and we look forward to hearing from you about a solution that will ensure revenue for them beyond the end of December 2010.

That letter was sent based on a resolution put forward by Senator Greene, supported by Senator Dickson, Senator Kochhar, Senator Mockler, Senator Plett and Senator Ataullahjan. Those six Conservative senators said, yes, let us write to Minister Clement because something needs to be done for these people. What does the leader say to them?

**Senator LeBreton:** I will say what I said yesterday, what I have said in this place and what my colleagues have said. The situation that former employees of Nortel are facing is very serious. We know that.

**Senator Eggleton:** You are doing nothing about it.

**Senator Tkachuk:** How do you know?

**Senator LeBreton:** We also said that this is an issue of great concern to the government, and that is why —

**Senator Eggleton:** When?

**Senator Tkachuk:** When we were ready. No false hopes.

**Senator LeBreton:** — we made a commitment in the Speech from the Throne to better protect workers when their employer goes bankrupt. That is why we are currently looking at ways to better protect employees on long-term disability in the event of bankruptcy.

**An Hon. Senator:** How?

**Senator LeBreton:** I am sorry if honourable senators opposite think we are not doing this, because we are, in fact, doing this.

**Senator Tkachuk:** You were on the Banking Committee. You did not do it.

**Senator LeBreton:** My colleagues signed the letter; that is exactly what the government is trying to do.

**An Hon. Senator:** Bully us.

**Senator LeBreton:** Oh, bullying us, he says.

**An Hon. Senator:** You should take this seriously.

**Senator Eggleton:** Honourable senators, what the leader just said has some consistency as to what was done in 2007 with the Wage Earner Protection Program Act. In that act, the government moved wages up into a super-priority category. Why can the government not do something for these people?

The leader says she is looking at it. This bill was presented on March 25. I saw Minister Clement at around that time, and he said his department would work on it. Here we are towards the end of the year, when time is running out for these people, when

the current court arrangement will go into effect at the end of the year and these people will be cut off. Why is something not done in a timely fashion to be able to deal with these sick and disabled people?

**Senator Harb:** Show some compassion.

**Senator LeBreton:** I thank the honourable senator for that question. My colleague Senator Greene yesterday put the situation on the record. I urge honourable senators to read his speech, particularly on page 1531 where he discusses “retroactive” and “retrospective” law.

Honourable senators, no one who knows these individuals who are affected by the bankruptcy of Nortel gets any joy out of this. As I pointed out yesterday, I do not recall anyone from the previous government stepping in and doing anything for these individuals who were affected by the bankruptcy of Nortel when all of this was happening.

**Senator Tkachuk:** You did not get it done.

**Senator Mercer:** After six years, are you not responsible for something? Shame on you. Shame on you.

**Senator LeBreton:** Actually, Senator Mercer, yelling at the top of your lungs will not help these individuals.

**Senator Mercer:** That was not the top of my lungs. Stick around.

**Senator LeBreton:** We have something to look forward to, do we?

**Senator Mercer:** Do not challenge me.

**Senator LeBreton:** The government, in a commitment in the Speech from the Throne in this very chamber, acknowledged the seriousness of this situation, and we are seeking solutions —

**Senator Harb:** You are doing nothing.

**Senator Tkachuk:** How do you know?

**Senator LeBreton:** — to assist those individuals who happened to work for a company that goes bankrupt who are on long-term disability.

**Senator Harb:** No compassion.

## CANADIAN HERITAGE

### CBC/RADIO-CANADA

**Hon. Marie-P. Poulin:** Honourable senators, my question is to the Leader of the Government in the Senate. On November 23, the Parliamentary Secretary to the Minister of Canadian Heritage raised the spectre of the government killing off our public broadcaster, CBC/Radio-Canada. At a meeting of the Standing Committee on Canadian Heritage in the other place, he publicly suggested that the parliamentary allocation to CBC/Radio-Canada should be diverted instead into production of content only.

[ Senator Eggleton ]



Will the Leader of the Government in the Senate assure Canadians that the government has no intention of getting out of the public broadcasting business and that it fully supports public broadcasting?

**Hon. Marjory LeBreton (Leader of the Government):** The honourable senator would know this better than I because she was with the CBC. The CBC is receiving \$1.1 billion of taxpayers' money this year, the highest amount of funding ever given to the CBC.

**Senator Harb:** Money well spent.

**Senator Tkachuk:** There you go — action, not words.

**Senator LeBreton:** We look forward to working with the CBC in carrying out its mandate. The honourable senator may not want to acknowledge this because of her connections with the CBC, but it was her government that cut \$414 million from the CBC.

**Senator Comeau:** Shame. From your friends.

**Senator Poulin:** I have a supplementary question. This year, the CBC is celebrating the seventy-fifth anniversary of its official founding under the Canadian Broadcasting Act. A pall has been cast over this occasion — the spectre of getting out of public broadcasting. Is this what Canadians can look forward to?

Honourable senators, I agree that with the investment of \$1.1 billion in the unique — and I do repeat, madam leader — the unique link that connects Canadians from coast to coast through its radio networks, its television networks, its Internet services in both official languages, eight Aboriginal languages and closed captioning for people who are deaf and hard of hearing. We have always agreed that this was an essential service to Canadians across the land.

• (1410)

Is the intention of the government to support the public broadcaster or not?

**Senator LeBreton:** Today would have been a good time for television to be in the Senate, because that question would have been the perfect advertisement for the CBC.

**Senator Tkachuk:** Exactly.

**Senator LeBreton:** In any event, as I have said to Senator Poulin before, CBC received \$1.1 billion of taxpayers' money this year. Senator Poulin talked about the importance of the CBC and the links from coast to coast to coast, as she said, so I will ask her, if it were the other way around, why then did her government cut \$414 million from the CBC?

**Senator Tkachuk:** Exactly. She was probably on the board then. Was she on the board then?

**Senator Poulin:** We are looking and moving forward. Our world is becoming more complex, and I ask the leader, simply and

directly, a clear question: Will the government support the public broadcaster in its mandate?

**Senator Mercer:** Yes or no?

**Senator LeBreton:** I think \$1.1 billion is a good indication of the government's support.

**Senator Tkachuk:** It is more than her government ever gave. They had 13 years.

[*Translation*]

## NATIONAL DEFENCE

### SURVIVING FAMILIES OF DECEASED SOLDIERS

**Hon. Lucie Pépin:** Honourable senators, Canadian Forces Ombudsman Pierre Daigle says that he is frustrated with the manner in which the Canadian Forces treat the families of fallen soldiers. Since 2005, he has been deploring the fact that grieving families do not receive enough support and information.

The Department of National Defence has been informed of this several times, but the problem has yet to be resolved. Could the leader tell us why the families of fallen soldiers have to wait for years to find out more about the death of their loved ones? Do they really have to fight to get this information?

[*English*]

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for that serious question. It deserves a serious answer. Of course we are well aware of the ombudsman's report about the deaths of these Canadian soldiers, going back to 2003, now almost eight years ago.

The ombudsman gave his report, and Minister MacKay indicated that the government will do everything possible to provide Canadian Forces families with the support and information they need with regard to the death of their loved ones.

Minister MacKay designated an official, Colonel Blais, who was put on each and every file specifically. Colonel Blais contacted and spoke to each of the families that had raised concerns.

[*Translation*]

**Senator Pépin:** Honourable senators, I would like to accept the leader's response, but these families deserve concrete action. The ombudsman proposed that families sit on the boards of inquiry into the death of soldiers. He even suggested a national policy to support the families of fallen soldiers.

These concrete actions would cost absolutely nothing. Why, then is the government taking so long to review the recommendations for helping military families better understand and accept the death of their loved ones?

[English]

**Senator LeBreton:** Minister MacKay responded directly to the ombudsman on December 2. I do not have full details of what was in the letter, but Minister MacKay indicated that he has directed officials of the Department of National Defence to ensure that all outstanding matters pertaining to the issues of these families be resolved as quickly as possible.

With regard to the specific recommendation about families sitting on the oversight boards, I will be happy, honourable senators, to take that question as notice and seek further information from the Department of National Defence and the minister.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in the gallery of members of the Saudi-Canadian Parliamentary Friendship Committee of the Majlis Ash Shura (Consultative Council) of the Kingdom of Saudi Arabia.

Numbering in the membership is Dr. Tarek Ali Hasan Fadaak, Chief of the Delegation; Dr. Abdullah A.H. Al Abdulkader, who is also Chair of the Committee on Financial Affairs; Dr. Abdullah Y. Bokhari; engineer Mohammed H.A. Al Nagadi; and Dr. Mazen Fuad M. Al Khayatt.

They are accompanied by the distinguished Ambassador of Saudi Arabia. As you can see, honourable senators, our distinguished visitors have braved the Canadian winter to come here from their warm climate.

My colleagues and I wish to extend to our distinguished colleagues from Saudi Arabia a warm welcome. On behalf of all senators, I welcome you to the Senate of Canada.

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

### NATIONAL DEFENCE

#### F-35 AIRCRAFT PURCHASE

**Hon. Wilfred P. Moore:** Honourable senators, my question is for the Leader of the Government in the Senate. According to the documents in the Pentagon, the United States Department of Defence estimates that the Canadian share of industrial spin offs from the F-35 fighter jet purchase to be about \$3.9 billion. Meanwhile, the Conservative government maintains that \$12 billion will be awarded to Canada. Can the leader account for this discrepancy?

**Hon. Marjory LeBreton (Leader of the Government):** I think, honourable senators, the \$12 billion figure was given as evidence before a committee in the other place, and it was the industry talking about the direct benefits to Canada and what it would mean not only for the aircraft that we are purchasing, but, because we are in on the ground level. Thanks to the decision of the previous government to commit Canada to this program, the

spin offs and the accessibility for Canadian industries would apply not only to the planes we have in Canada, but also to the worldwide manufacture of the aircraft.

It is beyond me, honourable senators, why anyone would not be in favour of this project, which is so vital not only to our Armed Forces, but also to our industries, especially our aerospace industries in Quebec, Nova Scotia and New Brunswick.

**Senator Moore:** I ask the leader to table in the Senate the documents on which the government bases its estimates of the industrial regional spin-offs from the F-35 fighter project.

The United Kingdom has reduced its order from 138 airplanes to 50 and, likely, in the latest discussion, to 40 units. That number is 25 less than what Canada has committed to purchase, and yet it is already receiving more industrial spin-offs than Canada.

I have not seen, and maybe I missed it, any evidence that the government has attempted to leverage a lower price per jet or guaranteed benefits for industry. The price of the jets has risen from \$50 million per unit to \$112 million. Today in the paper, the figure is \$150 million.

The numbers are jumping dramatically. I do not know if the leader provided for a doubling of the cost in her budgeting. I do not know where that cost is, but I want to know how the leader can justify such a lopsided deal for Canadians.

**Senator LeBreton:** I think the lopsided deal for Canadians is the 80,000 jobs in our aerospace industry.

**Senator Moore:** The leader will have to do better than that. She is talking about driving the deficit even higher. Assuming that she provided for the \$50 million per unit, now we are into \$112 million, maybe \$150 million, so who is doing the adding and subtracting here?

**Senator Mercer:** The plane does not even work.

**Senator LeBreton:** It is clear, if one goes back to the beginning of this project, when the decision was made, that Canada was to be part of the competitive process to acquire a new aircraft when the use of the CF-18s came to an end.

• (1420)

This process that the previous government conducted was a good one. This process was competitive in that other aircraft companies expressed an interest. The only company that could build this aircraft, as decided by the previous government, was Lockheed Martin.

I watched the testimony in the other place and listened to people who work in the aerospace industry, whether in and around the Montreal area or in Winnipeg. I heard a witness answer a question from Dominic LeBlanc, who was also questioning this aircraft. The answer was that a company in his own riding was already involved in providing parts for this aircraft.

I can indicate to Senator Moore only that I will be happy to refer his question to the Department of National Defence and ask them to provide all the information they have and which they are

able to reveal, to list for the honourable senator all the benefits of this project, including the 80,000 workers. The bases for these aircraft will be in Bagotville, Quebec, and in Cold Lake, Alberta.

**Senator Moore:** Has the Conservative government considered the recent arrangement or alliance with Great Britain and France with respect to defence spending? Everyone in the Western world seems to be having economic problems, including those two countries, and including Canada.

The only justification for these aircraft that I have heard is to defend the North. I have visited the U.S. base at Anchorage, Alaska, where they have F-18s and F-22s. There are 20-some Canadian officers embedded there, working in command positions.

Why are we endeavouring to take on more than we can handle financially? We have an opportunity to work jointly. We are working jointly now with personnel. The Americans are now purchasing more F-18s, the Super Hornets, and, at \$35 million a unit, these aircraft can do the exact same job.

Who are we fighting? What do we need these aircraft for? We can do other things. We can work with other people. We can acquire another aircraft to do the exact same job.

**Senator LeBreton:** If that is not a typical Liberal defence policy strategy, I do not know what is. The government made this decision based on many years, going back to the previous government's recommendations. This purchase is a good policy. This purchase is the best aircraft. This purchase will provide jobs for an estimated 80,000 aerospace workers. It will benefit the whole country, including engine aircraft builders. This purchase is good policy and it is good for the country. Why anyone would want us to withdraw from the world, basically — because we are part of a worldwide program here — and not have our capable aerospace industries competing with the best, is beyond me.

[Translation]

#### CIVILIAN PERSONNEL IN AFGHANISTAN

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government in the Senate.

Canada currently employs about six Canadians of Afghan origin who help our military personnel both culturally and operationally in Afghanistan and who explain how the Afghan government works. These employees have been in their positions for three years. We have just learned that they will be dismissed for the simple reason that if someone is employed for more than three years, he or she must become a permanent member of the public service, thus for an indeterminate period.

There are still 2,600 soldiers in Afghanistan, and our operations have not yet concluded. These employees will lose their jobs next month because a regulation has not been changed, even though we are fighting in a war overseas. The public service decided not to change that regulation, even though these employees are just as

essential as our Leopard tanks and Cougar armoured vehicles and all other military equipment. Can the Leader of the Government give us a positive response regarding changing that regulation?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I could not help but notice the honourable senator's opening remarks. He obviously does not agree with the question of his colleague. I happen to know that the honourable senator is publicly on record as supporting the purchase of the F-35s.

With regard to the people working in Afghanistan, I read an article the other day about the concerns vis-à-vis these individuals. I will find out what the policy is and respond to the honourable senator as quickly as possible.

**The Hon. the Speaker:** Honourable senators, the time for Question Period has expired.

[Translation]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, when we proceed to Orders of the Day, under Government Business, I would ask that Motion No. 29 be called first.

[English]

### POINT OF ORDER

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, since I am on my feet, I would like to raise a point of order. While listening to Senators' Statements today, I heard Senator Tardif, the Deputy Leader of the Opposition, raise the issue of the Nortel long-term disability workers. Rule 22(4) of the *Rules of the Senate of Canada* says that Senators' Statements are reserved for items that:

... need to be brought to the urgent attention of the Senate. . . . and for which the rules and practices of the Senate provide no immediate means of bringing the matters to the attention of the Senate.

The rule further states that:

... a Senator shall not anticipate consideration of any Order of the Day. . . .

We do have before the Senate the Nortel long-term disability issue, and we will vote on this matter later today. I do not raise this point of order because I wish to nitpick. That is not the case at all.

**Senator Mercer:** Oh, no, not you.

**Senator Di Nino:** Why don't you listen with a little respect sometime?

**Senator Comeau:** The two sides have discussed this issue on a number of occasions and we agreed that we would monitor our side. Once in a while this may happen, but we monitor our side. We ask senators to stay away from matters that are a subject matter under consideration in the Senate under Orders of the Day. I presumed the other side was monitoring this situation, but now I am starting to question — since the Deputy Leader of the Opposition raised this subject — how seriously they take this matter.

I raise this issue as a point of order. I think I am right on this point, that items that are before the Senate should not be introduced under Senators' Statements.

**Hon. Sharon Carstairs:** Honourable senators, it is interesting that this particular point is raised today. I listened carefully to the Honourable Senator Tardif's comments. She was speaking almost entirely about retired persons. That has never been the subject of the debate that is before this house. That is another issue in its entirety.

• (1430)

The other thing that I find interesting is that the purpose of that rule, I would suggest, is that it should not anticipate debate. Debate cannot be anticipated on this particular issue today, because it is a deferred vote. There will be no discussion of this issue today. There will only be a vote on this issue today.

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

**Hon. Joan Fraser:** I think Senator Carstairs is entirely right, Your Honour. I would add to her observation that I also listened carefully to Senator Tardif's statement. The point of her statement, which was contained in her last line, was that it is time for the government to act on this matter. The report killing the bill, on which we shall vote later today, is not a call for government policy; it is a call for change in legislation.

**Senator Comeau:** I have just one final point. If, in fact, Senator Tardif was not in any way referring to the issue of the disability, LTD — that is, if it is an issue of retirement, which is a different issue — then I would withdraw my point of order. However, Senator Carstairs and I may not recall exactly what Senator Tardif did say. We might ask His Honour to refer to the statements that were made today in Hansard and come back with a response.

I am more than willing, if in fact I erred, to withdraw my point of order.

**The Hon. the Speaker:** Honourable senators, I should like to deal with this matter now.

I want to begin by thanking Senator Comeau for raising the matter because I had intended to rise, under rule 18, to express certain disquiet from the chair on both Senators' Statements and

Question Period. The rule on Senators' Statements that we all understand is clear. We cannot anticipate items that are on the Order Paper. Sometimes statements are made that cannot help but come close to the line. I think there is enough generosity in the chamber to recognize that.

However, equally, during Question Period, while we do not have an equivalent to rule 22(4) which as Senator Comeau cited does not allow us to anticipate items on the Order Paper, we ought not to be raising questions around items that are on the Orders of the Day.

I would like to recall, from the parliamentary procedural literature, paragraph 410 in Beauchesne's 6th Edition, at page 122, dealing with "Oral Questions." Item 14 states:

(14) Questions should not anticipate an Order of the Day although this does not apply to the budget process.

As all honourable senators know, there have been a number of questions in the past little while that did deal with bills or other items on the Orders of the Day. I simply wish to conclude by saying that I invite all honourable senators to be careful about the statements and to give some reflection to what the procedural literature suggests. Whether or not this is something that the Rules Committee might want to look into and specify in the rules will be a judgment that the committee can make.

## THE SENATE

### MOTION TO SUSPEND THURSDAY'S SITTING ADOPTED

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of December 7, 2010, moved:

That, on Thursday, December 9, 2010:

- (a) if the Senate is sitting at 3:45 p.m. it shall suspend and resume no later than 5 p.m., after a fifteen minute bell;
- (b) if a standing vote on a debatable motion is requested before 3:45 p.m. and cannot be completed before that time, it shall be deferred until after the sitting resumes in accordance with paragraph (a) and the bells for the vote shall start ringing only after the sitting resumes, with the vote to take place fifteen minutes later;
- (c) if a standing vote on any other motion is requested before 3:45 p.m. and cannot be completed before that time, the sitting shall be suspended until the time provided for in paragraph (a), and the bells for the vote shall ring in accordance with the provisions of paragraph (b); and
- (d) the application of rule 13(1) shall be suspended, and the sitting shall continue past 6 p.m. if required.

(Motion agreed to.)

## GENDER EQUITY IN INDIAN REGISTRATION BILL

[English]

## THIRD READING—DEBATE ADJOURNED

**Hon. Patrick Brazeau** moved third reading of Bill C-3, An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *McIvor v. Canada (Registrar of Indian and Northern Affairs)*.

He said: Honourable senators, I am pleased to stand before you today to reiterate and affirm my support for Bill C-3, the proposed Gender Equity in Indian Registration Act.

First, I want to thank you, honourable senators, for your serious consideration of this legislation. Your careful deliberation has been very valuable in affirming the bill before us today. Equally encouraging, your prompt attention to this bill acknowledges that time is of the essence and that Bill C-3 is an appropriate response to the court's ruling that it addresses.

[Translation]

The honourable senators who sit on the Standing Senate Committee on Human Rights had the opportunity to listen to the testimony of the Minister of Indian and Northern Affairs, Sharon McIvor, representatives of Aboriginal organizations, the Canadian Bar Association and other witnesses.

Their testimony and submissions provided a very interesting perspective on the repercussions of this bill and highlight the importance of continuing with discussions about the provisions of the Indian Act pertaining to Indian registration and other related matters.

[English]

As honourable senators know, Bill C-3 proposes to amend the Indian Act and eliminate a cause of gender discrimination that has had a negative impact on First Nations for far too long.

The proposed legislation now before us responds directly to a decision rendered by the Court of Appeal for British Columbia that two paragraphs in section 6 of the Indian Act are contrary to the Canadian Charter of Rights and Freedoms.

In order to allow Parliament time to take action to resolve this issue, the court suspended the effects of its decision until April 6 of this year, and explicitly called on Parliament to enact an effective legislative solution.

Even though the Court of Appeal responded favourably to both of the government's requests for extensions, first until July 5, 2010, and more recently until January 31, 2011, I believe all honourable senators recognize the importance of resolving this issue as quickly as possible.

[Translation]

The court indicated that the issue was to be settled without any further delays. I am therefore pleased that honourable senators have been so diligent in studying this bill in order to meet the latest deadline set by the court.

We are all aware that if no solution is in place by January 31 of next year, paragraphs 6(1)(a) and 6(1)(c) of the Indian Act dealing with an individual's entitlement to registration for Indian status will, for all intents and purposes, cease to exist in the province of British Columbia. This would create uncertainty. Most importantly, this legislative gap would prevent the registration of individuals associated with British Columbia bands.

Let me explain how the proposed amendments would affect the rules that determine entitlement to Indian status in Canada.

Essentially, Sharon McIvor, the plaintiff in the original case, alleged that the 1985 amendments to the registration provisions of the Indian Act, still referred to as Bill C-31, constitute gender discrimination as defined in the Canadian Charter of Rights and Freedoms.

[Translation]

Ms. McIvor, a married Indian woman, had a child with a non-Indian. Her son married and had children with a non-Indian. Under the Indian Act, however, these children — Ms. McIvor's grandchildren — are not entitled to Indian status.

• (1440)

Part of the problem stems from amendments to the Indian Act that were included in Bill C-31 and came into effect in 1985.

[English]

These amendments tried to end the discrimination experienced by specific groups. In its decision, the Court of Appeal for British Columbia stated that Bill C-31 "represents a bona fide attempt to eliminate discrimination on the basis of sex." However, the approach adopted in Bill C-31 inadvertently introduced a new level of complexity.

The legislation now before us proposes to change the provision used to confer Indian status on the children of women such as Ms. McIvor. Instead of proposed subsection 6(2), these children would acquire status through proposed subsection 6(1). This would eliminate the gender-based discrimination identified by the Court of Appeal for British Columbia.

Honourable senators, we must not lose sight of the fact that the Court of Appeal for British Columbia has identified a source of injustice and called on Parliament to rectify it. Bill C-3 is a direct and tightly focussed response to the court's ruling.

As the Standing Senate Committee on Human Rights heard, once enacted, Bill C-3 will eliminate a cause of unjust discrimination and ensure that Canada's legal system continues to evolve alongside the needs of Aboriginal peoples.

Bill C-3 complements the collaborative approach adopted by the Government of Canada on many issues that affect the lives of Aboriginal peoples.

[*Translation*]

The bill, as well as the exploratory process that will continue the dialogue on other issues, strengthens the bond between Canada and its Aboriginal peoples. As we proceed with the last stage of the process to pass Bill C-3, the government is also preparing to embark on the exploratory process on Indian registration, band membership and citizenship. The passing of Bill C-3 will mark the official start of the exploratory process.

[*English*]

The exploratory process is an Aboriginal-led initiative that is meant to examine and discuss the broader issues relating to Indian registration, band membership and citizenship that go beyond the scope of the Bill C-3 amendments.

During the process, there will be support provided to national First Nations and other Aboriginal organizations, as well as to First Nations treaty and regional organizations that wish to lead activities under the process on behalf of their membership or constituencies.

The exploratory process, itself is designed to be inclusive by encouraging the participation in activities of First Nations, Metis and other Aboriginal groups, and organizations and individuals at the national, regional and local community levels.

[*Translation*]

The government recognizes the importance, to the First Nations and other aboriginal groups, of the issues to be examined and discussed in the exploratory process. The government hopes that the dialogue will be productive and will enable it to collect the information required to proceed with the next steps to resolve these complex issues.

[*English*]

Today, we have an opportunity to demonstrate our commitment to upholding our parliamentary responsibility to address a cause of gender discrimination that the Court of Appeal for British Columbia has identified as unconstitutional.

I would like to take this time to thank and commend Ms. Sharon McIvor for her patience, her hard work, her endeavours and her principles to leading to potentially over 45,000 Aboriginal people to regain what was lost from them — their Indian identity.

Honourable senators, I urge you all to join me in supporting the timely passage of Bill C-3.

**The Hon. the Speaker *pro tempore*:** Is Senator Brazeau prepared to take a question?

**Senator Brazeau:** Yes.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I would like to commend the Honourable Senator Brazeau for his leadership on these matters. As he commented, it has taken Sharon McIvor 20 years to have this bill come here today.

[ Senator Brazeau ]

Would Senator Brazeau agree with me that, even after this bill is passed, there will still be sex discrimination for Aboriginal women?

**Senator Brazeau:** I thank Senator Jaffer for her question. Absolutely. This bill does not get rid of all the gender inequities in the Indian Act, in the same vein that the 1985 amendments did not eradicate them, even though some at the time may have thought they did so.

That is why it is important that the Government of Canada fund Aboriginal organizations and communities to create this exploratory process so that First Nations communities can start talking about citizenship, band membership and the registration under the Indian Act, which is a really important process and the first time it has ever been done and announced by any government.

I can say with certainty that many groups, even though some may be critical of this bill, are looking forward to the exploratory process because it has been a long time coming.

**Senator Jaffer:** From Ms. McIvor's testimony, I understood that even if this chamber passes Bill C-3, her brother gets status under 6(1) and she is still discriminated against. She gets status under proposed section 6(2), so she still does not have equal status even after this bill has been passed; is that correct?

**Senator Brazeau:** In answer to the question, I am not quite sure what will happen to Ms. McIvor's brother in terms of his status. As far as I understand, I was under the impression that he already had 6(1) status, unless I am mistaken, but this bill will rectify the gender discrimination for grandmothers who lost status because of marriage. Those grandmothers and the children will be eligible to apply for status.

We must not lose sight that this bill specifically responds to the decision of the B.C. Court of Appeal, which, whether people agree with it or not, was narrower than the B.C. Supreme Court decision. We must not lose sight of the fact that the government is responding to that specific court decision.

**Senator Jaffer:** I understand, and the minister made it very clear that they were responding to the Court of Appeal, and I believe that universal rights in our country should apply to all women. Even after this bill goes through, Aboriginal women will still be discriminated against. Why would the government not have corrected this situation and given equal rights to all Aboriginal women at this time?

**Senator Brazeau:** Honourable senators, the answer to Senator Jaffer's question is simple. As a former national leader of an Aboriginal organization, I always said that it should be First Nations people themselves who decide on who shall be members of their own communities and their own First Nations. Having said that, again, the government did respond to the Court of Appeal decision, and this is why we are going to be conducting the exploratory process so that hopefully — and I say “hopefully” — we will get out of the Indian Act and First Nations peoples will be able to determine the citizens of their nations.

Hypothetically — and I hate to deal in hypotheticals — if the government had responded to a more broad definition under the Indian Act, that may still not have pleased Aboriginal groups

because, again, we would have remained under the purview of a federal Minister of Indian affairs deciding who is a First Nations person and who is not.

**Hon. Sandra Lovelace Nicholas:** Honourable senators, I want to thank Todd Russell for his work as critic on Bill C-3, and also the witnesses who appeared before the Human Rights Committee on Monday, December 5, in particular Sharon McIvor, who has worked tirelessly to bring justice to Aboriginal women.

I said in my speech at second reading that I support this bill in principle, but it does not go far enough to accommodate Aboriginal women and their descendants. The injustice to the standing of women in their communities has been intolerable. The bill is unfair to the next generations, as it has been under Bill C-31, which was passed in June 1985.

• (1450)

It is 25 years since Bill C-31 was passed, and we have another “take it or leave it” bill from the government with no amendments. Bill C-3 does not address all aspects of gender discrimination. It is unjust and irresponsible, and it is a bandage solution to an old existing problem for Aboriginal women in Canada. It will create dissension and chaos in our communities.

The problem will not go away. It will cause inevitable consequences for the next generation and for the government.

Honourable senators, if Bill C-3 is passed, then Sharon McIvor will be forced to walk down the same long and lonely path that I once travelled. Sharon McIvor said at the Standing Senate Committee on Human Rights on Monday: “The bill . . . is a piece of garbage.”

As an Aboriginal woman, I experienced the injustice of living in my own community without full recognition of my status, which is my birthright.

Under the Canadian Charter of Rights and Freedoms, Canada recognizes human rights for its people in all walks of life and even for our new immigrants from around the world. Canada is a country that ensures that the rights of a woman are equal to those of a man. However, where is the equality and justice for Canada’s First People, Aboriginal women?

Honourable senators, I apologize to my people and their descendants that the Government of Canada will let Bill C-3 pass without amendments. As far as I can remember, honourable senators, all Aboriginal women and their issues are always at the bottom of the totem pole.

(On motion of Senator Jaffer, debate adjourned.)

## CRIMINAL CODE

### BILL TO AMEND—AMENDMENTS FROM COMMONS— DEBATE ADJOURNED

The Senate proceeded to consideration of the amendments by the House of Commons to Bill S-215, An Act to amend the Criminal Code (suicide bombings):

1. *Page 1, clause 1:* Replace line 7 in the French version with the following:

“(1.2) Il est entendu que l’attentat suicide à la bombe”

2. *Page 1, title:* Replace the long title in the French version with the following:

“Loi modifiant le Code criminel (attentats suicides à la bombe)”.

**Hon. Linda Frum** moved that the Senate concur in the amendments made by the House of Commons to Bill S-215, An Act to amend the Criminal Code (suicide bombings); and that a message be sent to the House of Commons to acquaint that House accordingly.

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

On debate.

**Hon. Sharon Carstairs:** Honourable senators, I have a question for Senator Frum.

**The Hon. the Speaker *pro tempore:*** Will the Honourable Senator Frum take a question?

**Senator Frum:** Yes.

**Senator Carstairs:** In my quick reading of the amendments, it seems that the amendments only bring the French and English versions into line. Is that how the honourable senator understands the amendments?

**Senator Frum:** That is exactly correct.

**Hon. Art Eggleton:** Honourable senators, I want to indicate my support of Senator Frum’s motion. This matter has been before this chamber for a long time. As well, this bill has spent time in the other place and has been returned to the Senate with these simple amendments because the French word for “bombing” was determined in the house to be incorrect. They made that minor change. This bill, now sponsored by Senator Frum and previously sponsored by Senator Grafstein, has had many numbers and has been before the Senate many times in the past. Bill S-215 will give greater certainty to the law in dealing with the question of suicide bombing and, in particular, in dealing with those who help to perpetuate such acts through financing, organizing and teaching others how to commit these terrible acts against humanity. It is time to finalize the matter and pass Bill S-215 into law.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I know that there is general support for this bill, but I would like a final chance to review it; therefore, I move the adjournment in my name.

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

**Hon. Senators:** Agreed.

(On motion of Senator Tardif, debate adjourned.)

[Translation]

## REORGANIZATION AND PRIVATIZATION OF ATOMIC ENERGY OF CANADA LIMITED BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-225, An Act respecting the reorganization and privatization of Atomic Energy of Canada Limited.

**Hon. Céline Hervieux-Payette:** Honourable senators, at a previous sitting, to my great surprise, the Conservatives were so interested in this that I have only two minutes left to answer questions.

I appreciated the questions. I can say that so far I have had very positive responses from the financial community and Atomic Energy of Canada Limited in particular.

Do honourable senators want to move adjournment or would they rather continue debating the bill?

(On motion of Senator Comeau, debate adjourned.)

• (1500)

[English]

## NATIONAL VOLUNTEER EMERGENCY RESPONSE SERVICE BILL

SECOND READING—DEBATE ADJOURNED

**Hon. Mac Harb** moved second reading of Bill S-224, An Act to establish a national volunteer emergency response service.

He said: Honourable senators, I am pleased to rise today to discuss Bill S-224, An Act to establish a national volunteer emergency response service. Around the world, we have witnessed disasters, from 9/11 and Hurricane Katrina to the Indonesian tsunami and the earthquake in Haiti — disasters in which too many citizens have been overwhelmed due to inadequate preparation and response. Here at home, we do not have to look far to find examples of devastating incidents involving floods, epidemics, forest fires, hurricanes, power blackouts and ice storms.

I have read that the only difference between an emergency and a disaster is preparedness. It begs the question: Is Canada prepared?

An American psychologist wrote an article in the *Ventura County Star* in 2008 which states:

Whether disasters come from Mother Nature or a terrorist attack, major disasters occur. Hurricane Katrina dashed all illusions that the cavalry will quickly show up to save the day. . . . in an overwhelming disaster, the public must become part of the solution . . .

This quote, honourable senators, may sound familiar. It appeared in a report adopted without division and tabled in 2008 by our own Standing Senate Committee on National Security and Defence. The report was entitled: *Emergency Preparedness in Canada*. It was a follow-up to a 2004 report addressing issues arising from 9/11.

I would like to commend the members of that committee: Senators Kenny, Tkachuk, Banks, Day, Mitchell, Meighen, Moore, Nancy Ruth and Zimmer.

After hearing from more than 110 witnesses over a seven-year period, this committee did a superb job of producing a report that not only highlighted areas where government at every level were unprepared in the event of an emergency, but it also drew attention to the important role of volunteers in the event of a crisis. In the report, the committee noted the tremendous community response to the wildfires in San Diego, California, in 2007. Allow me to quote from their observations:

Thousands of volunteers worked tirelessly to support public officials and non-governmental agencies in assisting people threatened by the wildfires. . . .

Gov. Arnold Schwarzenegger was so impressed with the commitment and compassion shown by volunteer[s] . . . that he has directed aides to initiate plans to help improve emergency assistance programs across the state. . . .

Later, volunteer agencies pointed out that the government could encourage even more voluntary help if there were an identification system for volunteers (showing they had the skills needed to assist in dangerous situations. . . .

Voluntary help would be enhanced if there were better insurance programs for volunteer groups so people wouldn't worry about stepping in to help. Another aid would be having coordination templates in place to assure volunteers are dispatched in a way that ensures they help, rather than hinder.

The report concluded that "An alert and prepared citizenry is going to have to be part of Canada's capacity to respond." However, the report asked an important question: Would people in the average Canadian community be able to respond as well as these volunteers in San Diego?

In testimony to the Senate committee, Tom Sampson, who was Chief of Emergency Medical Services for the City of Calgary at the time, said:

When we met recently with the federal government around pandemic preparation, their response was, "YOYO 24." I do not know whether you have heard that one before, but it means: "You're on your own for the first 24 hours."

He went on to say:

We have looked at the federal government preparedness capacity, and we think it is YOYO 7 days.

That means that you are on your own for seven days.



Can Canada learn from the lessons of California, a state that is leading the way in citizen volunteer emergency response measures? Are there measures the federal government could take to improve Canada's volunteer capacity? Given the research done by our own Senate committee and the findings included in their report, I believe that the simple answer is "yes." I also believe that this proposed legislation is the logical step to follow up on the excellent work done by our Senate committee.

My personal interest in this topic, honourable senators, arose after 9/11 when I was a member of the other house. I was approached by a concerned Canadian, Mr. Steve Lerner. Mr. Lerner has dedicated much of his life and time to a wide variety of community and charitable causes, from the fight against cancer to helping the YMCA. He is typical of the kind of Canadian who will step forward if given the opportunity to help out in a time of crisis.

After 9/11, Mr. Lerner drafted an impressive plan for a civil protection and participation service that would empower Canadians in the event of an emergency. His concept inspired an earlier version of this bill that I tabled in the other place. Unfortunately, it was interrupted prior to debate due to my appointment to this honourable chamber.

I am committed, honourable senators, to build upon Steve Lerner's initiative and to continue my efforts on his behalf. I therefore put before you today a bill to establish a national program that would allow individual Canadians to add their efforts to the emergency response capacity in our country.

Fundamentally, Bill S-224 will establish a dynamic link between professional emergency responders and Canadians who would like to volunteer in an emergency situation. This bill will increase surge capacity by improving the way emergency management offices and professional responders manage and utilize both trained and spontaneous volunteers prior to, during and following an emergency or disaster. It would also empower individuals and strengthen Canada's civil society.

Let us look at the current situation, honourable senators. Echoing our own Standing Senate Committee on National Security and Defence report, an October 2010 internal government audit revealed that the Public Health Agency of Canada is not adequately prepared to handle emergencies such as natural disasters, pandemics or terrorist attacks.

Even as government agencies work hard to improve capacity, it is apparent that Canadians will have to step up in the event of a crisis. The government is warning Canadians that they need to be better prepared for being on their own for at least 72 hours following a major crisis. Experts warn us that we may be on our own for even longer.

While some local and even provincial volunteer response teams are up and running, there is currently no legislation in place that could establish a truly national volunteer emergency response.

*[Translation]*

I would now like to speak about the purpose of the bill. A national volunteer service would add critical capacity to public agencies that are strained in times of crisis.

Canadians spontaneously volunteer to help one another, but adequate training and preparation would increase their effectiveness.

It is time to put a national structure in place that ensures that those who volunteer receive the necessary training to prevent, mitigate and respond to a disaster situation.

This trained body of Canadians could then direct the efforts of other spontaneous volunteers.

Volunteer resources are not currently integrated into emergency management plans. They are scattered throughout numerous different organizations and programs, and they vary depending on the mission. This bill could create a framework to help integrate volunteers into all levels of emergency management systems.

Some may ask why we need a national service. While catastrophes are generally local, the federal government ultimately has lead responsibility for emergency preparedness and management, in partnership with its provincial, territorial and municipal counterparts.

• (1510)

The service would be established at the federal level with infrastructure at the local, provincial and federal levels, so that the appropriate level of government would be able to call upon the appropriate chapters, depending on the nature of the catastrophe.

The creation of a national volunteer emergency response service would ensure consistent nation-wide standards of training, resources, communication and strategic planning.

*[English]*

The federal government also has a role to play in promoting and facilitating the capacity of the volunteer sector and encouraging a strong civil society. A national volunteer emergency response service offers citizens the opportunity to participate, to be involved and to be proactive.

We know that volunteerism is a positive force for responsible citizenship, quality services, healthy communities and civil societies. The promotion of volunteerism and citizens' engagement in civil society falls under the federal government's jurisdiction and mandate.

I think it was said best in a phrase used by Steve Lerner, the constituent I mentioned a little earlier. Mr. Lerner felt that mobilizing willing volunteers would turn "impotence into pro-action, anxiety into self-confidence." That was well said.

George Haddow, an American professor who is the former Deputy Chief of Staff with the United States Federal Emergency Management Agency, FEMA, was quoted in a report prepared by the Canadian Centre for Emergency Preparedness. I think his words are worth repeating as well:

... there is a need for the government to do more to get the public to take action ... People need more than information; they need to be part of a community-wide effort to make their homes and neighbourhoods safer.

I know honourable senators are aware of the importance of volunteerism and the need for the government to promote the capacity of the volunteer sector.

Honourable Senator Mercer quoted interesting statistics in April 2009 when he called on the government to establish a Senate committee or expert panel to look at the challenges of recruiting and training volunteers. At that time, Senator Mercer pointed out that 12 million Canadians contribute almost 2 billion hours of their time in volunteering each year. However, over three quarters of the time is attributed to only 11 per cent of Canadians.

Honourable senators, the 2010 Throne Speech included a commitment to create the Prime Minister's award for volunteering to foster volunteerism in this country. I believe a national volunteer emergency response service will not only motivate more Canadians to offer their time and service for emergencies but that this service will have spin-off benefits by fostering involvement in other volunteer sectors as well.

[*Translation*]

It is important to note that the national volunteer emergency response service would be an organization of Canadian volunteers working with the appropriate organizations and existing emergency services for training and service. Reallocation of existing resources could cover much of the costs.

Donations from volunteer, non-profit organizations as well as philanthropic organizations could help cover some costs, such as those of the national office of the Commissioner of the NVERS.

[*English*]

I emphasize that the use of a volunteer service to augment first responders in a crisis is cost-effective. For example, the Ontario Volunteer Emergency Response Team operating in the Toronto area has 100 volunteers who spend an estimated 12,000 person-hours per year on operations and training. To have a similar standing, trained and paid force with the police or fire service would cost hundreds of thousands of dollars or more, even though the team may be called out only a few times in a year.

By encouraging and linking emergency response volunteers into our emergency preparedness strategies, we can bump up capacity cost-effectively when it is needed most and, in the meantime, facilitate the training and civic participation of more and more Canadians.

There are examples of other national volunteer services. In the United States, for example, they have accomplished a great deal with the nation-wide Community Emergency Response Team program, most notably in California. In Sweden, they have the Swedish Civil Defence League. In the Middle East, the United Arab Emirates have Sanid, a program which is an excellent example of what can be accomplished by leveraging the efforts of trained and spontaneous volunteers.

Canada's broad network of search and rescue organizations, many of which are already developing capabilities to assist in the case of large-scale emergencies or disasters, along with groups

[ Senator Harb ]

such as the Canadian Red Cross, St. John Ambulance, Canadian Administrators of Volunteer Resources, Volunteer Canada and Campus Emergency Response Teams will be vital partners and, ideally, beneficiaries of our efforts to increase citizen participation in emergency response efforts.

We do not need to reinvent the wheel, honourable senators. Much good work is being done. What is needed is a way to link these individuals with these existing voluntary resource organizations and professional first responders to ensure Canadians are prepared, so that those who want to help are identified, trained and able to contribute their time and skills when needs arise.

I have been in touch with key stakeholders in this area, and I know that much can be done to increase surge capacity by empowering individual Canadians, helping dedicated non-profit organizations and easing the pressures on our professional emergency teams when a crisis arises.

In conclusion, honourable senators, Canada has many giving, passionate and dedicated volunteers. We also have many other individuals who want to contribute. By putting a national volunteer emergency response service in place, we can mobilize and coordinate our volunteers, integrate them into our emergency management plans, and ensure that Canada is better prepared for any emergency or crisis that may arise.

**Hon. Terry M. Mercer:** I move the adjournment of the debate.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Hold on. It has been tradition in this place that when one side moves a bill, the other side takes the adjournment to allow 45 minutes for both sides. We did not object at all to Senator Harb using most of the time. A tradition on both sides has been that the other side takes the adjournment rather than the same side quickly jumping up to move the adjournment.

We have no objection at all if Senator Mercer wishes to speak to the bill at any time, provided we can take the adjournment on it.

I move the adjournment.

**Senator Mercer:** I moved the adjournment of the debate because I saw no one on the other side standing, and I did not want the debate to stop.

**The Hon. the Speaker pro tempore:** Are you prepared to withdraw your motion?

**Senator Mercer:** That is fine with me.

**The Hon. the Speaker pro tempore:** It has been moved by Honourable Senator Comeau, seconded by Honourable Senator Eaton, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(On motion of Senator Comeau, debate adjourned.)

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

**Hon. Tommy Banks** moved third reading of Bill C-464, An Act to amend the Criminal Code (justification for detention in custody).

He said: Honourable senators, Bill C-464 is a bill which, if we pass it into law, will call the attention of Crown prosecutors and judges to the question of determining whether judicial interim release ought to be granted with the likelihood of that having any effect on any children who might be affected by that release. The bill has been supported unequivocally by all members on all sides, and I look forward to the happy prospect of it being passed into law.

I have taken great pleasure, therefore, in moving its passage at third reading today, and I thank you.

• (1520)

[Translation]

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, on this side of the chamber, we support the bill. It is an excellent bill. A lot of work was done on it, and we would like to congratulate all those involved.

However, there are a few issues that we would like to examine more thoroughly. Therefore, I move adjournment of the debate.

(On motion of Senator Comeau, debate adjourned.)

[English]

**CONTRABAND TOBACCO**

## INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Segal calling the attention of the Senate to the seriousness of the problem posed by contraband tobacco in Canada, its connection with organized crime, international crime and terrorist financing, including the grave ramifications of the illegal sale of these products to young people, the detrimental effects on legitimate small business, the threat on the livelihoods of hardworking convenience store owners across Canada, and the ability of law enforcement agencies to combat those who are responsible for this illegal trade throughout Canada, and the advisability of a full-blown Senate committee inquiry into these matters.

**Hon. Tommy Banks:** Honourable senators, I undertake that I will speak to this tomorrow, given time. Therefore, I ask that the debate be adjourned in my name.

(On motion of Senator Banks, debate adjourned.)

**LEGAL AND CONSTITUTIONAL AFFAIRS**COMMITTEE AUTHORIZED TO STUDY PROVISIONS  
AND OPERATION OF THE ACT TO AMEND  
THE CRIMINAL CODE (PRODUCTION OF RECORDS  
IN SEXUAL OFFENCE PROCEEDINGS)

**Hon. Joan Fraser,** pursuant to notice of December 7, 2010, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the provisions and operation of the *Act to amend the Criminal Code (production of records in sexual offence proceedings)*, S.C. 1997, c. 30; and

That the committee report to the Senate no later than June 30, 2011 and retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

She said: Honourable senators, I have just a couple of words of explanation. In case there is a little window of opportunity for the Standing Senate Committee on Legal and Constitutional Affairs before new bills are referred to it after we dispose of the bill now before us, the committee has approved that we try one more time to catch up on the long backlog of bills where statutory reviews are required but have not been conducted.

This particular statutory review is something like 10 years overdue. If there is time before bills reach the committee, the committee thought it would be a good idea to do said statutory review, with your approval.

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

**An Hon. Senator:** Question.

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

(Motion agreed to.)

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY**COMMITTEE AUTHORIZED TO DEPOSIT REPORT  
ON STUDY OF PANDEMIC PREPAREDNESS  
WITH CLERK DURING ADJOURNMENT  
OF THE SENATE

**Hon. Art Eggleton,** pursuant to notice of December 7, 2010, moved:

That the Standing Senate Committee on Social Affairs, Science, and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate its report on Canada's pandemic preparedness, by December 31, 2010, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

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

**An Hon. Senator:** Question.

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

(Motion agreed to.)

## THE SENATE

### MOTION TO CALL UPON CHINESE GOVERNMENT TO RELEASE LIU XIAOBO FROM PRISON— DEBATE ADJOURNED

**Hon. Consiglio Di Nino,** pursuant to notice of December 7, 2010, moved:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

He said: Honourable senators, this Friday, December 10, Liu Xiaobo will become the first Chinese citizen to win the Nobel Peace Prize, unless we include His Holiness, the Dalai Lama.

Mr. Liu is being awarded this prestigious award in recognition of his tireless efforts and personal sacrifices to advance the cause of human rights in China. Specifically, he is being recognized for his role in drafting what is known as “Charter 08.” The primary goal of Charter 08 was simply to remind the Chinese government of its domestic and international obligations to human rights for Chinese citizens, as explicitly stated in the Chinese constitution. In addition, the Charter pointed to the International Covenant on Civil and Political Rights, to which China is a signatory nation.

Let me quote Jean-François Julliard, who is the secretary-general of Reporters without Borders:

We think this prize is useful and will help those who are struggling to open up a democratic space in China. Twenty-three retired senior officials have signed an open letter calling for the implementation of the free speech and media freedom guarantees in article 35 of the Chinese constitution. That’s exactly what Liu is calling for!

Unfortunately, Mr. Liu will not be in Oslo to receive this well-deserved recognition, as he is currently in a jail cell with five other inmates somewhere in a remote part of China. This, despite the popularity of Charter 08 among the Chinese populace, having been signed by nearly 10,000 people and endorsed by prominent scholars, cultural figures and even politicians.

The reason that Liu Xiaobo is incarcerated is that the Chinese government sees him as a threat to their power and, as a result, in 2009 he was found guilty of “inciting subversion of state power.”

Honourable senators, the fact that Liu Xiaobo has been awarded the Nobel Peace Prize while in prison is significant for two reasons. First, he becomes the third person to receive such an award while in prison, joining Germany’s Carl von Ossietzky and

Myanmar’s Aung San Suu Kyi. Second, in awarding Liu Xiaobo the Nobel Peace Prize, the selection committee served as a stern rebuke to China and its oppressive policies on fundamental rights and freedoms.

What distinguishes Liu Xiaobo from others and makes him a true Nobel Peace Prize laureate is the fact that he does not hold his captors in ill regard. Even after his guilty verdict, Liu Xiaobo, in a statement released two days before his sentence, remained gracious and optimistic. He said:

I have no enemies and no hatred. None of the police who monitored, arrested, and interrogated me, none of the prosecutors who indicted me, and none of the judges who judged me are my enemies. While I’m unable to accept your surveillance, arrest, prosecution or sentencing, I respect your professions and personalities . . .

• (1530)

Let me now also quote Mr. Teng Biao, a lawyer and human rights activist who teaches law at the University of Law and Politics in Beijing:

Freedom of expression does not exist in China. Many journalists and writers are in prison . . .

Liu Xiaobo has nonetheless been fighting for peace, democracy and human rights. He has kept it up for 20 years. He enjoys a great deal of prestige among Chinese who aspire to democracy . . .

The Nobel Committee’s decision is going to accelerate the process of bringing peace to China. All of the Chinese who possess this intuitive awareness thank Liu Xiaobo from the bottom of their heart.

While the work of Mr. Liu must be praised and commended, China’s attempts to discredit and suppress his work and the Nobel Peace Prize award must be condemned. China has gone through great lengths to ensure that Liu Xiaobo does not receive the recognition he deserves. The Chinese government has attempted to discredit him. They have threatened to cut ties to Norway and have repeatedly stated that in awarding the Nobel Peace Prize to a convicted criminal, such as Liu Xiaobo, the award has now become, and I quote, “a farce.” Failing to gain any traction in the international community with this line of argument, the Chinese authorities have also censored all Internet searches of his name and blocked any media coverage of the award.

To top this all off, the authorities in China have placed his wife, Liu Xia, under house arrest and denied her permission to attend the ceremony in Oslo. In fact, the Chinese government has not only banned his family members but has additionally halted the travel of several well-known Chinese figures for fear they may be “endangering national security” by attending the awards ceremony.

All told, it has been reported by the Associated Press in a recent article that only 1 of about 140 Chinese activists who have been invited by Mr. Liu’s wife to attend the ceremony will actually be able to travel to Norway on Friday. This is a true shame and leaves China in a very bad light.

Honourable senators, supporters of Mr. Liu will not be the only ones conspicuously absent at Friday's award ceremony as China, using its size and economic clout, has threatened many nations with trade penalties if they choose to attend or criticize the Chinese government. It has even been reported by *The Times of India* that the Chinese foreign ministry has indicated to the Indian government that they expect 100 countries, including India, to be absent from Friday's ceremony. China has suggested to these 100 nations that failure to comply with China's demands would likely harm the bilateral relations of the two countries.

Through this example, it becomes obvious that China does not limit its dictatorial and oppressive behaviour to only its citizens, but rather attempts to extend it across the globe, threatening any nation that seeks to engage in dialogue or disagree with their policies. These bully tactics, for the most part, have worked on some smaller countries that are dependent on funding and trade with China.

Honourable senators, it is incumbent upon us to stand up for what is right, to stand up for people like Liu Xiaobo, whose only dream is to have the sort of freedoms that we take for granted every day. All peoples of the world deserve no less. For, as Kwame Appiah of the Laurance S. Rockefeller University, Director of the University Center for Human Values at Princeton University and President of PEN American Center, so eloquently stated in his nomination of Liu Xiaobo for the Nobel Peace Prize:

To fail to challenge the Chinese government on Liu Xiaobo's imprisonment is to concede this argument internationally, at enormous peril to peaceful advocates of progress and change not just in China but all around the world.

Therefore, it is vital that we, as Canadians, take a leading role in calling not only for Mr. Liu's immediate release but also for a sweeping change to China's oppressive treatment of its population.

I would like to end my statement by quoting John Ralston Saul, President of PEN International, who, in his editorial in Monday's *Globe and Mail*, stated that Mr. Liu Xiaobo:

... is in jail because he believed in the Chinese government and constitution.

It is apparent, honourable senators, that despite signing international documents, freedom of speech in China is only approved if it props up the authorities rather than hold them accountable. It is approved only if it seeks to promote the government rather than point to areas of social growth. This, colleagues, is freedom of speech, Chinese style.

In closing, it is with great honour and sense of urgency that I urge my fellow senators to support this motion to ensure that Mr. Liu Xiaobo's personal sacrifices and unwavering commitment to human rights are not in vain, and that those like Liu Xiaobo will continue to count Canada as a voice on the global stage when they cannot speak for themselves.

**Hon. Percy E. Downe:** Would the honourable senator take a question?

**Senator Di Nino:** Absolutely.

**Senator Downe:** Senator Di Nino mentioned in his speech the countries that are not attending the ceremony. Does he happen to know who is representing Canada at the ceremony on Friday?

**Senator Di Nino:** My understanding is that Canada will be attending.

**Senator Downe:** Does the honourable senator know the ambassador who will be attending?

**Senator Di Nino:** I do not know. This situation has only developed in the last couple of days, as honourable senators know, and I did not seek to find out who was attending. My understanding, however, is that Canada will attend. I believe there are 18 countries that will not be attending, including some of the Central Asian countries and some of the smaller countries around the world, as I said, who I believe are doing this for economic reasons.

**Senator Downe:** I have seen a very disturbing news report that the head of the United Nations Human Rights Commission has refused to attend. Do you know if the Government of Canada will protest to the UN on that?

**Senator Di Nino:** I do not know, but I will certainly suggest that they should.

**Senator Downe:** If we are giving suggestions, could I make a small suggestion as well, that the Conservative caucus has, in Senator Di Nino, an outstanding spokesperson on this matter. He has been at this for a number of years. If I were at the Conservative caucus meeting on Wednesday, I would suggest that Senator Di Nino should attend as part of the Canadian delegation, and I hope someone will take that up.

**Hon. Jim Munson:** Honourable senators, I was in Tiananmen Square, and I would not mind attending with Senator Di Nino as well.

I do have a few words in response. I commend the honourable senator for what he has just said. Mr. Liu is a very brave man. In fact, I met Mr. Liu, and it is hard to believe that it was 21 years ago in Tiananmen Square. He is a very gentle man and a very brave man.

People like to think of Tiananmen as three days, June 2, 3 and 4, but it was building up long before that. Mr. Liu was part and parcel of a group that was trying to negotiate something very peaceful in Tiananmen, and was trying to avoid the massacre in the square, which I witnessed. I saw hundreds of students die.

It was not easy to watch him at that particular time, 21 years ago, living in real time, one person trying to say actually trying to live within the constitution of China. All of his work is coming out of the right to free speech in China, allegedly, within their constitution.

This is not, as sometimes the Chinese government would talk about, a troublemaker, someone wanting to overthrow government. He just wants to make government more open, transparent and make it work.

I do have some written notes here for this very brave man. As Senator Di Nino noted, he will receive the Nobel Peace Prize, in spirit, on December 10. Our human rights critic, Irwin Cotler, will be present. It is important that the Canadian government also be present. I sincerely hope that there is some representation.

• (1540)

For 20 years, Mr. Liu has advocated peaceful political change within his country. I remember being in Tiananmen Square, in the rainstorms and dust storms during his hunger strike, and watching him go about doing his work there. As reporters at that time, we knew we were living a moment in history. However, at the same time, we felt that China had its own history and that the government would crack down on these young men and women sooner or later.

For two decades, Mr. Liu has endured a succession of arrests. Throughout years of persecution, he has continued to petition the government and convey his ideologies in writing. As Senator Di Nino mentioned, Mr. Liu helped to author the manifesto emphasizing the need for free speech and free thought. In December 2008, one day before the manifesto was released on the Internet, Beijing authorities arrested and imprisoned Mr. Liu and, of course, he remains in prison today. I have been outside that prison, but I was never allowed to look inside to see what goes on there. Since being awarded the Nobel Peace Prize, the Beijing authorities have been holding Mr. Liu's wife under house arrest.

I think back 21 years and I remember another dissident, Professor Fang Lizhi. He was sort of the Andrei Sakharov of China. When we tried as reporters to talk to him, it was amazing to watch, as he quietly talked to students on campus and to watch the secret police surrounding him and watching him. Sooner or later, he would be arrested, but he obviously found his way outside the country and I believe he now lives in the United States.

It is not just one man or one woman; it is hundreds of thousands of men and women in China who simply want to have the same voices that we have as members of Parliament, and the same voices that we hear outside of Parliament demonstrating for what they believe in. Goodness knows, we do not have to agree with many of the protesters who come to Parliament Hill, but we respect their right to be heard. They are allowed to be heard and they are not thrown in prison for what they say.

Like the manifesto Mr. Liu helped to create, China's own constitution outlines a commitment to respect and protect human rights. However, in my opinion, the Chinese government does not follow its own rule of law.

With its new economic strength, China has relieved millions of Chinese from poverty. Although the Chinese people may be better off in financial terms, they remain deprived. Their government denies them a valid system of justice. Mr. Liu speaks the truth and, if heard, his ideas could well prompt the millions of ordinary

men and women who have built modern China to pursue political reform.

In an article published in Monday's *Globe and Mail*, John Ralston Saul gets at the heart of China's treatment of Mr. Liu. He stated:

Freedom of expression, while it can guarantee nothing, is nevertheless the key to making reform possible.

At the end of the day, the Nobel Peace Prize committee has chosen to honour Mr. Liu for his moral courage. This should be a time for the Chinese to celebrate Mr. Liu, as should Canadians and citizens of countries throughout the world celebrate him. We should likewise demand, as Senator Di Nino has said, that Mr. Liu be freed.

This is a reflection of another time, but I can never forget this. I feel honoured and privileged. In 1989, I ran through Tiananmen Square, listening to a woman as I ran. Just before that, an armoured personnel carrier had run over four or five Chinese. People were standing there with their fists up, saying, "Long live democracy." I then turned to my left and the person was gone. You look and you want to be sick, but then you are running to the square. As you run to the square, the people beside you say, "Please tell the world what is going on in our country." One has to remember that everything was cut off. We were sending out news tapes via students to Hong Kong, and even those tapes were being intercepted. The Chinese secret police were looking at these tapes to see who was on the tapes, because once it is on the air, everyone knows.

At the end of the day, I never thought that I would be standing in the Senate of Canada — at least I did not think that 21 years ago — and having the opportunity and the position such that I can speak on behalf of Mr. Liu and his wife in this country, because it is so important. It is important never to forget. It is so important that a person like Mr. Liu be allowed to stand up and speak. In the end, I simply ask this question: What is the Chinese government afraid of?

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

**Senator Di Nino:** I thank the honourable senator. A year and a half ago, we held an event to mark the twentieth anniversary of Tiananmen Square. Senator Munson attended and he was as eloquent then as he was today. I want to thank him for that as well.

My question is a simple one. I would like to urge our colleagues to see if we can deal with this motion, if not today, then tomorrow, so that we can have it completed before Friday when the ceremony will take place. I wonder if the honourable senator would join me in that as well.

**Senator Munson:** I thank the honourable senator for the question. As Senator Di Nino knows, and as I certainly know, the whip has a certain amount of power here, but not a lot of power. However, in this regard, I would hope that we could come to a unanimous decision. The honourable senator's motion simply states that Mr. Liu should be freed from prison. I do not think that is complicated. I would wholeheartedly endorse that concept, and I hope that my fellow senators would agree.

[ Senator Munson ]

**Hon. Mobina S.B. Jaffer:** I would like to thank Senator Munson once again for bringing to our attention the issue of Tiananmen Square. This is one way in which the honourable senator is helping those people he saw in China, by keeping the issue alive. I thank Senator Munson, and I also thank Senator Di Nino for his motion.

I have a question for Senator Munson. In light of all he knows, what advice, if asked, would he give to our government as to how we can help to get this individual released from jail?

**Senator Munson:** I thank the honourable senator for the question. There are, of course, diplomatic boots that are employed in pursuing this kind of issue.

When I left China after five years of living there, I had a lot of anger and sorrow. Nevertheless, I fully believe there is only one way to bring about change. This is not about interference, but the words I have always used in my life are: engage, engage, engage.

We need to engage our Chinese counterparts, whether through the Canada-China Legislative Association, of which I am proud to be a member, or through our foreign minister. To me, this matter has reached a point where there should be some intervention and a request for meetings with the foreign ministry and the highest levels of government in China.

I have discovered that the last thing one wants to do in this world is to point a finger and say, in harsh terms, that what someone has done is wrong. The way I like to look at this is that what they have done is not right.

At the end of the day, China is a wonderful country and a beautiful place. I once spoke with the Chinese ambassador who has recently left his post here. About a year or so ago we were having a debate in a meeting of the Canada-China Parliamentary Association. We talked about Tiananmen Square and about all these issues. We did not specifically talk about Mr. Liu, but we talked about several things and he mentioned how wonderful it was that we were having this conversation.

• (1550)

I agreed that we had come a long way, but I pointed out that the conversation was happening in a parliamentary restaurant anteroom with 10 members of the Canadian-China Parliamentary Association and officials. I also said to the Chinese ambassador that if we were to have the same conversation on the issue of human rights and talk about specific citizens on China Central Television at 7 p.m. on a Thursday night, then to me that would be the day China comes of age on the issue of human rights, but engagement is what we must have.

[Translation]

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I also want to thank Senator Di Nino for moving this very important motion. Since Senator Munson has the floor, I will ask him my question.

Senator Di Nino's motion says, "That the Senate of Canada call upon the Chinese Government." Should the motion not say, "That the Senate of Canada call upon the Canadian Government" in order to give the motion more teeth? Can the Senate of Canada call upon the Chinese Government?

Could Senator Munson tell us how we could include "the Government of Canada" as well as "the Senate of Canada" in this motion? We usually say "That the Senate call on the Government of Canada."

[English]

**Senator Munson:** One day, I will be back in government. Today is not the day, so I will defer to Senator Di Nino to answer this question.

**The Hon. the Speaker:** Senator Di Nino cannot answer under our rules.

**Senator Di Nino:** May I ask a question of Senator Munson?

Does Senator Munson remember some years back when we had a similar motion? I do not believe it was in relation to the Chinese government, it was for some other issue. The motion we were discussing was a motion that asked the Government of Canada to do something on our behalf, and the discussion was a long one. Although the issue was not totally resolved, it was felt that the Senate of Canada should do this on its own by saying we, the Senate of Canada — this is not a law, this is not a resolution — urge the Government of China to release this man. That is my recollection of a discussion we had some time ago. Does the honourable senator remember that?

**Senator Munson:** Yes. Honourable senators, I believe what Irwin Cotler said to our caucus today — I may be breaking caucus privileges but he was talking about good things here — is that he was going to Copenhagen. I talked about what was happening in the Senate with Senator Di Nino's motion and that I did not know how far the motion would go today. After caucus was over, Mr. Cotler said that for me to carry messages in my pocket to Oslo from different institutions would be a strong statement, and the more messages from separate institutions, the better. As a separate institution, it would be rare but important that we agree today or tomorrow on Senator Di Nino's motion for calling on the Chinese government to have Mr. Liu Xiaobo released from prison.

**Hon. Joseph A. Day:** Honourable senators, there are many interesting points here. The question and the propriety of an institution and part of Parliament asking for someone to be released from prison in another country is something that I want to reflect on. I ask for the indulgence of honourable senators in the adjournment of the debate in this matter.

(On motion of Senator Day, debate adjourned.)

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, this brings us to the end of our Order Paper. As we all know, there is an order that we will have a vote at 5:30 p.m. The bells will start ringing at 5:15 p.m. We shall therefore interrupt our proceedings and suspend until 5:30 p.m., with the bells ringing at 5:15 p.m.

Do I have permission to leave the chair?

**Hon. Senators:** Agreed.

(The sitting of the Senate was suspended.)

• (1730)

(The sitting of the Senate was resumed.)

**BANKRUPTCY AND INSOLVENCY ACT AND  
COMPANIES' CREDITORS ARRANGEMENT ACT**

BILL TO AMEND—SIXTH REPORT OF BANKING,  
TRADE AND COMMERCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tkachuk, for the adoption of the sixth report of the Standing Senate Committee on Banking, Trade and Commerce (Bill S-216, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act in order to protect beneficiaries of long term disability benefits plans, with a recommendation), presented in the Senate on November 25, 2010.

Motion agreed to and report adopted on the following division:

YEAS  
THE HONOURABLE SENATORS

Andreychuk	Lang
Angus	LeBreton
Ataullahjan	MacDonald
Boisvenu	Manning
Braley	Marshall
Brazeau	Martin
Brown	Mockler
Carignan	Nancy Ruth
Champagne	Neufeld
Cochrane	Ogilvie
Comeau	Oliver
Demers	Patterson
Di Nino	Plett
Dickson	Poirier
Duffy	Raine
Eaton	Rivard

Finley  
Fortin-Duplessis  
Frum  
Greene  
Housakos  
Johnson  
Kinsella  
Kochhar

Runciman  
Segal  
Seidman  
Stewart Olsen  
Stratton  
Tkachuk  
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NAYS  
THE HONOURABLE SENATORS

Baker  
Banks  
Callbeck  
Campbell  
Carstairs  
Chaput  
Cools  
Cordy  
Cowan  
Dallaire  
Dawson  
Day  
Downe  
Eggleton  
Fairbairn  
Fox  
Fraser  
Furey  
Harb  
Hubley  
Jaffer  
Joyal

Losier-Cool  
Lovelace Nicholas  
Mahovlich  
Massicotte  
McCoy  
Mercer  
Mitchell  
Moore  
Munson  
Murray  
Pépin  
Peterson  
Poulin  
Poy  
Ringuette  
Robichaud  
Rompkey  
Sibbeston  
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ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

(The Senate adjourned until Thursday, December 9, 2010, at 1:30 p.m.)



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