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Wednesday, May 2, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, May 2, 2007

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

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE JACK WIEBE

Hon. Joyce Fairbairn: Honourable senators, I was unable to be in the chamber last week for tributes to our late colleague Jack Wiebe so I would like to say a few words today honouring a great gentleman, a personal friend and a Canadian hero in the finest sense of the word.

A week ago yesterday I was in Swift Current with Senator Peterson and Senator Banks and Jack's loyal assistant, Marie Russell, to join in the celebration of a truly wonderful life. Jack would have loved the crowd that filled every seat in the church in Swift Current. Side by side were farmers, politicians of every description, Aboriginal friends and an outstanding number of members of the Armed Forces, which he represented as an Honorary Colonel of 18th Artillery Tactical Group, 10th Field, 15th Wing, Moose Jaw.

There was beautiful music from the choir, a stirring eulogy by former Saskatchewan Premier Roy Romanow, and our colleague Tommy Banks was at the keyboard with a special beat for his friend. Then there was Scott MacDougall, who caught the essence of his uncle and life-long mentor in words that brought laughter and pride and a welcome tear from his wife, Ann, the family and all the rest of us.

Outside the church, there was the sound of guns and a flypast where the last planes slowly rolled off and into the clouds with the spirit of Jack.

I met him first as a farmer at meetings across the Prairies and then as an outstanding member and organizer for the Liberal Party of Canada in election after election. He represented his party with skill and commitment in the Saskatchewan legislature and gathered pride and affection from all the citizens of the province as their Lieutenant-Governor.

• (1335)

His work here, particularly in the Standing Senate Committee on Agriculture and Forestry, brought the wisdom of a fundamental part of a way of life to senators from every part of Canada.

With all of his service to his province and his country, Jack had one commitment that rose above all else — his beloved wife, Ann, and their family. He told me once he was only here in the Senate for a short period of time because he wanted to take Ann travelling around the world. I am not sure how far they went, but the memories he has left back in his hometown of Herbert,

throughout the province of Saskatchewan and here in this Senate will live on forever. It was a privilege to be his friend.

THE LATE HONOURABLE LLOYD CROUSE, P.C., ONS.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I rise to pay tribute to a great Nova Scotian, the late Lloyd Crouse, who passed away on April 28.

First elected in 1957 as part of the Diefenbaker government, Lloyd was re-elected 10 times to represent the riding of Queens—Lunenburg, which later became South Shore, Nova Scotia.

I can remember when I was first elected to the other place as a rookie member of Parliament for the riding of Southwest Nova. Not only were we members of neighbouring ridings, but also we were neighbours at work. His office was right across the hall from mine on the fifth floor of Centre Block and we shared a particular interest in fisheries.

In June 1985, Lloyd was appointed to the Privy Council, an honour accorded to only very special people — outside of being ministers, of course — but this would not be his last honour.

In 1989, Lloyd was chosen to become Nova Scotia's Lieutenant-Governor; and when the Order of Nova Scotia was instituted in 2001, Lloyd was part of the inaugural group to receive that high honour in 2002.

Lloyd was a politician without equal — in fact, almost a legend. He campaigned with me when I first ran for Parliament from Southwest Nova, and I noticed that he was as comfortable on any wharf as he was on the floor of the House of Commons.

I cannot help but note that Lloyd was a constituent's best friend. At one time, when he was in opposition, he had not been invited to an official announcement, so he chose to sit with the crowd. One of the politicians on stage, who had made sure that Lloyd had not been invited to go on stage, noticed Lloyd in the hall front and centre and said to him, "Why don't you come up on stage with us?" "No, no, no," he said, "I prefer to be here with my constituents." This was the Lloyd Crouse we all knew and loved.

On behalf of all honourable senators, I offer my deepest sympathies to Lloyd's wife, Marion, and her family in this most difficult time.

FINANCE

DEBTS INHERITED BY INCOMING GOVERNMENTS— COMMENTS OF LEADER OF THE GOVERNMENT

Hon. Yoine Goldstein: Honourable senators, in response to a question which I asked in this chamber yesterday, the honourable Leader of the Government said, among other things, the following:

By the way, the government of the Right Honourable Brian Mulroney inherited the worst debt of any government in the country's history from the Right Honourable Pierre Elliott Trudeau in 1984.

That statement, to use the parliamentary term, is incorrect. In fact, in 1985, the debt-to-GDP ratio was 44.5 per cent. When the Right Honourable Jean Chrétien took over in 1993, the debt-to-GDP ratio that he inherited from the Mulroney government was 65.9 per cent — almost 50 per cent higher.

In 1996, the debt-to-GDP ratio was 70.6 per cent, the highest ever in the history of Canada. The Right Honourable Paul Martin brought the debt-to-GDP ratio down to 35.1 per cent; so when the Leader of the Government asserted that the Mulroney government inherited the worst debt of any government in the country's history, she was absolutely wrong.

The senator went on to say:

The fact is that the largest deficit in the history of the country was left to the government that came into office in 1984 following the government of Pierre Elliott Trudeau. That is a fact; it is on the record.

That alleged fact is wrong, again using the parliamentary term.

The honourable senator further asserted, in response to a question which I asked, that it was not a fact that the Liberal government inherited from the Mulroney government the largest deficit in the history of Canada.

• (1340)

Once again, the honourable senator was wrong. Since the honourable senator's figures are wrong, and since the honourable senator's assertions were manifestly wrong, and since the honourable senator asserted them as though they were right, I assume that the honourable senator will take advantage of the first opportunity she has to apologize to this chamber.

Some Hon. Senators: Hear hear!

DEBT INHERITED BY MULRONEY GOVERNMENT

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I wish to put on the record the situation inherited by the Mulroney government in 1984. In the 1984-85 fiscal year, the deficit was a record 8.3 per cent of Gross Domestic Product. Nine years later, the deficit had fallen to 5.3 per cent of GDP. In other words, it was reduced by one third, relative to GDP. The major problem faced by the Mulroney government was compound interest on the debt left behind by the Trudeau government. At the time of the 1984 election, the Liberals were borrowing to pay for programs and to pay for interest on the debt.

The Mulroney government brought program spending under control, reducing it from 18.7 per cent of GDP to 16.8 per cent, reversing the Trudeau government's trend of continuing to increase spending at a faster rate than the economy. As a result, the Mulroney government was able to move into an operating surplus by its third full year in office, covering its program costs in each subsequent year, something that had not happened in the

10 years prior to the 1984 election. By 1993, the hard work had been done, and it was expected that the entire budget, not only the operating budget, would be in surplus within five years, which happened.

Much of the Chrétien government's fiscal successes were due to taking \$26 billion out of transfers to the provinces for health and education, and reaping the economic benefits of the GST and free trade. From 2005-06, when our new Conservative government came to office, to 2008-09, spending growth will average 4.1 per cent, almost a full percentage point below the projected rate of economic growth in that period.

WORLD PRESS FREEDOM DAY

Hon. Joseph A. Day: Honourable senators, as parliamentarians, we rely on the national and international media to fulfill a number of essential requirements in our day-to-day activities. First and foremost, the media provides us with the up-to-the-minute information and analyses of events across the globe. We all rely on the information in our BlackBerry's, newspapers and in *Quorum*. Second, parliamentarians need the media to communicate their message to the general public. Third, the media provides a conduit through which public opinion is communicated to parliamentarians. For the Canadian people to be properly informed about what is happening in Canada and around the world, it is essential that we use our positions as parliamentarians to promote freedom of the press and to speak out against individuals and organizations that attempt to obstruct that freedom.

In Canada, journalists struggle with Access to Information requests. When we dealt with Bill C-2, we tried to improve the Access to Information Act to help make the work of journalists more effective. Often, we learn that a story has gone untold because a timely request for information has taken weeks or even months to fulfill. This situation is unacceptable and must be revisited.

Much more troubling, honourable senators, is the fact that violence against the press has increased globally in recent years. In a statement by the Honourable Senator Fraser yesterday, we heard about the number of journalists who have died during the past year. An act of violence against a journalist is an attempt to suppress the truth, and we must do all we can to reverse that trend.

In support of the press, please join with me in acknowledging World Press Freedom Day, which will be celebrated in countries around the world tomorrow, Thursday, May 3.

• (1345)

ASIAN HERITAGE MONTH IN CANADA

Hon. Vivienne Poy: As honourable senators are aware, May is Asian Heritage Month in Canada, and cities from Vancouver to Halifax now hold annual festivals in recognition of the important contributions of Asian Canadians to the settlement, growth and development of Canada, the diversity of the Asian communities and their present significance to this country. Asian Canadians now represent more than 10 per cent of our population, and this number is growing every day due to current trends in immigration.

In December 2001, the Senate played a pivotal role in recognizing May as Asian Heritage Month in Canada by voting unanimously in favour of the motion I proposed. Canadian Heritage then presented an official declaration to Asian Canadians acknowledging their contributions.

Canadians of Asian heritage across the country have seized the opportunity to celebrate their heritage and, at the same time, to educate the mainstream community about the changing face of Canada.

As a grassroots movement, the foundation of Asian Heritage Month lies with its many volunteers who organize and host events. I should like to take this opportunity to publicly acknowledge all the volunteers who have worked so hard.

Tomorrow afternoon, Asian Heritage Month will be formally launched at a reception in Room 200, West Block. On May 14, a film about Douglas Jung, entitled *I Am the Canadian Delegate*, will be shown at Library and Archives Canada. This film marks the fiftieth anniversary of the election of the World War II veteran as the first Chinese-Canadian member of Parliament. The Department of National Defence will be present to join in the celebration. I should like to invite all senators to come out to these events.

The Ottawa Asian Heritage Month Society as well as other organizations across the country will be hosting many other celebrations throughout the month. Please come out and show your support in your cities.

Given some of the recent challenges to multiculturalism, it is crucial that community members and political leaders work together to reinforce the ideals that form such an essential part of our Canadian identity.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to call your attention to the presence in the gallery of a former colleague, Senator Raymond Setlakwe.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

MAY 2007 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the May 2007 report of the Auditor General of Canada, as well as an addendum, consisting of copies of environmental petitions we have received pursuant to the Auditor General Act, between July 1, 2006, and January 4, 2007.

[Senator Poy]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY STATE OF FRANCOPHONE CULTURE IN CANADA

Hon. Maria Chaput: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Official Languages be authorized to study and report on the state of francophone culture in Canada, particularly in francophone minority communities.

That the Committee submit its final report no later than June 20, 2008, and that the Committee retain all powers necessary to publicize its findings until October 31, 2008.

• (1350)

[English]

TEMPORARY FOREIGN WORKER PROGRAM

NOTICE OF INQUIRY

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

I will draw the Senate's attention to the need to review the Temporary Foreign Worker Program in order to ensure that it alleviates the difficulties businesses have in circumstances of legitimate labour shortage, without exploiting foreign workers or undermining Canadian labour.

[Translation]

QUESTION PERIOD

NATIONAL DEFENCE

AFGHANISTAN—TREATMENT OF DETAINEES— CONFIDENCE IN MINISTER

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, our Canadian Forces meet exceptional standards of excellence and professionalism.

My daughter Nathalie served Canada in the air force for 20 years until last year, and I am very proud of that. Honourable senators, many of us have had the opportunity to work with our soldiers, be it watching them train here in Canada or during missions abroad, the most recent of which in Afghanistan. The women and men of our Armed Forces always adhere to standards that meet our expectations as Canadians. They represent our laws, principles and values abroad.

This is why we have been shocked at the allegations that prisoners captured by Canadians in Afghanistan have been abused, tortured or even summarily executed after having been handed over to Afghan authorities. To wash our hands of the fate of these prisoners would go against our values and those

of our Armed Forces. Our government has denigrated our values and let our troops down. We now know that the government had been made aware of the possible abuse, torture or execution of prisoners transferred to Afghan jails. These warnings came from our consular officers in Kabul and several international organizations.

All the while, our Minister of Defence was wrongfully telling us that a monitoring agreement was in place. Then, the Prime Minister said that entering into a new agreement was unnecessary. We were then informed that a new agreement had been entered into after all, only to learn later that this new agreement had not been finalized or concluded. From then on, each new minister who spoke on this issue seemed to have a different story to tell.

My question to the Leader of the Government in the Senate is this: Why does the Conservative government not take appropriate steps to fulfil its obligations under the Geneva Convention and ensure that the rules for handing prisoners over are followed, thereby protecting the good reputation of Canada abroad?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I share the pride of the Leader of the Opposition in our Canadian Armed Forces. My own son has served in the Canadian navy for a number of years. I am very proud of his service in the forces and the good training he received.

With regard to her question in regard to detainees in Afghanistan, these are only allegations. While this government takes these allegations very seriously, I wish to emphasize that they are just allegations.

Before coming into the chamber today, I had an opportunity to see a press conference from Afghanistan where General Hillier was commenting on these very issues. He quite rightly pointed out that our government and officials of our government are following up with Afghan officials, and with the Afghanistan Independent Human Rights Commission on this matter, and will offer any necessary assistance in terms of getting to the bottom of these allegations.

[Translation]

Senator Hervieux-Payette: As we speak here today, I am sure our soldiers have had to risk their lives in Afghanistan. Meanwhile, the defence minister changes his tune concerning the treatment of Afghan detainees. I challenge him to prove to us that all Canadians know what the government's policy is on this. There are two possibilities: either the minister does not have control over this file and therefore cannot give us accurate information, or he has misled Parliament and Canadians about the day-to-day guidelines for our mission in Afghanistan.

• (1355)

Meanwhile, the other ministers in the cabinet are not doing much better. Every time they open their mouths, the story changes. The Minister of Foreign Affairs, the Minister of Public Safety, the House leader, the Minister of Sports and even the Prime Minister have all given different, sometimes even contradictory versions of events and of the policies pertaining to this matter.

My question is very precise. When will this government stop covering up the facts, and give a clear and final answer regarding the measures it plans to implement to protect our soldiers from the lack of political leadership in this file?

[English]

Senator LeBreton: I do not accept the honourable senator's comment at all with regard to the government trying to hide something. There is nothing to hide from. These are allegations.

The previous government did not have an agreement in place with respect to the transfer of detainees until one month before it left office, which was in December 2005.

In addition to the agreement with the Government of Afghanistan, Canada has also recently entered into an agreement with, as I mentioned earlier, the Afghanistan Independent Human Rights Commission. The information we have to date is that these agreements are being respected and are operating as they should.

I can tell honourable senators one thing we will not do — that is, we will not bring Taliban prisoners to Canada, as suggested by the Leader of the Opposition in the other place.

Hon. Mobina S. B. Jaffer: My question is to the Leader of the Government in the Senate.

We can all say that we are very proud Canadians — I am a very proud Canadian. In the past, I have felt the same way because of the moral authority that Canada has shown abroad.

In 1972, Canadians sent planes to Uganda to rescue Ugandans from camps that Idi Amin had set up. Canadians saved us from being tortured. My own husband suffered great harm at the hands of Idi Amin, so I speak from firsthand experience.

My question to the Leader of the Government in the Senate is the following: Why have we given up the standard of not accepting torture anywhere? Why are we now not being careful as to what is happening to Afghans under our responsibility?

Senator LeBreton: The government is not giving up the standard to which the honourable senator has referred. I think the only person that ever talked about torture was a member of the honourable senator's own party, and that person is now the deputy leader, Michael Ignatieff.

I was reading a telling article, the lead editorial, in *Macleans* magazine on this issue. The article is entitled "Protect the Taliban?" I quote:

The relentless search for failure in Canada's mission to Afghanistan continues.

The article goes on to talk about the British Columbia Civil Liberties Association court proceedings.

Honourable senators, the fact is that that is what appears to be happening — "the relentless search for failure in Canada's mission to Afghanistan" — when, in fact, we all know it is a difficult mission.

As General Hillier pointed out today, there are genuine success stories in Afghanistan. The Canadian military, CIDA and the many people working in Afghanistan as part of the UN-sanctioned NATO mission can be very proud of Canada's efforts there. We are making a difference in Afghanistan, and we should be celebrating successes and not looking for failures, as *Macleans* magazine points out.

Senator Jaffer: I am saddened. I know of the government leader's history and her compassion. As a colleague of the honourable senator's, I say to her that I know of torture. My family deals daily with the tragedy of what it means to be tortured, even 30 years later.

I am saddened that the government leader did not answer my initial question, but I have a further question for her.

Why are adequate agreements, as have been reached by our allies in this area, not being reached? Why are we not doing the same thing our allies are doing when detaining Afghan people?

• (1400)

Senator LeBreton: I did answer the honourable senator's question. I said that the government does not condone torture. Absolutely nothing has been said or done that would lend credence to the honourable senator's statement. However, that does not in any way undermine the legitimate concerns she has because of her own personal experience.

The fact is that Canada is part of NATO in a UN-sanctioned mission in Afghanistan. We are making a difference. These are allegations only. As the head of the NATO command in Afghanistan said the other day, they, like all NATO countries, are concerned about these allegations.

Hon. Elizabeth Hubley: Honourable senators, my question is for the Leader of the Government in the Senate. The Minister of National Defence has the responsibility under international law for handling transferred detainees. Having said that, it is clear the minister should have followed up on the allegations of prisoner abuse immediately. Instead, he misled Parliament with mistaken information and claimed he had no evidence of potential abuses. He then turned an about-face and said that he had been assured allegations were being taken seriously, and that he had a new agreement, even when one was not in place. He now has a full-blown scandal on his hands and has become all but silent on this important issue.

Can the minister tell us whether she thinks Canadians and, more important, the men and women in our Canadian Forces, can have confidence in this Minister of National Defence?

Senator LeBreton: I thank the honourable senator for the question. Of course, Minister O'Connor is an outstanding Canadian citizen. He served in the military for many years before offering himself for public office. If honourable senators will recall, the minister gave a full apology for inadvertently providing inaccurate information on the roles and responsibilities of the International Committee of the Red Cross with respect to detainees turned over by Canadian authorities, but the minister has been forthcoming and has worked hard with the military officials to get to the bottom of these allegations.

[Senator LeBreton]

I do not think anyone would question his commitment to this country, first in his career in the military and now as the Minister of National Defence. It is well understood that he has provided the Department of National Defence, through the actions of this government, with tools, equipment and training that were sorely lacking. He has done a great job since last year in running the Department of National Defence.

Senator Hubley: Honourable senators, the Minister of National Defence has repeatedly changed his story. This was not one allegation; this was not an isolated incident. There were 30 Afghan detainees mentioned in regard to abuse, as part of their handling by the Afghan authorities, and an internal report of the Department of Foreign Affairs and International Trade that highlighted major concerns of torture, abuse and even extrajudicial executions in Afghan jails.

The minister has shifted his story repeatedly. Can the minister assure the Senate, and again our Canadian Forces, that an agreement is in place with a new protocol to process Afghan detainees so that we can have some confidence again that this government is handling this situation correctly?

Senator LeBreton: Honourable senators, we, as a people in this country and as a government, have our military forces in Afghanistan as part of a UN-sanctioned, NATO-led mission. They are working hard. They deserve our full support and they are getting it, including that of the Minister of Defence and the Chief of the Defence Staff, but when honourable senators speak of allegations, these are still only allegations. None of the allegations of these so-called 30 people who are apparently making them has been borne out.

• (1405)

I point out again to honourable senators that at this time, four investigations are looking into the allegations of abuse made earlier this year: The Canadian Forces National Investigation Service, a board of inquiry and two investigations of the Military Police Complaints Commission. It would do a great service to our men and women in uniform in Afghanistan, their support groups back in Canada in the persons of their families, the military and Canadian citizens to await the results of these investigations before we start adding further unproven allegations.

Hon. Gerry St. Germain: Honourable senators, the allegations that we would condone this type of behaviour diminish the high degree of proficiency and excellence that exists in our military. I know Senator Jaffer's family.

Some Hon. Senators: Question!

Senator St. Germain: The honourable senator knows my position in treating people fairly.

Some Hon. Senators: Order!

Senator St. Germain: Did I touch a nerve? I do not know.

The questions that have been directed to the Leader of the Government in the Senate diminish the excellence of our military, and I believe it is paying a price for this, a price they should not be paying, because reports are based on innuendo and allegations. Those of us who have been to Afghanistan know how tough it is.

Does the leader feel this takes away from our military personnel?

Senator LeBreton: I thank the honourable senator for the question. I agree that it takes away from the efforts of our military, as does General Hillier, who, in his live news conference from Afghanistan earlier today, used colourful language to say how the military felt about it.

Hon. Jane Cordy: Honourable senators, I believe that what takes away from our military is the incompetence of the Minister of Defence, standing on his feet, giving different stories every day that Parliament is in session. Four ministers have given different stories, five if we count the Minister of Defence. We have had 12 or more different stories as to what is happening about these allegations.

Why can she not tell the truth? Why can she not let Canadians know what is going on? If this government feels so strongly about the competence of the Minister of Defence, why is he not allowed to rise in the House of Commons to answer questions?

Some Hon. Senators: Hear, hear.

Senator LeBreton: Honourable senators, as usual here in the Senate, we are a little bit behind the curve, and I wish to inform the honourable senator that Minister O'Connor was in the House yesterday and answered questions.

Hon. Terry M. Mercer: Honourable senators, it is like it is here with the Minister of Public Works and Government Services. He is not allowed to get up unless someone gives him a tap with their left foot and says it is okay.

My question deals with the report published in *The Globe and Mail* last week with respect to this issue. Canada's "growing-old" government at first denied such a report existed. When it was finally released under an access-to-information request, it was heavily blacked out. The report now has been referred to the Information Commissioner because there is a concern that some sections were blacked out only because they were politically embarrassing. That matter is serious in its own right. The report revealed that the government knew our officials in Afghanistan had concerns about torture in Afghan jails. Yet, they have continued to say there is no credible evidence such abuse is taking place.

• (1410)

My question to the Leader of the Government in the Senate is simple. Does the honourable senator believe her own government officials would raise such serious issues and concerns unless they felt they had credible reasons to do so, or is the minister saying that Canada's growing-old government does not trust its own officials?

Senator LeBreton: Honourable senators, this question, of course, relates to the issue of Afghan detainees. I have some sympathy when I look across at Senator Eggleton, because he dealt with this issue as the Minister of Defence when he was in government.

With regard to the issue of the blacked-out part of the Access to Information Act request, as government and opposition members know, when it comes to the information provided on these access

requests, lawyers for the government in the bureaucracy make decisions on what information is sensitive and therefore should not be accessible to the public. There is nothing more and nothing less than that.

Senator Mercer: Honourable senators, my question is quite simple. Does the minister believe that the officials who raised these concerns were credible or not? That is, does she or does she not believe the officials that she so quickly hides behind?

Senator LeBreton: Honourable senators, I will not respond to that question. I need only refer the honourable senator to today's *Globe and Mail*, which seems to have pinned their new masthead to this story that they continue to follow. If one looks at their story today, however, they are now claiming that this is a battle between officials and bureaucrats in the Department of Foreign Affairs and the Department of National Defence. That is what they are saying in their report.

In terms of a newspaper report in *The Globe and Mail*, I tend to take the advice of a former minister in the Chrétien government, the Honourable Sheila Copps. When she talked about newspaper headlines, she always reminded people that newspaper headlines today are the wrap for tomorrow's garbage.

Hon. Rod A. A. Zimmer: Honourable senators, my question is to the Leader of the Government in the Senate. The government has repeatedly changed its story on the treatment of detainees in Afghanistan. We have seen confusion on the issue of monitoring detainees, disinformation on whether Canada is funding the Afghan Independent Human Rights Commission, and a lack of acknowledgement of the existence of a foreign affairs report. The Minister of Public Safety told us that Corrections Canada had been involved in the monitoring of detainees, but it appears he did not have his facts correct.

Honourable senators, when will we have confidence that the government has control over this issue and when will Canadians get the full picture of what is really going on?

Senator LeBreton: Honourable senators, I believe this place and people in the Canadian public who are concerned about this can have every confidence that the government takes this issue seriously and is dealing with the proper authorities. Minister Day has also heard the rumours from Corrections Canada. Again, I point out these are only rumours and allegations. The proper steps are being taken to look into these matters and to arrive at a reasonable resolution, but there is no proof as yet that any of these allegations are true.

• (1415)

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate. If this lack of clarity continues, Afghanistan will turn into our Vietnam. It does a tremendous disservice to our troops on the ground. The answers have not been clear today. There are no answers as to why we are there, what we are doing and how long we will be there. These are simple questions. We need the government to be clear on this matter.

With all of this controversy, how long can we expect Minister O'Connor, the former defence lobbyist, to survive in his job?

Senator LeBreton: Honourable senators, obviously Minister O'Connor does not have the same job security as Senator Munson has, as a former communications director to a prime minister.

However, we are in Afghanistan; originally we were in Kabul. The decision to send our troops into a more dangerous theatre in Kandahar province was made by the previous government. As Senator Andreychuk always points out, Afghanistan is a UN-sanctioned NATO mission. We are in a more dangerous part of Afghanistan, but there are some true success stories in Afghanistan. We focus on this dangerous area along the border of Pakistan. There are many parts of Afghanistan, including Kabul, where we were before the previous government made the decision to send us to Kandahar, with some real success stories.

We cannot predict, in 2007, what the progress will be in Afghanistan in 2009. We have committed ourselves to being there until 2009. At the appropriate time the government will put before Parliament the facts as they are at that time and Parliament will make the decision.

I can say with great certainty that now that our troops are in this dangerous theatre, at least they have a Minister of Defence and the government as a whole that are prepared to properly equip them and give them the resources they need to do the job, which was something they did not have before.

Senator Munson: Honourable senators, I expect that I will be here serving my country for 14 more years. I will be here and the Honourable Leader of the Government in the Senate will be gone.

Does the honourable senator know where Osama bin Laden is?

Senator LeBreton: The only part of the honourable senator's question that actually makes any sense at all is that he will be here longer because I am older.

Senator Munson: That is enough, mom. Thank you.

Hon. Yoine Goldstein: Honourable senators, our troops on the ground in Afghanistan are put in harm's way on a daily basis. The Taliban have promised new attacks; our own forces are planning fresh offences against Taliban forces.

Meanwhile, in Ottawa, this government has allowed itself to become embroiled in political turmoil that has undermined political and public confidence in the mission. Instead of listening to calls for clarity on the mission, and doing what is necessary to regain control, the government casts aspersions on the opposition and tries only to save its own political face.

Continuing to deny that things have spun out of control on this issue, as we have heard today, will only cause the government more political grief at a time when our troops need a strong, focused leadership. Will the government simply and finally admit to the mistakes and start correcting them instead of denying the problem and attempting to cover it up?

While I am on my feet and speaking of denying problems, earlier I was talking about deficits; the honourable senator spoke about spending. My figures come from the Parliamentary

Information and Research Service. I do not know where her figures come from, but I think one thing she said yesterday was true when she said, "I am not an economist."

• (1420)

Senator LeBreton: Honourable senators, I think I had better get the transcript of that question.

First, this government has clearly demonstrated our support for our troops in Afghanistan. We have made sure that the military is properly equipped and we have done a great deal to restore the credibility of our military in the eyes of our fellow countrymen. We support them and we have regained respect in the world for our willingness to support our military.

With regard to the situation of the detainees, I will repeat what I said before. Our officials are following up with Afghan officials and with the Afghan Independent Human Rights Commission on this matter and will offer any necessary assistance in terms of getting to the bottom of these allegations.

The previous government did not have an agreement in place on the transfer of detainees until one month before it lost power in December 2005. Honourable senators will remember that at the time the issue of transferring detainees was the uproar in some newspapers in regard to the Department of Defence transferring prisoners to the Americans. This caused the government of the day to come up with the policy of transferring prisoners to Afghan authorities.

With regard to the second part of the question on the calculations, mine were from the Department of Finance. They were calculations which I got probably around 1993 or 1994.

[Translation]

POINTS OF ORDER

Hon. Eymard G. Corbin: Honourable senators, I would like to draw your attention to the provisions of section 22(4) of the *Rules of the Senate*.

[English]

Rule 22, paragraph 4 states:

When "Senators' Statements" has been called, Senators may, without notice, raise matters they consider need to be brought to the urgent attention of the Senate.

Further in that paragraph, which I shall not read completely:

... a Senator shall not anticipate consideration of any Order of the Day and shall be bound by the usual rules governing the propriety of debate. Matters raised during this period shall not be subject to debate.

I do not wish to sound like a born-again Christian, but during Senators' Statements today we had what was obviously a continuation of the matter raised by Senator Goldstein, which reflected a debate that occurred during Question Period yesterday and which continued in Question Period today.

I thoroughly enjoyed the facts put forward by Senator Goldstein, and I enjoyed the response by the Leader of the Government in the Senate, but I think the whole matter is totally out of order. Senators' Statements does not provide for that kind of exchange in the rules.

I believe that there are precedents dealing with that matter and therefore I would ask Your Honour to rule on that matter in order to clarify the subject. Otherwise, the purpose for which we have instituted Senators' Statements will be totally left aside. Indeed, our rules provide a number of occasions in which to raise such matters besides Question Period where the debate originated. There are motions.

[Translation]

Inquiries and debates in general provide senators with an opportunity to express their views and discuss issues. Therefore, I wish that we would preserve the purpose of the period provided for Senators' Statements by excluding debates such as the ones that we heard today. Even though I thoroughly enjoyed these exchanges, I feel that they should not take place at that time.

• (1425)

I would like to raise another issue. Yesterday, the Speaker of the Legislative Assembly of New Brunswick instituted a trial period to banish the BlackBerry during the assembly's sittings. In my opinion, this should be more than a trial period and the BlackBerry should simply be banned in the Senate chamber. Again today, the sitting has been disrupted because of the interference caused by these devices.

New Brunswick is a pioneer in many areas. It was, for example, a leader during the remarkable effort that led to the Confederation of Canada. I think that Your Honour could follow the fine example set by New Brunswick and, on a trial basis, ban the BlackBerry in the Senate chamber.

[English]

Hon. Terry M. Mercer: Honourable senators, I want to talk about Senator Corbin's last comment, particularly about the BlackBerry smart phones in this place. In today's modern world, those of us who are trying to communicate with each other, with people across the country and with people in the areas that we represent need to use every modern mechanism possible.

The other day, as I was watching the debates in the House of Commons, I happened to notice a laptop on the desk of one member of the House of Commons as he was giving his speech. Behind him was another member who had his laptop before him and who was working away, probably either doing his email or —

Senator Stratton: You can do that here.

Senator Mercer: There is a way around this problem. If this place were properly wired — if the Internal Economy Committee and Senate staff would do a little investigation, a solution to the interference of the BlackBerry with the sound system would not be difficult to overcome.

Great technology is available in this country. The BlackBerry was invented in Canada. If senators leave their seats and go outside of the chamber to use their BlackBerry — we have a hard enough time keeping quorum on some days. In my mind, we

would be better off trying to find a way to keep senators in their seats. What we should be seeking is a way to enable senators to use a BlackBerry and/or laptops in this place. The Legislative Assembly of the Province of New Brunswick would be wise to do the same.

[Translation]

Hon. Joan Fraser: Honourable senators, Senator Corbin raised two points. On the second point, with which I personally agree, I want to pay tribute to the beautiful province of New Brunswick and to the wisdom of the Speaker of its legislative assembly.

I doubt, however, that it is realistic to think that we could ban the BlackBerry in the Senate chamber. His Honour issued a ruling, of which he has reminded us on numerous occasions. The problem is with one specific brand of BlackBerry. There are two types of BlackBerry service and it seems that one of them is interfering with our sound system. It would be very helpful if honourable senators would at least use only the service that does not pose a problem.

[English]

On his first point of order, although I always hesitate to take issue with Senator Corbin on these matters, in this case I do.

Senator Corbin: You are taking a big risk.

Senator Fraser: I am well aware of that.

• (1430)

Rule 22(4) states:

... Senators' statements should relate to matters which are of public consequence and for which the rules and practices of the Senate provide no immediate means of bringing the matters to the attention of the Senate.

It is of public consequence that Senator Goldstein believed that the Leader of the Government had brought, intentionally or otherwise, an incomplete version of the facts before us, facts which relate to important matters, the budgetary situation of the Government of Canada and its impact on the Canadian economy.

I suppose that Senator Goldstein could have chosen to raise a question of privilege about this matter. In my view, he chose a far more appropriate and senatorial way to address it, which was to make a statement drawing the errors in question to our attention. The matter is not on the Orders of the Day for consideration later, so there was no anticipation of what we were to discuss anyway. In my view, Your Honour, what Senator Goldstein did, *pace* Senator Corbin, was entirely in order.

Hon. Tommy Banks: Speaking to the second part of the point of order, because I would not presume to speak to the first part, I rarely disagree with Senator Mercer but, in this case, I do. This place is not your office and this is not my office. This place is a chamber of debate. This is a legislature. I agree not only with what Senator Corbin said, but also with Senator Fraser's intervention that we should not only stop using the BlackBerry, that interferes with the electronic system

and causes noise, but also stop using the BlackBerry altogether because they interfere with my attention to what you are saying and with your attention to what I am saying.

If we have office business to conduct, we should go to our respective offices. This place is a chamber of debate, decision and legislature. I am opposed to the use of the BlackBerry in this place, Senator Mercer, and I am opposed to those other horrible things.

The Hon. the Speaker: I have heard enough to make a ruling on the point of order of the Honourable Senator Corbin. Pursuant to the *Rules of the Senate*, the Speaker determines when he or she has heard enough on a point of order. On the first part of Senator Corbin's point of order, he correctly reads the rule that governs what is appropriate for statements during the time for Senators' Statements.

Senator Fraser has parsed correctly what has transpired. I looked at today's Order Paper and found nothing indicating that what Senator Goldstein said anticipated anything on it. However, Senator Corbin was correct in saying that statements cannot concern matters that are on the Orders of the Day.

With reference to the matter of electronic devices in the chamber, there was a ruling of the Speaker on May 16, 2006. That ruling was not appealed, which means it has the agreement of this house and it is categorical. The *Rules of the Senate* provide that electronic devices, which create a disturbance, not be brought into the chamber.

In this chamber, I have heard, as other honourable senators have heard, bells and other sounds go off. Having such electronic devices here is contrary to the *Rules of the Senate* and to the Speaker's ruling. The matter has been decided. Some honourable senators might wish to refer this problem to the Rules Committee for review in the light of changing technology, et cetera, including better microphones. Even when particular kinds of BlackBerry are turned off, the wavelengths continue. Not all of the microphones in the chamber have been changed, and that is why, even when the devices are turned off, the signal comes through and causes static.

Honourable senators, that is my ruling.

[Translation]

ORDERS OF THE DAY

BILL TO AMEND CERTAIN ACTS IN RELATION TO DNA IDENTIFICATION

SECOND READING—DEBATE ADJOURNED

Hon. Pierre Claude Nolin moved the second reading of Bill C-18, to amend certain acts in relation to DNA identification.

He said: Honourable senators, today I am very pleased to discuss Bill C-18 to amend certain acts in relation to DNA identification.

[Senator Banks]

This bill has an unusual background and it is highly technical. Before discussing the provisions of the bill and explaining why I feel it is important to pass it, I would like to remind you, honourable senators, of how the use of DNA can help Canada's criminal justice system.

The police and prosecutors have had access to DNA evidence since the late 1980s and early 1990s. However, it was not until 1995 that the Criminal Code was amended to allow a judge to order a person to provide bodily substances for genetic analysis, a provision that members of the Supreme Court of Canada have unanimously declared constitutional.

Then, in 1998, Parliament passed the DNA Identification Act and amended the Criminal Code to make it possible to collect samples of bodily substances from convicted offenders for genetic analysis and to create the national DNA data bank.

At the time, Canada was — and, I am certain, still is — a leader on this issue. At the time, very few countries had such DNA data banks. Of course, in 1998, this was innovative legislation, and it would have been unrealistic to expect it to work perfectly. We were pioneers.

Even before the legislation came into force, a number of problems were identified. That is why, in 2000, Parliament passed Bill S-10. Throughout my speech, I will refer to the legislation by the bill number. I think that will make it easier for honourable senators who participated in the debates on those bills to recall them.

Bill S-10, adopted in 2000, made many technical changes. It extended the DNA system to the National Defence Act and provided for a review of the DNA legislation five years after its entry into force on June 30, 2000.

I would like to kindly point out, honourable senators, that this statutory review has not yet taken place and that it has now been delayed by almost two years. I hope we will go ahead with it.

In 2002, the Department of Justice undertook consultations in order to address several significant problems discovered in the first two years of implementation.

• (1440)

This consultation was not intended to replace the planned five-year review to which I just referred. However, due to the elections which took place, it was not until May 12, 2005, that we learned of the results of this consultation. Bill C-13, to amend the Criminal Code, the DNA Identification Act and the National Defence Act, was adopted in the other place after major amendments were made in committee.

Unfortunately, this bill was reviewed quickly in the Senate because an election was imminent.

On May 19, one week after it was adopted in the House of Commons, Bill C-13 was passed at second reading, studied for only half a day, went on to third reading and received Royal Assent.

Bill C-13 became Chapter 25 of the Statutes of Canada, 2005, but I will continue to refer to it as Bill C-13. As I make my presentation, you will understand why I am referring to this bill and why it is relevant to our examination of Bill C-18.

Some provisions of Bill C-13 came into effect when it received Royal Assent, including the expansion of the retroactive scheme.

Federal officials and their provincial colleagues began preparing for the proclamation of the remaining provisions of Bill C-13 once the bill was adopted.

A review of the provisions revealed technical problems that had to be addressed before proclamation, as well as procedures that had to be modified to improve effectiveness and lower costs.

In November 2005, Bill C-72 was introduced to make the changes officials had recommended. When Bill C-72 unfortunately died on the Order Paper, the Department of Justice immediately organized a two-day meeting in Toronto for police, prosecutors and corrections staff to take an in-depth look at Bill C-13 and Bill C-72.

As a result of that meeting, further changes were recommended. Bill C-18 contains the amendments proposed in Bill C-72, as well as the other changes recommended by officials.

I need hardly remind you, honourable senators, how useful the National DNA Data Bank is to police.

As of March 26, 2007, this bank had assisted police with investigations by matching DNA profiles found at crime scenes with the DNA profiles of 6,829 convicted offenders and matching 1,808 crime scene profiles with other crime scene profiles.

The bank has become even more useful with the increase in the number of profiles of convicted offenders and crime scene profiles. In 2005-06, the data bank made 1,900 matches between crimes and convicted offenders and more than 1,000 matches between crimes and other crimes.

As I said, some provisions of Bill C-13 came into force at Royal Assent, but most of them still have not come into force. Those honourable senators who have access to the Criminal Code will see that these provisions are in grey, indicating that they still have not come into force.

The following are the main improvements made by Bill C-13 that still have not come into force: allowing courts to make DNA data bank orders against a person who has committed a designated offence but who was found “not criminally responsible by reason of mental disorder”; adding Internet luring of a child, uttering threats, criminal harassment, and “criminal organization” offences to the list of designated offences; moving “robbery” and “break and enter into a dwelling house” and child pornography related offences from the list of secondary offences to the list of primary designated offences in order to increase the probability that a court will make a DNA data bank order; creating a new category of 16 extremely serious offences for which the courts will have no discretion whatsoever and must make the order; broadening the definition of secondary designated offences for the purposes of DNA data bank orders to cover all offences under the Criminal Code or the Controlled Drugs and Substances Act that are punishable on indictment by five years or more; including now-repealed sexual offences — among others, indecent assault male, indecent assault female and gross indecency — in the list of sexual offences designated by the retroactive provisions; simplifying the effective taking of bodily

substances of offenders on release who are subject to a DNA data bank order, by creating a procedural mechanism compelling the offender to appear at a certain time and place to provide a DNA sample; and finally, Bill C-13 proposed, although this is still not in force, ensuring that an offender’s DNA profile remains in the data bank until the order against him has been rescinded.

It is therefore important for Bill C-13 to come into force soon.

Bill C-18 will greatly improve Bill C-13 in many regards and it will also make it simpler to implement.

I will explain the main changes proposed in Bill C-18. I have already outlined the significant changes made to the offences covered by the scheme proposed in Bill C-13.

Bill C-18 simplifies the wording, but the offences remain unchanged. It corrects the numbering of provisions and specifies that the new provisions apply to individuals sentenced after Bill C-13 came into force for an offence committed before the said bill came into force.

One of the new provisions in Bill C-18 would allow a court to set a date within 90 days after the day a person is sentenced to consider making a DNA sample collection order.

It is believed that one reason why the DNA data bank does not contain as many samples from convicted offenders as was expected at the time when the act was passed in 1998 is that busy courts and prosecutors do not worry about making such orders until it is too late. Under the provisions of the new legislation, the authority to collect bodily substances has to be granted at the time of sentencing.

Giving prosecutors 90 days to review their files should allow them to submit applications for many cases which currently fall through the cracks of the system.

One provision in Bill C-13 that is now in force allows an order to be made retroactively with respect to offenders convicted of a single murder, sexual offence or manslaughter prior to June 30, 2000, instead of requiring that the individual be found guilty of two murders or two sexual offences committed at different times.

- (1450)

Bill C-18 would add attempted murder and conspiracy to commit murder to the offences covered by the retroactive provisions. Furthermore, Bill C-18 would allow for hearings to be held retroactively when the individual is still serving a sentence for one of the designated offences, instead of requiring that individual to serve a sentence of two years or more.

Bill C-13 allows judges to set a date and time for the collection of bodily substances and provides for the issue of an arrest warrant when an individual fails to report for collection.

Bill C-18 specifies that failing to report for the collection of bodily substances is an offence and that the warrant may be executed anywhere in Canada. It also allows a law enforcement agency to authorize another law enforcement agency to carry out the collection of bodily substances in its place. Such a measure should facilitate the execution of the order authorizing the taking of bodily substances and result in a greater number of profiles in the data bank.

Bill C-18 would simplify the procedure for resolving cases where orders appear to have been issued for offences not designated under the law. It would allow the Governor General to confirm that the order is invalid, rather than having to take the matter to a court of appeal to have the order revoked.

Honourable senators, Bill C-18 contains many other changes to the wording, as well as technical changes. It contains some 50 clauses. It is a rather technical bill.

I am certain that, when the bill is referred to committee, the minister and departmental officials will be able to answer any questions the committee members may have on these changes and on how Bill C-13, as amended by Bill C-18, will improve the system.

Honourable senators, I have simply tried to show the general nature of the changes proposed in this bill. You will have noticed that there are some slight substantive changes and that most of the bill consists of technical improvements to the current system.

Honourable senators, I urge you not to delay in giving your approval at second reading so that we can quickly refer this bill to committee for consideration, and all our colleagues who have been interested in a DNA data bank for more than 10 years will be able to take the necessary time to question officials and experts who can provide information on the need for such legislation.

Hon. Serge Joyal: First of all, I would like to thank Senator Nolin for his speech. Many senators from both sides, in particular Senator Andreychuk, spent hours debating this issue many years ago, when the first bill was introduced.

When we made amendments to the National Defence Act a few months ago, the same members of the committee again found themselves looking at this issue. The corporate or institutional memory of the Senate is useful when a bill has to be reviewed five years after its passage. Some of the participating senators may remember testimonies or commitments that were made.

The honourable senator was completely right when he said that the DNA data bank was very useful.

[*English*]

The result of an investigation into the autopsy led to a Toronto hospital whereby the doctor who conducted that autopsy was found responsible for wrongfully reporting, which was later connected to wrongful convictions. If DNA results would have been available at that time, there would, of course, have been a different result. There are clear, recent examples that provide a good illustration of the proposal of Senator Nolin.

I wish to come back to one of the issues very present in the minds of Canadians. That is, a recommendation that the Auditor General of Canada made in her report, which was tabled in both chambers yesterday. One of the key issues the Auditor General pinned in her investigation is the quality of DNA analysis. I will read the terms so that I can be precise in my question to the honourable senator.

She cites quality issues and the backlog of DNA analyses as run by six RCMP labs, which of course result in unacceptable consequences. That means people who are guilty are still free to walk the streets and people who might be found guilty may not have the benefit of a quick answer to the analysis. The backlog

[Senator Nolin]

has increased throughout the years instead of being reduced. Analysis time has increased from 50 days to 91 days to 114 days. Therefore, we are not on a path of solving the issues, we are on a path of increasing the problem.

I wonder if the honourable senator, who is very concerned about these issues, can confirm to us that we will have an opportunity to review the bank's management plans.

Honourable senators may remember that the RCMP Commissioner appeared to describe his commitment in managing the bank in an efficient manner with the cooperation of provincial and other police forces in Canada in order to improve the justice system. Of course, the conclusion of the Auditor General has led us to conclude that, in fact, it is the other way around.

[*Translation*]

Senator Nolin: When I read the report yesterday, I, too, thought it was quite a coincidence. I was expecting this question to come up. Nothing would please me more than to join those demanding a thorough review of the shortcomings. Bill C-13, which we have already considered, included a number of changes to the work we did in 2000, but we spent only half a day on it. We did not have enough time. Many people on both sides of this chamber had questions. From 2000 to 2005, people in my party raised a lot of questions about the wisdom of giving the RCMP the authority and the means to process the samples. Is the RCMP able to process them quickly enough to ensure efficient police investigations? The Auditor General's report suggests that it might not.

We have to look at that. Bill C-18 resurrects amendments in Bill C-13 that were not put into force because federal and provincial officials found that the legislation required amendments to make it more effective. We can use what the Auditor General told us yesterday and the material in Bill C-18 to enhance the quality of work in this regard. I am certain we will find answers. If we have to improve the statutory element of this enormous task of maintaining an effective data bank to find good solutions, we will make amendments and study possible solutions.

• (1500)

Senator Joyal: Honourable senators, I know that other senators wish to participate in the debate and the honourable senator has identified the source of my concerns. The situation is such that we must arrive at the conclusion that the laboratory that supplies the DNA bank is experiencing serious delays. This situation raises serious questions about how it is managed. We will perhaps have to consider that we must review, the manner in which progress has been made, in a reasonable period of time and, as the honourable senator said, in accordance with the legislation.

I believe that the best way for Parliament to carry out this responsibility is to not always wait until there is a huge problem but to check, at regular and reasonable intervals, that the goals have been achieved. That is what allows us today to look at the system as a whole and to draw appropriate conclusions to ensure that the service operates as it should.

I would invite the honourable senator to consider the possibility that we include in the bill the statutory review enabling us to note the positive results as well as any problems we should examine in order to find reasonable solutions.

Senator Nolin: I wish to eliminate any redundancy. The framework legislation that established the data bank provides for this five-year statutory review and it was the Senate that made this amendment. The problem is that a statutory review was not carried out after five years. Seven years have now elapsed. We will be considering Bill C-18. I am convinced that the leaders on both sides of this chamber would be satisfied if we were to propose, in the near future, that we initiate the statutory review. Will we have the time while we are studying Bill C-18? I do not believe so. But I do believe that we must use all necessary means to do so, in order to have a long-term view of what was done and what we would like to see happen in order to improve the bank.

Bill C-18 seeks to correct some of the shortcomings. Should this replace the statutory review? No, but I believe that bill C-18 is a step in the right direction.

[English]

Hon. Larry W. Campbell: Honourable senators, I support this bill, but I find myself in the position of having to defend my former colleagues in the RCMP. It seems to be that now is the time to kick the horse when it is down.

I bring to the attention of all senators that the RCMP lab is not only responsible for DNA testing, but also virtually all forensic scientific testing in this country, which ranges from document examination, to firearms and to THC content in marijuana. Over the past three to four years, this lab has analysed a million samples from just the Picton trial, which involves the death of women in British Columbia.

Nowhere in this report does it say that we cannot trust the RCMP analysis, and I think any suggestion of that is wrong and should be changed. It does say that there are problems with the timing, and there is no question about that. Since 1969, there have been many problems because government has never funded this lab properly, and that includes all governments since 1969.

DNA analysis is a cutting-edge industry and the testing process and the scientific basis is continually being upgraded. I beg honourable senators not to shoot the messenger. In fact, this is the place where we should have one central repository in Canada. The Vancouver police department, which is the third largest police force in Canada, does not have its own labs. All of the testing goes to one central location.

All evidence analysis operates on a priority basis. If you come in with evidence on a break and enter, and then I come in behind you with evidence on a murder, yours goes down the list and the murder goes on the top.

I totally support this bill. It is an important part of keeping Canada and our citizens safe. I urge honourable senators, when we study this bill, to recognize that DNA analysis is an expensive process and we must put the money into it to get the best result out of it.

Senator Nolin: There is definitely a question included in that statement. We will definitely do what the honourable senator suggests. Our job is not to demolish what we helped to build; our job is to make it better. The Auditor General's report is only an element of the inquiry that the committee will undertake.

The honourable senator raises the fact that we have cutting-edge technology in terms of DNA research, and we want to continue that. We want the statutory support to be cutting edge as well, and that is exactly what we are aiming at.

Hon. Lorna Milne: Honourable senators, Senator Nolin may have already answered my question. As he said, it has been seven years since the Standing Senate Committee on Legal and Constitutional Affairs had a crash course in DNA testing. There have been enormous advances made in DNA testing in those seven years. Analysis now requires a much smaller sample. The entire testing process is much shorter than it was then, and the accuracy of the results is much better.

Does this bill take any of that into consideration? To the knowledge of the honourable senator has the DNA bank — it may well be that Senator Campbell can answer me — amended any of its procedures to take that into consideration?

Senator Nolin: I thank the honourable senator for her question. A few clauses of the bill do exactly what she suggests. I will give one example without referring to the clause for the sake of the discussion we are having.

Since we began this process, other countries have created their own banks. Police forces from our country and those countries exchange information from time to time for the sake of solving crimes. We have problems because we are too advanced or our technologies are different. This bill will try to give our police forces the capacity to compare our bank with other banks. The advancements in technology are at the heart of some clauses of this bill. Definitely, the answer to the question is yes.

On motion of Senator Trenholme Counsell, debate adjourned.

• (1510)

INCOME TAX ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Johnson, for the second reading of Bill C-294, to amend the Income Tax Act (sports and recreation programs).
—(Honourable Senator Mahovlich)

Hon. Francis William Mahovlich: Honourable senators, it is my pleasure to rise today as the seconder of Bill C-294, to amend the Income Tax Act.

The purpose of this bill is to allow an exclusion from taxable income for certain allowances in respect of board and lodging for amateur athletes. As always, honourable senators, I am pleased to support any initiative that helps Canada's amateur athletes.

I have experienced first-hand how challenging it can be to fulfil the financial demands of competing as an amateur athlete in Canada. When I was an amateur athlete, I was fortunate enough to be able to stay at St. Michael's College School in Toronto. However, I recognize the critical role that lodging allowance plays in helping these athletes.

Furthermore, I feel it is important that we recognize the families that volunteer their time and open their doors to amateur athletes as host families. Without lodging allowances, and the kindness of host families, Canada's amateur sport would be crippled. This is why it is so important that we, as parliamentarians, do as much as we can to support these athletes and lift the financial burden that they bear.

This bill does two things. First, it will allow individual athletes under the age of 21 to exclude, from taxable income, a reasonable lodging allowance up to \$300 a month from their non-profit teams. Furthermore, if the lodging allowance is paid by a non-profit team on behalf of the athlete to an individual such as a host parent, that individual will also be allowed to exclude up to \$300 from their taxable income.

While I support the objective of the bill, I cannot help but highlight the same questions my honourable colleagues have raised.

First, how far does this bill go in helping amateur athletes in Canada? Bill C-294 targets athletes under the age of 21. It is likely that well over the majority of these athletes do not earn an amount over the personal income tax exemption rate and, as such, cannot benefit from this personal exemption. Furthermore, as my honourable Liberal colleague pointed out, it appears that the Canadian Revenue Agency currently allows host families receiving monthly allowances from non-profit teams to declare the allowance as non-taxable income.

[Translation]

Honourable senators, again I ask, how many Canadians will benefit from this bill?

[English]

Third, I draw your attention to the question that the Honourable Senator Cordy asked yesterday. Is the bill specific to tier-two hockey or is the bill for any athlete, male or female, who pays board and resides in another part of the country?

Without putting words in Senator Cordy's mouth, I suspect she was getting at the fact that the government's intended application of the bill appears to place greater value on tier-two hockey than on other sports in Canada. The text of the bill is currently broad enough to include all amateur athletes, but failure to include a definition of "athlete" may allow its application to be limited to tier-two hockey players.

Honourable senators, while I, as much as anyone else, understand the key cultural and historical importance of hockey in this country, I still think that this bill should apply to Canadian athletes participating in any amateur sport in Canada.

[Senator Mahovlich]

Therefore, I urge the committee studying the bill to consider including a definition of "athlete" broad enough to address this concern. In allowing all amateur athletes in Canada to benefit from this bill, Parliament would send a clear message that all sports are important to the development of future generations.

Despite my concern that Bill C-294 might not do enough for amateur athletes, I am pleased to support its passage and urge all colleagues to do the same. At the least, this bill shows Canadians that parliamentarians are aware of the financial burden that amateur athletes bear, and may provide some new relief to a small number of Canadians.

In closing, I urge the federal government to continue in the spirit of this private member's bill and to introduce further initiatives to encourage and support amateur athletes in Canada.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: When shall this bill be read the third time?

On motion of Senator Tkachuk, bill referred to the Standing Senate Committee on National Finance.

STUDY ON CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE

REPORT OF HUMAN RIGHTS COMMITTEE ADOPTED

On the Order:

Resuming debate on the consideration of the seventh report of the Standing Senate Committee on Human Rights, entitled: *Employment Equity in the Federal Public Service — Not There Yet*, tabled in the Senate on February 20, 2007.—(Honourable Senator Tardif)

Hon. Joan Fraser: Honourable senators, I move the adoption of this report.

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

Motion agreed to and report adopted.

CANADA'S COMMITMENT TO DARFUR, SUDAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(Honourable Senator Andreychuk)

Hon. Larry W. Campbell: Honourable senators, I am standing with the knowledge that I am a strong believer in making sure that one's house is in order before attempting to fix all the problems that exist throughout the world. With that being said, this issue is one that is so egregious that I feel compelled to speak.

I will begin by prefacing my decision to stand before you today with the knowledge that I am a strong believer in making sure that one's house is in order before attempting to fix all the problems that exist throughout the world. With that being said, this issue is one that is so egregious that I feel compelled to speak.

The death and human misery in Darfur has dragged on for far too long and despite a concerted effort by fellow colleagues in this chamber, the government has refused to heed the call for immediate action.

Unfortunately, the ability of humanity to be indifferent to the plight of others is staggering and something that always astounds me. Our willingness to put off the inevitable and act in heartless self-interest at a great cost to human lives is shocking and one that I find personally repulsive.

Senator Dallaire made a statement on the subject of the value of human life, which I find inspiring: "We would do well to remember that humans are human — not one of us is more human than the other."

• (1520)

I could remind honourable senators about the 200,000 civilians that have been killed to date. I could mention the 2.5 million displaced persons driven from their homes by government-backed militias. I could mention that the Africa Union, which has attempted to step up to solve the problem with a made-in-Africa solution, has run out of funding and capacity, leaving the majority of the forces in the region unpaid and grossly inadequate. I could mention all of these things, but they are all already known to us.

The government in Khartoum is incredibly cunning. They know that the longer this issue draws out, the less concentrated the international call for change will be. They know we have a short attention span and a strong aversion to risk. They know that the international community is like a child that cannot foresee the benefit of short-term pain for long-term gain.

Honourable senators, Canada needs to take a stand. We have lost respect at home and around the world on our poor environmental stewardship, our neglect of Aboriginal peoples, the insufficient protection of Canadian citizens abroad and on our ability to formulate a strong and successful vision for Afghanistan. Our lead on the issue of Darfur would be a strong step toward repairing our moral compass and reinstating our role as a can-do country.

I know many will criticize this initiative. They will tell us our forces are already stretched too thin, and I agree. What I am calling for, however, along with Senator Dallaire, is for the

contributions of military equipment and training staff, which the Canadian military does have on hand, as well as our excellent Canadian diplomatic leadership on the issue to create coherent and consistent international pressure on the Government of Sudan. By doing so, we would uphold our responsibility to protect and, in the face of such brazen breaches of human rights, would demonstrate our resolve.

There have been no less than six UN resolutions on Darfur, all of which have gone unanswered. Last year, UN Security Council Resolution 1706 gave the world some hope that action would finally be taken. The call for a 20,000-strong force of peacekeepers was an action that could potentially quell the conflict and return some semblance of normalcy for the women, children and men in Darfur.

The Khartoum government has managed to stall the mission ever since. How long will we wait — until they kill the remaining 2.5 million displaced individuals?

I would like to remind the government of what Dante said:

The hottest places in hell are reserved for those who in times of great moral crises maintain their neutrality.

On motion of Senator Jaffer, for Senator Andreychuk, debate adjourned.

[*Translation*]

CRISIS IN CANADIAN CULTURE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Champagne, P.C., calling the attention of the Senate to the crisis in Canada's cultural sector.
—(*Honourable Senator Fraser*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this is an extremely interesting issue. That is why I plan to prepare detailed notes. I would like to resume debate at an appropriate time in the future. I would therefore like to adjourn this inquiry in my name.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Thursday, May 3, 2007 at 1:30 p.m.

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