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Tuesday, October 23, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, October 23, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

CONFERENCE ON DIVERSITY THROUGH EQUALITY IN PUBLIC ADMINISTRATIONS IN EUROPE

Hon. Donald H. Oliver: Honourable senators, issues of religious intolerance have emerged in surprising places like Switzerland and Denmark with political posters and cartoons. I was honoured, therefore, to be invited back to Denmark last week to be the keynote speaker at the European Conference on Diversity through Equality in Public Administration in Europe, which took place from October 17 to October 19 in Copenhagen.

The State Employer's Authority in Denmark hosted the conference in partnership with the joint European Public Administration Network and trade union delegations. The conference had a twofold agenda: strategic discussions for future challenges in diversity and equality in Europe, and exchanging experiences to develop better methods for designing public policies on diversity.

In attendance at the Copenhagen conference were some 300 delegates, representing 25 countries in Europe. I was honoured to explain how many of Canada's successful diversity policies may serve them as a model and guide in developing their own diversity programs.

I was struck by the differences and similarities in the debates and views on diversity and integration that are occurring on both sides of the Atlantic. I told them as a non-European observer, their debates left an impression that diversity and immigration are still largely viewed by Europeans — and especially those in homogenous societies — as a threat or a problem, rather than an economic solution or a plus for society.

I proudly explained how Canada now welcomes more than 250,000 immigrants a year, which is more than any other developed nation. I then outlined four factors that were essential to Canada's successful diversity model.

First, Canada's multiculturalism policy, adopted in the 1970s, helped to assist different ethnic groups in our society.

Second, the policies and legislation that gave more emphasis to promoting citizenship and that supported individual and human rights. These are contained in three important statutes, the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act and the Employment Equity Act.

Third, education promotes the concept of zero tolerance for racial discrimination, and that teaches respect for the individual, diversity and for minority rights. Many schools have incorporated lessons of cultural tolerance into their curriculum. Pat Clark, who heads up the social justice program for the B.C. Teachers Federation, said:

What we try to teach is what kids have in common rather than the differences between them, to respect differences and to find similarities.

Finally, honourable senators, I said effective political leadership is needed to make integration and respect for minority and individual rights a priority. Canada's success or failure in fully integrating young immigrants into our society today will be a harbinger of Canada's tomorrow. The Canadian values study, conducted in 2005 by the Dominion Institute, determined:

... multiculturalism has gone from a state policy to a *bona fide*, embraced Canadian value.

Canada's ethnic diversity was cited more than any other factor as the characteristic that makes Canadians unique. Canadian values can only be truly effective if they are embraced by our leaders.

Canada's new government embraces these views. Consider, for example, what Prime Minister Stephen Harper said during a speech to the United Nations' urban forum in Vancouver in June 2006:

Canada's diversity, properly nurtured, is our greatest strength.

[Translation]

MANITOBA

FRANCOPHONE ECONOMIC DEVELOPMENT

Hon. Maria Chaput: Honourable senators, today I would like to highlight a great example of collaboration between the Government of Manitoba and the Government of Canada on francophone economic development. The investment, announced on September 7, 2007, will fund projects for three Manitoba organizations: CDEM, the Economic Development Council for Manitoba Bilingual Municipalities, Entreprises Riel and ANIM, the new Agence nationale et internationale du Manitoba.

ANIM's goal is to use French to open the doors to trade relationships in domestic and foreign markets. It aims to develop business ties with France, Belgium and Tunisia. It also plans on pursuing trade relationships with the province of Quebec, something which, up until now, had never officially been done. The organization has a three-part mandate to put francophone Manitoba on the map, initiate trade and encourage business immigration.

I would like to wish CDEM, Entreprises Riel and ANIM success with the many innovative projects they are undertaking. It is very important to ensure that these projects receive long-term funding so that they can carry on their work.

These organizations enable francophones in Manitoba to create their own French space and to make francophone communities in Manitoba known throughout Canada and the world.

• (1410)

[English]

THE LATE LUCIANO PAVAROTTI

Hon. Elizabeth Hubley: Honourable senators, on September 6 the world lost one of its most beloved and celebrated tenors with the death of Luciano Pavarotti at the age of 71. Pavarotti, who brought opera to the people, was born in Modena, Italy, in 1935, the son of a baker and a cigar factory worker. As a child, he listened to opera recordings, singing along with tenor stars of a previous era. His first professional breakthrough as a tenor came in 1961, and his international career began in 1963. In a career spanning almost 50 years, he was known for his signature white handkerchief and beautiful male operatic voice. Known in his heyday as the “King of the High Cs,” Pavarotti also performed with pop superstars such as Sting, Michael Jackson, Bono, Elton John and Canada’s own Bryan Adams and Céline Dion. As a member of the Three Tenors with Plácido Domingo and José Carreras, Pavarotti won the hearts of millions with his charismatic charm. Their album, *The 3 Tenors in Concert*, is the best-selling classical album of all time. He married twice and has four daughters. As one of the few opera singers to win crossover fame as a popular superstar, Pavarotti will be missed the world over.

THE RIGHT HONOURABLE LESTER B. PEARSON

FIFTIETH ANNIVERSARY OF WINNING NOBEL PRIZE

Hon. Percy Downe: Honourable senators, 50 years ago, in October 1957, one of the greatest Canadians, Lester B. Pearson, was awarded the Nobel Peace Prize. Mr. Pearson, who had an outstanding career in foreign affairs prior to winning the Nobel Prize, is remembered with great affection by Canadians today for his work in creating peacekeeping units to protect unstable areas in the world.

On October 12, 1957, the CBC reported that a telegram was sent from Norway to inform Mr. Pearson that he had won the Nobel Prize. It was delivered to the wrong house. Hours later, a reporter called Mr. Pearson to interview him on winning this award and that was the first time Mr. Pearson heard that he had won the Nobel Prize. Indeed, 50 years ago, communications were much slower and Mr. Pearson was unaware that he had even been nominated. He was quoted in the media as being “thunderstruck and overwhelmed.”

Mr. Pearson was the former President of the United Nations General Assembly and former Secretary of State for External Affairs of Canada. As all honourable senators are aware, his Nobel Prize was awarded for his outstanding work resolving the Suez Canal crisis in 1956. To reduce the increasing violence between Israel, France and the United Kingdom against Egypt, Mr. Pearson proposed that a UN emergency force be founded to act as a buffer between the two sides.

The Right Honourable Lester B. Pearson is remembered today by Canadians not only for his Nobel Prize, but also as one of the best prime ministers in the history of Canada. His name lives on

[Senator Chaput]

at our largest airport, at the national headquarters of the Department of Foreign Affairs, and at various schools, in permanent recognition of his service to Canada and to the world. Well done, Mr. Pearson. Well done.

PINK SHIRTS FOR PEACEFUL SCHOOLS

Hon. Jane Cordy: Honourable senators, I wish to recognize two exceptional young men from the Annapolis Valley, Nova Scotia. Travis Price and David Shepherd are grade 12 students at Central Kings Rural High School in Cambridge, Nova Scotia, who witnessed a grade 9 student being threatened and bullied for wearing a pink shirt on his first day of school.

Honourable senators, these young men were sick and tired of these all-too-common displays of intimidation in their school and decided to take action. David and Travis did not confront the bully directly but, rather, decided to include the entire student body to support each other and, ultimately, to create an atmosphere in the school where bullies would not feel comfortable or welcome. They did not want this aggressive and intimidating behaviour to be tolerated any longer.

Their plan was inspired and simple. They hoped to have as many students at Central Kings Rural High School as possible wear pink shirts in a show of solidarity against bullying in their school. They went out and collected as many pink T-shirts and tank tops as they could find and brought them to school the next day. Within minutes they ran out of the 100 or so shirts that they were able to collect. The support from students and staff was overwhelming.

The Pink Shirts for Peaceful Schools movement caught on like wildfire, and local stores and shops in the area ran out of pink tank tops and T-shirts. Calls started coming in from other schools in the province, across the country, the United States and all over the globe expressing interest in taking part in the pink movement within their own schools.

• (1415)

The movement has also spread outside of schools and into communities. Even Nova Scotia’s premier showed his support by wearing a pink tie and using a pink pen when declaring the second Thursday of the school year as Stand Up Against Bullying Day.

I wish to express my congratulations to the students of Central Kings Rural High School for their show of support for their fellow classmates, and especially to David and Travis for making such a big difference with their act of courage. Their actions have been an inspiration to many.

INVITATION TO DEBATE

Hon. Bert Brown: Honourable senators, I should like to thank those of you who have extended good wishes to me. I have received some very flattering notes, even from some members across the aisle. I am learning as I go, having been here for only one week.

Senator Prud'homme said that he had debated my philosophy with me in the past and should like the opportunity to do so again. In the Parliamentary Restaurant last week, I spoke to Senator Adams as he sat in an alcove. He said that there is an alcove in the dining room reserved for senators of my persuasion and another reserved for senators of the Liberal persuasion. I should like to sit in that alcove when I can, and I invite members of this chamber to debate me there, as Senator Prud'homme wishes to do.

[Translation]

CHILDREN IN WAR

Hon. Roméo Antonius Dallaire: Honourable senators, I was in Washington last week to take part in a conference on children affected by wars and children who are caught in the crossfire of drug wars.

[English]

For me, a high point of the conference was the presence of a number of members of Congress and democratic candidates, as well as the Speaker of the House of Representatives, who spoke forcefully on the need to eradicate the use of children in war.

Honourable senators, another high point was the presence of Goldie Hawn — who gave me a kiss following my speech. I raise this point because the entertainment world is becoming more and more involved in humanitarian and international affairs, and should be encouraged to pursue such activities aggressively. I am not sure we would want all celebrities to become involved in these affairs, but a majority of them could participate in encouraging the youth of our nations to participate in such actions.

The subject of nuclear disarmament was raised at the conference. It is interesting that youth are now particularly interested in the existence of the 27,000 nuclear weapons that can destroy the whole of humanity.

Honourable senators, I invite you to join with Senator Roche in room 216-N this afternoon as he launches his most recent book on nuclear disarmament.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of the Honourable Mustapha Mechahouri, royal emissary to the Prime Minister of Canada. He is accompanied by His Excellency Mr. Mohamed Tangi, Ambassador of the Kingdom of Morocco to Canada.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

• (1420)

[English]

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

FIRST REPORT OF COMMITTEE PRESENTED

Hon. Hugh Segal, Chair of the Committee of Selection, presented the following report:

Tuesday, October 23, 2007

The Committee of Selection has the honour to present its

FIRST REPORT

Pursuant to Rule 85(1)(a) and 85(2) of the *Rules of the Senate*, your Committee wishes to inform the Senate that it nominates the Honourable Senator Losier-Cool as Speaker *pro tempore*.

Respectfully submitted,

HUGH SEGAL
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Segal, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Hugh Segal, Chair of the Committee of Selection, presented the following report:

Tuesday, October 23, 2007

The Committee of Selection has the honour to present its

SECOND REPORT

Pursuant to Rule 85(1)(b) of the *Rules of the Senate*, your Committee submits herewith the list of Senators nominated by it to serve on the following committees:

STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES

The Honourable Senators Campbell, Carney, P.C., Dallaire, Dyck, Gill, Gustafson, Hubley, Lovelace-Nicholas, Peterson, Segal, Sibbeston and St. Germain, P.C.

STANDING SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

The Honourable Senators Bacon, Baker, P.C., Callbeck, Carney, P.C., Cowan, Fairbairn, P.C., Gustafson, Mahovich, Mercer, Peterson, Segal and St. Germain, P.C.

STANDING SENATE COMMITTEE
ON BANKING, TRADE AND COMMERCE

The Honourable Senators Angus, Biron, Cowan, Eyton, Fitzpatrick, Goldstein, Grafstein, Harb, Massicotte, Meighen, Ringuette and Tkachuk

STANDING SENATE COMMITTEE ON ENERGY,
THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Senators Adams, Banks, Brown, Campbell, Cochrane, Kenny, Milne, Mitchell, Nolin, Sibbeston, Spivak and Trenholme Counsell

STANDING SENATE COMMITTEE
ON FISHERIES AND OCEANS

The Honourable Senators Adams, Campbell, Cochrane, Comeau, Cowan, Gill, Hubley, Johnson, Meighen, Robichaud, P.C., Rompkey, P.C. and Watt

STANDING SENATE COMMITTEE ON FOREIGN
AFFAIRS AND INTERNATIONAL TRADE

The Honourable Senators Corbin, Dawson, De Bané, P.C., Di Nino, Downe, Jaffer, Johnson, Mahovich, Nolin, Rivest, Smith, P.C. and Stollery

STANDING SENATE COMMITTEE
ON HUMAN RIGHTS

The Honourable Senators Andreychuk, Dallaire, Jaffer, Kinsella, Lovelace-Nicholas, Munson, Oliver, Pépin and Poy

STANDING COMMITTEE ON INTERNAL
ECONOMY, BUDGETS AND ADMINISTRATION

The Honourable Senators Comeau, Cook, Cowan, Downe, Furey, Goldstein, Jaffer, Kinsella, Massicotte, Nancy Ruth, Phalen, Prud'homme, P.C., Robichaud, P.C., Stollery and Stratton

STANDING SENATE COMMITTEE
ON LEGAL AND CONSTITUTIONAL AFFAIRS

The Honourable Senators Andreychuk, Baker, P.C., Bryden, Carstairs, P.C., Di Nino, Fraser, Furey, Joyal, P.C., Milne, Oliver, Stratton and Watt

STANDING JOINT COMMITTEE
ON THE LIBRARY OF PARLIAMENT

The Honourable Senators Lapointe, Murray, P.C., Oliver, Rompkey, P.C. and Trenholme Counsell

STANDING SENATE COMMITTEE
ON NATIONAL FINANCE

The Honourable Senators Biron, Cowan, Day, De Bané, P.C., Di Nino, Eggleton, P.C., Mitchell, Moore, Murray, P.C., Nancy Ruth, Ringuette and Stratton

STANDING SENATE COMMITTEE
ON NATIONAL SECURITY AND DEFENCE

The Honourable Senators Atkins, Banks, Day, Kenny, Meighen, Moore, Nancy Ruth, Tkachuk and Zimmer

STANDING SENATE COMMITTEE
ON OFFICIAL LANGUAGES

The Honourable Senators Champagne, P.C., Chaput, Comeau, De Bané, P.C., Goldstein, Harb, Losier-Cool, Murray, P.C. and Tardif

STANDING COMMITTEE ON RULES, PROCEDURES
AND THE RIGHTS OF PARLIAMENT

The Honourable Senators Andreychuk, Angus, Brown, Champagne, P.C., Corbin, Cordy, Fraser, Furey, Grafstein, Joyal, P.C., Keon, Losier-Cool, McCoy, Robichaud, P.C. and Smith, P.C.

STANDING JOINT COMMITTEE
FOR THE SCRUTINY OF REGULATIONS

The Honourable Senators Biron, Bryden, Cook, Eyton, Harb, Moore, Nolin and St. Germain, P.C.

STANDING SENATE COMMITTEE ON SOCIAL
AFFAIRS, SCIENCE AND TECHNOLOGY

The Honourable Senators Brown, Callbeck, Champagne, P.C., Cochrane, Cook, Cordy, Eggleton, P.C., Fairbairn, P.C., Keon, Munson, Pépin and Trenholme Counsell

STANDING SENATE COMMITTEE
ON TRANSPORT AND COMMUNICATIONS

The Honourable Senators Adams, Bacon, Dawson, Eyton, Fox, P.C., Johnson, Mercer, Merchant, Oliver, Phalen, Tkachuk and Zimmer

Pursuant to Rule 87, the Honourable Senator LeBreton, P.C. (or Comeau) and the Honourable Senator Hervieux-Payette, P.C. (or Tardif) are members ex officio of each select committee.

Respectfully submitted,

HUGH SEGAL
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Segal: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

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

Some Hon. Senators: No.

The Hon. the Speaker: Leave is denied.

On motion of Senator Segal, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) presented Bill S-3, to amend the Criminal Code (investigative hearing and recognizance with conditions).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1425)

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Jean Lapointe presented Bill S-213, to amend the Criminal Code (lottery schemes).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Lapointe, bill placed on the Orders of the Day for second reading two days hence.

[*English*]

THE SENATE

NOTICE OF MOTION TO URGE GOVERNOR-IN-COUNCIL TO PREPARE REFERENDUM ON WHETHER THE SENATE SHOULD BE ABOLISHED

Hon. Hugh Segal: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

WHEREAS the Canadian public has never been consulted on the structure of its government (Crown, Senate and House of Commons)

AND WHEREAS there has never been a clear and precise expression by the Canadian public on the legitimacy of the Upper House, since the constitutional agreement establishing its existence

AND WHEREAS a clear and concise opinion might be obtained by putting the question directly to the electors by means of a referendum

THAT the Senate urge the Governor in Council to obtain by means of a referendum, pursuant to section 3 of the *Referendum Act*, the opinion of the electors of Canada on whether the Senate should be abolished; and

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

NOTICE OF MOTION TO URGE GOVERNMENT TO UPDATE PHOSPHORUS CONCENTRATION REGULATIONS

Hon. Mira Spivak: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate urge the Government of Canada to update the 1989 Phosphorus Concentration Regulations to prevent the growth of toxic algae in Canada's lakes, rivers and streams.

[*Translation*]

QUESTION PERIOD

STATUS OF WOMEN

COMMENTS BY MINISTER— FUTURE OF WOMEN'S PROGRAMS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I have read the comments of the Minister Responsible for the Status of Women, the Honourable Josée Verner. I was surprised, as was Ms. Michèle Asselin, president of the Fédération des femmes du Québec, that the minister referred to the comments on the Throne Speech by women's groups in Canada — who were very disappointed — and made thinly veiled threats that she would cut funding to these Canadian women's organizations.

My question for the Leader of the Government is as follows: Will the minister inform her colleague that the work of these Quebec women's groups is important, that they need support and that, in a democratic society, they have the right to express their opinion on any subject being discussed in Parliament?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I am not aware of the statement of Minister Verner to which she refers. As I have said many times in this place, the government believes in the full participation of women in Canadian society, and we will continue to support women through programs that are managed effectively.

Budget 2007 provided the new, refocused Women's Programs at Status of Women Canada with an annual budget of \$15.3 million, which is the highest budget in the history of Status of Women Canada. Obviously, all Canadians, whether they are women or men, are totally free to speak their minds on any subject. That is the nature of being Canadian.

• (1430)

[Translation]

JUSTICE

REINSTATEMENT OF COURT CHALLENGES PROGRAM

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. In light of polls that indicate weak support among women for the Conservative option, will the minister do as I suggested last week and ask for more money for various programs, such as the literacy program?

Also, will the minister speak up for the Court Challenges Program? Apparently, this program was eliminated because some of the provinces had concerns about it.

Will the Leader of the Government ensure that her colleague in cabinet, Ms. Josée Verner, understands how critical these programs are for women who want to exercise their rights? The right to equality is assured only when we can be certain that this right is respected, even if one must sometimes go to court. These programs are vital to ensuring equality for women in this country.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I will make her views known to my colleague Minister Verner. In her question, the honourable senator made reference to a belief that the polls show that women do not support this government. I would argue to the contrary. Among women I have met, particularly senior women, many issues this government is pursuing are of great interest. At the top of the list, if people were to talk to their constituents, women are concerned about the whole issue of crime, youth crime, drugs and gangs. They are also concerned about their own safety and that of their families.

The blanket statement that women do not support this government is not borne out in the polls. It is the view of a few, particularly Susan Delacourt of the *Toronto Star*, who has her favourite pollsters she likes to talk to that further her interests in this area. Many people will refute that view.

As a woman, as a member of Mr. Harper's cabinet and as a member of this side of the house, I do not and would not condone any belief that those of us that happen to be women on this side are less interested than any other woman in Parliament in issues of concern to women.

[Translation]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, in the Speech from the Throne, the government stated:

Our Government supports Canada's linguistic duality. It will renew its commitment to official languages in Canada by developing a strategy for the next phase of the Action Plan for Official Languages.

However, some things were conspicuously absent from the speech, such as reinstating the Court Challenges Program, which is an important tool and essential to the evolution of the rights of

official language minority communities. Can the minister tell us why the federal government ignored the Commissioner of Official Languages' recommendations and failed to take this opportunity to reinstate the Court Challenges Program?

[English]

Senator LeBreton: I thank the honourable senator for the question. I have answered this question in the previous session of Parliament. We, as a government, take this issue seriously. Our government is deeply committed to Canada's two official languages. We have announced \$110 million in funding related to the four hundredth anniversary of Quebec City this coming year. We look forward to next year's twelfth Francophonie summit, which, if my memory serves me correctly, was started under a Conservative government. As I have said before, during our first 100 days in office we concluded multi-year educational agreements with provinces and territories worth in excess of \$1 billion, as well as enhanced agreements on service delivery with 12 of the 13 provinces and territories.

• (1435)

Budget 2007 invested \$30 million for official language minority communities, for community centres and cultural and after-school activities. This is on top of the \$642 million over five years provided in the Action Plan for Official Languages.

With regard to specific programs, as I have said before, our government has embarked on new programs and we have made a decision as a government to pursue these programs. In no way does this diminish programs of previous governments, but we have new programs in this area that I believe are working extremely well.

[Translation]

Senator Tardif: With all due respect, I have to say that the minister did not really answer the question.

I had the opportunity to attend a conference in Yellowknife this past weekend. The people from the Association franco-ténoise told me that because the program no longer exists, they will have to mortgage their homes to raise the money they need to go to court in order to defend their rights.

Does the minister believe that it is an acceptable situation in our country when people cannot defend their rights?

[English]

Senator LeBreton: I am not familiar with the exact cases to which the honourable senator refers; however, since Senator Tardif mentions the North, in September, Minister Verner signed an agreement with the Yukon government to support French-language services and announced funding for the Federation of Francophonie and Acadian Communities. On October 5, Minister Clement announced \$4.5 million for access to health care services for official languages minority communities. These are examples of measures this government is taking to support our minority languages.

THE HONOURABLE ANNE C. COOLS

POLITICAL AFFILIATION

Hon. Tommy Banks: My question, which is somewhat extemporaneous, is to the Leader of the Government in the Senate. Earlier today, I went over to greet and welcome back Senator Cools, who I thought was seated temporarily at a desk, but I found that her name is printed there. Can the leader please tell honourable senators whether Senator Cools is now a member of the Conservative caucus?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question, but as honourable senators know I answer questions in this place on behalf of the government and Senator Banks' question is not one that I am in any position to answer on behalf of the government.

Senator Banks: Honourable senators, I do not quite understand; therefore, I shall try to reword my question. The minister, as I understand it, is the Leader of the Conservative Party in the Senate. I believe that members of this house are interested, and I would have thought entitled, to know the political affiliation of members of this place. Do I understand from the leader's answer that that is not so?

Senator LeBreton: Honourable senators, I cannot answer Senator Banks' question. I am not responsible for the designation of senators in this place. I believe, in the case of Senator Cools, the matter was already dealt with by our caucus chair, Senator Tkachuk. With regard to the political affiliation of Senator Cools, perhaps the question would be better addressed to her.

FINANCE

ATLANTIC ACCORD— OFFSHORE OIL AND GAS REVENUES

Hon. James S. Cowan: Last week, I asked the Leader of the Government in the Senate when the government would be tabling the legislation necessary to implement the arrangements that had been concluded between the Government of Canada and the Government of Nova Scotia. Her response was that I was mistaken and that there is no legislation to be tabled. I indicated in the preamble to my question that I had been advised by officials of the Government of Nova Scotia that they were expecting such legislation.

The next day, Premier MacDonald of Nova Scotia, in response to questions in Nova Scotia, is reported as having said that he insisted the agreement is solid and that he is satisfied the federal government will follow through with its promise by introducing legislation to implement the changes.

• (1440)

Would the Leader of the Government in the Senate take my question as notice to confirm the accuracy or inaccuracy of the information provided to the Senate last week?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I have never seen a group of people accept good

news with such difficulty. As I have said before, the Premier of Nova Scotia and the Prime Minister announced an agreement resolving Nova Scotia's concerns related to the interpretation of the Atlantic accord.

On October 10, Minister Flaherty exchanged formal letters with the Finance Minister of Nova Scotia, Michael Baker, which outlined the details regarding the recent agreement with the province. As I stated last week, Nova Scotia and Newfoundland and Labrador, if they so choose, will be able to opt into either the 2005 equalization formula or the new equalization formula. They may not combine or stack the benefits of the two formulas.

The Atlantic accord benefits will be protected no matter which equalization formula they choose. This resolution means both governments can now focus on issues of common interest. Premier MacDonald said last week: "We have the agreements in place and we're moving forward with that."

I also note that former Premier John Hamm expressed support for the agreement. Minister Flaherty and Minister MacKay confirmed last week that work is underway on technical amendments. I do not know and therefore cannot speculate on the timetable.

Senator Cowan: Last week, in response to my question, the Leader of the Government in the Senate said specifically that there will be no legislation. I made no comment either last week or this week about the merits or otherwise of the arrangements that have been concluded. I was simply asking whether there would be legislation introduced into the Parliament of Canada to implement the arrangements concluded. The leader said last week there would be no legislation. I must have misunderstood. That is contrary to what the premier has said. Is the position of the government that there will be no legislation or there may be some technical amendments; which is it?

Senator LeBreton: I think I said there were no side deals.

An Hon. Senator: Those are your words.

Senator LeBreton: Since there seems to be confusion —

An Hon. Senator: Not unusual at all.

Senator LeBreton: — on the definition of technical amendments or the specific belief that the honourable senator has, I will take the question as notice.

Senator Cowan: In order to clarify, the words the minister used last week were, "There is no legislation to be tabled." Is that an accurate statement, or is it now being qualified?

Senator LeBreton: I said a moment ago that I will check the record and take the question as notice.

THE ENVIRONMENT

APPROACH TO CLIMATE CHANGE

Hon. Grant Mitchell: Honourable senators, I am in search of an accurate statement from this government leader. I will begin by saying that this government has not mastered very much, but it has mastered the art of ambiguity and inaction when it comes to

climate change. In the Throne Speech, the government actually said that it supports a global regime with binding emissions reductions targets. Why did the government spend the summer advocating across the world, at the APEC meeting and other fora, for voluntary targets?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I will simply say to the honourable senator that our government has taken many steps to improve Canada's environment. I do not have to remind the honourable senator, because other people have, that after many years of inaction we are prepared to take action. In Budget 2007, we invested \$4.5 billion in the environment, including funding for a national water strategy, land conservation, improved environmental protection enforcement, the Eco-Trust and Clean Air Fund, and cleaner transportation.

• (1445)

As a matter of fact, I was interested to read in the newspaper today that Toyota and Pollution Probe have actually commented on the ecoAUTO program, and they say it is working.

The government is making progress and people are generally supportive of the initiatives the Prime Minister took at the G8, at the APEC summit in Sydney, Australia, and also at the United Nations.

Senator Mitchell: Honourable senators, it would be hard to say people were supportive of what the Prime Minister did at the G8 because he did not actually do anything. Voluntary targets are nothing.

Further, why has this government tied its climate-change wagon to that of the current President of the United States — perhaps the least successful President in U.S. history — who is without credibility on Kyoto and any number of other issues throughout the world?

Senator LeBreton: Honourable senators, the fact is the initiatives that this government has taken are just that, initiatives of this government. Senator Mitchell is fixated on the matter of the President of the United States. We have our own environmental programs. The Prime Minister took the lead at the G8, in previous meetings with the European Union, in Australia at the APEC meetings, and he went to New York and spoke specifically of Canada's work in this area. He has also stated the obvious: In order to make serious changes to deal with this issue, we must have the United States and other major polluting countries, like India and China, at the table.

FINANCE

VALUE OF DOLLAR

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in the Senate. The present strength of the Canadian dollar is something that has probably been unequalled since the 1960s. The strength of our dollar has been well-received on both sides of the border. What is the driving force behind this strong Canadian dollar?

[Senator Mitchell]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I am actually old enough to remember when the Canadian dollar was well above the U.S. dollar. There are a number of factors behind the resurgence of our currency: Canada is in very good shape; we are holding our place in the world; we are looked up to in the world.

While I am not an economist, and I am certainly not an expert on why all of this is happening, I will agree that the Canadian dollar is appreciating at a very fast level. I am sure it is a situation of which all Canadians can be proud, that we are in a country run by a good government. We have sound financial footing and low unemployment.

Canada is a member of the global economy, and generally there is a positive view in the world marketplace that Canada is an excellent place in which to do business and invest.

A week or so ago, I read that some of the large financial operatives in the world — that were gathered at economic meetings in New York — have also attributed Canada's attractiveness to the greatly diminished threat of separatism in this country.

• (1450)

ELECTIONS CANADA

REQUIREMENT OF ELECTORS TO PRESENT CIVIC ADDRESS

Hon. Lorna Milne: Honourable senators, this spring the Standing Senate Committee on Legal and Constitutional Affairs reviewed Bill C-31, amending the *Canada Elections Act*. Under this bill, electors are now required to present proof of their identity and residential address at the polls to receive a ballot. This amendment came, apparently, from the use of the two legal words, "address" and "residence," in the bill.

Normally, a complete civic address, comprising a street number, street name, town and province, is required to locate a residential address on a voter's list in a polling division. Unfortunately, many electors in northern and rural areas of Canada have either an incomplete or a non-civic address; or if they do have a civic address, it is not found on their identification documents, making it difficult for them to prove their residential address.

I understand that, at the national level, more than 1 million electors have an incomplete or a non-civic address. In some 3,500 polls, more than 30 per cent of the electors do not have a complete civic address. In the currently vacant riding of Desnethé—Missinippe—Churchill River in northern Saskatchewan — in fact, half of Saskatchewan — 71 per cent of the electors have a non-civic address on the voting registry, and the government must soon call a by-election in that riding.

Therefore, I ask the Leader of the Government in the Senate to urge her colleagues in the cabinet — and I am being completely non-political as this matter is of importance to all parties — to solve this problem quickly so rural Canadians have the same right to vote — so that their right to vote is not at risk, as it presently is — in future elections.

If she can report back to the Senate, I would appreciate it. This issue is of grave concern.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Milne for her question. In the Throne Speech, I believe there was reference to going back and further clarifying what is required in terms of providing identification while voting.

I am well aware of the issue raised, in particular, the riding mentioned by the honourable senator, the one in northern Saskatchewan, in the last election. I believe there was a challenge. There was great confusion about the voter turnout and the authenticity of some of the voting results. It is a serious issue, I agree. I will take the honourable senator's question as notice.

[Translation]

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Joseph A. Day: Honourable senators, it is a privilege for me today to give the first Liberal response to the Speech from the Throne here in the Senate.

First, I would like to thank Senators Comeau and Brown for moving and seconding the Address in Reply to the Speech from the Throne. Judging by their speeches and the excellent questions raised to date by some of my colleagues, I have no doubt that the coming debate will raise a number of issues concerning the Conservative government's priorities.

Before addressing the content of the Speech from the Throne, I would like to say how impressed I was by the elegant way Her Excellency read the speech. I have always had sincere admiration for the Governor General, and I am sure that my comments will not be taken as an affront to Her Excellency. I have a problem with the message of the Throne Speech, not the messenger, so to speak.

• (1455)

[English]

Last Tuesday's Throne Speech triumphantly declared four points upon which I would like to comment:

Canadians now have more money in their pockets because taxes have been cut. Families now have real choice in child care through the Universal Child Care Benefit. Canadians now have a government committed to helping them get the medical care they need more quickly . . .

The results are clear: the economy is strong, the government is clean and the country is united.

Honourable senators, these claims are bold indeed. I suspect I am not the only one in this chamber who felt indignation on behalf of Canadians for this assault on our intelligence and collective memory.

Honourable senators, let me begin with the misleading assertion that "Canadians now have more money in their pockets because taxes have been cut." As Liberal Leader Stéphane Dion aptly noted last week, income taxes for the lowest income tax bracket actually increased from 15 per cent to 15.5 per cent. Sure, the Harper government lowered the GST by 1 per cent. Buyers of Porsches and Rolexes saved a bundle of money. However, for the ordinary family buying groceries, paying rent, making mortgage payments and paying tuition or child care fees — items on which no GST is charged — not one cent of taxes was saved with this GST reduction. It was a tax cut for the wealthy. This Harper government has actually increased the income taxes paid by Canada's lowest income earners. A new report by the Organisation for Economic Co-operation and Development, OECD, shows that the effect of tax increases brought upon the Canadian taxpayer by this government has completely negated the 1 per cent reduction in the GST. The overall collective tax burden for Canadians has remained exactly the same. In other words, honourable senators, the taxes saved by those wealthy Canadians who bought Porsches and Rolexes were subsidized by ordinary Canadians, including Canada's lowest income earners, through increased income taxes.

I must question the policy decision to press on with another GST cut, honourable senators. The government's lack of commitment to ordinary Canadians is distressing. Instead of reducing the GST by another 1 per cent, perhaps the Harper government should consider taking the \$5 billion that 1 per cent of the GST represents, and investing it in social programs, in restoring funding to literacy programs and the Court Challenges Program or in creating real choices in child care.

Honourable senators, despite the government's declaration to the contrary in the Speech from the Throne, many Canadian families find themselves today with no real choice in child care. According to the New Brunswick Child Care Coalition,

86 per cent of children in my province cannot access licensed child care. Daycare costs often exceed the cost of housing and continue to remain unaffordable to many families despite the title, Universal Child Care Benefit. New Brunswick is said to have the poorest paid and poorest trained child care workers in the country. Honourable senators, the Harper government's Universal Child Care Benefit program does not provide families with a real choice. Rather, it provides families, especially single-parent and low income families, with no choice.

Honourable senators, turning to health care, this government tells us in the Speech from the Throne that they are committed to reducing medical-care wait times. Honourable senators, they have an odd way of demonstrating their commitment. Scarcely anything is more important than the health of Canadians, and yet health care is not listed in the Throne Speech as a priority. Just last week, the Fraser Institute, not exactly a bastion of left-wing or liberal views, released a study which found that wait times for Canadians seeking surgical or other therapeutic treatment hit an all-time high of 18.3 weeks in 2007, up from 17.8 in 2006. Last Friday, the *Ottawa Citizen* featured an article describing how a young Gatineau man had to wait 28 hours after being diagnosed before finally finding a surgeon in Montreal to remove his burst appendix. I am confident that this young man would agree when I say that this government should consider giving the issue the attention it deserves, besides merely exclaiming that they are committed to reducing wait times as though being committed is a fait accompli.

• (1500)

[Translation]

Today, honourable senators, many Canadians have less money in their pockets because the government has increased their taxes. Canadians are facing exorbitant prices for child care and long waiting lists to get a space, not to mention the long waiting lists for health care, which have never been as long as they have been since the Conservative government took office. The Conservative Party's 2006 election platform was called "Stand up for Canada" and its French title could be translated as "Let's have real change."

Honourable senators, Canadians did not realize that the real message was that under a Conservative government, the more things change, the more they stay the same.

[English]

According to Mr. Harper, the results are clear: "The economy is strong, the government is clean, and the country is united." The economy is strong, that is true, but, as Mr. Dion pointed out last week in the other place:

The Conservative government inherited an unprecedented economic dynamism thanks to the efforts of Canadians and to a decade of sound financial management by the previous Liberal government . . .

Mr. Dion continued by saying that the Conservative government:

. . . has been content with just riding on this strong economy without having any plans or convincing scheme to enhance our economy's potential.

[Senator Day]

As for the country being united, honourable senators, I respectfully suggest that the Prime Minister make this statement in Newfoundland and Labrador, Saskatchewan or Nova Scotia.

The existence of a piece of legislation they wish to call the Federal Accountability Act does not entitle the Harper government to declare that it is "clean." Public trust must be earned, and it has to be maintained.

Recently, the Conservative government has been under fire. Here I refer to three independent investigations being conducted into questionable practices of the Harper government: investigations by Elections Canada, investigations by the Privacy Commissioner, and investigations by the Ontario Provincial Police.

Honourable senators, the irony that the architects of the Federal Accountability Act should be mired in scandals is indeed tragic. What is sadder still is the fact that instead of holding their actions to account, Mr. Harper and his team in the other place choose to act like children in the schoolyard and to engage in a shameful game of evasion, finger pointing and bullying.

To boast to the entire nation that the government is "clean" constitutes a stunning exhibition of arrogance. Common sense and experience tells us that the invitation to those without sin to cast the first stone is expected to be turned down by a thoughtful people, but not by this government. This government proudly casts its stones with seeming impunity, conveniently forgetting that it resides in a glass house. I predict that history will make a mockery of this remarkable boast.

Throughout the Speech from the Throne, the government repeats how committed it is to the union crafted by the Fathers of Confederation and how it respects constitutional institutions. However, it would appear that this respect and commitment extend only so far as is convenient for the Harper government — only so far as its uncompromising agenda will allow. I speak here of the issue of parliamentary reform. Liberal senators are not against parliamentary reform; we are against unconstitutional actions. The Standing Senate Committee on Legal and Constitutional Affairs, after hearing from numerous constitutional law experts and after hearing from numerous provinces, concluded that there were significant constitutional concerns if the Senate proceeded to pass Bill S-4 without consulting the provinces, as proposed by the government. The Senate agreed. We decided that Bill S-4 should proceed to the Supreme Court of Canada to obtain a ruling on the constitutionality of the proposed legislation.

Honourable senators, I fully expected to hear in the Speech from the Throne that the government would convene a first ministers' meeting to discuss proposals for parliamentary reform, but that is not what we heard in the Speech from the Throne. To my astonishment, we learned that this Prime Minister plans to ignore his constitutional partners, the provinces. Evidently, he has no appetite to test his belief that the bill is constitutional, and he does not plan to refer it to the Supreme Court of Canada. Honourable senators, what is this Prime Minister afraid of? Why has he refused to convene even one first ministers' meeting since forming the government nearly two years ago? Why does he not

wish to check the constitutionality of his bill in the Supreme Court? Is this reluctance signalling the next campaign will be to discredit the “unelected, undemocratic and appointed” Supreme Court justices?

Mr. Harper claims to take issue with the Senate because it is appointed. The Prime Minister went so far as to ridicule this chamber and all honourable senators — except Senator Brown — during his recent trip to Australia. I found these comments to be denigrating, tactless and un-statesmanlike. It seemed to have momentarily slipped the Prime Minister’s mind that he was in Australia representing Canada and all Canadians, not his “reformed” Conservative Party’s agenda.

Does the Prime Minister show more respect for the House of Commons because it is an elected house? Rather than hold a debate in the other place about the future of Canada’s mission in Afghanistan, he preferred to appoint an expert panel to decide the matter. He would reject the Kelowna accord rather than implement a policy which resulted from 18 months of negotiations involving 147 participants, including representatives from 27 Aboriginal organizations, members of the federal government, as well as senior officials from provincial and territorial governments. He would rather see the government fall than be willing to accept parliamentarians’ amendments to the upcoming crime bill. Such blatant disregard for the democratic process would be arrogant for a majority government, let alone one that received a mandate from 23.5 per cent of eligible voters in the last election.

I cannot help but wonder why certain issues were not mentioned in the Throne Speech and identified as priorities by the government. I appreciate Senator Murray’s analogy of the Speech from the Throne as possibly being a Christmas tree, but there are certainly many issues, honourable senators, that should have been dealt with.

[Translation]

Had I had more time I would have liked to address a number of other points: child care, health care, the responsibilities of government, the fight against poverty, parliamentary reform and Canada’s place in the world are not the only problematic items in this Speech from the Throne.

[English]

I see that my time is nearly complete. I wonder if honourable senators would provide me with two minutes to finish my summary?

Hon. Senators: Agreed.

• (1510)

[Translation]

Senator Day: For example, honourable senators, Mr. Dion spoke at length about how weak the environmental protection measures are in the Speech from the Throne, in particular, the rejection of the Kyoto Protocol. He also spoke about the future of Canada’s mission in Afghanistan. I am sure my Liberal colleagues will address these and other topics in greater detail during the debate.

[English]

Parliamentarians, as representatives of Canadians, have a responsibility to do our best to look beyond party squabbles and to govern in the best interests of all Canadians. This includes implementing an ambition plan to curb climate change, aiding the reconstruction in Afghanistan, taking an active role in the Darfur peace process, taking measures to ensure that Canada’s economy remains strong, and fighting poverty, inequality and social exclusion. The recent Throne Speech falls far short of a vision for Canada. By working together, we can build a better Canada; we can contribute to a better world.

Honourable senators, we will not achieve those objectives with a bullying, my-way-or-else Prime Minister.

On motion of Senator Cowan, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. John G. Bryden moved second reading of Bill S-203, An Act to amend the Criminal Code (cruelty to animals). —(*Honourable Senator Bryden*)

He said: Honourable senators, before we begin the debate on Bill S-203, it will be helpful to outline the process that, I hope, with your help and cooperation, we can follow to bring Bill S-203 to the same stage in the legislative process in this Second Session of the Thirty-ninth Parliament as its predecessor, Bill S-213, reached in the first session, before prorogation.

In attempting to do this, I am relying on the advice and drafting skills of our law clerks as well as a very detailed procedures paper that was provided, at my request, by the committees division of the Clerk’s office. I am sure I speak for all of us in thanking them for their continuing professionalism, courtesy and support of us and this institution.

Bill S-203 is identical to and in the same form as Senate Public Bill S-213, which was passed by this chamber and referred to the House of Commons for consideration in the previous session. In the House of Commons, Bill S-213 received first and second readings and had been referred to the House of Commons Justice Committee. Bill S-213 died on the Commons Order Paper at prorogation.

Unlike the Standing Orders of the House of Commons, the *Rules of the Senate of Canada* contain no provisions for the reinstatement of legislation from a previous session. Therefore, while Bill S-203 is identical to and in the same form as Bill S-213, Bill S-203 must pass through all stages of consideration in the Senate prior to being referred to the House of Commons for its consideration.

House of Commons Standing Order 86.2(1) allows a Senate Public Bill to be reinstated at the stage it was prior to prorogation, provided the bill is in the same form as it was in the previous session and that it is sent to the House of Commons in the first 60 sitting days of the new session.

House of Commons Standing Order 86.2(1) states:

During the first sixty sitting days of the second or subsequent session of a Parliament, whenever a private Member proposing the first reading of a bill brought from the Senate pursuant to Standing Order 69(2) states that the bill is in the same form as a Senate public bill that was before the House in the previous session and the Speaker is satisfied that the bill is in the same form as at prorogation, notwithstanding Standing Order 71, the bill shall be deemed to have been considered and approved at all stages completed at the time of prorogation and shall stand, if necessary, on the *Order Paper* pursuant to Standing Order 87 after those of the same class, at the same stage at which it stood at the time of prorogation or, as the case may be, referred to committee, and with the votable status accorded to it pursuant to Standing Order 92(1) during the previous session.

It is the latter that Bill S-213 had achieved.

Honourable senators, in addition to the conditions set out above in House of Commons Standing Order 86.2(1), that we must meet within the first 60 days of this session, we are all aware that this session may not last nearly that long, which makes time of the essence if we are to put Bill S-203 before the Commons Justice Committee for their consideration.

Therefore, honourable senators, I am asking for your help and cooperation to move Bill S-203 through the stages of our Senate process as expeditiously as is reasonably possible. For example, when we complete second reading, it is my intention, as is our usual practice, to move that the bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs. With leave of the Senate, I shall include in that motion that the papers and evidence received and taken by the Standing Senate Committee on Legal and Constitutional Affairs relating to Bill S-213 during the First Session of the Thirty-ninth Parliament be referred to the committee in order not to duplicate the work done in the previous session by that committee.

Honourable senators, the Senate carefully considered and passed Bill S-213 at all stages of our legislative process and referred it to the House of Commons during the first session of this Parliament. Nothing has changed since then, except the bill is now numbered S-203 instead of S-213, as it was then.

Honourable senators, I am sure you will be pleased to hear that it is not my intention to review the history or debate the merits of Bill S-203. Most of you are as familiar with these files as I am. Anyone who wants to know how we got to where we are need only read the debates on cruelty to animals in this chamber and review the evidence presented to the Standing Senate Committee on Legal and Constitutional Affairs over the last decade.

• (1520)

In closing, honourable senators, there is another and more urgent reason that Bill S-203 become law without further delay. During this year, there has been a series of horrific examples of cruelty to animals from various regions of Canada: The Daisy

Duke case where an injured dog was dragged behind a pickup truck in an attempt to kill it; the case of amateur surgery to clip a dog's ears; the case of killing kittens with a golf club; and, most recently, the case of the puppy mill from hell, where 200 dogs were found, sick, starving, emaciated and filthy.

Canadians are sickened and angered at these and similar events. They and the press are demanding that something be done to punish the perpetrators and to deter future cruelty to animals. The major demand is that the penalties for cruelty to animals be increased dramatically from the current maximum penalty of up to a \$2,000 fine or up to six months imprisonment to penalties that reflect Canadians' abhorrence of such cruel acts, and that would deter people from such actions towards animals in the future.

The sole purpose of Bill S-203 is to increase penalties for acts of cruelty to animals. Under Bill S-203, cruelty to animals is punishable on indictment by up to five years in prison, or on summary conviction of up to a \$10,000 fine, up to 18 months imprisonment or both.

The real imperative here, honourable senators, to move expeditiously to get Bill S-203 back before the House of Commons Standing Committee on Justice and Human Rights is to give this Parliament the opportunity to finish their consideration and pass this bill. Passing this bill will give the justice system the tools to punish persons found guilty of cruelty to animals adequately, and to set examples that will deter others from acting in a similar manner toward any animal.

On motion of Senator Oliver, debate adjourned.

NATIONAL PHILANTHROPY DAY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein moved second reading of Bill S-204, An Act respecting a National Philanthropy Day.

He said: Honourable senators, this bill is not news to the Senate. It was first introduced in November 2005. It has been on the Order Paper ever since. I hope that this year, with the assent of all senators, we can move this bill quickly to committee.

November 15 is established already as a special day for philanthropic organizations across the country. National philanthropy days are held in every region in Canada involving thousands and thousands of people every year. It was initiated at the grassroots level and it continues to grow, led by individual charities and organizations such as the Association of Fundraising Professionals.

With the adoption of this bill, Canada would lead the world, if Parliament recognizes National Philanthropy Day. Parliament can have a tremendous influence on public behaviour. The creation of a day recognized by Parliament would send once again a powerful message to all Canadians that charitable giving and volunteering are critical to our society, and a crucial element in all aspects of Canadian life.

Each and every senator in this room, including our most esteemed and recent senator, has been actively engaged in charitable organizations. That participation is part of our life,

[Senator Bryden]

so we should understand this need better than most. This day would provide a formal forum for charities and volunteer organizations across the country, before the end of the year, to give more, to gather together in our villages, towns and cities to share their stories, and to celebrate their successes, large and small.

Honourable senators, it is an established fact that celebrating these stories and identifying the ongoing need for support is one of the most effective ways to inspire others to give of themselves and their resources and wealth. For instance, Terry Fox Day is now a powerful example about what one person's positive actions can have on the public's desire to support great and good causes. Forgive me if I might add a commercial here, but the Run for the Cure established by the Canadian Breast Cancer Foundation, of which my wife was a key organizer, now raises millions of dollars every year for cancer research that is vitally needed. These are only two examples of individuals coming forward with their committees and with their friends and families to join in these extremely important gestures of charitable giving.

Parliament's recognition should be given for a number of reasons, but let me describe four. First, the recognition encourages giving. Support for the charitable sector must come from a variety of sources. Direct government funding remains a primary and essential source for many organizations. However, in the year of shrinking budgets and expanding needs, philanthropy is becoming an ever-increasing part of the public solution.

Second, recognition of philanthropy builds communities and civic society. Giving encourages greater civic responsibility. When people give, they invest a part of themselves in their community and create a stake in the future of our society. Bringing together people, both young and old, who might normally have nothing to do with one another by focusing on a common goal, happens to bond not only families but also social organizations and civic society as a whole.

Third, the recognition of this day would further strengthen the growing partnership between the federal government and the voluntary sector. The federal government began a partnership in 2002, and provided \$94 million to fund the jointly administered Voluntary Sector Initiative. The VSI resulted in a number of outcomes that were recommended jointly by the government and the sector itself, including the largest regulatory reform of the charitable sector in more than a generation. The Standing Senate Committee on Banking, Trade and Commerce, which I previously so proudly chaired, examined this question. The committee still has work to do in that regard, and I recommend to the new committee that they do so.

Finally, recognition of National Philanthropy Day is a grassroots, non-partisan matter, and something the Canadian public has strongly and consistently supported by voice and deeds. Studies now report that 90 per cent of all Canadians believe that non-profit organizations are becoming increasingly important to all Canadians. However, 59 per cent of all Canadians believe that non-profits do not have enough money to do their essential work. Every day, non-profits serve on the front lines of hundreds of issues facing our country, from social services to health care, to the environment, to the arts and beyond.

Canada, honourable senators, remains a land of free choices. Canadians can commit their time and spend their money in countless ways, but for volunteers and donors of philanthropy it is not only another choice. For many, it is a statement of the meaning of their life. Already, more and more Canadians rely upon programs and services provided by these non-profit organizations. The voluntary sector has had an indelible impact on all levels of Canadian society. More than 81,000 registered non-profits in Canada receive approximately \$10 billion in contributions annually, according to Statistics Canada. That figure is out-of-date. I do not have the most recent one, but I am sure it is at least 20 per cent higher. The impact of the volunteer sector goes beyond philanthropic programs and services. Recent studies indicate that the non-profit sector employs more than two million people. These organizations draw on over two billion volunteer hours every year — it is unbelievable — the equivalent of one million full-time jobs. Each and every Canadian has been touched by the work of our volunteer sector in some way, and each senator, as I pointed out, has been deeply involved in the voluntary sector in their regions and communities.

The non-profit sector has an impact on the financial bases of the economy. The economic contribution of the non-profit sector is larger than many industries in Canada. In 1999, the contribution amounted to 6.8 per cent of the gross domestic product, according to Statistics Canada. That number has increased. The non-profit sector GDP is 11 times more than the motor industry and, Senator Gustafson, more than four times that of agriculture. The non-profits make a huge contribution to our society.

National Philanthropy Day has the support of many volunteer organizations including Imagine Canada, Philanthropic Foundations Canada, Community Foundations of Canada, Voluntary Sector Forum, Canadian Association of Gift Planners, and Canadian Bar Association that represent thousands upon thousands of non-profit organizations. It also has the support of countless smaller charities and volunteer organizations across the country.

• (1530)

Again, honourable senators, this is a very easy thing to do. I urge you to formally recognize a special date, November 15, by adopting this bill. Should we not take just one day every year to honour the efforts of the volunteers and the efforts of all Canadians and organizations across Canada that support them?

Honourable senators, at the core of each faith is the eternal question: Is it more blessed to give than to receive? National Philanthropic Day is Parliament's answer to that question in the affirmative. I urge you to pass this bill speedily, this magnificent parliamentary gesture to Canadians and to the volunteer sector. This bill could be Parliament's donation to the work of the volunteer sector across Canada. I urge its speedy passage.

On motion of Senator Champagne, debate adjourned.

BANKRUPTCY AND INSOLVENCY ACT**BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED**

Hon. Yoine Goldstein moved second reading of Bill S-205, An Act to amend the Bankruptcy and Insolvency Act (student loans).—(*Honourable Senator Goldstein*)

He said: Honourable senators, post-secondary education is, in many ways, invaluable, but it does not come cheaply. According to a 2004 Statistics Canada report, the average debt load of college and university graduates grew 76 per cent during the 1990s. Not surprisingly, one quarter of all post-secondary graduates now have difficulty repaying their student loans. Student debt is an inescapable reality for many young Canadians, and it is imperative that our government adopt a pragmatic and humane approach when dealing with individuals who have trouble repaying student loans.

Bill S-205 would amend the Bankruptcy and Insolvency Act to assist young Canadians who borrowed money to pay for post-secondary education but who are then unable to repay their loans, whether because of a change in the job market, illness, disability or personal crisis. This bill would make it easier for former students to be discharged from all of their debts in bankruptcy proceedings so that they are not hounded by creditors and collection agencies even after it has become clear that repayment is completely impossible.

First, I should like to discuss the importance of post-secondary education to the Canadian economy. I shall then discuss the role that student loans play in helping young Canadians, especially those from low- and middle-income families, to access post-secondary education. I shall close with a brief discussion about why this bill is needed and how it will assist individuals who are currently being crushed by student debt.

Canada's competitiveness in a global economy depends in large measure on the knowledge and skills of its citizens, especially given the growing importance of advanced technology. A highly trained workforce is also needed to raise Canada's productivity, to drive innovation and to attract foreign investment. Accessible, high-quality education is essential to ensuring that Canada has the skilled and innovative workforce required to remain economically competitive and socially progressive in the 21st century. An educated workforce benefits the Canadian economy and Canadian society as a whole.

According to Industry Canada, the amount of high-knowledge activity as a share of total economic activity is steadily rising in all parts of the country, meaning that demand is increasing for skilled employees. The Canadian Chamber of Commerce recently reported that fully two thirds of Canadian firms are suffering skilled-labour shortages. This proportion rises to three quarters in Western Canada. Perrin Beatty, president of the Canadian Chamber of Commerce, described the situation as "a looming worker tsunami."

Improving access to post-secondary education is a way to meet this demand. When asked how to address the problem of worker shortages, many firms respond that increased funding for education and training, along with more financial assistance for students, would help alleviate the shortage, because the high cost of post-secondary education is a barrier for many potential students.

In fact, the cost of post-secondary education in Canada has risen dramatically over the past two decades, with the average annual cost of undergraduate tuition jumping by more than 100 per cent, from \$1,800 in 1989-90 to over \$4,000 in 2003-04. A similar jump was seen at the college level, with the average tuition in provinces other than Quebec more than doubling, from \$1,000 to over \$2,000, during the same period. However, it was professional schools that experienced the most dramatic tuition hikes, with the cost of medical school in Ontario, for example, skyrocketing 500 per cent, from under \$3,000 in 1989-90 to roughly \$15,000 in 2003-04. For many families, indeed most families, these costs are prohibitive, and students are forced to borrow money if they wish to attend college or university.

Not surprisingly, rising tuition costs have also been accompanied by growing levels of student debt. Many students are borrowing more money to finance their post-secondary education. From 1990 to 2006, the proportion of Canadian undergraduates with debt at graduation rose from 45 per cent to 59 per cent, and the average debt load for undergraduates with loans more than doubled, from \$11,600 to over \$24,000. In 2003-04, government student loans were the second largest source of funding for post-secondary students, covering approximately 19 per cent of their costs. In 2005-06, the Canada Student Loans Program loaned roughly \$1.9 billion to 350,000 post-secondary students. Its total outstanding loan portfolio in that year was \$8.2 billion owed by 990,000 current and former students.

More assistance is needed to help students pay for post-secondary education. However, in addition to improving access and funding, we need to ensure that other types of legislation do not discourage young people from pursuing post-secondary education. Even if measures are taken to reduce student expenses and to provide new kinds of financial support, it is likely that government student loans will remain an important source of funding for university and college students. The large numbers of Canadians affected by student debt, and the growing size of the average Canadian student loan, make it essential that a rational, yet compassionate, approach be adopted in dealing with former students who find themselves unable to pay the money that they have borrowed because of circumstances beyond their control.

The number of Canadians relying on government student loans to pay for post-secondary education is increasing, as is the average amount of debt amassed per student. Data is beginning to emerge showing that high debt levels affect the choices that people make after they graduate from school. For example, college and university students might complete one degree or diploma but then decide not to pursue further studies if they already have a lot of debt. Studies have shown that students who go on to graduate or professional schools usually have much less debt than those who stop after one degree. This finding suggests that student debt could be preventing Canadians and Canada from having more highly skilled workers such as doctors and engineers. There are also concerns about equity, because those from wealthier backgrounds are presumably more likely to complete their education without amassing significant debt, and are then more likely to continue their studies.

Student debt will not disappear, but the way the government deals with students who borrow money to invest in post-secondary education matters a great deal. Bankruptcy is

supposed to provide individuals and businesses with a way of dealing with debts they cannot pay back and with a way of eventually “starting over” so that they can eventually play an active part in the economy and in society. Bankruptcy allows individuals, entrepreneurs and investors to cope with the risk inherent in any business venture by allowing them to be freed from their debts if an entrepreneurial venture does not turn out as planned. Without the last-resort availability of bankruptcy, people would be much less willing to take financial risks or invest their money in new ventures, which would greatly inhibit economic growth.

• (1540)

When students borrow money, however, for post-secondary education, they are also taking a risk by investing in something that is likely but not guaranteed to benefit them and society. Student borrowers should have the right to declare bankruptcy in a timely fashion and be released of their debts, just like other investors.

However, despite the importance of providing individuals with a means of starting over, and notwithstanding the benefits of using bankruptcy to help investors cope with risk, student loans are treated differently than any other kind of loan in bankruptcy proceedings. Unlike, for example, a small business owner borrowing money, a former student cannot be freed of a government student loan in bankruptcy proceedings until he or she has been out of school for 10 years. If an individual with a student loan is negatively affected by a dramatic change in the job market, or if the individual suffers a personal catastrophe of some kind, no options are available to them once interest relief and debt reduction programs have been exhausted.

In conducting research for this bill, I discovered stories about young Canadians who have had personal misfortune compounded by financial difficulties relating to the repayment of student loans. For example, there are young Canadians who have graduated from college and university with significant debt, only to be diagnosed with a terminal illness and told that they cannot work to earn a living. These people have subsequently gone on to default on their loans and then have been continually harassed by commercial collection agencies on behalf of our government, even though it is clear to all parties that circumstances beyond anyone’s control have made repayment impossible for these borrowers. Under the current law, these unfortunate individuals are trapped by circumstance with little hope of escape. This bill will help these people by allowing them to apply to a court to be relieved from their loans at any time.

The treatment of student loans in bankruptcy proceedings has changed a great deal in the last decade or so. A rule prohibiting the discharge of student loans in bankruptcy for two years after the holder left school was created in 1997 during the series of amendments to the Bankruptcy and Insolvency Act. One year later, without any notice and without the knowledge of anyone that had an interest, the restriction was unilaterally increased to 10 years. There was no additional consultation, review or explanation for the second change, other than the apparent belief on the part of the lenders that student borrowers were declaring bankruptcy shortly after graduation in order to avoid repayment of their student loan debt.

Despite this perception, one thing has become clear over the last 10 years that is essential for an understanding of the philosophy behind this bill: There is absolutely no evidence at all that students have been abusing the bankruptcy process to rid themselves of student debt. In fact, all of the research that has been done indicates the contrary.

However, reviewing bankruptcy legislation in connection with student loans, one would think that abuse has occurred. That is not the case. The research is clear and consistent: Abuse of the bankruptcy process is not a factor in the non-reimbursement of student loans.

Honourable senators, this bill would reduce the amount of time before which student loans can be discharged in bankruptcy proceedings to two years, as it was in 1997. It would create a new provision that would allow persons experiencing long-term financial hardship to apply for a court order to relieve them from all or part of their student loans within two years of completing schooling. By allowing student debts to be included in bankruptcy after two years from the end of a student’s study, Bill C-205 balances the need for graduates to take responsibility for their obligations and the need for Canadians to be freed from unbearable debt within a reasonable period of time.

Allowing those facing exceptional circumstances to apply for a court order at any time also ensures that no Canadian will suffer undue and unreasonable hardship because of student debt.

Honourable senators, this bill is compassionate. It is timely, given the rising cost of post-secondary education and growing levels of student debt. It is premised on the notion that it is in the interest of all Canadians for students from all backgrounds to be able to invest in post-secondary education without the disincentive of a potentially disastrous and long-term burden. Accordingly, the small minority of people for whom the investment does not pay off should not be unfairly penalized and prevented from making a fresh start at a key time in their lives.

George Peabody once described education as a debt due from present to future generations. This bill will help to ensure that borrowing money today to pay for post-secondary education will never create a crushing financial albatross from which needy former students cannot be freed until very far into the future.

Honourable senators, I urge speedy passage of this bill in this place.

On motion of Senator Tkachuk, debate adjourned.

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Jerahmiel S. Grafstein moved second reading of Bill S-206, An Act to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Grafstein*)

He said: Honourable senators are familiar with the subject matter of this bill, but let me briefly sum up, for those who do not recall it, that this bill is essentially about equality and equal

treatment of Canadians across the country regarding clean drinking water. The situation in Canada, rather than improving, continues to deteriorate. The companion bill, to which I will speak tomorrow, deals with the upstream protection of our drinking water. This bill deals with water at source.

This bill has been on the Order Paper now since February 2001. I introduced it as a remedial measure arising out of the tragic situation that occurred in Walkerton, Ontario, my province; in North Battleford, Saskatchewan; and in other towns and cities across the country. Recently, even this summer, a tragic event took place with respect to water in Montreal. We continue to have bad episodes of drinking water in the 21st century in Canada. To my mind, that is a major disgrace.

This is a simple bill. It will amend the Food and Drugs Act to add clean drinking water as an explicit objective of a federal agency already organized to regulate foods and liquids. As I mentioned before, the food and drug agency regulates soda pop and ice. The federal government regulates drinking water in all its federal aspects across the country and it regulates drinking water in bottles but not drinking water at source. A bottle of drinking water from Fiji costs \$4 or \$5, yet people are not able to get drinking water out of their taps in many towns and cities across the country on which they can rely.

I will not repeat the speech I gave in May 2006 in the Senate at second reading. At that time, I convinced my colleagues who had objected to the bill from a constitutional perspective and others to refer it to committee. I again commend Senator Banks, who held excellent hearings. Finally, after five years, we heard from Health Canada that the bill was constitutional. There is no longer a question about its constitutionality, but it took five years — and I see that Senator Banks, who chaired the hearings so ably, agrees — and that was a means of speeding the passage of the bill along in this place.

Senator Bryden presented the problem we have in this chamber compared to the other place. The other place can, by a simple motion, restore all of its legislation that dies on the Order Paper. We have to go through the mechanics of second and third reading and referring bills to committee. I hope, with the consent of honourable senators, to expedite this bill and get it back to the other House, where it sat on their Order Paper.

This bill was passed by this chamber. In order for the proposed legislation to return to its place on the other side, it needs to be sent there within 60 days. A number of days have already run; I believe we are at around 55 days now. Time is running out. If, as suggested, this Parliament will be a short one, I urge that honourable senators expedite this bill as quickly as possible.

I will not go into the procedure, as Senator Bryden already did so. Essentially there is a means and we will talk to house leaders on both sides to see if they will consent, as they did before, to expedite the passage of the bill with the consent of all senators.

• (1550)

The situation has not improved over the last five years but has grown worse. The greatest scandal, of course, is in the Aboriginal community. I am delighted to hear once again that this government and the last three or four preceding governments have all mentioned their commitment to clean drinking water and

particularly to clean drinking water in Aboriginal communities. However, the situation is no better today than it was five years ago. This bill, if passed, will force the federal government to expedite what it should have done before, which is to renovate the infrastructure, particularly for First Nations people.

Honourable senators, I will not take much more time on this matter because you have heard it before. I will not be emotive about it, but I want to again remind all senators, particularly female senators, about the importance of this measure. One thing upset me deeply five years ago when we had a meeting. My friend Dennis Mills, member of Parliament, and I convoked a hearing in an Aboriginal community north of Toronto. An Aboriginal woman from Grassy Narrows told us that in order for her to have a healthy baby she must leave her reservation and go to a place where there is clean drinking water. In that way she could cleanse her womb for two or three years in order to ensure that the impurities in her system were removed so she could have a healthy baby. When I heard that story I was outraged.

Honourable senators, I want to again thank Senator Watt and Senator Adams for their tremendous moral support. Senator Watt brought this situation to my attention and made me become, in effect, his advocate for this particular measure. Senator Smith will be pleased that I mention the study by the Gordon Water Group of Concerned Scientists and Citizens, *Changing the Flow: A Blueprint for Federal Action on Fresh Water*. It includes, on page 33, a chapter on drinking water. The rest of this excellent study, founded by a great friend of ours, a great mentor of Senator Smith and me, Walter Gordon, and his family, was funded by their foundation. I will read brief excerpts from their recent study at page 33, Priority 3: Securing Safe Drinking Water for all Canadians.

By the way, this group is comprised of concerned scientists and citizens in every region across the country, including all the environmental groups. This has been supported by practically every environmental group and people interested in this question across Canada. They say:

The Canadian government estimates that contaminated drinking water causes 90 deaths and 90,000 cases of illness annually and independent health experts suggest a much higher number of Canadians suffer from gastrointestinal illnesses related to their drinking water.

When I sought to obtain these statistics from Health Canada they were not available. I believe the reason Health Canada did not make them available or keep them is because they would then be obliged under the act, as a public health measure, to do something about it. In my view, there has been a whitewash of this statistical information and we do not keep track of what is going on here.

When I was preparing my paper, I asked Dr. Schindler, an independent expert, if he and I could put together a model to estimate the savings to the health system if we could clean up the drinking water situation across Canada. We estimated a minimum of \$1 billion to \$2 billion a year alone, aside from the cost of people becoming sick because of bad drinking water. Many times people go through the health system and, because the system does not keep track, they do not even know their illness came from bad drinking water. That is a whitewash and a scandal.

Honourable senators, the report continues:

... inconsistencies and inequities exist. As the water contamination events in Walkerton, North Battleford and Kashechewan illustrate, problems are most severe in communities that rely on small drinking water systems and on First Nations reserves.

When I heard the Newfoundland story, this upset me even more. What is the Newfoundland story? In many of the outports of Newfoundland, where they have large families of six, seven or eight children, to this day they must boil all of their water for all of their utilization — for their food, drinking water and washing needs. Newfoundland and Labrador is an oil-rich province and it has not been able to provide clean drinking water to its own inhabitants. The Premier of Newfoundland and Labrador rants and raves about how important it is to get revenue from the federal government in connection with the resources in his province, but I have not heard anyone rave and rant about the hundreds of housewives and mothers who to this day, every day, must boil their water. I do not know how inert we can become when we do not respond to these rather emotional tales.

Therefore, what is the action plan? The action plan, on page 33 of the study, states:

Why the Federal Government?

- Under the Constitution, the criminal law power gives the federal government power to legislate to protect the health and safety of all Canadians. Clean and accessible drinking water is essential for health and safety.

Again, every day the department of health is directed to say that, if one wants to be healthy, one must drink eight glasses of water a day. How inconsistent is that? We demand to keep good health by drinking water, but we do not provide the good water so children and families can drink it.

On that point, Senator Nolin has been a great critic of most of my legislation. He and I are interested in constitutional matters. We have other things to discuss, such as securities legislation and the watershed bill. It is interesting, though, that last week the Minister of Finance of Quebec — and I have made the point in this chamber a countless number of times — said that the federal criminal power is unquestioned by Quebec. This is the power upon which the Food and Drugs Act is based. She said that is unquestioned, and that was two days ago. I will send the honourable senator the clipping. I might have misquoted the minister, but sometimes even a Minister of Finance in Quebec is right. On that question, she was right. We will continue to debate this question. We will hear from the securities regulator how she is impeding the progress of our capital markets, but let us stick to the subject matter here.

- Through Health Canada, the federal government is responsible for enhancing and protecting the health of Canadians.

The Gordon report continues:

- The federal government has established legislative standards for food, drugs and bottled water through the Food and Drugs Act, 1985.

The federal government has a clear mandate —

Honourable senators, note this:

— and fiduciary responsibility to ensure safe drinking water for Aboriginal Canadians (First Nations, Metis and Inuit) whose communities are located on federal land.

Honourable senators include First Nations, Metis and Inuit representatives and I hope they will support me once again in this measure.

The Gordon report concludes with “Standards vs. Guidelines,” because the federal government has non-enforceable guidelines which, as the Auditor General has reported, are way out of date. We have guidelines established that are voluntary and even they are out of date. Senator Banks discovered that when he had the Auditor General report to his committee. That is all on the record.

The concluding statement in this paragraph is:

Standards are expected to provide a superior level of protection for human health compared to guidelines because they are legally binding and enforceable and failure to comply results in punishment. Guidelines, on the other hand, are essentially voluntary targets that water providers may strive toward but are not required to achieve.

Honourable senators, the situation is not getting better; it is getting worse. Whether one agrees with the Gordon report is another question. There is not a province or region where there is not bad drinking water today. It is my contention that the reason for this is that the criminal power has not been utilized with the municipalities and those involved to ensure that the health of Canadians is protected.

I began with a question of equality: Why is it that in Toronto I should get clean drinking water for me and my family and someone in Newfoundland should not? Why is it that in Toronto I should get clean drinking water for my family and Senator Watt’s or Senator Adams’ families and their communities should not? It is not fair. It is not right. It is contrary to the spirit of the Charter.

I will conclude by this comment: There is one institution in Canada that is supported by 88 per cent of the public. It is not the flag, it is not the Queen, it is not the Governor General, and it is not even our Speaker. There is one institution that is respected in every region of the country by 88 per cent.

- (1600)

That is the Charter of Rights and Freedoms. Canadians believe in rights. They believe in equality. I hope the Senate will join in this belief and speedily pass this measure back to the House of Commons so we can deal with this issue, and save and help Canadians to be healthy, prosperous and productive citizens.

On motion of Senator Cochrane, debate adjourned.

STATUTES REPEAL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Tommy Banks moved second reading of Bill S-207, An Act to repeal legislation that has not come into force within ten years of receiving royal assent.—(*Honourable Senator Banks*)

He said: Honourable senators, I have lost count of the number of times that I have not only spoken to but introduced this bill. Senator Bryden has set out the context of the situation in which this bill, as well as his bill, is found.

I will not bore you about its provenance but this bill is one that answers the question of how long a government will enjoy the discretion given to it by Parliament to enact the will of Parliament. It answers that question with ten years. Absent that constraint of time, Parliament gives the government discretion to determine when, but not whether, an act will be brought into force.

This bill has been passed unanimously in this place. It has been placed unanimously at second reading in the other place. This bill has been studied over the course of five years by the Standing Senate Committee on Legal and Constitutional Affairs, during the course of which study it has been amended and changed. It has been studied by the Department of Justice, and changes have been made to accommodate the wishes and needs of that department.

That department is now geared up and ready to give effect to this act of Parliament when it comes into force. It has been amended to accommodate department wishes. This government, I am told, is in favour of this bill. I know the present opposition is in favour of this bill. I know the previous government was in favour of this bill, and I know the previous opposition was in favour of this bill. It has been passed unanimously through every stage.

This bill is non-controversial, non-partisan and not even political. It is simply a bill in the public interest of Canada. It has been supported unanimously on all sides. I am informed that it was within days of being reported without amendment by the committee in the other place for third reading when prorogation occurred.

When Senator Bryden stated the mechanism by which these two bills can be restored to their previous place, I call two things to your attention. The first is that Senator Bryden said we have a 60 sitting-day window of opportunity to do that. The second time, the honourable senator said 60 days, and the second time is correct, according to the information I have. The window of opportunity is not 60 sitting days but within 60 days of the beginning of the Second Session of the Thirty-ninth Parliament. This is the tenth day. There are 50 days left, and 10 of them are a break. If we want these two bills restored to the place they were in the other place, we have a small window of opportunity in which to do that, smaller than we would think.

Speaking as I must for this bill, it has been studied and studied, and it has been changed in light of those studies to accommodate both the wishes and concerns expressed by the Standing Senate Committee on Legal and Constitutional Affairs and the

Department of Justice, with whom we have been negotiating for five years about the nature of this bill and what will happen to it if it becomes an act of Parliament.

I can assure honourable senators, as Senator Bryden did, that the bill before us now has been changed only in number. Every other aspect of this bill is identical, down to the comma and indentations, to the one previously passed unanimously in this place and in the other place at second reading and sent to committee there. I urge and ask that we deal with the greatest alacrity possible to make this bill an act of Parliament.

Hon. Hugh Segal: Honourable senators, I want to express my support, as I did the last time this bill was before us. I think that in the content of this bill, in representations made by Senator Hervieux-Payette with respect to the status of legislation that keeps on getting rolled back and forth, there may be an opportunity for the Standing Senate Committee on Rules, Procedures and the Rights of Parliament to make a broader recommendation that we would all support. I will work with my honourable colleague to move this bill through the house expeditiously, and I will adjourn the bill for the present time.

On motion of Senator Segal, debate adjourned.

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Yoine Goldstein moved second reading of Bill C-280, An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171).—(*Honourable Senator Goldstein*)

He said: Honourable senators, I am speaking to Bill C-280. You will likely remember from our debates last spring that this bill would deal with the Immigration and Refugee Protection Act to bring into force those provisions of the act that establish the refugee appeal division.

It is unfortunate that Parliament should ever be forced to create a new law to fully implement the provisions of one that is already passed. It is doubly regrettable in this case since the refusal of successive governments to implement the refugee appeal division is one symptom of the growing crisis in Canada's system for the protection of refugees and asylum seekers.

Honourable senators, around the world, every day, hundreds, if not thousands, of people flee from their homes to escape persecution based on race, religion and political views. Over 55 years ago, the international community codified its responsibility to protect these persons in the form of the United Nations Convention relating to the Status of Refugees. As a party to this convention, Canada is forbidden to send any refugee claimant to another country where his or her life would be threatened.

• (1610)

Accordingly, it is Canada's duty to carefully examine the case of each refugee applicant, lest we become unwitting accomplices to sending persons to a place where they will be harmed.

Unfortunately, many persons attempt to take advantage of the international system for the protection of refugees, meaning that Canadian officials often face the agonizing task of screening out the truly deserving, using evidence that is often incomplete or unverified. As a result, it can take many months to process a refugee claim, particularly since Canada receives somewhere between 23,000 and 38,000 refugee claims each year.

In 2001, Parliament passed the Immigration and Refugee Protection Act, in the hopes of speeding up and streamlining the process for approving refugee claims. A key provision of the act reduces the number of immigration board members hearing each case from two to one, which theoretically would have doubled the number of claims that could be heard in a given period of time.

However, this efficiency came at a price. Whereas before most claims would be accepted if only one of the two members supported the application, the new system put each applicant's fate in the hands of one immigration board member.

To guard against the potential for mistakes by individual officials, the 2001 law balanced the increased efficiency of the determination process by creating a new refugee appeal division, which would be able to hear appeals from those who were rejected based on the merits of their cases. However, when the law went into force in 2002, the government of the day specifically did not implement the provisions creating the refugee appeal division on the grounds that it would slow the system to the point of a halt; an explanation that is counterintuitive and thoroughly illogical.

While arguments about efficiency might sound tempting, speed should not be the primary goal of the system that exists to protect those who are running for their lives. Without the refugee appeal division, claimants rejected under the new system have been left with no way to appeal on the merits of their claims. Instead, all they can do is ask the Federal Court to grant them leave to apply for judicial review of their cases.

Unfortunately, nine out of ten applicants are denied leave to apply, and the court gives no explanations for those that it turns down. As a last resort, rejected claimants can apply for pre-removal risk assessment, which evaluates the likelihood that a person will be harmed if he or she is deported. However, an application for a risk assessment can only be made on the basis of new evidence and cannot be based on a reconsideration of the original refugee claim.

Only yesterday, an imam whose wife is Canadian and pregnant was deported to his country of origin where he faces a prison sentence of at least three years and presumably untold torture. Yet we deported him.

Without a proper appeal process, Canada has no mechanism to assure that it fully respects its international commitment to protect refugee claimants from harm. This failure has been noted by the United Nations High Commission for Refugees, which has written to the Canadian government expressing its opinion that, "An appeal mechanism is a vital part of the refugee determination process."

This view has also been expressed by the Inter-American Commission on Human Rights, and by the United Nations Committee against Torture. At present, Canada, Italy and Portugal are the only industrialized countries without a

procedure for a merit-based appeal process for asylum and refugee claims.

Perhaps the most regrettable part of this situation is that, despite the non-implementation of the refugee appeal division, Canada's system for the protection of refugees has become less efficient in recent years, not more. Instead of dropping, the number of backlogged cases has grown by over 50 per cent since August 2005, leaping from 20,000 to almost 31,000.

Worse still, each case is being handled at a slower pace, with the typical processing time now standing at over 14 months, as compared with 12 months as recently as December of last year.

The biggest factor driving this slowdown is that this government has refused to fill over 40 vacancies on the Immigration and Refugee Board of Canada, leaving the organization operating at two-thirds strength. Unless appointments are made soon, this situation will worsen, leaving those in need of protection hanging in limbo for ever longer periods of time.

It is incumbent on all parliamentarians to stand up for what is right, especially when it comes to protecting the most vulnerable in our international community. That is why I have agreed to sponsor this bill, even though it was introduced in the other place by the Bloc Québécois, a party with which I customarily disagree.

Recent events have made it obvious that the long delays in the refugee claimant process are not the result of the process, but rather the fact that successive governments — both Liberal and Conservative, let it be said — have not allocated the resources required to make the process work.

Honourable senators, I have a significantly personal interest in this bill and in the refugee process. In the late 1930s and early 1940s, when some 6 million Jews could have been saved from their death, this country adopted a policy that has been described as "none is too many" — a policy that systematically refused entry into Canada people who, to the specific knowledge of Canadian immigration officials at that point, were destined to be killed solely because of their religion.

I respectfully urge honourable senators to support this bill, so that together we can send the message that refugee protection is a fundamental Canadian value. It must be done with complete confidence, with the right procedures and resources in place to do so. To do otherwise will only exacerbate the problem and force more deserving people back to the persecution from which they have fled.

Canada should not do that. I respectfully urge your support.

On motion of Senator Di Nino, debate adjourned.

BUSINESS OF THE SENATE

Hon. Tommy Banks: Honourable senators, I will make a point, since he is not here at the moment, of contacting Senator Segal, but I wish to correct myself. I made a point when I was speaking about Bill S-207 in suggesting that I had heard differently than

Senator Bryden about the 60 sitting days as opposed to 60 days. Since I dwelt on that for a moment, I must tell you that I was wrong and Senator Bryden is right. In the first sentence of the House of Commons Standing Order 86.2. (1) it says:

During the first sixty sitting days of the second or subsequent session of a Parliament. . .

We agree on everything else. I wanted the house to be aware of that matter, and I will undertake to tell Senator Segal that forthwith.

COMMITTEE OF SELECTION

FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Senate Committee of Selection (*Speaker pro tempore*), presented in the Senate earlier this day.

Hon. Hugh Segal: I move adoption of the report standing in my name.

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

Motion agreed to and report adopted.

• (1620)

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE 2007 DECLARATION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein, pursuant to notice of October 17, 2007, moved:

That the following Resolution on Combating Anti-Semitism and Other Forms of Intolerance, which was adopted at the 16th Annual Session of the OSCE Parliamentary Assembly, in which Canada participated in Kyiv, Ukraine on July 9, 2007, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2008:

RESOLUTION ON COMBATING ANTI-SEMITISM, RACISM, XENOPHOBIA AND OTHER FORMS OF INTOLERANCE, INCLUDING AGAINST MUSLIMS AND ROMA

1. Recalling the Parliamentary Assembly's leadership in raising the focus and attention of the participating States since the 2002 Annual Session in Berlin on issues related to intolerance, discrimination, and hate crimes, including particular concern over manifestations of anti-Semitism, racism, xenophobia and other forms of intolerance,

2. Celebrating the richness of ethnic, cultural, racial, and religious diversity within the 56 OSCE participating States,
3. Emphasizing the need to ensure implementation of existing OSCE commitments on combating anti-Semitism, racism, xenophobia, and other forms of intolerance and discrimination, including against Christians, Muslims, and members of other religions, as well as against Roma,
4. Recalling other international commitments of the OSCE participating States, and urging immediate ratification and full implementation of the Convention on Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the Rome Statute,
5. Reminding participating States that hate crimes and discrimination are motivated not only by race, ethnicity, sex, and religion or belief, but also by political opinion, national or social origin, language, birth or other status,

The OSCE Parliamentary Assembly:

6. Welcomes the convening of the June 2007 OSCE High Level Conference on Combating Discrimination and Promoting Mutual Respect and Understanding, in Bucharest, Romania as a follow-up to the 2005 Cordoba Conference on Anti-Semitism and Other Forms of Intolerance;
7. Appreciates the ongoing work undertaken by the OSCE and the Office for Democratic Institutions and Human Rights (the OSCE/ODIHR) through its Programme on Tolerance and Non-discrimination, as well as its efforts to improve the situation of Roma and Sinti through its Contact Point for Roma and Sinti Issues, and supports the continued organization of expert meetings on anti-Semitism and other forms of intolerance aimed at enhancing the implementation of relevant OSCE commitments;
8. Recognizes the importance of the OSCE/ODIHR Law Enforcement Officers Programme (LEOP) in helping police forces within the participating States better to identify and combat hate crimes, and recommends that other participating States make use of it;
9. Reiterates its full support for the political-level work undertaken by the three Personal Representatives of the Chair-in-Office and endorses the continuance of their efforts under their existing and distinct mandates;
10. Reminds participating States of the Holocaust, its impact, and the continued acts of anti-Semitism occurring throughout the 56-nation OSCE region that are not unique to any one country and necessitate unwavering steadfastness by all participating States to erase the black mark on human history;

11. Calls upon participating States to recall that atrocities within the OSCE region motivated by race, national origin, sex, religion or belief, disability or sexual orientation have contributed to the negative perceptions and treatment of persons in the region;
12. Further recalls the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its Annual Sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004, Washington in 2005 and Brussels in 2006;
13. Reaffirms especially the 2002 Porto Ministerial Decision condemning “anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom”;
14. Recalls the agreement of the participating States, adopted in Cracow in 1991, to preserve and protect those monuments and sites of remembrance, including most notably extermination camps, and the related archives, which are themselves testimonials to tragic experiences in their common past;
15. Commends the 11 member states of the International Tracing Service for approving the immediate transfer of scanned Holocaust archives to receiving institutions and encourages all participating States to cooperate in opening, copying, and disseminating archival material from the Holocaust;
16. Commemorates the bicentennial of the 1807 Abolition of the Slave Trade Act which banned the slave trade in the British Empire, allowed for the search and seizure of ships suspected of transporting enslaved people, and provided compensation for the freedom of slaves;
17. Agrees that the transatlantic slave trade was a crime against humanity and urges participating states to develop educational tools, programmes, and activities to teach current and future generations about its significance
18. Acknowledges the horrible legacy that centuries of racism, slavery, colonialism discrimination, exploitation, violence, and extreme oppression have continued to have on the promulgation of stereotypes, prejudice, and hatred directed towards persons of African descent;
19. Reminds parliamentarians and participating States that Roma constitute the largest ethnic minority in the European Union and have suffered from slavery, genocide, mass expulsions and imprisonment, forced assimilations, and numerous other discriminatory practices in the OSCE region;
20. Reminds participating States of the role these histories and other events have played in the institutionalization of practices that limit members of minority groups from having equal access to and participation in state-sponsored institutions, resulting in gross disparities in health, wealth, education, housing, political participation, and access to legal redress through the courts;
21. Underscores the sentiments of earlier resolutions regarding the continuing threat that anti-Semitism and other forms of intolerance pose to the underlying fundamental human rights and democratic values that serve as the underpinnings for security in the OSCE region;
22. Therefore urges participating States to increase efforts to work with their diverse communities to develop and implement practices to provide members of minority groups with equal access to and opportunities within social, political, legal, and economic spheres;
23. Notes the growing prevalence of anti-Semitism, racism, xenophobia, and other forms of intolerance being displayed within popular culture, including the Internet, computer games, and sports;
24. Deplores the growing prevalence of anti-Semitic materials and symbols of racist, xenophobic and anti-Semitic organizations in some OSCE participating States;
25. Reminds participating States of the 2004 OSCE meeting on the Relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes and suggested measures to combat the dissemination of racist and anti-Semitic material via the Internet as well as in printed or otherwise mediatized form that could be utilized throughout the OSCE region;
26. Deplores the continuing intellectualization of anti-Semitism, racism and other forms of intolerance in academic spheres, particularly through publications and public events at universities;
27. Condemns the association of politicians and political parties with discriminatory platforms, and reaffirms that such actions violate human rights standards;
28. Notes the legislative efforts, public awareness campaigns, and other initiatives of some participating States to recognize the historical injustices of the transatlantic slave trade, study the enslavement of Roma, and commemorate the Holocaust;
29. Urges other states to take similar steps in recognizing the impact of past injustices on current day practices and beliefs as a means of providing a platform to address anti-Semitism and other forms of intolerance;
30. Suggests guidelines on academic responsibility to ensure the protection of Jewish and other minority students from harassment, discrimination, and abuse in the academic environment;

31. Urges participating States to implement the commitments following the original 2003 Vienna Conferences on Anti-Semitism and on Racism, Xenophobia and Discrimination and subsequent conferences that include calls to:
 - a. provide the proper legal framework and authority to combat anti-Semitism and other forms of intolerance;
 - b. collect, analyse, publish, and promote hate crimes data;
 - c. protect religious facilities and communitarian institutions, including Jewish sites of worship;
 - d. promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
 - e. train law enforcement officers and military personnel to interact with diverse communities and address hate crimes, including community policing efforts;
 - f. appoint ombudspersons or special commissioners with the necessary resources to adequately monitor and address anti-Semitism and other forms of intolerance;
 - g. work with civil society to develop and implement tolerance initiatives;
32. Urges parliamentarians and the participating States to report their initiatives to combat anti-Semitism and other forms of intolerance and publicly recognize the benefits of diversity at the 2008 Annual Session;
33. Commends all parliamentary efforts on combating all forms of intolerance, especially the British All-Party Parliamentary Inquiry into Anti-Semitism and its final report;
34. Emphasizes the key role of politicians and political parties in combating intolerance by raising awareness of the value of diversity as a source of mutual enrichment of societies, and calls attention to the importance of integration with respect for diversity as a key element in promoting mutual respect and understanding;
35. Calls upon OSCE PA delegates to encourage regular debates on the subjects of anti-Semitism and other forms of intolerance in their national parliaments, following the example of the All-Party Parliamentary Inquiry into Anti-Semitism;
36. Calls upon journalists to develop a self-regulated code of ethics for addressing anti-Semitism, racism, discrimination against Muslims, and other forms of intolerance within the media;
37. Expresses its concern at all attempts to target Israeli institutions and individuals for boycotts, divestments and sanctions;
38. Urges implementation of the Resolution on Roma Education unanimously adopted at the OSCE PA 2002 Berlin Annual Session to “eradicate practices that segregate Roma in schooling” and provide equal access to education that includes intercultural education;
39. Calls upon parliamentarians and other elected officials to publicly speak out against discrimination, violence and other manifestations of intolerance against Roma, Sinti, Jews, and other ethnic or religious groups;
40. Urges the participating States to ensure the timely provision of resources and technical support and the establishment of an administrative support structure to assist the three Personal Representatives of the Chair-in-Office in their work to promote greater tolerance and combat racism, xenophobia and discrimination;
41. Encourages the three Personal Representatives of the Chair-in-Office to address the Assembly’s Winter Meetings and Annual Sessions on their work to promote greater tolerance and combat racism, xenophobia, and discrimination throughout the OSCE region;
42. Recognizes the unique contribution that the Mediterranean Partners for Co-operation could make to OSCE efforts to promote greater tolerance and combat anti-Semitism, racism, xenophobia and discrimination, including by supporting the ongoing work of the three Personal Representatives of the Chair-in-Office;
43. Reminds participating States that respect for freedom of thought, conscience, religion or belief should assist in combating all forms of intolerance with the ultimate goal of building positive relationships among all people, furthering social justice, and attaining world peace;
44. Reminds participating States that, historically, violations of freedom of thought, conscience, religion or belief have, through direct or indirect means, led to war, human suffering, and divisions between and among nations and peoples;
45. Condemns the rising violence in the OSCE region against persons believed to be Muslim and welcomes the conference to be held in Cordoba in October 2007 on combating discrimination against Muslims;
46. Calls upon parliamentarians and the participating States to ensure and facilitate the freedom of the individual to profess and practice any religion or belief, alone or in community with others, through transparent and non-discriminatory laws, regulations, practices and policies, and to remove any registration or recognition policies that discriminate against any religious community and hinder its ability to operate freely and equally with other faiths;

47. Encourages an increased focus by participating States on the greater role teenagers and young adults can play in combating anti-Semitism and other forms of intolerance and urges participating States to collect data and report on hate crimes committed by persons under the age of 24 and to promote tolerance initiatives through education, workforce training, youth organizations, sports clubs, and other organized activities;
48. Reminds participating States that this year marks the 59th Anniversary of the United Nations Human Rights Commission's adoption of the Universal Declaration on Human Rights, which has served as the inspiration for numerous international treaties and declarations on tolerance issues;
49. Calls upon participating States to reaffirm and implement the sentiments expressed in the 2000 Bucharest Declaration and in this resolution as a testament to their commitment to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion", as enshrined in the Helsinki Final Act;
50. Expresses deep concern at the glorification of the Nazi movement, including the erection of monuments and memorials and the holding of public demonstrations glorifying the Nazi past, the Nazi movement and neo-Nazism;
51. Also stresses that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;
52. Emphasizes the need to take the necessary measures to put an end to the practices described above, and calls upon participating States to take more effective measures to combat these phenomena and the extremist movements, which pose a real threat to democratic values.

He said: I shall not try your patience too much longer; you have been very salubrious in your responses.

Honourable senators, this resolution in most of its form has been on the Order Paper now for some five years or more. I shall briefly address it, as this is a new motion with some amendments, a similar motion having been tabled in the last Parliament.

I rise to speak on this motion and to address the rising spiral of anti-Semitism, the oldest of all prejudices in Canada and elsewhere around the world. The alarming statistics cry out for redress.

The largest number of recorded hate incidents across Canada and in Toronto continues to be anti-Semitic in nature. Over 60 per cent of all the hate incidents in Toronto, my home city, were anti-Semitic. In the past year, while the total number of incidents has ebbed slightly, they remain at historic high numbers — and again, anti-Semitic incidents top the polls.

The information has been tracked first by B'nai Brith and now, more recently, by some police authorities. The hate incidents are still not tracked by Statistics Canada, which is part and parcel of this particular resolution.

The substance of this motion has been on the Order Paper for over five years. It was briefly considered by the Standing Senate Committee on Human Rights for an hour or two. However, for some unexplained reason, the committee chose not to complete that study despite the resolution of this chamber, and a report was never completed.

Honourable senators will recall that this resolution was unanimously adopted by 55 states, including Canada, in Washington in July 2005, and before that, for over five years, by the OSCE Parliamentary Assembly, which has now grown from 55 states to 56 states. Once again, at its annual meeting in Kyiv, which I attended, it was adopted by all countries by a very large margin. There were very few abstentions.

The pith and substance of this motion have been revisited each and every year, and there have been countless sidebar meetings in every major city across Europe to keep up the work. Hence, the issue is not fading away. The regretful attendance of the president of Iran at the United Nations in New York indicates that anti-Semitism is alive and well. Not only is it alive and well in those corners of the world away from public attention, but also in the media capital of the world, in New York City, at Columbia University and at the United Nations itself.

I regret to say that the resulting resolution dealing with this action has been taken by a number of other countries. France has taken some action, along with Bulgaria and Romania. Many other countries have moved. In particular, I want to draw attention to the fact that our sister parliament in the U.K. held an all-party meeting on this and have come up with a magnificent study, which is available on the House of Commons website in England. They thought it was important enough for it to be an all-party study and they spent the better part of a year on it.

I am not suggesting that here — I want a much shorter hearing — but essentially the U.K. has come up with a model in a parliamentary system that could be utilized or at least considered by the committee of this place.

All 56 member states recognize the ominous re-emergence of the dark and miserable throwback to the dark recesses of history. As I said, this resolution captures the previous resolutions, with some amendments that took place in Kyiv in Ukraine.

The requirement in this resolution is to make a report. I want to refer to a couple of brief paragraphs that might be useful. The first is to call upon, collect and analyze hate-crime data. The purpose of this is to draw attention to public authorities about hate crimes. This does not apply to just anti-Semitism; it applies, as the title says, to anti-Semitism, to xenophobia, to anti-Muslim or other anti-religious feelings. Hence, it is important to collect statistics, and section 31 of this resolution calls upon all member states, including Canada, to do so.

Furthermore, it calls upon police officers to be trained to handle hate crimes. It is interesting that the Toronto Police Service is now leading the OSCE to train police forces across

Europe about how to handle hate incidents. There is a delicacy and a sensitivity to hate incidents that do not apply to criminal actions generally. Canada, particularly Staff Sergeant Brown and his colleagues, and others from the United States have been holding seminars throughout Europe. Originally, only four or five countries were prepared to participate; now 22 of the 56 countries are regularly participating in these training sessions for police. This training program is an added and concrete step.

Finally, honourable senators, let me say this. From the number of voices that have advocated ideas that could bring redress and a retreat from this rising menace, the following five approaches have been advocated. The heart of this long resolution is only five things I should like the Senate committee to focus on.

First is education, to urge teachers, school boards and school officials to develop effective core curriculae at all levels of education to remediate the roots of this historic hate. Elie Wiesel, in a magnificent speech in Berlin at a conference some years ago, said this: "You can teach a child to love or you can teach a child to hate."

By the way, I find it curious that in my own city of Toronto, which has the second or third largest number of Holocaust survivors, we still have not been able to develop a suggested core curriculum for all the schools at the primary, secondary and post-secondary level. I must commend the Roman Catholic Church, which has done excellent work in renovating its catechism. The Lutheran Church has done the same thing, and others are working away at it. My point, however, is that although there have been some changes they have been slow. Education is important.

The second approach is statistics. Most democratic republics do not understand the depth and the nature of this problem. In this resolution, governments are urged to track and publish hate incidents regularly when and where they occur.

The statistics gathered by me are not mine. They have been gathered by the B'nai Brith as well as police forces in Toronto who try to keep track of this. They all generally concur about the tracking and the rising incidence. The available statistics usually come from nongovernmental sources but are serious enough to warrant annual and regular attention by Statistics Canada.

The third approach is more sophisticated policing. As I indicated, the Toronto Police Service has led the way internationally, in conjunction with the OSCE, and now trains police forces in 22 countries.

Fourth is to review our domestic laws to strengthen the rule of law against invidious and hateful conduct and incitement to hate or violence. It is time to have a fresh review of the anti-hate legislation on our books.

The last approach is to expose the explosion of websites on the Internet that promote hate and discrimination. On this latter point, pioneering work has been done on child porn and missing children in partnership with the Toronto Police Service and Microsoft. There are solutions; there are freedom-of-speech solutions to inhibiting the use of the web to increase hate. We can curb hate if we do it without reducing free speech; there are mechanisms available.

[Senator Grafstein]

I hope, honourable senators, that the Standing Senate Committee on Human Rights, if this motion is adopted, will explore these five elements that can dilute the impact of hate. I am not asking for a massive study of months and months — I know the committee in question is very busy — but I would think that, within three or four well-organized sessions, they could hope to address some of these points and act as a model of recommendation to the federal, provincial and municipal governments. We cannot hope to eradicate the roots of this odious prejudice of anti-Semitism, but hopefully we can make a difference.

Some honourable senators may wonder why I continue year after year on this topic. Honourable senators, I take this subject very personally. I have seen anti-Semitism up close and personal, since this dismal subject was directed toward me, my family and my co-religionists personally, right here in Canada.

• (1630)

Honourable senators, why is there a continuing reluctance on the part of the Standing Senate Committee on Human Rights, in light of the clear evidence of the growing problem in Canada, to study this problem? This subject goes to the very heart of the idea of equality before the law, in which each and every senator believes, equality of our civic society and, above all, freedom from fear. I urge all honourable senators to support this motion and refer it quickly to the Standing Senate Committee on Human Rights.

On motion of Senator Di Nino, debate adjourned.

THE SENATE

MOTION URGING GOVERNOR GENERAL TO FILL VACANCIES—DEBATE ADJOURNED

Hon. Wilfred P. Moore, pursuant to notice of October 18, 2007, moved:

That the following humble Address be presented to Her Excellency, The Right Honourable Michaëlle Jean, Governor General of Canada:

MAY IT PLEASE YOUR EXCELLENCY:

WHEREAS full representation in the Senate of Canada is a constitutional guarantee to every province as part of the compromise that made Confederation possible;

AND WHEREAS the stated position of the Prime Minister that he "does not intend to appoint senators, unless necessary" represents a unilateral denial of the rights of the provinces;

AND WHEREAS the Prime Minister's disregard of the Constitution of Canada places the Governor General in the intolerable situation of not being able to carry out her sworn duties under section s. 32 of the *Constitution Act, 1867*, which states, "When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.";

AND WHEREAS upon the failure of the Prime Minister to tender advice it is the duty of the Governor General to uphold the Constitution of Canada and its laws and not be constrained by the willful omission of the Prime Minister;

Therefore, we humbly pray that Your Excellency will exercise Her lawful and constitutional duties and will summon qualified persons to the Senate of Canada, thereby assuring that the people and regions of our country have their full representation in a properly functioning Parliament, as that is their undeniable right guaranteed in the Constitution of Canada.

He said: Honourable senators will recall that during the last session the Senate debated the inquiry of Senator Banks calling the attention of senators to the large number of vacancies in the Senate and to the constitutional obligation of the government to fill those vacancies. Several honourable senators who participated in the debate expressed their dismay that the Prime Minister had stated clearly a general policy that he would not fill vacancies. Not surprisingly, he made a glaring exception to this policy when he announced an appointment to fill a vacancy in his home province of Alberta before that vacancy had even occurred.

I acknowledge that there have been periods of time when the vacancies in the Senate have exceeded 12. In the fullness of time, all such vacancies were filled. However, in those situations, none of those prime ministers stated, "I do not intend to appoint senators unless necessary," as Prime Minister Harper has said. This Prime Minister cannot unilaterally rewrite a section of the Constitution, which is an agreement between the federal government and the provinces that has existed for 140 years.

Some honourable senators have expressed concern about the impact of the Prime Minister's decision on the rights of the provinces. Senate representation is not optional; it is not the gift of a prime minister to give or withhold at his whim. Representation in the Senate is constitutionally guaranteed to every province as part of the compromise that made Confederation possible. The policy of the Prime Minister unilaterally denies the rights of the provinces.

Some have also expressed concern about having sufficient numbers to carry on the proper functioning of the Senate. Honourable senators saw an illustration of the problem during the last session. On May 15, the Senate adjourned for a lack of quorum. It is not unusual in a parliamentary body for the opposition to attempt to use a lack of quorum to delay a government initiative that it opposes. However, this tactic is rarely successful because under normal circumstances the government can easily establish a quorum with its own members.

On May 15, when the Speaker's attention was called to a lack of quorum in the Senate debate was suspended for five minutes while senators were summoned from the reading room. After that failed to establish a quorum, the bells were rung for a further 15 minutes. Honourable senators, I emphasize that the day in

question was a Tuesday, normally the beginning of our weekly calendar, not the end of it. After the bells were rung, the government still could not muster the 15 senators needed to carry on the business of this place. For the first time since 1914, the Senate adjourned for a lack of quorum. That is the result of the Prime Minister's refusal to appoint senators: a serious undermining of the Senate's ability to function.

Equally disturbing is the constitutional situation the Prime Minister has created with his refusal to recommend appointments. One seat has been vacant for over three years. The Prime Minister has put the Governor General in the intolerable position of not carrying out her duty under section 32 of the Constitution Act, 1867.

Honourable senators, over the past four months, no one on the government side in this place has defended the Prime Minister's policy of letting vacancies linger. I wish I could say that I am surprised. I particularly regret that none of my Conservative colleagues from Nova Scotia has spoken to an issue that affects so deeply our province's commitment to Confederation. Nova Scotia is currently the most affected by the Prime Minister's policy of neglecting vacancies. We have three vacancies, which amounts to 30 per cent of the seats guaranteed to Nova Scotia under the Constitution. One of those vacancies, the seat left open by the retirement of Senator Buchanan, has gone unfilled for 18 months.

Honourable senators, I do not think we can remain silent about this state of affairs. At a minimum, we must say collectively that we want the vacancies filled. The Prime Minister advocates changes to the Senate; as is his privilege. In the meantime, he is wrong to say that he will disregard the Constitution until his proposals are adopted. He is wrong to oppress the constitutional rights of Nova Scotia and other provinces. He is wrong to fail to do his duty to recommend appointments to the Governor General.

One of the most basic rules of the Queen's representative is to preserve the Constitution. Normally, the Governor General acts on the advice of ministers but, when the Prime Minister omits to tender advice in an effort to prevent the fulfillment of a constitutional obligation, where does that put the Governor General? Honourable senators, I submit that since the Prime Minister has plainly said that he refuses to recommend appointments, then it is incumbent upon Her Excellency to take whatever steps are necessary to fulfill her constitutional duties.

For that reason, I urge all honourable senators to support the humble Address I propose today, praying that Her Excellency carry out her duty under section 32 of the Constitution Act, 1867, and fill the 12 vacancies in this place.

On motion of Senator Tkachuk, debate adjourned.

The Senate adjourned until Wednesday, October 24, 2007, at 1:30 p.m.

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