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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, November 14, 2007

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

Prayers.

SENATORS' STATEMENTS

THE NAVY

Hon. Hugh Segal: Honourable senators, since November 2006, Canadian naval operations and deployments have spanned the globe from Canada's North to the Baltic Sea, South Africa, the Caribbean, and the western coast of South America. The effects of these deployments have been far-reaching and it is those effects that contribute to Canada's influence in the world.

Global deployments are vital to maintaining maritime security in challenging conditions. Since May, the Canadian Navy has been involved in such diverse operations as support to high level meetings in the Caribbean; contributions to NATO exercises such as Noble Mariner in the Baltic Sea; and part of the standing NATO Maritime Group 1's circumnavigation of Africa; working with western hemisphere navies off the Panama Canal; and asserting Canadian sovereignty in the Arctic.

At the end of 2006, Canada concluded its one-year command of NATO's high readiness maritime response group, SNMG1, commanded from the flagship destroyer, HMCS *Iroquois*. This group of ships from NATO navies patrolled the Atlantic and Mediterranean with a purpose to interdict those who would use the sea for unlawful purposes.

The presence of the HMCS *Toronto* and other NATO ships off the coast of Somalia, where piracy is enabled by lawlessness ashore and feeds that lawlessness in turn, is a positive effect on maritime security and the merchant ships that rely on that security to deliver food aid ashore.

Early in 2007, HMCS *Ottawa* returned from duty in the Arabian Sea as Canada's twentieth ship deployed to that region under the UN-mandated operation called Op Altair. The benefit of enhanced maritime security is delivered by our deployments to the coalition effort in the Gulf. The tangible effect of the deployments of HMCS *Fredericton*, HMCS *Toronto* and HMCS *Regina* demonstrated that the navy could deploy ships to conduct the three core missions for Canada simultaneously, and could do so effectively: HMCS *Fredericton* in the Arctic for Operation Nanook, asserting Canadian sovereignty and security; HMCS *Regina* in South America, supporting Canadian foreign policy abroad; and HMCS *Toronto* in the Arabian Sea, executing NATO high readiness group responsibilities for sea control, sea denial and maritime power projection in defence of Canadian and allied global objectives and commitments.

• (1335)

In summary, colleagues, domestic security activities, supporting other government departments, and participating in collective global defence while projecting Canadian values is what the navy is doing for us now at sea. As we look forward to 2008, whether

deployed for Operation Altair, Southply, NATO operations and exercises or domestic operations, the navy will deliver maritime security while projecting Canadian interests and values off almost every continent and in every one of the world's oceans.

Please join me in honouring and recognizing these brave men and women of the Canadian navy, whose military, security, diplomatic and safety role on and beneath the seas have never mattered more to national security, Canadian sovereignty and global, diplomatic and economic progress worldwide.

BRIGADIER-GENERAL (RET'D) EDWARD A.C. "NED" AMY

Hon. Wilfred P. Moore: Honourable senators, today, three days after Remembrance Day, I wish to speak about one of Canada's three most decorated military men, Brigadier-General (Retired) Edward A.C. "Ned" Amy, recipient of the Distinguished Service Order, an Officer of the Order of the British Empire, and recipient of the Military Cross, the Canadian Decoration and the American Bronze Star.

Ned Amy was a feisty, fearless tank commander. A 1939 graduate of Royal Military College of Canada, he commanded A Squadron of the Calgary Regiment in Italy, where he won the Military Cross for his "determined and gallant leadership in taking and holding a vital bridgehead over the Moro River" with his Sherman tanks in December, 1943.

He arrived in Normandy, France on July 26, 1944, seven weeks after D-Day. Three days later, then-Major Amy commanded a troop of the 22nd Guard Grenadier Canadian Armoured Regiment in the fight for Gretheville. During the next five weeks, he participated in all the battles that led to the liberation of Normandy. His regiment was awarded four distinctions for its action in the Battle of Falaise. He led an attack against Kurt Meyer's notorious 12th SS Panzer Division that resulted in the liberation of Cintheaux and Bretteville. From August 14 to 17, 1944, his unit was committed to the battle of Rouves, where his tank was destroyed. Finally, he took part in the fights of Falaise against elements of the 3rd SS Panzer Division and the 2nd SS Panzer Grenadier Regiment. After the Battle of Normandy, his unit went into action on the Seine and Somme Rivers, liberating many towns and villages and taking many German prisoners. In the closing months of the war, he fought in Belgium and Germany, where he was wounded. After the war, he remained in the Canadian Forces and retired as a Brigadier-General in 1972.

On July 18, 2007, Olivier Nicholas, Consul-General of France for Atlantic Canada, in a ceremony at Halifax, Nova Scotia, recognized the exemplary service of Ned Amy when he was awarded the prestigious Legion d'honneur, France's highest distinction. In the citation, Mr. Nicholas stated that Ned Amy "demonstrated outstanding bravery in France during the fiercest battles of World War II."

The award presented to Ned Amy by France was a fitting tribute to a real Canadian hero — a hero in the truest sense of the word.

Until recently, Ned resided at Indian Point, Lunenburg County; he now lives in Halifax, where he is an ardent advocate for the reactivation of the Halifax Rifles as a reconnaissance unit.

I congratulate Brigadier-General Amy, and I thank him and those who served under his command for their service to Canada. I am proud to be his friend.

THE SASKATCHEWAN PARTY

CONGRATULATIONS ON ELECTION VICTORY

Hon. David Tkachuk: Honourable senators, all of you interested in environmental issues will be pleased to know that on November 7, a gust of fresh air blew through the province of Saskatchewan. In a triumph of common cause, the people of Saskatchewan completed what they started four years ago, and soundly defeated the NDP and the NDP's main issue — the question of equalization as presented by the Government of Canada. Perhaps most significant, the NDP garnered only 37 per cent of the vote — down from 45 per cent in 2003 — the lowest percentage of the popular vote for them previous to 1944, when the CCF gained power in Saskatchewan under Tommy Douglas.

• (1340)

The Saskatchewan Party garnered 52 per cent of the vote and the Liberals 10 per cent. These percentages translated into 38 seats for the Saskatchewan Party, 20 seats for the NDP and none for the Liberals. The Saskatchewan Party also made breakthroughs in urban areas of our province, with two new seats in Saskatoon and three in Regina. These upsets were not confined to the main urban centres; Yorkton, Moose Jaw and Prince Albert seats, held by the NDP for at least 15 years, were captured by the Saskatchewan Party. I congratulate all who worked so hard for this victory, especially the Leader of the Saskatchewan Party, Premier Brad Wall. At the age of 41, he has the vision and energy to transform the province. I believe that they will govern in a manner that will allow all of us in our province to achieve our economic and social potential.

COMMEMORATION OF KRISTALLNACHT

Hon. Yoine Goldstein: Honourable senators, last week we commemorated the sixty-ninth anniversary of Kristallnacht, which occurred on November 10, 1938. Kristallnacht, literally the “night of glass,” commemorates that night sixty-nine years ago when organized groups of Nazis and other hooligans systematically attacked Jews, their synagogues and other institutions throughout Germany — an evening best symbolized in the memory of those who are able to remember by the picture of the Great Synagogue of Berlin in flames and enveloped in smoke.

November 10, 1938, marked the more formal beginning of the brief and painful march to the Shoah — the systematic annihilation of 6 million Jews, as well as others — Roma,

homosexuals and dissidents — who were ruthlessly and systematically murdered and burned so that they might eternally disappear, by that metaphor for base human evil, Nazi Germany.

Glass and windows were not the only things shattered on that night. The soul of humanity was equally shattered commencing that night and continuing for some years because the world stood and watched the systematic debasement of the human soul and was deaf to the cries for help by those hapless victims.

After the war — but only after the war — the world adopted a motto to salve its conscience. It said, “Never again.” However, the world only said it and did not mean it. We watched in literal silence as the genocide in Rwanda unfolded. We do nothing and we do not even know about the multiple genocides that are taking place right now predominantly, but not exclusively, in Africa.

Honourable senators, all human rights abuses and all systematic exterminations are the embodiment of evil. Their nature is always the same and always abhorrent. Only the numbers differ and the numbers are so high that we cannot imagine them. The human mind can only comprehend tragedy in single digit numbers and cannot comprehend tragedy when it afflicts dozens, hundreds, thousands and millions.

We are watching another horrible genocide unfold before our eyes in Darfur. Honourable Senator Dallaire has spoken in this chamber, with the eloquence and the baring of the soul which is his own. Others have also spoken in this chamber about Darfur. The All-Party Parliamentary Group for the Prevention of Genocide and Human Rights Abuse held its annual general assembly on October 30. At that meeting, an ambitious program was put forth to try to bring the Darfur tragedy more prominently to the attention of Canadians. Honourable senators will be receiving notices from time to time of events marking the ongoing nature of this tragedy.

• (1345)

HUMAN TRAFFICKING AT 2010 VANCOUVER WINTER OLYMPICS

Hon. Mobina S.B. Jaffer: Honourable senators, the 2010 Olympic Games must be trafficking-free. The Future Group released a critical report in early November warning Canada that the 2010 Olympics in Vancouver will provide the ideal climate and business opportunity for human traffickers. It says the games are a potential flashpoint for human trafficking. The report, entitled *Faster, Higher, Stronger: Preventing Human Trafficking at the 2010 Olympics*, details a startling link between international sporting events and an upsurge in the demand for prostitution, which can fuel human trafficking. It specifically found that there was an increase of 95 per cent in the number of human trafficking victims identified by Greek authorities during the 2004 Olympic Games in Athens.

The concerns, based on the Athens Games, are twofold: first, that a short-term increase in demand for prostitution during the games could be filled by human trafficking victims; and second, that the traffickers may attempt to bring trafficked persons posing as “visitors” into Canada for the Olympics, only to exploit them in other cities or transit them to the United States.

For the upcoming Olympic Games in London, this threat is being taken seriously. A new assistant police commissioner has been appointed with a mandate that includes preventing human trafficking as a by-product of hosting the games.

Estimates outline that more than 4 million girls and women are sold worldwide into prostitution, slavery or forced marriage. The U.S. suggests smaller numbers for global trafficking, between 600,000 and 800,000, and estimates yearly trafficking into the United States at 14,500 to 17,500, 80 per cent of whom are female.

Honourable senators, Canada is no exception to this problem. Our country is both a destination and a transit country for victims of trafficking from Eastern Europe, China, Southeast Asia and Latin America. The RCMP conservatively estimates that between 800 to 1,200 people are victims of human trafficking in Canada each year, and most end up working in forced labour or the illegal sex trade. NGOs, however, estimate this number is as high as 16,000. Logically, because of its covert nature, trafficking is difficult to quantify. What is certain is that trafficking of human beings is an undesirable by-product of globalization, and the Olympic Games in Vancouver has the potential to exacerbate this issue.

Honourable senators, our government must not stand by idly. It must have a plan in place for the anticipated human trafficking associated with this event. While we are celebrating the achievements of our athletes and enjoying the games, it would be atrocious to think we had turned a blind eye to the widespread sexual exploitation of women just a stone's throw away from the stadium.

Honourable senators, our goal must be to ensure that the Vancouver Olympic Games in 2010 are free of human trafficking and sexual exploitation of women and children, both within Canada and abroad.

SENATORIAL DELEGATION TO ALBERTA

OVERVIEW OF GAS INDUSTRY AND OIL SANDS PROJECT

Hon. James S. Cowan: Honourable senators, just prior to the parliamentary break, in the company of Senators Cochrane, Furey, Spivak and Smith, I travelled to Calgary, Fort McMurray and Edmonton to learn more about the Alberta oil and gas industry, and particularly the oil sands project. Our visit was at the invitation of our colleague Senator McCoy, who, together with her staff, organized a full and informative program.

In addition to eye-opening tours of Fort McMurray and the Alberta heartland petrochemical complex near Edmonton, we received presentations on the economic, social and environmental impacts of these developments. We met with leaders of business and labour, with government officials, with representatives of social agencies and with Aboriginal and environmental groups, as well as elected officials from the provincial and municipal levels of government.

All of us were profoundly moved not only by the magnitude of these developments but also by the opportunities and challenges which are confronting the communities in which they take place.

The economic, social and environmental impacts of these developments transcend municipal and provincial boundaries. They are of national and international importance. We are grateful to Senator McCoy and her staff, as well as to all those in the public and private sectors who took the time to meet with us during our visit.

I commend Senator McCoy for her initiative and suggest that it is an example that all of us should follow. This great national institution is ideally suited to promote that kind of exchange of information and ideas so that we can all learn more about the regions of our country, the effect of climate change in the North, the offshore situation on the East Coast, the challenges affecting the manufacturing sector in Ontario and the problem of homelessness in our urban centres.

• (1350)

As senators, we have a special responsibility and a unique opportunity to use our position in this place to promote the understanding of important issues which often fail to receive the kind of careful consideration they deserve in the other place.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Ms. Josefina de la Caridad Vidal Ferreiro, director of the North American Division of the Cuban Ministry of Foreign Affairs. She is accompanied by His Excellency Ernesto Antonio Senti Darias, Cuba's Ambassador to Canada. They are the guests of the Honourable Senator Ringuette.

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

ROUTINE PROCEEDINGS

PROPOSED REGULATIONS AMENDING THE CITIZENSHIP REGULATIONS (ADOPTION) AND REGULATORY IMPACT ANALYSIS STATEMENT

TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, proposed regulations amending the Citizenship Regulations (adoption) and regulatory impact analysis statement.

STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

GOVERNMENT RESPONSE TO INTERIM REPORT
OF HUMAN RIGHTS COMMITTEE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, pursuant to rule 28(3), the government response to the twelfth report of the

Standing Senate Committee on Human Rights, entitled *Canada and the United Nations Human Rights Council: at the Crossroads*, tabled in the Senate on May 10, 2007, during the previous session.

[English]

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE PRESENTED AND ADOPTED

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

Wednesday, November 14, 2007

The Committee of Selection has the honour to present its

THIRD REPORT

Pursuant to the order of the Senate adopted on Thursday, November 1, 2007, your Committee submits herewith the list of Senators nominated by it to serve on the following committee:

SPECIAL SENATE COMMITTEE ON AGING

The Honourable Senators Carstairs, P.C., Chaput, Cools, Cordy, Johnson, Mercer and Nolin.

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 will 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 adopted now.

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

Motion agreed to and report adopted.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

REPORT PURSUANT TO RULE 104 Tabled

Hon. Wilbert J. Keon: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on Rules, Procedures and Rights of Parliament. This report outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 110.)

[Senator Comeau]

• (1355)

SENATE REFORM

REPORT OF SPECIAL COMMITTEE PURSUANT TO RULE 104 Tabled

Hon. W. David Angus: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Special Senate Committee on Senate Reform. This report outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 111.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

REPORT PURSUANT TO RULE 104 Tabled

Hon. Tommy Banks: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Energy, the Environment and Natural Resources. This report outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 111.)

[Translation]

NATIONAL FINANCE

REPORT PURSUANT TO RULE 104 Tabled

Hon. Joseph A. Day: Honourable senators, pursuant to rule 104, I have the honour to table the first report of the Standing Senate Committee on National Finance, which outlines the expenses incurred by the committee during the First Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 112.)

PROPOSED REGULATIONS AMENDING THE CITIZENSHIP REGULATIONS (ADOPTION) AND REGULATORY IMPACT ANALYSIS STATEMENT

NOTICE OF MOTION TO REFER PROPOSED REGULATIONS TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE

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

That the document entitled *Proposed Regulations Amending the Citizenship Regulations (Adoption) and Regulatory Impact Analysis Statement*, tabled in the Senate on Wednesday, November 14, 2007, be referred to the Standing Senate Committee on Social Affairs, Science and Technology for consideration and report.

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

PARLIAMENTARY MISSION TO SLOVENIA
AND PARLIAMENTARY ASSEMBLY OF COUNCIL
OF EUROPE, SEPTEMBER 27-OCTOBER 5, 2007—
REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-Europe Parliamentary Association, respecting its participation in the Parliamentary Mission to the Country that will next hold the Presidency of the Council of the European Union, and also to the Fourth Part of the 2007 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held in Ljubljana, Slovenia and Strasbourg, France, from September 27 to October 5, 2007.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO ENGAGE SERVICES

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

• (1400)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
PERMIT ELECTRONIC COVERAGE

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY ISSUES RELATED TO MANDATE AND
REFER PAPERS AND EVIDENCE
FROM PREVIOUS SESSION

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;

- (b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;

- (c) Sustainable development and management of renewable and non-renewable natural resources including but not limited to water, minerals, soils, flora and fauna; and

- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development.

That the papers and evidence received and taken and work accomplished by the Committee on this subject during the First Session of the Thirty-ninth Parliament be referred to the Committee;

That the Committee report to the Senate from time to time, no later than June 30, 2009, and that the Committee retain until September 30, 2009, all powers necessary to publicize its findings.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO ENGAGE SERVICES

Hon. Wilbert J. Keon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Wilbert J. Keon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO REQUEST TRANSCRIPTS OF IN CAMERA MEETINGS

Hon. Wilbert J. Keon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Chair and Deputy Chair be authorized to request transcripts for in camera meetings be produced, when deemed necessary, for the use of the Chair, Deputy Chair, the members of the committee, the Clerk of the Committee and its analysts in accurately reflecting the discussions of the Committee in minutes and draft reports; and

That these transcripts be destroyed at the end of a session.

[*Translation*]

QUESTION PERIOD

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS— SCOPE OF PUBLIC INQUIRY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. After trying to suppress the Mulroney-Harper-Schreiber affair and denying allegations of corruption, the government wound up with its back to the wall and had no choice but to call a public inquiry. Can the Leader of the Government confirm that the commission's mandate will include both an inquiry into the allegations of corruption against the former Conservative government and an investigation of the actions of the current Prime Minister's Office in this affair?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for her question.

As I reported yesterday, the Prime Minister, upon hearing new allegations in the form of a sworn affidavit last Friday morning, immediately took action. As we know, he announced an independent third-party adviser to advise the government on how to proceed.

This action then evolved over the weekend with various people, including the honourable senator's own party, Mr. Mulroney and Mr. Schreiber, calling for a public inquiry, although the Prime Minister did have difficulty yesterday convincing the Liberal leader.

• (1405)

The third-party independent adviser will be given the responsibility of advising the government on the terms of reference of the public inquiry. Beyond that, there is nothing else to report at this time.

[*Translation*]

Senator Hervieux-Payette: Honourable senators, I understand that this is an embarrassing situation for the government. However, I think that my colleagues, the Canadian people and I would like to know more about what happened with the letters. We would also like some assurance that the inquiry will address this specific question and that we will get the real facts about the letter Mr. Schreiber sent to Mr. Harper and about how it came to pass that such an important letter was not given to the Prime Minister.

[*English*]

Senator LeBreton: Honourable senators, it is very clear — and I think most reasonable people would agree — that this particular matter has absolutely not one single thing to do with this government. The sense I have from emails and phone calls I have received from people across the country is that they agree. They

know this affair has nothing to do with this government and they also do not believe for a moment that Mr. Harper has anything to hide.

It is clear that Mr. Schreiber was sending many letters to many people, including members of the opposition, and some members of the opposition have said that they threw those letters out.

There is absolutely nothing new from what I said yesterday. The Prime Minister was not aware of any correspondence from Mr. Schreiber. As I said yesterday, this issue has been floating around for four or five years, even before our party came into government. This situation arose as a result of a new sworn affidavit from Mr. Schreiber last Friday. The Prime Minister felt he had to take action because it directly impacted on the Office of the Prime Minister.

[*Translation*]

Senator Hervieux-Payette: I have not yet received an answer about the letters. However, I would like to remind the honourable senators that, in the British parliamentary system, elected officials are always the ones who are ultimately responsible, and they cannot skirt their obligations by hiding behind public servants.

My question is simple. Will all letters sent to the Prime Minister's Office in March, June, July or other months be turned over to the commissioner heading the inquiry?

[*English*]

Senator LeBreton: I imagine that once the independent adviser has been chosen, that individual will want to look at all files, all material and allegations related to this matter, including correspondence that Mr. Schreiber may have sent to parliamentarians of all political parties.

Senator Angus: Oh, standing tall!

Senator Mitchell: If you are going to refer to my height, I will say I am at least as tall as you are round!

The Hon. the Speaker: Order.

• (1410)

THE HONOURABLE MARJORY LEBRETON

GOVERNMENT OF THE RIGHT HONOURABLE BRIAN MULRONEY— OBSERVANCE OF UNUSUAL EVENTS

Hon. Grant Mitchell: Honourable senators, it is becoming evident that through an increasingly clear web of relationships and staffing and appointment choices by Prime Minister Harper, he has begun to draw this Airbus scandal from the past directly into his office. Is it not interesting to note that the Leader of the Government in the Senate was a very influential member of Brian Mulroney's prime ministerial office when Norman Spector was the chief of the cabinet in that office? Interestingly, in addition, Mr. Spector has stated that he observed "some unusual things" while working for former Prime Minister Mulroney. Mr. Spector now says that in light of new information he finds these unusual things to be troubling.

Could the Leader of the Government in the Senate tell us whether she is aware of unusual things, she is troubled by those things and whether she ever briefed Prime Minister Harper on those troubling and unusual things?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I actually answered that question yesterday. I was in the Prime Minister's Office, I was very proud to serve in the Prime Minister's Office from 1986 to 1993 and, as I mentioned yesterday, my office was on the second floor. I always kept my office door open, possibly because I am a kind of nosy person and I wanted to know who was going back and forth in the hallway.

The entire time that I worked in the Office of the Prime Minister — and I think I could say the same for my colleague Senator Segal, who was also a chief of staff to the Prime Minister — never in all those years was I ever put in a situation or asked to do something with which I was not totally comfortable. The office was totally honest and totally ethical. In terms of Mr. Schreiber, as I said yesterday, I actually never heard of the man until two or three years after Mr. Mulroney left office. I never heard of him; I never laid eyes on him.

Senator Tkachuk: Marc Lalonde heard of him, though.

Senator LeBreton: That is true.

Therefore, I cannot comment on something that Mr. Spector may or may not have said, wherever the honourable senator heard it.

Senator Mitchell: The minister took an awfully long time not to comment.

GOVERNMENT OF THE RIGHT HONOURABLE
BRIAN MULRONEY—INVOLVEMENT
WITH FRANK MOORES

Hon. Grant Mitchell: Honourable senators, perhaps the leader did not know Mr. Schreiber for quite a while, but was she aware of Mr. Frank Moores and did she work with Mr. Moores in any capacity — he was close to the Prime Minister — while he lobbied on behalf of Airbus from within the Prime Minister's Office?

The Hon. the Speaker: Order, order.

The tradition of this house is that all honourable senators are treated as honourable senators and addressed as such.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I did know the late Premier of Newfoundland and Labrador, the Honourable Frank Moores. The only time I worked closely with Mr. Moores was in the 1970s when I was working in the office of the Right Honourable Robert L. Stanfield, and Mr. Moores was the President of the Progressive Conservative Party of Canada.

Senator Mitchell: Could the Leader of the Government in the Senate please confirm for us that Mr. Moores was on the board of directors of Air Canada while he was receiving cash payments from Karlheinz Schreiber for the sale of the Airbus fleet?

Senator LeBreton: Honourable senators, I think Senator Mitchell should check his facts, I think they are quite wrong.

Senator Mitchell: I am checking them. I am asking the question.

• (1415)

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—
PUBLIC INQUIRY—RECOMMENDATIONS
OF THIRD PARTY ADVISER

Hon. Tommy Banks: Honourable senators, my question is directed to the Leader of the Government in the Senate.

The Prime Minister has said that he will appoint an independent third-party adviser to advise, as the leader said yesterday, the government on the terms of reference of the forthcoming public inquiry with respect to the matters now being discussed.

Will the report of that adviser, per se, be made public?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I answered that question yesterday. First, the Prime Minister and the government must appoint this independent third-party adviser. As the Prime Minister indicated last Friday at his press conference, the government would be compelled to take the advice of the independent third-party adviser. As we know, events over the weekend evolved to the point where yesterday the Prime Minister, in the House of Commons, said that, in view of all the people calling for a public inquiry, he would ask the third-party adviser to look at this matter and make recommendations to the government on the terms of reference of the inquiry. It is obvious that the recommendations would be public; otherwise, we could not have a public inquiry.

Senator Banks: I thank the honourable senator for repeating the preamble to my question, but to confirm, she has said that the recommendations of the third-party adviser will, in themselves, be made public?

Senator LeBreton: Honourable senators, I do not know how the government, having turned to a third-party independent adviser, would ask this individual to draft the terms of reference for a public inquiry and then the terms of reference somehow would not be public. I do not understand the tenor of the question.

Senator Banks: I understand that the terms of reference of the public inquiry will be public. Will the recommendations of the independent third-party adviser be made public so they can be seen as one and the same thing?

Senator LeBreton: I will take that question as notice. We should await the name and exact mandate of this person.

[*Translation*]

PARLIAMENT

CRIMINAL CODE—PROGRESS OF BILL S-213
REGARDING LOTTERY SCHEMES

Hon. Jean Lapointe: Honourable senators, it will certainly do the Leader of the Government in the Senate good to be asked a question that is not about the issue that has been on everyone's lips since Question Period began.

As the Leader of the Government knows, she possesses extraordinary qualities that I mention every chance I have to speak to her. But as much as she is an outstanding and sometimes very fast skater — although I have found her slower than usual today, but that is another matter — the Conservative leadership is proving that, with her way of delaying Bill S-213 on video lotteries, she seems to be able to skate backwards.

When this bill received second reading in the House of Commons, the vote was 159 to 109.

Does the Leader of the Government not realize that, by delaying the adoption of this bill, she is going against her own government's democratic logic? Not only have my honourable colleagues in this chamber adopted this bill twice, but the elected representatives in the other place have voted to study it in committee.

Because Parliament was prorogued, the bill came back here to the Senate, and I can understand that rule. But why are some members of the Leader of the Government's caucus deliberately delaying the adoption of this bill when it has already been examined by two different committees that have reported on it and has twice been adopted by the Senate? I would also like to point out that our Speaker voted in favour of this bill.

• (1420)

In case she has not heard, nearly 78 per cent of Canadians support this bill. New Brunswick supports it and has just eliminated half of its video lottery terminals.

Does the Leader of the Government not believe that the Conservative Party should go back to the drawing board with regard to its plans to reform the Senate, because Bill S-213 proves that this party is sabotaging the institution?

Before she answers this multi-part question, I must tell her that, if nothing is done over the next week, I will be forced to hold a press briefing to tell Canadians about this. The Leader of the Government can take me at my word.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I understand how strongly the senator feels about this legislation. To be honest, I am not aware of what is happening to the legislation. I will take the question as notice and hopefully I will be able to give a response before the honourable senator feels compelled to draw attention to this issue and call a press conference.

JUSTICE

2010 VANCOUVER WINTER OLYMPICS— PREVENTION OF HUMAN TRAFFICKING

Hon. Mobina S.B. Jaffer: Honourable senators, my question is directed to the Leader of the Government in the Senate. Last week, The Future Group released a report warning that the Vancouver Winter Olympics will be a target of human traffickers wanting to exploit prostitution. The report, *Faster, Higher Stronger: Preventing Human Trafficking at the 2010 Olympics*,

[Senator Lapointe]

said the federal and provincial governments need to deter traffickers from using the Vancouver Winter Olympics to profit from human misery. The 2012 Olympic Games in London are already taking this threat seriously. They have appointed a police commissioner to deal specifically with this issue.

What is the government's plan to deal with human trafficking at the 2010 Vancouver Winter Olympics?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, that question is a serious one and, as the honourable senator knows, Member of Parliament Joy Smith, a member of our own caucus in the other place, has travelled across the country and addressed this serious issue before Parliament and other groups. Ms. Smith has been named as the Chair of the Standing Committee on Health in the other place, a good position in which to pursue this issue.

I am aware of many initiatives the government plans to take regarding this terrible, potential situation. However, to pass on the proper information and details regarding those plans, I would like to have the opportunity to provide senators with a written answer.

2010 VANCOUVER WINTER OLYMPICS— LEGALIZATION OF BROTHELS

Hon. Mobina S.B. Jaffer: I have a supplementary question. I thank the Leader of the Government in the Senate for giving me a detailed answer.

Recently, a group of Vancouver prostitutes wanted to open a co-op brothel in time for the Winter Olympics. The group has support from some B.C. politicians, including Vancouver East M.P. Libby Davies and Vancouver Mayor Sam Sullivan. They say they will not open doors for business until it has the support from the federal government.

Studies show that more than 90 per cent of women are not in the sex trade by choice but, rather, because of trafficking, drug addiction and societal problems. The Minister of Public Safety has been silent on this issue. What is the position of the federal government on making brothels legal?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. There is no question that people involved in this activity are often victims of drug addiction and other unhealthy circumstances. I will take the question as notice.

• (1425)

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS— PUBLIC INQUIRY—TERMS OF REFERENCE

Hon. Yoine Goldstein: Honourable senators, the Prime Minister said a couple of weeks ago that an inquiry was unnecessary and indeed harmful. The Prime Minister then said that he would name some very wise people to advise him on the matter. The Prime Minister then said that he would name one individual to help him to deal with the terms of reference.

My question is directed to the Honourable Leader of the Government in the Senate. There are hundreds of professors, lawyers and jurists who can draft terms of reference in a few hours, and everyone knows it. Why does the Prime Minister not proceed right now, as a previous prime minister proceeded, to obtain terms of reference and establish the judicial inquiry rather than wait and hope for the matter to go away?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, this issue has been around for several years. Allegations have circulated and there was a court case between two individuals, Mr. Mulroney and Mr. Schreiber, while in the private sector. If there had been any serious criminal allegations or any sworn affidavits, the government of the day — first under Mr. Chrétien then under Mr. Martin — surely would have taken action. They did not act because all of this information was the same old information regurgitated and recycled.

The story continued to circulate and Mr. Harper was dealing with the same information as his two predecessors, Mr. Martin and Mr. Chrétien. It was only last Friday morning, when new information was provided in the form of a new sworn affidavit, which contradicted previous affidavits, that the Prime Minister then believed that he should take action because the new allegations implicated the Office of the Prime Minister. The Prime Minister announced last Friday that he would appoint an independent third party. At the time, and honourable senators can read the press reports, when the Prime Minister was asked what kind of person he was looking for, he said that it was difficult to find such a person because, in this town, many people have been connected to this particular file in one way or another, whether in the Department of Justice or in other areas. Therefore, the individual chosen would have to be not only perceived to be but also seen to be completely independent of the matter. That was the situation as of last Friday.

Over the weekend, the opposition parties continued to demand a public inquiry and were joined by Mr. Mulroney. In response to these requests, as I read into the record yesterday, and it is in Hansard for easy reference, the Prime Minister said that an independent third party adviser would be charged with the responsibility of looking at this situation and devising a set of terms of reference for the public inquiry. He made it clear that the inquiry is not to be about Mr. Mulroney's interests nor the interests of Mr. Schreiber, and, hopefully, it would not be a political witch-hunt. Rather, he hoped it would be an inquiry to get to the facts and the truth of the matter in the interests of Canadians.

That is where the situation stands. As soon as the Prime Minister and the government have the name of the individual, I will be happy to provide it to this chamber.

Senator Goldstein: Honourable senators, I have a supplementary question in the form of a limerick:

A man we all know named Brian
Is now looking like he'd been a-lyin'
A government probe
Would reveal a whole lode
But the neo-Cons ain't even tryin'.

The honourable leader has elevated the non-answering of questions to a fine art form.

• (1430)

My question was clear. Why is the government naming an individual to determine terms of reference when we have hundreds of lawyers and professors in the region who could prepare the terms of reference in two hours and proceed with the inquiry?

Senator Tkachuk: You will never be happy with whoever it is.

Senator LeBreton: Honourable senators, as the Prime Minister stated, this individual must be seen and perceived to be completely independent and not to have been involved in this matter in way, shape or form.

There is hardly such a person in the City of Ottawa. However, I will now tell honourable senators that the independent third-party adviser has been named; it is Dr. David Johnston, who is the President of the University of Waterloo.

ALLEGED CASH PAYMENTS—
CORRESPONDENCE FROM KARLHEINZ SCHREIBER

Hon. Yoine Goldstein: Honourable senators, the minister told us that the Prime Minister's office did not refer the letters to the Prime Minister because they had to do with a court case. Could the Leader of the Government provide this chamber with the date upon which Mr. Harper first read one of the Schreiber letters, and could she table copies of the letters that the Prime Minister's office received from Mr. Schreiber, their date stamp indicating when they were received and with an indication of which people in the Prime Minister's office or the Privy Council Office read copies of the letters and the date on which each of them read each letter?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Obviously, the honourable senator does not read *The Toronto Star*. All of this information is already in the public domain.

Senator Fraser: Was that a supplementary?

Senator Goldstein: Yes. Let me give you another limerick that should tell the story:

Mulroney is the ex-P.M.'s name,
But we are on to his game.
To the neo-Cons' disgrace
He is trying to save face,
But Canadians know whom to blame.

Some Hon. Senators: Order!

ALLEGED CASH PAYMENTS—
INSTRUCTION BY PRIME MINISTER ON CONTACT

Hon. Yoine Goldstein: Honourable senators, the Leader of the Government in the Senate has been told by the Prime Minister not to talk about the Mulroney-Harper affair or to Mr. Mulroney. Has it occurred to her or to the government that, notwithstanding the Prime Minister's efforts to the contrary, this is a free country, including freedom of speech; and that the Prime Minister has no right to abrogate that freedom for

anyone, notwithstanding the fact that he has done so? What message is being given to Canadians when elected members of Parliament are unable to speak to Canadians about matters which concern Canadians?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I do not know where the honourable senator is getting that information. Elected people are completely free to speak to Canadians.

Actually, I think the tenor of the question and the way it was presented is a disgrace. It does a great disservice to the Senate of Canada and to the Parliament of Canada.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to the oral question raised by Senator Munson on October 17, 2007, regarding child poverty.

SPEECH FROM THE THRONE

MEASURES TO COMBAT CHILD POVERTY

(Response to question raised by Hon. Jim Munson on October 17, 2007)

Like most countries, Canada has no official poverty line. Instead, a range of measures are used to assess low income. However, the most widely-known and commonly-used of these measures is the Statistics Canada post-tax Low Income Cut-offs (LICOs). The LICOs represent the level of income under which a family is likely to spend a disproportionate share of its income on food, shelter and clothing compared to the average Canadian family. LICOs vary by family and community size to reflect the differences in family needs and local costs. They are updated annually to reflect changes in price levels using the Consumer Price Index and periodically revised to take into account changes in the spending patterns of Canadian families.

The post-tax LICOs are more commonly used than other measures for two reasons: first, post-tax low income rates better reflect the redistributive impact of the tax and transfer systems than pre-tax post-transfer low-income rates; and second, since the purchase of necessities such as food, shelter and clothing is done using disposable income, it is more relevant to use an after-tax income definition in drawing any conclusions on the overall economic well-being of Canadians.

With that in mind, using post-tax LICOs, Statistics Canada's most recent annual report on incomes, *Income in Canada 2005*, shows that:

- In 2005, the low-income rate for children was 11.7 per cent, which represents 788,000 children living in low income.

[Senator Goldstein]

- The low-income rate for children declined significantly in recent years, from 18.6 per cent in 1996 to 11.7 per cent in 2005. This means that nearly half a million fewer children were living in low income in 2005 compared with a decade ago.

[English]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Comeau, for the second reading of Bill S-3, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions).

Hon. David Tkachuk: Honourable senators, I move second reading of Bill S-3.

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

Motion agreed to and bill read second time.

[Translation]

REFERRED TO COMMITTEE

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

On motion of Senator Comeau, bill referred to the Special Senate Committee on Anti-terrorism.

[English]

NUNAVIK INUIT LAND CLAIMS AGREEMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Leonard J. Gustafson moved second reading Bill C-11, An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act.

He said: Honourable senators, one of the pleasures and privileges of our work in this chamber is our role in moving valuable public policy from concept to completion. This is true of all legislation that receives Senate approval and later receives Royal Assent, but it is particularly true in the case of Bill C-11.

With the passage of this progressive legislation, we will finally achieve a full and honourable settlement of the last Inuit land claim in Canada. This bill will bring a conclusion to work that dates back to the passage of the groundbreaking James Bay and Northern Quebec Agreement of 1975.

While a major milestone in land claims negotiations, and a triumph of contemporary relations between Aboriginal and non-Aboriginal Canadians, the James Bay Agreement left some important issues unresolved. It did not address the Inuit's claim of offshore islands and marine areas in the region.

The bill before us will settle this outstanding business. After 13 years of negotiations, the Nunavik Inuit Land Claims Agreement will bring closure to the Inuit people of Northern Quebec, and complete an important chapter in our country's history.

Bill C-11 provides clarity over rights of ownership and the use of lands and the resources of the Nunavik Inuit traditional territories. The agreement provides for 5,100 square kilometres of islands north of the fifty-third parallel for the exclusive use of the Nunavut Inuit — a vast area that has been part of their heritage for more than 4,000 years.

In so doing, this settlement will preserve the culture and livelihood of the Nunavut Inuit. Just as crucial, by approving this legislation, we are protecting the land, the wildlife that roams across the Arctic tundra and the marine resources in the coastal waters. This is in keeping with the government's pledge under the Northern Strategy to protect our environmental heritage.

Honourable senators, as much as this legislation is about reconciling the past, it is equally about building a bright future for northerners, another of the Northern Strategy commitments. As a result of Bill C-11, Nunavik Inuit not only will regain the right to exercise their traditional way of life; they will also acquire new resources to build a stronger economy and a society for themselves and for their children.

• (1440)

This agreement includes a cash settlement of \$54.8 million (in 2005 dollars), to be paid out over nine years to the Nunavik Inuit Trust. These funds will be distributed to Nunavik Inuit, both individually and collectively, for educational, social, cultural and socioeconomic needs. As well, Makivik Corporation, the Inuit-owned, non-profit organization that serves as the legal representative for the Nunavik Inuit, will receive approximately \$38.7 million to administer the final agreement on their behalf. Makivik has been responsible for the implementation of the James Bay and Northern Quebec Agreement and has enjoyed outstanding success in the years since it came into force.

However, that is not all, honourable senators. The settlement gives Nunavik Inuit fee-simple ownership of approximately 80 per cent of the islands in the Nunavik Marine Region. This ownership includes both surface and subsurface rights.

In addition, the agreement stipulates that Nunavik Inuit will receive 50 per cent of the first \$2 million in annual royalties generated by resource development in the region and 5 per cent of any additional resource royalties received by the government that year.

Nunavik Inuit will also benefit from future economic development in fisheries. For example, in the offshore Labrador portion of the agreement, the fisheries minister will offer Nunavik Inuit 10 per cent of any new commercial fishing licences — or, in the case of shrimp, 8.8 per cent of the quantity available to be harvested — under any new licences issued after the agreement

comes into effect. They will also be offered 10 per cent of any new licences for aquatic plants in these areas.

Honourable senators, this legislation is also in the best interests of all Canadians. The agreement enables the establishment of Canada's newest national park, the forty-second in Canada and the first ever in Labrador. Torngat Mountains National Park, one of the most spectacular parks ever created, covers an area of almost 10,000 square kilometres, from Saglek Fjord in the south to the northern tip of Labrador, and from the provincial boundaries of Quebec in the west to the Labrador Sea in the east.

This is a land that inspires our dreams and our identity as Canadians, a vital part of our national heritage that our government is determined to protect as we continue to assert Canada's sovereignty in the Arctic.

Of particular interest to the Nunavik Inuit, the Nunavik Inuit Park Impacts and Benefits Agreement enshrines their rights as partners in the stewardship of the park. It will highlight the unique relationship Inuit have with the land and its natural ecosystems. They will have the right to continue harvesting its natural bounty, hunting and gathering as they have for generations. As well, Nunavik Inuit will participate as members of the cooperative management board overseeing park operations and have the right to joint ownership of archaeological material.

Just as important, they will have access to the new jobs and economic spinoff opportunities associated with the park, both now and in the future. In short, this settlement provides the tools and resources to enable the people of Nunavik to build stronger communities as they help to build a better Canada.

Honourable senators, ultimately, all Canadians are benefactors of successful land claims settlements, because we are all stronger when each and every member of society is able to achieve his or her potential and contribute talents and energies to our country.

Anyone looking for evidence need look no further than the James Bay and Northern Quebec Agreement. Over the past three decades, Makivik Corporation has invested funds received from land claims settlements to create, finance and grow Inuit-owned businesses, resources, properties and industries. Today, the corporation is active in everything from air transportation, shipping, logistics and fuel, to fashion and tourism. It employs over 1,500 Canadians in the settlement areas itself, as well as in several provinces and territories, and it employs others who work abroad in Greenland and the United Kingdom.

Clearly, the Inuit of Northern Quebec have proven that, given the opportunity, the sky is the limit. Honourable senators, it is now up to us to support Bill C-11, to give Nunavik Inuit the remaining tools and resources they need to reach for the northern star.

I call on my honourable colleagues to ensure the speedy passage of this worthy legislation so that Nunavik Inuit can realize their potential fully. As we do, we can take pride in the part we play in lifting lofty words from paper and making them a reality, fulfilling the promise of "the true north, strong and free."

Hon. Tommy Banks: Will Senator Gustafson accept a question?

Senator Gustafson: Yes.

Senator Banks: I may stand to be corrected. This bill before us gives effect to a treaty, to an agreement that is defined in the bill as a treaty. My recollection is that in that treaty, in consideration, if I can put it that way, for the fee-simple and the surface and subsurface rights that the honourable senator spoke about, and in consideration of the cash payments and royalty arrangements, et cetera, the people who are involved and who are party to this agreement agree to an extinguishment of their rights, or some of their rights, under the Charter.

That is my recollection of the agreement, and I think it is correct. Does the honourable senator agree that any of Canada's First Peoples should, in response to an inducement of one kind or another, however well-intentioned it is, agree to the extinguishment of their Charter rights?

• (1450)

Senator Gustafson: I understand that is not the case. I could be corrected. If I am speaking out of turn here, I am sure my officials will straighten me out on the issue.

Much of what we are dealing with comes from agreements, if you will, that were made back in the 1800s, some in 1975, and so on. This bill brings together a clear understanding of exactly where these areas are. For instance, supposedly a hundred islands were not included in the agreements, and the bill clarifies things such as that.

Senator Banks: I understand that it brings certainty to the lands that are envisaged in the agreement, but the rights to which I refer are the individual rights of the people who are a party to this agreement. My understanding — and I hope that the honourable senator is right and I am wrong — is that in the agreement that is given effect by this bill, those people have agreed, through the corporation, to the extinguishment of some aspects of their individual rights under the Charter. That is hardly a question. I hope that the honourable senator is right and that I am wrong.

Senator Gustafson: I will give the same answer I gave before.

Hon. Jeremiah S. Grafstein: I agree with Senator Banks; that issue is a concern. It was a concern, as the honourable senator will recall, with the Nisga'a agreement, that there was some reference to subordinating the Charter and the federal power under that agreement. This issue was a concern to me. The bill passed. It has never been challenged in the courts. I assume if it were challenged in the courts it would be a serious problem. I assume that when this bill is referred to the committee, the question of constitutionality and the extinguishment of any rights will be considered. In my view, it would be unconstitutional.

Senator Gustafson: The honourable senator answered my question for me. This matter can be brought out in committee and discussed. I am sure that our officials will guide us in regard to this question.

Senator Grafstein: The honourable senator knows that I, Senator Watt and others have been concerned about the federal responsibility for the provision of clean drinking water

nationally, but also more specifically, clear and unequivocal jurisdiction with respect to the Aboriginal communities in these areas. Will the power of the federal government to regulate water in these lands be in any way diminished by this agreement?

Senator Gustafson: This government believes that it is important to have good drinking water. This bill will, however, give us an indication of where the water line lies around the different land bases; for instance, the bays that surround the land.

Senator Grafstein: Honourable senator, when the matter is referred to committee, I hope that this question of the federal powers with respect to the health and welfare of the individuals of these communities is taken into account, and particularly their right to clean drinking water.

On motion of Senator Watt, debate adjourned.

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. Consiglio Di Nino: Honourable senators, over the past dozen years, Canada's role on the world stage has declined. Honourable senators, thanks to the actions of this government, Canada is back as a credible global player.

The Speech from the Throne is a clear statement that we are a proud and sovereign people, one that will rigorously defend our place in the world.

We are a northern nation. As new opportunities emerge, bringing challenges from beyond our shores, we need an integrated northern strategy that will strengthen our sovereignty, protect our environment, promote economic and social development, and improve governance.

This government will build a world-class Arctic research station to focus on Arctic issues, including environmental science and resource development.

Defending our sovereignty in the North and through the Northwest Passage requires new Arctic patrol ships and expanded aerial surveillance. The government will also expand the size and capabilities of the Arctic Rangers to better patrol our vast Arctic territory.

We will modernize our military to protect our nation, and cooperate in defending our continent and meeting our commitments to the United Nations and our allies. A comprehensive plan for reservist reinstatement policies is part of that work.

In Afghanistan, we are making a positive difference in the lives of its citizens as part of an important and necessary United Nations sanctioned mission. Parliament has already approved our involvement in this mission until February 2009 and the government has been clear that any future military deployments must be supported by a majority of parliamentarians. However, we must not simply abandon the people of Afghanistan. We need to build on what we have already accomplished and concentrate additional resources to train the Afghan army and police, enabling Afghanistan to defend its own sovereignty, a task we believe should take until 2011.

In what can be described best as a pragmatic and balanced approach, the government chooses to fully examine all the options available through an independent panel to determine the best path for our future in Afghanistan. I would like to congratulate former Deputy Prime Minister John Manley for putting aside partisan interests and agreeing to chair the panel.

Clearly, our relations with the world and, in particular, with our neighbours to the south have come a long way since the days some Liberal MPs rudely expressed their disdain for an entire nation, using words that would be inappropriate to repeat in this chamber.

Gone are the days of disproportionate cuts to our budgets for the Department of National Defence, as well as other international departments and agencies, taking with it our right to a strong international voice. They have been replaced by a mature and focused approach to world affairs, one that more accurately reflects our true position of leadership on the international public square. Clearly, our international relations have come a long way in the past 21 months.

Perhaps the former government's somewhat opportunistic approach to world affairs is reflected best in the admission of senior Liberal adviser Eddie Goldenberg that they had no plan and were not ready to take any action on Kyoto. As Mr. Goldenberg told *The Globe and Mail* last February:

Nor was the government itself even ready at the time with what had to be done. The Kyoto targets were extremely ambitious and it was very possible that short-term deadlines would at the end of the day have to be extended.

In Victoria last year, Mr. Dion even stated that Jean Chrétien had only proposed the stringent targets in Kyoto to trump the Americans. This government, honourable senators, will only make commitments it intends to keep.

On the environmental file, I am frankly surprised that colleagues opposite continue to criticize this government. They are reminding Canadians of the previous government's failures. The much-touted Kyoto Protocol continues to be undermined by a variety of analysts.

• (1500)

In a recent article in the journal *Nature*, entitled "Time to Ditch Kyoto," Gwyn Prins of the London School of Economics and Steve Rayner of Oxford University said that Kyoto is:

... a symbolically important expression. . .

Of governments' concerns:

... but as an instrument for achieving emissions reductions it has failed. It has produced no demonstrable reduction in emissions or even in anticipated emissions growth. And it pays no more than token attention to the needs of societies to adapt to existing climate change.

The article continues:

The Kyoto Protocol was always the wrong tool for the nature of the job.

As well, Mr. Bjorn Lomborg, in his book entitled *Cool It: The Sceptical Environmentalist's Guide to Global Warming*, is extremely critical in the cost benefit analysis. In part he says:

... the costs associated with an emissions-stabilization program are relatively large for current generations and continue to increase over the next 100 years. The first generation to actually benefit from the stabilization program is born early in the 24th century.

Honourable senators, this government recognizes that the environment is an important issue and that climate change is a serious problem requiring immediate action.

A sustainable solution needs binding global targets that apply to all major emitters of greenhouse gases. The government will continue to work towards a new international agreement to cut global emissions in half by 2050. We are leading by example, by implementing a strategy to cut our own emissions by 20 per cent by 2020 and by 60 to 70 per cent by 2050.

The Liberals talked often about Kyoto during their 12 years in office, but did nothing about it. It was on their watch that Canada's greenhouse gas emissions rose by 27 per cent. This has led to a gap of almost 33 percentage points between where we are and our target under Kyoto.

Last year, the Leader of the Opposition in the other place conceded that a future Liberal government would be unable to meet its Kyoto commitment of reducing greenhouse gas emissions below 1990 levels.

An article from the *National Post* of July 1, 2006 quotes Mr. Dion as saying:

In 2008, I will be a part of Kyoto, but I will say to the world I don't think I will make it.

Oddly enough, by December last year he insisted that we could meet Kyoto.

During last year's Liberal leadership debate in Toronto, Mr. Michael Ignatieff accurately and succinctly summed up the Liberal record on the environment when he admitted that, "We didn't get it done."

Canadians are deeply concerned about the environment. They want focused action, not partisan talk. Focused action is precisely what this government is providing.

Prime Minister Harper and Alberta Premier Ed Stelmach recently announced the formation of a task force to drive implementation of a carbon dioxide capture and storage system for Canada.

The Canada-Alberta ecoENERGY Carbon Capture and Storage Task Force will develop a comprehensive blueprint for using cutting edge, made-in-Canada technology to capture carbon dioxide — produced by oil sands operations, coal-fired power plants and other industries — and store it deep underground before greenhouse gas is released into the atmosphere.

Honourable senators, this government is providing pragmatic measures to reduce air pollution and address climate change. A few of those measures include the following: Introducing a chemicals management plan to regulate potentially harmful substances; exempting donations of ecologically-sensitive land from the Capital Gains Tax; creating a new tax credit to reduce the cost and encourage the use of public transit; and developing a bio-fuels plan that will ensure gasoline contains 5 per cent renewable fuels by 2010, and that diesel fuel and heating oil contain 2 per cent renewable fuels by 2012.

These are the kinds of initiatives that will bring about change. This is the kind of action that works for Canadians.

Another area where this government has taken real action is in the protection of Canada's natural environment and preservation of sensitive areas such as the Nahanni watershed and the Great Bear Rain Forest. All honourable senators know my interest in these types of issues is long-standing, and I applaud the Harper government for these initiatives.

[*Translation*]

Honourable senators, on October 16, 2007, the government clearly demonstrated that it cares about the priorities of Canadians.

The Speech from the Throne set out a legislative plan to reaffirm Canada's sovereignty, while showing responsible leadership on the world stage, to continue to ensure the strength of our economy through sound management and lower taxes, to strengthen our federation, to implement the government's criminal justice program, and to achieve concrete results concerning the environment.

Perhaps not all honourable senators agree with the measures announced in the Speech from the Throne or with my remarks here today.

[Senator Di Nino]

However, Her Excellency said one thing on which I think everyone here today will agree:

Canada is the greatest country in the world, a nation of enormous potential built through the imagination and dedication of ordinary Canadians. Canadians who have worked hard to build a better life for their families. Canadians who have joined with their neighbours to create a society founded on peace and prosperity.

Honourable senators, I am proud of my country, my adopted country, and of everything we have built together. I am extremely proud to live in a free country, a safe country, a prosperous country. And I am proud of this government's accomplishments.

However, I have not forgotten that the future of the government program and our Parliament is in the hands of the official opposition in the other place. The government does not want another election. The government wants to govern and to continue to build a better life for Canadians and Canadian families. In order to govern, the government needs the confidence of the other place.

I sincerely hope that the government will receive a clear mandate, the mandate it needs to implement the program outlined by Her Excellency in the Speech from the Throne.

On motion of Senator Comeau, debate adjourned.

[*English*]

INCOME TAX ACT EXCISE TAX ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Charlie Watt moved second reading of Bill S-214, An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik).—(*Honourable Senator Watt*)

He said: Honourable senators, most of you may already be aware that the people of Nunavik, the people who I represent in this chamber — although not yet legally — live in a territory that has been geographically, economically and politically cut off from the rest of Canada.

• (1510)

The land of Nunavik, north of the fifty-fifth parallel, is delineated by the Quebec Boundaries Extension Act, 1912 that is the former Ungava District of the Northwest Territories. More than 10,000 Inuit live in 14 small, widely dispersed communities scattered along Quebec's northern coastlines up to 2,500 kilometres from Montreal.

The high cost of living, which is compounded by isolation and distance, brings a critical economic disadvantage to the people of Nunavik. We must address this serious problem urgently. My people are struggling on a daily basis to gain their rightful place in this country.

The high costs related to transportation in Nunavik are directly transferred to goods and services and this has a major impact on the purchasing power of its population. As a result, a Nunavik dollar is worth less than a dollar in southern Canada. Are honourable senators aware that on a tax percentage basis, per capita, Inuit are the biggest taxpayers in the country? Not only is the cost of living very high, but taxes in Nunavik also devalue the savings of individuals, and small businesses make hardly any profit.

The lack of a road network explains the high cost of food and other goods and is a barrier to economic development. Communities are virtually inaccessible, other than by air or sea. In this context, honourable senators, why does the Inuit population of Nunavik pay taxes for highways that do not exist?

According to studies, the inequities faced by the people of Nunavik can often be compared to situations in some Third World countries. Honourable senators, I could go into detail and enumerate a full range of differences in prices for gasoline, housing, food baskets, municipal services, hunting and fishing gear, and even bottled water. Instead, I will provide the names of a few reports that will prove enlightening on the subject. The first report is *The Economic Disadvantage in Nunavik*. The second is entitled *Economic Disadvantage in Nunavik — Key Challenges and Proposed Remedies: The Case of Elders, Harvesters and Low Income Earners*. Both these reports, which I circulated to honourable senators last February, were prepared by the Library of Parliament. The third report, from Laval University, is entitled *Nunavik Comparative Price Index 2006*.

Honourable senators, these reports paint a gloomy picture of the economic situation facing the people of Nunavik, a situation best summed up by the Nunavik Regional Board of Health and Social Services 2004-05 Annual Report. Indeed, the board estimates that 43 per cent of families in Nunavik live below the poverty line, compared to 17 per cent in the province of Quebec. These figures are not just a cry for help; these figures are the results of pain and are screaming at us for immediate — and urgent action.

Most government programs dedicated to Nunavik are established without taking into account the high cost of living facing the population. In practice, most agreements and programs target the development of communities instead of the individuals. Results are quite catastrophic for everyday life of Inuit families. In fact, a large part of subsidies and programs supporting higher professional, well-remunerated jobs, are being held by non-Inuit contractors. While these programs and subsidies were created and are still essential to help ensure economic development in Nunavik, the truth is that money returns south when the contractors are finished their work. This situation also prevails for permanent jobs.

Even on their own land, the people of Nunavik cannot fully benefit from support programs and subsidies created in the South. On top of not being able to harvest because of the high cost of hunting and fishing gear, my people are constantly confronted with government regulations that do not make any sense to us.

Honourable senators may know that unlike farmers and fishermen in the South who get subsidies for their harvesting, Inuit get nothing. The situation is so critical that a study found that hunting and fishing is seen by a majority of Inuit as an inaccessible luxury. It is time for legislators to wake up and help

those people. Hunting and fishing are not recreational; they are essential for Nunavik's people since they provide their main source of food. Individuals should be allowed to claim equipment used for sustenance purposes as expenses in order for them to reduce their allowable taxable income.

Honourable senators, for the people of Nunavik to benefit from a more just society, I have taken the liberty of introducing Bill S-214. This proposed legislation recognizes that tax breaks are needed to help individuals and to stimulate economic prosperity in Nunavik.

The first part of Bill S-214 is aimed at increasing the northern residents' tax deduction. Honourable senators, 20 years ago, in 1987, the tax deduction for northern residents was introduced to help northern working families deal with the high cost of living. Unfortunately, governments have not kept this tax deduction in line with inflation. It is absurd that this deduction has not changed in 20 years when we all know how inflation has increased dramatically during this time. Increasing the northern residents' tax deduction will put more money in the pockets of Nunavik's population which will, in turn, speed the economic development of our land. It is my belief that this is a small cost to the federal government in comparison to all the good it will bring to so many families.

The second part of Bill S-214 is aimed at amending the Excise Tax Act to eliminate the GST on all goods and services. It would also eliminate other taxes on fuel, oil, natural gas, diesel and other additives for generating heat and electricity, as well as on modes of transportation other than aviation. Honourable senators, this will help the population of Nunavik deal with the high cost of living. When you think that taxes are based on the product you purchase once it has reached Nunavik, you soon figure out that not only have you paid three to five times the price of that good in the South, because of transportation, but you have to pay taxes on that new price as well. Again, the Inuit population of Nunavik does not benefit from any transportation subsidy.

Honourable senators, this situation angers me because I see the suffering in my community. It is totally unfair to treat a part of the Canadian population this way. It is high time that my people were relieved of this endless pain and everyday stress. I look forward to working with honourable senators, as we lay the groundwork to ensure that Nunavik's population begins to progressively take its destiny into its own hands.

Nakurmik.

On motion of Senator Comeau, debate adjourned.

• (1520)

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Céline Hervieux-Payette (Leader of the Opposition) moved second reading of Bill S-209, to amend the Criminal Code (protection of children).—(Honourable Senator Hervieux-Payette, P.C.)

She said: Honourable senators, I rise today to speak once again about the bill to amend the Criminal Code (protection of children), now known as Bill S-209. The purpose of this bill is to protect children from corporal punishment by repealing section 43 of the Criminal Code, which reads as follows:

Every schoolteacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

This is a legislative provision that dates back to the 19th century.

It permits a practice that is outdated, barbaric and discriminatory towards our children. It condones the use of corporal punishment as a means of discipline. Were the same acts to be carried out against adults, they would be considered assault.

[English]

Before continuing my remarks, I wish to underline that this is the third time that I have tabled the same bill. The proposed legislation was also tabled in this chamber by Senator Carstairs in 1996. Moreover, similar bills have been tabled in the other place by several other parliamentarians since 1994. As we will see in a moment, much water has flowed under the bridge in the time between the tabling of my former bill and this one.

[Translation]

In the last session, the Standing Senate Committee on Human Rights was able, for the first time, to thoroughly study this issue. It tabled its report in this chamber without amendment. This report concluded that section 43 must be repealed, eliminated.

Last April, the committee tabled a report dealing with the effective implementation of Canada's international obligations with respect to the rights of children entitled *Children: The Silenced Citizens*.

In chapter 6, the committee deals specifically with Canada's commitment to fight violence against children. It examines Article 19 of the Convention on the Rights of the Child ratified by Canada in 1991. Article 19(1) reads as follows:

States Parties — that includes Canada — shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

I would add that Article 3 states:

... the best interests of the child shall be a primary consideration.

In two successive reports on Canada dated June 20, 1995, and October 27, 2003, the United Nations clearly indicated that, by

[Senator Hervieux-Payette]

maintaining in force section 43 of the Criminal Code, Canada was not respecting the terms of the convention it had signed.

A number of witnesses appeared before the standing Senate committee and, drawing on the Convention on the Rights of the Child, urged the federal government to repeal the defence under section 43 of the Criminal Code. Marv Bernstein, Children's Advocate for the Province of Saskatchewan, said:

... it is time for Canada to step up to the plate or risk significant embarrassment on the international stage.

The Standing Committee on Human Rights was clear: section 43 of the Criminal Code must be repealed!

Honourable senators, it is our duty, as parliamentarians, to protect our children. We have been examining this issue in Parliament for 13 years now.

[English]

Several studies have shown that we must act. It has been confirmed that children under the age of five are the ones who most often undergo corporal punishment. How can they defend themselves? How can they know when their parents have exceeded reasonable force under the circumstances? To whom can they appeal? How many times must they be hit before a neighbour or a teacher notices? A great deal of time may pass before marks or bruises appear, and it may be then too late.

[Translation]

In 2004, Statistics Canada completed a study on the parenting environment and aggressive behaviour in children. The study involved 2,000 children and revealed that children two to three years of age living in punitive environments in 1994 scored 39 per cent higher on a scale of aggressive behaviour — such as bullying or acting spitefully — than children living in less punitive environments.

The difference, however, was even more marked six years later, in 2000, in the same children at ages eight to nine. Those living in punitive environments scored 83 per cent higher on the scale of aggressive behaviour than children living in less punitive environments.

So, only 17 per cent of the children had not become aggressive. Statistics Canada noted that this aggression carried over into adulthood in the form of aggression, delinquency, crime, poor school performance, unemployment, and other negative aspects such as depression. In other words, those who begin life in violence are unable to make positive contact with others, resolve conflicts normally and develop in a healthy way.

In 2005, Statistics Canada published a report entitled *National Longitudinal Survey of Children and Youth: Home environment, income and child behaviour*. This study looked at changes in punitive parenting practices in the home and noted changes in child behaviour. Children showed higher levels of aggressive behaviour when their parents were more punitive. They also showed higher levels of anxiety and lower levels of pro-social behaviour, the latter defined as actions that benefit another person with no reward for oneself, when parents were more punitive.

These data could scare even the most skeptical. A number of people have told me that they experienced corporal punishment and saw no effect. Some judges in Quebec even mentioned it in published judgments.

The Centre of Excellence for Child Welfare gathered the findings of several studies and found that children who are hit have a tendency to hit other children; 19 per cent were violent toward others. They had a tendency to exhibit anti-social behaviour such as intimidation and bullying at school and 36 per cent of children who are physically abused have psychological or behavioural problems.

Lack of remorse was also observed because, for punished children, violence is a normal form of conflict resolution. The centre also noted deterioration in parent-child relations. Even worse, a higher risk of depression, sadness, anxiety and despair was observed in the children.

The centre notes that 71 per cent of children who suffered physical violence had no evidence of physical scars. However, in 50 per cent of the cases, investigators noted functional problems such as learning difficulties or developmental delays.

• (1530)

Last Monday, the education community in Quebec was shaken by a most unfortunate incident involving two children having a silly argument that degenerated into a real tragedy. One of the children was the victim of unbelievably bad luck and died of arrhythmia after being struck in the chest. A similar tragedy occurred at a high school last spring. A young man died after being punched in the head. Unfortunately, young people in our schools are too quick to react with violence instead of dialogue.

In response to the news, Jacques Hébert, an authority in the field and professor at the École de travail social de l'UQAM, noted in a Montreal daily newspaper that, sadly, we tend to be more reactive than proactive when it comes to violence. In my opinion, honourable senators, one way of being proactive would be to address violence at its very source, by repealing section 43. By maintaining that provision, which introduces young people to brutality from a very young age, we continue to legitimize and maintain a culture of violence. Through this bill, we have the opportunity to take action. I urge all honourable senators to support the bill at this time.

I would like to extend my deepest sympathies to the families affected by these tragedies and to all the students who have had to endure the emotional distress.

[English]

Honourable senators, this year, Portugal, New Zealand and Holland have amended their laws to completely abolish the corporal punishment of children.

[Translation]

To date, 19 countries have responded to the United Nations with concrete measures: Sweden, Finland, Norway, Austria, Cyprus, Denmark, Latvia, Croatia, Germany, Bulgaria, Iceland, Ukraine, Romania, Hungary, Greece, the Netherlands,

New Zealand and Portugal. Another 17 countries have made a public commitment to reform their legislation. What is Canada waiting for?

I invite you to consult the Global Initiative to End All Corporal Punishment of Children Web site on this topic. In October, this organization released a new report, Global Report 2007, entitled Ending Legalised Violence Against Children, to follow up on the United Nations Secretary General's study on violence against children.

[English]

Professor Paolo Sérgio Pinheiro, the independent expert appointed to lead the UN study, refers in the global report to the target date of 2009 set by the study for the prohibition of all violence against children, including all corporal punishment. Surely this is not too much for children to expect. The study has made visible the scale and impact of this common form of violence in schools, care institutions and other places. How can adults, as human rights activists, parliamentarians, government ministers or officials tolerate its continued legality and social acceptance in so many states and in our country?

[Translation]

In May 2006, the World Conference of Religions for Peace, in cooperation with UNICEF, brought together leaders and experts from more than 30 countries with different beliefs: Buddhist, Christian, Hindu, Jewish, Muslim, and so on. The delegates to the conference adopted a joint declaration to combat violence against children by calling on governments to pass legislation to put an end to corporal punishment. This declaration was approved at the eighth Religions for Peace World Assembly that took place in Kyoto, Japan, in August 2006. It is important to note that 800 religious leaders from 100 countries attended the assembly.

As well, in Europe, all the members of the Council of Europe ratified the United Nations Convention on the Rights of the Child in 2005. The Council of Europe called for a campaign to make Europe "a corporal punishment-free zone for children".

[English]

In addition to the European countries mentioned earlier, it must also be underlined that the Supreme Court of Italy has also banned corporal punishment.

[Translation]

As you have just heard, things are changing internationally. It remains to be seen whether we can change things here in Canada. Honourable senators, I have nearly 10 years left in my mandate, but I want to wrap-up study of this bill now, and I want to see it passed this year.

Over the past few years, the main argument against repealing section 43 has been fear that all parents who take physical action involving their children could be taken to court. Basically, the Department of Justice argued that parents could be charged for doing up their child's seatbelt without the child's consent. I thought that wearing a seatbelt was a legal obligation, not a way to punish children.

In a document entitled *Children and corporal punishment: "The right not to be hit, also a children's right"*, Thomas Hammarberg, Commissioner for Human Rights, refuted such arguments. He said:

... the definition and ban of corporal punishment should not be seen as excluding the positive and fundamental concepts of discipline or education. The development of every child requires guidance and directions from parents, relatives, teachers or other adults.

Parenting and caring for children, especially young children, demands frequent physical actions and interventions to protect them. These situations should be distinguished from the deliberate and punitive use of force to cause some degree of pain, discomfort or humiliation. As adults, we know for ourselves the difference between a protective action and a punitive assault; it is no more difficult to make a distinction in relation to actions involving children. The law in all States, explicitly or implicitly, allows for the use of non-punitive and necessary force to protect people.

Honourable senators, as I have said before, repealing section 43 will not cause problems for parents who do things to protect their children or who, on rare occasions, may lose patience with them. I would point out that common law defences such as necessity and *de minimis* are still in effect in Canada.

With respect to the defence of necessity, the Supreme Court has reiterated its application on many occasions. This principle recognizes that there are emergency situations where the law does not hold people accountable if the ordinary human instincts overwhelmingly impel disobedience in the pursuit of self-preservation or the preservation of others.

The Canadian Bar Association, in a 1992 study entitled *Principles of Criminal Liability: Proposals for a New General Part of the Criminal Code of Canada*, bases its reasoning on K. R. Hamilton's paper, "De Minimis Non Curat Lex", which gives the following justifications for a *de minimis* defence: first, the application of criminal law must be reserved for serious misconduct; second, an accused must be protected from the stigma of a criminal conviction and from the imposition of severe penalties for relatively trivial conduct; third, the courts must be saved from being swamped by an enormous number of trivial cases. I want to remind honourable senators that the existing process in Quebec allows this distinction to be made between serious and trivial cases.

Furthermore, I want to remind you that the provinces are responsible for the administration of criminal justice and they have specific guidelines to follow before making accusations. In Quebec, for example, a multisectoral agreement on the social and judiciary response procedure has been created. There are five essential steps in the decision-making process: first, the reporting of abuse to the director of child protection; second, liaison and planning; third, investigation and assessment; fourth, decision making; and, fifth, action and information of partners.

In referring to the Swedish model, the Human Rights Commissioner said:

In Sweden, the primary purpose of banning corporal punishment was to alter public attitudes towards the use of

physical force, to set a clear guideline for parents and to promote earlier and more supportive intervention in child protection matters.

Public support for corporal punishment has decreased dramatically. In 1965 the majority of Swedes were in favour of it. A recent study shows that just 6 per cent of those 35 or younger, which would include the parents of young children, said they were in favour of corporal punishment, even the gentlest kind.

• (1540)

Practices have also changed: of those who grew up after the ban, only 3 per cent reported that they were slapped by their parents and only 1 per cent reported that they were hit with an object. In addition, and this is important, the mortality rate due to violence is very low among Swedish children.

In Sweden, awareness of violence against children has been heightened and there has been an increase in the number of assault cases reported; however, fewer parents were charged, social workers intervened less often, and fewer children were placed in foster care.

Honourable senators, Canada is ready to put an end to violence against our children. Our colleagues on the Standing Senate Committee on Human Rights concluded that section 43 of the Criminal Code should be repealed.

I now also have economic support for this change. In 2003, the Law Commission of Canada assessed the economic costs of all forms of child abuse in 1998 alone. It was estimated that the legal, social services, education, health, employment and other costs attributable to violence against children totalled approximately \$16 billion. The abuse of children is devastating not only for individuals but also for society as a whole.

To date, 271 organizations and many distinguished Canadians have signed the Joint Statement on Physical Punishment of Children and Youth, initiated in 2004 by the Children's Hospital of Eastern Ontario (CHEO). To allow corporal punishment is to allow violence against citizens and to admit that they are not full-fledged citizens. To prohibit corporal punishment sends a clear message that violence against children is no longer tolerated.

[English]

In closing, I wish to underline the exceptional work of some people who are wholeheartedly devoted to this cause and with whom I have worked over the years. I wish to commend Corinne Robertshaw, from an organization known as Repeal 43 Committee; Ron Ensom, from the Children's Hospital of Eastern Ontario; Joan Durrant from the Department of Family Social Sciences at the University of Manitoba; and Dia Mamatis, a research consultant with Toronto Public Health.

[Translation]

Honourable senators, end discrimination against children. Respect their right to life, security of the person and physical integrity. Senators will no doubt recall that, last April, a Quebec

school board was offering “courses in managing difficult children”, dubbed by the press “Spanking 101”. Honourable senators, end this madness; vote for Bill S-209.

On motion of Senator Cochrane, debate adjourned.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Lise Bacon, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matter of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Lise Bacon, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON CONTAINERIZED FREIGHT TRAFFIC AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Lise Bacon, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on current and potential future containerized freight traffic handled at, and major inbound and outbound markets served by, Canada's

- i) Pacific Gateway container ports

- ii) east coast container ports and

- iii) central container ports and current and appropriate future policies relating thereto.

That the Committee submit its final report no later than March 31, 2008, and

That the papers and evidence received and taken and the work accomplished by the Committee on the subject since the First Session of the Thirty-Ninth Parliament be referred to the Committee.

Motion agreed to.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Joseph A. Day, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Finance have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

[*English*]

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Joseph A. Day, pursuant to notice of November 13, 2007, moved:

That the Standing Senate Committee on National Finance be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

The Senate adjourned until Thursday, November 15, 2007, at 1:30 p.m.

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