



CANADA

Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 12

OFFICIAL REPORT
(HANSARD)

Thursday, November 15, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

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

THE SENATE

Thursday, November 15, 2007

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

Prayers.

[Translation]

SENATORS' STATEMENTS

OFFICIAL LANGUAGES

LINGUISTIC POLICY AT CANADIAN FORCES BASE BORDEN

Hon. Maria Chaput: Honourable senators, the struggle to enable francophones in Canada to live in French in their very own country is a never-ending one. One often gets the feeling that we are taking two steps forward and one step back. In a letter to General Hillier, Yves Côté, the National Defence and Canadian Forces Ombudsman, revealed that, on the military base in Borden, recruits: remained unaware of their linguistic rights; did not know how to report problems; had not received support from the chain of command; were facing longer waiting periods than their anglophone peers for occupational training; and were not provided meaningful assignments or English language training.

Canada's language policy has been in place for nearly 40 years, and it has had a positive impact from coast to coast. In order to make up for lost time, the Canadian Forces will have to modernize their institution to fully integrate both official languages.

Today, it is unacceptable to find a francophone who functions exclusively in English in a federal government workplace. Frankly, it is embarrassing for a bilingual country such as ours. The Canadian Armed Forces have been ignoring the Official Languages Act and getting away with it for far too long.

I would like to congratulate Yves Côté for having raised this serious issue, and I hope that he will continue to be in contact with Graham Fraser, the Commissioner of Official Languages, to ensure that everything possible will be done to resolve this inequality.

• (1335)

[English]

ABORIGINAL REPRESENTATION IN POST-SECONDARY SCIENCES

Hon. Lillian Eva Dyck: Honourable senators, in October I was one of the keynote speakers at the Canadian Aboriginal Science and Technology Conference held in Calgary. I spoke about the areas of post-secondary study and the gaps in the numbers of Aboriginals, especially women, specializing in the sciences compared to non-Aboriginals. The data that I analyzed came from the 2001 Canadian census, and I focused on Saskatchewan.

The area chosen most frequently for study by both Aboriginals and non-Aboriginals, aged 25 to 44, was that comprised of the applied science technologies and trades. The two areas chosen least often were the engineering and applied sciences and the mathematical, computer and physical sciences.

The percentage of Aboriginals who specialized in the engineering, mathematical and physical sciences was markedly less than that of the non-Aboriginal population. Only 0.5 per cent of the Aboriginals, compared to 2.1 per cent of the non-Aboriginal population, chose to specialize in the engineering and applied sciences; and only 0.7 per cent of the Aboriginal population, compared to 2.4 per cent of the non-Aboriginal population, specialized in the mathematical, computer and physical sciences.

In addition, men and women made different choices in their areas of study and there were similar patterns in the Aboriginal and non-Aboriginal populations. In both populations, men chose the applied technologies and trades at about 10 times the rate for women; and men also studied most sciences at much higher rates than women, except for the health sciences where women dominated. However, what was surprising was the relatively greater under-representation of Aboriginal women compared to non-Aboriginal women in the engineering, mathematical, computer and physical sciences.

My key messages were: Aboriginals were under-represented in the physical sciences — mathematics, computer science, physical and engineering sciences — compared to non-Aboriginals; and while it is well known that women are under-represented in the physical sciences, the gender gap was even more pronounced in the Aboriginal population.

What accounts for this low percentage of Aboriginals, especially Aboriginal women, specializing in these sciences? Many theories have been advanced, and it is generally accepted that a lack of role models and an unwelcoming or unfriendly educational environment are important factors. The environment apparently still favours white males.

Honourable senators, the statistics that I presented reinforce the idea that achieving educational equity for Aboriginals and for women in the engineering, mathematical, computer and physical sciences will require improving and even transforming the educational environment to ensure that every student can succeed and achieve his or her full potential.

THE LATE JOHN ARPIN

Hon. Francis William Mahovlich: Honourable senators, I wish to take a moment to mark the passing of John Arpin, who died last Thursday, November 8, at the age of 70 after a lengthy battle with cancer. John Arpin was a musician, recording artist and composer and was regarded as one of the world's top ragtime and among Canada's most innovative musicians.

John Arpin was born in Port McNicoll, Ontario. He graduated from the Royal Conservatory of Music at the age of 16 and later attended the University of Toronto. His first professional

performances were with fellow music popularizers, including Howard Cable from CBC and Leo Romanelli, who played in summertime bands at the Bigwin Inn up in the Lake of Bays and also at the Manoir Richelieu in Murray Bay.

Generations of Canadian children were first introduced to Arpin's piano style through the theme of the popular show, *Polka Dot Door*, where he was a writer, director and performer. CBC radio listeners became familiar with one of his most notable compositions, "Jogging Along," which was the theme song for Peter Gzowski's *Morningside* program in the late-1970s.

During the last two decades of his life, Arpin's name graced the programs of southern Ontario's smaller orchestras, as well as summer festival events.

• (1340)

One of his final public concerts was at Collingwood Music Festival on June 21. In a career that spanned 50 years, Arpin released 67 albums and collected three Juno nominations. Whether playing his signature ragtime or venturing into jazz, Broadway show tunes or even the great arias of opera, John Arpin's playing was a model of poise and elegance. He will be fondly remembered as a great Canadian and a great popularizer of music.

[Translation]

ROLE OF WOMEN IN ARMED FORCES

Hon. Lucie Pépin: Honourable senators, officers' mess walls at our military bases and schools are generally covered with photographs honouring only male officers. However, I was pleased to see that this is starting to change.

Last week, a colloquium entitled "Women, Armies and Wars" was held at the military college in Saint-Jean-sur-Richelieu, providing a platform for dialogue on the role of women and their experience within the armed forces.

The Canadian Armed Forces has one of the highest percentage of women to men in the world. In the regular forces, only 17.3 per cent of soldiers are women. However, in Canada, with the exception of the Roman Catholic chaplaincy, women can enrol in all occupations and corps of the army, even in combat units.

Even more interesting is the fact that more and more women are penetrating into the command of the Canadian Forces. At the colloquium in Saint-Jean-sur-Richelieu, the opening remarks were given by Brigadier General Christine Whitecross. Ms. Whitecross is the first woman to command Joint Task Force North. I also had the distinct pleasure of meeting Colonel Karen Ritchie, henceforth in command of 5 Area Support Group, Quebec. She is also the first woman to hold that position. You can imagine to what extent these trailblazers were the topic of discussion at the colloquium. Nonetheless, the integration of women into the armed forces still has its obstacles.

Armed forces have transformed themselves to adapt to the arrival of women. However, their clearly masculine traditions, procedures and codes are delaying the evolution of mentalities. Women must prove that they meet the requirements and that they remain dedicated to their career.

There are initiatives within the Canadian Forces designed to eliminate discrimination. However, as indicated by the Canadian Forces ombudsman, changing military culture is somewhat like changing the course of a ship; it is not something that can be done in an instant.

In today's society, some people still believe that women do not belong in the war. These people believe that the presence of women affects the efficiency of operations. Often, physical and psychological differences are brought up. Of course there are differences. However, it has been shown that these differences are not significant constraints. According to experts, women have management styles and social attitudes that can be effective, for example, in negotiations. These same studies showed that some women are comparable to men when it comes to strength and endurance. Furthermore, it has been suggested that women receive extra training sessions to make up for their physical limitations.

The integration of women from here and elsewhere is based on stereotypes that contradict both the willingness of women to participate and the research on the subject. Despite everything, we can be proud of the gains these women have made. The strength these women showed in paving the way and the achievements of women in uniform today give us hope for the future.

[English]

DARFUR

Hon. Yoine Goldstein: Honourable senators, yesterday, in the course of Senators' Statements, I went over my time, for which I apologize. I did not have a chance to complete what I was saying.

I wish to inform honourable senators that you will receive notices for various events from the All-Party Parliamentary Group for the Prevention of Genocide and other Crimes Against Humanity. I urge honourable senators to attend these events to make a statement with respect to your concern about what is taking place in Darfur.

That point provides a segue to an additional element that I wish to draw to honourable senators' attention again, the rapidly changing situation in Darfur. As honourable senators may be aware, the conflict in the region has escalated significantly this summer. A dangerous new dimension emerged when one of the rebel movements attacked an African Union peacekeeping base, killing at least 100 soldiers.

However, there is also some cause for hope. A new European Union peacekeeping mission will soon be deployed to protect Darfuri refugees in Chad and the Central African Republic, and the Security Council has approved the creation of a hybrid African Union-United Nations peacekeeping force with 26,000 personnel to protect civilian populations within Darfur.

• (1345)

In response to these events, the All-Party Parliamentary Group for the Prevention of Genocide and other Crimes Against Humanity has agreed to a resolution that calls for both the Sudanese government and the rebel groups to fully cease all

hostilities and to ensure that humanitarian agencies have complete and secure access to the people of the region. We are also calling for the Government of Sudan to cooperate with the investigation by the International Criminal Court and for the rebel movement to make a genuine commitment as well to the peace process.

As for our own government, the resolution acknowledges Canada's engagement in the past, for which everyone is grateful, but also calls for quick answer in response to recent developments. It calls on the government to do the following: first, to provide further support for the peace process and work to promote participation by unarmed groups, especially those representing women; second, to put more pressure on both the Sudanese government and rebel groups to end the conflict, possibly through the tightening of economic measures; third, help to provide the new hybrid peacekeeping mission with the heavy equipment it requires; fourth, assign a high-level official to represent Canada in the peace process; and, fifth, expand the humanitarian assistance that it now gives to assist those displaced by the most recent fighting.

I propose to put into each honourable senator's email a copy of that resolution. I hope honourable senators will find time to engage in this humanitarian crisis.

The famous theologian, Martin Niemöller, speaking of the Second World War, said that first they came to get the Jews, and he was not a Jew, so he did not say anything. They then came to get the trade unionists, and he was not a trade unionist, so he did not say anything. They then came for the communists, and he was not a communist, so he did not say anything. They then came for the gypsies, and he was not a gypsy, so he did not say anything. They then came for the homosexuals, and he was not a homosexual, so he did not say anything. And then they came for him, and there was no one left to say anything.

NATIONAL CHILD DAY CELEBRATIONS IN THE SENATE

Hon. Jim Munson: Before beginning my statement, I wish to tell the Honourable Senator Goldstein that he gave a nice statement.

Honourable senators, I want to take a moment to remind you of an annual event that transforms the Senate into a place of youthful energy. That event is National Child Day. Next Monday, November 19, this chamber will be filled with children from across this city who will gather to celebrate the contributions they make to our society. The theme of this year's event, "Include us . . . Include us all," will be expressed through performances and presentations from children who have faced adversity and surmounted obstacles to achieve excellence and to give back to others.

For example, Christina Campbell, whom I met in Shanghai, Canada's gold medalist in rhythmic gymnastics at the Special Olympics in Shanghai, will perform and talk about her proud moment as part of her Special Olympics team. Josh Bortolotti, who some honourable senators might remember as a witness for our autism inquiry, will speak as well. We will hear from Josh Sacobie, a tremendous athlete and star quarterback of the University of Ottawa Gee-Gees, who will talk about his journey from the Maliseet First Nation in New Brunswick to Ottawa,

where he was named recently the most valuable player of the Ontario University Athletics, after leading the Gee-Gees to an undefeated regular season.

Honourable senators, music and dance will fill this chamber. Performances by Lucas Haneman, a visually impaired jazz guitarist; Jessie Huggett, an accomplished interpretive dancer and speaker with Down's syndrome; and Anastasia Matsell-Savage, a singer with cerebral palsy.

[Translation]

The Senate has been celebrating National Child Day for seven years. This event was instituted by Senator Landon Pearson and fills this place with youthfulness, energy and inspiration.

I am very proud to continue this tradition with my honourable colleagues, Senators Keon and Mercer, as well as the honourable Speaker of the Senate.

• (1350)

[English]

I cannot promise you any seats on Monday; they will be filled with young people. However, I can promise you a good time, even a rocking good time. We have a lot of fun here for the start of our work week next week, so do not forget National Child Day. "Include us . . . Include us all."

[Translation]

ROUTINE PROCEEDINGS

STUDY ON INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

GOVERNMENT RESPONSE TO REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3), I have the honour of tabling, in both official languages, the government response to the tenth report of the Standing Senate Committee on Human Rights entitled *Children: The Silenced Citizens, Effective Implementation Of Canada's International Obligations With Respect To The Rights Of Children*, tabled in the Senate on April 25, 2007.

[English]

BANKING, TRADE AND COMMERCE

REPORT 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 Standing Senate Committee on Banking, Trade and Commerce. 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. 123.)

CANADA-UNITED STATES TAX CONVENTION ACT, 1984

BILL TO AMEND—REPORT OF COMMITTEE

Hon. W. David Angus, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, November 15, 2007

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984, has, in obedience to the Order of Reference of Tuesday November 13, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

W. DAVID ANGUS
Chair

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

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

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Joan Fraser: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour of tabling the first report of the Standing Senate Committee on Legal and Constitutional Affairs, 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. 125.)

[English]

ABORIGINAL PEOPLES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Gerry St. Germain: 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 Aboriginal Peoples. 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. 126.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Consiglio Di Nino: 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 Foreign Affairs and International Trade. 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. 127.)

AGRICULTURE AND FORESTRY

REPORT PURSUANT TO RULE 104 TABLED

Hon. Joyce Fairbairn: 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 Agriculture and Forestry. 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. 128.)

SCRUTINY OF REGULATIONS

FIRST REPORT OF JOINT COMMITTEE PRESENTED

Hon. J. Trevor Eyton, Joint Chair of the Standing Joint Committee on Scrutiny of Regulations, presented the following report:

Thursday, November 15, 2007

The Standing Joint Committee for the Scrutiny of Regulations has the honour to present its

FIRST REPORT

Your Committee reports that in relation to its permanent reference, section 19 of the *Statutory Instruments Act*, R.S.C. 1985, c. S-22, the Committee was previously empowered "to study the means by which Parliament can better oversee the government regulatory process and in particular to enquire into and report upon:

1. the appropriate principles and practices to be observed
 - (a) in the drafting of powers enabling delegates of Parliament to make subordinate laws;
 - (b) in the enactment of statutory instruments;
 - (c) in the use of executive regulation — including delegated powers and subordinate laws;

and the manner in which Parliamentary control should be effected in respect of the same;

2. the role, functions and powers of the Standing Joint Committee for the Scrutiny of Regulations.

Your Committee recommends that the same order of reference together with the evidence adduced thereon during previous sessions be again referred to it.

Your Committee informs both Houses of Parliament that the criteria it will use for the review and scrutiny of statutory instruments are the following:

Whether any Regulation or other statutory instrument within its terms of reference, in the judgement of the Committee:

1. is not authorized by the terms of the enabling legislation or has not complied with any condition set forth in the legislation;
2. is not in conformity with the Canadian Charter of Rights and Freedoms or the Canadian Bill of Rights;
3. purports to have retroactive effect without express authority having been provided for in the enabling legislation;
4. imposes a charge on the public revenues or requires payment to be made to the Crown or to any other authority, or prescribes the amount of any such charge or payment, without express authority having been provided for in the enabling legislation;
5. imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
6. tends directly or indirectly to exclude the jurisdiction of the courts without express authority having been provided for in the enabling legislation;
7. has not complied with the Statutory Instruments Act with respect to transmission, registration or publication;
8. appears for any reason to infringe the rule of law;
9. trespasses unduly on rights and liberties;
10. makes the rights and liberties of the person unduly dependent on administrative discretion or is not consistent with the rules of natural justice;
11. makes some unusual or unexpected use of the powers conferred by the enabling legislation;
12. amounts to the exercise of a substantive legislative power properly the subject of direct parliamentary enactment;
13. is defective in its drafting or for any other reason requires elucidation as to its form or purport.

Your Committee recommends that its quorum be fixed at four members, provided that both Houses are represented whenever a vote, resolution or other decision is taken, and that the Joint Chairmen be authorized to hold meetings to receive evidence and authorize the printing thereof so long as three members are present, provided that both Houses are represented; and, that the Committee have power to engage the services of such expert staff, and such stenographic and clerical staff as may be required.

Your Committee further recommends to the Senate that it be empowered to sit during sittings and adjournments of the Senate.

Your Committee, which was also authorized by the Senate to incur expenses in connection with its permanent reference relating to the review and scrutiny of statutory instruments, reports, pursuant to Rule 104 of the *Rules of the Senate*, that the expenses of the Committee (Senate portion) during the First Session of the Thirty-ninth Parliament were as follows:

Professional and Other Services	\$ 703.29
Transport and Communications	0.00
All Other Expenses	<u>\$ 1,490.49</u>
Total	\$ 2,193.78

A copy of the relevant Minutes of Proceedings and Evidence (Issue No. 1, Second Session, Thirty-ninth Parliament) is tabled in the House of Commons.

Respectfully submitted,

J. TREVOR EYTON
Joint Chair

• (1355)

The Hon. the Speaker: When shall this report be taken into consideration?

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

NATIONAL BLOOD DONOR WEEK BILL

FIRST READING

Hon. Ethel Cochrane, for Senator Mercer, presented Bill S-220, An Act respecting a National Blood Donor Week.

Bill read first time.

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

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

• (1400)

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. W. David Angus: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage 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 STUDY ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. W. David Angus: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with interprovincial barriers to trade in Canada, in particular:

- the economic and trade barriers that exist between provinces in Canada;
- the extent to which such interprovincial barriers are limiting the growth and profitability of the affected sectors of the economy as well as the ability of businesses in affected provinces, jointly and with relevant U.S. states, to form the economic regions that will enhance prosperity; and
- measures that could be taken by the federal and provincial governments to facilitate the reduction or the elimination of such interprovincial trade barriers in order to enhance trade, develop a national economy, and strengthen Canada's economic union; and

That the papers and evidence received and taken on the subject during the First Session of the Thirty-ninth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2008, and that the Committee retain until March 31, 2009 all powers necessary to publicize its findings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. W. David Angus: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized 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 PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. W. David Angus: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system; and

That the papers and evidence received and taken on the subject during the First Session of the Thirty-ninth Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2008, and that the Committee retain until March 31, 2009 all powers necessary to publicize its findings.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

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

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage 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.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

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

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

[English]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY INCLUDING IN LEGISLATION
NON-DEROGATION CLAUSES RELATING
TO ABORIGINAL TREATY RIGHTS AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSIONS

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

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing Aboriginal and treaty rights of the Aboriginal peoples of Canada under s.35 of the *Constitution Act, 1982*;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament, the First Session of the Thirty-eighth Parliament and the First Session of the Thirty-ninth Parliament be referred to the committee; and

That the committee present its report to the Senate no later than December 20, 2007.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY STATE OF EARLY LEARNING
AND CHILD CARE AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSION

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the state of early learning and child care in Canada in view of the OECD report *Starting Strong II*, released on September 21-22, 2006 and rating Canada last among 14 countries on spending on early learning and child care programs, which stated "... national and provincial policy for the early education and care of young children in Canada is still in its initial stages. ... and coverage is low compared to other OECD countries;"

That the Committee study and report on the OECD challenge that "... significant energies and funding will need to be invested in the field to create a universal system in tune with the needs of a full employment economy, with gender equity and with new understandings of how young children develop and learn."; and

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

• (1405)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY IMPACT AND EFFECTS OF SOCIAL
DETERMINANTS OF HEALTH AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSION

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the impact of the multiple factors and conditions that contribute to the health of Canada's population — known collectively as the social determinants of health — including the effects of these determinants on the disparities and inequities in health outcomes that continue to be experienced by identifiable groups or categories of people within the Canadian population;

That the Committee examine government policies, programs and practices that regulate or influence the impact of the social determinants of health on health outcomes across the different segments of the Canadian population, and that the Committee investigate ways in which governments could better coordinate their activities in order to improve these health outcomes, whether these activities involve the different levels of government or various departments and agencies within a single level of government;

That the Committee be authorized to study international examples of population health initiatives undertaken either by individual countries, or by multilateral international bodies such as (but not limited to) the World Health Organization;

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

That the Committee submit its final report no later than June 30, 2009, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY CURRENT SOCIAL ISSUES
OF LARGE CITIES AND REFER PAPERS
AND EVIDENCE FROM PREVIOUS SESSION

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on current social issues pertaining to Canada's largest cities. In particular, the Committee shall be authorized to examine:

- (a) poverty
- (b) housing and homelessness
- (c) social infrastructure

- (d) social cohesion
- (e) immigrant settlement
- (f) crime
- (g) transportation
- (h) the role of the largest cities in Canada's economic development

That the study be national in scope, with a focus on the largest urban community in each of the provinces;

That the study report propose solutions, with an emphasis on collaborative strategies involving federal, provincial and municipal governments;

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

That the Committee submit its final report no later than June 30, 2009, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

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

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on the present state and the future of agriculture and forestry in Canada;

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

That the Committee submit its final report to the Senate no later than December 31, 2008.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY RURAL POVERTY AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

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

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on rural poverty in Canada. In particular, the Committee shall be authorized to:

- (a) examine the dimension and depth of rural poverty in Canada;

- (b) conduct an assessment of Canada's comparative standing in this area, relative to other OECD countries;

- (c) examine the key drivers of reduced opportunity for rural Canadians;

- (d) provide recommendations for measures mitigating rural poverty and reduced opportunity for rural Canadians; and

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

That the Committee submit its final report to the Senate no later than June 30, 2008; and

That the Committee retain until September 30, 2008 all powers necessary to publicize its findings.

• (1410)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

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

That the Standing Senate Committee on Agriculture and Forestry 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. Joyce Fairbairn: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

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

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Consiglio Di Nino: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs and International Trade be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[English]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Consiglio Di Nino: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs and International Trade 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.

QUESTION PERIOD

HON. MARJORY LEBRETON

LETTERS TO CHARLOTTETOWN *GUARDIAN*
REGARDING CANADA PENSION PLAN

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate.

Last week, she wrote a letter to *The Guardian*, a major newspaper in my home province of Prince Edward Island. In that letter she made false accusations about facts that I used in this chamber when I launched an inquiry into the Canada Pension Plan. In part, the letter read as follows:

Senator Catherine Callbeck regularly uses such misinformation in the Senate. Now she is using *The Guardian* to spread more falsehoods. As usual, she has gotten her facts wrong and has misinformed Island seniors yet again.

The facts I used in the Canada Pension Plan speech came from the Minister of Human Resources, the Honourable Monte Solberg, as well as from documents that I received through access to information.

Will the Leader of the Government in the Senate retract her false accusations and apologize for making them in the first place?

Some Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the honourable senator for the question. For quite some time I have watched the honourable senator use *The Guardian* as a personal bulletin, and I responded to the letter. The honourable senator responded again and now I have responded. I do not know whether my further response was printed. The information used by the honourable senator was based on information from the previous Liberal government in 2005, and my purpose in writing *The Guardian* was to make it clear that the attacks against the government and the explanations of what we are doing for seniors are quite incorrect.

Some Hon. Senators: Hear, hear!

[Senator Di Nino]

Senator Callbeck: The leader has accused me of using misinformation.

• (1415)

The information I used in my Canada Pension Plan speech came from the honourable senator's own minister, the Honourable Monte Solberg, and from documents that I received through access to information.

My question is: Is the honourable senator refusing to retract these false accusations and apologize because the honourable senator simply does not believe her own minister?

Some Hon. Senators: Hear, hear!

Senator LeBreton: Honourable senators, the information that has been attributed to this government in the honourable senator's attacks on the good work that has been done for seniors is based on information that actually belongs to the opposition. I was simply setting the record straight.

Some Hon. Senators: Hear, hear!

Senator Callbeck: I will send the honourable senator copies of the documents that I have received from the Honourable Monte Solberg, as well as the documents that I have received through access to information. Once I have done so, will the honourable senator review those documents and withdraw her false accusations and apologize when she realizes that the information I used was accurate?

Senator LeBreton: Senator Callbeck can send me anything she wishes. I will be happy to look at it, but I do not believe it will change the tenor of her ongoing attacks in *The Guardian* against this government. As I said earlier, the honourable senator uses that newspaper as her own personal bulletin on Prince Edward Island. Since she is a former premier and a prominent person, I imagine *The Guardian* would print her material.

I feel duty bound, as the Leader of the Government in the Senate and the Secretary of State for Seniors, to put into proper context the information that is provided. Facts and figures regarding the treatment of seniors are being attributed to this government when in fact the material used is from 2005, when we had a Liberal government. I have sent a letter to this effect to *The Guardian*. I do not know if they printed it.

Hon. Lowell Murray: Honourable senators, those of us who are not regular readers of *The Guardian* would like one of the disputants in this controversy to arrange to table the letters in question. Can this be done so that we may judge for ourselves?

Senator LeBreton: Certainly.

SECRETARY OF STATE FOR SENIORS

RESPONSIBILITY OF MINISTER

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate and more particularly with respect to her responsibilities as Secretary of State for Seniors.

While I am appalled at the treatment the honourable senator has afforded Senator Callbeck, who is a most distinguished member of this chamber, I am equally disturbed by her lack of recognition of her responsibilities as Secretary of State for Seniors. Does the minister not believe that her most fundamental responsibility is to seniors? Does this not imply that she should ensure that each and every senior in this country is entitled to the fullest support that they can be given?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I believe that since I assumed the responsibility of Secretary of State for Seniors last January that this government has done more for seniors in 21 months than the previous government did in 13 years.

EFFORTS TO INFORM POTENTIAL RECIPIENTS OF GUARANTEED INCOME SUPPLEMENT AND CANADA PENSION PLAN

Hon. Sharon Carstairs: Honourable senators, is the honourable minister prepared to tell this chamber that every single senior entitled to the annual Guaranteed Income Supplement is receiving it? Also, is every senior entitled to Canada Pension Plan benefits receiving them? If the honourable minister cannot give that assurance, will she indicate what is being done about the situation?

• (1420)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I can tell the honourable senator that the government has gone to great lengths to try to capture all of the seniors that are entitled to their benefits, including another 32,000. We have used every possible means to communicate with seniors about their entitlements. Service Canada has almost 600 offices across the country, many of them mobile that travel into smaller, more remote areas. A piece of government legislation passed here allows seniors to make a one-time application for the GIS. Once they file their income tax return, a prepared application form that they simply have to sign is ready for submission. Seniors do not need to reapply for the GIS once that application is on file.

I fully realize that this is an issue in areas where people thought that they should have been eligible for GIS and were not receiving it. This government and the previous government have followed pension income actuarial advice on limiting retro-payments to one year once these people are captured into the system. As well, we are communicating the information to seniors in person at seniors' homes and through the mail from Service Canada. We have done everything possible to reach out.

In addition, before they turn 65 years of age, people receive a communication from the government that explains the various services and benefits to which they are entitled as senior citizens.

Senator Carstairs: The minister indicates that the government has done all of these things, but allow me to offer one simple suggestion. The poorest of the poor in this country are Aboriginal people. Has there been any attempt by the minister's government to print any of these forms in any of the Aboriginal languages, such as Inuktitut, so that they can understand the forms in order to make their applications?

Senator LeBreton: Within the Department of Indian and Northern Affairs, there is a concerted effort to reach out to people in more remote areas north of 60 and other Aboriginal communities. As well, I understand we have tried to inform the various leadership groups of the services available so that they can inform their members. I know it is difficult for Senator Carstairs to accept this, but the government is doing everything that is humanly possible to ensure that all eligible seniors receive the GIS and other benefits to which they are entitled.

VETERANS AFFAIRS

ACCESS TO MENTAL HEALTH CARE

Hon. Michael A. Meighen: Honourable senators, my question is for the Leader of the Government in the Senate. In his recent 2006-07 report, the Department of National Defence and Canadian Forces Ombudsman indicated that he was committed to monitoring the effects of the Afghan military operation on military members and their families. In that context, I note that the subject of mental health care and mental illness has long carried such a strong stigma that people have been unwilling to seek assistance. It is only in recent times that we have seen a significant change in the prevailing attitude. Now we have the extensive report of the work done by the Standing Senate Committee on Social Affairs, Science and Technology under the former Chair, Senator Kirby, and his Deputy Chair, Senator Keon. The report is entitled, *Mental Health, Mental Illness and Addiction*.

We also have the subsequent report recommending that a mental health care commission be established. Such a commission was established by this government this year with our former colleague Senator Kirby as chair. The government clearly has mental health care on its agenda and requiring attention.

During a week in which we observed Remembrance Day, I note that a recent survey indicated that a significant number of veterans had to deal with psychological problems resulting from military service, including post-traumatic stress disorder.

My question is: Has the government taken steps to ensure that members of the military, our veterans and their families have appropriate access to mental health care professionals? Can she indicate whether more individuals are taking greater advantage of that access than they did in the past?

• (1425)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, this is a serious issue, and one that we are hearing more about as our soldiers are returning from theatre in Afghanistan. The great majority of the Canadian Forces who return from deployment, even from difficult areas like Afghanistan, are in good health. Members with mental health problems are encouraged to seek care, and we continue to work on ways to improve mental health programs.

A measure of the success of our various mental health programs is that members with mental health problems now seek care a lot more quickly than they did in the past. Canadian Forces

programs are now set up to capture them. The Armed Forces do rigorous pre- and post-deployment interviews and questionnaires to identify mental health concerns. Then there is a follow-up to monitor the conditions of the soldiers. Across Canada, mental illness health teams are in place, including those specializing in psychiatry, psychology, mental health nursing, addictions counselling — because there is a significant amount of that as well — clinical social work and pastoral counselling. There are also mental health professionals in Afghanistan, as part of the health care team set up to support the troops.

Between 2004 and 2009, \$198 million has been earmarked for a new approach to mental health; and the number of mental health professionals is being increased in the Canadian Forces.

Also, as the honourable senator may remember, Budget 2007 provides \$10 million a year to establish five new operational stress injury clinics to assist Canadian Forces members and veterans in dealing with stress-related injuries connected to their service and, most important, to provide improved support for their families so that they can assist the returning soldiers to work through this serious illness — and it is an illness.

PUBLIC WORKS AND GOVERNMENT SERVICES

COMPETITION FOR LOCATION OF NATIONAL PORTRAIT GALLERY

Hon. Jim Munson: Honourable senators, in keeping with the civility of the afternoon, I have a question for the unelected, unaccountable, appointed Conservative senator, the Minister of Public Works and Government Services.

Last week we learned about this lottery or competition for Canada's national portrait gallery. We heard Minister Verner talk about Canadians deserving to see the portraits that depict the great figures of our country, past and present. I could not agree more.

However, this city is called the “national capital.” There is the national Parliament, the National Gallery of Canada, the national Canadian Museum of Civilization, the national Canadian War Museum and the national cenotaph.

I am curious to find out if this is the Conservatives' version of decentralization in terms of picking only eight cities and saying “Let us compete.” Within these eight cities some have a crumbling infrastructure, a lack of child care spaces, a lack of affordable housing, and smog and congestion. Now you are saying to these cities, “Come on with the private sector; let us bid on something so that Canadians can travel to some other part of the country.” This is Canada's national capital.

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I thank the honourable senator for his question. As a matter of fact, we are talking of nine cities, and they do include the city of Ottawa. It is possible that a developer here in Ottawa would be chosen, depending on the type of proposal that is being tabled.

I understand that the honourable senator may have issues with this proposal. However, the reality is that we are talking about one museum, which is a new museum. We are not talking about moving current museums and national assets that are already here in Ottawa.

[Senator LeBreton]

I am sorry Senator Joyal is not here because I consider him to be the Liberal Party's beacon on cultural affairs. Before 1,000 people in Montreal on Tuesday, he applauded the decision to offer this opportunity to nine cities across Canada.

Senator Munson: If the honourable senator is going that far, in terms of being discriminatory, why just nine cities? Charlottetown is the home of Confederation. Why not Moncton? Why not Saint-Louis-du-Ha! Ha! Why not St. John's? Why not my home area? Why not Saskatoon or Regina? What is wrong? What happened within the bureaucracy or within the Conservative mindset that excluded those cities from being allowed to compete? At the end of the day, it still must be remembered that this is Canada's national capital, where we as Canadians have the opportunity and right to visit and to see something of worth and value that is still being hidden away by this Conservative government.

An Hon. Senator: Just because you live here.

• (1430)

Senator Fortier: Honourable senators, nine cities were chosen on the basis of population and tourist potential. I know the honourable senator knows that. I refer here not only to the ability for the base population of those nine cities to support the museum, but also the ability for some of these cities, particularly the smaller ones, to have additional tourist draws. When one looks at the situation objectively, it makes sense that we chose those nine cities. No one is talking about changing the capital of our country; it is still Ottawa.

There are tremendous museum offerings in this city. I am sure honourable senators have visited many, if not all, of them. The fact that the portrait gallery may or may not be in Ottawa is not something about which one ought to become excited.

[Translation]

DECENTRALIZATION OF EXISTING MUSEUMS IN OTTAWA

Hon. Francis Fox: Honourable senators, I am glad to see that the minister takes an interest in museum policy. I congratulate him, especially for his excellent contribution to the Montreal Museum of Fine Arts. In his decentralization policy, would the minister be willing to consider expanding the network of museums across Canada and, specifically, granting a longstanding request to make the Pointe-à-Callière Museum a national museum of Canada?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, it is not the same thing. We are looking at decentralizing museums, but there is absolutely no question of moving museums that are already in Ottawa. I want to make that clear.

Creating additional museums is not part of my portfolio. I will face the Speaker's wrath. My colleague, Josée Verner, already said that she was open to discussing museum proposals with stakeholders across Canada. When she has announcements to make in that regard, she will make them.

SUPPORT FOR NEW PLANETARIUM IN MONTREAL

Hon. Francis Fox: Honourable senators, I would like to come back to that question. There are all sorts of museums. Planetariums could be considered museums. In this case, the minister himself — correct me if I am wrong — signed a letter saying that he would support the development of a new planetarium in Montreal. When is he going to make good on that promise?

Hon. Michael Fortier (Minister of Public Works and Government Services): The honourable senator knows that I have been very busy with the Montreal Museum of Fine Arts, the theatre district and the announcement of public transit between Dorval and downtown to improve transportation in Montreal's western suburbs. Although I have been especially busy in recent months, please know, honourable senators, that I have publicly supported the call for a new planetarium. I have done so publicly, because I would very much like to see one developed.

[English]

PUBLIC SAFETY

BORDER SERVICES AGENCY—CROSSING DELAYS

Hon. Francis William Mahovlich: Honourable senators, I rise today to add my voice to the growing concern about the Canada-U.S. border crossing situation. Senator Grafstein recently spoke on this same topic, relating horror stories that are transpiring at border crossings nationwide. One statement that particularly struck me was that this year was a summer from hell, due to incredibly long delays at the border. This is not a description one would like to hear when thinking of travelling to our largest trading partner.

There are programs in place to help those who cross the border on a regular basis, such as the FAST program, which helps to ensure speedy crossings for truckers. These programs, however, do not seem to be working efficiently. Some of those enrolled in the FAST program are still facing secondary screenings. What is the point of such a program if it does not do what it is intended to do?

When I was a member of the Detroit Red Wings and living in Windsor, I used the Ambassador Bridge on a regular basis. In those years, about 30 years ago, the only time there was a traffic jam was when the Montreal Canadiens or the Toronto Maple Leafs were playing.

• (1435)

Today, the Ambassador Bridge is the busiest border crossing in North America, with about 25 per cent of Canada-U.S. merchandise making its way across this single bridge. That amount is expected to double by 2030.

With the Canadian dollar at record highs versus the U.S. dollar, the lineups at the border crossings will, I am sure, reach highs as well. Furthermore, as early as next summer, the U.S. government is expected to start requiring passports at both land and sea crossings. This will no doubt make a bad situation even worse. With wait times of up to one hour at some border crossings, what does the government intend to do to alleviate the current waiting lines and to prevent them from getting worse?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I wish to thank the honourable senator for that question. Actually, I used to be a Detroit Red Wings fan.

An Hon. Senator: Move them to Windsor!

An Hon. Senator: Oh, no!

Senator LeBreton: Yes, I was. Actually, it was when Gordie Howe, Ted Lindsay, Alex Delvecchio, Terry Sawchuk and all those guys were playing.

Thank you, Senator Mahovlich. That is a very serious question on an issue that consumes a lot of the time and attention of the government.

I mentioned a couple of weeks ago that the Minister of Industry, Minister Prentice, was in Washington. Ambassador Wilson is also focusing almost exclusively on the “thickening of the border,” as they call it. The Detroit-Windsor corridor, as you know, is extremely busy. Regarding infrastructure, they are working on a new Windsor-to-Detroit passage. The problem has been compounded by some of the political events south of the border in terms of certain individuals on certain television networks in the United States who have whipped up a lot of concerns about security at the border, which gets in the way of commerce — for example, and fire trucks that attempt to cross over to help put out a fire in the northern states. That is the kind of thing that happens. This is all compounded by the strength of the Canadian dollar and the long lineups at the borders.

Honourable senators, through Minister Day, Minister Cannon and Minister Prentice there are several programs in place including, as the honourable senator mentioned, the fast-track lane for truckers. The problem is this: With the long lineups now at the border with all of the other people waiting to cross, sometimes the truckers cannot even get into the fast-track lane.

It is a very complex question that the honourable senator has asked. The government is doing many things. I would be happy to provide more detailed, department-by-department analysis for the honourable senator about what each department — namely, industry, transport and public safety —, are doing to try to deal with this ongoing problem at our borders.

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—PUBLIC INQUIRY—TERMS OF REFERENCE

Hon. Yoine Goldstein: Honourable senators, my question is for the Leader of the Government in the Senate. At the end of Question Period yesterday, the honourable leader characterized my question as a disgrace. Of course she did not answer it, because she could not. I now understand why this portion of our sessions is called Question Period by Senator Lowell Murray — because it is not an “Answer Period”.

Could the leader break with the tradition she has single-handedly created in this chamber and answer the following question? A typical set of terms of reference for a

judicial inquiry is three pages, including the boilerplate — or four pages, tops. The operative part of any inquiry and any term of reference is no more than a page at maximum. Does it take a person of Dr. Johnston's stature two months to draft a couple of pages, or was this two-month time period allotted by the Prime Minister as a further and more transparent attempt on the part of the government to stall, delay and postpone the inevitable? Is this not a disgrace?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the honourable senator for his question. I think the appointment of Dr. Johnston has been very well received. He is an eminent Canadian who will address these issues seriously. The terms of reference for his responsibilities have already been posted. They are publicly available, and I would be happy to provide the honourable senator with the terms of reference with which Dr. Johnston will work.

• (1440)

As the Prime Minister announced last Friday, it was clear that the government was planning to appoint an independent third-party adviser. Then, as events evolved over the weekend and the demand for a public inquiry was added to it, it only made sense to have this same independent third party draw up these terms of reference. Given the state of the allegations, the counter allegations and the rumours, there is probably not a person in this place or, certainly, in this city, who could objectively deal with the terms of reference for what this inquiry will eventually entail.

Senator Goldstein: Of course, there has been no answer to that question.

ALLEGED CASH PAYMENTS— SCOPE OF PUBLIC INQUIRY

Hon. Yoine Goldstein: Honourable senators, the mandate of Dr. Johnston makes no reference whatsoever to the role of the government in the handling of the Mulroney-Schreiber affair. Is it not rather obvious that the government is doing everything it can to hide that role from the Canadian people, and is that not a disgrace?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, what the honourable senator has suggested is quite false.

As I have said many times in this place, this particular dispute between Mr. Mulroney and Mr. Schreiber has nothing to do with the government. As I predicted yesterday and as was shown in a poll last night, 66 per cent of Canadians agree with that view.

2009 WORLD POLICE AND FIRE GAMES

GOVERNMENT SUPPORT

Hon. Gerry St. Germain: Honourable senators, I have a short question to the Leader of the Government in the Senate. The World Police and Fire Games are scheduled to take place in Vancouver, British Columbia, between July 31 and August 9, 2009. I am in somewhat of a conflict because, having been a

former policeman, I have been solicited to support the participants in this great effort. This event is a prelude to the 2010 Olympics. According to the information I received — I am not certain how accurate it is — the event will attract more people to Vancouver than the Olympics. They are seeking support, and they have spoken to the former and present governments, and I hope that my friends on the police forces, the fire departments, the paramedics and all the people involved can gain the support of our government. Would the minister be prepared to support this event?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I certainly would not want to tell Senator St. Germain that I would not support him and his friends involved in the World Police and Fire Games. The government, Canadians and especially the people in British Columbia are very much looking forward to the World Police and Fire Games in 2009. As Senator St. Germain said, it is anticipated that this event will attract thousands of participants from all over the world. Those of us who have any opportunity to spend time in British Columbia know that they will be the great hosts they have always been.

• (1445)

The Government of Canada is supportive of the games and is interested in contributing to their overall success. I can assure honourable senators that federal officials are in contact with the organizers of the event in order to assess how the activities and components of the games can be funded through federal government programs.

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—PUBLIC INQUIRY— MANDATE OF THIRD-PARTY ADVISER

Hon. Joan Fraser: Honourable senators, my question is directed to the Leader of the Government in the Senate and is on the matter of the third-party adviser.

I was pleased that David Johnston was named for this position. He is widely respected as a person of fairness, intelligence and competence. His mandate, however, instructs him to review only allegations respecting financial dealings between Karlheinz Schreiber and Brian Mulroney. If this government is so sure that there is nothing to hide, nothing to worry about, why was it not prepared to seek a mandate for a broad inquiry that would look at all relevant matters concerning anyone who had served in or for the Government of Canada then and/or now? How can you expect Canadians not to think this appointment is set up to be a cover-up?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, many rumours and much information have been flying around. As a matter of fact, I watched the Mike Duffy show on television last night. One of Senator Fraser's own colleagues from the other place told Mike Duffy that he had been lunching with Mr. Schreiber — plotting — so obviously he was getting information from Mr. Schreiber. If it was so important, why did he not, as a privy councillor, turn this information over to the authorities?

Many stories have been going around for years. The thing that changed, as all honourable senators know, is that Mr. Schreiber swore an affidavit last Thursday or Friday, which became public on Friday. As it impacted upon the Office of the Prime Minister, the Prime Minister immediately announced that he would appoint an independent third-party adviser. That affidavit started the whole thing. As the Prime Minister said yesterday, Dr. Johnston will report and the government will follow the recommendations he makes.

ORDERS OF THE DAY

BANKRUPTCY AND INSOLVENCY ACT COMPANIES' CREDITORS ARRANGEMENT ACT WAGE EARNER PROTECTION PROGRAM ACT

BILL TO AMEND—SECOND READING

Hon. Michael A. Meighen moved second reading of Bill C-12, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005.

He said: Honourable senators, it is my pleasure to rise today to open the second reading debate on Bill C-12.

[Translation]

Bill C-12 makes a number of technical amendments to the aforementioned legislation in order to correct a wide range of flaws and to allow the government to implement the wage earner protection program.

• (1450)

[English]

Honourable senators will recall that the Standing Senate Committee on Banking, Trade and Commerce expressed serious reservations about chapter 47 — or Bill C-55, as it then was — and urged the government of the day not to bring it into force until amendments such as those proposed in this bill were made.

I will begin by highlighting the purpose of chapter 47, which consists of reforms to bankruptcy and insolvency laws in Canada and includes the introduction of a wage earner protection program. Following that, I will share some of the key technical changes the government proposes to make to this legislation so as to meet many if not all of the concerns raised by honourable senators and others.

Even in good economic times, bankruptcies are a fact of life in a free market economy. Businesses fail for many reasons and, when they do, workers are among the most vulnerable due to the uncertainties that ensue.

Anyone who has worked at a company that has experienced a bankruptcy or insolvency will express that it is an unsettling business. Not only are workers left wondering about future

employment, but many are troubled with doubts about whether they will receive money owed to them. This bill is another step in helping to resolve those doubts.

Legislation was passed by Parliament in 2005 to address this issue. However, as I indicated earlier, certain technical amendments were required to ensure that insolvency reform and wage earner protection measures will function as intended. The bill now under consideration contains the requisite technical amendments.

[Translation]

The government has promised to help all Canadians and their families and the companies that employ them. It is determined to treat all parties fairly and is succeeding in doing so with Bill C-12.

[English]

The wage earner protection program will help to safeguard workers in companies facing bankruptcy or receivership. It will ensure that workers will receive their money when they need it most.

Currently, provisions in the Canada Labour Code provide some recourse for workers whose employers do not pay the wages owing. Provincial labour laws also have similar provisions. However, when an employer declares bankruptcy or is subject to receivership, insolvency laws take precedence, and, in a bankruptcy, unpaid wages become a debt of the employer's estate. This places an unfair burden on workers because, unlike other creditors, workers do not generally have other sources of income to fall back on.

Even worse, honourable senators, current laws do not guarantee that insolvent employers will pay claims of unpaid wages owed to their workers. As matters stand, those claims can only be paid after the claims of secured creditors have been resolved. As a result, many workers who find themselves in this position, through no fault of their own, never receive all of the wages owed to them.

One estimate, honourable senators, indicates that only 13 cents on the dollar in unpaid wages are ever recovered. In most cases, that is, three quarters of unpaid wage earners receive absolutely nothing. Just as noteworthy, 70 per cent of corporate bankruptcies are small businesses, companies that have fewer than 10 employees, and many of these are in the retail, food services and accommodation industries, where wages are generally lower than in other areas.

Our government is bringing greater fairness to circumstances such as these. The wage earner protection program guarantees reimbursement of unpaid wages within a reasonable time frame. Earned but unused vacation pay will also be protected.

The program will pay workers an amount up to the equivalent of four weeks' maximum insurable earnings under the Employment Insurance Act. That sum is currently about \$3,000. The expectation is that this sum will cover amounts owing for wages and vacation pay in full 97 per cent of the cases. Not only will this program protect workers in the federal jurisdiction, honourable senators, but it will also protect all Canadian workers.

Payment will no longer depend upon the amount of assets in an employer's estate. Workers will be paid what is owed to them in a timely manner.

That brings me to another important consideration about this program, which is the price tag. The program will be very affordable, honourable senators. Annual costs are estimated at \$35 million, reaching \$50 million in the event of serious economic downturn. However, given the super-priority established in the legislation, the government will be able to recover a large part of its payment from the assets of the insolvent business.

Under the wage earner protection program, payment will be provided in a timely way. Government will wait, as it should, to recover the money from insolvent businesses.

The program will be delivered by Service Canada, in collaboration with trustees in bankruptcy and receivers. The trustee or receiver will inform prospective claimants of eligibility and will provide Service Canada, as well as the unpaid worker, with information on unpaid wages and vacation pay. Service Canada will determine the amount and make the payment.

[Translation]

Honourable senators, the wage earner protection program is a good legislative measure that is well thought out and well designed. We were very proud to propose it and adopt it.

Every party in Parliament supported the program during debate on the original bill.

The unions also support it, as do bankruptcy experts. They have witnessed first-hand the need to better protect workers in these circumstances.

Furthermore, this is a program Canadian workers have been asking for. Many of them were surprised to learn that such a protective measure did not already exist.

[English]

Honourable senators, as I indicated earlier, key adjustments are being proposed to this important new program. The adjustments include ensuring that standard deductions are made from program payments just as they are for wages; enhancing the fairness of the conditions of eligibility; allowing trustees, receivers and other persons a defence of due diligence when they have proven that they have done everything in their power to fulfil their duties under the act but were unable to do so; and ensuring that people who have acquired payroll information will assist trustees and receivers in performing their duties.

Eligibility requirements are being adjusted to safeguard against those who might attempt to abuse the program. For instance, it is proposed that applicants not be related, whether by marriage, blood or adoption, to the main decision-makers of a company facing insolvency, but those who are excluded, honourable senators, will have an opportunity to prove that their family relationship is not related to their employment relationship. In such cases, an applicant could be eligible for the program.

Measures must also be taken, honourable senators, to ensure that insolvency professionals are supported and properly paid for their work under the program. In cases where a company's assets

are modest, insolvency professionals could otherwise decline to take on the bankruptcy, concerned perhaps that they would not recover enough money to cover their fees. That would prevent wage earners from receiving assistance from the program. In turn, this could reduce the number of wage earners eligible for the program and create inequities among unpaid wage earners. This would run counter to the program's intent, which is to protect vulnerable workers.

The amendments contained in Bill C-12 in relation to the wage earner protection program are carefully considered, and I do commend them to the attention of honourable senators.

I now turn to the broader scope of insolvency and bankruptcy reforms proposed in this bill. A smoothly running economy depends on having rules governing businesses that are both fair and balanced. Canada's insolvency system is no exception. It must be fair. It must be predictable as far as being able to assess risk. It must be transparent so creditors can defend their interests, and it must be efficient, ensuring that there are appropriate incentives while deterring abuse.

Building on measures first introduced in Parliament in 2005, as I mentioned earlier, the bill before us today will complete the modernization of Canada's insolvency system. It also addresses technical errors in the previous legislation that prevented it from operating as was intended. The bill makes it easier for financially troubled companies to restructure. It makes the system fairer. The proposed amendments will also reduce the possible abuse by those debtors who might be tempted to dispose of their assets prior to filing insolvency proceedings.

For example, honourable senators, the new rules will deter selling or transferring ownership of assets at unreasonable prices — I believe it is called "transfers undervalued" — to a spouse or family member to reduce the ability of creditors to recover unpaid claims.

Another amendment will help to protect trustees. There was some concern that trustees might be held personally responsible for debts and obligations resulting from the debtor's conduct prior to the trustee's appointment. This was clearly not what was intended, and the amendment clarifies this situation. This will help to encourage insolvency professionals to participate in restructuring efforts and accordingly will help to protect employment.

• (1500)

[Translation]

In the past, student loan debt was non-dischargeable if the bankruptcy occurred within 10 years after studies ended. Under the proposed reforms, that period would be reduced to seven years for a normal bankruptcy process and to five years in cases of proven financial difficulty.

[English]

In addition, there was an unforeseen deficiency in the earlier legislation. The current wording does not allow the changes to be applied retrospectively, as had originally been intended.

[Senator Meighen]

A student loan recipient who filed for bankruptcy before the coming into force of chapter 47 would be required to re-file for bankruptcy in order to apply to the court for hardship under the new five-year rule. The purpose of the amendment to the Bankruptcy and Insolvency Act is to ensure that the new seven and five-year discharge provisions are immediately available to individuals for whom the benefits were intended.

Insolvency laws should prevent the abuse of the rules intended to help honest but unfortunate debtors, but some people try to use bankruptcy to avoid paying income tax while they reap the benefits of keeping that money. That is unfair to the vast majority of Canadians who do pay their taxes.

The plan in chapter 47 was to address this problem by prohibiting an automatic discharge for those debtors with over \$200,000 in income tax debt representing 75 per cent or more of their total debt. Debtors would instead be required to go before a judge and explain why their debts should be discharged. A judge could refuse a discharge or order a repayment of a portion or all of the debts. The amendments in Bill C-12 ensure that those who find themselves liable for a tax debt of a third party are not captured inadvertently by these provisions.

Honourable senators, the proposed measures we are contemplating in this chamber today are equitable, balanced and efficient. If brought into force in conjunction with these technical amendments, chapter 47 is an appropriate response, it seems to me, to the many calls heard from Canadians for a more modern insolvency system, and it extends important new provisions to safeguard workers' wages in the event of a bankruptcy or receivership on the part of their employer.

The proposed new measures address technical deficiencies found in previous legislation. By remedying these deficiencies they allow chapter 47 to protect jobs by ensuring that companies have every opportunity to restructure rather than closing their doors.

Honourable senators, this bill does not pretend to be a perfect solution to every issue, but it does make it possible to bring into force some long-awaited improvements to our insolvency and bankruptcy laws. I look forward, both here and probably in committee, to the comments in this regard of Senator Goldstein. Our colleague, as many of you know, is a widely acknowledged expert in matters of bankruptcy and insolvency whose talents I came to admire and respect during the years that I practiced law before the bar of Montreal.

[Translation]

In conclusion, honourable senators, I would ask that you carefully consider this important bill, and I urge you to pass it quickly at second reading.

[English]

Hon. Yoine Goldstein: Honourable senators, Senator Meighen has given us a splendid overview of Bill C-12 and its history, and I thank him for his very kind and thoroughly unjustified words. I would like to hope that he would have occasion to repeat them to my wife.

Honourable senators, I do not intend to repeat any of what Honourable Senator Meighen has said so very eloquently, nor do I intend to speak for more than just a few minutes. Because of the very important nature of this legislation, I hope that there will be a motion today to refer the bill to committee so that the Standing Senate Committee on Banking, Trade and Commerce, under the supervision, guidance and the presidency of Senator Angus, can give it the study it deserves and move it along. It has been long delayed, and it is time that Canada's bankruptcy legislation were updated.

Before I enter into the few remarks that I intend to make, I want to state for the record that, as Senator Meighen has suggested, I was very active in another life in bankruptcy and insolvency matters. I remain loosely associated with a law firm that handles bankruptcy and insolvency matters. I am occasionally asked questions — not that I have all the answers — about bankruptcy and insolvency, and I answer them.

I say this because I would like to assume and hope that no one in this chamber will think that I am dealing with this legislation, either here or in the committee, in a way suitable to my interests and not suitable to the interests of the people of Canada. My sole interest is to have excellent legislation for the excellent people of Canada.

Honourable senators, bankruptcy law is framework legislation. It is essential to have an updated bankruptcy law for the commercial welfare of Canada. Trade is increasingly cross border or borderless, and unless Canada has a modern and efficient bankruptcy and insolvency system, we cannot be players in this competitive commercial world of ours.

However, independent of commercial insolvency, there remains a generically different type of insolvency, one that directly affects almost a quarter of a million Canadians each and every year. I am talking about personal bankruptcy and insolvency. Honourable senators, almost a hundred thousand Canadians go into bankruptcy each and every year. Many of them — perhaps most of them — have spouses. Many of them have children. All of them obviously have creditors. The net result is that personal insolvency touches, directly and immediately, well over a quarter of a million different Canadians each and every year.

It is therefore essential that the provisions dealing with personal insolvency be fair, humane, equitable, and achieve a reasonable balance between the interests and the needs of creditors who advance credit on the one hand and individual debtors who are unable to cope with the credit system upon which our entire economy relies.

Honourable senators, we faced a dilemma, as almost all of you will recall, in November of 2005. On the one hand, everyone was very anxious to pass the wage earner protection program. On the other hand, that plan was not readily severable from the rest of the bill, and the rest of the bill contained numerous failings. Many of them were technical failures, but some of them were quite substantive. I do not intend to deal with all of them because that would be lengthy, and I do not intend to touch upon the ones with which Honourable Senator Meighen has already dealt.

However, I do want to point out, as the honourable senator has done, that the current legislation effectively precludes students from declaring bankruptcy any earlier than ten years from the date that they finish their studies. That is inhuman and is unknown in the entire Western world. That provision for ten years in the desert was put into the Bankruptcy and Insolvency Act in 1998 without notice or the knowledge of anyone at the behest of, I suppose, certain stakeholders who had a particular interest in so doing. It has wrought untold misery to many students in this country, those who are unfortunate enough to not be able to get the jobs which would allow them to repay their indebtedness.

There is presently pending before this honourable chamber a private member's bill — modesty prevents me from telling you who the sponsor is — that seeks the possibility of students making an application to a court of competent jurisdiction, where there is significant and terrible hardship in the repayment of a student loan, to allow that student to repay only part of that loan, or perhaps none of it, depending on the circumstances and depending on the discretion of the judge and the explanations of that student. I would like to hope that that aspect, which is covered by the bill, will receive further study by the committee.

Another matter which is incomplete is with respect to businesses that are undergoing reorganization and need to borrow money. That is called, for a variety of reasons, "DIP financing." In other words, debtor-in-possession financing. DIP financing is covered by the bill, but incompletely so, in the minds of some stakeholders, and therefore some stakeholders who will be appearing before the committee will be seeking amendments to that clause.

• (1510)

Certain other matters require consideration, and I hope the Standing Senate Committee on Banking, Trade and Commerce will be able to provide legislation to address them as quickly as possible.

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

Senator Comeau: Question!

[*Translation*]

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Meighen, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

[Senator Goldstein]

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

MOTION TO REFER TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of November 14, 2007, proposed:

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 review and report.

Motion agreed to.

[*English*]

CANADA PENSION PLAN

SENIORS' BENEFITS—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the thousands of Canadian seniors who are not receiving the benefits from the Canada Pension Plan to which they are entitled.—(*Honourable Senator Robichaud, P.C.*)

Hon. Elizabeth Hubley: Honourable senators, I would like to thank Honourable Senator Robichaud, who is allowing me to speak today. When I complete my presentation, I would like the adjournment to remain in his name.

Honourable senators, it is my pleasure to participate in this inquiry calling the attention of the Senate to the thousands of Canadian seniors who are not receiving the benefits to which they are entitled from the Canada Pension Plan.

Senator Callbeck is to be commended for raising this issue, as it is an important one that affects seniors across the country. It is also important for many thousands more Canadians who are approaching retirement age.

The issue is straightforward. According to the government's own statistics, tens of thousands of Canadians have failed to apply for a Canada Pension Plan benefit for which they qualify, whether it is the retirement benefit or the survivor's benefit. This failure to apply appears to result mainly from the fact that beneficiaries do not realize they are eligible.

As Senator Callbeck has pointed out, the problem seems to affect women disproportionately. This situation is particularly true for women who may have participated in the workforce for only a few years, or who may have left the workforce long before reaching retirement age. Often, women in these circumstances are not aware that they are eligible for a benefit.

Honourable senators, I recall a similar problem with the Guaranteed Income Supplement. Often, seniors failed to apply, either because they did not know the GIS existed or they did not know they qualified.

I understand that the situation with the GIS improved after the government implemented measures to promote awareness. Steps were also taken to make direct interventions as the opportunity arose when seniors contacted government through Service Canada and other access points.

These outreach measures were the right thing to do for the GIS, which is simply a benefits program funded entirely by the taxpayer. I know the government makes similar efforts with the CPP, but clearly, there are still people who do not receive the message.

Unlike the GIS, the Canada Pension Plan is funded by obligatory contributions. People who made contributions and who have not applied for benefits are missing out on something they have paid for, something that belongs to them. All the more reason, then, for the government to redouble its efforts to reach out to Canadians who fail to apply for their CPP entitlements, and to take every step necessary to bring application rates into line with the levels achieved in the Quebec Pension Plan.

Honourable senators, Senator Callbeck has provided a service for seniors by voicing the message that people need to apply. I was disappointed at the reaction last week of the Leader of the Government in the Senate and Secretary of State for Seniors.

Last week, Senator LeBreton took issue with an editorial published by *The Guardian* newspaper in Prince Edward Island. In her letter to the editor, the Secretary of State for Seniors missed an opportunity to reinforce the message that many seniors are not aware of their entitlements, and that they need to apply. Quite the contrary, her letter suggested that all was well with seniors programs.

What is truly unfortunate is that the Secretary of State for Seniors used the occasion to attack the integrity and honesty of Senator Callbeck. I think that attack is a shame because Senator Callbeck's approach had been non-partisan and constructive. She called attention to a problem to create greater awareness. By doing so, she helped to coax the department into augmenting its outreach efforts.

At the same time, her message was no doubt reaching individual Canadians, which is what needs to happen if we want to improve application rates. Her efforts on behalf of seniors did not merit the personal attack from Senator LeBreton.

Honourable senators, not every speech by a Liberal is a partisan swipe at the Conservative government. We are here to work together on behalf of our regions and on behalf of all Canadians. Naturally, in a democracy, there are differences among political parties, but the letter to the editor by the Secretary of State for Seniors went too far. It was an unwarranted attack on the integrity of a good senator who works hard on behalf of her province. It was a disproportionate and disappointingly partisan response to a constructive effort to improve results for seniors.

Honourable senators, earlier this week, a public meeting was held in Charlottetown where the principal investigator for the Atlantic Seniors Housing Research Alliance project presented data gathered from a survey of 1,702 Atlantic Canadian seniors.

According to the Canada Mortgage and Housing Corporation housing affordability standards, Canadians should not need to

spend more than 30 per cent of their household income on shelter costs, including rent, mortgage, electricity, heating costs and water.

• (1520)

However, this survey shows that almost 50 per cent of Atlantic seniors spend 30 per cent or more of their income on shelter costs. Almost 20 per cent are spending over 40 per cent of their household income on shelter costs. This is a housing affordability crisis for our seniors. Ensuring Canadians are receiving benefits to which they are entitled is part of the solution to this problem.

I hope that the Secretary of State for Seniors will abandon her defensive partisan posture and acknowledge that there is still much work to be done and take up the call to improve outreach to Canadian seniors. Seniors have paid into a system with their hard-earned wages; they have every reason to expect that more will be done. For their sake, I invite the minister responsible for their welfare to join with Senator Callbeck and others in working towards ensuring that every Canadian who qualifies will receive their Canadian Pension Plan benefit.

On motion of Senator Hubley, for Senator Robichaud, debate adjourned.

CHARTER OF RIGHTS AND FREEDOMS

RECOGNITION OF TWENTY-FIFTH ANNIVERSARY— INQUIRY—DEBATE ADJOURNED

Hon. Sharon Carstairs rose pursuant to notice of October 17, 2007:

That she will call the attention of the Senate to the 25th anniversary of the *Canadian Charter of Rights and Freedoms*.

She said: Honourable senators, I introduce this inquiry because I believe that all Canadians are concerned with the importance of our Charter in its twenty-fifth anniversary year. Cast your mind back to where you were in 1982. All of us can remember the Prime Minister and the Queen of Canada on Parliament Hill signing our new Constitution, which included the Charter of Rights and Freedoms.

I was teaching in a community well-known to Senator Stratton at the time, St. Norbert, and I decided it was important that each of my students understand this new document called the Charter of Rights and Freedoms. I ordered enough copies for every one of my students; I had the documents laminated so they would not get all dog-eared, and I went through every single one of the newly listed rights and freedoms with my students. They may have been somewhat bored. They did not appear to be. It was important for them, as Canadians, to understand the richness of this new Charter which had been given to them.

The people of St. Norbert were particularly interested in francophone and equality rights. Some Aboriginal Canadians in that classroom were concerned about their rights. We spent several weeks talking about what it was that had been enshrined in the Constitution in 1982, although I know that Senator Nancy

Ruth would be quick to point out that some of those provisions did not take effect until 1985, but they were taught to expect them within three years.

Among other principles, I taught that the principle of justice cannot be served in a criminal process if the accused person has no legal counsel. Likewise, I pointed out the rights guaranteed under the Charter are largely meaningless if an individual or group lacked the resources to seek a remedy should their rights be infringed or denied. That is why many Canadians were disappointed by the decision of the current government to eliminate the Court Challenges Program of Canada. The program not only helped to shape our understanding of human rights in a modern democratic society, but it also helped to foster the clarification of those rights. Whether challenges were successful or not, bringing important legal questions before the court for determination was always of great value. This process had the additional benefit of effectively reducing the cost of litigation for those who would later seek redress for grievances in similar situations and effectively help to ensure universal access to the justice system.

Honourable senators, in order that you might better understand the history of the Court Challenges Program of Canada, I wish to go back a moment to its important contribution to the development of a modern egalitarian society where human rights are a core value shared by all Canadians.

The program actually extends prior to the adoption of the Charter. It first came into being in 1978, principally as a means of assisting linguistic minorities in Canada. The program fell under the supervision of the Secretary of State, and it assisted in deferring the legal costs of groups pursuing court challenges to provincial laws and programs that infringed upon linguistic rights. The criteria for funding test cases centred on legal merit and the national importance of the questions of law at issue. Cases were only funded if they involved more than one person.

Many will recall one of the landmark cases for linguistic minorities in the 1980s, which centred on the status of the laws of my home province of Manitoba, which were enacted in English only. This was not a Charter case, but it was nonetheless an important question of legal rights of linguistic minorities under the laws of the province, including the provincial Constitution.

Many observers at the time said that despite the black letter of the law the court simply could not take the enormous step of invalidating the entire statute book of the province of Manitoba. In the end, the Supreme Court of Canada surprised observers when it ruled in the case *Reference re Manitoba Language Rights*, declaring that the laws and regulations not published in both official languages in the province of Manitoba were invalid. However, the court deemed the unilingual versions to be temporarily valid for the minimum period of time necessary for their translation, re-enactment, printing and publication.

The province undertook the important work with all due diligence and, since that time, I am proud to say the laws of Manitoba and the regulations which accompany them have been passed and published in both official languages.

To many of us this result was not only the illustration of the strong foundations of the rule of law in Canada; it demonstrated that Canada's commitment to human rights was more than just

rhetoric. Moreover, in this case, the minorities whose rights were affected were not left to fend for themselves. Early in the process, before it reached the highest court in the land, the federal government provided the needed resources, without which a viable challenge might not have been mounted. A few years later, with the inception of the Charter, the program was expanded beyond its origins as a tool for protecting linguistic minorities. Beginning in 1982, the program's mandate was enlarged to include challenges in cases involving Charter rights, particularly the provisions that came into force in 1985. In addition, funding was no longer limited to provincial matters. Cases would be eligible for funding even where the respondent was to be the federal government.

In 1985, a subcommittee of the other place commented on the program in a report called *Equality For All: Report of the Parliamentary Committee on Equality Rights*. The committee was chaired by the respected Progressive Conservative Patrick Boyer, and the report had unanimous support. As I recall, the Liberal representative in the committee was our former Senate colleague Sheila Finestone, who was then the member of Parliament for Mount Royal. The committee pointed to the need to provide assistance to litigants if the implementation of the Charter was to be meaningful. The report stated:

In the short time since section 15 came into force on April 17, 1985, there have been many lawsuits initiated on the basis of this provision of the Charter. They involve individuals on the one side and, generally speaking, government departments or agencies on the other side. The imbalance in financial, technical and human resources between the opposing parties constitutes a serious impediment to those who might wish to claim the benefit of section 15, thus reducing the effectiveness of resorting to the courts as a means of obtaining redress.

Thus the value of the program and the importance of funding litigants were acknowledged by all parties in Parliament at that time. Despite the change in government that occurred in 1984, funding was sustained. Since then, the program has assisted in dozens of cases, many of which resulted in landmark rulings from the Supreme Court of Canada. These cases have not only settled the legal questions in individual cases but have helped shape a body of Charter jurisprudence that makes it easier for everyone in Canada to understand, respect, defend and enforce basic human rights in their everyday lives.

• (1530)

At the same time, the elements of the program's original mandate remained. It continued to include cases, particularly linguistic rights, involving legal rights not rooted in the Charter. Fourteen years after its inception, the program in 1992 was abruptly cancelled by then-Secretary of State, Robert de Cotret. The decision to cut the program was revealed through the tabling of the estimates. As I understand it, the rationale for the decision was that the program had accomplished its objective, and funding for litigants was no longer needed. The House of Commons Standing Committee on Human Rights and the Status of Disabled Persons swiftly denounced the decision, and scarcely a year later, the leader of the Progressive Conservative Party reversed the decision. As the Right Honourable Kim Campbell went to the polls to seek a fresh mandate as Prime Minister of Canada, she promised to reinstate the program.

In 1994, shortly after taking office, the new government of the Right Honourable Jean Chrétien reinstated the Court Challenges Program. This time, it was done as an arm's-length non-profit organization funded by contributions through the Department of Canadian Heritage. Funding continued for another 12 years.

Not long after the Conservative government took office, the Minister of Finance and President of the Treasury Board announced the termination of the program on September 26, 2006, as part of a long list of program cuts and spending reductions. Many people were puzzled that the government was willing to undermine its commitment to human rights by sacrificing this tiny program. They listed the savings from the decision as a mere \$5.6 million per year, about half of 1 per cent of the savings objective, and this in the context of a ballooning budget surplus. It is revealing that the program was lumped in with lists of other programs that, according to the government's media release, "weren't providing value for money."

This conclusion is surprising as the most recent Canadian Heritage evaluation of the program in 2003 identified no such concerns. In announcing the elimination of the program, the government has not produced any analysis or evaluation that sustains its conclusion.

Honourable senators, it is hard to measure or account for "value for money" in the field of basic human rights and fundamental equality. It is hard to know where to begin when confronted with such an attitude. There are too many cases to mention here today, but let me remind honourable senators of a few that illustrate the contributions made by the Court Challenges Program to our advances in human rights.

One recent example is the 2004 *Iness* case in Ontario, where the practice of charging welfare recipients higher rents in cooperative housing than other subsidized tenants was successfully challenged. A 1999 Supreme Court ruling in *Corbiere* struck down the residency requirements of the Indian Act that prevented off-reserve band members from voting in band elections. This discriminatory practice disenfranchised many Aboriginal persons, and affected women disproportionately. Other cases include the 1995 decision in *Egan* and the 1998 decision in *Rosenberg* that opened the door to the extension of spousal benefits to same-sex couples. These examples are where the Court Challenges Program helped clarify human rights law throughout Canada with a targeted application of a small budget.

Honourable senators, Canada is regarded as an international leader in human rights. I have the honour to serve as Chair of the Inter-Parliamentary Union Committee on the Human Rights of Parliamentarians. In the relatively short time that I have served in that role, it has become clear to me that Canada's commitment — both principled and pragmatic — to the ideal for the respect of human rights has been an inspiration to many countries that have been involved in drafting constitutions and modernizing legal systems and institutions in the past few decades. Many have profited from our experience and our jurisprudence as they develop their own basic laws and institutions.

Canada is an example to others because our experiment with constitutionally entrenched human rights has been a resounding success. Our success in implementing the Charter — in making it a meaningful and enforceable document that Canadians

cherish — was largely dependent on the practical decision to fund challenges. Without such funding, our progress in shaping a society that respects and values human rights would have been much slower, our jurisprudence would be far less advanced and we would not be able to say that we have minimized the barriers that prevent people from gaining access to the justice system.

Honourable senators, I hope that those on the other side who have influence in the government will prevail; that the decision to cut the program will be reconsidered before long and acknowledged as a mistake. Nearly 15 years ago, the Progressive Conservative Party realized its error, and set out to correct it. When Mr. Baird and Mr. Flaherty announced their decision to de-fund the program last year, it was in its twenty-eighth year. As we reflect upon the 25 years of Charter rights in Canada, I urge the honourable senators on both sides of this house to reflect on what value we would place on the Charter today if it had not been for the Court Challenges Program.

On motion of Senator Comeau, for Senator Oliver, debate adjourned.

THE SENATE

MOTION TO AUTHORIZE INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION COMMITTEE TO STUDY POLICIES IN ORDER TO REDUCE GREENHOUSE GAS EMISSIONS—DEBATE ADJOURNED

Hon. Nick G. Sibbeston, pursuant to notice of November 1, 2007, moved:

That the Standing Committee on Internal Economy, Budgets and Administration be authorized to examine and report on changes to Senate policies necessary to incorporate into the 64-point travel system for individual senators and into committee travel budgets the costs of purchasing carbon offsets that meet the goal of reducing greenhouse gas emissions and also meet internationally recognized standards and certification processes;

That the committee also evaluate, as a further means to reduce greenhouse gas emissions, the possibility of expanding the use of teleconferencing and other technological systems to reduce the need for witness travel to Ottawa; and

That the committee present its final report to the Senate no later than December 12, 2007.

He said: Honourable senators, I have spoken a number of times about the effects of global warming on the North. In my visits to various communities last spring, people said they were experiencing real climate change. The spring had come earlier and the winters were warmer; they have experienced unpredictable weather throughout the course of the year.

The North is seeing species of animals, birds and insects that have not been seen before. The honourable senators will have seen reports about the extent of open waters in the Northern Passage as well as the prevalence of thinner ice. These stories and the facts are becoming more prominent in the news.

Some things have been done to reduce the impact of climate change. The government, over the last few years, has had various programs and measures to reduce greenhouse gases. The Prime Minister said recently he will take a leadership role in fighting climate change. Many measures will take a long time to implement and even longer to effect. This delay is understandable; it takes time to replace infrastructure and develop new technologies to move us toward a low-carbon economy. It is possible to do something now, however. The Senate can be a leader in this matter. The modest steps that we take will immediately reduce the amount of greenhouse gases being put into the atmosphere. It is estimated that air travel is responsible for 2 per cent of all greenhouse gases in the air and, according to a noted Canadian environmental economist, Marc Jaccard, that share is likely to grow. The fuel for airplanes is very powerful and cannot be replaced with ethanol or biodiesel, or even with hydrogen. Even with improved technology, we might always need fossil fuels to power our planes.

• (1540)

What is the solution? One thing we can do is purchase carbon offsets for each flight that we take. The cost is fairly low and is estimated at between \$20 and \$30 per person for a return flight from Ottawa to Fort Simpson in the Northwest Territories. Carbon offsets can be as simple as planting trees that will absorb the carbon from the air as they grow. However, this is not the best approach because trees do not necessarily survive; they might eventually be cut down and burned. Investments in fuel, and switching from high carbon to lower carbon fuels or in the development of renewable energy makes more sense in the long run, even if they cost a little more in the short run. Organizations in Canada and internationally have studied the best way to offset carbon. This is one area that the committee can look into.

Purchasing carbon offsets will make us aware of this issue. Every time we travel we will be conscious of contributing to greenhouse gas emissions and what we are paying to offset them. Just like the hydrogen bus that transports us on Parliament Hill, it will be a concrete example of something that we can do. It is impressive and noticeable, and every time we have people from the North here, I tell them about the hydrogen bus. They are amazed that it does not use gas and can move along the road fuelled by hydrogen. If we get involved in the carbon offset program, however modest, it will send a positive message that senators are doing something about the problem.

British Columbia and Manitoba have already adopted a policy to buy carbon offsets for government travel. This year, they both joined the Western Climate Initiative, which includes a number of U.S. states. Some municipalities have taken similar steps in B.C. and joined the Climate Change Charter, which is committed to carbon neutrality by the year 2012. This fall, a press release stated that 62 communities have joined a plan to deal with greenhouse gases. They established the Western Climate Initiative and set up a climate registry to keep note of all these things.

Yellowknife in the Northwest Territories has taken steps to reduce carbon emissions by 20 per cent by the year 2010. Carbon offsets will play a role in achieving these goals. However, to date, eight provinces and the federal government have not moved in this direction to deal with greenhouse gases.

[Senator Sibbeston]

The Senate can take leadership on this issue. It behoves the Senate to do something positive in this realm. The motion is that the Internal Economy Committee look into the matter and report to the house by December 12, 2007. It is my hope that all honourable senators will support this motion.

On motion of Senator Comeau, debate adjourned.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Tommy Banks, pursuant to notice of November 14, 2007, moved:

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.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Tommy Banks, pursuant to notice of November 14, 2007, moved:

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.

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATED TO MANDATE AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Tommy Banks, pursuant to notice of November 14, 2007, moved:

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.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have a brief question for the chairman of the committee. The mandate of the Energy Committee states:

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

I am assuming that the words "trade" and "security," given that we have other committees that look after security issues, would be considered apart from matters under the mandate of the Standing Senate Committee on National Security and Defence, or the Standing Senate Committee on Foreign Affairs and International Trade. I would like to know whether there might be overlapping mandates of committees; whether you have discussed this with the chairs of those committees; and whether, in your view, the mandate of the Energy Committee might be encroaching on or interfering with the work of other committees?

Senator Banks: Honourable senators, needless to say, this motion has been approved by the committee in its application to the Senate. The word "security" is in reference to the supply of energy, in the sense that there are two "countries" in Canada as far as oil supply is concerned. Most of the oil processed from Quebec and the East comes from outside Canada, from places where supplies might not be secure one day. In the West, there is a security of supply but an enormous amount of that oil is exported to western parts of the United States. Thus, we have a division down the middle of North America. When the matter is addressed, it will be on the security of supply of not only oil and gas but also other forms of energy in Canada. It does not refer to security in the sense of protecting the infrastructure from terrorism or that kind of thing and, therefore, does not intrude on the mandates of other committees.

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

Senator Carstairs: Question!

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

Motion agreed to.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Wilbert J. Keon, pursuant to notice of November 14, 2007, moved:

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.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Wilbert J. Keon, pursuant to notice of November 14, 2007, moved:

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.

Motion agreed to.

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

On Motion No. 26, by Honourable Senator Keon:

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.

Hon. Wilbert J. Keon: Honourable senators, I wish to advise the Senate that I am withdrawing Motion No. 26 on the Notice Paper.

The Hon. the Speaker *pro tempore*: Senator Keon does not need leave. It was just a Notice of Motion so it does not require leave to be withdrawn. Are honourable senators agreed?

Hon. Senators: Agreed.

Motion withdrawn.

• (1550)

[*Translation*]

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 20, 2007, at 2 p.m.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

The Hon. the Speaker: Honourable senators, is leave granted?

Motion agreed to.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

The Senate adjourned to Tuesday, November 20, 2007, at 2 p.m.

THE SENATE OF CANADA PROGRESS OF LEGISLATION

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*

(2nd Session, 39th Parliament)

Thursday, November 15, 2007

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

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18	07/11/13	Banking, Trade and Commerce	07/11/15	0			
S-3	An Act to amend the Criminal Code (investigative hearing and recognizance with conditions)	07/10/23	07/11/14	Special Committee on Anti-terrorism					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bijural expression of the provisions of that Act	07/10/30							
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30							
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30	07/11/15	Banking, Trade and Commerce					
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17							
C-292	An Act to implement the Kelowna Accord	07/10/17							
C-293	An Act respecting the provision of official development assistance abroad	07/10/17							
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17							
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17	07/11/13	Legal and Constitutional Affairs					
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17							
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17							
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17							
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17							
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17		Subject matter 07/11/13 Energy, the Environment and Natural Resources					
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	07/10/17							
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17							
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							

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