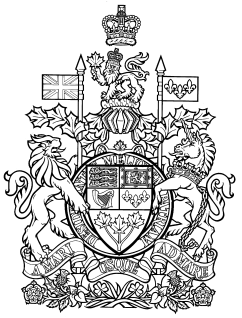

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OFFICIAL REPORT
(HANSARD)

Wednesday, November 21, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, November 21, 2007

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

NINETEENTH COMMONWEALTH PARLIAMENTARY SEMINAR

Hon. Joan Fraser: Honourable senators, at the end of last month, I had the very great privilege to attend the 19th Commonwealth Parliamentary Seminar in Edinburgh, Scotland, to mark the 10th anniversary of the new Scottish Parliament.

Some 19 Commonwealth countries were represented, in addition to a number of provinces or states of various countries. Canada, for example, was represented not only by me, but also by Cliff Cullen, the MLA for Turtle Mountain, Manitoba, and Roy Boudreau, the MLA for Campbellton—Restigouche Centre, New Brunswick.

Mr. Boudreau was the Deputy Speaker of the Legislative Assembly when he arrived in Edinburgh, but while we were there, he was informed that he was going to become the Speaker of the Legislative Assembly. It was cause for celebration, and I would like to extend my congratulations to him again here.

It was a very full week.

[*English*]

We had sessions on many different aspects of parliamentary life, far too many to recount here, but I will arbitrarily mention a few of the lessons that might be useful. In the Parliament of Scotland, all bills are scrutinized in committee to check that they conform to equal opportunity rules — which is their phrase for human rights — and sustainable development policies. Also in Scotland, after first reading of a bill, a committee then studies that bill in principle before second reading is held in the main debating chamber, which is an interesting approach. Similarly, Westminster is increasingly doing pre-legislative studies of draft bills — another interesting approach.

• (1335)

Scotland has a children's commissioner, unlike Canada, and finds that office useful.

The Scottish Parliament sits not only in the capital of Edinburgh, but also has held full sittings of Parliament in Glasgow and Aberdeen. This is surely a wonderful way to bring Parliament to the regions of the country, and I think we should do the same thing.

My notes on this next point are not totally clear but it is either Westminster or the Scottish electoral system that gives parties one free mailing for every voter per electoral campaign. I think that is a brilliant idea.

We learned quite a lot about Scotland. I suppose one of the most interesting things about Scotland for Canadians is that the party in power is the Scottish National Party. The SNP seeks independence for Scotland and plans to hold a referendum on independence in its current mandate — familiar words to those of us from Quebec. Also familiar to us is the fact that only about 25 per cent of the Scottish people say they support independence for Scotland.

We saw many historic, cultural and scientific sites. We had the privilege of a fantastic dinner in Glasgow City Hall, which is the most extraordinary 19th century building I have seen in a long time. I urge a visit if anybody is in Glasgow.

NATIONAL CHILD DAY

Hon. Sharon Carstairs: Honourable senators, November 20 marks the adoption of the United Nations Convention on the Rights of the Child, which was ratified by Canada in 1991. In 1993, the Government of Canada enacted the Child Day Act, designating November 20 of each year as National Child Day in order to promote awareness of the convention, which spells out the basic human rights to which children everywhere are entitled.

The theme for National Child Day 2007 is "The Right to be Active". This theme encourages physical activity among all children, reflecting Canada's commitments under article 24 of the convention, which recognizes children's right to be healthy and their right to enjoy the highest attainable standard of health.

By ratifying this convention in 1991, Canada made a commitment to ensure that all children are treated with dignity and respect. This commitment includes that they be given the opportunity to have a voice, be protected from harm and be provided with their basic needs and every opportunity to reach their full potential. Providing a healthy, physically active lifestyle for children promotes healthy growth and development, better social development and increased self-confidence to pursue their goals for the future. In a society that has become increasingly sedentary and with skyrocketing rates of childhood obesity, it is important to embrace the right to be active, and to ensure that all our children have opportunities to engage in healthy physical activity to promote their healthy well-being and development.

This must not only be available for families who can afford to enrol their children in programs; it must be available for all Canadian children.

COST OF POST-SECONDARY EDUCATION

Hon. Mira Spivak: Honourable senators, as with many of you, I recently met with the representatives of the Canadian Alliance of Student Associations and the Canadian Federation of Students. As the Canadian Federation of Students has well

documented, since 1976, this country has moved in the direction of higher tuition fees, in part because of lower transfer payments to the provinces. The average student debt now ranges from $21,000 to $28,000, depending on the province. The resulting hardship of this debt is the untold story of this generation.

• (1340)

The two main federal government responses to the student debt crisis — tax credits and the Millennium Scholarship Foundation — have failed to improve access to post-secondary education or to make a dent in student debt. The federation is now urging the government to replace the Millennium Scholarship Foundation with a $2.1 billion grants program that will not increase federal spending. It also wants to see expanded eligibility criteria for the Debt Reduction in Repayment program, increased federal transfers to the provinces to reduce tuition fees, and greater support for Aboriginal students.

The Canadian Alliance of Student Associations suggests federal transfer funding for post-secondary education should be increased to a minimum level of $4 billion in cash transfers annually and increased based on demographic growth. Federal taxes for federal transfer funding should be truly dedicated funding with goals and mechanisms developed to achieve the objectives. They would also like to see a holistic review of all student financial assistance programs.

The Canadian economy is booming. Unemployment is low, the dollar is high, and federal surpluses grow like Topsy. The government, in its mini-budget, deemed a $6 billion cut in its GST revenue to be very affordable. It is time to address the long-standing hardships that most students and their families face as they acquire a post-secondary education. It is time to invest more in Canadians upon whom our future depends.

THE LATE HONOURABLE MAURICE RIEL, P.C., Q.C.

Hon. Jerahmiel S. Grafstein: Honourable senators, I rise to pay belated tribute to the late Maurice Riel, who served as Speaker of the Senate for less than a year, from 1983-84, and who was the Speaker who inducted me into the Senate.

Maurice Riel was a distant relative of a controversial Canadian, Louis Riel, but Maurice was the least controversial of public men. He was an outstanding international lawyer who was respected in Canada and overseas, particularly in France where he was held in the highest regard. He was a great speaker, honourable senators, and a greater listener. He was elegant of dress, quiet of demeanour, a lover of good wines, a wonderful conversationalist and a delightful raconteur.

Maurice was an intellectual. We both shared a love of French authors — he in French and I, struggling, mostly in translation. We discussed Proust and, if you will forgive me, Baudelaire and de Maupassant, Sartre, Malraux, and especially Albert Camus, who was a particular favourite of his and mine. One day, in a rather long-winded speech, I quoted Albert Camus. After my speech, I received a note from Maurice delicately informing me that I had mispronounced "Camus." "Camus" is spelled C-a-m-u-s. I had pronounced his name with a silent "s." Maurice, ever the thoughtful linguist, believed that I should have pronounced the "s." After an animated discussion, we agreed that we would refer the question of appropriate pronunciation to a mutual friend of ours, Maurice Druon. Druon was — and is — an outstanding French novelist whom I had met when he spent some years studying at Glendon College in Toronto. He had hosted me in Paris at the Académie française, the highest authority of French arts and letters. It turned out that Maurice knew him better than I, and it turned out that they were good friends.

We agreed to refer the matter to Druon for arbitration, as he was then, as now, the Secrétaire Perpetual of Académie française in Paris. A month or so later, he responded in writing and advised that "s" at the end of the surname Camus could be pronounced or not. For instance, Camus cognac is spelled the same way, but the "s" is pronounced. However, Druon felt that the better usage for Albert Camus' name was with a silent "s" as he had come from Algeria and that was more common usage there.

I raise this, honourable senators, to show that Maurice was a most meticulous and honest man, both as an intellectual and as a man of deep culture. His wit and wisdom and the contributions he made here will be sorely missed. He was a man of honour, grace, intellect, idolism and probity. He believed in a strong, united Canada and, as a member of the Senate and as Speaker, he embellished and elevated the stature of all members of this chamber.

A Greek philosopher once said that one's first duty is to be true to oneself. Maurice was true to himself, his party and country. *Pro partee, pro patria*. To our dear friend, you go to a better place. *Deo optimo maximo*. For God, the best and the greatest. *Nil non mortale tenemus, pectoris exceptis ingeniique bonis.* We possess nothing in this world that is not mortal except the blessings of heart and mind. Thus let it be with our dear, departed friend Maurice. My condolences to his wife and family. *Requiescat in pace,* dear friend. Rest in peace.

• (1345)

THE HONOURABLE WILBERT J. KEON, O.C.

CONGRATULATIONS ON RECEIVING 2007 CHAMPION OF HEALTH RESEARCH AWARD

Hon. W. David Angus: Honourable senators, I rise today to congratulate and pay tribute to our esteemed and honourable colleague Senator Wilbert "Willie" Keon.

Hon. Senators: Hear, hear!

Senator Angus: Senator Willie received last evening the 2007 Champion of Health Research award as part of this year's Canadian Institutes of Health Research (CIHR) awards ceremony held at the National Gallery of Canada. This prestigious awards gala, the sixth annual, is organized by CIHR in collaboration with the Health Charities Coalition of Canada, Research Canada, and other Canadian health research organizations to honour and recognize Canada's best and brightest health researchers.

Honourable senators, this is certainly not the first major honour to be bestowed upon our colleague Dr. Keon. He was a recent inductee, for example, to the Canadian Medical Hall of

Fame and his outstanding record as a world-class heart surgeon and as the moving spirit behind the Ottawa Health Institute is well known, indeed as are the facts that he has set up Canada's largest artificial heart development program and is the author and co-author of numerous major reports on Canada's health care system, including, through the Standing Senate Committee on Social Affairs, Science and Technology, on the plight of Canadians who suffer from chronic mental illness.

Indeed, I am confident that none of us in this chamber doubts that our distinguished colleague qualifies in all respects as one of the best and brightest in the nation. However, honourable senators, what is not so well known is that in his own quiet, diplomatic and yet persistent and efficient way, Senator Keon has been working tirelessly to advance the government's, his party's, policy of advancing innovation and research in the life sciences and on facilitating the commercialization, from bench to bedside to market, of the breakthrough discoveries made through health research in Canada.

Honourable senators, let us salute Senator Keon. He is indeed our champion, our champion of health research.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

SPEAKER'S VISIT TO POLAND, SLOVAKIA, AND AUSTRIA

JUNE 25-JULY 4, 2007—REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to rule 28(4) and with leave of the Senate, I have the honour to table a document entitled *Visit Report to Poland, Slovakia and Austria, June 25 to July 4, 2007*.

[*Translation*]

SPEAKER'S VISIT TO UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND REPUBLIC OF IRELAND

MAY 18-26, 2007—REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to rule 28(4), I have the honour of tabling a document entitled *Visit Report to the United Kingdom of Great Britain and Northern Ireland and to the Republic of Ireland, May 18 to 26, 2007*.

[*English*]

AGING

REPORT OF SPECIAL COMMITTEE PURSUANT TO RULE 104 TABLED

Hon. Sharon Carstairs: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Special Senate Committee on Aging, 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. 165*.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

REPORT OF COMMITTEE PURSUANT TO RULE 104 TABLED

Hon. George J. Furey: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on Internal Economy, Budgets and Administration. 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. 166*.)

[*Translation*]

SPEECH FROM THE THRONE

ADDRESS IN REPLY—TERMINATION OF DEBATE ON NOVEMBER 27, 2007—NOTICE OF MOTION

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

> That the proceedings on the Orders of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded no later than Tuesday, November 27, 2007.

• (1350)

[*English*]

DONKIN COAL BLOCK DEVELOPMENT OPPORTUNITY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-15, An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act.

Bill read first time.

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

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

[*Translation*]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

BUREAU MEETING AND ORDINARY SESSION, JULY 2-6, 2007—REPORT TABLED

Hon. Andrée Champagne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation respecting its participation in the Bureau Meeting and thirty-third Ordinary Session of the Assemblée parlementaire de la Francophonie (APF), held in Libreville, Gabon, from July 2 to 6, 2007.

[*English*]

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATED TO FOREIGN RELATIONS

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, in accordance with Rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to foreign relations generally; and
>
> That the committee report to the Senate no later than June 30, 2009.

[*Translation*]

ARTHRITIS

NOTICE OF INQUIRY

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(2), I give notice that, two days hence, I shall call the attention of the Senate to the debilitating nature of arthritis and its effect on all Canadians.

[*English*]

QUESTION PERIOD

INDUSTRY

TAKEOVERS BY FOREIGN STATE-OWNED ENTERPRISES

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I read in *The Globe and Mail* today that Industry Minister Jim Prentice announced a $5-billion deal for Calgary-based PrimeWest Energy Trust, which unit holders are expected to approve today, and which was deemed a net benefit to Canada. I have to ask: Who is the buyer?

The Abu Dhabi National Energy Company, TAQA has made three acquisitions in Canada totalling CAN. $7.5 billion and it has $20 billion to deploy on acquisitions and increased production in Canada. Based on its three deals to date, TAQA North Ltd., as the Calgary-based subsidiary is called, would rank in the top 10 Canadian producers of natural gas and among the top 12 in production of gas and oil. TAQA is 75-per-cent controlled by the government of the oil-rich emirate, while 24 per cent of its shares trade on the Abu Dhabi securities market, which is open only to residents.

• (1355)

Increasingly, state-owned companies from China, the Middle East and Russia are becoming active players on the world stage. They are being joined by cash-rich sovereign wealth funds from these countries, and now from Abu Dhabi.

These foreign companies are not ordinary, privately owned companies; rather, they are owned by a foreign treasury, by a foreign country. These foreign companies are depleting our own resources while saving their own.

My question for the Leader of the Government in the Senate is as follows: When will our government stop this fire sale of our non-renewable resources, thereby allowing foreign companies to deplete our resources while keeping their own?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. Our government wants to strike the right balance, to ensure we reap the benefit of foreign investment while at the same time safeguarding the interests of Canadians. As the Honourable Jim Prentice, the Minister of Industry, has stated many times, our government will examine the need for guidelines on takeovers by state-owned enterprises. We are also planning to carefully consider an explicit national security test that will be applied to foreign investment.

However, as Senator Hervieux-Payette mentioned in her question, transactions already under way will proceed under the current legislation. However, Minister Prentice is seized of this issue of state-owned enterprises and will address it in the proper course of time.

Senator Hervieux-Payette: In English, this is called a "double-whammy" — because PrimeWest was an income trust company. Its shares or units at the beginning of 2006 were valued at $38.14. Today, they are valued at $26.65. Each shareholder has lost $12, which is why I used the term "fire sale." At the same time, the Minister of Industry is authorizing these sales to foreign state-owned companies. Ordinary companies cannot compete with such companies. Perhaps the Leader of the Government in the Senate should suggest to the government that the Minister of Industry is not leading our country in the proper direction and that he ought to be retired to the back bench.

Senator LeBreton: In a follow-up to Budget 2007, last July the government announced the creation of a Competition Policy Review Panel. The core mandate of the review panel will be to review the Competition Act and the Investment Canada Act and report to the minister by next June.

I understand the concerns about state-owned enterprises. However, in May, Statistics Canada reported that, in 2006, Canada attracted more foreign direct investment than in the previous year. Canadian direct foreign investment abroad totalled $523 billion, about $75 billion more than foreigners owned in Canadian assets.

Senator Hervieux-Payette: I have a final, short question. How many of these companies or investments abroad were bought by the Canadian government?

Senator LeBreton: The honourable senator is going at the issue of state-owned enterprises in a different direction. The statistics I used were for Canadian-owned companies. I do not believe any of them are owned by the Canadian government, but I shall take that question as notice.

LOBBYING—IMPLEMENTATION OF FEDERAL ACCOUNTABILITY ACT PROVISIONS

Hon. Robert W. Peterson: My question is for the Leader of the Government in the Senate. Prime Minister Harper was unequivocal with regard to the Federal Accountability Act — the first piece of legislation introduced by the minority Conservative government, last December 12. The Prime Minister told party workers to get out immediately if they could not live with strict lobbying rules. Did anyone leave? I do not think so.

• (1400)

Why, you might ask?

The bill received Royal Assent last December 12, yet the regulations regarding lobbyists remain under review and have not yet come into force. The revolving door between the Conservative government and the lobbying industry goes around and around. In spite of all of the government's huffing and puffing about accountability, it is very hypocritical.

Does the government have any intention of bringing these regulations into force and, if so, when?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. As honourable senators know, Bill C-2, was the first piece of legislation brought in by our government and was held up for almost one year. It is a very comprehensive and far reaching piece of legislation.

The government is working on all aspects of the regulations that have not yet been made public. The honourable senator is quite incorrect when he says that the lobbying business is a revolving door. He knows that is not the case.

This government takes the issue of accountability to the Canadian taxpayer very seriously. We have changed significantly the culture around this city and this country in regard to lobbyists' access to our government. I am happy and proud to be part of a government that has taken such tough action.

Senator Peterson: With all due respect, I read the other day that a lobbyist who was praising the government has left that firm and is now working for the PMO.

Senator LeBreton: I believe that the honourable senator is again incorrect. I am not sure of the individual he is speaking of, but the intent of the Accountability Act was to prevent people who have been part of government from leaving their positions in government to directly join a lobbying firm, using information to which they were privy to benefit their personal lobbying careers. That is the intent of the act, as the honourable senator knows.

[*Translation*]

NATIONAL DEFENCE

POLICY ON BILINGUALISM

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, the new strategic action plan for official languages of the Department of National Defence and the Canadian Armed Forces could cause bilingualism to decrease within the Canadian Armed Forces. A number of concerns about this have been raised in recent weeks. As my colleague Senator Chaput, said last week in this chamber, the Canadian Armed Forces have been ignoring the Official Languages Act and getting away with it for far too long. It goes without saying that I completely agree with that statement.

I would like to ask the minister what measures her government will take to ensure that the Minister of National Defence finally complies with the Official Languages Act.

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, in the Speech from the Throne, our government stated very clearly that we will develop a strategy for the next phase of an action plan for official languages. The government plans to build on that action plan, as illustrated by the commitment of $30 million over two years which was made in Budget 2007, earlier this year.

[*Translation*]

Senator Tardif: I was not aware of a military component in the action plan for official languages. I am delighted to hear that.

The newspapers have recently been reporting that some soldiers currently in Afghanistan have been calling for greater bilingualism from new officers, because they realize that in combat, a good understanding of orders is very important. It is a matter of life or death. Do you not understand the soldiers' comments to mean that bilingualism of our armed forces has suffered a significant decrease and that the government's policy is clearly inadequate?

• (1405)

[*English*]

Senator LeBreton: I hate to point out to Senator Tardif that her government cancelled the program at the military college in Saint-Jean, where francophone officers were trained. When we talk about an action plan for official languages, obviously it includes our Armed Forces; I could not agree more with the honourable senator. Currently, there is room for improvement

with respect to the Royal 22nd Regiment — the Van Doos — in theatre in Afghanistan. The government is committed to improving the official languages in this country and, as the honourable senator is well aware, has made quantum leaps forward in improving Canada's military.

Hon. Roméo Antonius Dallaire: Honourable senators, that is an inappropriate response, in as much as the state of language in the field has been significantly reduced. The new policy does not call for orders given to troops in the face of the enemy to be in the language of the troops. Rather, orders are still given to the troops in the language of the officer. We went through two world wars under such conditions and said that we would never let that happen again. The new policy is that officers, particularly of the English language, must be able to give orders in French. May I impose upon the leader to go into the entrails of that new policy and confirm whether it literally reduces the presence of anglophone officers with an ability in the French language?

Senator LeBreton: Honourable senators, Senator Dallaire should know more than I on this subject because he was in the military. The state of the military at all levels, from officers on down, deteriorated significantly under the previous government. This government is well aware and very proud of our forces in Afghanistan.

I once mentioned in this place that when I was a youngster I looked up to the Van Doos, as they are known. The government is working with the military and the Official Languages Act. The testimony from the Chief of Defence Staff and others indicates that they recognize the issue and are working hard to make significant improvements, including an announcement by the government to re-open the program at the military college at Saint-Jean.

[*Translation*]

Senator Dallaire: Honourable senators, the decision to close the Collège militaire royal de Saint-Jean was particularly ill-advised. I applaud Minister O'Connor's decision to reopen it, and I do wonder why you fired him. I hope that reopening the college is not another of the disingenuous things that seem to be coming out of that department.

There is a new policy, which has been in force for less than a year, that makes it harder for anglophones to get second-language training and, as a result, limits their ability to command troops in the field. That will reduce the presence of anglophone officers in the field because they will have limited access to French training. I think that this policy should be reviewed because it puts soldiers' lives in danger.

• (1410)

[*English*]

Senator LeBreton: Honourable senators, there is no question that it is legitimate and desirable to have all senior ranking officers speak both official languages. Chief of Defence Staff, Rick Hillier, is fluently bilingual. To my very untrained ear, he is bilingual. I have seen him conduct interviews in French.

In any event, I am glad the honourable senator at least commended this government for its actions with respect to the military college at Saint-Jean-sur-Richelieu. I can assure Senator Dallaire that this government, in making a commitment such as that, believes in living up to it.

FOREIGN AFFAIRS

PRINCE EDWARD ISLAND—PASSPORT OFFICE

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

Passport Canada stated that, as of yesterday, the wait time to process a mail-in application is six weeks plus delivery. Through Service Canada or Canada Post, the wait time is about five weeks. Anyone requiring a passport in less time has to make an urgent or an express application. That application has to be made in person at a passport office. However, if one lives on Prince Edward Island, there is no passport office.

Some Hon. Senators: Shame!

Senator Callbeck: Therefore, Islanders have to travel to Halifax or Fredericton. There have been repeated requests for a passport office in my province. Premier Ghiz has been calling for it and ensured that it was included in a resolution concerning the Western Hemisphere Travel Initiative at the Conference of the New England Governors and the Eastern Canadian Premiers this past summer in New England. Our members of Parliament have been advocating for it.

Earlier this month, the P.E.I. Federation of Labour passed a resolution at its annual meeting. Does this Conservative government have any plans to open a passport office in Prince Edward Island?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I am well aware of the concerns, and Senator Callbeck has expressed them in the Senate previously, as to the lack of accessibility for Islanders to a passport office.

I do not know the answer to Senator Callbeck's question; I shall take her question as notice.

However, I hasten to add that we have vastly improved the service of obtaining passports. Unfortunately, there is the ebb and flow of demand, and we are coming up to the end of the year travel season. In addition, given the strength of the Canadian dollar, more people wish to travel abroad, especially to the United States, and this creates pressure on passport offices.

With regard to the honourable senator's specific question about Prince Edward Island, I shall be happy to take it as notice.

Senator Callbeck: I would hope that the honourable minister will impress upon her colleagues how inconvenient and costly it is for Islanders to apply for an urgent or express application. In fact, we are the only province in Canada that does not have an office. Islanders have to travel to Halifax or Fredericton, the cost of which includes gas, bridge tolls, overnight accommodation, meals and, in some cases, two days off work without pay, all in addition to the passport fees themselves. The process is costly and inconvenient.

My question is this: Does this Conservative government not believe Prince Edward Island should have access to Government of Canada services like other provinces?

Senator LeBreton: I could not help but wonder while the honourable senator was asking her question whether we closed the passport office in Prince Edward Island. I do not think so.

I well appreciate the inconvenience to Islanders, and I will be very happy to take Senator Callbeck's concerns, which are legitimate concerns, to my cabinet colleagues.

Some Hon. Senators: Shame!

PRIME MINISTER'S OFFICE

CORRESPONDENCE FROM KARLHEINZ SCHREIBER

Hon. Grant Mitchell: Honourable senators, I want to talk a little bit about the Mulroney-Schreiber-Harper affair. One might call it a cover-up.

When one scrapes away all the toing and froing around this issue, one essential core theme emerges, and that is the unrelenting conclusion that — call it what the Leader of the Government in the Senate might call it — there was a cover-up in the Prime Minister's Office.

• (1415)

How can Canadians conclude anything other than a cover-up when Prime Minister Harper refuses to specify for this inquiry that his office, his seven-month delay and his alleged and obvious inability to read his own mail will be excluded from the terms of reference?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Senator Mitchell is quite wrong. The Prime Minister and the government have tasked Professor Johnston to draw up the terms of reference. There have been no restrictions. The matter is completely in his hands. The government is obligated to follow his recommendations. The situation regarding the Prime Minister's correspondence, as any reasonable person on the other side who was in government will know, is that the process regarding correspondence in the Privy Council office was followed, as they explained publicly many times. When Senator Mitchell asks, "How can anyone believe that?" the Canadian public knows this has nothing to do with this government, which has been borne out by several opinion surveys in the last week.

DEPORTATION OF KARLHEINZ SCHREIBER

Hon. Grant Mitchell: Honourable senators, unlike the Leader of the Government in the Senate, the Canadian public understands exactly what is happening, and they particularly understand when looking at the fact that this government has not stepped in to stop Mr. Schreiber's deportation. Why has the Prime Minister not stopped or been explicit about the deportation? Is it because the Prime Minister fears something will come out that will tarnish him, his government and many of the people around him and Mr. Mulroney at the same time?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Senator Mitchell does not know what he is talking about. As the honourable senator knows, this is a matter before the courts. A couple of years ago, when the question of extradition of the infamous Holocaust denier Ernst Zündel was before us, the Liberal leaders of the government in the Senate, at the time, first Senator Carstairs and then our former colleague Senator Austin, responded repeatedly that there was a process in place for extradition that must be followed, and they were quite right. For example, Senator Austin said, "The Zündel case is before the courts and that judicial process must be allowed to continue. There must be no ministerial or political interference while the courts have that issue before them." I could say the same for the Schreiber case. It is as true today as it was then.

Senator Mitchell: I know the Leader of the Government in the Senate hates this thing called judge-made law, but for once the judges in this case have decided not to make the law. Are the leader and the Prime Minister aware of what the Ontario Court of Appeal said this week? It said, "It is not a legal decision. It is a political decision as to whether or not Mr. Schreiber stays and the politicians should make that decision." Prime Minister Harper is making that decision. He has decided not to stop the deportation because he is afraid to have Mr. Schreiber testify under oath, which he himself should do.

Senator LeBreton: Senator Mitchell is wrong again. We had a senator the other day providing us with little limericks. I have one today: Liberal is your name; smear is your game.

Hon. Sharon Carstairs: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate, because of course she used my name a few minutes ago. The circumstances were considerably different; does the honourable senator not agree?

• (1420)

The question that was posed to me was: "Why is Mr. Schreiber still in this country?" My answer to that question was that the process with respect to extradition must be followed.

We now have a situation where it is paramount to Canada that Mr. Schreiber remain here. Surely, the Leader of the Government in the Senate understands the difference between an extradition procedure which is followed to meet the needs of a foreign country and an extradition procedure which now must be, quite frankly, curtailed because it meets our needs.

Senator LeBreton: Honourable senators, extradition is extradition, and the same laws apply. These matters are before the courts, and this particular matter has been before the courts for some number of years. As a matter of fact, the Minister of Justice of the previous government signed the extradition some five or six years ago. However, the fact is that this matter is before the courts and there is nothing more to be said.

I repeat: All of this Schreiber-Mulroney business happened many years ago and has absolutely nothing to do with this government. All honourable senators know it, everyone in the country knows it, and, furthermore, the Canadian public knows it.

FOREIGN AFFAIRS

DEVELOPMENT ASSISTANCE
ACCOUNTABILITY BILL—LEGISLATIVE PROGRESS

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. It has to do with the leaders duties and seems to be a question of loyalty.

I wish to query specifically the fact that Mr. Harper, two years ago, was quite adamant in advancing the international development side of the House into the realm of meeting the UN Millennium Development Goals, particularly, poverty reduction, and even wrote to the Prime Minister at the time, Mr. Martin, to get on with it and move that agenda.

My sort of fifth columnist intelligence network has been telling me that there has been a deliberate decision to stall the advancement of Bill C-293 to committee. That deliberate stalling is, to me, quite contrary to what her leader wants to happen, which is to get some of these new procedures in and advance CIDA into the realm of meeting the goals.

Could the leader confirm that she is giving direction that this bill not be responded to when we get it into committee?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I do not know what is wrong with the air in this place. I do not know where the honourable senator gets these things. I get the same amount of email from the Canadian public on Bill C-293. The honourable senator is absolutely wrong when he says that we are taking actions to stall the bill. It is false, and saying it in this place does not make it more true. It is false.

Senator Dallaire: I thank the minister for that clarification. That means that those responsible for advancing the bill either do not want to bring it forward or are not being totally transparent in how they are able to manoeuvre such a bill from her side of the house into committee.

Is it possible that we are misinterpreting the senator responsible for advancing that bill as to what he sees his role to be?

Senator LeBreton: Well, as the honourable senator knows, many bills are before this place, and far be it from me to try to ascertain the process that is followed for each one. However, Senator Dallaire is quite wrong, as I said. Neither the government nor I have made any effort to interfere in any way with any bill that is before this place or the other place.

• (1425)

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING DEBATE—CORRECTION

Hon. Pat Carney: Honourable senators, I rise on a point of order to clarify and correct two errors that were raised in debate yesterday on Bill S-215.

There was some debate from the Deputy Leader of the Government about whether the minister responsible was Environment Minister Ambrose or Baird. I want to say that, for the record, the minister involved in Bill S-215 and its predecessor is definitely Minister Baird.

I also want to show for the record that I erred in stating that the Minister of Heritage was responsible for this bill. In the seven-year passage of this legislation, the responsibility for national historic sites and monuments has been passed from Heritage to Parks Canada. The minister responsible for Parks Canada is the Minister of the Environment, not Heritage and, therefore, the record should show that the one responsible is the Minister of the Environment; the other one involves the Minister of Fisheries and Oceans. The record should show that I have letters of support in principle from those two ministers.

ORDERS OF THE DAY

CANADA-UNITED STATES TAX CONVENTION ACT, 1984

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Brown, for the third reading of Bill S-2, An Act to amend the Canada-United States Tax Convention Act, 1984.

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

Hon. Senators: Question!

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

Motion agreed to and bill read third time and passed.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Di Nino, for the second reading of Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments). —(*Honourable Senator Tardif*)

Hon. Maria Chaput: Honourable senators, I rise today at the second reading stage of Bill C-13, An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments).

With his characteristic concision, precision and considerable expertise, my honourable colleague, Senator Oliver, outlined a number of items from this bill that will lead to technical amendments to the Criminal Code. My speech will focus primarily on those amendments that relate to official languages. Bill C-13 would have a positive impact in that regard, because it advances the status and equality of both official languages, as advocated by the Canadian Charter of Rights and Freedoms.

The purpose of Bill C-13 is to protect Canadians by improving the efficiency of many elements of the Criminal Code and eliminating certain ambiguities that could create confusion and inefficiency. Overall, the bill covers three main areas: criminal procedure, language of the accused and sentencing, as well as a number of technical amendments to the Criminal Code meant to update it and make it more efficient.

Honourable senators, the fight against crime requires a modern and efficient penal justice system. Accordingly, the Minister of Justice and Attorney General of Canada must work in partnership with provincial and territorial counterparts in order to ensure the effectiveness and accessibility of the Canadian justice system.

In his speech to the Canadian Bar Association on August 14, 2006, the Attorney General of Canada at the time, the Honourable Vic Toews, said:

> In my view, the Government of Canada and the legal profession have a shared interest in a justice system that is accountable, efficient, accessible and responsive.

First of all, the bill proposes several amendments designed to bring greater concision to a document that plays a central role in Canada's justice system. This in no way diminishes their importance, since we can only benefit from creating a clearer and more understandable document by rectifying certain shortcomings.

• (1430)

I would like to quickly highlight the proposed amendments, which fall within three major areas.

With regard to the amendments respecting criminal procedure, I would like to briefly look at section 351(1), which deals with possession of a break-in instrument, a criminal offence under the Criminal Code. It will become a dual procedure offence when Bill C-13 is passed. This will make the legal process more effective by avoiding duplication. With this amendment, the department will be able, in certain circumstances, following an indictable offence, to proceed by summary conviction for both offences.

With regard to changes in sentencing, Bill C-13 indicates that the Criminal Code of Canada will be updated to reflect the realities of Canadian society in the 21st century by providing a more efficient and modern framework for the operation of the courts. For example, section 720(1) will provide for, with the consent of the Attorney General and the offender, delayed sentencing to enable the offender to attend a treatment program such as an addiction treatment program or other program meeting the specific needs of the individual. The Criminal Code formally recognizes the needs of the individual while endeavouring to protect society.

The highlight of this bill is that it makes amendments to provisions of the Criminal Code relating to linguistic rights. The Criminal Code is one of the most powerful tools of the Canadian state as it has the power to impose imprisonment sentences, one of the most serious penalties that may be imposed on a citizen. Therefore, it goes without saying that the citizen should be able to choose the official language for the criminal trial.

Similarly, when dealing with linguistic rights in the legal field, we must always remember that section 19 of the Canadian Charter of Rights and Freedoms states:

> (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament.

Honourable senators, access to justice in the official language of one's choice is a fundamental principle in Canada that should never be cast aside.

Let us come back to the Criminal Code, which gives the accused the right to stand trial in the official language of their choice. Section 530.1 sets out a series of corollary rights and obligations that apply when an order is made for an accused person to be tried in the official language of their choice.

> On application by an accused whose language is one of the official languages of Canada made not later than:
>
> Therefore, the accused could request services in either of the official languages.
>
> (*a*) the time of the appearance of the accused at which his trial date is set, ...
>
> (*b*) the time of the accused's election, ...
>
> (*c*) the time when the accused is ordered to stand trial

Thus, accused persons may use the official language of their choice when they stand trial in Canada.

What is more, some changes were taken into consideration in Bill C-13 in order to eliminate any ambiguity and ensure that the accused has access to the services to which he is entitled.

One of these changes in Bill C-13 is the guarantee that the accused will be informed of his or her official languages rights by a judge. This requirement will benefit those who wish to obtain services in the official language of their choice, but do not have comprehensive knowledge of their linguistic rights in the Canadian legal system.

Rénald Rémillard, from the Fédération des associations de juristes d'expression française in Manitoba, explains the importance of this initiative in the context of the courts as follows:

> This bill and, in particular, the obligation it imposes on judges . . . to ensure that the accused (represented or not) is informed of his right to stand trial in the official language of his choice, respects the principle of active offer of services, with regard to official languages.

> In a context as intimidating as a criminal trial, the person in a position of power, the judge, must make the active offer.

The Federation of Associations of French-speaking Jurists of Common Law (FAJEF) was particularly interested in Bill C-13. The organization's president, Louise Aucoin, appeared before the House of Commons Standing Committee on Justice and Human Rights on Thursday, May 3, 2007. During her testimony, Ms. Aucoin recommended four amendments, three of which were accepted and are now part of Bill C-13. The purpose of these amendments is to improve the flexibility of the services provided and the availability of official languages in Canadian courts.

Louise Aucoin's fourth recommendation was to amend section 503(3) of the Criminal Code to provide for transferring criminal charges and indictments without having to renew the application. That recommendation was not accepted and is not part of Bill C-13.

The Commissioner of Official Languages, Graham Fraser, agreed with Ms. Aucoin when he said:

> I think this is a case where, if this right is to be guaranteed, it should be at the beginning of the process rather than something that somebody has to keep on asking for at every step.

Unfortunately, Bill C-13 does not include that amendment.

The amendments proposed in Bill C-13 will make the legal process available in both official languages. However, should that right not apply beyond the courts? We have to consider the next step.

During her testimony on May 3, 2007, Ms. Aucoin clearly explained the next step to be taken with respect to language rights and the law:

> . . . it is important that language rights at trial also extend, hopefully in the near future, to all of the procedures incidental to a trial and to other forms of inquiry and hearing under the Criminal Code, such as an application for variation in a probation or conditional sentence order, a dangerous offender application, or an application for judicial review.

As the president of FAJEF suggested, this bill is a step in the right direction for language rights in the legal field. But there is still work to be done when it comes to achieving equality between the official languages.

Honourable senators, it is difficult to criticize a bill that is headed toward progress. An effective, modern and responsible Criminal Code can only contribute to a reliable legal system. The power of the judiciary in Canadian society is undeniable, and must completely reflect the nature of Canada's two official languages.

Therefore, I would ask that Bill C-13 to be referred to a Senate committee as soon as possible.

[*English*]

Hon. George Baker: Honourable senators, I wish to put on the record a concern I have about this bill that has not been noted by the House of Commons, and this perhaps illustrates more than anything why the sober second thought of the Senate is needed, even on legislation which appears to be simply legislation that does not really break any new ground in anything.

I am not suggesting that anything that the minister or Senator Oliver has said is incorrect. They have clearly outlined what is in the bill. Senator Chaput has outlined correctly the major areas of concern that we would have in this place, primarily about the language of choice of the accused and in which of our official languages a trial and preliminary hearing would take place. Therein lies the problem.

Before I get to what I want to note in regard to this bill, I would put on the record that, having served 30 years in the other place and seen legislation evolve relating to the language rights of the accused in courts throughout this land, there has been, in my opinion, a major issue, which has been highlighted by Senator Chaput, who has just spoken.

• (1440)

We cannot discuss New Brunswick when we discuss the contents of section 530 of the Criminal Code, because the province of New Brunswick has, within the Canadian Charter of Rights and Freedoms, the guarantee, at every stage in the courts, for the proceedings to be in the language of choice of the accused, choosing between English and French. That guarantee is enshrined in law in six different sections of the Charter. This bill excludes, as honourable senators will notice, the province of New Brunswick. When it comes to amending section 530, the bill excludes the province of New Brunswick.

Honourable senators, there is a problem with the bill. The bill is an improvement over the existing circumstances — there is no doubt about that, and Senator Oliver is right on this — because it has two new provisions, as Senator Chaput has said. The bill provides that an accused will be informed, at his or her first appearance before the court, as to his or her right to be tried in one of the two official languages.

In other words, upon arrest, when an individual is first brought before a judge, a date is set for plea, and it is at that point that the person will be informed of that right with the passage of the bill. Presently, in section 530 of the Criminal Code, only the unrepresented accused is informed of that right, the assumption being made that "Professor" Oliver, when he was a professor of law, had instructed the lawyers properly and they knew what the law was. That assumption has now been withdrawn and it now becomes mandatory for the judge, at the first appearance of the accused — that is, when a date is set for plea — to tell the accused that he or she has the right to be tried in one of the two official languages, whichever one suits the accused.

The second change, as it reads in proposed section 530.01(1)(*a*), is this:

> . . . cause any portion of an information or indictment against the accused that is in an official language that is not that of the accused or that in which the accused can best give testimony to be translated into the other official language . . .

Senator Oliver used the words "the charging document." That is the common reference that is given to an indictment or an information. Everyone in Canada is charged the same way. The charging document, which is found in the forms of the Criminal Code, is Form 2. Form 1 is entitled "Information to Obtain a Search Warrant" and Form 2 is entitled "Information." Form 2 is in French and English, and you fill in the blanks.

The form states, in part, that the informant "says that" or if he has no personal knowledge "believes on reasonable grounds" that so-and-so did, on such-and-such a day, commit the offence of such-and-such, contrary to section such-and-such of the Criminal Code.

That is what is referred to here as being the document that will be translated. That is the second change of only two changes to the right to be tried in the language that one chooses from the two official languages in Canada.

Perhaps, honourable senators, that is rather inadequate. As everyone understands, Form 2 does not really tell the accused anything, does it? It identifies the section of the code he or she is charged under. If the person is charged with assault, the form will read that so-and-so has violated a particular "Assaults" section under the Criminal Code and will note the date and place the alleged assault took place. The form does not really tell the individual anything.

The point is that we may claim under section 530 that our accused in this country have a right to a trial in the language of their choice, one of the two official languages. They do not. They absolutely do not, as Senator Chaput has pointed out, because the law only covers the preliminary inquiry and the actual trial, the trier of fact and the evidence. The law does not cover appeals.

As Senator Chaput has just pointed out, from the interest groups who have appeared before the House of Commons committee — I have not read this, but I am sure she is correct — with the passage of this bill, a person will only have a right in Canada, under section 530, to be given a portion of the charging document, without being given disclosure on what he or she is facing, and then a preliminary inquiry, if needed or chosen, and then a trial. That is, in over 90 per cent of the cases, only the proceeding before the provincial court. An individual has no right vis-à-vis the superior court of the province, on appeal. He or she has no right under the law. The individual then has no right to the language of his or her choice in the Court of Appeal, if it goes there, or in the Supreme Court of Canada. The person has no right to have pre-trial Charter arguments in his or her language of choice, at which evidence is heard.

In other words, in a voir dire, evidence is entered to determine whether evidence would be excluded and, in some cases, to determine whether a stay would be entered, if, in fact, section 24(1) of the Charter is violated to such a degree that the judge gives a judgment that says a judicial stay should be entered in this particular case.

Only the preliminary inquiry and the trial in the first instance, the trier of fact, is actually covered by section 530 of the Criminal Code. I notice that Professor Oliver is speaking to the judge to his right; they are conversing about this, trying to figure out whether I am right or wrong. I can see that my argument is hitting home.

I am not saying, honourable senators, that this bill is a step backward. It is not.

Senator Oliver: Exactly.

Senator Baker: In this particular instance, the bill is a step forward because it has two additional provisions: the translation of, as Senator Oliver calls it, the charging document, or the indictment, or, as it is called under section 2 of the Criminal Code, the Information. It provides a translation of that at the beginning, for all it is worth.

An individual is also provided, whether or not the person is represented, the right to a trial in the language of his or her choosing, that is, French or English, not Inuktitut, if the individual is in Nunavut.

That is quite a drawback, honourable senators. Many trials take place every day in Nunavut and Northern Quebec — and, as the senator points out, in northern Labrador. As we read the case law every day, most of the trials take place in Nunavut and Northern Quebec. The language of choice there, of course, is Inuktitut. There is a second language, I notice, in the case law.

• (1450)

Section 530 makes provision for the second of the two official languages of choice of the accused, and an interpreter is provided, because an interpreter is provided under section 14 of the Charter. There are an incredible number of cases in which an interpreter must be provided in one's language in order that one can understand what is going on.

Honourable senators, we should be paying much more attention to our senators from Nunavut or Northern Quebec who say how unfair it is for a trial to take place when the accused does not understand anything that is happening.

We ought to be examining whether the Charter of Rights and Freedoms is being violated. Under section 10(b) of the Charter, if one is arrested, one has a right to immediately be told why one is arrested and to immediately be given access to a telephone in order to consult and instruct counsel. If one is arrested on the northern tip of Nunavut, one is still covered by the Canadian Charter of Rights and Freedoms.

Most of the superior court judges who try these cases are from northern Alberta, and some are from Ontario. It was nice to see, in the case this past year of *Kooktook*, that the judge threw the case out, saying that these people were covered by the Canadian Charter of Rights and Freedoms and that he would not put up with any nonsense. He made the interesting observation that he had never tried a case in which he did not believe the accused. Even though they would be convicting themselves, he has never seen a case where someone, in his estimation, has lied to the court.

The Hon. the Speaker *pro tempore***:** I regret to advise the honourable senator that his speaking time has expired.

Are you asking for an extension of five minutes, Senator Baker?

Senator Baker: Yes, thank you, Your Honour.

There is a portion of this bill that was not addressed by Senator Oliver or by the House of Commons. I made a phone call about an hour ago and learned that the subject was not addressed in the minister's statements or by anyone else, and that is the section dealing with gambling. As senators know, there is a big market for Internet gambling in Canada. Online poker is huge. This bill will end that, and that has not been brought up by anyone.

The onus is placed on the Internet service provider. After 9/11, the Americans brought in a law to outlaw Internet gambling. They called the law "an act to outlaw Internet gambling." They made it illegal to hold or transfer money within the United States that is related to Internet gambling and instructed the Government of the United States to negotiate with the foreign countries where the casinos were to make that illegal.

What has the Canadian government done? The Canadian government has removed the words "telephone and telegraph" from an old section that deals with gambling. Clause 5, on page 2 of this bill, would replace paragraph 202(1)(*i*) of the act with, in part:

> . . . sends, transmits, delivers or receives any message that conveys any information relating to book-making, pool-selling, betting or wagering, or that is intended to assist in book-making, pool-selling, betting or wagering. . . .

The head note to the bill says, "The enactment amends the description of the offence of conveying information on betting. . ." Those words were written in the old days when one dealt with a bookmaker over the telephone. Today we have the Internet, and this outlaws transmission via Internet. Every Internet provider — Rogers and Bell being the big ones in Canada — will now be committing a criminal offence if they transmit such information. The problem is that the Internet service provider is now responsible for knowing everything that is being transmitted on the Internet. A lawyer or a doctor might have a website on which confidential information is held for clients or patients.

Under this proposed legislation, the Internet provider will have to know what is being transmitted on the Internet. That subject has not been mentioned in the House of Commons nor in any committee thereof, although the bill has been through committee twice in the other place, under two different ministers. Not one word has been said about this. That is very sloppy.

Look out, Rogers and Bell. Rogers and Bell should be witnesses that the committee should consider calling regarding this bill in order that the Senate can undertake a thorough examination.

Other than that, I think this proposed legislation is an improvement to the existing law.

Hon. Serge Joyal: Honourable senators, Senator Baker has raised a very important point about the languages that the Aboriginal people of Canada should be allowed to speak and be spoken to in Canada's criminal justice system.

Senator Watt and other senators on both sides of this chamber are very concerned about the status of Aboriginal languages in federal institutions. As Senator Baker mentioned, section 22 of the Charter of Rights and Freedoms protects the rights of Aboriginal people. Honourable senators may remember that I had the privilege of participating in the debate and study of section 22 of the Charter. It is entitled "Rights and privileges preserved," and the section reads as follows:

> Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

This means that in Canada, according to legal or customary rights or privileges, some languages other than French or English have rights and privileges. What are those other languages?

• (1500)

Honourable senators, we find the definition in the Supreme Court of Canada's decision in the famous case from 1996, *R. v. Van der Peet*. From paragraph 30 of the court decision, the Supreme Court of Canada recognizes the following:

> The doctrine of aboriginal rights exists, and is recognized and affirmed by s. 35(1), because of one simple fact: when Europeans arrived in North America, aboriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they had done for centuries. It is this fact, and this fact above all others, which separates aboriginal peoples from all other minority groups in Canadian society and which mandates their special legal, and now constitutional, status.

I want to underline this: "... Aboriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they had done for centuries."

Honourable senators, Aboriginal peoples had a legal system. It was a customary system, and is recognized by section 35 of the Constitution of Canada. The traditions and rights issued from that system are recognized as far as languages are concerned under section 22 of the Charter.

Therefore, we are dealing with languages that should be recognized and entrenched into criminal proceedings. There should be a federal jurisdiction and responsibility. There are implications, rights and privileges that pertain to Aboriginal peoples of Canada. It is important that when we go through those sections of the Criminal Code to have the opportunity at the legal and committee levels to hear witnesses on the issue of languages. I believe the bill was referred to the Standing Senate Committee on Legal and Constitutional Affairs. Our chamber has a special duty and constitutional responsibility to ensure that minority rights and those of the Aboriginal peoples of Canada are recognized. If there is a recommendation to be brought forward in this chamber, we have an obligation to do so.

Some Hon. Senators: Hear, hear!

Hon. Lillian Eva Dyck: Honourable senators, I wish to make some brief comments. I take to heart the comments that have been raised this afternoon with regard to Aboriginal languages and culture.

I wish to bring a comment to the attention of the members of the Senate and presumably to the committee that will look at this bill. In Saskatchewan in 2001, Aboriginals comprised 14 per cent

of the population. While Aboriginals are a minority in Canada, they are a majority in the prison system. Although I do not know the exact figure, I believe the estimate is something like 80 per cent of the prison population is Aboriginal. The majority of the prison population is men. If one looks at prisons for women, most of those prisoners are also Aboriginal. It is important to look at this issue.

I do not know what percentage of those who are incarcerated speak an Aboriginal language as their first language, but I suspect it is a significant number. In order for those people to understand what the current legislation means to them in their daily lives, to understand the consequences of their actions and to get a fair trial, this must be taken into account.

Some Hon. Senators: Hear, hear!

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

Some Hon. Senators: Question!

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 Oliver, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:
>
> That the following Address be presented to Her Excellency the Governor General of Canada:
>
> To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Mira Spivak: Honourable senators, as I consider the Speech from the Throne and the pre-and-post game commentaries, the mini-budget, and its pre-and-post game commentaries, I am struck by how much our world has changed in the last 12 months.

Twelve months ago, the eminent British economist, Sir Nicholas Stern, released his report on the economics of climate change. He warned that every tonne of CO_2 we emit today causes an estimated $85 worth of damage. The cost to reduce emissions to avoid the worst impact is about 1 per cent of global GDP each year. The cost of doing nothing is equivalent to at least 5 per cent of GDP.

Sir Nicolas Stern said: "Establishing a carbon price, through tax, trading or regulation, is an essential foundation for climate change policy."

The usual suspects, such as the Pembina Institute and the National Roundtable on the Environment and Economy have repeatedly called on the government to set a carbon price.

There are others who advocate tax shifting to deal with climate change; that is, to drastically lower taxes on things we want to encourage, such as corporate profits and personal income taxes and savings, while drastically raising taxes on things that need to be discouraged such as consumption, pollution and specifically greenhouse gases. This concept has been in currency for some two decades.

Among those advocating a carbon tax and shifting taxes are Don Drummond, the Toronto Dominion Economics Chief Economist; the *National Post* columnist, Andrew Coyne; Jack Mintz, former president of the C.D. Howe Institute; and Tom d'Aquino.

The fact that these champions of business interests are now yearning for a price on carbon and, in some instances, environmental tax shifting, is evidence that the world has changed. However, the government's agenda set out in the Speech from the Throne has not taken note of these suggestions from many sources.

Last March, Don Drummond was first off the mark with his report, entitled, *Market-Based Solutions to Protect the Environment*. He said that environmental taxes promote both economic efficiency and greater fairness because they help to ensure that polluters bear the cost of actions. He said:

> Environmental taxes are best applied where pollution is created and the revenues should not be a 'revenue-grab' by the government. Rather the revenue should be used to lower other taxes in the economy or to finance subsidies that help the environment. This is known as "tax shifting" and can provide additional positive impacts on the economy when environmental tax revenues help reduce existing taxes that currently create economic distortions including disincentives to working or investing.

Jack Mintz, now C.D. Howe fellow-in-residence, very publicly advised the government. In a call for comprehensive tax reform released in September, Mr. Mintz suggested that governments

increase sales tax rates, rather than reduce the GST as this government has done. He proposed what he described as an "intriguing possibility" to

> . . . shift taxes on "goods" — investment and savings that most affect Canada's productivity — to "bads" by, for example, broadening the existing federal-provincial fuel-excise taxes to include other energy sources. Canada would have a low-rate, broad-based, consumption-based environmental tax to price the cost of environmental damage that affects Canadian lives. An environmental tax would be needed as part of an overall government strategy to deal with carbon and pollutants such as sulphur and nitrogen oxides. . . .

• (1510)

The notion of a carbon tax has been anathema to virtually every elected federal politician except David Anderson and, of course, Green Party leader Elizabeth May.

Among the provinces, only Quebec has had the courage to introduce very modest levies — 0.8 cents a litre for gasoline and 0.96 cents for heating oil, for example. Now the B.C. finance minister is musing about introducing one.

The *National Post*'s Andrew Coyne suggested the unmentionable twice this fall. He wrote, "Tax carbon and other environmental blights to discourage their consumption, and you could lighten the tax burden on income still further . . . ."

Further, in some gratuitous advice to Stéphane Dion following his speech to the Economic Club of Toronto, Mr. Coyne wrote:

> Whisper it, Liberals, if you dare: a carbon tax. Conspicuously missing from both parties' global warming plans, it is universally regarded as political poison. But what if revenues from a carbon tax were used to slash — and I mean slash — income taxes? Then what you have is a cleaner environment, a more productive economy — and maybe a winning political strategy.

Even the Canadian Council of Chief Executives, headed by Mr. d'Aquino, urged carbon price signals in a policy declaration released in early October.

> The price signal is an important means to ensure that energy use reflects its environmental costs, and these signals can be strengthened through market-based mechanisms such as emissions trading and environmental taxation.

Not surprisingly, these blue-ribbon friends of business also wanted the government to slash corporate income taxes and personal income taxes. Mr. Mintz pointed out that corporations in Canada faced the twelfth highest rate in the world. While Canada was reducing its combined federal-provincial corporate income tax rate to 30.5 per cent by 2011, it would still remain above the tax-revenue-maximizing rate of 28 per cent. In other words, governments would gain more revenue by reducing the rate further. After the mini-budget corporate rate cut, he called for provinces to reduce their corporate rates further to bring the combined rate to 25 per cent.

More telling was his assessment of marginal personal tax rates on labour income and savings, "especially for individuals with modest incomes" — those he describes as the "many struggling Canadians."

> With clawbacks under income-tested programs combined with payroll taxes, personal marginal tax rates on employment and savings (outside of pensions and RRSPs) are in excess of 70 per cent, . . .

I find that hard to believe but that is what he says.

> . . . far higher than those faced by the richest Canadians. Major reform is needed to improve the situation, which to this point has only been tentatively addressed by incremental changes to tax policies.

Instead of increasing the personal income tax rate for the first bracket — as this government did only to roll it back in the mini-budget — Mr. Mintz in September said the rate should be reduced from 15.5 per cent to 12 per cent and there should be a sharp increase in the exemption level and a new approach to clawbacks.

A study released early this month by the Canadian Centre for Policy Alternatives points to the same need from a different perspective. It points out that a decade of tax cuts by Ottawa and the provinces have reduced the tax rate paid by the richest 1 per cent of Canadians by 4 percentage points. Meanwhile, the poorest 20 per cent of taxpayers are paying 3 to 5 percentage points more; and middle-income families pay about 6 percentage points more in total taxes than families in the top 1 per cent.

To fund reductions in distorting taxes on investment and savings, Mr. Mintz said the government could turn to increased reliance on consumption taxes, as countries throughout the world are doing. An environmental carbon tax is one important example. The other possibility Mr. Mintz posed was a rise in the rate of the GST. However, the Speech from the Throne and mini-budget cut the GST again to fulfill a campaign promise, so it certainly did not head in this direction.

Corporate rates were cut and the increase in the rate on the lowest tax bracket was reversed, returning it again to 15 per cent and the basic exemption was increased. The reduction in personal income tax amounts to less than 11 per cent of the Finance Minister's tax breaks or about $1.5 billion, prompting Mr. Drummond to describe it as "a derisory amount."

It prompted Mr. Mintz to write in the *Financial Post*, under the headline "How to Fix the GST Mistake" that, "Conservatives should be slapped on their hands for a tax cut that does little to improve Canada's competitive position."

To fix this "inferior" federal policy is smart provincial policies, he now suggests. Increase consumption taxes at the provincial level through valued-added taxes, sales tax hikes or environmental levies that could pay for further provincial cuts in corporate and personal income taxes.

But why should the provinces correct the policy of the federal government? It is a good question.

On climate change, the Speech from the Throne promises steep reductions that are deep in the fog of "intensity targets" and shifting base years for determining those reductions. It gives one line to a carbon emissions trading market, which will require the setting of a carbon price. Whether that market will influence the behaviour of anyone beyond a few hundred industrial emitters depends on how it is structured and the ultimate price.

As Sir Nicholas wrote:

> To reap the benefits of emissions trading, schemes must provide incentives for a flexible and efficient response . . . . In order to influence behaviour and investment decisions, investors and consumers must believe that the carbon price will be maintained into the future.

The national round table, when asked by the government for targets and scenarios for medium and long-term reductions in greenhouse gases and air pollutants, was clear that, "A very strong price signal is required to simulate deep GHG reductions by 2050." And the cost of "fast and deep" reductions is roughly half as much as "slow and deep" reductions.

There is one other note in this very sexy speech, which is about the North. The Speech from the Throne promises more patrol ships just weeks after the government relaxed pollution rules for Canadian navy ships now plying Arctic waters. These new rules allow captains to dump garbage and raw sewage. Commanding officers are concerned about ". . . accumulated food remnants stored in garbage bags on decks during ever-increasing global warming summers."

But what about the fragile ecosystem? There are better solutions to our problems than those with which we are presently faced.

On motion of Senator Tardif, debate adjourned.

• (1520)

INTERNATIONAL BOUNDARY WATERS TREATY ACT

BILL TO AMEND—SECOND READING—
ORDER STANDS

On Senate Public Bills, No. 6:

> Second reading of Bill S-217, An Act to amend the International Boundary Waters Treaty Act (bulk water removal).—(*Honourable Senator Carney, P.C.*)

Hon. Pat Carney: Honourable senators, if I may, I would ask the Deputy Leader of the Government what his intentions are in respect of Bill S-217, given that I have spoken to it.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, the government critic is not ready yet.

Senator Carney: Who would that be?

Senator Comeau: The assignment has not been made.

Senator Carney: Could the deputy leader please advise the house as to when this assignment will be given?

Senator Comeau: The assignment will be made as soon as possible. We have a number of assignments according to my list before me. Just picture the front line of an army when an officer asks for a volunteer and you see everyone move back two steps. I am trying to get someone to take the assignment before he or she has a chance to step back.

As honourable senators might guess, we do not have many people to come forward to volunteer for all the projects before the house but this will be done. I am serious that we are doing our best to find someone to take on the critic's role.

Senator Carney: Honourable senators, I will double-check that I have moved second reading. I have been advised by the table that I have not done so.

Order stands.

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING BILL

SECOND READING—DEBATE ADJOURNED

Hon. Gerard A. Phalen moved second reading of Bill S-218, An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking.—(*Honourable Senator Phalen*)

He said: Honourable senators, I rise to introduce Bill S-218, in order to provide assistance and protection to victims of human trafficking. After attending meetings with interested parties in both Ottawa and Montreal and after attending the 2007 Human Trafficking Forum in Vancouver, I am even more convinced of the need for this new legislation. Bill C-218 is essentially the same as Bill S-222, which I introduced last session. At that time, I made a long speech outlining all of the terrible statistics on human trafficking. I will not provide that information again but instead I will simply refer honourable senators to my speech in this chamber on February 1, 2007.

If we needed any proof that this proposed legislation continues to be necessary, we need only look at the case we learned about this past spring in Quebec. In that case, a young Ethiopian woman was brought into Canada and forced into labour in the home of a Quebec couple. This young woman was forced to work nonstop; did not have access to identity papers; was not allowed outside of the residence alone; and was prohibited from using the telephone. Her employers repeatedly told her that Canadian authorities would send her back to her country if she talked to anyone about her situation. Thankfully, the RCMP launched an investigation into this case and laid the first charges under the Criminal Code provisions of Bill C-49, which was introduced by the then Liberal government and passed by this chamber on November 25, 2005.

Honourable senators, imagine being in that woman's shoes. Imagine if you would accept what you believe to be an honest job opportunity and come to a foreign country where you find yourself basically imprisoned, your papers withheld, and forced to labour 24/7 while not being allowed even to use the telephone. These are the kinds of circumstances in which victims of trafficking can find themselves. Many find themselves forced into prostitution.

As I said to honourable senators in the introduction of this bill's predecessor, we need an approach that recognizes that victims might not speak the language, have no money, do not know anyone except their traffickers, have no way to earn a living and live in fear of being deported.

Honourable senators, I could go on and on telling stories of victims of trafficking. There is the horrific story of the investigation by the International Justice Mission of 45 Cambodian children under the age of 15, who were being offered for sexual exploitation, often to foreign tourists, including Canadian citizens. There is the sickening case of 37 Cambodian girls, who were thankfully rescued from brothels by a joint International Justice Mission and Cambodian National Police operation. These girls included nine who were between the ages of 5 and 10. Obviously, the problem of human trafficking is not going away. In a world where a child in India costs only $13 to $14, it is clear that the problem of trafficking in human beings is far from being resolved. At an estimated $9.5 billion annually, the industry continues to be more profitable than the drug trade and arms smuggling.

What do we do? In 2005 we passed Bill C-49, which updated our Criminal Code to clearly identify the crimes of human trafficking. This was a necessary first step. In December 2005 there was an announcement by the Minister of Citizenship and Immigration of a 120-day permit to allow victims of trafficking a period of reflection. This past June, 120 days was altered to 180 days by the minister. At the time of the 2005 announcement, the Canadian Council for Refugees put out a press release that Senator Andreychuk quoted in this chamber. The press release said in part:

> These measures mean that the government will begin to treat trafficked persons, often women and children, as victims of a crime, rather than as people who should be detained and deported. Like many other organizations, the CCR has been calling for this policy change for several years — we are very pleased that Minister Solberg has responded to this call.

However, honourable senators, the balance of the press release that was not quoted by our colleague continued:

> The announcement today marks what can only be the first step in efforts to ensure that trafficked persons in Canada receive fair and humane treatment. There remains considerable work to be done in ensuring that trafficked persons on Temporary Resident Permits have access to all of the necessary services, such as social assistance. There is also a need to develop long-term protection measures for these people for whom staying in Canada is the best option, as well as ensure appropriate awareness-raising, training and coordination of all relevant actors, including various levels of government, police forces, NGOs and service providers.

• (1530)

Honourable senators, before I get into the details of this legislation, I will address the issue of current guidelines because that is what they are, simply guidelines.

There is a significant difference between guidelines and regulations. I believe that a system designed to assist victims of trafficking must be one that is firmly set in regulations that cannot be changed on a whim by subsequent governments. We cannot leave the rights of victims of trafficking up to the interpretation of guidelines by officials. I believe it is our responsibility to ensure that the rights of victims are clearly defined in legislation.

The current guidelines allow victims of trafficking to stay in Canada for up to 180 days and, when warranted, for a longer period of time. These regulations governing the issuance of short-term visas for victims of trafficking clearly say that the immigration officer can consider issuing a short-term permit for up to 180 days on the understanding that the individual will return to the officer for a more complete examination should a subsequent short-term permit be desired.

Honourable senators, I believe this current system re-victimizes victims to a certain extent. Victims currently have to return time and again to an immigration officer to ask for further or longer extensions to the 180-day short-term visa. Bill S-218, instead of forcing victims to repeatedly deal with a bureaucracy that they are poorly equipped to handle, ensures that victims move from short-term visas to victim protection permits allowing them to remain in Canada for up to three years.

Honourable senators, Bill S-218 provides victims the same benefits as the current system in regard to the processing fees and access to the Interim Federal Health Program. It is important to note that the guidelines for Interim Federal Health Program benefits in the current system state that health coverage for victims is limited to the 180-day reflection period. It is my belief that years of abuse cannot be wiped out and victims miraculously cured in 180 days.

In contrast, Bill S-218 allows victims to apply for a three-year visa, which also grants them the status of a permanent resident for the purpose of eligibility for medical or social programs or programs of social assistance. If these victims stay in Canada, they will need a helping hand to get started. They will need legal assistance, language training, continuing medical services and other forms of social assistance. Bill S-218 provides victims the status necessary to access these social programs.

I will now outline a comparison of how the current system deals with the issue of victim participation in the investigation and prosecution of traffickers and the provisions in Bill S-218. It was suggested in this chamber when I introduced this proposed legislation in the last session that the bill was coercive and unhelpful because it required victims to testify against their traffickers.

Let me be clear, honourable senators: Clause 24.2(*b*) of Bill S-218 sets out three distinct qualifications for the granting of temporary residency to victims. Victims will qualify if there is a serious possibility that they or a member of their family would suffer hardship, retribution or other harm if they were removed from Canada; or — and I emphasize the "or" — if they were willing to comply with any reasonable request for assistance in the investigation or prosecution of their traffickers; or — and I emphasize the "or" again — if it was otherwise warranted. The third option is the only change between Bill S-222 of the previous session and the current Bill S-218.

It has been suggested in this chamber that to include testifying against one's traffickers as one of the possible qualifications for remaining in Canada would be contrary to the position of the government that victims are victims.

I have read the current Citizenship and Immigration Canada document IP 1, Temporary Resident Permits. These regulations have virtually the same wording as Bill S-218. This is not contrary to the idea that victims are victims. Instead, Bill S-218 also considers that the victim's family is also often in danger if the trafficking victim is returned to his or her country, so it also includes the victim's family in its considerations.

The other difference between Bill S-218 and the current guidelines is that while both would allow victims to remain in the country if they are willing to cooperate with law enforcement, Bill S-218 specifies that law enforcement must be reasonable in the request for assistance.

Again, I wish to be perfectly clear: Bill S-218 does not make it mandatory for victims to cooperate with law enforcement; it simply makes it possible for victims who wish to participate in the prosecution of their traffickers to qualify for a visa on that basis. I included the option of staying in Canada by cooperating with law enforcement because I believe it is difficult for law enforcement to convict traffickers without the cooperation of their victims and also because I believe victims obtain a certain closure by participating in the prosecution process.

The other and perhaps most important differences between Bill S-218 and the current system are that Bill S-218 legislates short-term visas as victims' rights, not simply guidelines for immigration officers, and Bill S-218 then provides victims with a clear path to permanent residency and social benefits.

Honourable senators, Bill S-218 not only deals with the residency status of victims of trafficking, but it also legislates hotline, referral-assistance and awareness-raising responsibilities of the Minister of Health. It has been suggested to me that outlining the responsibilities of the minister in such detail is leaning towards micromanaging.

Honourable senators, many people in the current government speak about the privileges they have set up for victims. I am not interested in simply granting privileges. I am interested in legislating rights. These victims do not need privileges that can be taken away at any time. These victims need rights that are detailed in legislation and that will remain their rights. If it takes some micromanaging to ensure these rights, then I am happy to do so. If it takes some micromanaging to ensure the minister provides hotline and referral services, then I am happy to do so.

In closing, I hope that this session will finally see this proposed legislation taken seriously and that it will be dealt with in a timely manner. This important issue should be dealt with by Senate committees before our country's systems re-victimize another unfortunate victim.

On motion of Senator Andreychuk, debate adjourned.

• (1540)

NATIONAL BLOOD DONOR WEEK BILL

SECOND READING—DEBATE ADJOURNED

Hon. Ethel Cochrane moved second reading of Bill S-220, An Act respecting a National Blood Donor Week.—(*Honourable Senator Cochrane*)

She said: Honourable senators, I am pleased to move second reading of Bill S-220. This is the third time we have tried to get this bill through Parliament since 2004. Hopefully, the third time is the charm, as they say. I again bring forward this proposed legislation with the help of my colleague, the Honourable Senator Mercer from Nova Scotia, as well as that of several members of Parliament representing all political parties.

Bill S-214, the previous bill, was successfully passed here and went to the other place where it reached committee stage. In the other place, many of our colleagues from all political parties supported the bill, many had personal stories to tell, but the bill died on the Order Paper as a result of prorogation. As honourable senators are aware, if we return the bill to the other place in 60 sitting days, it will proceed to committee right away.

Honourable senators, I am pleased to have been asked to again lead this all-party effort to support the designation of a national blood donor week and to pass this bill as soon as possible. I encourage you to do so and humbly ask for your support. This is a simple bill; however, it is intended to have a very large impact on Canadians. We committed to show our support to the Canadian Blood Services and Hema Quebec in recognizing the efforts of all blood donors in Canada. We were committed when first asked, and we are still committed.

This bill provides an opportunity for Canadians to take the time to celebrate and thank everyone who contributes their time and blood products to help their fellow Canadians. In supporting a national blood donor week in Canada, we will join millions of citizens around the world in celebrating donations of blood, plasma, platelet and bone marrow. Those donations are true acts of heroism, and that is why, honourable senators, I ask you to pass this bill through second reading now.

[*Translation*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, if I understand correctly, Senator Munson wanted to speak at second reading because this is the first speech on this bill. We would then go on from there.

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

On motion of Senator Tardif, for Senator Munson, debate adjourned.

THE SENATE

MOTION TO URGE GOVERNMENT TO UPDATE PHOSPHORUS CONCENTRATION REGULATIONS ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal:

That the Senate urge the Government of Canada to update the 1989 *Phosphorus Concentration Regulations* to prevent the growth of toxic algae in Canada's lakes, rivers and streams.—(*Honourable Senator Tardif*)

Hon. Claudette Tardif (Deputy Leader of the Opposition) moved adoption of the motion.

Motion agreed to.

[*English*]

THE SENATE

MOTION URGING GOVERNOR GENERAL TO FILL VACANCIES—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Cowan:

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

MAY IT PLEASE YOUR EXCELLENCY:

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

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

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

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

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

Hon. Wilfred P. Moore: Honourable senators, with regard to the motion standing in my name, I wonder if Senator Tkachuk could indicate when he will speak.

Hon. David Tkachuk: In due time.

Senator Moore: That may be humourous to some, but the matter was tabled on October 18, and it was not new. It was introduced in the first session of this Parliament on May 29. I would expect that something will happen very soon.

Senator Tkachuk: That is true, but it was new to me.

Senator Moore: The honourable senator was in the chamber. Perhaps he was not paying attention.

Order stands.

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS AND REFER PAPERS AND EVIDENCE FROM PREVIOUS SESSION

Hon. Claudette Tardif (Deputy Leader of the Opposition), for Senator Rompkey, pursuant to notice of November 20, 2007, moved:

That, the Standing Senate Committee on Fisheries and Oceans be authorized to examine and report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans;

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

That the Committee submit its final report to the Senate no later than Friday, June 27, 2008.

Motion agreed to.

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Claudette Tardif (Deputy Leader of the Opposition), for Senator Rompkey, pursuant to notice of November 20, 2007, moved:

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

Motion agreed to.

[*Translation*]

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Claudette Tardif (Deputy Leader of the Opposition), for Senator Rompkey, pursuant to notice of November 20, 2007, moved:

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

Motion agreed to.

[*English*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Art Eggleton, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology 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 ENGAGE SERVICES

Hon. Art Eggleton, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology 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.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

Hon. Robert W. Peterson, for Senator St. Germain, pursuant to notice of November 20, 2007, moved:

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

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY
FEDERAL GOVERNMENT RESPONSIBILITIES
AND MATTERS GENERALLY RELATING TO
ABORIGINAL PEOPLES

Hon. Robert W. Peterson, for Senator St. Germain, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples and on other matters generally relating to the Aboriginal Peoples of Canada.

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

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Robert W. Peterson, for Senator St. Germain, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Aboriginal Peoples 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.

Motion agreed to.

• (1550)

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Human Rights 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. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

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

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY ISSUES
RELATED TO NATIONAL AND INTERNATIONAL
HUMAN RIGHTS OBLIGATIONS AND REFER
PAPERS AND EVIDENCE FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, *inter alia,* to review the machinery of government dealing with Canada's international and national human rights obligations;

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

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

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY
INTERNATIONAL OBLIGATIONS REGARDING
CHILDREN'S RIGHTS AND FREEDOMS AND REFER
PAPERS AND EVIDENCE FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Human Rights be authorized to monitor the implementation of recommendations contained in the Committee's report 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;

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

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

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY CASES
OF ALLEGED DISCRIMINATION IN HIRING
AND PROMOTION PRACTICES AND EMPLOYMENT
EQUITY FOR MINORITY GROUPS IN FEDERAL
PUBLIC SERVICE AND REFER PAPERS AND
EVIDENCE FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Human Rights be authorized to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met;

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

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

Motion agreed to.

COMMITTEE AUTHORIZED TO STUDY LEGAL ISSUES
AFFECTING ON-RESERVE MATRIMONIAL REAL
PROPERTY ON BREAKDOWN OF MARRIAGE
OR COMMON LAW RELATIONSHIP AND REFER
PAPERS AND EVIDENCE FROM PREVIOUS SESSIONS

Hon. A. Raynell Andreychuk, pursuant to notice of November 20, 2007, moved:

That the Standing Senate Committee on Human Rights be authorized to invite the Minister of Indian Affairs and Northern Development to appear with his officials before the Committee for the purpose of updating the members of the Committee on actions taken concerning the recommendations contained in the Committee's report entitled *A Hard Bed to lie in: Matrimonial Real Property on Reserve,* tabled in the Senate November 4, 2003;

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

That the Committee continue to monitor developments on the subject and submit a final report to the Senate no later than December 31, 2008.

Motion agreed to.

[*Translation*]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Maria Chaput, pursuant to notice of November 20, 2007, moved:

> That the Standing Senate Committee on Official Languages 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. Maria Chaput, pursuant to notice of November 20, 2007, moved:

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

Motion agreed to.

The Senate adjourned until Thursday, November 22, 2007, at 1:30 p.m.

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