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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, November 28, 2007

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

Prayers.

[Translation]

SENATORS' STATEMENTS

TRIBUTES

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

The Hon. the Speaker: Honourable senators, pursuant to rule 22(10) of the *Rules of the Senate*, the Leader of the Opposition has asked that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Maurice Riel, who passed away on July 20, 2007.

[English]

I remind honourable senators that pursuant to our rules, each senator will be allowed only three minutes, they may speak only once and the time for tributes shall not exceed 15 minutes.

[Translation]

Hon. Lucie Pépin: Honourable senators, dear Laurence, distinguished guests and friends of Senator Riel. Our honourable colleague and friend, Senator Maurice Riel, left us on July 20. He was 85 years old. At his funeral, I had the honour of saying a few words. Today I would like to share some of those words with you.

In the eulogy he delivered for Jeanne Sauvé, Senator Riel said:

To honour the memory of Jeanne Sauvé is to recall her prestigious personality, her penetrating intelligence, her sound judgment, her unfailing good taste, and her sparkling wit, as well as her determination, courage and boldness.

• (1335)

The very qualities that Senator Riel recognized in Jeanne Sauvé are qualities that, as many of us know, he himself possessed.

As fate would have it, I succeeded him in the Senate in 1997. I felt awfully small to be filling such big shoes, but Senator Riel was always there to give me good advice. He was also very generous with his encyclopedic knowledge. As a result of his balanced point of view and broad range of knowledge and experience, people often sought his valuable advice.

Senator Riel was gifted with an instinctive ability to draw on writings from any period of human history to support his arguments. He was rarely caught off guard.

Senator Riel was very particular about certain things. I am sure he is the only senator who has ever started — or will ever start — a debate in the Senate on the pronunciation of French author

Marcel Camus' name, or "Camusse", according to him, and he had the facts to back up his argument.

History also records that he was the first Speaker of the Senate to make a report at the end of his term. Nevertheless, it took him several days of speeches to do so.

In his 24 years in this institution, he helped enhance the dignity of the Senate.

When he left the Senate, he said he was going to do as Cincinnatus did and go back to rural life, and that if the fatherland should ever need him, it would know where to find him. He honoured and served that fatherland, Canada, his whole life long, and he was a passionate Canadian. He knew this country in all its complexity, and he always strove to keep it united. Senator Riel said that national unity was like Penelope's web: a work that must be started over again every day and never abandoned.

I thank his wife Laurence and his entire family for lending him to the Senate for so many years.

It is impossible to talk about Senator Riel without mentioning that, in addition to being a distinguished jurist and wise parliamentarian, he was an artist, a poet, a lover of beauty and fine things. That beauty was reflected in his choices, his writings and especially his speeches, which many compared to the finest history lectures.

Senator Riel was a humanist in the purest tradition of our classical colleges. He was a gentleman, but also a fount of homespun wisdom. You were never bored when you were with him. His legendary sense of humour was always in evidence.

During a rather long-winded debate on the GST, he sent Senator Bolduc, a Conservative senator, a text on the essays of Montaigne. As the debate dragged on, he sent him another text on *The Spirit of Laws* by Montesquieu.

Senator Riel has left us, but he will always be with us. We will remember Senator Riel for his intellectual, moral and professional integrity and his distinguished service to his country.

Farewell, dear friend. We miss you already.

Hon. W. David Angus: Honourable senators, it is with sadness that I pay tribute to my former colleague and associate, the Honourable Maurice Riel. He is remembered by many senators who are still here today, including some who will be joining me in paying tribute to him and expressing our condolences to his widow Laurence, his three children and his 10 grandchildren, many of whom are with us in the gallery today.

Maurice passed away on July 20, this year, at the age of 85. He was appointed to the Senate in October 1973. He served in the Senate for over 23 years and became the Speaker of the Senate in December 1983.

That function crowned his career and was a reflection of the respect all senators had for him. His term as Speaker was short, with him leaving that position one year later, in November 1984, following the general election. Maurice continued nonetheless to play an active and productive role in the Senate until he retired 10 years ago.

• (1340)

Honourable senators, Maurice was born in Saint-Constant, Quebec, and was a true Quebecer. He was very proud of his French-Canadian roots and his French-speaking cultural heritage.

[English]

However, Maurice was also a strong and committed federalist.

[Translation]

I knew Senator Riel as a loyal partner and a personal friend over the years since he joined me, in 1975, in the office of Stikeman Elliott, where I had been, and still am, practising law since 1963. He was a very congenial and approachable man. His door was always open, and he very often provided very wise advice to the firm's lawyers.

In addition, Senator Riel was a stalwart member of the Liberal Party of Canada, and was its chief fundraiser in Quebec for more than a decade. He was a dear, close friend and adviser of Pierre Elliott Trudeau, and he shared his vision of a strong and united Canada.

I know that Senator Riel very much enjoyed his time in the Senate. He made lasting friendships amongst senators on both sides of our chamber. He served actively for over 10 years on the Standing Senate Committee on Agriculture and Forestry and he also made a valuable contribution on several other committees, including Foreign Affairs, a subject that he loved very much.

He had great respect for the Senate as an institution and firmly believed that the upper house was a useful and necessary part of the democratic system in Canada.

Taking on the Senate's legislative and investigative duties, representing his region, Shawinigan, Quebec, and putting his experience and knowledge to work for the Canadian people, Maurice Riel was without a doubt the type of person the Fathers of Confederation had in mind when they created our Senate.

Honourable senators, Senator Riel had many strings to his bow. He was extremely refined, cultured and educated. He loved music, literature, the arts and, Senator Pélissier, he also occasionally enjoyed a bottle of "Caymus".

He had a great wit and was, in all respects, a loyal and fascinating companion and colleague. In my view, the late Senator Riel was a special Canadian who was passionately dedicated to his province and this nation.

On behalf of all Conservative senators, I extend a sincere expression of sympathy to his dear widow Laurence, his three children, Louise, François and Hélène, his 10 grandchildren, the extended Riel family and his large circle of friends.

Dear Maurice, may God bless you and rest your soul.

Hon. Pierre De Bané: Honourable senators, as we pay tribute to the late Maurice Riel, I would like to thank you for the wonderful welcome you have extended to his children, grandchildren and friends. I am sure that I speak on behalf of them when I say thank you.

What is remarkable about Maurice Riel is that he was someone who became interested in the common good as soon as he became a man. He was president of the Young Liberals. Later, he became the personal advisor to Georges-Émile Lapalme. He was a member of the Law Society of Montreal from 1961 to 1963.

• (1345)

He participated in opening the Délégation générale du Québec in Paris in 1960 with Jean Lesage. The Right Honourable John Diefenbaker appointed him to the board of the World Exposition. Mr. Trudeau appointed him to the Board of Directors of the Bank of Canada. He served as Joint Chairman of the Special Joint Committee on Immigration Policy in 1974. He led a Senate delegation to China. As Senator Angus mentioned, Senator Riel also served as Speaker of the Senate.

The remarkable thing is that, in addition to serving the common good, Senator Riel was a man whose culture was as broad as it was deep. I remember one day, I told him my father was born in Alexandria, Egypt, and the next day he sent me a wealth of documents on this mythical city that Cleopatra, Alexander the Great and others made famous. I have seen the Bay of Alexandria in person and I recognized it clearly. It was extraordinary.

I cannot tell you how many times, when I was in Paris and went into a bookstore, such as the Landarchet bookstore, and said I was Canadian, people would tell me they knew Senator Riel. I would tell them I knew him as well, that I was one of his colleagues and then they would, unbeknownst to him, provide me with extraordinary service.

It was in these bookstores that he became friends with President Mitterand. I would even say he was the fellow Canadian I ran into the most in airports.

As you know, he sat on the boards of a great many organizations and major corporations. Words cannot describe what this man has contributed. Senator Angus mentioned his friendliness, sensitivity and his willingness to help. I am sure that the presence here of all his friends, and the future Bâtonnier of the Barreau du Québec in particular, is a testament to his place in society.

I will close, honourable senators, by saying that the late Maurice Riel was one of those rare men who were not honoured to join an institution; it was the institution that was honoured and grateful.

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I rise to speak today to pay tribute to our colleague, whom I had the pleasure of knowing before and after I entered the Senate and for many years through his activities within the Liberal Party.

Within our institution, he served as Joint Chairman of the Special Joint Committee on Immigration Policy and, for many years, was a member of such Senate Standing Committees as Foreign Affairs, Agriculture and Forestry, and Internal Economy, Budgets and Administration. He was well qualified for the latter position, since he was recognized for his administrative talents everywhere he worked.

On the international scene and in private, of course, Mr. Riel was renowned as a great lawyer and, although, from my point of view, he was the competition, I must admit that we certainly had to recognize his talents. He was a lawyer of great intellectual integrity, and my colleagues and I were always pleased to negotiate with him.

To help you become better acquainted with this great Canadian, this great thinker and intellectual, I would like to quote a few passages from Senator Riel's maiden speech, in case not all honourable senators have had the opportunity to look it up yet.

• (1350)

Addressing himself to the Speaker of the Senate, the Honourable Muriel McQueen Fergusson, on March 12, 1974, he said the following on the subject of women — and I am certain you will be surprised to hear this passage from me:

The wisdom of women was once described as intuitive and that of men as logical. I believe that they are only appearances, for what seems to be intuition in women is only, to my mind, the result of a long and silent maturation which expresses itself spontaneously and effortlessly when called upon. It is simply because this reserve of wisdom was built up through the ages and is always ready to spend itself given the opportunity. I add, without hesitation that it always does so for the greatest benefit of all.

All honourable senators will understand why we, the female senators here in the Senate, myself included, agree so strongly with this portion of his speech.

The Honourable Senator Riel also believed strongly in our institution in its current form. His thoughts are as current today as when he expressed them. He said:

This gave me the opportunity to see how the Senate could be treated in some circles where they want to abolish it for reasons I still do not understand very well. There is a French saying which goes like this: Give a dog a bad name and hang him. Experience taught me that when someone wants to play a dirty trick, he begins by saying that he is doing it on principle. I understood that the principle invoked against the Senate was that it is an unelected house.

On Canadian unity, as one of the people who served on our team with regard to this crucial issue for Canada, he said this on May 14, 1980:

That is why I say to you all, my fellow citizens of Quebec, that the future of Quebec lies nowhere else but in North America and it is a part of Canada's future: Canadian solidarity is to Quebec the guarantee of its economic and political stability.

[Senator Hervieux-Payette]

As you can see, Senator Riel did not hesitate to make his opinions known and to express them openly. He was a man of great conviction.

I will remember him as the deadpan type, a man with an excellent sense of humour who always had the appearance of being very serious; yet, he had a twinkle in his eyes that you could discern if you paid the least bit of attention.

I would like to close with the wise words of Senator Riel on the occasion of the Right Honourable Jeanne Sauvé's funeral. He said:

"Neither the sun nor death can be looked at with a steady eye", said an ancient philosopher. Yet, death is always all around us and comes calling regularly. Each one of us must ask: will it soon be my turn? For death comes not just for others.

[English]

Never send to know for whom the bell tolls; it tolls for thee.

[Translation]

As we were told by an English poet three centuries ago.

Today we are all proud, as are his family and friends, of his accomplishments, proud to have known him and proud of his dedication to Canada. To his family and friends, thank you for lending him to the Senate. To our former colleague, we undertake to continue his work of building Canada.

Farewell, Maurice Riel.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, it is with pleasure on this occasion that I draw your attention to the presence in our gallery of several members of Senator Maurice Riel's family including his son, daughters and several grandchildren. As a sign of the esteem in which we held the senator, we also welcome several of his friends and colleagues. I would like to point out in particular the presence of our former colleague, Senator Raymond Setlakwe.

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

• (1355)

THE LATE RIGHT HONOURABLE ANTONIO LAMER, P.C., C.C.

Hon. Pierre Claude Nolin: Honourable senators, like Senator Dawson, I would like to pay tribute to another great French-Canadian, a Quebecer, who died last week on November 24: the Right Honourable Antonio Lamer. I will not reiterate all of this great accomplishments as a jurist, but I would like to offer a reminder to those of you who were or are members of the Legal Affairs Committee and who have reviewed or will review the Judges Act and the provisions for judges' salaries.

For the benefit of those who are unfamiliar with this file, I would like to remind everyone how the Right Honourable Antonio Lamer made his mark on this file and on many others. He fought for judicial independence. He had to take a hard line with various governments responsible for determining judges' salaries from time to time, which declined to do anything about the small details that can make their lives so difficult as to have an impact on their independence.

A case from the smallest but not the least of our provinces, Prince Edward Island, turned out to be a proving ground for judicial independence. The case reached Canada's highest court, and Justice Lamer wrote the majority notes. He made an important contribution to strengthening judicial independence by more or less ordering governments to explain why they had refused to acknowledge the facts and adjust compensation according to the recommendations of the commissions responsible for evaluating judges' salaries. After he retired from the bench, I spoke with him about his tough approach.

Honourable senators, I think that Justice Lamer's death, unfortunately, reminds us of this important element of Canadian law, which the international community respects so highly. Those of us who travel know that many countries have been studying our legal system. They admire how Canadians share powers and respect the delicate balance between those subject to trial and those who are responsible for governing them.

My dear Antonio, may you be with God!

[English]

FIGHT AGAINST MALARIA

Hon. Mobina S. B. Jaffer: Honourable senators, 3,000 African children die each day from malaria, the greatest killer of children under the age of five in sub-Saharan Africa. This rate equates to losing the life of an African child every 30 seconds from this preventable disease.

Recently, I had the privilege of meeting a registered nurse, Debra Lefebvre, a Canadian who is making a difference in the lives of African mothers through the Buy-A-Net Malaria Prevention Group. Debra founded this organization in 2004 to "supply anti-malaria nets and train one village at a time until this job is done."

Right now, members of Buy-A-Net are on the ground in Uganda trying to supply 7.5 million bed nets. The Buy-A-Net team is lean, local, efficient and effective. To date, they have installed and committed over 20,000 anti-malaria nets. They cannot do this alone.

Obviously, time is of essence when the world loses a child to this disease every 30 seconds. It costs about \$6 for a long-lasting treated net. Surely, more can be done to help them reach their goal.

Honourable senators, last week when I was in Uganda, I went to Mulago Hospital oncology unit to participate in a malaria net distribution with Buy-A-Net. There, I observed a three-year-old child with a huge cancerous tumour on her neck. She had been treated successfully. Unfortunately, that day she died of malaria.

I also had the opportunity to visit two villages. In one house, there were eight people. Four children were sleeping under a net. The other two children were suffering from malaria, as that household could get only one net through this program.

What is heartbreaking about this situation is that malaria is completely a preventable disease.

Honourable senators, as we come up to the festive season, I urge all of us to make individual and collective Senate legacies to stamp out malaria in Africa. One of the solutions is this program. To quote Debra Lefebvre, "Every night a net is hung, lives are saved."

• (1400)

MCGILL UNIVERSITY WORLD RANKING

Hon. Michael A. Meighen: I rise today to draw the attention of honourable senators to the results of "The *Times* Higher Educational Supplement" — published by the *Times* of London. The supplement was released a little over two weeks ago; some of you may have read it.

All graduates, and in particular Senator Angus, Senator Goldstein, Senator Poy and perhaps others, will rejoice in the knowledge that McGill University was ranked twelfth among the world's top 200 universities.

Indeed, McGill is the only Canadian university to place in the top 25 in the world since the *Times* launched its survey in 2004.

McGill stands today as the number one public university in North America, ranking ahead of such well-known research-intensive powerhouses as Duke, Johns Hopkins, Stanford and Cornell. Additionally, McGill is in eighth position among all North American universities, following Harvard, Yale, Princeton, Caltech, Chicago, MIT and Columbia.

While Harvard University came in number one in the world, followed by Oxford, Cambridge and Yale in second place, I am pleased to report that, in addition to McGill in twelfth place, 10 other Canadian universities made the top-200 grade: University of British Columbia, thirty-third; University of Toronto, forty-fifth; Queen's University, eighty-eighth; University of Alberta, ninety-seventh; McMaster University and Université de Montréal, one-hundred-and-eighth; University of Waterloo, one-hundred-and-twelfth; University of Western Ontario, one-hundred-and-twenty-sixth; Simon Fraser University, one-hundred-and-thirty-ninth and the University of Calgary, one-hundred-and-sixty-sixth.

Maclean's magazine also recently published its rankings, and, once again, McGill was chosen this year as the top medical doctoral university in Canada.

Honourable senators, this ranking is a remarkable achievement, and all the more so when one considers that McGill, along with its three sister Quebec universities in the medical doctoral category, are operating on shoe-string budgets, all ranking in the bottom five with respect to their operating budget per student.

This recognition of McGill's academic strengths, diversity and international impact is an outstanding achievement and a tribute to its students and faculty, led by Principal and Vice-Chancellor Heather Munroe-Blum.

Last month, the university launched its most ambitious fundraising campaign ever, with a goal of \$750 million. Honourable senators, this is the largest stated initial goal of any Canadian university. The funds raised will be used to meet the university's highest priorities, including enhancement of the graduate and undergraduate experience, as well as the attraction and retention of top faculty members.

The Government of Canada is also doing its part to augment post-secondary funding, including funding an additional \$800 million per year beginning in 2008. Recognition of the importance of universities and the difficulties they face is the first step to finding solutions. In this regard, I recall Senator Moore's inquiry on deferred maintenance.

While much remains to be done by both governments and the private sector to bolster post-secondary education in our country, all Canadians can take justifiable pride in the world-class excellence of our institutions of higher learning.

[Translation]

THE HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS ON RECEIVING ORDER OF FRIENDSHIP OF RUSSIA

Hon. Lucie Pépin: Honourable senators, I wish to inform you that on November 6, 2007, His Excellency President Vladimir Putin made an order bestowing upon the dean of Canada's Parliament, the Honourable Senator Marcel Prud'homme, the Order of Friendship, the highest honour given to a non-citizen.

As a member of the Canada-Russia Inter-Parliamentary Group and a friend of Senator Prud'homme, I have the pleasure of inviting honourable senators to the award ceremony, which will take place this Thursday, November 29, at 11 a.m., in the foyer of the Senate.

[English]

His Excellency, Viktor Zubkov, the Prime Minister of Russia, will bestow upon Senator Prud'homme the Order of Friendship of Russia. Senator Prud'homme, who is the founding chairman of the Canada-Russia Inter-Parliamentary Group, is the second Canadian to be decorated with this honour.

We hope that honourable senators will be present tomorrow.

• (1405)

UKRAINE GREAT FAMINE

SEVENTY-FIFTH ANNIVERSARY

Hon. A. Raynell Andreychuk: Honourable senators, on June 19, 2003, the Senate of Canada unanimously adopted a resolution on the Ukrainian famine genocide of 1932-33. On November 1, 2007,

[Senator Meighen]

the general conference of UNESCO adopted the resolution entitled "Remembrance of Victims of the Great Famine Holodomor in Ukraine."

This resolution in its preamble states that the General Conference:

Remembering the Great Famine (Holodomor), that took innocent lives of millions of Ukrainians in 1932-1933,

Equally commemorating the memory of millions of Russians, Kazakhs and representatives of other nationalities who died of starvation in 1932-1933 in the Volga River region, Northern Caucasus, Kazakhstan and in other parts of the former Soviet Union,

Calling the Joint Statement on the 70th anniversary of the Great Famine (Holodomor) of 1932-1933 in Ukraine that was circulated as an official document of the United Nations General Assembly and in which the Great Famine (Holodomor) was officially recognized as the national tragedy of the Ukrainian people,

Convinced that the tragedy of the Great Famine (Holodomor) caused by the cruel actions and policies of the totalitarian Stalinist regime should be a warning to the present and future generations to cherish the values of democracy, human rights and the rule of law,

1. Expresses sympathy to the victims of the Great Famine (Holodomor)

It goes on further to welcome:

. . . the initiative of Ukraine to organize the commemorations on the occasion of the 75th anniversary of the Great Famine (Holodomor) of 1932-1933 in Ukraine and invites Member States to consider taking part in those and similar commemorative events;

It calls on:

Member States to consider promoting awareness of the Great Famine (Holodomor) remembrance by means of incorporating this knowledge into the educational and research programmes to inculcate forthcoming generations with the lessons of this tragic page.

November marks a year-long period of commemoration wherein further education and support to commemorate this tragedy will be undertaken in Canada.

This evening, at 5:30 p.m., in room 237C, a commemoration service will be held sponsored by the Embassy of Ukraine, the Ukrainian Canadian Congress and the Canada Ukraine Parliamentary Group. I urge all senators to pay their respects for the millions who lost their lives needlessly.

THE HONOURABLE NOËL A. KINSELLA

BIRTHDAY WISHES

Hon. Marilyn Trenholme Counsell: Honourable senators, I hope what I am about to say will earn me an extra minute. I have just been told this is a very special day for the Speaker. Am I correct, Your Honour?

The Hon. the Speaker: Yes.

Senator Trenholme Counsell: I am sure that all honourable senators would wish to join me in wishing Your Honour a wonderful birthday, much joy and good health.

I also wish to inform honourable senators that His Honour was awarded the Human Rights Award in New Brunswick this year. It is a very distinguished honour, and it adds to the long list of honours that have been bestowed upon him.

Your Honour, in the days ahead, be very happy and proud and healthy.

Hon. Senators: Hear, hear!

MOUNT ALLISON UNIVERSITY NATIONAL RANKING

Hon. Marilyn Trenholme Counsell: Honourable senators, I am very glad to follow Senator Meighen today, because it is with great pride and deep personal gratitude that I salute Mount Allison University, which once again has been named the top undergraduate school in the country in *Maclean's* seventeenth annual university rankings, tying with Acadia University.

Mount Allison was ranked number one by *Maclean's* for the first 11 years of the survey, second for the next five, and has returned to the number one spot this year. This record of achievement is unmatched by any other Canadian university.

In the words of Dr. Robert Campbell, Mount Allison University's President:

The *Maclean's* university rankings tell the world about Mount Allison's strengths, from our award-winning faculty teaching and small class sizes to our innovative residence system, which includes a sustainable residence, and a myriad of extracurricular activities The Mount Allison experience gives our students more than a degree and prepares them to become engaged citizens of the world.

In his installation address, President Campbell described Mount Allison beautifully and comprehensively:

We are passionately and energetically engaged in teaching, creativity and research. We want to do undergraduate teaching and we want to do it well . . . to focus on the individual student, each and every one of whom matters to us; and to focus on broad-based, comprehensive liberal arts and science education and the creative arts.

We are a humane and intimate place — a residential university in a small town — Sackville — and we love and value being here.

We aim to make our students the best or fullest that they can be.

We bring the world to Sackville and we present Sackville to the world.

We are a community of communities.

• (1410)

Honourable senators, I would be remiss if I did not mention the very special contribution to Mount Allison from Senator Michael Meighen and Ms. Kelly Meighen through the Meighen Centre, which enables students with learning disabilities to reach their full potential.

Since its founding in 1839, the words of Charles Fredrick Allison have been the guiding spirit of this small yet great university. Dedication to the development of the whole student is the fundamentally important reason why Mount Allison is the leading primarily undergraduate university in Canada.

Congratulations, Mount Allison.

[Translation]

THE HONOURABLE VIOLA LÉGER, O.C.

CONGRATULATIONS ON RECEIVING ORDER OF NEW BRUNSWICK

Hon. Maria Chaput: Honourable senators, I pay tribute today to one of our former colleagues in the Senate, the Honourable Viola Léger. Viola has just received the 2007 Order of New Brunswick, the highest honour awarded by the province, in recognition of the outstanding contributions and unqualified support by leaders in their respective fields.

There is pride attached to being recognized; we are responsible for making people like us and we have to show them respect and accept the honour on their behalf.

In addition, on the last day of Acadia's FrancoFête, the Impératif français movement also honoured Viola Léger. The award offers thanks and pays tribute to individuals or groups which have distinguished themselves by their outstanding contributions to the vitality of the French language and French-speaking culture.

Viola Léger, famous for her role as La Sagouine, has become the first winner of the Prix Impératif français, instituted last spring. The organization wanted to acknowledge the talent and contribution of Ms. Léger to the French language performing arts, in Acadia as well as in other regions of la Francophonie.

Jean-Paul Perreault, the president of Impératif français, said the following:

Ms. Léger is not done surprising us with her vitality, her energy and especially her great talent as an artist. She will go on touching and moving an audience from all backgrounds, be it in Acadia, Quebec or elsewhere in the Francophonie.

My most sincere congratulations to you, Viola Léger, former colleague, friend and grande dame of the stage. Your presence and charm are greatly missed.

[English]

ROUTINE PROCEEDINGS

ANTI-TERRORISM

REPORT OF SPECIAL COMMITTEE PURSUANT TO RULE 104 TABLED

Hon. David P. Smith: Honourable senators, pursuant to rule 104, I have the honour to table the first report of the Special Senate Committee on Anti-terrorism, which deals with 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. 193.)

[Translation]

THE ESTIMATES, 2007-08

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (A) PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, November 28, 2007

The Standing Senate Committee on National Finance has the honour to present its

SECOND REPORT

Your Committee, to which was referred the Supplementary Estimates "A" 2007-2008, has, in obedience to the Order of Reference of Tuesday, November 13, 2007, examined the said estimates and herewith presents its report.

Respectfully submitted,

JOSEPH A. DAY
Chairman

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

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

[Senator Chaput]

• (1415)

[English]

PERSONAL WATERCRAFT BILL

FIRST READING

Hon. Mira Spivak, presented Bill S-221, An Act concerning personal watercraft in navigable waters.

Bill read first time.

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

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

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY GOVERNMENT SCIENCE AND TECHNOLOGY STRATEGY

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine issues relating to the federal government's new Science and Technology (S&T) Strategy — *Mobilizing Science and Technology to Canada's Advantage*.

QUESTION PERIOD

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—PUBLIC INQUIRY— EXTRADITION OF KARLHEINZ SCHREIBER

Hon. Grant Mitchell: Honourable senators, unlike the government's top lawyer, Rob Nicholson, Mr. Schreiber has a lawyer who actually knows what he is talking about, particularly when he is quoted in *The Globe and Mail* as saying, "the government is speaking out of both sides of its mouth and really, the appearance is that there was never any intention to have a public inquiry."

Mr. Nicholson, on the other hand, says that he cannot stop the extradition of Mr. Schreiber, although it is clear in the Extradition Act that he does have the powers to do so and despite the fact that particular interpretation has been verified by the clerk of the Standing Committee on Justice and Human Rights in the other place.

My question to the Leader of the Government in the Senate is this: Are the Prime Minister and Mr. Nicholson purposefully misleading the Canadian people, or is Mr. Nicholson simply a bad lawyer?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Minister Nicholson was acting on advice that was provided to him by the Department of Justice. The minister made it clear that he would not, and does not, interfere with the business of the committees in the House of Commons, and of course he did not.

As the honourable senator knows, a motion was put forward yesterday in the House of Commons for a Speaker's warrant, which all parties supported. I was informed by the news broadcasts that I was watching over the lunch hour that Mr. Schreiber is on his way to Ottawa.

Senator Mitchell: The minister said he does not have the power to stop the extradition treaty. Will the Leader of the Government in the Senate answer this question: When the Extradition Act says that "The Minister may amend a Senate order at any time before its execution," what possible interpretation could there be other than the Minister of Justice can stop that extradition and prevent the sabotage of that public inquiry?

Senator LeBreton: All I can say, is that the honourable senator said, "a Senate order." I do not know what that is.

An Hon. Senator: He misspoke.

Senator LeBreton: The fact is that the Minister of Justice was taking advice from the lawyers in the Department of Justice. I am not a lawyer myself, so I have no way of interpreting what different people say. However, the Minister of Justice was acting on advice provided to him by lawyers in the Department of Justice.

• (1420)

Senator Mitchell: As is often said, it is not the scandal that gets them; it is the cover-up that gets them.

I wonder what Canadians could possibly conclude other than the fact that there is a cover-up, that there has been a cover-up, when the Prime Minister of this country sits on important incriminating information — documents — for seven months, and then he mortally sabotages the very inquiry that might reveal why he did that?

Senator LeBreton: Senator Mitchell is absolutely wrong. Nothing in this Mulroney-Schreiber matter has one single thing to do with this government. There is no cover-up; the honourable senator knows there is no cover-up. The committee in the other place decided they wanted to hear from Mr. Schreiber. They have taken the appropriate steps to make that happen — and again, I repeat, we all take our responsibilities very seriously. I, for one, as a member of the cabinet, know my responsibilities and the oath I swore.

By the way, most people believe this matter has absolutely nothing to do with the government. The only thing that changed for the government was when, on November 8, Mr. Schreiber swore a new affidavit that involved the Office of the Prime Minister.

PUBLIC SAFETY

BORDER SERVICES AGENCY—CROSSING DELAYS—RESPONSE FROM UNITED STATES HOMELAND SECURITY SECRETARY

Hon. Francis William Mahovlich: Honourable senators, my question is to the Leader of the Government in the Senate. Last week, The Canadian Press reported that the Minister of Public Safety, Stockwell Day, had sent a letter to his U.S. counterpart, Homeland Security Secretary Michael Chertoff, communicating his concern about border security policies following two incidents in which Canadian emergency workers, en route to the U.S. to assist in life-threatening situations, were delayed by American customs officials. Both incidents were mentioned in this chamber last week. The Department of Homeland Security has acknowledged that it has received Minister Day's letter and has said that it will respond shortly.

Is the government in receipt of a response from Secretary Chertoff, and, if so, what is that response? How does the government intend to work with the U.S. to prevent such potentially deadly situations from happening again?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The Honourable Senator Mahovlich is quite right in saying that senators on both sides of the chamber expressed their dismay over both incidents, the fact that an ambulance was stopped by United States customs officials and the situation where Canadian firefighters were rushing to assist in putting out a fire on the U.S. side of the border.

As stated by Senator Mahovlich, Minister Day has written to the Homeland Security Secretary. I am not aware of what the response — which I hope is forthcoming quickly — might be, but I am as curious as Senator Mahovlich to find out.

I shall take Senator Mahovlich's question as notice and try to find out as quickly as possible the excuse for this obvious mistake that was made at the border.

BORDER SERVICES AGENCY—CROSSING DELAYS—IMPROVED DRIVERS LICENCE

Hon. Francis William Mahovlich: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate.

First, let me begin by applauding the provinces of Ontario and Manitoba for beginning to work towards a high-tech driver's licence, to make it easier for travellers to visit the U.S., licences that will contain citizenship information and be used in place of passports. Given that day trips to the U.S. are at a six-year high, high-tech driver's licences will be beneficial in the future.

Until then, however, we will continue to see long waits, sometimes as much as three and a half hours, as was the case in Alberta over the Remembrance Day weekend.

• (1425)

Is the federal government doing anything to encourage all provinces to create high-tech licences to ease the stress on travellers to the U.S.?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. Minister Day has been in contact with his provincial counterparts. The honourable senator is right, those provinces that have indicated they are providing licences that will make access back and forth across the border easier are to be commended.

As honourable senators will know, Minister Day announced in January of this year an investment of \$430 million over five years for the Security and Prosperity Partnership of North America to work on various programs to ensure quick access, especially for businesses operating back and forth across the border. The NEXUS program is now one program.

As mentioned last week, the problem was compounded by the spike in the Canadian dollar, which caused a significant amount of congestion at the borders. That appears to be lessening because many Canadian retailers are actively advertising the advantages of shopping at home. The congestion at the U.S. border has eased somewhat since the Canadian dollar has levelled off to near parity with the U.S. dollar.

I mentioned last week that Minister Prentice has been to Washington, and Ministers Prentice, Emerson, Day and Bernier and our ambassador to Washington are all working on this issue. I mention that to assure honourable senators that the government is aware of the seriousness of the border issues.

THE ENVIRONMENT

NATIONAL PARKS—BOUNDARIES OF NAHANNI NATIONAL PARK

Hon. Nick G. Sibbeston: Honourable senators, my question to the Leader of the Government in the Senate relates to the Nahanni National Park in the Northwest Territories.

Last August, Prime Minister Harper went to Fort Simpson in the Northwest Territories to announce land withdrawals for the expansion of the Nahanni Park. For the past two years, there has been a consultative process held on possible boundaries for the park. There is a debate in our region as to the extent to which the area of the park would be increased, and the park proposes that it be expanded up to seven times. This consultation was completed last week without the release of the Mineral and Energy Resource Assessment, or MERA. The MERA, which is required by the Canada National Parks Act, provides for a geological survey and mineral analysis of the lands that could be included in a future park.

In other words, this consultation process proceeded without an important document, namely, the study that would outline and delineate the extent to which there are mineral resources in that area.

In my view, the consultation process is flawed. People deserve to have all the facts before them when they are considering the expansion of a park and to know the benefits of a park and what the alternatives would be for the use of the lands.

In my view, a new consultation process is required, possibly by someone other than Parks Canada, which has a vested interest in the outcome.

Will the Leader of the Government in the Senate discuss the matter with the Prime Minister or her colleague Mr. Baird and provide assurances that the government will undertake further consultations among all stakeholders before a final decision is taken on the boundary, and that such consultation will include all relevant information, including the MERA?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I will definitely seek information on MERA from the Minister of the Environment. The honourable senator will know that the Minister of the Environment announced last week that the government has secured the protection of 10 million hectares for a new national park in the Northwest Territories. This is an area twice the size of the province of Nova Scotia. With regard to the honourable senator's specific question on the consultations, I will be happy to take his question as notice and obtain the information for him.

• (1430)

STATUS OF *THE TORONTO STAR*

COMMENTS BY SIMON REISMAN

Hon. Joan Fraser: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, during Question Period, she quoted Simon Reisman's remarks some years ago to the effect of "*The Toronto Star*? That rag? You call that a newspaper?"

The leader explained a little later that this was an effort to inject some humour into our proceedings, and I am sure none of us object to that; still, these things do stay on the record.

I understand that Simon Reisman may not have liked *The Toronto Star's* editorial pages. They opposed the bilateral free trade deal. I understand that the Leader of the Government may not like *The Toronto Star's* editorial pages. They probably make her feel approximately the way the *National Post's* editorial pages make me feel. She has my sympathy.

However, it is important to distinguish between editorial pages and the newspaper as a whole. *The Toronto Star* — which, incidentally, is a newspaper with which I have not ever been associated — is not only Canada's largest newspaper; it is, by any measure, one of Canada's and, arguably, one of the world's best. In the past 10 years alone, the *Star* has won 23 national newspaper awards, and three Michener awards. These are the highest honours that Canadian journalism has to offer. They are awarded by independent juries in a rigorous and competitive process. If one went back to previous decades, one would find similar illustrious results.

In light of that, I ask the leader if she would perhaps be willing to agree with me that for once in his life Simon Reisman may have been wrong?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I am sure *The Toronto Star* will very much appreciate the honourable senator's commercial on their behalf. This issue has absolutely nothing to do with government policy. Everyone has views of the various newspapers in the country, and the honourable senator is

entitled to her opinion. Obviously, the *Montreal Gazette* would be high on her list; that is to be understood. The fact is that what Simon Reisman said about *The Toronto Star* or what the honourable senator believes are the many qualities of *The Toronto Star* contribute to an interesting side debate, but it has absolutely nothing to do with the activities of the government.

JUSTICE

YOUTH CRIMINAL JUSTICE ACT

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate.

Last Thursday, in my first question to the Leader of the Government, I initially used the word “denigration.” The leader said the word was “denunciation,” and so I used that word in my next two supplemental questions. I was quite willing to accept that the word was “denunciation,” but she could not tell me what “denunciation” meant.

Yesterday, during Senators’ Statements, she stated that denunciation was a sentencing principle. Again I ask the minister: In what way will this sentencing principle be imposed?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, first, as I said in my statement yesterday, “deterrence” and “denunciation” are two words that we are attaching to what we hope will be the new Youth Criminal Justice Act. Obviously, a society that wishes to respond to a heinous crime would want these provisions available to the courts. The Youth Criminal Justice Act expresses the feelings of society when serious crimes are committed against our fellow citizens. As I said in my answer last week, judges will take this matter into consideration when handing down sentences. I will not presume to say that a judge will decide, in handing down a sentence, whether the denunciation part of the sentencing provisions applies to the crime the judge is adjudicating.

• (1435)

Senator Carstairs: Honourable senators, with the greatest respect, I think we all understand that if a young person is convicted of an offence in the youth criminal justice system and is sentenced to three years of incarceration, that principle is generally considered to be the principle of deterrence.

However, in what way will this young person be denounced? Will the individual be ridiculed, verbally assaulted or told daily that he or she is a miscreant in society? What does it mean?

Senator LeBreton: Denunciation is a sentencing provision that allows society to condemn the crime. Denunciation, as a sentencing principle, refers to society’s condemnation of the crime. I do not know how else to explain this principle.

AMENDMENTS TO CRIMINAL CODE— MANDATORY SENTENCING

Hon. Sharon Carstairs: Honourable senators, can the minister explain why this government seems to have confidence in judges in this country to enunciate the denunciation principle but has no confidence in them with respect to the Criminal Code, as the

government is demonstrating now by insisting on mandatory sentences for almost every crime, therefore leaving judges no discretion whatsoever?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, first, that claim is not true. Second, no Canadian citizen would challenge a decision, whether they agreed with it or not, of a judge unless they appealed it in court.

The Criminal Justice Act simply strengthens the youth criminal justice system. With regard to mandatory minimum sentences, Parliament legislates on criminal law under the Criminal Code and the judges interpret and enforce those laws, so that amendment is not a statement of lack of confidence in our judges. The government is simply saying that the Criminal Code should be amended for serious crimes so that there is some direction from society on how society expects these criminals to be dealt with.

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS— PUBLIC INQUIRY—EXTRADITION OF KARLHEINZ SCHREIBER—MINISTERIAL RESPONSIBILITY

Hon. Tommy Banks: Honourable senators, I had a prepared question, but I will defer it because I am inexorably drawn to the subject raised by Senator Mitchell.

The Westminster system of parliamentary governance, in my limited understanding, is based upon a couple of important things, and one of them is direct ministerial responsibility. The assumption is that junior people are managed by middle managers, senior people look after and are responsible for the middle people, and ministers are ultimately responsible for senior people.

In the situation as described, we have either a minister who is so enthralled by his senior advisers that he is unable to make a decision on his own, or a minister who has incompetent senior advisers who have, in this case, advised him incorrectly. One of those two things is true.

• (1440)

In any event, my question to the minister is, have we now completely abdicated from the principle of ministerial responsibility?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the government has absolutely not abdicated the principle of ministerial responsibility. Senator Banks would be the first to howl from the bottom of his lungs if the Minister of Justice did not respect his ministerial responsibilities. The minister is taking advice from senior lawyers in the Department of Justice. I am sure they will be thrilled to hear Senator Banks’ comments.

Having said that, Parliament is supreme and the Minister of Justice is clear that it would be irresponsible for a minister to intervene in the committee proceedings of Parliament. In terms of the committee hearings in the other place, the Minister of Justice

was following the advice of senior lawyers in the Department of Justice. I do not understand how Senator Banks could then interpret the fact that the minister is following the advice of the Department of Justice lawyers as not being ministerially accountable. The two do not seem to fit together.

Senator Banks: They fit together precisely. One cannot have a situation in which a mistake is made and nobody is responsible. That cannot exist. Someone made a mistake.

An Hon. Senator: There is no mistake.

Senator Banks: A grade 6 person reading the act can read very clearly what the act says. Someone has made an error in the interpretation of this act. It is the minister, his senior advisers or both. It is not possible to arrive at any other conclusion.

I ask my question again: Is the minister no longer responsible for the actions of his department or, in this case, inactions of his department?

Senator LeBreton: Senator Segal asked the question, "Where did you go to law school, Senator Banks?"

The fact is, the Minister of Justice has taken the advice of his departmental lawyers and obviously has faith in their advice. The honourable senator says that someone made a mistake. Senator Banks made the automatic assumption that the Department of Justice lawyers made a mistake, which is interesting. I am simply saying that the Minister of Justice has followed the advice of the Department of Justice lawyers. I do not think there is anything else that can be said about it.

Yesterday, the committee chair tabled a motion in the House of Commons which was unanimously approved by all political parties and the warrant was issued. According to the noon news, the person in question is on his way to Ottawa. Not much more can be said about the issue.

Senator Banks: I presume the minister's advisers would probably have given him a written opinion in this respect. Would it be possible to ask that the leader table it here?

Senator LeBreton: Senator Segal is absolutely right. Such a document would be advice to cabinet, and Senator Banks knows as well as I that it is neither possible to obtain such a document, nor to table it here.

Hon. Anne C. Cools: Honourable senators, I understood the honourable leader to say that the advice to which Senator Banks was referring was advice to the cabinet. I would like to have that clarified. Were the departmental lawyers giving advice to the cabinet and the Prime Minister, or to the Minister of Justice?

• (1445)

Senator LeBreton: Honourable senators, I believe I have made it very clear that the advice was given to the Minister of Justice. The Minister of Justice is a member of cabinet, so it would fall under the general category of advice to cabinet.

To be precise, the advice was given to the Minister of Justice; it is not publicly available and, therefore, will not be tabled in the Senate.

[Translation]

ORDERS OF THE DAY

FINANCIAL ADMINISTRATION ACT BANK OF CANADA ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-201, An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports).—(*Honourable Senator Comeau*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I would like to make a few comments here today before this bill is referred to the National Finance Committee.

I truly hope and I am confident that the honourable senators of the National Finance Committee will examine this bill very carefully. I know committee members will dedicate all the time they need to the study of this bill and that they will address all concerns raised by honourable senators.

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

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 Comeau, bill referred to the Standing Senate Committee on National Finance.

[English]

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Carney, P.C., seconded by the Honourable Senator Nolin, for the second reading of Bill S-215, An Act to protect heritage lighthouses.—(*Honourable Senator Comeau*)

Hon. Lowell Murray: I shall take a minute to ask the Deputy Leader of the Government whether he has anything new to report on this lighthouse bill. In particular, will he confirm that he has received from Senator Carney copies of letters addressed to her dated May 9, 2007, from the Minister of the Environment, Mr. Baird, and dated September 19, 2007, from the Minister of Fisheries and Oceans, Mr. Hearn?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I do have a couple of letters to refer to. However, first, I wish to refer to a comment made by Senator Carney back on November 21, 2007.

Honourable senators might recall that I had made comments at the time with regard to there being a change of ministers with respect to this bill and its predecessor. I had said that a new minister was put in place, to which Senator Carney replied that I was dead wrong. Let me quote the record. She said, on November 21, 2007 — and I quote:

... the minister involved in Bill S-215 and its predecessor is definitely Minister Baird.

One of the reasons I take more time than usual in preparing my comments on bills is that I check the facts. The Minister of the Environment in December 2006 happened to be Rona Ambrose, who ceased to be the minister on January 3, 2007. That is only one example of how I check facts when I make comments in this chamber.

• (1450)

Regarding the letters in question, I indicated that I wished to see any letters of support from ministers. I have the letter from Senator Baird, who is the lead minister on Bill S-215, and nowhere in the letter does it say that he supports the bill, the principles of the bill or the objectives of the bill. He relates that, "I appreciate the leadership you have provided with this bill as well as the public support it enjoys." However, the letter does not indicate whether he has looked at the bill in any way, or whether he supports the bill.

Minister Baird would have responsibility for the process by which lighthouses would be designated. Therefore, he would handle the operational aspects of the designation, and the Department of Fisheries and Oceans would fund the heritage lighthouses. I have a copy of a letter from which I will read a couple of lines.

Senator Murray: I am glad to hear the honourable senator. We are all glad to hear the honourable senator. I assume these comments are the beginning of his intervention in the debate. These comments are debating points.

Senator Comeau: If Senator Murray believes this to be a part of my speech, it is not. I am responding to a direct question.

Senator Murray: Now that we have both referred to the letters, I think it is incumbent on one of us to table them.

Senator Comeau: I would be more than happy to. However, I want to keep these copies as they are my sole copies. Honourable senators, I ask you to read the full text of the letter carefully.

The Hon. the Speaker pro tempore: Is leave granted for the tabling of documents?

Hon. Senators: Agreed.

Order stands.

STATUTES REPEAL BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Moore, for the second reading of Bill S-207, An Act to repeal legislation that has not come into force within ten years of receiving royal assent.—(*Honourable Senator Segal*)

Hon. Hugh Segal: Honourable senators, I rise today to voice once again my enthusiastic support for Bill S-207, the new incarnation of Bill S-202 in the last session, an Act to repeal legislation that has not come into force within ten years of receiving Royal Assent.

As a relatively new member of this chamber, I have learned many things from many people on all sides. From Senator Banks, I have learned the value of perseverance, amongst other things. This particular measure is so rational and is such a clear claim on the part of this chamber and on behalf of Parliament overall, of accountability in respect to the bureaucracy and the decisions they make far from the public view, it is incumbent upon us to dispatch it as quickly as possible to committee so it might be passed.

The other place and this place are responsible for introducing, debating, amending, voting and finally passing legislation that is expected to receive Royal Assent and become the law. Only at this point is the will of Parliament fully expressed. It is also the demonstration of the majority will via elected representatives. When the delegation of authority determines the date the legislation comes into force and is given to the Governor-in-Council, it is not unreasonable that there be some time limit on how long that authority can last. Currently, such limitation does not exist. Bill S-207 remarkably and constructively provides for such a limitation.

The will of the people is forfeited when legislation is left in limbo for years, or when bills that have been duly introduced, debated and passed by both chambers are left to languish on a shelf for, in some cases, more than a decade. At some level, public servants are acting in contempt of the will of this chamber and the other place.

Currently, there is no mechanism by which the executive is held accountable. Subsequently, it has absolute discretion. Bill S-207 does not diminish the discretion of the executive, but merely puts a reasonable time limit on it. It allows the government to govern and provides the necessary and currently lacking mechanism whereby acts or portions of acts can be revisited in a timely manner.

Honourable senators, bills that are subject to our rigorous process, pass both Houses, receive Royal Assent and are not brought into force after ten long years bring Parliament and democracy into disrepute. When Parliament has expressed its opinion and intent, there should be some assurance the government will act on that intent. While it may be the right of the executive to choose the appropriate moment to bring a law into force, the 10-year window suggested in Bill S-207 should be more than adequate. For whatever reason, should more time be required, the mechanism is in place for the government to return to Parliament and renew the authority.

I agree wholeheartedly with Senator Banks that this bill would serve as a red flag to Parliament that unfinished business is collecting dust on the shelf. At that point, the government can make the case for more time or remove the law from its books. The requirements of Bill S-207 are not unreasonable. The decision to repeal the laws and amendments that do not come into force, for whatever reason, within a 10-year window, and have become out-dated is not unreasonable. The Canadian public expects its representatives to be practical, open and accountable. It is practical to allow legislative provisions that have been passed and given Royal Assent to come into force within a decade.

I ask that honourable senators on all sides review Bill S-207, recognize its soundness and move it to committee. I commend this bill to both majority and minority leaders for rapid transmission to the appropriate committee for quick disposition.

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

Senator Comeau: 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*: When shall this bill be read the third time?

On motion of Senator Banks, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

• (1500)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the *Rules of the Senate*—reinstatement of bills from the previous session of the same Parliament), presented in the Senate on November 20, 2007. —(*Honourable Senator Keon*)

Hon. Wilbert J. Keon moved the adoption of the report.

He said: Honourable senators, the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament was first presented to the Senate in the First Session of the Thirty-ninth Parliament as the sixth report of the Rules Committee. It had been moved for adoption, but a decision had not been made. The second report recommends amendments to the *Rules of the Senate* to provide for a mechanism for the reinstatement of bills from the previous session of the same Parliament.

This issue of the reinstatement of bills from the previous session of the same Parliament has been raised in the Senate on a number of occasions in recent years, but no rule has ever been adopted in that regard.

The Senate has no procedure pertaining to the reinstatement of bills following a prorogation. Consequently, some bills, particularly non-government bills, have been reintroduced and debated or studied in a number of successive sessions, which has been the subject of some frustration for the sponsors of those bills, I am sure.

Since 1998, the House of Commons has provided for the reinstatement of bills that are not government bills from previous sessions in the same Parliament. There is no mechanism in their Standing Orders providing for automatic reinstatement of government bills, but reinstatement is often achieved by passing a substantive motion to that effect at the beginning of the session.

Senate public bills can also be reinstated in the House of Commons at the same stage they had reached during the prior session if such bills are reintroduced in the House of Commons within the first 60 sitting days of the session, after being passed again by the Senate.

It has been suggested that reinstating business at a previously reached stage somehow contravenes fundamental principles of parliamentary law. This subject was discussed in committee. However, both the House of Lords and the House of Commons in the United Kingdom provide for the reinstatement or carry-over of bills between sessions of the same Parliament as do, I understand, four provinces. It seems that the privilege of being able to order one's business would include specifically this kind of decision. This is a point I wish to emphasize: The second report proposes that the Senate adopt a process that allows it to take a substantive decision on the ordering of its business. The Senate at all times retains its control over its business.

Bills often take a long time to work their way through the legislative process and the Senate and senators have no control over the date at which prorogation occurs. Reinstatement of bills under this proposal can ensure that the time and energy that have been invested in the consideration of bills are not lost.

The committee proposes that the mechanism for reinstatement of bills be based on the following principles:

First, reinstatement is not automatic; each proposal to reinstate a bill must be considered on its own merits. The debate on the substantive motion shall not, however, exceed two hours.

Second, the Speaker must be satisfied that a bill whose reinstatement is proposed is indeed in the same form as it was in the previous session. Our committee has defined what is meant by "the same form."

Third, reinstatement of bills should be available for all bills: government bills, senators' public bills and private bills originating in the Senate, as well as for government and private members' bills from the House of Commons.

Fourth, reinstatement of bills as proposed would not include an automatic third reading in the new session, in order to allow a final reconsideration at that stage before sending it to the House of Commons.

Finally, reinstatement of bills would not apply between Parliaments.

This is a complex issue, and the report was developed after many hours of discussion and reflection, and I believe there will be considerable discussion and reflection in this chamber. The concept must accommodate the different kinds of bills that we deal with, and the procedures of the chamber. Only bills that meet certain criteria and receive the approval of the Senate will be allowed to be reinstated, and in no event will a bill be allowed to pass without a final opportunity for debate and vote. The committee believes that these procedural changes achieve a balance of the competing issues and interests involved.

Hon. Anne C. Cools: Honourable senators, I fear that we have not been given an exposé of the legal or constitutional basis of the proposals, but rather an emotive and important statement of the need for backbenchers' bills to be better treated by government.

The chairman claimed that the privileges of the houses to order their own business allow senators or members of the House of Commons to overcome the law of prorogation. Could he tell me two things: First, how can a law of Parliament defeat a prorogation or dissolution or any of the proclamations? Second, what are the limits to reinstatement? In this instance, reinstatement of bills is proposed. However, could the house decide to reinstate committees and committee chairmen or Speakers and leaders?

I am prepared to give the honourable senator some time to consider the questions.

Senator Keon: Senator Cools spoke at length in committee about the fundamental principles of parliamentary law and whether this attempt to move bills along expeditiously was in contravention of the fundamental principles of parliamentary law. Personally, I do not believe so, but I am a doctor, not a lawyer. For example, in the 14 items that the committee recommends as a change to the rules, I do not believe there is anything in any of those paragraphs that overrules in any way the power of the Senate. The Senate must decide ultimately whether this accelerative process that is sought in these recommendations and amendments contravenes the law, given that every bill must go through third reading.

• (1510)

There are some very knowledgeable people in the Senate, including some outstanding constitutional lawyers. Since the honourable senator feels strongly about this and expressed that clearly in committee, I raise the issue in my remarks and I hope it will stimulate further debate.

I am not sure the honourable senator will be satisfied with my answer. I am only saying that I do not think that these new rules and amendments in any way contravene parliamentary law.

Senator Cools: The honourable senator may be somewhat confused about what I actually said. I said that the law of the privileges of the Senate has no power to oust the law of the prerogative — either prorogations or dissolutions or anything of that power in any of its forms, Royal Assent or any of those powers. They are two areas of law.

In any event, honourable senators, maybe I will speak to the item myself.

On motion of Senator Cools, debate adjourned.

ARTHRITIS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Comeau, calling the attention of the Senate to the debilitating nature of arthritis and its effect on all Canadians.—(*Honourable Senator Keon*)

Hon. Joseph A. Day: Your Honour, I wish to speak on this particular matter. I understood that Senator Keon was planning to speak, but if he is not, I wonder if he would yield to permit me to make a short intervention and then allow the matter to be adjourned in his name again.

Senator Keon: Yes.

Senator Day: Honourable senators, I thank Senator Comeau for bringing this inquiry before the Senate. The information that was conveyed in his thorough and detailed speech yesterday on this matter was helpful. I urge other senators to do likewise with respect to this type of item, such is the condition of arthritis that we may not be as familiar with it as perhaps we should be, unless we happen to be afflicted by the condition or one of our loved ones is.

Senator Comeau pointed out yesterday during his speech that there are types of arthritis that are fairly well known and others that are not so common or well known. It is one of those other rare diseases that I bring to the attention of honourable senators.

There are a number of representatives on Parliament Hill today trying to bring the subject of pulmonary hypertension to our attention. Representatives from the Pulmonary Hypertension Association of Canada are here. Pulmonary hypertension is one of those rare diseases that does not afflict that many Canadians, but those that are afflicted by it are certainly in dire straits.

Pulmonary hypertension is a type of high blood pressure in the lungs. It affects up to 5,000 Canadians of all ages. There is currently no cure for this particular condition; and, if untreated, the condition will claim the lives of 50 per cent of patients within the first two years after diagnosis.

Honourable senators, one in 10 Canadians will be diagnosed with a rare disorder such as pulmonary hypertension. There are approximately 5,000 such disorders in Canada affecting Canadians.

As honourable senators might suspect, there is not a comprehensive drug plan for these limited types of rare disorders. Therefore, the Pulmonary Hypertension Association of Canada is trying to bring to the attention of Canadians the importance of having a drug policy to respond to patients with rare disorders.

There is a reception which will continue until 5 p.m. in Speaker Milliken's office, and I urge honourable senators to visit and meet with the representatives from the Pulmonary Hypertension Association of Canada and the Canadian Organization for Rare Disorders so that we might learn more about conditions such as this one and the ones that were brought to our attention by Senator Comeau yesterday.

The Hon. the Speaker *pro tempore*: It is understood, honourable senators, that this question remains adjourned under the name of Senator Keon?

Hon. Senators: Agreed.

On motion of Senator Keon, debate adjourned.

THE SENATE

MOTION TO URGE GOVERNOR-IN-COUNCIL TO PREPARE REFERENDUM ON WHETHER THE SENATE SHOULD BE ABOLISHED—DEBATE CONTINUED

On the Order:

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

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

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

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

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

THAT a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Banks*)

Hon. Tommy Banks: Honourable senators, I feel very awkward today speaking in opposition to the present motion of Senator Segal, because he was so kind in speaking in favour of my bill.

I am impelled to speak because, if we get to it today, I will be making a motion, which I gave notice of yesterday, that deals in a different way with the same subject. The honourable senator and I have, in these respects, the same object and end, which is a crystallization of many questions that surround the institutions of Parliament; and I believe one of our motions obviates the other.

I will explain to senators, and to Senator Segal in particular, why I think that difference is important. In fact, it was Senator Segal who reminded me that it was Lord Acton who said something to the effect that the elected legislator who does blindly the bidding of his electors is doing them a great disservice. That is not why we elect people to office in the capitals of our country. We elect them — at least we are supposed to — because we repose in them our confidence in their good judgment. That should be the reason that we elect people to office.

By comparison with what Senator Segal has proposed, I prefer the Charlottetown process, which is one in which the elected heads of the different orders of government in Canada came up with a proposal that they made to the Canadian public. It was an informed proposal and the Canadian public were, in that case, under the provisions of the Referendum Act, given an opportunity to express an opinion on it, which they did. I happened at the time to have been a proponent of that proposal and lost the battle. As we all know, the situation in Alberta was as it was in other provinces.

The question that we are both trying to solve is more complicated, I suggest, than the answer that would be arrived at by Senator Segal's present proposal. It is more complicated than a straight up and down question — yes or no, should we abolish the Senate — which is the point of this discussion. This question has many more facets than that, and those facets would be much better understood by all of us, and by Canadians, if the first ministers were able to meet among themselves in public and arrive at a conclusion as to what their view is of the institutions of the Canadian Parliament and present them in a referendum, which would follow as a matter of course.

Senator Segal: He is right.

Senator Banks: Honourable senators, the public would be better informed in that respect and we would be better informed. We would learn things from such a process.

It is important that the public be better informed. It is clear that the public will eventually determine all of these things with the agreement of, one hopes, the constitutional Parliament and all of the necessary provincial and perhaps territorial involvement. It is for that reason that I oppose Senator Segal's motion. I cannot do otherwise because of the motion which I will make shortly, and which is in opposition to it.

• (1520)

Hon. Lowell Murray: Senator Banks began by quoting Lord Acton and ended by sounding like Martin Luther: "Here I stand. I can do no other. God help me."

Honourable senators, if this motion were passed, it would constitute advice to the government; however, as we all know, it would not be binding on the government. Even if the government were to take the advice of the Senate and hold the referendum on

abolition, the referendum result would be non-binding. The government would still have to institute the process of constitutional amendment with the provinces.

The following questions then arise: Why bother with the motion? Why support Senator Segal's motion? First, abolition is clearly one of the options being considered by the government. The Leader of the Government in the House of Commons and Minister for Democratic Reform made that clear several times in his speech in the House of Commons at second reading of Bill C-19 on November 16, 2007.

Second, two Senate reform proposals sponsored by the government — Bill C-19, on term limits; and Bill C-20, on elections — are going nowhere, and the government knows they are going nowhere. Quite apart from the hurdle of getting those two bills through two Houses of Parliament in which the government is in a minority position, at least three provinces have made their view abundantly clear that one or the other or both of those bills are ultra vires the competence of the federal Parliament acting alone.

As recently as the day before yesterday, Premier Charest and Premier McGuinty reiterated their position on that point, and they have served notice that they would challenge in court if Parliament were to pass those bills. What does that mean? In the courts of at least three provinces that I am aware of, New Brunswick, Quebec and Ontario, the challenges would wend their ways and ultimately come to the Supreme Court of Canada for final adjudication. If the government were serious about proceeding with government reform at this time, they could save a great deal of time, money and trouble by referring Bill C-19 and Bill C-20 to the Supreme Court of Canada now, which they should do.

The government could follow an alternative, with a constitutional amendment in mind: The government could draft a succinct model of Senate reform and ask Canadians, through a referendum, to pronounce on it. If the government's succinct model of Senate reform were to receive the support of enough voters in enough provinces, the Prime Minister could walk into a meeting of first ministers with a very strong hand indeed.

Premier Charest and Premier McGuinty yesterday, and Senator Banks today, indicated their common preference to start in the usual way, that is, with a first ministers' conference. Of course, there would have to be a first ministers' conference, but I do not see anything objectionable to the federal government just putting its position forward in a referendum and then going to a first ministers' conference preparatory to launching the formal amendment process.

In my opinion, coming up with a succinct model of Senate reform would not be as complicated as it might appear to be on the surface. The government has already crunched two of the issues: First, they want an eight-year term for future senators, which they would probably make renewable in the case of an elected Senate; and second, it is fair to say that, notwithstanding this consultative election contained in Bill C-20, Mr. Harper's strong preference would be for direct election of senators. Those two issues have been crunched as far as the government is concerned, and its position is clear.

The first of two other elements that they would have to come up with is representation, for which there is not an infinity of options before the government. They could come up with some reasonable balance of regional or provincial representation in the Senate. The second element is the question of powers. There again, the government would not need to draft a lengthy blueprint of powers. The main issue the government would have to address in the form of a referendum question is the relationship of the Senate to the House of Commons and whether the Senate would have an absolute veto or a suspensive veto. The main issue is whether the House of Commons would have primacy at the end of the day. That would lend itself to a succinct question on a referendum balance.

The government is doing none of those things. I am not embarrassed at all to express the view that the federal government is ragging the puck on Senate reform. They are going on ad infinitum and, instead of taking a direct approach, they are taking an indirect, circuitous and devious approach that will end at a dead end, which they well know.

One option would be for one of the provinces to concentrate our minds by passing a proposed constitutional amendment for abolition and then start the clock ticking. Senator Segal's proposed referendum on abolition might not be anyone's first choice, but it would move us off dead centre and in a straight line. As well, it would get the attention of the country on the issue in a concrete way.

With all the loose talk that has been heard on Senate reform and the Senate, it is time to focus on first principles. We need the benefit of a thorough discussion on whether Canada wants a unicameral or bicameral Parliament. Does Canada need a Senate? Does Canada need any kind of Senate?

Those who vote for abolition perhaps will have been persuaded by one or more of the following arguments: First, many other democratic countries have unicameral Parliaments. I know that most federations have bicameral Parliaments, but in none of those federations, certainly not in the United States, Australia or Germany, does the constituent parts — the provinces or states — have the constitutional and fiscal powers that our provinces have. A strong argument can be made that those states need an upper house at the centre to represent their interests and that ours do not need that.

Second, experience, sadly including fairly recent experience, shows that party solidarity almost always trumps the regional role in respect of legislative votes in this place.

Third, many of our provinces had bicameral legislatures and all of them have abolished their upper houses. In many of those provinces, in particular the bigger ones, there are still regional and other minority tensions. However, no one suggests that any of those provinces should recreate their upper houses as a way of reconciling or resolving those tensions.

Fourth, Canadians are over-governed already. We could save some money by doing away with the Senate.

Fifth, the many non-governmental organizations, policy advocacy groups, cultural and linguistic organizations, professional and occupational groups and think tanks, all of

whom now participate in the policy development and the legislative process and do so with the active encouragement of government and political parties, have become much more prominent and influential in setting the national agenda than the Senate is.

Sixth, our 25 years of experience with the Canadian Charter of Rights and Freedoms has made the Senate's role in protecting minority rights rather marginal.

Seventh, the existence at both the federal and provincial levels of various ombudsmen, human rights commissions, appeal boards, complaints committees and so forth provides a much better recourse for citizens and a redress for injustice and the capacity to overturn arbitrary decisions of government.

• (1530)

Eighth, the increasing tendency in the House of Commons to amend bills there, even under majority governments, and the growing practice of referring bills to committees in the House of Commons after first reading are overtaking the Senate as a revising chamber.

Ninth, a second chamber, whether its members are appointed, elected by proportional representation or on the basis of provincial or regional balance, contradicts the basic democratic principle of representation by population and to the extent it does so would be undemocratic.

Tenth, all efforts to achieve a reformed Senate having failed, it is better to abolish the present body and rebuild it from the beginning.

Honourable senators, as I am sure you appreciate, I am not making myself the advocate of any of these arguments. However, the people of Canada need to hear them and hear the counter-arguments of those who hold that Canada needs a bicameral Parliament. In a referendum campaign, some will argue that abolition of the Senate would be preferable to the status quo. That is the position of the government, as stated several times by Mr. Van Loan. Others will argue that abolition would be preferable to some of the more exotic models of a reformed Senate, models that would paralyze the federal government and deadlock the federal Parliament. That, as some honourable senators know, has been my position.

Others, while opposed to the status quo, will also oppose abolition of the present Senate. Keep it to reform it, they say. Others in favour of a new Senate argue, as I have suggested, that the only path to reform is on the ashes of the present Senate, so abolish it and start over. Others will argue that a second chamber, as a check on the power of the executive government and of the House of Commons, is so essential that even a body as imperfect as our present Senate is better than unicameralism.

Honourable senators, some people in the media and in the other place portray us alternately as quaking in our boots before the prospect of abolition, or digging in our heels to obstruct progress. How is that for a mixed metaphor? I say there is nothing to fear from trusting to the judgment of the people. Let us pass Senator Segal's motion and give the government and the country something to think about.

On motion of Senator Tardif, debate adjourned.

BILL TO PROVIDE JOB PROTECTION FOR MEMBERS OF THE RESERVE FORCE

SECOND READING—ORDER STANDS

Leave having been given to revert to Senate Public Bills:

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Champagne, P.C., for the second reading of Bill S-202, An Act to amend certain Acts to provide job protection for members of the reserve force.—(*Honourable Senator Dallaire*)

Hon. Roméo Antonius Dallaire: Honourable senators, I requested to return to this item because, as I prepare to respond to Senator Segal's bill, I have become aware that the government all of a sudden in the other place is commencing a process that, from what I can gather, will absorb this specific bill inasmuch as it goes beyond the federal public service to encompass, at large, employment protection for reservists. My desire in no way is to withhold the process. My work in preparing a response to this bill is wholly supportive of the fact that in my personal experience the federal government has been the worst employer in Canada for supporting reservists in many facets.

However, can the honourable senator clarify whether I am wasting my time? Will this bill continue or be overtaken by what is happening in the other place?

The Hon. the Speaker *pro tempore*: Senator Segal did not make a speech so he cannot answer your question.

Senator Dallaire: Then I query the house in process. If we have a quandary between the two Houses in regard to a subject, do we pursue the subject or is there some means by which one bill is eliminated by process? If so, how does that process work?

Hon. Hugh Segal: On a point of clarification or a point of order? I defer to others.

Hon. Tommy Banks: Is there a danger that if Senator Segal speaks now that act would close the debate?

The Hon. the Speaker *pro tempore*: No, he will answer Senator Dallaire's point.

Senator Segal: As a point of clarification, I, Senator Dallaire and other colleagues sat in this chamber and heard Her Excellency read commitments in the Throne Speech with respect to protecting the reserves in a fashion that has not heretofore happened. I agree with every assertion about the federal government that my honourable colleague has made in the past.

I believe, as he does, that the government intends to keep the promise as laid out in the Speech from the Throne and bring in comprehensive legislation. I believe we have seen reports in the media of the Minister of Labour meeting with his counterparts across Canada, the last meetings having taken place in Prince Edward Island resulting in a commitment by that administration to move directly with respect to legislation in their jurisdiction.

That being said, my experience with the federal bureaucracy, when good ideas develop momentum, is that they find ways to kill them dead before they transpire, which is why I leave this bill on the Order Paper for honourable senators' consideration. I would argue that leaving it there is the best way of ensuring that the bureaucrats do not kill this bill before the minister — who I think is operating in the best of faith — can deliver on the promise that was included in the Throne Speech.

Order stands.

THE SENATE

MOTION TO URGE PRIME MINISTER TO CONVENE FIRST MINISTERS' CONFERENCE ON FUTURE OF INSTITUTIONS OF PARLIAMENT— DEBATE ADJOURNED

Hon. Tommy Banks, pursuant to notice of November 27, 2007, moved:

That the Senate urges the Prime Minister to convene forthwith a public meeting of the First Ministers of the Provinces and Territories of Canada, for the specific purpose of considering the future of the institutions of the Parliament of Canada.

On motion of Senator Comeau, debate adjourned.

[*Translation*]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO REFER PAPERS AND EVIDENCE ON STUDY ON STATE OF FRANCOPHONE CULTURE FROM PREVIOUS SESSION TO STUDY ON OFFICIAL LANGUAGES ACT

Hon. Maria Chaput, pursuant to notice of November 27, 2007, moved:

That the papers and evidence received and taken and the work accomplished during the First session of the Thirty-ninth Parliament in relation to the study on the state of Francophone culture in Canada by the Standing Senate Committee on Official Languages, pursuant to the order of reference adopted by the Senate on May 3, 2007, be referred to the committee for the purposes of its study on the application of the *Official Languages Act*, pursuant to the order of reference adopted by the Senate on November 20, 2007.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Thursday, November 29, 2007, at 1:30 p.m.

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