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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, March 5, 2008

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

Prayers.

SENATORS' STATEMENTS

LIEUTENANT-COMMANDER (RET'D) TERRANCE J. CHRISTOPHER

TRIBUTES ON RETIREMENT AS USHER OF THE BLACK ROD

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I rise today to pay tribute and recognize the service of our Usher of the Black Rod, Lieutenant-Commander Terrance Christopher, who retires later this week.

A keen student of history, Mr. Christopher will be the first to inform you that the post of Usher of the Black Rod dates back to 1348 and the reign of King Edward III of England.

Senator Comeau: He does not look that old.

Senator LeBreton: In Canada, we have had an Usher of the Black Rod since 1791, following the first meeting of the Legislative Council of Lower Canada. It is our third oldest continuously held state office, one that Lieutenant-Commander Christopher has discharged with great dignity.

After graduating from St. Francis Xavier University and the Maritime School of Social Work, Mr. Christopher became a full-time member of the Royal Canadian Navy and later the Canadian Forces.

As a member of the Canadian Forces, Mr. Christopher served in various places throughout Canada and also with the North Atlantic Treaty Organization in Germany. His meritorious service in the Canadian Forces was acknowledged in 1982 when he was appointed an Officer of the Order of Military Merit. Having been involved with a number of royal visits, he was awarded the Royal Victorian Order by Her Majesty the Queen in 1994.

After a distinguished career in the Royal Canadian Navy and Canadian Forces, Lieutenant-Commander Christopher served as the manager of the Canada Reception Centre in Ottawa, dealing with foreign dignitaries and Canadian officials on a regular basis. He was appointed Usher of the Black Rod on December 9, 2002. He is the first naval officer in Canadian history to hold this post.

• (1335)

Hon. Senators: Hear, hear!

Senator LeBreton: In this place, Lieutenant-Commander Christopher continued his distinguished service, attending upon two Governors General and many administrators, not to mention many honourable senators. He played an important role in the

state funeral of our late Governor General Ray Hnatyshyn and has provided an important wealth of protocol advice over the years.

It is perhaps through his interactions with young people and school children that our Usher of the Black Rod has had the greatest impact on the future, imbuing the next generation of Canadians with an understanding of the rich heritage and traditions that gives our country its identity.

I am sure that all honourable members would like to thank Terrance Christopher for his years of service and to wish him and his wife, Geraldine, all the best for a great future.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, unfortunately Senator Carstairs could not be here today. I have accepted to read the following statement on her behalf:

It seems but a very few days ago that, as Government Leader in the Senate, I was informed that Lieutenant-Commander Terrance Christopher had been appointed Usher of the Black Rod. That was December 9, 2002 and he has given exemplary service to this chamber for over five years. Of course, I had a particular affinity for Black Rod since, like me, he had been born, raised and educated in the province of Nova Scotia. He had a very proud and distinguished naval career serving at HMCS *Stadacona* in Halifax and HMCS *Cornwallis* in the valley.

Prior to his arrival in the Senate, he had become Manager of the Canadian Reception Centre and it was here that his knowledge and expertise on protocol and security were acquired. This centre, as many know, acts as the entry point for all distinguished guests and Canadians who arrive in Ottawa by air and he has served with distinction to the Royal Family, governors general and prime ministers as well as presidents and prime ministers from other lands.

However, it is his tireless work in the community for which he will best be remembered. He has been involved in fundraising for the Canadian Cancer Society for decades, and it was his vision and support that has made the Terry Fox Run each year such an outstanding success, particularly in Eastern Ontario. He had been engaged since the beginning as he actually watched Terry Fox dip his artificial leg into the ocean off the coast of Newfoundland.

I have watched his interaction with the pages over the past five years. It is clear he has high standards and this led to a sprucing up of their uniforms which, I understand, are the envy of the pages in the other place. But I have also watched him challenge them to be the very best they can be. He was also sensitive to the stresses on their time, particularly at exam times in December and April, and it was clear to me when he and I dealt with the young page having a bit of a meltdown that he genuinely cared about

each and every one of them. He and I have worked together on the procedural seminar I conduct each year and the *Pages Journal* which was published for the first time in September 2006, with a new edition hopefully this year.

I am extremely disappointed that his term as Black Rod has not been extended. This is an order-in-council appointment and therefore at the prerogative of the government, but I believe they have made a serious mistake. He leaves with the affection of, I believe, all of us. He will be sorely missed.

• (1340)

Hon. Bill Rompkey: Honourable senators, I, too, rise to pay tribute to Terry Christopher, the Usher of the Black Rod. He was appointed, as we have heard, in December 2002. He was the first naval officer to be appointed to that position. This is particularly notable considering his leadership every year in the Ceremony of Remembrance, which takes place in this chamber, honouring those who have made the supreme sacrifice for Canada. It is fitting that an officer of the senior service leads this ceremony. For thousands of Canadians, their only known grave is the ocean, and this is something that Terry Christopher never forgets. Indeed, he maintains his connection with the Navy at the annual Navy League banquet each March.

Terry Christopher is also the first Nova Scotian to hold the position of Black Rod, although he was actually born in Cape Breton. It is important to put that on the record for Cape Bretoners. He was a graduate of St. F.X., one of the notable and collegial alumni of that school who have served this city so well in past years.

During his 30-year career in the navy, Terry Christopher served, as we have been told, at HMCS *Stadacona*, HMCS *Cornwallis*, CFB Borden and at NATO. In the course of his career, he was responsible for the Canadian Forces Community College Program. That national program had a positive effect on thousands of military members and their families.

Terry Christopher has coordinated royal visits, as well as visits for four governors general. During his term in the Senate, he has conducted himself with dignity and grace. I am especially grateful for the cooperation and generosity he has shown me at all times. I am sure we all are.

For the last several years, we have arranged functions of the University Naval Training Divisions, or UNTD, and he has been unfailingly helpful. I thank him for that.

He has been an outstanding addition to this chamber. He will be missed. I, for one, am sad to see him leave, as I am sure we all are.

I want to wish him and his wife, Gerry, much satisfaction and happiness in the years ahead. As a naval man, I offer him a farewell from the sea: Terry, long may your big jib draw.

Hon. Terry M. Mercer: Honourable senators, the title used to be "Gentleman Usher of the Black Rod." It is the most senior protocol office in Parliament. I could not think of a better person to hold the position for the past five years than my friend, Lieutenant-Commander Terrance Christopher. I will forgive him for going to St. F.X.

When honourable senators are appointed to the Senate, one of the first people we meet is Terry Christopher. His kind manner and thoughtful advice were very helpful to me in order to become better acquainted with how this place works.

• (1345)

Being a proud Cape Bretoner from Sydney, Nova Scotia, a boy from Ashby, it is not hard to imagine why Terry is so approachable and loved by all with whom he serves.

From organizing the Speech from the Throne activities to the Ceremony of Remembrance, Terry performs his job with the utmost respect and dignity. I can only imagine how hard it is to keep everyone happy in this place, let alone the local and foreign dignitaries who grace these halls from time to time.

Lieutenant-Commander Terry Christopher had a distinguished 30-year career in the Canadian Forces before his retirement in 1994, but one of the greatest of his accomplishments has been his love of young people. From his participation in the various model Parliaments, to his work with the student interns and to running the Senate Page Program, Terry always strives to show the young people of our country how important public service is and how they can have an impact on the world around them.

Since Senator Munson and I started organizing National Child Day in the Senate four years ago, Terry has always been there to give us any help we need and a guiding hand to ensure that the ceremonies always went well. I can assume the smiling faces of the young children here in the Senate chamber were reward enough for him.

Honourable senators, it is my pleasure to thank Terry Christopher for his dedication and service. I also know that his wife, Geraldine, their three children and seven grandchildren will be happy to see a little more of him.

He will be missed by his loyal staff, Monique Grenon and Jan Potter, the Senate pages and all senators and staff as he turns his attention to new opportunities.

I would be remiss if I did not also thank him on behalf of my sister, who happens to be the Chief of Protocol of Nova Scotia. She has had the pleasure of working with him over the years and has had only the highest praise for him.

I wish Terry well in his new endeavours. Any organization in this country, indeed across the world, would be lucky to have him. He has truly shown what it means to be a gentleman.

Hon. Marilyn Trenholme Counsell: Honourable senators, I wish very simply to offer heartfelt appreciation to our Usher of the Black Rod, Lieutenant-Commander Terrance Christopher. His dignity, professionalism and sincerity are examples for each of us to remember and follow.

From the high seas with Canada's navy to the rough waters within Canada's Parliament, Lieutenant-Commander Christopher has earned the respect owed to all great leaders. His strength comes from his core values, values that are timeless and eternal.

Perhaps the pages have benefited most from the high standards set by this Usher of the Black Rod. He has much to teach our youth and he cares about them intensely.

Sitting so close to this gentleman, I have almost felt much that defines him — a little bit of steel on the surface, but also a sense of humour and an enormous heart deep inside. Even the most raucous of moments in Question Period cannot crack his magnificent presence, although I must say that I have observed an occasional wince when things get bad, and more often, a tiny grin when the Senate has a little fun.

For all of this, and so much more, sail on, Lieutenant-Commander Terrance Christopher. Thank you and God bless.

Hon. Lowell Murray: Honourable senators, successive governments in recent years have been quite considerate of those of us who are non-aligned, independent senators. Governments have almost always kept us informed of what is going on and of arrangements that are made between the government and the official opposition. Therefore, I can easily forgive the present government for not having alerted us independent, non-aligned senators that today was to be a day of tribute to our departing Usher of the Black Rod.

Usually an independent senator is authorized to speak only for himself or herself. In this case, I think I can also speak with 100 per cent confidence, certainly on behalf of our friend Senator Atkins and probably of others in this corner, in expressing our considerable regret at the departure of our Black Rod. I would like to express our very warm gratitude and appreciation of all the assistance he has given us during his time in this chamber.

• (1350)

Our Black Rod, Terry Christopher, has conducted himself in such a way as to bring honour and credit to this institution, and that is important. He has always done honour and credit to his chosen profession in the military and to the tradition of hospitality that is his as a Cape Bretonner.

I join Senator Atkins, who spoke to me with regret over the departure of our Black Rod, and all honourable senators in expressing appreciation and praise for the tremendous work that Terry has done while he has been among us, and to wish him all the best in the future.

[Earlier]

INDEPENDENT PANEL ON CANADA'S FUTURE ROLE IN AFGHANISTAN

Hon. Hugh Segal: Honourable senators, I rise today to recognize and thank the members of the Independent Panel on Canada's Future Role in Afghanistan chaired by the Honourable John Manley with the able assistance of Derek Burney, the Honourable Jake Epp, the Honourable Paul Tellier and Pamela Wallin.

The value and worth of the final report, its recommendations and insights are a testament to the quality and tenacity of the individuals involved. They took personal risks and worked tirelessly to provide parliamentarians and, more important, the Canadian public with a clear and eminently understandable assessment of the situation and challenge that currently prevails in Afghanistan.

Their no-nonsense evaluation of Canada's contribution now and in the future, our accomplishments to date and the vital steps we must take on an ongoing basis provide a solid Canadian even-handedness to the most complicated of situations, which in turn has provided Canada, Canadians and our NATO allies with a road map to move forward.

This non-partisan report did not take sides. It was equally critical of all the major players: the government in Afghanistan and its tolerance of corruption; NATO partners and their up-until-now unwillingness to share the burden more extensively in the South; the demand that was issued in the report for another 1,000 forces to complement Canadian operations in the South; and in its criticism of the Canadian government for not providing franker and more frequent updates to Canadians as to our successes and progress in Afghanistan.

This frank assessment was our wake-up call. We were not unaware of our difficulties; however, the Manley report succeeded in "un-muddying" the waters for us all.

Those of us in day-to-day politics who pride ourselves on being current and able to form knowledgeable opinions owe much to the Manley panel members who, while otherwise engaged with more than full careers, accepted the call and took up the challenge of their mission. Thanks to them and their hard work, the opinions on the Hill and the opinions of the Canadian public are definitively more informed, more reasonable and more focused on the complicated topic that is Afghanistan.

The effects of the report have been positive on all sides. Her Majesty's Loyal Opposition in the other place took this report to heart, did not dismiss it out of hand and suggested thoughtful amendments which were, in part, taken up by the government. The Liberals should be commended for recognizing the validity and common sense of the recommendations as set out by the Manley panel, as should the government. The panel sought a Canadian solution, not a Conservative or a Liberal solution.

As a government and as a country we are more understanding of our role in Afghanistan, our successes thus far, where improvement and support are needed, and the reality of our role going forward.

All of us, including the troops in the field, owe a debt of gratitude to Messrs. Manley, Burney, Epp, Tellier and Ms. Wallin for their work.

ROUTINE PROCEEDINGS

[English]

INTER-PARLIAMENTARY UNION

IPU ASSEMBLY AND RELATED MEETINGS,
OCTOBER 16-18, 2006—REPORT TABLED

Hon. Donald H. Oliver: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the one hundred and fifteenth IPU Assembly and Related Meeting, held in Geneva, Switzerland, from October 16 to 18, 2006.

SESSION OF THE COMMISSION ON THE STATUS
OF WOMEN, MARCH 1, 2007—REPORT TABLED

Hon. Donald H. Oliver: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the one-day parliamentary meeting on the occasion of the Fifty-first Session of the Commission on the Status of Women: A Parliamentary Perspective on Discrimination and Violence Against the Girl Child, held in New York on March 1, 2007.

PARLIAMENTARY CONFERENCE ON WORLD TRADE
ORGANIZATION, DECEMBER 1-2, 2006—
REPORT TABLED

Hon. Donald H. Oliver: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the Annual Parliamentary Conference on the WTO organized jointly by the Inter-Parliamentary Union and the European Parliament, held in Geneva, Switzerland, from December 1 to 2, 2006.

[Translation]

BUDGET 2008

NOTICE OF INQUIRY

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, two days hence, on behalf of the government:

I will call the attention of the Senate to the budget entitled, *Responsible Leadership for Uncertain Times*, tabled in the House of Commons on February 26, 2008, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on February 27, 2008.

QUESTION PERIOD

PRIME MINISTER

ALLEGED OFFER OF FINANCIAL COMPENSATION
TO INFLUENCE VOTE OF FORMER MEMBER
FOR SURREY NORTH

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. This government is putting the reputation of our democratic institution in jeopardy both in Canada and abroad by the Prime Minister's refusal to explain his confession caught on tape. The tape confirms that the Prime Minister approved an offer of financial consideration in exchange for Mr. Cadman's vote to bring down a government. As the *National Post* said yesterday, Stephen Harper has to, "... deliver a clear, concise unambiguous statement on what Mr. Cadman was offered on the party leader's behalf ..."

When will this government provide that statement?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. It was not the *National Post*; it was a columnist in the *National Post*. The columnist is as ill-informed about this matter as the senator.

The party that the honourable senator happens to be a member of has been fabricating scandals for months.

• (1355)

The Liberal Party has now seized on this issue and has made the mistake of putting it on its website. As you know, the Prime Minister has been very clear —

Senator Mercer: It was his voice on the tape. Admit it!

Senator LeBreton: The Prime Minister has been very clear.

The Hon. the Speaker: Order, order!

Senator LeBreton: Honourable senators, they should put Senator Mercer on a tugboat in Halifax harbour; they would not need a foghorn.

The honourable senator knows, and I know, and we all know because Chuck Cadman said so, that there was a meeting on May 19, the day of the crucial budget vote. That is very clear. May 19 was two days after the Liberal Party had run around trying to get people from our party to join the Liberal Party, and were successful, of course, with Belinda Stronach. Notwithstanding that, there was a meeting, as has been very clearly acknowledged by two officials of the party, Mr. Flanagan and Mr. Finley, and Mr. Cadman —

Senator Mercer: Was Mr. Cadman lying?

Senator LeBreton: No, Mr. Cadman was not lying. He said on three separate occasions, in public, that the meeting was held just as the officials said.

Senator Mercer: Is Mr. Cadman lying? Is Mr. Cadman's wife lying?

Senator Tkachuk: Do you want to ask the questions?

Senator LeBreton: The fact is, Ms. Cadman also says she believes the Prime Minister is telling the truth. Of course, these are details that the honourable senator does not want to listen to.

The fact is that there was a meeting. The meeting took place. It is documented. It took place on May 19. The discussions were with Mr. Cadman, asking him to rejoin the party. Any financial discussions were strictly with regard to him rejoining the party and having the support of the party in the ensuing election, which would, of course, have taken place had the government been defeated.

Those are the facts. They have been clearly stated by the people at the meeting.

Some Hon. Senators: Oh, oh.

Senator LeBreton: It is very clear.

Also, honourable senators will notice today that the publisher of the book — and the questions most of the Liberals have been asking are based on a supposed meeting that took place on May 17 — has now removed reference to that date because there is no evidence whatsoever that there was a meeting on May 17.

Senator Hervieux-Payette: A remark about that would be: What was offered to the publisher for that?

The Prime Minister promised to call a public inquiry into the Mulroney-Schreiber affair because it touched the office of the Prime Minister.

Honourable senators, we are now talking about allegations of bribery authorized by none other than the Prime Minister. Instead of using the threat of libel suits à la Brian Mulroney, why does this government not come clean and explain what the Prime Minister meant when he approved of party officials offering financial considerations to Mr. Cadman? I am wondering if we have not started to implement the public order criteria that will be fulfilled in the book that will be published.

Senator Comeau: I did not get that.

Senator LeBreton: The fact is that the honourable senator knows and I know that the Prime Minister has been very clear. When he went to visit Dona Cadman a few months after her husband passed away, and in the interview that took place afterwards, it is very clear that he acknowledged the truth — that party officials had met with Mr. Cadman to discuss the possibility of him rejoining the Conservative Party. Any financial discussions would be, in fact, in connection with him rejoining the party and having the resources that would be made available to him as a Conservative candidate in his riding.

• (1400)

Hon. James S. Cowan: Honourable senators, this government is asking Canadians to believe the Prime Minister about his lack of involvement in this whole sordid affair. Seniors looked

Mr. Harper in the eye during the last election campaign when he promised them he would not tax income trusts. They believed him. He broke his promise. Atlantic Canadians looked Mr. Harper in the eye during the last campaign when he said he would respect the Atlantic accord. They believed him. He broke his word.

With that track record, why in the world would the Leader of the Government in the Senate expect any Canadian to believe him now?

Senator LeBreton: Honourable senators, I am very proud of the Prime Minister and I am very proud of his honesty and his directness. I know, and it has been well acknowledged, that he is very much a straight arrow.

On the subject of income trusts, as the honourable senator well knows — and this, of course, was supported by all provincial ministers of finance — the decision made by the Minister of Finance in regard to income trusts was made to protect our economy.

As a matter of fact, as Secretary of State for Seniors, I can tell the honourable senator that seniors are very proud of the fact that they have a Prime Minister who actually cares about seniors, who has done many things for seniors in the budget and has done something we promised to do, that is, have a minister responsible for seniors.

Senator Cowan: Say that outside!

Senator LeBreton: I would be happy to. I do it all the time.

In the last budget, I was very happy to have secured from the Minister of Finance a \$13-million budget to look into and do something about the very serious issue of elder abuse.

[Translation]

OFFICIAL LANGUAGES

ACTION PLAN—EARLY CHILDHOOD INITIATIVES IN MINORITY LANGUAGE COMMUNITIES

Hon. Maria Chaput: My question is for the Leader of the Government in the Senate. I have already asked many questions about government support for official language minority communities.

I have also stressed on several occasions in this chamber that it is essential that the government support early childhood initiatives in official language minority communities.

The Leader of the Government told us what her government was already doing in terms of support, and we have been given lists of initiatives and amounts of money that have been spent to implement these initiatives. We appreciate that.

However, having early childhood services for francophone children in minority communities means that we are providing a French environment at the preschool level.

Early childhood services for minority francophone communities include daycare services, junior kindergarten and kindergarten associated with a French school, in the same building. This creates a certain climate, an atmosphere, a space where our children can live, grow and develop in French.

I know that the provinces have some responsibility for providing these services. I also know that many provinces are taking their responsibility seriously. However, I would like to give you a few examples of what happens when the federal government completely offloads the responsibility to a province and provides no support.

The Government of Nova Scotia recently cancelled its pre-kindergarten program. Two Acadian schools were affected by these closures, including Rose-des-Vents in Greenwood, which members of the official languages committee have visited.

In Nova Scotia, we should remember, at least 60 per cent of children require preschool francization at the pre-kindergarten level because they have almost or completely lost their ability to speak French. We have to teach them French to prepare them for French school. This has become a battle against assimilation. It is, in fact, preschool francization.

I am today asking the Leader of the Government in the Senate to recognize that French-language early childhood education services are vital to francophones in minority communities because they help fight assimilation, they contribute to children's linguistic development, and in the end, they help these children do better in school.

• (1405)

Will the Leader of the Government ask the Prime Minister and the minister responsible to include initiatives for French-language early childhood education in minority communities in the renewed Action Plan for Official Languages?

Senator Trenholme Counsell: Hear, hear!

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. She is to be commended for her commitment to this very important issue.

Senator Chaput points out the obvious, that education falls within the purview of the provinces. However, our government, as the honourable senator knows, is committed to the promotion of Canada's official languages and to the development of Canada's minority languages communities. The honourable senator spoke of particular incidents. Minister Verner announced a list of projects across the country that will receive funding support for official languages minority communities in Budget 2008.

For example, seven francophone and Acadian organizations in Nova Scotia will receive funding for various cultural and leadership skills projects to specifically benefit young people. The Speech from the Throne stated that our government would

renew its commitment to official languages with respect to the next phase of our action plan for official languages.

Budget 2008 confirmed that over the next year we will build on previous investments through the development of a new action plan that will promote and protect linguistic duality. The former Premier of New Brunswick, the Honourable Bernard Lord, has conducted consultations across the country and is working on the development of this action plan, which we eagerly await the arrival of in the next few months.

[Translation]

Senator Chaput: During those consultations, Mr. Lord was told over and over about the need for early childhood services in French in francophone minority communities. If this need was mentioned across Canada and is included in Mr. Lord's report, can we expect this initiative to be supported by your government?

Assimilation begins in early childhood. That is the foundation of a society. We can support festivals, museums and all other causes, but unless those needs are met, children will not retain their language. We want to ask the minister to intervene.

[English]

Senator LeBreton: I thank the honourable senator for that question. It is a given that we would not have commissioned the former Premier of New Brunswick to study this very important issue and make recommendations, and then not follow through on his recommendations. When Mr. Lord makes his recommendations, the government will take them very seriously. Since those recommendations will be coming from a reputable and thoughtful person such as the former Premier Lord, I am sure that the government will do everything possible to implement them.

BUSINESS OF THE SENATE

SUPPLY BILLS—REQUEST FOR INFORMATION

Hon. Joseph A. Day: Honourable senators, my question is directed to the Leader of the Government in the Senate. She will be pleased to know that I do not have a question about any of the scandals surrounding the government at the present time.

My question relates to the fiscal process. The Standing Senate Committee on National Finance has been studying the Supplementary Estimates (B) for this fiscal year and the Main Estimates for the next fiscal year. The end of this fiscal year is the end of this month. The normal two-week parliamentary break begins next week. We would normally have that break at the beginning of March and would have time to study the supply bills at the latter part of March. As it stands, we will have tomorrow and next week to conclude our work with respect to the end of this fiscal year.

Could the Leader of the Government indicate when this chamber might expect to receive the supply bill for Supplementary Estimates (B) and the interim supply bill for the next fiscal year?

[Senator Chaput]

• (1410)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I will definitely attempt to get the information that he has requested. My seatmate, who looks after the tracking of government business coming to the Senate, normally has that information. I will be happy to try to provide it.

However, I cannot let the honourable senator's preamble go unnoticed. I know he likes to throw around the word "scandal." There are no scandals with this government.

Some Hon. Senators: Oh, oh!

Some Hon. Senators: Hear, hear!

Senator LeBreton: The fact is that we are criticized for appointments we do not make, contracts we do not give out and meetings that did not take place. The honourable senator is now saying that we were trying to bribe a member of Parliament, which is clearly not the truth. Meanwhile, we are still waiting to find out what happened to those envelopes with \$40 million of cash.

If the honourable senator wants to talk about bribes, let us talk about bribes.

Senator Day: Bringing the honourable senator back to the question at hand, honourable senators will know that we have only, in our normal sitting times, tomorrow and three days next week to deal with the supply bills. Our rules provide that supply bills normally would take at least one week to be dealt with. Recognizing the obvious difficulty that the other side has with functioning with their numbers, we have cooperated fully with the deputy leader in terms of having the estimates referred to our committee. Our committee has dealt with the estimates expeditiously.

Can the Leader of the Government in the Senate assure us that we will have the two supply bills in this chamber so that we can deal with them without being requested to abridge the time that is provided for in our rules?

Senator LeBreton: I have just consulted my seatmate, and our expectation is — provided the bills get through the House of Commons — that we will have them on Thursday of next week.

Senator Day: Thursday of next week is the day we would normally adjourn for our parliamentary break, and when we are back we are into a new fiscal year.

Why is the government dealing with this chamber in such a manner? She knows we cannot possibly deal with those bills in one day. Is it the ineptitude of the government in handling its business, or is there a plan to diminish the value of this chamber?

Senator LeBreton: I thank the honourable senator for his question. Senator Day knows full well that this is a minority Parliament. We work with three other political parties in the other place. The agenda is determined by agreement of House leaders.

Is the honourable senator suggesting perhaps that we not adjourn next week and instead sit the week of March 17? We could consider that, if that is what the honourable senator is suggesting.

Senator Day: We have what will be in the bills in the estimates. There is a schedule in here that is attached to a pro forma bill for supply. We have looked at both of the schedules. We know what is there. We are prepared to handle the bills now. Why does the government not start the bills in the Senate? We are prepared to handle them.

Senator LeBreton: I do not know that we have ever had an example where bills of this nature were dealt with in the Senate before being passed by the House of Commons. Much as we would like to be able to get these bills passed quickly in the House of Commons, we are doing our best, honourable senators. Hopefully, we will be able to get the bills here as quickly as possible. However, we are at the mercy of the other place, as we like to call it, and that is all I can say. We have a minority Parliament. There are four parties in the other place. We are doing our best and we will get those bills here as quickly as possible.

• (1415)

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

BUDGET 2008—STUDENT LOANS AND GRANTS— FUNDING FOR RESEARCH

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. In Budget 2008, the government stated that in the first year, the new Canada student grant program is expected to reach 245,000 college and undergraduate students, an increase of over 100,000 students currently receiving debt remission in grants. Yet, there is no increase in funding for 2009-10. The figure stands at \$350 million, the exact same amount that the Canadian Millennium Scholarship Foundation receives annually.

That means that the new program will provide the same amount of money to a much larger group of students, an extra 100,000 students, at a minimum, and perhaps up to 500,000 students, depending on how we qualify eligible students. If the goal is to increase participation and completion rates and the largest concern of students is high tuition costs, how does giving less money to more people achieve that goal?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. This year's budget is a significant commitment to Canada's students. It provides, as the honourable senator says, an investment of \$350 million in 2009-10, rising to \$430 million by 2012-13 in a new student grant program. The program will reach 245,000 college and undergraduate students per year when it takes effect in fall 2009. That figure is over 100,000 more students than the current system covers.

This announcement, by the way, has been applauded by the Canadian Federation of Students. A review found that the millennium scholarship program had limited success in encouraging more people to go to college and university and did not provide students with predictable funding. Budget 2008 commits \$123 million over four years, starting in 2009-10, to streamline and modernize the Canada Student Loans

Program. The budget also enhances the flexibility of the Registered Education Savings Plan, establishes the new Canada graduate scholarships award and establishes up to 20 Canada global excellence research chairs.

Senator Tardif: The \$350 million remains the same amount of money for an increased number of students. In fact, it means that each student, rather than receiving \$3,000 per grant, will only receive \$2,000 per grant, and if 500,000 students are eligible, the amount of monies will be rapidly depleted. How is that a step forward?

Senator LeBreton: What the honourable senator overlooks, as I have said several times before in this place, is that there are other sources of funds for education such as the Canada Social Transfer payments for post-secondary education, the allocation for which will rise to \$3.2 billion in 2008-09, a 40 per cent increase. We are also investing \$800 million per year in post-secondary education beginning on April 1.

[Translation]

Senator Tardif: Nowhere in the budget does it mention what will happen to research funding. Is the government about to simply put an end to its research, thereby denying Canadians a non-partisan source of information on post-secondary education in terms of accessibility, enrolment and participation? Will the Canada Student Loans Program also include a research component?

[English]

• (1420)

Senator LeBreton: Honourable senators, the new Canada student grant program is designed to bring more people into post-secondary education. The program is designed to reach out to people who did not have access, namely, low-income Canadians.

The government has significantly increased the amount of money through this program and through the transfers to provinces, whereby, as I have said, there will be a 40 per cent increase. As of April 1, we are investing \$800 million more per year in post-secondary education. With the Canada Global Excellence Research Chairs, obviously the bodies that determine the admissions to this program will be picking students who are both qualified and in need of financial assistance.

Senator Tardif: Honourable senators, the Canada Millennium Scholarship Foundation had a research component that had studies directed at Aboriginals' needs, at accessibility and at different types of research that one could access. Is the research component being lost now that the fund has been eliminated?

Senator LeBreton: Honourable senators, we have replaced the program with a program that we believe is better, that will reach more students. The Canadian Federation of Students has applauded our new program.

With regard to eligibility under the new program, I will be happy to take the honourable senator's question as notice.

[Senator LeBreton]

VETERANS AFFAIRS

BUDGET 2008—VETERANS INDEPENDENCE PROGRAM

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. In June 2005, the then Leader of the Opposition, who is now the Prime Minister, made a promise to extend the Veterans Independence Program to the widows of all Second World War and Korean War veterans.

Honourable senators, the recent budget extends the Veterans Independence Program to only a small number of widows and widowers, about 12,000 — far less than what the Prime Minister promised.

Why did the Conservative government not follow through on the Prime Minister's promise?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I am very proud of our government's record over the past two years, which I would be happy to put up against the record of the previous government.

Honourable senators, we have been steadfast in our support of our veterans. This budget builds upon our promise to stand up for our veterans and their families. It is a budget that we are happy to say the official opposition has decided to let us pass.

As the honourable senator said, last year, we added 12,000 new clients to the Veterans Independence Program. With Budget, 2008, we will spend \$282 million over the next three years to extend the Veterans Independence Program to another 12,000 eligible survivors. This funding will provide help to those disabled and low-income survivors who, in some cases, have been waiting for government assistance for over 25 years. With this funding, we will help survivors who need our help the most and who can least afford today's expenses. We are also allocating almost \$800 million per year more than what the Liberals budgeted for in their last year in office.

In summary, honourable senators, in three budgets we have allocated \$1.6 billion more for our veterans than the previous government. We made these commitments to our veterans; we are living up to our commitments. I remind the honourable senator that we have only been here two years.

• (1425)

ORDERS OF THE DAY

MUSEUMS ACT

BILL TO AMEND—THIRD READING

Hon. Consiglio Di Nino moved third reading of Bill C-42, An Act to amend the Museums Act and to make consequential amendments to other Acts.

He said: Honourable senators, I will take a few minutes of your time to add a couple of words to the comments that I made on this bill at second reading, mainly to put on the record information regarding questions asked by Senator Joyal. Those questions dealt with the contributions made by the Asper family and others, as well as questions about artifacts, et cetera.

The Canadian Museum for Human Rights is governed by a board of directors, and the board of director's full name is Canadian Museum for Human Rights (Friends Board). The board is generally referred to as the Friends of the Museum. The total capital cost of the project is estimated at \$265 million. All funds contributed by the stakeholders are solely for this purpose.

The Government of Canada, as we all know, has committed \$100 million; the Province of Manitoba has contributed \$40 million; the City of Winnipeg has contributed \$20 million; and there is a commitment to raise \$105 million from the private sector, of which approximately \$88 million has been raised to date, including a substantial contribution from the Asper family of some \$20 million.

In answer to Senator Joyal, for the record, the funds contributed by not only the Asper family with their generous contribution but also by those in the private sector, together with the funds contributed by provincial, municipal and federal governments, will all go towards the capital cost of the project.

It is heartening to see that most of the money has actually been raised. With the leadership of the Asper family, raising the rest of the money will not be a difficult task.

With respect to the artifacts, the Friends of the Museum have proposed a master plan for exhibit design, which anticipates the use of artifacts and a multimedia strategy in its design.

Specifically in relation to one of Senator Joyal's questions, the museum is not at the present time in possession of any collections, but the board has received over the past few years a number of offers of artifacts and collections. Not having the capacity to house them, however, they were not able to accept them.

The information that I have received is that once the museum has been built, these generously offered artifacts, together with others that will come, will be donated to the museum, in effect making a beginning on the contents of that particular museum.

I close by thanking honourable senators for their very positive reception to this bill. In particular, I thank Senator Spivak and Senator Zimmer for their wonderful comments in support of it.

I hope that in a few minutes, after whoever else wishes to speak, we can pass this bill and provide the authority to commence building and operating this fine institution.

Hon. Lowell Murray: May I ask the sponsor of the bill a question, please?

Senator Di Nino: Yes.

Senator Murray: As sponsor of the bill, I presume the honourable senator attended the committee meeting or meetings at which the bill was examined. In any case, can he tell us how many meetings the committee devoted to this bill?

Senator Di Nino: We had one meeting.

Senator Murray: Can the sponsor of the bill tell us how many witnesses were heard?

Senator Di Nino: We heard from basically who we needed to hear from, the representatives from the department, who educated us on the background of the bill.

Senator Murray: Which department is that?

Senator Di Nino: I believe it was Heritage.

• (1430)

Senator Murray: Were there no other witnesses from outside the government?

Senator Di Nino: At my age, memory is one of those faulty faculties. However, I believe no one else attended. No one else was asked to come; therefore no one else was heard.

Senator Murray: "No one else was asked to come." Does the sponsor of the bill know whether anyone else was invited to appear?

I ask these questions in view of the rush with which this bill passed the House of Commons. I am always concerned, under those circumstances, that due diligence be done in this place, even if it has not been done in the other place.

Senator Di Nino: Honourable senator, I cannot speak on behalf of the House of Commons. However, I believe we did what was required of us.

The bill has been publicized as being in the Senate. It was here for two or three days and people who had an interest in it, certainly, were aware of it. I know that I received some information from the museum board. Some people contacted us to urge us to look at this bill in a speedy manner. However, I am not aware of anyone else who showed any interest in being a witness.

Hon. Rod A. A. Zimmer: Honourable senators, I stand before you today at third reading of Bill C-42, An Act to amend the Museums Act. My statement today will be brief as I made my major speech at second reading.

As a senator from Winnipeg, Manitoba, and critic of this bill, I am very pleased that it will receive third reading. On behalf of Manitoba senators, I am grateful for the work of all of my colleagues and their collegial efforts in the clause-by-clause evaluation of Bill C-42.

The Standing Senate Committee on Human Rights met on Monday, March 3 to discuss the finer details of this bill. The decision was unanimous and each of us, irrespective of party affiliation, voted to support this bill without amendment.

As a senator from Winnipeg, I am particularly proud to think of this new institution in my home city. Winnipeg is uniquely situated in the geographic centre of Canada, making this new

national museum a centrepiece for Canada's culture and heritage. Yes, for the first time, one of our national museums will be located outside of the nation's capital, yet it will still be accessible from the West, the East, the North, and the South and for all countries in the world.

More specifically, and poetically, the Museum of Human Rights will be located at the junction of the Red River and the Assiniboine River at the place called The Forks. Historically, this place was a significant meeting spot for indigenous peoples. In the last 100 years, it has become known as the place where struggles for human rights were championed by leaders like Louis Riel and Nellie McClung. It will also now be a gathering place for students, academics, leaders and visionaries from across Canada and indeed across the world.

Honourable senators, I take this opportunity to thank my colleague, Senator Di Nino, who sponsored this very important piece of legislation, for his cooperation in getting this bill passed through the Senate. I also thank Senator Andreychuk, Chair of the Standing Senate Committee on Human Rights, Senator Jaffer, Deputy Chair and also Senator Munson, who substituted as Acting Chair for the final meeting of the committee and clause-by-clause consideration of the bill. I also thank all senators on both sides of this chamber for their questions, their input and finally their unanimous support of this bill.

It is fitting that the Friends of the Museum have selected a shooting star for their motif, and I wear that on my lapel. My friend Izzy Asper always said, "Reach for the stars, because they will lighten up your life." Although he will not be able to see the implementation of his vision, I hope that he is smiling proudly down upon us, because I know his dream is about to become true.

[Translation]

Hon. Maria Chaput: Honourable senators, with proceeding to third reading of Bill C-42 we have taken another step toward establishing the Canadian Museum for Human Rights.

The brainchild of Mr. Asper and the dream of his Manitoban family is continuing to gain momentum. That Winnipegger's vision will be one more strongly rooted in reality when the bill is passed. Mr. Asper has contributed much to Manitoba. We should note that his generosity and philanthropy are even more valued because they are inspired by a vision of human fraternity.

The Canadian Museum for Human Rights is a project that is not just national in scope; it will reach out well beyond our borders.

I gained a true understanding of the international scope of this museum at a soirée hosted by the French Ambassador to Canada in November 2007. His Excellency Daniel Jouanneau had gathered his counterparts to share this Canadian initiative with them. In his speech to ambassadors from all over the world, he captured the scope of the project when he declared:

The museum will have a place of honour in the North American continent. It will serve as a sanctuary and open a window onto universal human aspirations. The most advanced technologies will be used to present and share its message.

[Senator Zimmer]

The message and the vision of the Canadian Museum for Human Rights is to advance understanding and support for human rights in Canada and throughout the world. To do justice to this vision will be a monumental task. However, I am confident that this project, already progressing well, will have no difficulty in meeting this challenge.

Although the programming and exhibits are in their initial stages, discussions are already underway about devoting a section of the museum to issues of the day. The museum will not only focus on the past, it will enable visitors to take a critical look at issues in the world today and explore the basis of human rights. With its many other components, the museum will have a central place on the local, national and international scene. The board will look at creating a centre for learning to equip Canadian youth, a learning centre to train police forces, military and other peacekeepers, a forum for dialogue featuring the Canadian Charter of Rights and Freedoms, a home for our stories, chronicling Canada's human rights journey, and a section devoted to ordinary people making extraordinary advances for human rights.

The brotherhood of man extends beyond the abstract borders of countries and nations. Today more than ever, Canadians understand what they have in common with their fellow human beings. This Museum for Human Rights will help young and old alike think critically about respecting and advancing human rights.

I do not need to explain the fundamental importance of human rights in our modern society. We cannot deny that every individual has an intrinsic dignity. Yet that dignity is still not universally respected. We must continue to discuss and debate to ensure that humanity can continue its journey toward a better world.

I would also like to take this opportunity to talk about the symbolism of the location of the Museum for Human Rights. The Forks National Historic Site, which is located at the junction of the Assiniboine and Red Rivers, was traditionally a place where Aboriginal peoples gathered to trade their goods. With the construction of the museum, The Forks will become a gathering place for the peoples of the world, who will be invited to share their opinions and ideas in this agora of the new millennium. This museum will provide a space for public dialogue to Canadians who want to explore legal and ethical issues.

I therefore support this bill, and I urge you, honourable senators, to do so as well. Let us speak with one voice so that humanity can express its diversity.

[English]

Hon. Terry Stratton: Honourable senators, I will be brief. I wish to take this opportunity to thank two people of extraordinary vision who made this museum happen.

The first is Izzy Asper of CanWest Global in Winnipeg whom I knew for a great number of years and always admired and respected. He may have been a Grit, but he was a wonderful guy. It was his original vision that put this museum on the plate, and what better place to put it than The Forks in Winnipeg, a meeting place.

• (1440)

The other person I would like to thank is the Prime Minister, for it is his extraordinary vision that put this together; without him, this would not have happened. Prime Minister Harper had great vision to say that not all national museums have to be in Ottawa; that it would be appropriate to locate this museum in Manitoba. He had the imagination and vision to determine that it would be possible. He made it happen.

Finally, I would like to thank Izzy's daughter, Gail Asper, for her extraordinary doggedness, perseverance and imagination in carrying out her father's dream. I urge you to pass this bill today.

Some Hon. Senators: Hear, hear.

Hon. Marcel Prud'homme: I informed the Leader of the Opposition that I wanted to adjourn the debate until tomorrow, with the view of keeping sanity in this place and in consideration of the objection, you know I can stand the heat of any pressure, even from honourable senators. However, someone for whom I have a great deal of respect has asked me not to postpone. Honourable senators, I would have had a much better speech prepared for next Tuesday.

I will start by referring to what took place in the House of Commons when this bill was introduced. It was a shame; it was unbelievable. Honourable senators may like to have this information. Senator Murray rightly raised the point on February 14 that suddenly, out of nowhere, the Leader of the Government in the House of Commons got up on a very important bill.

In the House of Commons, they prefer to do things quickly. I will read from *Debates of the Senate* of February 14, page 776 to be more accurate:

... Mr. Peter Van Loan, Leader of the Government in the House of Commons, moved that Bill C-42, an Act to amend the Museums Act and to make consequential amendments to other acts, be "deemed" to have been read a second time and referred to Committee of the Whole; "deemed" considered in Committee of the Whole; "deemed" reported without amendment; "deemed" concurred in at report stage; and "deemed" read the third time and passed.

That is the way members of Parliament think they can talk about proposed legislation. The title here is parliamentary democracy. That is exactly what happened with that bill in the House of Commons.

They move so quickly in that House; "zap," as Mr. Trudeau used to say, and a bill is passed. The bill is "deemed" to have been studied and not amended. It is "deemed" to have been in second reading. It is "deemed," "deemed," "deemed." In the past, I objected in the House of Commons, and I object here: We proceed too rapidly.

At least here, in the Senate, as a parliamentarian, I follow what my colleagues are saying. I do not come with prepared notes, although, perhaps I would be better and more brilliant. However, I listen to what people have to say and I react. That is what I am doing now.

Senator Murray asked if people from across Canada were asked to appear on this proposed legislation. Honourable senators, this bill has far-reaching consequences. The answer to Senator Murray's question was "no," and the sponsor of the bill showed his embarrassment not wanting to give all the details.

I do not think that this is the way we should proceed. At least there were some good speeches, so we can be informed by reading what Senator Di Nino said, as well as the objections raised by Senator Joyal. No one will say that Senator Joyal could be in any way, shape or form opposed to that kind of museum in Winnipeg. However, he asked the questions that should be asked.

Senator Robichaud asked a question and Senator Di Nino answered. Senator Joyal and Senator Downe and Senator Rompkey asked questions; there were very good comments by the Honourable Senator Zimmer. This bill was sent to the committee and rapidly came back as though the fast passage of this bill is a matter of national urgency.

This is what I want to understand. I want to understand why I was pressured — and you know I do not like to be pressured — not to ask to adjourn debate on this issue to next week. I will not ask for the adjournment in order to please the one who asked me not to do so, although I would have done a much better job had I been able to postpone to next week.

With my few remaining minutes, I would like to pay homage to a man from Winnipeg. I would like to pay homage to a man I knew and who helped me politically. It may come as a shock to some senators to hear that I could have been a friend of Izzy Asper. Yes, I was his friend. Our friendship goes back to my youth as a Liberal with Senator David Smith and Senator Grafstein at the Hilton Hotel in Montreal in 1960. I go back that far with the father, but not the children; I have nothing in common with the children of Mr. Asper, who do not share my political cup. However, Izzy was quite a man: An entrepreneur and very forceful. I want to pay homage to Izzy for his decision to create a museum.

As many new senators may not remember, there was once a very silent decision to allow the Canadian War Museum to be given a Holocaust museum. Senator Orville Phillips was the chair of the subcommittee. By digging a bit, we learned that everything was done under the sponsorship of the woman who was to become the Governor General. If you want, you can hear what transpired; there are 40 hours of tape on this matter.

It was not the best week of my life. I was asked to be a volunteer because nobody wanted to be on the subcommittee while the house was not sitting. We learned a great deal by being told by witnesses from many organizations in Canada that the museum was going forward. However, by scratching a little bit more, we discovered that the Canadian War Museum that was to become a Holocaust museum was to have a section on the anti-Semitism of Quebec. I thought, "Wait a minute. Are we re-opening a can of worms that will divide Canadians again and again?"

I am told, and I hope I will be proven wrong, that this new museum will have that kind of section. If there is that kind of section in that new museum, I assure you it will make things very difficult.

There is something we should reflect on. I will quote something that came to my attention. When I find something very special, I clip it and I put it on my desk. Sometimes it never comes back. However, this one came back on June 11, 2007. It is in French and I will read slowly for translation:

[Translation]

Museums Assistance Program

Mr. Speaker, the Minister of Canadian Heritage and Status of Women is trying to hide the museums' problems under a pile of figures, but the cuts to the museums assistance program are having a serious impact. Even in the smallest communities, jobs have been lost and numerous projects and exhibitions cancelled because of the cuts this government has made.

Will the minister wake up to the disastrous impact her cuts are having on small communities? Will she promise to restore and increase funding for the museums assistance program?

• (1450)

I was amazed when I realized who had asked that question. It was Ms. Raymonde Folco, the member for Laval—Les Îles, from the Liberal Party. As a former chair of the Liberal caucus, I told myself that there may be a problem. I learned that the City of Winnipeg, after injecting \$10 million —

[English]

Perhaps Senator Di Nino will correct me about the great generosity of the people in Manitoba, but I believe the city has provided \$10 million and the province \$20 million, or vice versa. We must not forget that Mr. Chrétien's government contributed \$100 million to the museum. It is all very well to mention today's contribution, but if the museum had any chance to survive, that \$100 million was very helpful.

The process became an auction. Who gives more, the city or the province? Those of you who have shares in various companies will know how your companies have given generously to the foundation. However, out of nowhere, the Prime Minister came in and made this decision, and that is something that should be on the record.

I am speaking off the cuff. I would have preferred to postpone my speech, but I do not want one friend in the Senate to have a heart attack if I propose to postpone this to next week. If I make any mistakes, I will correct them then.

Suddenly, out of nowhere, the Prime Minister stepped in. When you close museums — I am not talking about the new museum, which will be great for Winnipeg and for humanity — but when we close small museums in small provinces, which employ perhaps one person a year, because there are no funds, and then we suddenly find \$22 million for the yearly upkeep of a museum —

Senator Fox: And \$10 billion for the deficit.

[Senator Prud'homme]

Senator Prud'homme: Those of you who are more alert to facts and figures, say, "Wait a minute, there must be an auction going on there."

I want to thank Senator Murray. He is the first one who alerted us, when he raised the issue in the Senate on February 14, 2008, of what took place in the other chamber — which takes place too often.

Members of Parliament do not know what they did. The government takes them by surprise; they go zap, first reading read, deemed read, deemed no amendment, deemed and accepted. Ship it to the Senate and, you old bags, you better pass that fast. That is the way they feel over there, and I thank Senator Murray again for having alerted us. At least that means that some people are listening to some colleagues.

I went back and said, "What the hell is he talking about?" I respect his intellect, so I found out that he was right. Again, today, he asked a very honest question about what exactly happened in committee.

We now know what happened in the committee. It was rather gentle because they are all fine gentlemen and ladies who sit there, and it is certainly finishing a job that was well started by Mr. Izzy Asper and continued by his family. There will now be a board.

Some of us have only one goal in mind, which is to keep the sanity of Canadians. Never pit Canadian against Canadian. The greatest danger to Canadian unity is to pit Canadian against Canadian, or groups of Canadians against groups of Canadians. If there is a danger there, it will be our duty to alert the people of the board to be extremely sensitive — not to hide the truth, but to be highly sensitive — in regard to what they intend to do with the museum.

I will speak no further today, but I would have preferred to wait two or three days. I see my colleagues from Manitoba. I hope that, in return, when something is very important for us in Quebec, they will exercise as much due diligence to pass quickly any bill that we believe should be passed immediately.

This bill will pass today, but I am not happy that it pass today, for the few reasons that I have given. I did not ask for consent, because had I requested permission to postpone, there would have been a debate and it would have caused division. It would have been unkind for something that we believe will be great for Canada and for humanity, if it is well done.

I thank honourable senators for their patience, and I hope my colleague — who impressed me with his argument, although he was rather forceful — is happy now that I am not asking for a postponement of the debate until next week. It would have been only to next Tuesday, but I am happy to have made my contribution.

I want to reaffirm what happened for those who read the official record, because scholars do read the *Debates of the Senate* sometimes — the table officer is standing to indicate that I should shut up. They will say, "My God, what is he up to? It makes no sense." If something does not make sense, it is because I was not given enough time. I did not expect this bill to be passed today, and I thank honourable senators very much.

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

Some Hon. Senators: Question!

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Motion agreed to and bill read third time and passed.

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Special Senate Committee on Anti-terrorism (Bill S-3, An Act to amend the Criminal Code (investigative hearing and recognizance with conditions), with amendments), presented in the Senate on March 4, 2008.

Hon. David P. Smith moved the adoption of the report.

He said: Honourable senators, Bill S-3 proposes amendments to the Criminal Code that would reinstate anti-terrorism provisions that expired under a sunset clause in February 2007. It is substantially similar to the original provisions, which came into force with the Anti-terrorism Act of 2001.

Bill S-3 proposes provisions to bring individuals who may have information about a terrorism offence before a judge for an investigative hearing, and provisions dealing with recognizance with conditions and preventative arrest to prevent a potential terrorist attack. The bill also contains a five-year sunset clause and requires that the Attorney General and Minister of Public Safety and Emergency Preparedness report annually with their opinions as to whether these provisions should be extended.

The Special Senate Committee on Anti-terrorism heard from numerous witnesses during its examination of this bill, and on March 3, voted to accept the bill with three distinct amendments.

The first amendment simply eliminates unnecessary repetition of the word “terrorism” in the description of the offence under consideration. Eliminating the word “terrorism” is a technical change that will bring this subparagraph into alignment with the wording used in the previous subparagraph, and thus avoids any potential questions about differences in interpreting the two.

The second amendment narrows the wording of the grounds that may be used to detain an individual. Eliminating the broad phrase, “. . . any other just cause and, without limiting the generality of the foregoing. . .” brings this provision into line with the 2002 decision of the Supreme Court of Canada in *R. v. Hall*, which struck down a section of the Criminal Code with similar wording as a violation of sections 7 and 11(e) of the Charter. This important amendment brings Bill S-3 into line with the Charter.

• (1500)

The committee’s third amendment replaces the word “may” with “shall” in the clause discussing parliamentary review. This amendment, originally suggested in the committee’s February 2007 report, makes parliamentary review of the

provisions mandatory, although it does not specify which committee of which chamber shall conduct the review. The committee feels that these three amendments are necessary to: First, assist in the appropriate technical interpretation of the proposed provisions; second, ensure that the proposed provisions are constitutionally sound; and, third, ensure that the provisions are subject to parliamentary review.

Hon. David Tkachuk (Acting Deputy Leader of the Government): Honourable senators, I will not address the amendments, because Senator Smith was so thorough in doing so. However, I will thank the members of the committee for their examination of the bill under the Chair, Senator Smith, and Deputy Chair, Senator Nolin, of the Special Senate Committee on Anti-terrorism. I also thank Senator Baker for his intervention to the committee that resulted in the first amendment that Senator Smith spoke about. I extend my thanks to Minister Day, who found another part of the bill that perhaps required amending as well. The process benefited from a collegial effort, and I urge all honourable senators to pass this bill with due speed.

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

Hon. Senators: Question!

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

Motion agreed to and report adopted.

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

On motion of Senator Tkachuk, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

THE ESTIMATES, 2007-08

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B)— DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on National Finance (Supplementary Estimates (B) 2007-08), presented in the Senate on March 4, 2008.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, I will provide a short overview of the report. Honourable senators will recall that the Standing Senate Committee on National Finance, pursuant to a reference from the Senate, was mandated to examine the Supplementary Estimates (B). This report is the result of that study.

When we deal with supply bills, we do so in a different manner than the normal procedure of first reading, second reading, referral to committee, reporting back from committee and third reading. We obtain the material and, in effect, do a pre-study of the information that will be in the supply bill when it arrives. We know what will be in the Supplementary Estimates (B) because that appears as a schedule in the Blue Book as Proposed Schedule 1 to the Appropriation Bill.

Standard clauses outline that the supply schedule attached thereto shall be given in amounts as presented in the schedule. Therefore, to proceed with the bill, we need only the standard clauses and the schedule attached to it, which we have already seen and which we are reporting back to the Senate today. That was the reason for my earlier question to the Leader of the Government in the Senate about why we cannot deal with this bill now. Otherwise, if we were to receive the supply bill next Thursday, for example, we would be asked either to sit during the regular break week or to deal with it at first reading. The latter alternative would require waiting two days to move second reading or requesting leave to deal with it later that same day. We would wait another day to move third reading or request leave to deal with it on the same day. Honourable senators will have to decide whether to continue to make this kind of change.

Perhaps at some time in the future we will want to change the rules with respect to supply bills because we do a pre-study and we do not refer such a bill to committee at second reading. However, we have not changed the rules, so the government, in light of the way it handles its business, will ask the Senate to change its rules in terms of how quickly we can look at this bill.

Two days' notice is given of a change in the status of a bill during its usual progress through the house so that honourable senators who might not have been on the committee or might not have had an opportunity to review the background will have time to prepare for debate in the chamber. When we are asked to do three readings of a bill in one day, any senator who might step out for 15 minutes might miss an expenditure of \$5 billion. That amount, honourable senators, is the total of the Supplementary Estimates (B).

Putting Supplementary Estimates (B) in perspective, honourable senators will recall that in March 2007 the Senate received the Main Estimates 2007-08 which amounted to \$210 billion — \$75 billion in voted appropriation and \$135 billion in statutory expenditure.

Statutory expenditures appear in the estimates for information purposes only. That tells us what is happening with bills that we passed earlier in this chamber and in the other place. Therefore, pursuant to that statutory authority, Treasury Board and the government are spending money. The voted appropriations, which do not have a statutory basis, are the ones that we are being asked to approve when we vote.

In March 2007, we voted on an interim supply, which provided the government the opportunity to continue its initiatives and expenditures until the end of June and gave the Senate and the Finance Committee an opportunity to review the proposal in greater detail. We dealt with interim supply.

In June of last year, we completed the Main Estimates authority, the total \$75 billion voted. In the fall, honourable senators will recall, we dealt with Supplementary Estimates (A). These are items that the government had in its mind at the time that the Main Estimates were prepared or new initiatives that arise during the year, all of which is fine. We have a chance to review those, and then we vote on them. The total amount of the Supplementary Estimates (A) was \$13.5 billion, and we voted those in November.

• (1510)

The final supplements for this year, to round out the fiscal year, total \$4.292 billion, comprised of \$1.2 billion of voted funds and in excess of \$3 billion of statutory funding. That is really \$4 billion of statutory funding, because since these supplementary estimates were prepared we passed Bill C-41, which gave the government the authority to take out of funds for this fiscal year, ending March 31, 2008, another \$1 billion to create a trust to help rural communities.

That is not reflected here or in any of the percentages, but it is important for us to keep that in mind. That will be reflected in the accounts that are filed in the fall of each year following the fiscal year to show what money was actually spent. There will be another \$1 billion added on for that expenditure.

Honourable senators, given that background, we proceeded to study what was being proposed as expenditures. There are a few major items that may be of interest to honourable senators. On the subject of statutory budgetary spending, as I indicated, we have already given government authority for that, so it is there for our information. For the information of honourable senators, statutory expenditures are expected to increase by \$2.9 billion. That is mainly attributable to a \$1.1 billion payment to Newfoundland for offshore petroleum resources.

We are still dealing with the hepatitis C situation due to the problems with the Canadian blood supply from 1986 to 1990. One billion dollars is being set aside to continue with settlements in that regard.

There is funding for the Canada Revenue Agency to provide payments to the provinces under the Softwood Lumber Products Export Charge Act. Honourable senators will recall that the arrangement made in that regard was to charge a tariff when softwood lumber is sold to the United States in order to bring the cost of our product up in the United States so that the price will be similar to that of U.S. producers. The government has the money and is now returning, not to the producers but to the provinces, \$437 million.

A question was asked why this money would not go back to the producers, who are currently very hard hit. There are mills closing all over this country. Particularly in my province of New Brunswick we hear announcements day after day of mills closing. Why would that money not go back to the industry rather than to the general coffers of the provinces? We will have to deal with that at another time, honourable senators, because that is a statutory item for which we have already given approval.

I mentioned the national Community Development Trust of \$1 billion. This was another area where questions were asked, I think quite properly, because we were asked, as we have been here a great deal in the last few weeks, to rush this legislation through so that we can get the money to the provinces, because all the little communities need the money. It is true that the communities need the money. However, we asked: "Has the trust been set up?" "No." "Have they chosen a trustee?" "No." The government has not yet chosen a trustee to handle the \$1 billion. They have not even developed the trust agreement for the trustee to distribute the funds.

Honourable senators will know that that fund is to be distributed over a three-year period. There was great expectation that the communities would be getting that money right away, and there is extreme disappointment in certain areas. Ninety per cent of that money will be distributed on a per capita basis as opposed to on an as-needed basis.

That bill was passed by this chamber very quickly, and we are now suffering the wrath of many communities that were misled by the publicity that surrounded that. That is a lesson to us. We have to consider the possible ramifications and not be caught up in the excitement of the day and the hype built up by various sources.

There is a 2 per cent increase to National Defence for the National Defence pay allowance, and that is just to keep up with inflation. I hope that there will be more funds for that.

Agriculture is the recipient of major transfers in a number of categories. These are statutory items again, but it is important for us to know that there is \$500 million in funding that will help transition producers from the current business risk programming to the new AgriInvest program.

Another \$63 billion is being allocated for funding to set up a disaster relief framework. This is not \$63 million to help in disaster relief; this is \$63 million to put up an office and place people in it. That is a big office. There is probably an office in each province. I am very disappointed with that, knowing that certain sectors of the agricultural industry could use some help right now.

Under the Agricultural Policy Framework there is a third program with contributions of \$37 million in support of the business risk management program. Again, this is not to help farmers but to set up a program.

Those are just some of the items that I thought honourable senators would be interested in knowing about.

I would like to talk to senators about two initiatives that the Standing Senate Committee on National Finance asked to have studied. I will tell honourable senators the names of those and perhaps on another occasion I will have a chance to explain them.

The Hon. the Speaker: The honourable senator's time has expired. Is he requesting an extension of five minutes to conclude his remarks?

Hon. Terry Stratton: We are running desperately short of time and other senators would like to speak. We must adjourn at four o'clock, so I ask that Senator Day keep it short.

Senator Day: There is a new program across all government departments that will be managed by Treasury Board. This is an important initiative for which we have been asking. It will allow each department to move 5 per cent of their operating budget to the next fiscal year in conjunction with Treasury Board rather than having us vote on allowing each department to move that money forward. This makes good sense and is an initiative we have been working on.

Senator Nancy Ruth raised the issue of gender-based analysis of government programs on a regular basis, and in Treasury Board they are now very sensitive to her questions and are ensuring that the rules with respect to gender-based analysis flow across

government departments and that all departments are thinking about them.

• (1520)

Those, honourable senators, are just some of the points that I wanted to bring to your attention. It is appropriate that we pass the supply bill when it arrives; I think it is inappropriate that we be asked to pass that supply bill in one day. Before we pass the supply bill, we would be expected to consider this particular report on Supplementary Estimates (B) and that would form, in effect, the committee's report on the supply bill for Supplementary Estimates (B).

Hon. Terry M. Mercer: Would the honourable senator permit a question?

Senator Stratton: No.

Senator Mercer: You do not want to hear my question.

In the review of the government's estimates, there is a line in the economic statement, and we have heard it talked about politically around Atlantic Canada, stating that money was set aside for the Atlantic gateway. I could not find any reference to it, but there was money set aside for a gateway fund.

In testimony before the Standing Senate Committee on Transport and Communications in Halifax a few weeks ago, senior officials from Atlantic Canada Opportunities Agency, ACOA, with which Senator Day is familiar, were asked if anyone had applied for the money and, if they had, how much money was given, and how someone would apply for the money. The response from the officials shocked most of us in the room. They said there is no application process, so you could not apply if you wanted the money. Even if they had a process in place to receive applications, they could not give you the money because the money had not been approved by Treasury Board.

The government made an announcement in the other place. Political people are running around Atlantic Canada saying we have all this money available and it is wonderful. Today, the Premier of Nova Scotia made an announcement about his wish list. He put out his wish list for the money for the Atlantic gateway. I have bad news for Rodney MacDonald, the Premier of Nova Scotia, unless the order has gone to Treasury Board in the last 10 days. I wonder if the honourable senator has seen this type of thing before. I am curious. Is it standard operating procedure for these people to make statements indicating that money is set aside but provide no means for the money to be distributed to the people across the country who would like to use it for the things it was designated for?

Senator Day: Treasury Board is a gatekeeper, in effect, for money. The money can go out either pursuant to estimates in an appropriations bill to which Parliament has or, alternatively, through a specific statute that we have passed that authorizes the expenditure of money. Until you have one of those two, irrespective of how many government announcements there are and how much political hype there is, Treasury Board will not release the funds. That is the basic rule that you need to have in mind with respect to —

The Hon. the Speaker: I am afraid, honourable senators, that Senator Day's time, plus the extra five minutes, has expired.

Senator Stratton: Honourable senators, I was quite willing to speak briefly on this item, but obviously Senator Day has put forward some statements with respect to the supplementary estimates that I do not agree with. He should not be surprised at all, but this especially about softwood lumber vis-à-vis the free trade agreement. I think he also recognizes that there are problems within the softwood lumber industry.

By the way, if we get the supply bill on Thursday, we can sit Friday. We can sit the following week.

I move the adjournment of the debate.

Senator Day: Could I ask the honourable senator a question?

The Hon. the Speaker: I am afraid a motion has been moved, so I am obligated to put the motion of Senator Stratton, seconded by Senator Tkachuk, that further debate on this item be continued until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

On motion of Senator Stratton, debate adjourned, on division.

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Chaput, for the second reading of Bill S-205, An Act to amend the Bankruptcy and Insolvency Act (student loans).
—(Honourable Senator Comeau)

Hon. David Tkachuk (Acting Deputy Leader of the Government): Honourable senators, I rise to speak today at second reading of Bill S-205, which is Senator Goldstein's bill to amend the Bankruptcy and Insolvency Act in regard to student loans. I support the principle of the bill, but I do have and will try to explain my reservations about its substance.

It is worth remembering that in its 2003 study of the Bankruptcy and Insolvency Act, the Standing Senate Committee on Banking, Trade and Commerce, of which I was then Deputy Chair, looked carefully at this issue of student loans. Senator Goldstein knows this well because, as a leading Canadian expert in this area, he served as the committee's invaluable and much relied upon consultant. Senator Goldstein will know that, in making our recommendations on student loans in that report, we tried to balance the interests of the students against those of the Canadian taxpayer. The taxpayer is not a minor issue here.

I wish to point out some figures from our report. In the 1990-91 period, more than 5,600 borrowers holding \$40.5 million in student loans declared bankruptcy. Five years later, about 11,000 borrowers filed bankruptcy, and they held \$100 million in student loans. Between 1990 and 1997, 53,000 borrowers declared bankruptcy or participated in a bankruptcy-related event, holding about \$445 million in federal student loans at that

time. Most did so within seven years of leaving school. This was a significant loss for the government and more important for the taxpayers of Canada, those saving for their own children's education and those paying off their student loans.

In 1997, as Senator Goldstein mentioned, a rule prohibiting the discharge of student loans in bankruptcy for two years after the holder left school was created. What surprised everyone, however, as Senator Goldstein also mentioned, was that in 1998, the period before discharge was summarily increased from two years to ten years, without notice and without consultation. What Senator Goldstein failed to mention, though, is that it was his Liberal predecessors we blame for this. Nonetheless, the increase is drastic, without doubt, but it was leavened, and Senator Goldstein failed to mention this, by an interest relief period of up to 54 months within the first five years of the students completing their studies, which, combined with a six-month grace period, allowed the deferment of payments on both interest and principal for the first five years. Federal income tax credits on interest paid on government student loans were created, and a debt reduction and payment measure was introduced.

This debt reduction and repayment measure was further embraced in Budget 2003, and a student or former student in financial difficulty is eligible for an initial loan remission of up to \$10,000. A year later, if the student is still in difficulty, another reduction of up to \$5,000 is possible, and another \$5,000 a year after that if financial difficulty persists. It is worth mentioning as well that with Bill C-12 receiving Royal Assent in December last year as Chapter 36 of the Statutes of Canada, the non-dischargeable period for student loans has been changed to seven years, and the date before a hardship hearing can take place was reduced from 10 to 5 years after a debtor has ceased being a student. These changes should come into force this fall, and when they do, the students who already filed for bankruptcy but have yet to be discharged will be protected by Bill C-12. The same is not true of Bill S-205, which would apply only to people who file for bankruptcy after the proposed legislation comes into force.

• (1530)

Last week's budget provided more help to students. The government is replacing the soon-to-be-expired Canada Millennium Scholarship Foundation with a \$350 million Canadian student grant program. This will benefit 100,000 more lower- and middle-income students than did the millennium scholarship.

The budget also commits \$123 million over four years, beginning next year, to modernize the Canada Student Loans Program. It will include measures that provide greater flexibility for those having difficulty in repaying their loans and measures that will ensure that borrowers are not required to make student loan payments above an affordable level.

The issue is not nearly as cut and dried as Senator Goldstein would have us believe. It may be true, as he said, that one thing that has become clear over the last 10 years, is that there is absolutely no evidence at all that students have been abusing the bankruptcy process to be rid of student debt. That stands to reason, given that these provisions were in place for the last 10 years.

It is the period before that with which we must concern ourselves. Judging by the figures I quoted earlier, if abuse was not happening, there was certainly an unusual pattern of increasing student bankruptcy. Remember that by 1995-96 losses to the Canada Student Loans Program exceeded \$100 million.

No doubt that is why we heard diverging views on the issue when we conducted our hearings. Some felt, amongst other things, that the 10-year period was too onerous and treated students unfairly in comparison to other members of society. Others felt that incentives were needed to prevent abuse and defend the interest of taxpayers.

However, none of them, even the students who testified before the committee — individual students affected by bankruptcy, the Canadian Federation of Students and the Canadian Alliance of Student Associations — suggested a return to 1997 and the two-year restriction. In fact, they recommended five years, and that was the most common term referred to by students and experts alike. Those experts included the Canadian Bar Association and the Personal Insolvency Task Force.

As I stated at the outset, we must consider the interest of the taxpayers who bear the cost of student loans in a number of ways, whether it is the interest on the loan while the student is at school or the costs associated with defaults.

In the Banking Committee's recommendations on student loans, it considered the taxpayers' interests and balanced them against those of the student.

Our recommendation was to reduce the period of discharge to five years following the conclusion of studies while at the same time giving the courts discretion to discharge all or part of the debt in less time if the student can demonstrate undue hardship.

I look forward to the continuing debate on this matter, both here and in committee.

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

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: Honourable senators, when shall this bill be read the third time?

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

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Phalen, seconded by the Honourable Senator Day, for the second reading of Bill S-218, An Act to amend the Immigration and Refugee Protection Act and to enact

certain other measures, in order to provide assistance and protection to victims of human trafficking.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I rise to speak to Bill S-218. I will not put on the record the need to deal with human trafficking. That topic has been explored both by committees and by individual senators.

Suffice it to say that when I last spoke to this bill, I put on the record that in 2007 human trafficking was shocking, pervasive, international and the most degrading act against human dignity. Slavery is flourishing in old forms and in new ways. Its ties are often linked to organized crime, international trafficking, failed states, struggling states, and corrupt officials everywhere. Therefore, I do not wish today to elaborate in full detail the issue of human trafficking and how it must be addressed internationally, nationally and locally through laws, practices, treaties and policies.

Rather, I wish to respond directly with respect to Bill S-218. This proposed legislation was introduced by our honourable colleague Senator Phalen and seeks to amend the Immigration and Refugee Protection Act and to enact certain other measures to provide assistance and protection to victims of human trafficking.

Before I speak to specific aspects of Bill S-218, I will take this opportunity to outline the approach being taken by the government to protect victims of human trafficking as well as public policy initiatives undertaken by the Minister of Citizenship and Immigration.

The government has reintroduced in the other place Bill C-17 to address an important gap that exists in Canada's immigration law. The proposed amendments would give the Minister of Citizenship and Immigration the authority to deny work permits to individuals who may be subjected to humiliating and degrading treatment, including sexual exploitation.

This authority will help the government prevent applicants for work permits from entering Canada when doing so would subject them to the risk of exploitation and abuse. It will also help to ensure that Canada's immigration system is not used by criminals to victimize people.

With respect to Bill C-17, it is worth noting that the government has received strong support from various stakeholders concerned with the issue of human trafficking. I would note that Sabrina Sullivan of The Future Group said the:

... Immigration Minister has taken an important step to protect women from sexual exploitation and end a program that made Canada complicit in human trafficking. It is clear that Prime Minister Stephen Harper's government is serious about combating human trafficking.

The Salvation Army also welcomed Bill C-17. Christine MacMillan, Territorial Commander for The Salvation Army in Canada and Bermuda said the following:

This announcement is an excellent advancement towards the protection of women from sexual exploitation.

She further stated:

It is another positive step in the fight against human trafficking, and we are encouraged by the leadership shown by the Federal Government.

I look forward to having Bill C-17 passed through the House and introduced in this chamber.

The government has also increased support for human trafficking victims through changes to ministerial guidelines. In June 2007, the Minister of Citizenship and Immigration announced enhancements to guidelines for immigration officers to better protect and assist foreign nationals who have become victims of trafficking in Canada. These guidelines are founded on authorities that exist in the Immigration and Refugee Protection Act.

The new guidelines are designed to help victims escape the influence of their traffickers and recover from their ordeal. The updated guidelines enable immigration officers to issue initial fee-exempt temporary resident permits of up to 180 days to individuals who may be victims of trafficking.

Earlier provisions provided for an initial temporary resident permit of up to only 120 days. Extending the length of the initial temporary resident permit from 120 days to 180 days allows victims to apply for a work permit, and the new public policy makes this initial work permit fee-exempt as well.

• (1540)

Victims of human trafficking are now also eligible for health care benefits and trauma counselling under the Interim Federal Health Program. The protection afforded by these new measures includes legal status in Canada, a chance to escape from the influence of their trafficker, and the opportunity to begin to recover from their ordeal with assistance through the Interim Federal Health Program. Health and counselling services are also offered by the provinces and territories, and victims are given time to reflect on what they want to do next, whether they choose to remain in Canada or return to their home country.

I also point out that, contrary to Senator Phalen's assertion, there is a provision under the Ministerial Instructions and related guidelines for longer-term temporary resident permits to be issued where there are reasonable grounds to believe that an individual is a victim of trafficking. These permits mirror those being proposed by Senator Phalen. They are based on public policy and ministerial instructions, which have the force of law. I suggest that pursuing these same measures through binding legislation will hamper the government's ability to adjust and respond quickly to the needs of all stakeholders affected by human trafficking. This ability to adapt to changing circumstances in a timely manner is very important.

Overall, the existing provisions, founded on the authorities of the Immigration and Refugee Protection Act, offer victims of trafficking the kind of protection they need and the kind of protection that I believe Senator Phalen wishes. However, there is one important difference: Flexibility. Use of ministerial instructions in this case and public policy offer the flexibility and responsiveness required by the complex issue of human

trafficking. Canada's experience with this issue, and specifically with immigration measures to assist victims, is limited. The ability to adjust and respond quickly to the needs of all — that is, victims, law enforcement agencies, service providers — is essential.

The recent increase in the short-term permit is a good example of flexibility. The change was made to reflect a gap in the 120-day permit, which did not allow victims to work. As the change could be made through ministerial instruction, it was done quickly, responding to the immediate needs of victims.

Honourable senators, it is interesting to note that, had Parliament passed Senator Phalen's previous bill, the government would not have been able to expand the support and protections to victims of human trafficking without first having to introduce new legislation. In my opinion, putting existing measures into legislation may not be necessary or desirable. Most of the measures proposed in Bill S-218 are already in place and mirror those being proposed in Bill S-218. These measures are supported by public policy and ministerial instructions already and have the force of law.

In addition, honourable senators, Canada's criminal laws do address various manifestations of human trafficking. There are many measures in the Criminal Code, and I believe that there is not one bill that is helpful. I point out that in 2005 criminal offences were added which specifically prohibit the trafficking of persons. These offences prohibit the ability to benefit materially or financially from trafficking, and they prohibit withholding identity and travel documents from victims. These targeted criminal offences are built upon our existing criminal laws, including assault, sexual assault and forcible confinement, as well as trafficking in persons offences contained in the Immigration and Refugee Protection Act, which prohibits transnational trafficking. Together, these offences provide law enforcement with a broad range of measures to respond effectively to trafficking in all of its manifestations.

Honourable senators, the government has committed \$52 million over the next four years for programs, services and funding to meet the needs of victims of crime across the continuum of the justice system and federal corrections. In addition, the government has appointed a federal ombudsman for the victims of crime to promote the needs of victims, but strong laws alone will not eradicate this horrible crime.

Our criminal laws strongly denounce human trafficking and demonstrate Canada's ongoing commitment to ensuring that the perpetrators of such crimes are brought to justice. However, a successful justice system must improve the ability to better identify the incidents, nature and scope of human trafficking, as well as address a victim's needs and prosecute offenders.

Senator Phalen spoke to the need of raising awareness, training and coordination of all actors, and I support this sentiment. The government allocated an additional \$6 million per year to strengthen existing federal efforts to combat the sexual exploitation and trafficking of children, aimed primarily at enhancing our front line law enforcement response.

Effective anti-trafficking responses require cooperation across all levels — local, national, regional and international, involving both government and civil organizations. As honourable senators

are no doubt aware, victims' services are a shared responsibility between the federal, provincial and territorial levels of government, with the provinces and territories having primary responsibility for service delivery.

With respect to health proposals in Bill S-218, I draw honourable senators' attention to the fact that the federal government cannot unilaterally direct the provinces and the territories to provide health and social services. The provincial and municipal levels are well aware of the extent of the problem and its impact at the community level. I am pleased to report that there are a number of important cross-jurisdictional collaborative efforts already underway, and I note those in British Columbia and Montreal in particular. I believe that these collaborations on this complex and serious problem are a more effective way to proceed than by attempting to enshrine certain actions in legislation.

For the purpose of brevity, I will not identify the number of crime prevention strategies that are in place and the initiatives that we are currently involved in, both domestically and overseas. Suffice it to say that there are education materials built on existence awareness initiatives that have been distributed throughout Canada, as well as overseas, to faith-based groups, shelters, academics, immigration centres, advocacy organizations and others.

Information on how to identify victims of human trafficking is extremely important. How to protect their needs has been added to mandatory training programs for RCMP officers and Canada Border Services Agency officers. Canada is also participating in an Interpol working group with 186 member states to exchange intelligence and strategies in response to trafficking. Internationally, the government is supporting projects in Asia and Central and South America to raise awareness among vulnerable adolescents of the risks associated with trafficking. There are also funded projects in West Africa to support the rehabilitation of children who have been trafficked for economic and sexual exploitation. These activities and others are coordinated through an interdepartmental working group. Together, they strengthen Canada's response to human trafficking.

I have no doubt that the intentions behind Honourable Senator Phalen's proposed amendments are both noble and good, but I believe that both the previous government had started initiatives and that this government has taken this issue on very forcefully. I believe that we should rethink whether our wish to make changes matches what is most needed by the victims, and that does not always mean a legislative response.

• (1550)

While I am often on the side of legislative amendments, in this case, I believe that flexibility is needed because it is an emerging problem with very complex and difficult problems. The problems are often personal, and individual solutions are necessary. Therefore, while I share the sentiments of Senator Phalen, I think this bill needs very careful study before it proceeds.

The Hon. the Speaker: Further debate, honourable senators?

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: Honourable senators, when shall this bill be read the third time?

On motion of Senator Moore, bill referred to the Standing Senate Committee on Human Rights.

STATE IMMUNITY ACT CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Stratton, for the second reading of Bill S-225, An Act to amend the State Immunity Act and the Criminal Code (detering terrorism by providing a civil right of action against perpetrators and sponsors of terrorism).
—(Honourable Senator Tardif)

Hon. Jeremiah S. Grafstein: Honourable senators, I know the time is short, but I would like to start on this bill.

The war on terrorism is not new. The targeting of innocents to strike fear and provoke damage to innocent targets is an ancient illness that has affected the body politic through the ages.

In the 19th century, terrorists were called anarchists. Their perverse objective was to create anarchy and disrupt civil society by using perverse tools of bombing and assassination. What is new in our century is that terrorism is now a weapon of choice for some abhorrent modern states that are not prepared to do battle on fields of honour, but hide, cringe and camouflage their support for terrorism through deadly surrogates.

These states are, in effect, more than surrogates, fellow travelers or co-conspirators. They are activators of terrorism to accomplish their maligning political objectives, which can be summed up as a direct attack on democratic societies, democratic institutions and innocent supporters of the democratic ideal. Worse, they promote the venal cult of death, abhorrent to all civilized societies.

Terrorism targets modernism and, perversely, terrorism expropriates modern techniques of funding, communications, technology, weaponry, and information networks to destroy modernism.

This bill is intended as a deterrent to state-supported and group-inspired terrorism. By amending the State Immunity Act and the Criminal Code, this bill provides victims of terror with a civil remedy, a civil right of action against actors, co-conspirators, fellow travelers and sponsors of terrorism, especially state-sponsored terrorism.

If terrorism is a weapon of choice that targets innocents and innocent targets, its paramount objective is to attack and undermine democratic principles and democratic civilization. We must deploy the only weapon that we have, the rule of law, which is the only true weapon we have when our society is under such paramount attack.

This bill puts a legal shield and a sword in the hands of the victims of terror and their families. This allows those innocents to strike at the roots of terror, its funding.

Terrorism relies on funding. It costs money to train, arm and facilitate acts of terror, both major and minor. The bill amends the State Immunity Act so these rogue states that knowingly or recklessly sponsor lists of terrorist entities can no longer claim state immunity for their actions.

The Criminal Code is amended hereby to allow civil claims against local and state sponsors of terrorism. Innocent victims and their families who have suffered loss or damage as a result of this criminal conduct that is contrary to the existing anti-terrorism provisions of the Criminal Code and to international law itself can bring claims.

The words “knowingly” and “recklessly” have been added as a safeguard against frivolous lawsuits. The sponsors of terrorism must have intent. They must be aware and conscience of the fact, *mens rea*, that they are providing “material support” to a listed or identified terrorist entity and continue to support these entities directly or indirectly. “Material support” is defined in subsection 2.1(2) as a further protection to subsection 2.1(1) of the State Immunity Act.

The victim plaintiff in such a lawsuit is encouraged to allow the abhorrent foreign state an opportunity to arbitrate the issue before the plaintiff can pursue the matter in court if the terrorist act causing harm to the plaintiff occurred in that foreign state.

To level the playing field, another valuable shield for the plaintiff victims is included in the bill. Foreign states are precluded from making use of the civil remedies against aggrieved plaintiffs. This is to avoid mischievous defensive litigation and is set out in specific language in section 83.34(2) as follows:

Any person, other than a foreign state, who has suffered loss or damage on or after January 1, 1985 . . . may, in any court of competent jurisdiction, sue for and recover from the person who engaged in the conduct an amount equal to the loss or damage proved to have been suffered by the person, together with any additional amount that the court may allow.

For further clarity, to protect our democratic friends and allies who practise the rule of law, section 83.34(7) of the Criminal Code would direct the court to refuse to hear a claim against a foreign state with which Canada has entered into a bilateral extradition treaty or that has been designated an extradition partner in the schedule to the extradition treaty. This again would prevent frivolous lawsuits against innocent foreign states that abide by the rule of law.

A further safeguard is section 83.34(9). This section explicitly states that the legislation does not create a universal jurisdiction. This means, honourable senators, that plaintiffs in the proposed lawsuits in Canada must have demonstrated a connection to Canada.

Some other salient provisions will be of interest to all senators. This is quite an interesting and innovative piece of legislation.

Successful plaintiffs will be able to collect in the same matter as other judgment creditors. They will need to identify assets and seize assets of the foreign state in Canada. To facilitate collection efforts by terror victims, proposed subsection 12(1.1) has been added to the State Immunity Act. This section would require the Minister of Finance and the Minister of Foreign Affairs to provide information in their possession about the property of the foreign state that a court has found liable.

Proposed subsection 83.34(3) of the Criminal Code has been added in recognition of the comment by Judge Kozinski, who sits on the United States Court of Appeals for the Ninth Circuit. This comment may be found in the *Humanitarian Law Project*, 205 F.3d at page 1,136, that “terrorist organizations do not maintain open books.” This is a known fact.

These provisions will ensure that an unduly difficult test is not imposed on the plaintiffs to prove that the terrorist sponsor caused their damage or loss. Specifically, if a court finds that a listed entity caused or contributed to the loss or damage to the plaintiffs and that the defendant breached certain anti-terrorism provisions of our Criminal Code by helping the listed entity, then plaintiffs need not show that the defendant’s conduct actually caused or contributed to the loss of damage.

Proposed subsection 83.34(7) of the Criminal Code directs the court to refuse to hear a claim against a foreign state with which Canada has entered into a bilateral extradition treaty or has been designated, as I said, as an extradition partner in the schedule to the Extradition Act. The Extradition Act provides the most comprehensive and appropriate formulation for ensuring the prevention of frivolous lawsuits against innocent foreign states, as well as the protection of Canada’s foreign policy in the overall goals of the legislation.

Proposed subsection 83.34(9) of the Criminal Code has been added to confirm that a criminal conviction is not required to launch a civil lawsuit under this section.

On that day of infamy, September 11, 2001, the day that changed the world, innocent Canadians were murdered in the twin towers of New York City. Twenty-four Canadian citizens lost their lives in that tragedy and, as a result of the attacks, the Canadian government vowed to attack the roots of terrorism.

Earlier, in the Air India crash, all 329 people were killed, which included 280 Canadian citizens and 136 children. No one has yet been brought to justice for this terrorist attack on Canadian citizens.

Canadian victims of terror launched a collective effort in support of this bill and the Canadian Coalition Against Terror was formed. Each of the key members felt the tragedy and the loss of these events that few of us have felt and all of us condemn.

I met last week with Maureen Basnicki, whose late husband lost his life in the twin towers terror. She has dedicated her efforts to seek redress through the measures encapsulated in this bill. I commend her and her colleagues for their efforts.

In four years, honourable senators, no one in Canada has been criminally convicted of financing terrorism. No person has

been convicted in spite of the fact that FINTRAC has located hundreds of millions of dollars related to terrorist entities and groups in Canada.

The Hon. the Speaker: Honourable senators, it being 4 p.m., pursuant to the order adopted by the Senate on October 18, 2007, I declare the Senate continued until Thursday, March 6, 2008, at 1:30 p.m., the Senate so decreeing.

The Senate adjourned until Thursday, March 6, 2008, at 1:30 p.m.

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