



CANADA

# Debates of the Senate

---

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 64

---

OFFICIAL REPORT  
(HANSARD)

**Thursday, May 29, 2008**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

## CONTENTS

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

---

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

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

## THE SENATE

Thursday, May 29, 2008

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

Prayers.

### SENATORS' STATEMENTS

#### SENATE SITTINGS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I was absent last Thursday, but while reviewing Hansard, which is one of my favourite evening activities, I read Senator Murray's complaint that the chamber was sitting at times when there was no government business. He proposed that such time would be better spent having committee meetings instead of chamber sittings.

Senators Kenny, Carstairs and Mercer joined in support of Senator Murray's complaint. Senators Rompkey and Mitchell also made some comments. Senator Carstairs even used the word "ludicrous" in her statement. The reality is that on April 10, I proposed that the week of April 28 to May 2 be a committee week, but the Liberal opposition refused. I made the proposal again on April 15 and 16, and the Liberals again refused. No one can accuse me of not being persistent.

Senator Tardif keeps excellent records of our scroll meetings, so I am sure she is able to confirm that I did propose those dates and that they were rejected by the Liberal caucus.

Senator Murray, who does not sit in either caucus, would probably not be aware of this refusal by the Liberal caucus, but Senators Kenny, Carstairs and Mercer would certainly be aware. Perhaps they could support the proposal when it is next made. Perhaps they can speak up in their caucus when proposals are made regarding committee meeting weeks.

I am pleased to learn that I do have support from the Liberal caucus for the concept proposed by Senator Murray, that is, for committee weeks from time to time. I am somewhat surprised that they made their opposition to their caucus position public, but I applaud them for being so candid.

#### VICTORIA ORDER OF NURSES WEEK

**Hon. Joan Cook:** Honourable senators, since 1897 the Victoria Order of Nurses has been dedicated to improving the lives and the well-being of Canadians. In 1952, not long after my home province of Newfoundland and Labrador joined Confederation, VON extended their services to my province. Today, I bring to the attention of honourable senators the fact that last week, from May 18 to 24, staff and volunteers from across the country gathered together to celebrate VON Week.

Originally founded by Lady Ishbel Aberdeen, wife of the then Governor General, VON has always been dedicated to providing accessible and affordable medical care for Canadians in rural and urban communities.

Today, across Canada, 16,000 VON staff and volunteers play a major role in helping Canadians to remain independent in their communities and homes by offering many different programs and services, including home nursing, caregiver support and education, volunteer visiting, foot care and Meals on Wheels.

Over the last week, VON sites across Canada held a number of events to celebrate their achievements, raising awareness in their communities and highlighting the important role VON plays in the Canadian health care system.

In Newfoundland and Labrador there were numerous inter-branch activities, including a luncheon honouring the hard-working nurses and a fun trivia challenge that encouraged volunteers and staff to learn more about the order.

VON Week is a great opportunity to celebrate and recognize all the hard work, compassion and dedication these nurses and volunteers provide to Canadians. VON volunteers provide more than 300,000 meals to Canadians each year and spend countless hours visiting with palliative care clients in communities across the country.

VON is an integral part of the numerous health care providers in Canada. They are dedicated to the delivery of innovative, comprehensive health and social services, including the development of health and social policy in Canada.

Honourable senators, as we tip our hats to the VON nurses and volunteers who provide care for us and our loved ones, we must remember that supporting those in the nursing sector is essential to helping us build and advance a strong health care system for Canadians.

#### FORMAL APOLOGY TO FORMER STUDENTS OF INDIAN RESIDENTIAL SCHOOLS

**Hon. Nick G. Sibbeston:** Honourable senators, on June 11, Prime Minister Harper will make a long-awaited apology to former students of Indian Residential Schools. This follows closely on the establishment of the Truth and Reconciliation Commission under the guidance of Justice Harry LaForme, and it is good that the Prime Minister has chosen to make Canada's apology now rather than later.

I trust that the apology will be fulsome, whole-hearted and sincere, and will contain all the elements of a true apology — an acknowledgment that actions have caused harm, acceptance of responsibility for that harm and the promise to do something about it.

• (1340)

The government has already taken action by establishing the Aboriginal Healing Foundation and by reaching the residential schools settlement, which has provided for financial compensation, commemoration and the chance to tell our stories through the Truth and Reconciliation Commission. The formal apology will complete the process.

I look forward to hearing the Prime Minister. I have organized an event in my hometown of Fort Simpson to hear and to celebrate these historic words. I have invited former students and their families to watch the apology on television. We will then discuss it, share our thoughts and feelings and have a feast afterwards.

We will listen to what he has to say. We will try to feel its impact and recognize and accept it as a sincere expression of Canada's acknowledgment of wrong-doing and harm caused. Regardless of the exact words the Prime Minister chooses or the style in which he makes his statement, we will know our lives and our suffering have been recognized and vindicated.

There are two sides to an apology: the side that gives it and asks for forgiveness and the side that receives and accepts it. Only by accepting this apology and allowing its meaning and its effect to sink into our hearts can we, as Aboriginal people, begin to feel relief and find satisfaction.

For many of us, these events happened 40, 50 and even 60 years ago, yet they remain with us as we grow older, still fresh and still painful. We hope this apology will give us a measure of peace and contentment so our elder years can be happy ones.

#### THE LATE HOWARD DILL

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to speak about one of Nova Scotia's best known sons, Howard Dill, who departed this life in his hometown of Windsor on Tuesday, May 20, 2008. Howard was a pre-eminent farmer and a hockey enthusiast.

He developed a most special pumpkin seed, which he labelled the Atlantic Giant. He had the foresight to patent this seed around the world. In 1979, he won the first of many weigh-offs as the international champion grower of the world's largest pumpkins. In the years since, all other champion growers have used his Atlantic Giant seeds. From growing pumpkins for competition, Howard's business grew, as he became the supplier of seeds to many individuals, farms and garden outlets across the globe. Colleagues, no home is as festively decorated with pumpkins and gourds as the Dill residence on College Road during the Halloween season.

The Dill farm includes Long Pond, believed by many to be the location of the first ice hockey game played in Canada. A few years ago, Howard had Long Pond drained, which revealed many old hockey pucks, some made of wood and some of very old rubber all substantiating the likelihood of it being the birthplace of hockey.

Always a gracious host, Howard welcomed all visitors to his farm and was delighted to show them his phenomenal collection of hockey memorabilia.

We all shall miss this legendary man. We thank his spouse, Hilda, and his children, Danny, Andrew, Maureen, Diana and Eddy, for sharing him with us. I am proud to have been his friend.

[Translation]

## ROUTINE PROCEEDINGS

### OFFICIAL LANGUAGES COMMISSIONER

#### 2007-08 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, pursuant to section 66 of the Official Languages Act, I have the honour to table, in both official languages, the annual report of the Commissioner of Official Languages.

• (1345)

[English]

### NATIONAL SECURITY AND DEFENCE

#### BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE PRESENTED

**Hon. Colin Kenny,** Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, May 29, 2008

The Standing Senate Committee on National Security and Defence has the honour to present its

#### SIXTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, November 20, 2007, to examine and report on the national security policy for Canada, respectfully requests funds for the fiscal year ending March 31, 2009.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget application submitted was printed in the *Journals of the Senate* on March 6, 2008. On March 12, 2008, the Senate approved the release of \$165,000 to the Committee. The report of the Standing Committee on Internal Economy, Budgets and Administration recommending the release of additional funds is appended to this report.

Respectfully submitted,

COLIN KENNY  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix, p. 1217.)

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

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

## CANADIAN HUMAN RIGHTS ACT

## BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-21, An Act to amend the Canadian Human Rights Act.

Bill read first time.

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

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

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

SECOND PART, 2008 ORDINARY SESSION  
OF PARLIAMENTARY ASSEMBLY OF COUNCIL  
OF EUROPE, APRIL 14-18, 2008—REPORT TABLED

Leave having been given to revert to Tabling of Reports from Inter-Parliamentary Delegations:

**Hon. Lorna Milne:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada Europe Parliamentary Association respecting its participation at the meeting of the Second Part of the 2008 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, from April 14 to 18, 2008.

## QUESTION PERIOD

## THE RIGHT HONOURABLE BRIAN MULRONEY

## ALLEGED CASH PAYMENTS—JUDICIAL INQUIRY

**Hon. Céline Hervieux-Payette (Leader of the Opposition):** My question is for the Leader of the Government in the Senate. Last November, at the request of the former Prime Minister, Brian Mulroney, Prime Minister Harper announced that he would call a public inquiry into the Mulroney-Schreiber scandal. However, here we are six months later and nothing has happened.

As Justice Gomery said yesterday:

Once you've said you're going to do something, usually you're expected to do it within a reasonable period. And the period is getting beyond reasonable.

When will this government launch the public inquiry it promised last year?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I was asked this question yesterday by Senator Mercer. The government committed to having a public inquiry into the matters pertaining to the Right Honourable Brian Mulroney and Karlheinz

Schreiber. We have received the second report from Professor David Johnston on his recommendations as to how to conduct the inquiry. The government will live up to its commitment and the announcement will be made.

• (1350)

ALLEGED CASH PAYMENTS—  
INSTRUCTION BY PRIME MINISTER ON CONTACT

**Hon. Céline Hervieux-Payette (Leader of the Opposition):** My second question to the leader is: When will the government begin this inquiry? Parliament currently has a light agenda so it is likely that people have time to reflect on this inquiry. Mr. Harper promised last year to call a public inquiry. He also sent out a directive to his cabinet ministers to refrain from communicating with Mr. Mulroney. Can the Leader of the Government in the Senate tell us if that directive is still in effect or if it has been lifted?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, this question is exactly the same one that was asked yesterday by Senator Mercer. When these events occurred on November 9, 2007, the Prime Minister, in response to a question by Keith Boag at a media conference, said that because of the seriousness of the matter it was prudent for members of his cabinet not to have any contact with Mr. Mulroney.

As I explained yesterday to Senator Mercer, until the matter has been resolved after the public inquiry, it would not be wise for any member of the cabinet to have contact with Mr. Mulroney. To my knowledge, Mr. Mulroney has not attempted to contact any member of the cabinet because he understands the delicacy of the situation.

There is not a weekly update on the matter. The Prime Minister's comments of November 9 still stand.

[Translation]

## ALLEGED CASH PAYMENTS—JUDICIAL INQUIRY

**Hon. Céline Hervieux-Payette (Leader of the Opposition):** Honourable senators, as for whether there is reason to be concerned about the actions of the government in the Mulroney-Schreiber affair, I would say that Mr. Mulroney is being punished, but definitely not adequately, since he is not able to exercise all his rights at this time.

I urge the government, through its representative in the Senate, to appoint someone to chair this commission as soon as possible. I think Mr. Gomery might be available. I make that suggestion because the government thinks it is important, even though it has not implemented any of his recommendations, or at least hardly any.

I suggest that the Leader of the Government let her cabinet colleagues know that we are looking forward — as Canadians do — to this inquiry being called.

We also have some former Liberal chiefs of staff who could serve as secretaries on this inquiry. This would give the government everything it needs to get to the bottom of this issue, since everyone wants it resolved and wants to be assured that the former prime minister did not commit any crimes.

I urge the Leader of the Government in the Senate to assure us that this inquiry will be called as soon as possible.

[English]

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I saw Justice Gomery's comments. It is interesting that the honourable senator would promote him to conduct this inquiry, and that she is suddenly concerned about the welfare of Mr. Mulroney.

• (1355)

The facts are as I stated them. We have the recommendations of Professor Johnston, and when the Prime Minister is in a position to announce who will conduct this inquiry, he will do so.

These matters are serious. I am sure that Mr. Mulroney, as a former prime minister, understands. I have not talked to him, as I said to Senator Mercer, but I am sure he understands, having been a prime minister himself, as I am sure the honourable senator understands, having been a cabinet minister.

It is obvious that cabinet ministers cannot participate in discussions with him, directly or indirectly. The Prime Minister will be responsible for — and the cabinet will be involved in — naming the person who will be responsible for this inquiry, and ultimately responsible for whatever the inquiry recommends.

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### KELOWNA ACCORD

**Hon. Robert W. Peterson:** My question is for the Leader of the Government in the Senate. Yesterday marked an important and historic occasion for Aboriginal peoples — the passing of Bill C-30 and the establishment of the specific claims tribunal. I commend the government for realizing the importance of this legislation and for ensuring its speedy passage.

Will the government continue to listen to First Nations people and ensure other important issues such as health, education, housing and economic development are addressed through the reintroduction of the Kelowna Accord?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** We all know there is no such thing as the Kelowna Accord and there was no fiscal framework around it.

Today, a peaceful demonstration is taking place on the lawns of Parliament: the Aboriginal National Day of Action.

We have done many things since coming to office. With regard to the day of peaceful protest, as honourable senators know, they are focusing on child poverty. We believe that economic development is critically important. As Chief Clarence Louie of the Osoyoos Indian Band in British Columbia said recently, the best social program is a job.

Since coming to office, our Conservative government has made real progress in many areas and issues facing Aboriginal people. We have focused on practical, measurable and tangible action. We will continue to work with Aboriginal people.

[ Senator Hervieux-Payette ]

Of course, there is the residential schools settlement and the apology, which is coming. We also have made great strides on the housing issue and on providing clean water. A lot has been done, and there is a lot yet to be done. However, the government and the minister are working hard to resolve a lot of these long-standing issues with regard to our Aboriginal community.

## SCHOOL CONSTRUCTION AND MAINTENANCE FUNDING

**Hon. Robert W. Peterson:** On this National Day of Action, will the government also review its reduction of on-reserve school budgets and provide the necessary funding to continue construction and repairs of the schools in communities, which were delayed indefinitely?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Obviously, the issue of education is a matter that the government is working on with the Aboriginal leadership and with the various provincial and territorial governments. As the honourable senator knows, considering where he is from, the issue is a complex one when dealing with provincial education systems and trying to provide the best possible education for our young Aboriginal students.

We are working with all levels of government — and with the various Aboriginal leaders and the bands — in providing skills training for young Aboriginal people.

In the area of economic development, many of these people live in areas of the country, such as in the honourable senator's own province and in Alberta, where there is a great shortage of skilled labour.

• (1400)

Therefore, many initiatives have been taken — I could go through and list them all if the honourable senator would like — that are moving towards this ultimate goal of making the economic conditions of our Aboriginal peoples much stronger.

## GAP IN EDUCATIONAL LEVELS

**Hon. Elizabeth Hubley:** Honourable senators, I am sure that it will be of no surprise to anyone in this chamber that educational levels for First Nations communities are far below those of the Canadian population as a whole. In 2004, the Auditor General reported that, if the trends at that time continued, it would take 28 years for this education gap to be closed. This estimate was based on the percentage of people with high school education alone and does not even consider the gap in post-secondary education, which is so critical in today's economy.

An article prepared for the National Day of Action indicates that for this year's Day of Action, the AFN is putting a strong, clear focus on the plight of First Nations children who are paying a very high price for this government's failures. First Nations children receive less funding for education per capita than any other Canadian children.

My question is for the Leader of the Government in the Senate. Does the government have updated figures on the education gap highlighted in the 2004 Auditor General's report? Is there a plan aimed at reducing this gap?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I am quite certain that the minister and the officials are in possession of and are well aware of the Auditor General's report. As I mentioned in my answer to Senator Peterson, we have clearly been working in the area of education. We have been working with the provincial and territorial governments. We recently signed tripartite education agreements with British Columbia and New Brunswick, and we are dedicating \$70 million in new investments, on top of the \$1.6 billion a year we already spent, to improve First Nations education outcomes through enhanced accountability.

I quoted Chief Clarence Louie, and obviously education and economic development and skills training go hand in hand. The government is working very hard, and I am pleased that the governments of New Brunswick and British Columbia are also working and have already signed agreements to improve their situations.

**Senator Hubley:** Given that the federal funding formula for band schools has not changed in almost two generations, would the Leader of the Government in the Senate share with this chamber whether the government plans to modernize this formula as part of an effort to reduce the education gap between First Nations people and the rest of Canada?

**Senator LeBreton:** I answered that question just a moment ago, honourable senators. Obviously, there has been a serious problem in education. The Minister of Indian Affairs and Northern Development, the Honourable Chuck Strahl, has been working on this issue with the national leadership of the Aboriginal organizations and with individual provincial and territorial leaders and with the provinces and territories.

In the case of New Brunswick and British Columbia, and putting \$70 million into education on top of the \$1.6 billion a year we are already investing, we will have outcomes such as the honourable senator seeks.

**Hon. Nick G. Sibbeston:** Honourable senators, today, Aboriginal people of our country are gathering on the front lawns of Parliament looking to the government for remedies and assistance to lessen the gap between them and the rest of Canadians.

• (1405)

My question also deals with education. Would the Leader of the Government in the Senate confer with her colleague, Mr. Strahl? Education is so important and is the thing that can take people from the bush to the highest level of board rooms and bring societies from poverty to prosperity.

Last year this government did a good thing in passing Bill C-34 wherein it gave Aboriginal people the opportunity to run their own government. That was good and consistent with the principles espoused in the Kelowna First Ministers' meeting and resulting accord. However, the Kelowna accord also had specific targets to improve education outcomes for Aboriginal people with specific timelines to reach those targets.

The previous government identified an amount of more than \$1 billion over five years as necessary to reach these targets. By comparison, the current government has provided \$125 million for education initiatives.

Would the government consider the matter of the education of Aboriginal people? Rather than having the leader dismiss all questions here, would she go to the trouble of conferring with the minister responsible, Minister Strahl, to see what can be done to have a clear plan with sufficient funds to meet the targets to improve Aboriginal education?

**Senator LeBreton:** I do not think the honourable senator is fair in characterizing my or the government's concern in these areas as being dismissive. I happen to sit in the cabinet, and I chair the cabinet committee on social affairs, which is consumed with matters relating to the Department of Indian Affairs and Northern Development.

Even Liberals have dismissed the Kelowna so-called "accord" — the "Kelowna press release." I call it — as a last-gasp effort to change the dialogue on the inaction of the previous government. However, it is obvious to all of us that a highly skilled workforce is necessary for Canada's economic prosperity, most particularly with our Aboriginal community. We have doubled the size of the Aboriginal skills and employment partnership to the degree that approximately 16,000 Aboriginal people will benefit from this investment. Our programs support entrepreneurship and business formation as well as community economic development.

As I think the honourable senator would acknowledge, we are working with a wide range of Aboriginal groups to build a new Aboriginal economic development framework, and we recently strengthened the role of the National Aboriginal Economic Development Board and appointed outstanding new Aboriginal business leaders to the board, including the previously mentioned Chief Louie.

I would be happy to provide a response by way of a delayed answer, but there has been significant investment, millions and millions of dollars, in the various aspects of Aboriginal economic development, training, skills, education. As I mentioned a moment ago in my answer to Senator Hubley, there is the \$70 million of investments in Budget 2008, on top of the \$1.6 billion we have already dedicated and spent to improve First Nations education outcomes.

#### ABORIGINAL HEALTH

**Hon. Marilyn Trenholme Counsell:** Honourable senators, my question is for the Leader of the Government in the Senate. On this day when we are focusing our attention, and I trust our hearts, on Aboriginal issues, I wish to ask a question in regard to Aboriginal health, particularly on maternal and infant health.

• (1410)

If one looks at the statistics, one would see that, in the case of infant mortality, the rates are as much as double in some of our Aboriginal communities compared to other places in Canada. This is a real tragedy.

I have gone through Budget 2008 carefully. The only new thing I see there for Aboriginal health is \$43 million over two years for prevention-based models. That is very little compared to the hundreds of millions and even billions dedicated to other important things in Canada.

I have two specific questions at this point. In November 2005, a beautiful document called the *Blueprint on Aboriginal Health: A 10-Year Transformative Plan* was released. This blueprint is an historic and shared commitment by federal, provincial and territorial First Ministers and national Aboriginal leaders to undertake vigorous and practical action to close the gap in health disparities between Aboriginal people — including First Nations, Inuit and Metis — and Canadians as a whole within the 10-year time frame. The blueprint is a living document.

Is that document indeed alive and well, or has it hit the trash bin like some of the other things we know about? I trust and hope the leader will tell me it is indeed a living document.

With respect to fetal alcohol syndrome and its effects, we searched a number of sources in my office in preparation for today. On this important topic, the last thing I could find was dated 2005. There was a commitment at that point, beginning in 2002 and 2003, of an ongoing \$1.7 million for current prevention efforts that would address the symptoms and effects of fetal alcohol syndrome.

First, is this blueprint, a document that was so beautifully written and highly praised from sea to sea to sea in this country, still a living document?

In addition, what has been happening since 2005 with respect to fetal alcohol syndrome and its effects?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, there are many things that will contribute to the overall health of our Aboriginal people, particularly Aboriginal children, including many of the initiatives the government has taken with regard to housing and safe drinking water. There are measures we have taken in terms of protection of women and children on reserve when there are marriage breakdowns as well as our efforts on the human rights front.

Programs related to fetal alcohol syndrome are administered by the Department of Health, which has a dedicated section that deals specifically with First Nations and Inuit health. As health care is a federal responsibility, I will take that portion of the honourable senator's question as notice and get the department to provide an update of the work they have done in the last two and a half years on this front.

With regard to the overall health of our Aboriginal citizens, particularly children, it is fair to say that none of the good work that has been completed has in any way receded.

With regard to the actual document, I remember Senator Trenholme Counsell asking me about that document previously. Living documents and nicely worded presentations are just that. It is the actions of a government that count, such as the actions this government has taken in respect to housing, clean drinking water, and education and skills training. Those are the things that will contribute to the overall health of Aboriginal people, including children.

**Senator Trenholme Counsell:** The Leader of the Government in the Senate has mentioned housing, clean water, human rights, education and skills, and that she will provide an update on fetal alcohol syndrome.

• (1415)

Can the honourable leader give us one example of a new health initiative for Aboriginal people undertaken by Canada's government since 2006?

**Senator LeBreton:** How about the clean drinking water action plan? There are many initiatives. I will ensure that they are provided to the honourable senator.

[Translation]

#### FUNDING TO COMBAT YOUTH POVERTY

**Hon. Roméo Antonius Dallaire:** Honourable senators, I do not know why, but every time the government leader answers questions about what happened before the Conservative government was elected, whether it is about the Kelowna Accord or something else, she speaks quite pejoratively.

Do the right answers suddenly come to her by the grace of the Holy Spirit?

My point is this: the segment of Canada's population that is growing the fastest is Aboriginal youth. It is also the most disadvantaged segment of the Canadian population.

[English]

The number of disenfranchised youth is escalating. Disenfranchised youth exist outside the Aboriginal community but specifically and disproportionately within that community. They can become significant security risks if they are completely disenfranchised to the extent that they feel there is no hope. Certainly, there is a sign of that when they see what is happening to their sisters, in particular.

I am the president of the committee that is reviewing the commercial exploitation of Aboriginal children, a committee I took over from Senator Landon Pearson. We have seen a massive number of Aboriginal children in the commercial sex trade, children 12 years old and so on. In fact, one of the factors contributing to that is poverty. UNICEF Canada has stated that the poverty rate for Aboriginal children is double that of the rest of the population.

If not for the human side, purely to get these kids out of abject poverty, but also to prevent disenfranchised youth from becoming ultimately a security risk, what investments — I am not talking about \$100 a day for daycare — are focused specifically on getting these kids out of their plight so they will not have to sell their bodies to survive?

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, sexual exploitation is a serious issue and one of great concern. However, I will quickly read into the record what we have done to help our Aboriginal communities.

We are investing \$330 million on the First Nations Water and Wastewater Action Plan. On May 5, the government announced the new First Nations Marketing Housing Fund is now open. Budget 2006 provided for northern housing and Aboriginal housing off-reserve.

[ Senator Trenholme Counsell ]



In Budget 2007 we extended the Aboriginal Skills and Employment Partnership.

In Budget 2008 we committed \$43 million over two years for prevention-based models of child and family services on reserve. A figure of \$147 million has been allocated over two years for First Nations and Inuit health programs. I have already talked about education and, of course, there is the issue of human rights, especially for women and children on reserve when there is a marital breakdown.

All of these are things we have done. I am not talking about the past; these are things that we have done to improve the lives of Aboriginal people. That means the whole community, including the children.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in the gallery of Her Worship Tammy Axelsson, the Mayor of Gimli, Manitoba. She is the guest of the Honourable Senator Janis Johnson.

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

[Translation]

#### ANSWER TO ORDER PAPER QUESTION TABLED

##### INTERNATIONAL COOPERATION—LAND MINES

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** tabled the answer to Question No. 27 on the Order Paper by Senator Hubley.

• (1420)

[English]

#### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

##### EIGHTH REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports for Standing and Special Committees:

**Hon. George J. Furey**, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, May 29, 2008

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

##### EIGHTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2008-2009.

#### National Security and Defence (Legislation)

Professional and Other Services	\$ 8,000
Transportation and Communications	\$ 0
All Other Expenditures	\$ 250
<b>Total</b>	<b>\$ 8,250</b>

Respectfully submitted,

GEORGE J. FUREY  
*Chair*

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

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

##### NINTH REPORT OF COMMITTEE PRESENTED

**Hon. George J. Furey**, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, May 29, 2008

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

##### NINTH REPORT

Your Committee recommends that Senate SEGs and MMG-2s receive a 2.0 per cent increase to salary ranges, effective April 1, 2008, as well a 2.1 per cent increase to at-risk pay for 2008-2009, parallel to increases adopted by the Treasury Board for Public Service executives and Deputy Ministers.

Respectfully submitted,

GEORGE J. FUREY  
*Chair*

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

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

#### PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

**The Hon. the Speaker:** Before I call for Orders of the Day, allow me to introduce two pages who are with us from the House of Commons. Matthias Brennan of Central Bedeque, Prince Edward Island, is enrolled in the Faculty of Social Sciences at the University of Ottawa. Matthias is majoring in political science and economics.

Emma Godmere of Ottawa, Ontario is enrolled in the Faculty of Arts at the University of Ottawa. Emma is majoring in history and political science.

## ORDERS OF THE DAY

### CONFLICT OF INTEREST FOR SENATORS

#### FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Committee on Conflict of Interest for Senators (amendments to the *Conflict of Interest Code for Senators*), presented in the Senate on May 28, 2008.—(*Honourable Senator Joyal, P.C.*)

**Hon. Serge Joyal:** Honourable senators, I move the adoption of the fourth report of the Standing Committee on Conflict of Interest for Senators.

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

Motion agreed to and report adopted.

[Translation]

### STUDY ON IMPACT AND EFFECTS OF SOCIAL DETERMINANTS OF HEALTH

#### FOURTH INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fourth report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Population Health Policy: Issues & Options*, tabled in the Senate on April 2, 2008.—(*Honourable Senator Prud'homme, P.C.*)

**Hon. Marcel Prud'homme:** Honourable senators, this report has been on the *Order Paper and Notice Paper* for two weeks. I would like to begin the debate today.

I read Senator Keon's report, a report that we can take great pride in because of the work of the committee, Senator Pépin and other committee members. Not only did I read it, I passed it around, which is unusual for me. I sent some 40 copies to various embassies, because it is good for people to know what is going on in the Senate.

I will not talk directly about the report today. However, I do believe that, regardless of which region we come from or which side of the Senate chamber we sit on, we senators need to talk about why we are here and what we are trying to achieve.

Extraordinary studies are published, and we do not have time to read them all. Some senators are given the responsibility of studying an issue. Then, if time permits, we look at some of those studies. I listened carefully to Senator Keon's speech. Those who heard it were fascinated by what he said. Those who read the report found it extremely interesting.

I want to thank the senators who worked so long, so hard and so intelligently to produce this report.

When next I have the opportunity, I will use my remaining time to continue and conclude the debate. I therefore move that the debate be adjourned for the remainder of my time.

On motion of Senator Prud'homme, debated adjourned.

### INTER-PARLIAMENTARY UNION REPORT ON HUMAN RIGHTS OF PARLIAMENTARIANS

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carstairs, P.C., calling the attention of the Senate to the recent report on the Human Rights of Parliamentarians at the meeting of the Inter-Parliamentary Union in Cape Town, South Africa, April 2008.—(*Honourable Senator Prud'homme, P.C.*)

**Hon. Marcel Prud'homme:** Honourable senators, I would prefer to wait before debating this inquiry. I would like to be able to consult the Honourable Senator De Bané, whom I want to thank for his tremendous cooperation. He has agreed to provide me with valuable information that is necessary for a debate that, in my opinion, is of interest to all honourable senators. He did remarkable work, and I would like to talk at greater length about it. I therefore move that the debate be adjourned for the remainder of my time.

On motion of Senator Prud'homme, debate adjourned.

• (1430)

[English]

### MATERNITY AND PARENTAL BENEFITS

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hubley, calling the attention of the Senate to the current state of maternity and parental benefits in Canada, to the challenges facing working Canadians who decide to have children, and to the options for improving federal benefits programs to address these challenges.—(*Honourable Senator Cordy*)

**Hon. Jane Cordy:** Honourable senators, I wish to thank Senator Hubley for the work she has done in this area and for starting the inquiry for maternal and paternal benefits.

It is no secret that women have faced many barriers and limitations in contributing to and benefiting from our economy. Although significant challenges remain, we have come a long way. Ever since 1970 and the release of the Royal Commission on the Status of Women, women have made huge gains in the movement toward equality. The main area of concern in those days was the elimination of explicit barriers that affected women. Most of the issues identified have since been acted and improved upon, giving the women of today much more opportunity than even a generation ago.

However, that was the easy job. It was evident that issues such as the legal limitation on birth control, contracts that allowed companies to terminate female employees at the age of 30, and stock exchanges that explicitly banned women from trading were keeping women from reaching their full potential.

Thankfully, for the most part, discriminatory practices such as these are no longer acceptable in our 21st century society. It is increasingly rare to find government policies that explicitly limit women just because they are women.

However, despite these great strides forward, we are now left with a more difficult job. We must now weed out policies that affect women negatively but in a more subtle manner, where the realities of Canadian society and demographics result in women being affected more or less than expected or intended. We must be vigilant when assessing government policy and legislation, to put them through a gender lens to see whether they could impose unintended consequences or limitations. Senator Nancy Ruth is very good at reminding us about the need to examine policies and legislation through a gender lens.

One of the recommendations of the Royal Commission on the Status of Women was the provision of maternity benefits through what was then termed the “unemployment insurance system.” This has, without a doubt, been a great equalizer for women. Countless women, before this benefit was implemented, would leave the workforce because they were faced with a stark choice: stay at home with your newborn child or return immediately to your employment. Even if they left temporarily and then returned to the workforce, they would suffer through reduced pension benefits for the rest of their lives. In addition, there was no job protection at that time if they left their employment.

When I started teaching in 1970 for the Sydney School Board, pregnant teachers had to resign from their jobs after the third month of pregnancy. This was so that the students would not notice their teacher was pregnant — heaven forbid. The chair of the school board, who was also the mayor of the city, when questioned about the policy, stated, “Pregnancy is a self-inflicted injury.” Over 30 years later, being older and, I think, a little wiser, I still cannot figure that one out.

In the neighbouring town of Glace Bay in the early 1970s, all married women teachers had to resign every year. They would be rehired if there were openings after married men, single men and single women were hired, in that order.

However, teaching is an unusual area — a professional field that was and is still dominated by women, although I should point out that the management of the teaching profession was and is still male dominated.

In the larger perspective, one of the most significant trends in Canada in recent times has been the increased participation of women in all aspects of the paid workforce. This has led to record employment and labour participation rates for Canadian women. In 2006, employment and participation rates for Canadian women were highest among G8 countries and were sixth highest among OECD countries.

Women have also increased their enrolment in fields of study previously dominated by men. In 2003, women represented half of law school graduates and the majority of medical school

graduates. They now represent the majority of new doctors and dentists and business and finance professionals. The number of women entrepreneurs has more than tripled in the past two decades. The incidence of lower income among women has also decreased.

As women’s participation in the labour force has increased, so too have maternity and parental benefits been expanded to provide better economic security to parents and families. Not only do maternity and parental benefits provide a vehicle for women and families to maintain some financial security following the birth of a child, but research shows — although I do not think we need research to tell us this — that allowing parents to spend more time with young children has beneficial long-term effects on the children.

Our current national program of maternity and parental benefits is provided through the EI program. This program provides up to 55 per cent of a parent’s employment income after the birth of a child. A total period of 50 weeks is now available for support — 15 weeks maternity benefits to the biological mother and 35 weeks of parental benefits which may be split between the biological parents. Parental benefits are also available to adoptive parents.

I will quickly review some important dates in the timeline of maternity and parental benefits. In 1971, maternity benefits were introduced for biological mothers. Women had to prove that they were employed 10 weeks before conception. This was known as the “Magic 10 Rule.” They were then eligible for 15 weeks of benefits. In 1983, adoptive parents became eligible for benefits and the “Magic 10 Rule” was abolished. In 1990, a parental benefit of 10 weeks was introduced. This was in addition to 15 weeks of maternity leave. In 1997, the eligibility condition was changed from 20 weeks to 700 hours. In 2001, the parental benefit was extended from 10 to 35 weeks and the eligibility condition was reduced from 700 to 600 hours.

Single-parent families are four times more likely to live in a low-income situation than two-parent families and 80 per cent of single-parent families are headed by women. Thus, programs such as maternity and parental benefits have a disproportionate effect on women. Any time we can make it easier for single parents to access parental benefits, we help bridge the gap between men and women in Canada.

Programs such as parental and maternity benefits help to provide economic security for women. However, people who work part time are limited in the benefits they receive from these programs. Again, this affects women disproportionately. Seven out of ten part-time workers in this country are women. Even in cases where one parent works part time and one works full time — and it is usually the woman who works part time — reducing the income of one spouse can put the financial security of the family in jeopardy. If we can improve the benefits and access of part-time workers to parental benefits, again we help to bridge that gap.

What about those who cannot access maternity and parental benefits under the Employment Insurance program? Over 40 per cent of women are not employed. A growing number of women are self-employed. Neither of these groups have access to

EI-based benefits. In fact, only about 50 per cent of women having their first baby are eligible for maternity and parental benefits.

In our continuing quest to eliminate barriers to women's equality, we must now examine whether policies such as the maternity and parental benefits program under Employment Insurance meet the needs of Canadian women. We must ask ourselves if the policy is meeting its stated objectives. In fact, I would not stop there. We should even ask ourselves whether the objectives are still appropriate and whether we are using the appropriate policy vehicles.

• (1440)

It is interesting that Senator Hubley, in her remarks, referred to a recommendation of an Atlantic research project — a maternity and parental benefit — that called on the federal government to undertake:

... research and gender analysis into a continuum-of-care model for a national caregiver strategy that meets the needs of all Canadian families.

This recommendation appears to suggest maternity and parental benefits should no longer be part of Employment Insurance but should be combined with compassionate care leave in a new federal program. The challenge is the federal-provincial-territorial jurisdictional issues associated with creating a federal program in an area that undoubtedly would be argued as provincial jurisdiction. Under the Social Union Framework Agreement, the creation of such a new federal program must be done in conjunction with all the provinces and territories.

Nonetheless, it is important that we as a society, and as legislators, ask ourselves these questions and investigate our options. We should consider models and goals that we should strive to reach.

Perhaps we can learn from the experiences of other countries such as Finland, Norway, Iceland, France and Sweden. Each of these countries has a national family policy that extends beyond simple maternity and parental benefits, and also includes such items as child care and education benefits.

The nations with the national family policy provide universal access to maternity and parental benefits for all, regardless of employment status. These nations normally provide anywhere from 70 per cent to 100 per cent of wage replacement while on leave, with a flat rate or national average used to determine benefits for unemployed recipients.

Should Canada start the development of a national family policy? Granted, given our federal-provincial constitutional make up, the complexities of creating and implementing an effective national policy here is more complex than it is in many of these nations.

However, I commend my colleague, Senator Hubley, for providing us with the opportunity to begin the debate.

Honourable senators, women have made wonderful strides toward equality in the 40 years since the Royal Commission on the Status of Women report was released. We have crossed that critical boundary where barriers to women are not only legally unacceptable, but socially unacceptable.

However, the work is not completed, and true equality is still not here. Programs such as maternity and parental benefits are critical in this struggle. We still need to address problems, particularly concerning accessibility and the level of benefits. However, the importance of these programs to the equality of women, and which benefit society as a whole, should not be underestimated.

**Hon. Elizabeth Hubley:** Honourable senators, will Senator Cordy accept a question?

**Senator Cordy:** Yes.

**Senator Hubley:** First, I congratulate Senator Cordy on her speech today. Again, the honourable senator has highlighted for us the importance of looking at all public policy and scrutinizing it through the gender lens, which we see is becoming important.

My question relates to certain maternity and parental plans that may be more proactive than others in the country. We have looked to the Quebec model for child care for some time. Will the honourable senator comment briefly on the Quebec maternity and parental plan?

**Senator Cordy:** That is an excellent question. In terms of maternity and parental benefits, the Quebec plan is much better than the Canadian plan. I say that because the Quebec plan has so much more flexibility than the Canadian plan. If a Nova Scotian, for example, wants to claim maternity benefits, she must have 600 hours of work. In Quebec, she must have only \$2,000 in earnings.

Also, flexibility exists because they can choose one of two programs. Under the basic plan, they can receive 70 per cent of their income for 25 weeks, 55 per cent of their income for 25 weeks, and that would be 18 weeks maternity leave — for a biological mother — and 32 weeks parental leave. They also have five weeks for the father to take, whereas we have the parental system where the mother or father can take it in parental leave. The uptake of fathers is not high. In Quebec, they have five weeks designated specifically for the father.

The second plan allows for someone to receive 75 per cent of their income for a shorter time period. They have 15 weeks maternity leave, and 25 weeks parental leave instead of 32 weeks, and three weeks for fathers only.

What I like about the Quebec plan is there will be more people eligible to receive it because they do not need the 600 hours; they need only the \$2,000. Also, they receive higher benefits than the 55 per cent of income.

**The Hon. the Speaker:** Is debate continuing?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Five more minutes.

**Senator Cordy:** The 55 per cent came about because there is a mentality that they do not want people to be on Employment Insurance forever. Therefore, they do not want to give them too much money. Fifty-five per cent was established.

I prepared this speech a few weeks ago and, in the Cities Subcommittee today of the Standing Senate Committee on Social Affairs, Science and Technology, the panellists talked,

interestingly enough, about the Employment Insurance Plan — the fact that for maternity and parental leave, only 50 per cent of women are eligible. Of the 50 per cent who receive benefits, they tend to be better educated, older and making the most money. Again, those on the periphery — those with low income — are the ones who often are not eligible to receive the benefit.

The 55 per cent should not even come into play when talking about maternity benefits. It is not the same as regular Employment Insurance benefits. There was discussion today that, perhaps, Employment Insurance leave for maternity, parental and compassionate leave should have a different set of guidelines than for Employment Insurance. Many things that relate to someone leaving employment or losing their employment are not relevant to people who are on maternity leave, parental leave or compassionate leave.

I am pleased the senator brought up this issue because we need to start examining whether we are using some of our programs to the benefit of the most people. When I heard that only 50 per cent of people take up this maternity-parental plan, I was quite surprised and quite disappointed.

On motion of Senator Hubley, for Senator Trenholme Counsell, debate adjourned.

[Translation]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of 23 students from Maurice Lavallée school in Edmonton. They are guests of the Honourable Senator Claudette Tardif.

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

#### FOREIGN SERVICE OFFICERS

##### HIGH ATTRITION RATE—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carstairs, P.C., calling the attention of the Senate to the reasons for the high attrition rate of Foreign Service Officers and others who serve in Canadian Embassies abroad, most particularly the failure of this and past governments to recognize the rights of the partners of these employees.—(*Honourable Senator Andreychuk*)

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, given that this inquiry is on its fifteenth day on the Order Paper, that I have not had a chance to discuss it with Senator Andreychuk, and not wanting the inquiry to die on the *Order Paper and Notice Paper*, I would like to move adjournment of the debate for the remainder of my time.

On motion of Senator Comeau, debate adjourned.

• (1450)

[English]

#### QUESTION OF PRIVILEGE

**The Hon. the Speaker:** Honourable senators, we have concluded that part of our Order Paper that brings us to where we were yesterday when the house order had us adjourn at four o'clock. The Honourable Senator Comeau had the floor and he was speaking to his question of privilege, oral notice of which he gave earlier in the day yesterday.

[Translation]

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I would like to comment further on a question of privilege concerning the events that took place during Monday's meeting of the Standing Senate Committee on National Security and Defence.

The day before yesterday, I was informed that the Standing Senate Committee on National Security and Defence had reviewed, amended and adopted a preliminary report distributed to committee members in only one official language. This means that committee members would have been unable to take part in deliberations on this report in both official languages.

Although I was unable to attend Monday's meeting, it is my duty, as a senator, pursuant to rule 43(1), to preserve the privileges of the Senate.

Honourable senators, paragraph 32(1)(a) of the *Canadian Charter of Rights and Freedoms* states and I quote:

32.(1) This Charter applies

(a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories.

Subsection 16.(1) states:

English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

Subsection 17.(1) states:

Everyone has the right to use English or French in any debates and other proceedings of Parliament.

Lastly, subsection 18.(1) states:

The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

In other words, the Canadian Charter of Rights and Freedoms confers upon all honourable senators the right of parliamentary privilege in fulfilling their duties as senators in Parliament in either official language.

Sections 4 and 5 of the Official Languages Act also enshrine this privilege, particularly section 5 which states:

The journals and other records of Parliament shall be made and kept, and shall be printed and published, in both official languages.

By adopting a report distributed in only one of the two official languages, the Standing Senate Committee on National Security and Defence infringed upon the privileges of senators set out in subsection 18.(1) of the Charter.

Furthermore, subsection 24.(1) of the Charter states:

Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Honourable senators, the only “court of competent jurisdiction” capable of ruling in the case before us is the court of Parliament. That is why I am calling upon the Speaker and the chamber to ensure respect for the privileges conferred upon all honourable senators by the Canadian Charter of Rights and Freedoms.

To establish whether the question of privilege in this case is founded, I would first refer the Speaker to the transcripts of the meeting in question because discussions on the report were held in camera and, unfortunately, it is impossible for me to discuss the details.

In conclusion, honourable senators, allow me to quote rule 43(1) of the *Rules of the Senate*, which states:

The preservation of the privileges of the Senate is the duty of every Senator. A violation of the privileges of any one Senator affects those of all Senators and the ability of the Senate to carry out its functions outlined in the *Constitution Act, 1867*.

Furthermore, section 133 of the Constitution Act, 1867 states, and I quote:

Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

As a member of the Standing Senate Committee on National Security and Defence, it is my strong conviction that it is our duty to preserve our rights and to deliberate in either one of Canada’s two official languages.

[ Senator Comeau ]

If the Speaker finds that a prima facie case of privilege exists, I am prepared to move a motion calling on the Senate to respond to the question pursuant to rule 43(7).

[English]

**Hon. Colin Kenny:** Honourable senators, I wish to respond to my friend’s comments regarding the alleged breach of privilege at a meeting of the Standing Senate Committee on National Security and Defence held on May 26.

At that meeting, there was no request by any member of the committee to have a copy of the French version of the report. When the time came to adopt the report, I inquired of the clerk whether there was a French language copy available in the room and the clerk replied, “Yes.” The committee then proceeded to adopt the report.

That demonstrates, for all of those concerned, that we respect the Official Languages Act, that it is important to us and that we are as concerned as Senator Comeau that the Official Languages Act be respected.

I believe it is appropriate for me to extend the history a little farther beyond that day, May 26. There was a meeting of the steering committee on the subsequent day when Senator Tkachuk requested a copy of the report in French. The clerk was unable to provide a copy to him in French and, at that point, we ceased the meeting.

As a consequence, since the meeting continued no further, I see no breach in the steering committee. That is not the point being raised now, but I think I should provide clarification.

I see no breach in the full committee as we did inquire of the clerk whether a French copy of the report was available, and there had been no earlier request from any person present for a French copy. I made a point at the end of the meeting to satisfy myself that at least one copy was present, and I was so advised. Therefore, I see no breach of privilege in any respect.

• (1500)

**Hon. David Tkachuk:** Honourable senators, the first point to be made is that although the chairman asked the clerk to see if there was a copy of the report, the clerk made it clear that the French version of the report was not the same as the English version under consideration.

The second point to be made is that when I discussed what happened the previous night with Senator Comeau, he wished to apprise himself of what happened and requested a copy of the report in French. I refer to the report that had been adopted the previous day. Senator Comeau was unable to do so. That is why he raises this matter at this time. I clarify those two points.

As far as the steering committee is concerned, I requested a copy in the other official language. My request was not granted, but there was debate as to whether it should be granted. I do not think that debate should have taken place. Nevertheless, there was debate, in which I was the minority, and then the meeting was adjourned. Let us be frank about what transpired, and we will leave it at that.

**Hon. George Baker:** Honourable senators, I would ask whether the Speaker could consider in his ruling a point specifically raised by the mover of this question of privilege.

Senator Comeau said that in his opinion, he recognized the Senate as a court of competent jurisdiction to adjudicate on a matter of a violation of the Charter. Whereas it is correct that the Senate is considered to be a judicial proceeding under section 115 of the Criminal Code, the committee that the honourable senator references is a judicial proceeding under section 115 of the Criminal Code and carries with it everything thereafter as far as the proceedings are concerned. However, there is a great amount of case law on a court of competent jurisdiction and I hope Your Honour will address that in his ruling. Since those provisions of the Charter have been adjudicated, it has been determined that, for example, a preliminary inquiry is not a court of competent jurisdiction for purposes of the Charter but a provincial court, a superior court of a province, and the Supreme Court of Canada and courts of appeal are courts of competent jurisdiction. It is a most interesting question that the honourable senator has raised. I am sure that all honourable senators will be interested in the Speaker's ruling as to whether the Senate and committees of the Senate, whereas they are judicial proceedings, are deemed courts of competent jurisdiction within the meaning of the Canadian Charter of Rights and Freedoms.

**Hon. Tommy Banks:** Honourable senators, there is no question as to the general nature of the facts set out by Senator Comeau, Senator Tkachuk and Senator Kenny. In effect, they are correct. Notwithstanding Senator Comeau's suggestion that there is no record of the proceedings of the committee because they met in camera, the committee took the step, in prudence, of arranging for transcribed minutes of in camera meetings. I am a member of the committee and I was present at both of the meetings referenced in this question of privilege. The transcripts are kept in and may not leave the office of the clerk of the committee. It may be helpful to His Honour to go to the office of the clerk to read the transcripts to clarify what transpired.

**Hon. Elaine McCoy:** Honourable senators, in listening to this debate, I am reminded that one of the most important features of our parliamentary life is to understand privilege. We have such an inquiry before the Standing Committee on Rules, Procedures and the Rights of Parliament dealing with some of the broader aspects of privilege.

My curiosity goes to two points that His Honour might consider in his ruling: First, is it relevant that the discussions took place on a draft report, not an official report of the committee? Second, could consideration be given to the following comment: No individual senator's privilege has been allegedly breached?

It is my understanding from today's debate that some senators' privileges may have been breached. Is it necessary to have a specific breach before one can have a *prima facie* case?

**Senator Kenny:** I was simply rising earlier to elaborate on the point that Senator Banks raised and to make it clear that the lack of access that Senator Comeau had was the same lack of access that I had. I could not send for a copy of the transcript either, and I have not had the opportunity to review it in the clerk's office. Those rules apply to all senators for reasons of keeping the reports current.

**The Hon. the Speaker:** Honourable senators, I thank all who have participated in the debate on whether a *prima facie* case of privilege has been made. While the Chair is tempted to accept the invitation of Senator Baker, I will exercise discipline and not go down that avenue based on the tradition that the Speaker of the Senate does not engage in judgments of constitutional law.

However, I will give now my ruling on the question of whether a *prima facie* case of privilege has been made out. I wish to always err in allowing members of the Senate their rights to engage fully in debate in either official language of our country. It is not only the tradition of this House, but it is also solidly based on the law of Canada, including parliamentary law. I arrive at the conclusion that a *prima facie* case, which is all I have to deal with, has been made. That is my finding and I leave the disposition of the matter of privilege to the House. Senator Comeau has indicated that he will have a motion to make.

[Translation]

REFERRED TO COMMITTEE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, in light of His Honour's ruling, I move that this question of privilege be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

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

**Hon. Senators Agreed.**

On motion of Senator Comeau, question of privilege referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

ROYAL ASSENT

**The Hon. the Speaker** informed the Senate that the following communication had been received:

RIDEAU HALL

May 29, 2008

Mr. Speaker,

I have the honour to inform you that the Honourable Marie Deschamps, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 29th day of May, 2008, at 2:38 p.m.

Yours sincerely,

Eileen Boyd  
For the *Secretary to the Governor General*

The Honourable  
The Speaker of the House of Commons  
Ottawa

Bills assented to Thursday, May 29, 2008:

An Act to protect heritage lighthouses (*Bill S-215, Chapter 16, 2008*)

An Act respecting the provision of official development assistance abroad (*Bill C-293, Chapter 17, 2008*)

An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments) (*Bill C-13, Chapter 18, 2008*)

An Act to establish a Ukrainian Famine and Genocide ("Holodomor") Memorial Day and to recognize the Ukrainian Famine of 1932-33 as an act of genocide (*Bill C-459, Chapter 19, 2008*)

• (1510)

[English]

## BUSINESS OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I wonder if I might seek leave of the house to revert to Items No. 1 and No. 2 under Senate Public Bills.

I have discussed the matter with my colleague on the other side earlier this day and doing so might serve all of our purposes. I believe we do have the time. My understanding is that the honourable senator would be agreeable.

May I have permission to revert to these two items?

**Hon. Senators:** Agreed.

**Hon. Marcel Prud'homme:** Honourable senators, Senator Comeau was kind to say "after consultation." By accident, I happened to have spoken with him, but he knows my strong reluctance to reverting to items that have been called.

I said, "Well, it is okay, I give consent because I know who is involved." However, I do not think it should be a habit to revert as we approach the end of a session, because some senators dutifully follow the activities of the Senate and when they see that a bill that they have an interest in has been suspended or stood, they leave.

Some honourable senators have left the chamber and I am sure they have a great interest in these two bills. However, since consultation was undertaken and since, by accident — I repeat again, I was not consulted — I discussed it with my friend, the distinguished Senator Comeau, I will say yes; but I also will say that for the future, he should be careful not to overdo it.

That is the second time we have reverted to an item, and I am the type of person who is careful about surprises of any kind by reverting. I believe I have made my point and I will say yes.

## PARLIAMENT OF CANADA ACT

### BILL TO AMEND—THIRD READING

Leave having been given to revert to Other Business, Senate Public Bills, Item No. 1:

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Banks, for the third reading of Bill S-224, An Act to amend the Parliament of Canada Act (vacancies).  
—(*Honourable Senator Andreychuk*)

**Hon. A. Raynell Andreychuk:** Honourable senators, I wish to express my thanks for allowing me to revert to these two items. I believe honourable senators understand that I wanted to be at Royal Assent for the first time, so I express my thanks for that indulgence, and particularly Senator Prud'homme. I did not speak with him but I am sure that Senator Comeau did.

I wish to make a few comments on Bill S-224, as I was part of the Standing Senate Committee on Legal and Constitutional Affairs that studied this bill. First, I express my gratitude to Senator Moore for his persistence on these issues to do with the Senate and the Senate vacancies. His comments were measured, consistent and extremely fair when he presented them, both here and in committee.

Most of my comments will be directed toward the witnesses who appeared when the Standing Senate Committee on Legal and Constitutional Affairs study occurred. However, on its face, Bill S-224 — leaving aside the fairness of the proponent — leads one to the proposition that somehow the Senate at this point is not functioning, and that it is in some way the exclusive right and responsibility of the Senate to take a position on the discretion of the Prime Minister, and hence the Governor General, without taking fully into account the provinces and the people.

Senator Moore was very fair in his comments at the Standing Senate Committee on Legal and Constitutional Affairs that, beyond preparing the bill and consulting his own constituents, there had been no formal consultation with the public at large, and there had not been a consultation with the provinces. In my opinion, Bill S-224 touches on matters that are constitutional, that should involve the provinces and certainly should involve the people of Canada.

I note that there are vacancies and there was a concession made, that this is not the first time that there have been vacancies in the Senate, in fact, for periods as long as the process now. However, no bills were presented then and no comments were made about prime ministers at that time. Therefore, it is curious that this Prime Minister — who has exercised his discretion in similar ways that other prime ministers have — is the subject of debate and instruction, fettering the discretion of the Prime Minister, and hence the Governor General, by way of Bill S-224.

Referring this matter to the Standing Senate Committee on Legal and Constitutional Affairs was done to ensure that the bill was constitutional, to ensure that in any change that affects Parliament, the Constitution is taken into account. I had hoped that we would have constitutional experts come before the Standing Senate Committee on Legal and Constitutional Affairs. However, but for one — and I will deal with Professor Errol Mendes later — all of the experts were political scientists who study Parliament but, in their testimony, pointed out that they

[The Hon. the Speaker]



were not constitutional law experts. Therefore, one wonders why members opposite believe that it is constitutional and that bringing forward constitutional support was not necessary.

It is interesting that the proposition was put forward that somehow we senators are not doing our job, that we have come to the point, because of the vacancies, that we are somehow lacking in capability to continue our duties. However, I asked virtually all of the witnesses who came before the committee: "Do you think I am exercising my duties appropriately and do you believe that other senators are exercising their duties and carrying them out properly?" The witnesses assured us that we were.

• (1520)

It was pointed out that numbers are declining on our side and it is difficult for us to carry on in committees. That is true. However, I have had problems in committees and problems as a senator from the day I came in here. We all have different responsibilities. We are, as we used to say in the university, because of tenure, self-employed. In other words, we define our jobs differently, and we carry them out. That is the discretion that is given to us.

Many times it has been difficult to fill committees even when we had great numbers on our side. I dare to point out that sometimes members opposite have difficulty filling positions in committees even though they have greater numbers. That is life. That is the fact of this place. We carry many burdens and responsibilities within the chamber, within committees and beyond.

We have a bill before us that implies that we are not capable of continuing in this Senate, and yet when we probe a little further, the point was made that not now, but in 2010 when there will be 30 vacancies, the Senate will not function. That point is curious because it leads us to believe that, somehow, the Prime Minister has said that he will not appoint senators, that he does not intend to appoint senators in the future and that, somehow, he will jeopardize Parliament and particularly this house.

I point out to honourable senators that on September 7, 2006, before the Special Senate Committee on Senate Reform, Prime Minister Harper stated:

The government prefers not to appoint senators unless it has the necessary reasons to do so. I mentioned one of these reasons in the case of Senator Fortier. Frankly, we are concerned about the representation in the Senate and about the number and the age of our Senate caucus. It is necessary for the government, even in the present system, to have a certain number of senators to do the work of the government in the Senate. We have not reached a point where it is necessary to appoint certain senators to meet this objective. At this time, I prefer to have an election process where we can consult the population rather than to appoint senators traditionally.

When I asked Minister Van Loan, who appeared before the committee, if this position was still the position of the government and the Prime Minister, he confirmed that it was.

To imply that somehow the Prime Minister is somewhat unique in the way he exercises his discretion is totally unfair and unfounded. This Prime Minister is the only Prime Minister that

I could find during my research who clearly stated what his preference would be in his discretion to appoint, and that is by having an election process preceding in the provinces. He also mentioned the necessity for having this place function.

Interestingly, Professor Mendes, who is the only one who can be qualified as a constitutional or Charter professor, pointed out the devious and dubious intent, that is, motives, of this Prime Minister. His entire speech was not about constitutionality but about the motives of the Prime Minister. I dare say I place little weight on a professor's view that characterizes a Prime Minister rather than deals with the constitutionality.

Professor Smith, a well respected professor, pointed out the functioning of the Senate. He pointed out our parliamentary process. He pointed out the Governor General's role, and he pointed out the discretion of the Prime Minister in appointments. He made no comment on the constitutionality of the bill itself, but he wondered why the process would not have been for the Senate to say they had reached the point where it was necessary to have appointments, and he wondered why a resolution was not passed to the Prime Minister, which would have been a signal from this house that the Senate was coming to the point that it needed more senators and that the Prime Minister should exercise his discretion. Rather, the bill mandates the Prime Minister taking away a discretion.

Can we take away this discretion? Colleagues opposite say we can. On this side, our humble opinion is that it cannot and should not be taken away. This Prime Minister was transparent and open about a process and should have been lauded for that transparency and not fettered.

Finally, the Prime Minister has that discretion. If we pass this bill, we asked what the sanction would be if he does not follow through, and if the Governor General does not feel that she can take anything but the recommendation of a Prime Minister. We had a lot of good discussion, but most of the witnesses, if not all of them, said that the sanction is only political and not legal. This bill brings us back to the political process, and I suppose the people of Canada will have their say on whether the Prime Minister exercised his discretion appropriately or not.

I urge honourable senators to think about our responsibilities. I urge them to think about determining when they feel they cannot do their tasks, rather than considering a bill that places before us that responsibility in a difficult way. Surely, we should have had a discussion about the operations of the Senate. We have always been careful. We have been reminded by many of our senators that what goes on and is carried out in this chamber is a primary responsibility for us, but we handle our responsibilities in relation to our duties to the people of Canada. I hoped that we would have had some forum to discuss collegially the difficulties with vacancies, and perhaps urge the Prime Minister in a different way. With respect, I ask honourable senators to think about whether they believe they are performing their duty today, whether they can continue and how we should approach this issue in the future.

**Hon. Joan Fraser:** Honourable senators, I believe Senator Andreychuk knows the great respect I have for her, certainly for her legal capacity, and for her work and reasoning as a senator. However, I want to put a couple of facts on the record for senators as we consider this bill.

The Standing Senate Committee on Legal and Constitutional Affairs, partly but not only because Senator Andreychuk urged us to do so, contacted a fair number of persons who might have been expected to provide legal or constitutional comment. Most of them were utterly uninterested. They found no reason to comment on this bill. Silence lends consent, I would argue.

• (1530)

However, there was powerful testimony from a person that I think we should take very seriously: to wit, the Minister for Democratic Reform, the Honourable Peter Van Loan, who is himself a lawyer of considerable standing and who, perhaps more important in this context, can draw on the entire panoply of the federal government's legal and constitutional expertise. He assured the committee that this bill was not unconstitutional — that it is, in fact, constitutional. Senators may of course differ on whether it is politically advisable. We, on our side, believe that it is. I just simply wished that fact to be on the record for senators.

**The Hon. the Speaker:** Continuing debate.

**Senator Tardif:** Question!

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** All those honourable senators in favour of the motion will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those honourable senators opposed to the motion will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the “yeas” have it.

Motion agreed to and bill read third time and passed, on division.

## CRIMINAL CODE

### BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the third reading of Bill S-210, An Act to amend the Criminal Code (suicide bombings).  
—(Honourable Senator Andreychuk)

**Hon. A. Raynell Andreychuk:** Honourable senators, I wish to speak on Bill S-210. I spoke at second reading and simply want to make some additional comments.

Bill S-210 deals with suicide bombings. In other words, the terrorist activity definition in the Criminal Code should specifically identify suicide bombings. As I said in second reading, I believe that most Canadians, and I dare say almost all Canadians, abhor suicide bombings. I do not intend to dwell on that subject. That preface should be remembered in all my other comments.

The witnesses who came before the Standing Senate Committee on Legal and Constitutional Affairs did not deal with the legal aspects. They were concerned about the issue of suicide bombings, and the issue that Canadians should in some way make a statement against suicide bombings. They thought the law would be unchanged by adding the words “suicide bombing.”

I want to make that point in support of this government and previous governments that put in a definition of terrorist activities. I believe Canadians have been well protected, both by the previous governments and this government in the definition of terrorist activities, against suicide bombing. Those witnesses came forward and said that adding the words “suicide bombing” does not add to the definition. At this point we could charge someone if an act was committed in Canada, and if we passed this bill, we would still be in the same position.

In other words, prosecutors and the courts would rely on the existing case law and the existing terrorist activities definition. It does not add to the legal definition at all.

It does highlight it. Highlighting it may not be a difficulty; it may have a good educative quality to it. However, by singling out suicide bombings, you put a specific in a general paragraph. Therefore, in my mind, having dealt with criminal law, should all other acts of terrorist activities be in the same category? Does suicide bombing now become the ultimate terrorist activity and everything a lesser activity? We do not know what terrorists will create in the future. There is some risk in identifying one type of terrorist activity exclusively. We could be, in fact, narrowing the definition, and that gives me some pause.

I would have preferred some preamble saying that it was not to restrict the generality of the foregoing or limit the terrorist activity, but it would be one example of terrorist activity. However, we have not made those changes. I want to signal these difficulties that I have with the definition.

Second, I point out that we have spent many hours on the definition of “terrorist activity” in the Special Senate Committee on Anti-terrorism. Our focus was never on making it a more finite definition by listing the activities. The United Nations could not do that; we cannot do that. I think we resisted that, but we always had suicide bombing in mind as one type of activity and not an exclusive definition.

We, in the committee, were very worried about motives: the ideological, religious or political motive of someone who might commit a terrorist activity. I continue to have that concern, as I think many other senators do.

I have some concern that we should monitor this if we identify suicide bombings, because we are not putting it in for need or lack of anything in the Criminal Code. Senator Joyal brought up some very valid points, as other senators did, about the administration of this section, and they warrant reading.

[ Senator Fraser ]

To conclude, I also have one fear. If we put it in the Criminal Code, as one honourable senator suggests, that is the end of the matter. It also could have a deterrence mechanism, but I dare say that those who would reach for terrorist activity will not be concerned about our Criminal Code. They are well beyond the reach of our collective conscience in the Criminal Code.

I would have hoped that we looked for other educational means to teach young people and Canadians of our abhorrence against suicide bombings. I trust the government and the Senate will not say the job is finished but will find more substantive and meaningful ways in today's society to signal the abhorrence of suicide bombings.

**Hon. Marcel Prud'homme:** I will take part for a few minutes and bring the attention of honourable senators to certain facts and terminate at the next opportunity. Anyone who is interested in these matters agonizes over the definition. I see our able chairman of the IPU, Canadian section, Senator Oliver, is here. He has been at the International Parliamentary Union where they agonize, and I tell him I agonized before him, and Senator Fraser, the able chair, has agonized internationally over the definition, and people never agree. Senator Carstairs was also very active.

Honourable senators, I would say it is a very important bill. Yet, we were told when it started, "Do not worry, it is only a little amendment." It is true if you look at the bill. It is only a word. However, the little word has a lot of meaning.

Before I ask for adjournment in my name — if I could get Senator Comeau to second when I ask for adjournment — I would like to bring to your attention and ask for you to attentively read the minutes of April 2, 3, 9, 10 and 16.

• (1540)

I have the minutes available in English, and we are still working on the French version because every word counts. When one is aware of the quality of the members who sit on that committee, one must be very precise and attentive to details.

One may become confused towards the end, on April 16, for instance, when the Chair, Senator Fraser — who very ably manages a busy committee, one upon which everyone dumps everything — asks:

**The Chair:** Is it agreed, colleagues, that I report the bill to the Senate?

I am talking now about a scholar who reads that and informs me that the entire Senate is in agreement.

**Honourable senators:** Agreed.

**The Chair:** Did I hear a no? D'accord? Opposed? Abstention? Carried.

Senator Joyal, you have the floor.

Honourable senators know that when the bill was reported, Senator Andreychuk said, "Wait a minute; that is not the way it happened." I never attack the reporters. They do a very good job, especially when I speak because I can forget my commas and periods. It is confusing, I must admit.

I call this a "feel-good bill." I ask my colleagues to pay great attention. There is no urgency, but I draw to the attention of honourable senators the discussion that took place at second reading and especially at committee stage. I will repeat the dates: April 2, 3, 9, 10 and 16. If one reads the transcripts of those dates, one will have a very good understanding of what one is being called upon to vote on at third reading. If one reads that, one would be satisfied.

Senator Stratton had very strong views. Senator Di Nino had a major question and, as usual, there was a good exchange of views between Senator Joyal, Senator Baker and others with very top class witnesses.

I think I contributed my effort for today. I kindly ask to move the adjournment for the rest of the time under my name.

On motion of Senator Prud'homme, debate adjourned.

[Translation]

## ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, June 3, 2008, at 2 p.m.

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

**Hon. Senators** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 3, 2008, at 2 p.m.

# THE SENATE OF CANADA

## PROGRESS OF LEGISLATION

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

**(2nd Session, 39th Parliament)**

**Thursday, May 29, 2008**

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

### GOVERNMENT BILLS (SENATE)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Canada-United States Tax Convention Act, 1984	07/10/18	07/11/13	Banking, Trade and Commerce	07/11/15	0	07/11/21	07/12/14	32/07
S-3	An Act to amend the Criminal Code (investigative hearing and recognizance with conditions)	07/10/23	07/11/14	Special Committee on Anti-terrorism	08/03/04	2	08/03/06		

### GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-2	An Act to amend the Criminal Code and to make consequential amendments to other Acts	07/11/29	07/12/12	Legal and Constitutional Affairs	08/02/27	0 observations	08/02/27	08/02/28	6/08
C-3	An Act to amend the Immigration and Refugee Protection Act (certificate and special advocate) and to make a consequential amendment to another Act	08/02/06	08/02/07	Special Committee on Anti-terrorism	08/02/12	0 observations	08/02/12	*08/02/14	3/08
C-8	An Act to amend the Canada Transportation Act (railway transportation)	08/01/29	08/02/12	Transport and Communications	08/02/14	0	08/02/14	08/02/28	5/08
C-9	An Act to implement the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICSID Convention)	08/01/31	08/02/12	Foreign Affairs and International Trade	08/02/28	0	08/03/04	*08/03/13	8/08
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bilingual expression of the provisions of that Act	07/10/30	07/12/04	Banking, Trade and Commerce					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30	07/11/29	Legal and Constitutional Affairs	08/01/31	1 observations	08/02/07 Message from Commons-agree with Senate amendment 08/02/12	*08/02/14	2/08
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30	07/11/15	Banking, Trade and Commerce	07/12/13	0 observations	07/12/13	07/12/14	36/07
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30	07/11/21	Legal and Constitutional Affairs	07/12/11	6 observations	08/01/29 Message from Commons-agree with 4 amendments and disagree with 2 08/04/17  Senate did not insist on its 2 amendments 08/05/13	*08/05/29	18/08
C-15	An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada–Nova Scotia Offshore Petroleum Resources Accord Implementation Act	07/11/21	07/11/29	Energy, the Environment and Natural Resources	07/12/13	0	07/12/13	07/12/14	33/07
C-18	An Act to amend the Canada Elections Act (verification of residence)	07/12/13	07/12/14	Committee of the Whole	07/12/14	0	07/12/14	07/12/14	37/07
C-21	An Act to amend the Canadian Human Rights Act	08/05/29							
C-23	An Act to amend the Canada Marine Act, the Canada Transportation Act, the Pilotage Act and other Acts in consequence	08/05/07	08/05/15	Transport and Communications					
C-28	An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2007 and to implement certain provisions of the economic statement tabled in Parliament on October 30, 2007	07/12/13	07/12/13	Pursuant to rule 74(1) subject-matter 07/12/12 National Finance	Report on subject-matter 07/12/13	—	07/12/13	07/12/14	35/07
C-30	An Act to establish the Specific Claims Tribunal and to make consequential amendments to other Acts	08/05/13	08/05/27	Aboriginal Peoples					

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-31	An Act to amend the Judges Act	08/04/15	08/05/14	Legal and Constitutional Affairs					
C-33	An Act to amend the Canadian Environmental Protection Act, 1999	08/05/28							
C-35	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 ( <i>Appropriation Act No. 3, 2007-2008</i> )	07/12/11	07/12/11	—	—	—	07/12/13	07/12/14	34/07
C-37	An Act to amend the Citizenship Act	08/02/26	08/03/04	Social Affairs, Science and Technology	08/04/16	0 observations	08/04/16	*08/04/17	14/08
C-38	An Act to permit the resumption and continuation of the operation of the National Research Universal Reactor at Chalk River	07/12/12	07/12/12	Committee of the Whole	07/12/12	0	07/12/12	*07/12/12	31/07
C-40	An Act to amend the Canada Labour Code, the Canada Student Financial Assistance Act, the Canada Student Loans Act and the Public Service Employment Act	08/02/14	08/03/04	National Security and Defence	08/04/16	0 observations	08/04/16	*08/04/17	15/08
C-41	An Act respecting payments to a trust established to provide provinces and territories with funding for community development	08/02/05	08/02/05	National Finance	08/02/07	0	08/02/07	*08/02/07	1/08
C-42	An Act to amend the Museums Act and to make consequential amendments to other Acts	08/02/14	08/02/26	Human Rights	08/03/04	0	08/03/05	*08/03/13	9/08
C-44	An Act to amend the Agricultural Marketing Programs Act	08/02/26	08/02/27	Agriculture and Forestry	08/02/28	0	08/02/28	08/02/28	7/08
C-48	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 ( <i>Appropriation Act No. 4, 2007-2008</i> )	08/03/12	08/03/13	—	—	—	08/03/13	*08/03/13	10/08
C-49	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 ( <i>Appropriation Act No. 1, 2008-2009</i> )	08/03/12	08/03/13	—	—	—	08/03/13	*08/03/13	11/08
C-50	An Act to implement certain provisions of the budget tabled in Parliament on February 26, 2008 and to enact provisions to preserve the fiscal plan set out in that budget			Pursuant to rule 74(1) subject-matter 08/05/15 National Finance					

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-253	An Act to amend the Income Tax Act (deductibility of RESP contributions)	08/03/06							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17	08/03/04	Human Rights					
C-287	An Act respecting a National Peacekeepers' Day	07/11/22	08/02/26	National Security and Defence					
C-292	An Act to implement the Kelowna Accord	07/10/17	07/12/11	Aboriginal Peoples	08/04/29	0			
C-293	An Act respecting the provision of official development assistance abroad	07/10/17	07/12/12	Foreign Affairs and International Trade	08/04/03	0 observations + 4 at 3rd	08/04/16 Message from Commons-agree with Senate amendments 08/05/13	*08/05/29	17/08
C-298	An Act to add perfluorooctane sulfonate (PFOS) and its salts to the Virtual Elimination List under the Canadian Environmental Protection Act, 1999	07/12/04	08/03/11	Energy, the Environment and Natural Resources	08/04/10	0	08/04/15	*08/04/17	13/08
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17	08/05/27	Legal and Constitutional Affairs					
C-307	An Act respecting bis(2-ethylhexyl)phthalate, benzyl butyl phthalate and dibutyl phthalate	07/11/29	08/05/13	Energy, the Environment and Natural Resources					
C-343	An Act to amend the Criminal Code (motor vehicle theft)	08/02/28	08/04/10	Legal and Constitutional Affairs					
C-428	An Act to amend the Controlled Drugs and Substances Act (methamphetamine)	08/02/12	08/05/27	Legal and Constitutional Affairs					
C-459	An Act to establish a Ukrainian Famine and Genocide ("Holodomor") Memorial Day and to recognize the Ukrainian Famine of 1932-33 as an act of genocide	08/05/28	08/05/28	—	—	—	08/05/28	*08/05/29	19/08

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17	07/11/28	National Finance	08/02/27	4	08/03/06		
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17	Dropped from Order Paper pursuant to Rule 27(3) 08/04/01						
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17	07/11/13	Legal and Constitutional Affairs	07/11/22	0	07/11/27	*08/04/17	12/08
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17	08/02/13	Social Affairs, Science and Technology	08/04/17	0	08/04/29		

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17	08/03/05	Banking, Trade and Commerce					
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17	08/04/03	Energy, the Environment and Natural Resources					
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17	07/11/28	Legal and Constitutional Affairs	07/12/06	0	07/12/11		
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17		Subject matter 07/11/13 Energy, the Environment and Natural Resources	Report on subject-matter 08/02/28				
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	07/10/17	08/03/13	Legal and Constitutional Affairs					
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17	08/02/28	Legal and Constitutional Affairs	08/04/17	0			
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							
S-212	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	07/10/18	08/04/17	Rules, Procedures and the Rights of Parliament					
S-213	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	07/10/23	07/12/06	Legal and Constitutional Affairs	08/01/31	0	08/02/05		
S-214	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	07/10/24	08/04/01	National Finance					
S-215	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	07/10/30	07/12/06	National Finance	07/12/13  Report amended 07/12/13	19	07/12/13  Message from Commons-7 amendments 08/05/06  Senate agree with Commons amendment 08/05/07	*08/05/29	16/08
S-216	An Act to amend the Access to Information Act and the Canadian Wheat Board Act (Sen. Mitchell)	07/10/30	Dropped from Order Paper pursuant to Rule 27(3) 08/03/13						



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-217	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Carney, P.C.)	07/10/31							
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 (Sen. Phalen)	07/10/31	08/03/05	Human Rights					
S-219	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection) (Sen. Ringuette)	07/11/13	07/12/11	National Finance	08/04/03	1	08/05/01		
S-220	An Act respecting a National Blood Donor Week (Sen. Mercer)	07/11/15	07/11/27	Social Affairs, Science and Technology	07/11/29	0	07/12/04	*08/02/14	4/08
S-221	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	07/11/28	08/04/15	Transport and Communications					
S-222	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	07/12/04	08/04/15	Social Affairs, Science and Technology					
S-223	An Act to amend the Non-smokers' Health Act (Sen. Harb)	07/12/04	08/03/13	Social Affairs, Science and Technology					
S-224	An Act to amend the Parliament of Canada Act (vacancies) (Sen. Moore)	07/12/13	08/03/04	Legal and Constitutional Affairs	08/05/08	0	08/05/29		
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) (Sen. Tkachuk)	07/12/14	08/04/09	Legal and Constitutional Affairs					
S-226	An Act to amend the Business Development Bank of Canada Act (municipal infrastructure bonds) and to make a consequential amendment to another Act (Sen. Grafstein)	08/01/29							
S-227	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	08/02/12	08/05/08	Energy, the Environment and Natural Resources					
S-228	An Act to amend the Canadian Wheat Board Act (board of directors) (Sen. Mitchell)	08/02/13	08/05/28	Agriculture and Forestry					
S-229	An Act to amend the Constitution Act, 1867 (Property qualifications of Senators) (Sen. Banks)	08/02/26							
S-230	An Act to amend the Excise Tax Act (zero-rating of supply of cut fresh fruit) (Sen. Milne)	08/02/26							
S-231	An Act to amend the Citizenship Act (oath of citizenship) (Sen. Segal)	08/03/12							



## CONTENTS

Thursday, May 29, 2008

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>Funding to Combat Youth Poverty.</b>	
<b>Senate Sitings</b>		Hon. Roméo Antonius Dallaire . . . . .	1422
Hon. Gerald J. Comeau . . . . .	1417	Hon. Marjory LeBreton . . . . .	1422
<b>Victoria Order of Nurses Week</b>		<b>Visitor in the Gallery</b>	
Hon. Joan Cook . . . . .	1417	The Hon. the Speaker . . . . .	1423
<b>Formal Apology to Former Students of Indian Residential Schools</b>		<b>Answer to Order Paper Question Tabled</b>	
Hon. Nick G. Sibbeston . . . . .	1417	International Cooperation—Land Mines.	
<b>The Late Howard Dill</b>		Hon. Gerald J. Comeau . . . . .	1423
Hon. Wilfred P. Moore . . . . .	1418	<b>Internal Economy, Budgets and Administration</b>	
<hr/>		Eighth Report of Committee Presented.	
<b>ROUTINE PROCEEDINGS</b>		Hon. George J. Furey . . . . .	1423
<b>Official Languages Commissioner</b>		Ninth Report of Committee Presented.	
2007-08 Annual Report Tabled . . . . .	1418	Hon. George J. Furey . . . . .	1423
<b>National Security and Defence</b>		<b>Pages Exchange Program with House of Commons</b>	
Budget—Study on National Security Policy—		The Hon. the Speaker . . . . .	1423
Report of Committee Presented.		<hr/>	
Hon. Colin Kenny . . . . .	1418	<b>ORDERS OF THE DAY</b>	
<b>Canadian Human Rights Act (Bill C-21)</b>		<b>Conflict of Interest for Senators</b>	
Bill to Amend—First Reading . . . . .	1419	Fourth Report of Committee Adopted.	
<b>Canada-Europe Parliamentary Association</b>		Hon. Serge Joyal . . . . .	1424
Second Part, 2008 Ordinary Session of Parliamentary Assembly		<b>Study on Impact and Effects of Social Determinants of Health</b>	
of Council of Europe, April 14-18, 2008—Report Tabled.		Fourth Interim Report of Social Affairs, Science	
Hon. Lorna Milne . . . . .	1419	and Technology Committee—Debate Continued.	
<hr/>		Hon. Marcel Prud'homme . . . . .	1424
<b>QUESTION PERIOD</b>		<b>Inter-Parliamentary Union Report on Human Rights</b>	
<b>The Right Honourable Brian Mulroney</b>		<b>of Parliamentarians</b>	
Alleged Cash Payments—Judicial Inquiry.		Inquiry—Debate Continued.	
Hon. Céline Hervieux-Payette . . . . .	1419	Hon. Marcel Prud'homme . . . . .	1424
Hon. Marjory LeBreton . . . . .	1419	<b>Maternity and Parental Benefits</b>	
Alleged Cash Payments—Instruction by Prime Minister		Inquiry—Debate Continued.	
on Contact.		Hon. Jane Cordy . . . . .	1424
Hon. Céline Hervieux-Payette . . . . .	1419	Hon. Elizabeth Hubley . . . . .	1426
Hon. Marjory LeBreton . . . . .	1419	Hon. Gerald J. Comeau . . . . .	1426
Alleged Cash Payments—Judicial Inquiry.		<b>Visitors in the Gallery</b>	
Hon. Céline Hervieux-Payette . . . . .	1419	The Hon. the Speaker . . . . .	1427
Hon. Marjory LeBreton . . . . .	1420	<b>Foreign Service Officers</b>	
<b>Indian Affairs and Northern Development</b>		High Attrition Rate—Inquiry—Debate Continued.	
Kelowna Accord.		Hon. Gerald J. Comeau . . . . .	1427
Hon. Robert W. Peterson . . . . .	1420	<b>Question of Privilege</b>	
Hon. Marjory LeBreton . . . . .	1420	Hon. Gerald J. Comeau . . . . .	1427
School Construction and Maintenance Funding.		Hon. Colin Kenny . . . . .	1428
Hon. Robert W. Peterson . . . . .	1420	Hon. David Tkachuk . . . . .	1428
Hon. Marjory LeBreton . . . . .	1420	Hon. George Baker . . . . .	1429
Gap in Educational Levels.		Hon. Tommy Banks . . . . .	1429
Hon. Elizabeth Hubley . . . . .	1420	Hon. Elaine McCoy . . . . .	1429
Hon. Marjory LeBreton . . . . .	1421	Referred to Committee.	
Hon. Nick G. Sibbeston . . . . .	1421	Hon. Gerald J. Comeau . . . . .	1429
Aboriginal Health.		<b>Royal Assent</b> . . . . .	1429
Hon. Marilyn Trenholme Counsell . . . . .	1421		
Hon. Marjory LeBreton . . . . .	1422		

	PAGE
<b>Business of the Senate</b>	
Hon. Gerald J. Comeau . . . . .	1430
Hon. Marcel Prud'homme. . . . .	1430
<b>Parliament of Canada Act (Bill S-224)</b>	
Bill to Amend—Third Reading.	
Hon. A. Raynell Andreychuk . . . . .	1430
Hon. Joan Fraser . . . . .	1431

	PAGE
<b>Criminal Code (Bill S-210)</b>	
Bill to Amend—Third Reading—Debate Continued.	
Hon. A. Raynell Andreychuk . . . . .	1432
Hon. Marcel Prud'homme. . . . .	1433
<b>Adjournment</b>	
Hon. Gerald J. Comeau . . . . .	1433
<b>Progress of Legislation . . . . .</b>	<b>i</b>









*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5