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**Tuesday, October 27, 2009**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

## CONTENTS

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

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## THE SENATE

Tuesday, October 27, 2009

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### TRIBUTES

THE LATE HONOURABLE JEAN-MARIE POITRAS, O.C.

**The Hon. the Speaker:** Honourable senators, the Leader of the Government has requested, pursuant to rule 22(10), that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Jean-Marie Poitras, who died on February 27, 2009.

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

[Translation]

**Hon. Suzanne Fortin-Duplessis:** Honourable senators, it is with great emotion and pride that I rise today in this venerable house to pay tribute to an exceptional man, the Honourable Jean-Marie Poitras, whose life work, dedication and social involvement have greatly contributed to improving the lives of Canadians.

I was sitting in the other place in 1988 when Jean-Marie Poitras was appointed to the Senate by the Right Honourable Brian Mulroney to join the Progressive Conservative caucus. What struck me the most from being around Senator Poitras at the time was the deep respect he had for those around him, and the respect that people gave him in return. He emanated humility and quiet strength, and his actions were always rooted in wisdom.

Outside Parliament, there was another place where my path often crossed with that of Senator Poitras, which was at Saint-Mathieu church, in my parish in Sainte-Foy, where his son, Abbé Michel Poitras, was the vicar. Senator Poitras attended mass with his wife, Thérèse Michaud. He was a man with a rich inner life and well-entrenched fundamental values, who was never afraid to show his faith. At a prayer breakfast, where he spoke in front of the Montreal business community, he shared his deep thoughts and firm beliefs about his duty, as a human being, to always try to better himself and to help others, no matter how successful he became.

I also remember a man who put his family first, a family he was very close with, and very proud of. He was the father of Claire, Lise, who is deceased, Michel, Claude, Diane and Marie.

Jean-Marie Poitras, who was originally from Abitibi, had a career that spanned over 50 years. He was an outstanding manager who knew how to surround himself with the best. After studying at Laval University, he started his career in the insurance

business. In 1954, he founded the Quebec branch of the Insurance Institute. A few years later, in 1965, he became the President and Chief Executive Officer of Laurentienne Mutuelle d'assurance, a position he held until 1982. He presided over a number of boards of directors, including the board of the Montreal City and District Savings Bank, now known as the Laurentian Bank of Canada.

After he was appointed to the Senate, he chaired the Standing Senate Committee on Banking, Trade and Commerce and sat on the Standing Senate Committee on Energy, the Environment and Natural Resources.

As he pursued his career in business, Senator Poitras became involved in Quebec's cultural community. He chaired the board of the Régie du Grand Théâtre de Québec and the Société du Musée du Séminaire de Québec. He was subsequently elected president of the Opéra de Québec.

From childhood, Jean-Marie Poitras was dedicated to serving his community, says his son, Abbé Michel Poitras, who is now the parish priest at Saint-Augustin-de-Desmaures. According to Michel Poitras:

... the scouting movement was his first love, and that is where he got a taste for social involvement. He entered scouting at the age of 14, rose through the ranks and eventually became president of the Association des scouts du Canada.

Senator Poitras was a great philanthropist whose involvement in social causes and the business community was recognized by numerous organizations and government bodies. For example, he was made an Officer of the Order of Canada, a Knight Grand Cross of the Equestrian Order of the Holy Sepulchre of Jerusalem and an Officer of the Ordre national du Québec.

He was a model of altruism, creativity and determination. It was a great honour for me to know and work with the Honourable Jean-Marie Poitras, who was a great builder, a great Quebecer and a great Canadian.

**Hon. Michel Rivard:** Honourable senators, I am very proud to add my tribute to that of my colleague, the Honourable Senator Fortin-Duplessis.

I first met the Honourable Senator Poitras in the early 1980s, a few years before he was appointed to the Senate of Canada. He was then at the peak of a brilliant career in business.

In 1989, I had the pleasure of attending his induction into the Académie des Grands Québécois. Very few people in Quebec City have received this highly prestigious honour.

In 1981, his alma mater, Laval University, awarded him an honorary doctorate in business administration. In 1988, he was inducted into the Canadian Business Hall of Fame.

Despite all these honours recognizing his contributions to business and the community, the Honourable Jean-Marie Poitras remained a simple, approachable man who was always willing to give his time to causes that were close to his heart. The Jean-Marie Poitras Foundation reflects this dedication to helping the less fortunate in our society.

In closing, I would like to express my condolences to his family and say again how much I admired this exceptional man. We will miss him.

• (1410)

**Hon. Jean-Claude Rivest:** Honourable senators, I also wish to pay homage to the memory of Jean-Marie Poitras. When I was a member of the Quebec National Assembly representing the riding of Jean-Talon, I had the opportunity to meet and work with Jean-Marie Poitras.

In addition to his human qualities and tremendous kindness, I was always very impressed by his extraordinary expertise in business and insurance, his chosen field of work. Whenever his business provided financial support to cultural and social activities in his community, it was always announced in press conferences in Quebec City. However, what impressed me the most was seeing Jean-Marie Poitras a few weeks later at a meeting with the rest of the volunteers in the community groups, as an ordinary volunteer, helping improve his community and contributing to its well-being.

All senators who had the opportunity to know Jean-Marie Poitras in this chamber will never forget him, nor will the people of Quebec, particularly those from the Quebec City region, and those who had the good fortune of appreciating this great man's many fine qualities.

[English]

#### VETERANS MEMORIAL ON BOULARDERIE ISLAND

**Hon. Jane Cordy:** Honourable senators, I was pleased to attend the dedication of a new Veterans Memorial Monument in Boularderie, Cape Breton, on September 12, 2009.

The Boularderie District Veterans Memorial Committee hosted the dedication event of the newly-constructed monument, which is located on the grounds of St. James Church in Big Bras d'Or.

This project was initiated to recognize the sacrifices made by the veterans of Boularderie and the surrounding area. The community believes that the men and women who served our great country deserve to be honoured and remembered for what they have given up for Canada.

One of the biggest challenges for the committee was collecting the names of the veterans from the different wars and military missions. The final list comprises 291 names which are engraved on the monument. That is an amazing number, considering the small size of this community. These names represent sons and daughters, brothers and sisters, friends and neighbours.

Honourable senators, this truly was a community project. It clearly demonstrates the strong dedication of the people in Boularderie to remember veterans. It was a grassroots remembrance initiative — a memorial which will last for

generations and will ensure that the legacy of these men and women will never be forgotten. This monument is now part of the history of Boularderie and it will help to ensure the stories of the veterans from the community are told and retold.

Honourable senators, the initiative for this monument came from the MacLeod family, John K. and Norma. Honourable senators, for your information, John K. and Norma are the parents of our Black Rod, Mr. Kevin MacLeod. I am also told that the Black Rod did the basic design work for the monument.

Congratulations to the MacLeods for bringing their idea to the St. James Cemetery Committee and for being the catalyst in making this event happen. The MacLeods have ensured that this legacy of ultimate sacrifice will be passed on and never forgotten.

I also take this opportunity to applaud the Boularderie and District Memorial Committee and, for that matter, the community of Boularderie Island, for their efforts in honouring Canada's veterans.

#### THE LATE JACK POOLE

**Hon. Gerry St. Germain:** Honourable senators, I rise today to pay tribute to a great Canadian—Jack Poole. Jack grew up, like many of us, in a small prairie community, namely Mortlach, Saskatchewan. When I took my pilot training in Moose Jaw on Harvards, I flew over Mortlach virtually every day.

Jack's Metis heritage was never forgotten as he enjoyed his many successes. He used his many skills and his intuitive intelligence to build a real estate empire, namely the Daon Development Corporation of Vancouver. Like many of us in that business, he had his setbacks but they were quickly overcome by his sheer determination, good judgment and sound business acumen.

The time allotted for Senators' Statements does not permit me to list all his many philanthropic, business and community achievements. His generosity and accomplishments are legion in our province of British Columbia and throughout the country.

Jack Poole's leadership was critical to winning the 2010 Olympic bid. He continued after the bid by providing the guidance necessary to bring this venue to its present positive state. He was instrumental in selecting John Furlong as CEO of VANOC. One of Jack Poole's greatest assets was being able to surround himself with extremely qualified people.

VANOC's latest economic report is due next week, and it shows they are doing very well in spite of the economic slowdown. Under Jack Poole's guidance, VANOC is setting new standards with regard to ethics and the environment. There is no question Jack Poole will be recognized as the guiding force behind the success of the Olympics.

He was recognized by the Métis Nation of B.C. for his many accomplishments and for the pride and leadership he brought to Aboriginal people.

[ Senator Rivard ]

Honourable senators, we have lost a dedicated, talented and inspiring person; a son of Saskatchewan, British Columbia and, really, a son of all of Canada.

I offer his family my deepest sympathy on the loss of a great husband, great father, great grandfather and great great-grandfather.

#### MR. ERNIE INGLES

##### CONGRATULATIONS ON APPOINTMENT

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I am pleased to rise today to congratulate Mr. Ernie Ingles, Vice-Provost and Chief Librarian of the University of Alberta, who was recently designated President of the Canadian Association of Research Libraries.

For over 30 years, Ernie Ingles has been a key player in the Canadian library community. As part of his commitment to Canadian libraries, Mr. Ingles has been a member of numerous associations, such as the Bibliographic Society of Canada, the Council of Prairie and Pacific University Libraries, and has served as President of the Canadian Library Association.

Furthermore, Mr. Ingles has held library positions at the University of British Columbia, the University of Calgary, the University of Regina and, since 1990, the University of Alberta, where I had the pleasure of working with him as part of the university's leadership team.

Mr. Ingles is a founding Executive Director and Chief Executive Officer of the Canadian Institute for Historical Microreproductions, now known as [Canadiana.org](http://Canadiana.org), an organization committed to digitizing Canadian knowledge and to providing online access to a wealth of information pertaining to our nation's history and development.

Mr. Ingles is also a published author of over 30 articles and four monographic compilations. More recently, he compiled and co-edited a revised edition of Peel's *Bibliography of the Canadian Prairies to 1953*. For his outstanding contributions to research and knowledge, Mr. Ingles was elected a Fellow of the Royal Society of Canada in 2001 and awarded the Queen's Jubilee Medal in 2003.

As President of the Canadian Association of Research Libraries, Mr. Ingles will lead an organization comprising the following: Twenty-eight major academic research libraries across the country; Library and Archives Canada; the Canada Institute for Scientific and Technical Information, and the Library of Parliament.

I congratulate Mr. Ingles and the Canadian Association of Research Libraries on behalf of all senators.

#### BEDFORD INSTITUTE OF OCEANOGRAPHY

**Hon. Donald H. Oliver:** Honourable senators, 47 years ago this week, the Progressive Conservative government of John Diefenbaker inaugurated the Bedford Institute of Oceanography,

Canada's largest centre for ocean research. Known as the BIO, this federal government facility is a modern oceanographic research institute, located on the shores of the Bedford Basin in Dartmouth, Nova Scotia.

• (1420)

In the early 1960s, W.E. van Steenburgh played an instrumental role in promoting the concept of an oceanographic institute in the Bedford Basin. He believed that maritime science should be a national priority. He also believed that multidisciplinary research teams, with dedicated vessels and laboratory support, were required in order to meet the future knowledge needs of ocean management. On October 25, 1962, after years of advocacy, BIO was officially opened.

Since then, the Bedford Institute of Oceanography has become a world-class multidisciplinary research institute of oceanography. The key feature of its research success has been the melding of diverse research disciplines within a single family. For instance, hydrographers, geologists, chemists, biologists and other specialists work together side by side to provide peer-reviewed advice and support to government decision making on a broad range of ocean issues. This multidisciplinary dimension makes the Bedford Institute of Oceanography unique.

BIO has been studying the ocean ecosystems and their resources for more than 30 years. Since the 1980s, it has undertaken comprehensive studies of the marine geology of Atlantic Canada, providing critical support to oil and gas exploration.

Today, BIO employs over 600 researchers, engineers, technicians, natural resource and environmental managers and support staff. The institute is home to four federal government departments: Fisheries and Oceans Canada, Natural Resources Canada, Environment Canada and the Department of National Defence.

For instance, Fisheries and Oceans Canada manages a number of branches at BIO. The science branch, which is the largest branch, has five primary functions including research, monitoring, data management, scientific advice and products and services.

A wide range of research programs are carried out by these five functions. They include supporting fisheries, aquaculture, oceans and habitat management, ocean resource development and safety around the water.

Honourable senators, Canada has the longest coastline of any country in the world, with 240,000 kilometres. With this in mind, the Bedford Institute of Oceanography in Nova Scotia is an essential component of our country's ocean management. Almost 50 years after its creation, BIO continues to be involved in numerous national and global projects and studies on the world's ocean circulation systems.

Honourable senators, please join me in wishing the Bedford Institute of Oceanography of Nova Scotia a happy forty-seventh birthday.

[Translation]

## ROUTINE PROCEEDINGS

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### SEVENTH REPORT OF COMMITTEE TABLED

**Hon. Donald H. Oliver**, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, October 27, 2009

The Standing Committee on Rules, Procedure and the Rights of Parliament has the honour to present its

#### SEVENTH REPORT

Pursuant to Rule 86(1)(f)(i), your committee is pleased to report as follows:

Changes to the *Rules of the Senate* take effect at the time they are adopted by the Senate. A printed consolidation containing these changes is not, however, automatically prepared when a change is adopted, and the on-line version is not immediately updated.

Instead, current practice in relation to printing updated versions of the *Rules of the Senate* and integrating changes into the on-line version is that a new version, containing previously approved modifications, must be approved by your committee before being tabled in the Senate. It is only when the new version is tabled that it is printed and posted on-line. To repeat, the changes contained in this updated version were approved previously by the Senate, and entered into force at that time.

This process sometimes leads to significant delays between a change to the rules being approved by the Senate and the new text appearing in printed or on-line format, with consequential inconvenience to senators and other users. To avoid such delays, your committee recommends:

1. That the Clerk of the Senate be authorized to prepare and print from time to time, as required, for tabling in the Senate by the Speaker, consolidated versions of the *Rules of the Senate* containing any changes approved by the Senate to that time and any minor typographical corrections.
2. That the Clerk of the Senate be authorized to update the on-line version of the *Rules of the Senate* from the time any change is approved by the Senate.

Respectfully submitted,

DONALD H. OLIVER  
Chair

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

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

[English]

### MEDICAL DEVICES REGISTRY BILL

#### FIRST READING

**Hon. Mac Harb** presented Bill S-243, An Act to establish and maintain a national registry of medical devices.

(Bill read first time.)

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

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

### CANADIAN NATO PARLIAMENTARY ASSOCIATION

#### VISIT TO ROME, ITALY BY THE MEDITERRANEAN SPECIAL GROUP, JUNE 14-15, 2009—REPORT TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association to the Visit to Rome, Italy by the Mediterranean Special Group, held in Naples, Italy, from June 14 to 15, 2009.

### FISHERIES AND OCEANS

#### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Ethel Cochrane:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Fisheries and Oceans have the power to sit at 5 p.m. on October 27, 2009, even though the Senate may then be sitting; and that rule 95(4) be suspended in relation thereto.

**The Hon. the Speaker:** We have the notice. Leave is required and explication. Would you like to explain, Senator Cochrane?

**Senator Cochrane:** Honourable senators, we have out-of-town witnesses who are waiting to appear before the committee. I speak on behalf of the committee when I say we would appreciate it if the Senate would allow us to sit a bit earlier.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

(Motion agreed to.)

## QUESTION PERIOD

### HEALTH

#### H1N1 FLU VACCINE—AWARENESS CAMPAIGN

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate.

Last Thursday, I asked the government leader several serious questions about the H1N1 pandemic threat. I asked for a clear statement as to the advice the government was giving Canadians with respect to the H1N1 vaccine and the annual seasonal flu vaccine. I asked the leader to detail the government's plan to ensure that as many Canadians as possible receive the H1N1 vaccine. The minister did not answer either question.

Instead of having the courage to stand as the government's representative in this place and answer, Senator LeBreton chose to accuse me of fear-mongering and spreading false information, and then muttered crude personal insults from her seat — insults which can now be found in the *Debates of the Senate* of last Thursday.

Honourable senators, the issues surrounding the H1N1 pandemic and the vaccine are serious and of real and immediate concern to Canadians. This weekend, the media reported that Canadians are confused about what they should do to protect themselves and their families.

Yesterday's *Globe and Mail* reported a poll which found that opposition to the vaccination has grown sharply, with a majority — 51 per cent — saying they would not get the shots, up from 38 per cent in July. Does the minister believe that all of these Canadians are fools?

I am not surprised that Canadians are confused and divided over whether or not to take the vaccine. Canadians are having trouble trusting this government with the critical matter of their health and well-being because this government refuses to be honest and forthright with Canadians.

• (1430)

Indeed, the conduct of the Leader of the Government in the Senate last week was another example of her government's preference to engage in petty, partisan politics, rather than truly lead and be honest with Canadians.

**Some Hon. Senators:** Oh, oh.

**Senator Cowan:** This is not a laughing matter, Senator LeBreton.

What will the government do to reassure Canadians that the vaccine now being administered is safe for their use? We know that tens of millions of dollars have been spent by the government to inform Canadians about its Economic Action Plan. How much money is being spent by this government to inform Canadians about H1N1?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I made it clear last week and I will make it clear again today: The government takes the whole issue of H1N1 seriously. The Honourable Leona Aglukkaq, Minister of Health, and Dr. David Butler-Jones, Chief Public Health Officer of Canada's Public Health Agency, have criss-crossed the country to inform Canadians of the seriousness of this flu and to urge people to get their vaccination.

Regrettably, misinformation about the safety of the vaccine has penetrated the public's thought process. I believe that this is being remedied and that Canadians will not only take the issue seriously, but also do the responsible thing for themselves, their families and their communities by having the vaccination in order to stop the spread of this dangerous flu.

Honourable senators, Canada is one of a few countries that can vaccinate each citizen who needs and wants the vaccine. As I mentioned a moment ago, we urge Canadians to be vaccinated. It is the best way to protect our health and our loved ones.

In terms of communicating with Canadians, I have talked about the regular briefings that have occurred. As well, a brochure has been put out by Health Canada. I have requested copies of it so that they might be distributed to each senator. We have provided numerous guidance documents to help medical professionals, businesses, students and others. These documents include the H1N1 preparedness guide, which is being distributed across the country.

It is regrettable that two weeks ago we heard the fear-mongering that Canada would not have the vaccine. Today, we hear the fear-mongering about a misinformed public. This situation is not unique to Canada because the same thing is happening in the United States and in other jurisdictions. The government and the minister are committed to the communication of the correct information, not only on the adjuvant vaccine but also the non-adjuvant vaccine.

Yesterday, I saw that many people turned up at the various health clinics to be vaccinated. The distribution of the vaccine is administered by the provinces and the territories. It is a good sign that so many people turned out for their vaccinations. It bodes well for future acceptance of the vaccine.

[Translation]

### FOREIGN AFFAIRS

#### OMAR KHADR—RECOMMENDATIONS OF UNITED NATIONS SPECIAL REPRESENTATIVE

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government in the Senate. We get the impression that the government has a deliberate tendency not to heed advice, even from well-known and well-respected entities.

I want to talk about one of my cherished causes: child soldiers. Specifically, the Canadian government is refusing to recognize all of the recommendations proposed by legal entities, political entities, well-known NGOs and even the United Nations Special

Representative for Children and Armed Conflict. All of these organizations have recommended that the government halt legal proceedings concerning child soldier Omar Khadr and repatriate this child so that he can be reintegrated into and rehabilitated in his own country.

[English]

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I thank the honourable senator for the question. I have nothing further to add to the situation with regard to Omar Khadr.

The honourable senator has asked the question about child soldiers, and I have acknowledged the significant debate and varying opinions on the matter. I do know about the view of the Special Representative of the Secretary-General of the United Nations, but the government's position has not changed in respect of Omar Khadr.

[Translation]

**Senator Dallaire:** There have not been many debates on child soldiers. On the contrary, the Minister of Foreign Affairs has told his staff not to use the term anymore. Why, despite all of the advice from legal experts and NGOs involved in protecting children in an international context — and we did sign the child soldier protocol, after all — are we refusing to implement legislation to prevent the recurrence of the circumstances that put a Canadian in Guantanamo?

[English]

**Senator LeBreton:** I will take the honourable senator's question as notice and refer it to the Minister of Foreign Affairs.

**Senator Dallaire:** Honourable senators, we have been following the American line, as the leader indicated previously, with regard to Omar Khadr. We might be sensitive to what influences the Americans. The United Nations' Special Representative for Children and Armed Conflict recently stated in Washington that Mr. Khadr's family, many of whom are in Pakistan, is quite closely linked to al Qaeda, and that there is a fear Mr. Khadr might return there.

Is it possible that the extension of the family is influencing the political decision to not stop the trial and repatriate that ex-child soldier?

**Senator LeBreton:** I will not respond to the honourable senator's question. I can only say that Mr. Khadr, as I have said to the honourable senator on previous occasions, faces serious charges. President Obama has indicated that the U.S. will follow certain procedures with regard to closing Guantanamo Bay and dealing with its prisoners. However, Mr. Khadr faces serious charges in the United States and the Canadian government will await those deliberations, which is the same policy followed by the previous Liberal government.

#### MALALAI JOYA—RIGHTS OF WOMEN AND FEMALE PARLIAMENTARIANS

**Hon. Sharon Carstairs:** Honourable senators, my question is for the Leader of the Government in the Senate. Last week, I was in Geneva chairing the Inter-Parliamentary Union's Committee on

the Human Rights of Parliamentarians. Once again, Afghanistan was identified as limiting the ability of parliamentarians to function appropriately, in particular with regard to female parliamentarians.

Malalai Joya was suspended from the Afghanistan Parliament on May 21, 2007 for something that she said, not in Parliament, but on a television station. She remains suspended, and it appears that she will not be reinstated prior to the election in the spring of 2010.

Can the minister tell this chamber what intervention this government has made on behalf of Ms. Joya to ensure that democracy and the rights of women — the essence of our mission in Afghanistan — are addressed?

• (1440)

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, our troops are in Afghanistan to ensure not only the rights of women and children but also the rights of all Afghans who are desirous of living in a democracy.

With regard to the specific question the honourable senator asked, I am not aware of any statements that the government has made, but I will inquire as to whether or not they have done so.

**Senator Carstairs:** As the minister is aware, this government has an international obligation to respond to the plight of women and United Nations Security Council Resolution 1325. We learned also that, while the constitution of Afghanistan deems that 25 per cent of the members of the Afghani Parliament will be women — a considerably larger percentage than we have down the hall in the House of Commons — they are not allowed to speak. Each time they stand up, they are drowned out by the male parliamentarians pounding on their desks until the female parliamentarians sit down.

Can the minister tell me what interventions have been made with respect to this situation?

**Senator LeBreton:** Honourable senators, obviously, this is a dreadful situation. All governments and all freedom-loving citizens should be horrified at these actions. The Prime Minister has made it clear on many occasions that we cannot stress strongly enough our concern for the rights of women in Afghanistan.

As the honourable senator knows, Minister Cannon, the Minister of Foreign Affairs, was recently travelling abroad. He met with officials in the Middle East, although I do not believe he was in Afghanistan. I will certainly take the honourable senator's question as notice and ask the minister whether he or his officials have pursued this particularly serious issue.

**Senator Carstairs:** Honourable senators, if women are discriminated against in Parliament, to which they are duly elected, it does not bode well for how women are treated outside of Parliament and in the rest of the country.

Can the minister give us an outline of the progress that has been made in Afghanistan since our mission there with respect to women and, by inference, children?

[ Senator Dallaire ]



**Senator LeBreton:** Honourable senators, the situation in Afghanistan in general, and with regard to women, and young women attempting to go to school in particular, is very serious. The government has supported a number of initiatives that directly benefit women. Honourable senators have heard the Minister of National Defence, Peter MacKay, outline them often, as has the Minister of Foreign Affairs. I will be happy to request of both of them the long list of initiatives taken by not only the Canadian military but also Foreign Affairs Canada, CIDA and NGO workers in Afghanistan.

Honourable senators, the situation with regard to women is troubling. Thanks to our own interventions and the interventions of NATO, and particularly our friends to the south in the United States, the situation that women faced under the Taliban has improved, but not to the degree that one would hope for or expect. The situation there is so fluid that great progress can be made, for example, in opening a school, and then they will burn it down. All of this is, quite naturally, troubling to the government. We have expended considerable resources in Afghanistan not only financially but also in loss of lives and injuries to our soldiers. Obviously, such stories are not encouraging.

There is a belief that our presence in Afghanistan is making a difference not only for Afghan citizens in general but also for women and young girls. I will be happy to provide the honourable senator with a detailed description of all the good work that our people are doing over there.

## NATIONAL DEFENCE

### AFGHANISTAN—TREATMENT OF DETAINEES

**Hon. Rod A. A. Zimmer:** Honourable senators, my question is for the Leader of the Government in the Senate. In 2006, Amnesty International wrote to the Minister of Defence, warning that detainees taken by Canadian Forces could be tortured, which is a war crime. General Rick Hillier confirms that the government knew this abuse was happening since his first visit to the Afghan prisons. Today, the Minister of Defence is still transferring detainees to Afghanistan.

Honourable senators, why has the government ignored General Hillier's report and not acted upon this sensitive information?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, there is some question as to whether the former Chief of the Defence Staff actually said that. He did say to Canwest that he did not recall seeing the report of Richard Colvin. There is some question as to the validity of the earlier media reports about what the former Chief of the Defence Staff said.

First, let us be clear: We are not talking about Canadian soldiers here. No one is suggesting that Canadian soldiers have ever acted or participated in any way in the torture of prisoners. We are talking about prisoners who are under the control of the Afghan army. We acted decisively two and a half years ago to improve the transfer arrangement that had been put in place by

the previous Liberal government so that we can now monitor prisoners after they are transferred to Afghanistan authorities. To this end, Canadians have made over 170 visits to detention facilities.

Ministers receive advice, obviously. I believe that this goes to the erroneous media reports about what the former Chief of the Defence Staff said. Honourable senators, there are thousands of memos and pieces of information. The ministers were not made aware of either the allegations or the charges. Once the reports of the allegations of abuse became known, the government did take the allegations seriously. We specifically acted by putting in place an improved process. As the honourable senator will recall, there was a time during which we did not transfer any prisoners until the process whereby we were able to monitor the situation in the detention facilities was put in place.

Let us be clear, honourable senators. We are not talking about Taliban prisoners being abused or tortured by members of the Canadian military. That is not the case. It never was the case. There is much misunderstanding about that. Our military personnel in the field in Afghanistan have always conducted themselves in a professional and outstanding way. We actually made improvements to the handover of prisoners as a result of the allegations that came out.

## ENVIRONMENT

### CLIMATE CHANGE AGREEMENT

**Hon. Grant Mitchell:** Honourable senators, a number of months ago the government announced its carbon CO<sub>2</sub> greenhouse gas reduction target of 20 per cent below 2006 levels by 2020. Everyone who is concerned about these things knows that while that target does not actually reflect what would be required by science, if it is ever started, it would be a start.

• (1450)

Could the Leader of the Government in the Senate please tell us whether the government's commitment to starting to do something about this target is contingent upon getting an agreement at Copenhagen, which the minister has announced he does not think will be possible?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I thank the honourable senator for the question. Our government has been engaged domestically, continentally and internationally in negotiating a new climate change agreement. Just recently, the Prime Minister and the Minister of the Environment participated in the United Nations process. The Minister of the Environment accompanied the Prime Minister to the White House to discuss the Clean Energy Dialogue with American counterparts. Minister Prentice also attended the major economics forum in Washington.

At present, we are engaged and working toward a new plan that will turn the page on Kyoto — an agreement that, I will remind honourable senators, the Liberals never had any intention of implementing. I only have to refer you to Eddie Goldenberg's book for proof of that.

Canada's position is no different from that of the United States of America or most other Western industrial democracies. The treaty must reduce carbon emissions and must include targets for the major emerging industrial giants.

As I have said before many times, the Economic Action Plan invests \$1 billion over five years in a clean energy fund for pilot projects and research, including renewable energy projects such as wind power.

**Senator Mitchell:** I do not think the Prime Minister was involved in the UN process. I think he was in Canada eating doughnuts in a doughnut shop. Maybe he was drinking coffee, too.

**Some Hon. Senators:** Oh, Oh.

**Senator Mitchell:** Could the Leader of the Government in the Senate please clarify her answer? Could she tell me what her commitment is to a specific plan that Canadians could see, laying out the steps, the regulations and the requirements of various sectors in the industry? When exactly will we see that plan? Will it be before Copenhagen or after, and, if so, how long after Copenhagen?

**Senator LeBreton:** Honourable senators, the Prime Minister was involved in the United Nations process. He was in New York. He came back to Canada to welcome the Tim Hortons head office back into Canada. What does the honourable senator have against Tim Hortons? I think Tim Hortons is terrific.

The Prime Minister went to New York and participated in a climate change meeting organized by the UN Secretary-General. There are pictures of this meeting — if the honourable senator cares to have a copy, I will send him one — where the Prime Minister worked with all of the leaders of the industrialized world, including President Obama. He participated in that event. The Prime Minister then participated in this great announcement where our corporate tax measures have created a climate whereby a company like Tim Hortons decided to move its head office back to Canada. He then went on to Pittsburgh for the G20 summit.

The honourable senator is quite incorrect, as usual.

With regard to the honourable senator's request for an exact timetable, I will be happy to refer his request directly to the person who will deliver for us on the issue of environmental policy, because he is an outstanding minister and understands the file very well. I will refer the question to my colleague, the Honourable Jim Prentice, and ask if he will be so kind as to provide the honourable senator with a timetable.

**Senator Mitchell:** That will be great. Thank you.

The government has been in power for four years.

**Some Hon. Senators:** Hear, hear.

**Senator Mitchell:** As the government has taken four interminably long years, and did not start when it could have, it is striking to note that the minister's 2020 target will require bigger cuts in emissions than the Kyoto targets required, those

very targets that the government said could not be achieved two, three or four years ago. It said that it was impossible and that they would ruin the economy.

Could the leader please confirm that in fact that the government's cuts, the ones the government says it is committed to, will be bigger than the cuts required under Kyoto? Could the leader tell me once again when they will start?

**Senator LeBreton:** It was not us who said the Kyoto targets could not be met; it was the honourable senator's side that said that. The honourable senator criticizes what we have done on this file in four years. Four years is a heck of a lot shorter time than 13 years, in which the previous government did nothing.

Minister Prentice is being realistic and working hard on this file. It is obvious that any movement on climate change and greenhouse gas reductions has to involve the major emitters. It makes no sense to proceed without having the full participation of the emerging economies of China, India and Brazil.

**Senator Mitchell:** So we cannot get the full participation at Copenhagen, but full participation is the prerequisite of action. Is the honourable leader saying, therefore, that if we do not get an agreement in Copenhagen, then the government will not be starting? That is the logic of what she said.

**Senator LeBreton:** Senator Mitchell is always trying to put words in my mouth.

**Senator Mitchell:** You should listen to yourself.

**Senator LeBreton:** You should listen to yourself, Senator Mitchell. You might be enlightened.

The fact is that I have full confidence in my colleague, the Honourable Jim Prentice. I think he is handling the environmental file carefully and realistically. When he attends the meetings in Copenhagen, I believe he will clearly and properly represent a reasonable position for Canada. Certainly, he has been forthright with the Canadian public in regard to what he sees as the difficulties we face as a country going forward in the world economy.

## SENIORS

### ELDER ABUSE

**Hon. Judith Seidman:** Honourable senators, I would like to again ask my question from the end of last Thursday's Question Period.

Last week, the Liberal Party promised to create a body to advise —

**The Hon. the Speaker:** There are only thirty seconds remaining in Question Period.

**Senator Seidman:** Tomorrow, then.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** I will take the 30 seconds. In fact, Senator Seidman tried last week to ask a question and she is trying again today. My question is to the minister. When will senators from this side be able to ask a question?

[Translation]

## ANSWER TO ORDER PAPER QUESTION TABLED

### INDUSTRY—NATIONAL DO NOT CALL LIST

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** tabled the answer to Question No. 32 on the Order Paper—by Senator Downe.

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to present answers to oral questions raised by Senator Tardif on February 25 and June 2, 2009, concerning Treasury Board Secretariat, sale of crown properties; by Senator Murray on February 25, 2009, concerning Treasury Board Secretariat, meeting Air Canada's linguistic obligations under the *Official Languages Act*; by Senator Rompkey on October 1, 2009, and by Senator Milne on October 7, 2009, concerning Fisheries, the Northwest Atlantic Fisheries Organization; and by Senator Mercer on October 8, 2009, concerning Fisheries and Oceans, Canso, Nova Scotia.

## FINANCE

### SALE OF CROWN PROPERTIES

*(Response to questions raised by Hon. Claudette Tardif on February 25 and June 2, 2009)*

As part of this Government's rigorous expenditure review to ensure spending is as efficient and effective as possible, Budget 2009 laid out a clear process for the ongoing review of government assets. When the Government looks into the possibility of selling the assets of a Crown corporation, an analysis of the impact of the sale on services to the public in the official language of their choice, on the language of work of federal employees and on the development of official language minority communities will be carried out as part of the usual decision-making process.

From this analysis the government can determine whether the assets to be sold should still be subject to the *Official Languages Act* (the *Act*). If yes, it is possible to implement mechanisms similar to those adopted for Air Canada in order to extend application of the *Act* to the assets that are to be sold.

With regard to mechanisms put in place to ensure that privatized Crown corporations meet their obligations under the *Act*, it is important to note that these institutions are responsible for fulfilling vested obligations, as with any other institution that is subject to the *Act*. In addition, these corporations would be part of institutions that are subject to oversight by the Treasury Board.

## OFFICIAL LANGUAGES

### OFFICIAL LANGUAGE OBLIGATIONS AT CROWN CORPORATIONS

*(Response to question raised by Hon. Lowell Murray on February 25, 2009)*

Air Canada has been subject to the *Official Languages Act* (the *Act*) since it came into force in 1969. When Air Canada was privatized in 1988, the government decided that this institution would continue to be subject to the *Act* via specific provisions in this respect included in the *Air Canada Public Participation Act*.

As an institution subject to the *Act*, Air Canada is responsible for meeting its linguistic obligations.

## FISHERIES AND OCEANS

### NORTHWEST ATLANTIC FISHERIES ORGANIZATION CONVENTION

*(Response to questions raised by Hon. Bill Rompkey on October 1, 2009, and Hon. Lorna Milne on October 7, 2009)*

The amendments to the 1978 NAFO Convention are important for Canada and for the Canadian fishing industry. They will help to ensure the conservation and sustainable management of fish stocks and ecosystems in the Northwest Atlantic Ocean and thereby contribute to the economic development and prosperity of coastal communities in Atlantic Canada.

The Government's overriding objectives are to curb overfishing, to ensure the sustainability of the fish stocks and the long-term health of the ecosystems in the Northwest Atlantic, particularly in the interest of Canada's fishing industry.

There have been many definitions of custodial management. This Government was clear that the rules in NAFO needed strengthening. Foreign overfishing and governance weaknesses in NAFO that undermined Canada's fish stocks and fisheries management advances had to be curtailed.

After years of foreign overfishing and collapsing stocks in NAFO in 2006 we strengthened the NAFO Conservation and Enforcement Measures and witnessed a dramatic improvement in compliance in the NAFO Regulatory Area, outside our 200-mile limit. Many fish stocks are now showing signs of recovery, including straddling stocks important to Canada's fishing industry.

With the amendments to the 1978 NAFO Convention, we will build on the compliance successes to codify requirements of the states whose vessels fish in the NAFO Regulatory Area plus further modernize and improve the way NAFO makes management decisions for fisheries outside Canada's 200 mile limit.

With respect to sovereignty, the amended Convention is quite clear. The amended NAFO Convention explicitly maintains Canada's sovereign rights to take management decisions on fisheries within its 200-nautical mile Exclusive Economic Zone. It is clear that NAFO has no mandate to take management decisions within Canadian waters nor does it give foreign fishing vessels rights to fish in Canadian waters. In a recent Senate Fisheries and Oceans Committee meeting a respected University of Victoria Legal expert confirmed this.

Should it be in Canada's interest, for example, to protect a sensitive ecosystem which straddles its 200 mile EEZ a new provision enables Canada to request an appropriate measure. Canada maintains control over its waters and such a measure would only be applied in Canadian waters if a) Canada requests that they apply; and b) votes in favour of such measures. This provision clarifies that coastal States requirement to adopt compatible measures in waters under national jurisdiction and in NAFO according to the United Nations Fish Stocks Agreement. This provision also applies to the other coastal States in NAFO including Denmark (for Greenland), France (for Saint Pierre et Miquelon), and the USA. Only a coastal state can request that NAFO consider such a measure and they have a full veto.

The existing NAFO Convention has failed Canadians. The amended NAFO Convention implements international legal requirements, modern, conservation-based governance approaches and a mechanism to resolve disputes.

In short, the amendments to the 1978 NAFO Convention are beneficial for Canada and especially for the fishing industry of Newfoundland and Labrador, its economy and its people. Canada's fishing industry brings billions of dollars to the economies of our coastal communities. Canada is committed to the long-term viability of this industry.

#### REDUCED SERVICES IN NOVA SCOTIA

*(Response to question raised by Hon. Terry M. Mercer on October 8, 2009)*

Last year, Fisheries and Oceans Canada (DFO) initiated a review of the detachment locations in eastern Nova Scotia in order to determine if resources were being deployed in the most efficient manner possible to ensure a high level of service to the people of the area.

This review identified a number of sites that may not continue to be effectively situated to meet present operational demands, due to a variety of factors, including decreases in fishing activities in the adjacent areas as well as remoteness from facilities and partners.

Canso was one of the areas identified in the review for further examination based on its location at the extreme end of a patrol area and given the declining fishing activity in the area over the last ten years. Additionally, support services, such as access to Crown Counsel, are not available in the immediate area. There is a requirement to travel to other

locations to take advantage of opportunities to achieve cost savings and efficiencies by partnering with other law enforcement agencies.

These are the operational or technical reasons for seeking expressions of interest in the provision of new office locations to better deliver the services of DFO. There are clearly other considerations that will be factored into a final decision. In the meantime, departmental officials will continue to work with representatives of the Town of Canso and other potentially affected parties to ensure that every view is considered before a decision is taken.

• (1500)

[English]

## ORDERS OF THE DAY

### OFFICE OF THE SUPERINTENDENT OF FINANCIAL INSTITUTIONS ACT

#### BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator P  pin, for the second reading of Bill S-241, An Act to amend the Office of the Superintendent of Financial Institutions Act (credit and debit cards).

**Hon. Pierrette Ringuette:** Does the Deputy Leader of the Government have any advice on when senators on that side will be speaking to Bill S-241, which is urgent?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** I realize it is urgent, but it was brought in recently. We have not had a chance to evaluate the impact of it. I know that Senator Oliver is currently in the process of studying Bill S-241. I spoke to him recently. He has not yet received a full briefing on it yet. We will get to it as soon as possible.

(Order stands.)

### CANADIAN PAYMENTS ACT

#### BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Milne, for the second reading of Bill S-242, An Act to amend the Canadian Payments Act (debit card payment systems).

**Hon. Pierrette Ringuette:** Does the Deputy Leader of the Government have any advice on when senators on that side will be speaking to Bill S-242? It is urgent.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** I realize that it is urgent, but it was also brought in recently. We have not had a chance to evaluate the impact of it. We will get to it as soon as possible.

(Order stands.)

## NATIONAL DAY OF SERVICE BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Pamela Wallin** moved second reading of Bill S-240, An Act respecting a national day of service to honour the courage and sacrifice of Canadians in the face of terrorism, particularly the events of September 11, 2001.

She said: Honourable senators, I rise today to speak in support of Bill S-240, an act that will designate September 11 each year as a national day of service.

I would first like to call the attention of the chamber to two guests in the gallery today. They are Maureen Basnicki, whose husband, Ken, was one of the 24 Canadians killed on September 11, 2001; and Danny Eisen from the Canadian Coalition Against Terrorism.

Welcome. We appreciate you being here today.

I was approached by the Canadian Coalition Against Terror and the Canadian 9/11 families who asked us as senators to find a way not only to remember their loss but also to remind us all of the many kindnesses of strangers and the many hands that reached out to someone in need during and since that horrific day.

I support this bill because I believe we must remember what happened on 9/11 and remember those from 90 countries who lost their lives, including the 24 Canadians who perished. We should also mark this day because it changed all of us forever and we must turn the mourning into memory and the anger into action.

Inspired by the American 9/11 families, the Canadians asked us to consider a national day of service. Bill S-240, which proposes a national day of service, is a unifying, nonpartisan bill that everyone can support.

In March of this year, the United States passed a similar bipartisan bill called the Serve America Act, co-sponsored by 42 senators who worked together to create a constructive and compassionate way for generations to come to remember.

Since the passage of the Serve America Act, thousands of organizations — non-profit, faith-based, employers — have mobilized hundreds of thousands of Americans; people such as Tiffany Bohm in Chicago, Illinois and her classmates who launched a project to collect 2,974 pairs of shoes, representing each person lost in the 9/11 attacks, and donate them to a homeless shelter.

John Henry and Ellie Labriola of Southbury, Connecticut set up a lemonade stand the week before school began and raised more than \$100 to donate to a school uniform drive for other school children in need. In Atlanta, Georgia, Lilli Love and her friends delivered goodie baskets to fire and police stations as a way of paying tribute to the first responders of 9/11.

This is the sort of volunteerism we hope Bill S-240 will recognize and inspire in this country.

This is a simple bill. There are not a lot of complicated clauses or legal language. It does not oblige us to participate or fund any ceremony, and there are no mandatory provisions within it. It is simply about the spirit of giving back, or perhaps of paying it forward.

It began almost spontaneously. A friend whose son was supposed to be on a plane from Boston on 9/11 called to ask whether, if his boy made it to Toronto, he could have a place to stay. Of course, family was already huddled together. We called friends and family together because we needed the safety and comfort of connectedness in the face of an act that shattered our comfort zone.

That week, I was awaiting cancer surgery. Tuesday, the morning of the 11th, I rose early making all the preparations that one does in the face of such uncertainty; bills paid, will updated, and thank yous to those who had gathered as my safety net. I turned on my television to witness the unimaginable. As the towers defied the miracle of modern architecture and tumbled down, my father quietly noted that this would prove bigger than Pearl Harbour.

Too young to remember the true devastation of war but old enough to recollect the images of troops in our streets when Canada faced the threat of the FLQ, we all somehow understood together that the world had changed.

I knew that my surgery would be delayed as Sunnybrook Hospital is a designated international trauma centre, and hundreds of survivors, we all thought, would surely be flown to Canada for treatment. None came. There were none to come.

I vowed that if I survived my own surgery I would try to pay it forward. Still I was struggling with the randomness, the profound unfairness of it all. Thousands who simply boarded a plane or who rode the elevator to the office as they had done countless times before, perished for no other reason than they symbolized all that we cherish about our life — our freedom; the freedom to work, to live, to love, to speak our mind, to disagree and criticize and make change.

Several weeks later, I was honoured to host the Canada Loves New York event at the behest of Senator Grafstein and others. Nearly 25,000 Canadians filled the famous Roseland Ballroom in New York City and spilled out on that city's streets to show support.

Prime Minister Chrétien came, as did Mayor Guiliani. Our singers and artists reached out with their voices and words and images of our flags entwined. Canadian firemen and police honoured their American colleagues and brought equipment and spirit and money to help.

At the end of this amazing day, a nurse, who had worked all night before getting into her car to drive the 10 long hours south, had taken up a collection in her hospital coffee room. She sought me out and almost apologetically handed me the envelope with the 60 or so dollars she had collected. She asked only that it go to a family, a widow or a child in need, and entrusted me with the task. The tears streamed down our cheeks.

It was that simple yet extraordinary act that today motivates me to ask all of you to support this bill so that we might always find a reason in our hearts to make kindness a part of our life and to always act to counter the hatred that inspired the heinous acts of 9/11.

Bill S-240 was introduced in this chamber in Senator Tkachuk's name on my behalf. I appreciate his willingness to do so because he too has worked tirelessly for the victims of 9/11 by introducing other bills, including Bill S-233, the state immunity bill currently before this chamber. Bill S-233 amends the State Immunity Act to prevent foreign states from claiming immunity from Canadian courts relating to their support of terrorism.

• (1510)

Bill S-233 also amends the Criminal Code to provide victims who suffer loss or damage as a result of terrorism with civil means to seek justice. Amnesty International as well as human rights activists support Senator Tkachuk's bill.

In the other place we have Bill C-35, the victims of terrorism bill introduced by the government in June. Bill C-35 will also amend the State Immunity Act and allow victims' families to seek compensation for terrorist acts committed outside of Canada.

These pieces of legislation recognize the victims' experiences and their suffering. It also sends a clear message that Canada will hold the sponsors and perpetrators of terrorism accountable for their crimes, and will help stem the flow of money to terrorists and expose the states that allow it.

With Bill S-240, a national day of service bill, the families hope to ensure that the lessons so painfully learned continue to resonate within our nation's heart. Bill S-240 will ensure that the passage of time or the ill-will of others will never somehow combine to diminish this tragedy. It will honour the victims of terrorism. It will pay tribute to all those who would not stand aside, but who stood up in the face of terrorism, particularly the men and women of our military.

To those who have fallen in the fight and to their families, we can never repay your sacrifice, but we are grateful for the willingness of your loved ones to risk their lives to protect ours. To those who still stand and fight so that this will never happen again, we honour them by understanding the true meaning of their mission: To create hope and to ensure that acts of kindness change lives.

The bill honours the selfless service of our civilian and military volunteers, which is far more persuasive and far more powerful than the hate they battle every day. This bill recognizes the spirit of our citizens who, through their acts of generosity to strangers, are a powerful inspiration to our children.

**Hon. Senators:** Hear, hear!

(On motion of Senator Grafstein, debate adjourned.)

[ Senator Wallin ]

[Translation]

## INTERNATIONAL BOUNDARY WATERS TREATY ACT

BILL TO AMEND—SECOND READING—  
ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, for the second reading of Bill S-222, An Act to amend the International Boundary Waters Treaty Act (bulk water removal).

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, given that the subject matter of this bill is currently being reviewed by the Standing Senate Committee on Energy, the Environment and Natural Resources and that we are now at day 13, I would like to ask for leave to suspend the 15-day rule until such time as the committee's review is completed.

[English]

In other words, since the subject matter is before committee I am asking that we waive the 15-day rule on this bill until the committee reports back on its study.

**The Hon. the Speaker:** Honourable senators have heard the suggestion by the honourable Deputy Leader of the Government. Is it agreed?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** So ordered.

**Hon. Anne C. Cools:** Honourable senators, I do not understand. Why is it necessary? The honourable senator wants to waive the 15 days. The item can just sit for another 15 days. What does waiving the requirement mean? Is there any danger of it falling off the Order Paper? The honourable senator would not want to do that.

**Senator Comeau:** Honourable senators, it saves me having to get up in 14 days or 15 days, when the matter comes up again. It would save me having to request an extra extension. No, it is a matter of making it more convenient for this chamber.

**The Hon. the Speaker:** Honourable senators, I think a strict reading of the rule speaks to debate and that the idea of the rule, in my understanding, is that we do not want a debate just to be put off and put off. After all, this is a house of debate. However, in this case the debate effectively is suspended when the subject matter of the debate had been referred to a committee. I think where Senator Comeau is going is probably captured by the rule itself.

I believe Senator Cools is right as well, in that we probably do not need to do this. When the subject matter of a bill or any matter that is under debate has been suspended, effectively the days for debate are not counted any more because we are not into debate.

If it would be helpful I will undertake to look into that but if it is agreed, we have it as an order of the house that as far as the debate is concerned it is suspended while the subject matter is before committee. Is it agreed?

**Hon. Senators:** Agreed.

(Order stands.)

## CANADA ELECTIONS ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Cook, for the second reading of Bill S-236, An Act to amend the Canada Elections Act (election expenses).

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, we are at day 14 on this item, and I heard what the Speaker said a few minutes ago. However, given that Senator Gerstein is not in the chamber at this time, I move for the adjournment of the debate on this bill until Senator Gerstein has a chance to prepare his notes. Therefore, I move the adjournment of the debate in his name.

(On motion of Senator Comeau, for Senator Gerstein, debate adjourned.)

[Translation]

## NATIONAL CAPITAL ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Wallace, for the second reading of Bill S-204, An Act to amend the National Capital Act (establishment and protection of Gatineau Park).

**Hon. Pierre Claude Nolin:** Honourable senators, I would like to pick up the discussion of Bill S-204 where I left off last June.

Bill S-204 would amend the National Capital Act by establishing and protecting Gatineau Park.

It would establish the legal boundaries of the park and provide a mechanism for managing the lands within those boundaries.

Introduced and read for the first time on January 27, 2009, this bill succeeds Bill S-210, which was introduced during the first

session of the 39th Parliament and Bill S-227, which was introduced during the second session of the 39th Parliament.

I spoke at each stage of both bills. This bill is very important to me.

In June, around the time when I spoke to this bill, the government introduced Bill C-37, An Act to amend the National Capital Act and other Acts. That bill would do the following: modify the governance structure of the National Capital Commission and increase its transparency; clarify the National Capital Commission's responsibilities, including those regarding planning and sound environmental stewardship; establish the boundaries of Gatineau Park; enhance the National Capital Commission's regulation-making powers; remove the requirement that the National Capital Commission seek Governor in Council approval for real estate transactions; and harmonize that Act with the civil law regime of Quebec because many of the Commission's properties are located within the province of Quebec.

• (1520)

In summary, the legislative situation is as follows: There are now two private members' bills: Bill S-204, which is before us, and Bill C-367, which has been introduced in the other place. The main purpose of these two bills is to protect Gatineau Park in the long term. The government has introduced its Bill C-37, whose objectives I have just summarized. The bill includes an action plan for the National Capital Commission, and its objectives include protecting Gatineau Park.

All these legislative measures recognize that the park is a valuable natural resource, and all are designed to secure its ecological integrity, in the interest and for the long-term enjoyment of all Canadians.

Since we are continuing with the debate on Bill S-204 at second reading, I had promised last week to track the progress of Bill C-37 and report on the situation, because these two bills are being studied at the same time. I believe that it is in our interest to keep track of what is happening.

Last week, the House of Commons Standing Committee on Transport, Infrastructure and Communities began hearing witnesses in its study of Bill C-37. Today, I learned that the notice of meeting has been issued and the clause-by-clause review of the bill is scheduled for next week, on November 4, 2009. We will then have a good idea of how our colleagues in the House of Commons will handle this measure, and we will see whether or not it can apply to the bill that is before us.

It is important to remember that in recent decades a consensus regarding Gatineau Park has emerged out of a series of public and private initiatives, planning exercises and consultations by the National Capital Commission and parliamentary debates on the future of Gatineau Park and the National Capital Commission. In my opinion, in keeping with this consensus, a law designed to protect Gatineau Park should first entrench the park boundaries in law, then require that the management and integrity of the park ecology be given priority. Lastly, such a law should eliminate real estate development and recognize that the park was created for the well-being and enjoyment of future generations.

We must also ask ourselves the following question — and I do not intend to suggest an answer immediately — that is, whether Gatineau Park should be treated like all other national parks. That is not the goal of Bill C-37. When Bill C-37 is examined in committee, we will have the opportunity to amend it accordingly. However, I would like to list a few important points that should be included in a serious bill meant to protect Gatineau Park.

Bill C-37 addresses the boundaries of Gatineau Park, but it is up to us to assess whether those boundaries are appropriate. Regarding the setting of boundaries, I think it is important to know whether Parliament has the authority to oversee the expansion or alteration of the park's boundaries.

Additionally, the issue of ecological integrity is important. Now we must consider whether the various bills all have the same goal.

As for territorial integrity, honourable senators will recall that there was quite a debate when we were examining the bills that came before Bill S-204, specifically, how to analyse and address the Quebec government's involvement in any territorial changes to Gatineau Park. I think it is important to keep this in mind.

The question of the national interest land mass also remains. We live in the nation's capital. There is no doubt that there is a huge critical mass of federally owned buildings. In a recent report, the Auditor General pointed out that the National Capital Commission had unfortunately been managing this national interest land mass inconsistently and incoherently. Once again, during the detailed examination of these legislative measures, it will be important to see how the National Capital Commission plans to remedy the Auditor General's criticisms.

We cannot overlook the issue of privately-owned property when we examine the question of the integrity of Gatineau Park's boundaries. Once again, the bills are somewhat contradictory in that regard and particular attention must be paid to this issue.

The question of accountability and transparency of the reports to Parliament on the management of the park is also extremely important. Bill C-37 is very clear in that regard. That is an important measure that we must try to preserve.

In the interests of Gatineau Park, I think that we should wait for Bill C-37 to be sent back to us from the House of Commons. Then we will have before us two of the three bills that deal with this issue. Under the guise of examining a government bill, we will be in a position to make a well-informed value judgment on the future of Bill C-37. Bills S-204 and C-37 also have some discrepancies.

For these reasons, I move the adjournment of the debate in my name for the few minutes I have remaining.

(On motion of Senator Nolin, debate adjourned.)

[ Senator Nolin ]

• (1530)

[English]

## STATE IMMUNITY ACT CRIMINAL CODE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Stratton, for the second reading of Bill S-233, 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).

**Hon. David Tkachuk:** Honourable senators, I will be speaking today on the anti-terrorism bill. Before beginning, however, I would like to acknowledge two people who are in the gallery, Maureen Basnicki and Danny Eisen from the Canadian Coalition Against Terror, C-CAT, which has been behind this anti-terrorism bill for the last four years. I would like to acknowledge their hard work and dedication to the cause.

Last week at the trial of the leader of the Toronto 18, a group of would-be terrorists arrested in 2006, video and other evidence was released. It indicated that the group was planning to create three explosions, each on the scale of the Oklahoma City bombing. The explosions were to take place in truck bombs parked outside the Toronto Stock Exchange, the CSIS regional office in Toronto and at a military base between Toronto and Ottawa. Plans were also afoot to attack the Parliament Buildings.

Police collected evidence that included bags of fertilizer, like that used in the Oklahoma bombing, cellphones that would be used as detonators, and batteries. They confiscated a video of one of the accused trying out a cellphone detonator. Another video shown on television last week caught two of the terrorists unloading ammonium nitrate just before police stormed in on them.

Honourable senators, this group was bent on wreaking havoc here in Canada, but that was in 2006. In the time since, the threat seems to have remained dormant and the tendency has been to grow complacent about the terrorist threat. We would do well to remember that just last week a man was arrested in Massachusetts and charged with planning to carry out terrorist attacks in and outside the United States. His was among what the newspaper called the latest in a rash of homegrown terror cases brought to light in recent weeks.

Terrorism is far from dead, and it is an issue, as these recent arrests and the trial in Toronto tell us, about which we can scarcely afford to grow complacent. In fact, its methods are so insidious that we need to be constantly on the alert. Fighting it requires vigilance and ingenuity, and the resort to every democratic means at our disposal. Just as innocent victims are terrorism's primary target, so must innocent victims have a right to participate, and participate actively, in the fight against terrorism.



Bill S-233 is a weapon in the hands of terrorism's innocent, but no longer defenceless, victims. Its aim, as is apparent in the bill's title, is to provide terror victims and their families with a civil right of action against terrorism's perpetrators and their sponsors.

In previous sessions, I have spoken to this bill in its earlier incarnations: Bill S-35, Bill S-218 and Bill S-225. I hesitate to speak to it at length, but there are now quite a few more new, friendly and welcome faces around the chamber, and I would be remiss if I did not say at least a few words in its elaboration.

Bill S-233, as did its predecessors, amends both the State Immunity Act and the Criminal Code. It amends the former to prevent states that either sponsor or engage directly in terrorist activity from claiming immunity in Canadian courts. In other words, they can be sued for damages in a Canadian civil court of law, irrespective of any criminal proceedings. The rationale is that money is the lifeblood of terrorism. Without the resources to carry out their crimes, terrorists would be unable or, at the very least, be limited in their ability to plan and execute their operations.

The bill also amends the Criminal Code to allow those who have suffered a loss or damage as a result of an attack to launch a civil suit against those who knowingly or recklessly sponsored the attack. This is critical. Civil suits will allow for the pursuit of terror sponsors who often evade the criminal justice system due to the high standards of evidence required for conviction.

In civil proceedings, evidence that establishes a defendant's status as a supporter of terror, which may not be sufficient for conviction in a criminal proceeding, can be enough to establish liability and to obtain a damages award.

Civil actions also provide a platform for educating the public about the threat and consequences of supporting terrorism.

They can also serve to deter future acts of violence in two ways: first by bankrupting or financially-impairing the infrastructure through successful judgments; and, second, by causing terror sponsors to refrain from future sponsorship out of fear of the publicity and exposure that would result from a civil suit.

As it now stands, Canadian law permits civil action against foreign states for breach of contract, personal injury, death or damage to property that occurs in Canada, but it does not allow it in cases where sponsoring terrorist acts results in the murder of Canadians abroad.

There is such an exception in the United States law, however, allowing civilians to seek money damages against foreign states that either perpetuate or support terrorist acts. Indeed, such suits have had success in the United States and family members of victims have been awarded damages. Notable in this regard is the successful suit against Iran arising out of the 1983 bombing of the U.S. marine barracks in Lebanon. Also in Chicago in 2004, the Boim family was awarded damages by the federal court against Chicago-based Islamic organizations, the same organizations that provided material support to the Hamas killers who gunned down their son in Israel 10 years earlier.

Honourable senators, as I indicated, this is the fourth version of this bill. Bill S-233, therefore, has the extra benefit of its predecessor having been discussed at the Standing Senate Committee on Legal and Constitutional Affairs. This, in my estimation, has had two beneficial effects. First, the government last June tabled at first reading in the House of Commons Bill C-35. This bill is very similar in tone and intent, and was in fact inspired by the bill we have before us today. It is worth noting as well that Liberal MP Irwin Cotler has tabled his own private member's bill in the house, Bill C-408, which again is virtually identical to Bill S-225.

The second beneficial effect is that this bill has been redrafted in light of the many and expert comments and suggestions made by the members of the Standing Senate Committee on Legal and Constitutional Affairs when they reviewed its predecessor. I can safely say that even in its earlier form, this bill had all-party support both here and in the other place. This is important to point out, because we so recently learned that it is certainly not always the case.

Nevertheless, refinements based on discussions that took place in committee have been made. The result is a better bill. Let me run through some of the changes.

As I mentioned, and as originally drafted, the legislation aims to amend the State Immunity Act so that foreign states that knowingly and recklessly sponsor listed terrorist entities can no longer claim immunity for their action. It also makes amendments to the Criminal Code to allow civil claims against local and state sponsors of terrorism. These claims can be brought by people who have suffered loss or damage as a result of conduct that is contrary to the existing anti-terrorism provisions of the Criminal Code.

In response to comments made in committee on the previous version of the bill, clause 2 of this bill proposes a new subsection 6.12 to be added to the State Immunity Act. This would allow the foreign state's immunity to be lifted for a new type of behaviour. It will lose its immunity, not only for providing material support to terrorism, but for itself engaging in terrorist activity, such as executing an attack.

This change was in response to the Senate committee's comment that victims of a Lockerbie-type case in which Libya was directly involved in the attack, rather than sponsoring a terrorist group to commit the attack, would not be able to sue Libya under our previous bill.

Another change is that the bill now lifts state immunity not only for providing support to these groups identified in the Criminal Code as a listed entity, but it also lifts immunity for those who might act on behalf of, in association with, or at the direction of a listed entity.

This was in response to the Senate committee's suggestion that we expand the scope of the bill. In other words, it lifts the immunity of a state not only when it provides assistance to listed entities, but also to other terrorist groups that are not listed entities.

The committee also suggested that we more specifically define the role of the Ministers of Foreign Affairs and Finance in assisting the execution of judgments.

• (1540)

Previously, the bill required the ministers to assist to the fullest extent practicable in identifying and locating the property of a foreign state, agent, or instrumentality. That has been changed. Now the ministers are required to assist within the scope of their powers and to the extent that is reasonably practicable.

Another change is that the bill previously used the term “terrorist conduct” to describe the proscribed activity that could trigger a lawsuit against those who sponsored it. That has been changed to the words “support of terrorism.” The easiest way to illustrate the difference is to look at the summaries of the bill.

In Bill S-225, the previous version of the bill and the one examined by committee, the summary read:

This enactment amends the State Immunity Act to prevent a foreign state from claiming immunity from the jurisdiction of Canadian courts in respect of the proceedings that relate to terrorist conduct engaged in and by the foreign state.

In Bill S-233, the bill before you, the summary reads:

This enactment amends the State Immunity Act to prevent the foreign state from claiming immunity from the jurisdiction of Canadian courts in respect of proceedings that relate to the support of terrorism or terrorist activity engaged in by the foreign state.

The wording is more specific and explicitly makes clear that states that not only sponsor but engage in terrorist attacks themselves are not immune from suit.

Honourable senators, I would like to thank the chair, Senator Fraser, and other members of the Legal and Constitutional Affairs Committee for their hard work on the previous bill and of course for the suggestions and recommendations that resulted in the amendments to the new bill, which I presented in June.

Honourable senators, Bill S-233 has all-party support, both here and in the other place. It has benefited from the critical eyes of legal experts, including not only those who drafted it but those on both sides who sat in committee as senators and reviewed it. It is a better piece of legislation for it. As I mentioned, there is similar legislation in the House.

I look forward to moving ahead in this place with this bill in a way that takes into account what is happening in the other place so we can put the most effective tool in the hands of terrorism victims, a tool that provides them with the means not only to take effective action but that deters future acts of terrorism in that process. This is, after all is said and done, a victim’s initiative championed by an organization called the Canadian Coalition Against Terror, CCAT, which represents Canadian terror victims. CCAT has played a critical role in drafting and advocating for this bill.

It is my understanding that the government bill in the house will be moved forward in the next two days, 48 hours, but I think it is important that these private members’ bills also move forward so that we can keep some control of the situation, so to speak. We all

know how these things can sometimes go a little astray. That is why I am pursuing this private member’s bill and I am sure why Mr. Cotler is pursuing his private member’s bill in the house. I urge all honourable senators to move this bill to the Legal and Constitutional Affairs Committee for the completion of their study.

**Hon. Mobina S.B. Jaffer:** May I ask a question of Senator Tkachuk?

**The Hon. the Speaker *pro tempore*:** Would Senator Tkachuk accept a question?

**Senator Tkachuk:** Sure. I do not know if I can answer it.

**Senator Jaffer:** I listened to the honourable senator carefully, and I absolutely accept any initiative to protect rights of victims. I commend the honourable senator for looking at protecting victims’ rights.

However, another large group of victims is not protected by this bill. When the honourable senator was considering this bill, did he reflect on the fact that there are across our country victims of racial profiling who also need protection? Has he reflected on how we can protect the hundreds of victims of racial profiling? We seem to be passing one law after another and giving the signal that there is but one particular group that we need to look out for. What are we doing for those victims of racial profiling?

**Senator Tkachuk:** I am not sure what the question has to do with the bill, but of course I would be upset and concerned if I believed that certain groups in society were being maligned or discriminated against. This bill is about victims of terrorism. It knows no boundaries and there are many groups that commit terrorist acts.

**Senator Jaffer:** I was very much taken by what the honourable senator said. I commend him on that. He said that we need to look at protecting victims. The honourable senator knows and kindly spoke of all the work that senators have done on the different bills that have gone through the Senate, and he extensively commented on the different things the committee has recommended. One of the things, at the various stages of the various terrorist bills, the Senate has recommended is consideration of the fate of the Muslim community and the possibility of profiling when such bills come into being. They can also be victimized by these acts. When the honourable senator considered the various victim groups, did he consider the suffering of the Muslim community in our country as a result of racial profiling?

**Senator Tkachuk:** Honourable senators, I do not know if that is a question or a statement. I want to make it clear that this particular bill is to protect victims of terrorism. I do not know what the future holds or what particular groups will be responsible or what particular countries will be responsible for terrorist acts. As I pointed out in my speech, terrorist acts are not only committed by certain nations and certain groups but also by citizens within our own country — the Oklahoma bombing in the United States being the perfect example, and the Toronto 18 being another one.

[ Senator Tkachuk ]

**Hon. Anne C. Cools:** Would Senator Tkachuk take a question from me?

**The Hon. the Speaker *pro tempore*:** Will Senator Tkachuk accept another question?

**Senator Cools:** I listened to Senator Tkachuk with care. I must admit I had not paid much attention to the bill, but I promise faithfully that I shall read it and give it my attention. Based on what the honourable senator said and the citation in the Orders of the Day, I am not clear on the meaning of “to deter terrorism by providing a civil right of action against perpetrators and sponsors of terrorism.” Does the bill address perpetrators and sponsors who are Canadians and foreigners abroad, living in their countries of origin or wherever?

**Senator Tkachuk:** They are able to sue in Canadian courts those groups in other countries or those groups here in Canada associated with those other countries.

**Senator Cools:** Honourable senators, I understand it applies to both Canadians and foreigners in other countries. Could the honourable senator share with senators the process by which Canadian courts will acquire authority and jurisdiction over the residents and citizens of a sovereign country? How is that jurisdiction acquired by the courts in a civil action?

**Senator Tkachuk:** Those countries that do not have an extradition treaty with Canada are countries that are able to be sued by a citizen of Canada who is a victim of terrorism.

**Senator Cools:** How do you acquire authority over them? For example, if person A lives in country B, what gives the court the jurisdiction to subpoena, summon and enforce orders against him?

• (1550)

**Senator Tkachuk:** You would take a judgment in Canada, as far as I understand, and reciprocate.

**Senator Cools:** Honourable senators, if the witnesses you need to prove a case are in another country, where does the power come from to get them here to testify? How is an order for damages enforced in another country? I am curious.

**Senator Tkachuk:** The witnesses do not have to come to Canada; the trial will continue without them.

**Hon. Jeremiah S. Grafstein:** Senator Jaffer triggered a short question about 9/11. It is important that we get it on the record. We have another bill from Senator Wallin that I hope to address in the near future.

It is important that Canadians know that the people who suffered losses in 9/11, included, in my view, practically every race and religion in the world. I am sure this information is available from the Canadian government. Could the honourable senator put on the record the number of Canadians who lost their lives in 9/11, which triggered Ms. Basnicki's lobby and coalition and for which I commend her? I have spoken to her and other relatives of Canadian victims who suffered in 9/11.

It is curious to me that people do not understand, based on the new conspiracy theories, that somehow this really did not happen; that the Americans did this. It is important to put on the record that Muslims, Jews, Christians, Catholics, Buddhists and practically every religion were involved in 9/11. A list would point out that these terrorist acts were indiscriminate against innocent people of all races and creeds.

**Senator Tkachuk:** Ms. Basnicki's husband, Ken, was one of 24 Canadian citizens killed on September 11. Ms. Basnicki is with us today.

(On motion of Senator Tardif, debate adjourned.)

## CRIMINAL CODE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Neufeld, for the second reading of Bill C-268, An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years).

**Hon. Anne C. Cools:** Honourable senators, some days ago, when our lovely new senator from British Columbia spoke to this item, Bill C-268, I rose to take the adjournment, indicating my interest in speaking to this bill. I still very much have an interest in doing so. However, in conversation with Senator Dyck, I learned that Senator Dyck wanted to be the second speaker on this bill for the simple reason that she would have the additional time that she feels she needs to be able to record the circumstances of certain Aboriginal peoples. Having said that, I would defer and yield the floor to Senator Dyck. She would be free to speak whenever she chooses to do so. The honourable senator has the certainty of knowing she has the second speaker spot so she can prepare a more fulsome presentation.

**The Hon. the Speaker *pro tempore*:** It is understood that if the bill stands in Senator Dyck's name, she will be the second speaker and have the time allotted.

(On motion of Senator Dyck, debate adjourned.)

[Translation]

## STUDY ON APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

### FOURTH REPORT OF OFFICIAL LANGUAGES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Hubley, that the fourth report of the Standing Senate

Committee on Official Languages, entitled *Reflecting Canada's Linguistic Duality at the 2010 Olympic and Paralympic Winter Games: A Golden Opportunity, Follow-up Report*, tabled in the Senate on September 15, 2009, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Canadian Heritage and Official Languages and the President of the Queen's Privy Council for Canada being identified as ministers responsible for responding to the report.

**Hon. Andrée Champagne:** Honourable senators, for the past few years the Standing Senate Committee on Official Languages has made it its duty to promote the importance of full bilingualism at the Olympic Games to be held in Canada at the beginning of next year.

Given that the official languages of our country and of the International Committee are the same, what we will show the world should become the standard for all countries that organize such competitions in the future. Canada must be the example to be followed, the model to be imitated.

We are thrilled by the results obtained in light of previous reports presented. The report being examined today was completed in June and we note with satisfaction that certain problems it raised have already been resolved.

For example, when it became evident that there were still problems with translation and interpretation, our government, through the minister responsible for official languages, Mr. James Moore, did not delay in taking action and made an additional amount of almost \$8 million available to VANOC.

VANOC set up a committee with a mandate to ensure that everything is compliant with Olympic language laws, and to satisfy our hopes and desires. With the appointment of Mr. Raffarin and Ms. LaRocque to the committee, we can hope that solutions will be found to the last outstanding items, which we are still wondering about.

When I was preparing this speech, I did not know that Senator St. Germain would be talking to us about the loss the Olympic world suffered on the weekend. I would be remiss if I concluded this speech without expressing, on behalf of myself and all our colleagues, our most sincere condolences to the entire Olympic family following the death last week of Jack Poole. He was a leader among those responsible for bringing these games to Canada and to Vancouver in particular. Our most sincere sympathy goes to his loved ones.

For this report to have the desired results, it urgently needs to be adopted as quickly as possible. I had hoped that we would do so today. I am told that Senator Jaffer wants to say a few words about the report. We hope that she will do so soon so that it may be adopted and we may get the results we are all hoping for.

(On motion of Senator Tardif, for Senator Jaffer, debate adjourned.)

[English]

## BUDGET IMPLEMENTATION BILL, 2009

### STUDY ON ELEMENTS DEALING WITH EQUITABLE COMPENSATION (PART 11)—THIRD REPORT OF HUMAN RIGHTS COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Human Rights, entitled: *The Public Sector Equitable Compensation Act*, tabled in the Senate on June 11, 2009.

**Hon. A. Raynell Andreychuk:** Honourable senators, the Standing Senate Committee on Human Rights has had an ongoing reference with respect to the Public Sector Equitable Compensation Act. We tabled a report in June, which I would hope to speak to. In the interim, we have received some new information and I would appreciate incorporating the new material. Therefore, I adjourn the debate.

(On motion of Senator Andreychuk, debate adjourned.)

• (1600)

## IRANIAN NUCLEAR CAPACITY AND PREPARATIONS FOR WAR

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Segal calling the attention of the Senate to the government of Iran's imminent nuclear war capacity and its preparations for war in the Middle East, and to the commitment of Canada and its allies, including the USA, Russia, Turkey, the Gulf States, Egypt, Jordan, Saudi Arabia and others, to diplomatic and strategic initiatives that exclude first-use nuclear attack, the ability of Canada to engage with its allies in order to understand, measure and contain this threat, and the capacity of Canada to support allied efforts to prevent a thermonuclear exchange in the Middle East.

**Hon. Marcel Prud'homme:** Honourable senators, I have been committed to delivering my speech that has been expected for some time. However, many developments are taking place in Iran. I am happy to have delayed my intervention. What I had prepared proves exactly what is taking place. Patience and negotiations are better than losing your mind and going to war. I shall, before I leave, give you my views on this very important motion that was well presented and defended by Senator Segal. I ask permission for adjournment for the remainder of my time.

(On motion of Senator Prud'homme, debate adjourned.)

**THE SENATE****MOTION TO AUTHORIZE RULES, PROCEDURES AND  
THE RIGHTS OF PARLIAMENT COMMITTEE TO STUDY  
THE APPLICATION OF THE CHARTER OF RIGHTS  
AND FREEDOMS AS IT APPLIES TO THE SENATE—  
DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Tkachuk:

That the Senate refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the *Charter of Rights and Freedoms* as it applies to the Senate of Canada.

**Hon. A. Raynell Andreychuk:** Honourable senators, I have spoken to this motion on several occasions. It is the companion motion to the bill introduced by Senator Joyal. Senator Joyal's bill addresses an issue with respect to employees. My motion addresses a broader area of the Canadian Charter of Rights and Freedoms and its application to the Senate.

Senator Joyal and I have agreed. I thank him for his cooperation in handling both issues together, which commenced in the Rules Committee. We hope that we can return the two issues to the Rules Committee for study.

Therefore, I wish to adjourn the debate at this point and bring the chamber up to date at a future time when we believe that the Rules Committee will have an opportunity to deal with it in its very busy agenda.

(On motion of Senator Andreychuk, debate adjourned.)

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY****MOTION TO AUTHORIZE COMMITTEE TO STUDY  
THE PROMOTION OF CANADIAN IDENTITY—  
DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Eaton, seconded by the Honourable Senator Gerstein:

That the Standing Senate Committee on Social Affairs, Science and Technology undertake a study examining the promotion of Canadian identity, integration and cohesion with a working title of *Who We Are: Canadian Identity in the 21st Century*.

**Hon. Art Eggleton:** Honourable senators, Senator Eaton and I have been in discussion with respect to this matter. I am the chair of this committee. We have had some discussions about how this might unfold and we have not yet completed those discussions. I received a communication from the senator today and I am reviewing it.

Since this motion has now reached day 15 on the Order Paper, I would like to have the clock rewound, if that is the appropriate phrase, and to have it continued in my name for the balance of my time.

(On motion of Senator Eggleton, debate adjourned.)

(The Senate adjourned until Wednesday, October 28, 2009, at 1:30 p.m.)

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## CONTENTS

Tuesday, October 27, 2009

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>Environment</b>	
<b>Tributes</b>		Climate Change Agreement.	
The Late Honourable Jean-Marie Poitras, O.C.		Hon. Grant Mitchell. . . . . 1597	
Hon. Suzanne Fortin-Duplessis . . . . . 1591		Hon. Marjory LeBreton . . . . . 1597	
Hon. Michel Rivard . . . . . 1591		<b>Seniors</b>	
Hon. Jean-Claude Rivest. . . . . 1592		Elder Abuse.	
<b>Veterans Memorial on Boularderie Island</b>		Hon. Judith Seidman . . . . . 1598	
Hon. Jane Cordy . . . . . 1592		Hon. Gerald J. Comeau . . . . . 1599	
<b>The Late Jack Poole</b>		<b>Answer to Order Paper Question Tabled</b>	
Hon. Gerry St. Germain . . . . . 1592		Industry—National Do Not Call List.	
<b>Mr. Ernie Ingles</b>		Hon. Gerald J. Comeau . . . . . 1599	
Congratulations on Appointment.		<b>Delayed Answers to Oral Questions</b>	
Hon. Claudette Tardif . . . . . 1593		Hon. Gerald J. Comeau . . . . . 1599	
<b>Bedford Institute of Oceanography</b>		<b>Finance</b>	
Hon. Donald H. Oliver. . . . . 1593		Sale of Crown Properties.	
		Question by Senator Tardif.	
		Hon. Gerald J. Comeau (Delayed Answer). . . . . 1599	
<hr/>		<b>Official Languages</b>	
<b>ROUTINE PROCEEDINGS</b>		Official Language Obligations at Crown Corporations.	
<b>Rules, Procedures and the Rights of Parliament</b>		Question by Senator Murray.	
Seventh Report of Committee Tabled.		Hon. Gerald J. Comeau (Delayed Answer). . . . . 1599	
Hon. Donald H. Oliver. . . . . 1594		<b>Fisheries and Oceans</b>	
<b>Medical Devices Registry Bill (Bill S-243)</b>		Northwest Atlantic Fisheries Organization Convention.	
First Reading.		Questions by Senator Rompkey and Senator Milne.	
Hon. Mac Harb. . . . . 1594		Hon. Gerald J. Comeau (Delayed Answer). . . . . 1599	
<b>Canadian NATO Parliamentary Association</b>		Reduced Services in Nova Scotia.	
Visit to Rome, Italy by the Mediterranean Special Group,		Question by Senator Mercer.	
June 14-15, 2009—Report Tabled.		Hon. Gerald J. Comeau (Delayed Answer). . . . . 1600	
Hon. A. Raynell Andreychuk . . . . . 1594			
<b>Fisheries and Oceans</b>		<hr/>	
Committee Authorized to Meet During Sitting of the Senate.		<b>ORDERS OF THE DAY</b>	
Hon. Ethel Cochrane . . . . . 1594		<b>Office of the Superintendent of Financial Institutions Act</b>	
		<b>(Bill S-241)</b>	
		Bill to Amend—Second Reading—Order Stands.	
		Hon. Pierrette Ringuette . . . . . 1600	
		Hon. Gerald J. Comeau . . . . . 1600	
<hr/>		<b>Canadian Payments Act (Bill S-242)</b>	
<b>QUESTION PERIOD</b>		Bill to Amend—Second Reading—Order Stands.	
<b>Health</b>		Hon. Pierrette Ringuette . . . . . 1601	
H1N1 Flu Vaccine—Awareness Campaign.		Hon. Gerald J. Comeau . . . . . 1601	
Hon. James S. Cowan. . . . . 1595		<b>National Day of Service Bill (Bill S-240)</b>	
Hon. Marjory LeBreton . . . . . 1595		Second Reading—Debate Adjourned.	
<b>Foreign Affairs</b>		Hon. Pamela Wallin . . . . . 1601	
Omar Khadr—Recommendations of United Nations Special		<b>International Boundary Waters Treaty Act (Bill S-222)</b>	
Representative.		Bill to Amend—Second Reading—Order Stands.	
Hon. Roméo Antonius Dallaire. . . . . 1595		Hon. Gerald J. Comeau . . . . . 1602	
Hon. Marjory LeBreton . . . . . 1596		Hon. Anne C. Cools. . . . . 1602	
Malalai Joya—Rights of Women and Female Parliamentarians.		<b>Canada Elections Act (Bill S-236)</b>	
Hon. Sharon Carstairs . . . . . 1596		Bill to Amend—Second Reading—Debate Continued.	
Hon. Marjory LeBreton . . . . . 1596		Hon. Gerald J. Comeau . . . . . 1603	
<b>National Defence</b>			
Afghanistan—Treatment of Detainees.			
Hon. Rod A. A. Zimmer . . . . . 1597			
Hon. Marjory LeBreton . . . . . 1597			

	PAGE
<b>National Capital Act (Bill S-204)</b>	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Pierre Claude Nolin . . . . .	1603
<b>State Immunity Act</b>	
<b>Criminal Code (Bill S-233)</b>	
Bill to Amend—Second Reading—Debate Continued.	
Hon. David Tkachuk . . . . .	1604
Hon. Mobina S. B. Jaffer . . . . .	1606
Hon. Anne C. Cools. . . . .	1607
Hon. Jeremiah S. Grafstein . . . . .	1607
<b>Criminal Code (Bill C-268)</b>	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Anne C. Cools. . . . .	1607
<b>Study on Application of Official Languages Act and Relevant Regulations, Directives and Reports</b>	
Fourth Report of Official Languages Committee and Request for Government Response—Debate Continued.	
Hon. Andrée Champagne . . . . .	1608

	PAGE
<b>Budget Implementation Bill, 2009</b>	
Study on Elements Dealing with Equitable Compensation (Part 11)—Third Report of Human Rights Committee—Debate Adjourned.	
Hon. A. Raynell Andreychuk . . . . .	1608
<b>Iranian Nuclear Capacity and Preparations for War</b>	
Inquiry—Debate Continued.	
Hon. Marcel Prud'homme. . . . .	1608
<b>The Senate</b>	
Motion to Authorize Rules, Procedures and the Rights of Parliament Committee to Study the Application of the Charter of Rights and Freedoms as it Applies to the Senate—Debate Continued.	
Hon. A. Raynell Andreychuk . . . . .	1609
<b>Social Affairs, Science and Technology</b>	
Motion to Authorize Committee to Study the Promotion of Canadian Identity—Debate Continued.	
Hon. Art Eggleton . . . . .	1609



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