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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, November 22, 2007

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

Prayers.

SENATORS' STATEMENTS

MR. WILLIE O'REE

FIFTIETH ANNIVERSARY OF FIRST BLACK HOCKEY PLAYER TO PLAY IN NATIONAL HOCKEY LEAGUE

Hon. Donald H. Oliver: Honourable senators, I would like to call your attention to the upcoming fiftieth anniversary of the first professional Black hockey player to play in the National Hockey League, the NHL. On January 18, 1958, Mr. Willie O'Ree, a native of Fredericton, New Brunswick, suited up for the Boston Bruins at the old Montreal Forum and stepped onto the ice to make history. Sometimes called the "Jackie Robinson of hockey," Willie O'Ree made hockey the last of the big four professional sports in North America to become racially integrated, joining baseball, basketball and football.

Willie only played two games that year, but was back in 1961 to play 43 games, scoring four goals and adding 10 assists. When he was sent back down to the minor leagues, specifically the Western Hockey League, WHL, which operated between 1952 and 1974, he was not discouraged from playing. Willie went on to win two scoring titles between 1961 and 1974, scoring 30 or more goals four times with a high of 38 goals twice in both the 1964-65 and 1968-69 seasons.

• (1335)

The rest of Willie's career would be spent as a professional hockey player in the minors. He would continue playing with the WHL's Los Angeles Blades and the San Diego Gulls. The latter team retired his number, which now hangs from the rafters at the San Diego Sports Arena. Willie played professional hockey until the age of 43.

Thanks to Willie O'Ree, hockey is no longer a segregated sport. Currently he is the director of the diversity task force for the NHL which designates outreach programs for recruiting visible minorities into the game of hockey. His ongoing commitment to diversity in hockey is one of the reasons there are several talented Black hockey players in the NHL, such as Canadian Olympian Jarome Iginla, captain of the Calgary Flames who, by the way, is the first Black captain in the NHL; Ottawa Senators goalie Ray Emery; Anson Carter; Kevin Weekes; and Georges Laraque, to name a few.

Honourable senators, equality in sports has come a long way thanks to role models like Willie O'Ree who took the important first step to break down barriers. The official NHL ceremonies commemorating Willie O'Ree as the first Black hockey player will take place on January 18, 2008, at the Boston Gardens.

INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

Hon. Sharon Carstairs: Honourable senators, the United Nations has proclaimed November 25 to be the International Day for the Elimination of Violence against Women.

The date of November 25, which has been marked each year since 1999, was not chosen randomly. It is the anniversary of the date in 1961 when the Mirabel sisters, three politically active women in the Dominican Republic, were assassinated.

However, today I wish to put this day into a larger context, that of human rights. The United Nations Universal Declaration of Human Rights states:

All human beings are born free and equal in dignity and rights.

Violence against women removes these rights and invades the dignity of women. Some estimates say that one woman out of three in the world has been beaten, coerced or otherwise abused. This makes violence against women perhaps the most widespread violation of human rights in the entire world.

In recognition of the link between human rights and violence against women, November 25 is also the kickoff of the 16 days of activism against gender violence. This campaign starts each year on November 25 and continues until December 10, which is International Human Rights Day. The theme of the 16 days this year is "Demanding Implementation, Challenging Obstacles: End Violence against Women."

This theme represents a call to action, saying that we know what the problem is, and we know some of what is required to address the problem. If we are serious about our commitment to human rights, we must take action to end violence against women.

NORTHWEST TERRITORIES

ALLOCATION OF TEN MILLION HECTARES AS PROTECTED LAND

Hon. Ethel Cochrane: Honourable senators, yesterday the Harper government announced the protection of over 10 million hectares of land in the Northwest Territories. This commitment will permanently protect precious ecological and cultural gems in the North for the enjoyment of generations to come. It marks a major step in the process of creating a national park in the east arm of Great Slave Lake and a national wildlife area for the Ramparts River and the wetlands.

Honourable senators, this announcement is being hailed by environmentalists. They credit the government of Canada and the First Nations for their vision and commitment.

Lorne Johnson of WWF-Canada said:

The announcement by the federal government amounts to the largest land withdrawal for interim protection in Canadian history.

He added:

This is a great example of sequencing conservation first, up front in the development process, while we still have a chance to protect the North's lands and waters.

Larry Innes, from the Canadian Boreal Initiative explained:

Canada is taking the lead internationally when it comes to making balanced decisions about protecting and preserving land for future generations.

Harvey Locke, senior adviser to the Canadian Parks and Wilderness Society said:

There's been a lot of talk, but these guys are delivering. It's super-cool to have them move from possibilities into action.

• (1340)

Honourable senators, we have a government that has shown leadership on the North and on conservation issues, among others. Our government has proven, time and again, that it is willing to take strong action on the environment — actions that produce real results.

In the last year this government has significantly expanded the Nahanni National Park Reserve, and I know my friend from the Yukon who has just recently retired will be very happy. Also created was the Lake Superior National Marine Conservation Area. It invested \$30 million to protect the Great Bear Rainforest in B.C., \$3 million to restore Stanley Park in Vancouver — a beautiful area — and Point Pleasant Park in Halifax, and another \$225 million for the Nature Conservancy of Canada to preserve and conserve hundreds of thousands of acres of land across this great country.

I commend the federal and territorial governments, as well as the First Nations, for working together to reach this remarkable achievement on behalf of all of us.

NEW BRUNSWICK

VISIT BY AMBASSADOR OF REPUBLIC OF CUBA

Hon. Pierrette Ringuette: Honourable senators, I am pleased to inform you that I was honoured to host, last September 12, 13 and 14, in my home area of northwest New Brunswick distinguished visitors, His Excellency Ernesto Senti Darias, Ambassador of the Republic of Cuba, and his wife Señora Margarita Valle.

During their visit, the ambassador and his wife had the opportunity to meet with provincial cabinet ministers, members of the business community and seed potato growers. They also visited towns, farms and industries, including McCain Foods in Grand Falls and the Irving sawmill in St-Léonard. All in all, I drove the ambassador and his wife over 2,200 kilometres in four days.

Seed potato growers in the Grand Falls region have been exporting their products to Cuba since the 1950s and have forged

important economic links, which we must do more to develop. Cuba imports over \$4 million worth of seed potatoes every year from our farmers in New Brunswick, making it their second biggest market after the United States.

[Translation]

Cuba's economy is growing steadily, in terms of both the tourism industry and infrastructure. In the next five years, the Cuban government plans to invest in residential and infrastructure construction, which will create a huge need for natural and forest resources.

[English]

I am delighted that the ambassador and his wife accepted my invitation, because Cuba is an important trading partner. Our New Brunswick exports to Cuba have increased in recent years, and I want that situation to continue. This visit was an excellent opportunity to improve trade relations between Cuba and our region, and also to help our respective rural economies develop further.

INTERNATIONAL DAY FOR THE ELIMINATION OF VIOLENCE AGAINST WOMEN

Hon. Elizabeth Hubley: Honourable senators, in 1999, the United Nations designated November 25 each year as the International Day for the Elimination of Violence Against Women. On this day we are encouraged to raise public awareness of the problem of violence against women. Violence against women exists in every country around the world, is perpetrated at home and in public and by both family members and strangers. It is a pervasive violation of human rights and impedes women's opportunities to achieve legal, social, political and economic equality in society.

In 2006 the United Nations prepared an in-depth study on all forms of violence against women and reported that 89 states currently have some legislative provisions on domestic violence against women, including 60 states with specific domestic violence laws.

This is an improvement over 2003, when only 45 countries had specific domestic violence laws. However, much of the world still does not have the legal and constitutional framework to protect women against violence; others do not have the political and social will to confront the problem. Even in countries such as Canada the problem remains widespread, and our efforts to eliminate gender violence must continue. As the UN study on violence against women states:

As long as violence against women continues, we cannot claim to be making real progress towards equality, development and peace.

• (1345)

4-H CLUB

Hon. Catherine S. Callbeck: Honourable senators, rural Canada is the backbone of this country and the agricultural industry is an important part of these rural areas. Building the next generation of farmers is essential to maintaining that tradition. The 4-H Clubs across this country are doing that.

[Senator Cochrane]

Honourable senators, 4-H, which is now celebrating its national awareness month, is a youth organization that helps to develop leadership qualities and other life skills while also promoting agricultural awareness. Currently, there are about 30,000 4-H members across the country with over 9,000 leaders.

Their motto is: “Learn to do by doing.” That is exactly what 4-H members do. Through public speaking, demonstrations, competitions, livestock rearing and many other diverse programs, 4-H members are learning to become good agricultural stewards and community leaders, as well as gaining skills that will benefit them and their communities for the rest of their lives.

Last spring, the Standing Senate Committee on Agriculture and Forestry had the pleasure of hearing from Ms. Marie Logan, former President of the Canadian 4-H Council and current Vice-chair, as part of our ongoing study on rural poverty. Ms. Logan shared with us her personal experiences with 4-H and outlined the good work its members and leaders are doing across the country. In fact, Ms. Logan shared with us the results of a recent Ipsos-Reid survey which showed that 4-H members are achievers who typically go on to post-secondary education. The survey also found that many become leaders and give much back to their communities.

I know from my personal experience that that is the case in my home province of Prince Edward Island. The 4-H Club on the Island has more than 650 members, 350 leaders and 28 clubs across the province. The year 2008 will mark 4-H’s ninetieth anniversary on Prince Edward Island.

Honourable senators, 4-H helps to develop leaders for our rural communities. I take this opportunity to recognize this organization’s contribution to the youth of rural Canada and wish them the very best in continuing their worthwhile activities.

[Translation]

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Joan Fraser, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, November 22, 2007

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to table its

SECOND REPORT

Your committee, to which was referred Bill S-203, An Act to amend the Criminal Code (cruelty to animals), has, in obedience to the Order of Reference of Tuesday,

November 13, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER
Chair

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

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

• (1350)

[English]

NATIONAL PEACEKEEPERS’ DAY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-287, An Act respecting a National Peacekeepers’ Day.

Bill read first time.

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

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

STUDY ON MATTERS RELATING TO AFRICA

NOTICE OF MOTION TO ADOPT REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE AND REQUEST GOVERNMENT RESPONSE

Hon. Peter A. Stollery: Honourable senators, I give notice that, two days hence, I will move:

That the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled *Overcoming 40 Years of Failure: A New Road Map for Sub-Saharan Africa*, tabled in the Senate on February 15, 2007 during the First Session of the Thirty-ninth Parliament, be adopted and that, pursuant to Rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs, the Minister of International Trade, the Minister of International Cooperation and the Minister of National Defence being identified as Ministers responsible for responding to the report.

[Translation]

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

REVIEW OF CANADA'S DEVELOPMENT COOPERATION PROGRAM—NOTICE OF INQUIRY

Hon. Pierre de Bané: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the review of Canada's development cooperation program published by the Organization for Economic Cooperation and Development on October 19, 2007.

[English]

QUESTION PERIOD

JUSTICE

CLEMENCY FOR CANADIANS FACING DEATH PENALTY IN FOREIGN COUNTRIES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, on November 20, Peter O'Neil, in a CanWest News Service article wrote:

The Council of Europe, the continent's top human rights watchdog, denounced the government for its decision to stop seeking clemency for Canadians on death row in American jails.

Peter O'Neil, quotes the council's Secretary General, Terry Davies, as saying:

But to execute him is degrading. It's reducing authorities to the same level as people who kill people. Killing people is wrong. . . .

Mr. Davies goes on to say:

I am just amazed that the Canadian government would wash its hands, just like Pontius Pilate.

Why is the government allowing a foreign nation to inflict on Canadians a punishment that was abolished in this country 31 years ago? Why is this government legitimizing a practice that exists practically nowhere else in the Western world, other than in a few states in the U.S.?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I read a column on this matter this morning comparing this to the case of Pontius Pilate. I have not read the Bible since I was a child, but in my reading of the Bible I understood that Jesus was an innocent person who was betrayed by Pontius Pilate. The gentleman in question has murdered two people in the United States.

• (1355)

In this case the individual in question murdered two innocent people and left many victims of his serious crimes. The government felt that it would send the wrong message to people in this country, that there are no consequences for serious crimes committed in other democratic countries. However, the government also made it clear that there is no death penalty in Canada, and there are no plans to return the death penalty. We are dealing with a person who has been in the U.S. judicial system for many years, and we must not forget that he murdered two people.

[Translation]

Senator Tardif: Honourable senators, once again, the government is trying to have it both ways. On the one hand, it is turning its back on Canada's traditional position by letting Ronald Smith be executed in the United States. On the other hand, the Canadian government is bringing out the big guns to repatriate Michael Kapoustin, a millionaire businessman who has only a few years left to serve in Bulgaria. How can the Leader of the Government in the Senate justify this double standard?

[English]

Senator LeBreton: In the case of the gentleman in the Bulgarian jail, Minister Nicholson has said that we do look at each of these cases individually. One cannot compare the two. As I said before, Mr. Smith committed these criminal acts in the United States, fully aware of the laws of that country.

As the minister and the Prime Minister stated, the laws in this country will not change. The laws against capital punishment in this country will stand; but at the same time, the actions of Mr. Smith cannot allow the public to lose faith in our system in respect of the heinous acts he committed. This is a sad case, especially relating to the victims of this double murder.

Hon. Joan Fraser: Honourable senators, no one is suggesting that the heinous nature of these crimes should be ignored. The suggestion is that instead of being put to death, killed, Mr. Smith should serve a life sentence in prison. What is wrong with that? In Canada we consider that the appropriate punishment for murder.

Senator LeBreton: Honourable senators, Mr. Smith has been in prison in the United States for quite some time. We are dealing with serious criminal acts in this country and have brought in some new tough law-and-order legislation. I believe that bringing Mr. Smith back to Canada, after all this time, would send the message that we are not serious about dealing with these terrible crimes.

YOUTH CRIMINAL JUSTICE ACT

Hon. Sharon Carstairs: Honourable senators, my question is for the Leader of the Government in the Senate. On Monday, while watching "Politics" on CBC, the Conservative spokesperson referred to amendments to the Youth Criminal Justice Act as having two purposes: deterrence and denigration.

All honourable senators will have an idea of what deterrence means, even though all the research tells us that it does not work for young persons because they live in the now with no

understanding of future consequences, particularly those who suffer from fetal alcohol syndrome, which makes up the largest category of young offenders in this country.

I ask the honourable minister: What is meant by “denigration”?

• (1400)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I did not see that particular news broadcast; I am not a regular viewer of the CBC. However, I do not know who would use the word “denigration.” The government is committed to responding to the problems in the youth criminal justice system; everyone in this country knows we have a huge problem. I do not require lessons from Senator Carstairs.

Some Hon. Senators: Oh, oh!

Senator LeBreton: In my own case, the young man who killed my daughter and grandson was a young offender when he was first convicted.

Our bill seeks to amend the Youth Criminal Justice Act, to allow courts to consider deterrence and denunciation as objectives of youth sentences. I do not believe the word “denigration” was used; I think it is “denunciation.”

The bill also proposes to change the current pre-trial detention provision in the Youth Criminal Justice Act, making it easier to detain youths in custody prior to trial if the youth poses a risk to public safety. Nova Scotia’s Minister of Justice, Cecil Clark, has called upon all MPs and senators to support the proposed amendments. I hope the opposition will work with the government on this matter. In the last couple of months in Nova Scotia there have been horrendous crimes committed by youths against other youths. No one wants this to continue.

Senator Carstairs: The honourable senator indicates that the word may have been “denunciation.” I heard “denigration,” but even if it is “denunciation,” I am still confused. I do not know what it means to denounce a young person. Can the honourable senator give me some specific examples of what a judge would do to denounce a young person?

Senator LeBreton: Honourable senators, I cannot speak to how a judge or someone in the criminal justice system would interpret “denunciation.” As a society, I believe that all of us would want to speak loudly and clearly against criminal acts committed by young people. As part of my portfolio as the Secretary of State for Seniors, I hear a great deal in regard to the issue of youth crimes, and seniors’ fears of home invasion or being swarmed on the streets. This is a serious problem, and we all recognize its severity. The situation has persisted for far too long, and the government is taking the right steps to address it. This country is lined with the victims of these young people. Therefore, let us try to deal with their crimes so they do not victimize more people.

Senator Carstairs: Honourable senators, I cannot understand a government that introduces a bill which says it has two purposes: That it will introduce deterrence and, according to the minister’s word, “denounce” young persons. The honourable senator does not know what the word means. Are we going to return to the 18th century to put people in stocks and throw rotten vegetables

at them? Will we propose that adulterers go around with red letters on them or that people get “I am a young offender” branded on their forehead? Is that the kind of thing that the honourable senator means by “denunciation?”

• (1405)

Senator LeBreton: Honourable senators, Senator Carstairs missed her calling — she should have been a Shakespearean pit theatre actress.

During the last election, the Conservatives committed to legislative changes to the Youth Criminal Justice Act. Minister Nicholson announced last month that in 2008 there will be a comprehensive review of the Youth Criminal Justice Act to address concerns and criticisms regarding the various provisions and principles of the act. Obviously, there is much work to do. We have only to read the newspapers every day to know that serious crimes are being committed by young people. By and large, young people are great citizens, but why should they be victimized by other young people? Surely, it is reasonable to expect young offenders to be dealt with appropriately in this society.

FISHERIES AND OCEANS

PEGGY’S COVE LIGHTHOUSE

Hon. Pat Carney: Honourable senators, my question is to the Leader of the Government in the Senate. Hurricane Noel blew out the lights at the historic lighthouse at Peggy’s Cove, which was established in 1868 and is the most photographed lighthouse in the world. It is also an operating lighthouse for marine traffic. It is the understanding of the Nova Scotia Lighthouse Preservation Society that a large portion of the concrete walkway to the lighthouse, which contained the power cables feeding the lighthouse, was destroyed along with the other damage that occurred. The society understands that a solar-powered light has been installed to show a light from the location, but it is a much weaker beam for the maritime community to locate.

The leader may laugh, but if you are out at sea in a storm on the Atlantic off Peggy’s Cove, you care about the quality of the marine safety measures.

It is not known at this time what plans are being made to restore electricity permanently to the lighthouse or when the trademark green Fresnel lens will once again show a light from this historic lighthouse.

Would the Leader of the Government tell the chamber when the Department of Fisheries and Oceans will restore the light to its normal level of operation, to the benefit of both the tourist trade of Nova Scotia and the maritime community?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Carney for the question. Before she goes off the deep end over my comment, I was smiling only because Senator Tkachuk made a comment about the solar-powered light being environmentally friendly.

Senator Tkachuk: It was supportive of the honourable senator.

Senator LeBreton: The issue raised by the honourable senator is a serious one; I am well aware of the damage done by the remnants of Hurricane Noel. I saw pictures of the damage — as well as photos of people foolish enough to be out on the rocks at Peggy's Cove and the police trying to get them off because their lives were in danger. I know the roads leading to Peggy's Cove were completely torn up and that the driveway for the gift shop and café, which I am sure most of us have visited, has been totally destroyed.

As to when the power will be restored, I would imagine the Government of Nova Scotia is concerned as well. I shall have to take Senator Carney's question as notice.

Senator Carney: On a supplementary, perhaps people were on the rocks because Canada Post operates a post office in Peggy's Cove for the community.

Senator LeBreton: How stupid is that?

Senator Carney: How stupid is it to have a post office?

Senator LeBreton: No, to be on the rocks in a storm.

Senator Carney: Maybe the leader could make her comments in reply to my question. Canada Post does operate a post office in the lower level of the lighthouse at Peggy's Cove, and this facility obviously cannot operate without electricity. Certainly, it cannot be powered by a small solar light.

• (1410)

DFO has no statutory mandate to repair the Peggy's Cove lighthouse. DFO can walk away and leave the lighthouse to rot on the rocks in its usual way of dealing with lighthouses, which is demolition by neglect.

I am again asking the minister to ensure that steps are taken to restore Peggy's Cove to its normal functioning state of maritime safety.

Senator LeBreton: Honourable senators, I could not see the connection between people putting their lives in danger by being on the rocks when those waves were crashing in and the fact that there is a post office at Peggy's Cove. I do not see the connection, but I shall take the question as notice.

PRIME MINISTER

REQUEST FOR FIRST MINISTERS CONFERENCE

Hon. James S. Cowan: Honourable senators, my question is directed to the Leader of the Government in the Senate. This government, which until recently styled itself as "Canada's new government," has now been in office for almost two years — two years too long.

The government brags that the election brought about a new era in federal-provincial relations. Mr. Flaherty, in his March 2007 budget speech, said the following:

The long, tiring, unproductive era of bickering between the provincial and federal governments is over.

Yet, during that period of two years, this Prime Minister has not held one single meeting with his fellow first ministers, despite repeated requests from a number of provincial premiers. Most recently, last week, the Premier of Quebec, as Chair of the Council of the Federation, wrote to the Prime Minister requesting an early meeting of first ministers to discuss the impact of the rising Canadian dollar on Canadian manufacturers and resource industries.

Will the Leader of the Government in the Senate urge the Prime Minister to respond favourably to Premier Charest's request and to treat the provinces and territories with the respect they deserve? After all, this is a federation, not a dictatorship.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, it is not true that the Prime Minister has not met with the premiers since he became Prime Minister. Over the fall, the Prime Minister and the premiers have held discussions regarding potential times for a meeting. Events intervened, however — for example, several elections in several provinces.

The Prime Minister has stated that he and his office are working with the offices of the various premiers to try to set a date as soon as possible — either just before or just after Christmas.

Senator Cowan: Honourable senators, I take it from the honourable leader's answer that the Prime Minister is committed to an early meeting of the first ministers; is that correct?

Senator LeBreton: The honourable senator does not have to take my word for it; he can take the Prime Minister's word. He has said so publicly several times.

DEMOCRATIC REFORM

BILL C-22—REPRESENTATION FOR ONTARIO

Hon. Art Eggleton: Honourable senators, my question is for the Leader of the Government in the Senate and has to do with Bill C-22, which is intended to recognize the growing populations in Alberta, British Columbia and Ontario and provide for more seats in the other place.

Under this bill, Alberta will get five more seats, British Columbia will get seven— very appropriate — and Ontario will get 10 seats, notwithstanding that population growth in Ontario has exceeded that. If passed, B.C. and Alberta will have an MP for every 105,000 people whereas Ontario will have an MP for every 115,000 people.

The Premier of Ontario has said that he finds this situation to be unacceptable. He said:

I am not looking for any special treatment; I am just looking for the same treatment.

Why is Ontario not getting the same treatment? Why are we not recognizing representation by population for Ontario, as we are for the other provinces?

• (1415)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. The government has proposed a formula in this bill that was tabled in the other place that will vastly improve Ontario's representation, but we also believe that the bill strikes the right balance between fair levels of representation for the smaller provinces and the principle of representation by population in the larger provinces.

It is interesting that the honourable senator would raise concerns on the matter of democratic reform, the bill that we have tabled in the House of Commons, when we had a minor bill relating to democratic reform in this place that could not get through.

The number of seats in Ontario is increasing quite dramatically, and we were trying to strike a fair balance between Ontario and its growing population, and the growing populations of British Columbia and Alberta, while recognizing the constitutional base for representation for Quebec and also respecting the proportionally smaller ridings in other parts of the country.

Senator Eggleton: Honourable senators, the problem is that the system is not fair. The other place is intended to be based on representation by population. In fact, in this place we have the opportunity to look at regional representation in a different way, which is a good thing. However, that is not what that other place is all about.

I am disturbed by some of the dialogue that is being used. To pick up on Senator Cowan's words, the Minister of Finance said in the budget speech:

Mr. Speaker, the long, tiring, unproductive era of bickering between the provincial and federal governments is over. However, yesterday, Minister Van Loan called Premier McGuinty "the small man of Confederation." Is this an acceptable form of behaviour for a federal cabinet minister? In the last election, the Conservative slogan was "stand up for Canada." Will the Leader of the Government in the Senate stand up for her home province of Ontario and ensure that it gets proper representation?

Senator LeBreton: Honourable senators, that is why in my answer I said we were trying to strike a fair balance, because if we had true representation by population, many parts of this country would be facing a diminished number of seats. We recognize the population growth in British Columbia, which is under-represented not only in the House of Commons, but also in this chamber, and the same could be said for Alberta.

In terms of ministers of the government criticizing the Premier of Ontario, I could cite things that were said by the ministers of the previous government against the Premier of Ontario, people such as Mr. McCallum and Mr. Godfrey. Mr. McCallum even said that Ontario's traditional "Canada first" attitude was being challenged by the Premier of Ontario. Although he was critical of the then Premier of Ontario, I guess that was all right because he is a Liberal.

Hon. Grant Mitchell: Honourable senators, given that this leader is a member of a government that characterized Premier McGuinty as "the small man of Confederation," would she, in

light of the fact that Prime Minister Harper wrote about firewalls around Alberta, characterize the Prime Minister as the smallest man of Confederation?

Senator LeBreton: Honourable senators, I do not think that is a great question for the honourable senator to ask me, when we are talking about big or small.

Senator Mitchell: Honourable senators, you know you have it when she comes back with personal insults.

THE RIGHT HONOURABLE BRIAN MULRONEY

SETTLEMENT WITH FEDERAL GOVERNMENT

Hon. Grant Mitchell: Honourable senators, my question relates to the Mulroney-Schreiber-Harper cover-up. In spite of what is clearly becoming a concerted cover-up, we found out yesterday why Mr. Mulroney took the \$300,000, probably in a brown paper bag. The fact is, believe it or not, that it was to meet certain lifestyle expectations. To think that some of us actually thought the Conservatives did not care about poverty in this country.

• (1420)

However, in addition to the \$300,000 that he got that way, he also got a bonus from the Canadian taxpayer of \$2.1 million because — it is becoming increasingly clear — he was not entirely forthcoming under oath.

In fact, there is a serious question, as alluded to by some of my colleagues, that he may well have lied under oath. Could the minister —

Senator Comeau: Say that outside the house!

Some Hon. Senators: Oh, oh!

Senator Mitchell: Schoolyard bullies. It has got to be contagious, because that is what they talk about, "Let's go outside and have a fight." It would be nice for the Prime Minister of this country to take the stand, under oath, to find out what he knew about these things, and maybe some other people in their caucus as well.

However, my question is: Why is it that the investigation —

Senator Tkachuk: Name names!

Senator Mitchell: Why is it that the —

Senator Tkachuk: Name names!

Senator Mitchell: Why is it that the investigation by Mr. Nicholson's department into the \$2.1-million issue was stopped? Was it part of a cover-up by Mr. Nicholson, or was it part of a cover-up directed by the Prime Minister's Office?

Senator Comeau: Take that outside the house if you have any courage.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I think the senator is reading too many political fiction books.

As I have said in this place over and over again when I answered the first question before the Remembrance Week break, this \$300,000 has been known about for over four years — by Prime Minister Chrétien and by Prime Minister Martin. Obviously, if there was some criminal act that they believed took place they could have had the matter investigated. For all intents and purposes, this was a private negotiation between Mr. Mulroney and Mr. Schreiber that took place after Mr. Mulroney left the Prime Minister's Office.

What changed was a week ago Thursday, when there was a new affidavit sworn that implicated the Office of the Prime Minister, and that is when the Prime Minister said he would seek the advice of an independent third party. That was the proper course of action because of all the innuendo, allegations and insults that have been flying around this place. Obviously a person of Professor Johnston's integrity and calibre was required to handle the matter.

With regard to the question about the \$2.1 million that was paid, which was actually a court-arbitrated order to the government by Mr. Justice Gold to pay Mr. Mulroney's expenses and legal fees, as the Prime Minister stated in answer to a question, all aspects of this matter will be considered once the Prime Minister has received advice from Dr. Johnston as well as the terms of reference on which Dr. Johnston will advise the government for the public inquiry.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to a question raised on October 30, 2007, by Senator Carney regarding Foreign Affairs, licences issued for removal of bulk water.

FOREIGN AFFAIRS

LICENCES ISSUED FOR REMOVAL OF BULK WATER

(Response to question raised by Hon. Pat Carney on October 30, 2007)

The International Boundary Waters Treaty Act (IBWTA) does not allow the Minister of Foreign Affairs to license bulk water removals from the Great Lakes or any other Canadian boundary basin.

The 2002 amendments to the IBWTA introduced a statutory prohibition on bulk water removals from boundary basins. That prohibition is intended to protect boundary water ecosystems, and was driven by concerns in the 1990s about possible bulk exports of water from the Great Lakes.

Section 13.(1) of the IBWTA declares that “no person shall use or divert boundary waters by removing water from the boundary waters and taking it outside the water basin in which the boundary waters are located.”

In addition to introducing the prohibition on bulk water removals, the amendments in 2002 also created a licensing system for in-basin projects.

[Senator LeBreton]

Under the *Boundary Waters Treaty* of 1909, projects such as dams and bridges that could affect the level or flow of boundary waters on the other side of the border have always required approval from the International Joint Commission (IJC). However, because of the independent nature of the IJC, the legal status of those orders of approval for the purpose of enforcement was unclear.

The 2002 amendments to the IBWTA with respect to licenses gave the Minister of Foreign Affairs licensing authority parallel to the IJC orders of approval process. These amendments resolved any ambiguity about the matter of enforcement on in-basin projects which affect the level or flow of boundary waters on the other side of the border. However, this is a separate and distinct issue from the prohibition on bulk water removals.

Specifically, the licensing powers of the minister do not pertain to nor create any capacity to licence bulk water removals from boundary basins — something that is expressly prohibited by the statute.

Accordingly, no ministerial licences under the IBWTA have been, nor could be, issued for bulk water removals.

[English]

ORDERS OF THE DAY

NUNAVIK INUIT LAND CLAIMS AGREEMENT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gustafson, seconded by the Honourable Senator Angus, for the second reading Bill C-11, An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act.

Hon. Tommy Banks: Honourable senators, did I hear Senator Comeau say he wished to take adjournment?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Yes.

Senator Banks: I just wanted to be sure. I hope that we will move this bill for study to the committee, as was expressed by its sponsor and its co-sponsor, but I just want to place on the record, in a neater way than I have before, three concerns that I hope will be addressed by the committee. When the committee is considering this bill it will obviously be taking into account the agreement to which this bill refers.

• (1425)

Hon. Claudette Tardif (Deputy Leader of the Opposition): On a point of order, I want to assure myself that we will be leaving the 45 minutes, and time for the second speaker on our side, Senator Watt.

Senator Comeau: Agreed.

Senator Tardif: Please go ahead, but Senator Banks will not be considered the second speaker.

Senator LeBreton: He has 15 minutes.

Senator Banks: Thank you for reminding me.

When the committee is considering the agreement which is given effect by this bill, I hope the committee will take into account three things: First, whether the Province of Quebec, which is affected by this agreement, has consented to it or is party to it; second, that the same thing is true of the Province of Newfoundland and Labrador; and third, that the question of the extinguishment of rights and the constitutionality of doing so is properly addressed in the agreement and in the bill which will give it effect.

I wanted to place that on the record to be sure that the committee considers those things. I know they would anyway, but I thank honourable senators for your indulgence and for reminding me that Senator Watt has the 45 minutes. I believe this item will be adjourned in the name of Senator Comeau.

The Hon. the Speaker: Is that agreed?

Senator Tardif: I propose the adjournment.

The Hon. the Speaker: The understanding is government business has to be — the adjournment was being taken by Senator Comeau. Did I understand that correctly?

Senator LeBreton: Yes

The Hon. the Speaker: There was an earlier motion by Senator Comeau to stand it and then it was yielded to Senator Banks. Senator Banks has made his intervention, not interfering with the 45 minutes that will be the first responder from the opposition. It now stands continued in the name of Senator Comeau.

On motion of Senator Comeau, debate adjourned.

INCOME TAX AMENDMENTS BILL, 2006

SECOND READING—DEBATE ADJOURNED

Hon. Marjory LeBreton (Leader of the Government) moved second reading Bill C-10, An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bilingual expression of the provisions of that Act.

She said: Honourable senators, I appreciate the opportunity to speak to Bill C-10 at second reading. As you know, this bill, formerly known as Bill C-33, is being reintroduced following the prorogation of Parliament. This bill proposes measures regarding the taxation of non-resident trusts and foreign investment entities. It also implements certain amendments to the Income Tax Act that are technical in nature and, for the most part, serve to accomplish a number of housekeeping objectives.

Rather than getting into the technical details of Bill C-10, I will make a few general remarks about tax fairness. I will then illustrate just how the measures in this bill fit into the commitment by our government to ensure that our tax system is competitive and, above all, fair.

Of course a fair and competitive tax system starts with lower taxes. Canada's government has said all along that Canadians pay too much tax. That is why we took swift and decisive action in our first budget to provide tax relief for all Canadians. Thanks to that effort, the tax bills of Canadians — families, students, workers, seniors and businesses alike — are \$26 billion lighter. That represents a significant progress in reducing the tax burden on Canadians, but it is hardly the end of the story: Far from it, in fact.

As the Minister of Finance has said, taxes are still too high in this country. That is why, in Budget 2007, we built on the significant tax relief of our first budget to help Canadian families and businesses get ahead and stay ahead. Our ultimate goal is to make Canada a global leader in this area by achieving a competitive tax advantage vis-à-vis other nations. We are well on our way to recognizing that objective.

Most recently, in the 2007 economic statement, we are taking bold new steps to build a better Canada. We are reducing taxes further for Canadians and ushering in a new era for Canadian business taxation while further reducing the federal debt.

This economic statement provides almost \$60 billion in broad-based tax relief over this year and the next five years. This brings total tax relief provided by this government since coming into office to almost \$190 billion over the same period. About three quarters of the tax reductions announced in the economic statement will benefit individual Canadians and their families.

• (1430)

This includes reducing the GST rate to 5 per cent from 6 per cent, effective January 1, 2008. This represents some \$6 billion in annual savings for consumers. This builds on last year's reduction from 7 per cent to 6 per cent.

We are also increasing the amount all Canadians can earn without paying federal income tax to \$9,600 in 2007 and 2008 and to \$10,100 in 2009. We are reducing the lowest personal income tax rate to 15 per cent from 15.5 per cent as of January 1, 2007; it is retroactive to the beginning of the year.

These income tax cuts taken together will deliver relief on spring income tax returns and move some 385,000 people off the income tax rolls at least a year earlier than currently legislated.

The government is also taking action to reduce business taxation in Canada by making corporate income tax reductions that will bring the tax rate down to 15 per cent by 2012 from more than the 22 per cent it is today. These reductions begin with an immediate 1-percentage point reduction in the corporate income tax rate in 2008. In addition, we are proposing to reduce the small business income tax rate to 11 per cent in 2008, one year earlier than scheduled.

With these reductions, Canada's general federal corporate income tax rate will fall by one third between 2007 and 2012, and Canada's corporate income tax rate will become the lowest among the major industrialized economies in 2012.

This action builds on our plan to create a tax advantage for Canada. That plan is called Advantage Canada, our long-term economic plan.

The Advantage Canada plan will eliminate Canada's net debt and reduce taxes even further by providing a tax-back guarantee. This means that, to ensure that Canadians benefit directly from reductions in the federal debt, the government will dedicate the effective interest savings from debt reduction each year to personal income tax reduction. The bill to implement this measure received Royal Assent last spring. Included in that bill is further tax relief for Canadians. For example, there is a \$2,000 child tax credit that will provide tax relief to more than 3 million Canadian families. We also increased the spousal and other amounts, a measure that will provide tax relief for a supporting spouse or single taxpayer who is supporting a child or relative.

That same bill implemented the tax fairness plan announced last fall. This plan will restore balance and fairness to our tax system by creating a level playing field between income trusts and corporations.

The plan will also deliver over \$1 billion of new tax relief annually to Canadian pensioners. It will significantly enhance the incentives to save and invest for family retirement security by increasing the age amount and allowing pension income splitting.

This represents a major positive change in tax policy for pensioners. It recognizes the special challenges of planning and managing retirement income by providing targeted assistance to pensioners.

Canada's government is also committed to building a business tax advantage, grounded in a tax system that is internationally competitive. As I mentioned earlier, the measures in the 2007 Economic Statement are evidence of that.

In short, this government has taken substantial action to help create the necessary conditions for Canada and Canadians to prosper.

Bill C-10, the bill we are debating here today, complements this action. How does it do that?

As I said at the outset, a fair tax system starts with lower taxes; but there is more to it than that. In a fair tax system, everyone needs to pay their fair share. This helps to assure the lowest possible taxes for all Canadians.

Let me illustrate. Bill C-10 supports this government's goal of promoting fairness in our tax system by preventing tax deferral and avoidance through the use of foreign investment funds and trusts. In other words, if someone tries to avoid taxes by using these investment vehicles, any income earned on that investment will be taxed as if it were earned in Canada.

Responding to concerns raised by the Auditor General, the measures in Bill C-10 will, in effect, eliminate erosion and protect the tax base by levelling the playing field for all investment vehicles, whether Canadian or foreign-based. Most important, this bill enhances the integrity of Canada's tax system. Let me explain how this will work.

Generally speaking, Canada imposes an income tax on all of the income from all sources of taxpayers resident in Canada. For non-residents, Canada generally taxes just the Canadian source income. An income tax incentive therefore exists for Canadian residents to earn investment income using non-resident trusts and foreign investment entities based in a country other than Canada that imposes no tax or a low tax. Without effective countermeasures such as those proposed in Bill C-10, these residents can avoid paying Canadian taxes. That creates an unfair situation in our tax system.

As I noted, the effect of the measures proposed in this bill is that investment income earned by non-resident trusts and foreign investment entities on behalf of Canadian residents will be taxed in Canada. These measures eliminate the tax advantages of using these investment vehicles to avoid or to defer taxes.

These measures also help promote fairness in our tax system by ensuring that everyone pays their fair share. I should point out that the amendments concerning non-resident trusts and foreign investment entities in this bill came about as a result of extensive consultations with taxpayers, professional tax advisers and taxation authorities.

I turn now to the technical amendments. While the measures relating to the taxation of non-resident trusts and foreign investment entities make up the major portion of Bill C-10, this bill also includes a number of technical amendments to the Income Tax Act. Their purpose is to correct or clarify the application of existing income tax provisions or provide legislative authority for measures that have already been announced.

When considering this proposed legislation today, I would ask all honourable senators to keep in mind one of the primary objectives of Bill C-10, and indeed of the Canadian government, and that is to promote fairness in our tax system.

We have already taken significant action in that direction through the proposed tax fairness plan and the anti-tax haven initiative. Bill C-10 reflects the spirit and tenor of these measures. It will tighten the income tax rules relating to foreign investment funds and trusts and work to eliminate the incentive to avoid paying taxes. I said that Canada's government is committed to a fair tax system. This bill will help us meet that objective. Therefore, I ask all honourable senators to give this bill the consideration it deserves and accord it as quick a passage as possible.

On motion of Senator Cowan, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Brown:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Sharon Carstairs: Honourable senators, this morning I had delivered to my office, as I suspect a number of other senators did as well, a speech that had been prepared by Senator Norman Atkins on comments from the Speech from the Throne and current issues. I contacted Senator Atkins and asked him if he would like me to read his comments into the record; so that, honourable senators, is what I will do this afternoon.

Senator Atkins has said the following:

Good government is good politics, but good politics is not necessarily good government.

It seems to me that the government, while on the right track on many issues, makes some decisions based on potential election gains rather than on what is good for the country and for Canadians. Government that is run for elections is a dangerous game. While the Prime Minister is governing as if he has majority, with the opposition clearly trying to avoid an election, there is an atmosphere of fragility that worries me, because legislation will not necessarily be scrutinized as closely as it should be, especially in the House of Commons.

• (1440)

The Speech from the Throne told Canadians that this government has five priorities: strengthening Canada's sovereignty and place in the world, building a stronger federation, providing effective economic leadership, continuing to fight crime and improving our environment. That is fine, but there are still some main problems we are facing in this country, some of which were raised in previous Speech from the Throne that the government has not addressed. Perhaps it is because they believe Canadians have forgotten the issues.

While I have no quibble with any of these issues that they have highlighted, I am disappointed that some of the key issues that continue to concern Canadians are being ignored. The health care system in this country is still in need of help. I have first-hand knowledge of this because of my experience in the last six months. There is no mention of how the government plans to address the shortage of doctors in the country. Why could the government not introduce some incentives to attract and keep young doctors in Canada? Could there not be some income tax incentives introduced that would make it not only more attractive to stay in the country but even more so if they settled in our remote areas? What about finding a method that allows more students to enter medical training in Canada? There are far too many Canadians who do not have a family doctor and are forced to deal with their health, and that of their families, through clinics. That makes it increasingly difficult for Canadians to be proactive and undertake some form of preventative medicine which in and of itself would help to take the burden off the health care system.

While this government has attempted to address the issue of post-secondary education with increased transfer payments to the provinces, there has been no relief for students and the enormous load they face with student debt. Why could the government not introduce income tax breaks on student loans and later payment dates, which would avoid in some cases the banks from turning student's loans that are in default over to collection agencies? That is just wrong. There must be some measure that will assist in students avoiding the consequences of such a detrimental move so early in their careers. Why does this government continue to tax educational literature and supplies? A tax break on that alone would save some money for students across the country and at all levels.

Of significant concern is the view of the Harper government that because health care is a provincial responsibility the Government of Canada should take a hands-off attitude. Canadians deserve and expect some sort of vision for health care from our national government beyond a focus on transferring funds to the provinces.

The tax cuts the government has implemented have attempted to please all groups: A cut in personal income tax, business tax cuts and a cut to the GST. While I do not question the first two, I have always questioned the wisdom of tinkering with a consumer-based tax like the GST rather than giving Canadians across-the-board relief through more of an income tax break. A tax break that puts more money in the pocket of all Canadians would be more beneficial and certainly farther reaching than one which only gives the biggest benefit to wealthier Canadians and those in a position to spend the most. Those Canadians who are less fortunate, the poor and the working poor, benefit far less. The government reduction in the GST was in fact a promise they made, but it does not necessarily mean it is the best course for Canadians generally. Furthermore, the infrastructure in this country is in dire need of a cash influx. I would suggest that rather than a reduction in the GST, that money would have been put to better use by addressing the problems faced in a country of aging infrastructure.

The issue of poverty in this country does not seem to be a pressing one for this government. The tax policies of the government increase the widening gap between those who have and those who have not. There is virtually nothing in the Speech

from the Throne to address the issue of child poverty in Canada. There is a pressing need for ongoing programs that alleviate this problem.

It is clear that this government has chosen a course of no return with regard to the Kyoto Protocol. In the Speech from the Throne, they the government stated that Canada's emissions could not be brought to the level required under the protocol within the compliance period. Obviously, with all the posturing that has gone on, what has been done is too little too late. In addition to that, I think their target date of 2050, which has not changed from the legislation they brought in under Minister Ambrose which caused such a fire storm, is not aggressive enough. The government has not come up with anything to challenge Canadians to realize that there are some sacrifices that will have to be made if we are to address the issue of global warming, or climate change, if you prefer. Climate change and all its potentially disastrous effects will not adjust themselves to suit this government's electoral goals.

I have repeatedly said that this government should trust the Fathers of Confederation. I have always maintained that this country needs a bicameral system, and we have one of the best systems of government in the world, one that is envied by other countries. Senate tenure is one of the principles laid down by the Fathers of Confederation that enables the government to attract a broad representative group of Canadians to serve our country. Senators are experienced, knowledgeable individuals who have accomplished much in their working lives. They bring a wide range of expertise, including that of minorities and women, to offer on many issues. It is precisely because most senators have already achieved much in their lifetime that they are able to dedicate the time it takes to serve in the Senate.

The Leader of the Government in the Senate has on numerous occasions referred to the Meech Lake and Charlottetown Accords as proof that there has been an appetite for change in our democratic institutions. That may be so. The failure of those two accords and their rejection by Canadians clearly indicates that while there was an appetite for some change, Canadians are generally satisfied with our democracy as envisaged by Sir John A. Macdonald, our first Prime Minister. In any case, the fate of those constitutional initiatives proves that there is no consensus among Canadians as to precisely what changes should be made. The first objective of our political leaders should be to conduct the kind of national discussion that would lead to such a consensus.

Changes to our democratic institutions require consultations with the provinces. That is what the Constitution requires — not the Constitution of 1867 but rather the Constitution of 1982, in which the modern Fathers of Confederation established the rules for amending our parliamentary and federal institutions, specifically including the Senate. Indeed, this government continually tells Canadians that whenever the Prime Minister spoke about Senate reform, it got the loudest applause. Why would it not? He knew it was hot button issue, and that is what this government works on. Have you ever heard a member of the House of Commons say anything complimentary about the upper house and its membership? No wonder Canadians have a negative view of the Senate.

Recently, contrary to the opinion of this government, SES Research, a well-respected polling firm, found that in fact

this issue was not on the radar screen for most Canadians. The report states: "That Senate reform is not an election issue." The report goes on to say:

Once we are outside of the West, the appetite for reforming the Senate, which many Canadians see as 'code' for opening the Constitution, is quite weak.

What is clear is that this minority Harper government has no legitimate mandate to reform the Senate from the people of Canada. Because Harper lacks a majority mandate, because Senate reform was never a primary ballot question in the last election it is surprising that the current government is pursuing this course. At the same time, I do welcome a new national dialogue, but it should not focus on the Senate but on our democratic system as a whole. To isolate the focus on the Senate would be a disservice to Canadians.

If you ask the questions, what are the issues that concern Canadians today, the issues of Senate reform would not appear as an item. I believe Canadians as a whole are confident in our system of democracy. The issues Canadians are most likely to be concerned with are those that are currently affecting them. Canadians want effective leadership in government that will address the critical issues that are facing the country. While the government has been blessed with revenue surpluses and a strong economy, combined with low unemployment, there are still issues that affect different regions of this country, and there are many challenges that government will have to deal with.

I am concerned with regard to Canada's role in Afghanistan. As a long-time member of the Standing Senate Committee on National Security and Defence, I believe that I am justified in saying that the government must be very careful in the decisions they make. They must also be very clear about what they realistically can do. I do not believe that they can remove our troops by 2009 without jeopardizing the accomplishments that have been made and the ongoing projects underway. I do not disagree that the other UN and NATO nations have to do more to share the risk in the combat zone missions. It is unfair to expect Canada's troops to continue to remain in the hot zones without replacements scheduled to move in. The military is facing a problem in rotations because of the recruitment targets that were established and have not been fulfilled. The government is attempting to provide our troops with adequate equipment, but part of the problem is that there are not enough members to sustain the missions.

• (1450)

Once Canada's commitment is fulfilled, by February 2009, the decision as to whether we remain or withdraw will have to be dealt with immediately. This raises the issue of whether the Chief of the Defence Staff, General Hillier, will remain or whether the government will select a replacement for him in February 2008. We should also look forward to the report by John Manley that has been commissioned.

We have recently seen the reintroduction of the omnibus bill. This piece of legislation has me very worried. Although the government has indicated that it is simply a grouping together of previous legislation that was passed, there are some changes that have been included and it should be carefully examined. The bill is

being passed in the House of Commons with minimum scrutiny, despite the fact that it could have huge ramifications for Canadians. I am cognizant of the fact the government wants to convey the message that they are cracking down on crime, but the bill should not be passed in haste and without careful examination. We need to make sure it is right. When in opposition, the Conservatives were critical of legislation they deemed the Liberals to be too hasty with. That is why it is important for the Conservatives to make sure they do things the right way, and not just to ensure that they have completed their electoral agenda.

Canadians have just witnessed a major shift in policy within the federal government, a shift that has come to light with respect to Ronald Smith, the convict who is currently on death row in the United States. It places Canadians squarely back into the debate on capital punishment and whether Canadians are comfortable with it. The fact that Mr. Smith, a death-row killer, is in a democratic country like the United States is irrelevant to the argument as to whether his interests should be represented by Canada to seek clemency. One big factor is that Canadians were wholly unaware that the government had unilaterally changed the policy that has been present for a great many years. It seems that there is now a dual standard. The implication is that if an individual commits a crime in an undemocratic country, that person might be represented by Canadian officials. However, if an individual gets into trouble in a democratic country, forget it, because this government has changed its position and accepts capital punishment in democratic countries.

Honourable senators, I am firmly anti-capital punishment and I believe that if the government wants to change Canada's position there should be consultation and debate on the issue. I would hope that it would not come to that.

Honourable senators, I am absolutely shocked at the tone and message of the new ads with regard to democratic reform that were created and paid for by the new Conservatives and have recently appeared on television. These advertisements are nothing if not dishonest. They highlight that senators can be appointed and be members of the Senate for 45 years. This government knows that, under the Constitution of this country, an individual must be 30 years of age to qualify. I do not know of anyone during my political involvement of over 50 years who was appointed at that age. This type of ad is deliberately designed to confuse and anger Canadians. It is bad style and it is not worthy of the leadership of this country.

Honourable senators, this concludes Senator Atkins' remarks. Although I have some disagreement with him on Afghanistan — mainly because I believe that by 2009 Canada will have done its part in support of NATO — I feel 100 per cent comfortable in supporting all of his other remarks, and I have been proud to put the remarks of a very distinguished senator and thoughtful Canadian on the record.

On motion of Senator Comeau, debate adjourned.

[Translation]

ADDRESS IN REPLY—TERMINATION OF DEBATE
ON NOVEMBER 22, 2007—MOTION ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government),
pursuant to notice of November 21, 2007, moved:

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

Motion agreed to.

[English]

NATIONAL BLOOD DONOR WEEK BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cochrane, seconded by the Honourable Senator Keon, for the second reading of Bill S-220, An Act respecting a National Blood Donor Week.—(*Honourable Senator Munson*)

Hon. Jim Munson: Honourable senators, I am pleased to rise today to speak briefly on second reading of Bill S-220, An Act respecting a National Blood Donor Week.

My honourable colleague Senator Mercer is, of course, unable to speak, as he is still recuperating, but I am happy to lend my support to him and to Senator Cochrane on this important piece of legislation.

Both senators have worked tirelessly with Canada's two blood operators — Canadian Blood Services and Héma-Québec — to bring this bill forward. Bill S-220 has the support of members in this place, as well as that of several members of Parliament representing all the political parties in the other place.

Honourable senators, Bill S-220 supports the ongoing efforts throughout the year to recruit blood donors who give the gift of life when life is threatened. It also provides Canadians an opportunity to celebrate and thank the donors and volunteers who contribute this precious gift of life.

As Senator Cochrane has stated before, the two blood operators collect an annual 1.1 million units of blood from less than 4 per cent of the eligible population. That just is not good enough. This percentage has to increase. With the help of this bill and the support of everyone here and in the other place, we will make it happen.

Honourable senators, I could give you thousands of examples from across Canada about how the blood system has the potential to make a difference and save lives. We have heard from members here and in the other place of their own personal connections to blood donation. In the words of Senator Mercer:

We all know why we must come together for this one common cause, a cause that has touched and will touch the lives of more than half of Canadians at some point in their future.

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I know that everyone wants to close this debate as soon as possible. Our side intends to wrap up the debate next Tuesday. With that, I move that the debate be adjourned.

On motion of Senator Comeau, debate adjourned.

[English]

INTERNATIONAL BOUNDARY WATERS TREATY ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Lowell Murray, for Senator Carney, moved second reading of Bill S-217, An Act to amend the International Boundary Waters Treaty Act (bulk water removal).
—(Honourable Senator Carney, P.C.)

He said: As honourable senators know, Senator Carney was in her seat earlier today and asks to be excused at this moment. She has a 4:30 flight to Vancouver. Since it was not possible to get a seat on a later flight, she has asked me to fill in for her in moving second reading of this bill and speaking to it. In trying to move this bill forward, towards second reading, I invoke and paraphrase the time-honoured formulation of the House of Commons Speaker upon his election and pray that any faults may be attributed to me and not to her, whose humble servant I am.

This bill is identical to Bill C-225, which was tabled in the first session of this Parliament on May 9 of last year. Senator Carney opened second reading debate on June 12 and spoke at that time. The second reading debate was overtaken first by the summer recess and then by prorogation earlier this autumn.

• (1500)

There is a somewhat longer history to the issues that are treated in this bill, a history that goes back to 1909 when the United States and Great Britain signed the International Boundary Waters Treaty, Great Britain signing for Canada, as was the practice in those days.

Two years later, in 1911, our predecessors in Parliament passed the International Boundary Waters Treaty Act, which is the act that Senator Carney proposes to amend in this bill.

Honourable senators may relax, I will not take you back to 1909, 1911 and the intervening years. There is a somewhat shorter history that goes back almost exactly six years to the fall of 2001 when the Chrétien government, through the instrumentality in this house of our friend, Senator Corbin, introduced Bill C-6 to amend the International Boundary Waters Treaty Act.

For ease of reference, that bill was debated at second reading on October 16, 2001, examined by the Foreign Affairs Committee on November 27 and December 11, debated at third reading here between December 14 and December 18 and received Royal Assent on December 18, 2001.

During debate in the fall of 2001, Senator Carney identified serious and potentially dangerous weaknesses in Bill C-6. She was joined in debate and in committee by a number of her caucus

colleagues, including our former colleague Senator Bolduc, Senator Spivak, Senator Andreychuk, Senator Di Nino and me. We proposed a number of amendments in committee, and I believe, if my recollection serves me well, at third reading to Bill C-6. However, these amendments were defeated. Royal Assent, as I indicated, was given on December 18, 2001.

Let us fast forward to the year 2007. Senator Carney, encouraged as she was by the election of a Conservative government, fortified by the recollection of support that her caucus colleagues had given her in 2001, is trying again to correct the flaws in this act resulting from the 2001 amendments.

The International Boundary Waters Treaty Act, as amended in 2001, purported to prohibit removal in bulk of boundary waters from those water basins and to create a licensing regime for projects that affect the levels or flows of water on the U.S. side of the boundary.

The weakness in the act as amended is the unprecedented — and I use the adjective “unprecedented” as a direct quote from our former colleague, Senator Bolduc — latitude it gives to the cabinet to define, to interpret and to implement its provisions in any way that suits them or their official advisers and without seeking parliamentary approval.

For example, bulk water is not defined in the act; it is left to regulation. Presently, the regulation defines bulk water as starting at 50,000 litres, but it could be any number that officials choose for any expedient reason. That is the nature of regulations; it is delegated authority to ministers and officials.

As another example, having purported to legislate a prohibition, the act empowers cabinet, by regulation, to make exceptions, and that power to make exceptions is unfettered. This very afternoon, the Deputy Leader of the Government in the Senate tabled a reply from the Department of Foreign Affairs to a question that had been asked on October 30 by Senator Carney.

Once again, the Department of Foreign Affairs puts forward the same dubious interpretation that they put forward six years ago under another government. I will read a sentence or two from the reply tabled this afternoon:

These amendments resolved any ambiguity about the matter of enforcement on in-basin projects which affect the level or flow of boundary waters on the other side of the border. However, this is a separate and distinct issue from the prohibition on bulk water removals.

Specifically, the licensing powers of the minister do not pertain to nor create any capacity to license bulk water removals from boundary basins — something that is expressly prohibited by the statute.

Accordingly, no ministerial licences under the IBWTA have been, nor could be, issued for bulk water removals.

Honourable senators, most of the witnesses who appeared before the Foreign Affairs Committee of the Senate six years ago denied that interpretation. They rejected that interpretation utterly, and I will explain why.

I will read section 13(4) of the International Boundary Waters Treaty Act as amended. First, Section 13(1) states the prohibition:

... no person shall use or divert boundary waters by removing water from the boundary waters and taking it outside the water basin in which the boundary waters are located.

Section 13(4) states:

Subsection (1) does not apply in respect of the exceptions specified in the regulations.

That is wide open, honourable senators. That is one of the glaring weaknesses in the legislation that Senator Carney's bill is seeking to protect.

With respect to the 50,000 litre definition, Senator Carney's bill would take the 50,000 litre definition out of the regulations and put it into legislation where it belongs so that if there is any desire on the part of anyone in the government to change that, to have a new point of departure for the definition of bulk waters, then they will have to come to Parliament to ask Parliament's permission.

There are certain reasonable exceptions to the prohibition, which are now contained in the regulations, and these would be set out, under Senator Carney's bill, in the act. The authority of cabinet to make other exceptions by regulation would be removed by Senator Carney's bill, and the authority of Parliament to review and negate such recommendations in advance is affirmed.

Honourable senators, apart from the importance of the subject before us — the environment, our precious water resources and the need to ensure their protection — another issue is intimately related. That issue, which has come up again recently and seems to be with us all too frequently, is to define where the authority of the executive government should end and where the authority of Parliament should begin. Unfettered regulation-making authority on the part of the executive government is inimical to responsible parliamentary democracy.

The other day — and while one is not supposed to reflect on other debates, I will not do so at any length — I spoke to Senator Carney's lighthouse bill, Bill S-220.

• (1510)

We are still trying to curb the ability of officials to let lighthouses rot, burn or be torn down in their unfettered discretion, and of course they do not like that. They do not want Parliament butting into what they consider their sole prerogative. They do not want a public process. It is up to us to stand up for parliamentary democracy.

I will give another example which may be new to honourable senators. Last June we passed Bill C-52, the first of the budget implementation bills pursuant to Mr. Flaherty's Budget 2007. Senator Banks recently drew my attention to a provision of that bill that went through while most of us were preoccupied, if not obsessed, with the Atlantic accord. They slipped in a little amendment to the Financial Administration Act. What does that amendment do? Senator Banks and I looked into it. Sure enough, it does away with borrowing bills.

Until now, the government usually had to come to Parliament if it wanted to borrow money. Government would put forward a borrowing bill and have a debate. They were able to borrow up to a certain maximum number under certain conditions, but that need not detain us. Basically, they had to come to Parliament with a borrowing bill. There was a little amendment to the Financial Administration Act slipped into the Budget Implementation Act: No more borrowing bills. They do not want Parliament involved in what they consider their business. The mandarins and the officials do not want Parliament at all, says Senator Tkachuk, and he is right.

We must draw the line, and this is as good a time to start as any.

Hon. Senators: Hear, hear!

On motion of Senator Comeau, debate adjourned.

[Translation]

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

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

Hon. Michel Biron: Honourable senators, I am pleased to add my voice to that of my colleague, Honourable Senator Goldstein —

Hon. Gerald J. Comeau (Deputy Leader of the Government): Given that our critic has not yet spoken on the subject, we do not object to the senator taking the floor now, but we want to reserve our usual 45 minute period for our critique of the bill.

Senator Biron: Honourable senators, I am pleased to add my voice to that of my colleague, Senator Goldstein, in support of Bill S-205, to alleviate the financial burden on young Canadians who borrow money to pursue an education and are unable to pay back their loans.

After weighing the arguments in favour of this bill, re-reading the report tabled in 2003 and discussing the social implications of this with different people, I came to the conclusion that I had to support this bill. I do not want to repeat the comments of my esteemed colleague, but I would like to emphasize certain aspects.

First, I must point out that the purpose of the student loan system is twofold: to have measures in place to encourage post-secondary education in order to have an educated and skilled workforce in the future, and to ensure that taxpayers do not have to bear the unreasonable costs related to the student loans provided by the government.

As far as the Bankruptcy and Insolvency Act is concerned, a brief historical overview shows that it was amended in order to protect creditors from students abusing the bankruptcy

option. Thus, as a result of the legislative changes in 1997 and 1998, it became excessively difficult for students to get rid of their student debt. Nonetheless, research shows that students are not abusing the bankruptcy procedure in order to get rid of their debt.

We can see in the statistics provided by Senator Goldstein that a full two years after graduation 20 per cent of graduates with student debt had paid off their loan completely, 80 per cent of graduates had paid off almost a quarter of their debt in that same two-year period and 70 per cent were still meeting their payment deadlines after nine years. We can see that in most cases, graduates are fulfilling their obligations.

Nevertheless, despite their good intentions, sometimes graduates simply cannot pay off their student loans either because of illness, the inability to find employment or because they do not receive enough income from the employment they have to fulfill their obligations. For some graduates, student debt ties them down and hinders their ability to become productive citizens and contributing members of Canadian society.

This is quite unfortunate since the student loan system is intended to help young Canadians pay for an education.

Considering that the average student debt in 1998 was \$25,000 and that students have no guarantee that the investment they are making will produce the desired results, failing to release recent graduates from their debt for a period of 10 years after graduation, even in exceptional circumstances, is a peculiar provision of the Bankruptcy and Insolvency Act and adds to the burden on young Canadians as they begin their careers.

Bill S-205 aims specifically to give recent graduates a new lease on life by releasing them from their loans when, two years after graduation, they are finding that they cannot get ahead in life because of their heavy student debt.

In order to ensure that students do not declare bankruptcy immediately upon graduation, the proposed timeframe of two years, during which time graduates cannot be automatically released from their responsibility to repay their loans if they declare bankruptcy, is meant to force students to take control and find the means to pay off their debt.

It is possible, however, that graduates may face financial difficulties during the first two years after they graduate. In light of this possibility, and in an attempt to pursue the spirit of the amendment proposed for the legislation, Bill S-205 also makes it possible to obtain an order within the two-year timeframe.

• (1520)

Bill S-205 therefore gives the courts the latitude to decide, in each individual case, if full or partial release is desirable, or if the request for release should simply be refused.

The courts could also make other orders and impose any other conditions deemed appropriate in any given case.

By thus giving greater flexibility to the courts that would hear these requests for release, the procedure will not be over-managed, which could lead to injustices. A framework that is too rigid can, on occasion, have a negative effect that goes against the spirit of the law.

[Senator Biron]

Let us remember that the amendment proposed in Bill S-205 will allow students who have difficulty repaying their loans to make a fresh start in life. It will level the playing field between students and all other citizens under the Bankruptcy and Insolvency Act two years after they complete their studies. Although Bill C-12 reduces the waiting time from ten to seven years, and to five years in exceptional circumstances, Senator Goldstein and I continue to believe that a period of two years is a better compromise in the interest of both the public and the students.

Honourable senators, bearing in mind my comments and those made by our colleague, the honourable Senator Yvoine Goldstein, Bill S-205 will provide an equal opportunity for all.

It is a question of providing dignity and honour to all those who need a fresh start, values that have no political stripe but that are firmly rooted in all Canadians.

Honourable senators, I thank you in advance for your consideration of Bill S-205.

On motion of Senator Comeau, debate adjourned.

[English]

ABORIGINAL PEOPLES

MOTION REQUESTING GOVERNMENT RESPONSE TO STUDY ON RECENT REPORTS AND ACTION PLAN CONCERNING DRINKING WATER IN FIRST NATIONS' COMMUNITIES ADOPTED

Hon. James S. Cowan, for Senator St. Germain, pursuant to notice of November 20, 2007, moved:

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government to the eighth report of the Standing Senate Committee on Aboriginal Peoples, entitled *Safe Drinking Water for First Nations*, tabled in the Senate on May 31, 2007 and adopted by the Senate on June 12, 2007 during the First Session of the Thirty-ninth Parliament, with the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians being identified as the Minister responsible for responding.

Motion agreed to.

MOTION REQUESTING GOVERNMENT RESPONSE TO STUDY ON INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES ADOPTED

Hon. James S. Cowan, for Senator St. Germain, pursuant to notice of November 20, 2007, moved:

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the government to the sixth report from the First Session of the Thirty-ninth Parliament of the Standing Senate Committee on Aboriginal Peoples, entitled *Sharing Canada's Prosperity — A Hand Up, Not a Handout*, tabled in the Senate on March 20, 2007 and adopted by the Senate on March 27, 2007, with the Minister of Indian Affairs and Northern Development and

Federal Interlocutor for Metis and Non-Status Indians, the Minister of Human Resources and Social Development Canada, and the Minister of Natural Resources Canada being identified as Ministers responsible for responding.

Motion agreed to.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATED TO FOREIGN RELATIONS

Hon. Consiglio Di Nino, pursuant to notice of November 21, 2007, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade, in accordance with rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to Foreign relations generally; and

That the committee report to the Senate no later than June 30, 2009.

Motion agreed to.

[*Translation*]

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, November 27, 2007, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Motion agreed to.

The Senate adjourned to Tuesday, November 27, 2007, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

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

(2nd Session, 39th Parliament)

Thursday, November 22, 2007

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

GOVERNMENT BILLS (SENATE)

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

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-10	An Act to amend the Income Tax Act, including amendments in relation to foreign investment entities and non-resident trusts, and to provide for the bilingual expression of the provisions of that Act	07/10/30							
C-11	An Act to give effect to the Nunavik Inuit Land Claims Agreement and to make a consequential amendment to another Act	07/10/30							
C-12	An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act, the Wage Earner Protection Program Act and chapter 47 of the Statutes of Canada, 2005	07/10/30	07/11/15	Banking, Trade and Commerce					
C-13	An Act to amend the Criminal Code (criminal procedure, language of the accused, sentencing and other amendments)	07/10/30	07/11/21	Legal and Constitutional Affairs					
C-15	An Act respecting the exploitation of the Donkin coal block and employment in or in connection with the operation of a mine that is wholly or partly at the Donkin coal block, and to make a consequential amendment to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act	07/11/21							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-280	An Act to Amend the Immigration and Refugee Protection Act (coming into force of sections 110, 111 and 171)	07/10/17							
C-287	An Act respecting a National Peacekeepers' Day	07/11/22							
C-292	An Act to implement the Kelowna Accord	07/10/17							
C-293	An Act respecting the provision of official development assistance abroad	07/10/17							
C-299	An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)	07/10/17							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	07/10/17							
S-202	An Act to amend certain Acts to provide job protection for members of the reserve force (Sen. Segal)	07/10/17							
S-203	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	07/10/17	07/11/13	Legal and Constitutional Affairs	07/11/22	0			
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	07/10/17							
S-205	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	07/10/17							
S-206	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	07/10/17							
S-207	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	07/10/17							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	07/10/17		Subject matter 07/11/13 Energy, the Environment and Natural Resources					
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	07/10/17							
S-210	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	07/10/17							
S-211	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	07/10/17							

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