



CANADA

Debates of the Senate

2nd SESSION

•

39th PARLIAMENT

•

VOLUME 144

•

NUMBER 47

OFFICIAL REPORT
(HANSARD)

Tuesday, April 8, 2008



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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

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

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

THE SENATE

Tuesday, April 8, 2008

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

Prayers.

AFGHANISTAN—FALLEN SOLDIER

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed, I invite you to rise and observe one minute of silence in memory of Private Terry John Street, who died in the service of his country while helping the people of Afghanistan.

Honourable senators then stood in silent tribute.

• (1405)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of representatives from the Canadian Air Force. They are guests of the Honourable Senator Joseph Day.

All honourable senators welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

SENATORS' STATEMENTS

CANCER AWARENESS MONTH

Hon. Donald H. Oliver: Honourable senators, this is springtime, and the month of April. For many Canadians April is the month of daffodils.

April is also National Cancer Month. Daffodils have become synonymous with the annual fundraising campaign to fight cancer.

This money is very important, especially since we know that cancer is the leading cause of premature death in Canada. Every seven minutes, two Canadians find out they have cancer, and every seven and a half minutes, one Canadian dies from cancer.

[English]

On the basis of current mortality rates, approximately one out of every four Canadians will die from cancer. This is based on the Canadian Cancer Society's 2007 statistics.

While cancer is largely a disease of older people, sadly, some 1,300 children in this country are also stricken by it each year. We have all been touched by it, or will in some way — either directly or indirectly — be touched by it. This is the reason the Canadian Cancer Society calls on us each year to show our support. It can be something as simple as buying a daffodil. If you have experienced cancer, as a survivor or a caregiver, it can be as personal as sharing your story to let others know that they are not alone and that there is hope. Honourable senators can volunteer or sponsor a Relay for Life team.

I encourage all honourable senators to check the Canadian Cancer Society website, www.cancer.ca, for further information.

AIR FORCE APPRECIATION DAY

Hon. Joseph A. Day: Honourable senators will have noticed a number of air force personnel about Parliament Hill today helping to commemorate Air Force Appreciation Day. Indeed, there are air force personnel in the gallery today, the men and women in uniform who were just introduced. I would like to thank them for being present with us today.

I would like to specifically mention General Victor Renuart, Commander of the North American Aerospace Defense Command, commonly known as NORAD; as well as Chief of the Air Staff, Lieutenant-General Angus Watt. Both of these men will be at a reception later this afternoon.

The air force is the newest of Canada's Armed Forces but, despite that, it has had an eventful existence. Canadian aircrews first served as part of the British Army, Royal Flying Corps and the Royal Naval Air Service during the First World War.

Following the First World War, the Canadian Air Force was established. In 1924, the prefix "Royal" was added to create the Royal Canadian Air Force. The Royal Canadian Air Force celebrated its eighty-fourth birthday this year on April 1.

• (1410)

During the Second World War, the Royal Canadian Air Force was the fourth largest of the Allied air forces having, at its peak, an enrolment of over 200,000 personnel, compared to today's regular force numbers of only 65,000. In Canada, a vast training organization was established to train aircrew, such that by 1943 Canada was training 3,000 aircrew per month. Over a period of three years, more than 82,000 aircrew were trained in Canada under the British Commonwealth Air Training Plan. It was through these great efforts that the Royal Canadian Air Force was able to develop into the proud organization that it is today.

Today, the Royal Canadian Air Force is an important and integral part of the Canadian Armed Forces. It provides many important services within Canada, including search and rescue operations — honourable senators will observe the orange uniform present in the gallery today — military backup to

diplomatic visits and wide-spread training of personnel. The Canadian Armed Forces is also very active internationally, including participation in NORAD, humanitarian missions and transportation into and out of danger zones. The Canadian Armed Forces trains extensively with international militaries and, as a result, has a very good rapport with other countries.

Due to the broad and often international scope of the work that the Canadian Air Force does, it has need of the best of advanced technologies and training. Honourable senators, we owe it to our Royal Canadian Air Force to ensure that they have that training.

CANADIAN FOOTBALL LEAGUE

UNITED STATES NATIONAL FOOTBALL LEAGUE—PLAYING OF GAMES IN TORONTO

Hon. Larry W. Campbell: Honourable senators, I am sure that when the word “culture” is mentioned, the name “Senator Campbell” does not spring to mind. However, I rise today to speak on culture.

In February, it was announced that the Buffalo Bills of the National Football League intend to play eight games in the beautiful city of Toronto over the next five years. This is viewed by many as the first step toward either moving an existing franchise to Toronto or awarding the city an expansion team.

What would be the result? It would be a few people turning a \$1-billion investment into a \$6-billion windfall at the expense of the Canadian Football League. If this plan were to come to fruition, I, together with many others, believe that the CFL’s future would be in significant peril. As proud Canadians and fans of the CFL, we must make every effort to defend our own brand of football.

The Canadian Football League has existed for over 100 years, many times longer than the National Football League, and has provided Canadians of all ages with sporting memories that will last a lifetime. It is a league that is uniquely Canadian in both its rules and support. It is a league that generates hundreds of jobs across Canada and millions of dollars in related revenue for each member city. In 2005, the Grey Cup had an economic impact on the city of Vancouver to the tune of approximately \$48 million over that weekend. It is a league that gives back to the communities in which it thrives through dozens of programs and monetary donations. It is a league that, through decades of existence, has produced hundreds of local and national sporting heroes for the young people of Canada. It is a league that millions of people have grown up with, supported and loved. Perhaps most important, it is a league that holds our country together: Saskatchewan, Manitoba, Alberta, British Columbia, Ontario, Quebec and, soon, the Schooners from the East Coast.

As Canadians, we must ensure that this great cultural icon does not become extinct as a result of the wishes of one city and one group of people in this country. I urge honourable senators to support the Canadian Football League and its existence.

[Senator Day]

• (1415)

[Translation]

UNITED NATIONS

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to add to Senator Day’s comments. During the Second World War, of the 58,000 members of the Armed Forces who died in combat, 17,000 were members of the air force. The army had four times more personnel than the air force, so these deaths came at a huge cost.

[English]

That brings me to the centre element of my statement today, which is that 14 years ago today, at nearly the same hour, an extremist government in Rwanda took over from a military crisis committee and oversaw the slaughter of 800,000 human beings in 100 days, along with internal displacement and the turning into refugees of nearly 4 million people. In that process, the international community and the developed countries removed their troops in the face of potential casualties.

Few countries even attempted to maintain their role in that mission. Canada was the exception. In the first six weeks of the slaughter, Canada sent army and air force reinforcements, the only country to do so. The Canadian army sent 12 staff officers, and the air force sent two Canadian Hercules aircraft to allow a resupply of my force that permitted us to stay.

Canada’s was the only air force in the world that was willing to land in Kigali during that conflict. For 100 days they flew every day except those where the fighting prevented them from landing. We did not take casualties in the air force; however, the aircraft certainly looked like Swiss cheese after a few landings.

This brings me to the central point. I did not need only 12 staff officers and a couple of Hercules aircraft; I needed battalions, many Hercules aircraft and helicopters.

Canada was committed to Yugoslavia and did not have the resources, as a leading middle power in the world, to implement its own policy that it created and sold to the United Nations in September 2005, called “Responsibility to Protect,” whereby if a nation is massively abused by its government or the government cannot stop abuse, we have the responsibility to intervene.

We created this situation. We are a leading middle power in the world. We are not 163 out of 194. We are the ninth-most powerful country in the world. A couple of battalions in the field is not sufficient to protect Afghanistan or Darfur. Have we not learned any lessons in fulfilling our responsibilities to protect people from these massive abuses on this, the sixtieth anniversary of the creation of the United Nations Human Rights Doctrine?

CANADIAN MEDICAL ASSOCIATION REPORT ON DRINKING WATER

Hon. Jeremiah S. Grafstein: Honourable senators, I bring to your attention a landmark report, I believe the very first of its kind. In its most recent edition, the respected *Canadian Medical Association Journal* published a report on the deplorable state of

drinking water in Canada. This prestigious journal points out that 1,766 water advisories were in place as of March 31, 2008: some in every province of Canada. That includes 98 Aboriginal communities, not 85 as was pointed out to the Senate last week on this matter.

The report indicates:

Advisories are intended to be a precautionary measure in the public-health tool kit, but given that some have been in place for five years, they are apparently used as a band-aid substitute for treatment.

Honourable senators, Bill S-206 is now going before committee. I hope that senators will keep an open mind now that we have independent affirmation from a distinguished organization such as the Canadian Medical Association that this is a deplorable problem. I hope that the committee will deal with this report and the comments made by other senators and report to the Senate where we can have a healthy and positive debate to move this issue forward.

• (1420)

ROUTINE PROCEEDINGS

SPEAKER'S VISIT TO KUWAIT, YEMEN AND OMAN

JANUARY 6-17, 2008—REPORT TABLED

Hon. Noël A. Kinsella, pursuant to rule 28(4), tabled, in both official languages, a document entitled: "Visit to Kuwait, Yemen and Oman, January 6-17, 2008."

He said: I might point out, honourable senators, that this visit was inclusive of a visit to Her Majesty's Canadian ship *Charlottetown*, which was on patrol in the Persian Gulf at that time.

[Translation]

SCHREIBER-MULRONEY FINANCIAL DEALINGS

SECOND REPORT
OF INDEPENDENT ADVISOR TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the second report of the independent advisor concerning the allegations about the financial transactions between Karlheinz Schreiber and Brian Mulroney.

THE ESTIMATES, 2008-09

INTERIM REPORT OF NATIONAL FINANCE
COMMITTEE PRESENTED

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

Tuesday, April 8, 2008

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

TWELFTH REPORT

Your Committee, to which were referred the 2008-2009 Estimates, has, in obedience to the Order of Reference of Thursday, February 28, 2008, examined the said Estimates and herewith presents its report on *The Human Resource Management Issues in the Public Service*.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of report, see today's Journals of the Senate, p. 748.)

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

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

[English]

CANADIAN AEROSPACE TECHNOLOGY PROTECTION BILL

FIRST READING

Hon. Jeremiah S. Grafstein presented Bill S-232, An Act to prohibit the transfer of certain assets and operations from MacDonald, Dettwiler and Associates Limited to Alliant Techsystems Incorporated.

Bill read first time.

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

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

• (1425)

[Translation]

QUESTION PERIOD

OFFICIAL LANGUAGES

RENEWAL OF ACTION PLAN

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate and follows up on a question raised by Senator Tardif on April 2, 2008, concerning the Action Plan for Official Languages and its renewal.

Senator Tardif asked if funding had been allocated for the transition period. As we know, the action plan ended at the end of March 2008, and is therefore now defunct. The leader's response:

The agreements in education and the agreements on services with provinces and territories, which include funds from the 2003-08 action plan, are still in effect until March 31, 2009.

The leader of the Government is right. It is true that the two agreements she mentioned, as well as a third, the Canada-Community Agreements, are in effect until March 31, 2009.

I hope that her government will immediately undertake negotiations with respect to these three agreements, because the target groups who have to prepare their applications for funding must do so by December 2008 in order to receive funds by April 1, 2009.

With respect to the action plan that your government will renew and the six- to nine-month transition period, can the leader assure us that the targeted initiatives funded solely or primarily by this plan will receive financial support during this transition period?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. As she knows, Minister Verner has already announced that we will be unveiling a new action plan. As I have said before, the special adviser to the government, the Honourable Bernard Lord, has presented his report to the government. The government has released that report and I expect that the minister will be announcing very shortly the development of our new action plan — although in fairness, honourable senators, I cannot speculate as to what the minister will say in that announcement, or exactly when it will take place.

I understand the former premier of New Brunswick appeared before the Official Languages Committee and that his testimony was very well received. I just wish to assure honourable senators that the government takes very seriously the issue of official languages, especially in minority communities.

However, the former premier has made some very solid — and valid — recommendations to the government. There will be a new action plan, and the minister will be announcing it, I hope, shortly.

Having said that, as I pointed out last week, all Canadian Heritage funds in connection with the 2003-08 action plan are confirmed until March 31, 2009.

[Translation]

Senator Chaput: As I understand it, the initiatives begun as part of the action plan may be carried out during the transition period until the government comes up with a new action plan. Is that right?

[Senator Chaput]

[English]

Senator LeBreton: We will have a new action plan but, as I stated last week, the agreements in place in relation to education and the agreements on services with provinces and territories that were part of the 2003-08 action plan will be in effect until March 31, 2009.

It is to be hoped that, very shortly, the new action plan will be released by Minister Verner.

• (1430)

However, having said that, I just want to confirm what I said last week with respect to the agreements on education and services with the provinces and territories that include funds from the 2003-08 action plan: the funds will be in place until March 31, 2009.

[Translation]

Hon. Claudette Tardif (Deputy Leader of the Opposition): In reply to the question from Senator Chaput, the Leader of the Government indicated that agreements on education and the Canada-Community Agreements were to continue until March 2009.

These agreements were part of the former Action Plan for Official Languages. However, other areas that were part of the plan were not addressed in her reply. For example, does this mean that in immigration, health and the legal field, there is currently no funding, or will the funding continue until the new plan is announced?

[English]

Senator LeBreton: As the honourable senator knows, I have stated, while specifically talking about education and services that were part of the plan, that we will shortly have a new action plan released by the minister.

With regard to the honourable senator's specific question, I will take the question as notice.

TOURISM

TRAVEL DEFICIT

Hon. Catherine S. Callbeck: My question is to the Leader of the Government in the Senate. Tourism is an important industry in Canada. It creates many jobs and helps to stimulate the economy. However, last year, growth in tourism was down 3.7 per cent from 4.3 per cent the year before. Statistics Canada reported that for the first time our travel deficit in March — this is two weeks ago — exceeded \$10 billion. This is an increase of more than \$3 billion over the previous year. According to Statistics Canada, the dramatic increase in the deficit is fuelled mostly by higher spending by Canadians travelling abroad.

Are the government and the Canadian Tourism Commission concerned about this travel deficit, and are they considering ways to address it?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The honourable senator has posed a good question. Obviously, the tourism industry and the government are concerned about their ability to attract tourists to Canada.

There are many reasons for the travel deficit. The appreciating value of the Canadian dollar, as the honourable senator pointed out, caused Canadians to travel abroad. The vast majority of Canada's tourists come from the United States, and the deteriorating economic condition in the United States, the fact that the dollar was at par, means they no longer have the advantage of a high American dollar versus a low Canadian dollar. There are issues such as the price of gasoline, which, even though high in the United States, is still much higher in Canada.

All these factors contribute to the numbers falling. In addition to that, of course, there was the issue of the thickening of the border, as it is called, with the misinformation about passports, which was prevalent on both sides of the border.

This travel deficit is a serious issue. The government will be looking at ways to attract tourists to Canada, especially vehicle traffic. Minister Day has been working with his American counterparts on the issue of the border.

• (1435)

In any event, I will be happy to take the honourable senator's question as notice and provide to her whatever information I can obtain on what steps are being taken to improve these numbers.

Senator Callbeck: I am certainly happy to hear that the government is concerned about this \$10 billion deficit, because it is a serious issue. The statistics that I quoted show an alarming and growing trend. It is one that is of great concern to the tourism industry in my province, and in all parts of Canada.

The latest expenditures available from the Canadian Tourism Commission are for 2006. They indicate that only 4 per cent of the marketing budget was spent on marketing in Canada. In fact, that was a 20 per cent decrease from the year before.

The real issue here is the extent to which marketing dollars are being spent abroad, rather than in our own country to promote and encourage Canadians to travel within Canada. I know that the Canadian Tourism Commission is a Crown corporation, but the Deputy Minister of Industry is an ex-officio member of that Crown corporation. I am wondering if the government has given any directions to that deputy to pass on to the commission on how this deficit should be dealt with.

Senator LeBreton: I could not agree more with the honourable senator that Canadians should be encouraged to travel within the country. There is some tremendous history and some wonderful sights and locations within Canada that we should be encouraging Canadians to enjoy.

With regard to the honourable senator's specific question about the Canadian Tourism Commission and the role of the Deputy Minister of Industry, I am happy to take the question as notice.

[Translation]

PUBLIC WORKS AND GOVERNMENT SERVICES

RESTORATION OF QUEBEC CITY ARMOURY

Hon. Dennis Dawson: Honourable senators, my question was for the Minister of Public Works; but in his absence, I will address the question to the Leader of the Government in the Senate.

Since fire has ravaged one of the most beautiful buildings of the other national capital, can the Leader of the Government assure us that her government will support the requests for the reconstruction of the Quebec City Armoury and allocate the necessary funding to restore this building as quickly as possible?

This year the citizens of Quebec City are celebrating the 400th anniversary of its founding. They certainly do not want to wait a full year for the federal government to make an official commitment to rebuild the armoury.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. Like most Canadians who have had the privilege of touring the armoury, I was horrified at the sights of the fire on Friday night.

The armoury was a magnificent structure. I remember being in that building and marvelling at its beautiful wooden ceiling. I am happy that some or most of the military artifacts were salvaged. I was particularly struck by the comments of the soldiers who were there.

As the Prime Minister said yesterday, the government knows full well the importance of this armoury and understands its historical value and heritage, not only to Quebec City but also to the country and the world. The government is committed to exploring all possibilities to rebuild the building which, as I have said, illustrates so well the proud history of Quebec City and Les Voltigeurs.

This fire was a sad occasion, and I was glad to see that at least some of the beautiful stone facade was left standing. The government will do everything it can in exploring all possibilities to restore this beautiful piece of architecture to its original state.

[Translation]

NATIONAL DEFENCE

RESTORATION OF QUEBEC CITY ARMOURY—MAINTAINING MILITARY OPERATIONS

Hon. Dennis Dawson: I appreciate the reply by the Leader of the Government. However, can the government also assure us that the military function of the armoury will be maintained and that the Department of National Defence will retain ownership and oversee reconstruction?

• (1440)

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I made the assumption that the minister would oversee the rebuilding process, but I will be happy to refer the question to the Department of National Defence for a definitive response.

PUBLIC WORKS AND GOVERNMENT SERVICES

ABSENCE OF MINISTER

Hon. Yoine Goldstein: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

The Senate has been deprived of the presence of Senator Fortier, who should have fielded the two previous questions, last week and now today. Does the Leader of the Government in the Senate happen to know where he is?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, it is a tradition of the Senate not to identify the presence or absence of any particular senator.

Senator Dawson: It is a tradition to participate every once in a while.

Senator LeBreton: However, I do happen to know that Senator Fortier was ill last week. While he is in Ottawa this week, he had a function that he had to attend today. I am sure he will be returning to the chamber tomorrow.

JUSTICE

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT— CASE OF OMAR KHADR

Hon. Roméo Antonius Dallaire: Honourable senators, my question is to the Leader of the Government in the Senate and concerns the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Honourable senators, this optional protocol was open for signature in June 2000 and the Canadian government ratified that protocol in July 2000. The document came into force in February 2002 and has been binding international law since then. Canada has yet to enact legislation that would transform our international treaty obligations under the optional protocol into domestic law of Canada.

This government has been in power for two years. The previous government had four years. Is this government planning to move this matter along faster than the previous government?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I note Senator Dallaire was at the armoury in Quebec City and I appreciated his comments in regard to that terrible event.

With regard to his question, I will be happy to take it as notice.

Senator Dallaire: I reside in Quebec City. My son serves in that regiment and my father-in-law commanded it in World War II, so we were quite chagrined about the fire.

Further to the question, in June 2006 the U.S. Supreme Court invalidated the military commissions in Guantanamo Bay. They said, in fact, that the military commissions violated United States Uniform Code of Military Justice and the Geneva Convention.

In July 2006 — remembering that this government has been in power since January 2006 — the United Nations called on the U.S. government to close Guantanamo Bay because the indefinite detention of individuals without charge was a violation of the Convention Against Torture.

The young gentleman was finally charged in February 2007 as a child soldier. The members opposite continue to argue that that is a valid process when the international community, through the United Nations and the U.S. Supreme Court, have said that that process is illegal and inappropriate. Why is the government satisfied to keep this young gentleman rotting in that jail?

Senator LeBreton: Honourable senators, I spoke last week about the verb that Senator Dallaire had used. Actually, my answers to the questions with regard to Omar Khadr have not changed. As the Minister of Foreign Affairs has also stated, there is a process that we are following so I cannot give the honourable senator an answer that is any different from what I have said in the past on this matter.

• (1445)

Senator Dallaire: Honourable senators, after numerous tries, with all kinds of proof, the Leader of the Government in the Senate is confirming, once again, that her government is in agreement with an illegal process; a process, moreover, that is recognized in its home country as being illegal and inappropriate. Furthermore, her government takes the stand that this process is appropriate for a Canadian citizen who should not even be in jail in the first place, for he was charged as a child soldier, and we, as a government, have ratified that protocol.

Senator LeBreton: The honourable senator must not put words into my mouth, or into the government's mouth. We are simply following a process. As I have said previously, Mr. Khadr faces some very serious charges. The Government of Canada has received assurances that he is being treated in a proper and humane way. I think it is premature for me — or anyone else — to speculate on what the outcome of this process will be. We should simply allow the process to make its way through the court.

PUBLIC WORKS AND GOVERNMENT SERVICES

PURCHASE OF HELICOPTERS

Hon. Marcel Prud'homme: A dispatch by the Canadian Press says that the Minister of Public Works and Government Services, Michael Fortier, has stated that helicopters are meant to equip the Canadian Armed Forces over the long term and not to fill Canada's immediate need for helicopters in Afghanistan.

However, my friend Minister of Defence Peter MacKay, who is not party to the above quote, says that the helicopter purchase is about getting the Canadian Armed Forces into the war-ravaged country as quickly as possible. What is the score?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. Indeed, I saw that article myself. I share the honourable senator's views, so I will need to take the question as notice since I have no idea of the appropriate response.

PRIME MINISTER

COMMENTS OF MEMBER FOR REGINA-LUMSDEN-LAKE CENTRE

Hon. Robert W. Peterson: Honourable senators, my question is to the Leader of the Government in the Senate. During the past week, there has been much debate and publicity regarding remarks made by the member of Parliament for Regina-Lumsden-Lake Centre. These remarks have been described as offensive, incendiary, insensitive, homophobic and demeaning. There has also been much debate over an apology and forgiveness. I do not believe that it is within the purview of this chamber to debate these matters, as the constituents of Regina-Lumsden-Lake Centre will render their judgment at the appropriate time.

I do, however, believe that the government has a responsibility in this matter to send the appropriate signal to the people of Canada that this type of behaviour is unacceptable and will not be tolerated.

Why will the government not remove the member as a parliamentary secretary to demonstrate that the Prime Minister does not condone this type of behaviour? Does the Leader of the Government in the Senate not realize that if the Prime Minister does nothing, he will end up owning this issue?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I think it is widely believed that the remarks of the member in question were inappropriate, and completely foolish and unkind. There is no end of adjectives that one could use to describe the inappropriateness of his comments. The person who has acknowledged that, first and foremost, is the member himself. He offered an apology to the public and he offered a heartfelt apology to the House of Commons.

I agree with Senator Munson that when one apologizes in the manner in which this member did — and it was a sincere apology — it is fair to assume that he has grown and changed, just like the rest of us have done. I appreciate what Senator Munson has said, because that is the reality.

I think that, ultimately, the people who will make the final decision as to whether or not he is to be forgiven will be the electors in his riding.

Senator Peterson: The Regina-Lumsden-Lake Centre seat was previously held by a Canadian Alliance MP, who was stripped of his caucus duties in 2003 after making homophobic comments in an interview. He was then not allowed to run for the Conservative Party in the next election.

• (1450)

Why the inconsistency? What has happened since 2003 that the government would not follow the same criteria and remove Mr. Lukiwski from the position of Parliamentary Secretary to the Leader of the Government in the House of Commons?

Senator LeBreton: Honourable senators, I believe that Tom Lukiwski is genuinely sorry. As he said himself, there is no excuse for the comments he made and he does not believe his previous assertions. Those of us who work with him in caucus know that those comments do not reflect his views.

As Jeffrey Simpson pointed out this morning in *The Globe and Mail*, the comments were made almost 17 years ago at a private function. Indeed, they were totally inappropriate. However, as my father used to tell me when I was a child, people who live in glass houses should not throw stones. I believe that many people, upon reflection, can think of occasions when they may have said something inappropriate or been in the company of people who said inappropriate things.

I cannot speak for the former member of Parliament in the Canadian Alliance party, but I do know that the comments he made were made when he was a member of Parliament, and they were made directly to a reporter. Those comments were totally inappropriate and were not in keeping with the views of the leader, and appropriate action was taken.

In this case, having watched and listened to the apology of the member of Parliament, I believe that his apology was sincere. As fair-minded people, considering circumstances in which we may have found ourselves, it is only fair and reasonable to accept his apology, as Senator Munson suggested. Senator Munson, like me, has been around Parliament Hill for quite some time.

Mr. Lukiwski's remarks were totally inappropriate, as the Prime Minister has said. The government is working hard to stamp out intolerance of all kinds. I believe that the apology of the member in question was heartfelt. I believe that fair-minded people know that and are prepared to accept his apology.

[Translation]

DELAYED ANSWER TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to oral questions raised on March 11 and 12, 2008 by the Honourable Senator Cordy, regarding foreign affairs and international trade — Mexico — case of Brenda Martin.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MEXICO—CASE OF BRENDA MARTIN

(Response to questions raised by Hon. Jane Cordy on March 11 and 12, 2008)

The case of Brenda Martin is deeply troubling and the Government of Canada has been pressing the Government of Mexico for a rapid resolution to her judicial process. We remain very concerned about delays in Ms. Martin's judicial

process and the impact of these delays on her health and well-being. Minister Bernier and Secretaries of State Kenney and Guergis have been actively involved in the case, as have senior officials at the Department of Foreign Affairs and International Trade. The Government has been and will continue to make representations on Ms. Martin's behalf until her case is successfully resolved.

Despite media reports to the contrary, this Government has been actively involved in Ms. Martin's case since her arrest in February 2006. Consular officials in Guadalajara have visited Ms. Martin on numerous occasions and have also been in regular telephone contact. They are also in regular contact with prison officials to ensure that concerns about Ms. Martin's health and well-being are promptly addressed.

Secretary of State Guergis visited Mexico in late-January 2008 and met with senior Mexican officials, including the Foreign Secretary and Attorney General. She specifically raised the government's concerns with delays in the judicial process case and requested that it be expedited. During a short visit to Guadalajara, Secretary of State Guergis met with a number of local authorities, including with senior officials in the State Governor's office. She also met with the President of the State Human Rights Commission office to discuss issues related to Ms. Martin's well-being and treatment by prison officials. On her return to Canada, Secretary of State Guergis wrote to Foreign Secretary Espinosa and Attorney General Medina Mora to follow up on issues raised in her meetings.

In January 2008, a Mexican court heard an *amparo*, or constitutional challenge, filed by Ms. Martin's lawyer which claimed that her rights were not respected following her arrest by Mexican authorities. Both Secretary of State Guergis and the Canadian Ambassador to Mexico raised the *amparo* with Mexican officials and requested an immediate resolution. The *amparo* was rejected by the Mexican court on March 7, 2008 on the basis that her rights under the Mexican Constitution were not violated.

Minister Day raised Ms. Martin's case with the Mexican Minister of Interior during his visit to Mexico on February 28, 2008.

On March 11, 2008 the Department of Foreign Affairs and International Trade delivered a diplomatic note to Mexico to emphasize the Government's continued concern about Ms. Martin's case. In the note, we sought Mexico's assurances that Ms. Martin's rights under the applicable Mexican laws and international legal instruments would be respected. On that same date, Minister Bernier raised the same concerns in a phone call with Mexican Foreign Secretary Patricia Espinosa. He reiterated those same key messages with Secretary Espinosa at meetings in Washington on March 17.

On March 19, 2008 Secretary of State Jason Kenney traveled to Mexico to meet with key officials from the Mexican Foreign Ministry and Attorney General's office. He delivered a clear message that there is deep public and political concern in Canada over Ms. Martin's case.

Secretary of State Kenney also met with Ms. Martin and assured her that the Government of Canada remains focused on her case, including ensuring her safety and legal protections, until this matter is resolved.

The Government will continue to be very involved in Ms. Martin's case and will continue to advocate on her behalf until her case is successfully resolved.

[English]

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, on Tuesday, March 11, 2008, at the beginning of Orders of the Day, Senator Murray rose on a point of order to complain about the conduct of Question Period during recent sittings. In particular, he objected to several questions touching on a confidence vote that occurred in the House of Commons in May 2005.

Senator Murray expressed concerns about these questions and answers for two reasons. First, he argued that they did not fall within the administrative responsibility of the government. Second, he said they involved reflections upon proceedings in the other place and were therefore inappropriate.

[Translation]

In response, Senator Mercer noted that similar questions have been dealt with in the other place. Senator Fraser, in turn, argued that the issues raised were of such a nature that they could be discussed. For her part, Senator Carstairs referred to *Beauchesne's* to remind the Senate that Question Period involves the cabinet submitting its conduct of public affairs to the scrutiny of the opposition. Senator Nolin expressed the view that the issue to be considered is whether the question relates to "public affairs."

• (1455)

I would like to thank all honourable senators for their contributions to discussion on this point of order.

Question Period in the Senate provides an opportunity to seek information from the government or from chairs of committees. Rule 24(1) outlines what questions can be asked of whom. A question posed to a committee chair must relate to the activities of that committee. Questions posed to the Leader of the Government in the Senate should relate to public affairs. Other ministers in the Senate can also be asked questions, but only in relation to their ministerial responsibilities.

[English]

Question Period in the Senate is, therefore, not the same as that in the other place. The Leader of the Government in the Senate has broader responsibility for answering questions than any other single cabinet minister. Moreover, the atmosphere here tends to be calm and reflective, as befits the high respect honourable senators have for each other, despite their range of views on many issues.

In considering Senator Murray's first point, that the recent questions do not relate to the administrative responsibilities of the government, we must take into account the different roles for the leader and any other ministers in the Senate that have already been noted. The latter are only answerable for their "ministerial responsibilities." This point was dealt with in the October 31, 2006 ruling on questions addressed to the Minister of Public Works and Government Services, and is similar to the restriction noted on page 426 of the *House of Commons Procedure and Practice* where Marleau and Monpetit state that questions should be "within the administrative responsibility of the government or the individual minister addressed."

However, rule 24(1) clearly gives the Leader of the Government in the Senate a larger role. The leader can be asked questions about "public affairs" in general. This is a very broad term, in keeping with the expansive responsibilities encompassed by that position. The Senate has not chosen to narrow its meaning or to develop guidelines as to acceptable questions.

[Translation]

We must be cautious, therefore, about imposing restrictions on questions to the leader that appropriately apply to those asked of other ministers in the Senate. In considering the nature of questions asked of the leader, a ruling by Speaker Molgat is perhaps relevant. On April 2, 1998, he stated that "matters are presumed to be in order, except where the contrary is clearly established to be the case." This is a sound general principle for us in the Senate. Applied to Question Period, it suggests that, unless clearly out of order — as would be the case of overly-broad questions addressed to ministers other than the leader — the Speaker should err on the side of allowing questions.

[English]

In practice, of course, the Senate is to a great extent a self-regulating chamber. As such, senators have considerable responsibility for determining how business is to be conducted. In the absence of clear guidance from the chamber itself, senators rely on their own understanding of "public affairs." Senators should only ask questions that they believe are, in fact, related to "public affairs." Similarly, the leader should only answer questions that she believes to be related to "public affairs." Senators themselves are best positioned to determine whether a question is appropriate and how it should be answered.

Given that the questions at the source of this point of order were asked and answered, and guided by the principle that it is preferable to err on the side of allowing an exchange of information unless it is clearly prohibited, it would be inappropriate for the Speaker to rule the questions at issue out of order.

• (1500)

[Translation]

With respect to Senator Murray's second point, questioning the propriety of references to votes in the other place, I note that Marleau and Montpetit state, at pages 522-523, that disrespectful reflections on either House are not permitted and that references to Senate proceedings are "discouraged" in the Commons. Similarly, in the Senate our practice is to focus on what occurs

here and outside Parliament; it is not to engage in discussions on the proceedings or procedures of the other place. This is a sound practice. During Question Period and at other times senators should be guided by this limitation.

[English]

Question Period in the Senate is an important part of the sitting. It is in all our interests to ensure that it remains effective.

The model of Question Period in the other place has not been embraced as one to be followed in the Senate. Nevertheless, from time to time, the nature of a given issue may generate lively reactions among senators. We must, however, be wary of an appearance of disorder seeping into our proceedings.

While the questions on which the point of order were raised were not out of order, I once again encourage all honourable senators to reflect on the manner in which we conduct ourselves in order to ensure that we preserve the useful flow of information that has long been the tradition and hallmark of Question Period in the Senate.

Hon. Terry Stratton: Your Honour, I would like to make reference to a tradition and a custom. I do not want to have this taken as a point of order.

I would like to point out that, when honourable senators are absent from the chamber, we do not refer to that absence. That has been a long-standing tradition. It is out of politeness to that individual and to this chamber that we do not do so. There are various and numerous reasons for that. I would like to reinforce this message because, once in a while, I feel we need to be reminded.

The Hon. the Speaker: Honourable senators, I take the point of order raised by Senator Stratton. The honourable senator has articulated the practice that is supported in the procedural literature — and, indeed, may be found in our rules reference — that, in debate, which is the particular reference, there is no reference made to the presence or absence of honourable senators.

Senator Mercer: He reaps what he sows.

Hon. Marcel Prud'homme: Your Honour, on this point I agree with your decision, or reminder to honourable senators. However, what would be the decision if an honourable senator stood up and said, "Your Honour, I have a question today to the Minister of Public Works that is the following . . ." and there is silence? Is such a question calling attention to the absence of an honourable senator? In other words, although I am not saying "the minister being absent," I would still go forward directly, ask the question and wait.

The Hon. the Speaker: On the different point that Senator Prud'homme is raising, the rules, particularly rule 24, are very clear on to whom we ask questions. We have had examples of this, honourable senators, when a chair of a given standing Senate committee was not present. Obviously, the *conditio sine qua non* of the response of a chair of a committee would be the presence of the honourable senator who is chairing that given committee.

Therefore, the rules indicate that it is a high responsibility of chairs of committees, of any minister who is in the Senate and, obviously, the Honourable Leader of the Government in the

Senate to make every effort to be present in order to be able to respond to the questions for which the rules provide.

That is generally the case. However, from time to time, honourable senators who chair committees have other obligations. We often see that honourable senators did wish to ask questions about committee business and were placed in the unenviable position of being unable to do so. Usually the questions relate to the business of the committee that might actually occur that week when the committee is sitting and not in reference to occurrences in some distant millennium.

Honourable Senator Prud'homme's observation is well made.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino, for the second reading of Bill C-299, An Act to amend the Criminal Code (identification information obtained by fraud or false pretence).—(*Honourable Senator Comeau*)

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise today to speak to Bill C-299, an Act to amend the Criminal Code, identification information obtained by fraud or false pretences.

I am pleased to speak to this bill that came to us from the other place. Bill C-299 is a private member's bill introduced by the member of Parliament from Edmonton-Leduc. It is primarily aimed at the growing problem of identity theft. I am pleased to be able to add my voice to those who support this bill.

By all accounts, identity theft is growing both in the number of incidents and the amount of losses to consumers, retailers, service providers, financial institutions and governments.

We also know that identity theft is linked to organized crime and to terrorism. The use of another person's identity is not simply useful to gain access to their money and goods. It is also a tool used by organized criminals to conceal their true identities. This may be done to avoid raising suspicion or to avoid being detected by authorities if the person is already known to law enforcement or other agencies.

It may also be done to shield a criminal in anonymity when they commit other crimes. The result of this tactic is that, when the crime is discovered, the investigation reveals not the true criminal but the innocent person whose name the criminal used during the commission of the crime. This jeopardizes the investigation into the crime and, more important, implicates an innocent person in a crime they had nothing to do with.

• (1510)

While this type of identity crime is rare, it is serious enough that we, as parliamentarians, must be aware of it and be as vigilant as possible when it comes to doing something about it.

Today, pretending to be another person is a crime in Canada. Fraud, of course, is also a crime, including where the fraud consists of pretending to be another person.

One classic example of identity theft, combined with fraud, is the so-called mortgage fraud situation, whereby a person pretends to be the owner of a particular piece of property, takes out a mortgage on the property, and then disappears with the proceeds of the mortgage.

Currently, the act of getting the information necessary to impersonate someone with the intention of doing just that is not criminalized. This means that, unless another crime is being committed, people can act so as to obtain identifying information in circumstances for which there is no possible explanation other than that they intend to commit fraud or personation. Yet, the police would not be able to lay a charge or confiscate the information. People could also set up shops as information traffickers in the business of getting that information in lawful ways and then selling it to criminals with the full knowledge of what the criminals plan to do with that information.

Bill C-299 would begin to address this problem by creating new offences in the Criminal Code for the collecting and trafficking of identifying information, where those acts were done for the purposes of using the information to commit crimes or with the knowledge that someone else was about to do just that. I should point out that Bill C-299 does not fully address the identity theft problem. It is a much larger problem than this bill attempts to deal with. These new offences apply only in respect of information that is obtained through some kind of deception. In effect, this is an information bill only.

Deception is only one of the ways that identity thieves get their information. Although Bill C-299 is only a partial solution to a major problem, it is a positive and worthwhile step in the right direction. We are not purporting to say that the bill covers all of the problems arising from identity theft.

As a result of the limitation of this private member's bill, the government has decided to move forward on a comprehensive bill that addresses all aspects of the issue of identity theft. Bill C-27 is currently before the other place.

Honourable senators, I suggest that this place need not wait for the House of Commons to deal with the government legislation. I am instructed that should Bill C-27 pass into law, there is a clause that allows it to incorporate and supersede the amendments to the Criminal Code that are found in Bill C-299. As pointed out, Bill C-299 is not a complete answer to the problem but it is a step in the right direction. I add that Bill C-299 passed third reading in the other place with unanimous support.

Honourable senators, I am painfully aware of the position that this chamber takes on bills that appear to pass too quickly and without careful consideration in the other place. I want honourable senators to know that a House committee heard

from witnesses and substantial amendments were made to the bill. Representatives from the Information Technology Association of Canada appeared before the committee in the other place. They indicated to the committee their support for the intent and content in general but had suggestions to improve Bill C-299 and Bill C-27. They proposed wording to address what they see as an increasingly problematic subset of personation, that is, the phenomenon of pretexting.

Stated simply, the members of the ITAC were concerned that the bill, as originally drafted, did not create an explicit offence of personating someone with the intent to obtain personal information relating to that person. Instead, personation is only an offence when tied to the intent to gain advantage, obtain property, cause disadvantage or obstruct justice. It was their view that personation for the purpose of obtaining personal information should be an offence in itself without the need to prove why the information was sought. Such an offence goes farther than protecting privacy, and it would be much easier to prosecute.

Honourable senators can see that with that kind analysis the bill was modified and changed in the other place. The Senate can now do its due diligence to ensure that Bill C-299 is in proper form. All parties agree that the issues put forward in regard to this matter are serious. All parties agree that this is a proper first step in combating this growing problem.

I urge all honourable senators to join me in calling for this bill to be sent to committee for in-depth study.

On motion of Senator Tardif, debate adjourned.

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Janis G. Johnson moved second reading of Bill C-428, An Act to amend the Controlled Drugs and Substances Act (methamphetamine).—(*Honourable Senator Comeau*)

She said: Honourable senators, given the Prime Minister's announcement of the new National Anti-Drug Strategy, Bill C-428 is very timely. The strategy includes \$64 million allocated in Budget 2007, a significant development in the government's continuing fight against the illicit production, distribution and use of drugs like methamphetamine. This private member's bill amends the Controlled Drugs and Substances Act to prohibit a person from possessing, producing, selling or importing anything knowing that it will be used to produce or traffic in methamphetamines. The member from Peace River, sponsor of the bill in the other place, rightly said that methamphetamine and other synthetic drugs are addictive and damaging, with tragic consequences for users.

It is important that our laws be strengthened and that any gaps be filled. This bill does just that. Currently, if the police find the ingredients and the equipment to make methamphetamine but the actual production process has not begun, they cannot lay a charge of producing methamphetamine, which carries a

maximum penalty of 10 years. The most they can do is lay a charge of possession of a precursor chemical, which carries a maximum penalty of three years.

Honourable senators, I wish to comment on Health Canada's recent legislative and regulatory action against synthetic drugs, which Bill C-428 would affect. As senators are aware, methamphetamine has been moved up to Schedule I of the Controlled Drugs and Substances Act. This has had the effect of substantially increasing the maximum penalty for the importation and possession for the purpose of exportation, production and trafficking of methamphetamine from 10 years to life imprisonment — a strong deterrent, to say the least. Similarly, the maximum penalty for simple possession has been increased from three to seven years.

In addition, the Precursor Control Regulations, which are made under the CDSA, control the chemicals that potentially could be used to manufacture methamphetamine and other synthetic drugs. These regulations are at the front line of curbing synthetic drug production. For example, they are used by government officials to restrict the movement of precursor chemicals across the border between the U.S. and Canada — an effort that has measurably reduced the illegal shipment of these chemicals into Canada.

Treating crystal methamphetamine abusers after the fact is not enough. It is difficult, but that is why this government is making such a large investment in fighting illegal drugs. The health and safety of Canadians depends on winning this battle. Bill C-428 will empower law enforcement authorities to disrupt crystal methamphetamine lab operations before they begin production by arresting those involved and seizing the materials.

Honourable senators, with this bill there is also potential for greater efficiency in the battle against organized crime. The federal, provincial and territorial governments must cooperate fully in national efforts to combat illicit drugs. The dollars leveraged under the National Anti-Drug Strategy must be directed toward effective action and achieving demonstrable results that do not disrupt the lives of everyday Canadians.

• (1520)

This is not a partisan issue, honourable senators. This bill passed third reading with unanimous support in the other place. We all know the difficulties created by synthetic drugs in our regions and the spectrum of serious social problems caused by drug abuse. I hope you will join me in supporting this bill.

On motion of Senator Tardif, debate adjourned.

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on National Finance (Bill S-219, An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and establishment of national area of selection), with an amendment), presented in the Senate on April 3, 2008.—(*Honourable Senator Stratton*)

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

He said: Honourable senators, I am speaking today with the permission of Senator Stratton, in whose name this item stands. I am moving that the report of the Senate committee be adopted so that we can proceed with third reading.

Honourable senators will note that this is a private member's bill. It is, in fact, a bill of Senator Ringuette. The Standing Senate Committee on National Finance, according to the instructions received from the Senate, studied this bill and reported back with one amendment. Therefore, as I understand rule 97(5) and rule 99, I am required to explain to you the amendment that we are proposing.

Honourable senators will have received the eleventh report last week. Your committee, to which was referred Bill S-219, to amend the Public Service Employment Act, elimination of bureaucratic patronage and establishment of national area of selection, has, in obedience to the order of reference, examined the said bill and now reports the same back with one amendment.

The amendment, honourable senators, is to add this clause:

Section 3 comes into force on a day not later than July 1, 2009, to be fixed by order of the Governor-in-Council.

The bill did not have a coming-into-force date, and the head of the Public Service Commission, Madam Barrados, recommended that there be a coming-into-force date. After some discussion, the committee agreed unanimously on this amendment. I say "unanimously," as this included the proponent of the bill, Senator Ringuette.

With that explanation, honourable senators, I would ask for the adoption of this report.

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

Hon. Senators: Question!

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

On motion of Senator Tkachuk for Senator Stratton, debate adjourned.

STUDY ON IMPACT AND EFFECTS OF SOCIAL DETERMINANTS OF HEALTH

THIRD INTERIM REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Population Health Policy: Federal, Provincial, and Territorial Perspectives*, tabled in the Senate on April 2, 2008.—(Honourable Senator Keon)

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

He said: Honourable senators, I am pleased to speak to the ninth report of the Subcommittee on Population Health of the Standing Senate Committee on Social Affairs, Science and Technology.

As you know, the subcommittee has been mandated to examine and report on the impact of multiple factors and conditions that contribute to the health of Canadians, known collectively as the determinants of health. A central element of our study is to identify the actions that must be taken by the federal government to improve overall health and reduce health disparities.

When I spoke in this chamber to the subcommittee's first two interim reports last month, I emphasized that, as a country, we find ourselves in a very embarrassing position internationally, compared unfavourably with most industrialized countries in terms of the health status and the performance of our health care system, as well as our nation's productivity.

Perhaps even more embarrassing are the disparities in health within Canada. There are population groups, especially some of our Aboriginal peoples, who suffer disproportionate health problems that are not only a moral blemish on our nation but a barrier to our shared prosperity.

We will not correct the situation by investing more in the health care delivery system. We must pay greater attention to the other determinants of health — in other words, implementing and coordinating population health policies.

This was the focus of our ninth report, entitled *Population Health Policy in Canada: Federal, Provincial and Territorial Perspectives*. It describes and compares the efforts of the federal, provincial and territorial governments to develop and implement population health policy in Canada.

As you know, honourable senators, the concept of population health has been with us for some time now. It was elaborated in 1974 in the Lalonde report and, over time, evolved from a focus on improving overall health status to an emphasis on reducing health disparities.

In those early years, Canada was a world leader in the development of the concept. Since then, the federal, provincial and territorial governments have devoted considerable attention to population health, but with little progress. There is still no national plan in Canada to reduce health disparities and improve overall population health.

Why not? The approach was approved in principle over 10 years ago. In 1997, the federal government endorsed a memorandum to cabinet on population health with a proposal involving 18 departments led by Health Canada. When it came time to implement the plan, however, funding cuts reduced the scope of the project, and only Health Canada ended up applying a population health lens to its programs and initiatives.

One of the mechanisms recommended by the memorandum to cabinet to evaluate federal policies and programs was health impact assessments. The use of health impact assessment tools has been promoted in numerous provinces, and a number of provincial reports have recommended that health impact

assessments be part of all cabinet decisions. To date, only Quebec has passed legislation to ensure that health impact of proposed laws and regulations are assessed.

We were encouraged to find in our study that some provinces have made progress in population health policies. In Newfoundland and Labrador and in Quebec, population health policy is led by the health department, but the two jurisdictions also have separate policies on poverty and social exclusion. In other provinces, whole-of-government approaches tend to be focused on individual health determinants, such as British Columbia's program.

ActNow BC, which is working to improve health practices, and Manitoba's early childhood development program, Healthy Child Manitoba — excuse me. I may have to stop; I have a serious problem with my throat. I will simply summarize.

In essence, we have a serious health problem in Canada. Our health status is among the worst in developed countries and we are not addressing this situation. We are hoping that our study in the Senate will lead to improvements. I will be speaking again tomorrow on the tenth report. Hopefully, our final report will be out in December. I am asking honourable senators to really think about this, because our final report will outline a strategy whereby governments can cooperate and correct this serious situation.

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

Motion agreed to and report adopted.

• (1530)

ARTHRITIS

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Art Eggleton: Honourable senators, I wish to add my voice to others who have already spoken in support of the important issue of arthritis.

The Arthritis Society, whose national administrative office is in my home town of Toronto, is Canada's only non-profit organization that is solely devoted to funding and promoting arthritis programs, research and patient care. They offer "hope through education, support and solutions" and I am confident that we can align ourselves with this notion.

As has already been said, though arthritis is not exclusively a disease found in older members of society, the prevalence and progression of arthritis does increase with age. As baby boomers continue to mature, the number of Canadians diagnosed with one of over 100 types of arthritis will continue to increase at a rapid pace.

From now until at least 2031, each decade will generate another million people who will suffer from this disease. That is an additional 100,000 people per year, 8,000 per month, 2,000 per week, or 275 each day. Experts predict that by 2026, more than 6 million Canadians over the age of 15 will be living with arthritis; that is more than 1 in 5. About 25 per cent of women and 15 per cent of men will deal with the daily pain and disruption brought about by this disease.

Senator Comeau has already mentioned that osteoarthritis is not a normal consequence of aging. This is an important point, especially when considering that statistics can only speak to diagnosed cases and overlook those who lack the knowledge to recognize arthritis in one of its numerous forms.

Prevention has been discussed as a key component in managing osteoarthritis and early recognition and treatment is vital for the effective treatment of rheumatoid arthritis. The translation is that Canadians must be better educated. If we do not approach this problem now, we will inevitably be forced to deal with the repercussions of it later. The economic burden of musculoskeletal conditions accounted for 10.3 per cent of the total economic burden of all illnesses, but only 1.3 per cent of health science research. Something must be done to create a better equilibrium.

There is currently no single test that can diagnosis arthritis, and it is not uncommon for patients to undergo a variety of examinations before confirming the presence of this disease. A cure only exists for infectious forms of arthritis that are treated with antibiotics. Most forms of arthritis, such as gout, can only be controlled, generally by medication. Due to the chronic nature of arthritis, even the most potent of these medications is often not enough to eliminate all pain, especially on particularly bad days. Ongoing research is necessary to determine not only the cause but also a better means of managing and eventually eliminating arthritis.

Our workforce is strained from the impact of this disease. A staggering 76 per cent of arthritis costs in Canada are due to lost productivity and long-term disability. As the leading cause of disability in Canada today, more than 600,000 Canadians with arthritis are unable to work. Compared to other chronic conditions, people who suffer from arthritis are more likely to be dealing with severe or moderate pain and report having to stay in bed or reduce activities on a more frequent basis.

A report by the Arthritis Society shows that, of those surveyed, 8 per cent of people with arthritis reported 11 to 14 disability days versus 4 per cent of people with other chronic conditions. A recent European study showed that early retirement due to rheumatoid arthritis is frequent, with up to 50 per cent of those suffering from it being forced to leave the workforce and apply for a disability pension within 10 years of the onset of the disease.

Pain management workshops are one of the many initiatives of the Arthritis Society and provide assistance to those who suffer from any of the various forms of the disease. Run by volunteers, these workshops have no registration fee but some communities have waiting lists.

Arthritis is the cause of over 80 per cent of hip and 90 per cent of knee replacement surgeries. Another resource focuses on helping those who face these types of surgeries.

The website myjointreplacement.ca was created by the GTA Rehab Network in partnership with the Arthritis Society and the Total Joint Network. Winner of the 2006 Ontario Hospital Association Ted Freeman Award for Innovation in Education, the site has a focus on the GTA, but it has a wealth of information and support for people about to undergo or who have already undergone joint replacement surgery wherever they may live.

In my home province of Ontario, 1.8 million people are suffering from arthritis. These initiatives are a few that provide support and assistance to those Ontarians and their friends and family members who must live with the daily tribulations that this disease elicits.

In addition to increased education and support programs, research is an important area in the fight against arthritis. A new area of focus that Senator Callbeck alluded to is cartilage regeneration. By grafting cartilage and bone-like materials on to damaged joints, researchers are showing that the body is capable of repairing itself. For the numbers of Canadians who are currently on surgery wait lists, or who may be in the future, this is groundbreaking research. Studies like these will help lead us to better treatments, prevention and, hopefully, a cure.

Eliminating arthritis would achieve an overall increase in the health-adjusted life expectancy of 1.5 years for each female and almost 1 year for each male in the Canadian population. Surely we can agree that improving life expectancy in Canada is something that we should pursue.

As it enters its sixtieth year of operation, the Arthritis Society has launched a new marketing strategy with the rallying slogan, "Arthritis Fight It." David Prowten, Vice-President of Revenue Development and Marketing states:

We want our new message to respect the fact that many people push against the limitations of this painful disease, and that those living with arthritis fight it every day.

Honourable senators, let us join this fight. Let us offer our help and our hope to the rapidly growing number of Canadians who suffer from arthritis.

On motion of Senator Tkachuk, debate adjourned.

• (1540)

[Translation]

VOTING AGE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Di Nino, calling the attention of the Senate to the voting age in Canada for federal elections and referendums.—(Honourable Senator Tardif)

Hon. Joan Fraser: Honourable senators, I would like to start by thanking Senator Di Nino, who launched this inquiry into a subject we perhaps do not think about enough.

[Senator Eggleton]

I would also like to acknowledge a young Canadian, Charbel Andary, a political science student at the University of Windsor, who wrote a letter to all honourable senators. I know that Senator Di Nino was very impressed by the letter, as was I.

Mr. Andary presented a very reasonable argument that was well thought out and well stated, to try to convince us it is time to lower the voting age in Canada from 18 years of age to 16.

[English]

Honourable senators, I want to say right away that I am not sure I agree with Mr. Andary, but he raised some interesting questions and made me think. I would hope that a number of honourable senators would find those questions equally interesting.

The question, obviously, is not whether there should be a restriction on the age at which one can vote. If there were no such restriction, babies would have the right to vote. The question is: What should that restriction be? Where should we set the bar? It has been 18 since, I believe, 1970, which gives us a lot of experience with the age of 18. However, the mere fact that something has been around for more than 30 years does not necessarily mean that we should not re-examine our premise.

In the past, whenever this subject came up, my own reaction had long been that 18 is fine; 18 is a good age; 18 is the age which the International Convention on the Rights of the Child, if memory serves, set for when one ceases to be a child. It is the age at which we grant many adult rights and privileges, such as joining the military and signing contracts.

In an interesting case, *Fitzgerald v Province of Alberta* in the Alberta Court of Queen's Bench in 2002, brought by Eryn Fitzgerald and Christine Jairamsingh, the Alberta court, in a carefully reasoned decision, said that the age of 18 was an acceptable restriction, a logical restriction, and said that it is a matter of common sense that 18 should be a good age, in part because, by the age of 18, most Canadians have concluded high school and are launching themselves on their adult lives.

All of those arguments have weight, obviously, but I confess, honourable senators, that my long-standing support for the age of 18 is also to some extent probably just based on familiarity. It has been like that for quite a long time and it seems to work; why would we want to change it?

Then, when I started to examine some of the arguments that you hear against lowering the voting age, I began to feel little prickles of unease because so many of them sounded like so many of the arguments that have been brought against extension of the franchise ever since there was a franchise. "Oh well, 16-year-olds aren't mature enough, they are not well enough informed; we can't really trust them; basically they're not competent." That is what we said about giving the franchise to people who did not hold property, to women, to members of ethnic minorities, to people with emotional diseases or disabilities, to Aboriginals, to convicts, to Canadians who live outside the country and vote from outside the country.

Yes, Mr. Diefenbaker did have a very honourable record in these areas, Senator LeBreton.

Since we have learned that those arguments did not hold water in all of those other cases, I do not think those arguments are sufficient to hold the age of voting at 18 just because that is the way it has always been and we think teenagers are generally an irresponsible bunch. We all know teenagers who are more responsible than some middle-aged people. You cannot assume that because somebody is 16, they are necessarily ill-informed or irresponsible, let alone incompetent.

Still, would that be sufficient argument to reopen the Elections Act and change our system? I am not sure. However, Mr. Andary brings an argument that I find very interesting, and that is that if we lowered the voting age to 16, voter turnout would rise. Voter turnout is a huge issue in most advanced democracies. It is a huge concern. We are all in politics; we all know that in election after election the number of people who choose to exercise their franchise — their most precious democratic right — drops. I believe in the last election it was heading down towards 60 per cent, with no sign of changing.

Honourable senators, I have had expert politicians say to me, “Well, that really dates from the time when we dropped the age to 18. That is when voter turnout really started to drop and research suggests that 18-year-olds tend to vote less than 45-year-olds.” However, I am not sure that that holds in the case of 16-year-olds.

Honourable senators, it matters what we do to attract young voters because there is also research to suggest that people do not suddenly become more democratically responsible as they get older. A cohort that statistically votes less when it is 18 or 20 is likely to go on voting less as it ages, less than its parents or its grandparents did, and that is one reason why the overall turnout rate has been diminishing. It is because the cohorts that vote less are aging, and the cohorts such as our grandparents, who voted in very large numbers out of a sense of civic duty are, unfortunately, leaving us.

There are probably some reasons why 18-year-olds in particular are not to be captured as early voters. One that many cite in research is that when an election comes around, they are away from home. I would suggest, colleagues, that this is not just an elitist argument applying to university students. Once they finish their high school, many young people in this country leave home for other reasons. They may leave to go and work in the tar sands, where there is money to be made, unlike the situation in many communities for young people.

Various factors come into play at the age of 16. We all know that high school is the focal point, to the extent that young people in Canada do learn about civics and about the democratic system. It happens in high schools. Only if you are already a political science junkie will it happen in post-secondary education. Surely, those courses in civics would have more impact if the students in the high schools knew that it had real implications for them; that they would actually be able to exercise their vote. Conversely, I think there is probably a risk that if we are busy teaching them how important it is to vote, but not just yet, they will become accustomed to hearing people talk about elections but not thinking of themselves as participants in those elections. If at the age of 16, while they are still in high school, while they are still at home, while they are being educated and have a stable home address for registration purposes, they

can then vote, I suspect that they would indeed be, as Mr. Andary suggests, more likely to vote. They might then carry on doing so throughout their lives.

• (1550)

There is apparently research that suggests that a person is much less likely to vote in the future if they did not vote in the first three elections when eligible. If we catch them young enough, at least an interesting fraction might retain the vital pattern of voting.

We do entrust 16-year-olds with many other very serious duties and rights. We allow them to handle lethal weapons, namely automobiles. We allow them, in some jurisdictions, to get married. We consider in many cases that they are capable of being tried, judged and imprisoned as adults if they commit certain criminal offences. Therefore, is it not true that, in everything our society does, we consider 16-year-olds to be incompetent and immature?

No one can really know, since we have not been there, what the implications for voter turnout would be if we did lower the voting age to 16. However, there is a little bit of information that might be worth considering.

In Germany, over the past 12 years or so, a number of states have lowered the voting age to 16. I found a paper by two Dutch political scientists looking at the effect on voter turnout of that diminution in voting age. The paper was completed in 2003, so it does not provide the latest results. Here is what it says:

In North Rhine-Westphalia, the turnout among 16- to 21-year-olds —

— which is, unfortunately, the only category available —

— was slightly below the average for the whole electorate but clearly higher, by about 5 to 8 per cent, than among those aged 21 to 30, who are the cohort that got the vote when they were 18 years of age and have been moving up.

Similar results hold for Lower Saxony, where 16- to 18-year-olds vote at a level comparable to 35- to 45-year-olds. There are similar results in Saxony-Anhalt as well.

This is certainly not enough to hang a thesis on, but it caught my interest.

Combined with the reasonable argument put forward by Mr. Andary and the interesting speech in which Senator Di Nino canvassed so many of the arguments, I became convinced that this was something we should be thinking about. We should be taking another look at it. It has been more than a generation since we changed the voting age. Everything else in our society has changed immeasurably in those 30-odd years. Perhaps it is time for us to think about changing the voting age. Who better to think about it than senators?

Therefore, I would urge you, honourable senators, those of you who are interested in this matter, to participate in this inquiry, and ultimately — who knows? — perhaps we might institute a special study on this matter. As I say, who better to do it than the Senate?

Hon. Elaine McCoy: Will the Honourable Senator Fraser accept a question?

Senator Fraser: Yes.

Senator McCoy: I thank the honourable senator for her thoughtful speech. I recently came across research undertaken by a U.K. group called Demos, which is receiving widespread coverage in Europe. They are facing a similar phenomenon, that is, a declining voter turnout. They argue that it has nothing to do with age but has to do with everyday democracy.

I was curious to know if Senator Fraser could comment on that aspect of her research.

Senator Fraser: Senator McCoy has the advantage over me. I am not familiar with Demos' work. I am not sure what "everyday democracy" means, but there may be a chicken-and-egg thing here in terms of the everyday culture and the everyday sense that ordinary people have that it is worthwhile participating in democratic life.

Perhaps I could switch metaphors here: If what we are engaged in now is a vicious downward spiral, maybe we should be trying to achieve a virtuous upward spiral. I am not suggesting that changing the voting age is the answer, or even part of the answer, but it is worth thinking about.

The Hon. the Speaker *pro tempore*: I am sorry to interrupt, but I must advise that Senator Fraser's time has expired. Is the honourable senator asking for more time?

Senator Fraser: No.

On motion of Senator Cowan, debate adjourned.

MATERNITY AND PARENTAL BENEFITS

INQUIRY—DEBATE ADJOURNED

Hon. Elizabeth Hubley rose pursuant to notice of February 26, 2008:

That she will call the attention of the Senate to the current state of maternity and parental benefits in Canada, to the challenges facing working Canadians who decide to have children, and to the options for improving federal benefits programs to address these challenges.

She said: Honourable senators, Canada is a leader in the world when it comes to standards of living. We have been consistently among the top ten nations in the United Nations Human Development Index, and have taken first place more often than any other country: 10 times in the last 21 years.

Part of the key to our success, socially and economically, has been our national social programs, such as health care and Employment Insurance. As senators, we are aware that the Employment Insurance program provides temporary income support to those who are between jobs, cannot work for reasons of sickness, childbirth or parenting, or who are providing care or support to a family member who is gravely ill with a significant risk of death.

Employment Insurance was first enacted by Parliament in 1935 in response to the mass unemployment of the Great Depression. That statute was struck down in June of 1936 by the Supreme Court of Canada because it provided for insurance against unemployment — a social measure within provincial legislative jurisdiction. The decision was upheld by the Privy Council in 1937. Following this decision, a series of political exchanges occurred between the federal government and the provincial premiers, and a Royal Commission was struck to examine the issue.

In 1940, the Rowell-Sirois Commission concluded that only the federal government was in a position to meet, in an equitable and efficient manner, the large, fluctuating expenditures due to unemployment. On July 10, 1940, a constitutional amendment gave the Parliament of Canada exclusive jurisdiction over "unemployment insurance." This amendment was passed with the consent of all provinces.

Section 22 of the Employment Insurance Act governs maternity benefits. Section 23 governs parental benefits. Both are so-called special benefits under the act, along with sickness benefits and the compassionate care benefit. These special benefits were introduced into federal unemployment insurance legislation in 1971. Since 1971, these special benefits have been expanded to include parental benefits for adoptive parents, benefits for fathers under certain conditions, parental benefits for natural parents and, in 2004, compassionate care benefits.

• (1600)

In 2001, the Liberal government expanded the maternity and parental benefits by entitling parents to receive almost one year of benefits. Maternity and parental benefits under the Employment Insurance Act replaced 55 per cent of weekly income to eligible parents to a maximum of \$435. To qualify, one must have worked 600 insured hours in the qualifying period, which was generally the previous 52 weeks.

Although the 2001 changes to expand the maternity and parental benefits was a progressive and beneficial decision for families and children, there are shortfalls, and not all mothers have access to the EI benefit. According to the National Association of Women and the Law, one in every three mothers does not have access to the maternity and parental benefit program under EI. For those who do qualify, often the financial benefit is inadequate. In 2004-05, average weekly maternity benefits were \$312, and parental benefits averaged \$372 for men and \$316 for women.

Unfortunately, women in Canada earn 71 cents for every dollar that men earn. This wage gap has not changed substantially in the past decade. Regardless of their educational achievements, women continue to have earnings well below those of men. Women are also more likely to work part time than men and to have non-standard work arrangements, such as seasonal, temporary or contractual work.

According to Statistics Canada, employed women are far more likely than their male counterparts to lose time from their jobs because of personal or family responsibilities. Working-age women need help to balance their family responsibilities with work, be it caring for children or for elderly family members. Single-parent families headed by females need even more support.

One third of self-employed Canadians in 2002 were women, yet, unless they are fishers, they are not eligible for benefits under the current maternity and parental benefits program. There are others who are often not eligible for benefits. These include those women who are the most vulnerable in our society, including teenaged new moms, who often do not have the work experience or lack sufficient hours to qualify for benefits; women with little education, who are often not in the workforce full time, and thus are less eligible for benefits; low-income women who are least likely to qualify for EI or to be able to afford to be off work for one year; recent immigrant women, 19 per cent of whom were not able to find employment; and women with disabilities who are less likely to work full time when employed.

Honourable senators, in my own province, Women's Network PEI, a non-profit community organization, has been very active in developing policy options to improve maternity and parental benefits through an Atlantic-based research project funded by Status of Women Canada. The in-depth research project has just been completed, and Women's Network PEI has produced a report with 11 recommendations for the federal government to improve maternity and parental benefits.

The recommendations of the report are largely short-term recommendations aimed at changes to the existing EI Act that can be grouped under the following headings: eligibility, flexibility, length and value of benefits, employment protection and access to information. I will highlight a few of the items I find most interesting.

In particular, the report recommends that eligibility for benefits be extended by changing qualifying requirements to allow for parents to reach back over the three-to-five-year period prior to the birth of the child and by extending eligibility for maternity and parental benefits by changing qualifying requirements to allow self-employed individuals the option to pay into the Employment Insurance program.

The report also recommends improving the wage replacement for maternity and parental benefits by increasing the weekly payable benefits from 55 per cent of insurable earnings to at least 65 per cent of earnings, based on the best 12 weeks of earnings in the last five years. Furthermore, the report recommends improving the wage replacement for maternity and parental benefits by increasing the maximum insurable earnings to \$57,000, indexed annually.

It is interesting to note that the Committee on the Status of Women in the other place recommended last June that the EI maternity and parental benefits program be expanded to two years, the benefit rate be increased to 60 per cent, the

eligibility criteria be amended to increase access to benefits to persons in part-time or part-year work, qualifying requirements be changed to allow parents to reach back over the three-to-five-year period prior to the birth of the child, and that the act be amended to allow self-employed persons to opt into the special benefits program under EI. As honourable senators have just heard, all of these recommendations made by the committee in the other place were also made in the Women's Network PEI report.

The one long-term recommendation in the Women's Network report was for the federal government to undertake research and gender analysis into a continuum-of-care model for a national caregiver strategy that meets the needs of all Canadian families.

The Province of Quebec is a leader in meeting the needs of women and families. In January 2006, the Québec Parental Insurance Plan came into force, replacing the maternity benefits, parental benefits and the adoption benefits previously available under the federal Employment Insurance plan. This new plan provides more generous coverage, allowing a maximum insurable income of \$60,500, and the benefits may reach up to 75 per cent of average weekly income. It is also more flexible, allowing the recipient to decide to receive a lesser benefit amount for a longer period or a larger amount for a shorter period, and the plan includes self-employed women. The Quebec plan has many interesting features and may be used as a framework for discussions with the provinces and territories.

Honourable senators, the increased participation of women in the paid workforce has been one of the most significant social trends in Canada in the past quarter century. There have been particularly dramatic increases in the employment levels of women with very young children. The extension of maternity and parental benefits under EI in 2001 was a great step forward, but more needs to be done to build a stable, adequate system of support for families, including those that are self-employed. With more and more mothers with school-aged children in the workforce, it is just good public policy to support their valuable contribution to society by reducing the economic impact of having children.

Robust and flexible parental benefits give parents choices by enabling them to have children without jeopardizing their careers. Moreover, these programs enhance the economic security of women and children, thereby providing for a healthier start for our children.

On motion of Senator Cordy, debate adjourned.

The Senate adjourned until Wednesday, April 9, 2008, at 1:30 p.m.

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