



CANADA

# Debates of the Senate

---

2nd SESSION

•

40th PARLIAMENT

•

VOLUME 146

•

NUMBER 77

---

OFFICIAL REPORT  
(HANSARD)

**Thursday, December 3, 2009**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

## CONTENTS

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

*Debates Services:* D'Arcy McPherson, Chambers Building, Room 943, Tel. 613-995-5756  
*Publications Centre:* David Reeves, Chambers Building, Room 969, Tel. 613-947-0609

---

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

## THE SENATE

Thursday, December 3, 2009

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

Prayers.

[Translation]

### VICTIMS OF TRAGEDY AT ÉCOLE POLYTECHNIQUE

#### SILENT TRIBUTE

**The Hon. the Speaker:** Honourable senators, before we proceed, I would ask you to rise and observe one minute of silence in memory of the victims of the tragedy that took place 20 years ago, on December 6, 1989, at the École Polytechnique in Montreal.

*Honourable senators then stood in silent tribute.*

### SENATORS' STATEMENTS

#### TRIBUTE TO VICTIMS OF TRAGEDY AT ÉCOLE POLYTECHNIQUE

**Hon. Judith Seidman:** Honourable senators, I am very saddened to pay tribute today to the 14 women who were killed at École Polytechnique on December 6, 1989.

I can tell you that the people of Montreal and Quebec were very deeply affected by this tragedy. It was especially heart-wrenching for women in university to see these young women die as they were just starting their adult life.

In paying tribute to them, we must also think about the lessons to be learned from this sad tragedy. We want to be sure that these young women did not die in vain, and that this incident served a purpose.

[English]

They were targeted because they were women, and misogyny is always wrong. We have worked hard through the years to combat violence directed towards women and girls, and we will continue to do so. However, we must not forget the role that severe mental illness played that day.

The members of this chamber know from their work in the area that mental illness is a serious matter. We note that it carries heavy social and economic costs. While one in five Canadians will experience some form of mental illness this year, help is often not there.

Some 20 years after the events at École Polytechnique, we are tackling the problem. Through the Mental Health Commission, we are undertaking new initiatives that will lead to real change. While we are still in the early stages, we are coming out of the shadows.

None of this work will bring back the 14 women we lost, nor will it erase the awful memories left to their families and friends, but it gives us hope that we may prevent a tragic event in the future.

[Translation]

In conclusion, I offer my sincerest condolences to the families of these young women. We will never forget them.

[English]

### QUESTION OF PRIVILEGE

#### NOTICE

**Hon. Anne C. Cools:** Honourable senators, as required by rule 43(3), earlier this day I gave written notice that I intended to raise a question of privilege later this day.

In accordance with rule 43(7), I give oral notice that later this day I shall raise a question of privilege regarding a press release dated December 2, 2009, entitled, "Human Trafficking Charges on International Day for the Abolition of Slavery."

This press release was issued by Mr. Benjamin Perrin, a law professor at the University of British Columbia and a self-described "expert on human trafficking." This press release invokes the Senate, my name, and my actions on the floor of the Senate. It is directed to a private member's bill, Bill C-268, An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years).

This press release was emailed to my office separately by both the Manitoba Member of Parliament, Joy Smith, the sponsor of the bill in the House of Commons, and Mr. Perrin, who appears to have a pride of authorship in the creation of Bill C-268.

### H1N1 FLU VACCINATION

**Hon. George J. Furey:** Honourable senators, I am pleased to inform you that Ottawa Public Health has confirmed that an H1N1 vaccination clinic will be made available on Parliament Hill next week. The scheduled dates are Monday, December 7, from 9:30 a.m. to 3 p.m.; and Tuesday, December 8 from 9:30 a.m. to 4 p.m.

A memo will be sent out later today to all senators, their staff and the Senate administration confirming other details. Only the H1N1 vaccine will be administered.

Pre-registration is not required; however, vaccination will be given on a first-come, first-served basis.

Further, a seasonal flu clinic will possibly be held at the end of January or in early February, and a further notice will be issued with respect to this clinic.

I take this opportunity to thank the Human Resources Directorate for its continued good work and effort on this particular file.

#### CANADIAN DIABETES ASSOCIATION

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, the Canadian Diabetes Association is releasing a new report outlining the latest data on the economic burden of diabetes in Canada. The report shows the rates of diabetes in Canada doubled over the last decade. Today, one in four Canadians either have diabetes or pre-diabetes. Every 10 minutes, another Canadian is diagnosed with diabetes.

• (1340)

Honourable senators, nearly one million Canadians have diabetes and yet do not know it. People over the age of 40 are at high risk of developing type 2 diabetes.

On Monday, December 7, the Canadian Diabetes Association is hosting a complimentary diabetes risk assessment for all senators. The screening is from 9 a.m. to 4:30 p.m. in room 602 in Centre Block.

The Canadian Diabetes Association is encouraging all senators to take advantage of this free screening on December 7. In doing so, we will set an example for all Canadians.

#### CLUSTER MUNITIONS

**Hon. Elizabeth Hubley:** Honourable senators, on December 3, 2008, countries from around the world gathered in Oslo, Norway for the official signing of the United Nations Convention on Cluster Munitions. The culmination of 18 months' work between civil society groups and participating states, the treaty seeks to prohibit the use, transfer and production of cluster munitions, to require the destruction of existing stockpiles, and to provide adequate resources to assist survivors and clear contaminated areas.

Cluster munitions, like landmines, are an especially cruel, inhumane and indiscriminate form of weaponry. Cluster bombs are designed to inflict maximum damage over a wide area by dispersing a large number of sub-bombs. These sub-bombs are undirected and can often cover a square kilometre or more. Their use kills and maims civilians in much greater numbers than more conventional ordnances.

In addition to the immediate devastation they can cause on impact, cluster munitions leave an ongoing threat to the local population, much like landmines, in the form of unexploded components.

Although 103 states have now signed the convention, under international law 30 states must ratify it before it can come into force. To date, only 26 countries have ratified the convention. Canada is not one of them.

As we celebrate the first anniversary of the signing of this important treaty, it is my hope that Canada will continue to lead international efforts to clean up the deadly legacy of armed conflict left behind in countries across the globe by ratifying the convention in the near future.

#### NUCLEAR COOPERATION AGREEMENT WITH REPUBLIC OF INDIA

**Hon. David Tkachuk:** Honourable senators, last week the Prime Minister announced a nuclear cooperation agreement with India. Under this agreement, Canadian companies will have access to a market that is estimated to be worth between \$25 billion and \$50 billion over the next 20 years. This is a boon to Canadian companies that supply equipment, services and uranium for civilian purposes. It is a boon to companies across Canada, but not least of those in Saskatchewan, home to one of the largest uranium deposits in the world.

In fact, according to the World Nuclear Association, Canada is the world's largest uranium producer, accounting for 20.5 per cent of the world's output last year. This output comes mainly from mines in Northern Saskatchewan, the largest of which is at McArthur River. In fact, it is the largest uranium mine in the world.

Honourable senators, through careful management of the economy and focused implementation of its Economic Action Plan, the Conservative government has seen to it that Canadians have weathered the economic storm better than most. This agreement, reaching beyond our shores, demonstrates how multi-faceted the effort is to ensure not only that Canada recovers from the recent recession, but is well situated in the global economy of the future.

India will play an important role in that economy, as it does in today's. Next year, it will play host to the G20 summit. Our economic relationship with India is no small thing.

In 2008, our bilateral trade amounted to nearly \$5 billion. This is a record level. Over the next five years, we plan to double it to \$10 billion.

Just as India is the world's largest democracy, so the Indo-Canada community is an ever-increasing portion of the Canadian mosaic, numbering nearly 1 million people. These are the ties that bind us to India and that compel our close economic relationship in the years ahead.

We are natural partners, and the nuclear cooperation agreement is just one manifestation of what we hope will be a much more comprehensive partnership.

This can only be to the benefit of Canadians, just as the nuclear cooperation agreement is to their benefit and, in particular, to the people of Saskatchewan.

#### PEOPLE'S REPUBLIC OF CHINA

**Hon. Lillian Eva Dyck:** Honourable senators, during the week of November 8, I visited Guangdong Province, China. I was invited by Mr. Wu Ruicheng, Director of the Guangdong Overseas Chinese Affairs Office to participate in the opening ceremony of the 2009 International Tourism and Culture Festival and Pearl River Delta Tourism Promotion Convention. I was also invited to participate in the opening ceremony of the Guangdong Overseas Chinese Museum in Guangzhou.

My father, Quan Leen Yook, was born in Xichengli, a village in the Xian Gang Township, Kaiping City District, province of Guangdong. When the Chinese government officials learned that a first-generation daughter of the Wuyi Chinese was a scientist, a former Associate Dean of Graduate Studies and now a Canadian senator, they invited me to participate as a foreign dignitary in opening ceremonies to meet with government officials and visit Xichengli.

The people's government of Guangzhou province promotes the root-searching of foreign-born Chinese descendants by having them visit their ancestral homes. The Guangdong government sees this as a way of furthering the culture of the area, as well as furthering economic ventures such as tourism and foreign business partnerships.

Honourable senators, the big cities of Guangdong, Kaiping and Jiangmen, are as modern as any other in the world and, in my ignorance, I had assumed that the little villages, like Xichengli, had been destroyed during modernization. I found out, however, that the Guangdong government has preserved these historic villages and maintained museums dedicated to remembering the history of the early Wuyi Chinese who immigrated to other countries like Canada in the late 1800s and early 1900s.

The early Wuyi emigrants, like my father, sent money back home to China to support their families or relatives. Many were able to build homes in their homeland. Some, like the Kaiping Watchtowers, are elaborate, unique structures that have become recognized as world heritage sites by the United Nations.

Honourable senators, my father's greatest wish had always been to bring his first-born son from his Chinese family to Canada. He was not able to do that due to Canadian legislation in effect until 1948 that prevented his Chinese family from immigrating to Canada. We were able, however, to bring part of Xichengli back to his gravesite in Swift Current.

As a Canadian senator, I was able to bring honour to his homeland and meet with many government officials and villagers. I sincerely hope that my Senate work will help bring about closer relationships between our two countries.

#### DRIVE AWAY HUNGER CAMPAIGN

**Hon. Donald H. Oliver:** Honourable senators, I rise today to call your attention to the Drive Away Hunger campaign.

I do not need to remind honourable senators that Canadian farmers are among the best in the world, and our government believes in standing up for them. Farmers work hard and they feed our cities.

An agency of our government, Farm Credit Canada, or FCC, also works hard and helps to feed Canadians. FCC plays an important role in delivering services and support to farmers, and it does some truly important work on behalf of food growers and all Canadians.

For example, FCC is so committed to feeding Canadians that it even holds an annual food drive called Drive Away Hunger right across Canada.

This October, Drive Away Hunger collected more than 1.5 million pounds of food for local food banks. In addition, Drive Away Hunger also donated \$25,000 to food banks in Canada in support of their national food-sharing system.

Honourable senators, this campaign started five years ago, when an FCC employee in Ontario organized a tractor tour to raise awareness and collect donations for the local food bank. Ever since then, the Drive Away Hunger campaign has collected more than 3.5 million pounds of food.

• (1350)

Honourable senators, federal politics generates most of the headlines in Ottawa, so it is easy to forget sometimes that Ottawa is primarily a public service town. Our government is pleased to work with some truly outstanding public servants. It says a great deal about an organization like Farm Credit Canada when its employees take the initiative to help their communities.

Let me offer sincere thanks for a job well done to all who participated in this year's Drive Away Hunger campaign.

[Translation]

#### LIEUTENANT-COLONEL THE HONOURABLE JOHN ROSS MATHESON, O.C., C.D.

**Hon. Roméo Antonius Dallaire:** Honourable senators, with your permission, I would like to speak about someone from Senator Segal's hometown, from Kingston and the Kingston garrison.

[English]

Honourable senators, I rise today to give a bit of living history. I want to recognize the contributions that Lieutenant-Colonel John Ross Matheson has made to this country.

Born in Arundel, Quebec, in 1917, John Matheson was a student at Queen's University when World War II broke out. He subsequently trained at the Royal Military College and served with the first regiment, Royal Canadian Horse Artillery — my old regiment — in Italy, where he was wounded on December 1, 1943, by six pieces of shrapnel while crossing the Moro River.

After returning from war, the injuries left him paraplegic and epileptic. Major Matheson, however, pursued careers in law and politics. He served as a Liberal Member of Parliament for Leeds, Ontario, from 1961 to 1968. During that time, and under the leadership of Prime Minister Lester B. Pearson, Mr. Matheson was the driving force behind the committee responsible for selecting the new flag of Canada.

He was instrumental in choosing the current maple leaf design, and is referred to by many as the father of the Canadian flag, a flag that is based on the Royal Military College flag.

In 1993, Judge Matheson was made an Officer of the Order of Canada; a decoration that was most appropriate since he created the institution in 1967.

Honourable senators, Lieutenant-Colonel Matheson has recently received the honour of having one of the main gates at Canadian Forces Base Kingston named after him and in his honour. This tribute is fitting, given his contributions to the Canadian Forces, to Canada and, in particular, to that garrison city.

When asked about his life and having the gate named after him, Judge Matheson observed that he was “a lucky fellow.” I suggest that we are the lucky ones to have had such a resilient and dedicated person serve our country with great distinction.

Judge Matheson’s achievements are individually impressive; together they are truly exceptional. Please join me in congratulating this remarkable Canadian and his family, whose son still serves in the artillery today, and in thanking Judge Matheson for all he has contributed throughout his life to make Canada a better place.

### PEOPLE’S REPUBLIC OF CHINA

**Hon. Nancy Greene Raine:** Honourable senators, I bring you good news: Prime Minister Harper is in China today where he is warming relations between our two countries. China has recently granted Canada approved destination status for tourists.

Long awaited by the tourism industry in Canada, this status will make a huge difference in the number of visitors coming to our country from China, and will cement ties between our two countries.

This is the Prime Minister’s first visit to China, and I am sure it will be the start of a new era in bilateral relations.

[Translation]

The Chinese people have always loved Canada, thanks to the work of the famous physician Norman Bethune.

[English]

Chinese people also love and respect a man from Ontario, Mark Rowswell, who they call “dashan.” He is arguably the most famous foreigner in China because of his television and movie career.

The opening up of the Canadian tourism product to Chinese tourists is wonderful news. We should all stay tuned and be thankful.

On a personal note, I first went to China many years ago as part of an Asia-Pacific initiative, and I have been there four times in the last three years. The Chinese people will really enjoy coming to our country.

---

[ Senator Dallaire ]

[Translation]

## ROUTINE PROCEEDINGS

### CONTROLLED DRUGS AND SUBSTANCES ACT

#### BILL TO AMEND—TWELFTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

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

Thursday, December 3, 2009

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

#### TWELFTH REPORT

Your committee, to which was referred Bill C-15, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts, has, in obedience to the order of reference of Thursday, September 17, 2009, examined the said Bill and now reports the same with the following amendments:

1. *Page 2, clause 1:* Replace lines 2 to 5 with the following:

“designated substance offence within the previous 10 years and served a term of imprisonment of one year or more for that offence, or”.

2. *Page 4, clause 3:*

(a) delete lines 1 to 4; and

(b) renumber subparagraphs (ii) to (vi) as subparagraphs (i) to (v), and any cross references thereto accordingly.

3. *Page 5, clause 4:* Replace lines 11 to 18 with the following:

“**8.1** (1) On two occasions, within two years and five years respectively after this section comes into force, a comprehensive review of the provisions and operation of the Act, including a cost benefit analysis of mandatory minimum sentences, shall be undertaken by such committee of the Senate, of the House of Commons or of both Houses of Parliament as may be designated or established for that purpose.”.

4. *Page 6, clause 5:* Add after line 9 the following:

“(6) The court is not required to impose a minimum punishment of imprisonment if it is satisfied that

(a) the person to be sentenced is an aboriginal offender;

(b) the sentence would be excessively harsh because of the offender's circumstances; and

(c) another sanction is reasonable in the circumstances and available.

(7) If, under subsection (6), the court decides not to impose a minimum punishment, it shall give reasons for that decision.”

Respectfully submitted,

JOAN FRASER  
*Chair*

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

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

[*English*]

#### COMMONWEALTH PARLIAMENTARY ASSOCIATION

COMMONWEALTH PARLIAMENTARY CONFERENCE,  
SEPTEMBER 28-OCTOBER 6, 2009—REPORT TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the Fifty-fifth Commonwealth Parliamentary Conference, held in Arusha, Tanzania, from September 28 to October 6, 2009.

#### LEGAL AND CONSTITUTIONAL AFFAIRS

STUDY ON PROVISIONS AND OPERATION  
OF DNA IDENTIFICATION ACT—NOTICE OF MOTION  
TO AUTHORIZE COMMITTEE TO EXTEND  
DATE OF FINAL REPORT

**Hon. Joan Fraser:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on June 18, 2009, the date for the presentation of the final report by the Standing Senate Committee on Legal and Constitutional Affairs on the provisions and operation of the *DNA Identification Act* (S.C. 1998, c. 37) be extended from December 31, 2009 to June 30, 2010.

[*Translation*]

#### THE HONOURABLE JERAHMIEL S. GRAFSTEIN, Q.C.

NOTICE OF MOTION TO PLACE  
INQUIRY ON NOTICE PAPER

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding rule 57(2), the following inquiry be placed on the Notice Paper for the next sitting of the Senate:

“By the Honourable Senator Tardif: That she will call the attention of the Senate to the career of the Honourable Senator Grafstein in the Senate and his many contributions in service to Canadians.”; and

That, notwithstanding rule 37(4), during proceedings on this inquiry no senator shall speak for more than three minutes.

• (1400)

[*English*]

#### THE HONOURABLE LORNA MILNE

NOTICE OF MOTION TO PLACE  
INQUIRY ON NOTICE PAPER

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding rule 57(2), the following inquiry be placed on the Notice Paper for the next sitting of the Senate:

“By the Honourable Senator Tardif: That she will call the attention of the Senate to the career of the Honourable Senator Milne in the Senate and her many contributions in service to Canadians.”; and

That, notwithstanding rule 37(4), during proceedings on this inquiry no senator shall speak for more than three minutes.

[*Translation*]

#### ACADIAN FLAG

NOTICE OF INQUIRY

**Hon. Fernand Robichaud:** Honourable senators, I give notice that, two days hence:

I shall call the attention of the Senate to the Acadian flag — a flag that rallies people together.

#### CONTROLLED DRUGS AND SUBSTANCES ACT

PRESENTATION OF PETITION

**Hon. Pierre Claude Nolin:** Honourable senators, I am immensely humbled, but extremely honoured to present a petition from more than 2,500 Canadians who are opposed to Bill C-15.

[English]

## QUESTION PERIOD

### INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

#### PROTECTION OF CHILDREN

**Hon. Jim Munson:** Honourable senators, my question is for the Leader of the Government in the Senate. It is disturbing to learn about an unacceptable number of young people in Canada who are deprived of their full rights of childhood. The number of First Nations children today who are in the care of children's aid societies now surpasses the number of children who, generations ago, were forced to live in residential schools. Think about it.

While growing numbers of Aboriginal children are in care, they still do not receive the care they deserve. They receive on average 22 per cent less for child protection services than non-Aboriginal children. Given the poverty, substance abuse and poor living conditions that we know to be the reality on many reserves, how can this be?

The Department of Indian Affairs is responsible for funding First Nations child protection on reserves. Why is this government not doing more, especially for Aboriginal children, those most in need?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I thank the senator for the question. Obviously the standard of living and the state of some of the Aboriginal communities in the country is of great concern to our government, as it has been to all governments, including those that preceded us and particularly the provincial and territorial governments of the large communities. There is no easy answer to this question, of course, as we have said before.

The government has made progress on a number of important areas facing Aboriginal people. The Economic Action Plan, which was announced earlier this year, put an additional \$100 million into skills and employment opportunities for Aboriginals. There was \$75 million for the new Aboriginal Skills and Training Strategic Investment Fund. These and other programs relating to education and schooling, health care services, and many plans that the Department of Indian Affairs and Northern Development has already put in place, of course, are only small steps. This is a compelling and long-standing problem.

Honourable senators, there is no easy answer, but the government has made some significant changes, particularly in the area of new housing for people living in Aboriginal communities. As well, as honourable senators know, we have worked closely with the Aboriginal community to make the communities safer and healthier by improving water and sewage systems. These are programs that are under way and have some significant way to go to address the severity of the problem.

**Senator Munson:** Honourable senators, I thank the leader for her answer.

These small steps can turn into bigger steps as we address this issue.

Groups working on behalf of Aboriginal children have brought forward this issue to the federal Human Rights Commission. Hearings were set to begin last week when the newly-appointed chair suddenly adjourned the meetings until January.

Why were these meetings adjourned, and why do children have to wait even longer to have their needs addressed?

**Senator LeBreton:** Honourable senators, I was not aware that they had adjourned the meetings. The Human Rights Commission is an independent body of the government. I will have to take that question as notice. I have no knowledge of the reasons for the postponement, but I will certainly be happy to find out.

**Senator Munson:** I thank the leader for that. I have a further supplementary question.

In her report, Auditor General Sheila Fraser outlined that the federal funding of child protection services on reserves is inadequate and is also less than what non-Aboriginal children receive.

In looking at it, it seems that there are two standards for children; one for Aboriginal children and one for non-Aboriginal children. Will the leader comment on this?

**Senator LeBreton:** Honourable senators, there is a significant amount of money invested in the various issues pertaining to our Aboriginal community and, as I mentioned, we are expending considerable sums of money in education, training, adult training, housing, and safer communities with regard to health. I happen to have been in Iqaluit this past summer and there was an extremely aggressive house building program under way. I was there a year earlier and was amazed at the progress made in one year.

Honourable senators, the problems faced by many in our Aboriginal communities are complex and troublesome. The various actions of our government, from the residential school apology through to the money we have expended on housing, education and skills training, and health services, are all good and positive steps in the right direction. However, no one would argue the fact that there is significantly more that needs to be done.

### HUMAN RESOURCES AND SKILLS DEVELOPMENT

#### CHILD POVERTY

**Hon. Art Eggleton:** Honourable senators, this question was submitted in advance.

November 24 marked the twentieth anniversary of National Child Day; a day that commemorates the adoption of the Convention on the Rights of the Child by the United Nations General Assembly. Canada ratified that convention in December 1991.

Instead of improving the state of children's welfare in Canada since then, we have hardly made a dent in eliminating child poverty in Canada, and that was during times when both the Liberals and Conservatives have been in government.



Sadly, approximately 637,000 of the 3.4 million Canadians living in poverty are children, with double-digit rates of child poverty in most provinces. The creation of the Working Income Tax Benefit and the stabilization of the Canadian Social Transfer and the Canadian Health Transfer have helped Canadian children but, if we really want to make a dent in child poverty, experts continue to point to the necessity of a substantial increase in the National Child Benefit.

Will the government commit to an incremental and predictable increase in the National Child Benefit to reach the level of \$5,000, which has been recommended by many organizations, including the Caledon Institute?

• (1410)

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I thank Senator Eggleton for his question and for notice of it. I thank him also for acknowledging the positive impact on low-income families of some of the programs of the government, including the Working Income Tax Benefit, WITB as we call it; and the increased transfer to the provinces.

As I have said recently in this place, our government has already taken action through the Economic Action Plan to enhance both the National Child Benefit Supplement and the Canada Child Tax Benefit. We have raised the level at which the National Child Benefit Supplement for low-income families and the Canada Child Tax Benefit are phased out, providing a benefit of up to \$436 for a family with two children. These new tax benefits came into effect, as we know, on July 1, and I believe that we are making some positive steps.

The world economic downturn that we experienced last year has exacerbated the problem, but the government's policies and programs are designed in such a way as to assist those who are in need of most assistance, namely, low-income Canadians, and particularly children.

**Senator Eggleton:** I thank the minister for that answer and for the progress that has been made. However, I think we all agree that there is always more that needs to be done. Hopefully, more can be done soon.

Currently, the federal government spends \$13 billion on its three child benefit programs. According to the Caledon Institute, a \$5,000 National Child Benefit Supplement would cost an estimated \$17 billion, but subtracting \$13 billion would mean a net additional cost of some \$4 billion.

We also know that poverty costs us all — much more than the net difference of \$4 billion. Poverty expands health care costs, policing burdens, and it diminishes educational outcomes. The negative impact on the public treasury is enormous. This, in turn, depresses productivity, labour force flexibility and social progress. For example, a study by TD Bank calculated the social cost of poverty between \$24 billion and \$30 billion annually.

Is the government willing to develop a plan to eliminate child poverty in Canada? We just need to reallocate some of the funds to do that.

**Senator LeBreton:** Honourable senators, we have taken a number of steps to help low-income families and children. I have absolutely no doubt that it is the intention of the government to continue to do so. Through the Universal Child Care Benefit, we are providing more than \$2.4 billion each year to benefit over 2 million children. Our tax cuts have meant that almost 1 million low-income Canadians are no longer on the tax rolls, and we are providing an extra five weeks of EI benefits, as I have said before, to help those Canadians who, through no fault of their own, have lost their jobs. Obviously, children are affected by this. This measure alone helped 365,000 Canadians. These are all actions that help families, and families include children.

Honourable senators, while there is a significant amount of work to do, Statistics Canada reported in 2007 that Canada had its lowest rate of low-income Canadians in 30 years. We have since experienced the world economic downturn which has obviously bumped up those statistics, but that is the most recent information that we have. This government and the previous one have taken steps to produce better results, but all governments would obviously want to do everything possible to do so.

With regard to the Caledon Institute, that is one think-tank that has a specific view of how things should be done. There are many others who do not share the views of the Caledon Institute. They are one body, and governments should not rely solely on the views of one body like that. Having said that, the government has taken and will continue to take action to ensure that the lowest income families among us and the ones most in need are helped as much as humanly possible by the government.

[Translation]

## FOREIGN AFFAIRS

### VIOLENCE AGAINST WOMEN

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government in the Senate and concerns violence against women and, in particular, the fact that our country is a leading middle power in the world. We now know that in various conflicts around the world, violence against women and massive abuses of women's rights increasingly include the use of a new weapon commonly known as rape.

Could the leader tell us what specific diplomatic and security measures Canada is taking in the conflict in Congo to mitigate the massive abuses of women?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I thank Senator Dallaire for the question. Simply put, that is why we have our Canadian Forces in Afghanistan. Our young men and women are defending democracy and working in a country like Afghanistan to help reduce the level of violence against women and children.

**Senator Hervieux-Payette:** He is talking about Congo.

**Senator LeBreton:** I will get to Congo.

With regard to the various conflicts zones in the world, as the honourable senator knows, the Department of Foreign Affairs and CIDA, in particular, have and are working diligently. This is not an easy question and it is not an easy situation to deal with, as honourable senators well know. The government has and will continue to participate in measures to mitigate the serious issue of violence against women whether it is in the Congo, in Afghanistan, or in other trouble spots in the world, including our own country.

**Senator Dallaire:** I am looking for more specific responses. Could the minister provide for us information from those ministries in regard to the diplomatic effort, the nation building effort, the security effort and the development specifically with regard to the significant dimension of those conflicts, which is continuing, namely, the massive abuse of women through the use of rape?

In the same light, may I also ask the leader to look into the case of Darfur? We were significantly involved in the previous government. In an interview, the government of southern Darfur told us directly that Muslim men do not rape. Yet, we know that rape is being committed in that conflict not only in the refugee camps but also in the internally displaced camps.

What are we doing diplomatically and through security and development? Why are we pulling out the 105 armoured vehicles that we deployed there in 2005 to enhance the capabilities of the hybrid and complex UN mission?

**Senator LeBreton:** Honourable senators, I believe I have answered this question before, but I will take the question as notice because the senator has asked me to provide information regarding what various agencies and departments are doing.

[Translation]

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### VIOLENCE AGAINST WOMEN

**Hon. Lucie Pépin:** Honourable senators, my question is for the Leader of the Government in the Senate. Violence against Aboriginal women across the country is an intolerable reality. This human rights crisis demands a better response, as Senator Brazeau pointed out yesterday. I know that the federal government is supporting the Sisters in Spirit initiative and trying to improve band membership codes, but a new report released by Amnesty International talks about the inadequacy of the measures the government has taken and how that is preventing Aboriginal women in Canada from obtaining adequate protection against violence.

Madam leader, is it not time the federal government came up with a national action plan to put an end to the violation of Aboriginal women's human rights?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I have answered that question in this place before. We have colleagues in this place on both sides who have raised this serious issue, Senator Dyck and Senator Brazeau, being two.

The Sisters in Spirit project that the honourable senator identified is working and the government is participating in that project. It is, as you know, a five-year research and public awareness project aimed at understanding the root causes of violence against Aboriginal women. As honourable senators know, the Native Women's Association of Canada spearheaded the Sisters in Spirit project and set about to raise the profile of this serious problem. They are to be commended for their work in raising awareness of this serious issue.

• (1420)

The federal, provincial and territorial governments participated in the National Aboriginal Women's Summits in 2007 and 2008, and our government endorsed the Iqaluit Declaration of the Federal-Provincial-Territorial Status of Women Ministers on Aboriginal Women, which recognizes that sustained and coordinated action is required by all levels of government to reduce the sexual violence and violence against Aboriginal women. In many cases, violence against Aboriginal women results in the actual disappearance of these women.

As I have mentioned before, the Department of Indian Affairs and Northern Development and Health Canada are working on this serious issue. A federal-provincial-territorial working group of justice officials is working with all levels of government. I will be happy to report to honourable senators any progress that they make.

[Translation]

**Senator Pépin:** Honourable senators, I understand that several departments are studying various reports and working with provincial governments, but when will the Government of Canada have an action plan and when will it act? It is all well and good to want to cooperate with other governments and study reports, but the government has been at it for quite some time now. When will it take action and come up with a real action plan?

[English]

**Senator LeBreton:** Honourable senators, the government is working with all levels of government, not only to study the problem but also to take action. Action has been taken, but there is much work to do. This is a serious issue that affects all communities, but more particularly our Aboriginal communities. This is not a new problem. All governments have faced this problem and I believe that our government, like the governments before us, is doing everything possible to create better economic conditions and better opportunities. All of these things together will help mitigate the serious problem. We are working in collaboration with police on societal issues to create a better atmosphere in our Aboriginal communities.

This problem cannot be solved overnight. I believe, as I have stated in many answers in this place, that the various programs put in place by the government with regard to our Aboriginal communities, will cumulatively help families be healthier and more respectful of each other. Our programs include better education, job training, better health services, cleaner and safer living environments and the outcome will be better conditions for women and children.

With regard to the actual acts of violence, all levels of government are collaborating to end this problem. They continue to monitor and study the problem, but that does not for one moment suggest that they are doing nothing about it.

#### SISTERS IN SPIRIT PROJECT

**Hon. Lillian Eva Dyck:** Honourable senators, on a supplementary question for the Leader of the Government in the Senate, The Native Women's Association of Canada, through their Sisters in Spirit project, has done a simply amazing job of addressing the issue of violence against women. The government has recognized the work that they have done, and I am thankful for that recognition.

Would the Leader of the Government in the Senate update honourable senators on the status of the application of the Native Women's Association of Canada for renewal of the five-year term to continue the Sisters in Spirit project?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I thank Senator Dyck for the question. I am well aware of the application by Sisters in Spirit. I do not believe there has been a final decision, but I am hopeful a decision will be made soon. I will be happy to provide honourable senators with the information as soon as I have it.

#### COMPREHENSIVE LAND CLAIMS AGREEMENTS

**Hon. Elizabeth Hubley:** Honourable senators, the Standing Senate Committee on Aboriginal Peoples last year adopted a report on comprehensive land claims agreements. The committee's Recommendation No. 2 called for the establishment of an independent commission, such as a modern treaty commission, to oversee the implementation of comprehensive land claims agreements, including financial matters.

The government's response, tabled in September of this year, did not address our recommendation directly. Moreover, officials made it plain in a recent meeting of the committee that there was no intention to create any kind of independent body. Instead, the government has set up a forum, a kind of internal, interdepartmental committee.

Will the government acknowledge that an internal committee is incapable of providing the effective oversight and credibility that would come with an independent commission?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I will not acknowledge any such thing. At present, several land claims matters in British Columbia are before the Minister of Indian Affairs and Northern Development. These are complex issues that vary from province to province and province to territory. The Minister of Indian Affairs and Northern Development had made great progress dealing with our Aboriginal partners.

We did table a response to the report of the Aboriginal Committee. The Minister of Indian Affairs and Northern Development is doing an excellent job and has established a good relationship with the various Aboriginal communities. The government believes that this is the way to proceed in resolving some of these land claims issues.

**Senator Hubley:** Honourable senators, on a supplementary question, our committee report was a consensus document. Senator St. Germain moved adoption of the report, and it was adopted by the Senate without a dissenting voice.

The response from the Minister of Indian Affairs and Northern Development to Recommendation No. 2 boils down to this passage from his letter: "The government agrees that we need effective ways to resolve disagreements." That is exactly what our committee proposed. The minister's response is somewhat tepid, to say the least. When will the government get serious about establishing a credible, independent body to ensure equality for all Aboriginal people?

**Senator LeBreton:** Honourable senators, I thank the senator for confirming in the minister's response exactly what I said in the answer to her first question. The minister is working closely with the various Aboriginal groups on the land claims issues. These are complicated matters. Some land claims involve issues that do not affect others, and there is not one model that will fit all the various land claims. I think the minister's response to the report is as the senator just read into the record.

[Translation]

#### LABOUR

##### MUSEUMS LABOUR DISPUTE

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government in the Senate. Although the Minister of Labour, Rona Ambrose, under the pretext of economy recovery, appointed an arbitrator to resolve the CN labour dispute within three days, the same minister stubbornly refuses to press management at the Canadian Museum of Civilization and the Canadian War Museum to resolve the labour dispute that has been going on there for nearly three months.

Would the minister not agree that our public funds are being wasted when employees who are mandated by the government to preserve Canada's history and heritage cannot carry out their duties and provide the services that the public is entitled to receive? I am thinking of all the young Canadians from various educational institutions who have not been able to take advantage of the school programs normally offered by the two museums, because those programs were all cancelled when the strike began.

Would the minister not agree that educating our young people is just as important, economically speaking, as CN's transportation activities? Or, as we have seen in the past, is the Conservative Party's policy to slash everything dealing with arts and culture simply part of its economic action plan?

• (1430)

[English]

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** The last part of the honourable senator's question is, as she knows, flat-out false and does not deserve an acknowledgment, let alone an answer.

As Minister Ambrose has made clear, with regard to the strike at the museums, it has always been our hope that the parties will come to an agreement without intervention, as we saw yesterday with the fortunate situation at CN Rail.

The mediator appointed by the minister has been working with the parties on both sides since before the strike began. As I reported in answer to Senator Lapointe, we continue to encourage both sides to find a resolution as soon as possible.

As I also reported to Senator Lapointe, the minister stands ready to name an arbitrator, but an arbitrator cannot be named unless both sides agree.

[Translation]

**Senator Hervieux-Payette:** The holiday season is just around the corner and Parliament will be adjourning in two weeks. So that the 400 or so families affected by this nearly three-month-old strike may enjoy Christmas like all other Canadians, can the Conservative government show the same diligence that it showed with the CN dispute in the transportation sector, and introduce a special bill to end this dispute, given that we would be willing to support such a bill?

[English]

**Senator LeBreton:** Honourable senators, as I said, the minister continues to urge both sides to settle this dispute as quickly as possible. The government is monitoring the situation carefully and, as I reported, an arbitrator would be named by the minister if both sides agreed.

I believe that the mediator the minister appointed before the strike began is working hard to come to that exact conclusion.

## ORDERS OF THE DAY

### CANADA CONSUMER PRODUCT SAFETY BILL

#### TWELFTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Art Eggleton:** Honourable senators, I have the honour to present the twelfth report of the Standing Senate Committee on Social Affairs, Science and Technology which deals with Bill C-6, An Act respecting the safety of consumer products.

(For text of report, see today's Journals of the Senate, Appendix, p. 1539.)

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

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

[ Senator LeBreton ]

[Translation]

## CRIMINAL CODE

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

**Hon. Claude Carignan** moved that Bill C-36, An Act to amend the Criminal Code, be read for the second time.

He said: Honourable senators, I have the privilege of rising today to speak to Bill C-36.

This bill will eliminate the faint hope clause, which allows murderers sentenced to life imprisonment to apply for early parole. Bill C-36, the Serious Time for the Most Serious Crime act, will amend the Criminal Code by eliminating the faint hope clause when it comes into force. Equally important, it proposes to tighten the eligibility to apply for early parole for murderers who have already been sentenced and are entitled to apply or who will be entitled after serving 15 years of their sentence.

Honourable senators, I am proud to sponsor this historic measure. Our government is committed to getting tough on violent crime and making offenders take responsibility for their actions. Bill C-36 is another example of that commitment.

Before examining the amendments proposed to the Criminal Code by Bill C-36 in further detail, allow me to provide the legal, historical and social context that led to these amendments, in order to better illustrate why they are necessary and timely. Given that there is currently no one in prison for committing high treason, I will only talk about murder. As many honourable senators know, before 1976, anyone who committed capital murder, in other words, a premeditated, deliberate murder, was sentenced to death. Any other murder was a non-capital murder and the offender was sentenced to life imprisonment with the possibility of parole after serving seven years of the life sentence.

However, capital punishment for capital murder could be commuted to life imprisonment with the possibility of parole. In that case, 10 years of the sentence had to be served before the National Parole Board could grant parole. At the time, the average length of time spent in prison for capital murder was 15.8 years. In other words, those who committed capital murder and were granted parole served less than 16 years of their sentence before being released from prison.

After 1962, public opinion on capital punishment began to change and successive governments, Conservative and Liberal alike, commuted all death sentences. Finally, in 1976, Parliament repealed the death penalty and reclassified murder as first degree or second degree murder. Under section 231 of the Criminal Code, first degree murder includes premeditated and deliberate murder and contracted murder. In addition, murder is first degree murder when the victim works in the administration of justice, such as a police officer, a prison guard or warden, or if the death is caused by a person who commits or tries to commit certain serious offences such as hijacking an aircraft, kidnapping and forcible confinement, and aggravated sexual assault. All murder that is not first degree murder is second degree murder.

Murder is a serious crime and the punishment for murder is just as serious: life imprisonment with the possibility of parole after a parole ineligibility period determined under section 745 of the Criminal Code. This period is 25 years for first degree murder and for second degree murder, when the murderer has already been found guilty of first or second degree murder or intentional killing under the Crimes Against Humanity and War Crimes Act. The ineligibility period for second degree murder is 10 years.

• (1440)

However, the sentencing judge always has the power under section 745.34 of the Criminal Code to set a longer period of ineligibility — to a maximum of 25 years — given the character of the offender, the nature of the offence and the circumstances surrounding the crime, as well as any other recommendations made by the jury.

As Robert Pickton's trial in British Columbia has shown, judges exercise that power. I remind honourable senators that Pickton was found guilty by the jury of six counts of second degree murder. The judge extended Pickton's parole ineligibility to the current maximum of 25 years.

As honourable senators can imagine, and some may remember, the debate on the death penalty in 1976 was heated, and the longer, 25-year parole ineligibility period was adopted as a compromise in exchange for abolishing the death penalty.

At the time, the so-called faint hope system was designed to counterbalance the new parole ineligibility periods for first and second degree murder that were longer than the average time spent in prison for murder in Canada and in some other western democracies.

The primary goal was to offer some hope in the exceptional circumstance that an offender has shown a significant ability to rehabilitate and has demonstrated good behaviour in prison.

The faint hope system was designed to recognize that in some cases, it is perhaps not in the public's best interest to continue to imprison some offenders, such as elderly, disabled or seriously ill prisoners.

Although few offenders have used the faint hope system over the years — there have been a total of 265 requests since 1976 — and even fewer have had their parole ineligibility period reduced, these provisions are still very controversial to the Canadian public.

Canadian police associations and victims' rights organizations have voiced opposition to the faint hope clause every time a particularly notorious murderer, who has very little chance of getting parole or early parole, submits an application.

Of course, I am thinking of people like Clifford Olson, who take advantage of every available legal avenue to advance their cause.

Even if the applicant is as notorious and unworthy as Olson, the outcome of the application and the subsequent hearing is the same for the victim's family and friends. They are once again forced to listen to the horrible details of the crimes that resulted in their loss.

All too often, honourable senators, the stress resulting from these applications and the uncertainty about whether and when an offender will apply traumatise family members and friends to the point that they themselves become victims.

They are victims of a process that many believe to be the source of social ills greater than the intended preventive aspect.

As such, the overall justification for Bill C-36 is clear: by removing the faint hope clause for future murderers and by making the early parole eligibility application process stricter for those who are entitled to apply, murder victims' family and friends will be better protected from the risk of becoming secondary victims of crimes for which the original offender was rightfully convicted and punished.

In addition, the measures proposed in Bill C-36 would more effectively protect Canadian society by keeping murderers locked up for longer periods of time.

In this respect, I cannot help but comment on what opposition members have said about the rate of recidivism for those who have been granted early parole. They emphasized the fact that, of the 265 applications, eligibility periods were reduced in only 140 cases and only 127 applicants were granted parole.

Of the 127 applicants who were paroled, only four were convicted of new offences, and none committed another murder. Based on these numbers, they are accusing our government of being short-sighted and abandoning rehabilitation in favour of punishment.

Nothing could be further from the truth, because nothing in Bill C-36 affects a convicted murderer's right to rehabilitate himself and apply for parole once he has served the parole ineligibility period that was imposed when his sentence was handed down.

We should remember, honourable senators, that we are also talking about truth in sentencing. To give convicted murderers a chance, however slim, to be paroled before they have served the parole ineligibility period imposed during sentencing is inconsistent with truth in sentencing.

Truth in sentencing requires nothing less than this: individuals who are sentenced to life in prison without possibility of parole for a specified period should spend that entire period in prison.

Before I go on, honourable senators, allow me to comment on another criticism the members of the opposition have levelled at this bill. As for recidivism, they are accusing this bill of taking away the right of the jury, made up of 12 people from the place where the murder occurred, to decide whether the applicant deserves a reduction of his parole ineligibility period.

Some have implied that Bill C-36 is an affront to the jury's role in our justice system. Honourable senators, these comments do not jibe with the nature of the amendments in this bill.

Instead of denying the crucial role the jury plays in Canada's justice system, Bill C-36 enhances that role by ensuring that the decision of the jury that convicted the offender will be respected and carried out.

In reaching its decision, the jury has heard all the facts about the crime and has had an opportunity to assess the offender's character and consider all the circumstances around the crime. The jury knows the crime, the offender and the victim, and its decision must be respected. That is what Bill C-36 proposes.

I said previously that Bill C-36 would eliminate the faint hope system in future and tighten the current procedure for applying for early parole.

Allow me to describe how the measures proposed in this bill would achieve those objectives.

First, these measures would prohibit any person convicted of murder or high treason from applying for parole under the faint hope system. Therefore, anyone who commits one of these offences on or after the date on which these amendments come into force will not be able to apply for eligibility for early parole.

In short, for anyone who commits murder or high treason in the future, the faint hope clause will be repealed entirely.

As many honourable senators know, there are currently nearly 1,000 offenders serving life sentences in Canadian prisons who are eligible to apply for early parole, or will be eligible in the next few years.

There are also a number of recently convicted murderers, as well as other people charged with murder who have not yet been convicted.

Bill C-36 will not affect their right to apply for parole once they are eligible to do so. However, Bill C-36 proposes tightening up the process in order to screen out the most undeserving applications. Furthermore, it will impose new time restrictions to limit the number of times an offender can apply for early parole, once he has served 15 years of his sentence.

• (1450)

I would like to describe the new procedures in greater detail.

Under current legislation, an offender can apply for parole any time after serving 15 years of his sentence. This of course raises concerns for the victims' families and loved ones, who do not know if or when the offender will apply for parole and make them relive the trauma of their loss all over again.

Bill C-36 proposes changes to the current procedure that would force applicants to submit their application within three months of the date on which they have served their 15 years. If they do not do so within those 90 days, they will have to wait another five years before they can submit a new application. At present, the faint hope clause has three steps. Bill C-36 would make changes to two of those three steps.

First, the applicant must actually convince a superior court judge that there is a real likelihood that the application will succeed before he can move on to the second stage. According to the courts, this criterion is not stringent enough. In order to exclude applications that do not at all deserve to be considered for the next stage, Bill C-36 imposes a more rigorous selection criterion. A judge must be convinced that there is a substantial likelihood that the application will succeed.

If the applicant is turned down at the first stage, he can submit a new application two years later unless the judge sets a longer period. Bill C-36 would impose a waiting period of five years rather than two. In this way, an offender who is eligible for parole only after 25 years, for example, would only be able to apply twice after serving 15 years of his sentence and then once more, five years later.

The change from two to five years would reduce the uncertainty for the friends and families of victims with respect to the hearing under the faint hope system.

At the second stage of the process, the applicant must convince a jury consisting of 12 citizens to unanimously decide to reduce the period of parole ineligibility. If the jury refuses, another application can be submitted after two years or after a longer period set by the jury.

Bill C-36 would impose a longer waiting period, five years rather than two. If the jury decides to reduce the period of ineligibility, as was the case in 140 applications to date, it can set a new shorter period of imprisonment. Upon expiry of this new period, the applicant can move on to the third stage and submit a formal application for parole to the National Parole Board.

As I mentioned, Bill C-36 does not propose any changes to the current procedure for submitting an application to the National Parole Board. However, I would like to remind honourable senators that parole for a murderer is not automatic and that it cannot be approved unless the applicant is able to convince the board that he is unlikely to represent a threat to public safety.

Furthermore, inmates on parole remain sentenced to life imprisonment and if they breach any condition of their parole, they are sent back to prison.

Since the National Defence Act incorporates by reference the faint hope system under the Criminal Code, all these changes would apply to members of the Canadian Forces convicted under this legislation.

Honourable senators, before concluding, allow me to take this opportunity to review the controversy surrounding the faint hope system that resulted in this bill's proposed amendments to the Criminal Code.

From the beginning, certain individuals in Canadian society have not stopped expressing their concern over the existence of a process that allows those who are convicted of the most serious crimes to spend less time in prison than they were sentenced to.

Many concerned Canadians continue to wonder how access to early parole is consistent with the fundamental principles of sentencing, namely to denounce unlawful conduct or to deter offenders from committing other offences.

Honourable senators, public confidence in the integrity of Canada's justice system is undermined when those who are convicted of the most serious crime imaginable can easily obtain eligibility for early parole.

A justice system is only effective if it is both fair and balanced and the public has confidence in it. The approach in Bill C-36 will help boost public confidence in our justice system.

As it promised, the government has weighed the problems caused by the faint hope system. Bill C-36 deserves the support of all honourable senators on behalf of the victims and their families and loved ones, and Canadians in general.

(On motion of Senator Tardif, debate adjourned.)

• (1500)

[English]

## NATIONAL FINANCE

### MOTION TO AUTHORIZE COMMITTEE TO STUDY STATE OF PENSION SYSTEM—DEBATE CONTINUED

Leave having been given to revert to Other Business, Other, Motion No. 73:

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Ringuette:

That the Standing Senate Committee on National Finance be authorized to examine the state of the pension system in Canada in view of evidence that approximately five million Canadians may not have enough savings for retirement purposes;

In particular, the Committee shall be authorized to examine:

- (a) Old Age Security/Guaranteed Income Supplement;
- (b) Canada Pension Plan/Quebec Pension Plan;
- (c) Private Savings — includes employer-sponsored pension plans, Registered Retirement Savings Plans (RRSPs), and other investments and savings;

That the study be national in scope, and include proposed solutions, with an emphasis on collaborative strategies involving federal and provincial governments; and

That the committee submit its final report no later than November 30, 2009, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

**Hon. Consiglio Di Nino:** Honourable senators, I am pleased to rise and make a few brief remarks on the motion of Senator Eggleton, which proposes to give the Standing Senate Committee on National Finance the power to study the state of the pension system in Canada. The motion will authorize the committee to look at and examine:

(a) Old Age Security/Guaranteed Income Supplement;

(b) Canada Pension Plan/Quebec Pension Plan;

(c) Private Savings — includes employer-sponsored pension plans, Registered Retirement Savings Plans (RRSPs), and other investments and savings;

Before I discuss the motion itself, I remind honourable senators of this government's initiative to help seniors and pensioners in Canada. Let me begin by stating the obvious facts, of which I am sure all senators are aware, in that Canada is facing the challenge of dealing with an aging population. As the so-called baby boomers retire, their retirement will have implications on everything, from the size of the labour force to the provisions of health care to Canadians. By the year 2041, it is estimated that one in four Canadians will be above the age of 65.

Honourable senators, two extensive consultations and initiatives were initiated by this government, one by the highly respected Jack Mintz and the other by Ted Menzies, member of Parliament, both of whom have traveled across the country consulting Canadians extensively. Canada is well ahead of the game in meeting the challenges we face with our aging population. In 2001, the Chief Actuary of Canada confirmed the future sustainability of our public pension system and the Canada Pension Plan.

Unquestionably, the recent global economic crisis has negatively impacted Canada's private and public pension systems, but surely the good recovery Canada has experienced will mitigate much of this impact. This situation needs to be thoroughly investigated by the committee.

[Translation]

In addition, the government has improved the pension income tax credit, doubling it from \$1,000 to \$2,000. This measure has helped 2.7 million seniors, and 85,000 people no longer have to pay taxes. It also increased the age credit by \$1,000, raising it from \$4,066 to \$5,066, and offering hundreds of dollars in additional tax cuts to low-income seniors.

Furthermore, the government has ensured that seniors will not be penalized if they continue to work, and raised the age when seniors are required to roll their RRSPs into RRIFs from 69 to 71. Lastly, it put money back into the pockets of seniors who want to stay in the labour market, making the income exemption for the Guaranteed Income Supplement seven times higher, raising it from \$500 to \$3,500.

In addition to these many measures, the government took the extraordinary step of creating the tax-free savings account. This is the most important savings tool since the creation of the RRSP, and I hope that the committee will examine how this new tool will affect pensions and income security for Canadians in the future.

[English]

Honourable senators, I agree with Senator Eggleton; this is an important issue that the Senate is well qualified to study. I do not agree, however — and Senator Eggleton knows this — that the Standing Senate Committee on National Finance is the

appropriate committee for this study. The Standing Senate Committee on Social Affairs, Science and Technology has a specific mandate to deal with pension issues, and I refer you to the *Rules of the Senate* on page 86, which specifically gives the committee this mandate. As well, the November 30, 2009, reporting date requested in the motion needs to be extended.

#### MOTION IN AMENDMENT

**Hon. Consiglio Di Nino:** Therefore, honourable senators, I move:

That the motion be not now adopted, but that it be amended:

(a) by replacing the words “National Finance” with the words “Social Affairs, Science and Technology”; and

(b) by replacing the words “November 30, 2009” with the words “June 30, 2010”.

**The Hon. the Speaker** *pro tempore*: Is there debate on the motion in amendment?

**Hon. Art Eggleton:** Honourable senators, I appreciate the support Senator Di Nino has given this study. He points out a number of measures that the government has taken. Governments, past and present, have taken a number of measures in this regard, but it is a different world in terms of pensions. We have found out in the course of this economic crisis that many people will not have decent pension plans when they retire. It is not a problem that is brought about only by the recession; much of the attention to the problem has been given in the recession, but there is a great lack of savings on the part of Canadians to be able to provide for their retirement.

I have spoken previously on the basics of the issue, so I will not go into those basics again. I will speak to the amendment that Senator Di Nino has now put.

An argument can be made for either committee to take over the study, either the Social Affairs Committee or the Finance Committee. The Finance Committee, in fact, in dealing with Bill C-51, has pension matters before the committee right now, and it is had pension matters before it many times in the past. The Department of Finance’s primary place of reporting in the Senate is the Finance Committee, as well as the Banking Committee I am sure. However, the Department of Finance is the one most seized with the issues, certainly in Canada, involving pension plans and old age security arrangements.

In addition, I have discussed the matter with the chair of the Finance Committee, Senator Day, who feels the study is appropriate for his committee. Further, there have been occasions where we have dealt with preliminary examination of the current issues relevant to pensions. For example, we had the Nortel employees association not long ago and other people who also advocated in terms of pension improvements and possible ways of improving pensions, either on a voluntary basis or involved with the government as a supplementary plan to the Canada Pension Plan.

I think the choice of committee is arguable either way, but let me also point out to Senator Di Nino that the Senate has given a number of obligations to the Standing Senate Committee on Social Affairs, Science and Technology and the committee’s plate is full. That is not to say that the Finance Committee does not have work before it; of course it does. In terms of any major policy development study, the Social Affairs Committee has the city study previously authorized by the Senate, the post-secondary education study previously authorized by the Senate, and the motion on the Order Paper here from Senator Eaton to conduct a study on Canadian identity. Senator Eaton knows full well that it will have to wait, if it is adopted by the Senate, before it can be scheduled. Adding another study on top of that into the Social Affairs Committee will not work.

• (1510)

That is the agenda as determined by the Senate. Of course, in addition to that we have the regular pieces of legislation that come our way, as does the Finance Committee. The Finance Committee, to my knowledge, does not have one of these extra studies on policy development issues at this time. It does have a heavy workload, as most committees do. However, on that basis I think it should be the Finance Committee, and the chair of that committee, Senator Day, agrees.

I would ask that this chamber do not adopt the amendment, but allow for the motion which, both Senator Di Nino and I would agree, is an important issue and that it should now go ahead. This motion had been on the Order Paper since the spring. It is an issue that will not go away. It is one of the biggest issues that face this country at this time.

(On motion of Senator Mockler, debate adjourned.)

#### QUESTION OF PRIVILEGE

##### SPEAKER’S RULING RESERVED

**Hon. Anne C. Cools:** Honourable senators, I rise to speak on this question of privilege. I gave the required written notice to the Clerk of the Senate earlier this morning and, earlier this afternoon, I gave oral notice here.

Honourable senators, I contend that Mr. Benjamin Perrin, law professor at the University of British Columbia, has breached my privilege as a senator and has also breached the privileges of the Senate as a whole.

He has reflected on the Senate in his press release entitled “Human Trafficking Charges on International Day for the Abolition of Slavery.” This press release was about Ms. Joy Smith’s Bill C-268, An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years).

I would take it as a given, honourable senators, that every one of us is opposed to bad things happening to children and that we need not discuss who may be for and who may be against. That is a given. We are also authorized — if not ordered — under the doctrine of *parens patriae* to uphold and protect children at all times. I put that out as a given of what I would consider to be mutual respect.



Honourable senators, before I continue, let us remember at all times that there is something in offences, especially sexual offences, involving children, which shocks and offends us all and is naturally abhorrent to us.

In any event, I ask His Honour, The Speaker, to make a *prima facie* ruling on the facts and also on the law of Parliament, or the *lex parliamenti*, as received into Canada by the British North America Act of 1867, section 18. Section 18 receives the powers, privileges and immunities of the ancient Parliament of the United Kingdom. These powers and privileges were born by the supreme sacrifice and efforts of many great members of the British Parliament. These privileges came at a great cost. They exist not to serve us personally, but to serve the public good.

Honourable senators, if Senator Kinsella were to find a *prima facie* case, I shall be prepared to move the relevant motion.

All of this arises in respect of a bill sponsored by Ms. Joy Smith. Just to recount the facts for honourable senators, if you were to look at today's Order Paper, you will see that I am holding the adjournment in my name, and it is Order No. 1, at page 8. Today is day nine. This is quite healthy and there is nothing wrong with that at all.

Honourable senators, I must inform the house that I had a meeting with Ms. Smith, who is the MP for Kildonan—St. Paul, on October 27, 2009. At that time I indicated to her that I wished to speak to the bill and that I was doing some very serious research. I will be honest, honourable senators. I have been reviewing Blackstone and Sir Matthew Hale and others on the whole set of principles of punishment and sentencing.

I informed her of this. I also informed her it was my intention to support the bill at second reading. She understands that. I also informed her that it was my intention to do my research and then to speak.

Subsequent to that meeting, my office has received several telephone calls suggesting that I have stalled the bill — that was their language — even pressuring my staff about my intentions regarding this bill. I do not understand if, how or why any doubts may have arisen about my intentions regarding this bill, but what I do know is that on the record here my intention has been pretty clear all along. I have been working on it and I do plan to speak on this bill very soon.

I would also like to say about this question of privilege that I have no knowledge of any involvement of Ms. Smith in the production of Mr. Perrin's press release. She sent me a copy and I would just like to clear her name on this so that we can understand the nature of my complaint with some clarity.

I remind honourable senators again that when I moved the original motion of adjournment, I yielded the floor to Senator Dyck, at her request, so she could have that second spot and the 45 minutes allocated to that spot. Senator Dyck was persuasive; she wanted to put on the record several important points concerning native peoples. Senator Dyck knows that I honoured her in that, just as I have honoured Ms. Smith.

I have also made it clear that if any senator wishes to speak to Bill C-268, I am willing to yield the floor at a moment's notice.

Honourable senators, I should like to read from Mr. Benjamin Perrin's press release of December 2. I remember thinking this is the very law professor at the University of British Columbia who, in the debates in the House of Commons on the bill, it is made quite clear, played a very important role in the development of this bill. As I said in my notice, there is a pride of authorship here, honourable senators. I do not know the full extent, but I do know that he was fully involved.

I want to read the press release. If I could table it, that would spare me having to read the whole thing.

**The Hon. the Speaker *pro tempore*:** Honourable senators, is it agreed that the press release be tabled?

**Some Hon. Senators:** Agreed.

**Senator Cools:** That way I can read only the relevant portions.

It is entitled, "Human Trafficking Charges on International Day for the Abolition of Slavery."

Honourable senators must understand this press release jolted me in very deep and primeval ways that perhaps I cannot express. I would hope some people have the imagination to understand why.

It says "for immediate release" and is dated yesterday, December 2, 2009. I shall read the first paragraph, skip some and then go into the sections that speak about me. I quote:

Vancouver — Today, two separate human trafficking cases were announced by the Calgary Police Service — the first such charges to be laid in the city since the 2005 offence became law. They are poignant reminders that modern-day slavery exists in Canada on the very day that the world is commemorating the International Day for the Abolition of Slavery.

It goes on to speak about the Calgary Police Service and the need for prosecutors to pay full attention, et cetera. Then it describes the first case announced by the police, and on and on. Then there is another headline: "Tougher Laws against Child Trafficking Needed."

• (1520)

In September, the House of Commons approved Bill C-268, which would enact tougher penalties for child traffickers with a five-year minimum term of imprisonment. Inadequate sentences in both Ontario and Quebec in 2008 spurred calls for action. In one case, a convicted child trafficker spent just a week in prison upon conviction after receiving 2-for-1 credit for a year of pre-trial custody.

Honourable senators, tons of other things are offensive about this release that do not necessarily offend our privileges. Then Mr. Perrin goes on:

Unfortunately, Bill C-268 is currently stalled in the Senate because independent Senator Anne Cools has unilaterally adjourned debate on it.

I will read that again.

Unfortunately, Bill C-268 is currently stalled in the Senate because independent Senator Anne Cools has unilaterally adjourned debate on it.

I do not think the man understands what it means to move an adjournment. For the sake of enlightening this appalling ignorance, perhaps I should put on the record that an adjournment is not and cannot be a unilateral action. An adjournment is a conclusion, a decision of the house that is reached on the strength of a vote. Therefore it cannot be a unilateral action. Unilateral is not even the right word.

The press release continues:

“Senator Anne Cools is stalling critical legislation that was approved overwhelmingly by the House of Commons to ensure that child traffickers are held accountable and victims are protected,” said Professor Perrin. “As a result of her inaction, alleged child traffickers in a Calgary case announced today will benefit from lax sentences that the current law permits. The Senate must take action.”

I want to read this again, colleagues, because I want other people to understand why I find this release so repugnant.

This is Anne Cools speaking. I have spent my life working for people, healing broken families. I began my career as a youth worker, intervening to keep young juvenile delinquents from being detained. While we are at it, the slavery analogy does not make me feel too warm.

I shall repeat:

“Senator Anne Cools is stalling critical legislation that was approved overwhelmingly by the House of Commons to ensure that child traffickers are held accountable and victims are protected,” said Professor Perrin. “As a result of her inaction, alleged child traffickers in a Calgary case announced today will benefit from lax sentences that the current law permits. The Senate must take action.”

Honourable senators, it continues and you can read it for yourselves.

Let us understand carefully that this particular press release has struck a very deep note with me. To continue with some of the facts, because I was here in the house yesterday, I received this press release at 2:27 p.m. yesterday. I was here in the house. The Senate adjourned at 3:10 p.m. Therefore I learned of this press release only when I returned to my office. Barely an hour later, I received another email copy of Mr. Perrin's press release from Joy Smith at 4:03 p.m. I have made no attempts to find out if she had any role in the production of this distasteful document and I intend to make none.

Having read from this insensitive and distasteful statement, which questions not only my right to speak but also the validity of the entire second reading and, as a matter of fact, of the validity of the entire Senate proceeding itself, including the Senate votes when I adjourned the debate, I must tell honourable senators there is a clear breach of privileges here.

Honourable senators, I shall try to outline some of these breaches. I want to impress upon senators that I understand very well that a disagreement or an unpleasant statement or even offensive statements are not breaches of privilege, so I understand the difference and so I shall continue.

Mr. Perrin has unjustifiably reflected on me and my right to speak in accordance with the rules of debate, as has been verified and supported by the other members of this house. I view this document as an act of pressure and intimidation. Mr. Perrin is insisting that the Senate pass a bill with what Sir Wilfrid Laurier once called indecent haste — indecent haste.

Mr. Perrin has said that accused child traffickers in Calgary will benefit as a result of my actions in the Senate. Mr. Perrin does not seem to comprehend that the Criminal Code is a mighty instrument and that the entire law enforcement system has many tools at its disposal. If this bill were such an important one, then why was it not moved through these houses by a minister under the strength of ministerial responsibility? Are we in another one of those cases where one, it either moved ahead under the opposition of the minister, which means he should resign if that happened, or two, it is moving ahead silently, quietly, with the minister supporting it furtively, that is equally wrong, because the notion of ministerial responsibility must prevail.

What Mr. Perrin has said about these child traffickers benefit from me is not only untrue, but it is outrageous and scandalous and not becoming to any one of Her Majesty's officers of the court. We always forget that every lawyer is an individual minister of justice. Each one is an officer of the court.

These press release statements are calculated to cause, to lead and to incite others to heap scorn and contempt upon me. I have received countless letters and I was informed a few minutes ago that there was a statement on a radio program, I think in Regina, Saskatchewan somewhere. Mr. Perrin's press release is an obvious exercise in behaviour modification intended, frankly, to modify my behaviour.

Honourable senators, I know a lot about the human psyche, and I know what an artful dodger the human psyche can be. All this is intended to alter my actions here on the floor of this house; in short, correcting my behaviour, my actions here in the Senate to be in line with something he would prefer, or something he wants. Maybe we should have an opportunity to ask him.

Honourable senators, this release is a breach of the highest privilege of free speech. It is a reflection on me and on the Senate. It is a breach of article 9 of the Bill of Rights of 1689, all of which was received into Canada by the BNA Act of 1867. However, I will put this on the record for you. The Bill of Rights, article 9 states:

That the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament.

Those are powerful words. It may be that Mr. Perrin is just a person who has an overactive vanity, or a bad day; who knows. We do not know, but I am saying his action is wrong.

Honourable senators, senators are supposed to be able to act and speak in this place without intimidation and without reprisal from others. Healthy criticism and healthy disagreement are welcome and desirable, but Mr. Perrin's statements are neither of these things.

• (1530)

This is an attempt to poison my reputation by creating an illusion that, somehow, I am supporting crimes, or would support crimes, or I am capable of supporting crimes that are naturally abhorrent and repugnant to most of us. This seems to be the new thing these days — that is, to point a finger at the other person who disagrees, or questions. If he disagrees with you on something like the Anti-terrorism Act, to suggest that maybe he supports terrorism himself. It is that sort of thing. It is both mischievous and menacing.

I wish to share with honourable senators the natural repugnance and the deep disturbance that we experience when we hear of sexual crimes against children. As a social worker, I have seen and worked with the most horrendous cases that anyone could ever imagine. Mr. Perrin is trying to massage that natural repugnance and then to tar me with it. It is truly distasteful and it should be condemned as such.

Honourable senators, Mr. Perrin seems to be saying that the House of Commons' word is word enough and that the Senate should adopt Bill C-268 without much ado and with no debate. That is to say, less is good; none is even better. This is another breach of the Senate's privilege of independence because the Senate is the house of sober second thought for study and deliberation in review of the decisions of the House of Commons. This is a separate and sovereign house, and we ought to remind others about that fact every now and again.

Honourable senators, it is my bounden and imperative duty to study the questions that are put before me and it is my intention to continue to do so and to continue to honour and uphold my oath of allegiance to serve and to think and to yield and to give the best that I have to offer. The Mr. Perrins in the world will never alter my mind on any of that. It is an unfortunate thing that he used the example of slavery, because he would have to know in my life what names like William Wilberforce meant to me. Mr. Perrin had better know that he struck a deep, primeval place in me. I do not talk about that very much, but one of these days, I shall.

Honourable senators, there is another breach by Mr. Perrin. I would call it the privilege of representation.

One of the reasons, honourable senators, I am trying to articulate these breaches is that normally we rise and say that there is a breach of privilege and then I believe we must show which one in particular. Most researchers on privilege run to *Hallsbury's Laws of Canada*. The most important examples are not listed there, however. I am talking about the one called representation. That is the reason we are all here, namely, to represent others, the public, in Parliament. Senators are representatives, just as members of the House of Commons are representatives. We have a duty to represent people here, Canadians here, and it is my intention on this bill to represent everyone touched by these measures contained in Bill C-268.

Let me list some of them for us. Some are the accused; some are the victims and the victims' families, prosecutors and defence counsel. I wish to add that I will also be defending the interests of judges at a time when ideologues are attempting to shape and direct judges' conclusions and findings. No public good can be served by ministers invading the ken of judges. I will not dwell on that, honourable senators, because that is the substance of the bill. However, I shall deal with that later on and I shall raise it when I speak to Bill C-268 next week, as planned.

Honourable senators, it is my bounden duty to measure every proposal here against the well-established principles of this system of governance.

I think I have said enough on slavery, but Mr. Perrin has exceeded what I would consider to be reasonable boundaries of criticism and social comment. Senator Murray will remember when we said goodbye to Senator MacEachen. His supporters had a lovely conference for him at St. Francis Xavier University. I was there, as was Mr. Trudeau, Mr. Pelletier and Senator Jacques Hébert; it was the last time I saw them together. I was taken by the motto of St. Francis Xavier University. The place was teeming with marvellous Roman Catholic academics. Senator Kinsella has had that kind of rigorous intellectual training.

Honourable senators, I would like to quote from the New Testament, book of Philippians, chapter 4, verse 8, the motto of St. Francis Xavier, which states:

Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue and if there be any praise, think on these things.

Honourable senators, I thank you very much for your patient attention.

**Hon. Mac Harb:** Honourable senators, when my colleague brought this issue to my attention, I had a chance to look at the press release. Frankly, I would like to join her in requesting that His Honour look into this matter and make a decision as to whether it should go to the Rules Committee in order to look at it more closely or render a decision on behalf of the Senate and communicate the correct facts to the individual.

Quite correctly, Senator Cools cannot adjourn without the approval of the Senate. Therefore, the statement indicating that she unilaterally adjourned the debate is not accurate. Furthermore, as we all know, the *Rules of the Senate* state that each senator has the ability to go up to 15 working days by putting in a motion to adjourn so that the senator can prepare to speak. Therefore, Senator Cools is within her own right in asking to adjourn so that she can prepare.

The Honourable Senator Cools is not stalling. If she is stalling, then the Senate agreed to her adjournment. Therefore, the Senate is stalling. We have a responsibility to stand up and correct the record.

Furthermore, there is the honourable senator's inaction. In fact, she acted. That was not inaction; it was an action on her part in order to participate in an important debate, as was stated and as the other place debated this issue. I am not second-guessing

Mr. Benjamin Perrin; I am indicating to honourable senators that it is important not to let this issue go without a challenge of the facts, simply put, under rule 43 (1)(a)(b)(c) and (d). Moreover, under rule 45, the message was not a private, direct communication to the senator, but it was transmitted throughout the media, creating a false impression of what really happened here in the Senate. It was not a true reflection of what happened.

I would like to join with the honourable senator in appealing to His Honour to use his good offices to communicate either directly or through a committee in terms of the facts.

**Hon. Sharon Carstairs:** Honourable senators, I think it is important to look at the history of Bill C-268 since its arrival in this place. It arrived in the Senate on October 1. Senator Martin did not speak as a mover until October 22, some three weeks later. Was Senator Martin stalling? Of course not.

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** There was a break for Thanksgiving during that period.

**Senator Carstairs:** Senator Martin had every right to take her time to prepare her remarks. As a private member's bill, there are no speeches prepared by departmental officials, as is the case with government legislation. It takes time to prepare. The bill was adjourned on October 22 and spoken to by Senator Dyck on November 3. Was Senator Dyck stalling? Of course not.

• (1540)

Senator Dyck gave an impassioned speech on this particular bill, which was extremely thoughtful and raised some serious questions with respect to the original bill and its potential need for improvements. That day, the bill was adjourned by Senator Banks, in the name of Senator Cools.

Honourable senators, this bill, according to our Order Paper, is on the ninth day. This is quite a normal process, I would suggest, in private members' legislation. I would invite honourable senators to pick up today's Order Paper. It is riddled with bills that have waited for 11 or 12 days. Some of them, in fact, have waited 15 days and the clock has been rewound for the second edition of those 15 days. No one has issued press releases accusing the members of stalling.

While the press release was issued by Professor Perrin from the University of British Columbia, a copy of this press release was quickly sent to Senator Cools' office by the sponsor of this bill, Member of Parliament Joy Smith.

Honourable senators, article number 75 in *Beauchesne's Rules & Forms* states:

... freedom of speech is ... the most fundamental right of the Member of Parliament. ...

I would suggest, honourable senators, that this must be interpreted as the right to speak after sufficient time has passed to allow one to participate intelligently in the debate.

[ Senator Harb ]

Article 93 in *Beauchesne's* states:

It is generally accepted that any threat, or attempt to influence the vote of, or actions of a Member, is breach of privilege.

I would suggest, honourable senators, that this unwarranted attack on Senator Cools as stalling the bill is an attempt to influence her actions, which might result in her speaking before she is ready, were she the least bit conducive to being persuaded in this way. I think we all know the strength of her character and that this will not in any way determine that she should speak before that.

Article 99 in *Beauchesne's* states:

Direct threats which attempt to influence Members' actions ... are undoubtedly breaches of privilege.

I believe the press release issued by Professor Perrin and sent to Senator Cools, by both the professor and the Member of Parliament Joy Smith, should be examined in light of *Beauchesne's* articles 75, 93 and 99, and that there has been an attempt to influence Senator Cools in terms of her actions and that her privileges have been breached.

Both are entitled to hold views about her actions. That is clear. They are entitled to hold views about her actions. They do not, I would suggest, honourable senators, have the right to attempt to influence her by attempting to limit her freedom of speech.

I urge His Honour to take this matter under advisement. Your Honour, this is not a question of whether we support or do not support this particular piece of legislation. This piece of legislation is worthy of consideration. Suggestions made by Senator Dyck make it even more worthy of consideration. However, in that consideration, we have a right as senators, and we have a right as a Senate, to take our time, to deliberate carefully, to write our speeches, and to make decisions.

I find it a little difficult when I hear the interjections on the other side and see some of the smiles and some of the concerns that perhaps we are going too far on this issue. Senator Cools comes from a history in which, clearly, the whole concept of slavery is repugnant to her. I would hope it is repugnant to all of us. She, as with Senator Oliver, has a particular relationship.

Honourable senators, nothing offends me more than the trafficking of children. Nothing. This bill is of great concern to me. I was sexually assaulted as a child. I know what it is like from personal experience. This is no attempt on my part to delay this bill in any way, shape or form. However, I will protect the privileges of every member of this house, and that is what I am doing in my remarks today.

**Hon. Lillian Eva Dyck:** Honourable senators, I rise to support Senator Cools in her motion for a breach of privilege. I would confirm the fact that after Senator Martin, the sponsor of the bill, rose to speak, Senator Cools got up and adjourned the debate, and then she yielded the floor to me so I could be the critic for the bill. She was definitely trying her best to have the bill go forward within the chamber.

I, too, received a copy of the press release from Mr. Perrin. I have to say that I was shocked that it came out on the International Day for the Abolition of Slavery. Does Mr. Perrin not know that Senator Cools is a Black woman? He is trying to restrict her freedom of speech and research to do her job as a Black woman in this chamber. To me, that was incredibly appalling. He does not know who she is and the incredible work she has done.

I do not believe other honourable senators have made the case that she is stalling. She has 15 days in which to prepare her materials and do adequate research. It is an important bill, and one cannot just get up and do a sloppy job. She is a very intelligent woman. She is doing her research, and I look forward to hearing what she has to say.

I will close by saying the bill spent five months in the House of Commons. Were they stalling? Many Members of Parliament got up to speak to the bill because it is an important issue.

I will close by quoting from our writ, which Senator Cools herself reminded us of. It says:

KNOW YOU, that as well for the especial trust and confidence We have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs . . .

This bill is a weighty and arduous affair to which we must devote all our attention, time and resources to do the job that we have been summoned here to do. I congratulate Senator Cools, because I know she has done her job well as a senator in the past and I know she will continue to do so in the future. I urge His Honour to make a decision as quickly as possible.

**Hon. Joan Fraser:** Honourable senators, a while ago in this chamber, when I raised a question of privilege, Senator Cools stood up and made what I thought at the time — and in retrospect, even more — a profoundly wise statement. She said basically, “I do not know if this is actually a question of privilege, but something has gone very wrong in this case.” At a minimum, it seems to me that that is an absolutely appropriate comment to make about the case that she has brought to our attention today, and I thank her for doing it.

I do not know if His Honour will find that a *prima facie* case for privilege has been made out. My attention was caught by the same citations from *Beauchesne's* that Senator Carstairs read. I would observe that freedom of speech, to which the first *Beauchesne's* reference referred, includes freedom not to speak, or freedom to reflect and consider and do research before speaking.

I would further observe that Senator Cools has, as has been pointed out, been fully within our rules and has been accommodating to other speakers, as she has engaged in her reflection on this matter.

• (1550)

It remains true, of course, that everyone, every member of the public, every citizen of Canada and every visitor here has the right to comment on what we do or do not do in this chamber. Some of those comments are, on occasion, wounding.

However, one thing that has gone terribly wrong here, apart from the obviously appalling ignorance shown about Senator Cools herself in the comments made by Mr. Perrin, is that it has betrayed one more time the appalling ignorance that is prevalent in this country about Parliament, and in particular about this chamber. It is even worse when it comes from what, I gather, is a university professor.

If Senator Cools is guilty of stalling, half the senators in this chamber, including a large number of those on the government side, are even more guilty. There are many bills on our Order Paper that have been adjourned for much longer than this one. There are bills on our Order Paper on which senators have held the adjournment since February, March, April and May, and no one has claimed that this adjournment was a public shame.

Furthermore, in practical fact, I assume that this bill, if it receives second reading, will be referred to the Standing Senate Committee on Legal and Constitutional Affairs. If so, it will go automatically to the bottom of the list until yet another bill comes and replaces it at the bottom of what is a long list. As all honourable senators know, government bills take priority in committee work.

We have a long list of government bills coming at us before we even started to consider private members' bills. There is a profound ignorance displayed in the statement that has been made.

Most offensive of all, however, is the implication that because the House of Commons has passed a bill, we should click our heels and do likewise. That attitude is common not only among certain commentators but among a number of members of the House of Commons, including ministers of the Crown, certainly in this government and also in predecessor governments. That attitude is profoundly offensive to this chamber. I find it offensive that Ms. Smith deemed it appropriate to, if you will, endorse this profoundly ignorant statement by Mr. Perrin in forwarding it to members of this chamber.

Yes, Mr. Perrin is trying to modify Senator Cools' behaviour as a senator. Of course, he is. I have already said, Senator Mockler, that every citizen of this country has the right to comment on what we do.

**Senator Tkachuk:** Exactly.

**Senator Fraser:** I await with interest His Honour's ruling on whether this degree of comment constitutes a breach of privilege, but I return to my original quotation from Senator Cools. Something has gone terribly wrong here. Something goes too often terribly wrong in the way that members of the other place, and supposedly informed members of the public, discuss the activities of this chamber and its members.

If His Honour finds that there is a *prima facie* question of privilege, I suggest that the matter be taken up not only by the Standing Committee on Rules, Procedures and the Rights of Parliament but perhaps even by a special committee of the Senate to see what can be done to combat this appalling ignorance.

that afflicts Canadians. Even if His Honour determines that no question of privilege has been made out, I still think that sending the matter to committee is an appropriate course of action for the Senate to adopt.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I wanted to hear the nature of the alleged breach of privilege. I did not write any notes prior to this debate. I did not seek to consult with my usual advisers. Let us hear what Senator Cools has to say. As Senator Cools spoke, I put down some notes. I have no pre-prepared notes. I am speaking from what I feel are the issues raised here today.

I do not wish to discuss the merits of the bill in question, as others have done. However, it strikes me that Canadians must be free to express publicly how they feel about how we proceed or do not proceed with bills. Canadians must have the right to express their opinion on how this chamber does its work.

I do not know who Mr. Perrin is. However, I think he has an absolute right to express his views. To him, these views are extremely important. He expressed them in his way, as a great number of Canadians do, sometimes in writing, sometimes on radio, sometimes on television or in emails, of which I happen to receive many.

The opinions of Canadians in general have to be protected and we have to protect their right to express those opinions. This one in particular as well; we have to protect Mr. Perrin's right to express his opinions.

If Senator Cools feels that she has been attacked in a way that is inappropriate, there is always access to the courts, if she has received an opinion she does not like.

Mention was made this afternoon about the pressure that was brought to bear on Senator Cools through this press release. Yes, in fact, Mr. Perrin was probably trying to put pressure on her. However, we are under pressure virtually every day from Canadians. Only today, Senator Nolin brought in a petition of 4,000 some-odd names calling on us to take certain action on Bill C-15. Senator Harb for a number of weeks brought in petitions asking every one of us to support the views of certain European people who, in his view, wanted us to take a certain action. We listened. We did not rise and express an opinion that he did not have the right to bring in those petitions.

Freedom of speech was mentioned by Senator Carstairs and Senator Fraser. I wrote this down: "a direct threat made to Senator Cools."

Anyone who reads this press release will not see a threat or a direct threat. What this gentleman is asking for is that Senator Cools act on a bill that she has under adjournment. He is not expressing a threat. There is no threat, or even an intimation of a threat.

I agree with Senator Fraser that the public has the right to comment. I am not sure if I would have used the phrases "appalling ignorance" or "profound ignorance." I tend not to use those kinds of phrases when describing the public. That reluctance is probably from my years of having knocked on doors when I ran for public office.

[ Senator Fraser ]

I say there is absolutely no prima facie case in this press release for His Honour to go out with handcuffs and bring in a Canadian citizen before this court. This gentleman has expressed his views. He has a right to do so, as Canadians always do. Yes, we should protect our right to speak in this chamber, but primarily we should protect the rights of Canadians to express themselves, both publicly and privately.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, I want to place on the record two facts so that this can be seen in the proper context. First, this bill was introduced in the House of Commons on January 29 and was in the House of Commons from January 29 until it arrived here on October 1. That is a fact.

• (1600)

Second, as has been pointed out by other honourable senators, Senators Cools did not unilaterally delay the discussion of this bill. Senator Cools moved the adjournment of the debate, and we all concurred in that adjournment. This was not the subject of a vote where she was entitled to a vote and all the rest of us wanted to move immediately forward. Senator Cools moved the adjournment of the debate and we all concurred in it. I want those two facts to be on the record.

**Senator Tkachuk:** No one is arguing with you.

**Hon. Consiglio Di Nino:** Honourable senators, I do not want to prolong this any longer than necessary. I want to put on the record a couple of my own personal thoughts on this matter. First, if we look at the *Debates of the Senate*, no one from either side of this chamber has accused Senator Cools of stalling this bill. Certainly, I did not hear any such comments today.

Second, we are not talking about the bill. We are talking about an action that Senator Cools is prepared to take, which she claims impinges on her rights as a senator. It has been said, and I think it is worth repeating, honourable senators, that this is a Canadian citizen who, for his own reasons, feels that Senator Cools is not acting, as he believes Senator Cools should. He believes that Senator Cools is not acting as quickly as she should. Any member of the public has that right and we, as public servants, must be prepared to accept criticism from the public. This is the issue.

**Senator Tkachuk:** We must also protect that right.

**Senator Di Nino:** Honourable senators, I do not believe there is a question of privilege. I read Senator Cools' announcement, and I frankly could not see a question of privilege in her information. I think the most important issue that we need to deal with is whether Canadians have a right to criticize and comment. Do Canadians have a right to suggest that we may not be conducting our affairs in the way they would like? I think they have that right and that we should protect that right.

**Hon. Yonah Martin:** Honourable senators, as the sponsor of this bill in the chamber, I feel compelled to say a few things for the record. First, I want to thank all honourable senators who have expressed their insights and opinions on this matter. I say this respectfully to Senator Cools, with whom I conversed on this matter very early on. At that time, I respected her right to

reflect and then speak on this bill. Senator Cools mentioned that to me personally, and that is why I did not approach her a second time, to ask and urge her to speak sooner than when she was ready. I want to put that on the record. My thanks also go to Senator Dyck whose statement was extremely emotive, and we all agree that she put a great deal of thought into her remarks. I thank Senator Comeau for articulating some of the points I wanted to stress.

For the record, I do know Professor Perrin, a professor at the University of British Columbia, my alma mater. Before I accepted sponsorship of this bill in the chamber, I met with Mr. Perrin and was extremely impressed with his dedication to this issue. He has dedicated the past 10 years of his life to working in Thailand and to coming to an intimate understanding of this issue. Professor Perrin is not here today. I point out that Professor Perrin worked with member of Parliament Ms. Joy Smith, who has made this issue one of her priorities for many years. Ms. Smith's son is a police officer and this bill came at the urging of police officers with whom her son works, as well as other officers who see what is happening to our children. I offer senators this information within the context of how much time has been spent on this bill.

Senator Cools, and all honourable senators who have spoken today, as the sponsor of the bill, I stand to urge all senators to reflect on what we discussed today. I urge all to reflect on the bill, which is important and is urgent as it pertains to the protection of our most vulnerable — our Canadian children and youth.

**Senator Cools:** Honourable senators, I would like to answer a few remarks, not many. My thanks go out to this new senator, Senator Martin, for her intervention. It is no simple or easy matter for a new senator to intervene in a debate like this, so I want her to know that I admire her and thank her.

Having said all of this, honourable senators, I would take issue with Senator Comeau first. Honourable senators, the cast of mind of the Senate or of the House of Commons or Parliament is a common law cast of mind. Honourable senators, there is no common law right to hurt anyone. Let us be clear.

Freedom of speech affects and applies to everyone, but no one has the right to use freedom of speech to incite or elicit scorn against anyone else, and the common law is clear on that point; the jurisprudence is thick, heavy and deep. Senator Comeau is not quite correct.

I was citing freedom of speech in a parliamentary way, not freedom of speech like the ordinary person out on the street. Freedom of speech as embodied in the BNA Act and the great constitutional acts of this country has a particular meaning, and one of its meanings is that we are bound by a wider set of principles than the ordinary and average person. When I was speaking of freedom of speech, I was speaking of its parliamentary meaning. I would like to record that in case there is any doubt.

Senator Comeau speaks about the rights of ordinary Canadians. If this were about a disagreement, there would be no problem. I would not have raised it. If this were about a difference of opinion, I would not have raised the question of privilege. I want to make this quite clear. I was raising an issue as

a breach of the privileges of this place, of statements that are barely disguised as social comment, just barely. I do not even think they meet the standards of social comment.

The first standard of social comment is fairness, balance, equilibrium, upholding the moral condition and then the moral position of the law and the moral position of individuals.

Senator Comeau keeps saying that the person in question, the professor, is an ordinary Canadian. I think that is the understatement. This is no ordinary Canadian. This person is an extremely privileged Canadian who is a professor of law and who should know better. I would expect him to respect the principles of the common law.

Not only is he no ordinary Canadian, he is actually present here in the debate since he is the co-drafter, the co-creator, the co-producer of the bill. There is a section in the *House of Commons Debates*, which even suggests that he was the directing mind of the bill, creating or forming the language.

This man, Mr. Perrin, has a great privilege to work with a member of the House of Commons to produce a bill to put before us for debate. Therefore, he cannot go out there, waving his little flags as though he is just some simple, ordinary, unknowing and uninformed individual.

• (1610)

He has to respect the fact that he has been a participant in this process, though in an indirect way. I respect that, and I would have upheld that. However, he stepped outside the boundaries that should pertain when one is invited, as he was, to partake in creating a bill that is put before us.

I would never have raised this unless I thought it had an extremely serious basis and foundation. I would like to say, honourable senators, I am used to disagreements. A bit of disagreement does not bother me at all. I have been very blessed; I was raised to respect criticism, and raised in the finest British traditions of criticism and self-criticism. However, I do not think these players were, because they want to pile on criticism but they do not want to take any. I take mine and I will give it, when needed.

Let us understand clearly: This is no ordinary, poor little Canadian, like the victims he is talking about with regard to the bill. These need our protection. They are being told that harder stiffer penalties will correct crime. I will tell honourable senators that they ought to instruct themselves on social deviance and crime. We understand that. There is a lot of literature on this, but we will get there on the substance of the bill. I wanted to make the point that this is no frivolous, capricious or cavalier fact that I have raised. I was mortified and shocked, because Ms. Smith had spoken so highly to me of this gentleman. I was mortified that this press release could come from the hand of the person whom Ms. Smith had described to me as an eminent mind and great respecter of human rights. How can he respect other people's human rights if he does not respect mine? That is my bounded duty, honourable senators.

Honourable senators, as I said before, I was raised to debate and I will touch this again: Individuals like William Wilberforce, Buxton, Clarkson, John Newton, and John Wesley, these abolitionists, were upheld to me as the individuals to emulate. Therefore, when I read his statement about slavery, I reacted very strongly. However, I will tell you a little secret that he does not know. I will inform him, because I know he will be reading the record. He wants to amend the Criminal Code in ways that are unconstitutional. I can tolerate change, once you make the change in accordance with the system. These are major amendments being suggested.

Honourable senators, to Mr. Perrin, I would like to say there is no connection whatsoever with the phenomenon of slavery and these poor, terrible cases that are happening, and they are very terrible cases. I can only find one connection, and it is an intellectual one and a coincidence. The Criminal Code of Canada was drafted by a man named James Fitzjames Stephen. Many people here do not even know this. I have been looking at it, because I am a great reader of all literature. We know that. I am an antiquarian.

Honourable senators, let us understand who James Fitzjames Stephen was. He was one of the greatest minds of criminal law in the U.K. Unfortunately, in the U.K., they never adopted the whole code he wrote, but it was adopted here in 1892. I believe he was the grandson of James Stephen, who wrote the Act for the Abolition of the Slave Trade that William Wilberforce moved, and that is the only connection anyone could ever find between slavery and this thing.

That is purely coincidental and simply the nature of human history. The great thinkers on the Criminal Code or the criminal law would be shocked. I will raise these matters in due course; I will be raising them because I feel I am on pretty strong ground. As a matter of fact, I was in Toronto a few days ago meeting with some criminal lawyers on these very points.

I just wanted to say, honourable senators, that there is a clear breach of privilege here. Mr. Perrin ought to have known the boundaries of critical comment and proper social comment. He should understand them, he should adhere to them, and he should uphold the principles that I am upholding right now in respect of human debate, human endeavour and human freedoms to engage in endeavours and to work together.

I will tell honourable senators something: I will support the bill, but I will ask a lot more questions.

**The Hon. the Speaker:** Honourable senators, allow me to express my appreciation and thanks to all honourable senators for their contributions to the consideration which is now before the Speaker, which is to determine the very narrow question of whether a *prima facie* case of privilege has been made out.

I also wish to salute all of the honourable senators for the manner in which they approached helping the Speaker on this question of privilege raised by Senator Cools. It illustrated that all honourable members of this honourable house take the question of privilege the way it needs to be taken. It is not something that speaks to an individual member of the house but, indeed, to the entire house.

[ Senator Cools ]

I wish to extend my appreciation for honourable senators' contribution. I will take the matter under advisement and shall report back in due course.

[Translation]

## VIOLENCE AGAINST WOMEN

### INQUIRY—DEBATE ADJOURNED

**Hon. Rose-Marie Losier-Cool** rose pursuant to notice of December 1, 2009:

That she will call the attention of the Senate to violence against women, its root causes, and possible solutions.

She said: Honourable senators, three days before the 20th anniversary of the École Polytechnique massacre, it is with great emotion that I draw your attention today to violence against women and girls.

Yes, I know that you probably think this is a subject we talk about a lot, perhaps even too much. And I agree with you. I agree with you because we should not have to talk about this kind of violence at all. It should simply not exist.

However, it does exist, and it has been around for far too long. Violence against women and girls is an aberration that began in ancient times, and the earliest justification for it was probably the physiological differences between men and women.

Nonetheless, I would point out that in ancient times, many societies considered men and women to be of equal importance, and some societies were even matriarchal. So what has changed since then, and why has male domination become the universal norm? There are many answers to that question, honourable senators, and I do not know them all.

A look back in time teaches us that some religions codified male-female inequality and imposed male domination on all aspects of society. But surely we cannot place all of the blame on religions. Consider the wartime practices that have allowed men to commit the worst atrocities against women and still allow them to do so. Consider also industrialization, which favoured men's greater physical strength, bestowing upon them dominance in the workplace that carried over into the home. There are other reasons, honourable senators, but I will not list them all.

Today, in 2009, such violent behaviour still exists, honourable senators, and it is time for it to stop. Despite the largest women's movement in the history of humanity over the past 50 years, violence against women is still a problem today, although it has taken on new forms. Women are no longer burned at the stake, but they are still raped. Women are no longer regarded as livestock, at least not in Canada, but women are still beaten. Women are no longer thought to be incapable of judgment and reason, but they are still harassed in many workplaces.

What are the many forms this perpetual violence can take? Let us begin with the worst form, murder.

Honourable senators, every year nearly 200 women in Canada are killed by a husband, spouse or partner.



• (1620)

I also know that little girls are being killed in our country before they are even born, when their parents, who usually come from cultures that prefer little boys, ask for an abortion as soon as they know the sex of their unborn child. And if those little girls are born, what kind of future will they have? Will they be entitled to the same care and education as little boys? Will they be forced into an arranged marriage in the name of other foreign traditions condemned by our laws? Yes, honourable senators, these things do happen in Canada, and even to Canadians. Why?

I will never forget the many times my female students, who were only 16 to 18 years old, confided in me about the violent behaviour they had been subjected to. Over 20 years later, just last week I was horrified to read in a newspaper from my home province about the violent murder of a 16-year-old girl whose body was found on a former military firing range in my hometown.

And what about the violence too often committed by men who do not always leave bruises on a woman's body, but who nonetheless leave their mark on her mind? I am talking about men who dictate how their girlfriend or wife should dress or wear her hair; who make decisions on her behalf without consulting her and demean and ridicule her, sometimes in front of other people; who criticize how she raises the children, keeps house or cooks; who deliberately ignore her in the hope of hurting or bothering her; who prevent her from going out by herself or seeing her friends and family; who threaten to harm her, shove her, forcibly restrain her and force her to engage in sex or perform sexual acts she does not want.

Honourable senators, these behaviours are all forms of violence that are too often committed against women. Why? And what about sexual assaults or rapes of unknown women whose only transgression was to walk alone in the street, jog alone or leave their office alone? And what about men who do not allow the women with whom they have sex to take contraceptives or who refuse to wear a condom? Those men force those women to run the risk of sometimes serious venereal diseases, if not an unwanted pregnancy that will ruin their lives.

These are other violent, unacceptable behaviours to which more women than you might think are exposed more often than I would like. Why?

At the dawn of the 21st century, we can point to perhaps three main phenomena that perpetuate this cycle of violence against women. First, there is advertising on television, in the print media, on radio, everywhere. This omnipresent advertising depicts a woman as a body, if not simply a body part, and takes away her mind and her ability to think, leaving only an object of desire, an image devoid of meaning. Does advertising treat men in the same way? I do not think so.

There is also pornography, which has become increasingly accessible since the sexual liberation of the 1960s and thanks to technological advances. Not only is pornography increasingly degrading in its depiction of the woman's role in sexuality, but it is increasingly easy for anyone, including young children, to access.

Does pornography treat men in the same way as women? Certainly not.

What can be said about the unbelievable persistence of sexual stereotypes? Christmas is coming. Take a look at the advertising on television and in all the media these days. Do the stereotypes treat boys and girls equally in advertising? No. These stereotypes are even more dangerous because they last into adulthood and too often result in an insidious form of violence against women. Just consider the very sexist treatment of important women, politicians or others, by their colleagues or the media. Just consider the hurtful comments and gestures that have been directed at women like Belinda Stronach, Kim Campbell, Hillary Clinton and Ségolène Royale. Just consider the notorious glass ceiling that prevents women from reaching the highest positions in their corporations because they have had to or may have to take leave or devote less than 24 hours a day to their jobs due to pregnancy or family commitments. And let us not forget the harassment, veiled or not, that they have to endure throughout their careers.

[English]

Logic dictates that this violence should not exist, but logic is not a human trait, and we all know that. Most levels of government in our country have laws or policies in place that ban this violence. Many people oppose this violence, including many men, but the violence still lives on. Why? I am tempted to surmise that our leaders — be they in politics, the police, the business world or the social sphere — would have too much to lose in the short or medium term if they decided to give their all to fighting and eradicating violence.

Why is it not compulsory to register before purchasing any kind of firearm and to take regular psychological tests to retain the right to use that firearm? These weapons account for 54 per cent of all marital murders in Canada. This percentage amounts to five murders per month. We should remember these statistics when we have votes on a national firearms registry.

[Translation]

Why were improvements not made to Bill C-8 after the Native Women's Association made their recommendations, rather than having it die at second reading in the other place last May? Had the association prevailed, this bill would have brought respect for matrimonial rights and interests in goods and property located on First Nations reserves.

I am not telling you anything new when I say that Aboriginal women and girls are victims of violence on a regular basis and that, proportionally, they are mistreated more often than non-Aboriginal women living in Canada, as our colleague Senator Brazeau alluded to yesterday.

Why do the budget cuts made by many governments in these times of crisis affect women more than men? Examples include the closing of Status of Women satellite offices in 2007 and the elimination of court social workers by the Government of New Brunswick in the Spring of 2009, a program that was of particular benefit to women.

Allow me to make a brief aside to mention these wonderful shelters or transition homes. There are 13 of them in New Brunswick where many women fleeing domestic violence seek

shelter. There is L'Accueil Sainte-Famille in my hometown of Tracadie-Sheila, which is marking its 30th anniversary this year. Our Acadian Peninsula is grateful for the incredible work that L'Accueil Sainte-Famille does. While we cannot celebrate its 30 years of existence, we should acknowledge them. I wish these homes had no reason to exist, but since they do, why not help as much as possible to give women a sense of dignity?

Clear, standard and identical definitions across Canada of what constitutes an act of violence would help prevent 27 per cent of New Brunswick's men from thinking that it is not a crime to force their spouse to have sexual relations. And what about the 53 per cent of men in my province of New Brunswick who think that hitting their wife during an argument is not an act of violence? What do you make of the 34 per cent of men in my province who believe that women are to blame for the violence committed against them?

• (1630)

If these acts of violence were clearly defined as crimes, they would happen much less often.

Fortunately, not all men are so violent or narrow-minded. Many men want to eliminate violence against women, which they believe is completely senseless. As women, we must be in a position to welcome this support. It is true what they say: once bitten, twice shy; centuries of fear have led us to be not as open-minded as we might be.

But the tide is changing, honourable senators, as evidenced by the domestic violence awareness campaign that the province of Quebec launched two weeks ago. There were more than 17,000 reported victims of domestic violence in 2008, and the province hired a "real man", actor Patrice Robitaille, to tell others in the province that he cannot imagine getting off on dominating someone.

If you think that 17,000 victims is a lot, you should know that this figure is less than a third of the total number of victims of domestic violence. In fact, general statistics show that fewer than three out of ten domestic violence crimes are reported to the police.

[English]

Newfoundland and Labrador has recently come out with a charming campaign. It says: "Show him how to tie his shoes, spell his name, pitch a tent and respect women."

[Translation]

I also urge you to read the master's thesis published in May by Miguel LeBlanc from Scoudouc, New Brunswick, in which he explains how to get men involved and active in preventing violence against women and finding solutions to the problem.

[English]

Honourable senators, violence against women is a huge and long-standing problem.

[ Senator Losier-Cool ]

[Translation]

Honourable senators, I would ask for two additional minutes to complete my remarks.

**Hon. Donald H. Oliver (The Hon. the Acting Speaker):** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

[English]

**Senator Losier-Cool:** It is a problem that the whole of society and all of our leaders must tackle in a coherent, consistent and efficient way across borders. It will be excellent when Canada finally eradicates all violence against women in the land. It would be even more wonderful if eradicating that violence were to include Canada's neighbours.

All government levels should work simultaneously on two fronts. The first front must be the systematic zero-tolerance criminalization of all forms of violence against women and girls. Each form of violence must be clearly and consistently defined across all jurisdictions in our country. Each form of violence must be punishable by a criminal record and either a fine or jail term commensurate with the act of violence.

I thank our current government for bringing December 6 to the attention of the people. However, fighting violence against women takes a lot more than a minute of silence or a white ribbon. Fighting violence against women requires concrete and useful action that all levels of government — federal, provincial, regional, municipal and First Nations — must take.

[Translation]

The second front that all levels of government should work on is the implementation of economic policies to eliminate poverty, which contributes to violence, and — more specifically — policies designed to help women. I would like to see programs that are less universal and more gender-specific. Employment insurance is one such program, because women's employment conditions are often much different from those of men. Social assistance is another program that often penalizes single-parent families headed by women. And then there is the child benefit supplement, which I still call family allowance; it is just not enough for many parents. Violence against women will not go away as long as women are still falling behind in our society's economic race.

[English]

Honourable senators, we all want violence to end. Therefore, let us walk our talk.

[Translation]

**Hon. Joan Fraser:** Honourable senators, I would like to thank Senator Losier-Cool for having drawn the Senate's attention to this very important issue and for giving a truly remarkable speech. I was genuinely moved by the research and thought she put into her speech.

[English]

• (1640)

I want to propose adjournment, but before I do, I will tell honourable senators that not more than three weeks ago, I listened to an opinion pollster whose great strength is to probe the values and underlying opinions of Canadians. He said that he was shocked, but his research shows that the number of Canadians who believe that women are not, and should not be, the equals of men is growing. That underlying attitude, whether admitted or not, is what leads to so many of the terrible situations that Senator Losier-Cool has described for us in Canada and around the world.

I will speak soon on this inquiry if I am granted the adjournment. I hope that many other senators will join. I move adjournment of the debate.

(On motion of Senator Fraser, debate adjourned.)

## HEALTH

### MOTION TO MAKE THE ISSUE OF MATERNAL AND CHILD HEALTH A PRIORITY TOPIC AT THE 2010 SPRING G8/G20 MEETINGS— DEBATE ADJOURNED

**Hon. Sharon Carstairs**, pursuant to notice of December 1, 2009, moved:

That the Government of Canada make the issue of maternal and child health a priority topic of G8/G20 discussions at the meetings scheduled in Canada in Spring 2010 in order that nations work in a united way to increase investments aimed at reducing global maternal and newborn morbidity and mortality.

She said: Honourable senators, this morning, parliamentarians from all parties gathered together to meet with representatives of the Partnership for Maternal, Newborn and Child Health on the important topic of maternal and child health. Senator Keon, Senator Pépin, Senator Fraser and I, as well as perhaps others who I did not notice in the room, were among those who attended. This issue is one of the many addressed in our Standing Senate Committee on Social Affairs, Science and Technology's Subcommittee on Population Health, ably chaired by Senator Keon.

Honourable senators, the G8 and G20 are meeting in Canada next spring. These meetings give the government the opportunity to raise the important issues of maternal and child health. This issue is of significant importance to all countries, but particularly to emerging economies and the Third World.

I think it is necessary to put these concepts in perspective. Millions of mothers and children around the world die each year during pregnancy, childbirth or childhood for want of access to adequate care or trained health care professionals. Honourable senators, we are not speaking of one or two children — tragic though the death of any child is — nor are we speaking of hundreds. I am speaking of millions.

Each year, more than half a million women die in pregnancy or childbirth, and almost 10 million children die before their fifth birthday, almost 40 per cent of those in the first month of life. Recent research finds that at least two thirds of these deaths could be prevented with proven, cost-effective interventions that could and should be available to every woman and child. By expanding access to these interventions and integrating maternal, newborn and child health efforts, an estimated 6 million deaths of women and children could be prevented each year. Given the scope of this challenge, no individual country, organization or agency can address it alone, and this is why the meetings of the G8/G20 can set new directions.

The Partnership for Maternal, Newborn and Child Health is a global health partnership launched in September 2005 to accelerate efforts toward achieving the Millennium Development Goals 4 and 5. MDG 4 focuses on reducing child morbidity and MDG 5 on maternal well-being. This partnership is the result of a merger of three existing partnerships: The Partnership for Safe Motherhood and Newborn Health, the Child Survival Partnership and the Healthy Newborn Partnership. The partnership's aim is to intensify and harmonize national, regional and global action to improve maternal, newborn and child health.

The partnership joins together the maternal, newborn and child health communities, encouraging unified and effective approaches that promise greater progress than in the past. The partnership is made up of a broad constituency of about 260 members representing partner countries; the United Nations and multilateral agencies; non-governmental organizations; health professional associations; bilateral donors and foundations; and academic and research institutions.

With only six years left until 2015 — the target set for the Millennium Development Goals — it is evident that enormous scaling up will be required in maternal and newborn child health. Of the 68 countries targeted under these goals, 15 are on track to reach their goals, but 25 have made no progress at all. While acknowledging the progress achieved by some partners and countries in different areas, the partnership community strives to focus on the following key objectives in 2009-2011: First, to build consensus on and promote evidence-based, high-impact interventions and the means to deliver through harmonization; second, to contribute to raising US \$30 billion for 2009-2015 to improve maternal, newborn and child health through advocacy; and third, to track partners' commitments and measurement of progress for accountability.

To best support global action for MDGs 4 and 5 and to streamline contributions by its broad membership, the partnership identified six priority action areas where the partnership and its members are focusing in 2009-2011. These areas are: maternal, newborn and child health knowledge management system; MNCH core package of interventions; essential MNCH commodities; strengthening human resources for MNCH; advocacy for increased funding and better positioning of maternal, newborn and child health in the development agenda; and tracking progress.

Child mortality in most countries has been decreasing in past decades. However, both neonatal and maternal mortality have remained largely the same. Neonatal mortality accounts for almost 40 per cent of the estimated 9.7 million deaths of children under 5 years and for nearly 60 per cent of deaths of infants under 1 year. These statistics mean that a child is about 500 times more likely to die in the first day of life than at one month of age. The largest absolute number of newborn deaths occurs in South Asia, and India contributes one quarter of the world total. However, the highest national rates of neonatal mortality occur in sub-Saharan Africa.

A common factor in these deaths is the health of the mother. Each year, more than 500,000 women die in childbirth or from complications during pregnancy. Babies whose mothers have died during childbirth have a much greater chance of dying in their first year than those whose mothers remain alive. In the developing world, 99 per cent of maternal and newborn mortality occurs where more than 50 per cent of women still deliver without the assistance of skilled health personnel. This statistic is a powerful statement about inequity and access to quality care.

Direct obstetric cases of hemorrhage, infection, hypertensive disorders of pregnancy and complications of unsafe abortion cause 80 per cent of maternal deaths. For every woman who dies from complications related to childbirth, approximately 30 more suffer injuries, infections and disabilities that are usually untreated and ignored, and can result in lifelong pain and social and economic exclusion. Most of these complications can be predicted and prevented.

All pregnant women are at risk and can develop complications at any time during pregnancy, delivery and after delivery. However, women and families can learn how to avoid unplanned pregnancies, and if pregnant, they can learn the importance of receiving antenatal care and how to identify danger signs, plan for emergency referrals and choose safe birthing options. When problems arise and referral is timely, complications can be treated in health facilities that are adequately equipped with supplies and medications, and fully staffed with competently trained health workers.

Improving the health and nutrition of mothers-to-be and providing quality reproductive health services are pivotal to addressing many underlying causes of child mortality.

With close to 50 per cent of all newborn deaths occurring within 24 hours of delivery and up to 75 per cent in the first week post-partum, strategies must centre on a continuum of care approach. This approach includes improving access to antenatal care during pregnancy, improved management of normal delivery by skilled attendants, access to emergency obstetric and neonatal care when needed, and timely postnatal care for both mothers and newborns. In addition to strengthening the links between the different levels of care in health facilities, the continuum of care also refers to strengthening the links between the community and health facilities.

It is a myth to assume that high-cost neonatal care hospital units are the only way to treat sick newborns. There is evidence proving that a large proportion of newborn death and disease can be reduced by implementing simple, low-cost interventions during

delivery and in the vulnerable days and weeks post-partum, both in the facility and at home. These essential interventions include drying the newborn and keeping the baby warm; initiating breastfeeding as soon as possible after delivery and supporting the mother to breastfeed exclusively; giving special care to low-birth-weight infants; and diagnosing and treating newborn problems like asphyxia and sepsis.

The majority of essential interventions are home care practices that families can provide themselves. Families can also use the help of a community health worker, who can be present at delivery to care for the newborn, and visit within the first 24 hours and again one to two additional times during the first week. With more than 50 per cent of newborn deaths occurring at home, the long-term goal of training sufficient numbers of skilled attendants to be present at all births will not be a reality in many countries for many years to come. Experts estimate that providing these essential interventions at scale — over 90 per cent coverage — in the community and in health facilities can reduce the neonatal mortality rate by 70 per cent.

Honourable senators, Canada can take a leading role at the meetings of the G8/G20. Economic development is dependent on maternal and child health. It is estimated that \$15 billion is lost each year as a result of maternal and child health failures. This is the largest health inequity in the world. For example, in Afghanistan, one out of eight women dies in childbirth. In Canada, it is one in 11,000.

I had a complicated second pregnancy that resulted in my spending six months in bed, and the last six weeks of the pregnancy in hospital. Because I lived in Canada, both my child and I survived. Millions of mothers and children are not so lucky. Canada can lead. I urge honourable senators to support this motion to encourage our government to take that leadership role at the meetings of the G8/G20.

(On motion of Senator Jaffer, debate adjourned.)

• (1650)

[Translation]

## ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, December 8, 2009, at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, December 8, 2009, at 2 p.m.)

## THE SENATE OF CANADA PROGRESS OF LEGISLATION

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

**(2nd Session, 40th Parliament)**

**Thursday, December 3, 2009**

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

### GOVERNMENT BILLS (SENATE)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Customs Act	09/01/29	09/03/03	National Security and Defence	09/03/31	1	09/04/23	09/06/11*	10/09
S-3	An Act to amend the Energy Efficiency Act	09/01/29	09/02/24	Energy, the Environment and Natural Resources	09/03/11	0	09/03/12	09/05/14*	8/09
S-4	An Act to amend the Criminal Code (identity theft and related misconduct)	09/03/31	09/05/05	Legal and Constitutional Affairs	09/06/09	5	09/06/11	09/10/22*	28/09
S-5	An Act to amend the Criminal Code and another Act	09/04/01							
S-6	An Act to amend the Canada Elections Act (accountability with respect to political loans)	09/04/28							
S-7	An Act to amend the Constitution Act, 1867 (Senate term limits)	09/05/28							
S-8	An Act to implement conventions and protocols concluded between Canada and Colombia, Greece and Turkey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	09/11/18							

### GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-2	An Act to implement the Free Trade Agreement between Canada and the States of the European Free Trade Association (Iceland, Liechtenstein, Norway, Switzerland), the Agreement on Agriculture between Canada and the Republic of Iceland, the Agreement on Agriculture between Canada and the Kingdom of Norway and the Agreement on Agriculture between Canada and the Swiss Confederation	09/03/31	09/04/22	Foreign Affairs and International Trade	09/04/23	0	09/04/28	09/04/29*	6/09

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-3	An Act to amend the Arctic Waters Pollution Prevention Act	09/05/05	09/05/13	Transport and Communications	09/05/28	0	09/06/02	09/06/11*	11/09
C-4	An Act respecting not-for-profit corporations and certain other corporations	09/05/05	09/06/10	Banking, Trade and Commerce	09/06/22	0 observations	09/06/23	09/06/23*	23/09
C-5	An Act to amend the Indian Oil and Gas Act	09/04/21	09/04/23	Aboriginal Peoples	09/05/05	0	09/05/06	09/05/14*	7/09
C-6	An Act respecting the safety of consumer products	09/06/16	09/10/07	Social Affairs, Science and Technology	09/12/03	17			
C-7	An Act to amend the Marine Liability Act and the Federal Courts Act and to make consequential amendments to other Acts	09/05/14	09/06/03	Transport and Communications	09/06/18	0 observations	09/06/22	09/06/23*	21/09
C-9	An Act to amend the Transportation of Dangerous Goods Act, 1992	09/03/26	09/04/28	Transport and Communications	09/05/07	1	09/05/13 Message from Commons-agree with Senate amendment 09/05/14	09/05/14*	9/09
C-10	An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures	09/03/04	09/03/05	National Finance	09/03/12	0	09/03/12	09/03/12*	2/09
C-11	An Act to promote safety and security with respect to human pathogens and toxins	09/05/06	09/06/02	Social Affairs, Science and Technology	09/06/22	0 observations	09/06/23	09/06/23*	24/09
C-12	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 ( <i>Appropriation Act No. 4, 2008-2009</i> )	09/02/12	09/02/24	—	—	—	09/02/26	09/02/26	1/09
C-14	An Act to amend the Criminal Code (organized crime and protection of justice system participants)	09/04/28	09/05/27	Legal and Constitutional Affairs	09/06/18	0	09/06/22	09/06/23*	22/09
C-15	An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts	09/06/09	09/09/17	Legal and Constitutional Affairs	09/12/03	4			
C-16	An Act to amend certain Acts that relate to the environment and to enact provisions respecting the enforcement of certain Acts that relate to the environment	09/05/14	09/05/27	Energy, the Environment and Natural Resources	09/06/11	0 observations	09/06/16	09/06/18	14/09
C-17	An Act to recognize Beechwood Cemetery as the national cemetery of Canada	09/03/10	09/03/12	Social Affairs, Science and Technology	09/04/02	0	09/04/02	09/04/23*	5/09
C-18	An Act to amend the Royal Canadian Mounted Police Superannuation Act, to validate certain calculations and to amend other Acts	09/05/12	09/05/28	National Finance	09/06/11	0 observations	09/06/16	09/06/18	13/09
C-21	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 ( <i>Appropriation Act No. 5, 2008-2009</i> )	09/03/24	09/03/25	—	—	—	09/03/26	09/03/26*	3/09

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-22	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 ( <i>Appropriation Act No. 1, 2009-2010</i> )	09/03/24	09/03/25	—	—	—	09/03/26	09/03/26*	4/09
C-24	An Act to implement the Free Trade Agreement between Canada and the Republic of Peru, the Agreement on the Environment between Canada and the Republic of Peru and the Agreement on Labour Cooperation between Canada and the Republic of Peru	09/06/04	09/06/09	Foreign Affairs and International Trade	09/06/16	0 observations	09/06/17	09/06/18	16/09
C-25	An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody)	09/06/09	09/06/16	Legal and Constitutional Affairs	09/10/08 Report defeated 09/10/20	2 (defeated)	09/10/21	09/10/22*	29/09
C-26	An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime)	09/06/16	09/10/29	Legal and Constitutional Affairs					
C-27	An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act	09/12/01							
C-28	An Act to amend the Cree-Naskapi (of Quebec) Act	09/05/27	09/06/04	Aboriginal Peoples	09/06/09	0	09/06/10	09/06/11*	12/09
C-29	An Act to increase the availability of agricultural loans and to repeal the Farm Improvement Loans Act	09/05/27	09/06/09	Agriculture and Forestry	09/06/11	0	09/06/16	09/06/18	15/09
C-32	An Act to amend the Tobacco Act	09/06/17	09/09/16	Social Affairs, Science and Technology	09/10/01	0	09/10/06	09/10/08*	27/09
C-33	An Act to amend the War Veterans Allowance Act	09/06/04	09/06/09	National Security and Defence	09/06/17	0	09/06/18	09/06/18	20/09
C-36	An Act to amend the Criminal Code	09/11/26							
C-38	An Act to amend the Canada National Parks Act to enlarge Nahanni National Park Reserve of Canada	09/06/17	09/06/17	Energy, the Environment and Natural Resources	09/06/18	0	09/06/18	09/06/18	17/09
C-39	An Act to amend the Judges Act	09/06/10	09/06/11	Legal and Constitutional Affairs	09/06/18	0	09/06/18	09/06/18	19/09
C-41	An Act to give effect to the Maanulth First Nations Final Agreement and to make consequential amendments to other Acts	09/06/16	09/06/17	Aboriginal Peoples	09/06/18	0	09/06/18	09/06/18	18/09

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-48	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 ( <i>Appropriation Act No. 2, 2009-2010</i> )	09/06/22	09/06/22	—	—	—	09/06/23	09/06/23*	25/09
C-49	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 ( <i>Appropriation Act No. 3, 2009-2010</i> )	09/06/22	09/06/22	—	—	—	09/06/23	09/06/23*	26/09
C-50	An Act to amend the Employment Insurance Act and to increase benefits	09/11/04	09/11/04	Pursuant to rule 74(1) subject-matter 09/09/30 National Finance  Bill 09/11/04 National Finance	Report on Bill 09/11/05	0	09/11/05	09/11/05*	30/09
C-51	An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and to implement other measures	09/11/17	09/12/02	National Finance					
C-56	An Act to amend the Employment Insurance Act and to make consequential amendments to other Acts			Pursuant to rule 74(1) subject-matter 09/12/02 National Finance					

## COMMONS PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-268	An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)	09/10/01							

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-201	An Act to amend the Library and Archives of Canada Act (National Portrait Gallery) (Sen. Grafstein)	09/01/27	09/12/01	Social Affairs, Science and Technology					
S-202	An Act to amend the Canada Elections Act (repeal of fixed election dates) (Sen. Murray, P.C.)	09/01/27							
S-203	An Act to amend the Business Development Bank of Canada Act (municipal infrastructure bonds) and to make a consequential amendment to another Act (Sen. Grafstein)	09/01/27	09/05/06	Banking, Trade and Commerce					
S-204	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	09/01/27							



No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-205	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	09/01/27	09/03/31	Legal and Constitutional Affairs	09/06/04	1	09/06/10		
S-206	An Act respecting the office of the Commissioner of the Environment and Sustainable Development (Sen. McCoy)	09/01/27							
S-207	An Act to amend the Employment Insurance Act (foreign postings) (Sen. Carstairs, P.C.)	09/01/27	Bill withdrawn pursuant to Speaker's Ruling 09/02/24						
S-208	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	09/01/27	09/04/29	Energy, the Environment and Natural Resources	09/06/18	0	09/06/18		
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	09/01/27	09/06/22	Legal and Constitutional Affairs					
S-210	An Act respecting World Autism Awareness Day (Sen. Munson)	09/01/27	09/03/03	Social Affairs, Science and Technology	09/05/14	0	09/05/26		
S-211	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	09/01/27	09/06/10	Legal and Constitutional Affairs					
S-212	An Act to amend the Canadian Environmental Protection Act, 1999 (Sen. Banks)	09/01/27	09/10/29	Energy, the Environment and Natural Resources					
S-213	An Act to amend the Income Tax Act (carbon offset tax credit) (Sen. Mitchell)	09/01/27							
S-214	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	09/01/27							
S-215	An Act to amend the Constitution Act, 1867 (Property qualifications of Senators) (Sen. Banks)	09/01/27	09/03/24	Legal and Constitutional Affairs					
S-216	An Act to amend the Federal Sustainable Development Act and the Auditor General Act (Involvement of Parliament) (Sen. Banks)	09/01/27	09/03/11	Energy, the Environment and Natural Resources	09/04/02	0	09/04/23		
S-217	An Act respecting a National Philanthropy Day (Sen. Grafstein)	09/01/27	09/05/05	Social Affairs, Science and Technology	09/05/14	2	09/06/02		
S-218	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	09/01/29							
S-219	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	09/02/03	Bill withdrawn pursuant to Speaker's Ruling 09/05/05						

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-220	An Act respecting commercial electronic messages (Sen. Goldstein)	09/02/03	09/04/02	Transport and Communications					
S-221	An Act to amend the Financial Administration Act (borrowing of money) (Sen. Murray, P.C.)	09/02/04							
S-222	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Murray, P.C.)	09/02/04		Subject matter 09/06/17 Energy, the Environment and Natural Resources					
S-223	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	09/02/04	09/09/29	Human Rights					
S-224	An Act to amend the Canada Elections Act and the Parliament of Canada Act (vacancies) (Sen. Moore)	09/02/05	09/05/14	Legal and Constitutional Affairs					
S-225	An Act to amend the Citizenship Act (oath of citizenship) (Sen. Segal)	09/02/10							
S-226	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	09/02/11	09/09/29	Legal and Constitutional Affairs					
S-227	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	09/02/11	09/06/16	National Finance					
S-228	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	09/03/03	Dropped from Order Paper pursuant to rule 27(3) 09/11/04						
S-229	An Act to amend the Fisheries Act (commercial seal fishing) (Sen. Harb)	09/03/03							
S-230	An Act to amend the Bank of Canada Act (credit rating agency) (Sen. Grafstein)	09/03/10							
S-231	An Act to amend the Investment Canada Act (human rights violations) (Sen. Goldstein)	09/03/31							
S-232	An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act (Sen. Goldstein)	09/03/31	09/06/16	Banking, Trade and Commerce					
S-233	An Act to amend the State Immunity Act and the Criminal Code (deterring terrorism by providing a civil right of action against perpetrators and sponsors of terrorism) (Sen. Tkachuk)	09/04/28							
S-234	An Act to amend the Canada Pension Plan (retroactivity of retirement and survivor's pensions) (Sen. Callbeck)	09/05/06							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-235	An Act to provide the means to rationalize the governance of Canadian businesses during the period of national emergency resulting from the global financial crisis that is undermining Canada's economic stability (Sen. Hervieux-Payette, P.C.)	09/05/12							
S-236	An Act to amend the Canada Elections Act (election expenses) (Sen. Dawson)	09/05/26							
S-237	An Act for the advancement of the aboriginal languages of Canada and to recognize and respect aboriginal language rights (Sen. Joyal, P.C.)	09/05/28							
S-238	An Act to establish gender parity on the board of directors of certain corporations, financial institutions and parent Crown corporations (Sen. Hervieux-Payette, P.C.)	09/06/02							
S-239	An Act to amend the Conflict of Interest Act (gifts) (Sen. Cowan)	09/06/23							
S-240	An Act respecting a national day of service to honour the courage and sacrifice of Canadians in the face of terrorism, particularly the events of September 11, 2001 (Sen. Tkachuk)	09/06/23							
S-241	An Act to amend the Office of the Superintendent of Financial Institutions Act (credit and debit cards) (Sen. Ringuette)	09/10/06							
S-242	An Act to amend the Canadian Payments Act (debit card payment systems) (Sen. Ringuette)	09/10/06							
S-243	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	09/10/27							

## PRIVATE BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.

## CONTENTS

Thursday, December 3, 2009

	PAGE		PAGE
<b>Victims of Tragedy at École Polytechnique</b>		<b>Acadian Flag</b>	
Silent Tribute.		Notice of Inquiry.	
The Hon. the Speaker. . . . .	1869	Hon. Fernand Robichaud . . . . .	1873
<hr/>			
<b>SENATORS' STATEMENTS</b>		<b>Controlled Drugs and Substances Act (Bill C-15)</b>	
		Presentation of Petition.	
		Hon. Pierre Claude Nolin . . . . .	1873
<hr/>			
<b>Tribute to Victims of Tragedy at École Polytechnique</b>		<b>QUESTION PERIOD</b>	
Hon. Judith Seidman . . . . .	1869		
<b>Question of Privilege</b>		<b>Indian Affairs and Northern Development</b>	
Notice.		Protection of Children.	
Hon. Anne C. Cools. . . . .	1869	Hon. Jim Munson . . . . .	1874
<b>H1N1 Flu Vaccination</b>		Hon. Marjory LeBreton . . . . .	1874
Hon. George J. Furey. . . . .	1869		
<b>Canadian Diabetes Association</b>		<b>Human Resources and Skills Development</b>	
Hon. Kelvin Kenneth Ogilvie . . . . .	1870	Child Poverty.	
<b>Cluster Munitions</b>		Hon. Art Eggleton . . . . .	1874
Hon Elizabeth Hubley . . . . .	1870	Hon. Marjory LeBreton . . . . .	1875
<b>Nuclear Cooperation Agreement with Republic of India</b>		<b>Foreign Affairs</b>	
Hon. David Tkachuk . . . . .	1870	Violence Against Women.	
<b>People's Republic of China</b>		Hon. Roméo Antonius Dallaire. . . . .	1875
Hon. Lillian Eva Dyck . . . . .	1870	Hon. Marjory LeBreton . . . . .	1875
<b>Drive Away Hunger Campaign</b>		<b>Indian Affairs and Northern Development</b>	
Hon. Donald H. Oliver. . . . .	1871	Violence Against Women.	
<b>Lieutenant-Colonel The Honourable</b>		Hon. Lucie Pépin . . . . .	1876
<b>John Ross Matheson, O.C., C.D.</b>		Hon. Marjory LeBreton . . . . .	1876
Hon. Roméo Antonius Dallaire. . . . .	1871	Sisters in Spirit Project.	
<b>People's Republic of China</b>		Hon. Lillian Eva Dyck . . . . .	1877
Hon. Nancy Greene Raine . . . . .	1872	Hon. Marjory LeBreton . . . . .	1877
<hr/>			
<b>ROUTINE PROCEEDINGS</b>		Comprehensive Land Claims Agreements.	
		Hon. Elizabeth Hubley . . . . .	1877
		Hon. Marjory LeBreton . . . . .	1877
<b>Controlled Drugs and Substances Act (Bill C-15)</b>		<b>Labour</b>	
Bill to Amend—Twelfth Report of Legal		Museums Labour Dispute.	
and Constitutional Affairs Committee Presented.		Hon. Céline Hervieux-Payette . . . . .	1877
Hon. Joan Fraser . . . . .	1872	Hon. Marjory LeBreton . . . . .	1877
<b>Commonwealth Parliamentary Association</b>		<hr/>	
Commonwealth Parliamentary Conference,		<b>ORDERS OF THE DAY</b>	
September 28-October 6, 2009—Report Tabled.			
Hon. A. Raynell Andreychuk . . . . .	1873	<b>Canada Consumer Product Safety Bill (Bill C-6)</b>	
<b>Legal and Constitutional Affairs</b>		Twelfth Report of Social Affairs, Science and Technology	
Study on Provisions and Operation of DNA Identification Act—		Committee Presented.	
Notice of Motion to Authorize Committee to Extend Date		Hon. Art Eggleton . . . . .	1878
of Final Report.		<b>Criminal Code (Bill C-36)</b>	
Hon. Joan Fraser. . . . .	1873	Bill to Amend—Second Reading—Debate Adjourned.	
<b>The Honourable Jeremiah S. Grafstein, Q.C.</b>		Hon. Claude Carignan . . . . .	1878
Notice of Motion to Place Inquiry on Notice Paper.		<b>National Finance</b>	
Hon. Claudette Tardif . . . . .	1873	Motion to Authorize Committee to Study State	
<b>The Honourable Lorna Milne</b>		of Pension System—Debate Continued.	
Notice of Motion to Place Inquiry on Notice Paper.		Hon. Consiglio Di Nino . . . . .	1881
Hon. Claudette Tardif . . . . .	1873	Motion in Amendment.	
		Hon. Consiglio Di Nino . . . . .	1882
		Hon. Art Eggleton . . . . .	1882

	PAGE
<b>Question of Privilege</b>	
Speaker's Ruling Reserved.	
Hon. Anne C. Cools . . . . .	1882
Hon. Mac Harb . . . . .	1885
Hon. Sharon Carstairs . . . . .	1886
Hon. Marjory LeBreton . . . . .	1886
Hon. Lillian Eva Dyck . . . . .	1886
Hon. Joan Fraser . . . . .	1887
Hon. Gerald J. Comeau . . . . .	1888
Hon. James S. Cowan . . . . .	1888
Hon. Consiglio Di Nino . . . . .	1888
Hon. Yonah Martin . . . . .	1888

	PAGE
<b>Violence Against Women</b>	
Inquiry—Debate Adjourned.	
Hon. Rose-Marie Losier-Cool . . . . .	1890
Hon. Joan Fraser . . . . .	1892
<b>Health</b>	
Motion to Make the Issue of Maternal and Child Health a Priority Topic at the 2010 Spring G8/G20 Meetings— Debate Adjourned.	
Hon. Sharon Carstairs . . . . .	1893
<b>Adjournment</b>	
Hon. Gerald J. Comeau . . . . .	1894
<b>Progress in Legislation . . . . .</b>	<b>i</b>







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