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Wednesday, May 28, 2008



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, May 28, 2008

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

6TH FIELD ARTILLERY REGIMENT

AFGHANISTAN—RETURN FROM FRONT LINES

Hon. Roméo Antonius Dallaire: Honourable senators, today I would like to mention a celebration held by the 6th Field Artillery Regiment of Lévis, of which I am the honorary colonel.

The regiment's cannons have not been in use since the Second World War. On May 10, the regiment celebrated the return of 18 of its members, who had been in Afghanistan for seven months. They had been deployed in advanced positions with the heavy armaments supporting their operations.

One of the 18 returning soldiers was seriously wounded, and two of them required psychological care because of the impact of the operations on them.

The important thing here is not just that the soldiers came back relatively safe and sound, nor that the regiment, which has just 168 soldiers, is preparing to send 25 of them next February, while volunteers continue to enlist. This is not just about their dedication and confidence in their training, their equipment and their mission. This is about how their families have reacted. The soldiers' families were at the parade grounds with them, and the regiment and the city of Lévis acknowledged the sacrifices that those families have made, sacrifices made by everyone from small children to grandparents. The families were even more emphatic than the soldiers in their belief that the mission is important, that it must be carried out, that the soldiers must be supported, and that support must be ongoing until the mission succeeds or until those on the ground say that it is impossible to fix the inhuman conditions in that country and that troops should withdraw.

Honourable senators, these families have shown greater maturity and clarity in terms of respecting our international values than I have seen elsewhere in our society, even among our country's political elite.

• (1335)

QUESTION OF PRIVILEGE

NOTICE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 43(7), I give notice that I will raise a question of privilege.

Earlier today, pursuant to rule 43(3), I gave written notice of the question to the Clerk of the Senate in the form of the following letter:

Dear Mr. Bélisle,

Pursuant to rule 43 of the *Rules of the Senate of Canada*, I give notice that later today I intend to raise a question of privilege regarding the proceedings of the May 26, 2008 meeting of the Standing Senate Committee on National Security and Defence.

I refer to the committee's adoption of a draft report that was available to senators in only one of Canada's two official languages. I believe this is an affront to the bilingual nature of the Senate.

Respectfully,
Hon. Gerald J. Comeau

I will elaborate on this in due time.

THE LATE MARTHA KOSTUCH

Hon. Grant Mitchell: Honourable senators, I want to pay tribute to Martha Kostuch, an exceptional environmentalist whose courage inspired many people. Martha passed away in April.

Ms. Kostuch was respected by all for her intellectual rigour and her ability to achieve consensus. The list of her accomplishments is too long to mention here.

Nonetheless, I would like to highlight two of her accomplishments: first, the major role she played in the Clean Air Strategic Alliance (CASA) project to reduce gas emissions, which resulted in a 70 per cent reduction. Her initiatives contributed to improving human and animal health and the environment in general in Alberta.

Second, in 1992, she won her case before the Supreme Court, which upheld the federal government's constitutional responsibility to assess provincial plans for the environment. The decision was incorporated in the provisions of the Canadian Environmental Assessment Act. The model used in Alberta for this project has been adapted and applied throughout the world.

In her various activities, Martha Kostuch was an extraordinary leader who was extremely knowledgeable about the complex challenges of changing environmental policies in Alberta. She grasped the scientific and economic aspects of the issues and could explain them very well.

She was also very good at finding common ground in the presence of opposing positions. She would persevere in order to achieve consensus. Thanks to her powers of persuasion, she managed to get industry leaders, environmental advocacy groups and public authorities to see eye to eye, which is rare.

I offer my condolences to Ms. Kostuch's family and friends. She will be missed.

[English]

THE HONOURABLE A. RAYNELL ANDREYCHUK

CONGRATULATIONS ON RECEIVING THE ORDER OF KING YAROSLAV THE WISE

Hon. Consiglio Di Nino: Honourable senators, every time a senator is recognized for extraordinary and lasting contributions to worthwhile causes, it honours not only our colleague, it also honours each and every one of us and, indeed, it honours the Senate.

Our highly respected and honourable colleague, Senator Raynell Andreychuk, on Monday, May 26, 2008, received such recognition for her steadfast, passionate and outstanding defence and promotion of the cause of Ukraine and Ukrainians.

Hon. Senators: Hear, hear!

Senator Di Nino: His Excellency Victor Yushchenko, President of Ukraine, bestowed the prestigious Order of King Yaroslav the Wise upon Senator Andreychuk for her tireless efforts to shine a light on the many trials and tribulations endured by the people of Ukraine during the long and terrible decades of Soviet occupation and oppression.

• (1340)

Even in the darkest days of these terrible years, Senator Andreychuk stood out as a leader among those who refused to let the light of hope die. Please join me in extending to our dear colleague warmest congratulations and thanks.

Hon. Senators: Hear, hear!

[Later]

Hon. Joan Fraser: Honourable senators, Senator Di Nino has paid well-deserved tribute to Senator Andreychuk for her recent honour. I believe all senators share in those sentiments.

However, I think that Senator Di Nino left out an important element, which is that, as I understand it, Senator Andreychuk is the first woman ever to receive this very high honour from Ukraine and, therefore, as he said, all senators are proud, but I venture to say that all women senators are perhaps particularly proud of this honour.

[Translation]

ALBERTA

EDMONTON—OPENING OF SAINT-THOMAS HEALTH CENTRE

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I am pleased to inform you that, on May 20, 2008, more than 200 people attended the grand opening of the Saint-Thomas Health Centre in Edmonton, Alberta's first bilingual primary health care centre.

This organization brings together three types of services for some 200 residents: mental health care, assisted living and affordable housing for more independent individuals, as well as a community health centre, offices for the Réseau d'adaptation scolaire and classrooms for students in the bilingual nursing sciences undergraduate program of Campus Saint-Jean.

Currently, 65 people work at the centre, and 85 per cent of them are bilingual in French and English.

Who would have thought, 12 or 13 years ago, that we would be celebrating the opening of a centre like this one? This is the result of a magnificent dream for the Franco-Albertan community, which has found ways to develop strong partnerships with the Government of Alberta, the federal government, Health Canada, the Canada Mortgage and Housing Corporation, the Capital Health Authority, Réseau-santé albertain and the Société Santé en français.

I would like to salute Denis Collette, whose hard work, patience and perseverance over more than 10 years made this project happen. The francophone community's unwavering support certainly contributed to the success of the project as well.

I would also like to thank the many donors in the francophone community who never stopped believing in a place designed to facilitate access to French-language health care. Without the community's desire to make this happen, the Saint-Thomas Community Health Centre would never have seen the light of day.

Many francophone communities across the country recognize the Saint-Thomas health centre as a model for supplying health services in French. Resources and infrastructure must be allocated to improving the health and well-being of francophones in minority communities.

Accomplishing such an innovative project contributes to the vitality and development of Alberta's francophone community. The community should be very proud of this achievement, which is an inspiration to francophone communities across the country.

Long live the Saint-Thomas Health Centre!

[English]

QUEBEC

CONSULTATION COMMISSION ON ACCOMMODATION PRACTICES RELATED TO CULTURAL DIFFERENCES

Hon. Donald H. Oliver: Honourable senators, I rise today to speak about the Bouchard-Taylor report.

In January 2007, the rural town of Hérouxville, Quebec became the centre of media frenzy when it adopted bylaws for Canadian immigrants. This “code of conduct,” which banned Shariah law in the town of approximately 1,300, rekindled debate over the treatment of minorities and reasonable accommodation in Quebec.

On February 8, 2007, Premier Jean Charest responded to the public’s concern and called on Gérard Bouchard and Charles Taylor, two of Quebec’s most reputed academic figures, to co-chair the Consultation Commission on Accommodation Practices Related to Cultural Differences.

With a budget of \$5 million the commission was mandated to identify:

harmonization practices which . . . seek to promote collective ideals such as equality, cooperation and social cohesion, the creation of new forms of solidarity and the development of a feeling of belonging to an inclusive Quebec identity.

Quebec looked to the European model of integration to further its understanding of diversity. In the months that followed, the advisory panel, which consisted of 15 government and academic experts, conducted hearings in 15 regions in addition to the Montreal area. During the 31 days of hearings, 241 individuals testified before the commission. Another 3,400 Canadians participated in the four regional forums. In total, more than 900 briefs were submitted.

• (1345)

This past Thursday, May 22, the Bouchard-Taylor commission released its 300-page report on reasonable accommodation in Quebec. The 37 moderate proposals aim to foster interculturalism in the province.

The commission called “for a common sense approach in dealing with religious minorities” and reported that “Quebec interculturalism cultivates a pluralistic orientation that is highly sensitive to the protection of rights.”

The report clearly stated:

. . . the immigrant population often lives in precarious conditions and is affected, in particular, by underemployment and poverty. The unemployment rate among immigrants between 25 and 54 years of age who have lived for less than five years in Quebec is nearly three times higher than the rate among other native-born Quebecers.

The Bouchard-Taylor report tackled racism and identified stereotypes as the root cause of discrimination. They wrote:

Despite the tools that the Quebec government has adopted, between 20 per cent to 25 per cent of Quebecers claim to have been the victims of discrimination over the past three to five years.

In conclusion, honourable senators, despite these troubling statistics, the commission remained hopeful that measures can be

taken to fight discrimination. They recommended urgent action and stated:

The condition of underprivileged minorities and the discrimination that they experience are . . . realities with which we must deal.

The commission demonstrates Quebec’s desire to eradicate discrimination in its communities as it works to welcome new citizens into our country.

2008 AURORA AWARDS

Hon. Nick G. Sibbeston: Honourable senators, on Sunday, May 18, the Aurora Awards, honouring the best in Canadian science fiction and fantasy writing in both English and French, were awarded in Winnipeg, Manitoba.

These awards, which are voted on by fans in the field, are in their twenty-eighth year and have recognized many of the greats of Canadian science fiction — people who have gone on to win many international awards as well. One multiple award winner, Robert J. Sawyer, was recently named as one of the 30 most influential people in Canadian publishing.

This year the winner for best English novel went to Toronto writer Nalo Hopkinson for her book *The New Moon’s Arms*. One of Ms. Hopkinson’s earlier novels, *Brown Girl in the Ring*, was featured this year on CBC’s Canada Reads.

I am particularly pleased to tell honourable senators that one of the other winners this year was my own policy adviser, Hayden Trenholm, who won for best English short story for his novelette *Like Water in the Desert*. Mr. Trenholm also had his science fiction novel, *Defining Diana*, published earlier this year. I congratulate him and others for their writing skills.

My relationship with Mr. Trenholm goes back to the 1980s when I was a government minister and leader in the Northwest Territories. He was my assistant and policy adviser. Later, when I returned to politics as a member of the Senate, he rejoined me and is my policy adviser today. I have always admired his brilliance, his knowledge of the North and his political acumen, which he provides capably to my office.

[Translation]

ROUTINE PROCEEDINGS

PUBLIC SECTOR INTEGRITY COMMISSIONER

2007-08 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to section 38 of the Public Servants Disclosure Protection Act, I have the honour to table, in both official languages, the 2007-08 annual report of the Public Sector Integrity Commissioner.

[Senator Oliver]

NATURAL RESOURCES

EXPLOSIVES REGULATORY DIVISION— PROPOSED REVISION OF USER FEES, MAY 16, 2008— REPORT TABLED AND REFERRED TO ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to section 4 of the User Fees Act, I have the honour to table, in both official languages, a document concerning a proposed review of the user fees of the Explosives Regulatory Division of Natural Resources Canada.

After consultation with the Leader of the Opposition, it was decided that the Standing Senate Committee on Energy, the Environment and Natural Resources would examine the document.

The Hon. the Speaker: Honourable senators, pursuant to rule 28(3), the document is referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

• (1350)

[*English*]

CONFLICT OF INTEREST FOR SENATORS

FOURTH REPORT OF COMMITTEE PRESENTED

Hon. Serge Joyal: Honourable senators, I have the honour to present the fourth report of the Standing Committee on Conflict of Interest for Senators. This report recommends the adoption of an amended conflict of interest code for senators.

(*For text of report, see today's Journals of the Senate, Appendix A, p. 1102.*)

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

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

[*Translation*]

THE ESTIMATES, 2008-09

REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES PRESENTED

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

Wednesday, May 28, 2008

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

THIRTEENTH REPORT

Your Committee, to which were referred the 2008-2009 Estimates, has, in obedience to the Order of Reference of Thursday, February 28, 2008, examined the said Estimates

and herewith presents its report on *The Officers and Agents of Parliament created or modified under the Federal Accountability Act*.

Respectfully submitted,

JOSEPH A. DAY
Chair

(*For text of budget, see today's Journals of the Senate, Appendix B, p. 1135.*)

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

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

[*English*]

UKRAINIAN FAMINE AND GENOCIDE MEMORIAL DAY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-459, An Act to establish a Ukrainian Famine and Genocide ("Holodomor") Memorial Day and to recognize the Ukrainian Famine of 1932-33 as an act of genocide.

Bill read first time.

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

On motion of Senator Andreychuk, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading later this day.

• (1355)

[*Translation*]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF THE EXECUTIVE COMMITTEE OF THE NETWORK OF WOMEN PARLIAMENTARIANS FEBRUARY 19-20, 2008—REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Assemblée parlementaire de la Francophonie respecting its participation at the meeting of the executive committee of the Network of Women Parliamentarians of the APF, held in Brussels, Belgium, February 19 and 20, 2008.

[English]

QUESTION PERIOD

FOREIGN AFFAIRS

RESIGNATION OF MINISTER— POSSIBLE BREACH OF SECURITY

Hon. Grant Mitchell: Honourable senators, no doubt Mr. Bernier has raised the bar on poor judgment to world-class levels, but the Prime Minister is working very hard to keep up. He waited five weeks before he took any action at all on this serious security breach issue, and then only after it was thrust upon him. This demonstrates not only very poor judgment on the part of the Prime Minister, but I would argue that it verges on the incompetent.

To the Leader of the Government in the Senate, what was the Prime Minister thinking or doing by not investigating this serious breach of security for five weeks — or was he just busy covering it up during that period of time?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I saw the honourable senator practicing this question in the corridor. Honourable senators, I answered all of these questions yesterday and as I said yesterday, Senator Mitchell is flat out wrong that somehow revisionist history indicates that we were aware of a serious breach for five weeks. That is not the case. It is well established that the Prime Minister learned late Monday afternoon that the former Minister of Foreign Affairs left documents in an unsecured location. The minister offered his resignation and the Prime Minister accepted his resignation, which is the appropriate thing to do in such a case.

There was a great deal of speculation when this story first broke, because of some of the things that were reported about the individual involved — not the minister. For the past couple of weeks it was assumed that there might be security breaches. There was no such evidence.

As I said yesterday, it behooves all of us not to pry into the private lives of ministers or other people. We must protect their privacy. I am glad to see most people agree. The minister's personal, private life was not the reason that he tendered his resignation. Rather, it was his acknowledgment late Monday that he had left documents in an unsecured place.

Senator Mitchell: Speaking of being involved in private lives, there are allegations that Ms. Couillard's home was bugged. That begs the question of whether government officials were bugging her home to find out what she was saying or whether criminal elements were bugging that home to find out what Mr. Bernier was saying.

Could the Leader of the Government in the Senate please confirm that the investigation the Prime Minister has finally, belatedly called will actually ask the question: Who was bugging whom and for what reason?

Senator LeBreton: I guess the honourable senator is talking about bedbugs.

An Hon. Senator: You were not under that bed, were you?

Senator LeBreton: On the issue of bugs, we have absolutely no information to suggest these allegations have any basis in fact. Although many people find these kinds of stories titillating, there is absolutely no evidence that this is the case.

• (1400)

[Translation]

PUBLIC SAFETY

VISA APPLICATIONS—RACIAL PROFILING

Hon. Roméo Antonius Dallaire: My question is for the Honourable Leader of the Government in the Senate.

Last month, a minister of the Government of Rwanda, the Honourable Joseph Habineza, was supposed to come to Canada to take part in the commemoration of the fourteenth anniversary of the Rwanda genocide, but he was denied a visa. He was denied the document because he could not answer the following questions, as required by the High Commissioner in Nairobi, who issues visas:

[English]

What is the number on your pre-1996 Rwandan identity card?

What is the name of the ethnic group indicated on this card?

Are we doing ethnic profiling in respect of who is allowed into this country on a visa?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I am not aware of the exact details of this visa application. As the honourable senator knows, visas are handled carefully by the Department of Public Safety. I will obtain the facts of the case and report with a delayed answer.

Senator Dallaire: In order to assist in that research, the questionnaire put to Rwandans is extensive in respect of the genocide period with questions in regard to participation in any of the extremist groups, which I consider to be reasonable. These people are asked whether they still have their identity cards with their ethnicity listed. That is one of the fundamental instruments that the International Criminal Court has been attacking because a government identity card with ethnicity was used as the primary instrument of identification for slaughtering people. Fourteen years later, we have that instrument in our procedures. I recognize a need to use tools to keep out undesirables, but the other questions are perhaps not so needed. Many people destroyed their identity cards in order to survive the genocide. I consider it a significant insensitivity in respect of these people to raise elements that formed the basis of their genocide.

Senator LeBreton: Senator Dallaire raises some serious concerns about a period of time that needs proper handling through officials. I would not want to see people, who acted to

survive, later being penalized for their actions. Therefore, I will ask for an extensive response from the department in response to the honourable senator's concerns.

TRANSPORT

NO-FLY LIST—REMOVAL OF ROBERT ALLEN KENNY AND JAMES ARMSTRONG KENNY

Hon. Colin Kenny: Honourable senators, I have in my hand a letter dated March 17, which I wrote to the Honourable Lawrence Cannon. I will read it in part:

Dear Minister,

For five years now, my son Robert Allen Kenny, aged 33, who has been a Crown Attorney for seven years in Toronto, is being stopped before boarding on every flight he takes because he is on a list provided by your department to the airlines.

I then provided the details of his passport number, his home address and his business address. I also indicated that he was stopped both in Toronto and in the United States on recent flights.

Later in the letter I continued:

Now, my youngest son, James Armstrong Kenny, age 25, has also been put on a list and is being stopped on each flight he takes. He is currently a student undertaking graduate work.

I provided the passport number, home address and his most recent stops.

• (1405)

I go on to say:

When Robert started getting checked, we thought it was just bad luck, but now that two of my boys are being checked, it seems like more than coincidence. As there is no valid reason for them to be stopped every time they fly, I would appreciate if you used your good offices to put an end to this.

I wrote this letter on March 17, and as of today, over two months later, I have received neither an acknowledgment nor a reply. If a member of Parliament receives this sort of treatment when inquiring into the no-fly list, what sort of treatment do members of the general public receive when they run into similar problems?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. I am not aware of this situation. The honourable senator has raised serious concerns. There have been other examples of people having difficulty getting their names removed from the no-fly list.

I will be happy to immediately contact my colleague, Minister Cannon, and ask him when Senator Kenny might expect the courtesy of a reply.

Senator Kenny: I thank the honourable minister. If I may, I will forward her copies of these letters in order that she will have the details that I have not put on the public record.

THE RIGHT HONOURABLE BRIAN MULRONEY

ALLEGED CASH PAYMENTS—PUBLIC INQUIRY

Hon. Terry M. Mercer: Honourable senators, my question is directed to the Leader of the Government in the Senate. I want to ask this question now, because I believe that, as matters unfold down the hall on the Bernier issue, another inquiry will be called.

My question is on the Mulroney-Schreiber affair and the commitment the current Prime Minister made to have an inquiry into that matter. Prime Minister Harper asked Professor Johnston to give him some advice, and the professor has done so.

Could the Leader of the Government in the Senate tell me who will conduct the inquiry, when we will hear about it, what the parameters will be and when will it start?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Mercer for that question. The government is serious about its commitment to have a public inquiry. We are not currently in a position to make an announcement. As the senator quite rightly stated, we have recommendations from Professor Johnston. I cannot give a specific timetable and can only say that we will be fulfilling our commitment.

ALLEGED CASH PAYMENTS— INSTRUCTION BY PRIME MINISTER ON CONTACT

Hon. Terry M. Mercer: At the time the Prime Minister commented about this affair and how it would be handled, he also issued an order to the members of the executive council, that is, all cabinet ministers, to refrain from any contact with former Prime Minister Mulroney.

Would the Leader of the Government in the Senate advise this chamber whether this order is still in effect?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. When this matter came to light last November, the Prime Minister suggested that until this matter was resolved ministers should not have contact with Mr. Mulroney. That is a valid request because, as members of the cabinet, we will eventually have to make a decision on this issue.

That request still stands and as he obviously understands the complexities and sensitivities of this matter, Mr. Mulroney has respected this wish, as have members of the cabinet.

• (1410)

Senator Mercer: I am curious. Did the ministers use the word that the Prime Minister suggested, namely that no contact be made between members of cabinet and Mr. Mulroney when it was portrayed in the media that it was a directive, an order? That

is, the Prime Minister said to his cabinet, "You cannot contact Mr. Mulroney or receive contact from Mr. Mulroney." I want to clarify this. The leader used a new word in her discussion of this matter. Was it an order or was it a suggestion?

Senator LeBreton: The honourable senator is splitting hairs. The exact context of the conversation can be found in the transcript of the press conference. The Prime Minister answered a question posed by CBC's Keith Boag. I do not have the Prime Minister's exact words, but I interpreted them as a recommendation or a suggestion, and so did my cabinet colleagues. Although I have not spoken to Mr. Mulroney since that time, I am certain that Mr. Mulroney, having been the Prime Minister of Canada and having been the head of a cabinet, would have understood fully that it would be the prudent course to follow.

With regard to how this matter is resolved, the naming of the commissioner and dealing with the recommendations of the public inquiry will come back to cabinet. It only makes perfectly good sense that we are not put in a position, or we do not put ourselves in a position, where we are in any conflict whatsoever.

Senator Mercer: Honourable senators, the minister answered a question that I did not ask: namely, whether she had personally contacted or had been contacted by the former Prime Minister. I have no doubt that she would follow the wishes of the Prime Minister.

I wonder whether this has been revisited by the Prime Minister. Has the Prime Minister been reassured by all of the minister's colleagues in the cabinet that they, along with the Leader of the Government in the Senate, have followed his instructions and have not contacted Mr. Mulroney?

Senator LeBreton: I think that is unnecessary, honourable senators. This situation has been in place since November. We are all responsible adults and loyal cabinet members. Our Prime Minister does not need to check up on his cabinet every two weeks. That does not happen. We are trusted to be responsible, and that is what we are. There is no need to do so because the situation has not changed since November 9, 2007.

[Translation]

JUSTICE

DECISION NOT TO APPEAL DEATH SENTENCE OF RONALD SMITH

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. The Governor of Montana indicated last year that he would be willing to consider commuting the death sentence of Ronald Allen Smith, a Canadian sentenced to death in the United States, if Canada could guarantee that he would be imprisoned for at least five years. Actions and negotiations in Ronald Smith's defence had been underway since 1997, until the Conservative government suddenly called for an end to the efforts of Canadian diplomats in the United States on October 31, 2007.

However, in March, the government supported a motion in the House of Commons, promising in principle to systematically oppose the death penalty, both in Canada and

[Senator Mercer]

abroad. How can the government claim to be against the death penalty all over the world and, at the same time, refuse to intervene to demand clemency for Ronald Smith?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the government has been crystal clear on this: There is no death penalty. That is the law in Canada and there are no plans to change Canadian laws.

The Minister of Justice has followed a process that has been in place for some time. Where Canadians face the death penalty abroad, the government considers these on a case-by-case basis. There is no change of policy here; that has always been the case.

With regard to the specific case of Mr. Smith, the honourable senator will understand that, since he has instituted a court action, it would be improper for me, as a member of the cabinet, to comment further.

• (1415)

Hon. Lorna Milne: As I have now learned that this government has scrapped a potential deal to save a condemned Canadian from death row, it seems to me that there is a potential violation of section 12 of the Charter of Rights and Freedoms regarding cruel and unusual punishment.

Frankly, I am furious about this situation. This man's co-accused in this heinous crime is now free and walking the streets of Canada, yet Mr. Smith is condemned to death.

Can the Leader of the Government in the Senate tell us who engineered this controversial policy reversal?

Senator LeBreton: Honourable senators, the honourable senator is not correct in her facts. Her position is based on comments made by the Governor of Montana. I frankly do not know all of the ins and outs of the legality of what the former Governor of Montana was saying or whether it was an informal discussion or whether there was some formal process.

However, as I just said in answer to Senator Tardif, Mr. Smith has initiated a court action, and because of this, as the honourable senator would understand, I cannot comment further on behalf of the government.

Senator Milne: Both the Minister of Justice and the former Minister of Foreign Affairs were given the opportunity to intervene, but neither did. Who made this decision determining that Mr. Smith's life is perhaps worth less than the honourable senator's or mine?

Senator LeBreton: First, I do not know for certain that the ministers mentioned were given the chance to intervene. The fact is that this particular individual is in prison for a double murder in the United States.

However, as I said, the Department of Justice, as they have always done in cases like this where Canadians face the death penalty abroad, assesses them on a case-by-case basis. Mr. Smith has initiated a court action, and because of that, I cannot comment further.

• (1420)

ORDERS OF THE DAY

PARLIAMENT OF CANADA ACT

BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

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

And on the motion in amendment of the Honourable Senator Brown, seconded by the Honourable Senator Nancy Ruth, that Bill S-224, An Act to amend the Parliament of Canada Act (vacancies), be not now read a third time, but that it be amended in clause 1, on page 1:

(a) by replacing lines 8 to 12 with the following:

“13.1 Within 180 days after a vacancy happens in the Senate, the Prime Minister shall recommend to the Governor General for appointment to fill the vacancy a person who is fit and qualified, and in doing so shall have regard to;

(a) in the case of a vacancy related to the Province of Alberta, any consultation that has taken place under the *Senatorial Selection Act* of that province; or

(b) in the case of a vacancy related to any other province or territory, shall have regard to any consultation that has taken place within the past six years in a provincially-held consultation for persons to represent that province or territory as members in the Senate.”; and

(b) by replacing lines 16 to 19 with the following:

“within 180 days after the day of that assent, recommend to the Governor General for appointment to fill the vacancy a person who is fit and qualified, and in doing so shall have regard to

(a) in the case of a vacancy related to the Province of Alberta, any consultation that has taken place under the *Senatorial Selection Act* of that province; or

(b) in the case of a vacancy related to any other province or territory, within the past six years any consultation for persons to represent that province or territory as members in the Senate.”.—(*Honourable Senator Andreychuk*)

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say “nay”?

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Is there an agreement as to the length of time for the bells?

Hon. David Tkachuk: Fifteen minutes.

The Hon. the Speaker: As this has arisen many times in the past, I would advise that honourable senators who have their offices in the Victoria Building find a 15-minute bell a challenge. However, the chair is in the hands of honourable senators.

Is it agreed that there will be a half-hour bell?

Hon. Senators: Agreed.

The Hon. the Speaker: Call in the senators. The standing vote will take place at 10 minutes to 3 p.m.

• (1450)

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Angus
Brown
Champagne
Cochrane
Comeau
Di Nino
Eyton
Gustafson
Johnson

Keon
LeBreton
Meighen
Nancy Ruth
Oliver
St. Germain
Segal
Stratton
Tkachuk—19

NAYS
THE HONOURABLE SENATORS

Bacon	Losier-Cool
Baker	Lovelace Nicholas
Banks	Mahovlich
Biron	McCoy
Bryden	Mercer
Cook	Merchant
Corbin	Milne
Cowan	Mitchell
Dallaire	Moore
Dawson	Munson
Day	Murray
Downe	Pépin
Dyck	Phalen
Eggleton	Poy
Fairbairn	Ringuette
Fox	Rivest
Fraser	Robichaud
Furey	Sibbeston
Goldstein	Smith
Harb	Spivak
Hervieux-Payette	Tardif
Hubley	Trenholme Counsell
Joyal	Watt
Kenny	Zimmer—48

ABSTENTIONS
THE HONOURABLE SENATORS

Prud'homme—1

Hon. A. Raynell Andreychuk: I move the adjournment of the debate.

The Hon. the Speaker: It is moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Di Nino, that further debate on this item be adjourned to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

On motion of Senator Andreychuk, debate adjourned to the next sitting of the Senate, on division.

• (1500)

UKRAINIAN FAMINE AND
GENOCIDE MEMORIAL DAY BILL

SECOND READING

Hon. A. Raynell Andreychuk moved second reading of Bill C-459, An Act to establish a Ukrainian Famine and Genocide Memorial Day and to recognize the Ukrainian Famine of 1932-33 as an act of genocide.

She said: Honourable senators, I understand that we are under a time constraint and, therefore, I will not make many comments at this stage. I simply want to remind senators, particularly

new senators to this chamber, that Bill C-459 is the result of a motion as the first act of our Parliament with respect to the famine-genocide, the *Holodomor*. That motion was passed in the Senate on June 17, 2003.

At that time, in this chamber, I made the following comment, which I would like to restate, as it is now the seventy-fifth anniversary of the famine-genocide, *Holodomor*, of 1932-33, a disastrous event for the people of Ukraine.

Joseph Stalin's collectivization program was a process that culminated in a man-made famine in one of the world's richest and most fertile agricultural regions. Estimations are now only being calculated as to the millions who lost their lives, mainly in the Ukraine but also in the North Caucasus, Kazakhstan and Russia.

As American scholar and historian Robert Conquest stated in his book, *The Harvest of Sorrow*:

... in 1932-33 came what might be described as a terror-famine inflicted on the collectivized peasants of the Ukraine and the largely Ukraine Kuban (together with the Don and Volga areas) by the methods of setting for them grain quotas far above the possible, removing every handful of food and preventing help from outside — even from other areas of the USSR — from reaching the starving. This action, even more destructive of life than those of 1929-1932, was accompanied by a wide ranging attack on all Ukrainian cultural and intellectual centres and leaders and on Ukrainian churches.

I am not quoting him now. I am returning to the text that I presented at that time.

At the height of the famine/genocide of 1932-33, Ukrainian peasants were dying of hunger at the rate of 17 persons per minute, 1,000 persons per hour, and 25,000 persons per day, while the Soviet regime was dumping 1.7 million tons of grain on Western markets.

Thousands suffered. The West and others ignored the situation. It is now a time when Ukraine remembers and the world should acknowledge that.

I am pleased to say, and I acknowledge all of my colleagues here, that that motion of June 17, 2003, was the first motion on the Ukrainian famine-genocide. It set into motion the Ukrainian community in a focused way to bring recognition within Canada to the famine-genocide.

Bill C-459 is the result of those negotiations throughout Canada in an all-party spirit, which came to fruition last night. This bill comes to us at a time when President Yushchenko, the President of Ukraine, the leader of the Orange Revolution, is in Canada. It is, therefore, with haste that we in this chamber are coming full circle to the motion and to now support the bill which, in essence, is of the same substance and intent.

I am pleased to acknowledge that not only has the House of Commons passed this bill, but the Government of Canada, on Monday, recognized the famine-genocide and supported and

co-sponsored the UNESCO resolution on the famine-genocide. I pay tribute to Prime Minister Harper for taking this initiative on Monday in this very place when the international flame that is going around the world entered the parliamentary precinct.

I thank Minister of State Jason Kenney for his incredible work and persistence in bringing all parties together to indicate that this famine-genocide needs to be recognized in Canada, as we have recognized other genocides, and that we continue to say that, if we address our past, perhaps our future will be brighter. We certainly hope, by recognizing this famine-genocide, to pay tribute to the millions who lost their lives and their survivors and some family descendants who came to Canada and have contributed so richly to our country.

I believe it is a time to give a signal to Ukraine, as it transforms into a full and free democracy, that it is in fact necessary to look at the past, to profit from it, to pay tribute to those who paid the ultimate price and to build a richer, freer and more democratic world.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I am pleased to rise to support Honourable Senator Andreychuk and Bill C-459. This bill was supported unanimously in the other place last evening.

As honourable senators may know, Canada has the world's third largest Ukrainian population, after Ukraine and Russia, with 1.2 million Canadian Ukrainians. With over 100,000 Canadian Ukrainians, the City of Edmonton is one of the three major urban centres for Canadian Ukrainians, and the Canadian Ukrainian population for the Province of Alberta has been steadily increasing over recent decades.

I am honoured to say that the University of Alberta, where I was a professor and dean for a great number of years, has always been a strong leader and supporter in bridging Ukraine and Western scholarship. For example, the Kule Folklore Centre and the Huculak Chair of Ukrainian Culture and Ethnography are important centres for the study of Ukrainian culture outside of Ukraine. I know that fellow Albertans of Ukrainian origin would strongly support a bill which recognizes the Ukrainian famine of 1932-33 as an act of genocide.

[*Translation*]

By recognizing the *Holodomor* genocide, we are recognizing that human rights were violated. We are also contributing to restoring dignity to the victims, and we are beginning the process of actively preventing future crimes against humanity.

[*English*]

Therefore, I am happy to support this bill and encourage honourable senators to refer the bill to committee.

Hon. Yoine Goldstein: Honourable senators, let me first add my congratulations to those that were offered by the entire chamber to Senator Andreychuk, not only for the honour that she received from the President of Ukraine — quite a sufficient reason for us to rise in homage to her — but also because of a life devoted to human rights and a life that is so far, and for sure for the rest of it, well deserving of honour and recognition.

Honourable senators, because of my own origins, I have a particular sensitivity to issues of genocide. I have the honour of serving as the current chair of the All-Party Parliamentary Group for the Prevention of Genocide and other Crimes Against Humanity. I am particularly pleased and honoured to have the occasion to be able to deal with the Ukrainian famine-genocide of the mid-1930s. This bill gives all honourable senators the opportunity to make an important statement about genocide and about the importance to remember and not to forget.

Genocide can take many forms. It can be in the form of the Rwandan genocide. It can be in the form of the Holocaust.

Yesterday, I had occasion to say, in a totally different context, that I will address some of the issues dealing with human rights on another occasion in connection with another matter. However, it is important to say and to repeat that human rights are indivisible; human rights are absolute.

The most important human right, honourable senators, by far the most important human right, the ultimate human right, is the right to life. When that right is denied to an identifiable group of human beings, we speak of genocide. We speak of the wilful destruction of that group.

• (1510)

For those of us who study biblical origins, it is useful to recall that we are all created in God's image. The Talmud teaches us Jews that, therefore, because we are created in God's image, whoever destroys a single life, it is as though he has destroyed all of mankind. It is a Jewish message in its origins but it is of universal import and application in its consequences.

The Ukraine, which is the area of the world from which my parents sought and obtained haven in Canada, at the time was the breadbasket of the USSR. By diverting its grain production by the process of brutal collectivization, by prohibiting the consumption of grain by Ukrainians on pain of death, Stalin destroyed, took the lives of millions of Ukrainians with knowledge at forethought.

Genocide in all its forms is deserving of universal condemnation — even at the risk of offending some of the heirs of the human rights offenders of the 1930s. That risk must be taken. It is not sufficient to deter our obligation to condemn genocide and to use the occasion of this genocide as an opportunity to remind ourselves that we have a human conscience and to remind us to remember.

Would that we could do more to prevent the genocidal activities that continue to take place in Sudan and elsewhere. Regrettably, at least for the moment, we cannot. We can do no more than to condemn and to commemorate. However, our belonging to this human species compels us, if we can do no more, then at least to do no less than to commemorate and to honour the victims of this genocide.

I urge honourable senators, colleagues and friends to support the motion which I am now making to refer this resolution to the Standing Senate Committee on Human Rights for its further study.

[*Translation*]

Hon. Roméo Antonius Dallaire: Honourable senators, the topic of genocide is not a common one, and we do not delve into it often. However, it covers a wide range of humanitarian disasters throughout history and even in modern history. Today, the fact that we are asking that this famine in Ukraine 75 years ago be recognized as genocide is a truly significant show of support for those who are still working today to try to eliminate all possibility of genocide.

[*English*]

I stand here as a member of the United Nations Secretary-General's Advisory Committee on Genocide Prevention. In so doing, I wish to support this bill because it is another instrument that we can bring to the United Nations to demonstrate how we feel averse and horrified, not by weapons of mass destruction but by political instruments that are used to destroy the human rights of massive numbers of human beings in nation states.

In so doing, I can only congratulate the initiative. I congratulate the other place for having moved it so rapidly, and I congratulate Senator Andreychuk in having her history recognized. Hopefully, we will use this as a stepping stone to get this country significantly involved in the genocide that is ongoing today in Darfur.

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

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Tkachuk, that Bill C-459 be read the second time now.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

THIRD READING

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

Hon. A. Raynell Andreychuk: Honourable senators, with leave, I move that the bill be read the third time now.

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

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being 3:15 p.m., pursuant to the house order, the bells to call in the senators will ring for 15 minutes. The vote will take place at 3:30 p.m.

Call in the senators.

• (1530)

CANADIAN WHEAT BOARD ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Hubley, for the second reading of Bill S-228, An Act to amend the Canadian Wheat Board Act (board of directors).

The Hon. the Speaker: Honourable senators, the question before the house is as follows: It was moved by the Honourable Senator Mitchell, seconded by the Honourable Senator Hubley, that Bill S-228 be read the second time now.

All those in favour of the motion will please rise.

Motion agreed to and bill read second time on the following division:

YEAS

THE HONOURABLE SENATORS

Bacon	Mahovlich
Baker	McCoy
Banks	Mercer
Bryden	Merchant
Cook	Milne
Corbin	Mitchell
Cowan	Moore
Dallaire	Munson
Dawson	Murray
Day	Pépin
Downe	Peterson
Dyck	Phalen
Eggleton	Poy
Fairbairn	Ringuette
Fraser	Robichaud
Furey	Rompkey
Goldstein	Sibbeston
Harb	Smith
Hervieux-Payette	Spivak
Hubley	Tardif
Joyal	Trenholme Counsell
Kenny	Watt
Losier-Cool	Zimmer—47
Lovelace Nicholas	

NAYS

THE HONOURABLE SENATORS

Andreychuk	LeBreton
Angus	Meighen
Brown	Nancy Ruth

Champagne
Cochrane
Comeau
Di Nino
Eyton
Gustafson
Johnson
Keon

Oliver
Prud'homme
Rivest
St. Germain
Segal
Stratton
Tkachuk—21

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

REFERRED TO COMMITTEE

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

Hon. Grant Mitchell: I move that this bill be referred to the Standing Senate Committee on Agriculture and Forestry.

An Hon. Senator: On division.

On motion of Senator Mitchell, bill referred to the Standing Senate Committee on Agriculture and Forestry, on division.

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-33, An Act to amend the Canadian Environmental Protection Act, 1999.

Bill read first time.

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

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

• (1540)

THE SENATE

MOTION AS MODIFIED URGING GOVERNMENT
TO BLOCK SALE OF CANADARM AND
RADARSAT ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Goldstein:

That the Senate take note of the proposed sale of the Canadarm, RADARSAT satellite business to American arms-maker Alliant Techsystems for \$1.325 billion;

That the Senate note that this nationally significant technology was funded by Canadian taxpayers through grants and other technology subsidies for civilian and commercial purposes;

That the Senate note that this sale threatens to put Canada in breach of the 1997 international landmines treaty it was instrumental in writing;

That the Senate acknowledge that although Industry Canada will do a mandatory review of the trade issues relating to the sale there are many vital social, political, moral and technological issues that need to be examined;

That the Senate of Canada urge the Government of Canada to block the proposed sale of the nationally significant Canadarm, RADARSAT satellite business to American arms-maker Alliant Techsystems; and

That a message be sent to the House of Commons to acquaint that House with the above.—(*Honourable Senator Di Nino*)

Hon. Mac Harb: With permission of the house, I ask for leave to modify the motion. There have been positive developments since this motion was introduced.

Honourable senators, this motion was moved quite some time ago and it called on the government to stop the proposed sales of the Canadarm and the RADARSAT satellite to American arms maker, Alliant Techsystems, for \$1.325 billion. Under government rules, Industry Canada and the minister must review such a deal in order to assess whether it is in the best interest of Canada and render his decision.

I am happy to report that since that time, the Minister of Industry has taken the leadership in reviewing the case and has found that, in the balance, it was not in the best interests of Canada. Therefore, I conclude that the minister has met the spirit of the motion as introduced by the Senate.

I therefore would like to modify the motion as follows:

That the Senate take note of the Minister of Industry's positive decision to block the proposed sale of the Canadarm, RADARSAT satellite business to American arms-maker Alliant Techsystems for \$1.325 billion;

That the Senate concur with that decision; and

That a message be sent to the House of Commons to acquaint that House with the above.

The Hon. the Speaker: Whereas the Honourable Senator Harb is amending his own motion, he needs the consent of the house. Does Senator Harb have the consent of the house?

Hon. Senators: Agreed.

The Hon. the Speaker: Is the house ready for the question on the motion as modified?

Hon. Senators: Question!

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

Motion as modified agreed to.

[*Translation*]

CANADA PENSION PLAN

SENIORS' BENEFITS—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the thousands of Canadian seniors who are not receiving the benefits from the Canada Pension Plan to which they are entitled.—(*Honourable Senator Robichaud, P.C.*)

Hon. Fernand Robichaud: Honourable senators, I would like to continue my speech on Senator Callbeck's inquiry about the thousands of Canadian seniors who are not receiving the benefits from the Canada Pension Plan to which they are entitled.

As I mentioned on April 3, I have always been concerned about the living conditions of seniors, and I have particular empathy for the thousands of older citizens who have worked hard all their lives and, having decided to retire — even though they contributed to the Canada Pension Plan — do not receive the benefits to which they are entitled.

To summarize, Senator Callbeck's argument is that the Harper government is not doing enough to contact some 20,000 seniors who are entitled to receive Canada Pension Plan benefits, that the government should take additional steps to reach these individuals and that, if necessary, the government should help eligible seniors fill out the forms required to receive what they are owed.

The government should take this action for three reasons: first, these people worked; second, they contributed to the Canada Pension Plan; and third, they are entitled to these monies.

In examining this matter, I spent some time reading the ninth report of the Standing Senate Committee on National Finance and the second interim report of the Special Senate Committee on Aging.

It is rather interesting to note that the Standing Senate Committee on National Finance made two recommendations regarding needed changes to the plan and these are substantially the same as those made by Senator Callbeck.

The first recommendation concerns changes to the plan with respect to retroactivity and the second deals with the organization of and increase in efforts to inform Canadian seniors.

With regard to retroactivity, the committee recommended that the federal government consult the provinces to examine the possibility of "increasing the retroactivity period for eligible recipients."

Senator Callbeck was right to raise the need to extend this retroactivity period from eleven months to five years because seniors who are unaware that they qualify for benefits often have limited means.

A retroactive payment for a period of five years would contribute to their quality of life by making a tremendous improvement to their well-being.

As highlighted by the Standing Senate Committee on National Finance in its ninth report, on July 1, 2005, there were "26,430 eligible CPP contributors aged 70 and over . . . who have not yet applied for their retirement benefits."

The committee noted that if these 26,000 or so people received retroactive benefits for 11 months, it would cost approximately \$82 million more in 2008. This amount would include benefits paid after the death of a spouse.

This \$82 million represents just over one-quarter of one per cent of the total expenditures of the Canada Pension Plan, which were \$29 billion in 2008.

These figures come from the report of the National Finance Committee and were provided by the chief actuary of the Office of the Superintendent of Financial Institutions.

With this data, it is possible to estimate the scope of the costs if the retroactivity period were increased to 60 months.

If we were to increase the retroactivity period from 11 months to 60 months, the amount could increase proportionally to some \$450 million, or close to 1.5 per cent of \$29 billion, which is the total amount of benefits paid by the Canada Pension Plan in 2008.

We think that it is only fair to contributors that the retroactivity period be increased, since the CPP is funded by contributors and their employers.

That is why the Standing Senate Committee on National Finance recommended that the federal government consult with the provinces and consider making changes to the CPP to increase the retroactivity period from 11 to 60 months.

• (1550)

The Canada Pension Plan would thus be harmonized with the Quebec Pension Plan.

Recommendation 30 in the second interim report by the Special Senate Committee on Aging is particularly pertinent, and I quote:

Make retroactive repayments with interest to eligible recipients who did not apply for OAS at 65 or CPP at 70, or who were denied benefits due to administrative errors . . .

And:

. . . make these payments cover the period between the ages specified and the age at which repayment is made.

As you can see, the Special Committee on Aging feels that the payments should be retroactive not only for CPP but also for the eligible recipients of Old Age Security.

Another aspect of this issue that interests me is how the administrators of the Quebec Pension Plan have succeeded in contacting all potential recipients so that all those eligible to receive benefits actually do so.

In other words, how did the QPP manage the near impossible?

The answer is no mystery: they simply telephoned each individual who was eligible who had not applied for benefits.

The current result is that the Quebec Pension Plan has a 100 per cent take-up rate. These figures can be found on page 3 of the ninth report of the Standing Senate Committee on National Finance.

Honourable senators, I do not see anything complicated about this approach. Once again, in its recommendation 29, the Special Committee on Aging urges the government to:

Undertake more aggressive campaigns to ensure that all eligible Canadians are receiving all retirement-and age-related benefits.

We can only hope that the Canada Pension Plan administrators will be inspired by this recommendation by the Special Committee on Aging and the Standing Senate Committee on National Finance and the effective approach used by the Quebec Pension Plan in order to reach all those eligible to receive Canada Pension Plan benefits.

I hope that those responsible for the Canada Pension Plan will not decide to limit their action to sending e-mail to eligible persons not receiving their benefits or to limit their action to posting a notice on their Web site.

We think the majority of eligible persons not receiving their pension benefits do not really know their way around computers. I think it is highly likely that those who can navigate their way around the Internet are already receiving what is owed to them. We are speaking up for those who have difficulty with computers or who may not have access to them.

We are thinking about seniors living alone, who are far from service centres and are not getting help from loved ones to take the necessary steps on their behalf to get their CPP. These are the people we absolutely must try to reach.

I hope, above all, that CPP administrators will not try to reach those people by announcing a 1-800 number for an automated system. I need not go on about the frustration of looking for information and the only voice at the other end of the line is a recording, a voice announcing that your call is important, please stay on the line and here is a list of options to truly challenge your memory, no matter what your age. Honourable senators, you will agree that many people are not familiar with bureaucratic language, let alone automated information systems. That is why they get discouraged, feel frustrated and hang up the phone.

The federal government should take measures to inform people directly of their right to receive benefits. This seems to be a purely administrative matter. As Senator Callbeck has pointed out, the Quebec Pension Plan has done it successfully.

That is an eloquent demonstration that it is possible and, above all, feasible. However, we must have the political will to do so, honourable senators, and therein lies the crux of the matter.

To sum up, I would simply like to reiterate that we support any action that could improve the lives and living conditions of our seniors, especially the most vulnerable.

Honourable senators, I therefore urge the Leader of the Government in the Senate to raise our concerns with the minister responsible for the CPP, the Canada Pension Plan, to ensure that the other cabinet members are aware of this injustice towards seniors and to convince her colleagues of the validity of this appeal, especially since she is also this government's Secretary of State for Seniors.

As a final point, I would like to emphasize that I fully support the suggestions so aptly described and outlined by Senator Callbeck. It is to Senator Callbeck's credit that she has brought to our attention, and to the government's attention, the shortcomings of the Canada Pension Plan. On behalf of seniors in need, I would like to express my gratitude to her once again.

On motion of Senator Cowan, debate adjourned.

[*English*]

QUESTION OF PRIVILEGE

The Hon. the Speaker: Honourable senators, we are at the stage where we will now hear argument that there may or may not be a prima facie question of privilege, of which oral notice was given earlier this day by Senator Comeau.

[*Translation*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I will speak for the few remaining minutes about a question of privilege raised in connection with the events that occurred last Monday, during the meeting of the Standing Senate Committee on National Security and Defence.

First, allow me to state that I was only informed of the events in question after 11 a.m. yesterday morning and that, consequently, I was unable to give three hours' notice before the Senate met, as required under rule 43(3).

I would have been prepared to raise the matter in the chamber yesterday. Under the rules, I am availing myself of the first opportunity to speak.

Yesterday afternoon, it was brought to my attention that the Standing Senate Committee on National Security and Defence examined, amended and adopted a preliminary report distributed to committee members in only one official language. It is my understanding that a document containing sections of the report was available in the other official language.

However, the fact remains that the committee members would have been unable to participate in the debate on the preliminary report in one of the two official languages.

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

Honourable senators, paragraph 32(1)(a) of the Canadian Charter of Rights and Freedoms states that —

[*English*]

The Hon. the Speaker: Honourable senators, it being four o'clock, I must interrupt debate on this matter. Pursuant to rule 18(3), it is the Speaker's prerogative to determine when he or she has heard sufficient argument to render a decision. I would like to hear further discussion on this matter. Therefore, debate on this matter will be suspended until the next sitting, at the end of Orders of the Day, without prejudice to Senator Comeau.

The Senate adjourned until Thursday, May 29, 2008, at 1:30 p.m.

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