



DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 74

OFFICIAL REPORT
(HANSARD)

Wednesday, May 2, 2012

The Honourable NOËL A. KINSELLA
Speaker

CONTENTS

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, 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

Wednesday, May 2, 2012

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

Prayers.

RAILWAY SAFETY ACT CANADA TRANSPORTATION ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-4, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act, and acquainting the Senate that they had passed this bill without amendment.

[Translation]

SENATORS' STATEMENTS

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

Hon. Andrée Champagne: Honourable senators, some of you seemed a bit surprised to see me return to my chair this week. I returned to Canada the night of February 14. I was coming back from a meeting of the APF Bureau in Phnom Penh, Cambodia, via Seoul, South Korea. We did excellent work. I would like to give the credit to our colleague, Senator Pierre De Bané.

Despite the resentment and the systematic and stubborn obstruction of the parliamentary secretary general, Senator De Bané was able to convince the members and senators around the big table that it is important that we as parliamentarians know how the money our respective governments make available to the OIF every year is spent.

Democracy won out in the end, and the responsibility to clarify matters went to the Parliamentary Affairs Committee. When its members met in Vancouver a few weeks later, they came to a unanimous resolution that the Bureau can study thoroughly at its next meeting, which will be held in Brussels in July as part of the annual general meeting.

While new problems became part of my everyday life at the end of January, I was dealt an even bigger blow when I returned to Canada. Some of you may recall that not so long ago, my husband arrived in Ottawa by bus, metro and train, in the middle of a huge snowstorm, intent on celebrating Valentine's Day with his life partner of more than 30 years. This year, the circumstances were quite different.

Following a morning exam on February 14, we received some bad news. My Sébastien had cancer. We were told that it was curable, but serious nevertheless because it had progressed to

stage three. So I traded in my senator's hat for that of caregiver to be with him throughout his ordeal. I was also his driver. That is why I have been away so much, but together, my partner and I will continue to fight over the next few months.

I would like to thank all of my colleagues who have filled in for me at various committee meetings and have even missed important votes in the chamber. Over the past few weeks, I have done everything in my power to find a few people who can take over as helper and driver to take my partner to his daily radiation treatments and to make sure that the side effects of chemotherapy do not put him at risk if he is home alone while I am gone. Thanks to those friends, I will be here in my usual seat as often as possible.

After six weeks of chemo and radiation, we will take a six-week break before Sébastien has surgery. I know that all of you will send us good vibes and, depending on your beliefs, you will pray for the full recovery of the man who has put up with me for so many years, the man I cannot do without.

• (1340)

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation for Relations with Canada (Transatlantic Relations Unit) — European Parliament: His Excellency Matthias Brinkmann, Ambassador and Head of Delegation of the European Union to Canada; Mr. Philip Bradbourn; Mrs. Elisabeth Jeggle; Mr. Wolf Klinz; Mr. Ioan Enciu; Mr. Ioannis Kasoulides; and Mr. Peter Stastny, a well-known Canadian and hockey player.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

SPINAL CORD INJURY AWARENESS MONTH

CHAIRLEADER EVENT ON PARLIAMENT HILL

Hon. Jim Munson: Honourable senators, given the special nature of this day, I would like to seek leave from the Senate so that I can deliver this statement from my wheelchair.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Munson: Honourable senators, today is Chairleader on the Hill Day. I have been doing this with Senators Don Meredith and Bob Peterson. It has been both a good and a humbling day. This is a day organized by Spinal Cord Injury Canada, formerly known as the Canadian Paraplegic Association. This event is held

each year to build awareness about spinal cord injury and the need to improve accessibility for people in wheelchairs. There are 25 of us doing this today, except that we have to think that there are people with spinal cord injuries who are doing this every day of their lives.

In addition to the physical strength and coordination needed to maneuver a wheelchair through the streets and into the buildings where we work and live, determination is crucial as challenges are everywhere — literally at every corner.

Have you folks have seen the National Press Building lately? The building's main entry on Wellington is closed for the next two years, so one can only get into the building via Sparks Street and then going to the third floor. One then needs a battering ram to get into the National Press Building, which for some of us is perhaps not so bad. One then has to go through a corridor and get through two sets of doors. Public Works says it is wheelchair accessible, but it is not wheelchair accessible. This is just one example. I doubt anyone in a wheelchair could make it through that particular maze.

I hope Public Works is listening because I am saying that their norms are unacceptable and it is time they adapt them to the mobility needs of all Canadians.

On a lighter level, I would like to invoke the name of Rick Wardell. Everyone knows Rick. I did not cheat; I had ingenuity today. Rick is our page who is in a motorized chair. After we had our business at the Centennial Flame, I hitched a ride behind Rick. He took me back up to the Hill. I have to acknowledge Rick's wonderful work in helping me get back up on the Hill.

Of course, we all have egos. I do not have much hair. Have you ever tried to comb your hair in a washroom while you are in a wheelchair? I know I am short, but this is ridiculous!

On a serious note again, today in this country 90,000 people are affected by spinal cord injuries. The highest rate of injury is among young people, mostly men between the ages of 20 and 29. About 4,500 in this country suffer spinal cord injuries annually. By the end of the day — by the time I finish this speech, by the time we all go to bed and are comfortable, and by the time I return this wheelchair to the organizers — there will be 11 new spinal cord injuries in this country. We have to think about that.

In closing, we are fortunate to have representatives from Spinal Cord Injury Canada with us today, particularly Bobby White. There is a reception this afternoon at five o'clock on the Hill. I hope that senators can find time to meet with them and learn more about events taking place now and throughout May as part of Spinal Cord Injury Awareness Month, as well as their work and the people who count on them for support.

THE LATE FLORENCE E. WHYARD, C.M.

Hon. Daniel Lang: Honourable senators, last week Yukon said goodbye to Flo Whyard, one of our citizens who was a major force in influencing our territory's steps to responsible government. Ninety-five years young, Flo's accomplishments read like she lived three lifetimes.

During the war, she joined the Women's Royal Canadian Naval Service and served as a public relations officer. Later, she married and began her lifetime commitment to the North, moving initially to Yellowknife with her husband Jim and then to Whitehorse with their children in 1955.

Before long she was the editor of our local newspaper, *The Whitehorse Star*, and brought her opinions on how the world should unfold to her readers each week. Eventually this led her into public life in Yukon, where she served as an MLA and the Minister of Health and later became Mayor of Whitehorse.

Flo was also an author. She wrote many books, a number of them on the North, including a biography on Martha Black, Northern Canada's first female member of Parliament. Over the years she was recognized publicly in many ways, but I must note that this included the prestigious Order of Canada.

Flo believed that life should be lived, not watched, and she practised this every day. She will be missed but not forgotten.

ALBERTA

ELECTION 2012

Hon. Elaine McCoy: Honourable senators, I rise today to take the first opportunity I have had to remark publicly on the magnificent, the historical event in Alberta last week in which we elected not only a female premier but also a female leader of the opposition. We are very pleased to have two such able women in office in our province.

Even more significant, however, was the fact that gender was not an issue. We celebrate the fact that we are now at a point where gender is not an issue.

It was a remarkable win. It hearkened back to that day on August 30, 1971, when Peter Lougheed formed the first Progressive Conservative government in Alberta. When we celebrated that event last summer, one of his henchmen, Mr. Hyndman, said that we did it by never attacking people, which was one of our principles; we did it by listening and by taking ideas from everyone. He said, "The key to our success is we listened to the views of uncommitted voters, former PCs, disinterested Liberals, Social Credit voters and voters who wanted new faces. We listened to young people and to newcomers in the province."

Honourable senators, this is what Alison Redford did yet again, this time in 2012. She also put forward a competing vision for the future. At issue in our campaign for the future of Alberta was two visions: one that looked backwards and one that looked forward. Alison reached back to our traditions in the Progressive Conservative Party. I quote the operating guidelines that were written by Mr. Lougheed in 1966. He said:

3. We believe in a provincial government which gives strong support to the need in Canada for an effective central government, a government that recognizes the inherent dangers of eroding the federal government's powers.

He went on to talk in the same vein about the provincial government, Alberta in particular, using its resources in a way that benefits all Canadians. As he said in the operating guidelines that he wrote 45 years ago or more, we are Canadians first, Albertans second, and we are proud to be leaders in this country.

When Premier Redford acknowledged her win in a gracious way last week, she said, “We offered a different vision of the future. We offered a vision that builds bridges, in contrast to the other vision, which is to build walls.” Alberta chose to build bridges and that is a vision I think that will be well worth competing for all across this country in the years to come.

MRS. DARIA TEMNYK

CONGRATULATIONS ON ONE-HUNDREDDTH BIRTHDAY

Hon. Asha Seth: Honourable senators, I want to tell you about a wonderful and inspiring person I met this weekend.

I was officially invited by the Ukrainian Catholic Women’s League of Canada to represent the Prime Minister at St. Josephat’s Cathedral in Toronto and award multiple recognitions to Ms. Daria Temnyk on her one-hundredth birthday. Mrs. Temnyk is a remarkable Canadian woman from the Ukraine.

• (1350)

At age 100, she has been a member of the Ukrainian Catholic Women’s League of Canada since 1958. She was president of the St. Josephat’s branch for 12 years and was their archivist for 25 years before that. Today, she continues to head the organization’s cultural and educational committee and is an active member of the council’s Toronto branch. To commemorate her incredible 100 years of life and service, I presented Daria with official greetings from the Right Honourable Stephen Harper, Prime Minister of Canada, the Right Honourable David Johnston, Governor General of Canada, and Her Majesty the Queen Elizabeth II.

A century of life has given Mrs. Daria Temnyk the opportunity to serve her country and inspire her community. From a young age, Daria has shown bravery. As a trained language teacher she defended her cultural heritage by holding secret classes when totalitarian forces in the Ukraine did not permit the teaching of her native language.

In Canada, Mrs. Temnyk became deeply involved in charitable organizations that help to promote the interest of all Canadians. It is incredible to see the community of Toronto coming together around a delicate woman. Her body may be old and frail, but she has a powerful life energy and contagious charisma. She is a wonderful example that age is just a number and that a person can enjoy a lifetime of service and commitment to his or her community.

I want to take this moment to encourage honourable senators to embrace the attitude of Daria Temnyk and look forward to a lifetime of service to the people. Let Daria’s story inspire you to forget about daily physical limitations and live a life full of

energy, charisma and joy for yourself and others. Let us work hard to create a Canada where we can all be proud to be 100 years old. Thank you, honourable senators.

WORLD PARLIAMENTARIAN CONVENTION ON TIBET

Hon. Consiglio Di Nino: Honourable senators, this past weekend some 150 participants attended the World Parliamentarian Convention on Tibet held in Ottawa at the Government Conference Centre. I would like to thank all my colleagues from both the Senate and the House of Commons who attended. Thank you, you did make a difference.

Approximately half of the delegates were parliamentarians, 55 of whom came from every corner of the world. This was the sixth such gathering. The main messages emanating from this conference were urging China to resume meaningful talks with His Holiness the Dalai Lama and his representatives on an honourable resolution to this long-standing tragic issue. The conference emphatically rejected China’s claim that His Holiness and the Central Tibetan Administration are seeking independence, and there was general agreement that encouraging breezes continue to come from China’s leaders, not yet winds of change, I should add, but hopefully genuine signs of democratic reform.

Honourable senators, the Tibetan struggle has been long and difficult. Fundamental freedoms and rights have been denied for decades, resulting in much unnecessary pain and suffering. His Holiness continues to reach out to the Chinese authorities for a just and fair resolution, and surprisingly he is quite optimistic.

One of the speakers at the conference, John Amagoalik, the father of Nunavut, eloquently described the Inuit struggle for autonomy. He urged the Chinese government to look at Nunavut as an example for them to resolve the Tibet issue. Although he described the formation of Nunavut as a work-in-progress, he told us its people speak their own language, practice their spirituality and celebrate their culture. They are building a land where the Inuit can be proud of their heritage and can build on their rich and ancient culture. This is what the Tibetans are looking for. I hope the Chinese are listening.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the tenth report of the Standing Committee on Internal Economy, Budgets and Administration, which deals with reports on international travel.

[*Translation*]

JOBS GROWTH AND LONG-TERM PROSPERITY BILL

NOTICE OF MOTION TO AUTHORIZE SELECT COMMITTEES TO STUDY SUBJECT MATTER

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in accordance with rule 74(1), the Standing Senate Committee on National Finance be authorized to examine the subject-matter of all of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, introduced in the House of Commons on April 26, 2012, in advance of the said bill coming before the Senate;

That the Standing Senate Committee on National Finance be authorized to sit for the purposes of its study of the subject-matter of Bill C-38 even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto; and

That, in addition, and notwithstanding any normal practice, the following committees be separately authorized to examine the subject-matter of the following elements contained in Bill C-38 in advance of it coming before the Senate:

- (a) the Standing Senate Committee on Energy, the Environment and Natural Resources: those elements contained in Part 3;
- (b) the Standing Senate Committee on Banking, Trade and Commerce: those elements contained in Divisions 2, 10, 11, 22, 28, and 36 of Part 4;
- (c) the Standing Senate Committee on National Security and Defence: those elements contained in Division 12 of Part 4;
- (d) the Standing Senate Committee on Transport and Communications: those elements contained in Division 41 of Part 4; and
- (e) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Division 54 of Part 4.

FISHERIES ACT

BILL TO AMEND—FIRST READING

Hon. Mac Harb presented Bill S-210, An Act to amend the Fisheries Act (commercial seal fishing).

(Bill read first time.)

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

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

CANADIAN NATO PARLIAMENTARY ASSOCIATION

JOINT VISIT OF THE SUB-COMMITTEES ON ENERGY AND ENVIRONMENTAL SECURITY AND TRANSATLANTIC ECONOMIC RELATIONS, JULY 11-14—REPORT TABLED

Hon. Pierre Claude Nolin: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the joint visit of the Sub-Committees on Energy and Environmental Security (STCEES) and Transatlantic Economic Relations (ESCTER), held in Edmonton and Fort McMurray, Alberta, and Dawson Creek, British Columbia, Canada, from July 10 to 14, 2011.

• (1400)

[*English*]

ANNUAL SESSION, OCTOBER 7-10, 2011—REPORT TABLED

Hon. Pierre Claude Nolin: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Fifty-seventh Annual Session, held in Bucharest, Romania, from October 7 to 10, 2011.

[*Translation*]

BUREAU MEETING, NOVEMBER 1-2, 2011—REPORT TABLED

Hon. Pierre Claude Nolin: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Bureau Meeting held in Moscow, Russia, on November 1 and 2, 2011.

[*English*]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL MEETING AND REGIONAL POLICY FORUM OF THE EASTERN REGIONAL CONFERENCE, AUGUST 7-10, 2011—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Fifty-first Annual Meeting and Regional Policy Forum of the Eastern Regional Conference, held in Halifax, Nova Scotia, Canada, from August 7 to 10, 2011.

ANNUAL MEETING OF THE MIDWESTERN
LEGISLATIVE CONFERENCE OF THE COUNCIL
OF STATE GOVERNMENTS, JULY 17-20, 2011—
REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Sixty-sixth Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments, held in Indianapolis, Indiana, United States of America, from July 17 to 20, 2011.

[Translation]

QUESTION PERIOD

CANADIAN HERITAGE

CANADA PERIODICAL FUND

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, I asked a question regarding the Canada Periodical Fund, Aid to Publishers.

Honourable senators, I would like to revisit that subject today. I have read the documentation on this very carefully. It is very clear that the Conservative government is showing some willingness to increase support for minority official language publications. However, it is also very clear that several French-language newspapers in minority communities will face serious challenges, particularly those in Ontario, Saskatchewan, Alberta and Manitoba.

The problem is that these four newspapers have no other choice but to deliver their publications using Canada Post. Circulation covers a vast area, with a francophone population that is spread out across the province. Other distributors, such as newspaper carriers and private businesses, are not interested in providing the distribution service because it would not be profitable for them. For instance, delivering five French-language newspapers to 100 clients does not pay much. Accordingly, the Canada Periodical Fund must include a measure or special funding formula tailored to the specific situation of minority official language newspapers that, because of a specific reality, are forced to use Canada Post for their distribution. Would it be possible to include a special funding formula for these newspapers in the Canada Periodical Fund? Could the Leader of the Government discuss this matter with the appropriate minister as soon as possible and get back to me with the answer?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I was not aware there had been any policy change with regard to Canada Post delivering periodicals. However, as she has asked and as was the case last

week when she raised the issue of periodicals in Alberta and Manitoba, I will refer the question to the Minister of Canadian Heritage for a written response.

[Translation]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, to follow up on the question asked by my colleague, I know that I asked the Leader of the Government this question last week. The Leader of the Government said she would get back to me with an answer. I would like to revisit the matter and ask her again to ask the heritage minister to support this request, since this is a problem facing several minority French-language newspapers.

Could the Leader of the Government ask the minister to acknowledge that the new funding formula currently being used for the Aid to Publishers component of the fund puts minority French-language newspapers at a serious disadvantage, because it does not take their specific needs into account? This program is replacing a previous program, the Publications Assistance Program.

[English]

Senator LeBreton: I thank the honourable senator for the question. I will pass on the direct question to the Minister of Canadian Heritage. I do believe, and I think it is fair to say, that the Minister of Canadian Heritage, James Moore, is a very committed and dedicated minister who has worked very hard to implement the Roadmap for Canada's Linguistic Duality. This has been a very successful program and it has had very positive feedback from minority language groups, not only from francophone language groups in provinces other than Quebec but also from anglophone groups in the Province of Quebec.

With regard to the honourable senator's specific question, I will be very happy to get a written response from the Minister of Heritage.

VETERANS AFFAIRS

VETERANS INDEPENDENCE PROGRAM

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. Last year, on October 4, I asked the leader a question about the inequity that exists in eligibility criteria for surviving spouses in the Veterans Independence Program. As she may recall, she took the question as notice. I have received the written answer and I thank her for that, but it does not contain the information that I was seeking.

I want to ask for clarification and I will reformulate my question. The situation is this: If a veteran and his wife both received housekeeping and grounds keeping services, then his widow can continue to have both. If a veteran and his wife did not receive either benefit, then a low-income widow can apply and receive both. However, if a veteran and his wife received only one of these services, then his widow can never apply for the second, even if she is low-income. This is where my concern lies. The result is that there are some low-income widows who are eligible and some who are not.

Does the government plan to correct this situation?

Hon. Marjory LeBreton (Leader of the Government): I thank the senator for the question. She did quite correctly state that her question had been responded to, but she is seeking additional information. Therefore, I will refer the question to be more fully clarified. I will attempt to seek out the information she needs and I will refer the question to the Minister of Veterans Affairs.

Senator Callbeck: Honourable senators, I really appreciate that, because it is an issue that I would like to get a clear answer on.

It is a very unfair situation. My thinking is that it is a ridiculous situation that some widows can collect and others cannot. Even the Veterans Ombudsman called it very unfair. In fact, his office wrote a position paper on it in March 2010.

When I asked the leader this question last October, she said “it does seem rather strange, to say the least.”

As she said, she will look into it again. I will appreciate getting a clear answer. If the government will not change its position, I would like to know the reason it will not change its existing policy.

Senator LeBreton: I thank the honourable senator for the question. I will refer her question to the minister for further clarification.

FINANCE

FINANCIAL SYSTEM

Hon. Wilfred P. Moore: Honourable senators, my question is directed to the Leader of the Government in the Senate. It is a follow-up to the questions asked yesterday by my colleague Senator Hervieux-Payette with regard to the \$114-billion support that the Canadian chartered banks received during the economic downturn.

• (1410)

In Budget 2006, Finance Minister Flaherty made some changes to deregulate mortgage rules in Canada, and I will quote from page 88 of that budget document.

The Government is confirming arrangements that would allow new players entering the mortgage insurance market to gain access to that facility, and is also increasing the amount of business that can be covered under the Government’s authority from \$100 billion to \$200 billion in order to keep pace with the increase in housing prices and the growth in the mortgage market. These changes will result in greater choice and innovation in the market for mortgage insurance, benefiting consumers and promoting home ownership.

The result of these new players was a 40-year amortization period with no down payment, which only led to overheating of the housing market and also allowed people to get into homes they could not otherwise afford. Therefore, when everything went sour, the Canadian government was forced to buy \$69 billion in

bad mortgage debt from our banks. Why did the government, and the leader as a member of it, create this perfect financial storm for such a disaster that occurred to the Canadian banking system?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, first, with regard to the Canadian Centre for Policy Alternatives and the so-called story that Senator Hervieux-Payette mentioned yesterday, I do not often recommend reading stories in the media, but I would recommend that you read David Akin today in the *Sun* newspapers, who did a much better job than I of debunking this myth that somehow or other the government bailed out banks.

I absolutely disagree with Senator Moore’s premise that the situation in Canada is as he described. The government did take measures for shorter amortization periods for mortgages and did take measures with regard to the amount of down payment required, all to deal with the issue of household debt, which, with our low interest rates, has been acknowledged by the Minister of Finance and the Governor of the Bank of Canada to be a situation that requires some attention.

Happily, figures just released within the last few weeks have indicated that this situation now is starting to level off, and Canadians are taking very seriously the concerns that the government has been expressing and the Governor of the Bank of Canada has been talking about — reducing their household debt.

Senator Moore: Honourable senators, that is all very interesting to hear. A party that was advocating deregulation of the banking system and merged the banks has now suddenly adopted the Liberal policy of good management and good banking. I am encouraged that they are learning.

The leader does not seem to think the article referred to by the Canadian Centre for Policy Alternatives has credibility. They talk about the secrecy. I have been following this very closely. I knew about the purchase of the mortgages, but I did not know and do not think Canadians knew about the involvement of the Federal Reserve Bank of the United States of America. I mentioned that here once before and I mentioned it in the Banking Committee.

For the record, this is an article from *Bloomberg* entitled *The Fed’s Secret Liquidity Lifelines*. Perhaps that is where the Canadian Centre for Policy Alternatives got the word “secrecy” because I do not ever remember this being divulged by the government, and I have a couple of questions about it.

Just so the people in the chamber will know and the Canadian public will know, the Bank of Nova Scotia received \$9.5 billion; the Royal Bank, \$6.9 billion; Toronto Dominion, \$6.6 billion; CIBC, \$2.2 billion; and the Bank of Montreal, \$1.8 billion.

Senator Ringuette: How much was the bonus for the CEOs?

Senator Moore: That is another issue. I do not know what happened there. Those five banks received a total of \$27 billion.

I would like to know from the leader, with regard to the \$69 billion in bad mortgages that the government had to buy from the chartered banks, how much of that was a result of that free mortgage program? I would like to know what the answer is to that one.

I would like to know if the leader or her cabinet colleagues were aware of this injection of United States dollars by the Federal Reserve Banks of the United States into our Canadian chartered banks.

Senator LeBreton: Honourable senators, I already answered the question about the so-called secret bailout. There has been no secret bailout. With regard to financial consumers, I will put on the record what the government has done. Senator Moore may say he pays attention, but I am quite certain I have put this on the record before, but I will do so again.

Our government is providing new measures to empower financial consumers, such as a new code of conduct on mortgage prepayment information through which federally regulated financial institutions — I will quote the Leader of the Opposition and say, “Are you going to listen, Senator Moore?”

There is a new code of conduct on mortgage prepayment information through which federally regulated financial institutions will now provide significantly more information to consumers. We are issuing regulations banning the distribution of unsolicited credit card checks. We have shortened the cheque hold period to four days. As I have previously stated, we strengthened mortgage rules to protect Canadians buying a home, reducing the maximum mortgage period to 30 years, significantly reducing interest payments families make on a mortgage, and also lowering the maximum amount lenders can provide when refinancing mortgages to 85 per cent.

We introduced Bill C-28 to provide for the appointment of a financial literacy leader. We introduced credit card reforms to ensure Canadians have the information they need. Our code of conduct was welcomed by consumers and especially by small business. We continually monitor compliance, and any possible violation will be investigated. We have acted in the past to ensure we have prudent regulations for Canadians and for our banks and will act again if necessary.

Senator Moore: Honourable senators, I am glad to hear the recitation of all those things, most of which I think our Banking Committee recommended. All of that to say it has resulted in household debt of 152.9 per cent greater than the per capita disposable income per household, so that record is not much to brag about.

I want an answer, please, to my question. How much of the \$69-billion bailout of the banks on those mortgages was a result of that government policy with regard to the freeing up of, as I mentioned, the 40-year amortization period and so on? I would like the leader to answer whether the government knew about the U.S. Federal Reserve putting money into the chartered banks of Canada.

I should also mention, honourable senators, that the per capita debt in Canada is now higher than it was in 2008 at the start of the recession.

Senator LeBreton: I thank the honourable senator for the question. I will take the questions as notice. There have been no bank bailouts, despite Senator Moore's insistence that there have been. He asked some specific questions for which I will seek a written answer.

ENVIRONMENT

PARKS CANADA

Hon. Terry M. Mercer: Honourable senators, in the latest round of cuts hitting the public service, almost 4,000 people were handed letters yesterday saying that they may lose their jobs. Parks Canada employees, to the tune of over 1,600, were the hardest hit. Parks Canada, as you know, takes care of Canada's dearest treasures — its parks and historic sites — including one of the premier parts of the park system, the Fortress of Louisbourg in Cape Breton.

• (1420)

Over 400 people in Atlantic Canada are affected by these cuts at Parks Canada, including 10 jobs and over 100 people who will see their work hours curtailed at Fortress of Louisbourg to meet the government's charge to balance its budget on the backs of hard-working Atlantic Canadians.

Would the Leader of the Government like to enlighten us as to how, when during the last election the Conservatives promised jobs and a better economy, they can justify this latest round of job cuts in rural communities across the country?

Hon. Marjory LeBreton (Leader of the Government): In case Senator Mercer did not notice, last month Statistics Canada reported, I believe, over 80,000 new jobs.

With regard to notices that were sent out to public servants, I think it is quite incorrect to refer to these as direct cuts. These people have been informed that their employment could be affected. That does not necessarily mean they will be out of a job. Some people will be given other opportunities; some will be leaving through attrition. Of course this is all part of our balanced measures to reduce the size of the deficit and get back to balanced budgets.

Parks Canada is an organization that we are all very proud of. Parks Canada provides services and facilities to Canadians and to our visitors that are second to none. Parks Canada is making changes to ensure that staff are there and will be there when most visitors come to the parks. We hope more people will visit our parks to see Canada's natural beauty. Unfortunately, over the past number of years there has been a decline in visitors to our national parks. Our government has greatly expanded Canada's national parks and marine protection areas. Budget 2012 takes steps again, which has been widely applauded from all sides, to create the first national urban park, in Rouge Valley, just outside of Toronto, which has been widely applauded from all sides.

Senator Mercer: Honourable senators, in a community like Louisbourg, which sees an almost 20 per cent unemployment rate, the Conservatives see fit to turn a blind eye to the very people they claim to care about.

I am sure that the honourable leader, when driving in from Manotick every day, will notice how many people will not be at their stations at the locks along the Rideau Canal ensuring that

Canada's capital is taken care of for the vast number of tourists who visit and inject millions of dollars into the local economy. I am sure the leader will notice the difference if she visits historic sites like the Fortress of Louisbourg and has to cut her visit short because they have to lock the doors early.

Again, I ask the leader how the government can justify cutting jobs in the very places where the Conservatives said they would foster and even create jobs.

Senator LeBreton: I think I already said to Senator Mercer that Parks Canada is working to make these changes to ensure absolutely that there is staff at the national parks, on the Rideau Canal, the Trent-Severn and other canal systems during periods when visitors are actually there. I live on the Rideau Canal, as honourable senators know, and I believe that visitors coming through the Rideau Canal system from Kingston to Ottawa will see no reduction in their ability to get through the canal system. Parks Canada has indicated that they will staff all of these facilities to meet the needs of the tourist season and to meet the needs at the high-use period of time.

The fact is, in most of these instances, efficiencies can be realized without actually, as Senator Mercer is suggesting, shutting the door early. There is no intention of doing that. The government, through Parks Canada, will have people staffing all of these facilities when the most visitors are visiting them.

Senator Mercer: Honourable senators, it may be an unintended consequence, but because the government is cutting back on the hours of the employees, probably they will have to shut down early.

I happen to know the honourable senator lives on the Rideau Canal. It is a beautiful spot and she is an awfully lucky person to live out there. Every summer for the past number of years I have had the good fortune of travelling along the Rideau Canal one week in the summer with some friends of mine between Manotick and Merrickville, going through the five or six locks that take us up to Merrickville. When we get up there we spend a weekend and we spend money at restaurants, we rent a bed and breakfast and we may even go to the liquor store — for my friends, of course.

However, the important thing, honourable senators, is that it is not just the use of the canal and not just the visit to the Fortress of Louisbourg that is important: It is the residual spending by tourists visiting the Rideau Canal or going to Merrickville or the people going to Louisbourg.

The people visiting Louisbourg by the thousands are not necessarily staying in the small community of Louisbourg. Many are staying in the city of Sydney, spending their money there, using the Sydney airport or using other means of transportation to get there, but all spending money.

In her answer, the leader talked about the government's commitment to provide this service during the tourist season. Bed and breakfasts and small motels cannot rely on only that

short tourist season for their income; that tourist season is pretty short in this country. They need to rely also on the shoulder seasons before and after the main tourist season. That is particularly important in Cape Breton, because one of the most fabulous celebrations for tourists in Eastern Canada is Celtic Colours.

Senator MacDonald, who has been running around Cape Breton announcing every \$1,000 grant that comes out of the government, has been to Celtic Colours, I am sure. However, he was not there yesterday to deliver the pink slips.

The leader should not consider just giving me an answer about the employees on the canal or about the employees at the Fortress of Louisbourg; it is the economic effect felt in all communities surrounding both of those major Canadian historic sites.

Senator LeBreton: I think I mentioned that Parks Canada has indicated that they will make sure that staff are in place in all of these wonderful facilities, including the Fortress of Louisbourg, which I have visited on several occasions. They will staff when the visitors are there, and it is the same with the Rideau Canal system. I am very glad that the honourable senator is on the Rideau Canal system. Merrickville and Manotick are wonderful towns.

However, there is nothing in what Senator Mercer has said or that Parks Canada is planning that would prevent him or anyone from going through the Rideau Canal system. I happen to live on a part of the canal system that is fortunate to have 22 miles of water without going through a lock. However, once one goes through the locks, which will be staffed, there is nothing to prevent one from still visiting Merrickville and going to the wonderful shops, including the one the honourable senator mentioned, which is not far from the locks, as he knows.

In Louisbourg we also have, in the summer, the ability to have part-time staff in our parks and canal system. I wish to assure honourable senators that, as Parks Canada has said, any changes they make will be made with the assurance that there will be staff there when most visitors are attending these sites.

Hon. Jane Cordy: Honourable senators, I think the leader said that staff will be there when the tourists are. Does that mean that in places like Louisbourg and the Citadel in Halifax the season will not be shortened, nor will the hours of operation?

Senator LeBreton: I thank the honourable senator for the question. From my understanding — and I will seek clarification — Parks Canada and all the facilities they are responsible for will be staffed to accommodate the periods when visitors are there. With regard to the actual hours, I will seek clarification for the honourable senator. Living on the Rideau Canal system, I know that right now they do shorten the hours for the off-peak season. They start in May and, by September, they begin to shorten the hours on the canal, because, quite frankly, people are not going through the locks. However, I will seek clarification on that particular point, honourable senators.

• (1430)

[Translation]

VETERANS AFFAIRS

LONG-TERM CARE PROGRAM

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate and may surprise my colleagues who are involved in veterans issues, because this is a new development as of today.

The charter adopted in 1943 for veterans of World War II and the Korean War included a long-term care program, which meant that the federal government would provide long-term care for these veterans — who suffered for decades from the effects of their injuries and who clearly needed more care as they got older — for the rest of their lives.

Later, in the 1950s, the Pension Act was passed during a period of peace and cold war. In this legislation, the specific needs of our veterans, namely long-term care, were not identified.

The new charter adopted in 1996 and implemented by the government of the day did not provide for long-term care for veterans of recent wars. Today, Canada has veterans who served longer than the veterans of World War II but who are still not provided with long-term care.

Why is the federal government in such a rush to close Ste. Anne's Hospital and turn it over to the provincial government when there are still 400 veterans staying there? This hospital has 446 rooms. Instead, why not offer civilians access to this hospital while continuing to manage it so that the needs of veterans are met? Why do the opposite? At the very least, this could be a temporary solution until there are only a few veterans left there.

In addition, absolutely nothing is being said about the central health care clinic for post-traumatic stress disorder, and yet this is a key component of the health care program for veterans suffering from this disorder. We do not know whether the clinic will be able to continue to operate under the upcoming agreement.

[English]

Hon. Marjory LeBreton (Leader of the Government): I wish to assure the honourable senator that the long-term care of our veterans receives a lot of attention from our government. The honourable senator particularly mentioned Ste. Anne's Hospital, and he asked for a lot of specific information. Because of the shortness of time, I will ensure that he will have a written response.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Moore on March 14, 2012, concerning the Joint Strike Fighter program.

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

(Response to question raised by Hon. Wilfred P. Moore on March 14, 2012)

The Government of Canada has made it known that it intends to replace the CF-18 fighter jet fleet at the end of their useful lives with the Royal Canadian Air Force.

No contract has yet been signed for a CF-18 replacement. The commitment to purchase a Next Generation Fighter Aircraft was clearly spelled out in the *Canada First* Defence Strategy. This commitment was made following a thorough analysis of the current and perceived roles and core missions that this fighter would be responsible for.

We have committed \$9 billion to the acquisition of replacement aircraft for the CF-18. Of this amount, approximately USD\$6 billion is planned to be spent procuring the new aircraft, with the remainder covering the cost of associated weapon systems, supporting infrastructure, spare parts, initial training, contingency funds, and project operating costs. The cost of the procurement, as well as the sustainment, of the new fleet is funded through the *Canada First* Defence Strategy and the National Defence Investment Plan.

On April 3, 2012, the Government of Canada announced that it would be pursuing a seven point plan before acquiring any replacement aircraft.

- The Treasury Board of Canada will commission an independent review of acquisition and sustainment contract prices of the F-35 which will be made public;
- The Department of Public Works and Government Services Canada will establish a new Secretariat to ensure that the acquisition and sustainment contract prices of the F-35 are validated as reasonable and fair before contracting authority is sought and funds are released; a committee of Deputy Ministers will provide oversight of the Secretariat and a fairness monitor will be engaged;
- The Department of National Defence will provide regular program status updates to Parliament and regular technical briefings on the performance schedule and costs;
- The Department of National Defence will continue its longstanding work evaluating all possible options for replacement aircraft that meet the needs of the Canadian Forces in the 21st century;
- The Treasury Board will review and certify the accuracy of the acquisition and sustainment contract prices of the F-35 and ensure full compliance with contracting policies;

- Industry Canada will continue identifying opportunities for Canadian Industry to participate in the F-35 Joint Strike Fighter program supply chain and provide updates to Parliament explaining the benefits.

The Government of Canada will not sign a contract to purchase new aircraft until this additional diligence is complete and development work is sufficiently advanced.

[English]

ORDERS OF THE DAY

INTERPRETATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Watt, seconded by the Honourable Senator Lovelace Nicholas, for the second reading of Bill S-207, An Act to amend the Interpretation Act (non-derogation of aboriginal treaty rights).

Hon. Joan Fraser: Honourable senators, I am pleased to rise to speak in support of Bill S-207, which has been placed before us by Senator Watt.

I have often thought that it is a very great pity that the subject matter of this bill is burdened with the name “non-derogation clauses.” That sounds about as exciting as a quadratic equation or watching paint dry. We could equally well say that this bill is about protecting human rights, or about controlling the bureaucracy, or about upholding the Constitution, because that is what this bill is actually all about. It is about protecting the human rights of Aboriginal peoples as set out in section 35 of the Constitution. Protecting those rights — that is what it is all about.

Section 35(1) of the Constitution is quite short. It says:

The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Very short, very broad, and that should settle the matter, should it not? The Aboriginal rights would be protected. The Constitution says so. However, it does not necessarily work that way.

As I have suggested, that clause is very broad, and that is in many ways good because it means that all the Aboriginal rights are covered by it. However, its very lack of a list, of specificity, means that it is wide open for argument, interpretation and evasion, if people wish to evade it.

The fact is, honourable senators, that respecting minority rights, while it is an essential element of any democratic society based on the rule of law, is often a pesky and inconvenient

business for the majorities in those societies; and the smaller the minority, the greater the tendency for majorities to brush aside those minority rights as not really being relevant or important enough to pay attention to.

I suppose it was why the practice arose, very quickly after the Constitution was adopted in 1982, of inserting in various bills where it seemed to be appropriate “non-derogation clauses.” There is that awful phrase again. What it means is that a clause would be inserted to say this piece of legislation does not derogate from or does not in any way diminish the Aboriginal rights as established in section 35.

In the beginning, the wording was very simple and clear. It would say:

For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the Constitution . . .

It is clear. In other words, even if it does seem pesky and inconvenient, one still has to respect those rights. That wording, or something akin to it, was used for a few years. Then matters perhaps were a little bit complicated in 1990 when, in its landmark *Sparrow* decision, the Supreme Court of Canada said that section 35 “is a solemn commitment that must be given meaningful content.” However, it also said that, as is the case with all rights, section 35 rights are not absolute, hence not immune from regulation, as long as they meet certain justification tests such as is there a valid legislative object here?

• (1440)

That sort of window opening may be why legal drafters seemed to become emboldened. They started tinkering with the language of the clauses that were being inserted in bills to protect Aboriginal rights. Their tinkering always went in the direction of weakening the protection for Aboriginal rights under section 35 — always.

For example, they started saying that nothing in the act shall be construed so as to abrogate or derogate from the protection provided by section 35. It may not sound like much, but why say, “We are just looking at the protection?” Why not continue to affirm that we are upholding section 35? Maybe that one was arguably acceptable, but they went on and on.

The one that I found particularly offensive, not to put too fine a point on it, was the version of the non-derogation clause that said that the bill would provide for regulations and would also include limiting the extent to which the regulations may abrogate or derogate from Aboriginal treaty rights. When we have reached the point where the bureaucrats, without a word from Parliament, can pass regulations that diminish the human rights of Canadian citizens, we have gone a long way down the wrong road.

The Standing Senate Committee on Legal and Constitutional Affairs decided to do a study of this matter. We discovered, perhaps not surprisingly, that it was no accident that the legal drafters were diminishing the impact of these protective clauses for Aboriginal rights. We were told by representatives of the Department of Justice that non-derogation clauses were often added to statutes simply as a matter of compromise or expediency, because there would be pressure from parliamentarians to insert a non-derogation clause. Therefore, it would be stuck in at the last

[Senator Comeau]

minute in order to get a bill through, but it was not the first choice. One witness told the committee that non-derogation clauses were intended to act as nothing more than a reminder or a flag for those administering the legislation. He then said something that I found absolutely staggering. He spoke of the government's concern about the risk that courts could give "unintended substantive effect to a non-derogation clause."

Honourable senators, bear in mind that these clauses say only that section 35 of the Constitution applies to this bill. We do not have clauses in the Constitution on the theory that they will not have any substance. They are supposed to have substance. The notion that it would be possible to give a substantive effect to a clause upholding these rights and that it would be a bad thing strikes me as going against the whole purpose of the Constitution of Canada and our obligation to the Aboriginal peoples of Canada.

Some government witnesses tried to tell the committee that the weaker versions of the non-derogation clauses helped to preserve parliamentary supremacy. In my experience, that was a first and, if memory serves, also a last. Prior to that, I had not heard civil servants talking about the need to preserve parliamentary supremacy over the freedom of action of the bureaucracy or the government. However, that was one of the arguments advanced; but of course it did not hold any water at all. What Parliament does is pass ordinary statutes and no ordinary statute can change the meaning of the Constitution of Canada.

I would draw the attention of honourable senators to the fact that in the committee's study, all of the non-government witnesses — representatives from Aboriginals, legal experts, every one of them — said that we need non-derogation clauses of one sort or another and that we needed them to be stronger than those given to us by the bureaucrats. The only people who said that they were not needed were from the Department of Justice, the ones who draft the bills. The majority of the non-government witnesses said that the best way to go was to do exactly what Senator Watt's bill does. Instead of fussing around and inserting individual non-derogation clauses in any bill that comes before us where we think one might be needed, we should do just one clean thing: Insert a section in the Interpretation Act.

The Interpretation Act guides judges on how to interpret the laws of this land. One would simply have to insert a general non-derogation clause in the Interpretation Act, which is exactly what Senator Watt is proposing. He is proposing a simple insertion that would say "no enactment shall be construed so as to abrogate or derogate from the Aboriginal and treaty rights of the Aboriginal peoples of Canada that are recognized and affirmed by section 35 of the Constitution Act, 1982." I repeat, that is what the majority of the experts told us would be the best, most effective and cleanest way to go.

After considerable reflection and discussion, the Standing Senate Committee on Legal and Constitutional Affairs recommended that that be done. It was a unanimous recommendation, as honourable senators will recall from that study's report. We were all quite proud of it. Indeed, one month later in its own special report, the Canadian Human Rights Commission echoed that recommendation.

We asked the government to respond.

[*Translation*]

And after six months, the government responded as it was required to do. It said that that recommendation, and the recommendation that all other non-derogation clauses be repealed, was worthy of serious consideration. Oh! Oh! However, we, the government, have questions about the practical difficulties involved in repealing existing clauses. As a result, the Government of Canada will need to carefully consider the legal and practical implications, and so forth.

[*English*]

That careful examination, if it has occurred, has now lasted more than four years, and the problem relating to section 35 has now lasted for nearly 30 years.

I remember saying to Senator Watt some years ago that I was frustrated that some issue — I do not remember which one now, maybe this one — was taking so long to get anywhere. Senator Watt said to me, "We, my people, know how to be patient." Heaven knows they do. However, how long do they have to be patient before a very simple step is taken to ensure that their rights will always be respected everywhere?

It does not mean that their rights will override any other rights. It will still be necessary to administer the Constitution of Canada in such a way as to balance all of the rights that are guaranteed. It gives nothing extra to Aboriginals beyond what the Constitution says is their due but that is so often ignored: their right.

• (1450)

Honourable senators, it is past time for Parliament to adopt this legislation. I strongly urge you to support it and to send it to committee. It may be that there are some amendments that would be desirable, such as a coming-into-force clause to allow a few months of adjustment period, but this bill deserves to pass at long, long last.

(On motion of Senator Patterson, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND— DECLARATION OF PRIVATE INTEREST

The Hon. the Speaker *pro tempore*: Honourable senators, Senator Campbell has made a written declaration of private interest regarding Bill C-290, An Act to amend the Criminal Code (sports betting) and, in accordance with rule 32.1, the declaration shall be recorded in the *Journals of the Senate*.

CHARTER OF RIGHTS AND FREEDOMS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the 30th Anniversary of the *Canadian Charter of Rights and Freedoms*, which has done so much to build pride in our country and our national identity.

Hon. Elizabeth Hubley: Honourable senators, it is with great pleasure that I rise today to speak to Senator Cowan's inquiry calling the attention of the Senate to the thirtieth anniversary of the Canadian Charter of Rights and Freedoms. The entrenchment of the Charter in Canada's patriated Constitution was a defining moment in our country's history. It has reshaped our society and changed the way we think about ourselves as individuals and as a nation. In the 30 years since this important event, Canada has become a more equal, just and free country.

For women and girls especially, the Charter of Rights and Freedoms has had a particularly significant impact. In fact, most young women today take their equality for granted. They are successful and productive members of society, freely and eagerly pursuing education and careers, buying homes, participating in sports, volunteering in their communities and raising their daughters to do the same. Canadian women are doing great things and achieving their goals.

One such woman is Mary Spencer. Mary was born in Warton, Ontario, in December 1984. She grew up playing a variety of sports until she discovered boxing at the age of 17 and knew immediately that she had found her passion. For the last 10 years, Mary has trained hard, becoming a Canadian and international boxing sensation. She is a 9-time Canadian champion, a 3-time world champion, and 5-time Pan-American champion. She is currently ranked the number one female boxer in her weight class in the world. This summer she hopes to bring the first-ever gold medal in women's boxing home to Canada from the Olympic Games in London, England.

Honourable senators, Mary Spencer would not be the Canadian boxing champion she is today if it were not for the Charter of Rights and Freedoms. Prior to 1984, it was illegal for women to box or wrestle according to section 4.2 of the Ontario Athletics Control Act. For 61 years this discriminatory legislation barred women from the boxing ring. It was not until a special committee appointed by the Ontario Boxing Association studied the regulation in 1983 and found it to be incompatible with the equality provisions in the Charter of Rights and Freedoms that the law was repealed and women were allowed to box.

For young Canadian women like Mary Spencer, who are today following their dreams and finding success, the fact that they have equal rights with men is something they likely take to be self-evident and incontrovertible, something they rightly take for granted. However, as any woman over the age of 30 will know, this was not always the case. Before the Charter of Rights and Freedoms and the transformation in both laws and values that it inspired, women routinely faced discrimination.

The Bill of Rights, although often cited as a source of protection for women's equality, was in fact never interpreted that way. Every

court case women launched against discriminatory legislation failed. According to the Bill of Rights, women were "equal before the law," but not "under the law." This left women vulnerable to discriminatory laws that applied differently to men and women. All that mattered was that women be treated equally with other women; they did not have to be treated equally with men.

When the first draft of the new Constitution, including the Charter of Rights and Freedoms, was introduced in the fall of 1980, women were horrified to discover that the same wording found in the Bill of Rights was used again in the Charter of Rights and Freedoms, offering women only the right to equality before the law. Fortunately, many Canadian women recognized this problem and knew that the new Charter of Rights and Freedoms was too important a document to let go without a fight. In 1981 and 1982, these women joined together from across the country to demand that a sexual equality clause be included in the new Canadian Constitution.

Their strength and determination to see women achieve genuine equality with men and to be able to actually "live their rights" paid off when the government responded to their concerns by rewriting the Charter of Rights and Freedoms. Section 15 of the Charter was renamed "Equality Rights" and all Canadians were guaranteed equality before and under the law and had equal protection and benefit of the law without discrimination. Moreover, women fought for and won a final, ironclad protection of their equality with section 28, which states:

Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Looking back, it is clear that these hard-won victories have had a tremendous impact on women's lives in this country. The Charter of Rights and Freedoms was exactly the strong guarantee of equality women needed in order to take on discriminatory legislation and win. Women have won the right to pass on their surnames to their children, to be paid equally for equal work, to access abortions, to be treated fairly in divorce and child custody disputes and, of course, to step into the ring and box.

In 30 years we have achieved much in our fight for freedom and equality, and I am confident that, with the Charter of Rights and Freedoms forever in our corner, we will achieve even more.

(On motion of Senator Hubley, for Senator Andreychuk, debate adjourned.)

(The Senate adjourned until Thursday, May 3, 2012, at 1:30 p.m.)

CONTENTS

Wednesday, May 2, 2012

	PAGE		PAGE
Railway Safety Act		Canada-United States Inter-Parliamentary Group	
Canada Transportation Act (Bill S-4)		Annual Meeting and Regional Policy Forum of the Eastern	
Bill to Amend—Message from Commons.		Regional Conference, August 7-10, 2011—Report Tabled.	
The Hon. the Speaker	1737	Hon. Janis G. Johnson	1740
<hr/>		Annual Meeting of the Midwestern Legislative Conference	
SENATORS' STATEMENTS		of the Council of State Governments, July 17-20, 2011—	
		Report Tabled.	
		Hon. Janis G. Johnson	1741
<hr/>		<hr/>	
L'Assemblée parlementaire de la Francophonie		QUESTION PERIOD	
Hon. Andrée Champagne	1737		
Visitors in the Gallery		Canadian Heritage	
The Hon. the Speaker	1737	Canada Periodical Fund.	
Spinal Cord Injury Awareness Month		Hon. Maria Chaput	1741
Chairleader Event on Parliament Hill.		Hon. Marjory LeBreton	1741
Hon. Jim Munson	1737	Hon. Claudette Tardif	1741
The Late Florence E. Whyard, C.M.		Veterans Affairs	
Hon. Daniel Lang	1738	Veterans Independence Program.	
Alberta		Hon. Catherine S. Callbeck	1741
Election 2012.		Hon. Marjory LeBreton	1742
Hon. Elaine McCoy	1738	Finance	
Mrs. Daria Temnyk		Financial System.	
Congratulations on One-hundredth Birthday.		Hon. Wilfred P. Moore	1742
Hon. Asha Seth	1739	Hon. Marjory LeBreton	1742
World Parliamentarian Convention on Tibet		Environment	
Hon. Consiglio Di Nino	1739	Parks Canada.	
<hr/>		Hon. Terry M. Mercer	1743
ROUTINE PROCEEDINGS		Hon. Marjory LeBreton	1743
		Hon. Jane Cordy	1744
		Veterans Affairs	
		Long-term Care Program.	
Internal Economy, Budgets and Administration		Hon. Roméo Antonius Dallaire	1745
Tenth Report of Committee Tabled.		Hon. Marjory LeBreton	1745
Hon. David Tkachuk	1739	Delayed Answer to Oral Question	
Jobs Growth and Long-term Prosperity Bill (Bill C-38)		Hon. Gerald J. Comeau	1745
Notice of Motion to Authorize Select Committees		National Defence	
to Study Subject Matter.		F-35 Aircraft Purchase.	
Hon. Gerald J. Comeau	1740	Question by Senator Moore.	
Fisheries Act (Bill S-210)		Hon. Gerald J. Comeau (Delayed Answer)	1745
Bill to Amend—First Reading.		<hr/>	
Hon. Mac Harb	1740	ORDERS OF THE DAY	
Canadian NATO Parliamentary Association		Interpretation Act (Bill S-207)	
Joint Visit of the Sub-Committees on Energy and Environmental		Bill to Amend—Second Reading—Debate Continued.	
Security and Transatlantic Economic Relations, July 11-14—		Hon. Joan Fraser	1746
Report Tabled.		Criminal Code (Bill C-290)	
Hon. Pierre Claude Nolin	1740	Bill to Amend—Declaration of Private Interest.	
Annual Session, October 7-10, 2011—Report Tabled.		The Hon. the Speaker <i>pro tempore</i>	1747
Hon. Pierre Claude Nolin	1740	Charter of Rights and Freedoms	
Bureau Meeting, November 1-2, 2011—Report Tabled.		Inquiry—Debate Continued.	
Hon. Pierre Claude Nolin	1740	Hon. Elizabeth Hubley	1748



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