



CANADA

Debates of the Senate

2nd SESSION

• 40th PARLIAMENT

• VOLUME 146

• NUMBER 4

OFFICIAL REPORT
(HANSARD)

Thursday, January 29, 2009



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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

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Publications Centre: David Reeves, Chambers Building, Room 969, Tel. 613-947-0609

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

THE SENATE

Thursday, January 29, 2009

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

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Khaled Mahfoodh Abdulla Bahah, the newly appointed Ambassador of the Republic of Yemen to Canada.

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

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

DEMOCRATIC REFORM

Hon. Bert Brown: Honourable senators, I rise today to call attention to our 18 new senators. Allow me to state the obvious: Our new senators are exceptional men and women who will serve the people of this nation to the utmost of their abilities and, in the process, will add greatly to the work that we do.

I also wish to emphasize that many of these senators are not only supporters of Senate reform but have been appointed in order to support the cause of Senate reform.

Our government believes in a democratic and accountable Senate. That is why we introduced legislation to bring in consultative elections and limited terms for new senators. Those measures did not pass but my hope is that majority support for reform from both sides of our chamber will not be long in coming.

In appointing these senators, Prime Minister Harper was upholding the stability of Parliament and moving us further along the road to reform.

• (1405)

In addition to these appointments, Prime Minister Harper also named Steven Fletcher as Minister of State for Democratic Reform to his cabinet — a clear and strong signal of our government's conviction in this area.

Honourable senators, having traveled Canada from coast to coast while meeting with premiers and ministers to discuss Senate elections, my staff and I have had some success. The Prime Minister has since extended my mandate to continue this work. As the Second Session of the Fortieth Parliament begins, let there be no doubt: We will continue to push for a Senate that is democratic and accountable to the people of Canada.

Honourable senators, I end my comments with a brief quote from Paul H. Lemay in *The Hill Times*:

Politics has sometimes been described as a battle of ideas. But in democratic politics one non-partisan idea, above all others, is supposed to rule supreme: those who govern derive their moral authority to do so only with the consent of the governed, and that such consent comes through free and fair elections.

Honourable senators, nothing can sum up my 25 years of continuing commitment to this work better than that phrase.

Some Hon. Senators: Hear, hear!

EMPLOYMENT INSURANCE

Hon. Art Eggleton: Honourable senators, millions of Canadian workers pay Employment Insurance premiums their entire working lives, giving little thought to what would happen if they lost their jobs tomorrow. However, as the global crisis deepens, tens of thousands of Canadians facing layoffs are learning the cruel truth.

The current EI eligibility rules mean that barely half of the country's unemployed today — and fewer than one quarter in the area that I come from in Toronto — are eligible for benefits. Those lucky enough to qualify often receive far less than poverty level incomes, and for almost everyone scrambling to find work as the economy crumbles, benefits run out far too soon.

The changes to EI announced in the budget on January 27 — a five-week extension to all regular benefits for the next two years and extra money to extend EI benefits for workers in long-term training — are welcome, but these changes will not help enough of the unemployed.

I realize that many of the current provisions were brought in by previous governments but we are in tough economic times and if these issues are not addressed, the most vulnerable Canadians will suffer.

Under the current eligibility rules, only 40 per cent of Canadians are eligible to receive EI support. As a result of the geographic inequities in the current system, persons living in Calgary, Toronto or Vancouver are required to work more hours than people in other parts of Canada before they can qualify for EI.

In Ontario, for example, a mere 36 per cent of unemployed Ontarians are eligible to receive support. These Canadians are dedicated people who work hard and when they need the government the most the government is not there.

If they lose their jobs, it should not matter which part of the country they live in; everyone should have the same access to EI benefits.

Honourable senators, we must also remember that if they are ineligible for EI they cannot take advantage of EI training support programs. Although the increase in funding for training proposed by Budget 2009 is welcome, the majority of vulnerable Canadians will not be able to access these training supports. As we know, these programs are crucial to helping workers adjust to the changing economy.

Finally, honourable senators, I am disappointed that the budget did not address the amount of support given to those who are lucky enough to access funds. At the current EI benefit level, weekly benefits are based on 55 per cent of average earnings over the previous 26 weeks to a maximum of \$447. This amount is simply not enough.

Families still must pay bills; they must buy groceries; and they need to purchase items to meet the needs of their children. The current level of benefits makes it difficult for families to afford the basic necessities.

Today, I call on the government to amend Canada's tattered Employment Insurance program to ensure money goes into the hands of those who need it most.

• (1410)

[*Translation*]

FIRST NATIONS

Hon. Patrick Brazeau: Honourable senators, it is a great privilege for me to speak to you today in this house. I would like to begin by sincerely thanking Senators LeBreton and Nolin for being my sponsors and accompanying me in my long journey into the Senate. It is with great pride that I will represent the interests of my constituents in the county of Repentigny.

Honourable senators, it goes without saying that we are living in historic times.

[*English*]

Our nation and, indeed, the great nations of the world are dealing with unparalleled economic conditions. Yet, in the midst of this change, we still see opportunity to advance as a country, as a people and as a society. I am a perfect example of this; I am a member of the Algonquin Nation, a proud Quebecer and a determined, loyal Canadian.

My endeavours in Aboriginal politics helped lead me to this place. My objective and aim has been to help foster effective and meaningful debate on the ways and means that Canada's Aboriginal peoples can better engage in and benefit from robust involvement in Canadian society.

My mission has been all about ending a culture of entitlement and dependency, focusing instead on purposeful integration of First Nations peoples within the fabric of Canadian society. I strongly support greater accountability, transparency and responsibility in Canada's Aboriginal affairs. I also heartily endorse the casting aside of the status quo in respect of Aboriginal public policy in favour of a more progressive, pragmatic and people-based approach to improving the quality of life for Canada's Aboriginal peoples.

[Senator Eggleton]

Some might consider these positions provocative. I choose to believe that we owe it to grassroots Aboriginal peoples and to the Canadian public whose tax dollars fund over \$10 billion in annual expenditures within the Aboriginal community. We must ask the tough questions and challenge the status quo.

While on the topic of leadership, much has been said in the past few weeks about the inauguration of the first African-American President of the United States and the almost inconceivable leaps and bounds achieved by Barack Obama. I believe that Canada has made similar strides; after all, where could a young man such as me engage in a political process which, only half a century ago, forbade my peoples from casting a vote in elections? Thankfully, Prime Minister Diefenbaker changed that.

Some Hon. Senators: Hear, hear!

Senator Brazeau: What other nation has gone so far as to engage members of its most disadvantaged community in the governance of this great country through its Parliament? Once again, thanks to the efforts of Prime Minister Diefenbaker, this was achieved through the appointment of the first status Aboriginal senator, the Honourable James Gladstone.

Some Hon. Senators: Hear, hear!

Senator Brazeau: In 2006, the Prime Minister committed to holding another first ministers' meeting with national Aboriginal leaders. This was realized two weeks ago. I am pleased to note that, in advance of the first ministers' meeting, the Prime Minister consulted with national Aboriginal leaders prior to the tabling of the federal budget, a budget which commits an additional investment of \$1.4 billion for Aboriginal peoples.

Honourable senators, Aboriginal Canadians were not forgotten in Budget 2009 and their representative leaders were full partners in the pre-budget deliberations. Since taking office in 2006, this government has increased funding for Aboriginal programs and services by \$6.3 billion.

Honourable senators, these investments serve as evidence of a determined effort by our government to deliver real hope and real improvements to Aboriginal Canadians from coast to coast to coast.

MICHIF CULTURAL AND RESOURCE INSTITUTE

Hon. Elizabeth Hubley: Honourable senators, a short while ago, I had the pleasure of visiting a former colleague of ours, Thelma Chalifoux. Those of you who know former Senator Chalifoux will not be surprised to learn she is continuing to work very hard on behalf of her community and the Metis people. I was most impressed with her work with the Michif Cultural and Resource Institute.

The Michif Cultural and Resource Institute houses a collection of Metis-specific items and a pictorial history. It has a Metis living museum, resource library, research facility and a craft shop featuring only works from Metis and First Nations artisans. Volunteers are also involved in youth justice, healing circles, mentoring and counselling services.

The Michif Cultural and Resource Institute, as conceived by Senator Chalifoux, is not just a cultural and resource centre but also a centre for healing, identity and learning. It works to protect, preserve and promote the culture of the Metis of St. Albert and of Alberta.

I wish to acknowledge Thelma Chalifoux and the board of directors at the Michif Cultural and Resource Institute for all their valuable efforts in preserving the Metis culture.

• (1415)

THE LATE EDWARD SAMUEL ROGERS, O.C.

Hon. J. Trevor Eyton: Honourable senators, Ted Rogers passed away last year on December 2 at the age of 75. He was much more than a dear friend whom I miss greatly; he was a visionary, a legendary entrepreneur, a philanthropist, a genuine and refreshing eccentric, and a proud Canadian.

Both his fame and personal fortune were derived primarily from his many investments in different media, beginning with Toronto's first FM radio station and continuing on through television, cable, satellite communications, high-speed Internet and even some good old-fashioned print publications. He was a true media mogul who was always at the leading edge where risk takers are often found.

I had an early exposure to his life's adventure. We shared a small office at the Tory law firm where we were both articling students. More accurately, I was an articling student while Ted plotted with "Big" John Bassett and Joel Aldred to acquire the television licence that is now CFTO.

Despite the risks, almost every enterprise Ted undertook seemed to prosper. The key word here is "almost" because there were occasions when things did not go entirely his way.

I am not sure how he managed to reconcile his reoccurring dangers with his frugal nature, but losing hundreds of millions of dollars in a single venture should be a lasting memory for anyone. Given his notoriously short temper, I expect there were some difficult times in the office for his loyal and committed associates — for example, in and around his Unitel sortie.

Honourable senators, many use money as a measure of success, but Ted saw it as a means to an end. His generous support for a wide range of philanthropic undertakings will be missed, particularly in the areas of health care, education and the arts. Professional sports also had in him a fervent advocate, with that interest leading him to ownership of the Rogers Centre and the Toronto Blue Jays.

Ted Rogers lived a full life but with only a few regrets. One I am sure about is his undoubted regret that he could not spend more time with Loretta, his wife of 45 years, his four children — Lisa, Edward, Melinda and Martha — and his four grandchildren. Our solace is a certainty that the Rogers' legacy will live on through his family — only multiplied. That last thought is at once both intriguing and frightening.

I should like to conclude by referring to a quote from his friend Conrad Black that I believe had the measure of our Ted:

He never wavered in his dedication to his family and his interests, to Toronto or Canada, and for such a healthy and successful industrialist, had very few enemies. A fine companion, engaging raconteur, very hospitable host, he relaxed easily, was never over-formal, and was a unique combination of sharp trader and a very convivial companion. No one who knew him will forget him, and none who knew him well will fail to remember him fondly.

Honourable senators, I consider myself privileged to count myself in that number. Ted Rogers was a great Canadian. His presence will be missed, leaving only the memory of him to inspire.

[Translation]

BUDGET 2009

Hon. Donald H. Oliver: Honourable senators, our country is now feeling the effects of the global recession, and Canadians are feeling the pinch. The problems we are dealing with started beyond our borders, but our government has made it a priority to protect workers' families and to preserve Canadian jobs.

[English]

Honourable senators, on January 27, Finance Minister Flaherty introduced Canada's Economic Action Plan. It is a plan that will create or maintain up to 190,000 Canadian jobs and provide nearly \$40 billion in stimulus into our economy. It is a plan that will deliver \$20 billion in personal income tax relief over 2008, 2009 and the next five years.

The Conservatives understand that Canadians work hard for the money they send to Ottawa. That is why our first three budgets delivered nearly \$200 billion in tax relief. Cutting taxes is also smart economic policy. Cutting taxes stimulates consumer spending and creates incentives for Canadians to work hard and invest. Effective January 1 of this year, we are doing four major things.

• (1420)

First, we are increasing the basic personal amount on top of the two lowest personal income tax brackets by 7.5 per cent above the 2008 levels so that Canadians can earn more income before paying federal income taxes or before being subject to higher taxes. Second, we are raising the level at which the National Child Benefit supplement for low-income families and the Canada Child Tax Benefit are phased out, providing a benefit of up to \$436 for a family with two children. Third, we are effectively doubling the tax relief provided by the Working Income Tax Benefit to encourage low-income Canadians to find and retain a job. Fourth, we are providing up to \$150 of additional annual tax savings for low- and middle-income seniors through a \$1,000 increase to the age credit amount.

Honourable senators, by letting Canadians keep more of their hard-earned money, our government is rewarding hard work and protecting Canadians from the global economic recession.

[Translation]

• (1425)

ROUTINE PROCEEDINGS

THE ESTIMATES, 2008-09

SUPPLEMENTARY ESTIMATES (B) TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Supplementary Estimates (B) 2008-09 for the fiscal year ending March 31, 2009.

CUSTOMS ACT

BILL TO AMEND—FIRST READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) presented Bill S-2, An Act to amend the Customs Act.

(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.)

ENERGY EFFICIENCY ACT

BILL TO AMEND—FIRST READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) presented Bill S-3, An Act to amend the Energy Efficiency Act.

(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.)

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

BILL TO AMEND—FIRST READING

Hon. Serge Joyal presented Bill S-218, An Act to amend the Parliamentary Employment and Staff Relations Act.

(Bill read first time.)

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

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

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

FRANCOPHONE CONFERENCE OF THE NATIONAL ASSEMBLY OF HUNGARY, OCTOBER 30-31, 2008—REPORT TABLED

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie to the Francophone Conference of the National Assembly of Hungary, held October 30 and 31, 2008, in Budapest, Hungary.

[English]

RULES OF THE SENATE

NOTICE OF MOTION TO AMEND RULE 28(3.1)

Hon. Tommy Banks: Honourable senators, I give notice that, pursuant to rules 56(1) and 57(1)(a), two days hence, I shall move:

That Rule 28(3.1) of the *Rules of the Senate* be amended as follows:

That after the words “tables a document proposing a user fee,” the words “or the increase or extension of a user fee,” be added; and

That after the words “designated in the Senate for the purpose by the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate”, the words “, provided that the respective committee has been properly constituted under the authority of the Senate, and” be added.

QUESTION PERIOD

FINANCE

EQUALIZATION PROGRAM

Hon. Bill Rompkey: Honourable senators, my question is for the Leader of the Government in the Senate.

In the past few days, Newfoundland and Labrador was informed that the equalization formula will be changed unilaterally. This change will affect a number of provinces across the country.

Senator Robichaud: Shame.

Senator Rompkey: However, it will affect my province more than any other because of the Atlantic Accord. The change involves a \$1.5 billion cut to payments to my province. This province has a revenue stream of \$6 billion a year. It cripples us

just when we are starting to get on our feet. This change is unexpected, but it has happened. It is not in the spirit the Prime Minister has enunciated as the way he wants to proceed in the future.

This change guts the accord that was signed by Brian Mulroney and John Crosbie in 1985. That accord says that the province shall receive the revenues as if the oil were onshore. All parties signed the accord in good faith. That accord has now been gutted as the result of unilateral changes to the equalization program.

Will the minister intercede before the legislation is introduced in the House of Commons? Let us build fairness into the system and treat all people across this country fairly.

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I wish to disavow the notion that this change was sprung on the provinces. There was a meeting of finance ministers of all provinces and territories and the Minister of Finance on November 3. The Minister of Finance provided all provinces with early notice of the 2009-10 equalization entitlements — two months earlier than normal, in order that the various provinces could prepare their budgets.

• (1430)

As honourable senators know, the equalization formula was changed as a result of the O'Brien commission, which was set up by a previous Liberal government. The recommendations of the O'Brien commission were accepted by the government and, as a matter of fact, have significantly contributed to increased payments under equalization to the provinces.

With regard to Newfoundland and Labrador, the province will still receive a projected \$1.2 billion in offset payments between 2009-10 and 2011-12, and this \$1.2 billion is on top of the \$2 billion upfront payments that Newfoundland and Labrador retained as part of the Atlantic Accord 2005.

It is interesting that the Premier of Newfoundland and Labrador waited until the budget was tabled to once again reappear on the national stage. Perhaps if he reflects on the issue and speaks to his own minister of finance, he will be well aware that these matters were discussed as far back as November 3.

Senator Rompkey: I have two points to add. First, I talked to finance officials in Newfoundland and Labrador this morning. They had no previous knowledge of what was to happen.

Second, this new equalization formula is not the O'Brien formula. It is weaker than the O'Brien formula. The O'Brien formula calls for either a 50 per cent or 100 per cent exclusion of revenue. This new formula does not do that, and has the net effect of reducing the income of our province by \$1.5 billion.

Honourable senators, my province wants to be included. We want to pay our own way. We do not want equalization, and we thought we were rid of it. We thought we were standing on our own two feet and paying our way in this country. Suddenly, this change takes place and we are reduced to a lower status once again.

I remind the minister of the words of Dr. Joseph Lowery at the conclusion of the swearing in of President Obama, when he said he looks for “. . . that day when black will not be asked to get back, when brown can stick around, when yellow will be mellow, when the red man can get ahead, man”

I will add one more: when the people from the bay can pay their own way. He said “amen,” and I would like honourable senators to say “amen.”

Some Hon. Senators: Amen!

Senator LeBreton: A couple of interesting thoughts entered my head that rhyme with “Danny” and “Williams,” but I will not repeat them.

Senator Rompkey is right; Newfoundland and Labrador, which has reason to celebrate, has moved from “have-not” to “have” status, but that does not mean that the federal government does not transfer several billions of dollars to the provinces in other areas. Unlike the previous government, when they faced a difficult economic situation and dealt with the matter on the backs of the provinces and territories, this government has committed to continuing federal support to the provinces at historic levels, \$54 billion this year, which will continue to grow every year since we are protecting transfer payment supports. Health care transfers will continue to grow by 6 per cent, as committed, and social transfers by 3 per cent.

• (1435)

I think the situation in which Newfoundland and Labrador finds itself is to be celebrated.

Senator Rompkey says he spoke to people in the Newfoundland and Labrador Department of Finance this morning. Since I was not privy to those conversations, I cannot comment, but they did have people in attendance at the finance ministers' meeting in November. I assume that those representatives advised their officials of discussions at that meeting.

Hon. Catherine S. Callbeck: My question is to the Leader of the Government in the Senate.

In 2007, Prince Edward Island and other provinces felt that they had a firm deal with the federal government in regard to equalization. That deal changed with the tabling of the budget. In fact, my province stands to lose approximately \$87 million over the next five years because of this change.

Why is the government renegeing on its equalization commitment outlined in Budget 2007 where it promised funding predictability and stability?

Senator LeBreton: Equalization payments to the provinces have grown 56 per cent since 2003-04, or 15 per cent annually. Unless I have a dictionary with improper definitions, I would hardly describe that as a decrease.

Given the economic conditions, a 15 per cent growth is unsustainable. By ensuring that equalization grows in line with the economy, we are allowing this equalization program to continue growing while at the same time remaining sustainable and affordable. The O'Brien report recommended that equalization grow in line with the economy.

As honourable senators know, this growth was based on commodity prices. Obviously, with the current economic situation and with the price of commodities, commodity prices were not the most effective measure on which to base the formula. The O'Brien commission came up with another formula, and the provinces and territories agreed to it.

On November 3, the Minister of Finance explained this new equalization regime to the provinces and territories. The reason he did so was so they would be in a position to develop their budgets amidst these very difficult worldwide economic conditions.

Senator Callbeck: We will lose \$87 million that was committed to us in Budget 2007. Not only will we lose through the equalization process but we will also lose out through the Canada Health Transfer. Over the next five years, we will lose approximately \$12 million. Prince Edward Island will lose approximately \$100 million over the next five years. We will receive \$100 million less than our Budget 2007 commitment.

Why is the government compounding our problems by taking another \$12 million from the health transfer, above and beyond the \$87 million that is being taken from equalization?

Senator LeBreton: Honourable senators, as I said in my reply to Senator Rompkey's question, the government has not followed the practice of the previous government. We are committed to increasing the levels of the Canada Health and Social Transfer. These transfers will continue to grow by 6 per cent and 3 per cent.

• (1440)

With regard to Prince Edward Island, obviously if we have committed to the provinces that we will increase the transfers by 6 per cent and 3 per cent, I would have to seek clarification as to why they think that it will represent less money than they received in the past.

All I can say to the honourable senator is the government clearly stated that it would not deal with this serious economic condition on the backs of the provinces as a result of cuts to social and health transfers. That is a commitment made by the government and the Minister of Finance, and it is a commitment we intend to keep.

[Translation]

PRIME MINISTER'S OFFICE

VISIT OF PRESIDENT OBAMA

Hon. Marcel Prud'homme: Honourable senators, my question is directed to the Leader of the Government in the Senate. We were very pleased to learn that the President of the United States, Barack Hussein Obama, will visit Canada on February 19, 2009.

[English]

Can the minister tell us about the agenda, especially whether President Obama will address a joint session of the Senate and the House of Commons? If not, why?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, the details of the visit by President Obama have not been formally or officially

[Senator LeBreton]

announced. In working with President Obama's people, my understanding is that February 19 suited his schedule. That is the day he indicated that he would come and visit Canada. Coincidentally, that date falls on a week when Parliament is not sitting.

My understanding is that this trip, at the request of President Obama, is a working visit so that he can discuss with the Prime Minister the serious issues that are of mutual concern to those of us who live on the North American continent.

As to the nature of the various events that will be held when President Obama is here, I have not seen the program or been privy to the discussions, but I would be happy to provide honourable senators with that information as soon as it becomes available.

Senator Prud'homme: Could the honourable leader kindly ask the Prime Minister to try to convince — I know there is a difficulty in that regard, which is why I ask the question — the U.S. delegation that it is the great wish of senators, and I am sure the members of the House of Commons, to have a joint session to listen to President Obama? Could the Prime Minister use his good offices to do so?

Senator LeBreton: Honourable senators, I will be happy to convey Senator Prud'homme's wishes to the Prime Minister and to my colleagues in government.

TREASURY BOARD

PAY EQUITY

Hon. Grant Mitchell: Honourable senators, today President Obama signed pay equity legislation — a breath of fresh air in North America. On the other hand, Prime Minister Harper, who was put on probation yesterday, wants to prohibit Canadian women from taking pay equity cases before the Canadian Human Rights Commission, arguing that they can use the collective bargaining process instead.

What good would the collective bargaining process be to the majority of underpaid, unequally paid women when they do not belong to unions and therefore do not have access to the collective bargaining process?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I was asked this question in the last Parliament. The government is committed to protecting the progress made by women in the public service. As the honourable senator knows, in November we resolved two pay equity complaints through negotiations with the Public Service Alliance of Canada. This resolution showed that it was the right time to move forward with a more modern and collaborative approach to ensuring equitable wages. This is a natural extension of the employer's duty to bargain in good faith and the union's duty to provide fair representation for its members.

• (1445)

This government is committed to the principle of pay equity, equal pay for work of equal value, and will proceed in that direction. The existing pay equity regime is lengthy, costly, adversarial and does not serve employers or employees well.

The previous government resolved the pay equity issue, or so we had hoped, about 10 years ago. The last court ruling on pay equity was in 1999. It took 15 years to reach a settlement and cost \$3.2 billion. Anyone not receiving equal pay for work of equal value should not have to wait 15 years to have their pay equity issues resolved.

Honourable senators, the first proactive pay equity legislation was introduced by an NDP government in Manitoba followed by Liberal governments in Ontario and Quebec. Our new federal model will improve on them by incorporating provisions that have worked well elsewhere.

Honourable senators, I believe that pay equity legislation has been resolved in the provinces of Quebec, Ontario and Manitoba, and they are to be commended for dealing with the issue in a timely manner. The federal government is simply bringing its legislation into line with proven legislation that has worked well in other jurisdictions.

Senator Mitchell: Whoever wrote that answer for the honourable leader does not understand — and clearly the leader does not understand, either — that the example used to argue against my case underlines my very point. There have been two recent cases where public sector pay equity issues have been settled in negotiation with the Conservative government. If you belong to a union, you get that result. The majority of women, by far and away, are not members of a union. They do not get that kind of result; they remain unequally and unfairly paid. That is the problem with what the leader is saying. For women, fairness and justice are not widespread beyond the unions.

Senator LeBreton: Honourable senators, the fact is that we support equal pay for work of equal value. Any reasonable organization or government has done so for years. There are situations that obviously still need attention.

I would have to see the specific details of exactly to whom the honourable senator is referring. I was referring specifically to people or issues over which the federal government has some direct control, because obviously the President of the Treasury Board deals with pay equity issues for those positions within the purview of the federal government. If the honourable senator is referring to other groups, I would be only too happy to hear who they are.

FINANCE

BUDGET 2009

Hon. Jim Munson: Yesterday, honourable senators, the Leader of the Government in the Senate read a list of companies and associations that support the budget. There is another list she failed to read out, and that is a list of the unemployed, the people who have lost their jobs.

At one time, in Ottawa, 80,000 people worked for 1,000 high-tech companies. About half of them worked in our own big four: Nortel, JDS Uniphase, Mitel and Newbridge. Today, these companies between them have 10,000 workers. There is a long list of anonymous people, Canada's best and brightest, who are

now unemployed. In fact, Silicon Valley North, as Ottawa was once considered, is now referred to as the "Valley of Death." Meanwhile, south of the border, President Obama plans to double research funds.

• (1450)

Will the Leader of the Government in the Senate please tell us if she plans to make a new list of all Canada's finest minds, our innovative leaders, who will consider leaving this country for a place where good ideas and excellence are valued?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, as a proud, life-long resident of the city of Ottawa, I doubt that my fellow citizens in Ottawa would like our fine city to be referred to as a valley of death.

Obviously, there are troubling and difficult situations in the high-tech industry that have existed for some time. This situation has not fallen only on this city and this country. We saw the report on the news last night about Sony Corporation.

I am pleased to say that our government appointed the first-ever Minister of State for Science and Technology in the person of Gary Goodyear, who is from the Kitchener area where there are huge research and development and high-tech facilities. We support science and technology because doing so, as the honourable senator rightly states, creates jobs, improves our quality of life and builds a stronger economy for future generations.

It is for these reasons that the Prime Minister launched our science and technology strategy in May 2007. They are also why we invested an additional \$2.4 billion in research and development since 2006. In our economic action plan that the Minister of Finance announced on Tuesday, we are adding another \$3.5 billion in new investments. This money includes \$750 million for the Canada Foundation for Innovation, \$50 million for the Institute for Quantum Computing, \$200 million over two years for the National Research Council Industrial Research Assistance Program and \$87.5 million over three years for the Canada Graduate Scholarships Program.

Senator Munson should read the budget.

I heard someone speak about Genome Canada. There is some concern about those comments because they are not true. We invested \$100 million over five years in Budget 2007 and \$140 million over five years in Budget 2008 to support Genome Canada, and that funding is ongoing.

Honourable senators, I suppose that when we present a budget and economic plan for Canada we need to go back and repeat all the things we included in previous budgets to remind people that, although we did not mention them in the current budget, those programs are still ongoing.

Senator Comeau: They have short memories.

Senator Munson: Honourable senators, on these "re-announceables," as with everything, while the government still has the money, why does it not spend it?

Senator LeBreton: I cited the amount of money that is committed to Genome Canada. Senator Keon has knowledge in this area and has been instrumental in ensuring that monies are put into R & D. He can attest to the fact that we are spending significant amounts of money in this area.

To make a blanket statement that the government is not spending this money is incorrect; we are spending it. Rather than making false accusations, Senator Munson should applaud the government for its initiatives in all these areas.

• (1455)

CITIZENSHIP AND IMMIGRATION

RECOGNITION OF FOREIGN CREDENTIALS

Hon. Mobina S.B. Jaffer: Honourable senators, in the November 2008 Speech from the Throne, the government promised to break down barriers that prevent Canadians from reaching their potential, regardless of culture, background, gender, age, disability or official language. Within this theme, the government promised to make the recognition of foreign credentials a priority.

My question is to the Leader of the Government in the Senate: Is this still one of the government priorities? What has been done so far?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank Senator Jaffer for the question. Indeed, the government has made the recognition of foreign credentials one of its priorities. The Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney, has done a considerable amount of work in this area in cooperation with his provincial and territorial counterparts. I would be happy to provide Senator Jaffer with a more detailed written response.

Senator Jaffer: I appreciate the leader's gesture to provide further information. I ask that this information include how the government arrived at the amount of \$50 million for the program and how much has been spent to date. It is important in these difficult economic times to ensure that people who are not fully integrated into our workforce have the assistance they require.

Senator LeBreton: I thank Senator Jaffer for the additional question. I would be happy to make inquiries about the actual amounts committed and spent.

[Translation]

FINANCE

REGULATION OF SECURITIES

Hon. Céline Hervieux-Payette: My question is for the Leader of the Government in the Senate.

Given that securities fall exclusively under provincial jurisdiction, given that the provinces have established a passport system for issuing securities easily and quickly, a system that is held in high regard in the Western world, and given that on January 12, 2009, the Minister of Finance, Mr. Flaherty, released

a report by an expert panel chaired by the Honourable Thomas Hockin, a former Conservative minister, recommending the creation of a national securities commission, can the Leader of the Government in the Senate guarantee that the abolition of the provincial commissions will not undermine Quebec's expertise in the area of issuing securities in the manufacturing and natural resources sectors, that of Alberta in the hydrocarbon sector, British Columbia in the mining sector and Ontario in the financial sector?

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, the position held by many people, parties and governments is that it makes sense for Canada to have a common securities regulator in a global economy. As the honourable senator rightly stated, this was a recommendation of the Expert Panel on Securities Regulation chaired by The Honourable Thomas Hockin. It is important to recognize that provincial jurisdictions and their securities regulators are not threatened by this because participation is voluntary. The federal government would not tell any province how to run its affairs.

LIBRARY OF PARLIAMENT SCRUTINY OF REGULATIONS

MEMBERSHIP OF JOINT COMMITTEES— MESSAGE FROM COMMONS

The **Hon. the Speaker** informed the Senate that the following message had been received from the House of Commons:

IT WAS ORDERED.—That the list of members and associate members for Standing Joint Committees of the House be as follows:

Library of Parliament Members (12)

Gérard Asselin, Mauril Bélanger, Carolyn Bennett, Ray Boughen, Peter Braid, Peter Goldring, Ed Holder, Carol Hughes, Gurbax Malhi, Louis Plamondon, Scott Reid, Greg Rickford

Associate Members: Jim Abbott, Harold Albrecht, Mike Allen, Dean Allison, Rob Anders, David Anderson, Leon Benoit, Maxime Bernier, James Bezan, Steven Blaney, Kelly Block, Sylvie Boucher, Garry Breitkreuz, Gord Brown, Lois Brown, Patrick Brown, Rod Bruinooog, Gerry Byrne, Dona Cadman, Paul Calandra, Blaine Calkins, Ron Cannan, Colin Carrie, Rick Casson, Michael Chong, Rob Clarke, John Cummins, Patricia Davidson, Bob Dechert, Dean Del Mastro, Earl Dreeschen, Ken Dryden, John Duncan, Rick Dykstra, Ed Fast, Royal Galipeau, Cheryl Gallant, Shelly Glover, Jacques Gourde, Nina Grewal, Richard M. Harris, Laurie Hawn, Russ Hiebert, Randy Hoback, Candice Hoepfner, Brian Jean, Randy Kamp, Gerald Keddy, Greg Kerr, Ed Komarnicki, Daryl Kramp, Mike Lake, Guy Lauzon, Carole Lavallée, Pierre Lemieux, Ben Lobb, Tom Lukiwski, James Lunney, Dave MacKenzie, Inky Mark, Colin Mayes, Phil McColeman, Cathy McLeod, Ted Menzies, Larry Miller, Rob Moore, Rick Norlock, Deepak Obhrai, Tilly O'Neill-Gordon, LaVar Payne,

Daniel Petit, Pierre Poilievre, Roger Pomerleau, Joe Preston, James Rajotte, Brent Rathgeber, Blake Richards, Lee Richardson, Andrew Saxton, Gary Schellenberger, Bev Shipley, Devinder Shory, Joy Smith, Kevin Sorenson, Bruce Stanton, Brian Storseth, David Sweet, David Tilson, Bradley Trost, Merv Tweed, Tim Uppal, Dave Van Kesteren, Maurice Vellacott, Mike Wallace, Mark Warawa, Chris Warkentin, Jeff Watson, John Weston, Rodney Weston, Alice Wong, Stephen Woodworth, Terence Young

**Scrutiny of Regulations
Members (12)**

Gérard Asselin, Earl Dreeshen, Christiane Gagnon, Royal Galipeau, Randy Hoback, Andrew Kania, Derek Lee, Brian Masse, Andrew Saxton, Paul Szabo, Stephen Woodworth, Terence Young

Associate Members: Jim Abbott, Harold Albrecht, Mike Allen, Dean Allison, Rob Anders, David Anderson, Leon Benoit, Maxime Bernier, James Bezan, Steven Blaney, Kelly Block, Sylvie Boucher, Ray Boughen, Peter Braid, Garry Breitkreuz, Gord Brown, Lois Brown, Patrick Brown, Rod Bruinooge, Dona Cadman, Paul Calandra, Blaine Calkins, Ron Cannan, Colin Carrie, Rick Casson, Michael Chong, Rob Clarke, John Cummins, Patricia Davidson, Bob Dechert, Dean Del Mastro, John Duncan, Rick Dykstra, Ed Fast, Carole Freeman, Cheryl Gallant, Shelly Glover, Peter Goldring, Jacques Gourde, Nina Grewal, Richard M. Harris, Laurie Hawn, Russ Hiebert, Candice Hoepfner, Ed Holder, Brian Jean, Randy Kamp, Gerald Keddy, Greg Kerr, Ed Komarnicki, Daryl Kramp, Mario Laframboise, Mike Lake, Guy Lauzon, Marc Lemay, Pierre Lemieux, Ben Lobb, Tom Lukiwski, James Lunney, Dave MacKenzie, Inky Mark, Colin Mayes, Phil McColeman, Cathy McLeod, Réal Ménard, Serge Ménard, Ted Menzies, Larry Miller, Rob Moore, Rick Norlock, Deepak Obhrai, Tilly O'Neill-Gordon, LaVar Payne, Daniel Petit, Pierre Poilievre, Joe Preston, James Rajotte, Brent Rathgeber, Scott Reid, Blake Richards, Lee Richardson, Greg Rickford, Gary Schellenberger, Bev Shipley, Devinder Shory, Joy Smith, Kevin Sorenson, Bruce Stanton, Brian Storseth, David Sweet, David Tilson, Bradley Trost, Merv Tweed, Tim Uppal, Dave Van Kesteren, Maurice Vellacott, Mike Wallace, Mark Warawa, Chris Warkentin, Jeff Watson, John Weston, Rodney Weston, Alice Wong

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

ATTEST:

AUDREY O'BRIEN,
The Clerk of the House of Commons

• (1500)

Hon. Bill Rompkey: Your honour, on that point, can a joint committee sit if there are no senators on the committee? I heard you read the names of members of the committee from the House of Commons but, as far as I know, no senators have been appointed to the committee. Am I to assume that the committee does not sit until senators have been appointed?

The Hon. the Speaker: Joint committees, by nature, are joint committees, and therefore the complete establishment of the committee is only completed when the Senate names its members.

After the joint committee is appointed, then they will operate on the basis of the quorum rule.

ORDERS OF THE DAY

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Lowell Murray moved second reading of Bill S-202, An Act to amend the Canada Elections Act (repeal of fixed election dates).

He said: Honourable senators, the law purportedly establishing fixed election dates in this country passed through Parliament and came into force with Royal Assent on May 3, 2007, during the first session of the Thirty-ninth Parliament.

I will not rehash all the arguments and debates that took place on that bill — it was Bill C-16 — except to remark that there were good debates indeed, at least in this house. For ease of reference, in particular for newer senators, I mention the second reading debates on November 21 and 23, 2006; the thorough study of the bill, including examination of witnesses that took place at the Standing Senate Committee on Legal and Constitutional Affairs between December 6, 2006 and February 15, 2007; and the debate at third reading on February 21, March 21 and March 22.

Cogent arguments were advanced as to the grave — indeed, I would say, fatal — flaws in the bill that we passed. However, we did not follow through. At the end of the debate, we attached a weak, almost perfunctory amendment to the bill — that was on March 28, 2007 — and sent it to the House of Commons, where the amendment was rejected out of hand. We did not insist on our amendment and so the rest is history; Royal Assent was given, as I said, on May 3.

The ostensible effect of Bill C-16 was to provide that, unless a vote of non-confidence intervened, the next election would be held on October 19, 2009, and then on the third Monday of October at four-year intervals thereafter. It was 16 months later, on September 7, 2008, that Prime Minister Harper went to the Governor General, sought and was granted dissolution of the Thirty-ninth Parliament and the issuance of writs for an election on October 14 — 12 months earlier than the date supposedly fixed by law.

It was said of Prime Minister Harper then, and since, that he broke the law. He did not break the law; he broke his word. He violated the spirit of the law but he did not break the letter of the law, at least in my view, because the first clause in the bill that we passed reads:

Nothing in this section affects the powers of the Governor General, including the power to dissolve Parliament at the Governor General's discretion.

What this means in practice is that nothing in that law affects the prerogative of the prime minister to advise dissolution and issuance of writs as and when the prime minister sees fit.

Therefore, honourable senators, I conclude — and some of us concluded in advance, when Bill C-16 was before us — that the law supposedly establishing fixed election dates in this country is literally “non sense.” It is a nullity. To borrow the memorable words of Mr. Bumble from Charles Dickens’ *Oliver Twist*: “The law” — that law — “is a ass.”

The only way we could permanently constrain the prime minister’s prerogative on these matters is to constrain the prerogative of the Governor General, who acts on the advice of the prime minister. That constraint, as we know, would take a constitutional amendment, and neither the federal nor provincial authorities who would be involved in launching such a process have any desire to do so at this point.

The bill that we passed into law is a facade. It is misleading; I would almost say it was intended to mislead. In any case, it is of no force or effect.

In the run-up to the dissolution last fall, the Prime Minister was quoted — I can point to other quotations but I will sum it up with one quotation from a press conference he gave at Library and Archives Canada on August 26 — as saying:

We are clear. You can only have certainty about a fixed election date in the context of a majority government.

We heard nothing of that view in the debate on Bill C-16.

Senator LeBreton: You did not ask.

Senator Murray: I see the sponsor of this bill, Senator Di Nino, is here today. He was the sponsor and he invoked —

Senator Angus: He never breaks his word.

Senator Murray: He never breaks his word, but he invoked all kinds of arguments as to the advantages that would come to the country from passing this bill. He gave us to understand, clearly and repeatedly, because I have had the pleasure of rereading his speeches —

Senator Di Nino: Thank you.

Senator Murray: — that it would take a vote of non-confidence to bring on an earlier date than that envisaged in the law. Those assurances were empty ones, I say with respect; they could not have been otherwise than empty assurances, given clause 1 of the bill.

Depending on your sense of humour, honourable senators, you may be amused to read the arguments of some of the proponents about the great benefits and advantages that were to come by the passage of this bill: how it would improve the governance of the country; how it would improve the organization of parliamentary business; how it would bring on more fairness, transparency and electoral democracy; how it would suit the convenience of candidates and political parties; how it would save money; how it would result in increased turnout in general elections, and on and on.

[Senator Murray]

Senator Stollery: The lowest turnout in history.

Some Hon. Senators: More, more.

Senator Murray: It reminds me of a comment the late Premier Walter Shaw of Prince Edward Island once made apropos a Liberal election platform that was put out in excessive, almost encyclopedic detail. Premier Shaw said: “My God, they are going to do everything but put another curl on the pig’s tail!” So it was with the advantages that were put forward for Bill C-16.

This is a sop. This bill that we passed — too readily, in my view — was a sop to the Reform-Alliance base. There is nothing wrong with that. However, it was a sop to that unending fascination they have with importing piecemeal parts of the United States congressional system.

• (1510)

Senator Stollery: They do not understand the system.

Senator Murray: The United States congressional system has its own logic and holds together very well, but one cannot hope to import piecemeal parts of that system and patch them on to the Westminster and Canadian parliamentary system that we employ.

Some Hon. Senators: Hear, hear!

[*Translation*]

Senator Murray: The act that I am asking you to repeal purports to set a date, every four years, for a general election. However, it stipulates that it does not affect the powers of the Governor General, and I quote, “including the power to dissolve Parliament at the Governor General’s discretion.”

In practice, this means that it does not affect the prerogative of the Prime Minister to advise the Governor General to trigger an election at an earlier date.

That is exactly what happened on September 7, 2008, when Mr. Harper asked Her Excellency the Governor General to dissolve the Thirty-ninth Parliament and to call a general election for October 14.

I would like to remind honourable senators that during debates on Bill C-16 in 2006 and 2007, Senator Joyal and others foresaw exactly the dilemma that could be faced by a Governor General in such circumstances: having to choose between, on the one hand, the advice of the Prime Minister asking for immediate dissolution and, on the other hand, the law purporting to fix election dates.

We all know how this dilemma was resolved. The advice of the Prime Minister prevailed over the date set by the Elections Act. That was the precedent established on September 7, a precedent that will certainly guide future Governors General.

What we can know today is not the date of the next election but the fact that this so-called law is an artifice, a facade. I urge you to face the facts and immediately initiate the process that will remove this trickery from our legislation.

[English]

I will close, honourable senators, by returning to Mr. Bumble in Charles Dickens' novel *Oliver Twist*. You will recall that he had been told in court that the law assumed that his wife acted under his instructions:

“If the law supposes that,” said Mr. Bumble, . . . “the law is a ass — a idiot. If that's the law of the eye of the law, the law is a bachelor; and the worst I wish the law is that his eye may be opened by experience — by experience.”

Honourable senators, we have had our eyes opened by experience with this law. The Prime Minister has demonstrated beyond any possibility of doubt that the law is a nullity, that it is meaningless. Therefore, let us redeem ourselves and him by removing this embarrassment from the statute books of our country.

Some Hon. Senators: Hear, hear!

Hon. Joan Fraser: Would the Honourable Senator Murray take a question or comment?

Senator Murray: Yes.

Senator Tkachuk: A question or a comment?

Senator Fraser: I did not hear whether the senator stated “yes” or “no.”

Senator Di Nino: The honourable senator said “yes.”

Senator Fraser: Congratulations on this bill. Congratulations, also, on putting on the record the actual quote from Mr. Bumble: “a ass,” and not “an ass.” I will be happy to vote for this bill.

When the original bill came through this chamber, I was able to bring myself to vote for it for three reasons. My first reason was that, all things being equal, it is wise not to quarrel too directly with the House of Commons on matters of elections. I also reasoned that there was a gigantic loophole, which meant that, in fact, nothing had changed; but, third, I thought that surely this is not the first time that parliaments have engaged in exercises of hypocrisy for political reasons.

Senator Murray, based on your extraordinary experience and encyclopedic memory, can you recall another example where such an egregious exercise in hypocrisy was revealed quite as quickly as this has been?

Senator Murray: I think that would be the subject for another speech and, perhaps, for more research than I have been able to do for this present matter.

The honourable senator, however, has made one statement with which I take very considerable issue and that is that, generally speaking, we should not very much question initiatives taken by the House of Commons on matters of electoral law. I could not agree less.

This issue is one of the only issues on which I ever disagreed with our old colleague Senator Jacques Flynn. Senator Flynn had taken a decision quite similar — if not identical — to that referred to by Senator Fraser on one of those bills.

I have found that whenever almost any amendments to elections law are under consideration in the House of Commons, the grinding of axes can be heard all over this place, not to mention the noise of feathering a nest. I do not know if that makes a particular noise but it also occurs.

Whether it is redistribution, political financing or other related matters, if ever bills from the House of Commons require the most sober of second thought, it is those bills having to do with the electoral process because they obviously involve a conflict of interest. They contain issues of self-interest. As I say, mutual back-scratching and so on takes place on all these matters in the other place, and I think we always ought to try to take a more objective look at them.

The second reason that the honourable senator gave for voting for the bill was that it was meaningless. I suppose, among the various motivations for voting for a bill, that is not the worst. However, I think this bill is an embarrassment to the country and we should remove it from the statute books.

Senator Fraser: I agree.

Hon. Percy E. Downe: Could the honourable senator advise us whether, in his opinion, there is a requirement for an election in October 2009 if the Canada Elections Act is not amended?

Senator Murray: I think not because, to paraphrase the bill, the phrase states that unless there is an early dissolution the next election will be held on such a date. There was an earlier dissolution, and I would not worry about renting the planes for October 2009 because of Bill C-16.

Hon. Consiglio Di Nino: Honourable senators, unless another honourable senator wishes to ask a question, I wish to thank my honourable colleague for reintroducing this subject; it will give us another opportunity to revisit this subject. I will once again read his words carefully and, hopefully, give some argument that will convince my honourable colleague that maybe we were not so wrong after all.

(On motion of Senator Di Nino, debate adjourned.)

• (1520)

EMPLOYMENT INSURANCE ACT

BILL TO AMEND—SECOND READING—
POINT OF ORDER—SPEAKER'S RULING RESERVED

Hon. Sharon Carstairs moved second reading of Bill S-207, An Act to amend the Employment Insurance Act (foreign postings).

She said: Honourable senators, if my new colleagues in the Senate — whom I wish to welcome warmly — read this bill, they will note that it is extremely short. It is less than one page in length, only a couple of paragraphs. Since I have introduced this bill in the past, I want to explain exactly what it will do.

At the present time, an individual must earn EI benefits based on his or her employment pattern over the previous 52 weeks. Under some circumstances, that time period can be extended to

104 weeks. However, a unique situation occurs regarding spouses of members of our foreign service and members of our Armed Forces. In leaving the country to accompany their spouse or their partner, they usually leave their employment. When they arrive in their new country to serve all of us, they are typically there for three to five years.

A number of things happen to them when they are there. They frequently cannot find employment for those three to five years. They cannot pay into their RRSP because they do not earn any income in Canada. They cannot attend academic institutions because those institutions are not located in Canada. As a result, they cannot get the tax credit for having attended that institution. If they find employment, they are not eligible to pay into EI because they can only do so if they are employed in Canada.

They serve us, along with their spouse, and then return to Canada wanting to find employment again. However, while they are looking for a job, they are not eligible for EI because they have not earned their benefits in the last 52 or 104 weeks.

This bill extends the benefit period under these particular circumstances only for those spouses of Armed Forces members or foreign service employees. It extends that period for five years. If they were out of the country for five years and returned to Canada, their employment record would cover the time from the moment they left the country, and they would then be eligible for EI.

Honourable senators, Bill S-207 is very simple. It would serve well those who serve us so well, and I encourage your support.

Senator Tkachuk: I understood it better this time than the last.

POINT OF ORDER

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I wish to raise a point of order with respect to Bill S-207, which was presented by Senator Carstairs. Without commenting on the merits of the bill — which, I must indicate, does have its merits — I submit that it contains provisions which would create a new and distinct expenditure not currently authorized in legislation. Therefore, the bill requires a Royal Recommendation and can only be introduced in the other place.

Citation 596 of the sixth edition of *Beauchesne's Parliamentary Rules & Forms* states that a bill:

. . . infringes the financial initiative of the Crown not only if it increases the amount but also if it extends the objects and purposes, or relaxes the conditions and qualifications . . .

The stated purpose of Bill S-207 is to address a situation where spouses or common-law partners of persons employed in the public service or the Canadian Armed Forces are unable to find employment after their posting abroad and are unable to receive EI benefits because they have not accumulated the required hours. The bill would allow these spouses or common-law partners to use accumulated hours of employment before the posting to qualify for EI when they return to Canada.

To this end, clause 1 of the bill proposes the creation of a new class of individuals defined as persons residing outside of Canada with their spouses or common-law partners as a result of a foreign posting with the Canadian Forces or the public service.

Clause 2 would extend the qualifying periods for this new class of individuals from a maximum of 104 weeks to 260 weeks, as advised by Senator Carstairs. Her bill contains an extension to the qualifying period.

The effect of the bill would be to expand the purposes of the EI program in order to allow spouses or common-law partners of persons posted abroad to qualify for more EI benefits than is currently the case.

There are approximately 1,000 spouses or common-law partners of members of the Canadian Armed Forces or the public service currently serving in missions outside of Canada. If all of these individuals were to apply and qualify for benefits upon their return, EI expenditures would increase by up to \$2.4 million per year. As a result, the bill would increase government spending and would do so in a manner not currently authorized under the Employment Insurance Act.

The Speaker of the other place has ruled on numerous occasions that bills which would create new classes of claimants or relax the conditions of eligibility would lead to increased government spending and, therefore, would require a Royal Recommendation. The Speaker of the other place ruled on December 8, 2004, in the case of Bill C-278, regarding the extension of EI benefits, that:

Inasmuch as section 54 of the Constitution, 1867, and Standing Order 79 prohibit the adoption of any bill appropriating public revenues without a royal recommendation, the same must apply to bills authorizing increased spending of public revenues. Bills mandating new or additional spending must be seen as the equivalent of bills effecting an appropriation.

On November 6, 2006, the Speaker of the other place ruled in the case of Bill C-269, respecting the extension of EI benefits, that:

Funds may only be appropriated by Parliament for purposes covered by a royal recommendation. . . . New purposes must be accompanied by a new royal recommendation.

On March 23, 2007, the Speaker of the other place ruled in the case of Bill C-265, respecting changes to the EI qualification period, that:

. . . the changes to the employment insurance program envisioned by this bill include . . . removing the distinctions made to the qualifying period on the basis of the regional unemployment rate.

This would —

. . . have the effect of authorizing increased expenditures from the consolidated revenue fund in a manner and for purposes not currently authorized.

Honourable senators, in conclusion, Bill S-207 would create a new class of claimants and would change the conditions of eligibility for EI benefits thereby requiring an increase in new government spending that would not be currently authorized by Parliament. Such a bill must be accompanied by a Royal Recommendation and can only be introduced in the other place.

Honourable senators will know that rule 81 of the *Rules of the Senate* provides that the Senate shall not proceed with a bill appropriating public money that has not been recommended by the Queen's representative. In keeping with Senate rule 81, Bill S-207 should be ruled out of order.

Hon. Sharon Carstairs: Honourable senators, if one were to follow the logic that has been proposed by the Honourable Deputy Leader of the Government, then no bills could be introduced in the Senate. This bill simply seeks to change the rules under which an individual qualifies. It does not set any costs; it does not set any specific expenditures. It simply allows for an extension of the period an individual requires so that they can collect. I would argue that it does not require a Royal Recommendation and that it can be logically introduced in this place.

• (1530)

I would also raise, for a little history, that I believe this is the third time this bill has been introduced and never before has a point of order been raised. I would question why the government is so fearful of giving some benefits to the spouses of those who serve us so strongly.

Hon. Joan Fraser: Honourable senators, the marginal note on rule 81 is "Supply bills," and this bill is not a supply bill. It is not even a bill, strictly speaking, that changes the qualifications of people who could receive EI. It refers only to people, as I understand it, who are qualified for EI and then who, thanks to the Government of Canada, find themselves suddenly removed from that qualification. It is, in other words, a matter of justice, not of supply.

Be that as it may, I believe it has been well established in this place that we can continue to consider a bill, even if that bill does require a Royal Recommendation, up to the point of passage and that a Royal Recommendation could be attached to it at any time, if that is necessary. I would argue that even if a Royal Recommendation were necessary, which I do not believe to be the case, the point of order is not in order at this time, and we can happily continue with consideration of this fine bill.

Finally, I would draw His Honour's attention to citation 611 from the sixth edition of *Beauchesne's Parliamentary Rules & Forms*. In the case that it turns out to be impossible to get a Royal Recommendation, at least while the bill is here, Beauchesne says the following:

A bill from the Senate, certain clauses of which would necessitate some public expenditure, is in order if it is provided by a clause of the said bill that no such expenditure shall be made unless previously sanctioned by Parliament.

I have not read this version of Senator Carstairs' bill, so I do not know if it contains such a clause, but such clauses have certainly been inserted in other bills initiated in the

Senate. I would not be surprised if she could be persuaded to insert such a clause should it prove necessary, although I do not think even that would be necessary.

Hon. Colin Kenny: Honourable senators, I would like to draw to your attention that rulings by the Speaker in the other place have no relevance here and should have no consequence on rulings by the Speaker here. We have had many examples where the Speaker here has been right and the Speaker there has been wrong. I do not see any reason why the Honourable Deputy Leader of the Government is raising the other place as an authority. I would think he would be more concerned about the rights and privileges of this house.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it is not the purpose of this bill to spend money; therefore, it is not, by definition, a money bill.

Almost all legislation has monetary implications, as has been stated. If that was not the case, then very little would be discussed in this place. The bill does not set out to change the budgetary situation or the budgetary policy of the government. The bill, if it does anything, requires that an existing function be carried out in a new or different way. Therefore, I argue that this is not a legitimate point of order.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I think that we should look at the text itself of the British North America Act, which is now known as the Constitution Act, 1867.

Section 53 states:

Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

Coming back to my colleagues' argument that we should start reviewing the bill — that has been done in the past — and that, at the very end, we could invoke the rule.

Section 54 states:

It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any Tax or Impost, to any Purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

What this means is that, even if we review the bill and send it to the other place, the study done here would have no weight. As an aside, I am in full agreement that we should pass such a measure but it should be done in the right order. However, the other house would not even be able to examine it because the recommendation would not have been given in the other house to begin with.

Yes, we agree with the idea. I think the applause from all sides proves that, but we must respect the Constitution of Canada.

[*English*]

Senator Comeau: I did want to make a last point on Senator Carstairs' comment regarding the fact that she had introduced this bill in the past. If my recollection is wrong, I hope she will correct me. I believe that in the past the bill never did reach the stage at which it was introduced at second reading. Even if it did get to second reading, this is still a new session of Parliament, and one can raise a point of order under a new session of Parliament.

I wish to reiterate that most of my comments have been based on Beauchesne. I happen to have thrown other arguments into the process. They can be digested as well, but the main point of my argument is Beauchesne and the rules that I cited.

[*Translation*]

The Hon. the Speaker: Honourable senators, regarding the point of order raised by Senator Comeau, I would like to thank all honourable senators for their statements. As there are references to procedural documents, I would naturally like to take them into consideration, study precedents and so on. I will make my ruling as quickly as possible.

[*English*]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Tommy Banks moved second reading of Bill S-215, An Act to amend the Constitution Act, 1867 (Property qualifications of Senators).

He said: Honourable senators, some of you have heard about this before, but others of you, most cogently our new colleagues, have not. The purpose of the bill is set out accurately and succinctly in the summary found on the inside of its cover.

• (1540)

It reads:

This enactment amends the Constitution Act, 1867, to eliminate the requirement that a senator own real and personal property of a certain value in order to be qualified for appointment to the Senate and to maintain his or her place in the Senate.

There is not much doubt, reading the Confederation debates, that in order to keep the rabble in order and to protect the interests of the landed gentry of the time this was then a sensible provision, because even earlier than 1867, in the Quebec Resolutions, \$4,000 was a lot of money. It still is. I can understand it because it only has three zeros, but it still is a lot of money.

However, in the 21st century, this does not make any sense. To put it simply, it precludes someone who is an apartment dweller from being a member of the Senate. That is a preposterous impediment. This bill seeks to remove that requirement from the Constitution by saying simply that, in order to be qualified to be named to the Senate, a person needs to reside in the province in

whose interests he or she is named to this place. It does nothing more or less than that. It simply removes the \$4,000 property requirement, a provision with which some of our new colleagues will be intimately and cogently familiar.

There was perhaps an apocryphal story that one senator-to-be sought to qualify by having bought a cemetery plot, which was seen to be not entirely in order. There have been instances in the past in which persons considering appointment to the Senate have actually bought the garage of someone else. That is a fact.

This is a preposterous requirement. It is antediluvian and it has no place in the requirements for being named to this place in the 21st century. I commend the attention of all senators to the clear and simple intent of this bill.

It is a little more complicated than that, so I also commend your attention to Motion No. 4 on your Order Paper today, which is umbilically connected to this bill. I will be kind and speak later and separately to Motion No. 4, but it is a matter of considerable importance to members of the Senate who represent the Province of Quebec. That has to do with the fact that the Constitution Act, 1867, requires not only that senators own property of a value of \$4,000 in the province that they represent but, in addition, in Quebec, based upon the original 24 divisions in the legislature of Lower Canada, senators must own property or reside in one of those 24 senatorial divisions. Quebec, in the sense that it is represented in respect of property ownership in the present constitution, consists only of that area circumscribed by the boundaries around those collective 24 senatorial divisions. Quebec is much larger than that now.

The most egregious example can be given by Senator Watt, although there are other examples. Senator Watt represents Northern Quebec and the people of Northern Quebec — Arctic Quebec, in fact — and he does so nobly and well. However, he is obliged to own \$4,000 worth of real property in one of those senatorial divisions along the St. Lawrence River. That is absurd. There are other senators present who, I think it is safe to say, consider that they are here representing the interests of Quebec, not necessarily of De la Durantaye, Milles Isles, Lauzon, Kennebec, Wellington, Bedford or Victoria, and who may not live in any of those senatorial divisions but still need to be here and are here quite properly.

I commend your attention, honourable senators to, first, the bill, and second, the motion, which is, as I said, cogently important in connection with it and which requires the approval of the Senate, the House of Commons and of the National Assembly of Quebec, to which I will address myself on another day.

[*Translation*]

Hon. Céline Hervieux-Payette: Will the honourable senator take a questions?

Senator Banks: Yes.

Senator Hervieux-Payette: First, I would like to know whether the senator consulted his Quebec colleagues. To my knowledge, he did not.

I wonder how he can justify, based on one Albertan's problem, intervening in a Quebec tradition that, to my knowledge, nobody has challenged. What are the fundamental reasons for making this change aside from the fact that \$4,000 is no longer appropriate and the fact that one must own real estate in Quebec?

[English]

Senator Banks: The honourable senator is correct; I did not consult specifically with Quebec members. The motion that refers to Quebec came directly out of the fact that in the Constitution Quebec is treated differently. The impetus behind my bill of amendment is simply to remove the property qualifications for those persons being appointed to the Senate of Canada. It turns out that in Quebec the circumstances are different. I have written to the Quebec Minister of Intergovernmental Affairs and to the Premier of Quebec asking their opinion and views on my proposed bill and motion.

The motion cannot proceed without the active approval of the Government of Quebec and of the legislature of Quebec. The motion, absent their approval, cannot proceed. However, that would leave us with a situation in which we would be able, if we so chose, to remove the property qualifications in every province of Canada except in Quebec. It seems to me a good idea to have that other arrow in our quiver when considering this bill.

Hon. Sharon Carstairs: Honourable senators, I want to put a few remarks on the record with respect to this issue. I had to leave the chamber for just a minute, so I do not know if the honourable senator actually indicated the actuarial amount that \$4,000 in 1867 would mean today. Apparently, it would mean \$1.5 million. I suspect that some of us sitting in this chamber today do not own a piece of property that has a value of \$1.5 million. Many of you may, but I, for one, do not.

We also know that there are a number of stories, some of which I am sure you have heard, which may or may not be true. One story is with respect to one senator who visited a farmer and said, "I understand you have a few acres for sale." The farmer said, "Yes, I do. I want \$3,000 for them." The newly-to-be-appointed senator said, "I will pay you \$4,000." The farmer said, "You did not understand. I asked for \$3,000." The newly-to-be-appointed senator said, "No, you do not understand. I can only purchase it if I can give you \$4,000." That made the farmer very happy.

I can tell you an absolutely true story about our former colleague, the late Earl Hastings. Senator Hastings was not, by any stretch of the imagination, a wealthy man. He rented in the city of Calgary. He received a phone call from Mr. Pearson indicating that he would be appointed to the Senate of Canada. Since my husband was a close friend of Earl Hastings and a lawyer, he called John to ask how he could manage to get ownership of a piece of property worth \$4,000 within 24 hours.

• (1550)

John advised that he should see a realtor, at which point he did, and the realtor indicated that he had lots of properties to show him. We are talking about 1964, and the realtor said he could take him here and there. Earl said he did not want to see any of them; he only wanted to buy something that he could put \$4,000 down on and register it that day.

Can honourable senators imagine the realtor going home to his wife that night and saying he had a strange man in his office that day? The man wanted to buy a piece of property — he did not want to see it; and he wanted to put \$4,000 down.

Needless to say, the transaction was made possible. Earl purchased the property and John registered it at the land titles office that afternoon. Of course, when Earl was appointed the next day, he met his qualification.

It is an anachronism.

[Translation]

Hon. Jean Lapointe: Honourable senators, my question is more of a suggestion. I own a piece of land worth \$4,000 in the division of Saurel. I am scheduled to retire from the Senate on December 10, 2010. I would therefore recommend that we take all the time we need to finalize this bill so that I can still get \$4,000 for my land when the bill is passed. If not, I am afraid it will not be worth more than a few cents.

[English]

Hon. Gerald J. Comeau (Deputy Leader of the Government): For the record, I should have risen at the point when Senator Carstairs spoke as the second speaker on the list. Is Senator Carstairs agreeable that we reserve the 45 minutes for our second speaker? I seem to detect that there is consent. I was asleep at the switch at the time, Your Honour, so I should have raised it then. Having said that, I wish to adjourn the debate.

(On motion of Senator Comeau, debate adjourned.)

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON AGING AND TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE, MEET DURING ADJOURNMENTS OF THE SENATE AND REFER PAPERS AND EVIDENCE FROM PREVIOUS PARLIAMENT—DEBATE ADJOURNED

Hon. Sharon Carstairs, pursuant to notice of January 27, 2009, moved:

That a Special Committee of the Senate be appointed to examine and report upon the implications of an aging society in Canada;

That, notwithstanding rule 85(1)(b), the committee be comprised of seven members, namely the Honourable Senators Carstairs, P.C., Chaput, Cools, Cordy, Keon, Mercer, and Stratton, and that three members constitute a quorum;

That the committee examine the issue of aging in our society in relation to, but not limited to:

- promoting active living and well being;
- housing and transportation needs;

- financial security and retirement;
- abuse and neglect;
- health promotion and prevention; and
- health care needs, including chronic diseases, medication use, mental health, palliative care, home care and caregiving;

That the committee review public programs and services for seniors, the gaps that exist in meeting the needs of seniors, and the implications for future service delivery as the population ages;

That the committee review strategies on aging implemented in other countries;

That the committee review Canada's role and obligations in light of the 2002 Madrid International Plan of Action on Ageing;

That the committee consider the appropriate role of the federal government in helping Canadians age well;

That the committee have power to send for persons, papers and records; to examine witnesses; to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, pursuant to rule 95(3)(a), the committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;

That the papers and evidence received and taken and work accomplished by the committee on this subject during the First and Second Session of the Thirty-ninth Parliament be referred to the committee; and

That the committee submit its final report no later than April 30, 2009, and that the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

She said: Honourable senators, I wish to indicate briefly the background for this particular study. This study was initiated in the Senate in November 2006 and we had hoped to complete it in December 2007. We did not anticipate at the time this motion was initiated that there would be, in an interim period between then and now, two prorogations and one dissolution.

For those who are new to this place, every time one of those events occurs we must come back to this chamber and obtain a new mandate. Sometimes that takes a few days and sometimes it takes many weeks. As a result, the committee has not yet completed its work, but I want to put on the record clearly at what stage we are in that work.

There is a draft report at the present time. That draft report has been translated in part but not in whole. What needs to occur is a meeting to reconstitute the committee. Then the committee must make a motion to send that report to translation. After we receive

the report in translation, so that it is available in both official languages, then committee members will debate the report. Then the report must pass.

I know Senator LeBreton is concerned about the amount of time that may pass between when this report is approved and April 30. I want to provide total assurance that we will work as quickly as we can. We have already put in 100 hours on this report and have heard from 200 witnesses from coast to coast to coast.

I have no absolute knowledge that the draft report — and I am the only member who has seen the draft report — will meet with the approval of the senators on the committee. If it does, the process will be quick; if it does not, it will take the number of weeks necessary to ensure all senators on the committee are happy with this report.

This process has been a wonderful example of total cooperation from all sides of this chamber. I and all members of this committee want a report that will meet the needs of those who are aging in our communities. I also understand that the report will not be approved until all committees are approved, and that is more than satisfactory; that is the way things play out in this place. Therefore, I expect that Senator Comeau will adjourn this debate, and I am more than happy that he do so.

(On motion of Senator Comeau, debate adjourned.)

CONSTITUTION ACT, 1867

MOTION TO AMEND REAL PROPERTY PROVISIONS FOR SENATORS—DEBATE ADJOURNED

Hon. Tommy Banks, pursuant to notice of January 27, 2009, moved:

Whereas, in the 2nd Session of the 40th Parliament, a bill has been introduced in the Senate to amend the Constitution of Canada by repealing the provision that requires that a person, in order to qualify for appointment to the Senate and to maintain their place in the Senate after being appointed, own land with a net worth of at least four thousand dollars within the province for which he or she is appointed;

Whereas a related provision of the Constitution makes reference, in respect of the province of Quebec, to the real property qualification that is proposed to be repealed;

Whereas, in respect of a Senator who represents Quebec, the real property qualification must be had in the electoral division for which the Senator is appointed or the Senator must be resident in that division;

Whereas the division of Quebec into 24 electoral divisions, corresponding to the 24 seats in the former Legislative Council of Quebec, reflects the historic boundaries of Lower Canada and no longer reflects the full territorial limits of the province of Quebec;

And whereas section 43 of the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Now, therefore, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE
AMENDMENT TO
THE CONSTITUTION OF CANADA

1. Section 22 of the *Constitution Act, 1867* is amended by striking out the second paragraph of that section, beginning with “In the Case of Quebec” and ending with “the Consolidated Statutes of Canada.”

2. (1) Paragraph (5) of section 23 of the Act is replaced by the following:

(5) He shall be resident in the Province for which he is appointed.

(2) Paragraph (6) of section 23 of the Act is repealed.

Citation

3. This Amendment may be cited as the *Constitution Amendment, [year of proclamation] (Quebec: electoral divisions and real property qualifications of Senators)*.

He said: I wish to take these few moments to ensure that senators present understand that this motion is the one to which I referred earlier when discussing Bill S-215 and to commend senators' attention to it and to the schedule that is attached to and is part of it, particularly to those members who are here representing the province of Quebec, from whom I hope to receive good advice. Thank you. I want to adjourn the debate for the remainder of my time.

Hon. Joan Fraser: Will Senator Banks take a question?

Senator Banks: Yes, of course.

Senator Fraser: Like everyone else here, I am embarrassed by the \$4,000 property requirement and earnestly wish it were not there. However, with this motion, Senator Banks is opening up cans upon cans of worms, and there is one in particular that I want to hear his thoughts about.

As I understand it, the divisions in Quebec were originally set up to protect the minority sensitivities in Quebec. There are, if you will, two great minorities in Quebec: francophones who are a minority within Canada and anglophones who are a minority within Quebec. At the time, setting up these divisions seemed to be a nifty way of ensuring that neither group need fear that it

would not be represented in the Senate of Canada, because, as honourable senators know, the Senate was taken seriously by the Fathers of Confederation. We will not even go into the religious divisions, which also bedevilled the discussions at the time.

I am the first to acknowledge that this particular clause is, by now, an antiquated, weak — to say the least — tool to achieve the purpose for which it was then designed and which it then, I expect, did serve. Nonetheless, it is, by its mere existence, a reminder of that fundamental requirement of the original purpose, which needs to be met.

Has the honourable senator had any discussions with a view to determining the effect of the removal of this provision on the situation of minority representation in the Senate, the likelihood that the removal now of such a provision would have on future negotiations about the Senate, because I think it is clear that the present government may end up taking us into broad negotiations about the Senate if it has its way. In other words, has the honourable senator figured out what these broader consequences are likely to be if we pass this motion, and has he devoted a whole lot of thought to what the unintended consequences of it might be?

• (1600)

Senator Banks: I thank Senator Fraser for that question.

I do not know if “a whole lot of thought” would be an accurate way to describe what I have done, but I have certainly thought of it, and I am cogently aware of the purposes for those original senatorial divisions.

However, as the honourable senator has pointed out, their usefulness has long since disappeared. The fact is that senatorial divisions with names like “Victoria,” “Bedford” and “Wellington” were originally represented in the legislature of Lower Canada, obviously by people who had English last names notwithstanding what their other interests might have been. The reverse would have been true of those senatorial divisions which, for the most part, contain francophone names.

However, that has long since ceased to be the case for so long that I think the question of whether it has any susceptibility in terms of protecting those minority interests is long gone.

I have thought about it to the extent that, by comparison with the fact that now the vast majority, territorially speaking, of Quebec is no longer represented in this place at all. If one took the letter of the law only, the senators here who represent those senatorial divisions do not in the main — I would not say ever — represent the interests of those senatorial divisions only; they are here as senators of Quebec.

The unintended consequence of this bill is simply to remove a vestige that has long since outlived its use. I am confident that the interests of the anglophone minority in Quebec will not be adversely affected by this means any more than they are presently protected by this means and that there would not be a whole lot of First Nations people, francophone people or anglophone people from Quebec appointed to this place by Her Excellency on the advice of the Prime Minister that would be in the slightest way affected by the fact of those senatorial divisions.

In fact, if one looks historically at the people who are and have been here for the past many decades representing those senatorial divisions, the fact that this one has an English name and that one has a francophone name is neither here nor there. There is no connection between those two things. I think it is long gone.

Therefore, I hope — I would have faith — that the obviating of this antiquated requirement would not have any adverse effect upon representation in this place from the province of Quebec.

Senator Fraser: Just a cautionary note to Senator Banks: It is really risky in Quebec to make any assumptions on the basis of anyone's name. I would draw the honourable senator's attention to names like "Ryan," "Johnson" and "Flynn," an ornament of this chamber. Do not assume anything on the basis of names.

Senator Banks: I think if Senator Fraser examined my response to her question, she will find that I referred to that fact when I said that the names do not always — I cannot remember how I said it, but it was to the effect that names do not always indicate anything; in particular, with respect to "Johnson," "Ryan" and "Flynn." Those are three wonderful examples.

I do not think that there are any sad, long-term, dangerous or unintended consequences of this removal. It will make Quebec, in that respect, the same as every other province. The fact that other provinces do not have these restrictions or requirements has never impeded the appointment to this place of distinguished people, regardless of their forebearers' origins.

The Hon. the Speaker: Senator Banks is moving —

Senator Banks: Question?

The Hon. the Speaker: You have about eight minutes left in your time. Are you accepting questions and comments?

[*Translation*]

Hon. Pierre Claude Nolin: I move the adjournment of the debate.

The Hon. the Speaker: I think that Senator Banks already indicated that he wanted to move the adjournment of the debate for the balance of his time. We have 15 minutes for that, with the motion.

(On motion of Senator Banks, debate adjourned.)

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 3, 2009, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, February 3, 2009, at 2 p.m.)

**THE SENATE OF CANADA
PROGRESS OF LEGISLATION**

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

(2nd Session, 40th Parliament)

Thursday, January 29, 2009

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

**GOVERNMENT BILLS
(SENATE)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Customs Act	09/01/29							
S-3	An Act to amend the Energy Efficiency Act	09/01/29							

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Library and Archives of Canada Act (National Portrait Gallery) (Sen. Grafstein)	09/01/27							
S-202	An Act to amend the Canada Elections Act (repeal of fixed election dates) (Sen. Murray, P.C.)	09/01/27							
S-203	An Act to amend the Business Development Bank of Canada Act (municipal infrastructure bonds) and to make a consequential amendment to another Act (Sen. Grafstein)	09/01/27							
S-204	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	09/01/27							
S-205	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	09/01/27							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-206	An Act respecting the office of the Commissioner of the Environment and Sustainable Development (Sen. McCoy)	09/01/27							
S-207	An Act to amend the Employment Insurance Act (foreign postings) (Sen. Carstairs, P.C.)	09/01/27							
S-208	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	09/01/27							
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	09/01/27							
S-210	An Act respecting World Autism Awareness Day (Sen. Munson)	09/01/27							
S-211	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	09/01/27							
S-212	An Act to amend the Canadian Environmental Protection Act, 1999 (Sen. Banks)	09/01/27							
S-213	An Act to amend the Income Tax Act (carbon offset tax credit) (Sen. Mitchell)	09/01/27							
S-214	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	09/01/27							
S-215	An Act to amend the Constitution Act, 1867 (Property qualifications of Senators) (Sen. Banks)	09/01/27							
S-216	An Act to amend the Federal Sustainable Development Act and the Auditor General Act (Involvement of Parliament) (Sen. Banks)	09/01/27							
S-217	An Act respecting a National Philanthropy Day (Sen. Grafstein)	09/01/27							
S-218	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	09/01/29							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

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