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Thursday, March 5, 2009



THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

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THE SENATE

Thursday, March 5, 2009

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

Prayers.

[*Translation*]

BUSINESS OF THE SENATE

OFFICIAL PHOTOGRAPH OF THE SENATE

The Hon. the Speaker *pro tempore*: Honourable senators, before we proceed, I have been asked to advise you that the official photograph of the Senate is to be taken on Wednesday, March 11, 2009. The photograph is an important part of the parliamentary record and will be used for historical purposes.

Honourable senators, is it agreed that the photograph be taken on Wednesday, March 11, 2009?

Hon. Senators: Agreed.

[*English*]

EXTENSION OF TODAY'S SENATORS' STATEMENTS

The Hon. the Speaker *pro tempore*: Honourable senators, I have received a notice from the Leader of the Opposition who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Raymond Joseph Perrault, P.C., whose death occurred on November 24, 2008.

I remind honourable senators that, pursuant to our rules, each senator will be allowed only three minutes and they may speak only once and the time for tributes shall not exceed 15 minutes.

Honourable senators, is it agreed that the period for Senators' Statements be extended?

Hon. Senators: Agreed.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE RAYMOND JOSEPH PERRAULT, P.C.

Hon. Mobina S.B. Jaffer: Honourable senators, in November we mourned the loss of our colleague, the Honourable Ray Perrault. Retired from his Senate work since 2001, but definitely not forgotten, his ideals, community service and dedication will be remembered, celebrated and missed.

• (1335)

In 2001, when Ray retired from this place, it was said of him, "The compassion and sympathy he feels for those in need of this help is a sincere one, the outcome of the difficulties and opportunities that have marked his own life."

His career was marked by great highs. He served as a provincial Liberal leader in British Columbia during an extremely difficult time for Liberals in the West. He was a member of Parliament who was known for his 1968 legendary defeat of political great and Canadian icon, Tommy Douglas. He was a senator with a distinct voice, which was once likened to a foghorn by journalist Allan Fotheringham.

Honourable senators, I believe it was one of the strongest and most determined voices British Columbia had for many years in our federation, but it was also a lonely voice. It was not easy being the lone voice representing British Columbia at the cabinet table.

In 1970, when I arrived from Uganda, Ray welcomed me and helped me. He went further; he encouraged me to integrate into Canadian society. There were many Thursdays that I would be at his house when he would arrive tired from his work in Ottawa, and in spite of his condition, he would always be ready to help the National Liberal Women's Commission have our issues addressed by the government. When I entered federal politics, he worked on both my campaigns.

Senator Perrault was a compassionate man who strived to give Ottawa politicians and bureaucrats a better understanding of the people and lives lived on the coast of British Columbia. Senator Comeau noted this quality eloquently upon Senator Perrault's retirement from this place when he said how witness after witness before the Senate Fisheries Committee spoke warmly of Senator Perrault, and welcomed him to the communities like an old friend. He was cherished and respected for his voice and for his efforts on behalf of British Columbia.

Ray's wife Barbara was his greatest supporter. She and their three children sacrificed a lot and had to share him too often with Canadians. At this time, I salute their support for Senator Perrault.

Honourable senators, it has been said that success in life is being truly missed and remembered long after you are gone. British Columbia will miss Senator Ray Perrault. May he rest in peace and may his family find comfort in his memory.

Hon. Gerry St. Germain: Honourable senators, I rise today to pay tribute to a great Canadian and true supporter of all causes that affected the exciting province of British Columbia. There is no question that the Honourable Raymond Joseph Perrault was a staunch defender of all good causes in our province. He was always at the forefront of initiatives that most people only dreamed of but would never believe possible. Ray championed so many good causes that my time in this venue would not permit me to cite them all.

Ray Perrault was what we would call a real B.C. booster; never a negative word about the place he loved with such a passion. In his earlier years he was a broadcaster on CJOR radio and, after university, a communications consultant. After entering B.C. provincial politics, he became leader of the B.C. Liberal Party during the dynasty of W.A.C. Bennett's Social Credit Party.

As a communicator, few could match Senator Perrault's skills. I can recall his bombastic speeches and media interviews. As Senator Jaffer said, Allan Fotheringham, another well-known media type, always referred to Ray as "Senator Foghorn" in his many articles.

Ray covered most of the electoral spectrum, from MLA, MP to senator. He defeated a formidable opponent — NDP leader Tommy Douglas — in the 1968 federal election, and I clearly recall some of the ambitions he had for Vancouver. He worked diligently to try to bring Major League Baseball to Vancouver. He served for years on the board of directors of the Vancouver Canucks. As I said earlier, time does not permit me to cover all of Ray's efforts and achievements.

I travelled back and forth to Ottawa with Ray for 18 years. Ray was always a gentleman; a real Liberal partisan but always respectful of the views and ideologies of others. Those who knew Ray had the greatest respect for his abilities, and his underlying commitment to his place of birth — British Columbia.

He used to say to me, "You know, Gerry, I am related to the St. Germaines. They are part of my ancestors."

• (1340)

To his family and his lovely wife Barbara, who came from Mission, B.C., a city I represented as an MP, I offer my deepest sympathy. God and Canada have lost another great son.

Hon. Donald H. Oliver: Honourable senators, I rise today to pay tribute to our former colleague, Senator Raymond Joseph Perrault, who passed away on November 24, 2008, after a lengthy battle with Parkinson's disease. He was 82 years of age.

When I was summoned to the Senate on September 7, 1990, my first office was next door to Senator Perrault's in the Centre Block. I was nervous, scared and intimidated, particularly with his booming, powerful voice, but we soon became friends. We had many conversations on a number of current public policies, and he was always challenging.

Senator Perrault, as has been said, was a great individual and an enthusiastic parliamentarian. After serving as Leader of the Liberal Party of British Columbia from 1959 to 1968, he made the plunge into federal politics in the 1968 election, defeating NDP legend Tommy Douglas by 152 votes in the constituency of Burnaby—Seymour. He served the people of our country on Parliament Hill for nearly 32 years — first as member of the other place and later as senator — from 1973 to 2001.

Senator Perrault was given many important responsibilities throughout his political career. He was Parliamentary Secretary to the Minister of Manpower and Immigration in 1972, Minister

of State for Fitness and Amateur Sport in the early 1980s, Leader of the Opposition in the Senate and Leader of the Government in the Senate from 1974 to 1982.

From 1991 to 1999, we were both members of the Standing Senate Committee on Banking, Trade and Commerce, and on two occasions I had the privilege of working with him on the Standing Senate Committee on Transport and Communications. He took his work seriously and always had in mind the constitutional obligations that we have to look after our regions.

I recall a statement Ray made in the chamber in October 1997 where his love for our country was first really manifested. He said:

No region is perfectly satisfied with all aspects of Confederation, but the overwhelming majority of British Columbians, along with other Canadians, are happy to be reminded regularly by the United Nations that we live in the best country on the face of the globe. Let us keep it that way.

Off the Hill, Senator Perrault was an avid sports enthusiast. He was a former director of the Vancouver Canucks and an honorary chairman of the Vancouver Canadians minor league baseball team. He was also behind Vancouver's bid to win a major league baseball franchise in the early 1980s.

It is regrettable that Ray will not be in Vancouver next year to take in the Olympic Games. I remember how delighted he was when Vancouver was chosen by the Canadian Olympic Committee in 1998 to represent Canada at the IOC table and its bid to host the 2010 games.

The province of British Columbia has lost a truly great ambassador. As Prime Minister Harper stated, Senator Perrault was "a principled and dedicated servant of the people of Canada."

Honourable senators, the people of Canada, notably British Columbians, were privileged to have an outstanding leader such as Senator Raymond Perrault represent them in Parliament. The Prime Minister said he added a quality to this place, and thereby to Canada. The legacy he has left behind is extensive.

Hon. Jeremiah S. Grafstein: Honourable senators, I also rise to pay tribute to Ray Perrault. I first encountered Ray in the early 1960s when I was an advance man in the Pearson regime and I went out to British Columbia for the first time. Ray was then the Liberal leader. He shared a remarkable resemblance to a great American politician, Hubert Humphrey.

Ray celebrated the politics of joy. He was a happy, joyous warrior. He was a partisan, as some senators opposite have said, but he was a great comrade at arms, and he never took things personally. As people know, Ray was a great talker. What people do not know is that when he was the Liberal leader, he was also a great listener. He listened carefully to people.

I come from a small town in Ontario. When I first went to British Columbia, Ray told me that if I really wanted to understand Canada and the West, I had to go into the interior of British Columbia, which I did. There I began to see not only the magnificence of Canada but the magnificence of British Columbia.

[Senator St. Germain]

• (1345)

Ray was a true liberal. He was not a large-“L” Liberal but a small-“l” liberal. On Liberal causes, you would always find Ray on the right side of the rainbow. He was a sports enthusiast, bar none. He was a baseball and hockey fan. He drove us crazy talking about British Columbia versus Toronto, saying: “We have a great basketball team, a great baseball team and a great hockey team.” Ray always felt that nothing could be better in the world than those sports teams from British Columbia.

I want to take issue with some of the comments made by Allan Fotheringham. I do not think Ray was Dr. Foghorn at all. I think Ray reached Churchillian heights. He spoke with great articulation, and every once in a while, he reminded me of one of his great heroes, Winston Churchill. Once in a while, Winston Churchill’s cadences could be heard in Ray’s speeches. Ray was great and he touched us all.

Ray, your race is run, your victories won. Now go to rest, and all my best. Godspeed to Barbara and the Perrault family.

Hon. Gerald J. Comeau (Deputy Leader of the Government): When I first arrived in the Senate, I already knew of Ray Perrault. He was an intimidating chap. He was a legend on the Hill, known by everyone. He had that booming voice, which carried great authority, not only with its sound, but because his words made a lot of sense; he knew what he was talking about.

I was appointed chair of the Fisheries Committee. After a year as chair, I was advised that my deputy chair would be Ray Perrault. I was worried because I was still under that spell of his; the intimidation that he used to practise, along with his gruff exterior. I soon found out that it was merely a facade; inside was a gentle man who probably displayed his gruff exterior on purpose.

On the Fisheries Committee, Ray became my teacher, my adviser, and soon my friend, so I missed him when he retired from the Senate. For a number of years afterwards, and still today, I wish he were here to impart his advice on the West Coast fisheries.

To Barbara and Ray’s family, I offer my sincere condolences.

ANTI-SEMITISM

Hon. Yoine Goldstein: Honourable senators, yesterday, I was unable to complete my statement about anti-Semitism because the time required for Senators’ Statements had terminated. I propose to complete my statement now.

Honourable senators will recall that I spoke yesterday about anti-Semitism and the rise of anti-Semitism in Canada. Some say this rise is a reaction to activities undertaken by the Government of Israel, but that assertion is false and dangerous. This anti-Semitism is, in fact, the new anti-Semitism.

Traditional anti-Semitism is an assault upon the right of a Jew to live as an equal member of whatever host society that Jew inhabits. The new anti-Semitism involves discrimination against the collective right of the Jewish people to live as an equal member of the family of nations. Criticism of Israeli policies

is legitimate. Israelis themselves view that activity as a national sport. However, attempting to deny Israel’s legitimacy as a country is the flip side of traditional anti-Semitism; it is collective anti-Semitism.

Per Ahlmark, Deputy Prime Minister of Sweden, put it well when he said that the new anti-Semitism is marked by attacks “. . . on the collective Jews — the state of Israel,” which then “. . . starts a chain reaction of assaults on individual Jews and Jewish institutions.”

• (1350)

Distinguishing between the old anti-Semitism and the new anti-Semitism is a distinction without a difference. If there was ever any doubt about that, one need only look at the words of Hezbollah leader Hassan Nasrallah, who said,

If all the Jews were gathered in Israel it would be easier to kill them all at the same time.

Those who suggest that Hamas or Hezbollah are national movements and not anti-Semitic are speaking nonsense. Hamas seeks not only the destruction of Israel, but the death of all Jews.

Regrettably, Canada is not immune to this ill-disguised anti-Semitism. The frenzy of hate that is going on at Canadian campuses this week is, in fact, a terrible, terrifying and vicious anti-Semitism never before seen in our country.

When Jewish students are terrorized solely because they are Jewish, and when Canadian residents support those who call for the extermination of Jews, we, as senators, have an obligation to speak out. Honourable senators will recall that Edmund Burke taught us that all it takes for evil to triumph is for good people to do nothing.

MS. MANON FEUBEL

Hon. Andrée Champagne: Honourable senators, once again I will speak about the world of the arts. It is my honour and pleasure to share fantastic news with all our colleagues.

[*Translation*]

I had a message waiting for me upon my return home last weekend.

The subject of the message was “Good News”, and its contents were so important that I thought I should share it with the Senate.

On March 24, 2009, Quebec and all of Canada will swell with pride and enjoy full bragging rights. That is when, believe it or not, another one of our own will make her debut at La Scala in Milan. Manon Feubel, a magnificent soprano originally from the Saguenay-Lac-Saint-Jean region, will sing the title role in the Gaetano Donizetti opera, *Lucrezia Borgia*.

My husband and I came to know her very well when Manon Leboeuf, as she was known then, was completing her studies at the Conservatoire de musique du Québec in Montreal. How many times did I fear our music room windows would shatter when she came to our home to rehearse the repertoire she planned to present in competition? Of course, she won first prize.

Then, after a few concerts here at home, she, like so many others, decided to leave Canada. Once in Paris, she found a good agent. She was patient, and she carried on expanding her repertoire and learning all the roles suited to her range. She performed in operas in several European cities. Last spring in Montreal, we heard her in *Un Ballo in Maschera*. Now, in 2009, she will be performing in a place that many only dream of: La Scala in Milan.

In June, she will reprise the role of Lucrezia Borgia at the Dortmund Opera House in Germany.

Honourable senators, I know that you will join me in congratulating Manon Feubel and wishing her continued success.

From the bottom of my heart, dearest Manon, "Break a leg!" and I look forward to seeing you again.

[*English*]

SILVER DART COMMEMORATION

Hon. Jane Cordy: Honourable senators, I take pride in standing here today to acknowledge one of the greatest achievements in Canadian history. On February 23, 1909, when Douglas McCurdy, a native of Baddeck, Nova Scotia, piloted the famous *Silver Dart* over the frozen Baddeck Bay, he became the first person in the British Empire to fly a powered heavier-than-air aircraft. The flight covered a distance of 800 metres, and reached a height of 9 metres.

Designed and built by a team led by Alexander Graham Bell, the *Silver Dart* flew roughly 200 flights before being damaged beyond repair during military tests later in 1909 in Petawawa, Ontario.

On Sunday, February 22, 2009, former Canadian astronaut Bjarni Tryggvason piloted the replica of the *Silver Dart* into the air five times. While bad weather kept the *Silver Dart* on the ground on Monday, February 23, the anniversary, a commemorative coin, stamp and plaque were unveiled that day. The long-term plan is to bring the replica of the *Silver Dart* back to the Alexander Graham Bell Museum in Baddeck.

The village of Baddeck has much to be proud of. As Canadians, we rarely celebrate, or boast of, our accomplishments. Congratulations to the organizers of this great event that commemorated an important moment in Canadian history.

• (1355)

It is good to have the opportunity to be reminded of the strong heritage of our great country. I thank the people of Baddeck and the people of Cape Breton Island for giving everyone the opportunity to share in the centennial celebration of the flight of the *Silver Dart*. Cape Bretoners — and there are a few of us in this place — have once again shown generosity of spirit with their warmth and hospitality.

PRESIDENT BARACK OBAMA

Hon. Consiglio Di Nino: Honourable senators, on Thursday, February 19, 2009, Canada had its first opportunity to meet Mr. Barack Obama as the President of the United States of

[Senator Champagne]

America. From all indications and reports, he was warmly and affectionately received. To many of us in this chamber, and indeed to millions of Canadians, this was an event that was not expected in our lifetime. Those of us who have faced the degrading and destructive effects of discrimination and racism can be forgiven for being skeptical.

During the U.S. election, I opined that Mr. Obama would not succeed in his quest to become President. I did not believe that enough White Americans would vote for him. I have never been happier to have been so wrong.

Honourable senators, there are many in the U.S. today who have witnessed and suffered from atrocities committed against them, their families and their friends only because of the colour of their skin. It was a mere 50 years ago that a football team from the University of Buffalo refused an invitation to play in the Tangerine Bowl because the invitation had an offensive condition attached to it — their two Black players were not welcome and were to be left at home. The team refused the invitation. They were ahead of their time.

Honourable senators, Mr. Obama will face many challenges and difficulties in the coming years, not the least of which is the high expectation of his tenure, in particular during these turbulent economic times. Regardless of our individual political ideologies, in choosing Mr. Obama, our friends and neighbours to the south have once again proven that they are the world leaders in defence, promotion and respect of rights, values and freedoms.

For me, honourable senators, the day of celebration was Tuesday, November 4, 2008 — election night in the U.S. This is the day that Americans of all colours, creeds and backgrounds chose a Black man to be their President.

In honour of Black History Month, although a few days late, I salute our American neighbours for their inspired choice, and I congratulate President Obama on his historic and groundbreaking win. I extend to him and his family warmest best wishes and Godspeed.

TORONTO

CONGRATULATIONS ON ONE HUNDRED AND SEVENTY-FIFTH ANNIVERSARY

Hon. Art Eggleton: Honourable senators, tomorrow the City of Toronto will celebrate its one hundred and seventy-fifth year as an incorporated municipality. People have lived in the Toronto region on the north shore of Lake Ontario for thousands of years. The native Huron peoples have long called it Toronto, believed to translate as "meeting place."

It was not until the early 1600s that Europeans came to know the area as well. The French Jesuit Étienne Brûlé, on orders from explorer Samuel de Champlain, was sent to explore this area through the lakes and rivers attached to the St. Lawrence River. He found portage routes along the Humber and Don Rivers, which spill into Lake Ontario, and he established a bustling French trading post.

In 1793, John Graves Simcoe, Lieutenant-Governor of Upper Canada, established the Fort York military post and the civilian town of York in the area. Due to its importance as the colonial

capital, York quickly expanded in population and attracted many in the financial and educational sectors. Also, at a time of expanding trade and improving transportation, York's geographical location served the commercial needs of the newly-settled hinterland.

To meet the service needs of an expanding population, the City of Toronto was incorporated on March 6, 1834. William Lyon Mackenzie, a prominent journalist, politician and noted rebel, was elected Toronto's first mayor. I was pleased to be mayor for some 11 years in the 1980s.

During the first half of the 20th century, Toronto's population grew rapidly and the city began to compete with Montreal as Canada's premier centre. By 1976, Toronto's population had surpassed Montreal's.

Today, Toronto is Canada's largest city and is home to a diverse population of more than 2.5 million people, with close to 5.5 million in the Greater Toronto Area. Toronto has become one of the most multicultural cities in the world, where 152 languages and dialects are spoken largely in an atmosphere of harmony.

• (1400)

Toronto is a key economic engine in Canada and one of the greenest and most creative cities in North America. It is an exciting city with rich cultural and social traditions. The city is a safe, orderly and inclusive community, where working and living are ranked among the very best in the world.

I am proud to be from Toronto, and I am proud to have served this wonderful city for many years. Happy one hundred and seventy-fifth birthday, Toronto.

KOREAN REUNIFICATION

Hon. Donald H. Oliver: Honourable senators, on March 5, 1997, 12 years ago today, the representatives from both North and South Korea met for the first time since 1972 to officially discuss the idea of replacing the armistice of 1953 that put an end to the three-year war in Korea and left the country divided.

Since then, peace talks to reconcile the long dispute in the Korean peninsula have led to many different initiatives. Among these initiatives was the "Sunshine Policy" of former South Korean President Kim Dae-Jung, which began in 1998 following this historical meeting. This policy emphasized peaceful cooperation in order to establish a short-term reconciliation, which would eventually lead to Korean reunification.

As we commemorate this groundbreaking event, I call the attention of honourable senators to the work I have been doing as President of the Canadian Inter-Parliamentary Union Group. For the past several months, I have been working closely with senior members of the Legislative Assembly of the Republic of Korea on an initiative for the eventual reunification of the two Koreas.

Mr. Young Chin, member of the National Assembly of the Republic of Korea, and I have drafted a formal proposal to create a "Special IPU Committee on Peace and Korean Reunification." This proposal will be presented to the upcoming meeting of the Asia-Pacific Working Group in Beijing, and it can be tabled, we hope, at the one hundred and eighty-fifth session of the IPU in Addis Ababa, Ethiopia.

The proposed committee's ultimate goal is the peaceful reunification of the two Koreas. To this end, it is designed to promote humanitarianism and human rights, facilitate inter-Korean dialogue, exchange and cooperation and the opening and economic development of North Korea.

This is the role that we, as parliamentarians, must play in organizations such as the IPU. As a centre for dialogue and parliamentary diplomacy, the IPU considers questions of international interest and concern and expresses views on such issues in order to bring about parliamentary action.

The committee we are proposing will explore the question of Korean reunification, and through dialogue with parliamentarians from both Koreas, it will be able to advance possible solutions. Our committee proposal also fits into the vision of South Korea's new President, Mr. Lee Myung-bak. In his February 2008 inaugural speech, he said:

Unification of the two Koreas is a long-cherished desire of the 70 million Korean people. Inter-Korean relations must become more productive than they are now. Our attitude will be pragmatic, not ideological. Our primary task is to help all Koreans live happily and to lay the foundations for unification.

Honourable senators, the reunification of Korea is a long-term process that must begin with a peace regime and increasing economic relations. The committee we seek to create will work towards narrowing the gaps between the North and the South while preserving peace. It will work in close consultation with parliamentarians from both Koreas. The talks that began 12 years ago today to put a formal end to the Korean division offer us hope that one day we can see the reunification of Korea.

[Translation]

ROUTINE PROCEEDINGS

FOREIGN AFFAIRS

CANADA'S ENGAGEMENT IN AFGHANISTAN— DECEMBER 2008 REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the December 2008 Report to Parliament on Canada's Engagement in Afghanistan.

PUBLIC SAFETY2010 OLYMPIC AND PARALYMPIC WINTER GAMES
SECURITY AGREEMENT Tabled

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2010 Olympic and Paralympic Winter Games Security Agreement, pursuant to subsection 20(5) of the Royal Canadian Mounted Police Act.

THE ESTIMATES, 2008-09THIRD REPORT OF NATIONAL FINANCE COMMITTEE
PRESENTED—SUPPLEMENTARY ESTIMATES (C)

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

Thursday, March 5, 2009

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

THIRD REPORT

Your committee, to which were referred the Supplementary Estimates (C), 2008-2009, has, in obedience to the Order of Reference of Tuesday, February 24, 2009, examined the said estimates and herewith presents its report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of report, see today's Journals of the Senate, p. 228.)

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

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

• (1405)

NATIONAL FINANCENOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING SITTINGS OF THE SENATE

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

That the Standing Senate Committee on National Finance have power to sit from Monday, March 9, 2009 to Friday, March 13, 2009, even though the Senate may then be sitting, and that the application of rule 95(4) be suspended in relation thereto.

**CANADA-UNITED STATES
INTER-PARLIAMENTARY GROUP**CONFERENCE OF NEW ENGLAND GOVERNORS
AND EASTERN CANADIAN PREMIERS,
SEPTEMBER 15-17, 2008—REPORT Tabled

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-United States Inter-Parliamentary Group to the 32nd Conference of New England Governors and Eastern Canadian Premiers, held in Bar Harbor, Maine, United States of America, from September 15 to 17, 2008.

**ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES**NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES ON STUDY
OF ISSUES RELATED TO MANDATE

Hon. W. David Angus: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources, which was authorized by the Senate on Tuesday, March 3, 2009, to examine and report on emerging issues related to its mandate, be empowered to engage the services of counsel and technical, clerical, and other personnel as may be necessary for the purpose of such study.

[English]

AGINGNOTICE OF MOTION TO AUTHORIZE SPECIAL
COMMITTEE TO ENGAGE SERVICES

Hon. Wilbert J. Keon: Honourable senators, on behalf of the Honourable Senator Carstairs, I give notice that, at the next sitting of the Senate, she will move:

That the Special Committee on Aging, which was authorized by the Senate on Tuesday, February 10, 2009, to examine and report upon the implications of an aging society in Canada, be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study.

QUESTION PERIOD**FISHERIES AND OCEANS**

STATEMENTS ON WEBSITE

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. On March 3, 2009, the Department of Fisheries and Oceans released a statement by Conservative Senator Fabian

Manning promoting his partisan views while misrepresenting the Liberal Party of Canada's policy regarding the seal hunt in Canada, a statement he refused to withdraw or correct when I asked him to do so.

• (1410)

Senator Manning is not a member of cabinet nor is he a parliamentary secretary. The release contained no reference to the Minister of Fisheries and Oceans or to her parliamentary secretary; nor was any official within the department cited as a media contact. The statement was issued on Department of Fisheries and Oceans letterhead and was distributed using the federal government's subscription to a private sector media agency.

Can the minister tell us if this practice complies with Treasury Board guidelines?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I will inquire. I understand there was some clarification this morning from the Minister of Fisheries and Oceans. I will take the honourable senator's question as notice.

Senator Cowan: Does the minister herself approve of the use of government resources to promote partisan political views of individual parliamentarians?

Senator LeBreton: I did not see the document in question and am therefore at a disadvantage. I understand that this morning there was some clarification about the statement, but I do not even have documented proof. I would appreciate it if the honourable senator would give me the opportunity to look into the matter and report back fully.

Senator Cowan: Better than that, I can provide a copy of the statement to the honourable senator.

If the minister sees no problem with the posting and distributing of Senator Manning's press release on a government website, can she assure us that the same courtesy will be provided to my colleague Senator Rompkey, Chair of the Standing Senate Committee on Fisheries and Oceans, should he choose to express his views on matters related to the fishery?

Senator LeBreton: Honourable senators, I understand there was some clarification this morning from the Minister of Fisheries and Oceans, but I indicated that I was not fully aware of all the details. It may not be written in such a way that we could extend the courtesy to Senator Rompkey. I would be happy to respond when I have the details.

Senator Cowan: I look forward to the honourable senator's response. In the meantime, I would ask leave to table a copy of Senator Manning's press release posted on the Fisheries and Oceans website.

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

Hon. Senators: Agreed.

Hon. Jim Munson: To assist with the clarification the minister is seeking, federal Conservatives say they made a mistake. The quote from the office of the Minister of Fisheries and Oceans is:

We are correcting the situation with the statements that were mistakenly issued under (departmental) letterhead. This was an oversight on our part.

Madam Minister, would this be an oversight on the part of Senator Fabian Manning and would he apologize?

Senator LeBreton: I thank the honourable senator for the assistance. That is the information that had been imparted to me. If, in fact, that is what the minister's office has said, so be it. We all make mistakes. Goodness knows none of us here can walk through any door and say we have never made a mistake.

Senator Munson: Is the minister acknowledging that the Honourable Senator Manning made a mistake?

Senator LeBreton: No, I am not. I am simply saying that the honourable senator was reporting something from a copy he has before him. I do not know whether the office of the Minister of Fisheries and Oceans was referring to Senator Manning. If I interpreted correctly what was just read, the department was referring to itself.

VISITOR IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Declan Kelly, Ambassador of Ireland.

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

• (1415)

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

LOCATION OF PROPOSED NORTHERN DEVELOPMENT AGENCY

Hon. Nick G. Sibbeston: Honourable senators, my question to the Leader of the Government in the Senate concerns the proposed northern economic development agency and the location of its headquarters. Every region of Canada has a federal agency to promote its economic development. These agencies are headquartered in the regions that they serve.

In Budget 2009, the government announced the long-sought creation of a northern development agency. However, few details were provided. People in the North are concerned that this agency may be located in Ottawa. This would send a poor message about economic development in the North. Northern people are suspect of anything that is situated in Ottawa.

Could the Leader of the Government in the Senate consult with Minister Strahl, who is responsible for the North, and ascertain the government's intention with respect to the headquarters of this northern agency?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): The honourable senator is quite right. The North is of great concern to us. That is why we took the step of making a commitment to a northern development agency, and I believe it is a first. Minister Strahl and Minister Aglukkaq were recently in the North making a series of announcements.

With regard to the actual locale where this office will be centred, honourable senators, as the honourable senator suggests, I will seek clarification from my colleague Minister Strahl on how this northern development agency will be structured and whether there will be components of it in Ottawa and in different communities in the North.

Senator Sibbeston: The logical location for this agency would be Yellowknife because it is between the other two territories, and sub-offices could be established in the other regions.

While the Leader of the Government in the Senate ascertains the location from the minister, could she also ascertain when this important agency to the North will be established? That needs to be done as quickly as possible.

Senator LeBreton: As honourable senators know, the government has made significant commitments to the North. As I have mentioned in this place before, it is particularly pleasing to me since I had the opportunity and the honour of working for the Right Honourable John G. Diefenbaker, who had a far-reaching vision and plans for the North.

I would be happy, honourable senators, to find out from my colleague the timing and the location. Again, I am very happy to be part of a government that is doing something about the North.

[Translation]

OFFICIAL LANGUAGES

FUNDING OF OFFICIAL LANGUAGES SUPPORT PROGRAMS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, Canadian Heritage has tightened its eligibility criteria, preventing the Association canadienne française de l'Alberta from intervening in the *Caron* decision, which calls for compliance with the Official Languages Act. The Alberta government is appealing this decision. However, no representatives of official language minority communities were consulted on these changes to the eligibility criteria.

Will the government agree to keep its promises to minority language communities? Will it enable the ACFA to intervene in the *Caron* case by giving the association the necessary money allocated for that purpose under the Program to Support Linguistic Rights?

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Minister Moore has a great number of projects and applications under his purview. I am not privy to each and every one of those, and the reasoning behind whether or not they are successful in obtaining funding. I would need to ask him specifically about the issue that the honourable senator has raised.

• (1420)

As honourable senators know, the government has invested a significant amount of money in the area of linguistic duality, supporting our communities, especially with regard to our two official languages. I do not have every application that was submitted to the minister for funding, so I need more detail, honourable senators, as to what organization requested what funding, and what response they received from the government.

In fairness, when we speak of individual applications, a question like that is better placed on the Order Paper so the honourable senator can receive a more exact response.

[Translation]

Senator Tardif: I thank the Leader of the Government in the Senate for checking with the minister. Could she also ask him if the criteria have changed?

When the Court Challenges Program was abolished and the Program to Support Linguistic Rights established, we were told that applications made to the court before 2006 would be respected. The case we are discussing was submitted before 2006. With the elimination of this financial support, the Association canadienne française de l'Alberta, the official representative for all Alberta francophones, was prevented from intervening.

Could the Leader of the Government in the Senate tell us whether there has been any change in the criteria of this new Program to Support Linguistic Rights?

[English]

Senator LeBreton: Is the honourable senator referring to the case reported in the newspapers these last few days respecting the traffic ticket? I thought the honourable senator's initial question was about a specific group that had applied for some specific funding.

If the honourable senator is referring to the former Court Challenges Program, as honourable senators know there is a new program to support linguistic rights and it focuses on mediation and out-of-court settlement. It gives the official language minority communities better access to linguistic rights, as well as information on alternative methods for solving conflict.

As Minister Moore stated a few weeks ago, the planned implementation for this program is for 2009, and he indicated that this program is on target to be implemented as planned.

Senator Tardif: This court case was financed in the previous Court Challenges Program. When that program was eliminated, the minister committed that previous court cases would be financed all the way to the Supreme Court. The Alberta government has taken this case to appeal. This group has asked for funding because the case began prior to 2006. That funding is now being withdrawn.

Is there now new criteria, and the old criteria are not respected? Is there no longer a commitment by the government and Minister Moore to support these types of cases?

Senator LeBreton: I was not aware of notification that any funding has been withdrawn. I am not familiar with the details of the case. I read about it in the newspaper over the last few days. I will take the honourable senator's question as notice and seek further clarification from Minister Moore as to the new program to support linguistic rights and what procedures are in use regarding cases that were under the old Court Challenges Program.

JUSTICE

GOVERNMENT POSITION ON RONALD ALLEN SMITH

Hon. Yoine Goldstein: Honourable senators, yesterday, Mr. Justice Robert Barnes, a judge of the Federal Court, ordered the government to seek clemency for Ronald Smith, a Canadian on death row in a Montana state prison. Will this government obey that ruling, or will it dodge it by appealing the ruling and thereby, de facto, condemn Ronald Smith to death?

• (1425)

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, this is a case that stretches back over 26 years. When I saw the television coverage, my first thoughts were for the victims of this crime, the two young Aboriginal victims, and I think most people felt the same.

Yesterday, as the honourable senator stated, the government received the ruling of the Federal Court. At the moment, the Minister of Justice is reviewing that decision. Therefore, there can be no further comment until the Minister of Justice has had an opportunity to fully study the ruling of that court.

EXTRADITION POLICY

Hon. Yoine Goldstein: Perhaps I might put my question in a somewhat different way. Until recently, Canada had a long-standing, clear policy of refusing to extradite people at the demand of foreign governments unless that foreign government could formally guarantee that the death penalty would not be applied. Has this government reversed course, throwing away decades of proper public policy and allowing people to be extradited, even though they face the death penalty abroad?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): The gentleman in question was charged in the United States. It was not a question of Canada's extraditing him. The Federal Court made a ruling; the government has now received the ruling. The Minister of Justice and the government are considering and reviewing the ruling, but this is a very difficult case. Mr. Smith has been convicted of a very serious crime. My thoughts are with the victims of the crime; I believe most people feel the same.

In terms of the actual Federal Court ruling, honourable senators, it is only prudent that the Minister of Justice have the opportunity to fully study that ruling before making any further decision on behalf of the government as to what course of action to take.

Senator Goldstein: Perhaps my question was not clear, so I will reiterate it. My supplementary question had nothing to do with Mr. Smith. My question had to do with government policy. My question was this: Has our present Canadian government reversed

its policy of denial with respect to the extradition of those whose extradition is sought by foreign governments unless the foreign government can guarantee that they will not be put to death? That question had nothing to do with Mr. Smith; it concerned extradition policy. If the leader does not know the answer, then perhaps she would take it on reserve.

Senator LeBreton: Honourable senators, obviously the decision of the Federal Court on this case impacts on all policies of the government in this area. My answer does not change. The Minister of Justice is reviewing the decision of the Federal Court. Until the minister has had an opportunity to review that decision and to present to the government what course of action we will take in this area in its entirety, unfortunately, honourable senators, I cannot answer that question definitively.

[Translation]

OFFICIAL LANGUAGES

FUNDING FOR FRENCH LANGUAGE RADIO STATIONS

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. Approximately 9 million people speak French in Canada and about one million of them live in a minority environment. One of the most important tools for community communications for these francophones is the community radio station. There are 25 stations on the air and another six are being set up in nine provinces and two territories. These stations have access to the Community Radio Fund of Canada, which was established in 2008.

• (1430)

A number of community radio stations will find themselves in a very critical situation if they do not receive financing from this fund by April 1, 2009. It could mean closing down. It could create a gap in French communications and job losses in the most remote, the most vulnerable and the smallest of Canada's regions.

The government in power would be abandoning thousands of francophones and would not be meeting its obligations with respect to the provision of services to francophones in minority situations.

Why have these monies not already been allocated and paid out? Do you intend to remedy the situation immediately?

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): The Minister of Canadian Heritage and Official Languages is working expeditiously. This portfolio is huge, as the honourable senator knows, and he is working hard. As a matter of interest, Mr. Moore has been working on the whole linguistic duality file. Only this week, he announced the implementation of a new national translation program for book publishing that is designed to increase the availability of books in both official languages across the country. This initiative is a \$5-million program over four years that starts in April.

Honourable senators, the minister is working and will be shortly, I am certain, in a position to lay out the various programs under the roadmap for linguistic duality. As honourable senators know, this particular roadmap is the largest amount ever invested by the federal government to help official languages communities in our history — \$1.1 billion over five years. Of course, the roadmap has many elements, including the youth fund and the \$14 million cultural fund.

I can understand the concern of the honourable senator about when these programs will be announced. I have confidence that Minister Moore is working to have all of these programs launched and up and running, and I will let him know that the senator is anxious that this initiative move forward as quickly as possible.

[Translation]

Senator Chaput: Thank you very much, Madam Minister, for your answer. I would also ask you to inform Minister Moore that another problem for these radio stations is the economic situation, which is very serious. It is increasingly difficult for community radio across the country to get advertising revenue from small and medium-sized businesses.

That is another aspect that must absolutely be considered. I hope that you can inform Heritage Minister Moore that it is urgent that these funds be made available for community radio across Canada.

[English]

Senator LeBreton: What Senator Chaput says is true, and the broadcasting industry in all of its elements, including radio and television, obviously has been greatly affected by the worldwide economic downturn that has affected Canada so seriously. All broadcast outlets are affected seriously by the lack of advertising money.

As the honourable senator can understand, Minister Moore is aware of this file because he has been dealing with what is obviously in the news, including the problems with the private broadcast networks, the CBC and many radio stations. I can assure the honourable senator that — and I happen to know this personally — Minister Moore's attention has been focused most acutely on this area in the last few days.

• (1435)

JUSTICE

TOBACCO INDUSTRY

Hon. Grant Mitchell: Honourable senators, last summer this government surreptitiously announced a \$1.1 billion settlement with Canada's tobacco companies for the \$4.4 billion fraud that they perpetrated on the Canadian people over a number of years.

Why is this government prepared to put 14-year-olds in jail but not even charge the tobacco company executives who engineered this serious crime, this serious fraud, on the Canadian people?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, the honourable senator is mistaken when he says this government wants to put 14-year-

[Senator LeBreton]

olds in jail. That is not true, and he knows that is not true. I am surprised that the honourable senator is caught up in that propaganda.

In any event, with regard to the tobacco question, I will take the honourable senator's question as notice because I am not sure what the status is of these particular cases.

Senator Mitchell: The Prime Minister wanted to put 14-year-old children in jail. He announced it in the middle of his election campaign.

Maybe while the leader is checking, she can find out exactly how much money a 14-year-old child would have to spend, compared to the \$1.1 billion of the tobacco executives, so that he or she too could avoid being charged for a crime they committed.

Senator LeBreton: That is not a question; that is a statement. It starts off with a premise that the honourable senator and all of us know is not true.

With regard to the tobacco executives, as I indicated to Senator Mitchell, I will refer the specific question to the Department of Justice because I have not been made aware of any recent actions that have been taken. There may have been actions, but I am not aware of them.

ORDERS OF THE DAY

BUDGET IMPLEMENTATION BILL, 2009

SECOND READING

Hon. Consiglio Di Nino moved second reading of Bill C-10, An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures.

He said: Honourable senators, I rise today to commence debate on Bill C-10 with a great deal of urgency and, I must admit, some relief. I will talk more about both later, but I will start by applauding members of the other place for recognizing the urgency and passing this bill expeditiously.

Some Hon. Senators: Hear, hear.

Senator Di Nino: Honourable senators, the primary focus of this bill is about making money available to Canadians, Canadian businesses and other stakeholders to kick-start, as early as possible, the stimulus package contained in the Minister of Finance's *Budget 2009: Canada's Economic Action Plan*. This bill proposes to implement certain measures contained in the plan, which will help generate and sustain jobs while protecting those hardest hit.

• (1440)

Let me begin by putting the need for quick passage of this bill into context. As we all know, Canada is in the midst of a severe global recession — a recession that no one accurately predicted; a recession that requires unprecedented, extraordinary action to be taken if we are to reduce the negative impact, indeed the pain, of this global crisis.

As the Managing Director of the IMF, Dominique Strauss-Kahn, has stated:

A lot remains to be done, and if this work is not done it will be difficult to avoid a long-lasting crisis that everyone wants to avoid. . . . If we are not able to do that, then social unrest may happen in many countries — including advanced economies. . . .

Indeed, honourable senators, we have already witnessed massive protests and riots in countries such as Ireland, Britain, Lithuania, Greece, Germany and Guadeloupe, and even the collapse of some governments, as has happened in Iceland and Latvia.

The recession itself might not have had its roots in Canada, but we must react to minimize the effects felt by Canadians. As economist Dale Orr recently stated:

It's not this government's fault and it's not Canada's fault that we have the weakness or that it wasn't foreseen. The weakness in the Canadian economy is virtually entirely coming from the U.S.

Canadians are being affected nonetheless. Recent economic indicators illustrate the seriousness of the situation. On Monday, Statistics Canada reported that Canada's GDP decreased by 3.4 per cent in the fourth quarter. In January, almost 130,000 Canadians lost their jobs, and more losses are expected in the future.

[Translation]

But the situation is much worse elsewhere. In the United States, 600,000 jobs were lost in January alone and 3.6 million have disappeared since December 2007. The fourth-quarter GDP results were much worse overseas than in Canada. GDP dropped 6.2 per cent in the United States, 5.9 per cent in the European Union — almost twice as much as in Canada — and 12.7 per cent in Japan, almost four times as much as in Canada.

As *The Globe and Mail* from February 28, 2009 stated:

Harvard financial historian Niall Ferguson declared, in this newspaper, that the global recession is about to produce blood in the streets, "civil wars" and toppled governments.

[English]

Clearly, Canada is in a stronger position relative to other countries to weather this economic storm. That is because the government acted early, starting with its very first budget in 2006, to strengthen Canada's position. We took early action cutting taxes, paying down debt, and making strategic investments in areas such as infrastructure and increasing transfers to provinces for important areas like post-secondary education.

Long before the domestic downturn, the government outlined a comprehensive plan, Advantage Canada, to create the best-educated, most skilled and most flexible workforce in the world.

[Translation]

But despite its strong position, Canada is suffering. The current economic crisis calls for additional measures — exceptional ones. That is why the government intervened quickly by presenting one of the earliest budgets ever, following the most detailed pre-budget consultations ever, consultations that the Canadian Chamber of Commerce welcomed and called "exhaustive." The result is an economic action plan to help Canada emerge from the crisis in a stronger position than before.

There are many reasons that we have to pass this bill quickly. The most important is that all Canadians are feeling the effects and need help now. All senators should listen to the messages and read the letters from families and business people who are calling for immediate measures.

I would also like to point to the example set by the government and opposition members in the House of Commons. They set partisanship aside and worked together for the good of all Canadians. That is exactly what Canadians wanted, and that is what they expect. I hope that honourable senators in this chamber will do the same.

This bill includes forceful measures to stimulate the economy, protect those hardest hit by the global recession, help protect jobs and support businesses, and make significant investments in areas such as infrastructure.

I have only a short time to discuss the many vital measures in this important bill, so I would like to describe just a few of them and talk about how they will help Canada get through the global recession.

[English]

The first part of this bill increases the basic personal amounts all Canadians can earn before being subject to federal tax, and increases the upper limits for the two lowest personal income tax brackets. These measures will remove 265,000 low-income Canadians from the tax rolls entirely. This also increases the amount families can earn while still receiving the maximum National Child Benefit supplement and the Canada Child Tax Benefit.

The bill includes additional help for seniors by raising the age credit by \$1,000 and includes a one-time change so RRIF holders can reduce required minimum withdrawals by 25 per cent for 2008.

It also increases to \$25,000 the maximum amount eligible for withdrawal from RRSPs under the Home Buyers' Plan — a move that will encourage home ownership and help protect and create jobs in associated sectors.

The bill contains tax relief for Canadian businesses, particularly small businesses, which form part of the backbone of the Canadian economy. This bill increases the lowest tax bracket for small businesses from \$400,000 to \$500,000, allowing them to invest and retain their employees. The Canadian Federation of Independent Business supports this move, as it "will benefit Canada's small business owners."

This substantial tax relief will help Canadian families and businesses, spur consumer spending and provide short- and long-term stimulus to the Canadian economy.

The Canadian Association for the 50Plus commend these initiatives. They say:

We welcome the broad-based tax relief available to all lower- and middle-income Canadians . . . together with the \$1,000 increase in the age credit.

TD Bank economist Craig Alexander stated:

Lowering the lowest and middle-income tax brackets and the personal exemptions are very good things, particularly for low-income Canadians.

• (1450)

[*Translation*]

Honourable senators, as I said, nearly 130,000 Canadians lost their jobs in January alone. This bill helps the Canadians hardest hit by the global recession by temporarily extending the employment insurance benefit period by five weeks. The maximum number of weeks during which Canadians can receive employment insurance benefits will therefore increase from 45 to 50.

This is a decisive step, because Canadians who have lost their jobs in recent weeks cannot wait any longer. They need to feed their families now. Until this bill is passed, Canadians will not receive the help they need to look after their families.

The Minister of Finance of British Columbia, Colin Hansen, believes that extending the employment insurance benefit period will be a very important measure.

[*English*]

All honourable senators have surely heard about the lack of access to credit to families, and especially to Canadian businesses. This bill increases the authorized capital of EDC and BDC and expands the mandate of EDC to support domestic trade and business opportunities. Through an amendment to the Canada Small Business Financing Act, the maximum loan amount available to a Canadian business will increase significantly from \$250,000 to \$500,000 or, in the case of loans other than for real property, to \$350,000.

Senator Oliver: That is excellent.

Senator Di Nino: We will thank the minister when he comes before our committee.

The Forest Products Association of Canada endorses these measures:

Access to credit is the number one issue for our industry. We are very encouraged by the Budget measures aimed at ensuring access to credit for Canadian businesses, particularly the expansion of the powers and financing authorities of the EDC . . .

[Senator Di Nino]

This bill authorizes nearly \$6 billion in investments. This includes billions for infrastructure, including money to improve infrastructure at universities and colleges, and green infrastructure; the \$1 billion Community Adjustment Fund, which provides help to areas being severely affected by the economic downturn; over \$1 billion investment in support of housing for seniors, persons with disabilities and First Nations; and a \$500 million investment in the Canada Health Infoway for the development of electronic health records, which will help vastly improve the care and quality of life for Canadians living in rural and remote regions across the country.

As the Association of Canadian Academic Healthcare Organizations stated, this investment will “have a powerful and transformative impact on the health system.”

These, honourable senators, are investments that every person in this place knows are important and needed and — I hope — supports.

The Federation of Canadian Municipalities praised the infrastructure investments:

FCM strongly supports the federal government’s commitment to invest significant new dollars in infrastructure projects that will put Canadians to work in 2009 and 2010.

[*Translation*]

Honourable senators, Bill C-10 also includes much-needed measures to modernize the Navigable Waters Protection Act. They are required so that infrastructure projects that are ready to go can be approved expeditiously. These measures will help municipalities obtain the funding they need and will help create and keep jobs while clearly protecting the environment.

[*English*]

The bill also ensures the competitiveness of our international taxation system, and includes initiatives to protect consumers from anti-competitive and unscrupulous business practices by adding new provisions to the Competition Act. As Option consommateurs and the Public Interest Advocacy Centre noted:

. . . the proposed amendments are quite comprehensive, they have certainly been the subject of considerable past discussion among stakeholders and represent a fairly balanced take on necessary refinements to the Act . . . this package of amendments places appropriate emphasis on the importance of deterring anti-competitive conduct, particularly in the current difficult financial environment that all Canadians are experiencing.

Bill C-10 ensures that Canada’s equalization payments remain fair and affordable, and ensures that public sector wages are fair and reasonable.

Bill C-10 also improves Canada’s system of securities regulation, which helps businesses and protects Canadian investors. The government has been clear that it intends to move forward with establishing a national securities regulator

with the agreement of willing provincial and territorial governments. The Canadian Council of Chief Executives supports this move, saying that:

... the best way to protect investors and to modernize Canada's antiquated system of securities regulation is to establish a single securities regulator administering a single securities act.

[Translation]

These are just some of the many important initiatives in this bill, which should be passed as soon as possible. Honourable senators, this recession will end. We will come out of it stronger than ever. But to help Canada stimulate the economy, we must pass this bill and implement the government's economic action plan without delay.

[English]

As the Minister of Finance recently stated, the consequences of inaction are a longer recession and more damage to Canadian families and businesses.

These stimulus measures will work. President Obama praised the actions of our government during his recent visit. The economic action plan has been praised by several economists and stakeholder groups.

President and CEO of the Canadian Chamber of Commerce, Perrin Beatty, stated:

In the interests of all Canadians, the plan should be given a chance to work.

[Translation]

Glen Hodgson, Chief Economist of The Conference Board of Canada, says that on the whole, the government's economic action plan is a clever package and that he hopes it will win the support of the House.

[English]

Economist Dale Orr declared:

The budget overall was a pretty reasonable compromise. The best thing to do is to pass it and get on with it and get things moving as quickly as possible.

The Investment Industry Association thinks "the stimulus we have will work effectively."

However, none of this stimulus can work until this bill is passed. It has been over a month since the government introduced the budget — a long month in which Canadians could not receive the help they need. The only way to provide Canadians with the help they need now is to pass this budget bill, and to do it right away.

Canadians cannot wait: They need help now. Those who have lost their jobs or are about to run out of EI benefits cannot wait until the summer for their extra five weeks. They need to put food on the table now.

Municipalities cannot wait until the middle of the construction season to start their infrastructure projects, and no one who will be employed by these significant investments can wait that long, either.

Canadian businesses that need access to credit need it now. If forced to wait until the summer, they may lay off workers or, worse, some companies may close up shop.

[Translation]

Canadians have asked us to provide this help quickly, and government and official opposition members have done so as well. In the words of the leader of the Liberal Party of Canada, we have not seen economic results like this in a generation. He adds that that is what the Senate has to appreciate above all. He says he respects our institution and he knows that we have a job to do, but in his opinion, we need to understand what the members of the House understood, which is that Canada is going through a very serious economic crisis. He says we have to recognize that. We are in a hole. In his opinion, politicians have to act reasonably and start digging us out of that hole.

• (1500)

Shall we hope that the Senate will do this?

Honourable senators, I beseech you to listen to the voices of Canadians and pass this bill without delay. Canadians need it and deserve it.

[English]

Hon. Peter A. Stollery: Honourable senators, my question arises from Senator Di Nino's speech. I will not speak to the fact that the government, which says that the opposition is delaying, adjourned Parliament for two months to save itself.

The Export Development Corporation is included in this omnibus bill. Senators are aware of many items included under the guise of a budget. Currently, the Standing Senate Committee on Foreign Affairs and International Trade is conducting its legislative review of the Export Development Corporation, which is required every 10 years. I point out that the witness who appeared before the committee yesterday, Ian Miller, Chief Agent and Country Manager, Atradius, opposed the fact that the EDC is becoming involved in domestic trade. Bear in mind that the agency is the Export Development Corporation. The changes are being made to the EDC while the Senate is performing its duty to investigate what should be done with the EDC. The relevant material in Bill C-10 will not be referred to the Foreign Affairs Committee but rather to the committee that will study the bill in its entirety. I presume that committee will be the Standing Senate Committee on National Finance.

Honourable senators, I am interested in the justification. I ask Senator Di Nino: Is the Foreign Affairs Committee wasting its time conducting the legislative review of the EDC? Is it a case of the government saying the committee can conduct the review but it does not matter what the Senate thinks, or what the witnesses say and that it is called the Export Development Corporation? Is the government saying it will go ahead and do it anyway, and not

only that, the government will move forward with it without even putting the substance before the committee that is studying the matter?

Senator Di Nino: Honourable senators, Senator Stollery's first comment was about delaying. In memory at least, this budget is probably the earliest budget ever prepared by the Government of Canada. There is certainly no delay.

Senator Stollery: It came after the adjournment.

Senator Di Nino: It is the earliest budget, at least in memory, if not ever. Usually, budgets arrive much later in the life of a government. Senator Stollery raised the issue, so I am responding.

Senator Comeau: Do not be so partisan.

Senator Di Nino: Honourable senators, it is important to understand what we do here. I do not think anyone in this chamber is older than 100 years.

An Hon. Senator: We are getting there.

Senator Di Nino: No one in this chamber has seen a situation similar to the one this country faces today. The government has a responsibility to undertake the necessary steps to help the country through this painful period that will last for the next while; three months, six months, no one knows how long. In its wisdom, the government has said it can help the situation with Bill C-10, which includes changes to some of the rules for the Export Development Corporation and the Business Development Bank and to the Small Business Loans Act. The EDC will have more capital, as will the BDC, which has been asked to assist the domestic trade market by helping those who have financial requirements and need to access funds. The government is participating in many areas, as any government should do, to try to help the situation.

We cannot say that this issue is not before the Foreign Affairs Committee because, as we deal with the review of the Export Development Act, we are dealing with, and exploring, this issue. We have asked questions and we will continue to ask questions.

Senator Stollery: As Senator Di Nino points out, we are dealing with this matter, but what we say will be irrelevant. The Export Development Corporation, for those who may not be aware, is an insurance scheme. As far as we have heard in testimony before the committee, the private insurance companies are opposed to the government involving itself in the domestic insurance market.

I realize that my question is not easy to answer. It is a little outrageous that this change to the EDC is being made in spite of the parliamentary requirement. As Senator Di Nino knows, Parliament requires the committee to conduct this 10-year legislative review of the EDC. The resulting report would seem to be irrelevant, given what is proposed in Bill C-10.

Senator Di Nino: I respect Senator Stollery's opinion. The committee has an order of reference to review a report that was prepared under statutory authority. The report by an independent consultant is on the operation of the EDC. The government requested the report some two years ago, and it took 18 months to complete. It happened long before the budget. I do not think it

has anything to do with the budget. That fact does not stop me from saying to the honourable senator that if issues are contained in the budget that affect the EDC, they could be discussed at the hearings of the committee. We should continue to do that.

• (1510)

Hon. Lowell Murray: Honourable senators, I have a question on the point that Senator Stollery originally raised.

Is it not the case that the bill proposes to let the Export Development Corporation into the domestic activities for a set period of time? Please find out what that period of time is and let us know. I do not have the bill in front of me. Could the honourable senator let us know when he closes the debate?

Second, the honourable senator might also ask — I do not see officials in the gallery. The question that has been puzzling me ever since I saw that provision is whether or not there are one or several existing agencies or departments of government that already have the domestic mandate that the government proposes through this bill to extend to the EDC.

Senator Di Nino: The answer to Senator Murray's first question is two years. I am pretty sure of that, but if I am wrong, I will correct it.

Senator Stollery: It is two years, extendible by the order-in-council.

Senator Di Nino: I appreciate that.

Senator Stollery: It is in the bill.

Senator Di Nino: That is fine. That is exactly what it says. As far as the latter is concerned, I will get Senator Murray an answer to that question.

Hon. Pierre De Bané: I have two comments for my honourable colleague. First, I applaud the initiative of computerizing medical records. I am sure that other members, and particularly Senator Keon, who is a world authority on health matters, would applaud also that with such a program, when a patient goes to see a doctor, the doctor can immediately see all of that patient's medical history and tailor his or her services according to their particular situation.

I would like to express my sadness, and I would do so by quoting a paragraph from an article by Michael Porter, a Harvard professor and, as he is also known, the "competitiveness guru." He says this about his country:

The stark truth is that the U.S. has no long-term economic strategy — no coherent set of policies to ensure competitiveness over the long haul. Strategy embodies clear priorities, based on understanding the strengths we need to preserve and the weaknesses that threaten our prosperity the most. Strategy addresses what to do, but also what not to do. In dealing with a crisis, experience teaches us that steps to address the immediate problem must support a long-term strategy. Yet it is far from clear that we are taking the steps most important to America's long-term economic prosperity.

He then tables three comparative charts of countries on competitiveness. Strangely enough, Canada is, along with the United States, in a very low position in those three charts. This article comes from the November 10 issue of *BusinessWeek*.

I would like very much if Senator Di Nino could explain to us in what way this expenditure of \$80 billion over the next two years will deal with the priorities for this country so that when that crisis ends, we will be in a position where our country will be more competitive.

If there is something I have realized over the years it is that today's world is so different. Forty years ago, Latin America did not exist economically; Asia did not exist economically; Europe was still not rebuilt. Today it is a different world, and I am doubtful that that \$80 billion will make our country more competitive.

Senator Di Nino: I thank Senator De Bané for his question. The Minister of Finance has been quite forthcoming in stating that the short-term problem that we have that must be addressed probably needs to be addressed in a way that would be quicker than any one of us would want to do it.

Having said that, whatever is humanly possible to do in the preparation of the expenditure of those funds is being done. Mistakes will be made and, as he said, we should recognize that.

Senator Stratton: Mistakes may be made.

Senator Di Nino: Yes, mistakes may be made. My answer to Senator De Bané's question is that from reading this particular document, the proposed budget implementation bill, we look at, for example, the issue that Senator De Bané raised, which is the expenditure of funds to update the Medical Inflow. That will have a permanent, long-term benefit.

The expenditure of funds for infrastructure, whether it is for bridges, roads or other necessary infrastructure, which will obviously be in partnership with the provinces in conjunction with municipalities, et cetera, will also have a long-term benefit. We talked about things such as the bridges across the Canada-U.S. border. I do not have the specifics here, but those kinds of expenditures will certainly aid in the trade between the two nations. Also, the efficiency of the system in our own country will be of value.

Many of the other expenditures, such as tax reduction, the increase in the age exemptions, et cetera, will have long-term benefits as well. Some of it will be there, and some of it, because of the nature of the beast, will need to be spent right now in order to stimulate the economy so that we can keep people working.

Hon. Terry M. Mercer: Honourable senators, this government will not be judged on what they have said in the budget or in this document. This government will be judged on what they actually deliver, and that is really my concern.

If we look at the previous budget that was passed, hundreds of millions of dollars were allocated towards good projects that were to happen all across the country, and in particular in my province. However, when we go back and analyze how much of the money that was allocated was actually spent, a very small percentage went towards those projects.

The government has talked, the ministers have talked, the Prime Minister has talked and members opposite here have talked about the need for shovel-ready projects for which they are anxious to get money out. I met this morning with members of the Urban Transit Association. They have a list of \$12 billion-worth of shovel-ready projects ready to go from coast to coast to coast.

How can Senator Di Nino assure us that this budget, and this budget implementation document, will be different from the previous one, wherein the government had said that they would spend a certain amount of money but spent only a very small percentage? This will not work, honourable senators, if the government cannot deliver these funds to the projects that are desperately needed out there.

Three hundred workers received layoff notices in Liverpool, Nova Scotia yesterday, with another 100 layoffs in Hantsport, Nova Scotia. There were 1,500 layoffs in Hamilton the day before. This crisis is getting deeper and deeper. How will Senator Di Nino assure us — and reassure us — that this money will be spent on these projects?

Senator Di Nino: I am not sure if I can assure Senator Mercer, but the opposition has put into place a quarterly review, which will be precisely for the purposes of assessing what the progress of this plan has been. I suppose we will find out at that time.

• (1520)

Senator Mercer: Would Senator Di Nino agree that, not only should that review of the performance take place in the House of Commons, but that some of that review should take place either directly in this chamber or indirectly through one or more of its committees in their proceedings?

Senator Di Nino: The Senate is an independent body. If we want to conduct that review, we can. I do not want to duplicate anything that someone else is doing, unless we can add value. If Senator Mercer wants to put a motion on the Order Paper, we can look at it. Alternatively, we can always ask for a follow-up in Question Period.

However, it is precisely the things that Senator Mercer mentions — such as the 300 jobs lost in Nova Scotia — that should be an impetus for us to say: This is meant to create economic stimulus; let us pass this bill and give the government the opportunity to impact on the problems that Canada faces.

[Translation]

Hon. Maria Chaput: Honourable senators, in his speech the senator talked about small and medium-sized businesses and the financial support they receive. In light of his comments, I was wondering if financial support also exists for “micro businesses.” By that I mean the really tiny companies that are thriving throughout Canada. They are run by entrepreneurs out of their homes, often women, artists, designers or entrepreneurs in our more remote regions, who contribute to the vitality and the survival of their communities.

Is there a program in place to support these very tiny businesses during the tough economic times we are facing here in Canada?

[English]

Senator Di Nino: Obviously, the cumulative effect of the stimulus package will reflect throughout the entire economy. That is precisely what this package is trying to do. If we can create impetus in the economy to make it healthier and stronger, and produce more jobs, it will have a spinoff effect on the whole economy. Specifically, tax measures have been provided for small business and I see no reason why small, interpreted as “very small,” business would not benefit as well.

[Translation]

Hon. Eymard G. Corbin: My question is for the Chair of the Standing Senate Committee on Foreign Affairs and International Trade. Let us suppose that I am asking a question in that committee as part of a review, the first in 10 years, of the Export Development Act, concerning Division 3, subsection 260(1), of Bill C-10.

[English]

Will the honourable senator rule me out of order or will he give me the assurance today that, if I raise matters coming under Division 3 of Bill C-10, the honourable senator will not rule anyone out of order in the committee?

I find it rather strange. I could use a whole ream of epithets in regard to how I feel. It is incredible that, at the time that our committee is asked to examine the 10-year legislative review conducted by an outside firm, we are technically not allowed to touch this legislation. It is somewhere else in this house or in the hands of a committee.

I seek from Senator Di Nino, as sponsor of the bill and chair of that committee, allowance of full discussion of the contents of Division 3 of Bill C-10.

The Hon. the Speaker pro tempore: Is the Honourable Senator Di Nino asking for more time?

Senator Di Nino: I ask for five more minutes.

Senator Stratton: No.

Senator Mercer: You have been muzzled, Senator Di Nino.

The Hon. the Speaker pro tempore: The question has been asked.

Senator Corbin is raising a point of order.

Senator Corbin: In the past — whether recent or far into the past — a courtesy has always been extended to a question put before the expiry of time. It seems to me that question is an important one, and we ought to receive an answer. Otherwise, one must question the good faith of the honourable senators on the government side.

Hon. Gerald J. Comeau (Deputy Leader of the Government): The honourable senator is absolutely right. We have always extended that courtesy and I do not think we should stop now. Therefore, we ask that an extra five minutes be allowed.

[Senator Chaput]

Senator Di Nino: Senator Corbin, the answer to your question is simple. If the question relates to the reference or mandate that the Senate has given us, it will not be out of order. If it is not related to that particular mandate, then it should not be asked.

Senator Corbin: We have an extension of time and I have a second question. I will use this opportunity to say that this whole exercise is turning into a charade.

Senator Di Nino: That is not a question and does not require an answer.

Hon. Joseph A. Day: Honourable senators, I will join in the debate on Bill C-10, and I remind honourable senators that we are debating Bill C-10 at this time. We are debating Bill C-10 and not Main Estimates, supplementary estimates or the budget. Bill C-10, honourable senators, is “An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures.” I emphasize “related fiscal measures.” That is the title of Bill C-10.

For the benefit of those honourable senators recently appointed, I will take honourable senators back to June 12 of last year when we were dealing with Bill C-50, An Act to implement certain provisions of the budget tabled in Parliament on February 26, 2008 and to enact provisions to preserve the fiscal plan set out in that budget. That was a year ago. We complained, honourable senators, about the omnibus nature of that bill and title last year and I leave it to honourable senators to determine whether the change in title has achieved the obvious intended goal of allowing Bill C-10 to become an omnibus bill. It is, in fact, an omnibus bill and should not be referred to solely as budget implementation.

Honourable senators, observations were attached to the committee’s report, after study of the Bill C-50 last year at this time. It is worthwhile to hear what was said by the honourable senator’s committee after due consideration of the bill last year. It had in its title “budget implementation”:

The majority of the Committee strongly objects to the practice of including legislative measures that have no direct relationship to budgetary matters in budget implementation bills. This practice has the effect of discouraging serious parliamentary scrutiny, and creates a situation in which parliamentarians are loath to conduct a proper examination of non budgetary measures for fear of delaying budgetary items that are more pressing. In the present bill, the government has included a large number of amendments to Acts of Parliament that are not related to fiscal management or economic policy. In particular, the majority of the Committee notes that major amendments to the Immigration and Refugee Protection Act properly belong in a stand-alone bill, which should also address the backlog of applications that is now approaching 1 million.

• (1530)

Honourable senators, last year we saw the Immigration and Refugee Protection Act included in the Budget Implementation Act. This year we find equalization pay and pay equity. We find a number of other pieces of legislation, such as the Navigable

Waters Protection Act, the Competition Act and matters relating to Air Canada shareholdings. The government is following exactly the same process that we strongly objected to last year. Our observations have not achieved the desired result.

Let me take you to the debate that took place with respect to that same Bill C-50 at this time last year. I will only refer to a few items here to make the point that I wish to make, but I refer honourable senators to the budget implementation bill and the debate in its entirety, if you would like to see the mood of the Senate expressed at that time. I submit that it is similar to the mood of the Senate that is being expressed — and will be expressed — with respect to this particular bill, Bill C-10.

The point that was made, honourable senators, a year ago in the committee report was that we strongly objected to this practice of including legislative measures that have no direct relationship to budgetary matters and are found in budget implementation bills. The practice discourages proper in-depth scrutiny, for which we traditionally are well-known in this place.

Some Hon. Senators: Hear, hear!

Senator Day: Honourable senators, last year, to try to alleviate the problem, as soon as we saw this bill coming down on us, we asked this chamber for the right to conduct a pre-study of the budget implementation bill. Honourable senators will have heard Senator Di Nino indicate that this is the earliest the budget implementation bill has been brought down in a long time. The difficulty with that is that when you bring down budget implementation bills quickly, you give even less time for this chamber to properly study them.

We had no time to do a pre-study this year because we were rushing through the supply bills on Supplementary Estimates (B), which we handled very quickly last week, and Supplementary Estimates (C). I filed a report on that today. You can see that we are fully engaged in trying to assist the government in having proper supply in order to conduct the business of government.

They have brought this bill in very quickly and early, albeit with an important reason. We all recognize that reason as the economic downturn. However, while you are doing that, why not help those of us who must study this bill by excluding those extra items requiring in-depth and extensive study from any budget implementation bill? Why make this an omnibus bill when the government is professing to want the bill dealt with quickly and expeditiously?

Honourable senators, we are hopeful that the statements made in this chamber — especially in relation to a bill such as this budget implementation bill — are taken back to the government to aid it in determining the easiest way of obtaining its supply. There are supply bills and budget implementation bills. They are two separate things.

Let me provide you with my concluding remarks when I spoke on Bill C-50 this time last year at third reading:

In the future, I think this chamber — if it is not done before such a bill arrives —

— and by that I meant severing the bill and excluding those non-fiscal, non-budgetary measures in a budget implementation bill —

— should seriously consider splitting such bills. I do not recommend this course of action to delay the progress of the government's legislative agenda but, rather, to ensure that major policy initiatives receive the full and expert attention of the relevant committee that has the institutional memory and the focus to evaluate that particular portion properly.

Honourable senators, that was the message we sent to the government at this time last year with respect to a budget implementation bill.

The bill last year, as many honourable senators will know, was considerably smaller than this particular bill. Bill C-10 that we are dealing with today has 528 pages, 471 sections divided into 15 parts, and impacts and amends 42 different statutes. Honourable senators, that is what we are being asked to deal with expeditiously and with a minimum of scrutiny.

Honourable senators, we have received an extraordinary range of unrelated measures in a budget implementation bill, many of which are not of an urgent nature. Many items in this bill require urgent attention and we want to direct our attention to those. However, this practice of including other, non-budgetary items exploits the good faith of parliamentarians who wish to cooperate on those matters of clear urgency. It undermines the capacity of Parliament — both chambers, not only the Senate — to hold the government to account. These are fundamental issues, honourable senators.

Some Hon. Senators: Hear, hear!

Senator Day: It prevents committees from evaluating legislation properly and it precludes public participation in the committee process that is terribly important to this particular Senate and to the various Senate committees. If this practice continues, honourable senators, it will result in the legislative process being deemed irrelevant. We must guard against that at all costs.

Honourable senators, we recognize — all of us in this chamber — that there has been a major increase in unemployment. We understand that there are significant numbers of bankruptcies occurring. We know that this is an unprecedented economic downturn. Honourable senators, we are demonstrating our sensitivity to that situation. We are acting quickly. We returned here last evening as a chamber in order to receive the bill as soon as debate was concluded in the other chamber. We agreed to expedite the passage of the bill through first reading. We are planning to have the Minister of National Finance before our committee on Tuesday next, if that can be arranged, and it looks very much as though it will be. The other place had one month to deal with this bill. Is it unreasonable to suggest that this chamber and the committees of this chamber should have at least the same one-month period to deal with matters? Is that unreasonable?

• (1540)

Honourable senators, if the economic downturn stimulus package aspect of this bill needs to be dealt with more quickly, there is clearly a solution. Enough money, millions and billions of

dollars, is sitting in some of the 14 infrastructure programs that have already been approved by Parliament and that have not flowed. I suggest that part of the economic stimulus package in Bill C-10 can wait to allow for proper scrutiny. I further suggest that a big part of the stimulus package is in the Main Estimates, which we should be getting on with, rather than dropping it to deal with Bill C-10.

I point out as well that we were informed by Treasury Board that the big part of the budget stimulus package will be in Supplementary Estimates (A), which will not be coming until late April, early May, flowing out of the Main Estimates.

The solution, honourable senators, is to allow this chamber and its committees to do their job, or, alternatively, to remove from Bill C-10 those aspects that have nothing to do with budget implementation and immediate fiscal needs. That solution is in the hands of this government.

Senator Murray: Honourable senators, I cannot refrain from saying that the solution is not in the hands of this government. The solution is in the hands of my honourable friend's committee and of the Senate, and I think he knows that. I am sure he and they will act accordingly.

My honourable friend began his speech by quoting the narrative observations attached to the report that his committee brought in on last June's omnibus bill.

I have never made any secret of the fact that I am not very keen on these observations, these postscripts that are added to committee reports on legislation. We know that the rules provide that a committee has only the options of approving the bill, defeating the bill or amending the bill. The so-called observations form no official part of a report. They are attached, as I say, as a kind of postscript. They amount to editorial comment on the legislative process. My colleague says they reflect the mood of the Senate, and I respect that sentiment.

I mean no offence by saying that the observations amount to so much sound and fury. The point I am making is abundantly demonstrated by Bill C-10 before us today, which is a more egregious example of the abuse of the omnibus process than that which the committee complained of a year ago.

So often these observations amount to an apology on the part of the committee for not taking the action it should take within the legislative process, and I will come to that before I finish.

Let me come to the point. This bill should not pass the Senate in its present form. We should find a way to delete from this bill, for later consideration as separate and distinct legislative initiatives, the proposed amendments to the Navigable Waters Protection Act, the Competition Act, the Investment Canada Act, as well as the proposed new public sector equitable compensation act.

I might say in parentheses that although I support the government's approach to the eventual creation of a national securities regulatory body, I believe the government would be better advised to bring this in as a separate bill, so that those who have reservations or are opposed to it — two or three provinces

are in this category — would have the opportunity to make their case before a parliamentary committee. That they are not likely to have that opportunity or that they may be denied that opportunity does not speak well for Canada's Parliament or its government or, indeed, for Canadian federalism.

Within Bill C-10, I trust the Senate will also find a procedurally effective way to rectify the injustice summarily inflicted by the Minister of Finance by the government and people of Newfoundland and Labrador in this bill. I am confident that Senator Baker is working on it.

Honourable senators, as I said, the amendments to the Navigable Waters Protection Act, the Competition Act and the Investment Canada Act do not belong in the budget implementation bill, nor does the proposed new public sector equitable compensation act. Those measures are even more conspicuously out of place in this particular budget implementation bill, focused as it properly is on immediate economic stimulus and recovery. Indeed, it is because of the urgency of economic stimulus measures, as Senator Di Nino has mentioned, that this year's budget was brought in several months earlier than usual.

The amendments to the Navigable Waters Protection Act, the Competition Act, the Investment Act and the proposed new public sector equitable compensation act are far-reaching. In some cases, there are fundamental changes; in a few cases, there are historic changes. Most important, there are strongly held differences of opinion on these issues among those Canadians who are most knowledgeable, most concerned and most directly affected by these proposals.

With regard to the proposed amendments to the Navigable Waters Protection Act, honourable senators have had hundreds of e-mails from Canadians concerned about access to waterways that they believe they are about to lose. We have also heard from organizations representing most of the major watersheds from the Fraser in British Columbia to the Petitcodiac in New Brunswick. I do not pretend and I do not think many of us can pretend to be able now to judge the force or validity of their arguments. What I do say is that they have a right to be heard.

Some Hon. Senators: Hear, hear!

Senator Murray: In the interests of sound public policy and, indeed, in the interests of the democratic values we espouse, we have a duty to hear them. Their concerns about adverse legislation should not be brushed aside by sneak attack, which is what happens when extraneous measures are forced through in an omnibus budget implementation bill.

There is no reason why we need delay stimulus measures — and Senator Day has alluded to this — in order to hear these people and give proper examination to those amendments.

With regard to the proposed amendments to the Competition Act and the Investment Canada Act, there are on the public record substantive expert analyses by some of the most prominent and respected law firms in the country: Ogilvy Renault; Fasken Martineau; Torys; Stikeman Elliott; Davies Ward Phillips & Vineberg, to name five.

• (1550)

In every case, the analysis underlines two things: first, the importance of the amendments — in the words of Fasken Martineau, “the most significant changes to” the Competition Act “in decades.” Second, it underlines the objectionable nature of the process. In the words of Torys LLP, “the government has effectively ensured that these changes will become law with limited, if any, meaningful debate.” In the words of Stikeman Elliot:

. . . by including these amendments within the budget implementation bill, the Government has potentially forestalled serious debate. . . . As unprecedented as the scope of the amendments, however, has been the Government’s failure to publicly consult with stakeholders with respect to some of the proposed changes.

Again, honourable senators, one does not need to have a strong position in favour of or against these measures — and I do not — to know that the far-reaching changes to the Navigable Waters Protection Act, the Investment Canada Act, the Competition Act and the proposed new public sector equitable compensation act need more consultation, study and debate in Parliament than we could possibly give them and still respect the need for quick action on the stimulus measures. To rush them through would be demeaning to Parliament and contemptuous of public opinion.

[*Translation*]

Mr. Flaherty will tell us that the economic stimulus measures must, at all costs, be in place by April 1. For now, let us suppose he is right. For now, let us forget what Senator Day reminded us about earlier, the fact that the government is far from exhausting all of the economic stimulation funds passed in previous budgets. Let us also forget the fact that according to the Parliamentary Budget Officer, Infrastructure Canada was able to spend less than 50 per cent of the \$2.3 billion it was allocated for the 2007-08 fiscal year, less than half the funds other than the gas tax funds. Let us give Mr. Flaherty the benefit of the doubt when it comes to the urgency of the April 1 deadline.

However, the government cannot seriously say that this deadline also applies to amendments to the Competition Act, the Investment Canada Act and the Navigable Waters Protection Act. And the same deadline applies even less to the new bills concerning equitable compensation in the public sector or securities regulation.

I believe that the Senate should assume its responsibilities in full, immediately pass the stimulus measures found in Bill C-10 and set aside, for the time being, those elements that require more in-depth study and that, at any rate, have nothing to do with the immediate need for recovery targeted by this budget.

I recognize that, in our Canadian parliamentary system, the House of Commons, which is democratically elected, must prevail “at the end of the day,” as the Right Honourable John Turner once said. The Senate is not the confidence chamber; that is the exclusive role of the House of Commons.

Having said that, we have a vital role to play. As I was saying the other day, the Senate is sometimes the people’s last recourse against the abuse of power by the executive.

For a bill such as C-10, I must say with all due respect, and I am speaking to the honourable senators opposite, that it is not enough to protest against the abuse and manipulation of our legislative process. If the Senate believes that these abuses are very serious it must take action, even the limited action that our parliamentary traditions and conventions deem legitimate.

[*English*]

Otherwise, in the words of Senator Day, “we will be close to rendering the legislative process irrelevant.”

Mr. Flaherty has said that it is vital to pass the stimulus measures into law by the end of March, and the sponsor of the bill, Senator Di Nino, has underlined this urgency — “by the end of March.”

Honourable senators, I believe we can do better than that. If the Senate wishes, we could give second reading to this bill tonight and send it to the National Finance Committee. The committee could meet at its usual time on Tuesday morning. They could hear from a government witness, the minister perhaps, and proceed immediately to clause-by-clause consideration of the bill. At that stage, they can delete the provisions relating to the Navigable Waters Protection Act, the Competition Act, the Investment Canada Act, the proposed public sector equitable compensation act and the securities regulator. They can correct the injustice done to Newfoundland and Labrador, and they could report Bill C-10 to the Senate the very next day, next Wednesday, the essence of which will be the economic recovery and stimulus package.

On that very day, Wednesday, March 11, we could send Bill C-10 to the House of Commons with the stimulus measures unamended, untouched, intact and ready to go — shovel-ready, as they say.

The unrelated extraneous measures would have been deleted and set aside for later consideration. I have every reason to believe that the government could easily bring these measures back as separate bills during the present session of Parliament; and, indeed, I am taking the liberty of having them drafted as separate bills in order to assist the government in this enterprise.

Honourable senators, if we send the stimulus bill back to the House of Commons by mid-week, those urgent stimulus measures could have Royal Assent not by March 31, as Mr. Flaherty asks, but by March 13, next week. The government and the House of Commons would then have to decide whether to implement the stimulus measures immediately or to delay them by playing unnecessary legislative ping-pong with the Senate.

Some Hon. Senators: Here, here!

Hon. Elaine McCoy: Honourable senators, I welcome this opportunity to speak on second reading of Bill C-10 and particularly to endorse my Progressive Conservative leader’s suggestions.

I, too, recognize, as do we all, our dire economic straits. This is truly a time for all Canadians to work together to get ourselves out of this mess that we have fallen into, in part because we are a

member of the global community. We do not have to point fingers to establish our own innocence or blame anyone other than ourselves, but we do have to turn to one another and hold out a helping hand to get out of it as soon as possible.

I support in principle the stimulus elements of Bill C-10 that are intended to hold out a helping hand to Canadians and would look to see them adopted with alacrity. I support the \$2.7 billion-worth of training. We should get that out the door immediately. Let us move the \$3.9 billion in housing money ASAP. There is \$333 million coming down the path — whether in this bill, Senator Day, or in the following initiatives to be brought to us from the House of Commons — \$333 million in municipal, First Nations and knowledge infrastructure, together with federal infrastructure. I endorse all these measures and think we should move on them. We need to move \$18 billion out the door.

• (1600)

Honourable senators, let us target March 13 to start the stimulus package rolling, as Senator Lowell Murray says. Yes, mistakes will be made, as both our esteemed colleague Senator Di Nino and Minister Flaherty have said. Yes, we can ask Canadians to tell us how these monies are rolling out, how they are being targeted and whether they are timely. We can ask them to report back so that we can adjust the packages as we go to make them truly helpful, but let us start.

Other matters in Bill C-10 have nothing to do with the stimulus package, as we keep saying. Senator Murray has spoken to four: The Navigable Waters Protection Act, the Competition Act, Investment Canada Act and the proposed public sector equitable compensation act. I now wish to speak to the proposed national securities regulator and to add the reasons why that, too, is an act that requires to be set aside for consideration in greater depth at a later time.

Honourable senators, I am reminded of a doctor who had a sick patient in front of him. The patient had a mysterious condition with his left hand. This doctor proposed a radical treatment to cure the condition, and assured the patient that all would be well afterwards. The patient said, “Doctor, tell me, will I be able to play the piano after this operation?” The doctor said, “Absolutely you will.” The patient replied, “This is wonderful, because I was never able to play the piano before.”

The government would have us believe that this proposed national securities regulator will be able to play the piano after it is created and it will not.

Who created our problems? It was the subprime mortgages that led to these global difficulties. Who were the major players in Canada in the subprime mortgage securitization fiasco? It was the banks. No securities commission in Canada has ever regulated the banks. The banks have been regulated by the Office of the Superintendent of Financial Institutions. It is and always has been a federal regulator.

Banking is enshrined in our Constitution. The provinces have never been able to touch it. Who needs to play the piano is the OSFI. If the government wants to put monies into increasing the competency of our overseers on the financial markets so that we do not see ourselves in this mess again, then that is what the government should do.

[Senator McCoy]

Interestingly enough, the Conference Board of Canada recently stated that we should not have an international securities regulator, which is presently being proposed. An international securities regulator would be a sort of super commission that would be positioned in Geneva, for example, and it would tell all the countries how to regulate their financial markets. The argument is that we must have someone closer to those who are lending or selling stocks and bonds; we need people right there on the ground. That argument is a wonderful one. It is the same argument I will make in favour of having provincial securities commissions. It is much better to have our market intermediaries looked after by the people who are living in the province in which they are operating. That has been proven for 140 years.

Another objection is that the securities commissions did not respond quickly to these market conditions, particularly with the asset-backed commercial paper, ABC paper. “This is not so,” she shrieks. The Canadian Securities Association came out last fall with proposed regulatory changes that are almost the same, word for word, as the ones being proposed, not only by their international association but also by the United States. Neither the international organizations nor the American ones have settled yet on what they want to do. Canadians are there right with them, step by step.

This new national securities regulator would not be able to play the piano, nor would it be able to run any faster than our organizations are running now. I put these reasons for not having a national securities regulator before honourable senators, but this topic is divisive. I told honourable senators last week that I fought against it with my Quebec counterparts 20 years ago, after we fought against the National Energy Policy. We lost that one. We will not lose this one. We did not lose it then and we will not lose it now.

Why stick the arrow in the eye of those very people that we are asking to help take us out of this crisis? This government has said that we have a stimulus package that depends in large part on the cooperation of the provinces. The government then turns around and says to Alberta, which can be a big help in this country: By the way, we want you to forego one of your most prized economic tools.

Why would Albertans say, yes, we will cooperate. Why, for that matter, would Newfoundland and Labrador cooperate when they have been treated so shabbily and secretively, with no prior notice to give them any chance to reassess their situation? Why stick the arrow in the eye of another province that is now in a position to help Canada? What we need in this country is someone who will bring us together.

Senator Moore: Michael Ignatieff!

Senator McCoy: We need someone who will reach out and say to each and every one of us in Canada: What can you do to help your neighbour, your friend, the other region or the municipality down the road?

One of the things that we can do, at least for these proposals, is to put them aside. As Senator Murray has said, if the Senate believes that there is an abuse of executive power, then senators are honour-bound to listen to the Canadians who are pleading

with us to address their concerns. That is why we are appointed; so we have the independence to do so. We have the ability to stand up as the last recourse to ensure that these processes are in place, so that Canadians can be the best that they can be.

• (1610)

Now is the time to make it possible for Canadians to be the best that they can be. Honourable senators are receiving e-mails every two minutes. If I looked at my BlackBerry right now — and I looked at it only half an hour ago — I would find 15 more e-mails from Canadians, begging us to look at the Navigable Waters Protection Act in more depth.

Honourable senators, we need to be honourable. We need to give our National Finance Committee a very strong recommendation to split the non-stimulus items out of this budget, to send the stimulus package back to the House of Commons so that they can get on with rolling out those dollars. We then can use all of the considerable expertise that we have in this chamber to take an in-depth look at these various other matters that are contentious, divisive, and need to be considered in depth.

I look forward to the report of our committee, and I look forward to congratulating that committee on taking an honourable stand on this bill.

Hon. Yoine Goldstein: Honourable senators, I thank Senator McCoy for a very moving speech on the issue. There are many in this chamber who fully share her opinion and concur in her approach. Virtually everyone on this side of the chamber agrees that a budget bill should not have add-ons of this nature. These add-ons deprive Canadians of their right — and it is a right — to have legislation properly debated by both their elected representatives and the senators who represent regional interests.

We are faced with the following very real problem: We have an economy in shambles. If we amend, we have been told that when the bill gets back to the House of Commons and is agreed to, the amendment would be a matter of confidence. The result would either be a new government or an election. In either event, Canadians, who are bleeding desperately, will not have the stimulus package that they need. Therefore, we have a Hobson's choice with which to deal.

Instead of the honourable senator pursuing the amendment that he is now pursuing, with the probable collision that would result, perhaps he could sponsor a bill that I would be very pleased to co-sponsor? It could be a very simple bill, with three or four paragraphs to it, presented when the budget implementation bill is adopted and sanctioned, and repealing all of those pieces of the budget implementation bill that do not properly belong in a budget bill.

The Hon. the Speaker pro tempore: Senator McCoy must ask for more time.

Senator McCoy: Honourable senators, I ask for more time.

The Hon. the Speaker pro tempore: Is it agreed?

Senator Comeau: Five minutes, yes.

Senator McCoy: Senator Goldstein has raised a couple of interesting points. I would urge other senators who are more

experienced than I am in procedural matters to add to this discussion.

It is my understanding, however, that we are not a confidence chamber. We send the bill back to the other place; they accept or reject it, or change it and return it to us. My proposition would be not to play ping-pong, as it was so eloquently put by Senator Murray. I believe that at that point we would defer to the elected body and say “So be it; be it upon your head if this is how you wish to proceed.”

At that point there may be any number of other courses of action that we could take. I am intrigued by Senator Goldstein's suggestion. That may be one of them, and I would be delighted to have a further discussion with the honourable senator and others on that subject. I have thought of two or three other ways as well.

The Canadian people deserve to have someone paying attention to their concerns, and I think that the Senate may do so. However, this is the best way, the way that Senator Murray — and indeed Senator Day — has urged upon the government: to proceed expeditiously and without unnecessary procedural wrangling.

Senator Goldstein: I certainly agree that this is not a confidence chamber, constitutionally. My concern remains that with the obstinate government now in place, that government will seize upon the opportunity to either be highly critical of the Senate, which it does in no small measure in any event, or, alternatively, force the bill to go through as originally suggested. We could therefore find ourselves in a situation where, first, we would not succeed in making the changes that many on this side would like to see made; and second, find ourselves in a situation where we could say to the government: “Take your bill, pass it. Canadians need the stimulus. We are presenting a private member's bill to repeal that which you should not have put in that bill.” We accomplish the same result and do so without endangering the stimulus.

Senator McCoy: I think we share an assumption, which is that we should be reaching out and finding ways to promote a national dialogue so that there is, in fact, a common approach, a common will to lend a hand to our neighbours and move ourselves forward on the economic front, and to at least allow sufficient dialogue on contentious matters that have nothing to do with the stimulus package.

As to how we go about that, I cannot carry on a sufficiently useful conversation on the floor, here but I certainly believe that the cleanest way to do it, the fastest way to do it is to get that money out of the door by March 13, as has been suggested; that this bill be passed at second reading on the understanding that we are fully behind the stimulus package in this chamber. We then send the bill to committee and have it back in this chamber by the day the honourable senator mentioned, which I believe would be Wednesday.

The Hon. the Speaker pro tempore: The honourable senator's time has expired.

Hon. Mira Spivak: Honourable senators, the budget implementation bill contains amendments to legislation, as has been eloquently explained here, that has nothing to do with rapid assistance to Canadians who actually need it desperately. I want to speak particularly to the amendment of the Navigable Waters

Protection Act, in order to illustrate exactly what the impact of that amendment placed in the budget implementation bill would mean, and I apologize if senators have already received some of the material in their e-mails.

These amendments, under Part 7 of the current budget implementation bill, to the Navigable Waters Protection Act stem from a report submitted to the Ministry of Transport Infrastructure and Communities. That committee did not consult with stakeholders from the outdoor recreation and tourism industries, as well as the paddling, environmental and First Nations communities. Lake Ontario Waterkeeper was the only nongovernmental environmental organization able to present to the committee, and did so on approximately 36 hours' notice, via teleconference. The Ontario Recreational Canoe and Kayak Association was also invited on short notice but was not able to present.

• (1620)

Three amendments suggested in that report submitted to the ministry are problematic: separating major and minor waters; separating major and minor works, with reference in the committee minutes to a "microhydroelectric project" as being a minor work; and removing any reference to the four named works — bridge, causeway, dam, boom — which by their very nature interfere with navigation and aquatic ecosystems.

These amendments are in Part 7 of the budget implementation bill, amending sections 5 and 13 of the current act. The amendments propose a radical transformation of the regime that protects the navigability of Canada's rivers and streams. The original section 5(2) of the Navigable Waters Protection Act reads:

Except in the case of a bridge, boom, dam or causeway, this section does not apply to any work that, in the opinion of the Minister, does not interfere substantially with navigation.

The amendments in the budget implementation bill remove this and grant the minister sole authority to decide what constitutes substantial interference with navigation. The new section 5.1(1) allows for exceptions as per the minister's discretion. It reads:

Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters established by regulation or under section 13.

The new section 13(1) reads:

For the purposes of section 5.1, the Minister may, by order,

- (a) establish classes of works or navigable waters; and
- (b) impose any terms and conditions with respect to the placement, construction, maintenance, operation, safety, use and removal of those classes of works or works that are built or placed in, on, over, under, through or across those classes of navigable waters.

The Navigable Waters Protection Act, as it exists, only applies to waterways that are navigable and deals with works that are obstructions to navigation. These amendments authorize the minister to exempt projects and waterways from application of the act, and that is problematic on several fronts. It jeopardizes access to navigate waterways, threatening the heritage right of navigation, which predates Confederation. The exemption of works, or classes thereof, and waterways, or classes thereof, from the Navigable Waters Protection Act removes the trigger for the Canadian Environmental Assessment Act, thus undermining the environmental protection of Canada's waterways and posing a threat to all the species and habitat that depend on them.

I want to quote a memo from Mr. William Amos, a very smart lawyer with Ecojustice. He says:

The proposed amendments to the NWPA would create a tiered system to Canadian Navigable waterways, granting the government a discretionary authority to identify waterways deemed worthy and unworthy of federal protection. Those waterways that are declassified would not be subject to the existing NWPA requirement that all works impacting navigable waters undergo an approval process. This approval process, which includes public notification and which triggers a federal environmental assessment, is at the core of the federal government's clear constitutional jurisdiction over navigation and pursuant to s. 91(10) of the Constitution Act, 1867. The amendments are intended to limit the applicability of the Act and hasten the approval process for works that interfere with the right of navigation. In the opinion of the author, these changes are an unnecessary form of deregulation that would undermine the government's public trust duty to protect Canadians' right to navigate waterways in a fair and transparent manner.

Although the public right of navigation is protected more generally at common law, the Navigable Waters Protection Act is the most comprehensive articulation of this right and the federal government's responsibility to protect this right.

Mr. Amos goes on to make an important point in a footnote. He says that the right to navigation is a long-standing right rooted in the Roman and Anglo-Saxon legal doctrine — think Magna Carta — of the public trust, not to mention the Aboriginal rights. The amendments to the Navigable Waters Protection Act compromise this public trust by allowing the minister to approve works that could damage waterways and diminish free access to our natural environment without consulting the very public it is entrusted to protect. The net result is less navigational and environmental protection, less accountability and less consultation.

It beats me why the government would place these amendments to an act implemented in 1882, arguably one of the most important pieces of legislation, into this omnibus bill. This placement prevents proper debate and public input to consider the enormous implications of the change. Without the Navigable Waters Protection Act, the rivers and lakes of Canada would undoubtedly be different.

Honourable senators, I am certainly a champion of lost causes. I understand the political difficulty of deleting these extraneous amendments, although I think a very shrewd political solution has

been proposed by, if not a master of the universe, certainly an old political china hand. However, if this does not happen, the regret and the sorrow of many Canadians at having their rights abrogated and at this seeming injustice will linger for years.

Hon. Tommy Banks: Honourable senators, when we vote at second reading of a bill, we are voting to express our approval or disapproval of the principle of the bill. If this place votes in favour of the principle of the bill, it is then sent for further study, in the ordinary course of events, to a committee of this place, which then studies it in more depth and reports back to us.

This bill, in its present form, is, to me, an affront for all the reasons that Senator Murray talked about last week and that we have heard from others today. I want to thank Senator Murray, Senator Day and all senators who have spoken, including Senator Di Nino, who was forthright in his presentation. It is such an affront to Parliament, for all the reasons we have heard, that it was my intention, until I heard the elegant solutions that have been presented by Senator Day, Senator McCoy and Senator Murray, to send the bill and deal with alacrity with the important part of it. Of the 500-some-odd pages, about this much of it actually has to do with budget implementation.

Senator Day: Twenty-seven pages.

Senator Banks: We should, and can, as we have heard in a couple of different and elegant ways, deal with that immediately so that the money can get out the door. No one in this place says that that is bad idea.

• (1630)

People elsewhere say it is a bad idea, but at the moment, wise people are saying that we must move this money out the door and into action right away, and we should do that. We should also pass with alacrity, as Senator McCoy said, those other elements of the bill that are umbilically, or at least grazingly, connected in some way with the concept of budget implementation.

Honourable senators, we will participate in, and acquiesce to, the irrelevance of Parliament, to which Senator Day referred. If we agree with this bill in its present form, we are disembowelling Parliament. Not only the present government, but successive governments of different stripes, have seized upon this device to attach to bills that require urgent attention, offending tails, so they can be pushed through quickly, and then avoid or evade the kinds of questions that this place — forgive me — is famous for asking — the cogent questions, the “Why are we doing this?” questions. All those questions will not be asked of the measures contained in the other 400-plus pages of this bill.

Think of this fact, honourable senators: We will pass amendments to 42 acts of Parliament and we will not know what they are; we will not know what they do; we will not know what their consequences are. The amendments may be fine. I am not opposed to them, nor am I in favour of them. I do not know what they are.

With all due respect to the excellence of the committee and to Senator Day’s chairmanship, we must recognize before the end of next month that two weeks of work cannot possibly deal with

the examination of expending \$248 billion, on the one hand, and 42 amendments to other acts of Parliament, many of which have no relationship with budget implementation, on the other hand.

No committee of this place can accomplish that task. In fact, Senator Di Nino today, in his excellent presentation of this bill, said that he did not have time to discuss all the measures that are contained in this bill. That was the understatement of the century. Senator Di Nino could have stood there for a week and not had enough time to talk about the measures contained in this bill.

We have heard what some of the measures are, but what we want here, Senator Di Nino, is for something to be accomplished quickly. We want this bill to be a racehorse, to get out of the gate quickly and to make the rounds of the track as quickly as possible. However, the government has attached to that racehorse, with its finely tuned ankles, a wagon-load of extraneous legislative baggage that ought instead to be pulled by a pair of Percherons that are reliable and steady and can be counted upon to do their job. The racehorse is loaded down by all that baggage, and we ought not to deal with those matters here.

I address these comments particularly to new senators. We have passed these bills before. When a Liberal government tried this trick — and it is a trick — this place said, in its Liberal-dominated way: You cannot do that; we will not let you do that because it is improper.

I will tell honourable senators exactly what it was. It was a measure that had to be dealt with immediately in respect to amendments to gun legislation that contained a drafting mistake and which, absent that amendment, would have created inadvertently thousands of criminals in Canada.

We recognized that this legislation had to be passed by a date certain, but attached to that bill was an offensive Animal Cruelty Act that had not been clearly thought out, that was a terrible mistake, an act that we knew we needed to study.

What did we do? This house, which has the authority to do so, instructed the committee dealing with that matter to split the bill. We sent back the first part that needed to be passed, and it was accepted immediately by the government. Then we dealt separately with the rest of the bill. That solution is among those that have been proposed today on how we can deal with this bill.

I wonder if senators opposite, particularly those from Quebec and Alberta, as Senator McCoy has referred to, understand that if this bill is passed in its present form, it will have the effect of enacting the Canadian securities regulation regime transition office act. It will no longer be a question, or something that is being proposed. The bill as it is presently constituted contains the enactment of that act of Parliament.

I wonder if we have thought about what the implications are of the amendments to the Financial Administration Act. I think everyone has a good idea of how fundamentally important the Financial Administration Act is. Does anyone know what the new powers of discretion are that will be given to the minister, the new authorities given to the minister by the passage of this bill, if we pass it?

We have heard about the Navigable Waters Protection Act. These are antennae-perking things that we must look at. When someone talks about streamlining approval processes and clarifying provisions, we need to look at what that streamlining and clarification is.

This bill, if we pass it, will repeal provisions dealing with price discrimination and predatory pricing in the Competition Act, and it will repeal all the provisions dealing specifically with the airline industry. What will those provisions be replaced with? I think we should ask that question. Apparently, the people in the other place do not think we should ask the question, but, as Senator Murray has said, we are the last line of defence. That is our job. That is what we came here to do, or at least, that is what I, with all due respect, came here to do.

We have heard about all the other acts, and I have not even spoken about what Bill C-10 does to the processes relating to pay equity for women.

Honourable senators, please, when you leave this place this evening, look at the commission that hangs on your wall at home or at your office.

An Hon. Senator: Proclamation.

Senator Banks: It is a commission, as well as a proclamation. Her Majesty calls honourable senators here for a purpose. The commission does not say to set aside your good judgment or your independent thought and your capacity to look at a duck and say: That is a duck; and to act in that way. In fact, Her Majesty commands honourable senators to do precisely otherwise.

I urge honourable senators to do the right thing with this bill, and the right thing is not to let this bill become an act of Parliament in its present form.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

An Hon. Senator: On division.

(Motion agreed to, on division, and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

(On motion of Senator Di Nino, bill referred to the Standing Senate Committee on National Finance.)

• (1640)

SCRUTINY OF REGULATIONS

FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee for the Scrutiny of Regulations (*permanent order of reference and expenses pursuant to rule 104(2)*), presented in the Senate on March 3, 2009.

Hon. J. Trevor Eyton moved the adoption of the report.

(Motion agreed to and report adopted.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Committee on Internal Economy, Budgets and Administration (*Senate Estimates 2009-2010*), presented in the Senate on February 26, 2009.

Hon. George J. Furey moved the adoption of the report.

(Motion agreed to and report adopted.)

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO STUDY NATIONAL SECURITY POLICY AND REFER PAPERS AND EVIDENCE SINCE FIRST SESSION OF THIRTY-SEVENTH PARLIAMENT

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Day:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the national security policy of Canada. In particular, the committee shall be authorized to examine:

- (a) the capability of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to and prevent a national emergency or attack, and the capability of Public Safety Canada to carry out its mandate;
- (b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;
- (c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and
- (d) the security of our borders and critical infrastructure.

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First session of the Thirty-seventh Parliament be referred to the committee; and

That the committee report to the Senate no later than June 15, 2010 and that the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

[Senator Banks]

Hon. Tommy Banks: Honourable senators, I would call for the question to be put. I believe everyone understands the relative urgency of this matter.

Senator Comeau: We will let it go.

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

(Motion agreed to.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY SENATE COMMITTEE SYSTEM—DEBATE ADJOURNED

Hon. Donald H. Oliver, pursuant to notice of March 4, 2009, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine and report on the Senate committee system as established under Rule 86, taking into consideration the size, mandate, and quorum of each committee; the total number of committees; and available human and financial resources; and

That the Committee submit its final report no later than June 30, 2009.

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

Hon. Joan Fraser: Honourable senators, I was hoping to ask a question of the chair of the committee.

As the honourable senator knows, I am a very enthusiastic member of the Rules Committee, but I unfortunately had to miss the first meeting that was held. Was this motion considered by the committee at that time?

I am not disputing the honourable senator's right to present any motion he wants for the committee to do something. I am attempting to determine whether this matter was discussed by the committee.

Senator Oliver: No, it was not.

Senator Fraser: Is this just your initiative?

Senator Oliver: No, it is not.

Senator Fraser: It is not a committee initiative and it is not your initiative?

Senator Oliver: That is correct.

Senator Fraser: Whose initiative is it?

Senator Oliver: The leadership.

Senator Fraser: Your leadership.

Senator Comeau: On both sides.

Hon. Eymard G. Corbin: Honourable senators, I am also a member of the committee. What priority does Senator Oliver intend to give to this matter in terms of the committee's agenda?

Senator Oliver: It is not up to me; it is up to the steering committee and to the main committee to make decisions on priority work. The committee is the master of its own agenda.

Senator Corbin: Has the honourable senator been given a time limit to deal with this matter?

Senator Oliver: The motion before honourable senators indicates a date of June 30.

(On motion of Senator Tardif, for Senator Cowan, debate adjourned.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Consiglio Di Nino, pursuant to notice of March 4, 2009, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade have the power to sit at 4:00 p.m. on Tuesday, March 10, 2009, even though the Senate may then be sitting, and that Rule 95(4) be suspended in relation thereto.

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

Hon. Marcel Prud'homme: Honourable senators, here we go again. Is there any specific reason why the committee is sitting at 4 p.m.? First, it is against our rules. Second, if it is a very urgent matter, we are usually reasonable. I would like to know why this request is being made, because if every committee were to sit when the Senate is sitting, there would be no senators left in the chamber.

If we make an exception for our friend Senator Di Nino so that he and his committee can deal with important matters, then other chairmen will ask for the same permission and the day will come when no one will be in the Senate. Our first duty is to attend Senate sittings.

Senator Di Nino: Honourable senators, this is not an exception. We are studying the Export Development Act. Generally, we accommodate ministers when they are able to appear before our committees. This is a tradition we have followed, and in this case it is also for that reason. Minister Day has informed us that he is available at 4 p.m. next Tuesday. That is the reason we have asked for permission to sit while the Senate is sitting.

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

(Motion agreed to.)

[*Translation*]

ADJOURNMENT

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, March 10, 2009, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, March 10, 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, March 5, 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	09/03/03	National Security and Defence					
S-3	An Act to amend the Energy Efficiency Act	09/01/29	09/02/24	Energy, the Environment and Natural Resources					

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-10	An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures.	09/03/04	09/03/05	National Finance					
C-12	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 (<i>Appropriation Act No. 4, 2008-2009</i>)	09/02/12	09/02/24	—	—	—	09/02/26	09/02/26	1/09

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							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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							
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	09/03/03	Social Affairs, Science and Technology					
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							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-218	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	09/01/29							
S-219	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	09/02/03							
S-220	An Act respecting commercial electronic messages (Sen. Goldstein)	09/02/03							
S-221	An Act to amend the Financial Administration Act (borrowing of money) (Sen. Murray, P.C.)	09/02/04							
S-222	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Murray, P.C.)	09/02/04							
S-223	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	09/02/04							
S-224	An Act to amend the Canada Elections Act and the Parliament of Canada Act (vacancies) (Sen. Moore)	09/02/05							
S-225	An Act to amend the Citizenship Act (oath of citizenship) (Sen. Segal)	09/02/10							
S-226	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	09/02/11							
S-227	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	09/02/11							
S-228	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	09/03/03							
S-229	An Act to amend the Fisheries Act (commercial seal fishing) (Sen. Harb)	09/03/03							

PRIVATE BILLS

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

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