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**Tuesday, March 10, 2009**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Tuesday, March 10, 2009

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

Prayers.

### AFGHANISTAN—FALLEN SOLDIER

#### SILENT TRIBUTE

**The Hon. the Speaker:** Honourable senators, before we proceed, I would ask you to rise and observe one minute of silence in memory of Trooper Marc Diab, whose tragic death occurred last weekend while serving his country in Afghanistan.

*Honourable senators then stood in silent tribute.*

[Translation]

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** I would like to remind honourable senators that, as indicated last week, the official photograph of the Senate will be taken tomorrow, Wednesday, March 11. I would ask all honourable senators to be in their seats at 1:15 p.m.

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• (1405)

[English]

## SENATORS' STATEMENTS

### LEARNING DISABILITIES AWARENESS MONTH

**Hon. Michael A. Meighen:** Honourable senators, I rise to draw your attention to the fact that March is Learning Disabilities Awareness Month in Canada. Learning disabilities refer to a number of disorders that can affect how a person acquires, organizes, retains, understands or uses verbal and non-verbal information.

Conservative estimates place the incidence of this form of disability at one out of every ten people, making it the most common of all disabilities. Indeed, many honourable senators would be aware of learning disabilities affecting their children or grandchildren. Certainly, my own family has not escaped.

[Translation]

Honourable senators, it is not known what causes learning disabilities. However, research suggests that they are caused by neurological conditions that are also hereditary. Learning disabilities are often present with other neurological problems or general health problems. Learning disabilities have a number of long-term, interrelated consequences, which can include, for example, a higher incidence of unemployment and more fragile physical or mental health. Research shows that people with

learning disabilities are more frequently in trouble with the law and are more likely to use the health and social services networks.

[English]

However, adults and children with learning disabilities are not stupid. In fact, many are above average in terms of intellect and, given effective intervention, the learning disabled can learn and thrive. Ideally, this intervention should occur at the earliest possible age and recognize that each person is unique. Factors that impact intervention for people with learning disabilities include, but are not limited to, the following: the manner in which a person is affected by their disability; coexisting conditions; their needs and major activities during their life; and their social and environmental context including support systems.

Honourable senators, an enlightened approach to this issue should put in place the structures and supports to help people with learning disabilities manage various transitions throughout life. Support should also come through accommodations during basic and post-secondary education and into the workplace.

Such an approach was advanced last April at the World Summit 2008: Learning Disabilities Fact or Fiction? at Lake Louise, Alberta. I had the pleasure of meeting Brenda Martin, who was the coordinator for this conference and instrumental in its organization and successful outcome.

I also salute Dr. Lex Wilson, Ms. Jane Drover, the student volunteers and all those involved in the inspired work being carried out at the post-secondary level at Mount Allison University's centre for learning disabilities, the only one of its kind in Canada.

Honourable senators, we all stand to benefit by properly addressing this issue. When all is said and done, maximizing the potential of people with learning disabilities enriches our potential as a civilized society.

### INTERNATIONAL WOMEN'S DAY

**Hon. Elizabeth Hubley:** Honourable senators, March 8 marked International Women's Day. In 1977, the United Nations designated March 8 each year as a day to proclaim women's rights. In Canada, we celebrate this day as part of the week-long celebrations of International Women's Week. It is a time to reflect on the progress women have made in achieving equality, the barriers that women still face and future actions that must be taken to achieve equality for all women.

Although women have made many strides forward in equality, we cannot be complacent. A recent study by the Aboriginal Women's Association of P.E.I. found that Aboriginal women are still twice as likely as non-Aboriginal women to live in poverty. The average life expectancy of an Aboriginal woman is seven years less than non-Aboriginal women. According to the study, the primary barrier to employment for Aboriginal women in Prince Edward Island is a lack of access to transportation. The study also found that a lack of access to child care and a lack of adequate education were significant barriers to employment.

As we celebrate International Women's Day, let us remember that we still have much to do to ensure the legal, social, political, and economic equality of all women.

**Hon. Mobina S.B. Jaffer:** Honourable senators, on the occasion of International Women's Day, I know all of us are thinking of the various injustices or discriminations that women face in our world today, both in our country and abroad. United Nations Security Council Resolution 1325 reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peacekeeping and humanitarian response, and stresses the importance of their equal participation in all efforts for the maintenance and promotion of peace and security. Resolution 1325 calls on all parties to conflict to take special measures to protect women and girls from gender-based violence, in particular, rape and other forms of sexual abuse, in situations of armed conflict. This resolution sets out how civilians, in particular women and children, account for the vast majority of those adversely affected by armed conflict.

Honourable senators, there are many conflicts one can speak about, but since the weekend when I heard that foreign peacekeepers, diplomats and aid workers were being forced to leave Sudan, and in particular Darfur, I have truly felt that you and I — especially I — have let down the women of Darfur.

Once when I was in Darfur, I was sitting with some women in a camp. Suddenly, I heard a loud noise. We all turned around and saw many young girls running toward us, all of them shouting at the same time.

Through a translator, I learned that one of their friends, an 11-year-old girl named Fatima, had been snatched and they could hear her screams. Fatima was a victim of rape by five militiamen.

With the help of aid workers and African Union soldiers, we tracked her down. Fatima was brutalized. Her eyes were swollen shut, her nose and mouth were bleeding profusely and her arms and legs had been broken. The rest, I am not able to share with you.

Fatima was helped by aid workers who were still at the camp, trying to help her parents and other families. Months later, when I returned to this camp with the help of aid workers, I again found Fatima. I observed this young girl starting to heal physically, slowly.

Honourable senators, as of this past weekend, 2,000 aid workers have left these camps. On this International Women's Day, let us renew our resolve, recommit ourselves and refocus our energy and resources to help these aid workers return to their jobs.

The reality is that many Fatimas in the camp today need our help. We owe it to this little girl, Fatima, and all others. Our humanity links us to these girls and makes girls like Fatima our own.

[Translation]

**Hon. Rose-Marie Losier-Cool:** Honourable senators, Sunday, March 8 was International Women's Day. We often hear that a little over half of the world's population is female, but it does not

hurt to hear it again. However, we rarely get our fair share, even here in Canada. I will not go into detail about recent controversies involving pay equity or Status of Women Canada's shifting mandate. I would rather focus on women in politics.

Women tend to have a high level of community and social awareness, perhaps because we have a role as caregivers and educators. Women's openness makes their active participation in the political life of their cities, regions, provinces and countries desirable. Since arriving in the Senate — and well before then, when I was a teacher — I have seen many examples of the positive impact of women in public life.

We can think of the success of social policies in Sweden and socio-economic evolution in Rwanda, two countries that are leading the way in female political representation. Societies in other countries, for example, Morocco, Mauritania, Spain and Cambodia, also benefit from women's influence in politics.

Yes, we still have a long way to go to achieve equality with men. That is a fact almost everywhere on earth.

But I have hope, honourable senators. I have hope because women in politics do so much to help their sisters understand, defend and demand their rights so that they can improve their lives and contribute to their societies.

Take, for example, the work of the Réseau des femmes de l'Assemblée parlementaire de la Francophonie, which I am honoured to chair.

For several years now, our APF network has, among other things, organized seminars in various countries to raise awareness among parliamentarians, both male and female, of the provisions in the Convention on the Elimination of All Forms of Discrimination against Women. Once they understand, these parliamentarians can inform local populations of their rights, shape regional and national legislation, and, ultimately, make things better and more equal for women.

I wish all of my sisters, whether or not they are parliamentarians, every success in all their efforts to attain that equality, and I promise them that I will continue to do everything in my power to support them.

• (1410)

[English]

## AFGHANISTAN

**Hon. Pamela Wallin:** Honourable senators, in the last few days we have lost four young Canadian heroes: Warrant Officer Brown, Corporal Fortin, Corporal O'Quinn, and Trooper Marc Diab, who tomorrow will travel along the Highway of Heroes — all victims of the deadly IEDs. Four more families have holes in their hearts. Their loss is profound. Canada, too, has lost; we have lost the potential of these already extraordinary citizens, the achievements that will never be realized and the lives not fully lived. We are so grateful for their courage and bravery, their defence of the ideals we uphold and their willingness to help those so desperately in need a world away.

[ Senator Hubley ]

There is no doubt of the monumental humanitarian need or the security imperative for all of us in Afghanistan and in the West. Former Prime Minister Pearson once asked how to bring about a creative peace and a security which will have a strong foundation. That is our question in Afghanistan. On this battleground, there are no traditional front lines. When you see the terrain or, worse, travel over it, you quickly understand that issues such as paving roads are crucial, not for comfort but because it makes the planting of IEDs more difficult. Canada is there doing just that.

We need to understand what a win looks like in a counter-insurgency. There will be no defining moment and no victory day parade. The Prime Minister soberly observed that you never completely defeat an insurgency, but we must help the Afghans in trying to do that, and help to ready them for what will be a long battle for a better way of life. They need water, food, schools, the capacity to govern and to offer security to their own, and legitimacy. We are making these things not just a distant goal but a real possibility. Our successful exit strategy, which is as close as we will get to a win, is to have created some sense of stability, security and hope.

We can truly honour our fallen heroes with our commitment and belief that their lives made a difference and that their mission mattered. To those who have shouldered the burden, to their families and to those who have given their lives, you have made us safer. You have bravely battled a brutal enemy and allowed the world to see hope on the unveiled face of a young Afghan girl standing in the school — no longer silenced or hidden. This is what our military men and women do selflessly and modestly. We will continue to extend a hand with more and better equipment.

The Americans are sending in reinforcements, and we hope that other allies will stand up as well. In Canada, there are new military support centres to better equip our troops, and special programs such as the one in my home province of Saskatchewan, where the government is offering soldiers and their families support for post-secondary schooling.

Every day, let us offer our unwavering support through our belief that change is possible, and that hope is a worthy goal.

• (1415)

#### EASTERN SHORE OF LAKE WINNIPEG

**Hon. Mira Spivak:** Honourable senators, the eastern shore of Lake Winnipeg is on Canada's short list of sites deemed so significant that it could stand alongside the Grand Canyon and the Great Barrier Reef as a UNESCO World Heritage Site.

Some hope to run hydro transmission lines through this wilderness region, Manitoba's last large tract of intact forested land unclaimed for industrial use. A decision by the Government of Manitoba and Manitoba Hydro to look at other options is the right one.

The western shore of Lake Winnipeg is also being considered for hydro transmission lines, and the option of underwater cables has been raised. If Newfoundland and Labrador can consider laying undersea cables across the iceberg-littered Strait of Belle Isle, it would seem reasonable for Manitoba to explore the Lake Winnipeg option.

The land to the east of Lake Winnipeg is boreal forest. Economists and conservationists have evaluated the goods and services that nature provides in Canada's boreal wilderness. They include carbon storage and sequestration, watershed protection and such non-timber forest products as plants for medicinal use. These non-market natural services are at least 2.5 times more valuable than the market value of goods produced by forestry, oil and gas development, mining and hydroelectric development.

Four First Nations, three from Manitoba and one from northwestern Ontario, who rely on the land, have banded together with the Governments of Manitoba and Ontario to form a non-profit corporation to advance the UNESCO World Heritage Site nomination. If they succeed, 4.3 million hectares to the east of Lake Winnipeg, considered outstanding for its cultural and natural heritage, will be protected.

The UNESCO designation would also demonstrate in a real and tangible way Canada's adherence to the United Nations conventions on biological diversity and on migratory species. Most important, the vision that the four First Nation communities have for their traditional use areas would be maintained in perpetuity.

Since other options for hydro transmission are available, this proud vision is worth pursuing, and I hope the Canadian government will continue its support for designating this area as a UNESCO World Heritage Site.

• (1420)

[Translation]

#### RETIREMENT PENSIONS

**Hon. Michel Rivard:** Honourable senators, with a global recession raging and the financial markets in disarray, many Canadians are worried about what will happen to their pension plans. Our government shares their concerns.

Seniors worked hard to build Canada, and the Conservatives believe they deserve to be rewarded. That is why we reduced the GST to 5 per cent, introduced pension income splitting, raised the age credit to \$5,066, doubled the pension income credit to \$2,000, increased the Guaranteed Income Supplement and expanded the New Horizons for Seniors Program.

Canada's Economic Action Plan, our latest budget, included a new \$1,000 increase in the age credit, as well as measures to address the solvency of pension plans.

In addition, today our government announced that hearings would be held across Canada on the subject of private pension plans, based on a consultation paper made public in January.

• (1425)

Many private pension plans come under provincial jurisdiction, but the pension plans of Canadians who work in the banking sector and for telephone companies, airlines, radio stations and interprovincial trucking companies are federally regulated.

We want to hear from ordinary Canadians. We want to know how we can improve pension plans and make them more secure. The national consultations will be conducted by Ted Menzies, Parliamentary Secretary to the Minister of Finance, and will take place from March 13 to April 17 in eight cities across the country: Ottawa, Toronto, Montreal, Halifax, Winnipeg, Edmonton, Vancouver and Whitehorse. Canadians are invited to share their views in person or send them by email to: [pensions@fin.gc.ca](mailto:pensions@fin.gc.ca).

Once we have received Canadians' input, our government will issue a final report on the consultations, with a view to recommending changes in early June.

Honourable senators, pension plan security is a very important issue for a great many Canadians. We would like to implement the recommended changes in the fall. I hope all the honourable senators will be willing to help our government make Canadians' pension plans more secure.

[English]

## ROUTINE PROCEEDINGS

### LIBRARY OF PARLIAMENT

#### FIRST REPORT OF JOINT COMMITTEE PRESENTED

**Hon. Sharon Carstairs**, Joint Chair of the Standing Joint Committee on the Library of Parliament, presented the following report:

Tuesday, March 10, 2009

The Standing Joint Committee on the Library of Parliament has the honour to present its

#### FIRST REPORT

Your Committee recommends to the Senate that it be authorized to assist the Speaker of the Senate and the Speaker of the House of Commons in directing and controlling the Library of Parliament, and that it be authorized to make recommendations to the Speaker of the Senate and the Speaker of the House of Commons regarding the governance of the Library and the proper expenditure of moneys voted by Parliament for the purchase of books, maps or other articles to be deposited therein.

Your Committee recommends:

- (a) that its quorum be fixed at six members, provided that each House is represented, and a member from the opposition and a member from the government are present, whenever a vote, resolution or other decision is taken; and
- (b) that the Joint Chairs be authorized to hold meetings to receive evidence and to have that evidence published when a quorum is not present, provided that at least three members are present, including a member from the opposition and a member from the government.

Your Committee further recommends to the Senate that it be empowered to sit during sittings and adjournments of the Senate.

Your Committee, which was also authorized by the Senate to incur expenses, reports, pursuant to Rule 104 of the *Rules of the Senate*, that the expenses of the Committee (Senate portion) during the Second Session of the Thirty-ninth Parliament were as follows:

Professional and Other Services	\$	—
Transport and Communications		210
All Other Expenses		—
<b>TOTAL</b>	<b>\$</b>	<b>210</b>

A copy of the relevant Minutes of Proceedings (*Meeting No. 1*) is tabled in the House of Commons.

Respectfully submitted,

SHARON CARSTAIRS, P.C.  
*Joint Chair*

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

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

### NATIONAL CEMETERY OF CANADA BILL

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-17, An Act to recognize Beechwood Cemetery as the national cemetery of Canada.

(Bill read first time.)

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

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

[Translation]

### NATIONAL FINANCE

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

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

**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:

[ Senator Rivard ]

That, pursuant to rule 95(3), the Standing Senate Committee on National Finance have power to sit from Monday, March 16, 2009, to Friday, March 20, 2009, even though the Senate may then be adjourned for a period exceeding a week.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO MEET DURING ADJOURNMENT OF THE SENATE  
AND 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, pursuant to rule 95(3)(a), the Standing Senate Committee on National Finance have power to sit on Monday, March 23, 2009, even though the Senate may then be adjourned for a period exceeding a week;

That the Standing Senate Committee on National Finance have power to sit from Tuesday, March 24, 2009, to Friday, March 27, 2009, even though the Senate may then be sitting, and that the application of rule 95(4) be suspended in relation thereto.

• (1430)

[English]

## BANK OF CANADA ACT

### BILL TO AMEND—FIRST READING

**Hon. Jeremiah S. Grafstein** presented Bill S-230, An Act to amend the Bank of Canada Act (credit rating agency).

(Bill read first time.)

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

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

[Translation]

## CANADIAN NATO PARLIAMENTARY ASSOCIATION

### VISIT OF COMMITTEE ON CIVIL DIMENSION OF SECURITY AND DEFENCE, APRIL 21-24, 2008— REPORT TABLED

**Hon. Pierre Claude Nolin:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association respecting the visit to Belgrade, Serbia and Pristina, Kosovo by the Committee on the Civil Dimension of Security and the Sub-Committee on Future Security and Defence, from April 21 to 24, 2008.

### VISIT OF SCIENCE AND TECHNOLOGY COMMITTEE SUB-COMMITTEE ON ENERGY AND ENVIRONMENTAL SECURITY, MAY 12-15, 2008—REPORT TABLED

**Hon. Pierre Claude Nolin:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association respecting the visit to Romania and Bulgaria by the Science and Technology Committee Sub-Committee on Energy and Environmental Security, from May 12 to 15, 2008.

### VISIT OF THE ECONOMICS AND SECURITY COMMITTEE AND SUB-COMMITTEE ON EAST-WEST CO-OPERATION AND CONVERGENCE, JUNE 23-27, 2008—REPORT TABLED

**Hon. Pierre Claude Nolin:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association respecting the visit to Washington, D.C. and New York, United States, by the Economics and Security Committee and the Sub-Committee on East-West Economic Co-operation and Convergence, from June 23 to 27, 2008.

[English]

## THE SENATE

### NOTICE OF MOTION TO URGE GOVERNMENT TO ENCOURAGE G20 AND G8 PARTICIPANTS TO ADDRESS POVERTY

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

That the Senate encourage the Government to do everything possible to ensure that participants at both the G20 London Summit scheduled for April 2nd in the United Kingdom and the G8 meeting scheduled for July 8 to 10 on La Maddalena Island, Italy, address the core challenge of redressing the increased and enduring poverty that is prevalent in all member states, with a view to addressing its social and economic effects on individuals and nations and to recognizing that critical income security initiatives and social infrastructure investment protect human dignity, the common good, equality of opportunity and economic prosperity; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

## COMMERCIAL SEAL HUNT

### NOTICE OF INQUIRY

**Hon. Mac Harb:** Honourable senators, I give notice that, two days hence:

I will call the attention to the Senate to the commercial seal hunt in Canada, especially matters concerning its negative and detrimental impact on Canada's reputation on the international scene.

## QUESTION PERIOD

### CITIZENSHIP, IMMIGRATION AND MULTICULTURALISM

#### DISENFRANCHISED CANADIAN CITIZENS

**Hon. Lorna Milne:** Honourable senators, it is International Women's Week, in 2009, and this Conservative government is still actively discriminating against women.

• (1435)

**Senator Manning:** No.

**Senator Tkachuk:** No.

**Senator Milne:** Carry on; please do. I will tell you how.

Less than a month ago, a Canadian World War II veteran — if you want to hear about Canadians who served our country — died while still disenfranchised in his own country. The only reason for his disenfranchisement is that he was born to a Canadian mother and an American father. Due to the arcane provisions of the Citizenship Act, it is much easier to obtain and regain Canadian citizenship if your relationship to Canada is through a man instead of a woman.

Can the Leader of the Government in the Senate explain why this Conservative government, in 2009, still holds the view that a father's family is more important than a mother's in determining citizenship?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** The honourable senator is obviously referring to a situation that has been in place for quite some considerable time, specifically with regard to the citizenship issue.

I would argue vehemently that we do not discriminate against women. As Senator Milne can well understand, I will need to seek advice from the citizenship department as to what the problem is, what rules and regulations are in place and what, if anything, has ever been done or not done over the past number of years — decades, I suppose, according to the honourable senator's question — by various levels of government with regard to this particular case.

**Senator Comeau:** Since 1945.

**Senator Milne:** Honourable senators, Guy Vallière was born in Canada. He was a tenth-generation Quebecer. He lived in Canada and he served the people of Canada in World War II. A month ago he died in Canada, yet he was denied citizenship because his mother was a Canadian but his father was not. I first told his story to this chamber on March 2, 2008, when Bill C-37 was being debated in this place.

When will this government stop apologizing for the Minister of Immigration and start demanding that he do the right thing and grant these "lost Canadians" their citizenship, regardless of the fact that his or her mother was a Canadian and not his or her father?

**Senator LeBreton:** With regard to the Minister of Immigration, he has recently taken up this post. I am well aware of the various complexities around the whole issue of "lost" Canadian citizens. This is a specific case.

I do know that our government has taken positive steps in this regard. With respect to this specific case, Senator Milne will understand that I will need to refer that matter to the department and await their answer.

[Translation]

### FINANCE

#### PAY EQUITY

**Hon. Lucie Pépin:** Honourable senators, my question is for the Leader of the Government in the Senate. Your government says it got its inspiration to include pay equity in collective agreements from legislation in Manitoba, Ontario and Quebec.

However, in these three provinces, pay equity is guaranteed by employers and unions in a context that is separate — very clearly separate — from the negotiating table. For example, in Quebec, pay equity committees are responsible for ensuring pay equity.

How can the Leader of the Government in the Senate explain the inconsistencies between her government's bill and the provincial legislation?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I thank the senator for the question. This morning, before the Standing Senate Committee on National Finance, these questions on the issue of pay equity were well answered.

Just to repeat: Our government does not believe that women should have to wait 10 or 15 years to have their pay equity complaints resolved. Under the current system, Federal Public Service employees and unions are not required to take pay equity issues into account during wage setting. These issues are only addressed as an afterthought when the complaints are made.

• (1440)

I point out to Senator Pépin that, in 2004, a Liberal-appointed task force concluded that proactive pay equity legislation is a more effective way of protecting the rights of women. That task force recommended that Parliament enact new, stand-alone pay equity legislation, and that is exactly what we are doing.

[Translation]

**Senator Pépin:** Honourable senators, every women's group and every organization that works for human rights and fights for pay equity thinks that this system is dysfunctional and has been calling for changes for a long time now. They are all unanimously rejecting your government's option. Can the Leader tell us why the government wants to impose this option, no matter what the cost? Why is it refusing to work with Canadians in order to find a real, proactive law that is unanimously accepted in Quebec and the other provinces?



[English]

**Senator LeBreton:** I strenuously disagree with the honourable senator that all people are against this. As a matter of fact, pay equity legislation in Manitoba and Quebec has evolved. On a federal level, we are going a step further by requiring that issues around equitable compensation be dealt with during the collective bargaining process, which is in keeping with a recent Supreme Court of Canada decision recognizing that collective bargaining is a fundamental human right.

**Hon. Lillian Eva Dyck:** Honourable senators, I have a supplementary question on the subject of pay equity for the Leader of the Government in the Senate. If this measure was at one time proposed as stand-alone legislation, why did the current government not separate it out and propose it as a separate bill, given its far-reaching implications?

**Senator LeBreton:** In our Economic Action Plan, equitable pay for women is an important economic goal. It is part of the economic plan because women, like men, are Canadian citizens who deserve to be paid. They deserve to have their salaries bargained and negotiated at the same time as all other collective bargaining, rather than having to wait 10 or 12 years to go through a lengthy court procedure to have them brought up to the same level as their male counterparts.

**Senator Dyck:** The government fact sheet states that the existing complaint-based pay equity regime has left us with a lengthy, costly and adversarial process. It sounds like the government is trying to save money at the cost of women. Is that true?

**Senator LeBreton:** What the honourable senator read is absolutely correct. That is precisely why we are doing what we are doing, so that women do not have to go through this lengthy, costly process in order to have their salaries bargained at the same time as everyone else.

**Hon. Joan Fraser:** Honourable senators, in the budget, the plan to gut pay equity is presented under the section headed "Strong Expenditure Management." Therefore, how much money is the government planning to save on the backs of the federal government's women employees?

**Senator LeBreton:** It is very clear that Senator Fraser has not read the budget and has not looked at the importance of this issue for women. There is a lengthy process. We saw it happen with the previous government. The process to resolve pay equity issues in court went on for years and years. The Supreme Court made a decision, which I referred to in my answer to Senator Pépin. Women should not have to wait 10 or 12 years to have their pay issues resolved when they could be and should be resolved at the time of collective bargaining.

**Senator Fraser:** It is really wonderful. It is an *Alice in Wonderland* world.

• (1445)

The bill now being studied by the Finance Committee makes market forces one of the criteria for assessing whether a pay equity question exists. As many of us know, the courts have ruled that not only collective bargaining but also pay equity is a human

right. The decision to put it under the rubric of market forces is odd, given that market forces are largely responsible for the existence of wage inequity in the first place.

Can the Leader of the Government in the Senate tell us whether the government plans to put any other human rights under the heading of "subject to market forces"?

**Senator LeBreton:** The honourable senator is making the assumption that somehow or other, we women do not wish to be included. I am simply saying to Senator Fraser that we want to ensure a proactive, timely and fair system for equitable compensation, where employees and bargaining agents work together, rather than as adversaries.

Under our legislation, employers and unions will be jointly accountable for setting fair wages and reporting publicly to employees. As I have said to Senator Pépin, the recommendations of a task force in 2004 concluded that proactive pay equity legislation is a more effective way of protecting the rights of women. That task force recommended that Parliament enact new, stand-alone pay equity legislation. That was the recommendation of the previous government, and that is exactly what we are proposing to do with this legislation.

**Senator Fraser:** That task force also strongly recommended against making pay equity part of the collective bargaining process.

I will ask the minister something about which I asked her a month ago, but never received an answer, namely, in the government's assessment, what will be the impact of this portion of the budget on women? The minister did not give an answer to me a month ago, but yesterday, in the other place, the Minister of Finance said that all elements of the Economic Action Plan had been gender-tested and had been gender-assessed. Will the Leader of the Government please table for us the results of that assessment of this portion of the budget?

**Senator LeBreton:** The question that Senator Fraser previously asked me was about gender-based analysis. The honourable senator would know, I am quite sure, that in order to obtain funding, Treasury Board submissions require evidence of gender-based analysis. This was an initiative that we as a government implemented in 2007.

**Senator Fraser:** Give it to us, then.

**Senator Cordy:** Where is it?

**Senator Milne:** Where is it?

## JUSTICE

### VIOLENCE AGAINST ABORIGINAL WOMEN

**Hon. Lillian Eva Dyck:** Honourable senators, my question is to the Leader of the Government in the Senate. It is with regard to violence against Aboriginal women.

For those Aboriginal women who have been physically or sexually assaulted or murdered, the history across the country, including in Saskatchewan, has shown that the male perpetrators — usually White men — who go to trial receive

sentences that seem to be too lenient for the crime that has been committed and for which they have been convicted. There have been two such cases in Saskatchewan. With the indulgence of honourable senators, I will go over them briefly to indicate the seriousness of the situation.

The first example we can refer to as the infamous *Tisdale* case. A 12-year-old Aboriginal girl was picked up by three White men who attempted to sexually assault her. One of the men was convicted and given a two-year conditional sentence, served at home; the other two were acquitted. They went to retrial, where one was re-acquitted. In a third case, the man was let go because the jury was hung, and a decision was made not to go to trial again. Justice was denied to the 12-year-old Aboriginal girl.

In the second example, in Regina, Pamela George, a 28-year-old mother of two, was beaten to death by two White men. They were convicted of manslaughter and sentenced to six and a half years in prison. One of the men was released after serving four years of his sentence. It was argued that the charge of first degree murder was not appropriate because Pamela George was a sex trade worker. Justice was denied to Pamela George.

• (1450)

How, then, does this government intend to toughen criminal legislation in order to protect Aboriginal women, who are five times more likely to die due to violence than non-Aboriginal women?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I thank the honourable senator for the question. Violence against women is a very serious matter. I am well aware of the incidents that she has cited, including the treatment of the perpetrators by the courts.

As the honourable senator knows, the government takes issues of violence very seriously. The Minister of Justice is undertaking several measures to tighten up our justice system. We hear complaints throughout the country asking us to bring in laws but if they are not implemented they do not provide much satisfaction to the victims.

With regard to violence against Aboriginal women, I believe the honourable senator asked me this specific question last fall. At the time, I indicated that the government is building five new women's shelters for First Nations communities in British Columbia, Alberta, Manitoba, Ontario and Quebec. Indian and Northern Affairs Canada and Canada Mortgage and Housing Corporation have been working with the First Nations on these proposals. Physical construction of these shelters is expected to start this spring.

The honourable senator's specific question is complex. We talk about violence against women and places where women can go to seek safety, and then we have incidents such as the honourable senator cites where women are attacked in public. I will certainly bring to the attention of the Minister of Justice her comments and her desire to have the justice system further strengthened in order to protect these people.

**Senator Dyck:** I have a supplementary question. Given that the current crime bill before the House of Commons suggests that there be an automatic charge of first degree murder if a gang member kills a police officer, would that sort of strategy be considered for Aboriginal women who have been murdered?

[ Senator Dyck ]

**Senator LeBreton:** I will refer the honourable senator's comments and her question to the Minister of Justice. Within the Criminal Code, there are various penalties for certain crimes, and the criteria is obviously something that the Department of Justice is always looking at. I will be very happy to take the honourable senator's comments to the Minister of Justice.

## INTERNATIONAL TRADE

### SOCIAL AND CORPORATE RESPONSIBILITY OVERSEAS

**Hon. Mobina S.B. Jaffer:** Honourable senators, the war in the Democratic Republic of the Congo has been called the war against women. In eight years of civil war, tens of thousands of women have been the victims of rape as a weapon of war on a scale that the world has never before seen. They are physically ravaged, emotionally terrorized and financially impoverished.

Given that Canadian companies are some of the largest investors in prospecting in the Congo, can the Leader of the Government in the Senate tell us what the government is doing to help these women? How is the government working with Canadian companies to help them? Have we set up medical clinics near our mining interests?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I listened to the previous statement of the honourable senator. It is heartbreaking to see what these people go through.

With respect to Canadian interests in some of these countries, I do not know off the top of my head whether there are specific criteria that involve communities surrounding Canadian interests abroad, but I do know that when the Minister of State for the Status of Women addressed the United Nations last week, she put on record Canada's ongoing commitment to the equality and proper treatment of women worldwide.

• (1455)

**Senator Jaffer:** I have a supplementary question. I understand that criteria were being set up for corporate and social responsibility for our companies working abroad. I ask that Senator LeBreton find out what the criteria are and if these companies are following the criteria.

**Senator LeBreton:** I am happy to do so, Senator Jaffer.

[Translation]

## STATUS OF WOMEN

### PAY EQUITY

**Hon. Maria Chaput:** Honourable senators, my question is for the Leader of the Government in the Senate. The population of Canada is over 33 million, of whom 16.7 million are women.

In 2008, nearly 6 million women were working full-time, and more than 2 million were working part-time.

Over the past 25 years, the labour force participation rate of women with children has risen sharply, with 64 per cent of women with children under the age of 3 holding a job in

2006. That is twice as many as in 1976. In 2006, 69 per cent of women whose youngest child was between the ages of 3 and 5 were gainfully employed or self-employed, as compared to 37 per cent in 1976.

The number of working single mothers has also risen significantly in recent years; it rose by 20 per cent between 1995 and 2006. In addition, the majority of working women continue to work in traditionally female jobs, jobs requiring long hours of work, with little or no flexibility.

In 2009, women are increasingly seeking to balance work and family life. However, in 2009, women are having a hard time finding affordable, quality child care services; and even in 2009, women still have to insist on the right to equal pay for work of equal value.

Could the Leader of the Government in the Senate tell us why the government is not supportive of women?

**Some Hon. Senators:** Bravo!

[English]

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, no one believes that the government does not support women. There is no question about it. When I was in a position to do something about appointments of women, women were moved from what had been stereotypical appointments and given major appointments in the government, such as the heads of major Crown corporations, export development corporations, et cetera.

Since Senator Chaput asked the question regarding what we have done for women, I will put on the record the announcements made by the Minister of State for the Status of Women for the week of March 1 to March 8, International Women's Week.

On Sunday, March 1, \$180,000 was announced for the Prince Edward Island Rape and Sexual Assault Centre in Charlottetown.

On Monday, March 2, Minister Guergis announced the partnership with WEConnect Canada, which will provide funding of \$611,000 over three years to assist women entrepreneurs, those very women who want to break out of non-traditional positions.

On Tuesday, March 3, \$643,000 in funding was announced to support business training initiatives to benefit francophone women in rural Ontario.

On Friday, March 6, \$392,881 in funding was announced over three years to three groups in Saskatchewan: Family Services Regina; Saskatchewan Association of Sexual Assault Services, in Yorkton; and Tamara's House, Services for Sexual Abuse Survivors, in Saskatoon, for projects to help survivors of sexual assault and domestic violence in the province. The same day, \$65,000 was announced for the Elizabeth Fry Society of Edmonton for a project that helps women and girls who have come into contact with the criminal legal system, to increase their financial knowledge and skills. Also, \$1,043,454 in funding over three years was announced for three groups in Montreal to help women with disabilities improve their management and business skills, to help immigrant women acquire home care worker skills and to help advance research into violence by women and improve the services offered to these women.

On Sunday, March 8, \$97,330 in funding was announced for a project in the Quebec City region to help immigrant women between the ages of 50 and 70 overcome social isolation by pairing them with mentors. Finally, on Sunday, March 8, \$178,000 in funding was announced for Women's Multicultural Resource and Counselling Centre of Durham, in Ontario, for a project that aims to help immigrant women who are victims of family violence to rebuild their lives.

That all occurred in one week.

• (1500)

## FINANCE

### SETTING OF RATES FOR EMPLOYMENT INSURANCE

**Hon. Elizabeth Hubley:** Honourable senators, it has been nearly one year since the Minister of Finance announced that the setting of rates for Employment Insurance would be taken out of the political hands of cabinet and given to an independent financing board. Can the Leader of the Government in the Senate say when the government expects to have this board staffed and running?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I will simply take the honourable senator's question as notice. I do not know.

**Senator Hubley:** Would the leader also bring forward the costs of setting up such a board at the same time?

**Senator LeBreton:** I would be happy to do so.

## TREASURY BOARD

### PAY EQUITY—COLLECTIVE BARGAINING IN THE PUBLIC SERVICE

**Hon. Jane Cordy:** Honourable senators, I have a supplementary question about pay equity. The leader has told us about collective bargaining whenever anyone has raised the question of pay equity. I have received information in my office from people who do not have the privilege of being part of collective bargaining. What about casual staff such as the 11 contract editors and sub-editors in Senate Debates? What happens to them if pay equity is moved out of human rights and into collective bargaining?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I cannot answer specifically for what the Senate does for casual employees. However, I would be very surprised if the Senate, or any responsible body, would treat their female employees any differently than they treat their male employees.

**Senator Cordy:** I would hope the leader is right. However, the reality is that not everyone has collective bargaining. Does the leader know what percentage of women in the workforce are not members of unions and have no access to collective bargaining?

**Senator LeBreton:** In 2009, we face a situation where women are in a very different space than they were perhaps even two decades ago. The one area that I must say I find difficult to justify is that there are still not many women on boards of directors.

If one looks at the opportunities for women now, as compared to when most of us joined the workforce, women outnumber men graduating from many of the medical and law schools at our universities.

Speaking from observation, there is a large number of women at senior levels of the public service. I dare say that in many of the senior level categories, women outnumber men. I cannot give the honourable senator a blanket answer as to the percentage of women affected by collective bargaining. I can only answer for that which the federal government is responsible, which is women who are part of the public service and are part of the collective bargaining process. We are simply trying to do what was recommended to the previous government and bring government policies into line with that report through proactive legislation, in addition to what is happening in other enlightened provinces — Ontario, Quebec and Manitoba — which each have governments of different stripes.

[Translation]

## ORDERS OF THE DAY

### NATIONAL FINANCE

#### COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of March 5, 2009, moved:

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.

(Motion agreed to.)

• (1505)

[English]

### SPEECH FROM THE THRONE

#### MOTION FOR ADOPTION OF ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Gerstein:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

#### MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

**Hon. Mobina S.B. Jaffer:** Honourable senators, I formally take this opportunity to welcome my new colleagues from British Columbia, Senator Yonah Martin, Senator Richard Neufeld and Senator Nancy Greene Raine. Now that we have six senators from British Columbia, I believe that we have a strong representation in the house. We will work to have more representatives from our province one day, but that is a subject for another day. Welcome to the Senate. I look forward to working with you.

Today I rise to speak in reply to January's brief Speech from the Throne. Specifically, I will address the theme of acting to protect the vulnerable — those hardest hit by the global economic recession. My comments are somewhat of an extension of those made in November's Throne Speech on the issue of helping all Canadians to participate regardless of cultural background, gender, age, disability or official language. They are about the government's promise to break down barriers that prevent Canadians from reaching their full potential.

Honourable senators, for economic stimulus we need to create more jobs and more investment in municipal infrastructure such as roads, construction and transit. We also need to look after the social infrastructure. These elements are all equal parts of the equation and vital pieces of the puzzle.

As the recession spreads its tentacles through the economy, many Canadians are facing harsh new realities. Job security is gone, opportunities are scarce and competition for jobs is abundant. Many honourable senators have already spoken on this issue, so I will not elaborate. Many have also spoken about the municipal infrastructure, so I will not address that any further, either.

Never has it been more important for the government to adequately protect the most vulnerable and to address the barriers that prevent people from fully participating. Issues such as child care, pay equity, immigrant access to the workforce, and violence against women are all pieces of the puzzle. When we focus on the job loss numbers that we are beginning to see in Canada, social issues tend to be shelved.

The government must ask itself whether it is being responsive to those issues. Many pieces to the puzzle or the budget are missing. To have an effective stimulus, we need child care; pay equity; programs to assist immigrants, including accreditation; and programs to target families who may be prone to family violence. Although there is no single, definitive cause of family

violence, there is an increased understanding that a person's vulnerability to abuse might be increased by a factor such as poverty.

Last year, the United Nations International Children's Emergency Fund released a report card on child care in Canada that found that Canada ranks last in the comparison of child care services in 25 developed countries. Canada failed on 9 of the 10 measures aimed at ensuring that children get the best start in life, including providing subsidized child care for 25 per cent of children younger than 3 years, and spending 1 per cent of GDP on early childhood services.

Canada's poor showing represents a lost opportunity for economic growth at a time of economic uncertainty. Building a system of high-quality early childhood care and education creates jobs and allows parents to work and pay taxes. UNICEF Canada states that this is key to promoting economic stimulus and recovery. It also states that Canada must introduce measurable standards, guidelines and appropriate funding for child care and solutions by July 2009. Given that no new funding was dedicated to this endeavour in the budget, I would say that we will not come close to meeting this demand.

• (1510)

Government policy in Canada has failed to meet the needs of Canadians. Subsidized daycare enables low-income parents to return to work or enter training programs to upgrade their skills, both of which are in desperate need in our economy.

The government is not adequately helping parents find solutions to this dilemma. Ontario, for example, was in the media recently, and they said they lost 22,000 daycare spaces across the province. The Premier of Ontario believes he has to convince Ottawa to keep funding the daycare spaces.

Without a guarantee of \$63 million from the federal or provincial government, municipalities will simply let go of the spaces with the turnover of children in September. Where is the new funding program for subsidized child care?

Canada needs a national network of early learning and child care centres. This means building more spaces and shouldering operating costs for this "social infrastructure," which is every bit as important in stimulating the economy as traditional methods involving construction.

It is not remarkable that Canada's birth rate remains well below the replacement level. If having a child in Canada equates to raising a family in poverty, then it is easy to understand why Canadians are opting out of parenthood.

Safe, affordable child care has always been an issue for Canadian parents. With the global downturn in the economy, it is something we as a country cannot ignore. Uncertain economic times mean two-income families. Long gone are the days in Canada when one parent was able to stay at home to provide child care. When we talk about economic stimulus, we must address the ability of parents to enter the workforce and afford this care.

The government says its Universal Child Care Plan provides families with the resources to help balance work and family as they see fit, regardless of where they live, whatever their circumstances or preferences. This is the ideal, but we have a long way to go before this is a reality.

Direct support to families through the Universal Child Care Benefit barely gives parents three free days of child care per month. Based on the situation in Ontario, I believe we can understand that transfers to the provinces and territories are obviously an issue.

If we want to remove barriers to participation, let us remove this huge obstacle for the working parent. Child care should be part of the economic stimulus package.

Honourable senators, another piece that is missing in the budget puzzle is pay equity. In January, U.S. President Barack Obama chose pay equity legislation as his first initiative to sign into law in his presidency. He noted that it was an issue that affects not only women but their entire families. He said:

... making our economy work means making sure it works for everybody, that there are no second-class citizens in our workplaces, and that it's not just unfair and illegal — it's bad for business — to pay somebody less because of their gender, or their age, or their race, or their ethnicity, religion or disability.

It is unfortunate that the Canadian government's current position on this matter is not as committed. We appear to be moving in an opposite direction from our U.S. counterpart.

The December fiscal update proposed to "modernize the pay equity regime." In January, the government narrowed their objective and said legislation would affect just public sector workers. It stated:

It will ensure that the employer and bargaining agents are jointly responsible and accountable for negotiating salaries that are fair and equitable to all employees.

Now the onus of obtaining fair and equitable wages will be falling on unions, and I am really puzzled as to how we can do that. How will we expect a union to represent its membership? Are we asking unions to sometimes represent men and sometimes represent women? Are we making unions more divisive?

Many have said this is an impossible task, and I agree that we are making unions divisive.

After killing the Liberal national child care plan, 13 out of 16 Status of Women Canada offices, the Court Challenges Program, the National Association of Women and the Law, and the word "equality" from the Status of Women Canada mandate, concern over this measure should not come as a surprise. It appears that the current government is narrowing options open to women. Half the population of our country is being left out.

In 2004, the federal Liberal government of the day put together a pay equity task force. On the general issue of gender wage gap, it found that it had existed for decades in Canada and across most industrialized countries. In Canada, it found that it appears to be

deeply rooted in the economy. Women continue to earn less than their male counterparts regardless of age, education, experience, labour market attachment or occupation.

Honourable senators, let us consider what this legislation does. It forever removes the ability of women working in the public sector to use the Canadian Human Rights Act to file pay equity complaints. Unionized public sector employees must now rely on the collective bargaining process to resolve these matters. Questions abound as to whether or not collective bargaining is the best method of dealing with this matter.

In 2004, the Liberal government task force said:

The legal regime governing collective bargaining has developed in a particular context, and has given rise to a distinctive pattern of relationships. . . . this pattern does not provide the optimal basis for achieving pay equity.

It further states:

To simply replicate the bargaining unit as the basic constituency for considering issues of pay equity carries with it the risk of replicating as well the occupational segregation and obliviousness to the gendered nature of work which is at the heart of the problem of wage discrimination.

Non-unionized women in the public sector must rely on their employers now to determine periodically whether compensation matters exist in the workplace.

Honourable senators, this is not an acceptable situation and we should not accept it.

These are the same employers who have failed to embrace and implement employment equity in the public sector, so perhaps this is not the best practice. This is a point worth reflection as we contemplate a response to this situation.

Another issue of concern in the bill is that an arbitrator would have to take market forces into account when determining whether wage rates for men and women are fair. These are the same market forces that permitted systemic wage discrimination against Canadian women.

Pay equity was designed to specifically correct a failure in the market that allowed this discrimination. Now, what will this concept mean to pay equity?

Pay equity has wide-ranging social and economic consequences for all women, their families and children. When we speak about economic stimulus, addressing this issue is an imperative part of solving the puzzle.

I am hopeful that a thoughtful and comprehensive study of this issue will occur before we pass this legislation. Honourable senators, we owe this much to all Canadian women.

On the issue of immigration and recession, another piece of the budget puzzle is missing to address the special needs of immigrants. Programming targeted at credential recognition and other initiatives that help ease their transition to the Canadian workforce are essential.

Back in November last year, I addressed the needs of skilled immigrants to have their credentials recognized. The negative costs to our labour market, economy and skilled immigrants are substantial. The federal government, as the agent in charge of immigration, has a responsibility to facilitate a solution to this serious issue.

We need to get the provinces together on this issue. Just as we have round tables on health and the economy, we need to proceed in this fashion on immigrant accreditation.

In November, I also highlighted the need for more cooperation between Citizenship and Immigration and Human Resources and Skills Development Canada. Citizenship and Immigration must consider labour market issues facing skilled immigrants, and the HRSDC must look at programming that would offer loans or skills training for accreditation.

Perhaps we need to look at relaxing regulation and certification. The Alberta government is looking at ways to reduce the red tape in a way that ensures the safety of people but continues to build the workforce.

We need to know if programming like the new Foreign Credentials Referral Office is helping skilled immigrants. Should this office have an expanded role or should this program funding be spent elsewhere?

- (1520)

Canada has had some recent success, and I commend the government for that, with programming that prepares immigrants for the job market while in the source country. This limited programming has been successful, and I look forward to it being expanded.

Honourable senators, the downturn in the economy will be felt most by the most vulnerable in our society. We create vulnerability for newcomers to Canada by not providing proper assistance with accreditation and resettlement.

The federal budget predicts that the unemployment rate will be 7.5 per cent over the course of the coming year, meaning that around 1.4 million Canadians will be looking for work every month. Typically, rigid job markets are hostile to newcomers. Typically, newcomers are women re-entering the job force after raising children, young people starting a career, and immigrants.

With the high record of immigration levels during this recession, assisting the immigrant community must be part of the economic stimulus puzzle.

In 2009, Canada will welcome between 240,000 to 265,000 new permanent residents, a 15-year high. Their welcome during this recession will not be a warm one. These people will be some of the first in Canada to hit the wall of the rigid labour market. They will compete against many established Canadians and permanent residents for low-paying and temporary jobs. With no Canadian job experience and an inability to qualify for Employment Insurance benefits, life in Canada will be difficult for these newcomers.

Honourable senators, if we are committed to bringing immigrants to our country, then we must do more to help them. Canada must learn from its past mistakes. The recession of

1990-92 was made worse by the government of the day when it maintained high immigration levels without paying sufficient attention to how the job market would respond.

Waiting for these newcomers to our country was joblessness, lower pay and higher poverty rates. Virtually all the increase in poverty during the recession of the early 1990s was accounted for by those newly arrived to our country.

In the face of this situation, in the budget we have \$50 million dedicated to foreign credential recognition.

**The Hon. the Speaker *pro tempore*:** I regret to advise the honourable senator that her 15 minutes has expired. Is she asking for more time?

**Hon. Gerald J Comeau (Deputy Leader of the Government):** We will agree to five more minutes.

**Senator Jaffer:** We have been told that \$50 million will go directly to the provincial bureaucracies.

Honourable senators, let me share with you my recent experience with my French teacher. She has a degree from Lausanne, Switzerland. She is one of the best teachers that I have found. She came to our country a number of years ago, when she was told that she would be accepted by our school board. When she arrived, the Vancouver school board asked her to go back to university for two years because her degree was from Lausanne, Switzerland and not from a European Union country. She could not afford to go back to school, as she had limited circumstances. She was from Romania.

She has been working for three years as a temporary French teacher. She recently acquired a job in a private school in North Vancouver. She earns \$17 an hour because she is not qualified in B.C. She has had to call her mother to come from Romania to look after her child because she cannot afford child care. Her husband is a civil engineer, but because he is not qualified in B.C., he also earns \$17 an hour.

Honourable senators, I do not believe that we should welcome professionals to our country and treat them in this manner.

When we discuss economic stimulus and helping the vulnerable overcome obstacles to participate in Canadian society, we must address how the programming of Human Resources and Skills Development Canada and Employment Insurance must respond to the needs of these people. Canadian society has a basic responsibility to ensure that newcomers have a similar chance at succeeding in life as Canadian citizens.

Over the last quarter century, low-income rates among recent immigrants increased from 24 per cent in 1980 to 34 per cent today. Canada loses 40 per cent of its professional male immigrants within 10 years. This statistic speaks to the fact that we are failing to integrate the record numbers of immigrants we accept every year. Our country cannot afford what this failure is doing to our economy, our international reputation and the lives of countless newcomers.

In the aftermath of International Women's Day, it is an especially relevant time to speak about how recessions and economic hardship relate to violence against women and within

families. When the government is not responsive to programming that assists and removes barriers for vulnerable factions of our society, it creates undue strain on families. Emotions are high and finances are low. People are isolated. Research tells us that poverty and unemployment are among the key factors of domestic violence.

Honourable senators, I do not have the time to address the statistics, but I know that all honourable senators are well aware of them. One victim is too many. Programming coping with this issue spans across 15 government departments. We have to ask: Are we doing enough? Is the programming properly funded?

We need to look at supporting the family in the best ways possible during this recession. In times of economic crisis, we must reach out and offer specific programming targeting these issues, as they are more likely to occur.

Honourable senators, if we are serious in our attempts to end the recession and have all Canadians fully participate in this economic recovery, then we have to look at these issues. There is a grave economic and social fallout, and as we progress in this unprecedented era of world economic downturn, let us not forget that social infrastructure requires funding and attention as well.

Solutions to these problems need to be part of the economic stimulus. When we leave these factors out of the equation or they are not part of the solution, then we let down all Canadians.

(On motion of Senator Comeau, debate adjourned.)

[Translation]

## CRIMINAL CODE

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

**Hon. Jean Lapointe** moved the second reading of Bill S-226, An Act to amend the Criminal Code (lottery schemes).

He said: Honourable senators, the bill that is before you has already been thoroughly reviewed by the upper house and two of its committees, namely the Legal and Constitutional Affairs committee and the Social Affairs Committee. Most of you have heard me talk about this bill on a number of occasions, whether it was here in the Senate, in committee, or in the media.

Honourable senators, I made a commitment not only to myself, but to hundreds of people that I would continue to fight against the video lottery terminals that can be found on almost every corner in the inner cities of eight provinces, and to do so until this bill is passed.

I should not have any trouble convincing you to return the bill to the other place, but I will nonetheless tell you about the harm that these diabolical machines do to our fellow citizens.

• (1530)

I will also talk about how this bill will have a positive impact on our communities. For the benefit of our newest senators, I will summarize the dangers of VLTs that eight provinces afflicted with this plague are grappling with. The purpose of the bill is to

relocate VLTs, to remove them from bars and restaurants and confine them to casinos, racecourses and betting theatres. According to a study by *The Fifth Estate*, there are currently 38,652 VLTs in 8,309 locations across Canada.

Within three years of the bill being passed and coming into force, there will be only 206 locations in Canada where people can use VLTs, all of them under provincial jurisdiction. This will be major progress because these infernal machines will be out of reach and will attract far fewer new players.

Honourable senators, two groups of people are particularly vulnerable to the video lottery scourge: youth and seniors. Let us give them hope and remove the cause of their distress by passing this bill as quickly as possible.

By amending the Criminal Code of Canada, we will put a stop to a plague that, all too often, causes countless problems for our fellow citizens. During a presentation on VLTs, Dr. Robert Ladouceur, a Laval University psychologist and one of the most prominent researchers in the field of compulsive gambling, said that 95 per cent of the people he treats for pathological gambling play VLTs.

According to the report on gambling prepared by Harold Wynne of the Canadian Centre on Substance Abuse, 78 per cent of people with a gambling problem play VLTs. Also, according to a study published in the *Canadian Journal of Psychiatry*, most compulsive gamblers are addicted to VLTs, which they play daily or several times a week. They stick close to home and use the terminals available in neighbourhood bars.

In his presentation to the CIHR Institute of Neurosciences, Mental Health and Addiction, Dr. David Hodgins of the University of Calgary said that there are 3 per cent problem gamblers and 2 per cent pathological gamblers in Alberta, and that 90 per cent of people seeking treatment in Alberta are VLT players.

A study entitled "The Prevalence of Problem Gambling in Prince Edward Island" stated that for all but one of the 71 pathological gamblers admitted to the program, VLTs had caused the most problems in their lives.

These concerns have been justified by results from many research studies, such as the one in Windsor and those in Quebec by noted researchers Jeffery Derevensky and Rina Gupta of McGill University, and Harold Wynne of Wynne Resources in British Columbia. According to the work done by Gupta, Derevensky and Wynne, gambling rates among youth appear to be rising, with between 4 per cent and 18 per cent of adolescents developing a serious gambling problem. Pathological gambling has considerable social and financial impact on individuals, the family and society in general.

So many hardships, broken homes, suicides and crimes can be traced back to VLT addiction. These problems are a heavy burden for the health care system and the courts, and very costly for taxpayers.

Allow me to quote from a report by the Standing Senate Committee on Legal and Constitutional Affairs:

Thus, it may be said that provincial revenues from VLTs are a double edged sword; the revenues are welcome, but the social costs for individual problem gamblers and their families may reverberate for years to come. Indeed, your Committee received testimony about studies estimating that the social cost of video lotteries is three to five times higher than the revenue they bring in.

Honourable senators, by passing this bill, the Government of Canada will help those provinces that run a deficit because of their video lotteries, and not a profit, as some provincial representatives would have us believe.

As for federal-provincial relations, both entities signed agreements in 1979 and 1985 and now gaming falls mostly under provincial jurisdiction. However, in Part VII of the Criminal Code, the federal government has some room to manoeuvre in order to prevent possible future abuse.

Honourable senators, two facts convince me it is high time the federal government assumed its responsibilities and acted on this matter. The first is the fact that the monitoring agencies, which authorize the provinces to issue licences to operate video lottery terminals, report to the provinces. It is therefore hard to imagine that they will some day stop accumulating these hidden taxes, because they are blinded by the exorbitant amounts of money brought in by the video lottery terminals.

Furthermore, the federal government, which receives almost none of the gaming revenues, is in a much better position to defend the interests of people with gambling problems. Provincial authorities accumulate profits annually with their video lotteries. A number of studies by university researchers throughout Canada and reports by provincial governments, private institutions and social workers have established that the social costs of the video lotteries are three to five times higher than the revenues flowing to the provincial governments.

The second fact is that the agreements are already a number of years, if not decades, old. When they were concluded, the provincial governments managed no video lotteries. It was impossible, at that point, to foresee the unhappiness they would heap upon those less well off in our society.

For those who fear bars and restaurants will once again harbour illegal video lottery terminals, I point out that the legalization of video lotteries has not eliminated organized crime. Today, the criminal world is more than ever involved in money laundering and loan sharking to the considerable detriment of compulsive gamblers.

When the bill becomes law, it will be important for the provinces to set up a squad to implement it. I am sure that can be done, since, in enforcing anti-smoking legislation, the government of Quebec has 44 inspectors and 70 building safety officers who can ticket offenders. It is therefore very easy to imagine that these 114 people could also check whether the premises they visit have video lottery terminals.

Honourable senators, recent surveys have shown that the public is fed up with these bloody machines. Léger Marketing, in partnership with the *Journal de Montréal*, reported that more than 68 per cent of Quebecers were in favour of such a bill, while only 10 per cent opposed it.



Furthermore, in another survey, the Canada West Foundation found that more than 71 per cent of the Canadian population was in favour of legislation to restrict video lottery terminals to casinos and racecourses.

The time has come for the federal government to protect Canadians against the worst plague to afflict our society since the Spanish flu. Honourable senators, the federal government must act.

For these reasons, I ask that the bill be read a third time this very day in order for it to go to the House of Commons at committee stage, where it was before the last election was called. I therefore appeal to all honourable senators to support this bill and to immediately pass it at third reading, if only to relieve human misery.

(On motion of Senator Brown, debate adjourned.)

• (1540)

[English]

### CANADA ELECTIONS ACT PARLIAMENT OF CANADA ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Day, for the second reading of Bill S-224, An Act to amend the Canada Elections Act and the Parliament of Canada Act (vacancies).

**Hon. Wilfred P. Moore:** Honourable senators, I would like to speak to close debate on this bill.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, if the honourable senator speaks at this point, his speech would, in fact, close the debate. Therefore, I will continue the adjournment of the debate.

**The Hon. the Speaker:** It is moved by the Honourable Senator Comeau, seconded by the Honourable Senator Stratton, that further debate on Bill S-224 be continued at the next sitting of the Senate.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** All those in favour of the motion please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed to the motion please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the yeas have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Do the whips have any advice as to how long the bell will be?

**Hon. Terry Stratton:** One hour.

**The Hon. the Speaker:** As there is no agreement, it will be a one-hour bell.

Honourable senators, it being now 20 minutes to 4, the vote will be held at 20 minutes to 5, and the bells will ring for 10 minutes beforehand.

Does the Speaker have permission to leave the chair?

**Hon. Senators:** Agreed.

• (1640)

Motion negated on the following division:

### YEAS THE HONOURABLE SENATORS

Andreychuk  
Angus  
Brazeau  
Champagne  
Comeau  
Di Nino  
Dickson  
Duffy  
Eaton  
Eyton  
Fortin-Duplessis  
Gerstein  
Greene  
Housakos  
Johnson  
Keon  
Lang  
LeBreton

MacDonald  
Manning  
Martin  
Meighen  
Mockler  
Nancy Ruth  
Neufeld  
Nolin  
Oliver  
Prud'homme  
Raine  
Rivard  
Segal  
St. Germain  
Stratton  
Tkachuk  
Wallace  
Wallin—36

### NAYS THE HONOURABLE SENATORS

Adams  
Atkins  
Baker  
Banks  
Bryden  
Campbell  
Carstairs  
Chaput  
Cook  
Corbin  
Cordy  
Cowan  
Dawson  
Day  
De Bané

Hervieux-Payette  
Hubley  
Jaffer  
Joyal  
Kenny  
Mercer  
Merchant  
Milne  
Mitchell  
Moore  
Munson  
Murray  
Pépin  
Peterson  
Poy

Downe	Ringuette
Dyck	Robichaud
Eggleton	Rompkey
Fairbairn	Smith
Furey	Stollery
Goldstein	Tardif
Grafstein	Watt
Harb	Zimmer—46

#### ABSTENTIONS THE HONOURABLE SENATORS

Nil

• (1650)

**Hon. David Tkachuk:** I move the adjournment of the Senate.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**Hon. Lowell Murray:** Honourable senators, I believe there is a point of order here. The motion to adjourn a debate has been defeated. The motion that is properly before the house at the moment is second reading of Senator Moore's Bill-224. At a minimum, I think there must be a motion to adjourn that debate before we entertain Senator Tkachuk's motion to adjourn the Senate. Otherwise, I am not sure what the fate of Senator Moore's bill would be.

**Senator Comeau:** Honourable senators, as much as I admire Senator Murray's knowledge of rules and procedures, he is wrong on this one. We went through the adjournment of the debate on the motion of Bill S-224, so we would not reintroduce a motion.

A motion to adjourn the Senate is completely in order. Generally, there is no debate about adjournment; we proceed directly to it.

[Translation]

**The Hon. the Speaker *pro tempore*:** Honourable senators, the motion to adjourn has been moved, and there is no debate.

It is moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Comeau, that the Senate do now adjourn. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker *pro tempore*:** Will those honourable senators in favour of the motion please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** Will those honourable senators who are opposed to the motion please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** In my opinion, the "nays" have it.

[English]

*And two honourable senators having risen:*

**The Hon. the Speaker *pro tempore*:** Please call in the senators for a vote.

**Senator Stratton:** Let it be in one hour.

**The Hon. the Speaker *pro tempore*:** Is there agreement from the whips?

**Some Hon. Senators:** Now.

**The Hon. the Speaker *pro tempore*:** Is there an agreement for time?

**Some Hon. Senators:** No.

**The Hon. the Speaker *pro tempore*:** Is there agreement by the whips on a vote? There is no agreement, so the rules say the bell must be a one-hour bell. Call in the senators.

• (1750)

Motion negated on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk  
Angus  
Brazeau  
Brown  
Champagne  
Cochrane  
Comeau  
Di Nino  
Dickson  
Duffy  
Eaton  
Eyton  
Fortin-Duplessis  
Gerstein  
Greene  
Housakos  
Johnson  
Keon  
Lang

LeBreton  
MacDonald  
Manning  
Martin  
Meighen  
Mockler  
Nancy Ruth  
Neufeld  
Nolin  
Oliver  
Prud'homme  
Raine  
Rivard  
Segal  
St. Germain  
Stratton  
Tkachuk  
Wallace  
Wallin—38

#### NAYS THE HONOURABLE SENATORS

Adams  
Atkins  
Baker  
Banks  
Bryden  
Chaput  
Cook

Hubley  
Jaffer  
Joyal  
Kenny  
Losier-Cool  
Mercer  
Merchant

Corbin	Milne
Cordy	Mitchell
Cowan	Moore
Dawson	Munson
Day	Murray
De Bané	Pépin
Downe	Peterson
Dyck	Ringuette
Eggleton	Robichaud
Fairbairn	Rompkey
Fox	Sibbeston
Furey	Smith
Goldstein	Stollery
Grafstein	Tardif
Harb	Watt
Hervieux-Payette	Zimmer—46

#### ABSTENTIONS THE HONOURABLE SENATORS

Nil

(Debate suspended.)

#### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

##### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. W. David Angus:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), given that we have a minister waiting at the Standing Senate Committee on Energy, the Environment and Natural Resources, I move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 6:15 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:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

(Motion agreed to.)

#### THE ESTIMATES, 2008-09

##### THIRD REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED—SUPPLEMENTARY ESTIMATES (C)

Leave having been given to revert to Government Business, Reports of Committees, Item No. 1:

The Senate proceeded to consideration of the third report of the Standing Senate Committee on National Finance (*Supplementary Estimates (C), 2008-2009*), presented in the Senate on March 5, 2009.

**Hon. Joseph A. Day** moved the adoption of the report.

(Motion agreed to and report adopted.)

#### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, it now being 6 p.m., I shall leave the chair to return at 8 p.m.

**An Hon. Senator:** Do not see the clock.

**The Hon. the Speaker:** Honourable senators, it is moved that I not see the clock. Is there agreement that I do not see the clock?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**Senator Comeau:** We see the clock.

**The Hon. the Speaker:** Without unanimous consent to not see the clock, I shall leave the chair to return at 8 p.m.

(The sitting of the Senate was suspended.)

• (2000)

(The sitting of the Senate was resumed.)

#### CANADA ELECTIONS ACT PARLIAMENT OF CANADA ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Day, for the second reading of Bill S-224, An Act to amend the Canada Elections Act and the Parliament of Canada Act (vacancies).

**Hon. Hugh Segal:** Honourable senators, I rise to speak on this bill because I am concerned that, despite what I know is the positive intent of our colleague Senator Moore, this particular bill as framed may have the unexpected outcome of conflicting with section 32 of the British North America Act in a way that prescribes the authority of the governor to take advice on this matter over whatever time frame the Prime Minister or first minister of the day deems appropriate.

The problem we face is serious because it relates to the unique British parliamentary system that separates us from other governments on this continent, which tend to be congressional and presidential. It is that we have a strong premise around the prerogative of the first minister, who has the confidence of the house to give advice to the Crown. The Crown cannot have two advisers, and the freedom of the first minister to give advice cannot be prescribed by statute.

If we begin to go down the road of prescribing what ministerial counsel might be, what a prime minister's advice might be to Her Majesty or her representative, where would that end? Would we want to embrace the issue of dissolution? Would we want to prescribe that by statute when there is already a constitutional provision that lays that out?

I know that honourable senators across the aisle have, in many cases, been sincerely in opposition to the efforts by our Prime Minister to reform by statute the term of office in this place and also to reform the way in which he might get direction from the public before he gives advice on section 32 of the Constitution.

I am one of those who have supported that legislation. I worked on the special committee chaired so eloquently by Senator Hays when he was here. Many who have been critical have said that is an effort to reform the Constitution by the back door, and I think that is a fair reflection on the views of senators opposite, which they have expressed with the best of intent and in the public interest, that they wanted to obtain a full constitutional opinion on whether that matter could proceed, and in fact acted in a fashion to hold up the legislation until such time as that might transpire.

While I respect the intent of the bill to ensure that there is no gap in representation when vacancies occur either in this place or the other place, the instrument chosen to do that may in fact be an unwitting reform of the Constitution by the back door, which, as I understand it, is something to which honourable senators across the way are very much opposed.

My second concern is that we must be very careful about creeping Americanization of our very British parliamentary form of government. We have a duty in this place to defend those pillars of parliamentary tradition that have set us apart and for which generations of men and women in uniform have fought time and again. We know who it is that prescribes these kinds of limitations by statute — it is our American friends. They do so because the fathers of the American Revolution wanted to structure a government with competing powers so that it could never work in any kind of coherent fashion. That is the American tradition; that is not our tradition. Our tradition is a strong executive based on confidence in the house, loyal to the Crown and free to give advice which they deem appropriate to the Crown and in defence of the public interest.

Honourable senators, let us imagine that this bill was in place and the Prime Minister, in thinking about vacancies that might occur under the old system, thought there was a distinguished military officer, physician or research scientist who would be a good addition to this chamber, but that person could not be available for five months. Based on this legislation, that person would be off the list.

With respect to the proposal in this bill that a prime minister move to fill seats, would anyone in this place deny that the time taken by the prime minister to fill the vacancies and the quality of his advice to Her Excellency would produce one of the finest intake of new senators in the history of this institution? When I think of the proud tradition of Nova Scotia, the strong Celtic relationship with the Crown, the loyalty to the British condition, I am deeply troubled by where this legislation would take us and the parts of our tradition, democratic history and parliamentary heritage it would set aside without regard to the implications thereof.

Honourable senators, it is important that we reflect on the constitutional issue because when a statute is used to prescribe a section of the Constitution, we get into a very difficult area. Our Prime Minister's proposal in terms of a statutory range of constraints complies with what Lester Pearson did when he

reduced the date of reservation from life to the age of 75. Everyone accepted that was within the purview of this place. However, I am not sure that what is proposed in this legislation does not go much further, producing more risk, and is perhaps *ultra vires*.

I believe, therefore, that before we let this bill pass second reading, we have a duty to the history of this institution, to the democratic principle, to the prerogatives of the Crown.

I am sorry that Senator Cools could not be with us tonight. She is recuperating. We wish her well and hope she will be back soon. She has remarkable skills on the issue of the Royal Prerogative. She has spoken to it so eloquently in this place. In my brief time here I have heard her on many occasions. She would instruct us that every time you constrain the Royal Prerogative, every time you seek to limit the ability of the Prime Minister to give the best advice and take the necessary time to do that, you diminish the effectiveness of government, you dilute the parliamentary nature of our system, and you may in fact stand between the Crown and getting the best possible advice that the Crown has the right to expect from its first minister.

Would we want, for example, to constrain by statute the right of the first minister to give advice to the Crown, to the Governor General, in her role as commander-in-chief of Her Majesty's Canadian Forces? If we were to begin to constrain that by statute, where would that lead? We are opening a door down a very dark hall, a hall which has in it twists and curves and risks and problems that I do not think this bill fully anticipates.

#### MOTION IN AMENDMENT

**Hon. Hugh Segal:** Therefore, honourable senators, I move:

That Bill S-224 be not now read a second time but that the subject matter thereof be referred to the Standing Senate Committee on Legal and Constitutional Affairs;

That the committee report back no later than September 22, 2009; and

That the Order to resume debate on the motion for the second reading of the bill not appear on the *Order Paper and Notice Paper* until the committee has tabled its report on the subject matter of the bill.

• (2010)

**The Hon. the Speaker:** It is moved by Honourable Senator Segal, seconded by the Honourable Senator Nancy Ruth, on a motion in amendment, that Bill S-224 be not now read a second time but that the subject matter thereof be referred to the Standing Senate Committee on Legal and Constitutional Affairs, that the committee report back no later than September 22, 2009; and that the order to resume debate on the motion for the second reading of the bill not appear on the *Order Paper and Notice Paper* until the committee has tabled its report on the subject matter of the bill.

That is the motion that is now before the house. Is there debate?

**Hon. Joan Fraser:** Is the honourable senator aware that not only the substance but also the bill itself has already been studied at some length by the Standing Senate Committee on Legal and

Constitutional Affairs in the last Parliament and that, among other things, the Honourable Peter Van Loan, appearing as the relevant minister before that committee, gave his considered solid opinion that this bill was entirely sound in constitutional terms, entirely within the terms of the Constitution?

**Senator Segal:** I am aware of that study. As I would defend the prerogatives of this place as intently as any, but not with as much experience as some, I hope that we would never in this place be so prescribed by ministerial opinion that we would not want to study it ourselves and ensure our options are properly preserved.

**Hon. James S. Cowan (Leader of the Opposition):** My question is whether the creeping Americanism that Senator Segal spoke about so derisively includes fixed election dates.

**Senator Segal:** That is where we have a gap between us, both philosophically and historically, because passing legislation about when election dates should take place in a majority context does not limit the advice that can be given to the Crown when events transpire in the house so as to change those circumstances. In fact, we have seen that event play itself out in some fashion.

The proposals made by our side with respect to Senate reform, particularly with respect to a referendum by which people can vote and indicate their preference for vacancies, in no way, shape or form limit the rights of the Prime Minister to make specific advice to the Governor General relative to who should be summoned to this place.

The fact this Prime Minister, because he is a profound democrat, chooses, as a matter of preference, not to stand in the shower and decide who he wants to appoint to the Senate but to consult the people of Canada so they can express their views speaks to what a profound democrat he is. That preference is in the British tradition and the parliamentary tradition, and my good friend from Nova Scotia knows that better than I do.

**Hon. Marcel Prud'homme:** I wish to make a little correction. Unfortunately, because of my age, I was there. When Mr. Pearson suggested an amendment to the Senate, it was not well received by many senators. It was after a long consultation. I wish to correct, for the record, that it was not the way it happened.

Mr. Pearson wanted to reform the Senate, but he could not because senators objected. He said: Okay, from now on, anyone I appoint will be 75. It does not touch you. You have the option, if you are less than 75, to take a pension when you reach 75, or if you do not take the option, you should stay until you die. My predecessor chose that option, and he was 54 years in Parliament. I beat him in the House of Commons, but I cannot beat him here in the Senate. He was 26 years in the Senate.

It is not a debate, but I am sure my colleague would like to ensure the record is correct.

**Senator Segal:** I am always honoured to be corrected by my good friend. His perspicacity and breadth of commitment on parliamentary issues are always a source of inspiration and new knowledge for young fellows like me who have been here only for a few years.

With respect to Prime Minister Pearson, he had that remarkable capacity to move ahead on an issue, to understand where the opposition was, and then — dans l'esprit du fédéralisme rentable — work with others to achieve significant progress on issues like post-secondary education, the Canada Pension Plan, and even on smaller issues like the retirement age for senators. That is the spirit of incrementalism that this bill works against. That is why this bill is so unintentionally insidious in my judgment and why we need to study it more profoundly. In the spirit of Mike Pearson, we should study it more.

**Senator Prud'homme:** In the spirit of what he says of Mike Pearson and all the good words the honourable senator said about how to run a minority government in the Pearson days, maybe the same suggestion should be relayed today.

**Senator Segal:** I take that suggestion as it is offered, in the constructive spirit with which the honourable senator always operates. While there may be differences in tone and personal attitude, I believe the Harper administration's first minority government is one of the longest in the history of Canada.

**Hon. David P. Smith:** Senator Segal has questioned the constitutionality of this bill, notwithstanding the fact we have been advised that the judicious member of the other place, the Honourable Peter Van Loan, and sometime law partner of mine for many years, has said there are no constitutional issues.

If that is the case, another route is possible, which is a reference to the Supreme Court on whether this matter is a constitutional one. Will the honourable senator support such a suggestion?

**Senator Segal:** That proposition is a big one. If the honourable senator and the sponsor of this bill wanted to propose that the bill stop here and proceed to the Supreme Court for consideration, I know honourable senators on the government side, in the spirit of cooperation that always inspires their approach, would look at that proposal in a positive and constructive way. I do not have the authority to speak for them.

The leadership will decide, but I have every confidence that they will take that constructive suggestion exactly the way it has been offered, and deal with it in a way that I think all of us in this house, except for Senator Moore, perhaps, would be delighted with.

**Senator Smith:** I am delighted to hear the honourable senator's answer because it seems to me if he is prepared to accept that proposal with this piece of legislation, then the Prime Minister's other legislation on Senate reform should also be attached to it, and we should have a judicial review from the Supreme Court of Canada on all of the legislation at once.

**Senator Segal:** As is often the case with the well-intentioned law partners of ministers of the Crown, they can mix apples and oranges on occasions.

Those proposals from the Prime Minister were different and, in my view, had no constitutional implications whatsoever, whereas this proposal has serious constitutional and important implications for the conventions of our system. In the British constitutional approach, conventions are the threads that hold the Constitution and our democracy together.

**Hon. Jeremiah S. Grafstein:** I listened to my honourable friend with rapt attention. He has misconstrued, in a way, in one instance, the role of the Crown as it relates to constitutional matters, and the long-established principle and precedent of this place, namely, that when a minister of the Crown stands up, representing the Crown, as the minister does, and says the matter is constitutional, we need not go beyond that. There has not been an instance that I can recall where the minister of the Crown finally concedes, as they have on a number of my own private member's bills, that the bills were constitutional. I do not think it is incumbent or required on this side, or any side, to go further than that.

• (2020)

This is a very interesting, wonderful debate but, on that particular issue, I cannot think of a single instance where the minister said the bill was constitutional that anyone then decided to challenge that and say, "By the way, I disagree." Perhaps the honourable senator can draw an instance to our attention or point to something specific in the private member's bill.

**Senator Segal:** I will detail one specific instance. When the legislation with respect to reforming the terms of the Senate and the means of selection was brought forward in this chamber and the other place by the government, the only minister who said he believed it to be constitutional was the Prime Minister of Canada. The other side still wanted to refer the matter to the Supreme Court. One cannot suck and blow at the same time.

**Senator Grafstein:** Obviously, the honourable senator has not listened carefully to my question and my response. When the Prime Minister, in terms of his own bill, decides that this is constitutional, that is a different question. Clearly, it is a different question.

It is a different case when a private member's bill, which limits the exposure or the power of the government — which is a proper check and balance on the government — and the minister says in contest to that bill: "That bill which I disagree with is constitutional." Certainly, that is a different case than a constitutional issue where there is great debate. It is a different example. Having said that, let us agree to disagree.

Let me raise another aspect of why this debate is so troublesome and why it will affect the privilege of every senator. Some years ago, when I first came to this place, there was not a practice on either side to accept private members' bills, notwithstanding the fact that, for years and years, the mother Parliament had a practice of private member's bills that, in fact, would limit the Royal Prerogative.

This bill is, essentially, a private member's bill dealing with a contentious matter. That is obvious and we agree with that. Having said all that, putting a chill on this particular bill, as we have on other private bills, limits the privileges of each individual senator to come forward with his or her version of what he thinks is appropriate for a measure affecting the country.

I caution the honourable senator to be careful that he does not erode his own privileges.

**Senator Segal:** I take the question in that statement as: Do I believe that, by opposing this legislation, I would be diminishing the privilege of all senators with respect to private legislation? Of course, I would never want to do that and nor would I want to be interpreted as doing that.

What makes this place special is that we do, on occasion, have the time to look at bills in great detail, to assess them, to have witnesses and to have hearings. The hearings are usually profoundly non-partisan. They are about quality debate, discussion and important issues of detail.

I truly believe that we pay credit to Senator Moore and this bill by suggesting that it requires more study because the ideas in it are that serious. The ideas impacting the way our democracy works are that fundamental. Therefore, quite the contrary, I believe that, by proposing the amendment that I did make with respect to further study, I am paying tribute to the intent and the seriousness of the honourable senator's efforts. I think it is important that we move on to that as soon as this place feels that makes sense.

**The Hon. the Speaker:** Honourable senators, we now continue debate. The question before the house is the amendment, moved by Senator Segal, seconded by Senator Nancy Ruth.

**Hon. David Tkachuk:** Senator Segal and members opposite have given me so much to think about. In fact, I am overwhelmed.

**An Hon. Senator:** He is underwhelmed.

**Senator Tkachuk:** Given that Senator Segal has so intellectually stimulated me, I want to get into this debate. Therefore, I move the adjournment.

(On motion of Senator Tkachuk, debate adjourned.)

## CANADA ELECTIONS ACT

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

On the Order:

Resuming debate on the motion by the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins for the second reading of Bill S-202, An Act to amend the Canada Elections Act (repeal of fixed election dates).

**Hon. Consiglio Di Nino:** Honourable senators, I would like a brief moment, if I may. This is an item that obviously is also of concern to all of us and is very important. I have spoken with Senator Murray. I told him that I am not yet ready to give my presentation in response to his suggestion. Therefore, I would like to move adjournment for the remainder of my time.

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

**CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999**

(On motion of Senator Grafstein, debate adjourned.)

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Tommy Banks** moved second reading of Bill S-212, An Act to amend the Canadian Environmental Protection Act, 1999.

He said: Honourable senators, I will repeat exactly what Senator Di Nino said. This is my bill and I have a great deal to say about it. I am not prepared to do so at this time so I wish to extend the debate in my own name. I move second reading of the debate and I would also like to adjourn the debate for the remainder of my time.

(On motion of Senator Banks, debate adjourned.)

**CANADA SECURITIES BILL**

## SECOND READING—DEBATE ADJOURNED

**Hon. Jeremiah S. Grafstein** moved second reading of Bill S-214, An Act to regulate securities and to provide for a single securities commission for Canada.

**NATIONAL PHILANTHROPY DAY BILL**

## SECOND READING—DEBATE ADJOURNED

**Hon. Jeremiah S. Grafstein** moved second reading of Bill S-217, An Act respecting a National Philanthropy Day.

He said: Honourable senators, I intend to speak to this bill tomorrow.

(On motion of Senator Grafstein, debate adjourned.)

(The Senate adjourned until Wednesday, March 11, 2009, at 1:30 p.m.)

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