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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, March 24, 2009

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

Prayers.

AFGHANISTAN—FALLEN SOLDIERS

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed today, I would ask senators to rise and observe one minute of silence in memory of Master Corporal Scott Francis Vernelli, Trooper Jack Bouthillier, Corporal Tyler Crooks, and Trooper Corey Joseph Hayes, who died in two separate attacks last weekend in Afghanistan. Also, please join all Canadians in wishing a prompt and full recovery to the other eight soldiers injured in these incidents.

Honourable senators then stood in silent tribute.

• (1405)

SENATORS' STATEMENTS

INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

Hon. Mobina S.B. Jaffer: Honourable senators, on March 21, the world observed the International Day for the Elimination of Racial Discrimination. The day reaffirms Article 1 of the Universal Declaration on Human Rights, which states, "All human beings are born free and equal in dignity and rights." It is our collective responsibility to promote and protect this ideal.

I agree with UN Secretary-General Ban Ki-moon's statement that: "Together, we must strengthen our common endeavour to put an end to racial discrimination and xenophobia wherever it occurs."

Honourable senators, I stand before you today and ask you to reflect on the issue of racism and xenophobia in our world. To assist in our reflection, I wish to share my experiences working with many Israeli and Palestinian women. These women are tirelessly working to end conflict in their communities.

I had a life-changing moment last November in Haifa, Israel, when I met with women from Haifa and Bethlehem. The Haifa women shared their first-hand experiences of surviving a suicide bomber and gave emotional testimonials about how it has devastated their families, while the women from Bethlehem shared their encounters of the daily drudgery of proceeding through the degradation of checkpoints. By the end of the week, I observed that the women had come to an understanding of each other's plight.

Today, I pay tribute Mazal Renford, Executive Director of the Golda Meir Mount Carmel International Training Center. The centre is financed by Israel's foreign service. Mazal is a visionary who has worked tirelessly to find ways to create understanding and reconciliation between Israeli and Palestinian women.

Honourable senators, Mazal's reconciliation work helps to bring peace to this region of the world. I ask you to join me in congratulating and thanking her for her determined efforts. I especially wish to celebrate her commitment to working with the women of Israel and Palestine to bring peace to that region.

NATIONAL ABORIGINAL ACHIEVEMENT AWARDS

Hon. Patrick Brazeau: Honourable senators, the sixteenth annual National Aboriginal Achievement Awards were held earlier this month in Winnipeg. These awards recognize outstanding achievements of First Nations, Inuit and Metis people in a wide range of areas including the environment, law, health, politics and sports.

Among the 15 winners this year was 17-year-old Chelsea Lavallée, the youngest recipient ever. Miss Lavallée was also winner of Métis Miss Teen Manitoba in 2005, the National Métis Youth Role Model Award in 2006, the National Aboriginal Role Model Award in 2006-07 and the Manitoba Aboriginal Youth Achievement Award in 2007.

Another winner was Olympian Adam Sioui who has been a member of the Canadian National Swim Team since 1999. He represented Canada at the 2008 Beijing Olympics.

Partners Melanie and Dennis Jackson, both Gemini award recipients, were also winners. Melanie and Dennis are being honoured for their work in broadcast media and in writing, directing and editing animation and documentary productions.

Honourable senators, Conservatives believe in supporting Canada's First Nations, which is why our government has invested \$6.3 billion in new funding for Aboriginal Canadians since 2006.

[Translation]

In addition, our last budget Canada's Economic Action Plan, continues to benefit First Nations Canadians.

It includes the following investments: \$200 million over three years to support Aboriginal skills and training; \$400 million to address First Nation on-reserve housing by supporting construction, remediation and complementary activities, such as lot servicing; \$515 million to support First Nation communities with urgent on-reserve infrastructure needs, which will concentrate on school construction, improving access to safe drinking water, and the remediation and replacement of crucial health and policing infrastructure; and \$325 million to strengthen partnerships with Aboriginal organizations and provincial and territorial governments on delivery of First Nations and Inuit health programs and child and family services.

[English]

Honourable senators, by making these investments in First Nations communities, our government is building a better Canada. When our Aboriginal communities succeed, Canada succeeds.

I wish to highlight that a former honourable senator from this place is among those whose contributions to the Aboriginal community and to Canada was recognized by the National Aboriginal Achievement Foundation.

• (1410)

Senator Len Marchand received an Aboriginal Achievement Award in 2001. His endeavours in the field of Aboriginal affairs have been a credit to this chamber.

I offer my sincere congratulations today to all who have been honoured this year with the awards. They are an inspiration to the unwavering spirit of our country's Aboriginal peoples, and indeed an inspiration to all Canadians.

AMY ROBICHAUD

Hon. Jim Munson: Honourable senators, I am happy to announce that Canada has chosen one of its future prime ministers, and she has a history in this chamber.

University of Ottawa student Amy Robichaud, who worked as a Senate page for two years, is the winner of the CBC's national contest, "Canada's Next Great Prime Minister" — and \$50,000 is not too bad an award in this day and age.

The jury for the show chose Amy on her speech performance, her knowledge of current affairs, her originality and self-confidence and her ability to problem solve. I would like to think that maybe a few of those skills could have been acquired during her stint as a Senate page.

Amy is originally from Alberta, but chose to attend university in Ottawa because this is a bilingual city and so that she could become involved in the Senate Page Program. She has thrived at the University of Ottawa, studying political science and public administration, and she is also the president of the University of Ottawa's English Debating Society.

As the senator for Ottawa-Rideau Canal, I am proud that Amy chose the University of Ottawa as the place to study. As a senator, I am proud to have worked with her and to have known her.

[Translation]

Congratulations, Amy. We are proud of you. Canada needs your intelligence, your convictions and your tremendous skills.

[English]

Enjoy your prize, Amy, and stride through the doors now open to you. Just make sure that you make your way back to Parliament Hill. We need you.

CANADIAN FORCES

Hon. Pamela Wallin: Honourable senators, today we again have sad occasion to mark the loss of Corporal Tyler Crooks, Master Corporal Scott Vernelli, Trooper Jack Bouthillier and Trooper Corey Joseph Hayes, all of whom were killed in the line of duty in Afghanistan. Their commitment, strength and courage is nothing short of inspirational. We are grateful for their short but meaningful lives and are forever indebted to their families.

I was also proud that our Governor General and our Minister of Defence attended the repatriation services, representing all Canadians and paying a powerful tribute to those who served with such dignity.

However, honourable senators, permit me to say a word about a couple of recent public comments about our military that were and are terribly troubling at this time.

The tasteless and ignorant comments about our servicemen and women on the Fox News channel should not be dignified by repeating them. Perhaps my father's suggestion is best, that they should be invited to give up their current assignments and then sign up and serve their country. Perhaps their views on military service and sacrifice would be better informed after a year or two on the front lines.

I also feel obliged to comment on a related matter. As deputy chair of the Standing Senate Committee on National Security and Defence and as a former member of the Independent Panel on Canada's Future Role in Afghanistan, I was saddened by Senator Kenny's suggestion that we have a "just pretend military" — and that his remarks would appear as four of our troops arrived home to make their final sorrowful journey down the Highway of Heroes. It is a profound insult to those whose sense of patriotism is so clear, to those who are willing to sacrifice and whose sacrifices cost them their lives.

The families of the fallen should not be subjected to such hurt, nor should the memory of those soldiers be demeaned. This from a colleague whose party stripped the military bare for decades, leaving our troops underfunded and ill equipped for too long.

In the last few months, new equipment has arrived and more will come, but nothing stopped our swift response to 9/11 or to address the needs of the Afghan people. Our soldiers have earned respect internationally. They have earned it here at home and they have earned it on the ground in Afghanistan because of their passion and performance.

They serve us well and there is nothing "pretend" about the war they fight or the importance of their humanitarian mission.

• (1415)

MICHAEL MORRIS

Hon. Catherine S. Callbeck: Honourable senators, I rise to pay tribute to an exceptional Islander, Mr. Michael Morris of Stratford, Prince Edward Island. Michael is a Special Olympian who, in February, traveled to Boise, Idaho, as part of Team

Canada for the 2009 Special Olympics World Winter Games. The Canadian team included 81 other athletes, 34 coaches and mission staff.

Before he left, Michael was quoted in the local newspaper as saying, "I like being a role model for my family and other Special Olympics athletes," and he certainly is a role model. Michael achieved great success at these World Winter Games, where he won two bronze medals and a silver medal in Nordic skiing.

This is not the first time that Michael has demonstrated his talent and skill at Nordic skiing. Three years ago, he won two silver medals at the Special Olympics World Winter Games in Nagano. He won two medals at the national competition last year in Quebec and three medals at the nationals held in Charlottetown, Prince Edward Island, in 2004.

As I am sure honourable senators know, the Special Olympics movement helps people with intellectual disabilities to develop self-confidence, social skills and a sense of personal accomplishment. The first international games held in 1968 drew more than 1,000 athletes from only Canada and the United States. This year, the World Winter Games drew more than 2,500 athletes from nearly 100 countries.

Recently, Michael's hometown of Stratford honoured him at the opening ceremonies of its winter carnival. I can think of no better choice. Michael is proud to be a Canadian and proud to carry our flag. He is an exceptional ambassador for Prince Edward Island. He is an inspiration to everyone. He works hard at his sport and has a positive attitude. He is well loved by all who know him.

Honourable senators, please join me in congratulating Islander Michael Morris for his many achievements at home and abroad.

STATE OF THE ECONOMY

Hon. Donald H. Oliver: Honourable senators, I rise to draw your attention to the following remarks made recently by the International Monetary Fund in reference to Canada:

The IMF supports the strong fiscal package announced in January, which was large, timely, and well targeted, and it will buoy demand during the downturn.

Honourable senators, the IMF was referring to the policies that this Conservative government has followed: paying down the debt, cutting taxes, and investing in training and infrastructure. Canada is in a much better position than many other countries as we face this global recession.

It is not just the IMF that has been singing Canada's praises. I have some more encouraging news. A ranking by Bloomberg News puts four Canadian banks in North America's top 10 as measured by assets. The Royal Bank of Canada is now the seventh largest on the continent. Meanwhile, the Toronto Dominion Bank, Scotiabank and the Bank of Montreal now rank eighth, ninth and tenth respectively. Two years ago, the Royal Bank was the only Canadian firm in the top 10. One decade ago, there was not a single Canadian bank on the list.

[Senator Callbeck]

According to the Bloomberg report:

Canadian banks have remained profitable, outperforming their peers because of tighter government restrictions on lending and capital requirements.

Honourable senators, I do not want to make light of the effects of the global recession on our communities. It is a tragedy when anyone loses their job, and our government is working hard to protect Canadian jobs and support working families. However, clearly the IMF statement and the Bloomberg report indicate that Canada is on the right track in fighting the global recession and that Canada will emerge from this crisis stronger than ever.

ROBERT L. STANFIELD INTERNATIONAL AIRPORT

Hon. Terry M. Mercer: Honourable senators, early in March, Halifax's Robert L. Stanfield International Airport was ranked the world's best airport for overall passenger satisfaction in its class — under 5 million passengers — for the sixth straight year, according to Airports Council International.

In addition, the airport earned two other first-place finishes in the 2008 rankings: first in the category of Best Airport North America; and first, for the third straight year, in the category of Airport People Awards.

This year as well, the airport achieved its highest overall worldwide ranking: fifth of the 126 competing airports.

• (1420)

Honourable senators, this achievement is truly remarkable. It is a testament to the hard work of the many people who have contributed to this success, from the airlines and their staff to construction workers, volunteers and various staff at the airport. They should all be proud. All of this ranking was accomplished while the airport was undergoing major construction.

Our great province of Nova Scotia and the Halifax Regional Municipality should be proud of this achievement. I hope honourable senators will join with me in congratulating Tom Ruth, President and CEO of the Halifax International Airport Authority, and his entire team for a job well done. I look forward to another successful year at the Robert L. Stanfield International Airport.

THE LATE ANDREW WYETH

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak about a celebrated American artist, the late Andrew Wyeth, who departed this life on January 16, 2009, at 91 years of age at his home in the village of Chadds Ford, Pennsylvania. He was the fifth child of Carolyn and Newell Convers Wyeth, the illustrator famously known for his work in the books, *Treasure Island*, *Robin Hood*, *The Last of the Mohicans* and *Robinson Crusoe*.

Andrew Wyeth also had a home in the small village of Cushing, Maine, and divided his time between there and Chadds Ford. In both places, he painted his family, friends and neighbours and the rural life that surrounded him, whether the farm settings of Pennsylvania or the maritime settings of Maine.

Andrew Wyeth first exhibited his watercolours in 1936. The following year, he sold out a one-man show in New York. He subsequently began working in egg tempera, and in 1948, he sold his painting *Christina's World* to the Museum of Modern Art in New York for \$1,800. That painting has become an American icon, like Grant Wood's *American Gothic* and Whistler's portrait of his mother, and it assured Mr. Wyeth's fame as one of the great artists of the United States of America.

Mr. Wyeth was one of the most popular artists in the history of American art. At the same time, he was targeted by critics. His realist renderings of rugged rural life sparked endless debate about the nature of modern art. Regardless of his critics, Mr. Wyeth painted where he lived. He painted the things that held meaning for him.

In the words of a longtime friend and noted photographer, Peter Ralston, Andrew Wyeth “. . . was incredibly generous, intensely private. He didn't want the world bothering him. Yet nobody loved a good time more than Andy. He could tell stories with the best of them. He was a great, elegant, powerful combination of contrasts.”

Andrew Wyeth had a relationship with the Farnsworth Art Museum in Rockland, Maine, that began in 1944. This jewel of the coast of Maine has standing exhibitions of paintings by Mr. Wyeth and his family, and the museum has mounted an exhibition in tribute to him, which is set to open on May 22. If any honourable senators are in the area, I urge them to view that exhibit; it will give your heart a lift.

Mr. Wyeth's earthly remains are buried in a modest seaside cemetery on Hathorn Point in Cushing and next to Christina Olson, the physically challenged lady who was the subject of his iconic painting, *Christina's World*.

We express our deepest sympathy to his wife, Betsy, his sons, Nicholas, and Jamie, who is a renowned painter, and his extended family in Chadds Ford and Cushing.

[Translation]

ROUTINE PROCEEDINGS

INTERNATIONAL TRADE AND ASIA-PACIFIC GATEWAY

EXPORT DEVELOPMENT CANADA—
2006-07 AND 2007-08 CANADA ACCOUNT
ANNUAL REPORTS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2006-07 and 2007-08 Canada Account Annual Reports.

[English]

AGING

BUDGET—SECOND REPORT OF SPECIAL COMMITTEE PRESENTED

Hon. Sharon Carstairs, Chair of the Special Senate Committee on Aging, presented the following report:

Tuesday, March 24, 2009

The Special Senate Committee on Aging has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Tuesday, February 10, 2009, to examine and report upon the implications of an aging society in Canada, and was empowered on Wednesday, March 11, 2009 to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study, respectfully requests funds for the fiscal year ending March 31, 2009.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

SHARON CARSTAIRS
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 381.)

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 two days hence.)

[Translation]

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

That committees of the Senate scheduled to meet today be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

(Motion agreed to.)

• (1425)

[English]

THE SENATE

NOTICE OF MOTION TO SUPPORT GOVERNMENT'S POSITION ON COMMERCIAL SEAL HUNT

Hon. Fabian Manning: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada support the Government of Canada's position on the commercial seal hunt, affirming the right of fishermen to lawfully hunt seals, recognizing the integral part the seal hunt plays in the communities where those hunters live; and

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

SCIENTIFIC RESEARCH

NOTICE OF INQUIRY

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will call the attention of the Senate to the critical importance of scientific research to the future of Canada and to the well-being of Canadians.

FISHERIES ACT

CESSATION OF COMMERCIAL SEAL HUNT—PRESENTATION OF PETITION

Hon. Mac Harb: Honourable senators, I have the honour to present a petition from the residents of British Columbia calling on the Government of Canada to amend the Fisheries Act to end Canada's commercial seal hunt.

QUESTION PERIOD

FOREIGN AFFAIRS

UNITED NATIONS HUMAN RIGHTS COUNCIL—PERIODIC REVIEW

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate. It is related to the Universal Periodic Review of Canada before the United Nations Human Rights Council, which began earlier this year.

I was particularly concerned by the number of countries that raised their dismay at the failure of Canada to endorse the United Nations Declaration on the Rights of Indigenous Peoples. Norway, Denmark, Austria and the United Kingdom have all urged Canada to change its position.

These countries have done their homework. For example, Denmark even knew that there was a motion passed in the House of Commons endorsing the declaration. We know that a number of Canadian legislative initiatives have been ignored by this government. Will the government now recognize that this is an embarrassment internationally and do the right thing and support the United Nations Declaration of the Rights of Indigenous Peoples?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, my answer is the same as it has been in the past. As I have stated before, the text of the declaration in its current form is inconsistent with our Constitution, Supreme Court rulings, the National Defence Act and policies under which we negotiate treaties. No previous Canadian government has supported the current text of the declaration.

Our government is working to deliver tangible, concrete results for Aboriginal peoples in important areas such as improving access to safe drinking water. We are investing \$330 million on the First Nations Water and Wastewater Action Plan, which builds on the plan we launched in 2006.

Last June we passed Bill C-30, which will reduce the time it will take to resolve specific land claims. This legislation delivered on a commitment we made in 2007. We passed legislation that directly impacts the rights of First Nations people in Canada. Bill C-21 — as Senator Brazeau can attest — repeals section 67 of the Canadian Human Rights Act, which prevents First Nations from receiving the same legal protection against discrimination that is afforded to other Canadians. Section 67 was intended to be a temporary measure, but it remained in place for decades. Our government made that change.

• (1430)

Senator Carstairs: Honourable senators, the indigenous people of Canada are very unhappy with the failure of this government to do what is right, and it is not just in this area that the review council is holding Canada up to examination. A number of countries, including Denmark and the Netherlands, denounced Canada's policy of no longer seeking clemency for all Canadians convicted and given the death penalty. Again, Canada has been embarrassed at a United Nations forum.

Can the Leader of the Government in the Senate tell this house if the international condemnation will bring this government to change its position, to do the right thing and treat all Canadian citizens equally?

Senator LeBreton: Honourable senators, my answer remains the same with regard to the case. We are reviewing the court's decision, and therefore I will not comment further. I will await the deliberations of the Minister of Justice and the Department of Justice.

The government has always been clear insofar as Canadians are concerned. Canada has abolished the death penalty, and we have no intention of reviving that debate in this country.

Having said that, the Federal Court did rule with regard to Mr. Smith in Montana. The government and I, as a member of cabinet, will not comment until the Department of Justice and the minister have had a chance to properly study the Federal Court ruling.

Senator Carstairs: Honourable senators, Norway, the Netherlands, Denmark and the United Kingdom have all criticized Canada for its failure to actively engage civil society in a follow-up to this Universal Periodic Review. Will this government now commit to engaging civil society in a review process?

Senator LeBreton: My honourable friend lists various countries. Canada is very proud of its record in dealing with its indigenous people. I outlined some of the measures we have taken. I will not, nor would senators expect me to, comment any further.

Senator Carstairs: With the greatest respect to the minister, all I asked was whether this government would agree to subject the findings of the UN Human Rights Council to a review in Canada, by Canadians.

Senator LeBreton: I will take that question as notice.

CITIZENSHIP, IMMIGRATION AND MULTICULTURALISM

REFUGEE CLAIMS

Hon. Terry M. Mercer: Honourable senators, this month, Immigration Minister Jason Kenney defended the appointment of Doug Cryer to the Immigration and Refugee Board of Canada for a three-year term that pays between \$99,000 and \$116,000 per year. Mr. Cryer, a former Director of Public Policy for the Evangelical Fellowship of Canada, was quoted publicly in 2006 as stating that the church has a right to say that homosexual behaviour is sinful. "It is part of God's teaching," he said. Cryer also said that same-sex marriage would have a negative impact on children.

Can the honourable leader tell us why, when we have fought so hard and so long for equal rights for every Canadian, this man was even considered for this type of appointment?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, first, the selection process for the Immigration and Refugee Board of Canada has undergone a major overhaul.

People who are appointed to the Immigration and Refugee Board go through a judicious process in which they must pass an exam given by the board.

• (1435)

Is the honourable senator suggesting that a person is ineligible to hold an office or an appointment with the government simply by virtue of his or her faith? I suggest that that is a road that no one, least of all Canadians, would want to go down.

The Immigration and Refugee Board is composed of people of various backgrounds and religions, and they adjudicate on immigration and refugee cases that are brought before them.

If the senator is suggesting that this particular gentleman would not fairly judge the credibility or the bona fides of a case simply because of his religion, it is outrageous in the extreme.

Senator Mercer: I want to tell honourable senators a little story. I am a Roman Catholic. My church stands strongly against homosexuality and gay marriage. That is my church; that is not me. I have stood in this place and many others in support of the rights of gays and lesbians across this country, and I will continue to do so.

It is a fact that Mr. Cryer publicly said what he did.

This government continues to make things up as it goes along. The announcement by Mr. Kenney goes along with his appointment of Phares Pierre to the Montreal section of the Immigration and Refugee Board last month. Mr. Pierre is a former chief of staff of ousted Haitian President Jean Bertrand Aristide.

I do not understand the logic. If a refugee seeks status in this country based on being discriminated against in his or her home country because he or she is gay or lesbian, how is it possible that Mr. Cryer will agree that the refugee should be allowed to stay in Canada considering he shares views similar to those of the country from which the refugee is trying to escape?

How is it possible that the former dictator's staff member has the credibility to hear any refugee claim, especially from the over 5,000 refugee claimants from Haiti currently on the books for the board to review?

Will the government ensure that decisions made by the board are not contrary to our Canadian Charter of Rights and Freedoms? What oversight can the government guarantee? Would it not be easier to admit the mistake, remove both of them from the board, and stand up for equality and human rights?

Senator LeBreton: I would argue that the people the honourable senator refers to were appointed after a transparent process overseen by the Immigration and Refugee Board, which then makes recommendations to cabinet. If the senator is suggesting that a person who happened to work in Haiti cannot properly —

Some Hon. Senators: Work?

Senator LeBreton: At one point, the first gentleman to which the honourable senator referred was the head of Haiti and was supported by many levels of government, including the Government of Canada.

The other gentleman has committed no crimes. If he had, he would not have made it through the IRB process. The senator is suggesting that a person of Haitian background cannot properly adjudicate legitimate refugee claims. He is suggesting that someone who has a particular religious faith and religious views will not be fair in judging cases. Where does it all end? Will women be able to judge men? Will men be able to judge women? Will Aboriginals be able to judge non-Aboriginals? Will Muslims be able to judge non-Muslims? Will Hindus be able to judge non-Hindus?

It is ridiculous in the extreme, and it is against everything this country stands for.

• (1440)

Both gentlemen went through a new, transparent process that was brought in by this government on the recommendation of the head of the Immigration and Refugee Board of Canada, who, by the way, was appointed by the previous government. This process is completely legitimate and transparent. As the honourable senator knows full well, people who are appointed by cabinet go through a rigorous process. The honourable senator would be the first on his feet claiming Charter offences if a person like that were removed from the board when there is no need to do so.

Senator Mercer: Obviously, the government has a new system in place, and obviously it is not working. Here we have a man who has openly spoken against gays and lesbians. Here we have another gentleman who worked in the office of a dictator, whose reputation needs not be repeated in this place. These two people are now in positions where they will be able to pass judgment on people. In Mr. Cryer's case, he has said he is against the lifestyle and sexual orientation of gays and lesbians.

If someone comes to this country, having been persecuted in their country because of their sexual orientation, they will have to stand before a man who has openly said he is against their lifestyle, and this man will judge them. I do not think the optics are good here, minister. I think the government should swallow its pride and remove both these gentlemen from their positions so we know that refugees coming to this country will receive fair treatment.

Senator LeBreton: Honourable senators, that comment is so ridiculous that it is hardly worthy of an answer. The honourable senator suggests that people who hold personal views cannot fairly adjudicate a legitimate refugee case when such a case comes before them, and normally adjudication involves more than one person.

Senator Mercer says that this gentleman spoke openly against gays and lesbians and, therefore, he cannot ever adjudicate fairly on any immigration case. I have spoken openly and often about the Liberals. The honourable senator's argument would mean that, if I were on the Immigration Refugee Board, when a person came to the board and they were a Liberal, I would not let them into the country. That is how ridiculous his argument is.

An Hon. Senator: Exactly.

An Hon. Senator: You should be ashamed of yourself.

Hon. Yoine Goldstein: Is the honourable minister aware of the fact that the rules were changed some time ago and that there is only one adjudicator who carries a power of life and death with respect to each refugee? Is the honourable minister aware that I introduced in this chamber a bill to establish an appeal tribunal so that abuses and problems resulting from this kind of single-person-adjudicator technique can be corrected, and is she aware that her government opposed that bill?

Senator LeBreton: I am aware of the process that was put in place by the Immigration and Refugee Board. However, as the honourable senator knows full well, there is also a review

process. If any person feels that they have been treated unfairly or that there was a biased opinion against them, they have the right to appeal. That process is in place.

The whole argument is ridiculous, that individuals, because of their personal beliefs, cannot fairly judge, and be sympathetic to, a refugee who is relating situations that they may have suffered simply because they belong to a certain religion or church, or because they have a certain ethnic background. The argument is ridiculous in the extreme and it does not bode well for anyone who would so judge people who went through a transparent process, passed a proper examination — unlike in the past — and went through a process in the Privy Council Office before being approved by cabinet. The argument is ridiculous, as I said before, in the extreme.

• (1445)

Senator Goldstein: Is the minister aware that in judicial tribunals where a judge has pronounced him or herself on a matter and is called upon to do so again on that matter, whether the first pronouncement was within a judgment or outside of a judgment, that judge is to be recused? In fact, the judge recuses him or herself to ensure not only that justice is done but also that justice appears to be done.

This is especially true when people who have pronounced themselves with respect to sexual orientation have said that this is not a form of persecution then come before this person and say that they are being persecuted precisely because of their sexual orientation.

Can the leader assure us that there will be instructions issued that this judge will recuse himself every time a person of a sexual orientation that is different from his, presents himself or herself as a refugee claimant?

Senator LeBreton: Honourable senators, I will do absolutely nothing of the sort. Senator Goldstein assumes that these people who have gone through the whole process to be chosen and appointed as members of the Immigration and Refugee Board will not handle their responsibilities in a fair and judicious way.

I am not making that assumption at all. It is completely unfair to prejudge anyone — especially when he or she has gone through the process of being accepted and appointed to the Immigration and Refugee Board of Canada.

I will not get into a useless hypothetical debate. I have faith that the people the government appointed to these positions, and I would like to think that is the case for those appointed by the previous government, treat these cases fairly and with decency and honesty. When people accept positions such as these, they are well aware of their responsibilities. I think it is quite unfair to make assumptions as to how they will conduct themselves. There is no basis for such an accusation.

FOREIGN AFFAIRS

STATUS OF OMAR KHADR

Hon. Mobina S. B. Jaffer: Honourable senators, my question to the Leader of the Government in the Senate concerns Omar Khadr.

[Senator LeBreton]

We know the circumstances surrounding prisoners kept at the U.S. military prison in Guantanamo Bay are changing rapidly under the new U.S. President's administration. On February 24, Canada's Minister of Foreign Affairs met for the first time with the U.S. Secretary of State, Hillary Clinton. We know Minister Cannon addressed the issue of Guantanamo Bay detainee Omar Khadr. What was the agreement between Canada's Minister of Foreign Affairs and the U.S. Secretary of State on Omar Khadr? What will happen to this young man?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, my answer remains the same. Mr. Khadr has been charged with very serious crimes, as Senator Jaffer noted. The U.S. administration has recently taken decisions to close Guantanamo and halt the judicial process to evaluate the situation there. Minister Cannon, the Minister of Foreign Affairs, has stated clearly, and made it very clear to our American friends, that we are most respectful of the process put in place by the new administration and that we will await the outcome of their review of the process before any further action is taken.

Senator Jaffer: Honourable senators, why can we not bring Mr. Khadr to Canada and have him face our judicial system, since he has been languishing in that jail for five years and he was originally captured as a young child soldier?

Senator LeBreton: Honourable senators, Omar Khadr was arrested by the Americans. He is in the American system. There is a process under way. President Obama and his Secretary of State, Hillary Clinton, support a new process concerning the detention centre at Guantanamo Bay. Minister Cannon has simply indicated to our American friends that he is mindful of the process they are going through and that we will respect their process before any further action is taken here.

• (1450)

After all, Mr. Khadr has been charged with a serious crime against an American. At the present time, he is part of the American system. Until we have further word from the Americans, we will simply respect their process — as I am sure most people would want us to do — and await the outcome before deciding what to do next.

Senator Jaffer: What I do not understand, honourable senators, is that we let Mr. Khadr languish in a prison that even the President of the United States has condemned, while we have the Minister of Transport travelling to Ethiopia, a country that we support heavily with funds through the Canadian International Development Agency. We understand that John Baird will go there to find out about a person who has been charged in Ethiopia. Why do we have different ways of dealing with people who are captured?

Senator LeBreton: Honourable senators, I saw those press reports. I will not comment because I have no way of knowing whether they are accurate. The case of Mr. Khadr is clear. He has been charged with a serious crime. He has been charged with murder, and he is in the American system. He is at Guantanamo Bay. The President of the United States has indicated that the

U.S. will close Guantanamo Bay. Even the opponent of the President of the United States, Senator McCain, has indicated he wants to see Guantanamo Bay closed.

The Americans have now taken the decision to close Guantanamo Bay. They have established a review process to go through all of the cases at Guantanamo Bay. It behooves us, as the Government of Canada, to allow the American government — the Government of President Barack Obama — to finish the review process before we start interfering and telling them what we think they should do with their system. I do not think that interference is appropriate at all.

Hon. Yoine Goldstein: Honourable senators, every other western country, without exception, patriated some time ago the prisoners of their nationality in Guantanamo, charged or not, and subjected them to their national criminal law process rather than allowing them to languish in Guantanamo.

Canada is the exception. Is the minister telling us that she has no faith in the Canadian criminal law system?

Senator Comeau: What can you say?

Senator LeBreton: What can you say?

I am well aware, because the honourable senator has told me many times, of what other countries are doing. I can only tell him what Canada is doing. Canada is respecting a process put in place by the United States to deal with an individual who has been charged with a serious crime. The administration of President Barack Obama has made the decision to close Guantanamo Bay. This decision is viewed popularly not only in the United States but all over the world. The United States now has a process and they are reviewing all of the cases at Guantanamo, including the case of Mr. Khadr. I believe that we should allow the Obama administration to complete this process.

As I mentioned in answer to the question of Senator Jaffer, the Minister of Foreign Affairs has stated clearly that we are respectful of the process put in place by the Obama administration and we will await the outcome of that process before deciding what to do next.

• (1455)

NATIONAL DEFENCE

CANADA'S COMMITMENT IN AFGHANISTAN—RECRUITMENT

Hon. Norman K. Atkins: Honourable senators, my question is directed to the Leader of the Government in the Senate. Recently I asked a question and I received a written reply. Part of that reply is:

By addressing both recruitment and retention challenges, the CF can continue to grow in line with the targets set out in this Government's *Canada First* Defence Strategy.

What are the targets, and do they address the problem of the Canadian Forces, which are now at a stage where they are stretched too thin?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I do not have the *Canada First* defence strategy sitting on my desk. I was aware of the answer provided by the office of the Honourable Peter MacKay, the Minister of National Defence, to the senator's written question. I read it.

I did not realize that they did not specifically restate the targets. However, I will be happy to ask them to withdraw that answer and provide the target numbers in a revised answer.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table two responses to oral questions, one raised by Senator Chaput on February 25, 2009, concerning official languages, the new Program to Support Linguistic Rights, and the other raised by Senator Cordy on March 3, 2009, concerning fixed dates for federal elections.

OFFICIAL LANGUAGES

COURT CHALLENGES PROGRAM

(Response to question raised by Hon. Maria Chaput on February 25, 2009)

The new Language Rights Support Program has three components:

- Information and Promotion will undertake initiatives that promote and popularize information on constitutional language rights.
- Alternative Dispute Resolution (ADR) will resolve disputes concerning targeted language rights by facilitating their out-of-court resolution.
- Legal remedies will help individuals or groups representing individuals bring to court or intervene in an unresolved dispute concerning a targeted language right. To be eligible for funding, the dispute must be a precedent-setting case where ADR was unsuccessful.

The Program targets the following constitutional language rights: official language rights as guaranteed by the interpretation or application of section 93 or 133 of the Constitution Act, 1867, or as guaranteed in section 23 of the Manitoba Act, 1870, sections 16 to 23 of the Constitution Act, 1982, or equivalent constitutional provisions, or the clarification of the linguistic aspect of freedom of expression in section 2 of the Canadian Charter of Rights and Freedoms, when invoked in an official language minority case.

Complaints and legal proceedings initiated exclusively under the federal Official Languages Act and complaints or legal proceedings lodged exclusively under any provincial or territorial legislation will not be eligible for support under the Program.

The Program will have a total annual budget of 1.5 million dollars. The funding does not come from the resources allocated to the Roadmap, nor is it a supplementary amount. Funding for this new Program comes directly from the Official Languages Support Programs of the Department of Canadian Heritage.

The Department of Canadian Heritage is presently developing the Program "en concertation" with la Fédération des communautés francophones et acadienne. The Program is on track to be operational in 2009.

MINISTER OF STATE (DEMOCRATIC REFORM)

FIXED ELECTION DATES

(Response to question raised by Hon. Jane Cordy on March 3, 2009)

Bill C-16 (*An Act to amend the Canada Elections Act*, S.C. 2007, c. 10) was assented to on May 3, 2007, to provide for fixed dates for federal elections. The relevant provision reads as follows:

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

(2) Subject to subsection (1), each general election must be held on the third Monday of October in the fourth calendar year following polling day for the last general election, with the first general election after this section comes into force being held on Monday, October 19, 2009.

Sub-section 56.1(1) expressly stipulates that the powers and prerogatives of the Governor General, and by extension the conventions surrounding their exercise, are unaffected. This follows the model in provincial jurisdictions (e.g. Ontario and British Columbia) so as to create a statutory expectation of elections on a fixed and predictable cycle, while preserving the conventions of responsible government and the constitutionality of the legislation, which cannot affect the office of the Governor General without a unanimous constitutional amendment under paragraph 41(a) of the *Constitution Act, 1982*.

Then Minister for Democratic Reform, the Honourable Robert Nicholson, explained the constitutional context of the bill during his appearance before the Standing Senate Committee on Legal and Constitutional Affairs on December 6, 2006:

Bill C-16, which contemplates that elections be held every four years, contravenes no constitutional requirement or expectation of a longer term. It expressly preserves the Governor General's powers. The bill makes it clear that nothing in it affects those powers, including the power to dissolve Parliament at the Governor General's discretion.

The Governor General's powers remain those that are held under the Constitution: to dissolve Parliament at any time within the five-year constitutional limit. However, by providing that elections are to be held every four years in October, the bill establishes a statutory expectation that the relevant political and administrative officers will govern themselves accordingly to accomplish this end — working within the rules and conventions of parliamentary and responsible government.

The aim of the bill is to ensure, to the extent possible within the framework of our constitutional system, that the date on which an election will be held may be known in advance, thereby increasing fairness, transparency, predictability, efficiency and forward planning.

...

By providing that, subject to the discretion of the Governor General, elections will be held at four-year intervals within that maximum period, the bill will give rise to a reasonable expectation of regular and certain election dates. That will not only respect the Constitution, but will enhance the quality of our parliamentary democracy. We are committed to making this modest but important change to improve Canadian democratic institutions and practices.

On February 8, 2007, constitutional expert Peter Hogg, Scholar in Residence, Blake, Cassels & Graydon LLP, before the Senate Committee on Legal and Constitutional Affairs noted that — while the Governor General's discretion is left unfettered in either case — the bill will necessarily have limited practical application during minority governments compared to majority governments. He stated at page 21:9: "This bill will have virtually no operation during periods of minority government because they do not last for as long as four years in any event." He also stated at page 21:21:

In the situation of a minority government, I do not believe anyone will even look at this bill because there is no way that politicians will keep Parliament flowing in the House of Commons in a minority situation for four years. Even in a situation of majority government it is possible that we would have elections that did not fit the four-year formula. In that latter case, though, the political likelihood, as various senators have pointed out, is that the Prime Minister will feel constrained by and will not want to depart from the bill.

Fixed date election legislation has been proven to work well in majority contexts at the provincial and territorial level. For example, British Columbia will be holding its second fixed date election on May 12, 2009. Seven other Canadian provinces or territories have fixed date legislation.

In summary, the fixed dates for federal elections legislation enhances fairness, transparency and predictability in the electoral cycle by discouraging snap

elections being called for purely partisan advantage. However, these benefits are more likely to be apparent in majority governments rather than minority parliaments.

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before calling for Orders of the Day, I am pleased to introduce two House of Commons pages who are participating in the Page Exchange Program this week.

[Translation]

On my right, David Bazinet, of Limoges, Ontario, is studying political science in the faculty of social sciences at the University of Ottawa.

[English]

On my left, Conor Holash, of Prince Albert, Saskatchewan, is pursuing his studies in general arts at the University of Ottawa. On behalf of honourable senators, I welcome the two pages from the other place for their internship this week with us in the Senate.

ORDERS OF THE DAY

THE ESTIMATES, 2009-10

MAIN ESTIMATES—FOURTH REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (first interim) of the Standing Senate Committee on National Finance (*2009-2010 Estimates*) presented in the Senate on March 12, 2009.

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

He said: Honourable senators, the report was filed on the last sitting day. The report is an interim report based on our initial work in relation to the Main Estimates for 2009-10. The Main Estimates were tabled in both houses of Parliament on February 26, and we have begun our work on these estimates. As honourable senators know, the Standing Senate Committee on National Finance is seized of the estimates throughout the year. For that reason, we will continue to study the estimates and provide interim reports from time to time.

This report is our first interim report with respect to those Main Estimates. As honourable senators know, this forms the basis for a supply bill that we anticipate we will receive later this afternoon from the other place. The supply bill is for interim supply that will provide the government with funds under the Main Estimates for a period of three months — April, May and June.

• (1500)

We anticipate that before that interim supply expires at the end of June, we will have an opportunity to study these Main Estimates further and report to honourable senators so there can be full supply at or before the end of June.

Honourable senators, at this stage, we are, in effect, dealing with a pre-study with respect to these Main Estimates in order to allow for the supply bill to have been studied. It comes here and will proceed, if the Senate so decrees, to first reading this evening, second reading tomorrow and third reading on Thursday.

This report is important to us in that it gives us a first look at what is in the Main Estimates. The supply bill to which these relate will not be referred to the Standing Senate Committee on National Finance because of this study, which can be characterized as a pre-study.

Therefore, let us for a moment look at what is in the Main Estimates. If honourable senators have their reports in front of them, I will just highlight a few of the various sections that I think may be of interest and may help in following the supply throughout the year.

The Main Estimates for 2009-10 are for a total amount of \$236 billion. As honourable senators know, that amount is an estimate of what the government will spend under supply for the fiscal year. It includes both voted and non-voted items. Non-budgetary items, honourable senators, are items that change the fiscal nature of the government but are in the form, for example, of loans that will ultimately come back to the government and to the Consolidated Revenue Fund. They are non-budgetary.

Budgetary items are those that, in fact, will be spent or are intended to be spent during the year. Budgetary items are divided, again, into two parts: Those that are voted appropriations — those that will be included in the appropriation bill, which is the supply bill that we will receive later today — and those that fall under statutory authority.

Combined, they form \$236 billion, which is an estimate, but one that the government is inclined to try to follow because they will have to give explanations if they do not do so. We will be watching them as the year progresses.

The voted appropriations — the amount you will be asked to approve in the supply bill that will be forthcoming this evening and will be dealt with here over the next three days — are in the amount of \$85 billion. Statutory authority is \$150 billion. You can see the relationship between voted and statutory; statutory is about twice the voted appropriations. Statutory includes Bill C-10 that we dealt with last week. We are already informed that another bill implementing portions of the budget for this fiscal year will be forthcoming.

We have also been told that there will probably be in the month of April a supplement; there will already be a supplement to these estimates. That is because of the major stimulus package that appeared in the budget. These estimates were prepared before the

budget, so we expect that Supplementary Estimates (A) will be a fairly large estimate and will deal with a good number of the items that appeared in the budget.

One does not find many budget items in these Main Estimates, but there are some and I will refer to one or two as I proceed.

Honourable senators, look at the comparison year over year. In the National Finance Committee, we try to encourage all departments to include their main estimates for the year plus each of the supplementary estimates so that, when we compare the total amount that was spent by all government departments over the year, the figure should be fairly close to the figure that we start out with for the next year. We do not want to see departments putting a lower amount in for their estimate for the year and then increasing their expenditures through supplementary estimates.

We discovered that process was being used, for example, with respect to gun control a number of years ago. We highlighted that very clearly, long before it was a public issue. We in the Standing Senate Committee on National Finance were highlighting this and saying there was something wrong. A minister, under ministerial accountability, and the deputy minister, as an accounting officer, must give us the proper figures so that we, as parliamentarians, can have an understanding and a clear estimate of what they are likely to be looking for during the year.

There are times when a supplementary estimate is necessary, such as when there is a new program created during the year, when there is some initiative that is even known at the beginning of the fiscal year but for which the full cost estimate has not been developed.

Those kinds of items should be dealt with in supplementary estimates. However, the year-over-year between the Main Estimates is an increase this year of \$14.7 billion. Honourable senators, that is before many of the budgetary items. That is a major increase of 6.2 per cent. It is very difficult for us to say what that ultimate figure will be until we see the Supplementary Estimates (A) and the various budgetary implementation bills in order to determine what impact the stimulus package and this economic downturn will have on matters for this year.

We did notice that, in the supplementary estimates, the government is estimating it will be paying less interest on the public debt for this fiscal year than it did last fiscal year. With all the increased borrowing and with the deficit financing, we find that even if interest rates have gone down slightly, even if interest rates are less, to estimate a significant reduction in debt servicing when we understand the significant impact of this fiscal year is found to be somewhat suspect. The Finance Committee has made that point in our report.

Honourable senators, there is another area I would like to point out, which I think is important for honourable senators to understand in terms of the overall government expenditure. Total transfers are transfers to individuals, old age pension cheques, Canada pension, individuals and to levels of government through equalization, health care and social transfers. The total transfers amount from the federal government to either individuals or other branches of government is \$139 billion.

Of the \$248 billion that is total budgetary expense, before adjustments — or \$236 billion and then there are judgments on top of that — the total for transfers out of the \$236 billion is \$139 billion. Then you take from what is left and say servicing the public debt is \$32 billion. Out of that \$236 billion, that does not leave an awful lot for program expenditure.

• (1510)

I think that is important for us all to understand. There are significant impacts on that total package of \$236 billion, plus adjustments, making it \$248 billion for this year. Of that, \$140 billion goes to transfers. That is just money in and money going out from the government to either other levels of government or to individuals. Then there is the debt servicing, which is another very important aspect of these estimates.

Honourable senators, during our hearings, one area that we focused on was the creation of a new Treasury Board category, a new vote. The description of how the money will be spent is divided into votes. A new central vote was created, vote 35.

Central votes are how Treasury Board manages the money on behalf of the entire public service. Whoever makes a demand for funds under that vote will have the funds disbursed to them, as long as they meet the criteria.

Honourable senators may recall mention in previous reports of another central vote for emergency funding that Treasury Board manages. Where money is needed, Treasury Board will give it to a department, and they come and ask for permission after the fact. There are stringent rules in that regard, and we watch that vote very carefully.

This new vote 35 will be funded. This is money that Treasury Board will have. It is \$3 billion, and we want to watch that carefully because the entire amount will be approved by honourable senators in the next two or three days. We want to ensure that the rules are clear on how that money can be accessed and how it can be paid out to various government departments.

It was indicated to us that Treasury Board vote 35 will, in large part, be related to infrastructure projects and likely supplement other infrastructure programs already in place. We were assured that the Auditor General, along with the internal audits in each department, will be watching these funds. This is good news, but that may not have happened if we had not spent so much time highlighting the potential for abuse in this area. We have done so in an extensive report, and we will be monitoring these funds on a continuing basis.

Honourable senators should also be aware of the reduction of funds for literacy initiatives, Status of Women Canada and cultural programs. We were told by Treasury Board that the reason they are asking for less in the coming year is because of the sunseting of programs that had been in place previously.

We were concerned about the reduction of funds for the Canada Mortgage and Housing Corporation, especially for subsidized housing and to repair housing. As I indicated, we will continue our work in relation to the Main Estimates.

This morning, the Standing Senate Committee on National Finance heard from representatives of the Canada Mortgage and Housing Corporation. They assured us that we will see the

reduction that appears in these Main Estimates topped up again in the Supplementary Estimates (A). We asked if they knew why. They said the program had been sunsetted, but there was an announcement by the minister in late fall that those programs would be topped up to their original level again.

Honourable senators, I see that my time has expired. I should be able to finish within five minutes, if it is agreed.

Hon. Senators: Five minutes.

Senator Day: Thank you, honourable senators. Due to the fact that we will be asked to approve many billions of dollars in short order, I think it is worth spending five more minutes talking about what is included in the Main Estimates.

Canada Mortgage and Housing Corporation has assured us that the housing programs that were in existence before the expiry of this fiscal year will continue for the next two years. We were pleased to hear that; it brought us some relief. However, the only way we could find that out — because we could not find out from Treasury Board — was to bring in CMHC. That is what we do at a number of these meetings.

We also heard representatives of the Canadian Food Inspection Agency today talk about their needs and whether they have sufficient funding to carry out the level of inspection of food and food processing that Canadians expect. We should be able to report fully on that once we receive a good number of the undertakings they have given us.

I have indicated to honourable senators the concern that we have with respect to the Main Estimates not appearing to be as fulsome as we would like. I want to draw another concern to your attention so that we can think about these issues in the future.

In the past, the Public Service Labour Relations Board has submitted, with some degree of consistency, low appropriation requirements in the Main Estimates, only to come back again and again for supplementary estimate funding. That is another department that we are keeping an eye on. We want to bring them in and ask them why they are doing these things.

Treasury Board knows the desire of the Standing Senate Committee on National Finance to have as accurate an estimate as possible so that we are not on a fool's errand here, not understanding what is likely to be spent because we are not being told about the real estimates of the departments.

Honourable senators, a private-public partnership initiative of the federal government is just getting under way. There is an \$82.9-million operations and program delivery estimate, and we will be watching that one as well. They indicate that about \$10 million is likely to be used for setup purposes.

It always seems that setup figures in the public service are extremely high. However, this figure does not seem to be out of order with other public service initiatives in that regard. They are obviously open for audit by the Auditor General, and we anticipate that this will take place.

Honourable senators, those are my comments with respect to this report. Once it has been dealt with, we will be in a position to receive the supply bill, which we anticipate will come to this chamber later this day.

Hon. Terry Stratton: I move adjournment of the debate.

The Hon. the Speaker: Two senators indicate that they wish to speak. The deputy chair will speak and then Senator McCoy will be recognized.

Hon. Irving Gerstein: Honourable senators, I thank Senator Day for presenting the first interim report of the Standing Senate Committee on National Finance on the 2009-10 Main Estimates.

I also wish to thank the honourable senator for his leadership of our committee. The supply process is of paramount importance. As an old bagman, I understand very well that a political party cannot function without money. Since joining the Standing Senate Committee on National Finance, I have learned that the same applies in government. This matter transcends partisan politics, and it is to Senator Day's credit that he consistently defends this principle.

• (1520)

Due to the urgency of the economic crisis facing Canada, which required us to turn our attention to the budget implementation bill earlier than usual, the National Finance Committee met only once to consider the Main Estimates before writing this report. However, as Senator Day pointed out, these estimates remain before the committee for the whole year, and we shall return to examine them further in future, as we did this morning with officials from the Canadian Food Inspection Agency and the Canada Mortgage and Housing Corporation.

On March 4, the committee met with officials from the Treasury Board: Alister Smith, who has appeared before our committee so frequently of late that I am beginning to suspect he secretly enjoys it, and his associate Gregory Smith. After hearing a presentation on the Main Estimates 2009-10, which describe \$236 billion of federal government spending for the fiscal year, the committee examined several different issues, including the Canada Mortgage and Housing Corporation, public-private partnerships and cultural programs.

Honourable senators, the Main Estimates 2009-10 are particularly noteworthy for the \$3 billion special fund provided by Treasury Board vote 35. This fund is an example of the timely and decisive help that the government is giving to Canadians in this time of economic crisis. The \$3 billion special fund will help to kick-start the Canadian economy with a vital stimulus boost, and vote 35 will ensure that this money can flow earlier than usual in the supply cycle because Canadians need help now.

Honourable senators, your National Finance Committee reports that this vital stimulus measure will be subject to the oversight and transparency that Canadians are entitled to expect from their government.

I conclude by thanking our witnesses for their help in understanding the Main Estimates and for the comprehensive answers they gave to the committee. I commend this report to the chamber.

[Senator Day]

Hon. Elaine McCoy: Honourable senators, forgive me for waving the flag but, having been moved to this extreme position at the other end of the chamber away from others, I find myself having to resort to visual aids to catch the attention of honourable senators.

Senator Comeau: There is no back seat in the Senate.

Senator McCoy: Perhaps I will wrap myself in a flag in the future in the hope that the signal from those of us at this end of the chamber not belonging to any other caucus might be noticed and heard on behalf of all Canadians.

I had hoped to ask the Chair of the Senate Finance Committee a question but, unfortunately, I did not have a chance to make that indication and was not recognized in time. For that reason, I will ask a question of the Deputy Chair of the National Finance Committee, whose time has not expired. My question pertains to the CMHC, which, I understand, has been given a great deal of responsibility to carry billions of dollars worth of the stimulus package. Approximately \$1 billion plus is to be dedicated to social housing, and about \$400 billion, if I recall, is to be dedicated to buying mortgages from the banks to ease the credit situation.

In a recent article in *The Globe and Mail*, it was revealed that the chartered banks are not taking up the offer of the CMHC to purchase these mortgages to the extent that had been anticipated. When a reporter asked the CMHC to comment on that article, the reported response was that CMHC could not say because it was confidential information.

My question to the Deputy Chair of the National Finance Committee with respect to the CMHC is: What will this committee do to ensure that Canadians have access to information with respect to what the Canada Mortgage and Housing Corporation will do with hundreds of billions of dollars of taxpayers' money?

Senator Gerstein: As the honourable senator knows, \$58 billion in mortgages have been purchased by the CMHC through a process of 10 public auctions to date. The amount is subscribed as a function of the demand that the banks wish to make these mortgages available to the CMHC.

Senator McCoy: My question was: What will the Finance Committee do to ensure that the CMHC brings forward timely, public information as the spending continues so that Canadians have some capacity to track stimulus spending in this country?

Senator Gerstein: The CMHC has purchased \$58 billion, and the number is continually available to the public.

Hon. Tommy Banks: Honourable senators, my question is for the Deputy Chair of the National Finance Committee. The chair of the committee mentioned in his remarks that the committee found that there was a past practice of government departments lowballing in the Main Estimates and coming back for large amounts in the supplementary estimates, which on occasion has the effect of nearly doubling that department's expenditures during the year. Does the Senate Finance Committee have a plan in respect of departments who follow that practice consistently

over the years, to ensure that the Main Estimates are more accurate so as to reduce reliance on supplementary estimates to increase their actual spending?

Senator Gerstein: I thank the honourable senator for his question, the point of which is well taken. The issue was brought before the committee again at its meeting this morning. I can assure the honourable senator that the issue will receive the focus that he would like it to have.

Senator Day: Honourable senators, I wish to ask the honourable senator for a confirmation. The CMHC appeared before the National Finance Committee this morning and the witnesses were asked from whom CMHC was buying the mortgages. The CMHC undertook to provide that information to the Finance Committee and it will be public knowledge for anyone who wants to read it.

Senator Gerstein: I am pleased to confirm what the honourable senator has said.

(On motion of Senator Stratton, debate adjourned.)

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Moore, for the second reading of Bill S-215, An Act to amend the Constitution Act, 1867 (Property qualifications of Senators).

Hon. Consiglio Di Nino: Honourable senators, I am pleased to participate in the debate on Bill S-215, which proposes to remove the real property and net worth requirements for persons to be qualified to sit in the Senate.

Before one can come to any conclusions about whether to support this bill, I believe it is essential that we understand the original purpose of the property requirements for senators. If they can stand the test of continued legitimacy, then a case can be made for retaining the property requirements. If, on the other hand, the property requirements prove to be an antiquated leftover from another era, then it is reasonable to proceed with their removal. I took it upon myself to review the origins of the property requirements so that we collectively can make an educated decision about this matter.

Over the years, numerous parliamentary and legislative committees have studied the Senate and made recommendations for change.

• (1530)

While these reports have focused on the key issues of reform — notably the method of selection, the distribution of senators by region and the powers of the Senate — many have also commented on the more tertiary issues of reform, such as property requirements.

One example is the report of the Alberta Select Special Committee on Upper House Reform, which was released in 1985. That report examined some of the original statements by the Fathers of Confederation about the origins of the Senate. Most notably, the report reviewed some of the statements made by Sir John A. Macdonald. For example, during the Quebec Conference, Sir John A. stated the following about the Senate:

Now as to the Constitution of the legislature, we should have two chambers, an Upper and a Lower House. In the Upper House equality in numbers should be the basis, in the Lower House population should be the basis. . . . There should be a large property qualification for the Upper House which is then the representative of property. . . . The principle of the British Constitution should be carried out and . . . classes and property should be represented as well as numbers.

Having examined the statement of the Fathers of Confederation, the select committee report made a number of observations about the property requirements:

In addition to being a check on the Lower House it was generally agreed that the Senate ought to represent the interests of property. The pith of this argument was best expressed by Macdonald who noted that the rights of the minority must be protected, and the rich are always fewer in number than the poor. The property qualification fit the prevailing political philosophy of colonial legislatures. There appears to have been no objection to the property qualification for appointees to the Upper House of \$4,000 in unencumbered real property in the province from which they were appointed. Indeed, some may have favoured a higher qualification. In 1864, this represented a substantial investment in the community.

The report continued:

The Upper House fitted this anti-democratic, anti-republican attitude both because its members would represent property, and because the system of appointment by the Crown would keep it as near as possible to the very British institution, the House of Lords.

In other words, the report concluded that the origins of the Senate were anti-democratic in general and that the property requirements were left over from a time when it was felt necessary to provide protection to certain classes of individuals.

Accordingly, the report recommended:

The Senate of Canada should maintain as its primary purpose the objective established by the Fathers of Confederation, namely to represent the regions in the federal decision-making process. In addition, the Senate should continue to act as a body of “sober, second thought.”

Further, the report continued that:

Another original purpose of the Senate, that is, to represent property owners, should be abandoned immediately. The report also recommended that the Senate should not be a forum for intergovernmental negotiations.

In making its recommendations on the property requirements, the report stated:

The present requirement that senators must have a minimum of \$4,000 in property (and/or assets) is a holdover from the past when property holders were singled out as a group to be specially represented in Parliament.

The conclusion of the Alberta Select Special Committee was clear — there should be no special representation for property owners in the Senate, and this requirement should be repealed. It is worth noting, of course, that the Alberta committee recommended a Triple-E Senate.

The Alberta Select Committee was only one of the many committees to recommend Senate reform and to address the issue of property requirements.

[Translation]

Just one year previously, the Special Joint Committee on Senate Reform examined this issue. In January 1984, it published its report, better known as the Molgat-Cosgrove Report.

This report examined both the origins of the property requirement and the related issue of Quebec electoral boundaries, and had this to say:

... it is our understanding that there was also a concern to ensure representation for the English-speaking minority in Quebec. This group, already protected in the Quebec Legislative Assembly by section 80 of the *Constitution Act, 1867*, received additional protection in the Senate. Each of the 24 senators for that province was to represent one of the 24 electoral divisions of Lower Canada and was to reside or own property there. Because of the way the anglophone and francophone populations were distributed within the province, this helped to ensure that some Quebec senators would be English-speaking.

The Senate's other role — acting as a counterweight to the popularly elected House of Commons — was reflected in the way senators were chosen. They were to be appointed rather than elected, and only from among those citizens who were at least 30 years of age and who possessed property worth at least \$4,000.

Implicit, therefore, in the role of the Senate were the representation and protection of several minorities: ... the French- or English-speaking people of Quebec, and people with property.

In addition to recommending an elected Senate, the Molgat-Cosgrove Report also made recommendations about Quebec districts and property requirements.

With regard to districts, the committee concluded, and I quote:

At present Quebec is divided into 24 senatorial districts, the boundaries of which were delineated in 1856. They no longer have much relation to contemporary realities and should be abolished. New districts would be created in

Quebec as in the other provinces. Senate electoral districts, like those of the Commons, should not extend beyond the geographic limits of a province or territory.

With respect to property requirements, the report made the following recommendation:

The *Constitution Act, 1867*, requires that those appointed to the Senate have assets totalling at least \$4,000. The original purpose of this requirement is no longer valid, and the property qualification is now anachronistic. The requirement should be removed by a constitutional amendment under section 44 of the *Constitution Act, 1982*.

As you can see, the federal and provincial reports on Senate reform arrived at the same conclusions with respect to property requirements, and both recommended they be abolished.

[English]

Apart from the many reports that have addressed the issue of Senate reform, many academics have also studied the issues, including the matter of property requirements for senators. One of the classic studies of Senate reform is *The Unreformed Senate of Canada* by Robert A. Mackay.

• (1540)

Professor Mackay commented on the origins of the property requirements in his book:

In addition to being a check upon the lower house it was generally admitted in the conferences that the Senate ought to represent the interests of property ... this principle no one seems to have denied. Not a single voice seems to have been raised in the conferences at Charlottetown or Quebec, or in the debates in the Canadian Parliament against the property qualification of \$4,000 real property for appointees to the upper house. Indeed, many would appear to have favoured a higher property qualification, but it was kept to this figure at the Quebec conference out of deference to the wishes of Newfoundland and Prince Edward Island delegates. In 1864 this figure represented a substantial, if not a great, stake in the community.

The property qualification was in keeping with the prevailing political philosophy in the colonies at that time. Indeed property was still the essential qualification for electors. Macdonald emphasized that representation by population in the lower house did not admit the principle of universal suffrage. Referring to the Quebec conference, he declared: "Not a single one of the representatives of the government or the opposition of any one of the Lower Provinces was in favour of universal suffrage. Everyone felt that classes and property should be represented as well as numbers." If no property qualifications for members of the lower house were included in the proposed scheme, this was because it was supposed to leave the franchise and electoral procedure, at least at the beginning, to the provinces, all of which assumed property qualifications for electors and elected alike.

[Senator Di Nino]

One of the interesting factors noted by Professor Mackay was that the concept of property qualification even for electors was quite common at the time of Confederation. Professor Mackay went on to conclude the following about the inception of the Senate and property qualification:

In conclusion, it is clear that the compromise on representation was the political key to union. Representation according to population in the lower house gave assurance that the will of the people as a whole would prevail in federal affairs. Equality of representation in the upper house for each of the three great geographical divisions, on the other hand, was a clear recognition of particular sectional and (in the case of Quebec) of peculiar provincial interests, and a promise of protection of these interests in the federal Parliament . . . But the Senate was to have other functions as well. It was to represent conservatism and property.

Another prominent scholar who has studied the Senate extensively is Professor Janet Aizenstat. Professor Aizenstat is an expert on the origins of Parliament.

In her article entitled “Bicameralism and Canada’s Founders: The Origins of the Canadian Senate,” Professor Aizenstat commented as follows:

A person eligible for appointment to the Senate must own property in the amount of four thousand dollars. It is clear that the founders wished to see Senators chosen from the wealthier class . . . Senators are not to represent the propertied as a class, but we might ask whether they were expected to have a certain empathy for the rich. Perhaps they are expected to represent business?

Professor Aizenstat clearly does not accept the argument that the role of senators was to represent propertied classes alone in the Senate. Clearly the idea of property requirements was that senators would be chosen only from among the wealthy at the time.

Certainly, we cannot support this concept in modern times.

The issue of Senate property requirements was also raised during the hearings of the Senate Special Committee on Senate Reform during its study of the subject matter of Bill S-4 on Senate tenure.

Senate expert Leslie Seidle had this to say about the property requirements when he appeared before the committee:

There is another matter that needs to be considered in the context of the staged approach to Senate reform. It is not in the party platform of the Conservative Party from the last election. It is not in the Speech from the Throne. It is the property qualification; the \$4,000 that has to be held in property. . .

The preamble to Bill S-4 has three references to the democratic principles and values of Canada. In that context, I am puzzled why the Government would not make the additional step of deleting the property qualification. With the logic of section 44, which I mentioned earlier, there is no

doubt that this can be done by Parliament alone. It does not appear to be a provincial matter for the amending formula. It is time to get rid of this odious anachronism in the Constitution.

Professor Seidle noted that, like the Senate tenure bill, the removal of the property requirement is a matter that can be accomplished by Parliament acting alone. The elimination of property qualifications is also consistent with an incremental approach to Senate reform. The government is following this approach in order that the Senate can one day become a modern, democratic institution.

Professor Seidle went on to state the following about the origin of the \$4,000 property requirement:

The reason, quite bluntly, at the time was to keep the Senate as somewhat of a bulwark for property owners against the emerging forces of democracy. As well, the forces of democracy of a vote for the House of Commons were not terribly vibrant at the time because one had to own property to vote for the House. Only a small portion of men actually had the franchise for the House of Commons, but it has lost any meaning over time. In some people’s case it is more of a nuisance . . . let us just get rid of it; let us clean it up because I think in some cases it actually does matter. If I were going abroad and had to describe the requirements to be a Senator, I would not start with the \$4,000 property qualification. However, if someone asked me about it, I would not be very proud to have to admit that one has to own property to sit in our second chamber.

As Professor Seidle concludes, there was some wariness of democracy back in 1867, and an appointed Senate composed of property owners was seen as a balance.

Colleagues, times have definitely changed. Government is attempting to promote democracy rather than provide protection against it. With its practical and achievable reforms, the government is attempting to open up the Senate to democracy and increase its legitimacy in the eyes of Canadians. Getting rid of property requirements would also seem to be consistent with modern democratic principles. The special committee’s report picked up on the issue raised by Professor Seidle about how democracy was viewed in 1867 and how that view influenced the beginnings of our parliamentary institutions.

The report made the following comment:

In the latter decades of the nineteenth century, however, democratic principles of government were still relatively new and untested. Indeed, democracy was regarded with some caution among significant and influential portions of colonial society and this cautious view was shared by those who advocated the move toward union of the British North American colonies. Thus the mechanisms created by colonial representatives to give practical expression to democratic principles as the basis for the new country included institutional checks and balances and restrictions on the extent of democratic participation . . . Canadians today would be hard pressed to consider the Canada of 1867

a fully mature democracy. But Canada's Constitution, to paraphrase Lord Broughton, ripened and endured, and so has Canada's democracy, which has now evolved and become more comprehensive.

[*Translation*]

The committee did not make specific recommendations regarding property qualifications for senators, but it added the issue to a list of matters to be considered for progressive reform and to be addressed in the near future.

The committee also found that the bill concerning the length of senators' terms was constitutional, and it supported the government's progressive reform measures.

In its report, the committee concluded that our concept of democracy and our ideas about how it should shape our institutions have changed considerably since the time of Confederation.

We are not afraid of democracy. We welcome it with open arms. That is why the government is trying to bring in a national process to consult Canadians on Senate appointments.

• (1550)

In my analysis of the real property qualification, I would like to point out that our esteemed former colleague, Senator Dan Hays, also raised the question in his Senate reform plan, which was presented to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament.

The reform plan proposed by Senator Hays recommended eliminating the property requirements. This is what he said in his testimony before the committee:

We are all familiar with the necessity to go before the clerk each Parliament and confirm we own real property . . . I do not believe that that \$4,000 requirement of property has any purpose any longer and those provisions of the Constitution requiring it could be amended to delete it.

This concludes my examination of the facts concerning the origins and the purpose of the real property qualification imposed on senators. As I have said from the beginning, if it can be proven that these requirements serve some real purpose, clearly, we must support them and vote against this bill. Conversely, if it can be proven that they no longer serve any purpose, we must support this bill.

In my opinion, the facts clearly show that these requirements are outdated and anachronistic, a vestige from an earlier era in the history of this country. Much like the provisions calling for the appointment, rather than the election of senators, those requirements were put in place during a time when people were still somewhat apprehensive about the notion of democracy.

According to the colonial mentality that was prevalent at the time, it was considered crucial to create a Senate that represented the propertied classes, since it was supposed to act as a counterbalance to the House of Commons, whose members are elected by the people.

[Senator Di Nino]

This country has evolved considerably since 1867. We no longer believe that democracy must be restrained; on the contrary, it must be encouraged.

It is therefore clear to me that we must support this bill and abolish this archaic property qualification. This would be a small step toward greater legitimacy for the Senate. I say "a small step" because the Senate still has a long way to go before it has the legitimacy it deserves in Canadians' eyes. The reason is that the archaic process for appointing senators is still in place, as are the property requirements.

That is why the Senate should also support the government's initiatives to limit senators' terms to eight years and to introduce a national consultation process on Senate appointments.

In 1867, men had to own property in order to vote in an election. That policy has changed, and today we can only imagine a world where only men who owned property could vote. Yet a vestige of that system remains: senators can be appointed and must own property in order to be qualified for appointment.

For the Senate to become a modern, democratic institution, Canadians must have a say in who represents them in the Senate.

I support the abolition of the property qualification, but I also want to make the point that the Senate still has a long way to go beyond these small steps, which are valid nonetheless.

[*English*]

Hon. Tommy Banks: Honourable senators, I believe that we should point out that if I speak now it will have the effect of closing the debate.

Senator Comeau: Agreed.

The Hon. the Speaker *pro tempore*: Are there any other senators who wish to speak before I recognize Senator Banks?

Senator Banks: I thank Senator Di Nino for his remarks which set out more clearly than I did in my opening remarks, and in much greater and weighty detail, the reasons behind this bill.

I should mention that in regard to Senator Di Nino having referred to the situation which applies specifically in Quebec with respect to those property qualifications, senators will be aware that Motion No. 4 on page 10 of today's Order Paper is a motion which would bring about a proclamation requiring the agreement of the Province of Quebec, the National Assembly of Quebec and the Parliament of Canada.

In those respects, I have made inquiries directly of the Prime Minister of Quebec and of the Quebec Minister Responsible for Intergovernmental Affairs, who have responded that while they do not oppose this concept, *per se*, they do not wish to endorse one step as opposed to a more global approach to the reform and modernization of the Senate.

Since that is so, I will be moving later today, with the permission of the Senate, to strike Motion No. 4 from the Order Paper, and I will introduce an amendment in committee with respect to the present bill, which would exempt Quebec from the measures that are contemplated in the bill, of necessity, because it is a very different situation.

With that, I hope honourable senators will join me in voting to send this bill to the Standing Senate Committee on Legal and Constitutional Affairs for further study.

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Banks, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

• (1600)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Céline Hervieux-Payette moved second reading of Bill S-209, An Act to amend the Criminal Code (protection of children).

She said: Honourable senators, I ask leave to postpone my speech at second reading of this bill simply because I have just received results from Europe of recent studies on this matter that provide new insights. I am introducing this bill for the fourth time.

I am in the midst of reading and summarizing the results of these studies. Thus, I will be able to provide honourable senators with new food for thought. I will give my speech when I have finished this work.

(On motion of Senator Hervieux-Payette, debate adjourned.)

[*English*]

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Serge Joyal moved second reading of Bill S-218, An Act to amend the Parliamentary Employment and Staff Relations Act.

He said: Honourable senators, it is a privilege this afternoon to draw your attention to Bill S-218. Bill S-218 is not a new bill. In fact, this is the third time this bill has appeared on the Order Paper. It was first introduced as Bill S-219, voted on at second reading and sent to the Rules Committee on May 31, 2007. In

other words, the house has already voted a first time at second reading and sent it to the Rules Committee. Of course, what subsequently happened is that Parliament was dissolved, there was a general election, and the bill fell off the Order Paper.

When Parliament reconvened after the general election, Bill S-219 reappeared on the Order Paper as Bill S-212. Bill S-212, again, was voted on at second reading by this house on April 17, 2008, and was sent to the Standing Committee on Rules, Procedures and the Rights of Parliament.

I am looking at Senator Oliver, who is now the Chair of the Rules Committee. On May 13, 2008, about 10 months ago, the Rules Committee began its study. Senator Andreychuk and I appeared as witnesses and testified for an hour and a half. I testified on Bill S-219 and Senator Andreychuk testified on the motion that appears today on our Order Paper as Motion No. 13, at page 23.

I refer to Senator Andreychuk's motion because Bill S-218 addressed one aspect of the problem and Senator Andreychuk addressed the overall problem.

What is the problem? I will give a quick presentation because I do not want to bore honourable senators by repeating the same speech. My speech is not exactly the same, because I will not read notes, but I will explain the essential purpose of Bill S-218.

The purpose of Bill S-218 is essentially to correct a situation whereby employees of Parliament find themselves without the same protection that public service employees enjoy under the Labour Relations Act.

The Supreme Court of Canada, in May 2005, issued a unanimous decision of the nine judges on the bench. The court ruled that an employee of Parliament who feels aggrieved or discriminated against would have to go through the grievance procedure that is provided under the Parliamentary Employment and Staff Relations Act in order to obtain redress, compensation or repair of damages to which he believes he is entitled.

The Supreme Court of Canada ruled that the Human Rights Act applies to employees of Parliament but that they have to go through the grievance procedure and not through the redress process provided in the Canadian Human Rights Act. The question that is raised is whether employees of Parliament are protected on an equal footing as employees of the Public Service Commission. The answer is no.

The Parliamentary Employment and Staff Relations Act was adopted in 1985, while the Public Service Labour Relations Act was adopted in 2003. The Public Service Labour Relations Act is a much more recent act, and it is an act that has been modernized by this chamber, as a matter of fact. It went through a lengthy process of study by a committee of the Senate.

The Public Service Labour Relations Act provides that if a public service employee feels aggrieved, he can call upon the Human Rights Commission in support of his grievance, and the Commission decides whether it will intervene to promote arguments, to seek a settlement, compensation or redress, and of course to help the employee receive fair treatment.

The Supreme Court of Canada ruled that an employee of Parliament must go through the grievance procedure, but the Parliamentary Employment and Staff Relations Act does not provide for similar assistance. Therefore, the objective of Bill S-218 is to provide for equal treatment of employees of Parliament and employees of the Public Service Commission.

Honourable senators, there are about 5,000 employees of Parliament: 400 in the Library of Parliament; 600 in the Senate; 2,000 in the House of Commons; plus, of course, the employees of the individual members of Parliament. This is a large group of people. Honourable senators will understand that those women and men working for Parliament would expect to have the same kind of protection that is enjoyed in the public service, generally speaking.

Senator Andreychuk's motion essentially calls upon our chamber to review how the Canadian Charter of Rights and Freedoms is applicable in the Senate. The courts have already ruled that the court cannot intervene to assist an employee in seeking redress in relation to the Charter, as far as Parliament is concerned.

We find ourselves in the strange situation that Parliament, which should be a model of respect for human rights and for the Charter of Rights, does not have a formal system for the application of the Charter. The courts do not want to intervene, for obvious reasons, because Parliament is outside the limits of the court. As an employer of 5,000 employees, we do not afford to our employees the same kind of protection that exists in the public service. Honourable senators will understand that the two objectives provided by Bill S-218 and the motion of Senator Andreychuk's are complementary. That is why, in two instances in the past, this house has voted at second reading in support of the study of those bills. That study started last spring, but was cut short with the dissolution of Parliament and the election.

• (1610)

Today, I draw the attention of honourable senators to this matter and seek their concurrence so that we can continue at the Rules Committee. Nine of the senators who were on the Rules Committee in May 2008 are still members of the committee, although the committee has new senators now and a new chair. In May, Senator Keon was the chair of the committee.

Senator Andreychuk and I made a joint presentation on our complementary objectives so that Parliament could deal with initiatives that would put Parliament on par with what is offered in the public service and what we find generally in public administration in Canada. Essentially, that is the objective of this bill, the third incarnation of the bill. For the third time, we seek the concurrence of the Senate this afternoon to send the bill to the Rules Committee for proper study and recommendation.

[Senator Joyal]

Honourable senators, I cannot help but ask for your concurrence not only of the motion of Senator Andreychuk but also of this bill because they are complementary initiatives. I feel strongly that this Parliament and the Parliament of Canada should be an exemplary Parliament in the way it treats its employees, and in the way it implements its objectives of the Canadian Charter of Rights and Freedoms.

Hon. A. Raynell Andreychuk: Honourable senators, I want to thank Senator Joyal and add some words with respect both to his proposed bill and the motion. Therefore, I will adjourn the debate at this point.

(On motion of Senator Andreychuk, debate adjourned.)

STUDY ON PROPOSED REVISION TO USER FEES, NOVEMBER 2008

THIRD REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*Proposed Revision to User Fees, November 2008*), presented in the Senate on March 12, 2009.

Hon. W. David Angus moved the adoption of the report.

(Motion agreed to and report adopted.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON ISSUES RELATED TO MANDATE—FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*budget—study on emerging issues related to its mandate—power to hire*) presented in the Senate on March 12, 2009.

Hon. W. David Angus moved the adoption of the report.

(Motion agreed to and report adopted.)

ABORIGINAL PEOPLES

BUDGET—STUDY ON FEDERAL GOVERNMENT'S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Aboriginal Peoples (*budget—study on matters generally relating to the Aboriginal Peoples of Canada*) presented in the Senate on March 12, 2009.

Hon. Elizabeth Hubley, for Senator St. Germain, moved the adoption of the report.

(Motion agreed to and report adopted.)

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET—STUDY ON PROVISIONS AND OPERATIONS OF THE NATIONAL DEFENCE ACT— SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Legal and Constitutional Affairs (*budget—study on the provisions and operation of An Act to amend the National Defence Act (court martial)*) presented in the Senate on March 12, 2009.

Hon. Joan Fraser moved the adoption of the report.

(Motion agreed to and report adopted.)

[English]

BUDGET—STUDY ON PROVISIONS AND OPERATION OF DNA IDENTIFICATION ACT— THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Legal and Constitutional Affairs (*budget—study on the provisions and operation of the DNA Identification Act*) presented in the Senate on March 12, 2009.

Hon. Joan Fraser moved the adoption of the report.

(Motion agreed to and report adopted.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET—STUDY ON ISSUES RELATED TO FOREIGN AFFAIRS AND INTERNATIONAL TRADE GENERALLY—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Foreign Affairs and International Trade (*budget—study on foreign relations in general*) presented in the Senate on March 12, 2009.

Hon. Consiglio Di Nino moved the adoption of the report.

(Motion agreed to and report adopted.)

BUDGET—STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY— THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Foreign Affairs and International Trade (*budget—study on Russia, China and India*) presented in the Senate on March 12, 2009.

Hon. Consiglio Di Nino moved the adoption of the report.

(Motion agreed to and report adopted.)

BUDGET—STUDY ON 2008 LEGISLATIVE REVIEW OF EXPORT DEVELOPMENT CANADA— FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Foreign Affairs and International Trade (*budget—study on legislative review of export development*) presented in the Senate on March 12, 2009.

Hon. Consiglio Di Nino moved the adoption of the report.

(Motion agreed to and report adopted.)

[Translation]

THE SENATE

MOTION TO URGE GOVERNMENT TO ENCOURAGE G20 AND G8 PARTICIPANTS TO ADDRESS POVERTY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Oliver:

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;

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

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I would ask that the motion be put.

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

Hon. Senators: Agreed.

(Motion agreed to.)

TREATY ON CLUSTER MUNITIONS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hubley, calling the attention of the Senate to the Treaty on Cluster Munitions.

Hon. Marcel Prud'homme: Honourable senators, I would like to follow up on the inquiry made by my colleague, Senator Elizabeth Hubley, in the Senate on February 25, 2009.

I would first like to extend to her my heartfelt congratulations for the enthusiasm she has demonstrated in calling our attention to this incredibly important situation. Senator Hubley has painted a compelling picture of the barbaric, inhuman and devastating nature of cluster bombs, those small, vile devices scattered across immense geographic areas, which have the unfortunate characteristic of exploding long after they have been planted, sometimes in the faces of young children who innocently think the little balls are some sort of food product.

As we all know, these agents of misery are cruelly and deliberately manufactured to entice anyone who stumbles upon them. We all know that 98 per cent of the victims of these bombs are civilians. According to the United Nations, cluster bombs have killed 10,000 civilians, 40 per cent of whom, a staggering proportion, have been children.

• (1620)

The results are horrific: children blinded, decapitated and disabled. When these bombs do not rip apart children, they hit women in the fields and farmers working to feed their families.

Millions of cluster munitions were deployed during the recent conflicts in Iraq, Afghanistan, Lebanon, Gaza and Kosovo, creating thousands of victims.

On August 13 and 14, 2006, with a ceasefire in sight, the Israeli army literally carpeted southern Lebanon with cluster munitions. I am talking about roughly one million bombs.

Since then, not a single day has gone by without at least one person being killed or injured by these agents of misery. Lebanon has nowhere near the money it needs to clear its land. Yet its neighbour, Israel, is still refusing to give Lebanon the maps showing where the bombs were spread.

Thirty-one countries around the world are still polluted with cluster munitions. Fourteen countries are exporting cluster munitions or have exported them since the 1950s.

You will not be surprised that I applaud Senator Hubley's remarkable efforts to make us aware of how important it is that Canada quickly ratify the Convention on Cluster Munitions signed in Oslo on December 3, 2008.

At the end of the two-day conference in Oslo, 107 states had signed the convention and four — Ireland, Norway, the Holy See and Sierra Leone — had ratified it, announced Michèle Montas, spokesperson for the UN Secretary-General, at her daily press conference at UN headquarters in New York on December 4, 2008.

The convention is still open for signing at UN headquarters until it takes effect. As you know, it takes 30 ratifications for the convention to take effect and become binding on the states that signed it.

What particularly struck me in Senator Hubley's remarkable speech was her fear that Canada will not be among the first 30 countries to sign the treaty. My colleague criticized the government for abandoning its leadership role in this area.

Therefore, I, too, call on the Prime Minister to return to the quiet diplomacy that made Canada's international reputation and gave it status as a leader, exercised in a spirit of conciliation rather than a spirit of confrontation with the major powers.

I ask the Prime Minister to show that Canada is ahead of its time, a forerunner in the matter of cluster bombs, and to renew our great humanitarian tradition.

I ask that he ensure that we set an example for the international community by ratifying the Oslo treaty as quickly as possible. We must once again prove that we are not against anyone but that, more than ever, we oppose land mines.

Senator Hubley is quite right to speak of the contagious effect of such a strategy. I predict that, if ratified en masse and quickly, the Convention on Cluster Munitions will have a similar effect to that of the Ottawa treaty on land mines, signed by 112 countries in 1997. Ten years later, 158 states had ratified the treaty.

Senator Dallaire asked in this Chamber how we could stop countries that had not signed the treaty from using these monstrous weapons. He even asked Senator Hubley to again name the countries that had not signed the treaty, that is, the United States, China, Russia, Israel, India, Pakistan and Brazil.

Today, I phoned the ambassadors of two of the countries I just mentioned. They told me that progress is currently being made in Geneva, but we are not satisfied with progress; we want action.

I remember asking Senator Hubley how we could answer Senator Dallaire's question and how we could get results. I spontaneously blurted out my answer: by shaming them, by continually pointing fingers at them everywhere we meet, by not hesitating to ask them time and again to ratify this international treaty and also to ratify the Oslo Convention on Cluster Munitions.

[English]

My words here in French will be directed more to an international organization to which we belong. I am sure Senator Oliver will listen very attentively to this suggestion.

[*Translation*]

In addition, the Canadian delegation of the Inter-Parliamentary Union should call for a debate on cluster munitions during the Union's one hundred and twentieth general assembly in Addis Ababa from April 5 to 10 or the one hundred and twenty-first general assembly in Geneva next fall.

And where do Canadian students stand on this issue? Why are they so quiet all of a sudden? Thinking back to my student days, I was passionate about these issues and wanted to move heaven and earth to make things happen.

In fact, that is what I told students at the Université du Québec à Montréal last Saturday. It was Philosophy Night, and I was invited to speak to the school of management.

Perhaps it is time for the Senate to take the initiative when it comes to cluster munitions. Let us do something different for a change.

Perhaps it is even time to create an international organization of upper houses, which has long been a subject for discussion among parliamentarians at the Inter-Parliamentary Union. Why not set up an international organization of upper houses from around the world? We know that senates, shouras, first houses, upper houses and houses of lords are full of very wise people with a lot of experience in international affairs, people who have already played a major role.

Consider Mr. Nakasone from Japan and Mr. Andreotti from Italy. At 90 years of age, the latter is one of Italy's few senators for life. Even at his age, he still chairs Italy's very important foreign affairs commission. Mr. Andreotti and his counterparts around the world know so incredibly much about human beings at their best and worst.

I would add that I fully agree with Senator Art Eggleton, who asked the government to, and I quote:

. . . detail an action plan that would allow Canada to fulfil its commitment on cluster munitions and land mines.

• (1630)

Senator Eggleton — a former Minister of National Defence — pointed out that, for the past 10 years, the Canadian Landmine Fund managed the Government of Canada's financial support to eliminate mines around the world. That fund no longer exists and, to quote Senator Eggleton:

. . . no long-term policy has been put in its place to continue Canada's support for mine action.

Also according to Senator Eggleton — and I agree with him completely — such an action plan is crucial, and again I quote:

. . . to ensure that another farmer, mother or child does not become a victim of a land mine or a cluster bomb.

On February 25, 2009, Senator Hubley also criticized the government for drastically cutting funding to organizations such as Mines Action Canada. In that respect, I agree completely with my colleague.

However, I am very encouraged by the foreign policy initiatives of U.S. President Barack Obama, and especially the fact that he takes a different position from the Bush administration.

I am also very happy about the recent decision by the United States to prohibit the export of nearly all American cluster munitions. I still call on the world's leading military power to support the international treaty prohibiting these weapons. If President Obama only knew how much people follow his lead, how much they expect from him, to the point that even if we were non-believers, we would almost be tempted to pray for him.

Senator Hubley pointed out that there is still a lot of work to be done in clearing land mines and cluster munitions worldwide, that Canada was a leader in this area and that she hoped, and I quote:

. . . that Canada will continue to lead international efforts to clean up the deadly legacy of armed conflict left behind in countries across the globe.

If each one of us, as a senator, were to decide to draw attention to this cause, we would be acting for the greater good of humanity. Our great country, Canada, would be even greater.

(On motion of Senator Wallin, debate adjourned.)

[*English*]

RULES OF THE SENATE

MOTION TO AMEND RULE 28(3.1)— DEBATE CONTINUED

On the Order:

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

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

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

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

Hon. Consiglio Di Nino: Honourable senators, I spoke to Senator Banks, the sponsor of this motion, and told him that I am not quite ready to speak on it. He has agreed to allow me time and, with my thanks, I will adjourn the debate for the remainder of my time.

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

CONSTITUTION ACT, 1867

MOTION TO AMEND REAL PROPERTY PROVISIONS FOR SENATORS—MOTION WITHDRAWN

Leaving having been granted to revert to Other Business, Other, Item No. 4.:

On the Order:

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

That,

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

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

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

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

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

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

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

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

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

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

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

Citation

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

Hon. Tommy Banks: Honourable senators, as I explained earlier, this motion is attendant upon Bill S-215, which we have today sent to committee. This motion would have the effect of moving towards a proclamation by Her Excellency, which is permissible in these circumstances.

However, as I mentioned earlier, I inquired of the Government of the Province of Quebec and that government has responded that, while they are not opposed to the thrust of the matter addressed in Bill S-215, they do not think it should be done one step at a time and they would rather look at modernization of the Senate in a larger, global context. Therefore, this motion becomes null for all intents and purposes because, of course, it cannot proceed without the active participation, not to say approval, of the Government of Quebec.

Therefore, I ask permission to remove it from the Order Paper.

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

(Motion withdrawn.)

THE ARCTIC

INQUIRY—DEBATE ADJOURNED

Hon. Bill Rompkey rose pursuant to notice of February 10, 2009:

That he will call the attention of the Senate to Canadian policy in the Arctic, especially matters concerning the Inuit and First Nations, the environment, resources and Canadian sovereignty and control.

He said: Honourable senators, I laid down this inquiry so we could have a discussion in this chamber about the Arctic. There is a significant amount of talk about the Arctic in the country, but we have not had a discussion. I hope that as many senators as possible will participate.

The Prime Minister has said of the Arctic: “. . .use it or lose it.” He is right. However, how do we use it and how should we use it if we are not to lose it?

First, we must acknowledge that the Inuit have been using the Arctic for thousands of years. It is their home and, largely because of that, Canada has sovereignty in the Arctic. That is all the more reason, I think, to ensure that the Inuit and other Aboriginal

groups in the Arctic are involved in policy-making. Whatever Canada does or does not do will affect Aboriginal groups more than anyone else. That is why recommendations that come from Aboriginals in the North should be responded to quickly and fully.

There was a recommendation within the past few years for the building of seven wharves or breakwaters in Nunavut. Thus far, only one, at Pangnirtung, has been announced. As an Atlantic Canadian, I was dismayed to discover there are virtually no wharves and breakwaters in Aboriginal fishing communities in Nunavut. Where I come from, every fishing community has its wharf and/or breakwater, which is essential to the industry and to the way of life.

The Inuit, too, are people of the sea, people who have harvested the resources of the sea for centuries. Yet, in 2009, the Inuit of the Eastern Arctic have nowhere to land their catch even if they had adequate access to stocks off their shores, which is another issue.

Let me hasten to point out that this neglect of Arctic infrastructure did not start with the present government. This is an ongoing issue. Nevertheless, the government has said “use it or lose it,” and we should act quickly to provide the necessary fish quotas, wharves and breakwaters in the Arctic. The Inuit deserve the infrastructure and need it. It would be a signal of our determination to defend our sovereignty there.

There is no question in my mind as to whether the land and the waters of the Arctic are Canadian territory; they clearly are. However, not everyone agrees with that. The Americans, our continental neighbours and our Arctic neighbours, declare now as they always have that the Northwest Passage is an international strait open to the passage of ships from any nation, including their own. The U.S., of course, is afraid that, if they concede that the Northwest Passage is not international waters, other straits such as Hormuz, Malacca and Gibraltar will not be open to them.

Therefore, in order to enable their ships to move freely in all international straits, the U.S. insists on moving freely through the Northwest Passage and the inland waters of the Canadian Arctic.

• (1640)

How firmly would the Americans proclaim this position if there was adequate control in the Canadian Arctic? I believe the real question for the U.S. is not who owns it, but who is in control. We own it, but do we control it? Not really.

Let us examine that lack of control more thoroughly. Reporting regulations off the East Coast of Canada are mandatory. Every ship entering Canadian waters must report to us and be tracked to her destination. If you go down to the dockyard in Halifax and watch the computer screens, you will see that they know of every ship coming into Canadian waters — what the flag is, what the cargo is, what the destination is.

The same thing is true off the West Coast of Canada. Every ship entering Canadian waters off the West Coast must report to us and be tracked to her destination.

This is not so on the third coast. NORDREG, the regulations governing passage through our Arctic waters, are voluntary. You can report if you want to, but you do not have to.

The Coast Guard tell us that 90 per cent or more of the ships passing through report, but how do they know? How do we even know what ships are there? We only have satellite observation. We do not have the ships or the planes stationed in the Arctic to do anything about it if we wanted to.

In the Eastern Arctic, Coast Guard ships are ordered north from Halifax, from the Coast Guard headquarters in Sarnia, Ontario. The headquarters for the Coast Guard in Iqaluit is in Sarnia, Ontario.

Planes have to be tasked from Trenton, Ontario. Regular fixed-wing overflights have been scaled back and helicopters just take too long to get to the Arctic for interdiction or for search and rescue.

In the meantime, I hasten to point out that a great facility at Goose Bay, Labrador, in the sub-Arctic, sits virtually unused with empty hangars, under-used surveillance capability, excellent weather and some of the longest runways in Canada.

Arctic surveillance and Arctic search and rescue could more effectively be done out of Goose Bay, and yet excellent infrastructure owned and operated by Canada sits underutilized. Fisheries surveillance for the Arctic could be done from there as well.

If ships and planes from the Arctic were controlled in the Arctic, rather than from some point in Central Ontario, perhaps we could show that we are serious not just about sovereignty, but about control.

That, I submit, is the main concern of the Americans. They want to know that someone is in charge, that someone is aware of the increase in shipping through the Northwest Passage, and is doing something about it.

Perhaps the U.S. would agree to be a partner in controlling those waters. After all, much of the shipping that would traverse our waters will pass first off Alaska; and they do have adequate resources stationed in their Arctic waters.

Without conceding sovereignty, could we not fashion a joint effort to control the Arctic waters? We share the continent with the Americans, and there are a number of models showing how we could work together and have worked together with shared resources. NORAD is one; NATO is another; the Arctic Council is a third.

We do not cede Canadian sovereignty in airspace, but we share control over the skies above the continent with the Americans. If we can do it from the air, why can we not do it on the sea?

I am not talking about sovereignty; that is unquestionable. I am talking about control. If there is not control, every country will be able to use the Northwest Passage — not just the Americans, but the Russians, the Chinese or anyone who wants to use it for either legal or illegal shipping. South Korean shipyards, driven by oil and gas markets, are constructing new ice-strengthened and double-bowed icebreakers that can operate efficiently both in open water and in ice cover up to one metre thick.

We have a good legal case for sovereignty in our Arctic, but we need put our money where our mouth is and establish control. That is what other countries are waiting to see.

We have to show them that we are serious. We must not just promise but actually construct ice-strengthened ships for the Coast Guard. We must do that so that they can be our first line of defence, not just in name but in fact. One ship is not enough if we are serious. There must be fixed-wing aircraft that can fly patrols over the Arctic waters. However, search and rescue in the final analysis can best be done by helicopters operating from bases in the North or the near north.

The Inuit should be at the forefront of control of our Eastern Arctic waters. Not only must they be intimately involved as a partner in policy-making, but they must be brought more and more into the execution of control and surveillance and research in the Arctic.

Personnel in the Coast Guard are declining, either through attrition or other causes. Why not have a special recruitment program among Inuit communities to bring new men and women into the Coast Guard? After all, the Arctic is their homeland and no one knows it better than they do. I always feel more comfortable in the air and on the sea in the Arctic when I know I have a pilot that knows the land and the water intimately because in addition to the skills they have acquired, they know the country so well.

The same thing can be said for recruitment in Fisheries and Oceans Canada. It is far more likely that these newly-acquired personnel will stay in the area longer and not see it just as a posting to lift them to another step on the ladder.

In the same way, the Canadian Rangers should be expanded, both in personnel and mandate. To give them their due, the government has promised this. We will be watching closely to see how the policy is implemented. They should be made permanent members of the reserves, with appropriate pay and benefits. Some members of the volunteer Coast Guard are weary of offering their personal equipment to operations because it was not properly insured, nor were they. Yet, if we were able to provide them with the necessary equipment and benefits, they would be clearly our best lifesaver, simply because they know their country so well and are used to travelling across it.

The whole question of search and rescue in the Arctic must be examined to see if the response to incidents there is ready enough. There will be more incidents. There will be more traffic — illegal or otherwise — coming through the Northwest Passage and Canada's inland waterways. There will be oil spills, there will be destruction of marine habitat, and all of this will require a ready response.

As I have said before, right now the headquarters of the Coast Guard operations in the Eastern Arctic is in Sarnia; and if a helicopter takes off on a rescue mission, it is tasked from Trenton, Ontario. Does this make sense in 2009, when ice is receding at an increasingly rapid rate and the incidence of lost people is bound to occur?

I would recommend again that the government consider utilizing those facilities at Goose Bay for use in the Eastern Arctic.

[Senator Rompkey]

Canada is well on the way to establishing our case for jurisdiction over the territory beyond our Arctic headlands. Other countries are putting together their cases, which will be adjudicated by an international tribunal. This is not so much a race against each other as a race against time.

The government allocated \$70 million to the mapping of the seabed shelf in 2004, and an additional \$20 million was made available in 2008. Again, to give it its due, the government has pumped funds into this research operation and taken it seriously. As a result, we are probably well on our way to establishing our hegemony over some of the most resource-rich areas in the world.

The government also announced that they would double the area covered by the Arctic Waters Pollution Prevention Act established by Pierre Trudeau. That is a welcome move, but how will we control what goes on over 200 miles when we cannot control what goes on over 100 miles? We do not have adequate control, and we must, if we are to be taken seriously.

Again, this just did not start with the present government. It has been going on for far too long. However, sweet talk and avoidance are no longer options for any government.

We must keep in mind that this territory has been inhabited and used by the Inuit for centuries. It is they who should benefit primarily from the extraction of those resources, not only because of the likely impact on their homeland but because it is the right thing to do.

By the way, some our research in the far north has been done jointly with the U.S., even though we have conflicting claims regarding the border between Yukon and Alaska. If we can cooperate with our neighbours and largest trading partner in the area of research, why can we not do that in the area of control? Professor Michael Byers and former Ambassador Paul Cellucci, in their model negotiation over the use of the Northwest Passage, proposed a new Canada-U.S. Arctic navigation commission to address the common interest of the two countries in navigation, environmental protection, security, safety and sustainable economic development. The proposed commission would follow the model of the International Joint Commission by acting as a recommending body.

• (1650)

Honourable senators, now is the time for effective action. Let us discuss with the Americans how effective control of the Arctic waters can be managed. We know that this area is Canada's, largely because proud Canadians of Inuit and other Aboriginal origin have used it as a homeland for centuries. How do we make this de facto and not just de jure?

It will be easy and quick to make the NORDREG system mandatory, which the government has said it will do but has not done to date. Let us continue our research on the geopolitical issues in our far north. Let us look at establishing effective search and rescue and surveillance for the Arctic, manned more and more by Aboriginals. Let us always remember that it is their homeland and they must be fully involved in policy-making and in operations. It is not enough to say that the Arctic is an integral part of the Canadian soul. It is time to start using our heads.

Hon. Hector Daniel Lang: I thank the honourable senator for such a well-thought-out and constructive address to the chamber. I look forward to debate on the question of Arctic sovereignty and, therefore, move adjournment of the debate to reply to the honourable senator another day.

(On motion of Senator Lang, debate adjourned.)

NEWFOUNDLAND AND LABRADOR

INQUIRY—DEBATE ADJOURNED

Hon. Joan Cook rose pursuant to notice of February 26, 2009:

That she will call the attention of the Senate to Newfoundland and Labrador — 60 years of being Canadian.

She said: Honourable senators, at the stroke of midnight March 31, 1949, Newfoundland became the tenth province of Canada. That was 60 years ago, and I remember that polling day clearly. As a young girl heading off to school, I asked my father what all the rhetoric was about and why this was so important to him. My father turned to me and said: “After today, the ground you walk on will never be your own.” As a young girl, I did not fully understand.

Like many Newfoundlanders, my father was pessimistic about the union. However, as time went by he saw the benefits and challenges of the union and what it would mean for the next generation. The purpose of this inquiry is to look into the relationship between my province and Canada, and to examine the overall sentiment of being Canadian 60 years later.

Honourable senators, I have heard my fair share of rhetoric about the relationship of my province in Confederation. Relationships contain their fair share of drama and conflict. Looking back at the sentiments preserved in correspondence between Newfoundland and Canada in 1948, one sees that concern over our relationship with Canada is not new. In reading these old letters from 1948, we see that two things stand out: The majority of this correspondence between Newfoundland and Canada included worries about our manufacturing industry and concerns about the likely loss of 3,000 jobs. In retrospect, the people of my province had no idea what the real Confederation issues and outcomes would be. I intend to highlight a few of the events that have shaped my province and formed our current relationship with Canada.

My newly formed province began its journey essentially by losing its manufacturing sector, just as Canada lost part of its manufacturing sector when it signed the Free Trade Agreement in 1988. There is a consensus in Canada that free trade has been a dramatic success, notwithstanding the loss of part of Canada’s domestic manufacturing sector.

Honourable senators, any rational evaluation of this deal would produce the same conclusion for Newfoundland and Labrador. This was the beginning of the give-and-take tradition that would see the province through the next 60 years.

During the debate over Confederation, Newfoundland newspapers and speechmakers railed and rallied over one passing fancy or another. While all these issues were important,

many of which were not resolved entirely in our favour, there was a great deal of positive movement under the surface. Looking again at the 1948 correspondence, we see that the Honourable Lester B. Pearson, then Minister of External Affairs, played a big role in bringing Newfoundland into Confederation and integrating it into the provincial system as an equal player. Long before the principle of equalization was entrenched in the Charter in 1982, all the correspondence from the Government of Canada instructing its officials was in terms of immediately bringing the level of federal services in Newfoundland to the national level. The wording of the equalization provisions in the Charter is remarkably similar to the equalization provision in the terms of union with Newfoundland.

When the province received the national level of service and its voice in Parliament, doors opened for our people. We were exposed to the riches and possibilities that existed off the island. Today, no matter where you live in Canada, you probably know a Newfoundlander. It is often said that one in two university graduates from Memorial University in St. John’s find jobs elsewhere in Canada. Sadly, there is no corresponding in-migration to balance this dramatic loss of human capital.

Since 1976, net out-migration has been about 4,000 people per year. For a province of our size, this out-migration is an obvious concern. The promise of an average 34 per cent increase in salary draws many people away from my province. Our province has been losing this human capital future but sharing it with Canada. The fisheries crisis in my province that everyone focuses on only increased the exodus for a couple of years. Even now, in the years of great oil production, out-migration is still between 3,000 and 4,000 young people per year. For those who stay in the province, jobs are to be found, and we are well known for our abundance of renewable energy that benefits Canada and, indeed, the world.

In the late 1960s, my province undertook the development of the Upper Churchill River in central Labrador in hopes of benefiting from the massive energy harnessing potential. Our Canadian Constitution guarantees the free flow of goods across provincial territories. However, in this case, Quebec refused to allow my province to lay power lines across their land. Finally, in a Supreme Court ruling over the dispute, we lost. As a result, my province was forced to sign a contract in effect until 2041 that requires the sale of the harnessed hydroelectric power to Quebec. Although we own the power system, my province has earned only a few million dollars while last year alone, the Province of Quebec made over \$2 billion in revenues.

Honourable senators, the Churchill Falls settlement is an issue that the people in my province will never understand. On a positive note, my province was responsible for the creation of the project. We built it, own it, employ the workers who operate it, and down the road, my province will benefit from the selling of that renewable resource. The upcoming development of the Lower Churchill Project will increase the present power production by an extra 4,000 megawatts to a total of 9,252 megawatts for the entire Churchill River hydroelectric complex.

Honourable senators, my province was once well known for its fishing industry. Indeed, it was our reason for being. The Atlantic cod fishery was the mainstay of our economy when Newfoundland joined Canada in 1949.

• (1700)

Despite the scientific advice to manage the domestic fishery in a sustainable manner, capitalist temptation and the availability of new technologies led federal and provincial governments to cave under political pressure. By 1992, the 500-year-old cod fishery had been mismanaged to the point of total collapse, leaving 15 per cent to 20 per cent of our population without work.

Today, the fishery sees no signs of recovering due to the fact that foreign trawlers are still fishing in the spawning areas outside the 200-mile limit, and we failed to enact the custodial management actions needed to protect it by strengthening the Northwest Atlantic Fisheries Organization, NAFO.

In recent years, seal populations have increased in the North Atlantic Ocean while the amount of fish is decreasing. In many minds, there can be no argument: Seal predation on fish is now at an excessive level and is preventing the re-establishment of the fish stock. The demands for the increased killing of seals and the establishment of seal exclusion zones in Atlantic Canada are becoming louder.

The initial signing of the 1985 Atlantic Accord was another give-and-take agreement made between Canada and the province of Newfoundland. It set out rules for sharing oil revenue and contributed to equalization calculations. By 2005, the Atlantic accord needed to be updated and, eventually, after months of political debate, the Honourable Paul Martin, the prime minister of the day, along with the premiers of Newfoundland and Labrador and Nova Scotia, signed an agreement under which offshore oil royalties were protected from equalization clawbacks.

Honourable senators, this day was promising for the people of my province, and when Premier Danny Williams returned to the island after the accord was signed, we believed that our province had come of age.

By 2008, my province became a have province, and we began to contribute to the federal equalization program for the first time since 1957. However, with the passing of the 2009 Conservative budget on March 12, my province reverted to its have-not status. The repercussions of this budget will be felt as Newfoundland and Labrador stands to lose \$1.2 billion over the next three years.

Where are we today? I mentioned earlier that the migrant workers who leave the province experience a dramatic increase in living standard but, surprisingly, even though the province loses population, the per capita earned income has risen almost every year since joining Confederation. While the loud public debates have been preoccupied with megaproject failures, quietly the people of my province have succeeded.

Most important of all is the little-acknowledged fact that Newfoundland and Labrador earned income; that is, income separate and apart from transfers from the federal and provincial governments. The province has been growing faster than anywhere else in the country. Today, we see a smooth curve, steeper than the other provinces, bringing provincial wages from 50 per cent to 75 per cent of the national average in 50 years.

Even today, in 2009, a great deal of attention is devoted to perceived equalization problems and the unalterable fact of out-migration. Beneath these pressing issues, a revolution of living standards for Newfoundlanders and Labradoreans is taking place. We are all richer and better educated with vastly large opportunities. Even though the people of the province are migrating to where the jobs are, the province is becoming richer.

This nation, honourable senators, is one integrated whole. Our country benefits from the human capital trained in a Newfoundland university and the other post-secondary institutions on our island, as well as the hordes of us who go elsewhere to pursue further education.

Oil development expands the economies of Ontario and Alberta in precisely the same way that it expands ours. Equalization is the tool that balances the scales. For much of the 60 years that Newfoundland has been in Confederation, the true tangible benefit of Confederation has not received enough attention.

My province has been blessed with strong leadership. From Premier Joey Smallwood's vision and determination, which ensured the land he loved would excel in its union with Canada, to Premier Danny Williams, holding fast to his ideals and ensuring an equal voice, our leaders have taken us on an incredible journey. Loved and hated by many, we admire and respect their passion and unique style of governance.

Honourable senators, my province is in this union for the long haul. We understand that our relationship in Confederation will not always be perfect, but like many relationships, communication and compromise must be a priority.

Back in 1949, as my father explained what he believed about the impending union of Newfoundland and Canada, he could never have foreseen the scope of opportunity that Confederation would bring. Certainly, he would never have believed that his daughter would be standing here today in Ottawa speaking as a senator to honourable senators about the incredible journey his province began 60 years ago.

Honourable senators, in conclusion, no matter where the journey takes a Newfoundlander and Labradorean, we long to go home, home to feel the sting of the wind on our face and to taste the salt sea spray on our lips. As we reach the milestone of 60 years on March 31, I truly believe that we are indeed Canadian.

Hon. Fabian Manning: Honourable senators, I am pleased to have the opportunity to say a few words on the inquiry put forward by my fellow Newfoundlander, Senator Cook, calling the attention of the Senate of Canada to the fact that this year, 2009, our wonderful province of Newfoundland and Labrador will mark its sixtieth year as a province in the country of Canada.

Before moving to my remarks on this important discussion, I first want to make a few comments on the most recent tragedy at sea, which took place on the morning of March 12, 2009, just off the shores of Newfoundland and Labrador, the unfortunate crash of Cougar Helicopter Flight 491 and the loss of 17 lives.

[Senator Cook]

This tragedy has gripped our province, indeed the nation, and brought back many sad memories of that other terrible tragedy in February of 1982 when the oil rig, the *Ocean Ranger*, sank during a major storm, and in excess of 80 people were lost to the sea.

On behalf of all my fellow Newfoundlanders and Labradorians, I thank people from across this great country who have joined in our collective sorrow during this most difficult time.

With your indulgence, I want to enter the names of those lost to the sea on March 12, 2009, and ask you all to remember them and their families at this time: Allison Maher, 26, of Aquaforte, Newfoundland and Labrador; Paul Pike, 49, from Shearstown, Newfoundland and Labrador; Peter Breen, 55, St. John's, Newfoundland and Labrador; Gary Corbett, 46, Conception Bay South, Newfoundland and Labrador; Wade Drake, 42, Fortune, Newfoundland and Labrador; Wade Duggan, 32, Witless Bay, Newfoundland and Labrador; Colin Henley, 38, St. John's, Newfoundland and Labrador; Ken MacRae, 47, from Greenwood, Nova Scotia; Derrick Mallowney, 51, from Bay Bulls, Newfoundland and Labrador; Burch Nash, 44, from Fortune, Newfoundland and Labrador; Tim Lanouette, 48, from Comox, British Columbia; Thomas Anwyll, 46, from Langley, British Columbia; Corey Eddy, 32, of Paradise, formerly of Sibley's Cove, Newfoundland and Labrador; John Pelley, 41, Deer Lake, Newfoundland and Labrador; Keith Escott, 39, St. John's, Newfoundland and Labrador; Gregory Morris, 39, from Outer Cove, Newfoundland and Labrador; and Captain Matthew William Thomas Davis, the pilot, 34, from St. John's, Newfoundland and Labrador.

• (1710)

I want to also say a special thank you to all the brave men and women involved in the rescue and recovery of the passengers and crew of Flight 491. On Wednesday evening past, March 17, I had the opportunity to attend an ecumenical service at the Basilica Cathedral of St. John the Baptist Basilica in St. John's. I want to congratulate the organizers of this very special, thoughtful event and all of the members of the several churches of Newfoundland and Labrador who so willingly took part. While the tragedy is indeed sad, the show of support for the families has been overwhelming and appreciated.

My friends, the world we live in is a very dangerous place, and the sea has taken its toll. While our province of Newfoundland and Labrador has reaped its bounty, we have suffered its cruelty.

The great poet E.J. Pratt penned the short but very powerful poem *Erosion*:

It took the sea a thousand years,
A thousand years to trace
The granite features of this cliff,
In crag and scarp and base.
It took the sea an hour one night,
An hour of storm to place
The sculpture of these granite seams
Upon a woman's face.

In closing I would like to say thank you to everyone near and far across our country for your support, thoughts and prayers. To those who lost their lives, may God provide you with eternal rest.

Let me say a few words, honourable senators, on what happened almost 60 years ago, on March 31, 1949. Or was it April 1, 1949? There you have it. It is no wonder we still have today a debate in our province on the benefits — or lack thereof — of Confederation when we still cannot agree on when it really happened in the first place.

I cannot, as Senator Cook can, remember that day in 1949, but I have listened to our past that has been told in stories and song. While we long for days gone by, we understand the changes that came about with the signing of the terms of union in 1949.

What we brought to this great country, honourable senators, are many natural resources — a great fishery, for one — and a hardworking group of people. From the days when John Cabot threw the baskets over his ship off the shores of Newfoundland in 1497, our fishery has been a very important part of our history and culture. Communities that dot the coastline of Newfoundland and Labrador have made a living from the fishery. Large families have been raised solely on the benefits that came in over the sides of the boats in Newfoundland and Labrador.

We could entertain you for hours in this honourable place with the songs and stories of Newfoundland and Labrador. Today, many people in our province are very happy that we are part of the greatest country on earth; Canada.

Honourable senators, while we sometimes question the things that happened in the past and the things that will happen in the future, the fact is that we are part of — as many of you are aware — one of the greatest — and now the greatest — country on earth.

My seatmate just informed me that his mother was from Bell Island, Newfoundland, so now I realize we could be distant cousins. We all started with Adam and Eve, so who knows.

Honourable senators, back in 1985, oil and gas became a major part of Newfoundland and Labrador. I had the first opportunity to cast a ballot in September of 1984, a ballot for what was then the government of Brian Mulroney and the Honourable John C. Crosbie, now Lieutenant Governor of Newfoundland and Labrador.

I wrote a letter to the local paper, a first-time voter and a proud Progressive Conservative. My mom still has that letter today. Back then, the then-premier Brian Peckford and the then-Prime Minister Brian Mulroney, along with John Crosbie, Bill Marshall and many others, signed the original Atlantic accord. It changed Newfoundland and Labrador. It did not change on that particular day, honourable senators, but it certainly changed it in the years afterwards.

The change came, in part, at the loss of some of our culture and heritage, but it also opened up new doors and opportunities. With any new opportunities come new challenges, such as trying to deal with new wealth, trying to deal with the travelling back and forth — as we saw last week in the tragedy that struck our province — trying to gain the resources off our shores. There is no doubt that it has been a great opportunity for Newfoundlanders and Labradorians and Canada, honourable senators. We are very pleased to be part of the oil and gas industry.

There is no doubt in my mind that when we look back at that time at the signing of the Atlantic accord and the decisions that were made, it was to benefit the people of Newfoundland and Labrador. It was to finally bring us into Confederation after so many years.

While we had challenges and discussions and debate with Ottawa, I believe that we are benefiting greatly from the oil and gas industry. There will always be questions, but the fact is that it has brought us to a new stepping stone in our part in Canada.

The leaders of our province, as Senator Cook touched on, have made a mark also within this great country, going back to the Honourable Joseph Smallwood, our first premier. From what I have read, I believe he got some poor advice, but I believe his heart was in the right place in many ways. Some of my friends may disagree, but I believe his heart was in the right place when it came to Newfoundland and Labrador.

We have had some wonderful leaders in our province who have spoken well, and brought our concerns to Ottawa and to other parts of Canada. Even today, with Premier Danny Williams — who I may not agree with each and every day — I believe some of the things he does are very welcome. Sometimes I do not agree with the way he does things.

Our relationship with Ottawa is important, as is our relationship with the MPs who represent their provinces, with senators and with all members of Parliament. Senators are very important because we are part of this great country. In order to be part of this great country, we feel the need, as always, to be heard, to be listened to and to have the considerations we raise be taken very seriously.

I believe we have produced a very positive relationship with Ottawa over the past 60 years and, because of that, we are reaping major benefits.

Senator Cook touched on the Churchill Falls agreement. Sometimes we do not remember many things that happened during our school years, but one thing we remember is there was always a constant debate about the Churchill Falls deal. That deal is in place until 2041. I do not believe there is a Newfoundlander and Labradorean alive today — living in Newfoundland and Labrador, in another part of Canada or the world — who is not aware of the Churchill Falls deal.

We believe that we were certainly in a position to avail ourselves of a great opportunity from that great resource that — for reasons that many will debate forever and a day — we certainly do not reap the benefits of.

We believe that these are the kinds of things that cause the occasional acrimony and concerns that Newfoundlanders and Labradoreans raise. It causes concern that we are not part of this great country, and that we are not dealt with fairly and squarely as part of this great country. These are the reasons that we are always struggling to have our voices heard, have the issues laid on the table for fair debate, and we will continue to do that.

I certainly believe that we do it in a constructive manner, and hopefully will have some constructive results. As Winston Churchill said, most times it is better to jaw-jaw than to war-war. That is the way we try to take in our part in the world.

[Senator Manning]

I remember a few years ago having a chat with my own father about the way things used to be in Newfoundland and Labrador many years ago. We listened to the stories of our fathers and mothers and we learned from them. I learned from my father that opportunities expand our horizons, including the fact that we officially became Newfoundland and Labrador just a few years ago.

Most people in Newfoundland and Labrador today will call themselves Newfoundlanders and Labradoreans, but in many parts of Canada and other places we are Newfoundlanders. We are proud Newfoundlanders and Labradoreans. The big land of Labrador is an important part of our province. It is an important part of the natural resources that provide employment and opportunity for the people of our province.

My own sister lived in Happy Valley Goose Bay for 27 years. She absolutely adored and loved the people and the land of Labrador. Unfortunately, she passed away with breast cancer in 2000, but her memories and stories of Labrador attest to the fact that there is a rich culture and heritage in that part of our province also.

• (1720)

It is important that Newfoundlanders and Labradoreans continue to tell the stories of struggle but also to tell the stories of gaining ground. We are definitely gaining ground in this country. As Senator Cook said earlier, the fact that we have the opportunity to be a “have” province and contribute to this great country makes us all proud, and we want to make that contribution.

We want to be part of this country, and as we close in on the sixtieth anniversary, I ask all my colleagues to take the time to listen because sometimes the issues or concerns that Newfoundlanders and Labradoreans raise do not receive a lot of national attention. In the past week, many eyes and ears have been on our province because of the tragedy at sea that I mentioned earlier. Canadians, honourable senators in this honourable place and members in the House of Commons owe it to themselves to listen to the concerns of others, to the smaller parts of our country.

We are 514,000 people who live on a rock in the Atlantic Ocean. We raise our concerns and issues because we want to be part of this great nation. We want to be part of this great country and work together constructively. Yes, we will have our partisan politics, and we will always debate, discuss and argue; that is part of human nature.

Thanks be to God that we live in a country where we can do that, where I can stand up and disagree with someone across the floor, or disagree with someone in public, and not have to worry about getting mugged, ambushed or shot at before dark. People do not realize how fortunate we are.

I had an opportunity to meet a soldier who returned from Afghanistan a few months ago. I asked him what he saw as the most important job while he was in Afghanistan for his six-month tour. I expected him to say the job of a gunner, a pilot or whatever

the case might be. His answer to me was profound. He said that the most important job is that of a teacher. When I asked him why, his answer was simple. He said that unless we teach the Afghan people about the world outside, about the opportunities, about countries such as Canada, where we can choose, live and speak out, he said, they can never aspire to be like that world.

It was important for me to learn the importance he sees in a teacher. When I look back and read the stories of the past of Newfoundland and Labrador, and look back pre-1949, I wonder how much the people of my province knew about other parts of Canada, the world, and the opportunities that were out there. It is only by being part of this great country — being part of Confederation — that we have learned about the country. We have attained to be better citizens of this great country, and I hope, as we close in on the sixtieth anniversary of our province, that all people in Canada will join together and celebrate the fact that Newfoundland and Labrador is now a great part of this great country of Canada.

Hon. Jane Cordy: Will the honourable senator take a question? I know he will have to ask for additional time.

The Hon. the Speaker: Is it agreed that Senator Manning has five more minutes?

Hon. Senators: Agreed.

Senator Cordy: I thank Senator Manning and Senator Cook for excellent speeches. It is nice when we can focus on our specific regions as senators because, indeed, we represent our regions.

Since I was born in Cape Breton, I know that we share a lot with Newfoundlanders. We all love to have parties, we love to tell stories, and Cape Bretoners and Newfoundlanders are known for their music, despite the hardships we have gone through over the years.

The honourable senator talked about his seatmate's mother being born in Newfoundland, I believe, but his seatmate was born in Cape Breton. The honourable senator mentioned John Cabot when he started speaking. I wanted to know whether his seatmate let him know that John Cabot first landed in Cape Breton.

Senator Di Nino: He's my uncle!

Senator Manning: I thank senator Cordy for the question. That is another debate that we will continue to have.

We found it hard to believe that John Cabot did not run into Newfoundland on the way to Cape Breton. We are impossible to miss. We are a large rock in the Atlantic Ocean.

There is no doubt about it. In our view, John Cabot landed in Bonavista in 1497. We will die believing that. Nobody in the world will ever convince us otherwise. You can stay here until the cows come home. It ain't going to happen. John Cabot landed in Bonavista in 1497, contrary to what my seatmate may say to me next week. He has not brought up that subject yet; we are enjoying only our first day of being seatmates. I will tell him upfront that no matter how much talking he does, it will not

change my mind. John Cabot landed in Bonavista, Newfoundland and Labrador, in 1497, and we are happy and proud that he did.

(On motion of Senator Tardif, debate adjourned.)

THE SENATE

SENATE AUTHORIZED TO RESOLVE ITSELF INTO COMMITTEE OF THE WHOLE TO HEAR REPRESENTATIVES OF ABORIGINAL COMMUNITY

Hon. Serge Joyal, pursuant to notice of February 3, 2009, moved:

That, at 3 o'clock p.m. on Thursday, June 11, 2009, the Senate resolve itself into a Committee of the Whole in order to hear from the National Chief of the Assembly of First Nations, the National Chief of the Congress of Aboriginal Peoples, the President of the Inuit Tapiriit Kanatami, and the President of the Metis National Council, for the purpose of reporting on progress made on commitments endorsed by parliamentarians of both Chambers during the year following the Government's apology to former students of Indian Residential Schools.

He said: Honourable senators will remember that on June 11, 2008, this house was privileged to host the representatives of the Aboriginal peoples of Canada on the day that formal apologies were presented on behalf of the Government of Canada by the Right Honourable Stephen Harper, and we had an opportunity to listen to the testimony of the Aboriginal leaders.

At the conclusion of that hearing, we asked if they would receive favourably an invitation to appear in a year and testify again on the progress made during that year on the repair of the damages, the compensation and all the initiatives that had to be taken with respect to the damages that the Aboriginal people of Canada endured in the 100 years that the residential school system lasted. Many of those leaders expressed their concern and accepted the opportunity to come forward to testify.

This motion is an invitation extended to them. The Senate Chamber is at its brightest time when we are in Committee of the Whole because there is a free flow of questions on both sides. It is always well managed. We can even consider being televised. It is not part of the motion, but perhaps the leaders on both sides can discuss that possibility at a later date.

It speaks to the Senate's concern about ensuring that the Aboriginal leaders have the capacity to report on the progress and that we have an opportunity to question them to see where additional help can be provided to them.

That is essentially the scope of the motion. It will be done as usual and on a non-partisan basis. Senators benefit from the presence within our walls of seven learned Aboriginal senators who have had responsibility in the past to their people and who are in the best position to question and to help us to understand where we are in terms of repairing the damage inflicted, and to determine the scope that we want to have in the future.

The Hon. the Speaker: Is there continuing debate?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I agree with the points raised by my honourable colleague. I especially appreciated the comment regarding the value of using the Committee of the Whole. I have been a longstanding promoter of that practice because we do not use it enough. The Committee of the Whole has great potential.

I have no problem whatsoever in supporting the honourable senator's motion. I will take him up on the concept of televising the proceedings. We will discuss it with the other side, obviously, to see if it can be arranged.

I recall last year's appearance before this chamber of these learned Aboriginal leaders and the wonderful job they did. They were able to give us and the Canadian public a great deal of information.

I look forward to that session, and, therefore, I endorse the motion.

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

(Motion agreed to.)

• (1730)

MOTION TO URGE GOVERNMENT TO CHANGE
SPOUSAL BENEFITS OF MEMBERS OF FOREIGN
SERVICE AND ARMED FORCES EMPLOYED OUTSIDE
CANADA—DEBATE ADJOURNED

Hon. Sharon Carstairs, pursuant to notice of February 25, 2009, moved:

That,

Whereas the spouses of members of the foreign service and members of the armed services also serve Canada when they accompany their family member to foreign postings; and

Whereas if they are outside the country for more than 2 years these spouses become ineligible to collect benefits for which they paid premiums while employed in Canada; and

Whereas upon return to Canada they should be eligible for benefits while they seek employment;

Therefore the Senate of Canada urges the government to introduce legislation to change the eligibility requirement from 2 years to 5 years for spouses of foreign service officers and spouses of members of the armed services who live outside the country and who meet all the other eligibility requirements; and

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

She said: As honourable senators will remember, I introduced this motion in its first instance in a private member's bill. That bill was declared out of order by the Speaker and I bowed to the Speaker and his advisers as to that point of order. However, that does not mean that something does not need to be done. Something very much needs to be done. We need to address the problem of spouses or partners of our Armed Forces and foreign service personnel, from the foreign service officer all the way up to the ambassador level, who accompany their partners abroad and who find themselves cut off from a number of benefits in this country because of what they do.

This particular motion just addresses the issue of EI benefits. However, let us look for a minute at the broader perspective of what else the spouses lose.

If you go abroad to serve your country, you are paid a Canadian salary and you can maintain many of your ongoing benefits. However, if you are the spouse of that particular individual, you lose everything. You leave the country and you cannot collect EI because you are no longer a resident of Canada. You frequently cannot find employment because you are living in a country that neither accepts your ability to work in their country nor has employment opportunities for you.

That issue struck me most vigorously on a trip to Bucharest, during which I spoke with a young foreign service officer whose wife was a physician. If ever a country needed medical help with the number of HIV/AIDS orphans, it was Romania. She offered to work as a volunteer and they would not allow her to do so. She was not looking for paid employment, but they would not allow her that experience.

We also know that while these spouses are away, if they cannot find employment, they cannot contribute to their RRSP because they have no employment income. They cannot make a contribution to the Canada Pension Plan or the Quebec Pension Plan because, of course, they are not employed in Canada. They cannot build an experience-based professional career because, when they return to Canada, their potential employer wants to know what they have done for the last four years. They have not done anything because they have been with their partner in Vietnam, Kenya, Uganda or goodness knows where else on the face of this earth.

I firmly believe that when we send Armed Forces personnel or foreign service officers abroad, their partners are also serving our country. They serve by example. They serve by the connections they have with members of that community. The members of the community experience a Canadian citizen, and the Canadian citizen expresses what it is to be a Canadian citizen.

What does this motion recommend? It is very narrow, honourable senators. It urges the Government of Canada to at least consider — at least consider — a small change to Employment Insurance. At the present time, if you leave the country and are gone for two years, and you return, and you had paid into EI before you left, you are still eligible to collect. However, if you leave for more than two years — on average, our Armed Forces and foreign service officers leave for four years — then even though you had paid into the EI fund — and this would only apply to those people who have paid into the EI fund — when you return to Canada, you cannot collect EI. The legislation says if you are outside of the window of two years, you are no longer eligible.

Therefore, these people leave Canada, they cannot find employment, they come back to Canada, it takes them some time to get on their feet to find employment in Canada, and they still cannot collect EI because they have been outside of the country during their window of opportunity.

Honourable senators, this system is simply not fair, and it is not a factor in attracting people to the foreign service. I have spoken to young foreign service officers, and one of the biggest difficulties they have in remaining within the foreign service is what happens to their spouses or partners. There is incredible pressure not to go abroad because the partner says, "I give up my profession; I give up my benefits; I give up any professional growth I might have in that period of time. No, I am not going to go." It is no accident that the divorce rate among foreign service officers is very high.

We cannot solve all the problems, but we could at least encourage the Government of Canada to look at this small benefit. Perhaps in amending the act, those who have served us as spouses and partners of foreign service officers or of armed services personnel could receive a bit of incentive along the way.

Hon. A. Raynell Andreychuk: I have a question for the honourable senator. Her motion refers to foreign service and armed services. The definition of "armed services," I think, is understandable. "Foreign service" has a specific definition. If this is done for foreign service officers, the same problem exists for any Canadian who is a cooperant under the CIDA program or any Canadian who works for an NGO and who does equal work. Why has the honourable senator narrowed it to one group when all the others also serve Canada?

Senator Carstairs: Honourable senators, I thought we needed to create a wedge. I thought we needed to have the government open its eyes to the idea that there is an inequity. Often, my vision is that one does what is practical at any one given time. To broaden the issue too widely at this particular point in time would cause some problems. I kept the focus within a narrow definition. The government can suggest going wider than that definition in order to catch more people in the net.

I have been asked about the people who do not work for the government, the people who take contracts abroad, perhaps lucrative contracts in the oil and gas industry, and whether we should be covering them. I thought there might have been some reluctance on the part of the government to go that route. Therefore, I focused strictly on direct employees of the federal government, thinking that we could open the wedge and that, perhaps in the future, the door could be opened wider.

Senator Andreychuk: Has the honourable senator looked at the Constitution or Charter implications? The honourable senator says it is a wedge, but it only addresses one group of many that could be treated or looked at as equal. If this is implemented, it is not a wedge, but it is for the entire group. Therefore, have the inherent costs and the consequences been looked at?

Senator Carstairs: In terms of the Charter implications, there is no indication that there is any Charter violation. We are talking about employees of the federal government, and those who are not employees of the federal government would clearly not be covered by this. If the government, in its wisdom, wants to go

further than what I suggest, so be it. Let them go further, if that is what the legal counsel recommends to them.

• (1740)

Hon. Tommy Banks: Honourable senators, will Senator Carstairs take a further question?

Senator Carstairs: Yes.

Senator Banks: Senator Carstairs is exactly right in all these respects. I know that five years will cover almost everyone, because, as the honourable senator says, the normal posting is about four years. However, I have a friend who was an ambassador to one place for six years. Other foreign service officers, as I have been reminded by Senator Day, will often be posted from, for example, Tokyo to Mumbai without an interregnum coming home. In the aggregate, they would be gone longer than five years.

Is five years magic? I know the government can expand upon that, but why do we not recommend an exemption, period, for people who, in one contiguous length of time, are away from the country in any of these regards?

Senator Carstairs: We can make it a blanket policy for someone, but we are trying to deal with the average for the most part, and the average situation is that people are outside of the country for a maximum of five years. For Canadian Forces personnel, it is usually three; and for foreign service officers, it is usually three, sometimes four — rarely today, five.

Senator Banks: I agree, but on the Veterans Affairs Subcommittee, for example, we have found examples of where there has been a carefully circumscribed length of time for which someone must qualify for something. If they have missed it by two days, or exceeded it by two days, then a great exception must be made to be reasonable and fair. As the honourable senator said, government has the option of making that exception anyway, but it might be an idea to think about a different way of stating that.

Senator Carstairs: Remember, honourable senators, that this is simply a motion. This motion is a recommendation that government look at this situation. We want to create a change in the mindset of government. That is what I hope to accomplish by the passage of this motion.

(On motion of Senator Comeau, for Senator Martin, debate adjourned.)

[Translation]

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO STUDY EMERGING ISSUES RELATED TO COMMUNICATIONS MANDATE

Hon. Lise Bacon, pursuant to notice of March 11, 2009, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine emerging issues related to its communications mandate and to report on the

wireless sector, including issues such as access to high-speed Internet, the supply of bandwidth, the nation-building role of wireless, the pace of the adoption of innovations, the financial aspects associated with possible changes to the sector, and Canada's development of the sector in comparison to the performance in other countries.

That the Committee report to the Senate from time to time, with a final report no later than March 31, 2010.

(Motion agreed to.)

BUSINESS OF THE SENATE

MOTION TO SUSPEND TODAY'S SITTING ADOPTED

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

That the sitting be suspended, to reassemble at the call of the Chair, but not before 8 p.m., with a fifteen minute bell; and

That, when the sitting resumes, it be either for the purpose of adjournment or to receive a message from the House of Commons.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

(Motion agreed to.)

(The sitting was suspended.)

• (2000)

[*English*]

(The sitting of the Senate was resumed.)

APPROPRIATION BILL NO. 5, 2008-09

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-21, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009.

(Bill read first time.)

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be read the second time at the next sitting of the Senate.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

(On motion of Senator Comeau, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

[*Translation*]

APPROPRIATION BILL NO. 1, 2009-10

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-22, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010.

(Bill read first time.)

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be read the second time at the next sitting of the Senate.

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

Hon. Senators: Agreed.

(On motion of Senator Comeau, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

(The Senate adjourned until Wednesday, March 25, 2009, at 1:30 p.m.)

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Appropriation Bill No. 5, 2008-09 (Bill C-21)	
First Reading.	
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Appropriation Bill No. 1, 2009-10 (Bill C-22)	
First Reading.	
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