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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, March 25, 2009

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

Prayers.

[Translation]

SENATORS' STATEMENTS

COMMERCIAL SEAL HUNT

Hon. Suzanne Fortin-Duplessis: Honourable senators, on March 2, 2009, in Europe — the home of bullfighting, foie gras, boar hunts and Brigitte Bardot — the European Parliament's Committee on Internal Market and Consumer Protection banned the sale of seal products. The European Union is preparing to implement the ban at the beginning of May.

In the long term, this could destroy the market for seal fur. Even though the market for seal fur is primarily in Russia and China, the fashion world is headquartered in Paris and Milan, and this ban will keep Canadian seal products off the runways.

Europeans claim that the seal hunt is not humane. They are unwilling to accept the conclusions of two independent scientific studies that found that international activism against the hunt did not have a scientific basis and had nothing to do with how the animals are treated. In addition, both studies pointed to the fact that seals receive better treatment during the hunt than animals in slaughterhouses.

• (1335)

Honourable senators, this indicates that the moralistic and emotional debate in Europe cannot be explained by scientific discoveries, but rather by falsehoods spread by radical environmentalist groups.

Several thousand Magdalen Islanders gathered recently at the port in Cap-aux-Meules to mark the beginning of the annual seal hunt and to commemorate the sailors and hunters lost at sea, particularly the four who drowned in the sinking of the *Acadien II* on March 29, 2008. The speakers at the event emphasized the courage shown by seal hunters and expressed how proud they are to take part in an activity so deeply rooted in tradition.

Magdalen Islanders and all Maritimers can count on the Conservative government. We will continue to protect the interests of our seal hunters, whether by defending our rights under the WTO or by contributing to the development of international standards. The Conservative government has already dedicated a great deal of time and resources to defending Canadian seal hunters who are being attacked in Europe, and we will continue our efforts on that front.

INTERNATIONAL DAY OF LA FRANCOPHONIE

Hon. Maria Chaput: Honourable senators, March 20, 2009 was the International Day of La Francophonie, a day when we celebrate both the vitality of the French language around the

world and the anniversary of the founding of the international organization that promotes the French language: the Organisation internationale de la Francophonie.

On March 20, 1970, in Niamey, Niger, representatives of Canada and 20 other francophone states and governments signed the treaty that created the Agence de coopération culturelle et technique, which has become the OIF.

The OIF consists of 56 member states and governments and 14 observers around the world that share French as a common language.

Spoken by more than 200 million people worldwide, French is the sole official language or one official language of 32 OIF member states and governments.

In Canada, French is an official language. It has equal status, equal rights and equal privileges, as guaranteed by the Constitution.

Canada has more than 9 million French speakers, more than 9 million people who can communicate in the language of Molière.

In the early 17th century, French colonists began settling the land that would later become Canada. The first French colonists settled on St. Croix Island in New Brunswick, then in Port Royal, in what is known today as the Annapolis Valley in Nova Scotia. With the founding of Quebec City in 1608, the French colonists began settling the shores of the St. Lawrence, first in small numbers, then in larger waves. Today, the city of Montreal is the second-largest French-speaking city in the world.

These first French speakers in Canada gradually migrated west and north. Today, minority francophone communities can be found in every province and territory.

Over the years, these early French settlers were joined by francophones from all over the world — Lebanon, Haiti, the Central African Republic, Senegal, Cambodia, Belgium, Switzerland and elsewhere — who enriched and bolstered French Canadian culture.

More than 80 per cent of Canadians support national bilingualism. Moreover, increasing numbers of Canadians are learning French as a second language and see it as a cultural, social and economic asset. Canadians are right to see their French language, a language bequeathed to them by history, as a boon and something that deserves to be promoted and celebrated with pride.

Together, let's celebrate the future of the French fact in Canada. Together, let's celebrate the place of French in the world.

• (1340)

SCIENCE AND TECHNOLOGY

Hon. Michel Rivard: Honourable senators, the Conservatives believe it is vital to support the science and technology sector because it creates jobs, improves our quality of life and contributes to building a stronger and more competitive economy.

For these reasons, in its first three budgets, our government invested more than \$2.2 billion in science and technology, and that was just the beginning of our commitment.

Canada's Economic Action Plan provides for substantial additional funding for science and technology initiatives.

In fact, by 2010-11, our government will have invested over \$7 billion in this sector.

We have allocated \$2 billion to an unprecedented program to repair and modernize research facilities in our colleges and universities, which are among the best in the world.

The renewal of university infrastructure is an additional incentive for world calibre researchers to work in Canada. We will provide them with the tools they need to develop their discoveries and create spinoffs that will benefit all of us.

In our 2009 budget, we expanded the Canada Graduate Scholarship Program to include 2,500 students over the next two years, and we will offer an additional 600 graduate internships through the Industrial Research and Development Internship program.

We will be providing \$200 million over two years to the National Research Council's Industrial Research Assistance Program to temporarily expand initiatives targeting small and medium-sized businesses. This includes amounts to promote the hiring of more than 1,000 business and science graduates.

Speaking of the National Research Council, its president, Suzanne Fortier, recently had this to say about the Minister of State for Science and Technology:

We are delighted to be working with the Hon. Gary Goodyear. He has proven to be a strong supporter of science and technology.

That is not all. Through the Canadian Foundation for Innovation, we are providing \$750 million for cutting-edge research infrastructure, \$50 million to the Institute for Quantum Computing in Waterloo, Ontario, and \$110 million to the Canadian Space Agency.

[English]

CANADIAN WHEAT BOARD

Hon. Lorna Milne: Honourable senators, on February 11, the Canadian Wheat Board issued its annual report, and the findings were encouraging. Last year, the CWB producers saw \$7.2 billion in returns for their wheat and barley. Returns were up 47 per cent for wheat producers, and 94 per cent for durum and malting barley producers over the previous year.

The Canadian Wheat Board far surpassed its targets for achieving higher pricing than international competitors, realizing a net of \$13.81 per tonne above competitors' values for wheat, and \$48.84 for durum. For designated barley, the CWB achieved \$29.47 per tonne above competitors' prices.

Canadian Wheat Board officials were so pleased by these results that they referred to last year as the "poster child" year for benefits of a single-desk system.

Of course, the Minister of Agriculture, instead of acknowledging the good work of the Wheat Board in obtaining \$7.2 billion of returns in a year where commodity markets were volatile, instead chose to criticize the board for producing a deficit of \$29 million in their Producer Payment Options, PPO, program. The goal of that program, honourable senators, is to give producers the ability to lock in prices at certain levels.

• (1345)

Thus, when many private grain companies chose to withdraw some of their pricing options later in the year, the Canadian Wheat Board believed it was important to honour its commitment to Prairie farmers and stuck out its neck for the producers.

Mind you, the criticism is coming from a government that has squandered a huge surplus and turned it into a huge deficit in less than three years. Perhaps the statement of the minister should be taken with the usual large dose of salt.

I suspect that sticking out their necks to help Canadian producers is not something this government is willing to do. I know for certain that surpassing its targets is something this government finds an entirely unfamiliar concept.

What this government is familiar with, honourable senators, is stalling tactics, making commitments and then backing down. However, in this instance, I am pleased this government has decided to reconsider its obsession with delivering marketing choice to barley producers. Perhaps a 94 per cent increase in returns to farmers had an effect, or perhaps the recent election of four out of five directors to the board who support the single-desk marketing system had an effect. This happened after five Conservative MPs sent out letters telling farmers how to vote. It is even alleged that one of them used their parliamentary letterhead and free mailing privileges to send letters urging farmers — I said it was alleged — to vote for candidates who favour ending the Canadian Wheat Board's grain marketing monopoly, all of which apparently is now the subject of an RCMP investigation.

[Translation]

OFFICIAL LANGUAGES

Hon. Percy Mockler: Honourable senators, I am delighted to have the opportunity to address the Senate regarding the commitment of Prime Minister Stephen Harper's government to promoting official languages and linguistic duality in New Brunswick and throughout Canada.

The funding announced yesterday at the Université de Moncton supports the commitments previously set out in our Roadmap for Linguistic Duality in Canada. The work done by the Consortium national de formation en santé helps us fulfill our commitments to Canadians from coast to coast to coast.

[*English*]

Our Conservative government understands just how important it is for people to have access to health care services in the official languages of Canada. That is why we want to improve training opportunities for health professionals who wish to work in communities where French is commonly spoken but is the minority official language, and vice versa.

The Consortium national de formation en santé represents 11 colleges and universities outside Quebec that offer health training in French. Its raison d'être is to improve patient access to health services in French language minority communities and to increase the number of health professionals who can provide services in French.

Honourable senators, yesterday I joined Dr. Colin Carrie, Parliamentary Secretary to the Minister of Health, announcing funding of \$4 million from this program to support the work of the Consortium national de formation en santé.

[*Translation*]

Honourable senators, the \$4 million in federal support will allow the Consortium national de formation en santé to strengthen its promotion and recruitment efforts, expand the scope of distance learning, strengthen clinical training for students through the purchase of new medical equipment, and increase the number of participants in continuous learning and formal education.

[*English*]

Our Conservative government believes that by improving opportunities for French language training in health care, we will also improve patient access to essential health services in French.

This funding is in addition to an earlier investment, honourable senators, of \$16 million, bringing total funding for the consortium from this program to \$20 million by our government.

[*Translation*]

Honourable senators, when we speak French and English, we are better able to build bridges between the language communities in New Brunswick and the rest of Canada. We are going to continue working with the Consortium national de formation en santé.

BROADCASTING INDUSTRY

Hon. Marie-P. Poulin: Honourable senators, today is a very sad day for public broadcasting and for all Canadians, from one end of the country to the other. At 12:45 p.m., we learned that some 800 employees of CBC/Radio-Canada will be laid off because of a drop in advertising revenue.

• (1350)

These layoffs are a blot on our reputation as a steward of the public broadcaster since it was made a Crown corporation in 1936. As a former CBC/Radio-Canada producer and a former vice-president of the corporation, I am concerned about its steadily diminishing ability to fulfill its mandate under Canada's Broadcasting Act. One of the many consequences of this declining ability is increased dependence on advertising revenues.

This reduced capacity and dependence on external sources of revenue not only constitutes interference in the private broadcasting sector because of increased competition for advertising revenue, it also violates the fundamental principle underlying public broadcasting around the world.

[*English*]

Honourable senators, CBC/Radio-Canada deserves consistent, stable funding to meet its obligations as a public broadcaster. It offers a public service in both official languages and several Aboriginal languages through radio, television and the Internet. Every community in this country — be it Gaspé, Dieppe, the Greater Toronto Area, Winnipeg or Richmond, British Columbia — deserves access to the national broadcasters, in both languages, and they deserve to be seen and heard.

Honourable senators, as members of the chamber of sober second thought, we must take a stand together in the best interests of Canadians and of every region of this country.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before calling for the Tabling of Documents, I draw your attention to the presence in the gallery of members of the Ontario-Korean Businessmen's Association. They are guests of the Honourable Senator Martin. On behalf of all honourable senators, we welcome you to the Senate of Canada.

Also, Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Agustín Lage, Member of the Cuban National Assembly and President of the Cuba-Canada Parliamentary Group. Dr. Lage is accompanied by Her Excellency, Teresita De Jesus Vicente Sotolongo, Ambassador of the Republic of Cuba to Canada. On behalf of all honourable senators, welcome to the Senate of Canada.

ROUTINE PROCEEDINGS

CANADIAN NATO PARLIAMENTARY ASSOCIATION

ROSE-ROTH SEMINAR, MARCH 6-8, 2008—
REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association respecting its participation to the sixty-eighth Rose-Roth seminar held in Baku, Azerbaijan, from March 6 to 8, 2008.

• (1355)

MEDITERRANEAN SPECIAL GROUP—VISIT TO ROME,
ITALY, JULY 4-5, 2008—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian NATO Parliamentary Association respecting its participation in the visit to Rome, Italy, by the Mediterranean Special Group, from July 4 to 5, 2008.

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY CURRENT STATE AND FUTURE
OF FOREST SECTOR

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

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on the current state and future of Canada's forest sector. In particular, the Committee shall be authorized to:

- (a) Examine the causes and origins of the current forestry crisis;
- (b) Examine the federal role in the forest sector in Canada;
- (c) Develop a vision for the long-term positioning and competitiveness of the forest industry in Canada;
- (d) To recommend specific measures to be put forward by the federal government to lay the foundations of that vision.

That the Committee submit its final report to the Senate no later than June 17, 2010.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY CURRENT STATE AND FUTURE OF
AGRICULTURE AND AGRI-FOOD AND REFER PAPERS
AND EVIDENCE FROM THIRTY-NINTH PARLIAMENT

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

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on the current state and future of agriculture and agri-food in Canada;

That the papers and evidence received and taken on the subject and the work accomplished during the Thirty-ninth Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than June 17, 2010.

[*Translation*]

THE SENATE

NOTICE OF MOTION TO URGE EUROPEAN UNION
TO RESCIND BAN ON COMMERCIAL SEAL HUNT

Hon. Céline Hervieux-Payette: Honourable senators, pursuant to rule 58(i), I give notice that, at the next sitting of the Senate, I will move:

That:

Whereas the Honourable Senators note the European Union's interest in addressing the animal welfare aspects of seal hunting and presumably all hunting activities;

Whereas the Honourable Senators recognize the needs and traditional livelihoods of Inuit and other coastal communities;

Whereas the Honourable Senators recognize the positive conservation role that seal harvesters and other hunters play in the sustainable management of both prey and predator populations; and

Whereas the Honourable Senators re-affirm our shared moral obligation to treat all wild species humanely and with respect, and our shared commitment to the conservation principles of the Convention on Biological Diversity and the IUCN's (International Union for Conservation of Nature) "wise use" philosophy;

The Senate of Canada call on the European Union not to proceed with its proposal to ban seal imports, as such a trade restriction would be contrary to international trade rules and would do nothing to encourage either sustainable use or humane sealing practices;

The Senate of Canada call on the EU Member States who manage sealing operations within their national waters, and other Member States who are responsible for the management of major wildlife harvesting regimes within their territories, to join with Canada in the development of a Universal Declaration which will promote sustainable, respectful hunting practices and professionalism amongst all hunters; and

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

[*English*]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO PLACE NINTH REPORT
OF COMMITTEE TABLED DURING SECOND SESSION
OF THIRTY-NINTH PARLIAMENT
ON ORDERS OF THE DAY

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

That the Ninth Report of the Standing Senate Committee on Agriculture and Forestry tabled in the Senate on Monday, June 16, 2008 during the Second Session of the Thirty-ninth Parliament, entitled: *Beyond Freefall: Halting Rural Poverty*, be placed on the Orders of the Day for consideration at the next sitting.

• (1400)

FISHERIES ACT

CESSATION OF COMMERCIAL SEAL HUNT— NOTICE OF INQUIRY

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

I will call the attention of the Senate to the fact that the Government of Canada is ignoring Canadians who are calling for an end to the commercial seal hunt in Canada.

CESSATION OF COMMERCIAL SEAL HUNT— PRESENTATION OF PETITION

Hon. Mac Harb: Honourable senators, I have the honour to present a petition from residents of Alberta calling on the Government of Canada to put an end to the commercial seal hunt in Canada.

An Hon. Senator: Read the names.

Senator Harb: Some honourable senators would like me to read the names, and I am prepared to do so.

QUESTION PERIOD

INFORMATION COMMISSIONER

ACCESS TO INFORMATION ACT

Hon. Francis Fox: Honourable senators, my question is to the Leader of the Government in the Senate, who was a senior consultant to the Prime Minister in the 2006 election campaign that promised openness and transparency in government and resulting changes to the Access to Information Act.

Following the extraordinarily disappointing results outlined in the report card published by the Information Commissioner last month, I was somewhat shocked to read the comments of the minister responsible for the legislation, the Honourable Vic Toews, to *The Globe and Mail* yesterday. I would like to share these comments with the Leader of the Government in the Senate:

Question: Are you going to submit some kind of reform of the Access to Information in terms of one that was promised in the 2006 campaign?

Hon. Vic Toews: Right now I don't have anything on my desk.

Question: Is that a yes or a no?

Hon. Vic Toews: Well, I don't have anything on my desk so I can't really submit anything right now.

Question: So there is no proposal.

Hon. Vic Toews: I can't say that. All I can say there's nothing on my desk.

Question: Does that just mean you're a tidy person or . . . ?

In the absence of action by the minister responsible, can the Leader of the Government in the Senate tell us if the Prime Minister's Office will have the kindness to deliver a package to the minister's desk so that the government can fulfill its campaign promise in respect of the Access to Information Act?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I am always reluctant to enter into debate or answer questions that have been generated by *The Globe and Mail*. However, to answer the honourable senator's question, it would seem that *The Globe and Mail* is not only the primary booster — in the person of Jane Taber — for the Leader of the Liberal Party but is also running tours and announcing fundraising dinners.

The government takes Canadians' right to access information seriously. As the honourable senator will recall, we fought for that right. We followed up on our commitment to open up access to information with respect to the Wheat Board, the CBC and dozens of other institutions. The Federal Accountability Act contains the most extensive amendments to the Access to Information Act since its introduction in 1983, and 69 new institutions are accountable to Canadians through the AIA. For the first time, Canadians can see how these institutions are spending their tax dollars.

We are aware of the recent report of the Information Commissioner, which we appreciate. We realize that some departments, as the commissioner reported, have not been as judicious in submitting their reports.

• (1405)

Part of the problem is that requests for access to information have increased nearly 40 per cent over the last five years. I think anyone would realize this fact and I believe even the commissioner acknowledged it. Therefore, we will pursue initiatives to improve the administration of the act. We take the report of the Information Commissioner very seriously.

[Translation]

Senator Fox: I would like to thank the Leader of the Government for her answer. The Information Commissioner's report cards indicate that, of the 10 departments examined, the Privy Council Office — the Prime Minister's department that he is supposed to manage — and six others had below average results in terms of access to information. The Commissioner stated, at his February 26 press conference, and I quote:

These gaps are clearly indicative of a lack of leadership at the highest levels of government.

And he mentioned the Privy Council Office.

Should we not expect the Privy Council Office to show leadership to the other institutions of this government and post better results?

Yesterday, as I mentioned in my previous question, the Hon. Vic Toews let it be known that he did not currently have a plan for dealing with access to information.

Could the government take concrete action that would be consistent with the current Access to Information Act, to ensure that there are tangible administrative measures to improve the situation and meet the Commissioner's expectations and respond to his harsh criticism while waiting for new amendments to be introduced?

[English]

Senator LeBreton: As the honourable senator would know, as he is also a privy councillor, I am quite sure that ministers and cabinet members do not involve themselves in access to information requests. They are handled by the various departments.

I am happy to say that we are pursuing initiatives to improve the administration of the act. Recent actions taken include developing a framework to strengthen information management across government because that is part of the problem. Different departments process these requests differently. There is an excess of paper in some departments and there is no cross-government management. We are also developing an inventory of best practices and an outreach plan to raise employee awareness of their access to information responsibilities. We have held 51 training sessions over the last year for Access to Information and Privacy employees, and I am informed that another 26 sessions are planned in the near future.

Again, the Access to Information Act came into effect in late 1983. The previous Conservative government was the first to be subjected to the Access to Information Act. With the Federal Accountability Act, we have made many more government agencies accessible, which is a good thing.

It is quite understandable that one of the problems is the nearly 40 per cent increase in the volume of requests. One can understand that it has taken a while to adjust to these increased numbers. As I pointed out, we have taken a number of steps to correct this and, hopefully, the Information Commissioner will be able to report some improvement in these areas in his next report.

Hon. Yoine Goldstein: I am rather bemused by the fact that the honourable leader has given her party credit for the Access to Information Act, which was tabled by the previous questioner in his days as a member of Parliament. Perhaps honourable senators should be aware that this was a Liberal initiative.

Some Hon. Senators: Hear, hear.

THE CABINET

GOVERNMENT ACCOUNTABILITY

Hon. Yoine Goldstein: Honourable senators, Global Integrity, a widely respected, international, not-for-profit think tank, conducts an annual evaluation of government

accountability. Their latest evaluation acknowledges that Canada's legislation is strong but that it is very poorly implemented by this government.

• (1410)

Three years ago, Stephen Harper promised more openness and better accountability. Why has this Conservative government not delivered on its promise?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, if Senator Fox is the honest individual that I believe him to be, he will point out to Senator Goldstein that Jed Baldwin, a Conservative member of Parliament for Peace River in Alberta, was responsible for the whole access to information push through Parliament. Mr. Baldwin introduced the measure in Parliament; saw it through committee; and that resulted in the Access to Information Act. Mr. Fox, as the minister, was smart enough not to table the bill until the Liberals were leaving office.

I have outlined a number of items in answer to the honourable senator's question. We take the accountability and transparency of government seriously and the government has added many agencies that heretofore had not been accessible under the Access to Information Act. Obviously, this has created a lot of extra work. We have put in place a number of initiatives within the departments where people responsible for access to information are being trained to understand the importance of the legislation and their responsibilities concerning access requests.

The other problem is that some of the agencies that we added to the access to information file were not accustomed to being accessed, so it took some time for them to adjust as well. Some of them did not even have officials to deal with access requests.

Ordinary common sense would tell people that with all these new agencies, with the increased volume, with the changes in the Accountability Act, it takes some time for our public servants, with all of their other onerous responsibilities, to work their way through this system.

Senator Goldstein: Honourable senators, it is incredible that the honourable leader would purport to suggest that the Conservatives had a hand in the passage of the Access to Information Act, when it is clear that a Liberal government passed the legislation.

The facts speak for themselves, which brings me, in fact, to my supplementary question, which deals, as did the previous question, with accountability and not just access to information. I ask the leader to respond with respect to accountability.

The result of the Global Integrity evaluation is that Canada's accountability has dropped from "strong" under Liberal governments to "moderate" under the Conservative government. Democracy Watch coordinator Duff Conacher has said — as has the Global Integrity survey — that Canada's federal government has significant loopholes in its government accountability when compared to other governments and has a

[Senator Fox]

lot of work to do to become the world's leading democracy. At the moment, according to Global Integrity, Canada ranks behind Bulgaria, Latvia, Poland, Romania, Germany, Japan, the United States, Israel — and I could go on — with respect to accountability.

Will this Conservative government, and the Leader of the Government in the Senate specifically, assure honourable senators that it will re-examine the implementation of accountability legislation and ensure that Canada will once again take its rightful place as a strong nation in terms of integrity, just as it had its place as a strong nation of integrity under Liberal governments?

Senator LeBreton: Honourable senators, I will not get into a debate about the origins of the legislation. I have been around this place and paid attention, and I remember Jed Baldwin well. I will leave it to Senator Fox to educate the honourable senator on the historical record of how this measure came about in the first place.

• (1415)

I am not in a position to answer the honourable senator's question because I have no idea what he is talking about. I do not know what benchmarks were used. I do not know what criteria were used. As I said last week in answer to someone else, anyone can stand up on any day in the Senate and quote some person or organization that has conducted a study that is perhaps biased. I do not know the basis of the study. I do not know what they were looking at.

All I know is that we work hard in government to be accountable. We have ministers who work hard. We are dealing at the moment with a difficult worldwide economic situation. We are trying to be realistic and open, and advise Canadians of the state of affairs.

I believe my colleagues in government and in caucus approach their work in a forthright, honest and transparent way in service to Canadians. I do not think any person on this side need take any lessons in accountability from those on the other side.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

AGENDA OF COMMITTEE

Hon. Terry Stratton: Honourable senators, my question is addressed to the Chair of the Standing Senate Committee on Social Affairs, Science and Technology. There has been an important tradition in this place that committees deal with government legislation when it is before them ahead of any other work of the committee. After all, this place is a legislative body, first and foremost.

On Thursday, March 12, this chamber adopted at second reading and referred to the Standing Senate Committee on Social Affairs, Science and Technology, Bill C-17, which would designate the national cemetery. There was broad support in this chamber for this piece of legislation, which originated as a

Liberal private member's bill in the other place. In fact, the bill was nearly passed during third reading without ever being referred to a committee.

I notice that the committee's agenda does not deal with the bill this week. For this reason, my question for Senator Eggleton is: When will the bill be considered in committee and when can the chamber expect to receive the committee's report on this important matter?

Hon. Art Eggleton: Honourable senators, I have been looking at the schedule. We have tentatively scheduled the matter for April 23. Remember, we have a two-week break coming up in April. April 23 is the earliest day we could schedule it, considering a number of witnesses have been arranged for the other projects that we are working on, including Senator Keon's population health study, which is taking some time now to conclude. We want to hold those hearings so we can finalize that report before the committee. We have set that date.

The honourable senator mentioned the member of the Liberal caucus in the other place who had originally sponsored the other bill. I spoke with the member this morning and he thought that time frame was suitable to deal with the bill. April 23 is only a month away.

Senator Stratton: Is the honourable senator saying that committee work comes ahead of government legislation?

Senator Eggleton: I did not put it in that frame at all. We have practical needs in terms of people who have been arranged to come before the committee, and we placed the bill on the schedule in this time frame. Considering that the matter has been before the other place for some 10 years, according to the sponsor of the bill, Mr. Bélanger, I think dealing with the bill in one month's time is adequate.

• (1420)

Senator Stratton: This issue is important. We are dealing with a national cemetery, not tiddlywinks. Why does the honourable senator not ask for a special meeting of his committee to deal with this bill next week, in order to report it back to the chamber right away?

Senator Eggleton: As the honourable senator pointed out, this bill has been around for a long time. I think the schedule I outlined is suitable. I am happy to speak with members of the committee about this bill, because the decision is not only mine but the committee's as well. I have included that date tentatively, subject to consultation with the committee membership. I think that date is suitable for dealing with the bill.

Senator Stratton: Honourable senators, the bill was a private member's bill in the other place for 10 years. This bill is a government bill as opposed to a private member's bill. There is a fundamental difference. Is the honourable senator telling this chamber that he, as chair of that committee, is not willing to hold a meeting outside of the regular committee hours to deal with a government-sponsored bill that passed through the House of Commons unanimously without going to committee?

Senator Eggleton: As I pointed out a moment ago, the decision is the committee's. I am happy to raise the matter with the committee. It is their decision. I am telling the honourable senator what I have tentatively scheduled, which I think is a reasonable way to proceed. I will convene a meeting of the committee later this day, and I will take the matter up with them.

Hon. Joan Fraser: Honourable senators, I have a supplementary question for the chair of the committee. Since the committee will conduct a study, which the House of Commons regrettably did not conduct, will the chair undertake to hear from representatives of the National Field of Honour, the military cemetery in Pointe Claire, Quebec, where there has been dismay about this rush to create the new status for the Ottawa cemetery?

I am not saying I oppose the new status. However, will the honourable senator's committee at least hear from representatives of the long-established and beautiful military cemetery in Pointe Claire, Quebec?

Senator Eggleton: Honourable senators, I have no problem with that suggestion. If the individuals from Pointe Claire feel strongly about the matter, it is appropriate that they appear, if they so wish.

THE CABINET

GOVERNMENT ACCOUNTABILITY

Hon. Yoine Goldstein: Honourable senators, I understood Senator Stratton to say that he was rising to ask a supplementary question with respect to my question. He did not do that. He rose with respect to a totally different question at the same time as I had risen to ask a supplementary question with respect to my question.

May I ask my supplementary question now, please?

The Leader of the Government in the Senate said earlier that she was not familiar with Global Integrity's study of government accountability. I am disappointed, because I thought this government would be interested in Global Integrity. I will provide the details and ask that the leader comment on those details.

Canada scored 64 per cent in government accountability; 76 per cent in administration and civil service; 77 per cent in anti-corruption and rule of law; 87 per cent in civil society, public information and media; 87 per cent in oversight and regulations; and 86 per cent for elections. By comparison, under the Liberal government, all those indices were at least 10 points higher and, in most cases, more.

Again, will the leader ask her colleagues in cabinet to start working on accountability?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): The honourable senator can read any report he wishes to in the Senate. I do not know this organization. I do not know the benchmarks they have used. Obviously, when they were marking the previous Liberal government, they had not heard of the sponsorship scandal, Mr. Justice Gomery, Shawinigate, golf courses and the Business Development Bank. Obviously they did not hear about any of those things.

• (1425)

I know full well how seriously the Prime Minister, members of the cabinet and our government take the whole issue of accountability and transparency. We are working hard on all of these fronts. All of us are cognizant of our responsibility as members of government and to the taxpayers of this country.

I would need to have someone look at the criteria that were used and what we were measured against. I know one thing: If the honourable senator is talking about Canada and how we are viewed globally, I feel confident, as a member of the government, that we are looked upon by our global neighbours and partners as a solid, stable, well-run country, which is something all Canadians should be proud of.

As Senator Wallin pointed out yesterday, we have gone way beyond our commitment to NATO in Afghanistan. The Prime Minister is participating fully in the G8 and G20. All of our ministers have been working closely with our neighbours to the south on many important issues.

I think objective views of the efforts we are making to be good global citizens are top grade.

HERITAGE

LOCATION OF NATIONAL PORTRAIT GALLERY

Hon. Francis William Mahovlich: Honourable senators, let me begin by offering my compliments to the Leader of the Government in the Senate for taking swift action on my suggestion to replace the terrible graffiti and advertisements facing Parliament Hill at the site of the former U.S. embassy with a more appropriate covering.

Nearly a year ago, on April 2, 2008, I asked the leader about the National Portrait Gallery, which she referred to as a national institution. As we all know, at the time, a competition was being held to determine the gallery's final location. Calgary, Edmonton, and Ottawa were the only cities to submit proposals. A month after that first question, I stated that I thought the competition format was a bad idea.

Surprisingly, at 5 p.m. on Friday, November 7, 2008, the Minister of Heritage announced an abrupt cancellation of the plans for the National Portrait Gallery altogether. This means that not only has \$20 million been wasted by the federal government when they cancelled the original site location at the former U.S. embassy, but they have now also wasted the time and money of all parties involved in this so-called competition.

Will the leader ask the government to reconsider using the original proposed site of the former U.S. embassy so that the Canadian taxpayer can benefit from the funds already expended toward that site becoming the National Portrait Gallery?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank Senator Mahovlich for giving me credit for getting rid of the graffiti. I did not, but I will pass along his compliments to the person who did.

As the honourable senator stated, the government did launch a request for proposals for people across the country to bid on the National Portrait Gallery. Five bids were received from four cities. A panel, independent from the government, led by the Chair of Library and Archives Canada, was responsible for the selection process. It was determined by that independent body that none of the proposals met the requirements that would serve the long-term interests of taxpayers and the portrait gallery.

In short answer to the honourable senator's question, no, I will not go back to my cabinet colleagues and suggest that we revive the old U.S. embassy site. Given the current economic situation, the uncertainty in the country, and the fact that people in this country are facing job losses and difficult economic conditions, I do not believe that it is prudent for the government to even consider proceeding with this proposal or project at this time.

• (1430)

Honourable senators, so that Senator Mahovlich will be aware, the collection will continue to be available for viewing to Canadians all over the country, through travelling exhibitions and other public programs. I do not believe that Canadians across this country — and probably in Ottawa, where there is more interest in it, obviously, because we live here — think that one of the priorities of the government at this time, given the current economic condition worldwide, should be the National Portrait Gallery.

BUSINESS OF THE SENATE

The Hon. the Speaker: I regret to inform honourable senators that the time for Question Period has expired.

To follow on earlier comments, sometimes a series of supplementary questions will interfere with the opportunity to raise other questions. At one stage this afternoon, several senators had risen with questions to ask. Perhaps we might want to reflect upon how many supplementary questions we want to pose. We are using this as a technique. When other senators also see that their colleagues have risen or are attempting to rise, the chair sees them, but I can only recognize them one at a time. There are times when Question Period is limited to a series of supplementary questions.

ORDERS OF THE DAY

APPROPRIATION BILL NO. 5, 2008-09

SECOND READING

Hon. Irving Gerstein moved second reading of 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.

He said: Honourable senators, the bill before you today, Appropriation Act No. 5, 2008-09, provides for the release of supply for Supplementary Estimates (C), 2008-09. Supplementary

Estimates (C), 2008-09, were tabled in the Senate on February 12, 2009, and were referred to the Standing Senate Committee on National Finance. These are the final supplementary estimates for the fiscal year that ends on March 31, 2009.

I would like to thank Senator Day for his work in keeping the National Finance Committee on track so that our investigations into Supplementary Estimates (C) could be completed in a timely fashion.

Members of the committee like to probe witnesses with incisive questioning. Senator Day ensures a fair balance between the imperative of democratic accountability and the need to end our meetings on time so that they are the right length for broadcast on CPAC at 4 o'clock in the morning.

Supplementary Estimates (C), 2008-09, seek Parliament's approval to spend a total of \$1.5 billion on expenditures that were not sufficiently developed or known at the time of tabling the 2008-09 Main Estimates, Supplementary Estimates (A) and Supplementary Estimates (B). They also provide information on increases to projected statutory spending totalling \$2.5 billion, for a net supplementary estimates requirement of \$4 billion.

Through these Supplementary Estimates (C), Canada's government is continuing to move forward with priorities and policy initiatives announced in Budget 2008 and cabinet-related decisions in areas such as health and the environment. These Supplementary Estimates (C) are fully consistent with the overall planned spending level of \$239.6 billion for 2008-09, as set out in Budget 2008.

These Supplementary Estimates (C) reflect some savings in 2008-09 resulting from the first round of departmental spending reviews that took place in 2007. These spending reviews determine whether each department's programs are achieving their intended results, are efficiently managed and are aligned with the government's priorities. Money is reallocated from poorly performing or low priority programs to areas that have a higher priority. These reallocations are then used to reduce the need for new appropriations for the same department.

Honourable senators, I will now describe for you some of the major budgetary items provided for in Supplementary Estimates (C). These items include: \$707.4 million in compensation for funding salary adjustments; \$105.9 million to accelerate tripartite negotiations in British Columbia and to begin negotiations with other provinces, supported by investments in health innovation and core health services for First Nations; \$100 million to support CANDU reactor refurbishment projects; \$100 million to increase a debt repayment to international organizations on behalf of poor countries as part of the Multilateral Debt Relief Initiative — a generous and far-sighted initiative, honourable senators, which I am sure you will join me in applauding; \$85 million for the Canadian contribution to the World Bank's Climate Investment Fund's pilot program to support climate change adaptation; \$65 million to provide humanitarian assistance and better nutrition to vulnerable regions such as the Horn of Africa and the Congo; \$58.2 million in funding for the non-business risk management elements of Growing Forward, which is a joint federal-provincial-territorial program to support farmers' livelihoods in the face of economic and environmental uncertainty; \$53.8 million in incremental funding to offset fuel price increases for the benefit of

First Nation and Northern communities under the Capital Facilities Maintenance Program; and \$53.4 million in funding to match the typically generous donations of the Canadian public to the international response effort following Cyclone Nargis in Burma and the earthquake in China.

Honourable senators, these Supplementary Estimates (C) also provide \$288.9 million in funding to facilitate the transition of Ontario flue-cured tobacco producers to exit the industry under the Buyout Element of the Tobacco Transition Program. The National Finance Committee found this program most interesting and valuable and spent much time asking questions on the subject at our meeting on March 3.

My clear recollection, honourable senators, was that after this questioning had gone on for some time, it became clear that your entire Finance Committee was hopelessly addicted to tobacco. It took a great deal of willpower from the committee, as well as some outstanding leadership on the part of our chair, Senator Day, to wean us off of tobacco and on to other topics.

These supplementary estimates also include an increase of \$2.5 billion in budgetary statutory spending items that were previously authorized by Parliament. These adjustments are provided in the estimates for information purposes only and include \$1.57 billion for payments to the Newfoundland Offshore Petroleum Resource Revenue Fund; \$339 million for Newfoundland Fiscal Equalization Offset Payments; \$247.8 million to prepare and conduct the fortieth general election held on October 14, 2008, and to prepare for the forty-first general election, whenever that may occur; \$148 million for payments to the Nova Scotia Offshore Revenue Account; \$63 million for an increase to the forecast of Guaranteed Income Supplement benefit payments, based on updated population and average monthly rate forecasts; and a decrease of \$368 million due to a revised forecast of Old Age Security benefit payments, also based on updated population and average monthly rate forecasts. Appropriation Act No. 5, 2008-09, seeks Parliament's approval to spend \$1.5 billion in voted expenditures.

Honourable senators, I have finished firing numbers at you for now. Should you require additional information, I would be pleased to try to provide it.

• (1440)

Hon. Joseph A. Day: Honourable senators, I am pleased to join the debate on this bill, and I will spare you further figures in relation to this matter.

Honourable senators are asked to vote for \$1.5 billion under this bill that is based on Supplementary Estimates (C). We have had Supplementary Estimates (A) and Supplementary Estimates (B), and this one is the third supplementary estimate that was added to the original estimates this time last year in this particular fiscal year.

Honourable senators will recall that a draft report was filed in relation to this matter, and that draft report is now a matter of record. It is the third report of the Standing Senate Committee on National Finance, and it relates to Supplementary Estimates (C) for this fiscal year ending in a week's time, 2008-09.

[Senator Gerstein]

Honourable senators, I draw your attention to the several items that appear in this report, in particular, the conclusion and summary of the committee's work for the year. Typically, we would file a separate report, speak on that report and have extensive debate on that report here in this chamber. However, because of prorogation and an election, we did not have a final report in this year, as we did not have all the other evidence that we took on the earlier reference in the earlier mandate of our committee to incorporate that information into a final report.

Rather than coming to honourable senators and asking for an additional reference, we decided to provide highlights of the various reports and the work we undertook during the year. That work includes the final report as well.

Honourable senators, we are now asked to vote on this bill that we received last evening. At the request of the government, we have agreed to change our normal rule of waiting for two days before proceeding to second reading of this bill. We received it last evening, and this afternoon we are now proceeding with second reading. That accommodation shows the manner in which this chamber can cooperate.

I want to indicate to honourable senators the progress of this bill through the House of Commons. The bill was presented and received first reading on March 24. The bill received second reading on March 24. The bill then went to Committee of the Whole in the House of Commons on March 24. The bill was then reported back from Committee of the Whole to the chamber on March 24. Then, the House of Commons proceeded with the report stage on this bill, which involves spending \$1.5 billion, on March 24. The bill then proceeded to third reading and was passed on March 24.

Honourable senators, we have seen that same rapid progress in the past in relation to substantial amounts of money. Supplementary Estimates (C) is not as substantial as some of the earlier bills honourable senators have been asked to look at, but the bill illustrates clearly the importance of the work we conduct here in this chamber and the reason we should take that work seriously. We do that by studying the main estimates and supplementary estimates and reporting back to you. That report has now been adopted by this chamber so that we have some background and we know generally what we are expected to vote on in this bill.

Honourable senators, I ask you again to look at the report that your committee has prepared and to consider again at second reading that we are dealing with the expenditure of \$1.5 billion voted, \$4 billion in total.

The Hon. the Speaker *pro tempore*: Are honourable senators for the question?

Hon. Senators: Question!

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

(Motion agreed to and bill read second time.)

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

(On motion of Senator Gerstein, bill placed on Orders of the Day for third reading at the next sitting of the Senate.)

APPROPRIATION BILL NO. 1, 2009-10

SECOND READING

Hon. Irving Gerstein moved second reading of 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.

He said: Honourable senators, it is that time of year again. The snow has all but melted, the weather is gradually becoming warmer and the press is worrying about the small number of Canadian hockey teams who will make the playoffs. Spring is once more upon us.

As honourable senators know, spring is also the time for Parliament to vote on interim supply for the start of the coming fiscal year, and so Appropriation Bill No. 1, 2009-10, is before this chamber. The bill provides for the interim supply of the 2009-10 Main Estimates tabled in the Senate on February 26, 2009.

Honourable senators may recall that the Standing Senate Committee on National Finance discussed these estimates in some detail with Treasury Board Secretariat officials at the meeting of March 4, as Senator Day and I described to you yesterday. The government submits estimates to Parliament in support of its request for Parliament's authority to spend public funds. The Main Estimates include information on budgetary and non-budgetary spending authorities, and Parliament considers appropriation bills to authorize this spending.

The 2009-10 Main Estimates total \$236.1 billion, of which \$235.8 billion is for budgetary expenditures, and \$350 million is for non-budgetary expenditures. The \$235.8 billion in budgetary expenditures includes the cost of servicing the public debt; operating and capital expenditures; transfer payments to other levels of government, organizations and individuals; and, payments to crown corporations.

Of this \$235.8 billion, \$85.6 billion comes under program authorities, which require Parliament's annual approval of their spending limits. The remaining \$150.2 billion is for statutory items previously approved by Parliament, and the detailed forecasts are given in the estimates for information purposes only.

The \$350 million in non-budgetary expenditures, which I mentioned earlier, represents changes in the composition of the Canadian government's financial assets. These expenditures are typically loans, investments and advancements. Of these expenditures, \$78.6 million are voted spending authorities, and \$271 million are statutory spending that was previously approved by Parliament.

Honourable senators, as you read the Main Estimates 2009-10, you will see that Part I of the document includes a detailed comparison of these estimates with the 2008-09 Main Estimates. The comparison should assist you in your study of this important document.

• (1450)

To return to the Main Estimates, the total budgetary and non-budgetary voted spending authorities equal \$85.7 billion, of which \$26.8 billion is sought through Appropriation Bill No. 1, 2009-10. The balance will be sought through Appropriation Bill No. 2, 2009-10, in June 2009.

Honourable senators, I wish to draw your attention to a significant part of these Main Estimates, namely, the \$3 billion special fund provided by Treasury Board vote 35.

It is clear, and I trust you will all agree, that Canadians need urgent help to protect jobs and stimulate the economy. This \$3 billion special fund will help kick-start the Canadian economy with a vital stimulus boost. Vote 35 will make sure that the money can flow earlier than usual in the supply cycle, because Canadians need help now.

However, some have criticized this fund as a "slush fund." These critics allege that the money will be spent without proper oversight and that Canadian taxpayers will not know what is being done with their money.

Honourable senators, when the Standing Senate Committee on National Finance met on March 4 to examine the Main Estimates, I pursued this issue with our witnesses, who were Treasury Board officials with no political axe to grind. I am pleased to report that Canadians can take great comfort from what the committee heard.

Alister Smith of the Treasury Board Secretariat described an audit and supervisory process for this \$3 billion fund that goes far beyond what is normal for government spending. He indicated that there will be continuous oversight by an internal audit process and by the Office of the Auditor General. There will be unparalleled transparency due to the stringent requirements of the Financial Administration Act and other accountability measures. There will be constant supervision by the Treasury Board Secretariat and the Comptroller General, and the government will publicly document this spending in upcoming supplementary estimates. In addition, there will be the government's quarterly reports to Parliament on budget implementation, requested by the opposition, which will add a further layer of public scrutiny.

I must tell you that I was deeply impressed by this wide variety of checks, which will ensure that the \$3 billion special fund is spent in the responsible manner that Canadians are entitled to expect.

To emphasize this point, I would like to share with you exactly what Mr. Smith said to me at the meeting. When he had finished describing the impressive range of controls in place for this \$3 billion special fund. I asked him point-blank:

Mr. Smith, could I conclude from your comments . . . that although some have indicated that they view this \$3 billion special fund as a slush fund, it is anything but that in your opinion?"

Mr. Smith responded simply and decisively:

I would reject that characterization.

Honourable senators, I trust that you will pay attention to this opinion, which comes not from me but from the lips of an impartial and entirely non-partisan professional.

I therefore commend vote 35 and the Appropriation Bill No. 1, 2009-10 to this chamber.

Senators, should you require additional information, I would be pleased to try to provide it.

Hon. Joseph A. Day: Honourable senators, I am pleased to join the debate with my honourable colleague Senator Gerstein in discussing this particular bill that arrived in this chamber last evening. Bill C-22 provides for interim funding for the government for the period April 1 to the end of June 2009.

Honourable senators will be aware of the Main Estimates and our report, which marks our initial study of the Main Estimates. The report was discussed and is before you at this time. Normally, honourable senators, we would have an opportunity to debate the report fully before the bill is ultimately accepted. I invite you to read that report, and if you wish to join in the debate on the report, I invite you to do so expeditiously since supply is necessary for the government beginning April 1.

Honourable senators, I will not go over all of the items that I went over yesterday. I did refer to Treasury Board vote 35, which is the \$3 billion amount. It is a very unusual amount because of the manner in which it is handled. Normally we would vote money through appropriations to go to different departments. Oftentimes the amount would go to Industry Canada because Industry Canada handles most of the infrastructure programs. As you heard yesterday, Mr. Smith from the Treasury Board anticipated that most of vote 35 would involve infrastructure projects.

However, in this case it has been decided by the government on an extraordinary basis to ask Parliament to give approval for this vote 35, the \$3 billion, to go to Treasury Board and Treasury Board would then pass the money out as a sort of a clearing house for all government departments that ask for the funds.

Honourable senators, we should look at Treasury Board vote 35 to understand the wording. We have been asked to look at this item. I refer to page 1-116 of the Main Estimates, if you want to follow along with me. It states next to vote 35 and the heading:

Budget Implementation Initiative:

Subject to the approval of Treasury Board, and between the period commencing April 1, 2009, and ending June 30, 2009, to supplement other appropriations and to provide any appropriate Ministers with appropriations for initiatives announced in the Budget of January 27, 2009, including new grants and the increase of the amounts of grants listed in the Estimates, where the amounts of the expenditures are not otherwise provided for or where the expenditures are within the legal mandate of the government organizations.

That is the wording of vote 35 that you are being asked to approve when we vote on this bill. What are we being asked to approve, honourable senators? For that we have to look at the bill itself. I will find the wording shortly, but the wording for vote 35 in the bill itself, honourable senators, is for eleven twelfths of the full amount of the vote. You will see vote 35 in the bill in one of the schedules attached to the bill itself. Each one of these schedules has a different number of months. Typically, what we are being asked to approve in interim supply is from April 1 until June 30. Honourable senators will recall and I just described that such is the period of time during which vote 35 can be used. It can only be used for that three-month period. That is specifically outlined. When honourable senators accept the bill, they are accepting that wording. Each year, we approve the wording by approving supply bills. We are approving that \$3 billion can be used during that three-month period.

• (1500)

However, in Bill C-22, we are now being asked to approve only eleven twelfths of that amount. We will be asked to approve the full supply when it comes forward in late June. However, full supply will not be authorized until the very last part of June, at the end of this first portion of the fiscal cycle.

There is one twelfth of the \$3 billion that the government has not asked for authority to spend. By the time they ask for the authority, it will be too late to spend it. If we had had the time, that fact would have been clarified for honourable senators in committee.

We received Bill C-22 last evening. This morning was the first time I had a chance to look at what the government is asking for in the schedules. Therefore, I am posing a question that does not have an answer. However, I suggest that if we look at the schedules of the various votes, we will see that Treasury Board vote 35 is asking for eleven twelfths. Honourable senators will see that in Schedule 1.1 of the bill. There are several other votes, including Treasury Board vote 5 as well as vote 35. However, vote 35 is the one we are talking about at this time.

Honourable senators heard what Senator Gerstein, Deputy Chair of the Standing Senate Committee on National Finance, has said with respect to the report that we filed and the questioning of Treasury Board in relation to it. Yesterday I made virtually the same comments in relation to oversight, and they do appear in our report.

Notwithstanding that, there was some concern in the House of Commons. A motion was put forward and passed in the other place. It provides that:

on each occasion that the government uses Vote 35, this House calls upon the government to table in the House, within one sitting day of each such use, a report disclosing:

- (a) the name and location of each project to which the funding is being provided (including the federal electoral district in which it is located),
- (b) the amount of federal funding,
- (c) the department and program under which the federal funding is being provided, and

(d) what each project is intended to achieve in fighting the recession, and why it requires recourse to Vote 35 rather than any other source of funds; and

that each such report shall be posted on a publicly accessible government website, and referred immediately to the Standing Committee on Government Operations and Estimates and to the Auditor General.

Having heard from Senator Gerstein in terms of his interest in oversight and that of the Standing Senate Committee on National Finance, I have no doubt the government will be following the House of Commons motion closely. It provides another aspect of oversight that I think is very important on this extraordinary \$3 billion fund that will be only eleven twelfths of \$3 billion, which is the way I read the appropriations that honourable senators are approving at this stage.

I would again like to emphasize the importance of the work that our National Finance Committee does. Honourable senators have seen the report and know about the work that was done and our ongoing work. We will do more work on the Main Estimates for the coming year.

This particular bill on interim supply was presented to the house on March 24 for first reading; second reading was on March 24. The bill went to Committee of the Whole on March 24 and was reported to the Senate chamber the same day. Third reading occurred on March 24 as well.

Honourable senators, the work we do is extremely important, and you are being asked to approve \$26 billion.

Hon. Tommy Banks: The honourable senator said that this bill, which as I read it is spending nearly \$30 billion, including the amount the honourable senator has referred to and which Senator Gerstein referred to in vote 35, received first and second reading, was approved by the Committee of the Whole in the other place and was given third reading in one day.

I ask this question of Senator Day because one of the things that Parliament ought to do when it is asked to approve expenditures on this or any order by the government is to study. When it comes down to it, that is what Parliament does. Parliament exists because in 1215 some people said to the Crown, "You have to ask us before you can spend all this money and tell us how you will spend it." Does the honourable senator know how long this bill took to pass through the approval process and how much scrutiny it received?

Senator Day: I did indicate to honourable senators that all of this took place in one day. However, I did obtain information from the House of Commons website in relation to this bill. With respect to the supplementary estimates and the spending of \$1.5 billion, it took a full 10 minutes to go through all of those stages.

With respect to the expenditure of \$27 billion of voted expenditures — I said \$26 billion earlier, but it is \$27 billion after being rounded up — the process took five minutes in the House of Commons.

[*Translation*]

Hon. Fernand Robichaud: Would the honourable senator take a question?

Senator Day: Yes.

Senator Robichaud: Today we are going to authorize eleven-twelfths of vote 35, which represents a total of \$3 billion. I thought this money was intended to stimulate the economy as soon as possible. Why was it decided to ask for only eleven-twelfths, which means that the government will have to come back to Parliament to obtain authorization for the difference? Has anyone given you an answer as to why the government is asking for only eleven-twelfths of the full amount?

Senator Day: Honourable senators, the problem lies in the fact that we received the bill at 8 p.m. last night. Before that, we had received the schedules, but the percentage that the government wanted was not indicated. Normally, it asks for three-twelfths of the amount, but in the present case, the government asked for eleven-twelfths. I do not know why and we have not had the opportunity to ask that question. I simply noted that that is what they asked for. The next time they ask for funds for this vote 35, it will be too late, because it is clear that the money must be used within the next three months, that is, before the end of June.

• (1510)

In my opinion, it will be impossible for the government to use the last one-twelfth of that amount. It is not authorized at this time and it will be too late to ask for it at a later date.

[*English*]

Hon. Pierrette Ringuette: Maybe this is speculation on my part, but I wonder if it is like the budget. Bill C-10 did not contain all the budget items, as I said two weeks ago. The tax credit on home renovations was missing. The government is already spending millions of dollars in TV, radio and magazine advertisements, and this money was not in Bill C-10.

Is this another tactic of the current government to present both houses with an omnibus bill that has certain spending and that requires fast-tracking, as has happened with the bill that we are talking about, and that fast-tracking forces members of the House of Commons, because of the current economic crisis, to support issues in a bill that they would not support otherwise?

Senator Day: I hesitate to speculate on this issue. I agree with the Honourable Senator Ringuette that it is difficult for us to find out where these various initiatives are that were not only announced in the budget but have been advertised extensively by the government. Some of the initiatives are found in the Main Estimates, but we were told by Treasury Board to expect most of the initiatives in the budget to appear in Supplementary Estimates (A), which we have not seen yet.

Supplementary Estimates (A) will be the first additional amount that the government asks for in a supplementary estimate. It is another supply bill that we have not seen yet. The Standing Senate Committee on National Finance, in attempting to look at these programs, is running all over the place trying to find out where the authority is, or has been given, for various initiatives.

Senator Ringuette is right; in certain instances the authority has not been given yet. We have to be careful that Treasury Board is not being used to supply funding for an initiative that has not been well thought out and approved specifically by Parliament. That possibility is always a concern and that is why we are trying to watch these matters as closely as possible.

I raise the other issues of the eleven twelfths with respect to vote 35, honourable senators, because I believe that it illustrates that errors can happen when we act too hastily. We saw errors occur with respect to budget implementation last year. I can still see the words in the small print almost at the end of the bill, giving government departments the right to borrow without coming back to Parliament. I can still see that wording; it was so inconsequential when we were looking at 500 pages.

We look at it and wonder what it is, but someone is hollering about why are we delaying, and someone else is saying they need this bill. We have to be careful, honourable senators, about not succumbing to that kind of pressure.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

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

(Motion agreed to and bill read second time.)

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

(On motion of Senator Gerstein, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[*Translation*]

THE ESTIMATES, 2009-10

MAIN ESTIMATES—FOURTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Banks, for the adoption 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 adoption of the report.

(Motion agreed to and report adopted.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO STUDY SENATE COMMITTEE SYSTEM

Leave having been given to proceed to Other Business, Motion No. 34, Other:

[Senator Day]

On the Order:

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

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

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

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I want to clarify the origins of the motion that is now before us.

On November 20, 2008, when Senator Cowan and I met after his appointment as Leader of the Opposition, the primary purpose of that meeting was to discuss the committee structures for the First Session of the Fortieth Parliament. That discussion led to a general discussion as to whether we should look at our committee system. We agreed that it was time for the Senate to re-evaluate its committee system.

It is because of that agreement that the current motion is before honourable senators now. Should this motion pass, it will ultimately be up to the Rules Committee to determine how they wish to proceed, and to formulate recommendations. However, my hope is that the committee will take into account two factors: are the committees relevant to modern-day Canada and the policy concerns of today; and are the committees and the committee system making the best use of resources, mindful of senators' time and taxpayers' dollars?

The last major restructuring of Senate committees took place over four decades ago in 1968. Although committees have been added, names have been changed and committee sizes have been reduced since that time, we are still left with the overall structure that was put in place 40 years ago.

Think of how Canada has changed in 40 years. Policy concerns, the role of government and indeed the role of the Senate and Senate committees have all greatly changed in that period of time.

Have we not all changed? I wish I was 40 years younger — sometimes.

A casual reading of the mandates of committees as listed in the *Rules of the Senate* raises a number of potential questions. Today, foreign affairs are intricately linked with concerns related to national security and defence. Should these issues continue to be examined in committees separately or jointly?

The Standing Senate Committee on Social Affairs, Science and Technology currently has a mandate to study technology while the Standing Senate Committee on Transport and Communications has a mandate to study communications. How should the committee structure reflect the fact that technology now drives communications?

Also, the Standing Senate Committee on Social Affairs, Science and Technology has a mandate to examine Indian and Inuit affairs. Given that the Senate now has a committee dedicated to the issues of concern to Aboriginal Canadians, is it necessary for the Standing Senate Committee on Social Affairs, Science and Technology to hold this mandate still?

Currently, three committees have mandates to examine primary industries. Given that these industries face economic pressures at this time, would it be beneficial to have a single committee with a mandate to examine these industries?

Honourable senators, I do not presume to have the answers to all these questions — far from it. However, I think it is appropriate for these and other issues to be examined so that the Senate can better serve the interests of Canadians through our committee system.

I will conclude my brief remarks by drawing senators' attention to the eleventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament from the First Session of the Thirty-seventh Parliament.

That report was the result of the work of the committee the last time it undertook a thorough review of the committee structure. That was over the course of 2001 and 2002 under the chairmanship of former colleague the Honourable Jack Austin and co-chaired by my colleague Senator Stratton.

• (1520)

Although the issues today are somewhat different from those examined at that time and although the committee might come to different conclusions this time around, I think that report would serve as a useful guide to senators as they undertake their examination in this session of Parliament.

At that time, the committee reviewed what did and did not work within the committee system and took seriously the impacts of any proposed changes on the workload of senators and the Senate administration. Even more important now because of economic concerns, the committee, under Senator Austin also looked at the cost of running the committees and the impact that any increase in committee numbers would have on Canadians' tax dollars.

Honourable senators, I believe that the Standing Committee on Rules, Procedures and the Rights of Parliament will study these matters under the chairmanship of Senator Oliver realistically and thoroughly and will come up with solutions and recommendations that will serve the Senate well. I encourage all honourable senators to support the motion before us.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I am pleased to say a few words in respect of the motion proposed by Senator Oliver. During our discussion on committee chairs and the allocation of seats on committees, Senator LeBreton suggested that we ask the Standing Committee on Rules, Procedures and the Rights of Parliament to review the number, size and mandates of our standing committees.

I readily agreed and encouraged Senator LeBreton to propose the motion that is before honourable senators today, which I wholeheartedly support. I believe that any proposals to modify our existing committee structure should follow our traditional practice of initial and careful consideration by the Rules

Committee, which would make a recommendation to the full Senate, where a final decision would be made. Since any changes we might make would have a lasting impact on how we fulfill our legislative responsibilities, it is important that we have confidence that the changes will build on our existing strengths and address our real weaknesses.

Honourable senators, our committees are the jewels in the crown of the Senate. There is universal recognition of and appreciation for the work that is done by Senate committees. I remind honourable senators that at a time when we are considering televising or otherwise broadcasting proceedings in this chamber, there is a well-established and well-functioning system of televising the hearings of our committees. These telecasts likely bring more attention to the work of the Senate than any other aspect of our work.

When asked about the Senate, we all point with justifiable pride to the landmark studies issued over the years on a wide variety of important public policy issues. In many cases, these studies have led to significant legislative initiatives. A most recent example is the establishment of the Canadian Mental Health Commission, as recommended by our Standing Senate Committee on Social Affairs, Science and Technology.

Honourable senators, Senate committees have a well-deserved reputation for doing world-class work. Like many of you, in my previous life I had opportunity to appear before standing committees of the Senate and the House of Commons. I invariably found that Senate committees were better prepared, less partisan and more willing to allow witnesses the time to address complex issues. The nature of this institution enables the Senate and, by extension, its committees to take a longer range view of public policy issues; to study them over a longer time frame; and to propose longer-range solutions.

The experience and expertise of the senators is an important factor in this work, as is the fact that we can undertake studies extending beyond a single electoral cycle. Not only are we able to utilize the experience and expertise that we have built up in our previous lives but also we are able to enhance and deepen those attributes over years as committee members. Among our colleagues on both sides of the house are those who have unique experience and expertise in many important areas of public life. In no other legislative chamber in Canada would you find a legislator with the knowledge of the intricacies of federal-provincial relations of Senator Murray; with the parliamentary experience of Senator Prud'homme; with the international peacekeeping expertise of Senator Dallaire; with the human rights credentials of Senator Kinsella; with the business experience of Senator Eyton or Senator Massicotte; with the knowledge of the traditions and struggles of our First Nations people of Senator Adams or Senator Watt; with the political experience of Senator Atkins or Senator Smith; with the journalistic experience of Senator Fraser, Senator Munson, Senator Wallin or Senator Duffy; and the list goes on.

Honourable senators all agree that our committees do good work, but nothing is perfect and there is always room for improvement. That is why I am delighted to join with my friend, the Leader of the Government in the Senate, in supporting a review of our committee structure and mandates. It is entirely appropriate from time to time to take a fresh look at these issues. Do we have the appropriate number and mix of committees? Are there committees that could be split or combined? Do the issues of

the 21st century require the establishment of additional committees? Is there continued justification for having committees of different sizes?

We on this side certainly are not interested in shrinking or curtailing the roles of our committees. On the contrary, we will be looking for ways to extend and expand the roles and influence of our committees. As the Leader of the Government has said, we must always be conscious of the fact that we have been entrusted with the expenditure of scarce financial resources and we must ensure that at all times those resources are managed prudently and that we get real value for money spent. Are there ways in which we could improve these processes?

For all these reasons I am delighted to support the reference and I look forward to the deliberations of the Rules Committee and its report to the Senate in due course.

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

(Motion agreed to.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Tardif, for the second reading of Bill S-226, An Act to amend the Criminal Code (lottery schemes).

Hon. Bert Brown: Honourable senators, I rise to speak to Bill S-226, An Act to amend the Criminal Code in respect of lottery schemes.

In 1985, a second federal-provincial-territorial agreement was signed to provide that Canada would bring forward amendments to the Criminal Code to take away the federal government's authority to operate lottery schemes. These amendments were passed by Parliament and, in return, the provinces agreed to continue the payments from a 1979 agreement and make a one-time payment of \$100 million to Canada. Section 1.1 of the 1985 agreement states:

The Government of Canada undertakes to refrain from re-entering the field of gaming and betting except to the extent of its present role under section 198 of the Criminal Code with respect to horse races, and to ensure that the rates of the provinces in that field are not reduced or restricted.

The 1985 agreement also provided that the payments to be made by the provinces are in consideration of the fulfillment by the Government of Canada of its undertakings. Section 4 states:

Should any dispute arise with respect to such fulfillment, the provinces shall be entitled to withhold their payments until such dispute is resolved and to exercise all recourse they may have with respect to such dispute.

[Senator Cowan]

• (1530)

Bill S-226 would reduce and restrict the rights of Alberta in the field of gaming and betting, contrary to the express provisions of the 1985 agreement and the spirit and intent of the 1979 agreement. By way of the 1985 amendments to the Criminal Code, Parliament recognized that the provinces were in the best position to decide for themselves all issues relating to gaming and betting within their respective jurisdictions.

In conclusion, honourable senators, Bill S-226 is clearly in conflict with federal-provincial-territorial agreements, not only signed, but paid for as far back as 1979 and 1985, including the intervening years until today.

Hon. Gerald J. Comeau (Deputy Leader of the Government): May I ask a question?

Senator Brown: Yes.

Senator Comeau: I have had a number of telephone calls and letters on this bill, including one from a national body representing most of the provinces in Canada. I will paraphrase the comments in the letter. Basically, they said that there had been an agreement between the provinces and the federal government since the 1980s dealing with this issue and that it had been passed to the provinces. If this bill were to pass, would Parliament be breaking an agreement between the federal government and the provincial governments?

Senator Brown: Yes, that is exactly what my research and notes tell me. This bill would break a federal agreement between the provinces and the federal government.

Senator Comeau: If I were to extend this line of questioning a little further, would this bill not establish a practice whereby the government enters into contracts with other countries or other jurisdictions? In this case, it is a constitutionally legal jurisdiction.

When the federal government enters into contracts with foreign governments, local governments or even the private sector, can Parliament then start passing legislation to break those contracts? Does that characterize the situation correctly?

Senator Brown: That is a good question. I agree that that would probably be the outcome.

Senator Comeau: The honourable senator has studied this issue extensively.

Hon. Pierre Claude Nolin: Senator Brown is exploring an area of research that is quite troubling. Correct me if I am wrong, but he is basically saying that the Parliament of Canada can release its jurisdiction by contract or agreement with the provinces. It could be one province, but now it is 10. Is that what Senator Brown is proposing?

Senator Brown: In the two years that I have been here, we encountered this situation regarding a water act and the mapping of the underground aquifers across Canada. We had the same conflict between the federal government and the provinces that had always held responsibility in that jurisdiction until the bill was introduced. I believe the provinces of Quebec and Alberta were very much opposed to the bill. Finally, the bill died when they found out the National Aeronautics and Space Agency had mapped those aquifers 15 years earlier.

Senator Nolin: If I may, I think this is different. Parliament now has clear jurisdiction under the Criminal Code of Canada, and the honourable senator is suggesting that the Government of Canada abandoned or suspended its responsibility in favour of the provinces through an agreement.

I do not want to influence the honourable senator's opinion, but the Supreme Court has repeatedly stated that it is impossible for one jurisdiction to abandon its responsibility to another jurisdiction. Senator Brown is telling us that it happened in 1985. How could that be?

Senator Brown: I am not sure I understand Senator Nolin's last question. The information I received from my provincial government is that this bill, if passed, would break the agreement between the provinces and the federal government. That is why I am speaking in opposition to this bill.

Senator Nolin: My question is quite simple: Is it possible that the agreement is or was illegal?

Senator Brown: I cannot imagine that it would not have been challenged a long time ago if it had been illegal.

Hon. Sharon Carstairs: Honourable senators, my question is to Senator Brown. It is fine to indicate that contracts should not be violated between the provinces and the federal government and, vice versa, from the federal government to the provinces. Can the honourable senator then indicate to me why his party has consistently introduced legislation such as the Atlantic Accord and then gone on to violate it, or equalization payments and then violated those?

Senator Brown: The only answer I can provide is that I am not sure the agreements the honourable senator used as examples were formally completed before they were changed.

(On motion of Senator MacDonald, debate adjourned.)

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Zimmer, for the second reading of Bill S-219, An Act to amend the Bankruptcy and Insolvency Act (student loans).

Hon. Yoine Goldstein: Honourable senators, I wish speak to this item as well as the next item on the Order Paper.

It has now been seven weeks that these items have been on the Order Paper and they will terminate at day 15 next week. Will we hear from the government shortly as to its position on these bills?

• (1540)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, in respect of Bill S-219, this side finds it

responsible to follow the process to where this chamber reviews all private members' bills that come before it. I agree entirely with the honourable senator that it is a good idea that we perform these reviews.

Often we hear the argument that this bill has come before the Senate two or three times already so we can pass it quickly. However, it is not that easy when we come into a new session or new Parliament because the bill is re-introduced and must be looked at again in case changes have been made to the bill. It must be reread and reviewed completely.

Often, between sessions we have new officials. We like to seek the advice of officials on some of these bills. I do it regularly. I want the official advice on what the impact will be on the Canadian taxpayer and the Canadian public. Sometimes, the officials have changed from the last time. For that reason, the process takes time.

Honourable senators, I believe it is only responsible that we seek the views of officials, and in some cases seek the views of ministers. If a minister agrees to look at a private member's bill and the minister has an appreciation of the bill, the minister helps it along. If we proceed before the minister or the officials have had a chance to study and review the bill, it only hinders the progress of the bill.

I appreciate that sometimes these bills have come before the Senate previously, but progress can be made, and it is helpful, if the officials and the ministers can look at the bill and advise the critics of their views on the bill. Our critic may not necessarily agree with what the officials advise, but it is helpful for our critic to have the views of the minister and the officials prior to deciding whether to proceed. In some cases, it may speed the progress of the bill if that review has taken place.

Having said all that, it still does not answer the honourable senator's question as to when our critic will move on this bill. I note that I am named as the critic, but we have a critic that will move on this bill as soon as we possibly can. Senator Goldstein and I talked about the bill today, and I will try to obtain an assessment as to the progress of the bill at this point.

Senator Goldstein: I thank the honourable senator. I am comforted by the fact, and I fully understand the process of the referral of private members' bills to the appropriate ministry and the appropriate officials for their consideration, comments, analysis and judgments. I accept all of that process. I am faced with a somewhat different problem. I am under a time gun; I am leaving in May. I want to see these two bills move along because I have invested a substantial amount of time and effort. Neither of them is political, neither of them is a burden on the fisc and both of them, in my humble submission, are useful for Canadians. Having said that, I will accept the undertaking that the honourable senator will let me know by tomorrow hopefully.

(Order stands.)

(The Senate adjourned until Thursday, March 26, 2009, at 1:30 p.m.)

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