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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, March 31, 2009

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

Prayers.

SENATORS' STATEMENTS

CANADIAN FORCES

Hon. Colin Kenny: Honourable senators, last week Senator Wallin criticized an op-ed article that I wrote regarding underfunding of the Canadian military. Senator Wallin made an emotional reference to the deaths of Canadian soldiers in Afghanistan. She linked me to the Fox News slanders and said that I had "profoundly insulted" four of our troops who had just lost their lives by suggesting that Canada has a "just pretend" military.

I become emotional about soldiers dying too, but my response is to move beyond simple emotion by trying to do something useful to reduce these deaths. Sentiment should never be allowed to disguise the fact that Canada's military is not sufficiently funded to give our soldiers the support they need.

If Senator Wallin refuses to listen to her fellow senators, who have followed these issues for several years, she should have listened at least to the head of the army when he appeared before the Standing Senate Committee on National Security and Defence on March 9, 2009. General Leslie told the committee that the army will likely have to cease foreign operations for a year after our combat role in Afghanistan ends.

That military pause would be Canada's second in six years, which is unprecedented in an industrialized country. Such pauses reflect burnout of soldiers, their equipment, their military infrastructure and, most important, their families; all of which is caused by lack of funding.

Long before the Manley commission, your committee addressed the problem of escalating deaths from roadside bombs. We fought hard to push the government for better support from helicopters and unmanned aerial vehicles, UAVs. Some of us like to think that this public criticism helped to deploy these pieces of equipment where they were needed. Unfortunately, some new members of the committee are determined to see that the government is never criticized, no matter what the cost is to our soldiers.

For that reason, I challenge Senator Wallin: If Conservatives like Senators Michael Meighen, Norman Atkins and the late Michael Forrestall were brave enough to offer honest criticism to Conservative governments; and if Liberals on the committee were brave enough to do the same during the days of the Chrétien and Martin governments, can she not muster the courage to tell Stephen Harper that this current government's spending plan will doom Canadians to a just-pretend military?

That is all I said in my op-ed. Given Senator Wallin's reputation as an unbiased journalist, that is what she should be saying, if she has the interests of our troops and their families at heart.

NEWFOUNDLAND AND LABRADOR

CONGRATULATIONS ON SIXTIETH ANNIVERSARY IN CONFEDERATION

Hon. Bill Rompkey: Honourable senators, today is our sixtieth wedding anniversary. Today was the day that Canada and Newfoundland and Labrador were wed; and let no man put them asunder.

I get a kick out of the look on people's faces when I tell them that I am a new Canadian. "I was only 13 when my parents came to this country," I will say, and they look puzzled. Then the light goes on and they realize that, of course, Newfoundland and Labrador joined Canada in 1949. We are new Canadians.

It was not until I joined the Royal Canadian Navy Reserve at the age of 18 that I met and rubbed shoulders with other young people from across the country. No matter what part of Canada they came from, we found that they were not weird at all. They were just like us, more or less. They had this funny Canadian accent but, by and large, they were just like us. French Canadians, too, I encountered for the first time, but language did not seem to be a barrier to bonding if there was generosity of spirit, as there invariably is among young people.

• (1410)

I might easily have become an American. Joining the United States was an option for us in 1949. The debate over our future was long and bitter. We were and are a unique people with our own history and culture, and it was hard for us to give up our independence.

John Crosbie's father, for example, led the fight to reject Canada and join the U.S. However, Newfoundland and Labrador chose Canada, and John served with distinction in the cabinet of Canada.

Ironically, it is when we travel outside Canada that we discover the immense respect and affection felt for Canadians. I would say "when we travel abroad," but in Newfoundland and Labrador "abroad" means "apart." If you are taking your car "abroad," you are not sending it to Europe; you are fiddling with the engine.

Many people from all around the world fought hard to get to this country. Like them, people of my generation from Newfoundland and Labrador are new Canadians. Like them, we know our roots and we cherish them. We are still Newfoundlanders and Labradorians but we are also Canadians. That is a cause for celebration.

THE LATE WILFRED M. CARTER, C.M.

Hon. Michael A. Meighen: Honourable senators, I rise to mark the passing in St. Andrews, New Brunswick, on March 18 of the renowned and internationally recognized conservationist, Dr. Wilfred M. Carter. Invested with the Order of Canada in 1993, Wilf Carter did more for wild Atlantic salmon in his lifetime than anyone else.

Born in Gaspé, he joined the army just after his sixteenth birthday, landed in Normandy and was badly wounded in September 1944. Fortunately, he made a complete recovery, completed high school and then earned a degree in wildlife biology.

Dr. Carter became the Executive Director of the International Atlantic Salmon Foundation in 1968. In 1982, when the foundation merged with the Atlantic Salmon Association to become the Atlantic Salmon Federation, he became its first president. Comprised of five regional councils in Canada and two in the United States, the federation is an international, non-profit organization representing some 40,000 recreational anglers. Under Dr. Carter's dedicated and skilful leadership, the ASF has become one of the world's most effective and respected conservation organizations, with cutting-edge research programs in education, habitat restoration, public awareness and advocacy.

[Translation]

Dr. Carter was a founding member of the international North Atlantic Salmon Conservation Organization, which represents all North Atlantic countries and provides a forum for the study, analysis and exchange of information on salmon stocks, particularly to ensure their conservation, restoration and enhancement.

In 1987, *Outdoor Canada* magazine recognized Dr. Carter as one of the conservationists who had contributed the most to improving the environment. He received honorary doctorates from the University of New Brunswick and his *alma mater*, Mount Allison University.

[English]

Wilfred Carter's credo is best summed up in the concluding paragraph of his autobiography, *Salmo Salar, the Fisherman's Canary*.

If the salmon, tuna, whales and elephants are allowed to disappear, if water becomes too polluted to use and the air so poisoned that simple breathing becomes an act of self-destruction, then our hour upon life's stage will be approaching its end too. But all is not lost. When enough people realize that these things are too precious to lose and come to understand that their survival is linked to the fate of the wildlife, the forests, the rivers, lakes and oceans, then there will be hope for the future. Conservation may yet save the world.

Wilfred Carter was a dear friend whom I respected enormously. As Bud Bird, the former Mayor of Fredericton and member of the other place said in his eulogy:

He died with the satisfaction . . . of a man who has accomplished his goal and left it safe for another generation.

What a remarkable legacy, honourable senators.

Dr. Carter was 82 years of age when he passed away. My thoughts go out to his wife Pauline, daughter Susan, son Brent and his extended family and friends.

• (1415)

ANDY BATHGATE AND HARRY HOWELL

Hon. Francis William Mahovlich: Honourable senators, I rise today to pay tribute to two great Canadians and former hockey players who made a lasting impression on the game today, as well as on me personally.

Andy Bathgate of Winnipeg and Harry Howell of Hamilton were both members of the New York Rangers in the 1950s and 1960s. They are unquestionably pillars of the Rangers' foundations and represent what all great hockey players can aspire to be.

Both were members of the Guelph Biltmore Mad Hatters Junior A hockey team, an historical team in its own right, which won the 1952 championship Memorial Cup in four games with an impressive score of 30 goals to 8 against, and had 8 of its players play in the National Hockey League.

I can remember them running roughshod over the local home Junior A team, the Porcupine Combines. At 14 years old, it was the first time I had seen execution and perfection in the game of hockey.

History will remember Andy Bathgate as the player whose shot cut the face of Montreal goalie Jacques Plante, causing him to return to play wearing a mask — the first modern-day goalie ever to do so — which changed the face of hockey that night, and which I am sure many current goalies are thankful for.

Harry Howell will go down in the record books as the first Ranger to play 1,000 games; he was also the first assistant coach in the NHL. He is a consummate gentleman, with a smile always on his face, and he always has time for his fans.

On February 22, 2009, these two legends were honoured in New York City by joining fellow Ranger honourees to have their numbers hang from the rafters of Madison Square Garden. For Andy Bathgate, the date was already an important one. It was 45 years to the day that he was traded to the Maple Leafs to play with me and to help us win the Stanley Cup in 1964.

I cannot say a bad word about either of these men, and I wholeheartedly believe that they are most deserving of this honour. What better way is there for future players to look up to these men for many years to come.

RWANDA

Hon. A. Raynell Andreychuk: Honourable senators, I rise today to draw your attention to a pivotal accomplishment for citizens worldwide, and to congratulate Rwanda on its role in reaching a significant milestone.

In its most recent election in September 2008, Rwanda became the first country where women outnumbered men in Parliament. While Sweden is often referenced regarding their well-earned gender-equality initiatives, the highest percentage of women parliamentarians they have achieved is 47 per cent. The percentage of women in the Parliament of Rwanda now stands at 56.3 per cent. Rwanda has risen above the horror of the 1994 genocide and the resulting difficulties, and has far exceeded governmental gender equality guidelines.

Gender equality is necessary for any government or country. Women's increased role in Rwanda has been accepted with zeal. Quality women have become the backbone for many different leadership positions, which has helped to represent women in rural areas, drastically improved the literacy rate for women and so on.

This milestone could not have happened well or quickly without significant support for gender equality in leadership roles shown by the Rwandan constitution, the government and President Kagame. The actions of the citizens and the government of Rwanda should be lauded for their efforts to date.

At the International Colloquium on Women's Empowerment, Leadership Development, International Peace and Security in Monrovia, Liberia, March 7 and 8, the hundreds of women from governments, multinational organizations, civil society and traditional women's groups from all around the world called for the full implementation of the United Nations Security Council Resolution 1325 for the protection, participation and promotion of women's rights in peace processes, and the adoption of the UN Security Council Resolution 1820 that addresses sexual violence as a tactic of war.

The women went on to state that they call for the greater accountability to accelerate implementation by all stakeholders — that is, UN members, the Security Council, the General Assembly and the Secretary General, all — including the presentation of their plans of action and accomplishments at the 2010 Ministerial Review Conference of the UN Security Council Resolution 1325. I am pleased to say that our Governor General was part of the delegations that went to Monrovia.

- (1420)

The call to accountability and for an end to impunity on crimes against women should be included in the declaration. They further encourage countries to collaborate creatively and support each other in the development and implementation of national action plans on Resolution 1325.

On a global scale, according to the Inter-Parliamentary Union, the number of women serving in Parliaments has risen 60 per cent since 1995, but unfortunately it is still only 18.4 per cent of the total. Canadian women account for 22.1 per cent in the House of Commons and 34.4 per cent in the Senate, at least at the time

of writing this statement. Canada and the Senate in particular have made strides toward equality, especially in recent decades, yet we have a long road ahead before we approach gender equality. We can, therefore, learn from our role models in Rwanda.

[Translation]

HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS ON BEING NAMED WISSAM EL ARCH OF THE ORDER OF COMMANDER

Hon. Pierre De Bané: Honourable senators, I would like to salute the recent decision by the Kingdom of Morocco, which, in the King's name, decided to honour our colleague, Senator Prud'homme, by presenting him with one of that country's most prestigious decorations for his ongoing work to strengthen the ties of friendship and promote understanding between Canada and Morocco and, more generally, relations between Canada and the Arab world.

Senator Prud'homme has worked tirelessly for decades to foster closer relations with all these countries, especially Morocco.

He has done a great deal to help strengthen those relations and has used his position in the Parliament of Canada to raise awareness through numerous activities, including as founding chair of the Canada-Morocco Inter-Parliamentary Group, and through various inter-parliamentary forums, such as the Inter-Parliamentary Union and the Assemblée parlementaire de la francophonie.

Canada and Morocco have a long-standing relationship. Through CIDA, Canada has contributed a total of over \$400 million to Morocco since relations between the two countries were established in 1962.

Honourable senators, I am pleased to quote what His Excellency the Ambassador of Morocco, Mr. Tangi, read at the ceremony where our colleague was presented with this decoration:

His Majesty Mohamed VI, King of Morocco, has awarded this medal to Senator Marcel Prud'homme in tribute to his outstanding humanity and for his tireless work to develop, diversify and strengthen the ties of friendship and cooperation between Canada and the Kingdom of Morocco. Senator Prud'homme was the founding chair and a co-chair of the Canada-Morocco inter-parliamentary group. He was also the driving force behind the reconstitution of this group in each new sitting of the House of Commons.

Senator Prud'homme has gone on many bilateral and multilateral missions to Morocco, and the Moroccan ambassador, Mr. Tangi, explained that this decoration, one of the highest awarded by the Kingdom of Morocco, was the perfect way for his country to express its gratitude to our colleague, who is also the dean of Canada's Parliament.

• (1425)

ROUTINE PROCEEDINGS

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE PENSION PLAN—2007-08 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2007-08 annual report of the Royal Canadian Mounted Police Pension Plan.

CANADIAN HUMAN RIGHTS COMMISSION

2008 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the annual report of the Canadian Human Rights Commission for the year 2008, pursuant to section 61 of the Canadian Human Rights Act, and section 32 of the Employment Equity Act.

[English]

CANADIAN HUMAN RIGHTS TRIBUNAL

2008 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to subsection 61(4) of the Canadian Human Rights Act, I have the honour to table, in both official languages, the 2008 annual report of the Canadian Human Rights Tribunal, entitled: *Ensuring equal access to the opportunities of Canadian society through efficient, fair and equitable adjudication.*

AUDITOR GENERAL

MARCH 2009 STATUS REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to subsection 7(5) of the Auditor General Act, I have the honour to table, in both official languages, the March 2009 Status Report of the Auditor General.

CUSTOMS ACT

BILL TO AMEND—SECOND REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE PRESENTED

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, March 31, 2009

The Standing Senate Committee on National Security and Defence has the honour to present its

SECOND REPORT

Your committee, to which was referred Bill S-2, An Act to amend the Customs Act, has, in obedience to the order of reference of Tuesday, March 3, 2009, examined the said Bill and now reports the same with the following amendment:

Page 7, clause 17: Renumber subsection 164.1 (1) as section 164.1 and delete lines 27 to 29.

Respectfully submitted,

COLIN KENNY
Chair

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

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

CANADA-EFTA FREE TRADE AGREEMENT IMPLEMENTATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-2, An Act to implement the Free Trade Agreement between Canada and the States of the European Free Trade Association (Iceland, Liechtenstein, Norway, Switzerland), the Agreement on Agriculture between Canada and the Republic of Iceland, the Agreement on Agriculture between Canada and the Kingdom of Norway and the Agreement on Agriculture between Canada and the Swiss Confederation.

(Bill read first time.)

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

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

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) presented Bill S-4, An Act to amend the Criminal Code (identity theft and related misconduct).

(Bill read first time.)

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

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

• (1430)

INVESTMENT CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Yoine Goldstein presented Bill S-231, An Act to amend the Investment Canada Act (human rights violations).

(Bill read first time.)

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

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

PATENT ACT

BILL TO AMEND—FIRST READING

Hon. Yoine Goldstein presented Bill S-232, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

(Bill read first time.)

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

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

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY— ECONOMIC CONFERENCE, MAY 24-26, 2007— REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the Fifth Economic Conference of the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly held in Andorra la Vella, Andorra, from May 24 to 26, 2007.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY— ANNUAL FALL MEETING, SEPTEMBER 29-OCTOBER 1, 2007—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the Annual Fall Meeting of the of the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly held in Portoroz, Slovenia, from September 29 to October 1, 2007.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY—BUREAU MEETING AND MINISTERIAL COUNCIL, NOVEMBER 28-30, 2007—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the Bureau Meeting and to the Fifteenth Ministerial Council of the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly held in Madrid, Spain, from November 28 to 30, 2007.

[*Translation*]

CBC/RADIO-CANADA

NOTICE OF INQUIRY

Hon. Maria Chaput: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will call the attention of the Senate to the Conservative government's inaction on CBC/Radio-Canada's urgent financial needs and the disastrous consequences of this inaction on services to official-language minority communities.

BILINGUALISM IN CANADA

NOTICE OF INQUIRY

Hon. Maria Chaput: Honourable senators, pursuant to rule 57(2), I give notice that, at a future Senate sitting:

I will call the attention of the Senate to the discontinuance of the Interdepartmental Partnership with the Official-Language Communities (IPOLC) and its damaging consequences for official bilingualism in this country.

• (1435)

[*English*]

FISHERIES ACT

CESSATION OF COMMERCIAL SEAL HUNT—PRESENTATION OF PETITIONS

Hon. Mac Harb: Honourable senators, I have a petition signed by residents from the province of Ontario calling on the Government of Canada to amend the Fisheries Act to end the commercial seal hunt. In addition, I have in excess of 12,000 petitions promoted by the International Fund for Animal Welfare and others that I want to bring to the attention of the Senate.

[*Translation*]

QUESTION PERIOD

HERITAGE AND OFFICIAL LANGUAGES

CBC/RADIO-CANADA

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, on Wednesday, March 25, CBC/Radio-Canada announced that it would have to lay off 800 employees and make major changes.

Contrary to the tradition of splitting federal funding between the French- and English-language networks, one third and two thirds respectively, budget cutbacks at the French-language network have resulted in staff reductions of almost half of the total number of employees.

Honourable senators, we have a situation where the government no longer respects its commitments to francophone communities outside Quebec. Not only has the government delayed implementing the Roadmap for Canada's Linguistic Duality, but it is cutting an essential service for these communities, the Radio-Canada broadcasts.

Why is the government not taking action to protect the broadcasting services provided by CBC/Radio-Canada to these francophone communities in a minority situation?

[*English*]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, with regard to the CBC, as I pointed out last week in answer to questions from Senator Poulin, the government has acknowledged the difficult challenges facing the CBC, and indeed all of the broadcasting industry, which is obviously experiencing difficult economic times.

The government has provided \$1.1 billion to the CBC, and how the CBC operates within its mandate and disburses the funds are decisions of the CBC.

I would be happy to make the senator's concerns known to the Minister of Heritage, so he can pass them on to the CBC, although I point out that the government does not interfere in any way with how the CBC dispenses the money provided to it. Those are decisions of the board of directors of the CBC.

As I said last week, it is hoped that the CBC will fulfill its mandate in providing service across the country, especially to the regions, and, most particularly, to the minority language communities in the various parts of the country, and also that the CBC recognizes its responsibility to Canada's official languages policy.

[*Translation*]

Senator Tardif: The Conservative government could have taken steps to limit the damage, but it refused to do so. In the West, nine full-time positions and four part-time positions will be cut; in Manitoba, five staff members and one manager will be laid off; in Saskatchewan, one person will be laid off; in Alberta,

one full-time position and one part-time position will be eliminated; in British Columbia, four employees will be laid off. Noon-hour broadcasts have all been cancelled and will be replaced by a national call-in program, and Saturday morning broadcasts will be consolidated across the western provinces.

How can the government justify the loss of local and regional programming for francophones in western Canada?

[*English*]

Senator LeBreton: I believe the concerns the senator raised are legitimate and are better addressed to the board of directors and the management of the CBC. The government does not instruct the board of directors of the CBC in how to run its affairs.

Honourable senators, I mentioned earlier that the government will monitor the decisions of the CBC to ensure that the CBC delivers services to Canadians as their mandate requires. However, for the government to interfere in any way or even be seen to interfere with decisions of the CBC's board of directors would be met, I am sure, with great howls of outrage by all, particularly the CBC.

• (1440)

Honourable senators, as I mentioned in my earlier answer, I am happy to raise the honourable senator's concerns with the Minister of Canadian Heritage because the government is monitoring the decisions of the CBC to ensure that the CBC properly provides service to Canadians in both official languages and, most particularly, in those regions of the country that rely specifically on the CBC.

The honourable senator's concerns are legitimate, but the CBC should respond to these matters directly, and I am happy to apprise the minister of her concerns.

[*Translation*]

Hon. Maria Chaput: Why does the government not provide CBC/Radio-Canada with bridge financing to maintain employees and services at 2008 levels?

[*English*]

Senator LeBreton: The government made it clear from the beginning, and especially with regard to bridge financing, that we provided a significant sum of money, more than the CBC has ever had — \$1.1 billion a year of taxpayers' dollars.

In answer to the specific question, the Chief Executive Officer of CBC/Radio-Canada publicly stated that bridge-loan financing would not have been sufficient to avoid announced layoffs at the CBC, nor would it be sufficient to maintain current programming.

The 2009-10 budget, which outlined this government's financial plans for the CBC, recently passed with the support of all members of the house on the other side. The CEO of the CBC has stated that bridge financing would not have prevented these program and staff cuts.

It is reasonable, honourable senators, for Canadians to expect that the CBC operate within a rather generous budget of \$1.1 billion a year. That funding is a lot of money. It behooves

all of us to depend on the board of directors of the CBC to use these funds properly and to ensure that they provide the services that Canadians expect of them.

Hon. Bill Rompkey: Honourable senators, my question is also to the minister.

Today is the sixtieth anniversary of my province joining Canada. I did not grow up listening to the CBC. I grew up listening to the Newfoundland Broadcasting Corporation, NBC, which was modeled on the BBC. Someone has described NBC as an aural hearth — a hearth around which people gathered to hear the news. It was the only way the community came together. Then, when I went to Labrador in 1963, I discovered that CBC was the only broadcaster and today, it is still the only one.

In the North of Canada, CBC is all there is. There are canned American programs coming through from television, and with a satellite signal, satellite radio can be heard, but the point is, in Northern Canada, in Arctic Canada, which has an Aboriginal population to whom this government has a fiduciary responsibility, CBC plays a special role.

I ask the minister if she will impress on Minister Moore the special role CBC plays in the Arctic and, indeed, in remote regions of this country. That is why we must keep the CBC, and that is why she must bring that message to him.

Senator LeBreton: I do not quarrel one little bit with what the honourable senator said. As I have said in answer to other questions, the government made a significant commitment to the CBC of \$1.1 billion. That is a lot of money. It is especially a lot of money when you look at the situation facing the entire Canadian broadcasting industry.

• (1445)

There is no question — I made reference to it last week and today — that the CBC provides a valuable service to Canadians, especially with regard to our two official languages but, most importantly, to rural and remote areas, and particularly the North.

Obviously the CBC plays a huge role in Northern Canada, but there are now other viewing choices in the North, as the honourable senator points out, because of satellite communications.

The CBC is an important national body and it has received \$1.1 billion of taxpayers' dollars. The government is confident that the CBC will emerge from this difficult situation in a position of strength. Hopefully, like all major organizations in this country, the CBC will have a chance to assess the services it provides with a view to strengthening the services, especially to those areas that especially rely on its services.

I will end by congratulating Newfoundland and Labrador on joining Canada in 1949. Although I did not hear the Dominion Carillonneur today, I understand she was playing music in tribute to Newfoundland and Labrador. I did see the odd Newfoundland and Labradorian flags flying in front of the Parliament buildings.

Senator Rompkey: Honourable senators, the leader suggests that there are other choices in the North but those choices are canned American programs. In the North, if you want to speak

to Southern Canada, the CBC is it. The North will start to disappear if it is not heard. That voice must be heard.

When I first went to Labrador, we had 30 positions. Then we were cut to seven; now we will be cut to four. Never mind television, but for radio programming over 120,000 square miles where Aboriginal people live, four people are expected to amplify that voice and bring it to Southern Canada. The Prime Minister has said about the Arctic, "Use it or lose it." This is one way the government can ensure that we continue to use the Arctic, by letting Arctic people speak and tell us what they want and what their future is in Canada.

Senator LeBreton: Honourable senators, I could not agree more. I hope that the board of directors and the powers that be at the CBC are listening because this is clearly their responsibility. They have a responsibility to the Canadian taxpayer because the Canadian taxpayer funds them to the tune of \$1.1 billion a year.

Senator Rompkey is absolutely right; in the mid-1990s there were some huge cuts to the CBC. This government has not cut the CBC. We made a commitment during the campaign that we would not cut the CBC. We have not done so. We have provided the CBC with significant funds.

We in the government and all members of Parliament should use our voices to impress upon the CBC's board of directors that we expect certain services, particularly to our remote and northern regions and to our citizens of both official languages who live right across this great country.

TRANSPORT AND COMMUNICATIONS

2006 REPORT ON CBC RESTRUCTURING AND CBC FUNDING

Hon. Jim Munson: Honourable senators, this is a question that I think Senator Tkachuk really would like to ask. In June 2006, the Standing Senate Committee on Transport and Communications issued Volumes I and II of its Final Report on the Canadian News Media. I was pleased to work with Senator Fraser on the committee, with Senator Tkachuk as the deputy chair.

• (1450)

There were several recommendations. Among them was recommendation 12, with which Senator Tkachuk agreed, that the government establish a more coherent system for refining the mandate of the CBC. This system should include commitment to a long-term planning horizon, a 10-year licence renewal and a long-term budget providing appropriate stable funding.

This exceptional report, written by Senator Tkachuk and Senator Fraser, along with several other senators, was the result of the hard work of senators on all sides who worked under the careful leadership of Senator Tkachuk and Senator Fraser dealing with this particular issue. Of course, Senator Bacon also played an important role. Where is that long-term budget with appropriate; stable funding for the CBC?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, it is certainly in much better shape than it was under the previous government.

I made reference to this report last week in answer to questions. I indicated to Minister Moore that I would be happy to obtain a copy and provide it, to my delight. I should not be surprised that Minister Moore has a copy of the report and was well aware of it.

With regard to the funding of the CBC, I indicated clearly that the government made a commitment that we would not cut the CBC's budget. We did not cut its budget; we provided them with \$1.1 billion of Canadian taxpayers' dollars. This is more money than they have ever had. As I just said, there was a question of bridge financing. Even the head of the CBC said that would not have helped in terms of what they have to do.

We should all have confidence in the board of directors of the CBC. They are making tough and difficult decisions, but that is their responsibility. They have a significant amount of money with which to work. As they go about the country looking at their various programs, services and assets, they will be mindful of their obligation to provide Canadians with service in the North, in our remote communities and in our two official languages.

Hon. Joan Fraser: Honourable senators, for clarification, the minister said repeatedly that CBC/Radio-Canada is getting more money than it ever has. I am a little puzzled because it is my understanding that the Main Estimates for the current fiscal year, 2009-10, authorize \$1.052 billion in funding for CBC/Radio-Canada, which is \$63 million less than the \$1.15 billion authorized in the Main Estimates last year. Presumably, the Main Estimates are the ones upon which the CBC must base its core financial planning.

The government has delayed providing its annual \$60 million top-up until after the cuts to the CBC were announced and, in any case, that top-up is, shall we say, flexible. Last year I think the CBC only received \$40 million of the promised \$60 million.

Can the leader please clarify the exact state over the past five years of the CBC's funding in the Main Estimates, in supplementary estimates and anything else that seems relevant? As I understand it, they are getting less money this year. Responding to this question may take notice, but I think it would be very helpful for the Senate to have a clear pattern.

Senator LeBreton: Honourable senators, I will take that question as notice, but the figure of \$1.1 billion was the figure to which the government committed. The senator cited figures from last year and this year. She said \$63 million. I think the figure used for last year was over \$1.1 billion. I am not sure. I will have to look in the blues, but I would be happy to provide Senator Fraser with the information in regard to the funding to support the CBC over the last 10 years.

FOREIGN AFFAIRS

UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Hon. Art Eggleton: Honourable senators, yesterday marked the two-year anniversary of the Government of Canada signing the United Nations Convention on the Rights of Persons with Disabilities. The convention was the first comprehensive human

rights treaty of the 21st century and marked a paradigm shift in attitudes and approaches toward persons with disabilities. However, after two years the government has yet to bring forth legislation to ratify it.

I understand that the government is currently in consultations with the provinces to ensure that the provincial legislation is in line with the convention. Could the Leader of the Government in the Senate please provide an update on the progress of the consultations?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I would be very happy to do that. The government was the first to sign this particular document. The honourable senator is quite right; the next step is to bring the provinces into line. That is what the government is working on.

As honourable senators know, it takes time to deal with the provinces. I will be happy to get an update as to the status of these negotiations with the provinces in order to proceed with legislation.

Senator Eggleton: That will be helpful.

On a supplementary question, a key contribution during the negotiation process of the convention came from interested groups and individuals working with persons with disabilities in Canada. Could the government comment on how these groups are being engaged during this two-year process to implement the convention?

Senator LeBreton: Is the honourable senator referring to their involvement in consultations?

Senator Eggleton: Yes. Are they involved in the consultations during this period of time?

Senator LeBreton: Thank you for the clarification. I will be happy to add to the request that we get a full status report on the negotiations thus far, including the interested parties.

PRIME MINISTER'S OFFICE

SENATE APPOINTMENTS

Hon. Lorna Milne: Honourable senators, I have recently had the misfortune of hearing in my own hometown of Brampton, Ontario, a number of sources claiming that the President of the Conservative Party of Canada — I believe it is Don Plett — is publicly stating in his hometown that when the senator for his area retires in July, he will be coming to Ottawa as the replacement. Is this true?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, maybe he thinks there is a Senate election in Manitoba.

I have not heard that, honourable senators. I cannot answer. I have not heard that Don Plett has said that. I will have to ask him if he is campaigning for the job. If he is, he will be one of probably hundreds.

Senator Milne: Honourable senators, I thank the leader for that response. It is encouraging to know because history has shown us that when people go around bragging they will end up here, they usually do not. I can recall that when I was asked to serve in this place, the only thing that the Prime Minister asked of me was that I not make it public until it could be announced by the Prime Minister. Is the current Prime Minister continuing to hold to this time-honoured tradition?

Senator LeBreton: Honourable senators, the Prime Minister left this morning for London, but I can tell honourable senators that when I was in the Prime Minister's Office handling these files, many a person was dropped off the list because he or she decided to campaign for the job. I will simply pass on this bit of news to the Prime Minister. I am sure he will be happy to know that there is someone willing to come and serve Manitoba in this chamber.

Senator Milne: I would suggest the leader encourage the Prime Minister to drop Mr. Plett from the list.

Who is on the list to replace me when I am gone in December? Should I be checking with the Brampton Board of Trade?

• (1500)

Senator LeBreton: Honourable senators, I know that Senator Milne is leaving later this year. I am well aware of all the vacancies coming up over the next year. Filling Senate seats, as honourable senators know, is a particularly arduous task; everyone has a view. I always remind people that for every Senate vacancy there are probably 15 to 20 — if not hundreds — of people who lobby for it. It reminds me of the old saying of Sir John A. Macdonald when he had a Senate vacancy and 10 people wanted the seat. To paraphrase, he said, I will fill this vacancy today, and tomorrow I will have nine enemies and one ingrate.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, responses to oral questions. The first was raised by Senator Chaput on February 5, 2009, concerning official languages (support for official language minority communities), the second by Senator Mitchell on February 12, 2009, concerning the environment, green technology and carbon credits, and the third by Senator Callbeck on February 25, 2009, concerning agriculture and agri-food, the Auditor General's report.

FINANCE

BUDGET 2009

(Response to question raised by Hon. Maria Chaput on February 5, 2009)

Although the *2008-2013 Roadmap for Canada's Linguistic Duality* was not mentioned in Budget 2009 announced by the Government of Canada, it should not be perceived as a setback, on the contrary. Our government is determined to respect its commitment and to fully deliver to Canadians the elements of the Roadmap, as announced in June 2008. This commitment is without ambiguity.

The Roadmap reflects the Government's commitment to linguistic duality and official language minority communities, but also towards linguistic duality as a whole. It builds on existing investments to continue initiatives relating to youth, education and language industries. The Roadmap also proposes additional investments to allow all Canadians to benefit from linguistic duality.

Its implementation is well underway. In 2008-09, the Government expects to spend over \$180 million for the *Roadmap for Canada's Linguistic Duality*.

As called for in the Roadmap, the CRTC held public hearings in January on broadcasting services in official language minority communities, and new initiatives, such as the Musical Showcases and the Cultural Development Fund, will be announced over the next few months. Stakeholders will then be able to request financing under these programs when the details of the application processes are announced.

The Government of Canada puts into effect its Roadmap commitments through, among others, Canadian Heritage's support to official language minority communities in this fiscal year. For future years, new accords will be signed, including agreements in the areas of education and services with the provinces and territories, and cooperation agreements with the communities.

We can, therefore, assure you that the Government of Canada's commitment towards official language minority communities and linguistic duality in our country is unequivocal.

INDUSTRY

GREEN TECHNOLOGY AND CARBON CREDITS

(Response to question raised by Hon. Grant Mitchell on February 12, 2009)

The government is committed to reduce Canada's total greenhouse gas emissions by 20% relative to 2006 levels by 2020. To reach this ambitious target, the government is committed to working with provincial governments and other partners to develop a North American approach to climate change that will strengthen Canada's economy and that will continue to both reduce greenhouse gas emissions and produce a larger and cleaner energy supply.

A key part of this strategy is to engage with the new U.S. administration on a cooperative, bilateral approach to the environment and energy, in ways that also contribute to the economic recovery. On February 19, the Prime Minister and President Obama established a Canada-U.S. Clean Energy Dialogue that will cooperate on several critical energy, science and technology issues, including the expansion of clean energy research and development, the development and deployment of clean energy technology, and the

building of a more efficient electricity grid based on clean and renewable generation. The Minister of the Environment has already met with his counterparts in the U.S. to launch this Clean Energy Dialogue.

The government has already made significant progress in introducing measures to reduce greenhouse gas emissions, and continues to develop its national industrial emissions regulation.

In addition, the government has stated its intent to work towards a North American cap and trade system which would include cross-border trading of carbon credits and thereby allow Canadian and U.S. firms to pursue the lowest-cost options for reducing emissions wherever they occur on the continent. Industry on both sides of the border would benefit from harmonized and effective policies that create a level playing field.

The government has laid the groundwork to help Canadian farmers and businesses to participate in the carbon market. We have taken steps towards establishing a Canadian offset credit system that could be of potential benefit to Canadian farmers and businesses.

Moreover, Budget 2009 includes investments in green technology and infrastructure that will help businesses reduce their emissions and be better positioned as the carbon market develops. For example, \$1 billion over five years has been allocated for clean energy research development and demonstration projects, including carbon capture and storage.

The government welcomes the initiative taken by the Montreal Climate Exchange on May 30 last year to begin trading futures contracts for carbon. We expect the Canadian carbon market to grow as the government works to establish a cap and trade system for greenhouse gases.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY— AUDITOR GENERAL'S REPORT

(Response to question raised by Hon. Catherine S. Callbeck on February 25, 2009)

The Auditor General's Report is about the CFIA's plant and plant product imports. It is important to note the scope of the report has no relation to food safety.

The Canadian Food Inspection Agency (CFIA) has already begun to implement recommendations for an effective, integrated risk-management approach to plant and plant product imports and will

- examine ways to better assess plant risks and prioritize pest surveys;

- build on quality assurance initiatives, including an ongoing national training program using national policies and procedures and the recently completed import inspection manual;
- develop a Plant Health Import Control and Tracking system that will address critical needs to assess information management, analysis and response to risk at Canada's borders; and
- conduct an internal review of the invasive alien species program in order to identify the level of resources and funding needed for the improved control of plant imports.

The Agency will also be working with the Canada Border Services Agency (CBSA) to identify the information the CFIA needs to fully monitor and evaluate plant and plant product imports in a more regular and systematic way. The Agency will develop a protocol with the CBSA to clearly outline how the CFIA can regularly monitor and evaluate the information it needs to risk-manage plant and plant product imports.

[English]

POINT OF ORDER

Hon. Fabian Manning: Honourable senators, on a point of order, I am new here, so I beg your indulgence for a moment. In regard to the petition presented a few moments ago by Senator Harb, having spent a number of years in the House of Assembly in Newfoundland and Labrador, we had a process for presenting petitions. At one time, the presenter had five minutes, a supporter had five minutes to show support for the petition and someone with an opposing view had five minutes.

Through a consultation process, back then in Newfoundland and Labrador, and in the interests of saving time, we changed it to presenters having three minutes to present their petitions and no opposing view or support was required.

We are all familiar with the process in the House of Commons, and I am wondering what the process is here. While I would not agree with Senator Harb's petition on any given day, today is an important day in Newfoundland and Labrador, as Senator Rompkey mentioned in his statement, and an important day for Canada. We are proud Newfoundlanders and Labradorians and also proud Canadians. The seal hunt is an important part of the economy of our province and of coastal communities especially, as Senator Rompkey mentioned in his question about CBC in the North. Equally important to the North is the seal hunt, and I am sure Senator Rompkey would agree.

I want to know the process here because petitions flow without any process. There is no opportunity, as a member of the Senate to present an opposing view. I am not sure of the process, so maybe His Honour can enlighten me.

The Hon. the Speaker: Are there any comments on the point of order raised by Senator Manning?

Honourable senators, there is no point of order as such, but our rules do speak to a process for presenting petitions. The rules indicate that where our rules are light on procedure, we can look to the rules, procedures and practices in the other place. In the other place there is a fairly elaborate process.

However, the practical matter is that Senator Harb did make a presentation of petitions and it was done properly, the presentation of petitions being very much in order. That is the ruling of the chair on that matter.

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, on Thursday, March 26, before Orders of the Day, the Leader of the Opposition in the Senate, Senator Cowan, rose, exceptionally invoking rule 59(10) to bring a possible question of privilege to the Senate's attention. At the end of his remarks he asked the Speaker to determine whether there was a prima facie question of privilege, indicating that he was prepared to move that the matter be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Senator Cowan's complaint related to a government website entitled "Canada's Economic Action Plan," at www.actionplan.gc.ca. Under the heading "The Rollout," there was the following statement referring to Bill C-10, the Budget Implementation Act:

While the House of Commons has passed this legislation, the Senate must still approve the Act for it to become law. Senators must do their part and ensure quick passage of this vital legislation.

As honourable senators know, the bill had actually passed the Senate and received Royal Assent on March 12, two weeks before Senator Cowan raised his question of privilege. As the record will show, all honourable senators present facilitated passage, granting leave for third reading to take place on the same day the committee reported that bill.

[*Translation*]

The Leader of the Opposition argued that, because of the lengthy time this inaccurate information had remained on the website, it amounted to "erroneous and incorrect statements," which the senator characterized as "purposely untrue and improper." He referred to a ruling from 1980 in the other place and suggested that this could amount to deceit, conveying a false message about the Senate and its work. He argued that this misrepresentation impaired all senators' ability to perform their duties on behalf of Canadians.

Senator Cowan indicated that he was using rule 59(10), which allows a question of privilege to be raised without notice, rather than the normal process under rule 43, because of exceptional circumstances, particular to this case. The content of the website

had only come to his attention the previous evening, when it was mentioned in the news. As he and Senator Tardif explained, if the matter had been corrected before the sitting, the question of privilege might not have been raised at all. An argument was made that the notice requirements under rule 43 could not, therefore, be met, since it was not clear the question of privilege would actually be pursued.

The Deputy Leader of the Government in the Senate, Senator Comeau, then spoke. He noted that this question of privilege had not been preceded by the normal written notice, as stipulated in rule 43. He also suggested that there would be a willingness to correct any erroneous information on the website.

A number of other senators also participated. Senators Banks, Grafstein, and Tardif remarked that this was the first opportunity the matter could have been raised, since they had been unaware of it previously. Senator Carstairs repeated the point made by Senator Cowan that the failure to correct the website, once it was mentioned on the news, made the alleged breach of privilege more egregious.

[*English*]

At the end of these exchanges, the Speaker confirmed that, as of 2:43 p.m., the website did have the wording quoted earlier, and urged that it be corrected. Honourable senators will be interested to know that the website was indeed changed over the course of the night, so that by Friday morning it stated as follows: "Now that Canada's Economic Action Plan has passed parliament it is vital that all parties continue to work together to see it succeed."

• (1510)

The complaint raised by Senator Cowan is, in essence, a matter of possible contempt. That is to say:

Any conduct which offends the authority or dignity of the House, even though no breach of any specific privilege may have been committed. . . . Contempt may be an act or an omission; it does not have to actually obstruct or impede the House or a [Senator], it merely has to have the tendency to produce such results.

This definition is taken from page 52 of Marleau and Montpetit. The October 29, 1980, ruling from the other place cited by Senator Cowan suggested that:

To be false in the context of contempt, an interpretation of our proceedings must be an obviously, purposely distorted one.

A contempt can, thus, involve either an act or an omission, but an element of purpose of deliberate intent should also normally be present.

The basic issue is whether the lengthy delay in updating the website was a purposeful attempt to distort and misrepresent the Senate's work. Since no evidence was presented to the contrary, one must assume that the statement reflected the facts when it was initially posted. As was noted, a correction made before the sitting would have largely resolved the issue. The fact that the website was corrected a few hours after the question of privilege was raised suggests that the presence of the text in question was probably due to a lack of diligence in updating

information. The element of purpose or deliberate intent, which should be present to establish a case of contempt, was not evident as far as can be determined from the available information.

[*Translation*]

Although the statements on the website may not constitute a contempt of the Senate, the complaint raised by Senator Cowan is a serious one. While the government does have a legitimate interest in keeping Canadians informed about important developments, it also has a duty to ensure accuracy. This is especially so when the information concerns developments in Parliament.

In this case, the government was strongly urging senators to “do their part” and pass Bill C-10 quickly. In fact, the Senate did exactly that, even though the decision, as Senator Cowan explained, was difficult for many senators. Once the Senate had passed Bill C-10, the government had a responsibility to rapidly update all relevant information.

[*English*]

Accuracy in the information government provides about Parliament’s work is a problem that arises from time to time, and departments must be vigilant to this. A ruling in the Senate from February 24, 1998, provides a convenient summary of the situation:

While . . . prepared to accept that no contempt appears to have been committed . . . the actions of the department [are] inexcusable.

On balance, therefore, it does not appear that a contempt was intended towards the Senate, and its privileges were not violated. All departments must, however, ensure that any information relating to Parliament is appropriate, accurate and updated in a timely fashion. On this basis, a prima facie question of privilege has not been established.

[*Translation*]

Before concluding, there is a second issue that must be addressed, having to do with the process whereby the question of privilege came to the Senate’s attention. Such matters are normally raised after notice given under rule 43. As far as is known, this was only the second incident attempting to use rule 59(10), which states that no notice is required for a question of privilege, since the rule revisions of 1991.

[*English*]

Rule 43 sets out various criteria an alleged question of privilege must meet to have priority over other matters. A written notice is required several hours before the sitting and an oral notice must be given during Senators’ Statements. The putative question of privilege is then considered at an appropriate time during the sitting, and the Speaker determines whether a prima facie case of privilege has been established. Rule 43 and the related provisions of rule 44 date from 1991 and replaced an old rule, rule 33, which had allowed a motion on a question of privilege to be moved without notice, debated and, indeed, adjourned.

[The Hon. the Speaker]

The issue of the appropriate use of rule 59(10) was addressed in a ruling of October 26, 2006. As explained at that time, when the 1991 changes were made, the rules were “not properly adjusted, either to delete [rule 59(10)] entirely or to modify it to explain under what conditions a question of privilege could be raised without notice.” When old rule 33 existed, rule 59(10) was part of a coherent whole. Since the changes of 1991, it is no longer evident how a matter raised under rule 59(10) should be pursued.

[*Translation*]

In this case, Senator Cowan specifically asked the Speaker to consider whether there was a prima facie question of privilege. It must, however, be recognized that it is problematic to use rule 59(10) to effectively bypass the written and oral notice requirements clearly stipulated in rule 43. As such, this case should not be relied upon as a precedent.

[*English*]

This case demonstrates that the Senate would still benefit from work by the Standing Committee on Rules, Procedures and the Rights of Parliament looking at rule 59(10) and proposing how it can be reconciled with rule 43.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, with the greatest respect to Your Honour, I wish to appeal this ruling pursuant to rule 18(4).

The Hon. the Speaker: Honourable senators, the question is whether the ruling of the Speaker is sustained.

Will all those in favour of the ruling please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will all those opposed to the ruling please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Hon. Terry Stratton: Honourable senators, according to rule 67(1) and (2):

67(1) After a standing vote has been requested, pursuant to rule 65(3), on a motion which is debatable in accordance with rule 62(1), either Whip may request that the standing vote be deferred as provided below.

(2) Except as provided in section (3) or as otherwise provided in these rules, when a vote has been deferred, pursuant to section (1), it shall stand deferred until 5:30 o’clock p.m. on the next day the Senate sits.

The Hon. the Speaker: Honourable senators, as this is not a debatable motion, the standing vote will be taken now.

• (1520)

The ruling of His Honour the Speaker was negated on the following division:

YEAS
THE HONOURABLE SENATORS

Brazeau	LeBreton
Brown	Manning
Champagne	McDonald
Comeau	Mockler
Dickson	Nancy Ruth
Duffy	Neufeld
Eaton	Nolin
Fortin-Duplessis	Prud'homme
Gerstein	Raine
Greene	Rivest
Housakos	Segal
Johnson	Stratton
Lang	Wallin—26

NAYS
THE HONOURABLE SENATORS

Adams	Hubley
Atkins	Kenny
Banks	Mahovlich
Callbeck	Massicotte
Chaput	McCoy
Cook	Milne
Corbin	Moore
Cordy	Munson
Cowan	Pépin
Day	Poy
Eggleton	Ringuette
Fairbairn	Rompkey
Fraser	Sibbeston
Grafstein	Stollery
Harb	Tardif
Hervieux-Payette	Watt—32

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: I declare that the ruling is not sustained. Therefore, a prima facie case of privilege has been sustained, and Senator Cowan has indicated he wishes to make a motion.

MOTION TO REFER TO RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT COMMITTEE

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I move, seconded by Senator Tardif:

That the matter of the Government's erroneous statement concerning the proceedings of the Senate, as appeared on its website "actionplan.gc.ca", be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and report.

[Translation]

Hon. Fernand Robichaud: Honourable senators, the reason I did not vote on the matter before the Senate was that I was not in my seat when the question was put.

Hon. Yoine Goldstein: Honourable senators, I, too, must state that I did not vote because I was not here when the question was put.

[English]

The Hon. the Speaker: Under the rules, it will come forward at the end of Orders of the Day.

ORDERS OF THE DAY

BUDGET 2009

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Comeau calling the attention of the Senate to the budget entitled *Canada's Economic Action Plan*, tabled in the House of Commons on January 27, 2009 by the Minister of Finance, the Honourable James M. Flaherty, P.C., MP, and in the Senate on January 28, 2009.

Hon. Michael L. MacDonald: Honourable senators, I rise to speak to the inquiry on the budget. We are all aware of the economic problems that have emerged from the world of late, and although Canada has much inherent strength, it is not immune to the effects of global financial unrest. Canada's government is responding to these challenges with measures designed to stimulate consumption, create jobs, build infrastructure and provide support for sectors that require short- and medium-term assistance.

Parliament has passed the budget. Canadians are depending on parliamentarians to show leadership in these unsettled times. I commend this chamber for expeditiously passing the budget and for doing our part to ensure that the economy gets the infusion of capital it needs and Canadians get the help they require and deserve.

I want to thank the Prime Minister of my country, the Right Honourable Stephen Harper, for giving me the opportunity to serve in the Parliament of Canada. This is one of the great honours that can be bestowed upon a Canadian, and I feel privileged to serve in this chamber. We have been given a rare opportunity to work toward building a better Canada, and I look forward in the months and years ahead to doing such work with you. I ask honourable senators now for your indulgence while I share with you the thoughts and observations of a new senator.

One thing I know we share in common is the experience of our first day in this chamber. Moreover, I am sure we dealt with a range of impressions and emotions as we took our seats in this

place. I suppose a new senator could feel somewhat intimidated like a student in a new school, but as I looked around, I was struck by how much was familiar to me and by how many of the faces were familiar as well. I understood that most people in this chamber did not know me, but there were many here that I knew at some level.

I looked to the front and I saw the dean of Parliament, Senator Prud'homme of Quebec, who was serving his forty-fifth consecutive year in the Parliament of his country. I was eight years of age when he was elected in a 1964 by-election. Elected as a Liberal nine times, he was summoned to this place by a Conservative Prime Minister to sit as an independent. He is a unique individual with a remarkable career.

I looked across to my right and saw Senator Adams, the dean of the Senate. For 32 years, he has represented the Northwest Territories and, later, Nunavut in this place. He looks like he is able and ready to serve for 32 more. I am comforted by the presence of them both and feel fortunate to have the opportunity to work with them this year before they take their leave of this place.

I looked straight ahead and saw the one person on the other side who definitely knew me upon my arrival. My fellow Nova Scotian Senator Cordy and I have been neighbours for years; like me, she is a Cape Bretoner. A few years back, we had a great day golfing together at a fundraising event. Her Liberal colleagues can be assured that she remains a better Liberal than a golfer.

On this side of the chamber, I have joined old friends and am enjoying making new ones. The Nova Scotia senators are all friends of mine. I want to thank Senator Oliver for escorting me into the chamber and Senator Comeau for all his help as I settle into my new position.

I recall that when I first came to Ottawa looking for work in 1978, one of the first people to meet and advise me was Senator LeBreton.

I would be remiss if I did not single out my old friend and another Cape Bretoner, Senator Murray. I have known him for so long that I remember when he used to be a Tory. In the 1988 election, Senator Murray campaigned with me for a day in Cape Breton—East Richmond. We did not win, but we had a lot of fun.

However, I met most of you in this chamber for the first time, so permit me to tell you a little bit about myself.

• (1530)

I have owned my own business since 1988 and have met a payroll for the past 20 years in the hospitality industry. Although I did not come from a business background, I enjoy it very much and would recommend a life in business to anyone. I will be married for 25 years this summer. My wife, Marilyn, is a teacher and I have two teenaged sons.

Before starting my business and a family, and following graduation from university, I worked for a decade in politics, starting in the PC research office in the Wellington Building in 1978. I returned to Nova Scotia to work as an assistant to the minister of health and later as executive assistant to the

premier. I came back to Ottawa in the mid-1980s and served as an executive assistant to two federal ministers before returning to Nova Scotia for good.

Since then, I have remained active in politics, including running in four elections — two federal and two provincial. I was 4 and 0 when it came to winning nominations, but unfortunately for me, 0 and 4 in elections. However, these disappointments did not diminish my enjoyment of politics. In particular, it was very satisfying working to create the new Conservative Party of Canada. I have been the Nova Scotia representative on the party's national executive since 2005 and, until summoned to this place, I was Vice-President of the Conservative Party of Canada. I believe that politics is a noble vocation and that political partisans of all stripes should be applauded, or at least encouraged, for volunteering their time and labour to a political party.

I come from a long line of Nova Scotians and Atlantic Canadians. My family was in Nova Scotia a century before Confederation, yet I am also a Canadian of many generations. Like most descendants of 18th and 19th century Canada, my family has been here so long it matters little where they started out. Nova Scotia is my home, but I am an unhyphenated Canadian. I do not say that to the exclusion of or in judgment of how anyone else sees themselves — it is just who I am.

I am also a Cape Bretoner. Sociologists and anthropologists will tell you that the first 15 years of one's life leaves an imprint on us all, one that greatly defines how we see ourselves and the world. It is when real memory of things are passed on from one generation to the next. The Cape Breton of my youth, as with the two generations before me, was undergoing great social transformation.

Honourable senators will recall that on the day I entered this place, after taking the oath in English and in French, I took it in Scottish Gaelic. This is the influence of my grandmother and her generation and my salute to them. As a young man, many of the older people in my extended family and community, in particular in the countryside, were Gaelic speakers. My grandmother was a product of a mostly Gaelic-speaking Cape Breton. In broader terms, she grew up in a Canada where Scottish Gaelic was the most commonly spoken minority language in what today would be considered English Canada. It was an era that spanned three centuries from the late 1700s to the post-World War I period. When Senator Meighen rightly bemoaned a short while ago in this chamber about the lack of knowledge Canadians have of their own history, I knew of what he spoke. I wonder how many students in Canada have ever been taught that small fact about Canada I have just described, or that Alexander MacKenzie, the first Liberal prime minister of Canada, was also Canada's first fluently bilingual prime minister; but I digress.

I was very close to my grandmother, who died when I was 16. Back then, she would say your prayers with you in English. Then she would go to her room and recite them again in Gaelic just to make sure that they counted. When asked why they prayed in Gaelic, these Cape Bretoners would reply:

S'e a Ghadhlig a chaint, a bh'aig adhad s'a gearadh.

It meant, and they were adamant about this, that Gaelic was the language spoken in the garden — in this context, the garden of Eden. Now you know why I added Gaelic to my oath. When

taking an oath, you are speaking directly to God, and when speaking directly to the Almighty, it would seem advantageous to address him in his native tongue.

I am the youngest of 10 children. My father was a working man and president of three different unions in his prime, including the first fish plant workers union in the country in 1953. My mother worked on the packing line at that plant for many years. They are both gone now; in fact, they are gone 22 years ago this past weekend. They were loving parents who sacrificed everything for their children, and I want to acknowledge that and remember them today.

They also loved politics. My father's people were Highland Presbyterian from Cape Breton, with some Loyalist roots in Prince Edward Island and New Brunswick, and they were Liberals. My mother's people were Irish and Highland Catholic from Cape Breton, with some roots in P.E.I. and Newfoundland, and they were Conservatives. In the 1940s, my father sometimes supported Clary Gillis, the CCF MP for Cape Breton South, but he still voted Liberal provincially.

Of course, my mother would have nothing to do with this heresy. She was kind and good natured, but she had two strict rules for her children: You went to church on Sunday, and when you were old enough to vote, you voted Conservative. Dad complained that mom always cancelled his vote, but in the end she won. Dad relented and always voted Conservative after Diefenbaker and Stanfield came along.

I never knew my mother's father, who passed away in 1947 at the age of 74, but I know that for decades he held a very important job in every election for the Tories — he was always in charge of the election day liquor. He was the right man for the job because he never took a drink in his entire life.

Like most Canadians, I am a hockey fan. I grew up with the six-team league. My father, like half of the people I knew, was a big fan of the Montreal Canadiens. The other half, of course, were fans of the Toronto Maple Leafs. I have always been a die-hard fan of the Chicago Blackhawks. I know what you are thinking: a Blackhawks fan and a Tory from Cape Breton — this guy is a glutton for punishment. I suppose I am — sort of like someone who chooses to be a Liberal leader from Alberta.

Last but certainly not least, I am a native of Louisbourg, called the Dunkirk of America in its heyday. For centuries known as English Harbour, it is a place with a unique history, its lovely harbour identified on the earliest of North American maps. In 1713 under the Treaty of Utrecht, France acquired legal title to Cape Breton and renamed it Île Royale. English Harbour was renamed Port St. Louis in 1719 and Louisbourg in 1720.

For the next 40 years, it had a remarkable existence. In a sign of things to come, it represented Canada's first great bureaucratic cost overrun. Louis XV said that the cost of Louisbourg was so astronomical, he expected to see it looming over the Atlantic horizon, its streets paved with gold. It was besieged and taken twice. In 1745 there was a campaign by 4,000 New England troops under the Governor of Massachusetts, Sir William Pepperell, supported by the British Navy. However, three years after its capture, it was returned to France by treaty, enraging

New Englanders in the process and planting what is considered by informed opinion to be the first seed of the American Revolution.

Over the next decade, France reinforced the community militarily and Louisbourg blossomed economically. During this time, it became the third busiest trading port in North America, trailing Boston and Philadelphia but ahead of New York, which was fourth. In summer, its working population increased from 3,500 to 10,000 people — a meeting pot that included Breton and Basque fishermen, Irish domestics and New Englanders with merchant interests from around the globe.

In 1758, during the Seven Years War, Louisbourg was taken again, this time by the largest colonial siege force in Canadian history, almost 25,000 men, including over 14,000 soldiers, under the command of Major-General Jeffrey Amherst and his three brigadiers, one of whom was James Wolfe. Wolfe fought and won at Louisbourg and apparently lived to fight another day.

My mother's people go back to the soldiers who fought with Wolfe and settled around the harbour following the second siege. Indeed, a fifth great grandfather of mine married a daughter of one of the few French families that remained in the area, giving his descendants an unbroken link to the earliest days of settlement under the French Crown.

When I was a boy, all that remained of the fortress site were grass-covered ruins and a museum. Where the fortress stands today, my family has had 500 acres since 1792. For years it was hay-making land. No modern town was ever built over it and these lands, over time, were acquired by the federal government.

Suddenly in 1961, Prime Minister Diefenbaker announced that the fortress would be rebuilt. As kids, we played inside the bomb shelters that remained and stumbled over and stubbed our toes on buried shot from musket and cannon as we ran across the fields. Then, we saw the great fortress literally rise from the dead. It was a fantasy come true for a young boy who was always saddened that it no longer stood.

Although I believe that pride can be a dangerous thing, I take a certain satisfaction in the history of my hometown and my family's long connection to it. It is a place that played a major role in determining the existence of Canada.

Honourable senators, lately we have witnessed a debate over how we should acknowledge our Canadian history. Sadly, there is nothing new about this sort of foolishness. In 1895, the U.S.-based Society of Colonial Wars announced plans to erect a monument on the fortress site to commemorate the one-hundred-and-fiftieth anniversary of the first siege and the 1,200-plus American war dead at Louisbourg; yes, there is an American war grave in Canada. They lie buried at Rochefort Point at the western entrance of the harbour, with the dead of both sieges from both sides, interred together forever.

• (1540)

A Quebec senator at the time, who happened to be a member of the St-Jean-Baptiste Society, protested the celebration of a French defeat as unacceptable. In his opposition, he was joined by the Loyalist Society of Canada whose president was furious that an American victory in Canada would be honoured. As some in this chamber have suggested, politics does indeed make strange bed fellows.

Eventually, common sense prevailed and a gathering of 3,000 people stood at the site of the old fortress where everyone's history has always been recognized and respected. After all, it was the people of 19th century and 20th century Louisbourg — all British stock — who acquired the land and fought to protect and preserve the area and have it designated a National Historic Site. All of Canada's colonial history is worthy of our respect. It should not matter which side our ancestors were on at the time.

Do not take my word for it. Instead, hear one of our greatest Prime Ministers. Five years after the 1895 celebration, there was another event held in Louisbourg. In 1900, Sir Wilfrid Laurier — at the height of his powers — stood at the fortress site and addressed a tremendous gathering in the thousands. In an article from the local newspaper entitled "Historic Town Captured by Sir Wilfred's Eloquence," Prime Minister Laurier said, "I thank my stars that my visit to this section of Canada has been made at so opportune a time, and that I am able to see historic Louisbourg on such a day of enjoyment. Upon this spot consecrated by the blood of your forefathers, the British, and my forefathers, the French, if the memories of those conflicts be remembered, let the lesson be that they struggled to do their duty by their country. As they did their duty; let us do ours. . . ."

It is and shall be my effort and ambition to make out of this country a nation in which all of the elements shall be united and which shall be heard of in future ages."

Hon. Fernand Robichaud (The Hon. the Acting Speaker): The time allocated for your speech has expired. Five minutes.

Senator MacDonald: Sir Wilfred also made reference on that day to the sacrifice Canadians were prepared to make for their country and its values. He continued, "Neither the spirit nor the blood of those whose bones are resting peacefully beneath our feet have passed away. Our descendants have shown themselves to be as valiant as their forefathers. Some of them are now fighting the cause of their beloved country far away beneath the sun of South Africa, and have helped to establish and are now perpetuating the honour of the Canadian name."

How prescient were his words! Today, over a century later, Canadians find themselves again in a far off land working to bring peace, order and good government to a troubled part of the world.

I have relatives and friends who have served or are presently serving in Afghanistan. I have always been acutely aware that unlike the two generations that preceded me, my generation never had to go to war. I have always been grateful to those who came before me for their sacrifice. I salute the present generations of Canadians who bravely risk their lives so that others might have a better future.

My heart goes out to those who have lost loved ones in Afghanistan. However, I have noticed the soldiers and their families ask not for pity, but for our support. I support them unreservedly. I look forward to a time soon when they can all return home to live in peace and security in Canada with the knowledge of a job well done.

[Senator MacDonald]

Our soldiers are meeting great challenges, but Canadians have always risen to the challenge. We met the challenge of building a country from the northern half of this continent. When the American Revolution occurred, the two remaining British colonies — Nova Scotia and Quebec — refused to join, marking the first step towards what was to become the Dominion of Canada. Unlike the United States, Canada is a product of evolution, not revolution. We are reminded that the American Revolution resulted in not one but two new countries.

Canada is a federation — the modern form of a nation state. We are often thought of as a young nation, but we are one of the globe's oldest federations and an example for the world. Sir John A. Macdonald drove a ribbon of steel across this country to tie it together and Laurier populated the West. We came of age as a nation during World War I, survived the Great Depression and did our duty in World War II and the Korean War while continuing to build a good, decent country in the subsequent years.

We have also had to deal with internal matters that challenge us. In my lifetime, the biggest threat to Canada is offered by that small minority in Quebec who insist that Quebecers should abandon the country they helped to establish. It is a concern that it is very much a modern day phenomenon and a conceit that did not burden our forbearers, at least to the extent that it does today.

Now that I am middle-aged, having worked with many Quebecers on three different occasions in Ottawa, having made many trips to Quebec over the years and made many friends with Quebecers who work and live in Nova Scotia, I have reached some conclusions. Whenever a discussion ensues about Quebec's future in Canada, I always say that I have great faith in the common sense of the people of Quebec. When asked an honest question, I strongly believe that Quebecers will always choose to remain in Canada.

Canada is a beacon of hope for many around the world who want a better life. Demographically, we are changing and Canada welcomes with open arms anyone willing to come here with good intentions and in the spirit of nation building. However, a changing Canada also presents its own challenges. We must be vigilant to ensure that we look after Canada's best interests while always remaining true to our better nature.

At this time of global economic distress, Canada is well placed to deal with the problems we face. We have the strongest financial system in the world. In the past three years, we have retired almost \$40 billion of long-term debt. Despite admitted troubles in certain sectors, we still have relatively low unemployment, inflation is under control with mortgages stable and supported by real equity. We will weather the storm and come back stronger than ever.

We share this continent with the United States. The line about sharing the longest undefended in the world may seem trite at times, but it is something many other countries have never accomplished. Americans are our neighbours, our friends and our allies. We must never lose sight of this because it is critical in protecting our best interests as Canadians.

Canadians have listened to American politicians at election time. Regardless of their political stripe, they will often refer to America being the greatest country in the world. I admire the patriotism of the Americans and give them full credit for it, but when examining the criteria one would assess to make such a statement, I truly believe that we Canadians have ample reason to make that claim.

I submit that we are the finest nation in the world and the best example of what nationhood should offer its citizens. As senators, we have been given a great opportunity to help look out for our country, to ensure that the Canadian legacy of a good and benevolent way of life is bequeathed to those who follow us.

Canada has been true to us. I pledge that I will make it my business, as I trust all of you will, to be true to Canada and to pass on an even better country to the next generation of Canadians. Thank you, honourable senators.

(On motion of Senator Dickson, debate adjourned.)

BANK OF CANADA ACT

BILL TO AMEND—SECOND READING— POINT OF ORDER

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

He said: Honourable senators, this week in Europe, the G20 are meeting to define an action plan to pull the global economy out of the current economic malaise.

In my view, the debate is divided roughly into two schools with obvious overlaps. One school is what I call the “big bang” school. This school emphasizes outsize budget deficit spending to stimulate consumer demand and create jobs. The critics of this school argue that the stimulus packages may be too large, not very well focused and may trigger negative side effects, spiralling structural deficits and, inevitably, inflation.

The other school is what I call the “big brother” regulator school. This school emphasizes global oversight and regulation of the global financial players and the financial markets.

In a study the Banking Committee started some years ago but never finished on hedge funds, the committee received formal and informal evidence that the cause of the economic meltdown in the financial sector, to a large measure, was due to a lack of appropriate and transparent risk assessment of opaque financial instruments such as asset-backed securities and derivatives, and the lack of appropriate oversight of both regulated and unregulated financial players. They include banks, insurance companies, hedge funds, mutual funds, pension funds, et cetera, to the extent that each of these institutions was exposed and had unfunded leverage.

• (1550)

One critical area that all analysts and experts agree must be reformed is credit-rating agencies that understated and probably failed to clarify the credit risks involved in the sale and the distribution of these opaque financial instruments called toxic assets.

At the same time, a growing consensus is that the central banks individually and collectively should play a much larger role as an early warning agency in systemic risks to our financial sectors, domestically and internationally, to ensure that financial meltdowns do not overwhelm our economies and ultimately, without clear warning, end up costing the taxpayer.

One simple and cost-effective way is for opaque financial instruments to be more appropriately analyzed and assessed for the risks entailed in the sale and distribution of these financial instruments. is necessary in the form of more transparency of the financial players, the inventory, their assets and assets sold to consumers, investors and themselves.

Accordingly, the purpose of this bill is simple, not complicated. Honourable senators, let us give the Bank of Canada a new tool to rate closely and cost financial instruments and financial entities that create, distribute and originate their own and other financial instruments.

Currently, credit rating agencies are not subject to any formal regulatory oversight in Canada. Credit ratings produced by these agencies are referenced in a variety of laws and regulations aimed at ensuring that risk assessments have been done properly to protect the consumer. Regretfully, these risk assessments were not done properly, at the cost of consumers, investors, stakeholders and ultimately, of course, the taxpayer. Accordingly, support is growing not only for greater oversight and transparency of our financial institutions and instruments but also formal oversight of credit rating agencies.

The Canadian Securities Administrators, which includes securities regulators from each of the ten provinces and three territories, recently released a consultation paper that contains a number of proposals in respect of oversight for credit-rating agencies.

The main proposals are: First, implement a regulatory framework that requires, among other things, the adoption of the International Organization of Securities Commissions, IOSCO, Code of Conduct, to address issues such as potential conflicts of interest and the quality of information used in making credit-rating decisions; second, consider requiring public disclosure of all information provided by a security issuer that is used by a credit-rating agency, CRA, in rating an asset-backed security; third, consider reducing reliance on credit ratings in Canadian securities legislation; and fourth, amend the current short-term debt exemption to make it unavailable for distributions of asset-backed short-term debt.

At the federal level, I have not been able to discover any agency or department that has commented publicly on the need for formal oversight of credit-rating agencies in Canada. However, the federal government is involved in a number of international organizations that have made recommendations with regard to the regulation of credit-rating agencies.

The Financial Stability Forum, of which Canada is an active member, has recommended the following: First, implement the revised IOSCO Code of Conduct Fundamentals for CRAs to manage conflicts of interest in rating structured products and

to improve the quality of the rating process; and second, differentiate ratings on structured credit products from those on bonds and expand the information that rating agencies provide.

As we speak, the Group of 20, G20, is working in Europe on recommendations in response to the global crisis. In its most recent communication, the G20 states that we have agreed to regulatory industry oversight, including registration of all credit agencies whose ratings are used for regulatory purposes and compliance with the International Organization of Securities Commissions.

Mark Carney, Governor of the Bank of Canada, in evidence before the Finance Committee in the other place on February 10, 2009, stated that in addition to isolating toxic assets to create a core of “good banks,” measures to improve transparency and to implement a macro-prudential approach to regulation and to adequately resource the International Monetary Fund are vital. Mr. Carney went on to say that if these measures both national and multilateral are not timely, bold and well-executed, Canada’s economic recovery will be both attenuated and delayed.

So said the Governor of the Bank of Canada four weeks ago. No viable reforms have yet been made public by either the Bank of Canada or the Department of Finance.

This proposed amendment to the Bank of Canada Act in no way, shape or form changes, alters or impedes any existing credit-rating agencies utilized presently in our financial system. Rather, this proposed amendment gives the Bank of Canada one new tool at a crucial time in our financial system. It will bring greater credibility, stability and confidence to our financial system, which will better protect the consumer, the investor, the taxpayer and all stakeholders. There is much more to accomplish on the regulatory front in a way that will not inhibit the growth of our capital or credit markets but will make them work more efficiently.

Honourable senators, I commend this bill for study to the Standing Senate Committee on Banking, Trade and Commerce as soon as possible. We must take measures that are timely, bold and well-executed and, in the case of this proposed amendment, cost-effective and surgical.

Honourable senators, now is the time for a full and informed public debate on the shape of regulations that will govern our financial institutions today and in the future.

Hon. Pierre Claude Nolin: Honourable senators, I thank Senator Grafstein for presenting Bill S-230. My question concerns clause 2, paragraph 2. Has the Queen’s representative recommended the appropriation of money to implement what the honourable senator proposes to the Senate?

Senator Grafstein: Honourable senators, I do not believe that Bill S-230 requires a new appropriation of monies. Rather, it would be a simple reallocation of existing funds available to the Bank of Canada. The Bank of Canada has a capacious budget that focuses much of its attention on assessing system risks to our economy as part of its projections. I do not think that this bill will cause the Bank of Canada’s budget to increase.

[Senator Grafstein]

Senator Nolin: I thank the honourable senator for that answer. In that case, why does he need clause 2, paragraph 2 in the bill?

Senator Grafstein: It is needed for greater clarity for senators such as the Honourable Senator Nolin.

• (1600)

[Translation]

POINT OF ORDER

Hon. Pierre Claude Nolin: Mr. Speaker, I respectfully submit that the Senate cannot proceed with the study of this bill. The text of the bill itself stipulates that, in order for the bill to come into force, such an appropriation of money must be recommended by Her Majesty’s representative. To our knowledge here in the Senate, the Governor General has not yet recommended such an appropriation and, as a result, this bill is not in order.

[English]

The Hon. the Speaker: Honourable senators, the Honourable Senator Nolin has raised a point of order. Are there other comments on the point of order that he has raised?

Hon. Jeremiah S. Grafstein: I will not repeat the debate that took place earlier in the Senate on these bills; I will refer the Speaker to his own ruling. I think he will find that this bill falls within the four corners of his ruling.

The Hon. the Speaker: If no other senator wishes to speak, I will take the point of order under advisement and report back as expeditiously and as timely as possible.

LIBRARY AND ARCHIVES OF CANADA ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Pépin, for the second reading of Bill S-201, An Act to amend the Library and Archives of Canada Act (National Portrait Gallery).

Hon. Jeremiah S. Grafstein: Could the honourable senator advise me when he intends to speak on this measure? There is pressure from some of us to proceed on the bill and to send it to committee, or at least to have a further debate in committee. Would the honourable senator tell me when he intends to address this measure?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I would like to have the opportunity to get back to the honourable senator on this matter. I would like to speak to the critic of Bill S-201 to determine whether he has, in fact, spoken to the officials in the department as to whether they have

any concerns they wish to raise. I note that there was a cost implication. I assume the officials are trying to determine these costs.

(Order stands.)

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-208, An Act to amend the Food and Drugs Act (clean drinking water).

Hon. Jeremiah S. Grafstein: With regard to Bill S-208, honourable senators, we had some disturbing evidence before the Aboriginal Committee, indicating that there are still a number of communities at risk in relation to drinking water. This measure addresses the issue directly.

We were told at that time that there was no regulation with respect to water in regard to these communities at risk. Since this bill has already been passed and moved over to the other side, I would ask the honourable senator when we might have second reading so that we can refer the bill to committee yet again.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Senator Cochrane has taken the adjournment on Bill S-208 and I would like to consult with her as to the status of her consultations with the minister. Senator Cochrane is not in the chamber and I would like to consult with her.

(Order stands.)

CITIZENSHIP ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Hugh Segal moved second reading of Bill S-225, An Act to amend the Citizenship Act (oath of citizenship).

He said: Honourable senators, I will rise briefly to move second reading of Bill S-225 relating to the Oath of Citizenship that is required for all new Canadians, people who have chosen Canada as their new home and are anxious to do as so many have done before them. They come to this country with the hope of a better life for themselves and their families. We welcome them as our forbearers were welcomed, and we also congratulate them on becoming citizens of what we all know is the greatest country in the world.

I introduced this same bill in the last Parliament, and I apologize today to honourable senators who may have already heard some of my arguments in the past. However, for the benefit of our new senatorial colleagues, I thought it would be appropriate to at least put my arguments before them for their consideration.

I said at the time that the question of Canadian citizenship must be inclusive, welcoming, warm and constructive, but it must also be firm. The core symbols of our citizenship, the core institutions of our society and the values they reflect and defend are not just another list of negotiable preferences to be chopped up in court challenges. Our French, English and First Nation roots and history are not negotiable. Equality before the law, the trinity in the Parliament of Canada — the House of Commons, the Senate and the Crown, its agents and departments and laws — are not negotiable. One part of the Constitution, the Charter of Rights and Freedoms, should not be used, should not be allowed to be used, to crush another symbol, the Crown — as some might wish to do by using the Charter before the courts, even as we sit here today.

Can the Oath of Citizenship never be changed? Of course it can, through Parliament, through petition to Parliament, through political campaigns and the election of people who wish to do so. Should elected parliamentarians choose to change the oath, should such a bill be introduced in the other place, pass with a majority of votes and do the same in this place and “ironically” be given Royal Assent — of course the oath can be changed. However, this bill asserts, by giving the oath statutory status, notwithstanding the protection of the Charter of Rights and Freedoms, that you cannot do this through the courts and the Charter.

I would oppose the removal of “Her Majesty” from the Oath of Allegiance, but I would respect the right of this Parliament to make that decision some day and for Canadians of that view to petition for that change to take place. That is not the purport of this legislation.

The purport of this legislation, honourable senators, is to ensure that we cannot use the Charter of Rights and Freedoms to squash the role of the Crown before a court because a particular group may feel aggrieved by some historical issue relating to the Crown itself, either in its Canadian or global context.

I support the Charter of Rights and Freedoms profoundly. It was my great privilege to be part of the team of officials, as Associate Secretary of Cabinet for federal-provincial relations in Ontario, to help with the wording and the structure of the Charter itself. It was my great privilege to negotiate and work with our recently retired colleague in this place, Senator Kirby, who had the analogous officials' role working for Prime Minister Trudeau.

As a result of that experience, I know that there would be no Charter of Rights and Freedoms without the notwithstanding clause. If there had not been the notwithstanding clause, there never would have been passage of the Charter of Rights and Freedoms. I know that the clause was put into the Constitution to protect parliamentary sovereignty, and not totally Americanize and “judicialize” our Constitution, as a Charter without the clause would have done.

I know that when Premiers Blakeney and Peckford proposed the clause, one a New Democrat from Saskatchewan and the other a Progressive Conservative from Newfoundland and Labrador, they did so to both end an impasse and preserve their respective rights to legislate targeted social programs in their

provinces without being found to be discriminatory by the courts under the Charter. Premier Blakeney said so specifically at the time.

The phobia around the use of the notwithstanding clause is narrow-minded and anti-democratic. The phobia has the effect of gutting the balance achieved in 1982 between courts and the elected parliaments, assemblies and legislatures of Canada. I do not suffer from that phobia.

As for those who wish not to become citizens if it involves allegiance to Her Majesty, we should respect their right not to become citizens. We should respect their right to petition, campaign and advocate for the removal of that allegiance, however much we may disagree with that position. However, they should have no right to use one part of the Constitution to eradicate another through the use of the Charter in the courts. The bill before us today would ensure that travesty, that assault on the Crown, would not be facilitated in the future by the use of the Charter.

• (1610)

Honourable senators, we have a host culture in Canada. It is based on the evolution of responsible government, not against the Crown but with the Crown. This is not the United States. The values of 1776 were rejected by Canadians when invited to join the rebellion. They were repelled when Americans marched on Canada between 1812 and 1814. British regulars, Canadian militia, French and English Canadian local forces like La Régiment des Voltigeurs combined to repel American Manifest Destiny from Quebec to Niagara.

The Crown is a symbol of our history, our roots and our future. It is both a diverse personality of our royal and vice-regal constitutional heads of state and the laws enacted, advanced and prosecuted in their name. It is the embodiment of the clear sense that the society we share, when reflected by the Crown, is greater than any elected politician or first minister du jour. They, as we all know, come and go at the whim of the voters and the parties. However, the framework of civility, due process, institutional memory, fairness and the public interest continues through the Crown. That is what the oath of allegiance affirms, that is what citizenship embraces and that is how our society endures.

Those who are now before the courts will, of course, be judged on the merits of their contention under present law. I make no comment on the validity of their case or that of the Crown law officers who oppose it.

This proposed law is about the future; a future every one of us in our oath of allegiance to Her Majesty when we were summoned to this place swore to serve and protect.

Hon. Lorna Milne: Would Senator Segal take a question?

I thank him for his great concern and interest in the issue. However, am I to understand from his speech that he does not want the Charter to apply to non-citizens here in Canada?

Senator Segal: No, not at all. I think the Supreme Court decision we have seen in the past that extends the protection of the Charter to those who land on our soil is a landmark decision that sets our country apart from many others. I am one of those who celebrate that decision.

[Senator Segal]

I am merely saying that the words that exist in the oath of allegiance should not be eligible to be struck down by a court of law by virtue of the use by any supplicant of the Charter of Rights and Freedoms as their justification. I am merely making the case that the oath of allegiance should be protected from that use of the Charter. I would not limit the Charter in any other way; I would not limit its application to the rights of all those who arrive on our soil.

I am merely saying that the oath of allegiance should not be struck down by a court but should be within the purview of parliamentarians to address as they do any other statute they choose to change or not change, as the case may be.

Senator Milne: I thank the honourable senator very much for that answer, but I am concerned because this business of citizenship is a construct of the last century. When my ancestors came to this country to fight the battles of 1812 with the British Army, there was no such thing as a citizen. You became a Canadian by merely declaring that you were a Canadian. Perhaps we should be lightening up the laws of citizenship.

Senator Segal: My father was a refugee from the communist revolution in Russia and was then naturalized as a citizen of this country. He actually became a British subject first because citizenship was not established I think until 1946. I believe it was Prime Minister St. Laurent who deserves the credit for the Citizenship Act. I will stand corrected if others have a better sense of history on that front.

Having established the principle of citizenship and an oath of citizenship, the issue becomes how important the elements of that oath are and how might they be changed, should, over time, Canadians wish to modernize the oath in some fashion.

I have no objection to Canadians, parliamentarians, interest groups, groups of citizens, groups of permanent residents who hope to be citizens petitioning to change the oath. That is their right in a democracy and I would defend their right, but I might disagree with the specifics of their request.

I am, however, offended by the notion that the Charter of Rights and Freedoms, which is such an integral part of our Constitution, would be used in a court of law to strike down another integral part of our Constitution, namely the Crown. That is the purport of this legislation. It is absolutely nothing more than that.

(On motion of Senator Dickson, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Bryden, for the second reading of Bill S-205, An Act to amend the Criminal Code (suicide bombings).

Hon. A. Raynell Andreychuk: Honourable senators, I rise in this chamber to speak to Bill S-205, which is the bill identical to former Bill S-210 that received third reading in the Senate but died on the Order Paper when the Senate was dissolved last September.

I have spoken to the previous bill and have listened intently to Senator Grafstein on all occasions, both here in the chamber and in committee. Senator Grafstein has already stated his reasons for bringing Bill S-205 before the Senate. As I understand it, simply put, Senator Grafstein wishes to give greater certainty to the definition of what is considered terrorist activity under section 83.01 of the Criminal Code.

The bill purports to explicitly identify suicide bombings as a terrorist activity. I believe that Canadians do not accept that suicide bombings have any place in our world. Canadians and the world community should strongly condemn the use of violence by way of suicide bombings. No one should seek to justify their use as a necessary end to any cause, philosophy or ideology.

Honourable senators, I add my voice to those who condemn suicide bombings. The Government of Canada in very clear statements condemns suicide bombings. There can be no justification of utilizing suicide bombings, which particularly target innocent victims, often children, and create the kind of havoc that destroys any meaningful dialogue with perpetrators. It is just because these are such random acts of violence, intended to instil fear in a population, that they can be neither condoned nor justified for whatever purpose.

Suicide bombings are not new. They have occurred throughout recent history. The numbers tell that dreadful story. The incidents of suicide attacks have grown steadily from an average of less than five a year in the 1980s. There were 472 known suicide attacks in 22 countries between 2000 and 2004, killing more than 7,000 people and wounding tens of thousands of others.

Honourable senators, every means possible and every action possible to unequivocally denounce and condemn the killing, maiming and injuring of innocent men, women and children must be taken. As in previous discussions with respect to this bill, the bill has an educative value to strongly put on the record that suicide bombings have no place in our society and that the strongest actions against the perpetrators will be taken.

Therefore, in principle, Bill S-205 can serve to educate the public of our abhorrence for suicide bombings. It can also send a clear signal to perpetrators that Canada does and will continue to act to root out perpetrators.

It is important to note that even without Bill S-205, terrorist activity will in no way change the law, procedures, practices, policies and actions taken by law authorities in Canada, nor will it change the Government of Canada's approach to eradicating terrorist activity. It is already in the law that suicide bombing is a terrorist activity and against the law.

I would want to send a clear signal to Canadians that there is no misunderstanding that terrorist activity includes suicide bombings today under the present law. For that reason, Bill S-205 is an education tool in that it sends a strong signal that suicide bombings are not to be tolerated.

• (1620)

Something needs to be done to denounce and condemn unequivocally the killing, maiming and injuring of innocent men, women and children. While Bill S-205 can signal to the world that Canada strongly and clearly denounces this kind of activity, we must be certain that Bill S-205 does not have unintended consequences.

There is a possibility that Bill S-205, as presently drafted, will catch instances of suicide bombings that are totally unrelated to terrorist activities because suicide bombing is not defined in the bill as tied to terrorist activity. We also do not wish to diminish other types of activity that can be trapped under terrorist activity, as all terrorist activity is abhorrent.

An example of trapping unintentionally might be that of robbers threatening to blow up a bank and themselves unless money is promptly handed over. This example is clearly not a terrorist activity, as defined in the Criminal Code presently, and should not be the subject of the provision. The committee studying this bill should look at it carefully to ensure that suicide bombing, as was intended, is clearly tied to terrorist activity.

The committee should also study whether the naming of suicide bombing tied to terrorist activity in a specific enumeration would lessen or diminish the capability of the definition, "terrorist activity," in dealing with other forms of terrorist activities that are equally horrific and need to be denounced. There may be new forms of terrorist activity that we have yet to identify and there must be room in the definition to ensure that this activity also continues to have full force and effect under section 83.01.

Honourable senators, I believe this bill warrants study by a committee to ensure that its legal aspects are sound. When this bill was before the Standing Senate Committee on Legal and Constitutional Affairs previously, much time was spent, even by those that were called as legal experts, on the issue of the educative value. I believe no one questions that aspect of the bill, and it would be timely for the committee to ensure that the legal import of section 83.01, as presently structured, is sound.

No other country in the world has added suicide bombings as a specific category to terrorist activity; Canada would be the first. For that reason, care should be taken that while expressly prohibiting this activity, we do not diminish or change the ability to pursue charging those who perpetrate other types of terrorist activities.

In principle, Bill S-205 is meritorious, but this bill warrants study to ensure that its admirable purpose is achieved by the wording in the bill.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, repeating the arguments I would like to bring in to support this bill would be pointless, because Senator Andreychuk has a very clear understanding of its intended purpose. As well, she has given us a very good explanation of her expectation that the committee to whom the report is sent will study it — a verb we in the Senate

ought to use more often — in order to determine exactly what its intent is. Are there other purposes than the one expressed to us in this bill?

I congratulate Senator Grafstein on his persistence — the mark of a true parliamentarian. There was no success the first time, but he persisted, and came back with it. Now it is back again. I hope the committee will study this bill. I will facilitate its passage by referring it to committee and reserving the right to go to committee, to listen carefully and to study it well, for I can see in it some other motivations which Senator Andreychuk could have raised in her speech, a remarkable speech, moreover, on this matter.

There are a couple of points I would have liked explanations on. After 45 years in Parliament, I have learned to resist pressure of all kinds and from all sides. When Senator Grafstein speaks, that will end the debate unless another Senator rises to speak. Senator Bryden might have taken part in this debate, because he wanted some clarifications. It surprised me greatly when Senator Grafstein spoke of pressure on him to get this bill through. I will repeat his words, to ensure complete understanding, “I am being pressured, as I am sure the honourable senator is as well, to move forward.” We are all subject to pressure, but I wonder how a man of his stature and authority could use such an argument concerning a bill. Whether or not there is pressure, it changes nothing as far as the validity of a bill is concerned.

One could say that Senator Harb is under immense pressure about what he would really like to see the Senate pass as legislation. But is it not because he is being pressured that we should act hastily on a bill he would like to see us adopt. I do not accept that, and he knows that and we remain friends. It is very clear.

So Senator Grafstein could, in his summary, at least clarify to me what pressure he has been under. How can a senator of his stature, one who has been in the Senate since 1984 — and involved, like me, with the young Liberals since 1960 — feel pressured to move forward? If that is the case, would he be so kind as to tell us where that pressure has come from. Was it from the government or from elsewhere? I will be speaking again at third reading.

[English]

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

Some Hon. Senators: Question!

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

Hon. Jerahmiel S. Grafstein: Honourable senators, I move that this bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[Senator Prud'homme]

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

Hon. Senators: Agreed.

The Hon. the Speaker: This is not a debatable motion, Senator Prud'homme.

Hon. Marcel Prud'homme: The last time the bill was before us, there was a question of whether the bill could be sent to the Special Senate Committee on Anti-terrorism.

The Hon. the Speaker: It has been regularly moved, seconded, the question has been put and agreed to.

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

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—SECOND READING—ORDER RESET

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. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this item has reached day 14. I think if His Honour were to seek the consensus of this chamber, he would find that there is agreement to suspend the application of rule 27(3) for this item, and that it be allowed to remain on the Order Paper and Notice Paper for another 15 consecutive days.

Hon. Yoine Goldstein: Honourable senators, there are many different types of private member's bills. Some are highly charged politically; some require Royal Recommendation; some are targeted to specific and limited issues; some may be opposed on principle for a variety of reasons; and then some are held hostage to a procedure in this chamber, which is nefarious. That procedure is a trade-off of allowing private member's bills to go ahead in exchange for some other favour that a government — any government, I do not care which — may seek.

• (1630)

I want everyone to know, as of now, that during the course of this week, I will try to force this bill to go to committee. I recognize that there are all kinds of procedural availabilities to avoid that happening, but if it takes the paralysis of this chamber to get this bill going, I will do what I have to do to make that happen.

The Hon. the Speaker: The Honourable Senator Comeau has indicated that if the chair seeks the view of the house there would be unanimous consent to suspend the applicable rule and that this item remain on the Order Paper at day 1. Is that agreed?

Hon. Senators: Agreed.

(Order reset.)

ANTI-SPAM BILL

SECOND READING—ORDER RESET

On the Order:

Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Fraser, for the second reading of Bill S-220, An Act respecting commercial electronic messages.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I would like to note the same thing. This item has reached day 15. If the speaker were to seek the views of this house, I believe he would find agreement that rule 27(3) be suspended and that this item remain on the Order Paper for 15 consecutive sitting days from today.

Hon. Yoine Goldstein: Honourable senators, I have the same observation to make. This is a bill that was recommended by a task force put together under a legitimate Canadian government. It unanimously recommended anti-spam legislation since Canada is the only country in the G7 that does not have anti-spam legislation. It reflects, by and large, the recommendations made by that committee to Canadians. It has the support not only of this part of the chamber, but of many people whom I will not name on the other side of the chamber. There is absolutely no reason for this bill to be held hostage to the same kind of procedural nonsense that I described a few moments ago. With respect to this bill, I will also do what I must to ensure that it gets into committee where it belongs.

The Hon. the Speaker: Is unanimous consent granted by the House to suspend the applicable rule and that this item will now stand at day 1?

Hon. Senators: Agreed.

(Order reset.)

TREATY ON CLUSTER MUNITIONS

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Yoine Goldstein: Honourable senators, I want to congratulate Senator Hubley for having initiated this inquiry with respect to cluster munitions. Prior to initiating this inquiry, Senator Hubley had asked a question of the Leader of the Government in the Senate about Canada's adherence to the treaty to ban cluster munitions. She was assured that Canada was abiding by that treaty.

However, in a supplementary question, I pointed out that the press had indicated that while Canada might not be manufacturing cluster munitions any more, it was giving storage

privileges to a number of countries. The honourable senator indicated that she would verify this, but to date we have not had a response.

Honourable senators, slowly and imperceptibly, we are witnessing a significant change in the nature of international dispute resolution. In the 19th century, the concept of banning certain weapons of war and, indeed, the concept of creating a code of laws of war was quite unimaginable.

However, in the 20th century, we witnessed the creation of international instruments such as Geneva conventions, the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Comprehensive Nuclear Test-Ban Treaty to prevent unnecessary suffering and destruction during modern warfare.

In addition, as a result of the Nuremberg and Tokyo trials of leading German and Japanese officials after World War II, the world also witnessed the creation of a code governing war crimes and crimes against humanity. It established that state actors could no longer, with impunity, terrorize civilian populations or destroy innocent lives.

Although laws of war are surely an oxymoronic concept, it nevertheless reflects our progressive efforts to criminalize illegal use of force. This is a slow, but necessary, march towards a better civilization.

The Ottawa Treaty on the banning of landmines, by itself, constitutes a significant step in decreasing the reckless loss of life as a result not only of war, but of the post-war consequences of armed conflicts. The Convention on Cluster Munitions represents further significant step in this direction. Cluster bombs rank among the most perfidious and inhumane weapons of war when they are spread in areas known to be used by civilians.

Therefore, I support Senator Hubley's inquiry and congratulate her for having initiated it. This reflects Senator Hubley's continuing concern for life, human beings, education and a host of other principles and causes, which she continues to display, both in this chamber and elsewhere. I wholly support the thrust of the inquiry, which is intended to encourage the permanent banning of cluster bombs.

I paid special attention to the speech given by Honourable Senator Prud'homme last Tuesday in connection with this inquiry. Regrettably, it contained three great flaws. First was an attempt to politicize an inquiry, which should have been, and is, of universal consequence. Second, some of the statements he made bear absolutely no resemblance to fact or reality. Third, Senator Prud'homme's speech reflected what can graciously be called "selective sympathy."

Regarding the first flaw, Honourable Senator Prud'homme selected Israel as the culprit in cluster bombing. This ignores the fact that cluster bombing started well before Israel used them and their use continues all over the globe to this very day. I do not condone the use of cluster bombs by any country, including Israel. However, singling out Israel, as so many people are prone to do, inhibits objective discussions and applies — as we say in French, *deux poids deux mesures* — different standards.

The second flaw is the misinformation in Senator Prud'homme's speech. The honourable senator asserted that the Israeli army bombarded southern Lebanon with roughly one million cluster bombs. That figure is a figment of someone's overactive imagination. The United Nations' Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Jan Egeland, said that there were 100,000 cluster bombs. I do not condone 100,000 cluster bombs either. However, to increase that amount tenfold, as Senator Prud'homme did, is, with respect, not a proper way to inform this chamber.

Senator Prud'homme declared that Israel refuses to give Lebanon maps indicating where the bombs were spread. That, too, is incorrect. In fact, the very same UN commissioner, Jan Egeland, had long since identified and sequestered 359 sites where the disarming of cluster bombs continues to take place.

Senator Prud'homme asserted that not a day goes by without someone being injured or killed by a cluster bomb in southern Lebanon. That statement, too, is inaccurate since all the sites have been identified and these bombs are being disarmed and secured in sequestered areas.

The honourable senator asserted that most of the cluster bombs were dropped on the second-to-last and last day of the Israel-Hezbollah war. There is no way to verify that assertion, so it is hard to figure out where the honourable senator got that. However, one fact is absolutely clear; during those same last two days of the war, Hezbollah fired dozens of rockets at Israeli population centres with the express intent and desire to wound, maim, kill and destroy innocent Israeli lives. Indeed, after the ceasefire, Hezbollah continued to lob dozens of Katyusha rockets into civilian population centres, obviously hoping to kill civilians. Indeed, leading up to the war and during the war, Hezbollah fired no less than 4,000 rockets into Israeli civilian centres.

• (1640)

Even though I share Senator Prud'homme's sympathy for innocent Lebanese people and for all innocent people, I am disappointed that he expresses not one word of sympathy for Israeli victims of that war. Differential sympathy, selective sympathy, is not sympathy; it is politics. It declares that some people's lives are less important and less significant than other people's lives. There is a word for that, but I choose not to use it here. I believe that every human life is equal to every other human life, without exception. The honourable senator apparently does not.

If I had ever heard the honourable senator, whether in this chamber or elsewhere, deplore the loss of innocent Israeli lives, I would have some respect for his attitude. If I ever saw the honourable senator attend a meeting of the All-Party Parliamentary Group for the Prevention of Genocide and other Crimes against Humanity, I would be less cynical about the sincerity of his protestations. Regrettably, the honourable senator has a very limited, selective sense of sympathy.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I would like to raise a point of order.

[Senator Goldstein]

[English]

The Hon. the Speaker: Senator Prud'homme, is it on a point of order?

Senator Prud'homme: No, a question of privilege.

Senator Goldstein: He has to wait until I finish.

Senator Prud'homme: No. I have to rise at the first opportunity. I can wait or I can speak now on a question of privilege.

The honourable senator is casting what is absolutely unheard of in this Senate. He is not making a speech on the item; he is making a speech on my speech.

[Translation]

He is putting words in my mouth and attributing false statements to me. Our friendship aside, I strongly object to what he said. Once again, I am the one paying the price, despite my faultless conduct with respect to the Middle East over the past 45 years.

He would have my colleagues who may not be familiar with the subject believe that I said things that are not true. In July and August of 2006, four million cluster bombs were dropped on southern Lebanon. Nobody can deny that.

What you just said might lead new senators to believe that I am prejudiced. In my opinion, that constitutes an attack on my personal integrity. They may also be led to believe that I provide false information, which is ridiculous coming from a man of your stature, for whom I nevertheless feel strong friendship and with whom I discussed this issue at the Council of Europe.

I do not understand why you said what you have said today, and I give you fair warning. I suggest that you be here when I give my speech on the matter raised by Senator Segal.

If you explode today, you will force me to do the same very soon on the other questions concerning the same subject that has raised your ire. What do you want me to do? I am only reporting the facts, and that is all.

The Hon. the Speaker: Honourable senators, as the Speaker of this chamber, when the debate becomes lively and robust, I would like to encourage a more restrained debate, in the sense that we should avoid, insofar as possible, the use of offensive arguments.

Honourable senators, in my opinion, there is no need to mention the name of another senator. I would like to encourage robust and objective debate on the matter, that avoids singling out one person in particular. I encourage the use of the third person in order to avoid comments about other members of this honourable chamber.

[English]

Senator Goldstein: I have not asserted any fact, with respect to the third person, which is incorrect.

As I said earlier, the outlawing of cluster bombs is a step towards a change in the world order. Many years ago, Carl von Clausewitz said that “war is diplomacy by other means.” War is not diplomacy by other means. War is the failure of diplomacy.

Honourable senators, the world order is changing. Not very long ago, denial of human rights and persecution within a state was treated as being the concern of just that state. The concept of “sovereignty” meant that other states could not interfere in the internal affairs of any state, even if such affairs were carried on with persecution, murder and other crimes against the inhabitants of that state.

Canada has taken the lead in the creation of the concept of the responsibility to protect. That concept requires all states to intervene in any particular state, regardless of the concept of sovereignty, when that state is unwilling or unable to protect its own citizens. That concept justifies intervention in Darfur and Sudan, unfortunately a very imperfect intervention, and justified the intervention in Kosovo.

The concept of responsibility to protect is still not highly developed and, frankly, is not widely applied. That is a process that is continuing. General Dallaire and Professor Frank Chalk, assisted by a group of like-minded people, of which I am honoured to be one, are trying to create a dynamic that would compel states to honour their obligation to intervene and their responsibility to protect. It is a process. It is not an easy process, but it is one that is continuing.

The banning and destruction of cluster bombs is also a process that is continuing, and it will take time.

Senator Hubley’s intervention and inquiry reflects an entirely welcome attempt to lead this chamber into a condemnation of the use of cluster bombs and, indeed, to lead the way to meaningful attempts to enhance our civilization and make us all take responsibility for it. I congratulate her for doing so.

[*Translation*]

Senator Prud’homme: The question I will ask Senator Goldstein proves that I was listening carefully. Is he aware that a meeting of the UN Security Council was held in New York on March 24, 2009, to discuss the universality of the cluster bomb ban treaty?

Does he know that on March 18, a conference was held at UN headquarters in New York attended by 72 states who wish to ratify the ban on cluster bombs and that, unfortunately, Canada did not attend?

I must say that I regret that Canada has not yet signed the treaty. Does the senator believe that Canada should act quickly and be one of the first to sign this treaty?

[*English*]

Senator Goldstein: I thought I made it clear, honourable senators, that I believe in the banning of all munitions. I believe in the banning of war. I also believe that is utopian and will not happen. Any movement towards the diminution of war, the

diminution of suffering and the diminution of force is one that I support a priori. Any movement towards the diminution of prejudice and bias I also support.

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

• (1650)

QUESTION OF PRIVILEGE

MOTION TO REFER TO STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT—DEBATE ADJOURNED

The Senate proceeded to consideration of the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Tardif:

That the matter of the Government’s erroneous statement concerning the proceedings of the Senate, as appeared on its website “actionplan.gc.ca”, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and report.

Hon. James S. Cowan (Leader of the Opposition) moved the motion standing in his name.

He said: Thank you, honourable senators. I do not intend to speak long on this item; the facts really speak for them themselves. They are not in dispute.

The Senate passed the budget bill, but for two weeks on a website specially created by the government to inform Canadians about the budget and its plan to address the serious economic situation in the country, the government claimed that the Senate had not, in fact, passed the budget bill.

For two weeks, that website claimed that critical elements of its action plan to deal with the economy were contained in the budget, that it was vital for the Senate to pass it, that it had been passed by the House of Commons and that the Senate still had to do its part.

That statement was wrong.

If Canadians believe that the budget bill was critical to bringing us out of our economic mess, then the government was leading Canadians to believe that the Senate was failing to do its job for the country.

When I raised my question of privilege last week, His Honour read out to all honourable senators the statement about the Senate that was found on the government’s website, and which His Honour confirmed a few moments before he spoke that were still on the government’s website. His Honour said:

That is false.

There is no question that what the government was telling all Canadians about the work of the Senate was absolutely untrue.

This situation should not happen, and I am sure all of us would agree. Canadians should be able to rely on the government to provide them with accurate information about simple facts, and parliamentarians in both chambers should be able to take for granted that their government will describe their actions truthfully.

I suggest that we refer this matter to our Standing Committee on Rules, Procedures and the Rights of Parliament so that the committee can discover why and how this false information about our work was disseminated by the government for two full weeks; why it was not corrected even after the mistake was disclosed on the national evening news by CTV; and finally and most importantly, what steps will be taken to ensure this situation will never happen again.

Honourable senators, we do our work to the best of our abilities, all of us in this chamber, for the benefit of Canadians and for the benefit of our country.

I accept that, in the give and take of our political world, our actions may sometimes be misinterpreted or misrepresented, but that is not what happened in this case. Here we have a clear misstatement of fact by the Government of Canada to the people of Canada about the work of the Parliament of Canada.

Surely, this matter is something that deserves the attention of our Standing Committee on Rules, Procedures and the Rights of Parliament because when the government, of all people, does not tell the truth to Canadians about simple matters of fact concerning our work, the rights of Parliament are compromised.

Hon. Gerald J. Comeau (Deputy Leader of the Government): The website, as I understand it, was changed within something like 12 hours to 14 hours after it was brought to the attention of this chamber. I suggest that the website was changed quickly. I, in fact, did not know that the website even existed with this information, prior to the Leader of the Opposition bringing it to our attention.

I suggest that once it was brought to our attention that there was quick action.

It is incumbent upon us to find out why it happened: Why did it take so long to change? Was the webmaster not aware, or was there some kind of a breakdown in communications? Before we keelhaul someone for this matter, perhaps we might look at it more closely and report back to this chamber as to why this change did not take place, rather than making a federal case out of it.

Senator Segal: Hear, hear!

Senator Cowan: It is a federal case.

Senator Andreychuk: It is a federal case.

Senator Comeau: I suggest we obtain information prior to getting all huffy about the matter and come back to this chamber with information on what happened.

With that in mind, I want to look a little further into this matter. Therefore, I adjourn this motion for the balance of my time.

(On motion of Senator Comeau, debate adjourned, on division)

SCIENTIFIC RESEARCH

INQUIRY—DEBATE ADJOURNED

Hon. James S. Cowan rose pursuant to notice of March 24, 2009:

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

He said: Honourable senators, when I spoke on February 11 on the Address in Reply to the Speech from the Throne, one issue I raised was the government's approach to science policy and my concerns about the direction in which we were moving as a country when it comes to scientific research.

Last Tuesday, I launched this inquiry drawing the attention of the Senate to the critical importance of scientific research to the future of Canada and the well-being of Canadians.

Today, I want to expand on my earlier observations on this issue.

I encourage my colleagues on all sides of the house to contribute their thoughts to the debate in the weeks ahead. I hope that in due course our Standing Senate Committee on Social Affairs, Science and Technology might undertake an in-depth study of this topic.

I begin by stating what I thought was obvious to us all: Namely, that in today's world, science is the renewable energy source that powers a modern economy.

This is the age of technology and innovation, and scientific research is at the core — at the heart — of the ideas that transform how we live. Scientific research affects the health of our citizens, the goods and services people produce and want to buy, how we travel safely and communicate with each other, how we keep our environment clean and how we grow the foods we eat.

Scientific research defines our world today but, more importantly, it is how we can imagine a better tomorrow, and that means it is critical to positioning ourselves for success as a nation.

Frankly, I would not have thought that in 2009, this reality needed to be stated. Of course, bricks and mortar are necessary if industries are to be successful, but most definitely they are not sufficient; not today. Prime Minister Chrétien and Prime Minister Martin understood this reality. Clearly, Mr. Harper does not.

We probably should not be surprised. In retrospect, the Harper government gave us a number of early indications that its approach to science policy would be short-sighted. We witnessed the elimination of the position of national science adviser. We read about the government's repeated sidelining of its own scientists reflected in headlines like this from the front page of *The Ottawa Citizen* on February 1, 2008:

Environment Canada “muzzles” scientists’ dealing with the media.

Then there were the devastating cuts in the recent budget, which I will return to shortly. Then we have a government insisting more and more on inserting itself in the direction of scientific research in this country. That is another issue I will address again.

• (1700)

Choices are being made about funding different scientific pursuits. Genome Canada, the Canadian organization most responsible for funding genetic research — a field inextricably intertwined with scientific understanding of evolution — for the first time finds itself without funding for new projects.

Is the matter a budgetary one or are there other agendas at work here? How can Canadians know if the minister, supported by the Harper government, refuses to answer?

This is where we are now, after three years of a Harper government. However, this is not where we began. Mr. Harper inherited a vibrant, thriving research community. The Liberal governments of Prime Minister Chrétien and Prime Minister Martin invested heavily in the three granting councils that form the bedrock of financial support for scientific research in Canada. These councils are the Canadian Institutes for Health Research, CIHR, the Natural Sciences and Engineering Research Council, NSERC, and the Social Sciences and Humanities Research Council, SSHRC. The Chrétien government created the Canada Foundation for Innovation, it established Genome Canada, it introduced the Canada Graduate Scholarships and it established the Canada Research Chairs — 2,000 chairs that have enabled our universities to attract and retain the best scientists and researchers from across Canada and abroad. Literally hundreds of top Canadian researchers who had left Canada to pursue their research returned home under this program.

On Mr. Harper's watch, only last month — in February alone — 31,000 jobs were lost in the Canadian professional, science and technology sector. The Chrétien and Martin governments transformed what had been a massive brain drain into a vibrant brain gain. Canada became a “go to” place for scientists and researchers. That situation has now changed. I know, and honourable senators opposite will no doubt remind me, that the Chrétien government was not always so generous in its support of scientific research. Before honourable senators opposite have an opportunity to remind me of that, let me set the record straight.

The early 1990s was not a good time for scientific research in this country. Prime Minister Chrétien and then Finance Minister Martin did not have the luxury that the Harper government had of inheriting a large surplus, which it now plans to run into cumulative deficits of at least \$85 billion over the next five years. On the contrary, Mr. Chrétien and Mr. Martin had to make tough decisions and cut back spending on a number of important fronts because the financial house they inherited from the previous Conservative government was a mess.

Instead of the surplus the Liberals passed on to Mr. Harper, the previous Conservative government left behind a massive deficit. However, as soon as they could responsibly do so, the Liberal governments put into action — with strong financial support — their vision for a strong, innovative Canada of the 21st century, one positioned to lead in the knowledge-based economy.

Beginning in 1997, the Chrétien and Martin governments committed \$12 billion in new funding to support research. They more than doubled the budgets of the research granting councils to a total of \$1.6 billion in 2004-05. As a result, Canada is now a Group of 7, G7, leader in terms of university research and development. Under the Liberal governments, Canadian gross domestic expenditure on research and development, as a percentage of gross domestic product, GDP, rose significantly to just over 2 per cent, well above the average of 1.5 per cent for the Organisation for Economic Co-operation and Development.

One publication, *ReSearch Money*, said last year, on February 25, 2008, that “the Liberal governments of Jean Chrétien and Paul Martin engineered the largest increases to university-based science funding in Canadian history.”

We all benefited. Canada is at the forefront of scientific research today. The following examples from the last few years show what can grow in an environment that is well-nourished and supported by the federal government.

In 2003, Dr. Stephen Scherer sequenced chromosome 7, helping to reveal the genetic roots of cystic fibrosis and other diseases. In 2005, Dr. Brett Finlay and Dr. Andy Potter developed a vaccine for E. coli in cattle that has been marketed throughout the world. In 2005, Dr. Heinz Feldmann and Steven Jones developed vaccines that can protect monkeys from lethal doses of Ebola, Lassa and Marburg viruses. In 2006, Dr. John Dick discovered a way to destroy leukemia cells responsible for the recurrence of that disease. In 2007, Dr. Freda Miller used skin-derived stem cells to repair spinal cord injuries in rodents. In 2008, Dr. Stefano Stifani discovered a key mechanism involved in the development of motor neurons, improving our understanding of what goes wrong in neurodegenerative diseases such as amyotrophic lateral sclerosis, ALS.

Recently, the Natural Sciences and Engineering Research Council funded a project that allowed Hussein Abdullah, a professor of robotics and engineering at the University of the Guelph, to develop robots that help physiotherapists rehabilitate damaged limbs of stroke patients.

NSERC Postgraduate Scholarship recipient Michael Anstey, working with a team of international researchers, in a breakthrough discovery, identified the factor that transforms the desert locust — normally a solitary creature — into one that swarms in the millions, creating locust plagues that devastate crops.

We are only at the beginning of 2009 but we have already seen front-page coverage of extraordinary scientific breakthroughs by Canadian scientists. Dr. Andras Nagy, a Canadian Research Chair at the Samuel Lunenfeld Research Institute at Mount Sinai Hospital in Toronto, discovered a way to reprogram ordinary skin cells into embryonic-like stem cells without using potentially dangerous viruses, as had been done previously.

A Canadian-led international team sequenced the DNA of brain tumours from 800 children across the world and found a family of eight genes capable of developing into one of the leading types of childhood brain cancer. Childhood brain cancer is, in

fact, the leading cause of childhood cancer deaths, after accidents. Thanks to the work of these scientists, treatments can be tested that target these particular genes without having a toxic effect on the child's still-developing brain.

Stephen Harper has proudly pointed to our involvement in Afghanistan to demonstrate our value on the world stage. Yes, joining with other nations to combat terrorism is part of our international responsibility. However, I believe that we would be short-changing Canada and the world if we limited our vision of our international role to a military one. Look at the diseases that may be combated because of Canadian research. Look at plagues that may be halted because of our work here. Look at the lives that could be saved around the world.

Viewed through the narrow lens of economic self-interest, look at the value of the breakthroughs and discoveries that take place because of science — both direct as well as the myriad of spin-offs from commercialization possibilities. Look at jobs that are created directly and through spin-offs and look at the quality of those jobs and the salaries of the workers.

Fernand Martin, Professor of Economics at the Université de Montréal, developed a model to measure the economic impact of Canadian university research on GDP. Back in 1988, he found that the total — including not only the direct impact which he described as “the tip of the iceberg,” but also its much greater impact on the factors of production or total factor productivity — Canadian university research fuelled about \$15.5 billion of GDP increase each year, and 150,000 to 200,000 jobs.

The most recent update of his model is for the year 2007. The cumulative impact of Canadian university research contributions to the economy through GDP is estimated to be in excess of \$60 billion.

I remind honourable senators that prominent economists have estimated that the Harper-Flaherty stimulus package will create or retain 120,000 jobs. That is tens of thousands fewer jobs than are generated by university research in this country.

• (1710)

Honourable senators, the fundamental question is: What is our vision of Canada for the 21st century? Are these the kinds of discoveries and contributions that we want to continue to produce? Do we want to be a nation that pushes the frontiers of knowledge, where Canadians are encouraged to think big and imagine new solutions?

These discoveries do not happen overnight. They are the result of years of work and investment. They often require close collaboration both within a laboratory and across nations — indeed, sometimes across diverse disciplines.

Our job as policy-makers is to build and maintain a strong foundation that allows this research to thrive. This requires modern physical infrastructure, but it also demands funding for the research itself. It makes no sense to build state-of-the-art laboratories at the expense of funding the research that is to take place within them, yet that is precisely what the Harper budget proposes.

[Senator Cowan]

The three granting councils — CIHR, NSERC and SSHRC — must cut spending by \$148 million over the next three years. The National Research Council, which already cut more than 100 jobs in 2007, including scientists, has to cut another \$27.7 million over the next three years.

Instead of investing more in our future at this critical time, the Harper government is taking money away from our researchers in order to fund other admittedly important subjects. These funds will now be spent on infrastructure, on scholarships and on commercializing research. These are all good causes, but does it make sense to take money away from operating research grants to fund them?

It is great to build modern research facilities, but who will work there? It is great to provide additional scholarship money for graduate students, but who will they study with if the best professors have left Canada to go to other countries where they can pursue their research. What will they do when they finish their graduate work? Are we investing Canadian taxpayers' money to train scientists for the United States and other countries where scientific research is valued and supported? It is great to give money to commercialize research, but first you need the research to commercialize.

The Association of Universities and Colleges of Canada, AUCC, is a highly respected organization that I am sure is familiar to many of us. That organization appeared before the Standing Committee on Finance in the other place. While grateful for the Harper government's attention to the infrastructure needs of post-secondary institutions, they were very clear about the problems posed by the cuts to the granting councils. They said in their presentation:

We share the disappointment of our research community in the reductions of granting council funds. We must keep pace with the competition given the international context in which our research community operates. As part of their stimulus packages, countries around the world are now making significant investments in their research enterprises. In particular, the new U.S. administration has just approved an injection of billions over the next 18 months in its R&D enterprise, including large increases in the amount of funding available to researchers. Canada's investments through the multi-year S&T strategy will determine Canada's ability to compete on the world stage.

Even a former senior cabinet minister in the Harper government has expressed his disagreement with the short shrift given to science and technology in the budget. David Emerson told the *Vancouver Sun* on February 17:

What we do now in the short run shouldn't be short-sighted. . . . Now is the time when you've really got to keep pushing resources into research and our educational institutions.

James Drummond has been the chief scientist at PEARL, the Polar Environmental Atmospheric Research Lab in Eureka, Nunavut, 1,500 kilometres above the Arctic Circle. He holds a Canada Research Chair in remote sounding and atmospheric sciences in the Department of Physics and Atmospheric Sciences at

Dalhousie University. At first, he was pleased when he saw the budget had committed \$85 million to upgrade Canadian research facilities in the Arctic, but then he realized that none of that money could actually be used to run the facility at PEARL.

The two key sources of federal money that keep Mr. Drummond's lab and its science going are drying up. As he told CanWest News, the approximately \$200,000 a year they receive in operating funds from NSERC ends on March 31; and PEARL is on the last instalment of a \$5.5 million, five-year grant from the Canadian Foundation for Climate and Atmospheric Sciences.

That foundation, established by the Chrétien government in 2000, took over funding of climate and atmospheric research at Canadian universities from several government programs that were being phased out. The foundation, which received \$60 million in 2000 and another \$50 million in 2004, has financed 160 projects and 24 research networks. It was looking for a \$25 million-a-year lifeline from the Harper government and it got nothing.

As reported in *The Globe and Mail* on March 2, without new funding, the foundation will shut by March 2010, one year from now, and 25 research networks that have studied climate change and related issues will close down with it. While the foundation's mandate extends to 2011, with no new money being given out, the foundation will only have a bare staff to complete paperwork and keep the lights on. No real research will be done.

What of James Drummond and the PEARL research project in the Arctic? According to *The Globe and Mail*:

The paradox, Dr. Drummond says, is he will be able to improve a lab that he cannot afford to operate.

The article goes on, in a quote from Dr. Drummond:

As a citizen, I have to question whether upgrading facilities is a good idea if there's no one to run them. I don't want to demonize anybody, but you have to question the wisdom.

The Globe and Mail article, by the way, is entitled "Researchers fear 'stagnation' under Tories." It appeared on the front page, right under the banner headline and story about the extraordinary Canadian breakthrough in stem cell research. I am sure the irony was not lost on Canadians.

It does not take long for the impacts of these cuts to be felt. Dr. Drummond has already lost a post-doctoral student to a NASA contractor in the United States. He is afraid more will follow. President Obama, in stark contrast to Stephen Harper, understands the importance of this work and plans to spend more than \$400 million on climate change at NASA and the National Oceanic and Atmospheric Administration.

Richard Lawford at the University of Manitoba manages the four-year-old Drought Research Initiative, which has been funded by the same Canadian Foundation for Climate and Atmospheric Sciences. That initiative works to prepare for the country's next water crisis. As reported by Margaret Munro of CanWest, the last drought, from 1999 to 2004, cost an estimated \$6 billion and 41,000 jobs.

According to the article, which appeared in the February 16 issue of *The Ottawa Citizen*:

Lawford says the team is keen to build on the project in a bid to ensure there is enough water for farmers and cities. But with CFCAS running out of cash, so is the project.

Young scientists and technical staff will be hardest hit. "That's where the real pain comes in," says Lawford, who fears many highly educated young scientists working on the drought project will head to the U.S. where science is expected to undergo a renaissance under President Barack Obama.

"We may have just trained them for the U.S.," says Lawford. "And expertise, which Canada will need to prevent rivers and reservoirs from running dry when the next drought hits, will be lost with them," he says.

Our scientists are also going to Australia. Katrin Meissner has been described as a "celebrated young scientist." Her field is climate change, understanding how it affects everything from permafrost to bird migrations. She has held a tenure-track position at the University of Victoria but is now packing up and leaving with her young family for Australia.

• (1720)

According to Margaret Munro's article that I referred to earlier:

The University of New South Wales made her an offer she couldn't refuse — a position as a senior lecturer, research opportunities and guaranteed daycare for her one-year-old son, which was the perk that sealed the deal.

Honourable senators, I cannot help interjecting to note how important a real child care policy is, and the consequences of the Harper government's stubborn refusal to help young working women. Back to the newspaper article, Ms. Meissner said:

I didn't really want to leave. . . .

But she says that the opportunities in Australia seem much more promising. She says:

Long-term it looks quite scary in Canada.

Dr. Meissner is not alone. A number of graduate students, all of whom studied here in Canada, are leaving with her to join a new climate change initiative research centre in Australia.

The perils of investing in infrastructure without also investing in the research to be done in the facility can be seen in the example of the labs of Dr. Charlie Boone and Dr. Brenda Andrews at the University of Toronto. Let me read to you from *The Globe and Mail* article on March 2:

If labs are like race cars, Charlie Boone drives a Lamborghini. Canada Research Chair in Proteomics, Bioinformatics and Functional Genomics at U of T, Dr. Boone works inside the award-winning tower of the Terrence Donnelly building.

Together with Brenda Andrews, chair of U of T's Banting and Best Department of Medical Research, they run one of the world's few systems-biology labs, tackling how life works at the molecular level.

But with flat funding to CIHR grants and no new money pledged to Genome Canada, the agency that routinely backs large-scale science, the Boone-Andrews labs — which support more than 50 staff — will run out of money in December.

Said Dr. Andrews, "We have a fairly short time frame in which to come up with a solution."

Said Dr. Boone:

I think it's a fundamental philosophy of the Conservative government that they don't see the value in basic research. We'd like to stay in Canada, but there are only two options. You stick it out and wait till the government changes or you go somewhere else.

These concerns are being felt at universities right across the country. Neurobiologist Samuel Weiss at the University of Calgary, who last year won the prestigious Gairdner Award for his work discovering the brain's ability to make new cells, has struggled to understand why the Harper budget offers no new money for research operating grants at the three federal granting councils, and indeed is forcing them to make cuts over the next three years.

He is reported in the January 30 issue of *The Globe and Mail*:

The tri-council funding is the bedrock of advances in health and innovation. The government has invested in buildings and training bright people, but without operating money what are they going to do? If the funding taps do not flow, we could start losing the best and the brightest. They will do something else — or they may just go somewhere else.

David Colman, a neuroscientist recruited in 2002 from the United States to become the Director of the Montreal Neurological Institute, one of seven Centres of Excellence in Canada, sees Canada at a crossroads. In the *Ottawa Citizen* on March 7, he said:

A country as strong and sophisticated as Canada should have a direct and clear understanding of where it has to go to lead the world in terms of science. You have to look forward with vision, but here the (grants) agency funding is flat or worse. The priorities change and change dramatically every budget year. If, with every budget, you are going to change your view, you are not giving your country a chance to be the best in the world.

Dr. Colman was speaking from personal experience. As described in the article, in 2005 he:

... helped recruit a young star researcher from the U.S. to continue his work on the brain that might help design artificial visual systems for the blind. But the pair then got a

shock when the grant for the star researcher's proposal was cut by 44 per cent because of budget constraints, making it impossible for him to fully develop his project.

Colman still believes in Canada's potential, saying that if we continue to invest in "curiosity-driven science," the country will flourish. He says:

We have a great advantage here, but not much money. What is needed in Canada is not to build more buildings, but to fill those buildings with the smartest people in the world and allow them to work. This is a great country and it can do this with little effort. It just needs a little push.

Sadly, the Harper Conservatives seem determined to push away from excellence in Canada. Several years ago, 30 neuroscientists at York University, the University of Western Ontario and Queen's University teamed up to combine their diverse areas of expertise. They shared expenses like running expensive brain scanners and collected data faster. They created a team with the potential to compete with the best in the world.

Most recently, they received funding under a special "team grant" provided by CIHR specifically to encourage this kind of group work, giving individual researchers access to resources they simply could not afford on their own.

Honourable senators, that Open Team Grant Program is one of the programs that is being eliminated by CIHR to meet the budget cuts demanded by Mr. Harper and Mr. Flaherty.

Dr. Doug Crawford of York University told *The Globe and Mail* that it felt like the rug has been yanked out from beneath them. "Instead of reaching for the sky, we are scrambling to stay afloat."

In *The Globe and Mail* on March 11, Dr. Crawford said:

I started out as a professor in the mid-nineties and times were tight. Since then, we have always been building and improving and bringing Canada up to a place where it is not just keeping pace, but leading in the world, in our case, of neuroscience research.

To suddenly see so much of that investment and so much of that work being set back like this really is both frightening and disturbing for us.

These scientists were studying the roots of Parkinson's disease and attention deficit disorder, amongst other neurological problems. This is critical research, honourable senators that could impact thousands and thousands of Canadians and their families, to say nothing of countless people around the world. But clearly, and sadly, these are not matters of value to the Harper government.

That article in *The Globe and Mail* concluded with this quote from Dr. Crawford:

We are going head first into a cement wall. The very best scientists will leave. We will lose the very best ones.

The *Canadian Medical Association Journal* — in the words of the *Edmonton Journal*, “hardly a radical pamphlet” — took the unusual step of publishing an editorial devoted to the impact of the Harper budget. The title is: “The budget’s message to medical science: Quick, get a shovel!”

The editorial asks whether all the billions of tax dollars committed in the budget to the stimulus package will help Canadians compete globally in tomorrow’s economy. Will this budget help stimulate innovation, support knowledge-based sectors and prepare Canada for the new economy that will emerge? Their answer, sadly, is not optimistic, and I quote:

There is a great cause for concern that it will not. With a stroke of a pen, the 2009 Budget could instead erase seven years of brain gain after the years of brain drain in the mid-90s.

In saying yes to deficits and stimulus, yet being lukewarm to science, the unmistakable message from Finance Minister Jim Flaherty is that science is unimportant in Canada’s economy.

The editorial goes on to say, “Budget 2009 may foreshadow the decline of the science and technology strategy.”

It concludes:

Without greater investment in science and technology, Canada’s future will start looking perilously like Russia’s present — a country that has vast resources but outmoded technology.

• (1730)

Let us be clear. Science and technology and commercializing the research cannot be started, stopped and started again on a whim. Our advantage, once lost, will not easily or quickly be regained. Many observers, both inside and outside of the United States, believe that the cuts instituted by President Bush to the National Institutes of Health cost that country a generation of young scientists.

Honourable senators, policy matters. The president of the renowned Weizmann Institute of Science in Israel wrote recently about the temptation to bring in budget cuts during a time of financial crisis and follow it up later with increased funding when times are better. He said, “excellence does not follow such a path. It is easy to slip into mediocrity, but far more complicated to scale the mountain of excellence once again.”

It is striking that President Obama, who faces a far more serious economic crisis than we do, is responding not with cuts to science and research but by reasserting investments in scientific research as a top priority. In his inaugural address, he promised Americans that he would “restore science to its rightful place.” In his address to the Joint Session of Congress on February 24, he pointed first to science and technology as holding the keys to turning around the economy. He said the following:

The weight of this crisis will not determine the destiny of this nation. The answers to our problems don’t lie beyond our reach. They exist in our laboratories and universities; in our fields and our factories; in the imaginations of our entrepreneurs and the pride of the hardest-working people on Earth.

Indeed, the Obama administration is investing billions — \$10 billion U.S. — in the National Institutes of Health, to give one example. The National Science Foundation is requesting a budget of \$7 billion for 2010. Some estimates put the proposed new total investment in basic research as high as \$25 billion. Other calculations put it even higher. *New Scientist* magazine calls it “the biggest bet on science and technology in history.”

Honourable senators, President Obama is not alone. Britain’s Prime Minister Gordon Brown also believes in the power of investing in science and technology, even and perhaps particularly during a recession. He has vowed to “entrench investment in science as a national priority.” The *London Times* reported these remarks of Mr. Brown at the Romanes lecture at Oxford University on February 28:

“The economic role of science will be of even more importance than before,” Mr. Brown said. “Some say that now is not the time to invest but the bottom line is that the downturn is no time to slow down our investment in science. We will not allow science to become a victim of the recession, but rather focus on developing it as a key element of our path to recovery.”

This presents an additional challenge for our own universities and research institutes. Not only are they facing cuts to research grants from the federal government because of this budget, but there are ready and eager markets for our researchers just south of the border and overseas.

Harvey Weingarten, President of the University of Calgary, is well aware that Canadian universities will now have to actively compete with the United States for the best and the brightest:

We have come off a very good period compared to the States and now we are in danger that they will just drive way past us.

University of British Columbia President Stephen Toope was unequivocal: “We could be left in the dust.”

Honourable senators, the contrast between the Harper government and that of President Obama does not end with the comparison of dollars. In his first hours of office, President Obama made it clear that he plans to reverse the Bush-era ban on stem cell research. In the words of the *Canadian Medical Association Journal*, he was “signalling to the world that the United States will value scientific inquiry over ideology.” A clear vision is emerging. Science and research, not political beliefs, are the keys to a better health future.

Senator Stratton: What is your point?

Senator Cowan: Fortunately, we do not have a ban on stem cell research in Canada, but many scientists worry that the Harper government is asserting too much control over research dollars, micromanaging the granting process in such a way as to actively direct the scientific agenda. In other words, just as the U.S. is freeing itself from the yoke of ideology strangling scientific research, we appear to have a government that believes that politics can and should direct science.

We saw the success of that policy during the Bush years. Scientists raced to come to Canada. We benefited. My fear is that by emulating George Bush, Mr. Harper will drive our best scientists to the new-found freedom of the U.S. labs under the Obama administration.

Let me give honourable senators some examples of the concerns being expressed by scientists here.

Andrew Weaver, who holds a Canada Research Chair in climate modelling and analysis at the University of Victoria, has expressed concern over competitions run through the federal Networks of Centres of Excellence. These would provide \$5 million grants over five years but are posted for very particular projects. Examples cited by Dr. Weaver included “energy production in the oil sands” and “new media animation and games.”

His concerns were described in *The Globe and Mail* on March 2:

“Governments have always had a say in research, but this is getting down to micromanagement, this is really specific,” said Dr. Weaver.

What is worse, he said, is that academic researchers must have an industrial partner to qualify for the grant, “so the taxpayer is being used to subsidize Canadian corporate research.”

“They’re cutting the [basic research] funding system and also stipulating what you can do,” he said. “This is unbelievable — this is Orwellian.”

The President of NSERC admits that about 30 per cent of the NSERC budget is “directed” rather than open. Dr. Weaver believes that this is too high a proportion, given the small size of the funding pie in this country.

The Canada Foundation for Innovation will also feel the Harper government’s controlling arm. As described in *The Globe and Mail*:

The government also wants input to help determine the type of research infrastructure projects the Canada Foundation for Innovation funds. Eliot Phillipson, CFI President and CEO, explained that \$600-million of the agency’s whopping \$750-million increase will back one or more new competitions in which “there’s going to be a little more direction” from Ottawa. The government is to help draft the call for proposals to ensure it fits with its priorities.

Honourable senators, this is astonishing. Scientists must be free to research without political control.

There was a very telling op-ed piece by Preston Manning in *The Globe and Mail* on March 17. I do believe that Mr. Manning means well, but I found his proposal to advance the cause of scientists in this country simultaneously astonishing and illuminating. He suggests having a one-day forum, a kind of dog-and-pony-show, that would bring our top scientists to

Ottawa to strut their stuff in front of MPs, senators, senior public servants and the media and demonstrate their worth to Canada. The message he says they should communicate is the following:

Canada’s science and technology community stands ready and willing to do its part to assist in coping with the recession if given the direction, opportunity and resources to do so.

He repeats that several times in the article — top scientists should gather at this forum and give short addresses “in the areas of greatest concern to the government and where the community has the greatest contributions to make.” He tells scientists to “avoid complaints, government-bashing, excessive Obama-worship . . . and partisanship.”

Honourable senators, as I say, I believe Mr. Manning truly is trying to help the science community, but that is what makes this even more frightening. Mr. Manning clearly knows Stephen Harper. Mr. Harper used to work for him, and he evidently believes that the way for science to succeed under Harper’s watch is by kowtowing and researching only what Mr. Harper and, presumably, what his minister in charge of science policy, Gary Goodyear, want researched.

• (1740)

Honourable senators, we see the worth of our scientists in new therapies for debilitating diseases.

I look forward to Senator Tkachuk’s contribution to this debate, as well as that of Mr. Goodyear. It would be interesting to know whether the honourable senator shares Mr. Goodyear’s view of this matter.

Surely, we do not need to bring our top scientists to Parliament Hill and compel them to prove their worth. That sounds medieval to me.

I spoke earlier about the Harper government’s failure to provide funding for the Canadian Foundation for Climate and Atmospheric Sciences. That foundation has supported critical projects researching climate change, drought, air quality, detecting ice on the wings of an airplane and ways to improve forecasts of extreme weather conditions — important, highly relevant research with concrete applications to improve Canadians’ lives.

Why is the government abandoning this foundation? Is it because of a political agenda? Is climate change something the government would rather not have researched?

Honourable senators, I was struck by a chill among members of our science and research community. In preparing these remarks over the past month or so, I spoke with a large number of Canadian scientists. Time and again, I heard expressions of shock and disappointment at the government’s lack of support for science and research; but I also was asked repeatedly not to quote the individuals expressing those concerns. Why? The answer is fear of retribution.

Some Hon. Senators: Oh, oh.

Senator Cowan: Honourable senators will notice that I have confined myself in these remarks to quoting only statements that appeared in the press. Many members of our scientific community do not feel free to express their views openly for fear their laboratories or universities will be targeted for cuts by a government that wants to hear only expressions of support.

I was not as shocked as I might otherwise have been to read of the meeting between the Harper government's Minister of Science and Technology, Senator Tkachuk's friend, Mr. Goodyear, and representatives of the Canadian Association of University Teachers. CAUT is a well-known, established organization. I am sure many of us are familiar with the organization and have received representations from them on one or another issue that has come before the Senate. CAUT represents some 65,000 staff at 121 colleges and universities.

According to *The Globe and Mail*, CAUT wanted to raise concerns about the government's handling of research money in the budget. Let me read to you the report from *The Globe and Mail* of what happened.

"The minister was very angry," said David Robinson, associate executive director of CAUT. "He was raising his voice and pointing his finger . . . He said everyone loves their federal budget and we said, 'A lot of our members don't love it' . . . and he said, 'That's because you're lying to them, misleading them.'"

The talks, Mr. Robinson said, went from bad to worse. In 15 years on the job he "never had a meeting like that."

The article continued:

James Turk, CAUT executive director, said the meeting with the minister typifies the chill many scientists feel coming from the government, calling the reception "nasty pit-bull" behaviour.

"If they treated us like that — and they have no control over us — you can imagine how they're treating the presidents. . ."

— of the federal granting councils, said Mr. Turk.

"Their intention is to intimidate their critics."

The article went stated later:

When CAUT staff said the Conservatives have a spotty record on science and noted they abolished the office of the national science adviser, Mr. Robertson said, the minister's assistant screamed at them to shut up.

"Then the minister said, 'You've burned all your bridges with us!' and they stormed out.

"In all the meetings I've been in like this, I've never been shouted at and told to shut up," Mr. Robinson said. The civil servant who escorted them to the elevator suggested it would not even be a good idea to return to the minister's office to collect their coats, he said. Instead, she retrieved them.

Senator Stollery: Honourable senators, there will be an election soon. All of this information should be broadcast nationally.

Senator Cowan: Honourable senators, is this how this government consults with concerned Canadians? Is this how it is making public policy to address the economic crisis? What is happening to the open and free pursuit of ideas — values that are fundamental to Canadians and absolutely essential to scientific research?

Honourable senators, I will close with this thought: Most scientific research in Canada is done in universities and at institutes associated with universities. Our scientists are facing what has been called a "perfect storm." The universities' endowments, built up over years through generous donations, have lost significant value because of the plunging stock market. Meanwhile, they are not being replenished as those individuals who donate money to support research are themselves facing difficult times in this recession.

This is the time, honourable senators, when Canadians need their government to step in to fill the void. Yet the Harper government is choosing to do exactly the opposite. Instead of increasing operating grants for research, this government is cutting the budgets of the granting councils and diverting research money to other purposes.

This is bad policy, honourable senators. We will pay the price for these bad decisions for many years to come.

I invite the government to reconsider its approach to this issue. Yes, the physical infrastructure requires investment, but not at the expense of the operating funding. These investments must proceed in balance if we are to build a strong foundation for our country's future.

That, honourable senators, is the key: balance. Several scientists I met spoke of four pillars that are required for a strong research environment: people, direct project support, indirect institutional support for research costs, and infrastructure. If one of those pillars, such as infrastructure, is supported but the others are not, the structure will not be stronger; it will collapse.

The consequences for Canada are significant. As a number of leading scientists emphasized to me, negative short-term funding decisions can have long-term consequences. Young outstanding Canadian scientists will leave and establish themselves elsewhere. We have learned from the last brain drain that it is not an easy or quick task to persuade them to come home again. World-leading research groups that have been built up painstakingly over many years will be dismantled. The previous excellent investment in science research will be downgraded. We will lose a generation of scientific leaders. Who will remain to train the next generation?

Honourable senators, it is not necessary to proceed down this path. Paul Martin, who played a key role in successfully steering Canada through five financial crises during his time as finance minister and then Prime Minister, and left the finances of this country in a healthy surplus, said in a recent interview with *The Globe and Mail*:

"The failure to put money into science and technology was a huge mistake, in my opinion," he said. "Because everybody understands that there's a new economy coming

out of this and for us to be cutting the lifeblood to that new economy — which is research and development and the sciences — I think is a backward move.”

Honourable senators, I agree. I fear that this government is trying to come through this economic crisis by throwing money at whatever is fastest and easiest. There is no plan; there is no vision.

In conclusion, I remind colleagues of the words from Proverbs, carved in the Peace Tower of the building where we now stand: “Where there is no vision, the people perish.”

Some Hon. Senators: Hear, hear!

Hon. A. Raynell Andreychuk: Honourable senators, I am flabbergasted at the non-partisan debates that we have in the Senate, as opposed to the House of Commons. I will adjourn the debate.

(On motion of Senator Andreychuk, debate adjourned.)

• (1750)

FISHERIES ACT

CESSATION OF COMMERCIAL SEAL HUNT—INQUIRY—DEBATE CONCLUDED

Hon. Mac Harb rose pursuant to notice of March 25, 2009:

That he 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.

He said: Honourable senators, the role of government in our democratic system is to be responsive and responsible. This government is being neither when it comes to the continuation of the commercial seal hunt in Canada.

According to an Environics Research poll in December 2008, the majority of Canadians, 65 per cent, feel that the commercial seal hunt is an outdated industry that should be phased out; and 72 per cent of Canadians agree that the Government of Canada should end the seal hunt and invest in alternative employment for those affected. An even larger majority of Canadians, 78 per cent, do not support the government spending their money and efforts lobbying foreign governments in an effort to keep this dying industry alive. An overwhelming 84 per cent of Canadians feel that the Government of Canada should be investing in employment programs so that those participating in the commercial seal hunt can find other kinds of work to supplement their income from the fishery. These Canadians are trying to get that message across to their government in any way that they can.

I know that honourable senators have received many emails, letters and calls on this subject. In fact, I believe that honourable senators have been hearing from literally thousands and thousands of Canadians. I have received more than 90,000 emails, thousands of anti-seal-hunt postcards, thousands of

petitions calling for an end to the hunt, painstakingly handwritten letters and, of course, telephone calls from across Canada. These individuals are taking the time to let us know what they think about the unsustainable and unviable commercial seal hunt.

Many honourable senators have had the pleasure of working in the other place, as have I. During my four terms as an elected member of Parliament, there was no single issue that generated such a response from Canadians, and we tackled some important and controversial issues in those years. Not a single issue provoked such an outpouring of support, for reasons ranging from economic viability to scientific understanding of the complexity of the food chain in the Atlantic to concerns about the humane treatment of sea mammals.

Other than coming in person to the offices of senators, these Canadians have used and will continue to use the modern methods of communication to let senators know how they feel about the continuation of the commercial seal hunt. There are trying to be heard and struggling to make their views known in the traditional democratic process. However, we have learned that many of their representatives on Parliament Hill are ignoring the phone calls, blocking the emails, shutting the doors and refusing to even debate the subject in the very same chamber that was established for this purpose.

[*Translation*]

The United States, Belgium, the Netherlands, Italy, Austria, Croatia, Slovenia, Germany, Switzerland, Hungary, the Czech Republic, Mexico, Panama, France and Spain have either banned the seal product trade or have made moves to do so. The European Union will soon vote on a pan-European proposal to ban trade in seal products. In addition, the Atlantic seafood industry is being targeted by a widespread, U.S.-led seafood boycott in protest of Canada’s commercial seal hunt.

Those governments have listened to the parties involved and taken their opinions into account when making their decisions.

[*English*]

The *Montreal Gazette* published a letter to the editor on March 10, 2009. It stated:

I don’t support the commercial seal hunt. My friends don’t support the commercial seal hunt, my family doesn’t. I can probably go out on a limb and say that most people I know in Montreal don’t.

So why do my elected officials support it? . . . I would like my MP to tell me why my taxes are better spent funding sealers than on infrastructure or health care? I think we all deserve to know.

Amy, of Dundas, Ontario, wrote:

It is cruel to the citizens of this wonderful country to have this continue year after year, being ignored by our government . . .

[Senator Cowan]

[Translation]

Pascal, from Pierrefonds, Quebec, wrote:

I strongly support this initiative and ask you to share my position with my member of Parliament and the other senators. I want them to know that I would like to see an immediate end to this shameful activity.

[English]

Instead of listening to the majority of Canadians, the government has actually increased, believe it or not, the total allowable catch for the commercial seal hunt in 2009. Honourable senators who are paying attention will know that this increase is simply symbolic because there are no markets for these pelts — no more for 280,000 pelts than there was for 275,000 pelts. The government is attempting to bolster support for an industry that puts sealers in life-threatening situations in a derby-style competitive hunt that pits sealer against sealer in a race to bring back seal pelts that no one wants.

Let us go over the facts, honourable senators. Markets around the world are closing to seal products. The price of the best pelts dropped from \$62 in 2007 to \$33 in 2008 and is expected to be even lower this year. Pelts are stacked up in warehouses — 50,000 in Newfoundland and 140,000 in Greenland. No seal furs were sold at the international fur auction in Copenhagen in all of 2008, and no seal pelts sold at the January 2009 fur auction in North Bay, Ontario. If this is truly a viable and market-based hunt, as the government claims, then the quota for this year should be zero.

[Translation]

In 2008, the landed value of the seal hunt in Newfoundland, which accounts for 95 per cent of the overall catch, was \$6.5 million, compared to \$11 million in 2007 and \$30 million in 2006. The total landed value of all catches in all provinces in 2008 was \$6.9 million.

The carcasses of the 290,000 seals slaughtered in 2008 were for the most part left on the ice, because there was little demand for the blubber and meat. The landed value of the blubber was \$73,000 and the landed value of the flippers was \$36,000 in 2008.

Even when pelt prices are higher, fishers derive only a small proportion of their annual income — roughly five per cent in 2008 or \$1,100 per hunter before expenses — from the commercial seal hunt, and this sideline is anything but affordable, when you consider the cost of ammunition, fuel, insurance and repairs to damaged boats, not to mention the risks to the hunters' health and even their lives.

[English]

It is hard to imagine that sealers would be able to recoup their costs, let alone make money this year. Not only will the sealers be out money, but also the Canadian taxpayers will be on the hook. It all adds up: Coast Guard rescues, patrol flights to locate herds and \$40,000 to \$50,000 per day for ice-breaking services. We paid \$3.4 million for Coast Guard assistance to sealing vessels in 2007.

The same Canadians who are calling senators' offices and filling up email inboxes, begging to be heard, are watching their tax dollars go to fur processing and marketing companies through agencies such as Human Resources and Skills Development Canada and the Atlantic Canada Opportunities Agency. Their tax dollars are paying for expensive government-funded lobbying missions to prop up faltering markets in light of an increasing number of nations banning the import of seal products. They are also paying for the ever-increasing costs of monitoring, regulating and enforcing the commercial seal hunt as the government tries in vain to meet acceptable foreign standards for a humane and sustainable hunt.

• (1800)

Honourable senators, while most industries in Canada receive some support, direct or indirect, from government, there are good and bad subsidies. Unfortunately, the government is using millions of tax dollars every year to prop up a dying industry, rather than directing the money towards leveraging the East Coast economy into more viable industries for the future.

The economics alone compel us to stop the commercial hunt and to use our resources and energy to support those workers whose goal is to make an honest and respectable living in an industry that will still exist in a year, a decade and a generation from now. The commercial seal hunt is not that industry. We owe it to these, and indeed all Canadians, to find and support a viable alternative. The Government of Canada is strangely unwilling to turn its effort to provide safe and sustainability forms of employment for people living in fishing regions.

For decades, the hunting of immature seals has pitted the interests of a few thousand sealers against those of the majority of Canadians who feel the costs of the hunt, economic and otherwise, outweigh its meagre benefits.

The Hon. the Speaker: I regret to interrupt the honourable senator. I must draw attention to the clock. It is six o'clock.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I would suggest, honourable senators, that we not see the clock.

The Hon. the Speaker: Is it your desire not to see the clock, honourable senators.

Hon. Senators: Agreed.

Senator Harb: Honourable senators, it is time to transition Canadian sealers into sustainable industries befitting a modern country in the 21st century.

This is what Canadians are saying. This is what they are telling us. It is up to us now to listen and to act.

Hon. Fabian Manning: Will the senator take a question?

Senator Harb: Yes.

Senator Manning: Honourable senators, I listened intently to Senator Harb's comments. I understand from his remarks that members of the International Fund for Animal Welfare, IFAW, and several other Canadians are frustrated with the process of being heard. I echo those comments, but on a different light.

The people I have the opportunity to talk to that are involved in the sealing industry are also frustrated in trying to have their opportunities to be heard. The myths being brought forward by IFAW and others are clouding the facts of what is a humane and well managed hunt in Canada.

Begging to be heard is something that these people are doing and we will be doing it on their behalf. As a country, we have supported the sealing industry over the past number of years and continue to do so.

I understand that any efforts by Senator Harb and others are supported by the IFAW. I would like to ask Senator Harb if he has received any financial assistance from the IFAW in his efforts to spread the myths across the country and the world on his crusade against the seal hunt?

Senator Harb: Absolutely. Thanks to IFAW, I was able to travel from P.E.I. to Nova Scotia to watch firsthand the slaughter in the Îles de la Madeleine. From the helicopters, I saw hundreds of bodies of seals being left dead on the ice.

IFAW offered to transport me from P.E.I. I would have expected the Government of Canada to do that. I would not have expected an NGO to use its resources in order to make it possible for a member of the Senate of Canada to go and watch the hunt. Yes, I did accept transport from P.E.I. to Îles de la Madeleine and Nova Scotia on three different occasions over two days where I saw firsthand what is taking place.

I also saw something that is very important for my colleague to take note of. I was there supposedly to see the opening of the hunt just outside of Sydney, Nova Scotia. Normally, what happens is that on the day the seal hunt opens, everyone rushes out to hunt the seals. Guess what? There was not one single sealer, not one. I spent a few hours there and I was a bit disappointed. I wanted to see it for myself.

However, what I saw honourable senators was three Coast Guard vessels, one icebreaker and helicopters. I said to myself, well, the government should have a little vision and a little coordination. They were uselessly deploying these resources sitting there like ducks and doing nothing. There was no hunt, at least not on the first day. At about \$50,000 per vessel times three, plus the icebreaker, that is approximately \$200,000 per day and \$400,000 for two days.

The Hon. the Speaker: Honourable senators, the time allotted for Senator Harb has expired.

Senator Comeau: Are you asking for more time?

Senator Harb: May I have five more minutes?

Senator Comeau: Five minutes.

Hon. Senators: Agreed.

The Hon. the Speaker: I might remind the house that our public sound system works quite well. In order that honourable senators sitting in certain parts of the chamber can hear clearly, I ask that honourable senators lower the decibel level a little.

Senator Harb: Today, Your Honour, I am speaking above the normal level. Sometimes, I am simply not sure sometimes whether I am making the point.

I have 79,410 email messages on one account and 25,926 messages on another account. Rather than printing all of these messages, if some of my colleagues are interested in helping to print them, I would be happy to share the messages. That is in addition to the few binders that the pages were kind enough to have taken back to my office. I am taking the time to read through them. Frankly, the more I read, the more my decibel level is increasing. The more people that write to me and my colleagues, the more the decibel level will increase. More people in this country will be speaking out on this issue than ever before. The reason is that people have concluded, more or less, that politicians have decided they do not want to hear them. They are frustrated.

If my colleagues want me to read every one of those emails to explain to them how angry the public is; I can do that. The public is very angry because the public believes that the Senate is a place where you can discuss controversial issues and they have the feeling that there is no one listening. Therefore, when I am speaking at a high decibel level, in essence, I am channelling some of that anger.

To sum up my answer to the honourable senator who raised the question, I suspect that it cost over \$200,000 to Canadian taxpayers. Not one sealer went out. Compare that to the price of the hunt itself. Two thousand seals were to be caught off the coast of Sydney, Nova Scotia. At \$30 per pelt, that is \$60,000. The Government of Canada, in other words, could have paid each one of those sealers three times the amount they would have collected in the hunt and taxpayers would still have been better off.

Yes, I was transported by the International Fund for Animal Welfare, but I would have expected the Government of Canada to have better coordinated the seal hunt.

An Hon. Senator: Bought and sold.

Senator Manning: Honourable senators, I am appalled. Making the point is one thing, but reaching the point of no return is another. I think Senator Harb reached it when he accepted the travel voucher from the IFAW to travel to the hunt.

I am sure he could have found a way for the federal government or the Coast Guard to help him observe the hunt. I know other people have observed the hunt from the Coast Guard ships. However, once someone accepts something from the IFAW, that person is participating in the midst of their patrol of the seal hunt.

• (1810)

My next question is whether there has been any other financial contribution, in any way, shape or form, to your cause in spreading the myths of the seal hunt across Canada, from the IFAW or from any other organization or any individual who is involved in spreading the myths.

Senator Harb: I will not dignify the honourable senator with a “no” answer. A “no” answer, to a senator from the government side, is the least I can provide him.

[Senator Manning]

Absolutely, honourable senators, I never accept money for any of the work that I do here, as is the case for the honourable senator.

The honourable senator's allegation is like someone asking when is the last time you stopped beating up on your wife or girlfriend. This is totally out of line from a senator from the other side who has served in the House of Commons. The honourable senator knows that you do not slander or even attempt to slander one of your colleagues.

Honourable senators, let me tell him one more thing about what the Department of Fisheries and Oceans could have done. While we were there, we just tried to locate the seals. Believe it or not, for about four hours we went in circles trying to find out where the seals were and where the seal hunt was. For a minute, I thought we were lost.

If the government were really serious about allowing NGOs such as the International Fund for Animal Welfare, the least they could have done is told them where the seals were. That did not happen, and that is shameful.

The Hon. the Speaker: Continuing debate? If no other senator wishes to speak on this inquiry, it is considered debated.

THE SENATE

MOTION TO SUPPORT GOVERNMENT'S POSITION ON COMMERCIAL SEAL HUNT—DEBATE ADJOURNED

Hon. Fabian Manning, pursuant to notice of March 24, 2009, moved:

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

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

He said: Honourable senators, I am pleased today to speak to the motion I brought forward with notice last week, and I invite my honourable colleagues to do the same.

Honourable senators, many of us are fully aware of what the seal hunt and seal industry mean to many people across Canada, not only in my own province of Newfoundland and Labrador but in many provinces, especially in Quebec, Nova Scotia and Prince Edward Island, and certainly in our Inuit communities of the North.

I had the privilege of travelling to Europe in January to meet with members of the European Parliament and to travel to the Czech Republic to meet with the Minister of the Environment, to put forward the case on behalf of the people involved in this important industry. Many people are not aware — and I think it is our job to make them aware — that Canada has a well-regulated, well-managed and enforced seal hunt.

To give honourable senators some background information, in 1965, Canada regulated humane killing methods for the seal hunt through the Seal Protection Regulations. In 1986, the Royal Commission on Seals and Sealing studied and approved hunting methods, finding that methods used in Canada to hunt seals compare favourably to those used to kill domesticated animals and are more humane than other hunts of wildlife. In 2005, the Independent Veterinarians' Working Group on the Canadian Harp Seal Hunt was formed to review and make recommendations on the Canadian seal hunt. Canada acted on those recommendations in 2008.

Canada agrees that animals should be killed without causing avoidable pain, distress and other forms of suffering, and that it is possible to kill the seals rapidly and effectively without causing them avoidable pain and distress.

Honourable senators, the Canadian seal hunt is humane. It is well-managed and sustainable. That is why we support it and continue to support it on behalf of the people who make a living from this industry.

The rules are respected. In any industry, honourable senators, there will always be someone who steps outside of the rules. However, anyone who has followed the seal hunt over the last number of years will know that in most cases, the rules are respected. This has also been shown by the Independent Veterinarians' Working Group and others.

Honourable senators, unfounded animal welfare issues should not determine the trade policies of Canada. Canada understands the challenges faced with regard to animal welfare issues, and certainly the sustainability of the hunt is the most important matter of all. There are no environmental issues related to the Canadian seal hunt. Every year, seal hunt quotas are determined on the basis of an ecosystem approach reflecting the potential impacts of climate change and poor ice conditions, and based on a precautionary approach, reducing quotas to take into account adverse climatic conditions, reduction of food supply, and unusual pup mortality or disease.

The seal population that is hunted in Canada is abundant and not at risk. The Northwest Atlantic harp seal population is about 5.6 million animals, a level that has been stable over the last decade.

Sustainable communities living in harmony with their environment is an important goal. Canada's seal hunt supports the Inuit and many coastal families, which can derive as much as 35 per cent of their annual income from the commercial seal hunt. Quotas are set at a level that ensures the health and abundance of seal herds.

Canada works actively with other countries and international organizations to develop the best scientific information on humane killing methods, and acts on that information on an ongoing basis. The Marine Mammal Regulations are designed to avoid undue pain and suffering to the seals.

In 2005, as I mentioned earlier, the Independent Veterinarians' Working Group on the Canadian Harp Seal Hunt, consisting of veterinarians from five countries, stated that "the Canadian harp seal hunt is professional and highly regulated, and has the potential to serve as a model to improve humane practice."

Honourable senators, something that has been taking place in the last couple of years, which I am pleased and happy about, is training. The licensing policy of the Department of Fisheries and Oceans requires a commercial sealer to work under an experienced sealer for two years before obtaining their professional licence. Sealers are also encouraged to take a training course on proper hunting techniques, product preparation and handling. In 2004, at the request of sealers, a freeze was imposed on the issuance of new licences to strengthen the professionalization of the industry, including education and training.

Honourable senators, seal hunting methods have also been studied and approved by the Royal Commission on Seals and Sealing. The commission found that the methods used in hunting seals compare favourably to those used in respect of any other wild or domesticated animal.

Senator Harb spoke earlier about the presence of Coast Guard officials and others. Honourable senators, enforcement, compliance and observance are part and parcel of our seal hunt. The fisheries officers monitor the seal hunt to ensure that sealers comply with Canada's Marine Mammal Regulations.

The Government of Canada takes infractions seriously. As I am sure Senator Rompkey is aware, violators have been prosecuted. From 2002 to 2007, 180 charges were laid, resulting in 100 convictions to date.

Honourable senators, the seal hunt is important to the families and communities that rely on it. It would be devastating for some of these families and communities to lose the opportunity to participate in this important hunt.

• (1820)

The sustainable harvesting of seals was, and continues to be, central to the Inuit way of life. Canada is pleased that recent communications of the European Union in the Arctic recognizes the importance to indigenous peoples of hunting marine mammals and the right to maintain their traditional livelihood.

We saw a proposal put forward a few weeks ago in the European parliament talking about the ban of seals and seal products into the European Union but allowing the Inuit and Aboriginal communities to participate.

I had the opportunity to travel to Europe in January and we had with us people from Nunavut — sealers and members of the government in Nunavut — who told us point-blank that having only them participate in the seal hunt by themselves without involving everybody is not the answer. They will not have the opportunity to market their product. Their numbers were about 6,000 or 7,000. I am not sure of the exact number they would be allowed to hunt, but they would be able to sell their product and to use a lot in-house for their own food and clothing and so on.

[Senator Manning]

To be able to sell or market the pelts with the low numbers they would have in an allowable catch defeats the purpose of what we were trying to do. They told us that back in the 1980s when we brought in the proposed ban in some places, honourable senators, that it destroyed the markets in many places.

That concern is a major one, and that experience from the 1980s showed us that bans on sealskin products sent a distinct message to consumers to avoid the product. The current proposal put forward by the European Commission for a comprehensive ban of trade in seal products would impact the trade severely and may destroy the livelihoods of those in Aboriginal communities. Sealskins today trade at the lowest prices ever recorded, due to the stigmatization of the hunt.

Honourable senators, as usual, with anybody who has put forward the message in regards to the seal hunt, we have, as always, been knocked down with myths versus the facts. There is no doubt in my mind that the International Fund for Animal Welfare, IFAW, has had the opportunity over the past years to do that. We are not naive to the situation we live in. We have an open abattoir to the world out on the front. We have a beautiful blue sky with white ice and red blood. How do we compete with that image? How we send the message that our hunt is humane and well managed is difficult, but the fact is that we can only do it by standing together and supporting the people who are involved in this industry.

Any animal anywhere being killed is not something that any of us enjoy watching or participating in, but the fact is, it goes on.

Senator Harb talked about the calls he received from Montreal, I believe he said, and some of the larger cities in our countries. I understand fully that some people may not understand the concept of living in a small community. I was born, raised and still live in a community of 500 people. The fishery is the mainstay of our community, and it has been since the community's incorporation back in the early 1800s. The seal industry is not necessarily a part of my fishing community because we are further south than where the seals come. The fact is, the devastation that the seals have caused up North has affected the fishing industry in my area.

Honourable senators, understanding the small communities — how these communities work and how they sustain themselves — is important. I do not think we have the opportunity to understand small communities through the propaganda that has been put forward by the IFAW and others.

People go into a grocery store in downtown Montreal, Vancouver or Toronto and think that the chicken they buy was born and raised in the fridge. It was not. That chicken came from an abattoir somewhere and the poor old fellow had his head cut off, and that is the way it happens.

Still, they go and buy the chicken, and half the crowd who complain about the sealing are the crowd buying the chicken. It is hard to keep track of what is going on in some cases, honourable senators.

Animals are killed on a daily basis to sustain human beings. Yes, we all have our own diets and everything else that we are trying to follow, but animals are an important part of our diet, our livelihoods, our communities and our country.

Today is an important day in our country, and we spoke about it earlier. I listened to Senator Rompkey put forward his comments during Senators' Statements earlier about the sixtieth anniversary of Newfoundland and Labrador joining Canada. Many people in Newfoundland and Labrador think that 60 years ago, Canada joined us. The fact is that we are this great nation in the world and we have different parts in our nation. We are diverse. We are different, and from all parts of the country.

The sealing industry is an important part of the province of Newfoundland and Labrador. It is an important part of many small communities. We believe propaganda and myths are being put forward. People are making millions of dollars from these small communities and the people who depend on this fishery.

We want to show our support through my motion today. We ask all honourable senators to show support to the people involved in this industry, to the people who are struggling to send their message out. We ask them to show support from this honourable house and from the other place. We will show people involved in this industry that our efforts will continue in bringing their message to the European parliament, in bringing the message to anyone who will hear it.

A few years ago, the government put in place the Ambassador for Fisheries Conservation, Loyola Sullivan, a colleague of mine in the House of Assembly in Newfoundland and Labrador. He put forward a tremendous effort in bringing the message to the European Union. He visited 27 countries in the European Union and put the message forward. The process is a complicated one, but we continue to try.

I do not think it is wise in any way, shape or form, to forget and cast aside the importance of the seal hunt to these small communities. It may be good media some days to be out pummelling the people who work in this industry, but a society is measured by how they support the people on the lower scale of things.

There are people who have an annual family income of \$10,000 to \$12,000. I am sure Senator Rompkey and others are fully aware of people involved in this industry with that type of family income. We will take away 25 per cent to 30 per cent of their family income. They have spent many years developing this industry into the humane, well-managed and sustainable hunt that it is, they have been in this industry for 40 years, and they have accepted the training.

I spoke to a person not long ago who was over 60 years of age. He finished Grade 3 and went onto a fishing boat and continued fishing with his father. For this person to go back to a classroom to sit down and participate in a training exercise for a week because it is the right thing to do speaks volumes to the effort and the character of these people.

The Hon. the Speaker: I regret to advise the honourable senator that his 15 minutes are up.

Senator Manning: I ask honourable senators to support this industry.

Hon. Lorna Milne: Honourable senators, somewhat to my surprise, I find myself strongly in agreement with what Senator

Manning has been saying. I also want to point out clearly that I support the seal hunt on the East Coast of Canada. I support it strongly. The Liberal caucus supports it strongly. I ask to adjourn this debate for the remainder of my time.

(On motion of Senator Milne, debate adjourned.)

[Translation]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY CURRENT STATE AND FUTURE OF FOREST SECTOR

Hon. Percy Mockler, pursuant to notice of March 25, 2009, moved:

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.

(Motion agreed to.)

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

Hon. Percy Mockler, pursuant to notice of March 25, 2009, moved:

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.

(Motion agreed to.)

(The Senate adjourned to Wednesday, April 1, 2009, at 1:30 p.m.)

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