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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, May 12, 2009

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

Prayers.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Pierre DesRuisseaux, the Poet Laureate of Parliament. On behalf of all senators, I welcome our Poet Laureate to the Senate of Canada.

[English]

Also, honourable senators, I wish to draw your attention to the presence in the gallery of Lieutenant-General Angus Watt, Chief of the Air Staff, and members of the Air Force. They are guests of the Honourable Senator Day.

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

SENATORS' STATEMENTS

AIR FORCE APPRECIATION DAY

Hon. Joseph A. Day: Honourable senators, today we recognize Air Force Appreciation Day on Parliament Hill. I know that honourable senators have all joined with me in welcoming here the men and women in light blue uniforms who represent the Air Force.

• (1405)

I would like to pay particular reference to Lieutenant-General Watt, who will be retiring later this year. I would like to thank him for his service as Chief of the Air Staff during the past few years.

Honourable senators, the celebration of this year's Air Force Appreciation Day is certainly remarkable. Honourable senators will remember that earlier this year several senators rose in the Senate to celebrate Canada's Centennial of Flight. The flight of the Silver Dart at Baddeck in Cape Breton 100 years ago represented unprecedented success in Canadian aviation.

Today, we continue to celebrate Canadian aviation by recognizing the eighty-fifth anniversary of the Royal Canadian Air Force. It was officially formed on April 1, 1924, after Canadian aircrews had served as part of the British Army, Royal Flying Corps and the Royal Navy Air Service during World War I. During the Second World War, the Royal Canadian Air Force

was the fourth largest of the allied air forces, having at its peak an enrolment of over 200,000 personnel compared with today's total Air Force members of approximately 14,000.

It was through great effort, perseverance and bravery that the Canadian Air Force was able to develop into the proud organization that it is today. Today, the Canadian Forces Air Command is an important, integral part of the Canadian Armed Forces. It provides many important services within Canada, including search and rescue operations; military security backup for major events, such as G8 meetings and the Olympics; and the training of NATO personnel.

The Canadian Armed Forces is also very active internationally, including transporting military personnel, equipment and humanitarian supplies to many places throughout the world. It is also active in leading participation in NORAD and NATO missions, including Afghanistan. In fact, Canada's Air Force in Afghanistan recently made headlines with the announcement that two CP-140 Aurora aircraft were deployed on a mission to produce maps for the Joint Task Force Afghanistan. Those maps will be used to help our soldiers. We also are aware of the recent deployment of Chinook and Griffon helicopters in Afghanistan.

This afternoon, between five o'clock and seven o'clock in room 256-S, honourable senators are all welcome to come by and thank the members of the Canadian Air Force who are serving us so well throughout the world.

[Translation]

ELECTRONIC COMMERCE PROTECTION

Hon. Donald H. Oliver: Honourable senators, I am honoured to draw your attention to a new bill that will reduce online crime. This bill will provide much-needed assistance to commerce during this global economic crisis.

[English]

Conservatives believe in standing up for hard-working families and businesses, and protecting them from spammers. That is why Minister of Industry Tony Clement introduced Bill C-27 on April 24. The intention of the proposed legislation is to deter the most dangerous and damaging forms of spam from occurring in Canada and to help drive spammers out of Canada.

Spam and junk emails — as well as unsolicited text and phone messages — are usually just a nuisance. However, in their worst form, they become a dangerous element of cybercrime such as identity crime, phishing, counterfeit websites and spyware. In fact, according to the Canadian Association of Police Boards, "the average citizen is now more likely to be a victim of crime through the Internet than in the street or in their homes." A 2008 Deloitte survey also found that cybercrime is the most significant challenge facing law enforcement organizations in Canada.

Honourable senators, spam now accounts for over 80 per cent of global email traffic and imposes huge risks and costs on individuals and businesses as worldwide online commerce is expected to exceed \$8.75 trillion this year.

• (1410)

This bill will enable us to do four specific things: combat spam; boost confidence in online commerce; provide the authorities with new tools to identify and crack down on spammers; and expand the rights of consumers and businesses to take legal action against them as well.

In a July 2008 *Globe and Mail* article, David Pye wrote that:

Spam is like the new cocaine for some highly organized criminal organizations, which are raking in millions of dollars with legal impunity.

These spammers are, under many courts, criminals. The government is committed to trying to solve this problem and penalize the guilty parties.

A critical component of this bill is that it will allow businesses and consumers to take civil action against anyone who violates the proposed electronic commerce protection act. Offenders could face penalties of up to \$1 million for individuals and \$10 million for all other offenders.

By cracking down on spam and other unsolicited electronic messages, our government is protecting both the privacy of Canadians and the safety of online commerce in these difficult global economic times.

Honourable senators, by introducing this bill, the Government of Canada is delivering on yet another key commitment made by Prime Minister Harper to Canadian businesses and consumers in September last year. When this bill becomes law, Canada will join with other G8 countries in the worldwide fight against spam.

STAND UP FOR MENTAL HEALTH DAY

Hon. Larry W. Campbell: Honourable senators, I rise today to draw your attention to Stand Up for Mental Health Day on Parliament Hill. Mental health is a serious issue in Canadian society, as I am sure senators are well aware. One in five Canadians will face some form of mental illness during his or her lifetime.

In response to the rise in mental illness in our society, many honourable senators will recall the report on mental health of the Standing Senate Committee on Social Affairs, Science and Technology, entitled *Out of the Shadows*. It was highly praised in the medical community for raising awareness of the issues faced by those with mental illness and the health care community trying to help them.

As the former Mayor of Vancouver, I was faced not only with issues such as homelessness and addiction, but the underlying problem of mental illness in many of Vancouver's most vulnerable. Although I was not part of the committee when it studied mental illness, I have certainly had many personal experiences that have helped me to better understand the problems with our system.

One of the ways that the Greater Vancouver area has adapted to help those with mental illness is the Stand Up for Mental Health series. Stand Up for Mental Health teaches stand-up comedy to people with mental illness as a way of building self-esteem and fighting public prejudice, stigma and discrimination. The organization has groups in Vancouver, Chilliwack, Abbotsford, Courtenay, Edmonton, Fort Frances, Guelph, Ottawa and Toronto, with new groups starting in Victoria and Halifax. They are also developing programs for Metis and Inuit communities.

Tonight there will be a reception put on by this group. I realize that mental health and comedy seems to be a strange combination, but when I was the Mayor of Vancouver, I attended one of these events and actually participated in it. I was amazed at the things these people do — sometimes not unlike Question Period in this chamber.

Tonight I am honoured to co-sponsor Stand Up for Mental Health Day on the Hill. Co-sponsors from the other place include Ujjal Dosanjh; Libby Davies; as well as Dr. Colin Carrie, who is parliamentary secretary to Minister Leona Aglukkaq; and representatives from the Mental Health Commission of Canada.

Parliamentarians and staff alike are invited to a performance this evening in room 200 West Block at 6:30 p.m. There will also be a wine and cheese reception with the comics starting at 5:30 p.m., before their performance. I invite one and all to come and see what an amazing performance is put on by this group.

[Translation]

VIA RAIL CANADA

Hon. Pierre Claude Nolin: Honourable senators, in these times of global recession, the Conservative government is investing in infrastructure and creating jobs for many Canadians.

We must also protect the environment and encourage Canadians to use less polluting modes of transportation. I am pleased to have a few minutes to talk to you about an investment that will help us achieve all of those goals.

The Government of Canada recently announced that it would invest in refurbishing and upgrading Canada's passenger rolling stock. VIA Rail currently serves 450 communities across Canada, and its mandate is to provide efficient, environmentally responsible and cost-effective passenger transportation services.

• (1415)

The light, rapid and comfortable (LRC) fleet overhaul, a \$98.9 million contract, will fully renew all 98 of VIA's Canadian-built cars.

The overhaul will not only extend the cars' useful life by up to 20 years, but also reduce their energy requirements by up to 20 per cent, making them more cost-effective and reducing what I am sure senators will agree is already a low environmental footprint.

The \$5.8 million Renaissance rolling stock contract will upgrade 21 cars in the 106-car fleet to improve accessibility for travellers on many trains in the Quebec-Toronto segment of VIA's main corridor and on its overnight Montreal-Halifax train.

Through this investment, the Government of Canada will create about 185 new jobs. Passenger train service will be faster, more frequent and more reliable, and VIA Rail's more efficient and more reliable service will have a positive economic impact across the country.

Honourable senators, I am proud that the government's economic action plan is supporting VIA Rail by investing in improved passenger transportation services. The Government of Canada is creating jobs and helping to protect the environment by encouraging more Canadians to take the train.

[English]

CONSCIENTIOUS OBJECTION

Hon. Nancy Ruth: Honourable senators, the tragedy of the war in Afghanistan reminds us of the need for human beings to find another way to solve their problems and of the pressing need to refuse to resort to arms to impose a solution.

There is a small but persistent group of citizens who have refused to bear arms in wars, and their commitment to peace has been honoured by a long series of Canadian governments over the last two centuries. This practice of conscientious objection now needs a technological update because war is fought not only by men and women but also by investment in high-tech weaponry. Conscientious objectors are now refusing to pay taxes that support war and the killing of combatants and civilians of all ages that is an integral part of war.

In 1981, Senator Eugene Forsey said:

In times of military conscription, exemption from service in the military can be claimed on grounds of conscience, and alternative service is approved. It should be equally possible to claim exemption from taxes intended for war preparation and an alternative provided.

I am speaking in support of the reintroduction into Parliament this Friday of the conscientious objector bill, which would give all Canadians the option of dedicating their taxes solely to peaceful purposes. This law is based on freedom of conscience and religion, freedoms that are enshrined in our Charter of Rights and Freedoms. It is time that the Income Tax Act reflected those rights. It is time that we as a society look more closely at how our taxes support military solutions to human problems. Former U.S. President John F. Kennedy once said:

War will exist until that distant day when the conscientious objector enjoys the same reputation and prestige that the warrior does today.

This law will help to establish that reputation and prestige and counter our warrior mentality. Almost 50 years ago, President Dwight D. Eisenhower, former commander of the Allied Forces in Europe in World War II, said:

Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those

who hunger and are not fed, those who are cold and not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. This is not a way of life at all in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.

His words are just as true today as when they were spoken. Let us take a step to change that. Let us enact the conscientious objector bill.

• (1420)

THE LATE ROBERT GORDON LEE FAIRWEATHER, O.C.

Hon. John D. Wallace: Honourable senators, I wish to acknowledge and pay tribute to a truly unique and wonderful individual who is known to many of us, and who passed away on December 24, 2008. That individual is the late Robert Gordon Lee Fairweather.

Like myself and my family, Gordon and his wife Nancy, resided in the town of Rothesay, New Brunswick. I want to say at the outset that I consider myself fortunate and privileged to have had the opportunity to have known Gordon and to have been able to call him my friend.

As many of you know, Gordon had a long and distinguished career as a politician and as a pioneering champion of human rights in this country. Following graduation from the Faculty of Law at the University of New Brunswick, he was elected to the New Brunswick legislature from 1952 to 1962. Within that period, he served as the province's Attorney General.

In 1962, he was elected to the House of Commons as a member of the Progressive Conservative Party of Canada where he faithfully represented the riding of Fundy Royal until 1977, at which time he was appointed by Prime Minister Trudeau as first Chief Commissioner of the newly established Canadian Human Rights Commission. As head of this commission from 1977 to 1987, his achievements in protecting the rights of women, people with disabilities, Aboriginal peoples and members of visible minorities had a profound influence on Canadian society.

From 1987 to 1992, Gordon was appointed Chairman of the Immigration and Review Board. In 1984, 1985 and 1986, he led the Canadian delegation at the United Nations Human Rights Commission in Geneva. He was also an election observer in Zimbabwe, El Salvador, Guatemala and Malaysia.

Along the way, he also received honorary degrees from a number of universities and was made an Officer of the Order of Canada and received the Order of New Brunswick.

Needless to say, for all of us who knew him, Gordon had a strong sense of social justice and human decency. As he demonstrated on many occasions, he was not afraid to stand

[Senator Nolin]

alone for what he knew to be right. He was a person of great moral courage. He was compassionate, totally unselfish and unpretentious, and without exception, treated everyone, from all walks of life, with dignity and respect.

As a person of strong faith, he was a devoted and highly respected member of our congregation at St. Paul's Anglican Church in Rothesay.

On Monday of last week, a memorial service was held for Gordon at the Church of St. John the Evangelist in Ottawa. It was attended by many former friends and colleagues from New Brunswick and elsewhere across the country, and of course, by his sons Michael and Hugh, and his daughter Wendy. A number of glowing tributes were paid to Gordon during the service, but none was more moving than the wonderful memories shared by Michael of his father and mother and their family lives together.

Gordon was truly one of a kind. I can say with all honesty and sincerity that there is no one who better represents the personal qualities and virtues that each of us should always aspire to, than the late Robert Gordon Lee Fairweather.

[Translation]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of the Honourable Senator Roberto Formigoni, a member of the Senate of the Republic of Italy and President of the Lombardi region in Italy.

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

ROUTINE PROCEEDINGS

COMMISSIONER OF LOBBYING

KAREN E. SHEPHERD—CERTIFICATE OF
NOMINATION AND BIOGRAPHICAL NOTES TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the certificate of nomination and biographical notes of Karen E. Shepherd, the proposed candidate for the office of Commissioner of Lobbying.

[English]

AUDITOR GENERAL

SPRING 2009 REPORT TABLED

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

• (1425)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Donald H. Oliver: Honourable senators, I have the honour to present the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament, which deals with the notice provisions for questions of privilege.

(For text of report, see today's Journals of the Senate, p. 669.)

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

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

[Translation]

THE SENATE

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO HEAR REPRESENTATIVES OF ABORIGINAL COMMUNITY

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

That at 3 o'clock p.m. on Tuesday, June 2, 2009, the Senate resolve itself into a Committee of the Whole in order to hear from the President of the Inuit Tapiriit Kanatami, for the purpose of reporting on progress made on commitments endorsed by parliamentarians of both Chambers during the year following the Government's apology to former students of Indian Residential Schools.

[English]

ROYAL CANADIAN MOUNTED POLICE SUPERANNUATION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-18, An Act to amend the Royal Canadian Mounted Police Superannuation Act, to validate certain calculations and to amend other Acts.

(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.)

CANADA PENSION PLAN

BILL TO AMEND—LEGAL OPINION
FROM HEENAN BLAIKIE, DATED DECEMBER 4, 2008—
DOCUMENT TABLED

Leave having been given to revert to Tabling of Documents:

Hon. Catherine S. Callbeck: Honourable senators, I ask for leave to table a document relevant to Bill S-234, which I introduced last Wednesday. It is a legal opinion written by the law firm of Heenan Blaikie about the legislation. It is in both official languages.

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

Hon. Senators: Agreed.

[Translation]

GOVERNANCE OF CANADIAN BUSINESSES EMERGENCY BILL

FIRST READING

Hon. Céline Hervieux-Payette presented Bill S-235, An Act to provide the means to rationalize the governance of Canadian businesses during the period of national emergency resulting from the global financial crisis that is undermining Canada's economic stability.

(Bill read first time.)

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

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

• (1430)

[English]

QUESTION PERIOD

HUMAN RESOURCES AND SKILLS DEVELOPMENT

JOB CREATION

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

Over 100 days ago, the government announced its \$4 billion Infrastructure Stimulus Fund and claimed at that time that the stimulus package would create 190,000 new jobs. The government released its job numbers this week. Can the leader please tell us exactly how many new jobs have been created by the Infrastructure Stimulus Fund?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I saw the report of the job figures last Friday. It is encouraging that, unlike what most economists and people had predicted, the unemployment rate remains stable and 36,000 jobs were added. However, I hasten to add that we are still in difficult economic conditions. As in all recessions, but this one in particular, which is a worldwide economic recession, we will probably see difficult job numbers over the next while.

Having said that, with regard to the economic stimulus package, the government has been working hard with our partners in the provinces and municipalities. I believe that the economic stimulus package will create a significant number of jobs, as predicted. I expect that when the government releases its update to Parliament, as requested by the opposition, significant information in that report will highlight where these projects are and the jobs that are created from the projects.

Senator Cowan: Honourable senators, I take the answer to be that the minister does not know how many jobs have been created under the stimulus plan.

Senator LeBreton: I dare say, Senator Cowan, that with all of the information that we have on the economy, listening to experts all over the world, on both sides of the border —

Senator Mercer: You are right; she does not know.

Senator LeBreton: I dare say it would be difficult. However, I will say, Senator Cowan, that I was disappointed with some of the opposition and media reaction to the jobs that were created. These are jobs where people have gone into the self-employed area. There is a notion that, because these jobs involved self-employment, somehow they are less-than-worthy jobs.

There is significant evidence now, from what one hears and reads, that many people, because of the economic situation and the downturn, have used the opportunity, especially when they worked in industries where their job was lost, to do something they had been planning to do for some time, which is to start their own business and work as a self-employed Canadian. That situation bodes well, because those self-employment jobs are good jobs, like all other jobs.

Senator Cowan: I thank the leader for confirming that the government does not know how many jobs have been created under its plan.

The leader spoke about the excellent cooperation and how hard the government is working with its partners, the municipalities and the provinces. Can the leader explain to this house exactly how the government expects to determine how many jobs have been created, when the application form that they have asked the provinces and municipalities to complete contains no question as to the estimate of the number of jobs that those projects will create?

• (1435)

Senator LeBreton: Honourable senators, in the process of getting stimulus money out quickly, the government worked hard to eliminate the paperwork and the red tape. I will not accept the honourable senator's premise that jobs will not be created by this package. I believe they will.

In any project, such as a major construction project in a given area, a certain number of jobs will be created on the project, but related jobs will also be created to supply the project. Therefore, we should wait for the report to Parliament in June. Let us see these stimulus dollars take hold before we get into wild predictions about how many jobs were or were not created.

Senator Cowan: I point out to the leader that these were not my predictions. I am simply quoting the government's predictions about the number of jobs created.

I fail to understand why the government would make the promise of 190,000 jobs without even asking their partners in the municipalities and the provinces how many jobs would be created by the projects it is pushing forward. If they are so interested in cooperating with the provinces, why would the Minister of National Revenue yesterday blame the provincial government in Quebec for its failure to get shovel-ready projects ready? Is that evidence of the kind of cooperation that this government foresees in ensuring that these much-needed jobs are brought forward?

Senator Mitchell: So much for cooperation.

Senator LeBreton: I am not aware of the comments of my colleague, but I can tell the honourable senator that there has been a great deal of cooperation between the federal, provincial, territorial and municipal governments across the country.

Obviously, the proof will be there when the government makes its report to Parliament as requested by the opposition. We will be in a better position to see where these projects stand. I am sure that economists and people who can factor in the trickle-down effect of major construction projects will know how many jobs are created by an event and how many jobs are created as a result of the projects that have been approved.

ENVIRONMENT

GOVERNMENT APPOINTMENTS

Hon. Grant Mitchell: Honourable senators, I got my hopes up last week when it appeared that the government had made a strong commitment to establishing absolute caps under a cap-and-trade regime on coal-fired electrical plants in Canada. I should have known better. I got ahead of myself because then the government turned around and appointed yet a third climate change denier to a key position on a key scientific research funding body.

Why would anyone believe that this government is truly committed to a strong, legitimate cap-and-trade regime on any kind of large final emitter when they turn around and continually appoint climate change science deniers to key scientific funding boards?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, first, the honourable senator said that he always gets his hopes up, but I always get my hopes up that he will ask questions in a reasonable and friendly manner.

Senator Comeau: Not a chance.

Senator Mercer: No hard feelings.

Senator LeBreton: Hope springs eternal, I guess.

The fact is that all appointments made by the government are given to people who are competent and well positioned to serve. We do not make appointments unless individuals are qualified, and the appointees come from all walks of life and all political parties.

GREENHOUSE GAS EMISSIONS

Hon. Grant Mitchell: Honourable senators, given that the government has announced caps on coal-fired electrical plants, does it have any plans to announce caps on all the other large final emitters, which would be a critical step to begin to deal with climate change policy in this country?

• (1440)

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, the government, under Minister Prentice, has a plan, which was not the case with the previous government. Our target is 20 per cent by 2020, which is among the most stringent standards in the world. We are committed to leading the development of a plan to reduce greenhouse gas emissions and to protect and conserve our environment.

As I have said in answer to previous questions, in February our government established with the United States administration, the clean energy dialogue that will cooperate on several critical energy, science and technology issues in order to reach our goal of 20 per cent by 2020.

Senator Mitchell: Honourable senators, the standards that the leader says her government has established are absolutely not the most stringent in the world. In fact, they are not even the most stringent in North America.

Could the minister please table documents that would support her contention that the objective of 20 per cent by 2020 is in fact the strongest in the world? It will take her a very long time to find documents to support that statement.

Senator LeBreton: Honourable senators, it is our belief that 20 per cent by 2020 is among the strongest standards in the world. Minister Prentice will publish a comprehensive set of regulations dealing with the limitation and pricing of carbon across various industrial sectors. As I mentioned a moment ago, he has been working with his American counterpart. He is preparing for the meetings in Copenhagen in December. It is his plan to publish this comprehensive set of regulations in the fall.

CANADIAN HERITAGE

CANADA MEDIA FUND

Hon. Lorna Milne: Honourable senators, on March 9, it was announced that the Canadian Television Fund and the Canadian New Media Fund will be combined to form the Canadian Media Fund, CMF. In that announcement it was said that in order to

access this new fund, future documentary producers will have to somehow prove that financing is not available in the market, a qualification that would not apply to the drama or comedy genres. This requirement creates an undue, unreasonable and unfair barrier to accessing this fund.

Will the Leader of the Government in the Senate explain why one of Canada's most recognized and critically acclaimed genres is being relegated to a second-class position?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I do not know to whom the honourable senator is referring as being relegated to a second-class citizen.

The new Canada Media Fund is an investment of \$310 million over two years. The CBC, CTV and Videotron all supported this initiative. The honourable senator will have to tell me to whom she is referring.

Senator Milne: I would be delighted to tell the leader to whom I refer. I certainly do not refer to the CBC.

While I thank the leader for the answer, it will come as cold comfort to Canadian documentary producers such as Kevin McMahon and Mark Achbar.

According to the announcement, broadcasters will be allowed to access the fund for their own in-house productions, including the CBC. As a result, independent producers, who create the majority of Canadian TV content and employ the majority of Canadian talent, will have to compete for limited funds with Canada's largest media companies. This public fund was intended to strengthen the production industry, not to add to the bottom line of broadcasters and cable companies.

I ask the Leader of the Government in the Senate again: Why are these independent producers, these small business owners across Canada, being placed at risk in order to benefit Canada's largest media companies?

Senator LeBreton: I do not believe that was the intent, honourable senators. I cannot comment specifically on individual cases or on what the circumstances were in the past. However, I will make inquiries about the two individuals about whom the honourable senator speaks and provide the honourable senator with an answer.

• (1445)

Obviously, in all of these cases, under any government policy of any government, there will always be people who either support or object to it. I do not know the circumstances with regard to these two individuals, but I will take the honourable senator's question as notice.

INFORMATION COMMISSIONER

ACCESS TO INFORMATION

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate.

[Senator Milne]

May 3 was World Press Freedom Day, a day when the vital role of the free press is acknowledged and celebrated as an essential component of democracy, yet this government seems somewhat tardy when supplying information.

When asked to supply information about government programs and policies, this government drags its feet. While the average response time under freedom of information laws around the world is approximately two weeks, in Canada the response time can stretch for weeks if not months.

Will the Leader of the Government in the Senate please tell us how this government is reforming itself to provide timely access to information?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I have answered that question many times in the past. As the honourable senator knows, under the Access to Information Act, access was expanded to bring in 69 more organizations. The government bureaucracy has been working hard. Access to information requests are not funnelled through ministers' offices. Ministers' offices do not have any role to play in access requests.

I believe that I tabled a written answer last year as a result of a question on this subject, and I will be happy to dig it up and provide it to the honourable senator.

[Translation]

HEALTH

SHORTAGE OF HEALTH PROFESSIONALS

Hon. Lucie Pépin: Honourable senators, the Canadian Nurses Association estimates that in 10 years there will be a shortage of 60,000 nurses compared to the current shortage of 11,000. Canadians are already affected by the nursing shortage, which affects the working conditions of caregivers.

We cannot and must not allow this shortage to worsen. Will the Leader of the Government in the Senate assure us that our government is taking the nursing shortage seriously — a shortage that is already having significant repercussions on health care?

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, This issue is serious, namely the shortage of nurses and doctors in our system; it was something we saw in the Social Affairs Committee health study chaired by Senator Kirby.

The hiring and retention of health professionals, including doctors and nurses, is under the purview of the provinces. Having said that, our government will support health care by transferring a record \$24 billion this year to our partners at the provincial and territorial levels.

There is some positive movement in that issue. As we know, our community colleges and universities have increased the number of people in the health care area. Hopefully, we will not be in that situation where, in the early 1990s, colleges and universities pulled back on the training of doctors and nurses. We will eventually turn that situation around.

This problem is serious. Hopefully, the \$24 billion that the federal government is transferring to the provinces and territories will go some way to remedying this serious situation.

[Translation]

Senator Pépin: I hope it is true that the government will transfer a significant amount of money. I just attended a nursing convention and I can assure you that absolutely nothing has changed because there has been no indication that these funds are about to be transferred.

• (1450)

I realize that this is a provincial matter. However, the federal government has the power to revitalize the nursing profession. It could increase the number of students by providing bursaries and tax credits to cover a portion of tuition fees. It could also increase the capacity of universities and that seems to be the intention behind the money it plans to invest. It could also work with the provinces, as we hope it will, and, as you mentioned, increase registration at nursing schools.

There is no shortage of opportunities for action. So, why is the federal government waiting and hesitating to take the necessary measures to increase the number of nurses and provide Canadians with the care they deserve?

I can assure you that, at present, the nursing associations I met with were not aware that the federal government wishes to invest large amounts of money to that end.

[English]

Senator LeBreton: Honourable senators, Minister Aglukkaq announced nearly \$4.2 million over three years to the Canadian Federation of Nurses Unions to help retain and recruit nurses, as well as find ways to improve the quality of work life. Minister Aglukkaq made that announcement in March and that is not all.

In Budget 2009, \$50 million was provided over two years to develop a national foreign credentials recognition framework in partnership with the provinces and territories, which will help health care workers from other countries obtain Canadian recognition so they can help alleviate the situation.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed response to an oral question raised by Senator Jaffer on March 10, 2009, concerning international trade, social responsibility of Canadian corporations overseas.

INTERNATIONAL TRADE

SOCIAL AND CORPORATE RESPONSIBILITY OVERSEAS

(Response to question raised by Hon. Mobina S.B. Jaffer on March 10, 2009)

As Prime Minister Harper noted in Tanzania in November 2007, the government encourages and expects Canadian companies to meet high corporate social responsibility standards. The Prime Minister acknowledged that Canadian investment in the extractive sector abroad can result in a win-win outcome both for the economy of Canada and those of resource-rich developing countries, but that the extractive sector faces unique challenges in operating in complex situations abroad.

With regard to the Honourable Senator's question on corporate social responsibility criteria for Canadian companies operating abroad, the government was pleased to table its new policy, *Building the Canadian Advantage: A Corporate Social Responsibility (CSR) Strategy for the Canadian International Extractive Sector* in the House on March 26, 2009. The new strategy was informed by consultations undertaken with a number of stakeholders, including the *National Roundtables on Corporate Social Responsibility and the Canadian Extractive Sector in Developing Countries*, as well as recommendations raised by the former Standing Committee on Foreign Affairs and International Trade.

Elements of the CSR Strategy include:

- Creating a new Office of the Extractive Sector Corporate Social Responsibility Counsellor to assist in resolving social and environmental issues relating to Canadian companies operating abroad in this field. A competency-based selection process will be launched shortly to identify qualified candidates for this position.
- Supporting a new CSR Centre of Excellence to be established outside government by the Canadian Institute of Mining, Metallurgy and Petroleum as a one-stop shop to provide information for companies, non-governmental organizations and others.
- Continuing Canadian International Development Agency assistance for foreign governments to develop their capacity to manage natural resource development in a sustainable and responsible manner.
- Promoting internationally-recognized, voluntary corporate social responsibility performance and reporting guidelines

Building the Canadian Advantage will improve the competitive advantage of Canadian international extractive sector companies by enhancing their ability to manage social and environmental risks.

[English]

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, before calling Orders of the Day, I should like to deal with a point of order.

On May 6, at the end of Question Period, Senator Poulin rose on a point of order respecting a senator's statement made earlier in the sitting. She felt that it had been excessively partisan. While recognizing that senators have party affiliations, Senator Poulin referred to rule 22(4) in urging that Senators' Statements be used to raise issues of general public interest, including outstanding accomplishments by Canadians.

[Translation]

In response, Senator Comeau suggested that the statement had been broadly in line with others made recently, reflecting the undeniable fact that the Senate is a political forum. Several other senators then spoke on both sides of the matter before the Chair took the issue under advisement.

[English]

Honourable senators, the conduct and the substance of Senators' Statements have been explored in several recent rulings. The issue of order and decorum during Question Period, which is also relevant to this subject, has also been addressed on a number of occasions.

Under rule 22(4), senators can:

... without notice, raise matters they consider need to be brought to the urgent attention of the Senate. ... which are of public consequence and for which the rules and the practices of the Senate provide no immediate means of bringing. ... to the attention of the Senate.

The rule makes clear that, in making a statement:

... a senator shall not anticipate consideration of any Order of the Day and shall be bound by the usual rules governing the propriety of debate. Matters raised during this period shall not be subject to debate.

[Translation]

Since Senators' Statements is a time-limited portion of the sitting, practice has been to avoid points of order at this stage. Therefore, as noted in a ruling of May 7, 2008, "Senators must, usually, rely on their own understanding of the appropriate matters for statements. This is evident from the rule itself, which states that Senators may raise matters that 'they consider' to be urgent."

[English]

While honourable senators have considerable freedom in framing their statements, they should always be guided by the customs and the practices that we value and that contribute to the distinctive atmosphere of this house. The tradition here

is that senators themselves are to a great extent responsible for maintaining order. In practice, the Senate is largely self-regulating, and Speakers have been careful not to be too interventionist.

Precisely because the Senate operates in this way, it functions best when business proceeds in a courteous and dignified manner appropriate to the chamber of sober second thought. I again emphasize this point, and again urge all honourable senators to reflect on the manner in which we conduct ourselves. Let us preserve the useful exchange of ideas that has been the tradition and indeed the distinguishing feature of this institution. We can contribute to this goal by avoiding deliberately provocative remarks, thus better serving all honourable senators.

Senator Munson: Let us all get along, okay?

Senator Stratton: I will remember that.

ORDERS OF THE DAY

ARCTIC WATERS POLLUTION PREVENTION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order

Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Tkachuk, for the second reading of Bill C-3, An Act to amend the Arctic Waters Pollution Prevention Act.

Hon. Bill Rompkey: Honourable senators, I want to say a few words about this bill because it is a bill that I will support and I think many others will as well. However, there are things that need to be said.

I listened carefully to Senator Lang's comments, and I want to associate myself with much of what he said. I am glad there is someone from the North sponsoring the bill and who has some real experience of living and working there.

I want to pick up on a couple of points that Senator Lang made. He said:

In the past, Northerners have seen federal governments come and go. Far too often, lip service was given to the needs of the North during the course of national elections.

I think that is true, and I think both parties are perhaps guilty of that. Now is the time for action. I hope that we will see more than simply lip service to this initiative.

The honourable senator went on to say that it was important as a "symbolic piece of legislation." I hope we do not just leave it there and let it be a symbolic piece of legislation.

• (1500)

Therein lie the caveats that we have to apply. It is fine to have a law, but we must be able to enforce that law. The law does not mean much unless we can somehow enforce it and show that we are prepared to enforce it, and I think therein lies the weakness, not in this particular bill, but in policy at the present time.

The bill amends the definition of Arctic waters in the Arctic Waters Pollution Prevention Act, and it extends those waters from 100 nautical miles to 200 nautical miles, and let the record show that Senator Angus thinks that this amendment is a good thing.

Thank you for that intervention, senator. Does the honourable senator want to speak on the bill? Let the record show that Senator Angus wants to participate in the debate and is now participating in the debate but not eating into my time. None of my time is affected by Senator Angus' intervention, honourable senators.

Now Senator Meighen wants to participate in the debate. Does Senator Meighen want to debate Senator Angus? It is not my time; it is your time.

Anyhow, they want to extend the area from 100 miles to 200 miles, and I remind honourable senators that this piece of legislation was brought in by Prime Minister Trudeau when he was Prime Minister of the country. It was in response, I think, to the *Manhattan* voyage through the Northwest Passage, and both governments have taken even-handed positions, shall we say, as to the transit of American ships through the Arctic. That is how this act came about.

Senator Lang said that the potential for resource extraction in the area is thought to be approximately 14.7 billion barrels of oil and approximately 433 trillion cubic feet of gas. The main point is that there are untapped resources in the Arctic and people will go there, as I said a few days ago, not to look at the polar bears and not to fish and see the scenery. A number of countries including our own want to exploit the resources there. However, that is our territory. It is not the preserve of other countries.

I return to my first point that if we are to make the Arctic ours, we have to be there with a presence that is able to enforce this particular law. The resources are there. What if those resources are exploited and there is an oil spill? Are we able to do anything about that situation? We have an act; we have a law, but can we enforce that law? Where is the evidence? Caches of equipment are spread throughout the Arctic to deal with this enforcement, but is there a strategy? Is there anyone up there who knows what to do with those caches and can do something effectively? I think the answer is no. That answer was confirmed for me by officials from Transport Canada.

We do not have an adequate presence in the Arctic for oil spills, search and rescue or surveillance, and we must. We must move our administration, our role in the Arctic, closer to the Arctic.

We were amazed, for example, to learn that the Canadian Coast Guard in Iqaluit reports to Sarnia, Ontario. That situation might have been a good idea in the 19th century; it might even have been

a good idea in the 20th century; and God bless Sarnia, Ontario, but it does not make sense to have the Canadian Coast Guard in the Eastern Arctic reporting to Sarnia, Ontario. I bring that kind of evidence to honourable senators when I say we must get serious about having an effective Canadian presence in the Arctic.

In search and rescue, we heard testimony about what happens if a plane goes down in the Arctic now. The testimony was not about this particular bill but it is relevant, I believe. John Amagoalik, who is known as the Father of Nunavut, was in a plane crash in the middle of winter, in the Arctic. The fixed wing aircraft located him but could do nothing about it until a helicopter came from Trenton, Ontario. They would have had to stop and refuel in Goose Bay. The fact is, we need those resources in the Arctic to do the job we want to do.

Senator Lang talked about how the strategy of the government is based on four pillars. First is northern economic development. That is true. We have to make the point that if we are talking about northern economic development, we have to acknowledge first the people who live there: the Inuit. They have lived there for thousands of years and have harvested the resources, both on land and on water, for thousands of years. They must be involved in economic development. They must be full partners in developing the economy.

A number of the recommendations that have been made for developing that economy have not been fulfilled. For example, seven wharves were recommended for Nunavut. Not one has been built yet. One for Pangnirtung has been promised, and I think money has been allocated for it. Those of us who come from the Atlantic area were amazed when we went to Nunavut. Each of us represents communities in Atlantic that have wharfs and breakwaters. These wharves and breakwaters are a given. Our job as representatives here in Ottawa is to see they are repaired and kept in shape, not built. They are there in the Atlantic but there is not one in Nunavut.

If the Inuit are to take part in economic development in the 21st century, we have to build these sorts of things.

Senator Lang said that as most northern communities are not linked to the South by roads or rail, and many communities rely on ships, there is concern about the effects of pollution on the vulnerable Arctic waters, foreseeing the increased amount of traffic over the summer months.

He mentioned in passing that most northern communities are not linked by road. One sub-Arctic community is linked by road to the rest of Canada, and that is Goose Bay, Labrador, a day and half steam from Iqaluit. There is unused infrastructure, post Second World War, in the airport at Goose Bay. The Government of Canada spent something like \$20 million in the past two years to fix up that equipment. The equipment, the port and the airport are there. Goose Bay is a day and a half steam from Iqaluit and is close in terms of providing search and rescue. This is something that can be done to give effect to our presence in the Arctic.

I think those points are the main ones, honourable senators. This bill is a good one. This idea is good. However, the idea is good only if we are prepared to put our money where our mouth

is and take the necessary action to put into place the means in the Arctic and the presence in the Arctic to give teeth to this bill. Otherwise, the bill will be symbolic, as Senator Lang mentioned at the beginning. I know he does not want that situation, nor do I, and I hope we can pursue this issue so we do not simply have a 200-mile limit but we have a 200-mile limit that is enforceable.

(On motion of Senator Fraser, debate adjourned.)

• (1510)

HUMAN PATHOGENS AND TOXINS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Nicole Eaton moved second reading of Bill C-11, An Act to promote safety and security with respect to human pathogens and toxins.

She said: Honourable senators, I stand before you today determined and pleased to support the passage of Bill C-11, and the welcome and critical legislation it proposes.

Originally drafted in late 2007 and early 2008, Bill C-11 was tabled in February of this year, one of the first pieces of legislation in the Second Session of the Fortieth Parliament. It was reviewed by the House of Commons Standing Committee on Health in March and is progressing well through Parliament.

The bill is before us for our sober consideration in the Senate. The purpose of the bill is to ensure that the Government of Canada can track who is working with which human pathogens and toxins, and where those substances are. Further, it requires the security screening of people dealing with the most dangerous of these agents.

In my opinion, the legislation is urgently required to close serious gaps in our biosafety and biosecurity framework.

In the drafting of this legislation, the Minister of Health consulted across the disciplines, across the country and even across international borders to ensure the focus and the fairness of its provisions. Among the many outstanding contributors to the process were the Members for Parliament for St. Paul's and for Winnipeg North. Both worked diligently and tirelessly to ensure the bill meets the needs head on.

The aim of the bill is not to impose any unnecessary burden on either laboratories or governments; its aim is to protect the public. The twin concerns of our government in tabling this legislation are safety and security. To ensure both, the government will move ahead with new regulations to protect Canadians against the many risks posed by human pathogens and toxins. Without doubt, the legislative and regulatory measures proposed in the bill are reasonable and necessary for the welfare of our society.

A human pathogen is a bacterium, virus or other micro-organism that makes humans ill or kills them. A toxin is a substance produced by or derived from a micro-organism. Human pathogens include names we know all too well: salmonella, listeria, SARS and anthrax among them. They also include the H1N1 influenza virus that is so much on our minds today. Toxins include those related to cholera, diphtheria and tetanus.

What all of these agents have in common is that they are dangerous to the health of humans, yet pathogens and toxins are used routinely in medical research into the nature of human disease; in the pharmaceutical industry for development of new drugs; in the academic community for the training of doctors, nurses and biologists; and, of course, at hospitals, clinics and laboratories for the diagnosis of disease.

Human pathogens are grouped according to their risk factors related to human health. The most dangerous human pathogens — Risk Group 4 — spread quickly and have a devastating effect. Once ingested, these pathogens offer the victim very limited options. Ebola is a good example of a Risk Group 4.

In Risk Group 3 are those pathogens with high risk to individuals, a low risk of contagion and some treatment options for sufferers. They include yellow fever, tuberculosis and Creutzfeldt-Jakob disease.

Risk Group 2, with names such as listeria, legionnaires' disease and influenza, have moderate risk to individuals, low risk to the community and usually a variety of treatment options. While many strains of influenza fall into this group, the severity of H1N1 puts it in Risk Group 3. That is so extra precautions may be taken when dealing with H1N1 in the laboratory, at least until the level of risk associated with it is better understood.

This bill has a simple objective: that every person carrying on activities with these dangerous agents can and must do so in a safe manner.

That objective has a precedent. Almost 20 years ago, laboratory safety guidelines were published to guide the handling of biological substances across the country. Unfortunately, only half of the laboratories in Canada are required to follow this national safety standard. Bill C-11 closes that gap by making reasonable demands on the conduct of those using toxins and pathogens in their work, right across the country.

At last, there will be uniform, mandatory standards for the production, storage, handling, disposal and transfer of pathogens and toxins in Canada.

As a foundation, all persons in Canada dealing with human pathogens and toxins will have to follow the laboratory safety guidelines. This provision is the most logical way to detail the required practices. Laboratories that already follow the guidelines will see little or no impact on their operations. Those who have not will be given both time and the guidance to do so.

Honourable senators, I note that when the house committee worked with the bill, 12 prudent amendments were suggested to strengthen and clarify many of the important provisions. These amendments appear in the legislation now before us and attest to the collegial environment in which this bill was created.

For example, clauses 9 and 10 now require the minister to establish and consult a scientific advisory committee whenever any changes to Schedules 1 through 5 are proposed. That means that moving a pathogen on or off the schedule must be done with scientific input.

Clause 12 now clarifies that reporting on releases of human pathogens and toxins does not apply to simple spills in the laboratory. It applies only to releases that actually result in these agents escaping and threatening public health.

Clause 33 no longer requires security screening for persons working with Risk Group 2 pathogens, such as salmonella, while retaining the requirement for those in higher risk groups.

Clauses 38 and 39 now clarify privacy protections in the wake of suggestions made by the Office of the Privacy Commissioner.

Clauses 53, 56 and 59 now feature reduced penalties for contraventions with Risk Group 2 human pathogens. Therefore, now — except for egregious offenses — there is no possibility of prison for a first offence involving human pathogens in this group. This amendment lends greater balance to the bill and will allow medical professionals and researchers working with more common diseases to work freely and continuously.

Finally, clause 66 provides additional security of any regulations that will be put forward following the upcoming consultations about the program and regulatory framework.

Honourable senators, this brings me to an important point. I agree with others that Bill C-11 should be thought of as the foundation and the frame of a house. With these in place, the work of deciding what fixtures and furniture might be required can be part of a separate conversation. Once the new act receives Royal Assent, new obligations and prohibitions will come into force. However, while there will be a requirement to provide certain information to the Minister of Health, there will be no need for a licence under the program in this first phase of implementation.

In phase two, provinces, territories and stakeholders throughout the country will be consulted to develop the program and regulation framework. These are the “fixtures and furniture” to which I referred. Consultations will cover licensing, security screening, inventories and the role and responsibilities of biological safety officers. I emphasize here that only with the bill passed can we move forward to this critical phase of consultation.

In the third and final phase, the rest of the new act and the regulations that accompany it will come into force. There will be ample time for stakeholders to understand and make any necessary changes so that they can follow the act and regulations in the course of their everyday work.

• (1520)

I appreciate that this legislation has a defined focus and precise scope. It calls for prudence in the acquisition, transportation, handling and disposal of pathogens and toxins, but it in no way interferes with the urgent and necessary research into cures and treatments for the diseases that sap our energy and take our lives. This bill wisely seeks to strengthen our system without restricting those who care for our health. This bill is about biosafety and biosecurity; it will not question or hamper research.

Only four months from today, honourable senators, students will head back to colleges and universities across our country. Tens of thousands of these students will be taking courses requiring that they study in laboratories where high concentrations of Risk Group 2 and even Risk Group 3 pathogens are found.

Because many of these facilities do not import human pathogen toxins, they are not yet required to follow the laboratory biosafety guidelines. While many follow them on a voluntary basis, particularly in larger institutions, the level of compliance in small labs is completely unknown. We owe it to our students to ensure that as they interact with containers of salmonella, listeria and dozens of substances, there are at least basic biosafety guidelines in place to protect them.

That is a clear and present example of the immediate practical benefit of passing this bill. Beyond that, a demonstration of our government's wisdom and vision will give our citizens a measure of comfort and confidence as we move through the summer and into the fall with the looming threat of an influenza pandemic still on our minds.

This is sound legislation; this is prudent thinking; this is the Canadian consultative process at its very best. I am honoured to support Bill C-11, and I invite and urge my colleagues in the Senate to stand beside me and ensure swift passage of a bill on which the safety and security of Canadians depends.

(On motion of Senator Fraser, debate adjourned.)

TRANSPORTATION OF DANGEROUS GOODS ACT, 1992

BILL TO AMEND—THIRD REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Transport and Communications (Bill C-9, An Act to amend the Transportation of Dangerous Goods Act, 1992, with an amendment), presented in the Senate on May 7, 2009.

Hon. John D. Wallace moved the adoption of the report.

He said: As honourable senators may recall, the objectives of Bill C-9 in relation to the transportation of dangerous goods are to amend and improve the provisions of the act related to the issues of safety and, as well, to provide new security requirements that relate to the transportation of dangerous goods.

The timeliness of enacting these provisions is important for two reasons. As we all know, the Vancouver Olympics are coming up in 2010, and it is critically important that we have the security provisions in place well in advance. As well, it is important for the purpose of maintaining proper trade relations with our partners, in particular, with the United States.

The other point I would mention is that the bill has been made subject to an amendment proposed by Senator Mercer. I thank him for that amendment. It certainly is an improvement over the bill as it existed prior to that point. Essentially, the amendment was to clarify the role of the Senate committee's review of any future regulations that may be enacted under the act.

As well, I would like to take a moment to thank the chair of the committee, Senator Bacon, for all of her cooperative efforts in expediting the movement of the bill through the committee. It was very much appreciated.

The Hon. the Speaker *pro tempore*: Further debate?

Are honourable senators ready for the question?

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

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

Senator Wallace: With leave, honourable senators, I respectfully move that Bill C-9, as amended, be read the third time now.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

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

LIBRARY AND ARCHIVES OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

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. Hugh Segal: Honourable senators, I rise in response to Bill S-201, proposed by my colleague Senator Grafstein. I want to express my gratitude to Senator Grafstein for the eloquence of his presentation on this issue and his proposal, now in legislation, that the national portrait gallery be located at 100 Wellington Street here in Ottawa and that the process go forward.

Honourable senators, I do not want to sound partisan after the advice and counsel given to us by the Speaker, nor would I want to imply in the smallest of ways that those of us on this side of the aisle have a different view of government and how it should serve the public than our friends on the other side. However, I think it would be realistic to say that over 130 years of history, some differences have evolved.

One of the differences that I think is apparent is the fixation with Ottawa. Our friends in Quebec would refer to this as le centralisme dominateur. It is a grand tradition that actually goes back to Lord Durham, to a view of the world that says, in essence, that we are all dependent upon central institutions located in this great munificent city and that our national identity is, at some level, put at risk if we do not continue that endless focus on the importance of this city above all others.

I do not view that tradition in any negative way. I respect it as a view that is held on the other side. However, I have designated Kingston—Frontenac—Leeds as my senatorial district. Kingston views itself as Canada's first capital, as it was. I look at Senator Fraser, who comes from Montreal, which was also a capital of Canada at some point in its history. I look at the great regional mix of populations for whom cities like Regina, Victoria, St. John's and Fredericton have significance importance. Do we want to buy into the notion that unless it is ensconced in a federal building located in Ottawa, it is of no great value? Do we want to take a slightly more pan-Canadian view of what our institutions are and how they should be of service to our fellow Canadians from coast to coast? I put those questions to my honourable friend without any partisan malice because it is a huge difference of opinion. It is a fundamental bias in perspective that separates some of our friends on the other side from the vast majority of us, and getting bigger every day, on this side.

• (1530)

Every single Canadian wants to have access to the portrait collection, as they should, but here is the question: Should they all have to come here to access the portrait collection, or should we be working to bring their portrait collection to them in parts of the country where Canadians pay as much tax and where they are as loyal and committed to our national institutions as are the good people of this great city? The view on this side is that it is a mistake to have all of our great cultural treasures in one building.

While colleagues across the way might not be troubled by the notion of housing the Portrait Gallery of Canada in the former American Embassy, I, as a nationalist, would be troubled by that. A national portrait gallery is available on a website that young people and students across the country can access. I went through parts of the wonderful Karsh exhibit online today, as kids can do across this country. Not all those kids can travel to Ottawa. Where would we be if we took the view that one can study certain things only in certain places even though they are part of our national, cultural treasures?

I am reminded of a wonderful question asked by Walter Lippman, a great Liberal columnist, who should be part of the great panoply of imperial forces of liberalism on the other side. I am sure that in Senator Grafstein's office, where every other Liberal has been hung for everyone to see, Walter Lippman is somewhere on that wall. In 1948, he said:

Suppose that a lover of literature had to go to London to read Hamlet, to Paris to read Macbeth, to Rome to read The Tempest, to Boston for some of The Sonnets, to Chicago for others; suppose he had to go back to London, or Paris, or Boston, or Rome, every time he wanted to read a work by Shakespeare? The enjoyment and appreciation of literature would be a problem like that of the enjoyment and appreciation of the fine arts.

Surely to God, honourable senators, at this stage in the development of technology and the capacity to distribute messages and images right across the country in modern terms for all to see, I would be stunned if my honourable friend truly believed that a national portrait gallery was for the elite and only the elite.

Some Hon. Senators: Shame.

Senator Segal: As a Disraeli Conservative, I would be crushed because that would be a two-nation cultural policy for the other side: one policy for the wealthy and one for the poor. That is not who we are on this side of the house.

Some Hon. Senators: Hear, hear!

Senator Segal: The Portrait Gallery has been reaching out to Canadians and making these portraits available across the country for some time. It has acquired key works of art. Right from the start, the Portrait Gallery has supported public and educational programming, travelling exhibitions, loans, and virtual galleries on its website. A permanent home is not the only way, as my colleague seems to suggest, of making these portraits accessible.

By working with communities to share the Portrait Gallery's collections, Library and Archives Canada has seen to it that the greatest number possible of Canadians will have access to this heritage and will learn from it, be inspired by it and take pride in the men and women, from every walk of life, who have shaped and continue to shape our great country. It will continue to produce traveling and virtual exhibitions that will make the portrait collection accessible to Canadians in locations across the country.

For example, the Portrait Gallery is continuously reaching out to Canadians with exhibitions such as "Portraits in the Street," an ongoing program modeled on the successful example of the National Gallery in London, as referenced so often by Senator Grafstein in his representations to this chamber on that issue. Last summer, in the streets of historic old Quebec City, reproductions of 21 portraits of important Quebec personalities were on display during the four hundredth anniversary celebrations. "Portraits in the Street" gives Canadians the opportunity to unexpectedly encounter portraits from the collection in the streets of Canadian cities. Skaters on the Rideau Canal Skateway enjoyed "Portraits on the Ice" last year, a program that was repeated again this year.

Honourable senators, this is the kind of innovation that allows Library and Archives Canada to contribute to public pride and curiosity by taking the art to the people in their communities and not wait here breathlessly for the people to show up to see the art. This is a people's cultural policy, one I would expect my friends opposite to embrace and support.

When the portraits of Rear-Admiral Sir John Berry and his wife, Lady Rebecca Berry, were taken to The Rooms Corporation of Newfoundland and Labrador in St. John's in 2006, they brought a significant glimpse of Newfoundland and Labrador history to the people of Newfoundland and Labrador.

The Portrait Gallery of Canada invites Canadians to celebrate the one hundredth birthday of artist Yousuf Karsh during Festival Karsh, organized in partnership with the Canadian Museum of Science and Technology and some 20 other partners. From 2010 to 2012, the Portrait Gallery and its partners will bring Karsh to Canadians across the country with a national touring exhibition. Canadians will also enjoy Karsh at the click of a mouse on a feature website. As well, they will be invited to post their own Karsh photographs on a Flickr group named "My Karsh," reaching out to young Canadians in a dynamic fashion that speaks to taking the Portrait Gallery to the country and not the other way around.

The Portrait Gallery is planning to participate in the 2010 Vancouver Winter Olympics through various exhibitions, such as *Face BC*, a series of teen-created video portraits in collaboration with Pacific Cinéma-thèque as well as *Athletes in the Street*. Community engagement continues to remain a priority through major initiatives such as New Canada, in partnership with the Art Gallery of Nova Scotia, which will feature self-portraits by immigrant families that explore identity and self-expression.

The list is endless. Thousands of visitors encountered over 17,000 individual portraits from Canada and around the world through "In Your Face," developed in partnership with the Art Gallery of Ontario. Karsh was a hit in Nice and Paris and is now a hit on computer screens right across Canada. "Four Indian Kings" travelled to London to illustrate our First Nations heritage. The Frederik Varley exhibition "Portraits Into the Light" was presented in partnership with the Canadian Museum of Nature and circulated by the Varley Art Gallery of Markham, Ontario.

Through "Choose Our Muse," Canadians everywhere will have a chance to suggest commissioned artworks of people that they believe have made a significant contribution to Canada. Canada up close and personal: a personal involvement, a share in history.

• (1540)

The Portrait Gallery also introduced the highly successful vault tours in 2007, giving the public guided tours of the collection housed in the climate-controlled vaults of the Library and Archives Canada Preservation Centre.

There are also numerous art galleries and museums in Canada that can host exhibitions from the collection and are being encouraged and helped to do so by Library and Archives Canada.

Honourable senators, simply stated, this is an approach that brings a younger crowd to enjoy the treasure of the portraits that make up this nation's history from all walks of life. A virtual gallery, which is part of this exercise, not only provides access, it allows for multiple points of view and interpretations. It is a chance for an individual to encounter and experience art for him or herself.

By putting art where the people are, Library and Archives Canada has not focused on the limitations of the physical location — and every physical location has a limitation. No matter how large a physical site might be, there would still be thousands of portraits that could not be displayed and would have to be contained in warehouses.

Senator Cowan: Thousands? Hundreds of thousands.

Senator Segal: The physical location is not an answer, in and of itself. It is merely a totemic addition to Ottawa's desperate need to reaffirm how important it is from time to time.

Senator Mercer: What about the Truro Art Gallery?

Senator Segal: Honourable senators, this bill is well intentioned, as are all measures introduced by our good friend, Senator Grafstein. It is simply narrow, small, wrong and out-of-date.

Senator Mercer: You are talking about small and narrow while you are sitting over on that side of the house? Shame on you.

Senator Segal: It is simply detached from the present reality. It understates the majesty of the portrait collection. It understates the interest Canadians will have by having grander access to it. If culture is to be a force for national unity, it cannot be held captive in little boxes in the City of Ottawa. It must be out there, for all to benefit and all to enjoy.

[Translation]

It is absolutely vital that we reject the bill before us today. We must adopt a broader, grander vision, one that reflects our confederal societies. We have cultural centres throughout Canada. We must ensure that our cultural treasures are distributed where the people are. That is our challenge, our future and the best way to proceed.

[English]

Hon. Lorna Milne: I have a question for the Honourable Senator Segal if he will accept it.

Senator Segal: I look forward to it.

Senator Mercer: Not so fast.

Senator Milne: Senator Segal has clearly outlined the marvellous outreach programs of Library and Archives Canada. Does he expect these programs to stop when the gallery is located across the street?

Senator Segal: The honourable senator's experience in this place is more extensive than mine so I will defer to her judgment. However, my experience with government has been when one says: "Guess what, we have a new building and, guess what, we have to fill it." Then Treasury Board says, "Guess what, we have spending controls." We know what happens then. Other programs are shut down to make the new program look better and many people end up paying the price. We have seen that for decades around this city, which is why it is not a good way to go.

Senator Milne: Does Senator Segal really think that they will shut down Internet access?

Senator Segal: I doubt that they will do that. However, in the process of sorting out renovation costs, new construction costs and adding to the capital infrastructure, someone may say that it is too costly to update the website.

Senator Carstairs: You will have lots of problems with that.

Senator Mercer: Come on!

Senator Milne: You are reaching.

Senator Segal: I hear you defying at that prospect. Honourable senators, I think we had a debate in this chamber not long ago about whether a website was being updated on a sufficiently fast basis. I recall that discussion.

Senator McCoy: What was the answer? That had nothing to do with technology.

Senator Segal: Do honourable senators not think that government, given the chance to launch a new process, would not back down from existing processes? This is Ottawa. The people never come first when the civil service is involved in the process of allocating budgets.

Some Hon. Senators: Shame.

Senator Segal: That is why it is called red tape and not blue tape. That is the reality.

Hon. Jeremiah S. Grafstein: I gather that no other senators want to deal with this issue. Perhaps I could respond and conclude for the day?

Some Hon. Senators: No.

Senator Kenny: I wanted to know what the honourable member had for lunch.

Hon. Consiglio Di Nino: I would like to adjourn the debate if no one else wants to speak.

The Hon. the Speaker *pro tempore*: Do you wish to adjourn the debate, Senator Grafstein?

Senator Grafstein: No, if Senator Di Nino wishes to speak, I will certainly defer to him. Before I do that, I should like to ask Senator Segal a couple of questions if he would allow me to do so.

First, I have a minor correction. I think the first capital of Canada was London, Ontario. That piece of early history includes Governor Simcoe and the banks of the Thames River. Was that not the first capital?

Senator Fraser: It was Quebec!

Senator Segal: Would one of the proud progeny of London, Ontario, allow me to correct that misinformation. When the Province of Canada came together with Lower Canada and Upper Canada, the first capital was the City of Montreal, followed by the City of Kingston and then it moved to other places.

Senator Joyal: And Quebec.

Senator Segal: And Quebec, thank you, Senator Joyal.

Then, of course, Queen Victoria made the horrific mistake — let me not go any further in that process.

Senator Rompkey: It is her birthday soon, after all. Can the woman not enjoy her birthday?

Senator Grafstein: I want to thank the honourable senator for his elucidating comments. I am particularly interested in the question of two Canadas: the rich and the poor. While Disraeli understood the difference between the two classes, his successor party in Canada — the Conservative Party — never did. It is true that he stood for two Englands.

I am delighted with the comments of the honourable senator. I agree with virtually everything he said. If he would have read my comments earlier, he would have seen that I provided for two aspects of the national portrait gallery, both the physical building and also the virtual reality. That was part of my text not only recently, but from the outset.

I hope that I will have an opportunity to respond to the honourable senator more forcefully. In many aspects, I am in agreement with him. I will defer to Senator Di Nino to take the adjournment. I hope that he would speak to it briefly because —

Senator Stratton: Like you.

Senator Grafstein: I think Senator Segal and I both agree that this question should not be left to government. This question should be left to Parliament.

I would certainly be satisfied, and I think this side would be satisfied, if this Senate opines and Parliament opines. Let the people speak.

Senator Segal: We do not disagree on the notion that this place should opine and the other chamber should opine in this process. I am supportive of that nation.

I think the honourable senator may have unintentionally misspoken. It is my recollection that Benjamin Disraeli was a one-nation conservative and that one nation was both those with resources and those without who had to be brought together. I am prepared to tip my hat that Gladstone made some modest contributions to the well being of the British condition overall. I would also point to Sir John A. MacDonald, R. B. Bennett and others who fought for low-income Canadians and others throughout their entire political careers. There is a tradition of some of that on both sides of this chamber.

Senator Di Nino: It would be nice to sit here and listen to this wonderful dialogue for the rest of the afternoon, but we do have other work. Therefore, I will move adjournment of the debate.

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

• (1550)

CANADA ELECTIONS ACT PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

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

And on the motion in amendment of the Honourable Senator Segal, seconded by the Honourable Senator Nancy Ruth, that Bill S-224 be not now read a second time but that the subject matter thereof be referred to the Standing Senate Committee on Legal and Constitutional Affairs;

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

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

Hon. Wilfred P. Moore: Honourable senators, I cannot help but comment on the dalliance of my colleagues opposite in not addressing this bill. Suffice it to say that I do not support the amendment.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Before the honourable senator speaks about the dalliance on this side, I believe Senator Brown wanted to speak on this subject.

Hon. Bert Brown: Honourable senators, I rise ever so timidly in the face of the incredible oratory of the giant who sits beside me.

Honourable senators, I am pleased to participate in the debate on Bill S-224, An Act to amend the Canada Elections Act and the Parliament of Canada Act (vacancies).

This version of the bill — the third time it has been proposed by Senator Moore — differs in key respects from the previous versions.

The bill requires Senate vacancies to be filled in 120 days instead of the proposed 180-day maximum contained in the previous two bills.

It imposes an upper limit of 60 days for the issue of a writ for a house by-election instead of the current maximum of 180 days.

It fixes the writ period for house by-elections at a maximum of 60 days as opposed to having no maximum.

The principle of the bill remains the same, though, and that is to seek to constrain, for reasons that are less than clear, the way governments have operated for a long time. We have been well served by the political process that we have followed, yet Bill S-224 attempts to create legal constraints that do not currently exist.

Not surprisingly, the government remains opposed to the bill, in particular, that aspect of the bill dealing with Senate appointments. In that regard, I will focus my comments today on the amendment relating to Senate appointments.

My first comment is a question: What problem does Senator Moore seek to address by bringing this legislation forward? I believe it is fundamental that we do not waste this chamber's time in discussing bills that do not serve a purpose, and by that I mean that do not solve an existing problem.

I reviewed Senator Moore's statements when he introduced the bill. He described one objective of his bill as preserving the capacity of each house to function without the impairment that results from too many prolonged vacancies.

Again, I will focus my comments on this chamber. At what point in our history has the Senate been unable to function? At what point did the Senate stop functioning between the 2006 federal election and the recent appointments made by the Prime Minister?

From my perspective, the Senate has always been able to function and perform its job in legislative review and committee study, even before the 18 recent appointments. In fact, when the former Minister for Democratic Reform, Peter Van Loan, appeared before the Standing Senate Committee on Legal and Constitutional Affairs, one committee member took pains to give examples of how effective the Senate had been in legislative review.

As long as the Senate is able to operate, even without a full complement for a period of time, what then is the issue with regard to timing of appointments?

Furthermore, Prime Minister Harper has acknowledged that it is important to ensure the Senate has the capacity to function. Capacity is related in part to the abilities of senators and also to the numbers of senators on both the government and opposition side.

When the Prime Minister appeared before the Special Senate Committee on Senate Reform, he mentioned in particular the need for the government to have sufficient representation in the Senate to carry out the government's legislative program.

There is a recognition that the number of senators could be reduced to a point where the Senate is not able to operate. Theoretically, it is possible that there could be so many vacancies that we would have difficulty obtaining a quorum or establishing committees.

However, this theoretical possibility has never happened in our history. Senator Moore did not cite any specific cases where this situation had occurred.

As the Prime Minister stated at his appearance before the Senate special committee, should it become necessary, he would indeed recommend the appointment of senators.

However, the Prime Minister also made it clear that his preference was not to appoint senators using the existing undemocratic appointment process. Instead, he chose to wait to give the Senate a chance to reform itself before proceeding with appointments.

Unfortunately, the government's Senate reform objectives have been blocked consistently by this chamber. Although the special committee endorsed the Senate tenure bill, as did many of Canada's leading constitutional experts, the Standing Senate Committee on Legal and Constitutional Affairs opposed the bill and amended it to an extent where it no longer effectively met the objective of limiting Senate tenure.

Further, the Senate refused to send the bill to third reading until it had been reviewed by the Supreme Court of Canada.

The Senate has not demonstrated that it embraces reform. On the contrary, it has demonstrated a preference for the status quo. Bill S-224 is a perfect example of this phenomenon. The bill does absolutely nothing to reform the Senate. If this bill is passed tomorrow, we would still have senators with unlimited tenure until age 75. We would still have an undemocratic appointment system, even though Canadians have said, time and again, that they want change.

Senator Moore, in his remarks, referred to this discussion as a "false choice" and he pleaded with us not to create anew this "false dichotomy."

Honourable senators, I submit to you that there is no false dichotomy. There is a dichotomy: On the one hand, Bill S-224 proposes to reinforce the existing appointment system; on the other hand, the government intends to introduce a bill that would give Canadians a say over who is appointed to the Senate.

Longer term, of course, the government has indicated that it would like to reform the Senate fundamentally so that senators may be elected.

In contrast to Bill S-224, the government genuinely is trying to accomplish Senate reform so that we may bring this institution into the 21st century.

Before closing, honourable senators, I want to address briefly Senator Moore's assertion that a long line of Prime Ministers since Confederation have shown "disregard for the rule of law," as he described it, by not ensuring that Senate appointments are made in what he considers to be a "timely fashion." In fact, there is no time period specified in the Constitution within which the Governor General must make a Senate appointment. Correspondingly, as a purely technical matter, there is no legal or constitutional requirement for the Prime Minister to recommend an appointment within a specified time period. Prime Ministers have discretion in this matter, just as prime ministers do in many areas.

There are good reasons for providing prime ministers with discretion on appointments. For example, finding available Canadians with diversified backgrounds who have the necessary experience and ability to fulfil the important role that senators play in the legislative process cannot and should not be short-changed. Since Confederation, all prime ministers, Liberal and Conservative alike, have been careful enough to take the time necessary to find excellent candidates.

There is no disregard for the Constitution here. Prime ministers have worked with their available discretion to ensure the highest quality candidates. Limiting that needed discretion would end up being counterproductive.

In conclusion, I do not believe there is any evidence that this bill is required. No hard evidence has been presented to demonstrate how the Senate has been impaired by the tradition of prime ministerial discretion that exists with regard to the timeliness of Senate appointments.

Of course, that conclusion does not mean that the Senate appointment process cannot and should not be reformed. It should be reformed and the government will continue to fight for reform. Senator Moore's bill, in contrast, simply maintains the outdated appointment system. The government cannot in good conscience support this bill. Canadians deserve better legislation than this. The sooner the Senate comes around to supporting real change, the sooner we can all move forward.

• (1600)

Hon. Joseph A. Day: I have a question of the honourable senator.

The Hon. the Speaker pro tempore: Will the honourable senator take a question?

Senator Brown: Yes.

Senator Day: Will the honourable senator tell us if he was speaking on the motion in amendment or on the main motion?

Senator Brown: I was speaking on the main bill.

Senator Day: Your Honour, are we still dealing with the motion in amendment?

The Hon. the Speaker pro tempore: And the main bill.

(On motion of Senator Day, debate adjourned.)

CANADA SECURITIES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Fairbairn, P.C., for the second reading of Bill S-214, An Act to regulate securities and to provide for a single securities commission for Canada.

Hon. Jeremiah S. Grafstein: Honourable senators, this bill is my private member's bill. It has been on the Order Paper for some time. I previously understood that Senator Meighen wanted to address the bill. I have spoken today with Senator Eyton, who would like to address the bill. I will take the adjournment, if I can, in Senator Eyton's name. As soon as he addresses the bill, I will respond.

The Hon. the Speaker pro tempore: Does Senator Meighen wish to take the adjournment?

Hon. Michael A. Meighen: Yes.

(On motion of Senator Meighen, debate adjourned.)

STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FOR MANAGING FISHERIES AND OCEANS

SECOND REPORT OF FISHERIES AND OCEANS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Fraser, that the second report of the Standing Senate Committee on Fisheries and Oceans entitled *Rising to the Arctic Challenge: Report on the Canadian Coast Guard*, deposited with the Clerk of the Senate on May 4, 2009, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Fisheries and Oceans, the Minister of Transport, the Minister of Foreign Affairs and International Trade, the Minister of Indian and Northern Affairs, and the Minister of National Defence being identified as ministers responsible for responding to the report.

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

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS—THIRD REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Fisheries and Oceans (*budget—study on the evolving policy framework for managing Canada's fisheries and oceans—power to hire staff and travel*) presented in the Senate on May 7, 2009.

Hon. Bill Rompkey: I move the motion standing in my name.

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to discuss this matter further with the members of the Standing Senate Committee on Fisheries and Oceans before adopting the report, as I was unable to participate in the discussion of planning for the committee's agenda. It should not take long. I therefore move adjournment of the debate.

[English]

Senator Rompkey: Honourable senators, I had forgotten that conversation, so I withdraw my motion. I apologize.

(On motion of Senator Comeau, debate adjourned.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

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

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Foreign Affairs and International Trade (*budget—study on China, India and Russia*) presented in the Senate on May 7, 2009.

Hon. Consiglio Di Nino: Honourable senators, I move adoption of the report standing in my name.

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

(Motion agreed to and report adopted.)

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

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade (*budget—study on foreign relations in general*) presented in the Senate on May 7, 2009.

Hon. Consiglio Di Nino: Honourable senators, I move the report standing in my name.

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

(Motion agreed to and report adopted.)

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON CURRENT STATE AND FUTURE OF FOREST SECTOR— SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Agriculture and Forestry (*budget—study on the current state and future of Canada's forest sector—power to hire staff*) presented in the Senate on May 7, 2009.

Hon. Joyce Fairbairn: Honourable senators, I move that this report be adopted.

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

(Motion agreed to and report adopted.)

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON CURRENT STATE AND FUTURE OF AGRICULTURE AND AGRI-FOOD—THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Agriculture and Forestry (*budget—study on the current state and future of agriculture and agri-food in Canada—power to hire staff*) presented in the Senate on May 7, 2009.

Hon. Joyce Fairbairn: I move that the report be adopted.

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

(Motion agreed to and report adopted.)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON NATIONAL SECURITY POLICY—THIRD REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on National Security and Defence (*budget—study on the national security policy—power to hire staff and travel*) presented in the Senate on May 7, 2009.

Hon. Colin Kenny: Honourable senators, I move that our report, which was kindly tabled by Senator Wallin, be adopted.

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

Hon. David Tkachuk: May I ask a question?

In the budget presented in that report, under professional and other services, it shows four consultants being engaged by the committee. Have their salaries been adjusted for the fact that there is a little over 10.5 months in this fiscal year and not a full 12-month fiscal year?

Senator Kenny: Yes, they have. That question was raised by the chair of the subcommittee, and we had advised him that the salaries have been adjusted.

Senator Tkachuk: Senator Kenny, in our committee, I posed this question. I asked the honourable Senator Kenny in committee when we discussed this matter and when we voted on the budget whether there would be an adjustment for the shortened time period, in other words, being paid for 10.5 months or, at the time, 11 months rather than the 12 months, and the honourable senator explicitly told me no, there would be no adjustments. In other words, consultants would be paid the 12-month salary for the 11 months at that time.

Senator Kenny: The question put to me in the subcommittee was, did this amount cover 11 months, and my answer was yes, it would.

Senator Tkachuk: It is obvious that it would cover the 11 months. Since I raised this matter when the committee was in camera, I have some difficulty, and I want to check the rules and my rights on that issue. I will adjourn the debate on this report.

(On motion of Senator Tkachuk, debate adjourned.)

STUDY ON PROVISIONS AND OPERATIONS OF THE NATIONAL DEFENCE ACT

FIFTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED

On the Order:

Resuming debate on the consideration of the fifth report of the Standing Senate Committee on Legal and Constitutional Affairs, entitled: *Equal Justice: Reforming Canada's System of Courts Martial*, tabled in the Senate on May 5, 2009.

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

(Motion agreed to and report adopted.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*amendments to the Rules of the Senate—reinstatement of bills from the previous session of the same Parliament*), presented in the Senate on March 11, 2009.

Hon. Donald H. Oliver: Honourable senators, I notice that this matter has been on the Order Paper for thirteen days. I want to move the report, but I want time to look up new issues before I speak to it.

The Hon. the Speaker: Honourable senators, it has been moved that the report be adopted, and on debate, Senator Oliver has moved adjournment.

(On motion of Senator Oliver, debate adjourned.)

• (1610)

THE SENATE

MOTION TO TELEVISION PROCEEDINGS— DEBATE CONTINUED

On the Order:

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

That the Senate approve in principle the installation of equipment necessary to the broadcast quality audio-visual recording of its proceedings and other approved events in the Senate Chamber and in no fewer than four rooms ordinarily used for meetings by committees of the Senate;

That for the purposes set out in the following paragraph, public proceedings of the Senate and of its Committees be recorded by this equipment, subject to policies, practices and guidelines approved from time to time by the Standing Committee on Internal Economy, Budgets and Administration ("the Committee");

That selected and packaged proceedings categorized according to subjects of interest be prepared and made available for use by any television broadcaster or distributor of audio-visual programmes, subject to the terms specified in any current or future agreements between the Senate and that broadcaster or distributor;

That such selected proceedings also be made available on demand to the public on the Parliamentary Internet;

That the Senate engage by contract a producer who shall, subject only to the direction of that Committee, make the determination of the programme content of the selected and categorized proceedings of the Senate and of its committees;

That equipment and personnel necessary for the expert selection, preparation and categorization of broadcast-quality proceedings be secured for these purposes; and

That the Committee be instructed to take measures necessary to the implementation of this motion.

Hon. Joan Fraser (Acting Deputy Leader of the Opposition): Honourable senators, a number of you will be aware that, over the years, I have expressed grave reservations about the wisdom of a policy of broadcasting in total the proceedings of this

chamber. Some honourable senators may recall that the other day, after Senator Andreychuk's well-founded remarks, I also expressed reservations about adopting a policy giving to some outside party the ability to select certain portions of our proceedings for broadcast.

I have since had an opportunity to speak with Senator Segal and with some senators on our side who are in support of his motion. I am still not in support of his motion as written, but I think we can do some serious work that might, in the end, be of benefit to the Senate and to the people of Canada whom we represent and who pay for us.

I remain very skeptical about the utility of televising our proceedings for quite a number of reasons. The standard one is that, in my view, televising legislative chambers changes behaviour in those chambers. It is all very well for us to say we are different, that we would not be like everybody else. We would be like everybody else; we would find ourselves quite quickly playing to the cameras, some of us more so than others. Even those of us who did not play to the cameras would find themselves besieged by those helpful political advisers who abound in every party: "Oh, you are not coming across well on camera, senator. You must change the way you dress. You must change the way you stand and speak."

Honourable senators, we would find ourselves encouraged to cluster around the speaker of the moment the way they do in the other place, in order to give the impression that a vast crowd is hanging on the speaker's every word. One effect of that would be to diminish the spontaneity of debate because, as soon as you are not seated in your own seat in this chamber, you cannot rise.

One of great advantages of this chamber is that it does allow for spontaneity in debate. One of the ways it does that, as we all know, is by calling, every day, every item on the Order Paper. I repeat, that allows for spontaneity in debate, but it does not sound that way to the uninitiated. When every item on the Order Paper is called, as we have just heard, there are endless recitals of "stand," which sounds to the uninitiated as if we do not care about doing our job. As we know, that is not true.

Also, the presence of television cameras changes the behaviour, not only of senators, but of other persons. This can be truer in committees, but it would sometimes even be true here. In committees, this would notably refer to witnesses.

I was very interested last night to hear someone who has significant experience in appearing before parliamentary committees and who certainly seemed to have no lack of self-confidence say that when cameras are present, he becomes nervous. Believe me, it has been my experience that if people know they will be on television, most of them do become nervous. We do not want them to be nervous; we want them to be focused on the task at hand, which is assisting the committee in its work, rather than thinking, "How will I look on television and will my mother-in-law call me to say that I should have worn the tie she gave me for Christmas?"

Honourable senators will gather from these remarks that I have a broad streak of Luddite in my character; it is broad but not overwhelming. It seems to me that somewhere in the concept

behind this motion there is something we should explore. We should explore it, not in the context of television, which is old media and which is limited. It is limited in time apart from anything else. How many of us have had to suspend committee hearings because the television cameras had to leave? That is not a good way to run a Senate.

We should be exploring the Internet because it is not limited in time or capacity. On the Internet, it would be possible, at very little cost, to run gavel-to-gavel coverage of all our proceedings in this chamber and in committee, in English, in French and in the floor language. That would be a great advantage to anybody who cared enough to whistle up the necessary portion of the Internet.

However, on the Internet, we could also do what I gather is the intent of Senator Segal and those who support his motion, but which is not particularly clear in the motion as worded; that is, group debates on specific items of business. For example, on a budget bill, we could have, in one stream on the Internet, everything connected with that bill from the moment it was presented in the chamber, through every debate, through committee hearings, back here and all the way through to its passage, including standing votes and the record of who voted which way. We could do that with every subject because the wonder of the Internet is that its capacity is unlimited. If we were to make that selection and editing were to be done, I would have no problem because it would be a complete record of our proceedings; all sides would be aired.

This may sound weird, but I actually think we would have much less difficulty with the transformation of behaviour on the Internet than we would on television because the audience for any one event on the Internet is likely to be smaller and certainly more focused on the topic than on the mere magic of a parliamentary chamber at work.

There would be a lot of critics who would like to go after us at work. Senator Brown is familiar with many of them, I am sure. I think some of that would be diminished if we were to use the Internet. However, in order to do this, we would have to go back and do a thorough study and overhaul of the way this chamber uses the Internet.

• (1620)

Those who have had the good fortune — maybe not — to consult the Senate website will know that it is a very awkward beast, that you can only find it by going into the general parliamentary website, which is totally concerned with the other place and not with this place. Therefore, before we moved to the kind of really complete coverage that I think might be useful, we would need to have established our own proper full-scale website. We would need to have the staff to do it properly, none of which we have now; and of course, we would need to be familiar with the budgetary implications of that type of coverage.

All of these things are well worth exploring. I do not, however, think they are clearly addressed in the motion before us, which, as I read it, essentially says we are going to do this on television and let us get on with it. I appreciate Senator Segal's impatience.

I think the motion needs such drastic rewording that I do not propose to suggest an amendment. I urge its proposer to rethink it and come back to this chamber with the kind of motion that I have outlined. I cannot support this motion as written. I might well find myself supporting something along the lines that I have discussed.

Hon. Hugh Segal: I want to thank Senator Fraser for that constructive and thoughtful contribution. I will defer to her judgment on how best to proceed in this place.

In this respect, I am very persuaded by the notion that connecting with the public in today's media is a much broader proposition than just television. I accept Senator Andreychuk's concern about any editing process that might get in between what actually happened and what people see. It is a fair and appropriate concern on her part.

However, as I think every honourable senator will want to have a chance to express a view, as it relates to their privileges and ability to participate in a way that is consistent with whatever this bill might decide, would it be the honourable senator's advice that a fresh motion negotiated between different sides would make more sense than sending this particular motion to committee where all sides could present their views as to how it might be improved or changed?

I am not so concerned about the urgency, in the sense that it is better to do it right than to do it quickly and do it wrong. I certainly accept that. However, in terms of finding a forum in which all members of this place can participate and we do make some progress — appropriate changes or a new motion is advanced — what would be, in the honourable senator's judgment, the best way to proceed?

Senator Fraser: In my judgment, a new motion would be preferable. However, that obviously depends not just on my judgment; it depends on your own and on that of other colleagues.

Hon. Jeremiah S. Grafstein: I want to participate briefly in this debate. I was one of the founders of CPAC. At that time, we had hoped that there would be adequate time on the CPAC channel to deal with both the House of Commons and the Senate.

I agree with the honourable senator's comments that the other place is distorted. You get a distorted vision of what goes on there because it is focused on Question Period. I think that the people of this country are entitled to gavel-to-gavel responses and can decide for themselves what goes on.

I hope that we move swiftly on this issue. I make a simple suggestion that Senator Segal would amend it very clearly to incorporate the following principle: that the Senate and all committees of the Senate be podcast gavel-to-gavel. If we did it that way, it would encapsulate everything.

If television chooses to draw from the podcast, it can do so. That would be its choice to decide how it wants to deal with it, and the same with CPAC. Once you made podcast gavel-to-gavel available — and it is very simple and cost-effective to do, although you will need a lot of space for broadband — then there is not a distorted view of what goes on in this place.

I agree with both honourable senators that once it is normal, people will react in the normal and routine way they do. They will grow accustomed to podcasting and we will develop a different tenor.

It does not require study or delay. This can be done quickly and it is cost-effective. The only problem would be the cost of broadband if it were gavel-to-gavel on all committees. Most of the committee rooms are already wired. Therefore, this is a cost-effective measure and we could skip right into the Internet and let television decide what it chooses to do.

This is not complicated. Let us not complicate it by having a long debate. Quite frankly, it would help us for the country to understand what we do here.

I have said this in our own caucus and I will say this over and over again: Most Canadians do not know what we do. My wife does not know what we do. I try to explain it and she still asks, "What are you doing?" Those of you who know my wife will understand that she understands a lot of things I do not understand.

I think it would be useful for gavel-to-gavel coverage and along the way we will accomplish something revolutionary. The Canadian public does not know what we do here; they think we waste our time and do nothing. They think we waste taxpayers' money.

They do not understand the arduous and important work we do here. Just look at the Order Paper. It is full of important measures, including a number of my minor bills — not that many, they are getting smaller every day. My point is, let us get on with it.

Senator Segal, we could draft this resolution and get it back tomorrow and move on with it. It does not need more study. Gavel-to-gavel via podcast and all we have to do is get the Standing Committee on Internal Economy, Budgets and Administration to come up with a very short budget to incorporate it and have people do it. This could be done within 30 days, all in.

Hon. Michael Duffy: There is a lot to consider. I would like to move the adjournment of the debate.

(On motion of Senator Duffy, debate adjourned.)

[Translation]

MOTION TO URGE MINISTERS RESPONSIBLE FOR 2010
OLYMPIC AND PARALYMPIC GAMES TO BROADCAST
EVENTS—DEBATE ADJOURNED

Hon. Andrée Champagne, pursuant to notice of April 28, 2009, moved:

That the Senate unanimously urge the two Ministers responsible for the Olympic and Paralympic Games to do everything in their power to make VANOC and the Broadcasting Consortium quickly reach an agreement that will ensure the broadcasting of the 2010 Paralympic Games in Vancouver and Whistler.

She said: Honourable senators, last March, I was at the Valcartier military base to participate in the ceremony marking the beginning of the countdown to the 2010 Paralympic Games. Next year, in Vancouver and Whistler, the opening ceremony of these very special games will be held on March 12 and the closing ceremony on March 21. We will be hosting 1,300 athletes and coaches from 45 countries for these Winter Games.

Why did the countdown start in Valcartier? A short history of these games provides the answer.

• (1630)

The first such competitions took place in England in 1948.

They brought together veterans who had been wounded in the Second World War. Four years later, other veterans came from the Netherlands to join the British. Thus, the international paralympic movement was born.

The first Paralympic Games as we now know them took place in Rome in 1960. After the Montreal Olympics in 1976, for the first time, athletes with all kinds of physical disabilities convened in Toronto. The same year, the first Paralympic Winter Games were held in Sweden, and 2010 will mark the first time that Canada is hosting the Paralympic Winter Games.

Let us get back to my initial question: What do our Canadian Forces have to do with the Paralympic Games?

Several years ago, the Canadian Forces launched a program called "Soldier On". Its primary objective is to provide ill or injured military personnel with resources and opportunities that support their full and active participation in physical fitness, health promotion and sport.

Since 2007, the Soldier On Fund has been providing support to active and retired Canadian Forces members in the form of financial grants to help them cover their costs. This might include purchasing adaptive sports equipment and assistive devices, such as a custom mountain bike, a basketball wheelchair, a hockey sledge, a rowing shell or a customized home gym.

I had the opportunity to visit the enormous, well-equipped gymnasium in Valcartier, where our soldiers who have been injured on the front lines, or elsewhere, work on their rehabilitation. I have also met some of our athletes who will be competing at the 2010 Games, and others who, after making us proud in 2008, are actively preparing for the 2012 Games. Many of them train at Valcartier. For instance, Steven Daniel comes to mind.

Steven was a paratrooper with the Canadian Forces for 14 years and served in four overseas missions. However, during a free-fall parachuting exercise in 2005, he landed with too much speed and ended up paralyzed.

However, he made it to Beijing as a rower, and he hopes to go to London in 2012. It was great to see him with his son, who is so proud of his dad's success.

I wish you could have heard Benoit St-Amand talk about the battle he has been fighting for years as a result of a serious illness. With boundless enthusiasm, this one-legged man explained how his sledge works and told us about his hopes for 2010. Benoit will be the goalie on our sledge hockey team.

Our Paralympic Winter Games will comprise 60 sports, including alpine skiing, cross-country skiing, sledge hockey, biathlon and wheelchair curling. Approximately 55 male and female athletes will represent Canada.

What saddens and concerns me is the possibility that we will not see the performances of our Canadian athletes or any of the other athletes during the Paralympic Games. Of course, if one of our athletes should win a medal or if someone should take a spectacular fall, the evening news will run a story. Tell me, how many events did Chantal Petitclerc win before we really knew who she was and paid tribute to her as she so richly deserved?

We all know that the International Olympic Committee has awarded the broadcasting rights to the Olympic and Paralympic Games to CTV-Globemedia-Rogers.

It seems that VANOC has not yet reached an agreement with the consortium about broadcasting the Paralympic Games. Fortunately, we have been assured that talks are still under way.

CTV-Globemedia-Rogers is constantly bragging that it is the best equipped to bring us the Vancouver-Whistler Games and insisting that it will provide unprecedented coverage. With the Paralympics taking place on the same sites right after the Olympics, it makes sense to me to allow Canadians to also admire the paralympic athletes, who are no less deserving of coverage.

Too often, in the past, paralympic athletes' feats were broadcast two or three weeks after the events and too often late in the evening. This year, a concerted effort is being made to bring us live coverage of certain events, even during prime time and on the main network. But we all know that if coverage of these events were limited to cable channels, many Canadians would not be able to watch. Yet all of us want to be able to see the achievements of all our athletes. All of them deserve to have their performances seen by all Canadians.

The Government of Canada certainly cannot impose its preferences when the time comes for the broadcasters to establish their schedules.

The ministers responsible for the Games and for amateur sport are often in contact with both VANOC and the consortium of broadcasters.

For that reason, my motion asks that you join me in reiterating that we are counting on them to urge and encourage VANOC and CTV-Globe Media-Rogers to come to an agreement quickly.

Just like the Olympic Games, the Paralympic Games also deserve to be seen on our screens everywhere and, naturally, to have commentary in both official languages.

In closing, I will report the latest news. Yesterday, at the Official Languages Committee, we heard from the representatives of the broadcasters' consortium. They confirmed that VANOC holds the rights to these Games, that they hold the broadcasting rights, and that negotiations are still in progress.

It was obvious to us that both parties are keen to cover a good number of the sports in which our paralympic athletes will be participating. As the Paralympic Games are not as well known, and hence less popular, everyone is still working on obtaining sponsors.

The good news is that broadcasters have learned and even guaranteed that some sledge hockey games will be broadcast. But the others . . .

Our colleague, Senator Comeau, asked them what they would say if they received a call from our ministers responsible for the Games to discuss the importance of the Paralympic Games and to encourage them to continue their talks.

They assured us that they would be pleased to listen and seemed convinced that VANOC would also be receptive.

Therefore, honourable senators, I invite you to support this motion. It would definitely be desirable for the vote to be unanimous.

On behalf of our Paralympic athletes, I thank you from the bottom of my heart.

(On motion of Senator Fairbairn, debate adjourned.)

(The Senate adjourned to Wednesday, May 13, 2009, at 1:30 p.m.)

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