



CANADA

# Debates of the Senate

---

2nd SESSION

•

40th PARLIAMENT

•

VOLUME 146

•

NUMBER 37

---

OFFICIAL REPORT  
(HANSARD)

**Tuesday, May 26, 2009**



THE HONOURABLE ROSE-MARIE LOSIER-COOL  
SPEAKER *PRO TEMPORE*

## CONTENTS

(Daily index of proceedings appears at back of this issue).

*Debates Service:* D'Arcy McPherson, Chambers Building, Room 943, Tel. 613-995-5756  
*Publications Centre:* David Reeves, Chambers Building, Room 969, Tel. 613-947-0609

---

Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
**Also available on the Internet: <http://www.parl.gc.ca>**

## THE SENATE

Tuesday, May 26, 2009

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

Prayers.

[*Translation*]

### VISITOR IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, I wish to draw to your attention the presence in the gallery of His Excellency François Marie Delattre, Ambassador of France to Canada. He is a guest of the Honourable Senator Marcel Prud'homme. On behalf of all the senators, I welcome you to the Senate of Canada.

[*English*]

## SENATORS' STATEMENTS

### TRIBUTES

THE LATE HONOURABLE  
DR. ORVILLE HOWARD PHILLIPS

**The Hon. the Speaker *pro tempore*:** Honourable senators, I received a notice from the Leader of the Government in the Senate who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Orville Phillips, former senator, who passed away on April 24, 2009.

I remind honourable senators that, pursuant to our rules, each senator will be allowed only three minutes and they may speak only once. However, is it agreed that we continue our tribute to Senator Phillips under Senators' Statements? We will, therefore, have up to 30 minutes and any remaining time will be used for statements.

Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

• (1405)

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I rise today to pay tribute to one of our former colleagues, the Honourable Senator Orville Phillips, who passed away on April 24.

Although he retired 10 years ago, I know that many here today hold fond memories of Senator Phillips, and all honourable senators have tremendous respect for his lifetime of service on behalf of Canada and, in particular, his beloved Prince Edward Island.

An Islander born and bred, as he told us many times, at 18 he left his studies at Prince of Wales College to join the Royal Canadian Air Force, ultimately serving in the Bomber Command in the Second World War. After the war, he began a successful career as a dental surgeon.

As a young man, Orville Phillips experienced a great deal of electoral success, winning election to the House of Commons in the riding of Prince three times, in 1957, 1958 and 1962.

The following year, he was named to the Senate of Canada by the Right Honourable John George Diefenbaker, where he would serve for another 36 years. Seven of those years were spent as chief government whip, helping to steer the government side through turbulent debates, most notably surrounding the GST. We could regale people and each other for hours with Orville Phillips stories during the tumultuous round-the-clock debates on the GST — and there were some funny stories and indicative of Orville's sense of humour.

During over three decades in this place, Senator Phillips served as a member of numerous Senate committees, too many to list in only a few moments. He was particularly proud of his work on the landmark report, *Soil at Risk: Canada's Eroding Future* by the Standing Senate Committee on Agriculture, Fisheries and Forests in 1984.

However, I would be remiss if I did not draw special attention to Senator Phillips' work in the country, in Parliament and on a variety of Senate committees on behalf of Canada's veterans. No matter what the subject, if it impacted upon the well-being of our veterans or on the respect that should be afforded to them, Senator Phillips was always there as a passionate and loyal champion.

He was also an early champion of the Confederation Bridge, and was instrumental in bringing the tax centre to Summerside, Prince Edward Island, from which the Canada Revenue Agency administers the GST. There is a little bit of irony here.

As perhaps all honourable senators are aware, Senator Phillips was the last of the senators to have been appointed for life. He could have stayed here literally until April 24. However, he chose to take his retirement in 1999, upon his seventy-fifth birthday. He was also the last of the senators appointed by former Prime Minister Diefenbaker and one of the last remaining senators to have served in the Second World War.

Honourable senators, his dedication to public service will continue to be a great inspiration for many years to come, not only for Prince Edward Islanders but for all Canadians.

On behalf of all Conservative senators, and I am sure all of us, I extend sincere condolences to his children and grandchildren and his large circle of family and friends. He will be greatly missed.

**Hon. Joyce Fairbairn:** Honourable senators, it is with great memories that I wish to recall a good friend who lived in this chamber for 36 years, Senator Orville Phillips from Prince Edward Island.

When I first met him, I was a young journalist in the Parliamentary Press Gallery. He was a spirited and outspoken member of Parliament, much admired by his leader, Prime Minister John Diefenbaker. I liked this boisterous gentleman a lot because he was always ready for a good story. Little did I know that in years to come I would not be asking the questions but he would be showing me the way to find an office on the Senate side of the building when I arrived here in 1984. As I had been living in this building for all my working years, I was keen to stay here. This tough old friend went to a lot of trouble to find a place up on the fifth floor, even though I was a member of the other party and he was the government whip in the Senate. There is no doubt that he was a man of spirit, but he was also full of kindness with those who needed a helping hand in tough times.

• (1410)

Senator Phillips was a veteran of the Second World War, a member of the Royal Canadian Air Force Thunderbird Squadron and he never forgot his comrades. He served as chair of the Senate Subcommittee on Veterans Affairs and, prior to his retirement, led a report based on 68 recommendations to create a new standard in veterans' health care, which led to a strong increase in their welfare.

Senator Phillips was particularly delighted when I became an honorary colonel and tried to follow in his footsteps in supporting our veterans. I was proud of his vigorous efforts to support the building of the Canadian War Museum, an outstanding place in Ottawa for visitors of all ages to learn about our military history.

There is no doubt that Orville worked this chamber with vigour, but behind that tough nature, he really did have a terrific sense of humour and a heart of gold. Although this Senate was a second home, that heart never left Prince Edward Island. Always, Senator Phillips fought for a fair chance for his people in that beautiful place, and I am certain that affection will never be forgotten.

**Hon. Michael Duffy:** Honourable senators, I rise today to add my voice to those we have already heard paying tribute to the late Senator Orville Phillips, a distinguished son of Prince Edward Island.

During the Second World War, as we have heard, Senator Phillips served in the legendary No. 426 Thunderbird Squadron and flew countless nighttime missions over Nazi Germany. One can only imagine the courage required to be in those aircraft hour upon hour, not knowing when, in the dark, artillery or a fighter plane might find you. Senator Phillips survived all of those missions. As Churchill said at the height of the Battle of Britain: "Never in the field of human conflict was so much owed by so many to so few."

Orville Phillips belonged to that group of veterans who have been called the "greatest generation," and I think that is accurate. He realized that his generation had given a great deal in their

youth and spent the rest of his career in public life trying to memorialize their sacrifices. He worked with the Honourable Barney Danson and others to build the Canadian War Museum, and worked in the Red Chamber to provide better benefits to our veterans.

On his return from the war, the senator married his sweetheart, Marguerite, won a university scholarship and studied dentistry. He had a hankering for politics and travelled the back roads of Prince County. When John Diefenbaker won his minority in 1957, Orville Phillips had won the hearts of the voters of Western Prince Edward Island. He was re-elected in the Diefenbaker sweep of 1958 and again in 1962, just as I was starting out as a boy reporter in Charlottetown, learning to cover our Island politicians.

On the day before his government was defeated, Prime Minister Diefenbaker asked this young political star to sit in the Senate as a representative of Prince Edward Island.

I, like so many others who have come here, have only learned to appreciate, perhaps in recent years, the true depth of the work and the contribution that honourable senators in this place make to Canada.

Orville Phillips championed the cause of veterans, of farmers, of fishermen, of all those who are disadvantaged. As we have heard, when CFB Summerside was closed, he led the fight to replace that air base with the Summerside Tax Centre, which is still operating today and provides 400 well-paying jobs.

As the Leader of the Government in the Senate said, when Prime Minister Brian Mulroney was weighing the proposal to build a fixed link, he turned to Senator Phillips for advice. On any issue you could talk about in public life, Senator Phillips was a wise and generous counsellor.

• (1415)

Finally, I was touched by the public response to his passing. He had not been in the Senate for a decade and yet hundreds of Ottawans and Islanders gathered to pay their respects and to express their sympathies to Senator Phillips' family. Today I join them and my fellow senators in expressing my respect and sympathy to Senator Phillips' family. His contributions to Prince Edward Island and Canada will never be forgotten.

**Hon. Catherine S. Callbeck:** Honourable senators, I rise today to pay tribute to a fellow Islander and former Senate colleague who passed away recently at the age of 85 years.

The Honourable Dr. Orville Phillips was called to the Senate by the Right Honourable John Diefenbaker and ably served his home province of Prince Edward Island and his country throughout the term of eight prime ministers. He was a distinguished member of this chamber for more than 35 years, making him one of Canada's longest-serving senators.

Senator Phillips made his mark during his time here. The prosperity and well-being of the people of Prince Edward Island were always foremost in his mind. He worked hard on our behalf on a number of initiatives such as the creation of Slemon

Industrial Park, which replaced the closed CFB Summerside, as well as the establishment of the GST centre in Summerside. He also, with the late Dr. Lorne Bonnell, championed the building of a fixed link and sponsored in the Senate the legislation that made Confederation Bridge a reality.

Senator Phillips made an outstanding contribution to the work of this chamber. At one time or another, he had been a member of nearly every Senate committee and served on many special committees.

He was especially committed to the work of the Veterans Affairs Subcommittee. Having served with distinction in the Royal Canadian Air Force during World War II, he was strongly committed to efforts to improve the lives of veterans and their families throughout this country. In fact, not long before his retirement, he travelled with former Island Senator Archie Johnstone to veterans' health care centres across the country to examine the quality of their facilities and care. As a result, they released the valuable report entitled: *Raising the Bar: Creating a New Standard in Veterans Health Care*. I understand that most of their recommendations have been implemented.

Before his time in the Senate, Dr. Phillips distinguished himself as a member of Parliament, representing what was then the riding of Prince in Prince Edward Island. As has been mentioned, he was first elected in 1957, and was re-elected twice more in 1958 and 1962. It is a mark of the respect and esteem in which he was held by his constituents that he was sent to Ottawa on three occasions.

I was privileged to serve in this chamber for a short time with Senator Phillips. Although I had previously known him through my involvement in provincial and federal politics, I was impressed with the kind advice and assistance he provided to me as a newly appointed senator.

I offer my sincere sympathy and condolences to Senator Phillips' family and friends. He will be missed.

**Hon. Lowell Murray:** Honourable senators, Senator Phillips' family honoured me greatly by inviting me to speak at the funeral service held last April 28 at the Perley and Rideau Veterans' Health Centre in Ottawa where he lived the last few years of his life. There, family and former colleagues joined comrades and friends, veterans of Canada's Armed Forces, whose selfless and tireless defender and advocate he was, to offer their final respects.

When Orville was elected to the House of Commons in 1957, all but five of Prime Minister Diefenbaker's cabinet and scores of MPs and senators were veterans of the First World War, the Second World War or both.

It should be noted that some of the most gallant of our veterans, who went on to become among the most distinguished of our parliamentarians, hailed from Prince Edward Island, our smallest province. There comes to mind Angus MacLean, decorated airman and escaped prisoner of war who served as federal Minister of Fisheries and as Premier of Prince Edward Island; Dan MacDonald, twice wounded, who lost an arm and leg, came back to his farm after the war and went on to serve in the provincial cabinet and as federal Minister of Veterans Affairs;

and Orville's great and good friend Senator Archie Johnstone who served with the Royal Canadian Air Force heavy bomber squadron.

• (1420)

By the time Orville, an RCAF bomber navigator during the war, left the Senate in 1999, he was one of the last veterans in either house. His parliamentary colleagues over four decades were well aware of his devotion to the welfare of veterans and their families, his persistence in pressing for improvements to benefits and for new programs and services to keep pace with their changing needs. He never gave up, even after his retirement from the Senate, and it is very gratifying for his friends to hear that contribution again recalled and recorded here today.

Some of us also know — never from Orville, but from those he helped — how he threw himself, heart and soul, into supporting individual veterans or their survivors who had a problem with some government department or agency or who had run into hard times and needed him.

He was, as has been mentioned, a tremendously effective representative of Prince Edward Island. With regard to the fixed link mentioned by several honourable senators, the record shows that he was the only Progressive Conservative senator from the Island who voted for the fixed link. He had to get a Liberal, his friend Senator Bonnell, to second the motion.

I am intimately familiar with his persistent and successful efforts to locate the GST centre in Summerside and with the development of the Slemon Industrial Park on the old air base premises. These and countless other contributions to the economic and social welfare of Prince Edward Island owe much to his advocacy.

Finally, I do want to record my profound sense of personal gratitude to him for his friendship over a period of 48 years and, in particular, for the dedication and consummate skill he brought to his responsibilities as chief government whip and chairman of caucus during most of my time as Leader of the Government in this place.

I was truly blessed to have had such a friend and colleague.

**Hon. Anne C. Cools:** Honourable senators, I rise to honour my late friend, supporter and former colleague, Senator Orville Phillips, who passed away on April 24 last. I attended his funeral at the Perley and Rideau Veterans' Health Centre on Tuesday, April 28. It was a noble and moving ceremony, fitting to a senator and a Canadian World War II veteran.

Honourable senators, on March 24, 1999, during tributes on Senator Phillips' retirement, Senator Murray spoke with some levity about Senator Phillips' friendships with many senators, myself included, saying:

The most intriguing political alliance of all has been that between Senator Phillips and Senator Cools. . . . He has supported and encouraged her.

Senator Murray continued:

Unfortunately, Senator Cools has not always reciprocated. How many times have I sat here with Senator Phillips, with the division bells ringing for a vote, and I have turned to Senator Phillips and said, "Orville," . . . "Do you think there will be any defections on the other side?" and Senator Phillips has said, "Watch Senator Cools." We sit there, brimming with anticipation, my own excitement almost as intense as his, as the Clerk goes down the Liberal benches, only to find that when her name is called, notwithstanding her great admiration for Senator Phillips, he has been foiled again by the Liberal whip.

Honourable senators, Senator Phillips' life was service: war service, professional service as a dentist, and public service both in the Senate and in the Commons. He served in RCAF Bomber Command. He took part in many bombing missions over Germany in the famous Halifax plane. He embodied his battle scars as many veterans do. War, the fierce horseman of the Apocalypse, is a terrible and grim master. War is carved in the heart and psyche of the men and women of active combat in the theatres of the many wars. For too long the psychic injuries of men in arms has received too little attention. Senator Phillips understood the devastation of war for all humanity and all life. He did much distinguished work in the Senate, but his greatest was his work for veterans. He ever upheld them in every aspect of their life. He was their faithful friend.

Honourable senators, I extend my warmest sympathy and affection to Senator Phillips and his late wife Marguerite's four children — Brian, Robert, Betty and Patricia — and the nine grandchildren — Michael, David, Andrew, Stewart, Derek, Christian, Sarah, Nicholas and Sean. Their father, and grandfather, was held in great esteem by many of us here.

• (1425)

Honourable senators, I should like to cite the Scriptures, 2 Timothy, chapter 4, verses 7 and 8:

I have fought a good fight, I have finished my course, I have kept the faith: Henceforth there is laid up for me a crown of righteousness, which the Lord, the righteous judge, shall give me at that day: and not to me only, but unto all them also that love his appearing.

May God hold this wonderful man, this warrior, Orville Phillips, my friend, in the palm of His hand.

**Hon. Marcel Prud'homme:** Honourable senators, it is with great emotion that I rise today to pay tribute to a friend and former colleague, Senator Orville Howard Phillips, before members of his family, whom I met at his funeral in Ottawa.

Sadly, Senator Phillips passed away on April 24. I will never forget Senator Phillips' kindness, commitment, sincerity and dedication, which were among the key features of his personality. As the whip for many years of the small team of Progressive Conservative senators, he was both a charmer and tough. Every time I worked with him on one issue or another, I was inspired by his great intelligence and unmatched skill. My sister Rita and I had the opportunity to travel with him. We were astounded by

his historical knowledge, which he shared with spirit and wit. His career as a dental surgeon no doubt taught him to take appropriate action at the right time at the right place.

Prior to being appointed to the Senate in 1963 by Progressive Conservative Prime Minister John Diefenbaker, he was elected to the House of Commons three times: first in 1957, then in 1958 and again in 1962. It was then, when I was a young Liberal studying at the University of Ottawa, that I had the pleasure of meeting him several times. Senator Phillips, who was known as very conservative — there was no doubt about that — had a generous sense of hospitality for us, the students, as many here may recall.

Among Senator Phillips' battles, I would like to highlight the Senate hearing on CBC's controversial war documentary, *The Valour and the Horror*, which was our veterans' campaign to keep the Holocaust museum from becoming a part of the Canadian War Museum. Senator Phillips knew what he was talking about since he had so valiantly served in the Royal Canadian Air Force during the Second World War.

I urge my colleagues to read the final report of the Subcommittee on Veterans Affairs of the Standing Senate Committee on Social Affairs, Science and Technology, especially the minutes of the subcommittee's meetings on the Canadian War Museum held on February 2, 3, 4, 5, 6 and 11, 1998. Key figures were questioned on this important matter, including Adrienne Clarkson, Chair of the Board of Trustees of the Canadian Museum of Civilization; Irving Abella, former President of the Canadian Jewish Congress; and Sheila Copps, then the Minister of Canadian Heritage. It can all be found in the CPAC archives. I want to thank Senator Anne Cools, who was the deputy chair of that subcommittee. She convinced Sheila Copps to accept the invitation to appear before the subcommittee chaired by Senator Phillips.

I offer my sympathy and sincere friendship to his children and grandchildren, whom I had the honour to meet at the funeral. We shall remember him.

• (1430)

## 20:10 CHALLENGE

**Hon. Nancy Greene Raine:** Honourable senators, I have the honour to share with you a concept that could change your life, one step, one stroke or one cycle at a time. I am not speaking solely on my own but on behalf of a team of other honourable senators, including Michael Duffy, Joyce Fairbairn, Céline Hervieux-Payette, Frank Mahovlich and Percy Mockler.

The initiative I am speaking about today is called the "20:10 Program." We are encouraging you to think about how you can improve your own physical health by adding some sort of physical exercise to your schedule for only 20 minutes and 10 seconds, twice a week.

Many of you have already made fitness part of your daily routine, including Senator Duffy. I know how difficult this can be with our responsibilities in the chamber, in our committee work and with the various activities that consume us in Ottawa and at

[ Senator Cools ]

home. However, what kind of role models are we to our families, friends and those in our communities if we cannot demonstrate the leadership and commitment that we see from our athletes as they prepare each and every day for their chance at the podium in 2010?

The 20:10 Challenge is for all of us. In both chambers of Parliament, members of the House of Commons and Senate are being asked to show a different kind of leadership — the leadership of improving or enhancing one's health, demonstrating to Canadians through active participation and encouragement that they should do the same. With only 261 days left to the opening of the 2010 Olympics in Vancouver and Whistler, my colleagues and I are asking each of you to exercise leadership in the context of the Olympic and Paralympic movement. You can only imagine the surge of excitement I feel when I think of young Olympians and Paralympians who, in less than nine months, will be representing the best that Canadians have to offer in winter sport.

Over the next three weeks, we will be kicking off this new lifestyle with the encouragement of two leading coaches who have volunteered to help us change our lives and those of others with whom we interact. Pierre Lafontaine, coach of the Canadian Olympic Swim Team, and the running/walking, nationally renowned track coach Phil Marsh are volunteering their time to help us in this physical fitness challenge. A fitness present in a red box will be delivered to your offices with more details of how you can get involved.

Honourable senators, join with me and other colleagues from this chamber and from the House of Commons as we demonstrate to ourselves and to all Canadians that we are motivated to live a healthier lifestyle. Please join me in the 20:10 Challenge.

#### THE HONOURABLE JOHN NURANEY

**Hon. Mobina S.B. Jaffer:** Honourable senators, in the last provincial election, I lost a colleague, British Columbia MLA John Nuraney. I worked closely with John over the years to represent British Columbians. Over the past eight years, John has served his constituents in B.C. with dedication and distinction.

He was first elected in 2001 and then re-elected in 2005. John came to office with a desire to provide his constituents and others with a voice in the legislature. Unfortunately, John lost the last election.

I came to know of John's dedication, sincerity and work ethic when he was the chair of my federal election campaign to run as an MP in North Vancouver in 1993. Since then, I have come to know and respect him as a friend and as an MLA while working on projects in B.C.

John's election to the legislature was a matter of pride in the community. He had arrived in Canada from Zaire in 1974. His life had dealt him many harsh circumstances. The Congolese government had taken his real estate business and denied him basic citizenship rights. John and his wife Gulshan worked very hard to rebuild their lives in Canada.

John had many careers prior to entering politics. He was an entrepreneur, a realtor, an insurance broker, and he quickly became a valuable contributor to his community. He is a dedicated advocate of community policing issues and community theatre, a Rotarian, and a past president and director of the Burnaby Rotary Club. He has also worked to better the lives of street youth and has helped set up programming to feed hungry children in Burnaby.

It is often said that we are the sum of our life experiences; they shape, humble and toughen us. John came to office ready to roll up his sleeves and work hard for his constituents. He also came with an understanding of how important it is to give people a voice in government. I believe he will certainly achieve these goals. Feedback on his performance ranges from "He helped me deal with government," to "Thank you for looking after seniors," to "Thank you for helping me reunite with my sons after a long battle with different ministries."

• (1435)

The former Mayor of Burnaby, Alan Emmott, said:

Putting party labels aside, I truly believe that John Nuraney has positively and effectively responded to the needs of our community and our province. He is a caring man who always treats issues, large or small, with his full attention.

We have lost a strong and thoughtful voice in the British Columbia legislature. This representation will be greatly missed by our community, and I fear our issues and concerns will not receive the care and attention that were so carefully and thoughtfully given by this particular member of the Legislative Assembly of British Columbia.

At this time I wish to thank John for his service. I also wish to thank his family — his wife, Gulshan, their children, Nick, Asim, Nimet, Naseem, George and their grandchildren Iahyas and Jaedyn — for sharing him with us. Public office is demanding and often it is our families who feel it the most.

---

[Translation]

## ROUTINE PROCEEDINGS

### COMMISSIONER OF OFFICIAL LANGUAGES

2008-09 ANNUAL REPORT TABLED

**The Hon. the Speaker *pro tempore*:** Honourable senators, I have the honour to table, in both official languages, the 2008-09 Annual Report of the Office of the Commissioner of Official Languages, pursuant to section 66 of the Official Languages Act.

## NATIONAL DEFENCE

### CANADIAN FORCES PROVOST MARSHAL— 2007 ANNUAL REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2007 Annual Report of the Canadian Forces Provost Marshal.

## PUBLIC WORKS AND GOVERNMENT SERVICES

### USER FEES PROPOSAL—FEES FOR ESQUIMALT GRAVING DOCK—REPORT TABLED AND REFERRED TO TRANSPORT AND COMMUNICATIONS COMMITTEE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, pursuant to section 4(2) of the User Fees Act, I have the honour to table, in both official languages, Public Works and Government Services Canada's User Fees Proposal, Fees for Esquimalt Graving Dock.

(On motion of Senator Comeau, report referred to the Standing Senate Committee on Transport and Communications.)

## CANADA ELECTIONS ACT

### BILL TO AMEND—FIRST READING

**Hon. Dennis Dawson** introduced Bill S-236, An Act to amend the Canada Elections Act (election expenses).

(Bill read the first time.)

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

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

[*English*]

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY SENATE COMMITTEE MEMBERSHIP

**Hon. Sharon Carstairs:** Honourable senators, I give notice that, two days hence, I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament examine the manner in which committee substitutions are made and in particular the need for temporary as well as permanent replacements of committee members.

## FISHERIES AND OCEANS

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

**Hon. Ethel Cochrane:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Fisheries and Oceans have the power to sit at 5 p.m., May 26, 2009, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

(Motion agreed to.)

• (1440)

[*Translation*]

## USE OF SEAL PRODUCTS AT 2010 WINTER OLYMPICS

### NOTICE OF INQUIRY

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

I shall call the attention of the Senate to the fact that the Canadian government has supported the use of seal products, specifically seal skins, for the uniforms of Canadian athletes at the upcoming Winter Olympics in Vancouver.

[*English*]

## FISHERIES ACT

### CESSATION OF COMMERCIAL SEAL HUNT— PRESENTATION OF PETITION

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

## QUESTION PERIOD

### FINANCE

#### ECONOMIC UPDATE

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. Eight months ago, every reputable economist was predicting a worldwide economic slowdown. At that time, the Prime Minister and his Finance Minister told Canadians not to worry; there would be no recession in Canada, and budget surpluses would continue indefinitely.



Last fall, the government had an opportunity to take action by proposing measures in its economic update to help Canadians weather the upcoming storm. Instead, the government chose to play partisan politics and finally shut down Parliament for more than two months to avoid a vote of confidence it knew it could not win.

At long last, in its January budget, the government finally came clean and admitted what Canadians already knew: The country was headed into troubled waters. Yesterday, the Minister of Finance was forced to backtrack once again and acknowledge that the deficit would be “significantly larger” than he had predicted.

In view of the dismal record of the government in its economic forecasts and in assisting Canadians through these difficult times, how can Canadians have any confidence that this latest statement is anything more than idle speculation on the part of Minister Flaherty?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, the fall economic update was exactly that, an economic update. It reported what the situation was at the time. It was never intended to be a mini budget. As we saw, the forecast for a small surplus was the truth, because that surplus was reported at the end of the fiscal year.

With regard to the statement yesterday by the Minister of Finance, following his successful meeting with the provincial and territorial finance ministers, he signalled, as did the Prime Minister a week or so ago, that the deficit would be larger than predicted in the budget at the end of January — a budget, which I hasten to point out, that was put together after wide consultations all across the country with many Canadians, except of course the Liberal Party, who did not participate in the consultations at all.

**Senator Comeau:** Shame.

**Senator LeBreton:** There is an interesting dilemma here. Some days in the House of Commons and in the Senate, the opposition demands we spend more money, put more money into the economy, change Employment Insurance, et cetera. We have put together a budget. Nothing is to be gained by changing the budget every two or three months.

Having said that, with regard to the deficit numbers, as the honourable senator knows, the government relies on a set of forecasts by private sector economists who are independent of the government, as has always been the case. It is also well known that the steep decline in global economic activity was such that no economist predicted it.

• (1445)

That means individuals and businesses will pay less in taxes to the government, which impacts government revenues. Even though we are accused of not doing so, the government is paying out significant sums of money in Employment Insurance, which has been proven by a recent Statistics Canada report. It is obvious that the dynamic and continuing difficulties in the global economy have impacted on the deficit. Canada is in the wonderful position of having the lowest ratio of debt to gross domestic

product in the G7. As the International Monetary Fund reported, Canada is best positioned to deal with this world economic condition that we find ourselves in. There are encouraging signs. Every country that has embarked on an economic stimulus package, including our neighbour to the south in particular, has put out their projected deficit figures but because of the global situation, they are vastly different than what appears to be the case now.

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### EMPLOYMENT INSURANCE

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, over the past eight months, the number of unemployed Canadians has grown by more than 200,000. In the month of March, unemployment figures went up by more than 10 per cent. In its budget, the government unveiled a stimulus package designed to kick-start the economy through infrastructure spending, thereby helping Canadians to find work in these difficult times. Months have gone by, and less than 5 per cent of these promised funds have flowed.

Why will the government not do something to bring confidence and real help to Canadians in need by making meaningful changes to the employment program?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** The figure of 5 per cent to 6 per cent used by the honourable senator and his leader in the other place is interesting. It is difficult to determine to what the honourable senator is speaking. I believe the percentage figure was from the Building Canada Fund and not from this year's economic stimulus package or other measures that the government has taken this year. Of course, Senator Cowan fails to factor in the impact of the return to the municipalities of the gas tax, which has stirred an incredible amount of infrastructure spending by municipalities across the country.

Senator Cowan has been asking about EI for two weeks, but he will not take yes for an answer. We have increased the period of EI by five weeks. There are tremendous success stories as a result of the changes we have made to EI, including work-sharing. Work sharing is one of the real success stories but not many people talk about that story. Over 107,000 jobs are protected due to agreements in place with industries for work sharing. Yesterday in Oshawa, Diane Finley, Minister of Human Resources and Skills Development, made an announcement with regard to retraining. This is a serious concern for people who have worked in the same job for all their lives, never thinking that one day they might need to collect Employment Insurance. The government is focused on helping people who require retraining. As the Statistics Canada report showed in the newspapers this morning, there is a significant payout under EI, which reflects the government's effort to increase services, hire people to process claims faster and make EI accessible to the people who need it.

• (1450)

We will not bring in a plan where EI is paid out as proposed by the official opposition. A quick fix like that does not help retrain workers and retraining is the focus of our extra five weeks. We have also introduced work-sharing in various industries across the

country. Employment insurance people have gone in and worked right on the factory floors with those affected by potential job reductions and brought in work-sharing. Therefore, people are not losing their jobs to the degree they might have if that plan had not been in place.

[Translation]

**Hon. Céline Hervieux-Payette:** Honourable senators, we need to remember that in June 2008, the Bank of Canada Act was amended. The Bank of Canada was then allowed to buy back securities from our Canadian banks. Not so long ago, through the Canada Mortgage and Housing Corporation, the bank was allowed to buy back up to \$75 billion to help Canadian banks by providing them with liquidity.

Perhaps the Leader of the Government in the Senate does not recall that when the Senate studied that bill, the Minister of Finance refused to appear before the Standing Senate Committee on Banking, Trade and Commerce to explain why the Bank of Canada Act was being amended. The minister could see the crisis coming. Last fall, he tried to have us believe that he did not know the crisis would be so severe, yet he knew that \$75 billion would be made available to our banks.

The minister should think a bit about her government's transparency and the fact that a finance minister who does not tell the truth does not inspire much confidence.

Currently, all the statistics indicate that our unemployment rate will reach 10 per cent. The Leader of the Government in the Senate tells us that we have all the tools we need to deal with the problem. We need this money to make the rest of the economy work. Unemployed workers cannot spend because they cannot qualify. Will the last five weeks of benefits enable people to make ends meet? Or should we not amend the act to give people access as soon as possible, as most OECD countries have done?

[English]

**Senator LeBreton:** With reference to the Bank of Canada, changes brought in by this government, in addition to other changes the Minister of Finance announced last fall, have contributed to the stability of our banks. As the honourable senator knows, the government will provide a report card to Parliament shortly on the progress of all the various measures including the economic stimulus plan, taxes and research and development. The provinces and municipalities have been helpful. Everyone seems to be working hard to distribute the stimulus money and keep people working.

With regard to the honourable senator's question about whether we will change the act, I assume she meant the Employment Insurance Act. It is clear that the government has made significant changes with regard to Employment Insurance, including further announcements yesterday.

• (1455)

However, if the question is, will we amend the Employment Insurance Act to implement what is suggested by the honourable senator's leader, I would say that will not happen.

[ Senator LeBreton ]

[Translation]

## OFFICIAL LANGUAGES

### RIGHTS OF FRANCOPHONE MILITARY PERSONNEL

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, the Commissioner of Official Languages released his report today. My question relates to official languages.

In 2006, Yves Côté, the former Canadian Forces Ombudsman, conducted an investigation concerning the lack of respect for the rights of francophone soldiers at CFB Borden. On August 7, the former Interim Ombudsman, Mary McFadyen, indicated that her office's investigation revealed that a considerable number of courses were not being offered to francophone students at CFB Borden and CFB Galetown. This situation still has not changed. At the largest National Defence training school in the country, 40 per cent of basic courses and 47 per cent of advanced or specialized courses are not available in French for francophone soldiers and new recruits.

When will this disrespect towards francophone soldiers be corrected?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I notice there was a press release from the official opposition this morning attacking the government on the report of the Commissioner of Official Languages. The official opposition put one copy of the press release out in French, as they should, with an English heading. Perhaps a little bit of sensitivity can be shown on that side as well.

**Senator Comeau:** Shame.

**Senator LeBreton:** With regard to the —

**Senator Tardif:** It is bilingual.

**Senator LeBreton:** "It is bilingual," the honourable senator said. That is pretty good, actually.

The report of the Commissioner of Official Languages was released, as we all know, and we are always thankful to the Commissioner of Official Languages, Graham Fraser, for his hard work.

With regard to Camp Borden, I will obtain an update, but I believe the honourable senator referred to recommendation 5, which is where the commissioner recommended that the Minister of Canadian Heritage and Official Languages implement as soon as possible the commitments announced in the *Roadmap for Canada's Linguistic Duality 2008-2013: Acting for the Future* to support second language learning. I have not read the full report but I believe the Commissioner of Official Languages has indicated that more work needs to be done in this area. As honourable senators know, we have agreements with the provinces and territories concerning education with regard to official languages.

Under the next agreements, the provinces and territories plan to establish targets for second language learning, taking into account the respective challenges around the country.

With regard to Camp Borden specifically, I will take that part of the honourable senator's question as notice and obtain an update.

[Translation]

**Senator Tardif:** My question today was not specifically related to the report of the Commissioner of Official Languages, but more particularly to the situation at CFB Borden.

When the minister makes her inquiries, I wonder if she could consider the following points: At CFB Borden, 77 per cent of courses in the area of health and dental care are not available in French. As for advanced courses in electrical engineering and mechanics, which are needed to reach the rank of officer, none of those courses are offered in French. They are available only in English.

What message does that send to francophone soldiers? Are they not full citizens of this country? When will this government fully honour its commitments under the Official Languages Act?

[English]

**Senator LeBreton:** Honourable senators, obviously that situation is not acceptable. I will seek advice and clarification on what is being done about it.

• (1500)

I hasten to add that it was the previous government that closed down the military training facility in Saint-Jean. Of course, that is a decision that we are paying for today.

#### BILINGUAL SIGNAGE AT 2010 WINTER OLYMPIC AND PARALYMPIC GAMES

**Hon. Mobina S. B. Jaffer:** Honourable senators, I would like to ask a supplementary question on what the Commissioner of Official Languages has expressed regarding the ability of the Vancouver Organizing Committee to ensure the presence of both official languages at the 2010 Olympics. In particular, the commissioner has noted that the Vancouver Organizing Committee's challenge is in providing fully bilingual services such as signage and transportation.

The commissioner has also released a report stating that Canada will hold a successful Olympic Games in 2010 only if the federal government, along with its partners, ensures that linguistic duality is promoted.

My question is to the Leader of the Government in the Senate. How will the Canadian government act on these recommendations in the commissioner's report to ensure that Canada's bilingualism commitments are fulfilled? Can the Leader of the Government assure us that the government will take action to ensure that the Olympic Games will be in both official languages, French and English?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, we dealt with this issue in the Senate a few weeks ago.

The government is mindful of the report of the Official Languages Commissioner and his concern in this area. I wish to assure the honourable senator and all honourable senators that Treasury Board officials are working closely with the Olympic and Paralympic Games secretariat within Canadian Heritage to remind institutions of their absolute obligation to provide services in both official languages during both the Olympics and the Paralympic Games.

**Senator Jaffer:** The minister has kindly offered to obtain the details and provide them to us. I await the details.

As part of her commitment, may I request that the leader ensure that the unilingual sign of the Richmond Olympic Oval will be changed to become a bilingual sign shortly?

**Senator LeBreton:** I am not absolutely sure about this, honourable senators, but I think there is a handover at some point from the City of Richmond to the Olympic officials. It is clear that, when this happens, all signage should be in both of Canada's official languages.

[Translation]

#### QUALITY OF FRENCH TRAINING FOR MILITARY PERSONNEL

**Hon. Maria Chaput:** Honourable senators, I have a question to add to that of Senator Tardif. We are discussing the Canadian Armed Forces and military training in French. The minister is going to examine the question and obtain the information.

I would like to point out to her that, first of all, certain courses are not offered in French; second, the documentation is not always available in French; and third, the French used does not meet government standards. When courses in French are available, the quality of the French is poor.

I would like to point out that the Minister of Heritage is responsible for encouraging the other departments. However, in this case, the minister responsible for the Canadian Armed Forces should be asked to examine this matter immediately.

[English]

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I will pass on the concerns of the honourable senator and ask the Minister of Heritage to raise this matter with the Minister of National Defence.

In terms of teaching and providing materials in both official languages, the Minister of Canadian Heritage has regular contact and works regularly with many of the government's second language partners, including Canadian Parents for French, an organization familiar to the honourable senator, and the Canadian Association of Second Language Teachers. The Minister of Canadian Heritage works with many groups to improve language availability.

• (1505)

I also wish to point out that with respect to the roadmap the minister is working on, it is the most money that has ever been allocated to this particular matter in the history of the country.

#### BILINGUAL SIGNAGE AT 2010 WINTER OLYMPIC AND PARALYMPIC GAMES

**Hon. Wilfred P. Moore:** Honourable senators, I have had an opportunity to view the Olympic Oval in Richmond. Not only is the main sign unilingual, but all the interior signs are in English only as well.

I ask the Leader of the Government in the Senate, when she speaks to the appropriate authority, that she ask that they also look at ensuring that the interior signs are in both official languages as well.

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I wish to thank Senator Moore for his question. I will make that inquiry. As I explained to Senator Jaffer, my understanding is that when the City of Richmond, that is operating the facility right now, turns the facility over to VANOC, it will become an Olympic site and will affect the whole facility.

I will draw their attention to the signage on the outside and the inside of the facility as well.

#### NATURAL RESOURCES

##### CHALK RIVER NUCLEAR LABORATORIES— MEDICAL RADIOISOTOPE SUPPLY

**Hon. Lorna Milne:** Honourable senators, my question is to the Leader of the Government in the Senate.

For the second time in 18 months, the nuclear reactor at Chalk River has been shut down. This time it is due to yet another leak of heavy water, the third such leak in the last six months.

Over a year ago, this government chose to fire Linda Keen, Canada's nuclear regulator, and refused to heed her warning of the imminent breakdown of this aging reactor.

In the wake of this second shut down, what concrete steps are being taken to protect the safety of Canadians and to maintain the global supply of medical isotopes?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, the matter of Linda Keen was before the courts and has been resolved and I will not comment on her specifically.

Like similar facilities worldwide, the reactors at the Chalk River site are old. Atomic Energy of Canada Ltd. produces, of course, the world's supply of medical isotopes.

Last December, Minister Raitt, the Minister of Natural Resources, put out a five-point plan to deal with contingencies, which I would be happy to provide to Senator Milne. With regard

to the unexpected shortage of medical isotopes, this government and previous governments have had to deal with this problem.

A considerable amount of money was spent on the two MAPLE reactors and they never produced a single medical isotope. Finally, on the recommendation of AECL, a decision was made to disband any future work on a project that would never be useful.

The government is working with other medical isotope producers around the world and with medical personnel in the country to work on other methods of treatment that can be used instead of medical isotopes.

This is a serious problem. As Minister Raitt pointed out in the other place yesterday, five different ministers under the previous government are responsible for this situation and not one of those ministers did anything to correct the problem. At least we are trying to deal with this serious situation, along with the Minister of Health, who is working with her provincial and territorial counterparts trying to identify other sources of supply, plus using other techniques and keeping the medical isotopes for the work they are most seriously needed for — most importantly, heart and cancer diagnoses.

• (1510)

**Senator Milne:** I thank the Leader of the Government for her response. However, because it is such a longstanding situation, I find it appalling that her government waited four days after this latest leak occurred to inform the public and, other than talking, has taken no action to ensure a reliable supply of medical isotopes.

What does this government plan to do? How does it propose to inform Canadians living with cancer, who cannot access vital diagnostic services, let alone begin treatment, because of this current medical isotope shortage?

**Senator LeBreton:** First, the honourable senator is wrong to say that the minister is taking no action. I thought I made it clear in my answer that she has been working with her counterparts from around the world to secure a supply.

The situation and problems, as the honourable senator knows well, are similar for every other medical isotope producer in the world. Their plants are all 40 to 50 years old. As I mentioned in my answer a few moments ago, last December, Minister Raitt released a five-point plan to deal with contingencies in case of an unexpected shortage. This particular situation developed due to a massive power outage in Eastern Ontario. It caused the reactor to shut down. As a result, they found this very small leak. AECL and the nuclear safety groups say there is no danger to Canadians from the actual leak.

To say that the government and the minister have not done anything is quite incorrect. The minister has been working and has been on the phone to many countries in the world and with many producers of medical isotopes with a view to securing supply because it is still not clear when the Chalk River facility will be up and running or how long it will be out of commission.

[ Senator LeBreton ]

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table three answers to oral questions. The first was raised by Senator Milne on March 10, 2009, concerning citizenship, immigration and multiculturalism, disenfranchised Canadian citizens; the second by Senator Cowan on April 22, 2009, concerning science and technology funding; and the third by Senator Milne on April 23, 2009, concerning the expenditures and budget of the Prime Minister's Office.

### CITIZENSHIP, IMMIGRATION AND MULTICULTURALISM

#### DISENFRANCHISED CANADIAN CITIZENS

(Response to question raised by Hon. Lorna Milne on March 10, 2009)

- a) The *Citizenship Act* does not discriminate against female parents when determining citizenship by descent.

Citizenship status, for persons born outside Canada, is passed on to children at birth through their parents. This is a legal concept called *jus sanguinis*, or citizenship by descent, and is the way that children born outside Canada acquire citizenship automatically at birth, as opposed to children who acquire it automatically by birth in Canada. There is an exception to automatic citizenship by birth in Canada for children born to foreign diplomats.

Because citizenship, for persons born outside Canada to Canadian parents, is inherited, or descended, through generations, previous citizenship laws that were in effect when a child's parent obtained citizenship can affect that child's acquisition of citizenship. This is the case between the current *Citizenship Act* of 1977, and the previous *Canadian Citizenship Act* of 1947.

Under the 1947 *Act*, children born outside Canada acquired Canadian citizenship upon registration with citizenship authorities through their father if the parents were married, or through their mother if the parents were unmarried. As a result, children born abroad could be treated differently depending on whether or not their parents were married, and which of their parents was a Canadian citizen. For example, if a child was born to a Canadian mother and a foreign-national father, and the parents were married, that child would not acquire Canadian citizenship by descent. Conversely, a child would acquire citizenship if all else was equal but the father, and not the mother, was Canadian. The 1977 *Act* eliminated this rule by allowing children to acquire citizenship through either parent, but did not retroactively change the differential treatment of the 1947 *Act*.

The 1977 *Act* did, however, seek to address groups of persons who were not eligible for citizenship by descent under the rules in the 1947 *Act* by providing a transitional measure that allowed such persons to apply for a grant of

citizenship without having to first become a permanent resident. This transitional provision, open to persons who were not eligible for citizenship by descent under the 1947 *Act* depending on which of their parents was Canadian or whether the parents were married, expired in 2004.

C-37, passed on April 17, 2008 and coming into force April 17, 2009, amends the current *Act* to retroactively address some historical inequalities of the 1947 *Act*. With few exceptions all persons who were born outside Canada to a Canadian parent, whether mother or father, will have their citizenship retroactively conferred to either their birth date or the date on which they lost Canadian citizenship, on April 17, 2009.

However, C-37 also preserves the value of Canadian citizenship by limiting citizenship by descent to the first generation born abroad. This rule is also applied retroactively, so that persons who did not acquire citizenship by descent under the 1947 *Act*, will acquire it on April 17, 2009, automatically and retroactively, but only if they are born in the first generation outside Canada.

- b) On April 17, 2008, Bill C-37, *An Act to Amend the Citizenship Act*, received Royal Assent, having been unanimously passed by the House of Commons and the Senate. Bill C-37 is a broad and generous remedial measure to address the majority of cases of loss of Citizenship that were caused by outdated provisions in citizenship legislation.

For deserving cases, where citizenship has been lost or denied, which fall outside the restorative measures of C-37, discretionary authorities in the *Citizenship Act* continue to be available to alleviate cases of special and unusual hardship or to reward services of an exceptional value to Canada.

### SCIENCE AND TECHNOLOGY

#### FUNDING

(Response to question raised by Hon. James S. Cowan on April 22, 2009)

The Government's science and technology (S&T) investments have been guided by the federal S&T Strategy that was released by the Prime Minister two years ago.

The S&T Strategy is a comprehensive, holistic, long-term plan focused on creating a more competitive and sustainable Canadian economy with the help of S&T by building an entrepreneurial, knowledge and people advantage. These advantages are guided by four key principles: promoting world-class excellence; focusing on priorities; encouraging partnerships; and enhancing accountability.

The S&T Strategy stated that the Government of Canada will continue to play an important role in supporting basic research across a broad spectrum of science and that it will be more focused and strategic, targeting more basic and

applied research in areas of strength and opportunity. By setting research priorities, the federal government has been focusing funding, building partnerships, both at home and abroad, and leveraging Canada's public research base to address social and economic challenges.

At the same time, the Government recognizes that discovery-oriented research generates tremendous benefits which are not predictable at the outset. It is important for society that universities continue to explore lines of enquiry in all disciplines that will create longer-term opportunities.

To illustrate our success in S&T, Canada has maintained its world leadership position in terms of its support for post-secondary research. We rank first in the G7 and second (after Sweden) among the 30 OECD countries in terms of higher-education research and development (R&D) expenditures as a percentage of GDP.

To demonstrate its commitment to maintaining this strong record, the government has made significant new funding to the Granting Councils for their core programming — a total of \$205 million per year in Budget 2006, 2007 and 2008. These increases are cumulative, representing ongoing, permanent increases in core funding.

In addition to increased funding for core research, the government has established several new programs aimed at developing, retaining and attracting world-class researchers.

Of note in this regard are a suite of new programs that emphasize international research excellence — such as the Canada Excellence Research Chairs, the Vanier Canada Graduate Scholarships Program and the Centres of Excellence for Commercialization and Research.

Funding has also been maintained or enhanced for well-established programs that have had a major impact on our ability to attract and retain scientists — including the Canada Research Chairs program, and the Canada Foundation for Innovation.

A key part of the Government of Canada's support for R&D at universities and colleges is the Indirect Costs program, which funds overhead costs at university and college research facilities in support of research excellence, and the commercialization of research. In 2009-10 the government will invest \$325M through the Indirect Costs program to support excellent campus research environments. The Indirect Costs program covers indirect costs arising from the research activity funded by the granting councils.

Overall, the federal government has invested over \$2 billion in new funding for science and technology in the previous three budgets (Budgets 06, 07, & 08) across a range of initiatives to help build a well-balanced entrepreneurial, knowledge and people advantage. And a further \$5.1 billion has been invested through Budget 2009, one of the most substantial budget investments in S&T in Canadian history.

Given that much of the focus of this budget was on stimulus, the Government provided a \$2 billion investment to enhance university and college infrastructure, going some

way to help alleviate provincial resource pressures. This initiative, part of the government's Economic Action Plan to stimulate economic activity, was in response to the number one priority expressed by university and college presidents. In general, projects to be funded under this program will also be provincial priorities and going forward, the provinces will help play a key role in the operational costs of post-secondary labs.

Our past investments and Budget 2009 underscore the government's commitment and success to build a strong, well balanced national competitive advantage through S&T.

## TREASURY BOARD SECRETARIAT

### EXPENDITURES OF PRIME MINISTER'S OFFICE

*(Response to question raised by Hon. Lorna Milne on April 23, 2009)*

Based on the Policy on Management, Resources and Results Structures, every department needs to develop a Program Activity Architecture (PAA) that is explained in sufficient detail to reflect how a department allocates and manages its resources to achieve their intended results.

All departmental reporting to Parliament such as Main and Supplementary Estimates, Report on Plans and Priorities and the Departmental Performance Report are presented using the department's PAA.

Up to fiscal year 2005-06, the Prime Minister's Office (PMO) was identified as a separate program activity under the Privy Council Office's (PCO) PAA. Since then, PCO has revised its PAA to reflect its reorganization to focus on its core functions. Under the new PAA, PMO's budget and expenditures are now part of the program activity "provide professional, non-partisan policy advice and support to the Prime Minister and portfolio ministers".

With regard to the total amount estimated to be spent by the PMO for 2009-10, given the current reorganization of the PMO, these estimates have not yet been finalized.

For fiscal year 2009-10, PMO's budget is in the amount of \$8.4 million.

The budget is comprised of these following items:

- An amount of \$7.1 million for salaries and wages (including the Employee Benefit Plans (EBP)). The EBP represents the cost to the Government for the employer's matching contributions to the Public Service Superannuation Act, Canada/Quebec Pension Plan, Supplementary Death Benefits and the Unemployment Insurance Account.
- An amount of \$1.1 million for the other operating costs. They include travel, professional services and the cost related to the operation of the residences.

- Also included in PMO's budget and shown in the 2009-10 PCO Main Estimates, is an estimated amount of \$159,400 for the Prime Minister's salary and \$2,122 for the motor car allowance. These amounts are statutory and are in accordance with the Parliament of Canada Act and the Salaries Act.

[English]

## ORDERS OF THE DAY

### CANADA NOT-FOR-PROFIT CORPORATIONS BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Donald H. Oliver** moved second reading of Bill C-4, An Act respecting not-for-profit corporations and certain other corporations.

He said: Honourable senators, it gives me great pleasure to have this opportunity to speak in support of Bill C-4, An Act respecting not-for-profit corporations and certain other corporations, an act that will significantly improve the ability of the not-for-profit sector to carry on its important work.

The examination of this bill, which primarily deals with not-for-profit corporations, gives us the opportunity to focus our attention on just how large the not-for-profit sector, or voluntary sector as it is sometimes called, is in Canada. As well, it allows us to reflect upon just how much it affects us as Canadians.

As honourable senators will know, the issue of not-for-profit law reform has been the subject of public discussion for many, many years. While it is the first time that we in the Senate have had the opportunity to look at the issue for a long time, in the other place, variations of this bill have been tabled no less than four times in the last four years. The most recent iteration was a bill called Bill C-62.

• (1515)

Successful economies in the 21st century will be built on three key elements: knowledge, innovation and people. Not-for-profit corporations such as medical research organizations and scientific foundations are key players in the development of innovative knowledge and technology. Other not-for-profit corporations train workers, opening opportunities for their participation in the new economy. As a result, the sector is fundamental to building a society that keeps and attracts investment and workers.

The voluntary sector is one of the three pillars that make up Canadian society, together with the public and private sectors. Non-profit and charitable organizations touch all aspects of Canadian life, including education, health, faith, human rights, social justice, environment, arts and culture and sports and

recreation. These organizations include such diverse services as neighbourhood associations, service clubs, advocacy coalitions, food banks, shelters, transition houses, symphonies, sports clubs and religious organizations.

Honourable senators, there are approximately 160,000 not-for-profit corporations in Canada, including about 19,000 that fall under federal jurisdiction. These corporations are an integral part of Canadian life. Statistics Canada informs us that in 2004, in addition to the two million full- and part-time employees of not-for-profit corporations, about half of which are charities, nearly 12 million Canadians, or 45 per cent of the population aged 15 and over, volunteered at least some time to the activities of a voluntary organization. This contribution of time and effort totalled almost two billion hours, which is the equivalent of one million full-time jobs. Volunteers, on average, contributed 168 hours each.

Time is not all that Canadians contributed. It is estimated that over 22 million Canadians made some sort of financial donation to a not-for-profit organization. That is a donation rate of 85 per cent. The total of these individual donations came to nearly \$9 billion in the year 2004. Honourable senators, this contribution is nothing short of astounding.

It shows that the not-for-profit and voluntary sector is one of the driving forces not only of our social economy but of the economy as a whole. The sector is one in which almost every Canadian from every walk of life takes an active and meaningful interest.

Honourable senators, we have an ongoing commitment to make every effort to advance legislation to ensure that the organizations incorporated under federal laws are governed by a modern legislative framework. The framework should be flexible enough to meet the needs of both small and large organizations while providing the accountability and transparency necessary to secure the support of the Canadian public.

For years, there have been calls from stakeholders for substantial reforms in the not-for-profit law. It has long been recognized that the voluntary sector needs a new statute with clear standards of governance to promote accountability and transparency, particularly for corporations that solicit funds from the public and the government.

Attracting and retaining directors has long been an issue for not-for-profit corporations, especially those that rely on volunteer directors. A major reason for this issue has been the potential liabilities that can arise in the course of carrying out their duties. There is a recognition that public expectations of directors and officers of not-for-profit corporations are higher now than they have ever been, and that the men and women who volunteer their time need to be protected from undo liability.

Liabilities, of course, can arise from various circumstances including fraud, negligence, conflict of interest, environmental issues and unpaid taxes, to name but a few. At issue is the uncertainty directors and organizations face regarding this potential liability.

That is why this bill contains a clear and widely understood defence for directors and officers. It is called the due diligence defence, and it is found in most modern corporate laws, both for-profit and not-for-profit. This defence allows directors to defend themselves from liability if they exercise the due care, diligence and skill that a reasonable and prudent person would have exercised in similar circumstances.

• (1520)

That is not to say that directors and officers should be absolved from all potential liabilities — far from it. In addition to those liabilities of which I have already spoken, those individuals in sensitive areas, such as child welfare or the care of the infirm and the elderly, can be liable in the event of negligence. No one seriously argues otherwise. However, directors and officers should be secure in the knowledge that if they act responsibly, with reasonable care and with appropriate skill, they can carry out their necessary work without undue worry about potential liability.

We ask a great deal of those who choose to volunteer and work in the not-for-profit sector. The law should not be a reason to avoid participating. Rather, it should encourage those who wish to volunteer their time or seek employment in the voluntary sector to join the millions of other Canadians who have chosen to put their talents at the service of others.

There is much more to this bill, of course. It has, after all, 372 different sections. The new act will respond to a host of needs that have accumulated since the Canada Corporations Act came into force in 1917. I have had time to focus on only a few of them.

Honourable senators, we are fully aware how much each of us is affected by the voluntary sector. Now we have an opportunity to advance dramatically the ability of the not-for-profit corporations to carry on the work that is so necessary to the Canadian social fabric.

Honourable senators, we have before us a piece of legislation that is modern, innovative and comprehensive. It is long overdue, and we owe it to the thousands of Canadians who tirelessly work in the voluntary sector along with the beneficiaries of their labours to pass this bill without due delay.

Thank you, honourable senators, for allowing me to address you on this bill at second reading today.

(On motion of Senator Tardif, debate adjourned.)

## ENVIRONMENTAL ENFORCEMENT BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Richard Neufeld** moved second reading of Bill C-16, An Act to amend certain Acts that relate to the environment and to enact provisions respecting the enforcement of certain Acts that relate to the environment.

He said: Honourable senators, I am pleased to begin debate on second reading on Bill C-16, the environmental enforcement act. This bill honours the Conservative party commitment made

during the election campaign to bolster protection of our water, air and land through tougher environmental enforcement.

The bill complements a number of other steps the government has taken since coming into office three years ago to protect our water, air and land through stricter enforcement measures, including a \$22 million commitment in Budget 2007 to increase the number of Environment Canada's enforcement officers by 50 per cent, and a \$23 million commitment in Budget 2008 for the implementation of an enhanced law enforcement program.

The bill passed in the other place with only minor amendments and with all-party support for its fundamental rationale. In response to issues raised primarily by the shipping industry before the House of Commons Standing Committee on Environment and Sustainable Development, the original bill was amended to correct errors and to ensure appropriate concordance with other federal statutes.

As a result, we have before us today an impressive bill that will contribute to improving enforcement of our environment and wildlife protection and conservation laws by proposing sweeping changes to the offence, penalty and enforcement provisions of nine environmental protection and wildlife conservation statutes, including the Canadian Environmental Protection Act, 1999; the Migratory Birds Convention Act, 1994; Canada's trade in endangered species legislation; and the Canada National Parks Act.

As demonstrated by the all-party support for the fundamental rationale of this bill in the other place, Bill C-16 is an important initiative. I want to stress that Bill C-16 does not change the requirements currently in place for environmental compliance in Canada. However, it breaks new ground through novel measures to ensure sentencing achieves the goals of deterrence, denunciation and restoration, and contributes to the protection of our environment.

Bill C-16 does this by increasing fines, improving sentencing authorities and strengthening enforcement tools.

Honourable senators, the goal of this bill and enhanced enforcement is to prevent environmental damage and preserve our environment, but when a significant environmental offence is committed, it is necessary to contemplate a significant sentence to match the seriousness of the offence. This bill makes it possible.

On the topic of increased fines, it is important to point out that most fines currently imposed on our environmental offenders are too low to deter effectively environmental offences or express adequately society's denunciation of these offences.

Although courts are already empowered to impose fines of up to \$1 million under some of these statutes amended by this bill, actual fines imposed under the statutes covered by the bill have never been more than \$100,000. Given that many offenders convicted under these statutes are corporations operating for profit in a regulated sphere, fines of this quantity may be seen as a cost of doing business. In some cases, the deterrent effect of sentences has been much too low, not providing any real incentive for these actors to comply.



Bill C-16 attempts to remedy this situation by providing more guidance to courts on the appropriate levels of fine. The bill provides this guidance by introducing minimum fines for the most serious offences — those that involve direct harm or risk of harm to the environment, or obstruction of authority. No federal environmental wildlife protection or conservation statute currently provides for minimum fines for individuals or corporate offenders. The bill will introduce minimum fines of \$5,000 for individuals who are prosecuted by way of summary conviction, and \$15,000 for individuals who are prosecuted by means of indictment. The bill will make most corporations liable to minimum fines of \$25,000 on summary conviction, and \$75,000 on indictment.

The largest corporations will be held liable to even higher minimum fines of \$100,000 on summary conviction, and \$500,000 on indictment. It is expected that these minimum fines will not only ensure that fines more adequately reflect society's disapproval of environmental offences, but that they will also act as a strong deterrent to potential environmental offenders.

Bill C-16 further increases incentives for compliance by obliging courts, if satisfied that any property, benefit or advantage has been accrued to the offender as a result of the offence, to order the offender to pay an additional fine equal to the amount estimated to have been gained. This provision will go a long way to changing the attitude that fines for environmental offences are simply the cost of doing business.

As I mentioned earlier, in addition to increasing fines, the bill also improves sentencing authorities by expanding the authority of courts to order offenders to undertake certain activities, including remediating harm caused by their offences, compensating those who take remedial action or who lose property as a result of offences and contributing to communities harmed by environmental offences.

• (1530)

The bill further enhances the deterrent effect of convictions by improving public disclosure of environmental offences, especially with respect to corporate offenders. It adds a provision to each act obliging the minister responsible for the act to maintain, in a registry accessible to the public, information about all convictions of corporations for offences under the act. Additionally, courts will be obliged to order corporate offenders to inform their shareholders of convictions.

Finally, to ensure that the goals of deterrence, denunciation and restoration are all achieved, the bill includes a provision directing all fines collected under the laws it amends to the Environmental Damages Fund, a special account in the Accounts of Canada, from where they will be available to community and other organizations for environmental restoration, improvement, research and development, and public education and awareness.

The improvements to the fine schemes and sentencing authorities introduced by Bill C-16 are key to more effective sentencing.

Beyond its focus on the outcome of prosecutions, the bill also strengthens the government's hand in detecting, halting and investigating non-compliance. It does this by improving enforcement tools, including through the expanded authority to

designate analysts, explicit recognition of officer immunity from civil suits for acts and omissions carried out in good faith, and broadened availability of "compliance orders," which enforcement officers can issue to ensure immediate action is taken to stop illegal activity.

Furthermore, it introduces authority to establish an administrative monetary penalty scheme for responding to less serious environmental infractions that might otherwise go unaddressed because of the prohibitive costs and time associated with prosecutions.

I look forward to examining the bill more closely with my honourable colleagues in committee.

(On motion of Senator Tardif, debate adjourned.)

[*Translation*]

### THE ESTIMATES, 2009-10

#### NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (A)

**Hon. Gerald J. Comeau (Deputy Leader of the Government)**  
pursuant to notice of May 14, 2009, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2010.

(Motion agreed to.)

[*English*]

### WORLD AUTISM AWARENESS DAY BILL

#### THIRD READING

**Hon. Jim Munson** moved third reading of Bill S-210, An Act respecting World Autism Awareness Day.

(Motion agreed to and bill read third time and passed.)

[*Translation*]

### CRIMINAL CODE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-209, An Act to amend the Criminal Code (protection of children).

**Hon. Céline Hervieux-Payette:** Honourable senators, I intended to give my speech today; however, I still have a little research I need to complete, since I have been so busy with the issue of seal hunters, who are now having problems with the lobster fishery.

I will be ready to give my speech on Thursday. I look forward to sharing with all honourable senators the new research we have done on this important matter, violence against children.

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

[English]

### PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Bacon, for the second reading of Bill S-218, An Act to amend the Parliamentary Employment and Staff Relations Act.

**Hon. A. Raynell Andreychuk:** Honourable senators, Senator Joyal has introduced this bill on previous occasions, and there is a companion motion with respect to the human rights issues throughout the Senate as a whole, which I have introduced. I intend to speak to the motion this week at a later date, so I am asking for an adjournment.

(On motion of Senator Andreychuk, debate adjourned.)

### NATIONAL SECURITY AND DEFENCE

#### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON NATIONAL SECURITY POLICY—THIRD REPORT OF COMMITTEE— MOTION IN AMENDMENT— ORDER STANDS

On the Order:

Resuming debate on the motion by the Honourable Senator Kenny, seconded by the Honourable Senator Banks, for the adoption 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;

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Kenny, that the report be not now adopted, but that it be amended in Appendix B by reducing the figure in the “Professional and Other Services” category to \$116,006, for a total of \$349,175 for all categories, reflecting adjustments in the salaries for the Communications Consultant, the Senior Military Advisor, the Senior National Security Advisor, and the Writer-Consultant.

**Hon. Colin Kenny:** Could Senator Comeau advise us when Senator MacDonald might speak to this issue?

[ Senator Hervieux-Payette ]

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Senator MacDonald is not in the chamber. I know it is not proper to mention presence or lack of presence, but he happens to be outside the chamber at this time. I will check with him and report back to the chamber as to when he might speak to this item.

(Order stands.)

[Translation]

### FISHERIES AND OCEANS

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

On the Order:

Resuming debate on the motion by the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Munson, for the adoption 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:** Honourable senators, I move that the report be adopted.

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

(Motion agreed to and report adopted.)

• (1540)

[English]

### AGRICULTURE AND FORESTRY

#### MOTION TO PLACE NINTH REPORT OF COMMITTEE TABLED DURING SECOND SESSION OF THIRTY-NINTH PARLIAMENT ON ORDERS OF THE DAY— MOTION, AS AMENDED, ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Fairbairn, P.C., seconded by the Honourable Senator Robichaud, P.C.:

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

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I wish to respond to Senator Fairbairn's motion to reinstate the Agriculture Committee's report on rural poverty, which was originally tabled in this place in June 2008.

Senator Fairbairn is asking the Senate to put on its Order Paper a report from a previous Parliament. Honourable senators who were in this place in June 2008 may remember this report. They may also recall that the report was not adopted by the Senate; in fact, the report was not even moved for adoption.

A lot has happened in this place since June 2008. Allow me to briefly highlight some of the major events that have taken place since then.

The Thirty-ninth Parliament was dissolved and a general election took place. The First Session of the Fortieth Parliament was convened and subsequently prorogued. We now find ourselves in the Second Session of the Fortieth Parliament. There are 18 new members in the chamber. The committee membership has changed as a result and so, too, has the chairmanship.

The heart of this motion is to introduce a report from a previous Parliament. In the past, reports from previous sessions have been revived and placed on the Order Paper. For example, I draw the attention of honourable senators to the Second Session of the Thirty-ninth Parliament when, on June 18, 2008, the Senate agreed to Senator Di Nino's motion to have the Foreign Affairs Committee's report on sub-Saharan Africa placed on the Order Paper for consideration.

However, that was not the first attempt to introduce the report. Earlier in that same session, Senator Stollery moved a motion that the report be adopted — not considered, but adopted — and that a government response be requested. At that time, Senator Carstairs rose on a point of order — quite rightly so — to challenge the validity of this motion.

On December 11, 2007, the Speaker ruled that particular motion out of order because it was not in keeping with the proper procedures of this place and, in effect, cut off the debate; hence, the second attempt made by Senator Di Nino.

In his ruling of December 11 and the follow-up questions of procedure, the Speaker reminded the Senate that many items, including committee reports, can be reinstated from previous sessions. Reference was made to citation 890 of *Beauchesne's Parliamentary Rules & Form*, sixth edition, which reads:

If the House is to debate a report from a previous session, a motion, with notice, must first be made in the House that the report of the said committee be considered during the current session, and, if such a motion is carried, the House may appoint a day for the consideration of that report.

This was no doubt the inspiration behind Senator Di Nino's motion and perhaps is the motivation for Senator Fairbairn's motion. However, the citation only makes reference to previous sessions, not previous Parliaments.

Senator Carstairs sought clarity on how far back such a motion could reach. In response, the Speaker said:

Such uncertainty is not conducive to orderly proceedings in the Senate. . . . The objection about how far back in time such motions can go is also real.

In fact, if this were to become the practice, then the Senate could well be preoccupied with reports from previous parliaments, even dating back to Confederation. Since there would be no limit on how far back senators could go in trying to resurrect committee reports, we could easily find our certifies in that situation.

Honourable senators, another distressing feature of the motion before us is the contradiction between the motion and rule 97(1), which states:

A report from a select committee shall be presented by the chairman of the committee or by a Senator designated by the chairman.

The usual practice in this place is that for a report to be placed on the Order Paper for consideration, the report must first be presented in the Senate by the chair of the committee or another senator designated by the committee. The motion before us seeks to place on our Order Paper a report that has not been presented in this Parliament.

As I mentioned earlier, a lot has changed in the Agriculture and Forestry Committee since that time. We do not know if the chair of the committee, as well as the membership, has changed. We do not know if it is the wish of the committee to see this report resurrected. The committee has not been consulted.

Some honourable senators may be quick to remind me of the Senate's acceptance of Senator Di Nino's motion to restore the report of the Foreign Affairs Committee without first presenting it. In that case, Senator Di Nino was the chair of the committee, and in presenting his motion, he was doing so as chair of the committee. It also appeared as if he had sought the support of the majority of the members of the committee.

Honourable senators, I would like to offer a solution that would better serve the orderly procedures of this chamber and respond to Senator Fairbairn's object to have the report considered and debated. An accepted practice in this place, which many honourable senators made reference to in previous debates, is to seek an order of reference from the Senate similar in form to the original order of reference from the previous Parliament. Such a reference could be accompanied by a motion that all papers and evidence received by the previous Parliament be referred to the committee.

Under such circumstances, the committee could decide, first, to re-table the original report; second, to re-examine the report and make changes, if they see fit; or, in the final case, to re-examine the matter entirely. Whatever the option, the responsibility would be in the hands of the committee where it belongs. This process would respond to Senator Fairbairn's object, which is to have a debate on this very important subject.

Honourable senators, let me conclude by saying that this is not a partisan question but rather a parliamentary one. We, as an institution, must decide how we wish to proceed with this matter. I believe it would be helpful to all concerned if it was referred to the committee.

#### MOTION IN AMENDMENT

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Therefore, I have a motion to propose, which would read as follows:

That the motion be amended by the deleting all the words after the first “That” and replacing them with the following:

“the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on rural poverty in Canada. In particular, the Committee shall be authorized to:

- (a) examine the dimension and depth of rural poverty in Canada;
- (b) conduct an assessment of Canada’s comparative standing in this area, relative to the other OECD countries;
- (c) examine the key drivers of reduced opportunity for rural Canadians;
- (d) provide recommendations for measures mitigating rural poverty and reduced opportunity for rural Canadians; and

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

[*Translation*]

**The Hon. the Speaker pro tempore:** Honourable senators, it is moved by the Honourable Senator Comeau, seconded by the Honourable Senator Stratton:

That the motion be amended by the deleting all the words after the first “That” and replacing them with the following:

“the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on rural poverty in Canada. In particular, the Committee shall be authorized to:

- (a) examine the dimension and depth of rural poverty in Canada;
- (b) conduct an assessment of Canada’s comparative standing in this area, relative to the other OECD countries;
- (c) examine the key drivers of reduced opportunity for rural Canadians;
- (d) provide recommendations for measures mitigating rural poverty and reduced opportunity for rural Canadians; and

[ Senator Comeau ]

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

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

**Hon. Senators:** Agreed.

(Motion in amendment agreed to.)

[*English*]

**Senator Comeau:** Did we vote on the amendment or on the motion as amended? I want to be sure.

[*Translation*]

**The Hon. the Speaker pro tempore:** Honourable senators, the initial motion of Senator Fairbairn, seconded by Senator Robichaud, is for consideration of the Ninth Report of the Standing Committee on Agriculture and Forestry. Is it your pleasure, honourable senators, to adopt the motion as amended?

**Hon. Senators:** Agreed.

(Motion as amended agreed to.)

• (1550)

[*English*]

#### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

##### MOTION TO AUTHORIZE COMMITTEE TO STUDY ACCESSIBILITY OF POST-SECONDARY EDUCATION—DEBATE CONTINUED

On the Order:

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the accessibility of post-secondary education in Canada, including but not limited to:

- (a) analysis of the current barriers in post-secondary education, such as geography, family income levels, means of financing for students, debt levels and challenges faced specifically by Aboriginal students;
- (b) evaluation of the current mechanisms for students to fund post-secondary education, such as Canada Student Loans Program, Canada Student Grants Program, Canada Access Grants, funding for Aboriginal students, Canada Learning Bonds, and Registered Education Savings Plans;

- (c) examination of the current federal/provincial transfer mechanism for post-secondary education;
- (d) evaluation of the potential establishment of a dedicated transfer for post-secondary education; and
- (e) any other matters related to the study; and

That the Committee submit its final report no later than December 31, 2010, and that the Committee retain until June 30, 2011, all powers necessary to publicize its findings.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, I am pleased to speak this afternoon in support of Senator Callbeck's motion introduced on January 28, authorizing our Standing Senate Committee on Social Affairs, Science and Technology to examine and report on the accessibility of post-secondary education in Canada.

The focus of Senator Callbeck's motion is to ask the committee to study the barriers that Canadians must overcome to access post-secondary education, so critical to personal success and so essential to Canada's success as a nation.

Senator Callbeck began her speech on February 26 by saying:

Education and training is not a cost but rather an investment in Canadians and in the country. We must invest wisely and strategically in our human resources, in the skills and knowledge of our people. It is essential that our governments have plans and policies in place to help the country move forward.

Post-secondary education has long been of keen interest to me and I have spoken on a number of occasions in the Senate on issues relating to post-secondary education and scientific research and development.

Last May, I spoke on Senator Hubley's inquiry into the status of higher education in Canada. At that time I said:

Canada has a world-class education system composed of universities, community colleges and polytechnic institutions. Ensuring access to the system by all qualified students, regardless of their personal financial circumstances, should be a national objective. Ensuring the quality of the system is a complementary and equally important objective. Financing higher education in Canada, or in any country for that matter, is a cooperative venture involving post-secondary educational institutions, governments, private benefactors, students and in many cases, as Senator Poy pointed out, their families.

Each of these partners has an important role to play in ensuring accessibility to and sustainability of that system. Achieving a proper level of financial support and balance amongst the contributors of that support is critical to achieving the twin goals of accessibility and sustainability.

Despite strong support from governments and benefactors, higher education remains beyond the means of many young Canadians. I concluded by asking why Canada should not aspire

to be a nation that ensures that post-secondary education in a properly financed post-secondary system is available and affordable to all qualified students without regard to their personal financial circumstances.

Earlier this year, I launched my own inquiry into the state of scientific research and development in Canada, so much of which is done in our post-secondary institutions. In my speech on March 31, I drew attention to the fact that a number of world-class scientists are leaving Canadian universities to pursue their work elsewhere.

Over the past few months, Canadians have heard with increasing concern of the many financial hurdles faced by scientists in these difficult economic times. As I said a moment ago, most of the scientific research in this country takes place in our post-secondary institutions.

On May 2, *The Globe & Mail* published a lengthy piece in which the reporter interviewed a number of top science students in a highly competitive, top-rated program at a well-known high school here in Ottawa, Colonel By Secondary School. These were star students in biology, environmental science and physics, and yet only one of a class of 30 of these high achievers plans to pursue a career as a scientist.

The article says:

Ariana Rostami ranks chemistry and biology as her favourite classes. She gets top marks in her advanced Grade 11 courses and is happy to discuss quantum mechanics. But ask her about a career in research and she grimaces as though someone suggested locking her in a dark closet.

Which is only a slight exaggeration of how she and many of her fellow students regard the scientific enterprise — they picture long, lonely nights exiled in a lab, isolated from other humans, continually begging for funding.

Honourable senators, all of us are anxious to ensure that our post-secondary institutions are positioned to attract our top science students to pursue their studies. We all understand the value of science and the importance of encouraging our young people to pursue science as a career.

Canada has an extraordinary wealth of inquiring young people who bring a strong background in science from excellent high schools like Colonel By. I know all of us understand the importance of making sure they are encouraged to pursue their studies at the post-secondary level and establish strong and productive careers in these fields. It is in our national interest, and frankly in the individual interest of every Canadian, as each and every one of us benefits from scientific advances and discoveries.

In my March 31 speech, I suggested that the government needed to rebalance its support for scientific research and development, ensuring that in addition to bricks and mortar, such support is available for operating expenses to support basic research.

In her response delivered on May 14, 2009, the Leader of the Government in the Senate defended the approach taken by her government in those areas. While we may differ with respect to the means of achieving our objective, I believe we all support the view that scientific research and development is essential to our success and prosperity as nation.

In these difficult economic times, we must ensure that our post-secondary institutions continue to be able to attract and retain the next generation of scientists. Accordingly, I am proposing an amendment to Senator Callbeck's excellent motion so that our Standing Senate Committee on Social Affairs, Science and Technology can include this important issue of scientific research and development and the commercialization of such research in their timely study.

#### MOTION IN AMENDMENT

**Hon. James. S. Cowan (Leader of the Opposition):** Therefore, honourable senators, I move that Senator Callbeck's motion be amended by adding immediately after paragraph (b), the following:

“(c) evaluation of the current mechanisms to fund scientific research and development in post-secondary and related institutions and the commercialization of such research;”

And by then relettering the subsequent paragraphs accordingly.

Honourable senators, I showed the wording of this proposed amendment to my colleague, Senator Callbeck, last week, and shared it with Senator Eggleton, who is the chair of the standing committee, and with the Deputy Leader of the Government, who kindly agreed to share that with the government members of the committee.

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

**Hon. Senators:** Agreed.

**The Hon. the Speaker *pro tempore*:** Honourable senators, is there debate on the amendment?

**Hon. Nicole Eaton:** Honourable senators, as a member of the Standing Senate Committee on Social Affairs, Science and Technology, I would like to have time to consider this amendment, so I would like to adjourn the debate.

(On motion of Senator Eaton, debate adjourned.)

• (1600)

[*Translation*]

### IRANIAN NUCLEAR CAPACITY AND PREPARATIONS FOR WAR

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Segal calling the attention of the Senate to the government of Iran's imminent nuclear war capacity and its preparations for war in the Middle East, and to the commitment of Canada and its allies, including the USA, Russia, Turkey, the Gulf States, Egypt, Jordan, Saudi Arabia and others, to diplomatic and strategic initiatives that exclude first-use nuclear attack, the ability of Canada to engage with its allies in order to understand, measure and contain this threat, and the capacity of Canada to support allied efforts to prevent a thermonuclear exchange in the Middle East.

**Hon. Marcel Prud'homme:** Honourable senators, I would like to give a speech on this matter. However, significant developments resulting from President Obama's visit to Cairo in early June could have a considerable impact on my comments regarding Senator Segal's inquiry. With leave of the Senate, I wish to adjourn debate until that time. I can assure Senator Segal, for whom I have a great deal of friendship and respect, that I will give this speech before the summer recess.

(On motion of Senator Prud'homme, debate adjourned.)

[*English*]

### THE ARCTIC

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Rompkey, P.C., calling the attention of the Senate to Canadian policy in the Arctic, especially matters concerning the Inuit and First Nations, the environment, resources and Canadian sovereignty and control.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, this topic is so important and relevant that I move the adjournment for the remainder of my time.

(On motion of Senator Tardif, debate adjourned.)

(The Senate adjourned to Wednesday, May 27, 2009, at 1:30 p.m.)

## CONTENTS

Tuesday, May 26, 2009

	PAGE		PAGE
<b>Visitor in the Gallery <i>pro tempore</i></b>		<b>Human Resources and Skills Development</b>	
The Hon. the Speaker.....	871	Employment Insurance.	
<hr/>		Hon. James S. Cowan.....	877
<b>SENATORS' STATEMENTS</b>		Hon. Marjory LeBreton.....	877
<b>Tributes</b>		Hon. Céline Hervieux-Payette.....	878
The Late Honourable Dr. Orville Howard Phillips.		<b>Official Languages</b>	
Hon. Senators.....	871	Rights of Francophone Military Personnel.	
Hon. Marjory LeBreton.....	871	Hon. Claudette Tardif.....	878
Hon. Joyce Fairbairn.....	872	Hon. Marjory LeBreton.....	878
Hon. Michael Duffy.....	872	Bilingual Signage at 2010 Winter Olympic and Paralympic Games.	
Hon. Catherine S. Callbeck.....	872	Hon. Mobina S. B. Jaffer.....	879
Hon. Lowell Murray.....	873	Hon. Marjory LeBreton.....	879
Hon. Anne C. Cools.....	873	Quality of French Training for Military Personnel.	
Hon. Marcel Prud'homme.....	874	Hon. Maria Chaput.....	879
<b>20:10 Challenge</b>		Hon. Marjory LeBreton.....	879
Hon. Nancy Greene Raine.....	874	Bilingual Signage at 2010 Winter Olympic and Paralympic Games.	
<b>The Honourable John Nuraney</b>		Hon. Wilfred P. Moore.....	880
Hon. Mobina S. B. Jaffer.....	875	Hon. Marjory LeBreton.....	880
<hr/>		<b>Natural Resources</b>	
<b>ROUTINE PROCEEDINGS</b>		Chalk River Nuclear Laboratories—Medical Radioisotope Supply.	
<b>Commissioner of Official Languages</b>		Hon. Lorna Milne.....	880
2008-09 Annual Report Tabled.....	875	Hon. Marjory LeBreton.....	880
<b>National Defence</b>		<b>Delayed Answers to Oral Questions</b>	
Canadian Forces Provost Marshal—2007 Annual Report Tabled.		Hon. Gerald J. Comeau.....	881
Hon. Gerald J. Comeau.....	876	<b>Citizenship, Immigration and Multiculturalism</b>	
<b>Public Works and Government Services</b>		Disenfranchised Canadian Citizens.	
User Fees Proposal—Fees for Esquimalt Graving Dock—		Senator Milne.	
Report Tabled and Referred to Transport and Communications		Hon. Gerald J. Comeau (Delayed Answer).....	881
Committee.		<b>Science and Technology</b>	
Hon. Gerald J. Comeau.....	876	Funding.	
<b>Canada Elections Act (Bill S-236)</b>		Senator Cowan.	
Bill to Amend—First Reading.		Hon. Gerald J. Comeau (Delayed Answer).....	881
Hon. Dennis Dawson.....	876	<b>Treasury Board Secretariat</b>	
<b>Rules, Procedures and the Rights of Parliament</b>		Expenditures of Prime Minister's Office.	
Notice of Motion to Authorize Committee to Study		Senator Milne.	
Senate Committee Membership.		Hon. Gerald J. Comeau (Delayed Answer).....	882
Hon. Sharon Carstairs.....	876	<hr/>	
<b>Fisheries and Oceans</b>		<b>ORDERS OF THE DAY</b>	
Committee Authorized to Meet During Sitting of the Senate.		<b>Canada Not-for-profit Corporations Bill (Bill C-4)</b>	
Hon. Ethel Cochrane.....	876	Second Reading—Debate Adjourned.	
<b>Use of Seal Products at 2010 Winter Olympics</b>		Hon. Donald H. Oliver.....	883
Notice of Inquiry.		<b>Environmental Enforcement Bill (Bill C-16)</b>	
Hon. Mac Harb.....	876	Second Reading—Debate Adjourned.	
<b>Fisheries Act</b>		Hon. Richard Neufeld.....	884
Cessation of Commercial Seal Hunt—Presentation of Petition.		<b>The Estimates, 2009-10</b>	
Hon. Mac Harb.....	876	National Finance Committee Authorized to Study	
<hr/>		Supplementary Estimates (A).	
<b>QUESTION PERIOD</b>		Hon. Gerald J. Comeau.....	885
<b>Finance</b>		<b>World Autism Awareness Day Bill (Bill S-210)</b>	
Economic Update.		Third Reading.	
Hon. James S. Cowan.....	876	Hon. Jim Munson.....	885
Hon. Marjory LeBreton.....	877	<b>Criminal Code (Bill S-209)</b>	
		Bill to Amend—Second Reading—Debate Continued.	
		Hon. Céline Hervieux-Payette.....	885
		<b>Parliamentary Employment and Staff Relations Act (Bill S-218)</b>	
		Bill to Amend—Second Reading—Debate Continued.	
		Hon. A. Raynell Andreychuk.....	886

	PAGE
<b>National Security and Defence</b>	
Budget and Authorization to Engage Services and Travel— Study on National Security Policy—Third Report of Committee— Motion in Amendment—Order Stands.	
Hon. Colin Kenny . . . . .	886
Hon. Gerald J. Comeau . . . . .	886
<b>Fisheries and Oceans</b>	
Budget and Authorization to Engage Services and Travel— Study on Issues Relating to Federal Government's Current and Evolving Framework for Managing Fisheries and Oceans— Third Report of Committee Adopted.	
Hon. Bill Rompkey . . . . .	886
<b>Agriculture and Forestry</b>	
Motion to Place Ninth Report of Committee Tabled During Second Session of Thirty-ninth Parliament on Orders of the Day—Motion, As Amended, Adopted.	
Hon. Gerald J. Comeau . . . . .	887

	PAGE
Motion in Amendment.	
Hon. Gerald J. Comeau . . . . .	888
<b>Social Affairs, Science and Technology</b>	
Motion to Authorize Committee to Study Accessibility of Post-Secondary Education—Debate Continued.	
Hon. James S. Cowan. . . . .	889
Motion in Amendment.	
Hon. James S. Cowan . . . . .	890
Hon. Nicole Eaton . . . . .	890
<b>Iranian Nuclear Capacity and Preparations for War</b>	
Inquiry—Debate Continued.	
Hon. Marcel Prud'homme. . . . .	890
<b>The Arctic</b>	
Inquiry—Debate Continued.	
Hon. Claudette Tardif . . . . .	890











*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada  
Publishing and Depository Services  
Ottawa, Ontario K1A 0S5