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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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Debates Service: D'Arcy McPherson, Chambers Building, Room 943, Tel. 613-995-5756
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THE SENATE

Wednesday, September 16, 2009

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

Prayers.

CLERK OF THE SENATE

APPOINTMENT OF DR. GARY WILLIAM O'BRIEN
COMMISSION ISSUED TO DR. GARY WILLIAM O'BRIEN
APPOINTMENT OF PAUL C. BÉLISLE, ESQUIRE,
AS HONORARY OFFICER OF THE SENATE
FELICITATIONS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that a commission under the Great Seal has been issued to Dr. Gary William O'Brien, appointing him Clerk of the Senate and Clerk of the Parliaments.

The commission was read by a Clerk at the Table.

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that, by the usage of Parliament, the Clerk of the Senate is required to take the oath of office before the Honourable the Speaker of the Senate.

The oath of office was administered by His Honour the Speaker.

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that a commission under the Great Seal has been issued to Dr. Gary William O'Brien, Clerk of the Senate and Clerk of the Parliaments, appointing him a Commissioner to administer the oath of allegiance to members of the Senate, and also to take and receive their declarations of qualification.

• (1340)

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I will take a brief moment to welcome Gary O'Brien as the twelfth Clerk of the Senate and Clerk of the Parliaments.

Although he took a brief leave of this place, Gary is, of course, known to most of us. He began his career in the Senate in 1980 as Chief of the English Journals and Director of Committees. He was eventually appointed as Deputy Clerk in 1999, a position where he served until 2006.

In his professional career, he has also published numerous articles and papers on Parliament and its procedures. As such, he brings with him a great knowledge of and respect for the institution.

In ending his brief retirement and accepting this appointment, Gary O'Brien has agreed to enter one of the highest offices in the country. That office comes with great responsibility. As senators, we must rely on his advice to ensure that we correctly follow procedure. He makes certain that our committees function properly; he oversees the hundreds of employees who provide us with the services necessary to run our offices and fulfill our mandate; and he must pay the bills on time.

On behalf of the government and the Conservative caucus, I can say that we know he will fulfil the role honourably, with honesty, integrity, fairness, openness and transparency. We very much look forward to working with Mr. O'Brien.

Honourable senators, I also take this opportunity to thank Paul Bélisle who served as Clerk for more than 15 years. In total, he provided 38 years of service to the Senate, having begun working here as a page in June 1971.

In keeping with recent tradition and with leave of the Senate, notwithstanding rule 58(1)(i), I move, seconded by the Leader of the Opposition:

That the Senate desires to record their deep appreciation of the distinguished service rendered by Mr. Paul C. Bélisle as Clerk of the Senate and Clerk of the Parliaments; and

That in acknowledgment of the dignity, dedication and profound learning with which he has graced the office, he be designated an Honorary Officer of this house with an entrée to the Senate and a seat at the table on occasions of ceremony.

Hon. Senators: Hear, hear!

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

Hon. Senators: Agreed.

(Motion agreed to.)

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I wish to join my friend, the Leader of the Government in the Senate, in welcoming our new Clerk of the Senate and Clerk of the Parliaments, Dr. Gary O'Brien.

As Senator LeBreton has described, he served this chamber in various capacities from 1980 to 2006 when he tried to retire. He thought 26 years — seven as Deputy Clerk — was service enough. However, his knowledge of parliamentary procedure is so vast, and his views so respected by all, that he could not be allowed to retire for long. What he thought was retirement has fortunately been transformed into a three-year sabbatical. I am pleased that he has agreed now to return home and serve in our highest position, that of Clerk of the Senate and Clerk of the Parliaments.

Parliamentary procedure — the many rules, written and unwritten, that govern this place — is a subject that, I think it is fair to say, most Canadians never think much about, if at all. I suspect many Canadians would dismiss it as arcane stuff — a relic of centuries-old history from across the ocean — and point to it as evidence that Parliament is its own world, removed from the real world of Canadians.

Dr. O'Brien knows better. His PhD dissertation at Carleton University was entitled, *Pre-Confederation Parliamentary Procedure: The Evolution of Legislative Practice in the Lower Houses of Central Canada, 1792-1866*.

I acknowledge that this title would not necessarily grab the front page headline of *The Globe & Mail*. However, the meat of the paper is definitely worth the time of honourable senators.

Dr. O'Brien wrote in his thesis about the role of parliamentary procedure and what it reveals about the nature of the society and the state that it serves. He referred to de Tocqueville, who, as Dr. O'Brien put it:

... felt that procedural forms, such as legislative rules, mediated power and protected the weak from the strong, even though such rules were often resented.

He then included an interesting quote from de Tocqueville's *Democracy in America*, which I will repeat here:

Men living in democratic centuries do not readily understand the utility of forms; they feel an instinctive contempt for them. . . . Forms arouse their disdain and often their hatred. As they usually aspire to none but facile and immediate enjoyments, they rush impetuously toward the object of each of their desires, and the least delays exasperate them. This temperament, which they transport into political life, disposes them against the forms which daily hold them up or prevent them in one way or another of their designs.

Yet it is this inconvenience, which men of democracies find in forms, that makes them so useful to liberty, their principal merit being to serve as a barrier between the strong and the weak, the government and the governed. Thus democratic peoples naturally have more need of forms than other peoples, and naturally respect them less.

We would do well to remember those words of wisdom the next time we are pressured to cut corners in our study of important legislative measures.

Some Hon. Senators: Hear, hear.

Senator Cowan: Mr. Clerk, I arrived here in 2005 and did not have an opportunity to work extensively with you before you left us in 2006. I have heard, however, high praise for your extraordinary knowledge of parliamentary procedure, your good judgment, discretion — important in a place like this — and perhaps most importantly, good humour.

On my own behalf and that of all my colleagues on this side, let me assure you that you will have our full cooperation in the discharge of your responsibilities. Welcome back.

Hon. Senators: Hear, hear.

[Senator Cowan]

Senator Cowan: I also take this opportunity to join with my friend, the Leader of the Government, to thank our retiring Clerk, Paul Bélisle. Paul set the bar high for his successor — a challenge for Dr. O'Brien, but one I am confident he will meet.

As many of you know, Paul spent virtually his entire professional life in the Senate, beginning as a page while still in university, and rising ultimately to our highest position, Clerk of the Senate and Clerk of the Parliaments in 1994.

When Paul was appointed Clerk, my then-predecessor as Leader of the Opposition, Senator Lynch-Staunton, spoke about the task in store for him. He said:

In conjunction with their immediate associates elsewhere, they . . .

And he meant the Clerk and his table mates.

... are responsible for the day-to-day running of the Senate, for the preserving, heating and cooling of its buildings, for the oiling of its committee and, yes, for guarding its inmates. Together, they are our most direct link with the hundreds of Senate employees who make this place what it is and, in this most political place, they are expected to be apolitical. In this house of much rhetoric and occasional rancour, they have the impossible task of seeing no evil, hearing no evil, and, as their greatest challenge, of speaking any of the evil which may, on occasion, be shouted and whispered all about them.

Honourable senators, I think we can all agree that Mr. Bélisle met those challenges admirably.

• (1350)

I suspect we would also agree that Paul has seen interesting times here and he leaves us with a legacy of many accomplishments. The new accountability framework for the Senate and the *Senate Administrative Rules* are just two concrete examples of the achievements during his tenure.

Over and above these particular documents, impressive as they are, I think Paul's greatest satisfaction will come from the knowledge that he built and led a superb team. We have the privilege of being served by dedicated, thoughtful individuals who apply a wealth of knowledge to this place, to the myriad issues that arise. From our table officers and law clerks, whose excellence has been internationally recognized, to the committee clerks — and it is in our committees that the work of this place particularly shines — to the many individuals who support our work with the interpretation, communication and so many other skills, we are exceptionally well served.

While Mr. Bélisle is retiring from his position as Clerk, we are all delighted to see that he has agreed to serve as a special adviser to His Honour in the field of relations with other parliamentary democracies. We are indeed very fortunate in that.

Thank you, Paul Bélisle.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before calling for Senators' Statements, I wish to draw your attention to the presence in the gallery of Dr. O'Brien's family, his wife Colette, his children Kevin and Émilie and his mother Marie Jackson.

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

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

FOURTEENTH ANNUAL ALZHEIMER COFFEE BREAK

Hon. Catherine S. Callbeck: Honourable senators, this weekend I will have the pleasure of taking part in the Alzheimer Society's national annual fundraising event. In fact, in communities all across Canada, many businesses, schools, banks, hospitals, nursing homes and service clubs will be hosting the fourteenth annual Coffee Break Event during the month of September.

The Alzheimer Society is a non-profit organization that depends on donations to fund its programs and services. All funds raised during the Coffee Break events, where participants make a donation in exchange for a cup of coffee, are used locally. About \$12 million has been raised since the event started in 1996.

Nationally, more than 450,000 Canadians have Alzheimer's or a related disease, and almost 75 per cent of people with Alzheimer's disease are women. For those with a parent, grandparent, sibling or friend with Alzheimer's disease, the impact can be immense. Many have to balance their role as caregiver with other work and family responsibilities. One quarter of all caregivers are seniors.

In my province, more than 5,000 people are affected by Alzheimer's disease and other related dementias. The Alzheimer Society estimates this number will increase by 10 per cent this year alone, so the programs and services that the Alzheimer Society provides are more important than ever.

This provincial society provides the Safely Home Registry to help police find people with Alzheimer's disease after an episode of wandering. It also provides publications for caregivers, a resource centre, music therapy, day respite care and a number of other services.

Alzheimer's disease is the second most feared disease for Canadians as they get older, but Alzheimer societies are trying to change that. They bring awareness and understanding of this disease, help those with Alzheimer's remain engaged and provide much needed support for caregivers. This is why fundraising events like this one are so important to their continued efforts.

I want to commend all the volunteers who work so hard on these fundraising efforts and the others who help provide services through the society. I urge all senators, all Canadians, to support this very worthwhile event.

ECONOMIC ACTION PLAN FOR YUKON

Hon. Hector Daniel Lang: Honourable senators, I rise to present a report card to my friends in the Senate on the government's implementation of Canada's Economic Action Plan for Yukon.

It should please all members of the Senate that the report card for Yukon shows all As. Indeed, the federal government is investing more than \$200 million in Yukon. It is important to note that this translates into \$400 million of investments, thanks to cost-sharing agreements with the Yukon government and, where appropriate, the municipalities.

All areas of Yukon's social and economic fabric are being touched by this stimulus. For instance, the construction and refurbishment of six wilderness trails is taking place in northern Yukon as well as in Whitehorse thanks to the investment from Canada's Economic Action Plan. This not only creates jobs today but serves Yukon's tourism industry into the future.

Other federal investments include over \$600,000 dollars to enhance Yukon's film industry, more than \$13 million to upgrade key Arctic research facilities in Yukon and \$10 million to upgrade and improve water treatment systems. As well, the government is ensuring research activities, including research into climate change, which will take place in Yukon thanks to the allocation of dollars for Yukon College.

Investments such as these meet the Government of Canada's stated goal of creating the jobs we need today while preparing Yukon and, in turn, Canada to take advantage of future opportunities.

I was happy to welcome the Prime Minister to Yukon last month when he signed an agreement with the Government of Yukon to invest \$71 million to develop the Mayo-B hydro project that will cost in the neighbourhood of \$150 million. I believe this is the single largest federal investment in Yukon history.

It was gratifying for me this summer to witness these investments at work and see how they are benefiting the people of Yukon and, in turn, Canada. I trust that, like me, other senators will have witnessed investments in their region and, like me, will give the government a favourable report card.

TRIBUTES

THE HONOURABLE MIRA SPIVAK
THE HONOURABLE LISE BACON
THE HONOURABLE EYMARD G. CORBIN

Hon. Lowell Murray: Honourable senators, I join with others in extending a warm welcome to our new colleagues and in congratulating them. However, I ask for their and your indulgence while I offer a word in appreciation of several senators who have recently retired.

On July 12, Senator Mira Spivak retired as an Independent senator. Come to think of it, she was independent even when she belonged to a caucus. However, her independent streak never

arose from any sense of *amour-propre*, still less of negativity. She was a wonderful colleague and friend, highly motivated and profoundly committed to what she considered best for Canada.

Senator Eymard Corbin retired on August 2, Senator Lise Bacon on August 25. It is instructive to note that both Senator Corbin and Senator Bacon came to the Senate after a long and distinguished service in elective politics — Senator Corbin through five elections to the House of Commons, Senator Bacon through three terms in the Quebec National Assembly, serving as deputy premier, and in four other cabinet portfolios.

With this background, were they not perfect exemplars of that imaginary Senate caricatured by its many detractors as a retirement home for old political warhorses? On the contrary, Senators Corbin and Bacon have been conscientious, active, exemplary parliamentarians, at least in part because of their long and varied political experience.

[Translation]

When he was a member of the House of Commons, Eymard Corbin co-chaired, with me, the Standing Joint Committee of the Senate and the House of Commons on Official Languages. His collegiality, his innate sense of solidarity with French- and English-language minorities, and his professional experiences as a journalist and educator made him an ideal spokesperson and partner for this committee.

Over the course of several decades, the Honourable Lise Bacon held leadership positions in the Fédération des jeunes libéraux du Québec and the Fédération des femmes libérales du Québec, and served as Secretary of the Liberal Party of Quebec before being elected to the National Assembly for the first time in 1981. Long before I met her personally, I admired her commitment and courage, since she was working in an era when it was not always easy to be federalist, feminist or even Liberal in Quebec.

In her 15 years in the Senate, she chaired no less than three of our Senate committees.

[English]

I am confident I speak for many here in expressing our thanks to these former colleagues. Their work has contributed significantly to public policy in Canada — and, incidentally, they have all done the Senate proud.

Hon. Senators: Hear, hear!

• (1400)

TREATMENT OF CANADIAN CITIZENS OVERSEAS

Hon. Mobina S.B. Jaffer: Honourable senators, last week, Yasmin Alibhai-Brown, a British journalist and a friend I grew up with in Uganda, was launching her new book here in Canada. She spoke about the different experiences of Ugandan Asians who were lucky enough to be accepted into Canada and those who fled to other countries to escape the oppression of Idi Amin.

When Prime Minister Pierre Elliott Trudeau spoke to Ugandan Asians about being welcomed to Canada, he told us he wanted us to truly become a part of this great country and to help build an

even greater Canada. Since that time, Ugandan Asians have worked hard to become an integral part of building this country. Rahim Jaffer was a member of the other place for many years and I have had the great honour of working with all honourable senators in this chamber. Ugandan Asians have felt welcome in Canada and are very much a part of Canada's fabric.

Over the last few years, there seems to have been an erosion of that welcome. When I travel in Canada, I am always asked why we have seen such strong examples of our government working for some Canadians stranded abroad, while another Canadian citizen, charged as a young soldier, is left to languish in Guantanamo Bay.

This matter becomes even more poignant when Canadian consular officials were responsible for the detention of a Canadian in Kenya for three months, away from her family, while they were questioning her very identity. It took them three months. There are many questions surrounding why this young mother was forced to endure this kind of ordeal.

There is a growing concern in this country that the extent of the assistance and protection a Canadian citizen abroad is entitled to depends on the colour of his or her skin. As senators, one of our key roles is the protection of minorities. None of us here can accept Canadian minorities being treated as second-class citizens.

I remember taking piano lessons as a child, and how I would annoy my mother by playing only the black keys, or the white keys. It was not good harmony. She would counsel me that you have to play both the black and white keys together to create harmony. When I had the honour of being appointed to this chamber in 2001, I saw that my colleagues on both sides also understood how to create harmony by promoting equality among all Canadians, regardless of their colour.

I know that no honourable senator can accept the perception that Canadians are treated differently overseas because of who they are. I urge all honourable senators to speak out and ensure all Canadians, both at home and especially abroad, can count on being treated equally.

[Translation]

L'ASSOCIATION LA GIRANDOLE

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, today I would like to speak to you about the tour of a Franco-Albertan dance troupe, Zéphyr, sponsored by L'Association La Girandole.

In July, the Zéphyr artists returned from their first tour in France where they travelled from Marennes en Charente-Maritime to Puy en Velay in Haute-Loire.

The troupe travelled overseas to participate in a cultural exchange organized by the Association France-Canada of Charente-Maritime. The French people extended a warm welcome to Zéphyr. In addition to four days of intense activity, the troupe put on a show for the people of Marennes, including the second part of its recent production of "*Aux rythmes de nos vies*".

[Senator Murray]

The Zéphyr troupe was also privileged to represent Canada and Alberta's francophones at the 45th Interfolk Festival in Puy en Velay. This festival was attended by troupes from Colombia, Paraguay, Île de la Réunion, Spain, Burundi, the Czech Republic, Argentina and Belarus.

This type of cultural experience is invaluable. The exchange was a great success on so many levels — artistic, social and diplomatic. It was a great pleasure for all the artists belonging to Zéphyr to be able to share and promote French Canadian dance and culture with our cousins in France.

I was in Toulouse, France, attending the 36th annual meeting of the Canada-France Interparliamentary Association. The ties forged by senators and parliamentarians who are members of interparliamentary delegations through these political exchanges would be weak indeed if not for such cultural and artistic exchanges as the tour by the Zéphyr troupe.

I would like to congratulate Zéphyr, which has the gift of being able to amaze and move its audiences with the beauty of its dances and its excellent performances in France. I would also like to congratulate the troupe on its new role, that of Franco-Albertan cultural ambassador.

Finally I wish to thank all members and sponsors from the Franco-Albertan community who supported L'Association La Girandole. Their support is very much appreciated in these times of economic crisis and without it the tour would not have been such a success.

[English]

ROUTINE PROCEEDINGS

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES, JUNE 2-3, 2009— REPORT TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Forum of the Americas to the Thirty-ninth Regular Session of the General Assembly of the Organization of American States, held in San Pedro Sula, Honduras, from June 2 to 3, 2009.

[Translation]

CANADA-CHINA LEGISLATIVE ASSOCIATION

ANNUAL CO-CHAIRS VISIT, MARCH 12-22, 2009—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Canada-China Legislative Association on its participation in the annual co-chairs visit

held in Beijing, Nanchang (Jiangxi Province), Guangzhou (Guangdong Province), and Shanghai, China, from March 12 to 22, 2009.

[English]

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY

NOTICE OF MOTION TO SUPPORT RESOLUTION ON COMBATING ANTI-SEMITISM ADOPTED AT EIGHTEENTH ANNUAL SESSION

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate endorse the following Resolution, adopted by the OSCE Parliamentary Assembly at its 18th Annual Session, held at Vilnius, Lithuania, from June 29 to July 3, 2009:

RESOLUTION ON ANTI-SEMITISM

1. Reaffirming the commitments made by the participating States at previous OSCE conferences in Vienna (2003), Berlin (2004), Brussels (2004) and Cordoba (2005) regarding legal, political and educational efforts to fight anti-Semitism,
2. Reaffirming, in particular, especially the 2002 Porto Ministerial Decision condemning “anti-Semitic incidents in the OSCE area, recognising the role that the existence of anti-Semitism has played throughout history as a major threat to freedom”,
3. Recalling the 2005 OSCE PA Washington Declaration, the 2006 OSCE PA Brussels Declaration, the 2007 OSCE PA Kyiv Declaration and the 2008 OSCE PA Astana Declaration, and the resolutions adopted on combating anti-Semitism,
4. Saluting the commitment and activities of past and present Personal Representatives to the Chairman-in-Office on Combating Anti-Semitism,
5. Welcoming the efforts of the parliaments of participating States to combat anti-Semitism as highlighted in the Follow-Up Report to the Astana Declaration,
6. Hailing the work of the Conference on Combating Anti-Semitism, held in London, United Kingdom, from 15 to 17 February 2009,

The OSCE Parliamentary Assembly:

7. Remains greatly concerned at the increase in xenophobia and other forms of intolerance directed towards vulnerable groups during the economic crisis, including an increase in anti-Semitism characterised by claims that Jews were responsible for the economic crisis;

8. Endorses the declaration of the London Conference on Combating Anti-Semitism, and reaffirms in particular:
 - a. concern for the dramatic increase in recorded anti-Semitic hate crimes and attacks targeting Jewish persons and property, and Jewish religious, educational and communal institutions and the incidents of government-backed anti-Semitism in general, and state-backed genocidal anti-Semitism, in particular;
 - b. the role parliamentarians, governments, the United Nations and regional organisations should play in combating anti-Semitism in all its forms, including denial of the Holocaust, and in reaffirming the principles of tolerance and mutual respect;
 - c. its call upon national governments, parliaments, international institutions, political and civic leaders, NGOs and civil society to affirm democratic and human values, build societies based on respect and citizenship and combat any manifestations of anti-Semitism and discrimination;
 - d. that the participating States of the OSCE must fulfil their commitments under the 2004 Berlin Declaration and fully utilise programmes to combat anti-Semitism including the Law Enforcement programme;
 - e. that appropriate and necessary action should be taken by governments to develop strategies to address television broadcasts and other uses of the media and Internet that promote anti-Semitism, while ensuring that such strategies and any related legislation fully respect the freedoms of expression, assembly and association, and are not used to repress peaceful activities of civil society, of political or religious groups, or of individuals;
 - f. that, with the support of the OSCE, measures must be adopted to assess the effectiveness of existing policies and mechanisms in countering anti-Semitism, including the establishment of publicly accessible incident reporting systems, and the collection of statistics on anti-Semitism;
 - g. the importance of education, awareness and training throughout the judicial and school systems in countering anti-Semitism;
 - h. the importance of engagement with civil society institutions and leading NGOs to create partnerships that bring about change locally, domestically and globally, and support efforts that encourage Holocaust education, inter-religious dialogue and cultural exchange;
 - i. that the OSCE should seek ways to co-ordinate the response of participating States to combat the use of the Internet to promote incitement to hatred; and,

- j. the establishment of an international task force of Internet specialists comprised of parliamentarians and experts in order to create common metrics to measure anti-Semitism and other manifestations of hate online and to develop policy recommendations and practical instruments for governments and international frameworks to tackle these problems;

9. Applauds the extensive work of the OSCE Office for Democratic Institutions and Human Rights to combat manifestations of anti-Semitism and other forms of intolerance, including: the publication of an Annual Hate Crimes Report that monitors manifestations of anti-Semitism; development of Holocaust Remembrance and Hate Crimes Legislation guidelines and other educational materials to combat anti-Semitism; and training of government and civil society members to monitor, report on and prevent manifestations of anti-Semitism.

NOTICE OF MOTION TO SUPPORT RESOLUTION
ON WATER MANAGEMENT IN THE OSCE AREA
ADOPTED AT EIGHTEENTH ANNUAL SESSION

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate endorse the following Resolution, adopted by the OSCE Parliamentary Assembly at its 18th Annual Session, held at Vilnius, Lithuania, from June 29 to July 3, 2009:

RESOLUTION ON WATER MANAGEMENT
IN THE OSCE AREA

1. Reaffirming the OSCE's comprehensive approach to security that includes the politico-military, economic, environmental and human dimensions,
2. Recalling the OSCE's role in encouraging sustainable environmental policies that promote peace and stability, specifically the 1975 Helsinki Final Act, the 1990 Concluding Document of the CSCE Conference on Economic Co-operation in Europe (Bonn Document), the 1999 Charter for European Security adopted at the Istanbul Summit, the 2003 OSCE Strategy Document for the Economic and Environmental Dimension (Maastricht Strategy), other OSCE relevant documents and decisions regarding environmental issues, and the outcome of all previous Economic and Environmental Fora, which have established a basis for the OSCE's work in the area of environment and security,
3. Recognising that water is of vital importance to human life and that it is an element of the human right to life and dignity,

4. Alarmed by the fact that almost one billion people in the world lack access to safe drinking water, and that two out of every five people live without basic sanitation services, contributing to more than 2 million deaths every year,
5. Recalling that the United Nations Millennium Development Goal 7 (Ensure Environmental Sustainability), Target 3, calls on the nations of the world to work towards halving, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation,
6. Noting the ongoing severity of water management issues and the scarcity of water resources faced by many States in the OSCE region, affected in particular by unregulated social and economic activities, including urban development, industry, and agriculture, and which continue to have an impact on human health, the environment, the sustainability of biodiversity and aquatic and land-based eco-systems, and affect political and socio-economic development,
7. Concerned at the ongoing situation whereby certain areas and people in the pan-European and North American region of the OSCE area lack access to safe drinking water and adequate sanitation,
8. Recalling the OSCE's Madrid Declaration on Environment and Security adopted at the 2007 Ministerial Council, which draws attention to water management as an environmental risk which may have a substantial impact on security in the OSCE region and which might be more effectively addressed within the framework of multilateral co-operation,
9. Hailing the work of the OSCE Economic and Environmental Forum in raising awareness of water management issues and promoting regional co-operation throughout the OSCE area, including in South-Eastern Europe, South Caucasus and Central Asia,
10. Hailing the achievements of the OSCE project on "South Caucasus River Monitoring", which concluded in February 2009 after six years during which it introduced new parameters for water quality monitoring, harmonised sampling and testing methodologies, trained local staff and established data sharing systems accessible to all partners via the Internet in Armenia, Azerbaijan and Georgia,
11. Recalling the OSCE PA's 2008 Astana Declaration and the resolution it adopted on water management,
12. Hailing the follow-up report on the 2008 Astana Declaration which highlighted initiatives undertaken by Belarus, Hungary, Italy, Lithuania, the Russian Federation, and the United States of America to improve water management practices,

13. Hailing the numerous national and international reports and scientific studies on water management that generate knowledge and inform sound policy development,

The OSCE Parliamentary Assembly:

14. Calls on participating States to address the question of sustainable access to clean water and sanitation globally, in particular given that sustainable access to clean water and sanitation are effective deterrents to infectious diseases;
 15. Calls on participating States to undertake sound water management to support sustainable environmental policies and to apply the measures necessary to implement the 2007 Madrid Declaration on Environment and Security;
 16. Expresses support for the ongoing work and commitment of the Office of the Co-ordinator of OSCE Economic and Environmental Activities in raising awareness of water management challenges and promoting opportunities for participating States to exchange best practices, including its projects in Georgia, Moldova, Tajikistan, Turkmenistan and Uzbekistan;
 17. Encourages the decision-making bodies of the OSCE to continue to set a direction on water management challenges and support the activities of the Office of the Co-ordinator of OSCE Economic and Environmental Activities and OSCE field presences that raise awareness of water management challenges in the OSCE area and identify environmentally sustainable solutions;
 18. Expresses support for the Environment and Security Initiative, which brings together the United Nations Development Programme, the United Nations Environmental Programme, the OSCE, NATO, the United Nations Economic Commission in Europe, and the Regional Environmental Centre for Central and Eastern Europe, to assess environmental challenges, including those relating to water resource management, and to implement projects that raise awareness of these challenges, build capacities and strengthen institutions in order to address them;
 19. Encourages OSCE participating States to continue their work with other regional and international institutions and organisations with respect to water management solutions;
 20. Supports the establishment of regional and cross-border co-operative activities between scientists and specialists who work to share technologies and best practices, develop country-specific water strategies and expertise, mitigate shared water challenges, foster international co-operation and defuse cross-border tensions.
-

[Translation]

QUESTION PERIOD

FOREIGN AFFAIRS

CONSULAR SERVICES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

Before the Conservative government came to power, Canadian citizenship meant that all Canadians were entitled to the protection of their government while abroad. But now the government is deciding case by case whether to help Canadians in distress abroad, thereby failing in its duty to help all Canadians.

Can the Leader of the Government tell us what has changed? Why help some and not others? What are the current criteria for deciding whether to help a Canadian in distress abroad or to abandon that person to the mercy of foreign authorities?

• (1410)

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I listened to the statement of Senator Jaffer. This government does not pick and choose which Canadians it helps. This allegation is totally irresponsible.

Consular assistance is offered twenty-four/seven to all Canadians by trained, knowledgeable and resourceful officers of the Canadian government and Foreign Affairs and International Trade Canada. The emergency centre handles more than 500 calls per day. Each consular official provides services to Canadians, ranging from helping citizens in cases of arrest or detention, medical emergencies and loss of belongings. Consular offices also assist victims of crime and help citizens who are unexpectedly caught up in civil disasters.

I remind all honourable senators — and I am sure this is of no surprise to anyone from Canada who travels outside the country — that travelling abroad comes with responsibilities. The government does not control the affairs of other countries. The government stands up for Canadians. We are committed to delivering effective consular services to all Canadians throughout the world. It is irresponsible and reprehensible to suggest that this government — or any government, for that matter — would decide on its course of action based on a person's racial background, their religion, or any other matter. It is an allegation that I think most Canadians do not believe; they know that the government conducts its work properly.

Senator Tardif: As the Leader of the Government in the Senate knows, there are Canadians who are currently being held in other countries. What are the criteria for their being held and for others who have been released? The question has not been answered. What are the criteria that are used to determine which Canadians will be granted access to leave and which Canadians will stay in the hands of the authorities?

Senator LeBreton: As the honourable senator knows, and as anyone knows who has had any dealings with the Department of Foreign Affairs and International Trade and our excellent employees in that department, there are 500 emergency calls per day, so each case has its unique challenges.

For example, the government is dealing with Maziar Bahari, who has been detained in Iran. Today, in Washington, the Minister of Foreign Affairs, Lawrence Cannon, spoke directly to Secretary of State, Hillary Clinton, about this matter.

It is impossible to give the honourable senator a blanket answer, because each of these cases is complex. One cannot apply a general rule.

Senator Carstairs: A Canadian is a Canadian is a Canadian.

Senator LeBreton: There are responsibilities, Senator Carstairs. A Canadian is a Canadian is a Canadian, but the Government of Canada must respect the jurisdiction in which detainees are held. There are various jurisdictions, some with whom we have better relations than others.

To make an allegation such as the one made by a former minister of the honourable senator's government, and one made by a former premier of British Columbia the other day on television, that this government is racist, is outrageous in the extreme. Our consular and Department of Foreign Affairs officials work hard on these cases. Obviously, some cases are more complex and difficult, and of course those cases receive the attention. Thousands of Canadians have been assisted by the Department of Foreign Affairs, by this government and by the previous government, but we do not hear about those cases.

People working in the Department of Foreign Affairs on these cases, because of privacy reasons, are not able to tell their side of the story. I assure all senators and all Canadians that the government does everything possible to assist all Canadians who are in difficulty abroad, bearing in mind that Canadians travelling abroad have responsibilities. Canadians travelling abroad must be mindful of the fact that their actions while travelling abroad may be impacted by the rules and laws of the countries in which they are travelling.

GOVERNMENT ASSISTANCE FOR SUAAD HAGI MOHAMUD

Hon. Mobina S.B. Jaffer: Honourable senators, inscribed within every Canadian passport is the following message from the Government of Canada:

The Minister of Foreign Affairs of Canada requests, in the name of Her Majesty the Queen, all those whom it may concern to allow the bearer to pass freely without let or hindrance and to afford the bearer such assistance and protection as may be necessary.

On May 21 of this year, after a two-week trip spent visiting her ailing mother, Suaad Hagi Mohamud, a Canadian citizen, was stopped by immigration officials in Nairobi while she attempted to board her flight to Canada. The reason given was that she did not resemble her four-year-old passport photo.

The following day, her passport was confiscated by the High Commission of Canada in Nairobi, despite the fact that she produced her driver's licence and fingerprints, among other documents that were asked of her. Ms. Mohamud finally returned to Canada on August 15, after DNA testing confirmed her identity. In the meantime, she had spent time in prison and had been detained by the Kenyan government, at the request of our government.

What is our government doing to assist Ms. Mohamud to recover from this ordeal?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I believe the honourable senator is aware — it has certainly been well publicized — that Minister Van Loan has requested that the Canada Border Services Agency prepare a full account of what happened in this case. The Minister of Foreign Affairs, Mr. Cannon, has also asked the Department of Foreign Affairs to conduct a full review of this case.

Suaad Hagi Mohamud appeared here before a parliamentary committee. As the Canada Border Services Agency and the Department of Foreign Affairs, at the request of the government and their ministers, are conducting a full review of this case in regard to what happened, it is impossible for me to comment now or speculate further on what the end result of those investigations will be.

Senator Jaffer: I very much respect what the honourable leader says; that there is an ongoing investigation. I did not ask about the result of that investigation, because I know it is ongoing. However, in the time it is taking for this investigation, how are we helping Ms. Mohamud deal with this ordeal? What are we doing for her in the meantime?

Senator LeBreton: For the government to take any further action with regard to Ms. Mohamud, it is incumbent upon us to determine what happened and how it happened. It is only on that basis that we can decide where we go from there.

With regard to what the government is doing now, I am not aware that the government has been asked to do anything in particular. I could be wrong. When Ms. Mohamud appeared before the parliamentary committee, I did not note any specific request from her, other than her comments, and those of her lawyers, that she would seek legal action. Of course, that situation further prevents me from saying anything more on the matter.

In any event, it is important to await the reports from Canada Border Services Agency and the Department of Foreign Affairs before any further action can be taken one way or the other.

CANADIAN CITIZENS DENIED ENTRY ON RETURN TO CANADA

Hon. Mobina S.B. Jaffer: Honourable senators, would the Leader of the Government in the Senate provide information as to how many Canadians have been denied entry to our country in the last three years?

• (1420)

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Is the honourable senator talking about Canadian citizens?

Senator Jaffer: Yes, I am.

Senator LeBreton: I already mentioned that there are some 500 emergency calls per day. I would certainly attempt to take the question as notice.

Honourable senators, one of the problems for any government — that is, the previous government or this government — is that there are privacy issues regarding the individuals themselves. I cannot make a blanket commitment stating that I can, all of a sudden, snap my fingers and release the information about Canadians held in various countries for various purposes. I would be stepping beyond the bounds of anything that is doable and I am certain a lot of people involved in the cases would not want to have that happen. I can certainly make the honourable senator's views known to departmental officials, but I would hazard a guess that question is impossible to answer.

[Translation]

COMMENTS OF MINISTER—STATUS OF OMAR KHADR

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to take this opportunity to greet the new members of the Senate. I hope that the Leader of the Government in the Senate has provided you with a copy of *Protecting Canadian Democracy*, which I received when I first came to the Senate. It makes for excellent bedtime reading. The book demystifies the Senate and helps new senators understand the environment they are going to be working in.

[English]

Honourable senators, it was reported that the Minister of Foreign Affairs wanted to go after those specific individuals in the al Qaeda organization who abducted our diplomat Bob Fowler and to bring them to justice here in Canada according to our justice system and within our laws. That is certainly one position to take, but it is difficult to understand why we would want to do that while there is a Canadian who is also accused of doing some evil things and whom we do not want to bring back. In other words, we will take these other guys, but not our own Canadian to sort out his situation in this country. Does the Honourable Leader of the Government in the Senate have a flow of logic regarding that situation?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank the honourable Senator Dallaire for the question and welcome him back after his accident. I am glad to see that he has fully recovered.

I have not seen the report to which Senator Dallaire referred. I was not aware of the comments made by either the minister or the officials at Foreign Affairs about Mr. Louis Guay and Mr. Robert Fowler. I was interested in Mr. Fowler's interview with Peter Mansbridge. Obviously, he went through quite an

ordeal. I will have to get more information, as I was not aware of any specific comments made by the minister with respect to those who kidnapped Mr. Fowler, Mr. Guay and their driver.

With regard to Omar Khadr, Senator Dallaire has asked a long series of questions. As the honourable senator knows, this matter is now before the courts. The government has appealed the decision of the Federal Court. Therefore, I am not in a position to make any comments on this issue because the matter is now in the hands of the Supreme Court. Omar Khadr, as I have mentioned many times, is facing serious charges in the United States.

CHILDREN AND ARMED CONFLICT

Hon. Roméo Antonius Dallaire: Honourable senators, I will not pursue that line of questioning because the matter is before the courts. However, it is rather extraordinary that we will invest all that money to try to find ways not to bring Omar Khadr home instead of using our justice system to help an ally, in their moment of need, to try to solve a complex problem.

It is interesting to note that this may be a flow of policy changes that have not been particularly well enunciated.

Recently, we saw the term “child soldier” eradicated from the diplomatic corps’ lexicon and replaced by “children in armed conflict.” Does that mean that the government’s policy with regard to the Optional Protocol to the UN Convention on the Rights of the Child, which specifically talks about child soldiers, will also be eliminated from our listing of conventions? Are we taking a decision to shift away from a specific instrument of conflict in the world that we should be leading — which we used to lead — the effort to try to solve?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, the debate of the definition of “child soldier” has been ongoing. There are two sides to that debate. In order to be a child soldier, it is assumed that he or she is part of an organized army. I have seen the arguments on both sides of the debate and I have my own personal views.

In regard to this particular case, as I mentioned earlier, I cannot comment. On the more general question of assisting Canadians abroad, the Canadian government has a solid record. Despite various organizations adjudicating one way or the other on this issue, the debate on the proper definition of what constitutes a child soldier has not been finalized.

Senator Dallaire: I certainly hope not, because the changes in terminology have been politically inspired and not by the diplomats or the people who have the responsibility of guiding us in this realm. This has been an initiative right from the minister’s office and that means there has been a political policy change. In so doing, we are fiddling with fundamental conventions that we have agreed to in the past. If that is the case, then we should be transparent and say so, namely, that we are getting out of that business and that we want to change our focus in regard to issues such as child soldiers.

I wish to return to my point: Although there is a debate on the definition, there is recognition that there are over 300,000 children being used as instruments of war. Of that number, 40 per cent

are girls. Being a sex slave and a bush wife in a disorganized or a non-governmental organization such as the RPF in Rwanda is acknowledged by the UN as being a child soldier.

Is there a real desire to initiate a new perspective to solving the problem of child soldiers, or are we trying to weasel our way out of the responsibility of attempting to change the way people are fighting in conflicts, that is, using children as a weapon of war?

Senator LeBreton: I thank Senator Dallaire for that question. In these conflicts, this is a serious issue. I hasten to remind the honourable senator that when the individual about whom he is always asking me questions was, by Senator Dallaire’s definition, a child soldier, that was under his government’s watch and not this government’s. I did not hear debate about the rights of a child soldier then.

With regard to the broader question, these are serious issues about children involved in armed conflicts in Africa and other places. I do not think one could possibly define it as a narrow political definition. No government of any note would support the abuse and use of children in organized, armed conflict. This is a serious problem.

• (1430)

I am certain that the Minister of Foreign Affairs and officials at the Department of Foreign Affairs wrestle with this problem daily as they deal with their counterparts around the world.

However, I believe that the definitions and the arguments the honourable senator makes with regard to these girls and boys recruited into armies and put into armed conflict are issues that all governments and the United Nations are seized with. Unfortunately, these things go on, and no government would rightly condone them.

STATUS OF AMANDA LINDHOUT AND NIGEL BRENNAN

Hon. Joan Fraser: Honourable senators, next week it will be 13 months since a Canadian freelance journalist, Amanda Lindhout, was kidnapped in Somalia along with an Australian freelance reporter, Nigel Brennan.

Somalia has to be one of the worst places in the world in which to find oneself in such circumstances.

Ms. Lindhout was able to leave a telephone message on the line with Omni TV a few weeks ago. She said: “. . . I’m afraid I’ll die in captivity if I don’t get help soon.” She said she was kept in shackles in a windowless room and was suffering from fever, dysentery and an abscessed tooth.

The family of Ms. Lindhout, understandably, has been extremely discreet about her plight. No one wants to upset efforts that one hopes are being made. However, on the one-year anniversary of her captivity, her family, along with Mr. Brennan’s family, made a statement through the organization Reporters Without Borders saying that the two families continue to work tirelessly to secure their children’s release with “little outside support.” That is a disturbing phrase.

Can the leader assure us that the Government of Canada is working actively and with urgency, not only to locate Ms. Lindhout but to secure her release quickly?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I can assure the honourable senator that the government is doing everything possible to secure the release of the Canadian and the Australian journalists. I read the transcript to which the senator made reference. Everything possible is being done and, as is the case in many of these sensitive matters, the Department of Foreign Affairs is careful not to say or do anything that might jeopardize its work in this area.

Obviously, the families are — and rightly so — concerned and upset, but I can absolutely assure honourable senators that the government, the officials of the Department of Foreign Affairs and the Minister of Foreign Affairs are doing everything humanly possible to secure the safe release of these two individuals.

Senator Fraser: I thank the leader for that answer, because while it is true that everyone who travels abroad must be aware that they must obey the laws of the country, obeying laws in Somalia is arguably difficult. It is also true that journalists, by the nature of their work, to do their work for the rest of us, must find themselves on occasion going to places that are not safe. We need them to do that work, but we need to support them if they run into trouble when they are doing their work on our behalf.

Will the leader please take back to her government the sense that all senators on this side of the chamber, and I am sure all senators on the other side as well, want the government not only to continue but to redouble its efforts on behalf of Ms. Lindhout?

Senator LeBreton: Honourable senators, I will take back to the government the concerns on both sides of this chamber, but I will be taking back to them a message confirming something that the government is already doing.

We had the recent situation in Afghanistan with the reporter, Melissa Fung. These situations are complex and difficult. Obviously, I will express the senator's deep concern, but at the same time, it is a deep concern that the government already shares. While I will be happy to reinforce the honourable senator's compassionate and well-spoken views, I can tell her that those views are exactly the views of the government and government officials. I will add her good wishes to the work that the government is doing in this regard.

HUMANITARIAN OBLIGATIONS ABROAD

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

It has recently been revealed that this Conservative government has been changing the language used by the foreign service in an attempt to minimize Canada's humanitarian obligations abroad. This government is forcing Canada to take a back seat on the international stage. We are abandoning the tireless efforts of many previous governments, including previous Conservative governments, to have this humanitarian language recognized by the international community. Why is the government changing that language?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): The honourable senator must have been the one who wrote Michael Ignatieff's speech.

It is unbelievable that the honourable senator can stand up and say that we have changed the language, or we have changed our commitment to our responsibilities in the world when the truth of the matter is that we have played a major role, starting with Afghanistan, and continue to play a major role.

The honourable senator's esteemed leader said the other day that we had abandoned Africa. I guess the leader was too busy writing his book, whatever that title was, because he missed the information that we met our commitment of doubling aid to Africa this year, one year ahead of our G8 partners. Almost 45 per cent of our total aid budget, and 62 per cent of our food aid, is directed to Africa. We are proud to support the Global Fund to Fight AIDS, Tuberculosis and Malaria and, as well, a Canadian-led "Initiative to Save A Million Lives," which is training 40,000 health care workers in Africa.

With regard to the language, the honourable senator stands up and makes these blanket statements as if they were fact. They are not fact. The government has a formidable record in its commitment to foreign affairs in the world.

By the way, I believe Canadians are proud of Canada's role in the world. Canada now knows that we are a big player in the world. We target our money to those areas that really need our help, like Africa. To have someone say we have abandoned Africa is as ridiculous a statement as the one the honourable senator made.

[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 Mitchell on March 5, 2009, concerning the tobacco industry; the second by Senator Grafstein on May 7, 2009, concerning international trade, protectionist measures; and the third by Senator St. Germain on June 9, 2009, concerning Indian Affairs and Northern Development, on-reserve housing.

JUSTICE

TOBACCO INDUSTRY

(Response to question raised by Hon. Grant Mitchell on March 5, 2009)

On July 31, 2008, the Government of Canada and the ten provinces concluded civil settlement agreements with Imperial Tobacco Canada Limited and Rothmans, Benson & Hedges Incorporated to resolve longstanding issues dealing with the movement of contraband tobacco in the early 1990s.

All discussions have respected the necessary separation between civil and criminal prosecution authorities and governments have respected that actions concerning the criminal offences and fines are the strict responsibility of criminal prosecutors, and we must decline any further comment in that area.

The civil settlements with Imperial Tobacco Canada and Rothmans, Benson & Hedges have allowed both federal and provincial governments to bring closure to files that have been outstanding for over 16 years.

These settlements along with actions of criminal prosecution authorities, who extracted guilty pleas in the courts and associated fines, demonstrate that governments are taking action to protect the integrity of the tax system and that anyone operating outside the law will be held accountable.

Not only do the civil and criminal settlement agreements require the payment of substantial financial amounts which are effectively increased since companies are prevented from declaring them as tax deductible expenses, but companies have also committed to a Tobacco Compliance Measures Protocol which contains many measures that could not otherwise have been obtained.

The Tobacco Compliance Measures Protocol greatly increases the companies' accountability and enhances governments' control over the movement of tobacco products; it also contains measures that enhance control of tobacco products throughout the supply chain and establishes anti-money laundering procedures, financial consequences for future seizures of company goods, enhances information sharing, and increases oversight of tobacco production at companies' foreign facilities.

The federal and all ten provincial governments are satisfied that the settlements effectively hold companies accountable for their past actions; and the future effects of the Tobacco Compliance Measures Protocol will enhance governments' ability to control the distribution of tobacco products and thereby aid all parties in combating contraband.

While these settlements bring closure to potentially lengthy, costly and complex civil and criminal court proceedings for activities that occurred in the early 1990s, governments remain free to pursue future legal actions on any other issue, including health care cost-recovery claims resulting from the negative effects of smoking.

INDUSTRY

PROTECTIONIST MEASURES

(Response to question raised by Hon. Jeremiah S. Grafstein on May 7, 2009)

The goal of the *American Recovery and Reinvestment Act 2009 (Recovery Act)* is to kick-start the U.S. economy. The U.S. is our largest trading partner, and its economic recovery will benefit the Canadian economy. However, we

are very concerned about the negative impacts being felt by Canadian business as a result of the Buy American provisions in the *Recovery Act*. The government is actively working to resolve this situation. However, the government does not believe that retaliatory trade actions or protectionism benefit Canada.

The Government of Canada expects the U.S. government to ensure that the *Recovery Act* and any other measures are implemented in a manner consistent with U.S. commitments under the WTO and NAFTA. Further, implementation should occur in a manner that considers the integrated nature of the North American economy.

The government has been proactively working on a number of fronts to resolve industry concerns regarding these expanded Buy American provisions. The Minister of International Trade continues to engage his U.S. counterpart on this issue. In August, the Minister, in collaboration with provinces and territories, presented a proposal to the United States which seeks to secure immediate relief for Canadian businesses from the Buy American provisions of the *Recovery Act* and any similar provisions in future U.S. federal legislation. The proposal also seeks a commitment to explore the scope for a permanent, reciprocal procurement agreement. In return, Canada's proposal offers U.S. companies time-limited, guaranteed access to Canadian sub-federal procurement markets. In addition, the government continues to advocate in the United States against Buy American requirements and to work with industry to take constructive action to facilitate doing business in the United States.

Canada and the United States have enjoyed relatively open and fair trade in state/provincial/territorial and municipal procurement. The expansion of Buy American provisions is upsetting this balance. This is why our government took immediate action, voiced concerns and is engaged at many levels with the goal of minimizing the impact of Buy American measures on Canadian businesses. The objective is for both countries to partner in economic recovery by providing Canadian and American companies with secure and predictable access to procurement markets on both sides of the border and at all levels of government.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

ON-RESERVE HOUSING

(Response to question raised by Hon. Gerry St. Germain on June 9, 2009)

The Government of Canada recognizes that access to safe and affordable housing is essential to improving economic and social outcomes, and supporting healthy, sustainable First Nations communities.

ON-RESERVE

Canada's Economic Action Plan is providing \$400 million over the next two years to support on-reserve housing. These funds are dedicated to the construction of new social housing projects, the remediation of existing social housing, as well as complementary housing-related

programs, and are administered by the Canada Mortgage and Housing Corporation (CMHC) and Indian and Northern Affairs Canada (INAC). In addition, this funding will provide an important economic stimulus for many First Nations people, as well as rural populations by creating jobs, investing in skilled trades and creating small businesses.

Of the \$400 million committed in Canada's Economic Action Plan, \$150 million will be delivered by INAC for lot servicing, new construction of high-density, multi-unit dwellings, and renovations to support the transfer of band-owned housing to private ownership. The remaining \$250 million will be delivered by CMHC to create new on-reserve housing (\$125 million), and repair and renovate existing federally-assisted on-reserve social housing (\$125 million).

INAC's Program under Canada's Economic Action Plan

Approximately 450 First Nations submitted applications to INAC for housing funds available under Canada's Economic Action Plan (CEAP). Total funding requests far exceeded the available CEAP budget. There was significant over-subscription in three of the four funding categories. Under-subscription for Conversion to Market-Based Housing occurred in all regions except in Yukon. Eligible applications were reviewed and considered by INAC Regional Housing Liaison Committees or their equivalent body between the closing date for applications (June 4, 2009) and mid-July.

As of September 1, 2009, the approval process for 2009-2010 projects was completed and the preparation of funding arrangements for the majority of the successful applications is under way.

All Regions have made notional allocations for 2010-2011, but funding decisions for 2010-2011 projects will not be finalized until next fiscal year.

Over 300 First Nations will receive funds under this INAC led initiative.

All new construction and renovation projects will require the authentication of a certified professional building inspector, guaranteeing that units adhere to the either the National Building Code or the First Nations' building code, whichever is stricter. Lot servicing will also be inspected and certified to meet the First Nations' regulations for water, sewage, power and access roads.

Lot Servicing

This program element is anticipated to provide water, wastewater collection, access roads, power and other utilities for approximately 1,000 additional serviced housing lots across the country with financial contributions averaging \$25,000 per lot. The funding will apply to CMHC non-profit social housing, INAC-funded housing projects, including market-based housing, rental units, and high-density, energy-efficient housing developments.

Construction of New Multi-Unit Housing

This program element has been designed to assist in the construction of approximately 30 high-density housing developments across Canada. These housing developments will target the most vulnerable citizens: seniors, disabled persons and single parent families. This program element will target communities that are not already eligible for, or are not accessing, CMHC funding. It will provide multi-unit, energy-efficient and accessible housing for First Nations who are prepared to undergo construction within the time frame set out in Canada's Economic Action Plan.

Renovations

This program element targets non-CMHC units. It is estimated that up to 2,200 units can be renovated nationally for an average cost of \$25,000. Eligible renovations include additions to existing units that address overcrowding issues, projects to improve energy efficiency, and the complete rehabilitations of housing units that do not meet basic health and safety standards (e.g. mould growth, asbestos issues, or the absence of a sanitation infrastructure such as internal plumbing).

Unit Conversion to Market-Based Housing

One of the main factors preventing First Nations people from purchasing First Nations collectively-owned housing units are the attendant financial burdens of maintenance and renovations. This program will enable First Nations people to make the home renovations that are necessary to meet building code regulations prior to the transfer of home ownership to another First Nation person. The transfer of these newly renovated houses under Canada's Economic Action Plan must take place within three months of the work's completion. Once the transfer is complete, the original home owner will no longer be responsible for maintenance or future upgrades to the house. This program element should enable approximately 1,200 units to be converted for an average cost of \$25,000 per unit.

CMHC's Program under Canada's Economic Action Plan

New construction

There is a total of \$125 million available for new construction projects that address the growing demand for First Nation housing over the 2009-2010 and 2010-2011 fiscal years. The New Construction Initiative will be delivered through the existing On-Reserve Non-Profit Housing Program (Section 95), but with additional program elements designed to accelerate the construction process, while including energy efficiency standards and enhancing project visibility requirements.

Renovation and Retrofit

There is \$62.5 million allocated over the 2009-2010 and 2010-2011 fiscal years to address the on-reserve demand for repairs, renovations, energy retrofits and regeneration of the Section 95 on-reserve housing stock. The maximum contribution per project varies according to geographic

zones: zone 1 (southern Canada) is \$28,000; zone 2 (northern Canada) is \$32,000; zone 3 (Great North: Yukon, Labrador and northern Quebec) is \$40,000. All First Nations people who have a current Section 95 operating agreement with CMHC can submit their applications.

Beyond Canada's Economic Action Plan

The funding outlined in Canada's Economic Action Plan bolsters current levels of federal funding of approximately \$270 million per year for on-reserve housing (INAC is responsible for \$142 million and the CMHC is responsible for \$128 million). This investment contributes to the construction of an average of 2,300 new units and 3,300 renovations each year, while providing an ongoing subsidy to 28,600 households for social housing, Aboriginal capacity development and other housing-related activities.

In addition to INAC's annual fund of \$142 million for housing, the Department provides approximately \$118 million annually to First Nations people living on reserve in the form of shelter allowance payments under the Income Assistance Program.

On May 5, 2008, the Government of Canada launched the \$300 million budget- First Nations Market Housing Fund. This fund supports a new approach that improves the likelihood of First Nations people living on reserve to own their own home, while respecting the Aboriginal principle of communal land ownership. This fund makes it easier for First Nations to access the financing to build, buy or renovate housing units on reserve. It is estimated that this endeavor will help create 25,000 new housing units over a 10 year-period. February 5, 2009, was an important milestone for this project when the Miawpukek First Nation of Newfoundland and Labrador became the first Aboriginal community to be approved for housing loans backed by this fund.

OFF-RESERVE

Aboriginal households living off reserves have access to mainstream programs, such as the Affordable Housing Initiative (AHI), which increases the supply of accessible housing, and includes the Homelessness Partnering Strategy (HPS) and other housing renovation programs, such as the Residential Rehabilitation Assistance Program (RRAP). Under this program, provinces and territories match federal funding and are responsible for detailed program design and delivery under the AHI. In most jurisdictions, provinces and territories also share costs and deliver renovation programs.

In September 2008, the federal government committed to spending over \$1.9 billion over the next five years to help improve and build new affordable housing, and to help improve the lives of the homeless through such measures as the renewal of AHI. Also, the government invested in other renovation programs, such as the RRAP and the HPS, which are ensured to maintain current levels of funding until March 31, 2011.

Moreover, about \$150 million is provided by CMHC each year to support existing housing for Aboriginal households living off reserve. Some of this funding belongs to the \$1.7 billion that CMHC spends annually in support of almost 625,000 lower-income households across Canada.

It should also be noted recalled that the 2006 federal budget provided \$300 million for the Off-Reserve Aboriginal Housing Trust to assist the provinces in addressing the short-term housing needs for Aboriginal Canadians living off reserve. Funding was distributed to the provinces based on the provincial share of the Aboriginal population living off reserve.

Canada's Economic Action Plan therefore compliments the federal government's current support for First Nations people living on and off reserve with a one-time investment of more than \$2 billion over two years dedicated to repairing and building new social housing. In addition, \$200 million over two years will be diverted to the territories to help fund renovations and the construction of new housing units (\$50 million for the Yukon, \$100 million for Nunavut and \$50 million for the Northwest Territories). These investments improve the quality of life for low-income households, including Aboriginal Canadians living off reserve.

[English]

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, at this time, I will address the question of privilege raised by Senator Wallin on Tuesday, June 16.

Let me begin by acknowledging what we all know — that the Senate is a special place. It is unique. The Senate is the only second chamber of any legislature in this country. Only here do the three constituent parts of Parliament — the Crown, the Senate and the House of Commons — actually come together. The Senate has a particular role in our bicameral Parliament. It plays an essential role in the legislative process in Parliament, and also provides a different perspective from the other place in consideration of public policy. We are all charged with the privilege, and the responsibility, of fulfilling the Senate's important functions in a way that reflects its proper honour and dignity. It is with this reality in mind that I approached this question of privilege.

• (1440)

[Translation]

The matters raised by Senator Wallin largely focussed on events relating to meetings of the Standing Senate Committee on National Security and Defence, of which she is deputy chair, that were held on June 10 and 15. Before addressing the particular issues, it may be noted at this point that her concerns included: ignoring processes established by the Standing Committee on Internal Economy, Budgets and Administration for contracting, interrupting a vote to change committee membership, changing decisions contrary to the Rules, summarily dismissing a point of

order, refusing to allow a vote when a ruling was appealed, failing to guarantee a minority presence at meetings of the Subcommittee on Agenda and Procedure, and rescheduling activities without previous consultations.

[English]

Senator Wallin felt that she had been prevented from performing her responsibilities as deputy chair, and that other senators had been unable to participate freely in deciding the committee's business. As a result, Senator Wallin feared that the National Security and Defence Committee was "being rendered dysfunctional and may be setting a dangerous precedent for the Senate as a whole."

The chair of the committee, Senator Kenny, disagreed. He noted that the National Security and Defence Committee, Internal Economy, and the Senate itself had all approved a budget application providing for the hiring of the contractors. He rejected the claim that the full committee can be excluded from involvement in its own contracting decisions, asserting that's "When the full committee is seized with an issue, that decision takes precedence over the subcommittee," since committees are "their own masters." He acknowledged that the committee had voted on the issue of contracts more than once but that this had been done for greater certainty. Senator Kenny noted that committees normally function less formally than the Senate. Consequently, they sometimes change or adjust previous decisions, and he considered that this is what happened in relation to the dates for travel and the size of the Subcommittee on Agenda and Procedure, usually called the steering committee.

[Translation]

A number of other senators also participated in discussion. Senator Moore asked whether the question of privilege had been raised at the earliest opportunity. Senator Tkachuk, for his part, echoed the worry expressed by Senator Wallin about the failure to follow contracting processes set by Internal Economy. He also emphasized the importance of collaboration, consultation, and cooperation in developing committee work plans. Senator St. Germain, in turn, called "on all honourable senators to work towards a resolution."

[English]

Senator Fraser suggested that it would be more appropriate to approach Internal Economy about the disagreement involving processes it has established. She reminded senators that steering committees of five members are not unprecedented, a point later repeated by Senator Banks, who also spoke to the general work practices in the National Security and Defence Committee, presenting them in a positive light. He suggested that a committee is, at least when it comes to the parent committee's right to act in the stead of one of its subcommittees, "master of its own procedures."

In her assessment, Senator Carstairs took the view that the National Security and Defence Committee "is highly dysfunctional." As a consequence, the senator suggested that "Rather than a matter of privilege, . . . this should be the purview of the leadership of both sides to sit down and find a way in which this committee be made functional." The point of the committee being dysfunctional was taken up again by Senator Lang when he expressed his concerns about these events.

I would like to thank all honourable senators who contributed to the discussion on this question of privilege. This has been a difficult matter. Nonetheless, since it has been brought to the Senate as a question of privilege, I am obliged as Speaker to examine whether a *prima facie* case has been established. This, in fact, puts me in the position of reviewing the activities of a committee. My colleague in other place, Speaker Milliken, faced a similar difficulty during the last Parliament. Asked to intervene to restore proper order in a committee, he noted that it is not really the role of the Speaker to act *in loco parentis*. I agree with his observation. Such a demand is awkward for the Speaker and is not particularly desirable for the Senate. I think all honourable senators understand this.

[Translation]

Let me now turn to the specific issues raised in this case in light of the requirements of our Rules. While committees often operate informally, they remain bound by the Rules of the Senate. Committees cannot follow any procedure whatsoever that they set for themselves. The phrase *mutatis mutandis*, in the context of our practices, means that the Rules apply in committee, unless they contain an exemption or there is a clear reason why they cannot. While committees are often said to be "masters of their own proceedings," this is only true insofar as they comply with the *Rules of the Senate*.

[English]

The first concern that was raised had to do with the events surrounding the contracting of committee staff. Senator Wallin made it clear that, as deputy chair, she had sought to establish a dialogue with the chair. She received no response. Instead, motions on the contracts were moved in the committee without prior warning. It was alleged that by adopting these procedures the National Security and Defence Committee ignored a directive of Internal Economy.

It is true that on March 12, 2009, Internal Economy decided that its steering committee would be authorized to deal with impasses about contracts and invoices whenever the chair and the deputy chair of the originating committee cannot agree and their steering committee is unable to resolve the issue. However, this decision was not submitted to the Senate for its approval. And this point is significant.

According to the *Senate Administrative Rules*, Internal Economy cannot deal with legislative or procedural matters, nor can it direct the proceedings of another committee without the express approval of the Senate. Consequently, the directive of March 12, being largely administrative in nature, is outside the range of matters over which the Speaker has direct responsibility.

[Translation]

Rule 96(4), on the other hand, does state that a subcommittee "shall report back to the committee." As such, a parent committee always retains control over its subcommittees. This appears to have happened in this instance when the National Security and Defence Committee approved the contracts. All the same, given the confusion of this issue in terms of the boundaries of responsibility, it may merit further examination by the appropriate bodies.

• (1450)

[English]

Another point of contention that was raised relates to a change of committee membership at the June 10 meeting, while a vote was already underway, but before the result was announced. Rule 85(4) deals with the process for membership changes, with rule 85(5) requiring that the form be signed by the appropriate leader or a designate. In this case, a photocopied form signed by the Opposition Whip, who has been designated by the Leader of the Opposition, appears to have been used. A key element here is that this change was made while the committee was in the process of voting. While the Rules are silent on this very specific point, rule 66(4) does require that a senator must be within the bar of the Senate when the question is put in order to vote.

Applied to committee, this could be interpreted as requiring that a senator both be in the room and be a member when the question is put. This is supported by citation 818(2) of the sixth edition of Beauchesne, which states that "The doors of the committee room are deemed to be locked while a division is being taken, and the vote of a member not in the room when the question is put will be disallowed." The events of June 10 do not seem to be fully in keeping with usual process. It is also true, however, that in accordance with rule 65(2), "In the absence of a request for a standing vote, the decision of the Speaker is final." In this case, it seems that the motion was declared carried, and there was no request for a roll call vote. To avoid any possible uncertainty, the question was raised again at the June 15 meeting of the committee, with the motion again being adopted, this time with a recorded vote.

[Translation]

A third issue has to do with the rescission of a motion already carried. To address this point, several of our rules need to be taken into account. Rule 65(5), which substantively repeats section 36 of the Constitution Act, 1867, provides that "Questions arising in the Senate shall be decided by a majority of voices," with the Speaker always having a vote. However, rules 63(2) and 58(2) require a two-thirds majority. Rule 63(2) deals with rescission and states that "An order, resolution, or other decision of the Senate may be rescinded on five days' notice if at least two-thirds of the Senators present vote in favour of its rescission." An exception to this is contained in rule 77, which allows the reconsideration of any clause of a bill prior to third reading.

[English]

Normally, this regime for voting, and the exceptions to it, would apply to committees. Yet there is a separate, very specific, provision in the Rules stating that decisions in committee are taken by majority vote. Rule 96(1) stipulates that "A question before a select committee shall be decided by majority vote including the vote of the chairman. When the votes are equal, the decision shall be deemed to be in the negative."

Furthermore, actual rescission motions are infrequent, and it may also be helpful to consider when exactly they might be needed. *Odgers' Australian Senate Practice*, at page 181 of the 12th edition, explains that:

A rescission properly so called has the retrospective effect of annulling or quashing a decision from the time that decision

was made as if it had never been made. Rescission motions are therefore rare: it is seldom the intention to achieve that effect.

Thus the issue of when rescission is necessary and how it is done, in the Chamber and in committee, are issues that could benefit from consideration by the Standing Committee on Rules, Procedures and the Rights of Parliament.

[Translation]

A fourth issue is related to the process to be followed with respect to decisions of the chair in the committee. Rule 18(2) requires "reasons for the decision together with references to the rule or other written authority applicable to the case." It is the primary function of a committee chair, like the Speaker here in the Senate, to maintain order and decorum. This is accomplished, in large part, through a neutral and unbiased application of the Rules of the Senate. Points of order should be treated seriously and not dismissed lightly. Like the Speaker, the chair of a committee should avoid any appearance or suggestion of arbitrary action. Instead, he or she is bound by the rules that the Senate has itself established, a requirement explicitly reinforced by rule 96(7).

On at least one occasion, on June 15, both the transcripts and the video record of the meeting show that a member sought to appeal a decision. This appeal was not allowed, although rule 18(4) provides that virtually all rulings are subject to immediate appeal. Even recognizing the somewhat confused nature of proceedings, with a number of senators seeking to speak, not accepting an appeal would be a departure from the customary way of proceeding.

[English]

Some other points raised related to the apparent failure to guarantee minority representation on the steering committee and the lack of substantive consultation before proposing that planned committee activities be rescheduled. When committees function normally, and matters are addressed through respectful and collaborative dialogue among senators, these issues tend not to give rise to complaints. While the Rules limit a subcommittee to not more than half the membership of the main committee and set a quorum of three, they are silent on mandatory consultations and obligatory minority representation. That such basic issues have become concerns may be a reflection of the dysfunction mentioned by senators from both sides.

Honourable senators, the issues raised are serious, and I want to thank all again who participated in the debate.

Mindful of the mutual interests of all parties concerned, I took the initiative to meet with the Leaders and Deputy Leaders of both the Government and the Opposition, together with the respective whips, to explore what remedies might be available to reduce tensions and restore the cooperation that is essential to the proper operations of any committee. Given the status that the leaders have as *ex officio* members of committees, I believe that they are particularly well placed to help resolve the problems raised.

[The Hon. the Speaker]

[Translation]

Honourable senators, this matter was specifically raised as a question of privilege. Accordingly, the Speaker must determine whether a *prima facie* case of privilege can be established based on the criteria stipulated in rule 43(1).

With respect to the first criterion, the earliest opportunity, the concerns relate to issues that have been developing for some time. However, it seems clear that the meeting of June 15 was an important trigger. From this perspective, I am satisfied that the question was raised at the earliest opportunity.

As to the second and fourth criteria, that the matter directly concern a privilege and that it be raised to correct a grave and serious breach, I believe the matters raised by Senator Wallin are in essence issues of order and administration, not privilege. At this stage, it is more appropriate to leave it to the committee itself to resolve these matters. Our tradition is that committees are masters of their own procedures, so long as they act within the bounds of the rules established by the Senate.

[English]

With respect to the third criterion, that the question of privilege “be raised to seek a genuine remedy . . . for which no other parliamentary process is reasonably available,” it is true that Senator Wallin has stated her willingness to move an appropriate motion. There are, however, motions which might well have been proposed to address some of the serious issues that have been raised, including one to direct how the committee is to operate or one to guide the conduct of a particular member.

• (1500)

In light of all the foregoing, it is my finding that a strict application of the criteria established in the *Rules of the Senate* to evaluate the possible *prima facie* merits of this question of privilege leads to the conclusion that none exists. However, there is evidence of a lack of order and decorum that is required by these same rules. All appropriate means available to honourable senators themselves should be used to rectify this matter.

[Translation]

ORDERS OF THE DAY

CANADA CONSUMER PRODUCT SAFETY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Ruth, for the second reading of Bill C-6, An Act respecting the safety of consumer products.

Hon. Joseph A. Day: Honourable senators, I would like to refresh your memories, if I may, regarding a bill that was before the Senate in June, shortly before the summer break. Senator Martin gave us an outline of Bill C-6, An Act respecting the safety of consumer products, and some of the main amendments that had been proposed. I would like to thank her for her very informative speech and remind all honourable senators what the bill is all about.

Bill C-6 had been previously introduced in the House of Commons as Bill C-52. It did not make it to the committee stage because Parliament was dissolved. Bill C-52 was later introduced with its companion bill, Bill C-51.

Thus, there were two bills: Bill C-51 and Bill C-52, An Act to amend the Food and Drugs Act. Together, those legislative measures were aimed at implementing the Food and Consumer Safety Action Plan, and Budget 2008 even earmarked \$113 million for those measures.

I am wondering why we have not yet heard anything about Bill C-51 being introduced again. We are being asked to consider only half of the legislation proposed in these two bills.

[English]

One of my concerns, honourable senators, is that there were two bills in this plan for security of food and products. We see only one-half of that here whereas the two were intended to be studied together.

Honourable senators, it is a good concept, and let me read the purpose of Bill C-6, what it intends to do. I will refer to a number of clauses of Bill C-6 to help us understand what approval is being sought. Clause 3:

PURPOSE

3. The purpose of this Act is to protect the public by addressing or preventing dangers to human health or safety that are posed by consumer products in Canada, including those that circulate within Canada and those that are imported.

It is difficult to argue with that purpose, honourable senators. Honourable senators will know that with that kind of wording the federal government's jurisdictional basis for passing this to protect the public is criminal law basis. I believe that is important, honourable senators, as we study the various clauses, that it is a criminal law basis upon which the federal government has jurisdiction to propose this legislation.

Now, honourable senators, as the Rules provide, second reading of a bill is the study of the bill in principle. We are studying the bill in principle in this particular instance.

Bill C-6, the Canada Consumer Product Safety Act, replaces another bill with which we are quite familiar, and that is the Hazardous Products Act and Part I of the Hazardous Products Act. If this bill is passed, Part I of the Hazardous Products Act will cease to exist. Honourable senators need to be convinced that it is important to replace Part I of the Hazardous Products Act with this new regime.

Why do we need to do away with the Hazardous Products Act and the regime that has become well-known in the courts and in society? Why must we do away with the present act and pass this new piece of legislation, which is quite different in its approach?

This particular piece of legislation provides for increased federal government control. One part of the legislation that perhaps I could be convinced is acceptable is recalls. Honourable senators are quite familiar with the news about product recall.

Under the Hazardous Products Act product recall is voluntary by the manufacturer or the importer of the product. Under this legislation there is —

The Hon. the Speaker *pro tempore*: Order, please. There are many conversations in the chamber. Please take them to the reading room.

Honourable Senator Day, please continue.

Senator Day: Thank you, honourable senators. I was talking about recall, and this legislation provides that the government can order a recall or order the manufacturer or importer to recall a product as opposed to the company looking after that recall. Having looked at some recalls in the past year, honourable senators will understand how devastating and important that can be to the future viability of a company. We want to be vigilant in determining the test that the government will apply to impose a recall whereas previously it had been voluntary.

For your information, in 2008 there were 165 voluntary product recalls by companies or individuals. To September of this year, from January to September, there have been 224 voluntary recalls. That does not suggest to me that the system under the Hazardous Products Act was not working, and we will want to be convinced that it was not and that certain recalls did not occur. We must look into that area.

This legislation is a major increase in the government's involvement in setting safety guidelines for new product development. The federal government is now moving into setting guidelines for product development, not just looking at the product after it is finished. A stronger role for the government in oversight will require many more records to be kept and to be made available to inspectors. One can imagine how onerous that much reporting will be for small importing businesses. The government will appoint many more officials as inspectors and verifiers and I will point out the relevant sections shortly.

• (1510)

There is also the issue of recall, to which I just referred. This proposed legislation provides the federal government with a new broad authority to order many new things to be done. The bill includes a wide array of new offences.

The fundamental point is that this new scheme is much more invasive and intrusive than previous legislation and its ideology is vastly different. Perhaps that is good. Perhaps this is the way in which government should operate within society. Perhaps this is what the public expects these days. However, we must understand that there is a change in the scheme.

[Senator Day]

The preamble in Bill C-6 is rather interesting. Typically, bills do not have much in the way of a preamble. One witness indicated to the committee that preambles have no legal effect, making one wonder why seven "Whereas" paragraphs appear in this bill. Perhaps the drafts people were trying to convince themselves that this proposed legislation was proper and required.

I found the fourth paragraph in the preamble most interesting. It states:

Whereas the Parliament of Canada wishes to foster cooperation with the Government of Canada, . . .

The sixth paragraph states:

Whereas the Parliament of Canada recognizes that a lack of full scientific certainty is not to be used as a reason for postponing measures . . .

We recognize that fact and we are suggesting they should continue with that. The reason is that the government is moving away from requiring a scientific basis for making an order.

Honourable senators have received many emails on this matter. Certainly, we are not guided solely by the number of emails received from individuals expressing concern about a piece of proposed legislation, but we owe it to those individuals to study their concerns. Most of those concerns relate to process and the fundamental rights of justice, as opposed to the concept of product safety. I will deal with some of the clauses brought to my attention via the 600 emails I received in respect of Bill C-6. I suspect that other honourable senators have received just as many.

Clause 15 of the bill addresses the disclosure of information by a minister. This concern has been brought to the attention of the committee. Clause 15 states:

The Minister may disclose personal information to a person or a government . . .

The committee will want to hear from the Privacy Commissioner on this to determine whether it falls within the rules or if this is a special right provided to the minister in the guise of product safety.

Clause 16 addresses confidential business information and states:

The Minister may disclose confidential business information to a person or a government . . .

This raises some concerns because the definition of "government" includes foreign institutions. Thus, one is left wondering what controls will be in place when confidential information is to be disclosed to a foreign institution. Honourable senators, that area will have to be scrutinized closely. The definition of "government" includes:

(a) the federal government;

(b) a corporation named in Schedule III to the *Financial Administration Act*;

(c) a provincial government or a public body established under an Act of the legislature of a province;

(d) an aboriginal government as defined in subsection 13(3) of the *Access to Information Act*;

(e) a government of a foreign state or of a subdivision of a foreign state; or

(f) an international organization of states.

Why is that definition of government important? It is because, under Bill C-6, the Minister of Health and all the people who work for her will have the right to disclose personal information and confidential corporate information to all of the aforementioned entities.

I would submit, honourable senators, that the committee will want to look very closely at those issues.

Inspectors are addressed at clause 18, which states:

The Minister shall decide on the number of inspectors . . .

The scheme is set up such that the minister may appoint the inspectors, as per clause 18. Clause 28 states that the minister may appoint analysts. Clause 33 states that the minister may review officers and clause 48 states that the minister may appoint the people to issue a notice of violation. That is all it says. The supporting regulations are very broad on the number of people and their qualifications. That is how the minister will determine what these various people will do.

Clause 20 and subsequent clauses address the authority proposed for inspectors and honourable senators will want to look at those. This will be a broad authority to order an owner to hold a product, to give it up or to restrict its movement. The inspector will have authority to use a computer or photocopy machine at the business establishment and to seize and detain for any time any article, including the consumer product and all the related items.

Inspectors will be able to enter a business without reasonable and probable grounds to suspect a violation, which would be the norm for an inspection to take place. When there are reasonable and probable grounds to suspect a possible violation, it is usual to obtain a warrant from a third party, such as a justice of the peace or a judge, before the inspection takes place. That is the procedure in criminal matters. Under Bill C-6, reasonable and probable grounds for entry by an inspector would be a belief that a consumer product is manufactured or sold on the particular property. There is no need to believe that the product is dangerous or problematic. I would think that those clauses should be reviewed more closely.

• (1520)

Honourable senators, clause 20 is about articles. Clause 23 says an inspector may seize “a thing” under the act. I ask, what is a “thing,” and go back to the definition section. There is no definition of a “thing,” therefore, the inspector can go in and do all these things with respect to articles. Then we go to the procedure following seizure. The inspector seizes an article and ends up with a thing.

There are obvious drafting problems here that must be looked at. I point out a few of these things found through a reading of the act. That is what we do in this place. We read the acts. It is good that we read them because this one was somewhat rushed in the other place in June. It came here in late June.

Let us look at subclause 20(4):

An inspector who is carrying out their functions. . . .

That should be “his or her functions.”

. . . or any person accompanying them may enter on or pass through or over private property, and they are not liable for doing so.

Inspectors do not need a warrant, or reasonable or probably grounds that something is happening. They can go over private property willy-nilly and they will not be responsible for any problems that they cause.

We are moving along nicely, honourable senators, and I thank you for bearing with me. I am almost at clause 30, which is about halfway through the bill.

I will speak about the Inspectors’ Orders, honourable senators. The interesting thing about these Inspectors’ Orders is that they are not considered to be statutory instruments. We can have statutory instruments. The honourable Senator Banks has raised this issue many times. Clause 64 states:

For greater certainty, orders made under this Act, except under section 37, are not statutory instruments. . . .

We do not know what the guidelines are because the guidelines will not be published in the *Canada Gazette*. They will not go before the Standing Joint Committee for the Scrutiny of Regulations because they are exempted.

There is another exemption in clause 37. Clause 37 deals with interim orders of the minister. What is an interim order? An interim order is when the minister has not gotten around to completing the regulation, so the minister can issue an interim order that is a regulation. That is what the bill has provided. The minister’s interim order “contains any provision that may be contained in a regulation.” The provision can be put in an interim order that lasts for up to a year.

The exception here is that “An interim order is exempt from the application of sections 3 and 9 of the *Statutory Instruments Act*.” The minister does not have to go to the Privy Council Office, PCO, to ensure the interim order is within the rules, and it does not have to be published in the *Canada Gazette*. Those provisions are in sections 3 and 9. Again, that situation is not acceptable.

One must think of this legislation in terms of due process for, for instance, the small-business person or the small manufacturer who imports something. How will they put up with all these rules, all the inspectors, all the analysts and all the review officers that the minister has the power to appoint? We do not know who these appointments are. We barely know what authority they have, and we do not know what powers they have.

Honourable senators, the rules provide for two ways to go. If an offence is committed under this act, then the minister can decide to go one way or the other. If the minister decides to go via prosecution before a court, that is fine. We understand that. However, if the minister decides to go the administrative route, the other route, and issue a notice of a violation, then a whole lot of other rules begin applying and there is no court involved. Fines can be \$5 million per incident, and another section says that if an incident continues more than one day, each day is an incident. Another clause of the bill provides for that situation.

Two years per incident and \$5 million per day are provided for in this bill. Clauses 41 and 60 provide for violations continued on more than one day.

Clause 39, honourable senators, states that the directors are liable. However, the bill goes on to say there is no defence of honesty or having done due diligence. Those defences are not there. In fact, they are specifically excluded. Why would those defences be excluded for an agent, a director or an employee, who has performed due diligence? Why would the agent, director or employee be responsible under clauses 39 and 58, for those who are taking notes?

I do not have the answers. I raise a lot of questions and I notice a number of honourable senators opposite taking notes of various clauses. I hope they will have answers for me on some of these issues of due process. These issues are of fundamental rights of justice that we are here to defend.

The people from our regions will be impacted because of these issues. People will be impacted by a group of people appointed by the Minister of Health without that committee of the appointment commissioner that we had all voted for with Bill C-2, the Accountability Act. That appointment commissioner would have been a third party making these appointments, and we would have some confidence that a third party would supervise this process. That party would understand those things but it is not there. The appointments commissioner was never implemented. Even though we have spent millions of dollars in approving that position, each year it was not done.

All these individuals appointed somehow by the minister will interfere with the day-to-day operation without any scrutiny or any oversight, requiring more documentation. Honourable senators, is that where we want to go with respect to public safety?

We all agree that public safety is important. Is this bill the best way to achieve public safety with respect to consumer products?

Honourable senators, those are my comments. I look forward to this matter moving to committee. Which committee it goes to will be a matter of negotiation between leadership. I have pointed out that I believe there are serious legal issues that should be discussed and most of us, if not all of us, agree on the social aspects of this bill.

The Hon. the Speaker *pro tempore*: Do honourable senators wish to continue the debate? Senator Day, will you accept a question?

Senator Day: Yes, I will.

Hon. Jeremiah S. Grafstein: Honourable senators, I thank the honourable senator for drawing my attention to this bill. I was involved in the establishment of the first Department of Consumer and Corporate Affairs, so this issue of consumer protection is close to my background and heart.

However, when I looked at clauses 56, 57, 58, 59 and 60, they struck me as being unconstitutional in the sense that *mens rea* is no longer a condition precedent to a criminal offence. These provisions seem to be an extravagant use of the criminal power and I hope that the committee seized of this matter will deal with that issue and ask law officers of the Crown to come and deal with that particular matter. On the face of it, *prima facie*, these provisions are unconstitutional. I want the honourable senator's comments.

• (1530)

Senator Day: I am very concerned about the constitutionality with respect to due process and violations. Many of the emails each of you has received have brought out those same points. The law of trespass has been set aside. All of the due process with which we have become very familiar and that gives us some comfort has been set aside.

The short answer is I agree. Thank you for bringing that to our attention.

Hon. Elaine McCoy: I thank the honourable senators who introduced and have spoken to this bill. I want to add a few brief comments on the bill as a former minister responsible for consumer affairs.

The Hon. the Speaker *pro tempore*: Does the honourable senator have a question for Senator Day?

Senator McCoy: No.

The Hon. the Speaker *pro tempore*: Does any other senator have questions for Senator Day before I recognize Senator McCoy?

Hon. Lillian Eva Dyck: I have a question regarding clause 2, and the definition of "government." The clause states:

(d) an aboriginal government as defined in subsection 13(3) of the Access to Information Act;

Could the honourable senator give his opinion with regard to whether that definition of an Aboriginal government is appropriate?

Senator Day: Honourable senators, I must confess I had that underlined and thought I must look at that before we get to committee. At this stage of looking at the bill in principle, this is a huge definition of government. Where government becomes important is if we look at the clauses that can give away personal information to governments. An Aboriginal community government might not be the worst government they might want to give information to. We will have to look at why they go to the Access to Information Act to define an Aboriginal government, but I do not have an answer for the senator at this stage.

[Senator Day]

Senator McCoy: Honourable senators, what has been said here today is one issue that crosses party lines. Senators can do the jobs that we do the best — look at legislation and how it will benefit Canadians.

This is a case of legislation that will be very intrusive in corporate and individual lives in this country. I would have thought there would be no question — particularly among our Conservative colleagues — that we are extending government's reach way beyond anything we should be comfortable with.

On the other hand, yes, we believe in consumer product safety. However, what on earth are we imposing on the people of Canada with this kind of totalitarian tactic that is being endorsed and spread through this legislation into the tiniest corners of our lives? It even gives the minister and his or her officials the ability to take the word of a foreign government on which to base our decisions in Canada.

If China says a product is safe that could be the basis of our minister's decision. Is this the kind of country we want? I doubt it and I dare say that will be a common thread throughout the committee review of the legislation.

I went to the Food and Drugs Act to compare the empowerment, enforcement and inspection sections of that legislation with this proposed legislation. I thought if it were anywhere, the Food and Drugs Act would have stronger criminal and quasi-criminal powers. Food and drug inspectors have fewer powers than those proposed in Bill C-6. If that does not frighten us all, it should.

Sheila Weatherill has just concluded her independent review of our federal government's response to the listeriosis tragedy. Ms. Weatherill wrote 57 very detailed recommendations on how to improve performance in the future. Not one recommendation called for more legislation. She essentially said that our officials and our ministers have all the authority they need under the Food and Drugs Act, and in that case, under the Canada Health Act. All they needed was to perform their jobs properly. For that, they needed resources, training and the will to act with some compassion.

Time and again that is the issue. It is not the legislation; it is what we are doing in empowering our officials to behave and respond appropriately.

One last example I will give is the Navigable Waters Protection Act that we had before a Senate committee for study just before the summer break. We pointed out that it did not need legislative but cultural changes in the regulatory attitudes of that division of Transport Canada.

I received a long email this week with attachments making it even longer that documented a conversation of an Alberta contractor who had been asked by the Government of Alberta to do a minor repair to a bridge in the province. After talking to the federal inspector for over an hour, he learned that it will still take six months before they even determine whether they have jurisdiction. This is after we gave the inspector more power than the officials asked for in the legislation. It has not improved their performance.

I heartily endorse honourable senators on all sides of this house and the committee. I hope enough time is put aside and enough witnesses are called forward to decide how many totalitarian powers you want to give to officials to achieve a very worthy goal, which is consumer product safety in this case.

(On motion of Senator Banks, debate adjourned.)

TOBACCO ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Keon, seconded by the Honourable Senator Di Nino, for the second reading of Bill C-32, An Act to amend the Tobacco Act.

Hon. Jane Cordy: Honourable senators, I am pleased to speak today to Bill C-32, An Act to amend the Tobacco Act.

I will start by saying that I support this bill and what it hopes to achieve. It is a step in the right direction that will hopefully stop the misleading marketing of tobacco products. The marketing of tobacco products to Canada's youth has been and continues to be of particular concern.

We know that tobacco is the leading preventable cause of death. Tobacco does a great deal of harm and it is responsible for the deaths of about 37,000 Canadians every year. These are deaths that could be prevented. More than five million people die from the effects of tobacco every year worldwide. It is the only legal consumer product that kills when it is used exactly as intended. Up to one half of all smokers will die from some tobacco related disease. We also have evidence that second hand smoke can harm those who are exposed to it.

Tobacco companies spend tens of millions of dollars every year recruiting new users and keeping current users from quitting. Through advertising and promotional campaigns — including the use of carefully designed packages — the tobacco industry continues to divert attention from the deadly effects of its products. Effective health warnings on tobacco product packaging, especially those that include pictures, have been proven to be one of the factors to motivate users to quit and to reduce the appeal of tobacco for those who are not yet addicted.

• (1540)

Warning people about the true risks of nicotine can go a long way toward reducing tobacco addiction. Requiring warnings on tobacco packages is a simple, cheap and effective strategy that has vastly reduced tobacco use and saved lives. Fortunately, Canada is one of the countries requiring warnings on tobacco packages.

Bill C-32 repeals the exemption that permits tobacco advertising and publications with an adult readership of not less than 85 per cent. It prohibits the packaging, the importation for sale, the distribution and the sale of little cigars and blunt wraps unless they are in a package that contains at least 20 units. We

know the price point for tobacco is very important to children. The sale of kiddie packs of cigarettes has been banned in Canada. Now it is important that this also applies to cigars and blunt wraps, which will be done under Bill C-32.

Bill C-32 will also prohibit the manufacture and sale of cigarettes, little cigars and blunt wraps that contain the additives set out in a new schedule to the act, as well as the packaging of those products in a manner that suggests they contain a prohibitive additive. It also prohibits the manufacture and sale of tobacco products unless all the required information about their composition is submitted to the minister.

Bill C-32 also strives to protect children and youth from tobacco industry marketing practices that encourage them to use tobacco products. These marketing practices include the use of flavourings and additives that would appeal to children and youth, and also the availability of little cigars and blunt wraps, sheets or tubes or tobacco in small quantities.

There have also been an increasing number of tobacco ads in daily newspapers and free entertainment weeklies. Little cigars, also known as cigarillos, and blunt wraps are marketed today with fruit flavours such as grape, cherry, peach, banana split and tropical punch. They have additives such as vitamins and sugar that taste like candy, making the taste more appealing to young people.

Research in both American sources and the tobacco industry's own internal documents released through court cases show that the addition of fruit and candy flavours to tobacco products make them more appealing to new users. The tobacco industry's internal documents show that flavours and additives increase the "try" factor; if you can get young people addicted to tobacco at a young age, they are more likely to continue smoking.

This is a growing problem and a growing concern. Wholesale sales of little cigars have increased from 53 million units in 2001 to 403 million units in 2007, making them the fastest growing tobacco product on the Canadian market.

Bill C-32 would amend the Tobacco Act by prohibiting the addition of fruit flavours and additives to little cigars, cigarettes and blunt wraps because of their appeal to children and youth. It would also prohibit the representation of those flavours and additives on the package, such as a picture or a graphic.

The amended Tobacco Act would also provide Health Canada with flexibility through Governor-in-Council authority to ban other appealing additives or include other product categories in the flavour ban at any time in the future if the evidence indicated that these were serving as inducements to youth. This positive step would ensure that the government could take action quickly.

Unlike cigarettes that must be sold in packages of 20, little cigars and blunt wraps are often sold individually and priced as little as \$1. Bill C-32 would amend the Tobacco Act by extending the minimum quantity provisions.

The bill will require that little cigars and blunt wraps be packaged in quantities of at least 20 units. This change would end the industry practice of selling these products in single or small packs that are attractive to youth because of their cheaper price.

As I mentioned earlier, the price point for children in buying tobacco products is very important. This will raise the price, making them less affordable for young people.

Although there are currently restrictions on tobacco advertising in both print and electronic formats, the tobacco industry has been taking full advantage of an exemption allowing them to advertise in publications that have at least 85 per cent adult readership. A recent resurgence of tobacco advertising has increased exposure to youth audiences of tobacco sales ads.

Tobacco ads have been appearing in daily newspapers, magazines and free entertainment weekly papers. We know that the free entertainment papers are available to anyone by way of a curbside box. This makes it next to impossible to restrict access by children, and we certainly cannot determine if the readership is at least 85 per cent adult.

Between November 2007 and December 2008, tobacco companies spent about \$4.47 million to place nationwide ads in print publications, a dramatic increase from the amount spent in the previous 14 months. Bill C-32 will repeal the exemption that allows tobacco ads to be placed in print publications with adult readerships of not less than 85 per cent.

Bill C-32 is a step in the right direction to protect Canadians, and young people in particular, from tobacco marketing. By prohibiting the sale of cigarettes, little cigars and blunt wraps that contain additives that have flavouring properties, and by prohibiting packaging that suggests that these products contain these additives, the bill aims to avoid misleading marketing of tobacco products. By prohibiting advertising in all types of magazines and newspapers regardless of their readership, the bill ensures that all Canadians, and young people in particular, will not be exposed to tobacco sales pitches aimed at recruiting new tobacco users.

We understand that no single piece of legislation will solve the problem of smoking among Canada's youth, but I believe that this bill takes an important step forward. As such, I am pleased to support this bill at second reading. I look forward to the opportunity to study the bill in greater detail in committee, where we will be able to engage stakeholders and hear testimony to help us assess and, if necessary, to improve the bill.

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

Hon. Senators: Question.

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

(On motion of Senator Keon, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

LIBRARY AND ARCHIVES OF CANADA ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

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

Hon. Jeremiah S. Grafstein: Honourable senators, regarding Bill S-201, I would ask the honourable senator to let me know when he intends to address this matter. It has been before the Senate for eight months now. It is a matter of some controversy.

The issue is very simple. We just want to have a vote on the matter one way or the other and put it to committee.

Hon. Terry Stratton: How about the week we return?

Senator Grafstein: If I take that as a commitment I will accept it.

Senator Stratton: We are not sitting next week, so the week we return.

• (1550)

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion by the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, for the second reading of Bill S-202, An Act to amend the Canada Elections Act (repeal of fixed election dates).

Hon. Bert Brown: Honourable senators, I rise to speak to Senator Murray's bill, Bill S-202, An Act to amend the Canadian Elections Act (repeal of fixed election dates). This action is a two-word amendment to Prime Minister's Bill C-16, An Act to amend the Canadian Elections Act (fixed election dates).

Bill S-202 in its entirety consists of a title page and slightly more than two pages of legal text in both official languages. I will not read the entire text, but I will file a copy of Bill S-202 with my comments on Senator Murray's amendment.

The Honourable Senator Murray's amendment is simply an attempt to repeal Bill S-202, and my rebuttal of his argument can be found in the explanatory notes:

Clause 1: Existing text of the heading in section 56.1 and 56.2:

DATE OF GENERAL ELECTION

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

Clause 56.1(1) is the clause that made Bill S-202 legal and without a constitutional challenge. All further clauses and text after clause 56.1(1) are subject to its override. That is simply the escape clause for fixed election dates in a minority government.

To conclude, I will quote one other clause, 56.1(2):

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

I repeat the previous quote:

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

I therefore oppose Senator Murray's amendment to Bill S-202 and I believe Bill S-202 should remain unamended as Prime Minister Harper's first bill to bring more democracy to the Canadian Parliament.

(On motion of Senator Comeau, debate adjourned.)

[Translation]

BANK OF CANADA ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Pépin, for the second reading of Bill S-230, An Act to amend the Bank of Canada Act (credit rating agency).
—(Honourable Senator Oliver)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this item, resuming debate, has reached its fifteenth day. Senator Oliver is absent from the Chamber, but he would like to have the opportunity to add his comments on this bill. We would like the bill to maintain its standing on the Order Paper. Accordingly, I ask that this item stand adjourned in his name.

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

[English]

Hon. Jeremiah S. Grafstein: Honourable senators, there is a resolution on the Order Paper dealing with the government's commitment. At the London conference, on April 2, 2009, the Prime Minister himself made a commitment to deal with regulatory agencies as a fix for the economic mess that exists in Canada and the United States. This bill directly addresses that issue. I hope that Senator Oliver will deal with this perhaps the week after the break, so that we could send this to committee for at least a political discussion about this issue.

(On motion of Senator Comeau, debate adjourned.)

CANADA PENSION PLAN

BILL TO AMEND—SECOND READING— DEBATE SUSPENDED

Hon. Catherine S. Callbeck moved second reading of Bill S-234, An Act to amend the Canada Pension Plan (retroactivity of retirement and survivor's pensions).

She said: Honourable senators, you will notice that this legislation stands at day 15, which means that I must speak to it today. I introduced this legislation on May 6, and I had hoped to speak to it before now. However, I wanted to receive some information from the government. I asked them several questions, for which I have not received answers.

Bill S-234 is all about the retroactivity of CPP retirement benefits and survivors' benefits. It is an important issue for many Canadians, especially those who have paid into the fund and find that they or their spouse cannot receive all their benefits because they did not apply on time. There are many people who, for one reason or another, did not realize they are entitled to a pension.

Thousands of people are receiving the old age pension that have actually paid in to the Canada Pension Plan, but are not receiving the Canada Pension Plan simply because they have not applied for it. Some people have actually forgotten that they are eligible for the Canada Pension Plan.

For example, there are many women who were in the workforce for a number of years, then left to raise a family and never went back to work. By the time they become seniors, they have forgotten they paid into the plan. When this is brought to their attention, if it is over a year down the road it is too late because there is a one-year time limit within which they must apply.

This legislation will do two things. First, it will extend the current retroactivity limits for retirement benefits for those over the age of 70 years from 12 months to five years for the Canada Pension Plan. Second, the retroactivity provisions will be extended to five years on survivors' benefits for surviving spouses or common-law partners of the contributor. Presently, these provisions are set at 12 months.

As I said, I am still waiting for answers from the government. I have asked these questions in four different ways, starting in October 2007, roughly two years ago: during Order Paper questions, Question Period, Business of the Senate and in an access to information request. I have yet to receive an answer to any of my questions.

First, on October 20, 2007, I placed eight questions about the Canada Pension Plan on the Order Paper, but they fell off the Order Paper when the election was called. On November 26, 2008, I resubmitted six of those questions, as the Chief Actuary had appeared before the Finance Committee on December 4, 2007 and had answered two of those questions. That left six questions unanswered. Unfortunately, Parliament was later prorogued by the Prime Minister and these six questions fell off the Order Paper.

• (1600)

On January 27, 2009, I placed these six questions on the Order Paper where they remain today. Nearly two years later, I am still waiting for the answers to those questions. On February 26, 2009, I asked about the Canada Pension Plan during Question Period but have not received a reply. During the business of the Senate on June 18, 2009, I asked about the Canada Pension Plan question and 15 other questions on other issues that have been taken as notice. Honourable senators, I am still waiting for those answers.

In addition, I made an access to information request in December 2008 in an attempt to acquire information on the Canada Pension Plan. In January 2009, the department stated that it needed an extension of another 120 days, which meant I should have my reply before the end of May. However, I have received nothing. My office has been told by the department that the information I requested went to the Privy Council Office for approval at the beginning of April; the Privy Council Office still has that information.

Honourable senators, I have tried four different ways over the past two years to access information on the Canada Pension Plan but still there are no answers. Needless to say, I am frustrated about the government's apparent unwillingness to provide answers. It is frustrating to be ignored on an issue that is of utmost importance to seniors and their families. Many of these people who should receive the Canada Pension and the survivor's benefit are living on low incomes. Thousands of seniors have applied late for these benefits, and most of them are elderly women who were not aware they were entitled to their Canada Pension retirement or survivor's benefits. Many worked for a few years in their lives and stopped to raise families. Some of these women are still not aware that they are entitled to retirement benefits.

Honourable senators, I think these women and all eligible Canadians should be given every opportunity to access the benefits they deserve. That is why I introduced this legislation. I hope I will receive answers to the questions soon, as I want to be as fully informed as possible before proceeding with my speech —

(Debate suspended.)

The Hon. the Speaker *pro tempore*: Honourable senators, it being 4 p.m., pursuant to the order adopted by the Senate on February 10, 2009, I declare the Senate continued until Thursday, September 17, 2009, at 1:30 p.m.

(The Senate adjourned until Thursday, September 17, 2009, at 1:30 p.m.)

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