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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, September 30, 2009

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

CANADA'S ECONOMIC ACTION PLAN

Hon. Claude Carignan: Honourable senators, the Conservatives believe in standing up for families and workers during tough economic times. That is why our government introduced Canada's Economic Action Plan, building on our record of tax relief, totalling more than \$200 billion invested in roads, bridges, tunnels and other essential infrastructure across Canada. The plan provides for better access to credit and improves employment insurance benefits and training for unemployed Canadians.

Honourable senators, our plan allocates \$7.8 billion to the construction of quality housing, and stimulates the construction industry, encourages home ownership and increases energy efficiency. One of the main measures we took was the home renovation tax credit, which will provide tax breaks to some 4.6 million Canadian families. This tax credit can be claimed for expenditures —

[*English*]

The Hon. the Speaker: Senators' Statements may not be used to anticipate an item on the Order Paper. This notice was given yesterday for a debate on this topic. Though technically not on today's Order Paper, notice was given yesterday. Therefore, I think it should be treated that way.

THE LATE SENATOR EDWARD MOORE KENNEDY

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to the late Edward Moore Kennedy, the senior senator from the Commonwealth of Massachusetts, who passed away this past August 25 at his seaside home in Hyannis Port.

Senator Kennedy was born in Boston, Massachusetts, on February 22, 1932, the last of nine children born to Joseph and Rose Kennedy. Needless to say, with such statured older brothers as the late President John F. Kennedy and the late Senator Robert Kennedy, expectations would be high throughout Ted's life. Like all of us, Ted Kennedy had his human foibles, but his service to his country was exemplary and one which was conducted in the public glare.

Earlier in August, when speaking at the funeral mass for his sister, Eunice Mary Kennedy Shriver, he said: "Much is expected of those to whom much has been given."

With his name attached to more than 850 pieces of legislation, one can see that Senator Kennedy achieved much more than may have been expected of him. His ability to seek consensus and work with colleagues across the aisle held America in good stead. He clearly deserved the moniker, "The Lion of the Senate."

Following the slaying of his two brothers, Ted became the central figure of the Kennedy family — the bulwark of faith, optimism, support and perseverance to the widows and children of his brothers, all in addition to that same caring hand that he gave to his own family.

He became a leading light to progressive Americans, often when a cause was in its darkest moments. From speaking out against the war in Vietnam and advocating for a woman's right to choose, to fighting for civil rights, the integration of schools, gun control, same-sex unions, and clean air and water, Senator Kennedy moved America forward. He fought for social justice for all throughout his distinguished career. May Americans embrace his legacy and carry on his dream.

Senator Kennedy was an avid sailor and, with his passing, the tall ships community has lost a real friend. He was a steadfast supporter of tall ships, their sail-training programs and events, often hosting receptions to recruit the visit of the ships, particularly for his home town of Boston. He generously included my home town of Halifax in his solicitations. Over the years, he sailed his own yachts in the coastal waters of Nova Scotia and, near the end, was seen sailing his classic schooner, *Mya*, in the waters of Nantucket Sound.

The issue of health care was there at the beginning of his 47-year career and took on a special prominence at the end. In July 2009, Senator Kennedy challenged those in power to finally realize that dream and, as he put it, "... end the disgrace of America as the only major industrialized nation in the world that does not guarantee health care for all of its people." Interestingly, he pointed to Canada's system as a meritorious model.

On behalf of this chamber and the Canada-United States Inter-Parliamentary Group, we extend our deepest sympathy to his wife Victoria, their respective children, and members of the Kennedy family at this time of great loss. To invoke the mariner's version of Psalm 23:

Surely sunlight and starlight shall favour him on the voyage he takes.

And he will rest in the port of God forever.

[*Translation*]

THREE HUNDRED AND SEVENTY-FIFTH ANNIVERSARY OF THE CITY OF TROIS-RIVIÈRES

Hon. Lucie Pépin: Honourable senators, July 4 marked the 375th anniversary of the city of Trois-Rivières. Residents will celebrate their civic pride until December.

This anniversary year does more than pay tribute to the people who built Trois-Rivières. It also showcases the city's attractions to local residents and visitors.

The capital of the Mauricie region, Trois-Rivières is the second-oldest French-speaking city in North America. It was founded on July 4, 1634, by the Sieur de Laviolette at the request of Samuel de Champlain.

In 1663, Trois-Rivières became the seat of one of the three governments of New France.

The city was later captured as part of the British conquest and was even briefly occupied by Americans from the Boston area, who were later defeated at the city gates in 1776.

Trois-Rivières became the seat of a judicial district in 1792 and a bishopric in 1852. Its role as an episcopal city led to the establishment of a number of religious communities, which for many years provided hospital care and education. A number of educational institutions still reflect the presence of these communities.

In the wake of the fur trade, Trois-Rivières became an industrial city, with the arrival of the first heavy industry in Canada, the Forges de Saint-Maurice.

This activity would be supplanted in the mid-19th century by the development of the lumber industry, followed by paper manufacturing, which earned Trois-Rivières the title of "paper capital of the world".

• (1340)

The decline of heavy industry contributed significantly to the diversification of the local economy, and new poles of economic development were identified, including services, cultural activities, tourism and post-secondary education.

The recent merger of municipalities in Quebec created a new city of Trois-Rivières, which has a total population of 125,000. This merger has repeatedly been held up as a success story.

Trois-Rivières is a booming city, stronger than ever, that looks to the future with confidence.

I would like to offer my congratulations to Yves Lévesque, the Mayor of Trois-Rivières, and Jean Fournier, the chair of the committee organizing the 375th anniversary celebrations, and to all the people who have helped make this anniversary year a brilliant success, gaining recognition for the city and raising its profile.

[English]

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE ADOPTED

Hon. Terry Stratton, Chair of the Senate Committee of Selection, presented the following report:

Wednesday, September 30, 2009

The Committee of Selection has the honour to present its

THIRD REPORT

Your committee recommends a change of membership to the following committee:

STANDING SENATE COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Senator Seidman added as a member of the Standing Senate Committee on Energy, the Environment and Natural Resources.

Respectfully submitted,

TERRY STRATTON
Chair

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

Senator Stratton: Honourable senators, with leave of the Senate, I move that this report be taken into consideration now.

The Hon. the Speaker: Is leave granted, honourable senators, to take this report into consideration at this time?

Hon. Senators: Agreed.

(On motion of Senator Stratton, with leave of the Senate and notwithstanding rule 58(1)(g), motion agreed to and report adopted.)

[Translation]

QUESTION PERIOD

OFFICE OF THE PRIME MINISTER

ACCESS OF MEMBERS OF PARLIAMENT TO ANNOUNCEMENT OF GOVERNMENT INITIATIVES

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. I would like to continue the discussion we began yesterday, which was, unfortunately, interrupted because of the time.

Does the Prime Minister's Office have a policy to keep members of Parliament away while the government is announcing initiatives or projects that affect their ridings?

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, the short answer is that there is no such policy.

[Translation]

Senator Dallaire: So is there a policy, official or otherwise, stating that the member should be invited as a matter of course when the government is announcing an initiative or project targeting his or her riding? Should it not be expected that the riding's representative in Parliament would be invited to go to the riding for this kind of announcement?

[English]

Senator LeBreton: Honourable senators, the local member of Parliament was invited. However, if the honourable senator is referring to the news stories yesterday about the member from Moncton, while Mr. Murphy may be well-known in Moncton, he obviously is not in Saint John.

Senator Dallaire: The response received was that there was a security problem. An elected member of Parliament was not permitted to enter an activity of the Government of Canada — of which the member is part, although perhaps an opposition member — because the member was a security risk.

One can often attribute that action to a security person who does not understand the rules. However, the person organizing the activity must be held accountable for an action of this nature. Was it recognized by the most senior person present as an error, and that such actions should not happen in the future regarding elected members?

Senator LeBreton: Honourable senators, I am sure that if Mr. Murphy had indicated an interest in going to the event, and had placed his name on the list, he would have been allowed entry. The issue is, of course, security. We have all been subject to these requirements, even during the last election campaign. The Prime Minister's personal security detail insists on having a list of potential attendees. When these attendees are processed at the door, if they are on the list, they are permitted to enter.

Mr. Murphy obviously is not well known in Saint John and could not be recognized easily. If he had placed his name on the list, I am sure he would have been allowed past the door. There is no policy to prevent people from attending events.

Senator Dallaire: We all carry identification cards. Surely, an MP with an identification card is recognized by any security force — particularly the Prime Minister's security force — as sufficient identification to be permitted to enter an event by the Government of Canada — not the Conservative Party of Canada — to announce publicly a project for that riding or that area.

Senator LeBreton: Honourable senators, I am not familiar with the procedures at this particular event, but my answer stands. There is no policy preventing anyone from attending an event provided they place themselves on the list.

[Senator Dallaire]

Hon. Jane Cordy: Honourable senators, will the leader tell us if member of Parliament Rodney Weston, Senator Mockler and Senator Wallace asked to be included on the list, or were they invited to the event?

Senator LeBreton: Honourable senators, I am not sure whether they asked or were invited. The lists are made up by both groups of people. Some people ask to be on the list and other people automatically are asked to attend, as in the case of Mr. Weston, since it is his riding.

• (1350)

Honourable senators, I know this story is titillating, but it must be a slow news day. With all the other important things taking place in the country, I do not believe that this matter constitutes government business.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I believe that this particular event was a public government activity. As was mentioned yesterday, the Prime Minister wanted to meet real people. However, not everyone was able to attend. Perhaps the minister can table the list of people invited to this event? I would like to know whose names are on the list.

[English]

Senator LeBreton: Honourable senators, I will not undertake to table the list of entrants, and I am sure the previous government would not have, either. I can fill volumes with stories of people from this side of the chamber who were excluded from attending events — including my colleague at a major Acadian event — so if the honourable senator wants to go down that road we will do so.

There is no policy that denies people access to public events that the Prime Minister attends, provided they place themselves on the list.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

PUBLIC APPOINTMENTS COMMISSIONER

Hon. Catherine S. Callbeck: Honourable senators, the Accountability Act was passed in 2006. This legislation included provisions to appoint the Public Appointments Commissioner. Here we are, three years later, and there has been no appointment since that legislation received Royal Assent in December 2006. Why has the government not appointed the Public Appointments Commissioner?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, one of the first acts of this government was to fulfil that commitment. The person was named, and the actions of the opposition in the other place prevented this person from being appointed.

As honourable senators know, in the appointments process of the government, all positions are posted and competitions are held. The process is rigorous. For all the quasi-judicial boards, people must write examinations. There is a secretariat in the Privy

Council Office, in the Prime Minister's Office, which acts in this capacity — even though the person chosen was not named, thanks to the opposition. As a result of that appointment process, our appointees have been competent, qualified individuals who fulfil their functions in a proper and accountable way. They are appointed after a rigorous process, which the government stands behind.

Senator Callbeck: On a supplementary question, the government nominated a person before the legislation was even passed, before it received Royal Assent. The honourable senator knows that. We all know that. However, the government has made no attempt to appoint a commissioner since the legislation received Royal Assent in December 2006.

What is more, the commissioner's office, without a commissioner, has spent more than \$1 million since that time. Can we assume that the government will not appoint the Public Appointments Commissioner and that the government will continue to make appointments in the same way?

Senator LeBreton: Honourable senators, first, no one should assume anything, but Senator Callbeck is skilled in trying to put words in people's mouths, and of course I am just as skilled in not allowing her to do so.

The appointments process is an open, transparent process, and there is a secretariat. A rigorous process properly screens candidates, and people who serve government, especially in full-time positions, are subjected to rigorous exams. If they do not pass the exam, they are not appointed.

If I were a Liberal, I would not talk about wasting millions of dollars.

Senator Callbeck: Will the government appoint the Public Appointments Commissioner?

Senator LeBreton: Honourable senators, when we appoint such a person to the office, Senator Callbeck will be the first to know.

[Translation]

NATIONAL DEFENCE

FRENCH LANGUAGE TRAINING CONTRACTS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. I do not understand how we came to be in the absurd position of recruiting an American firm to teach Canadian military personnel French.

We recently learned that National Defence gave a \$285,000 contract to Colorado-based Globelink Foreign Language Center to teach French to Canadian military personnel. This is scandalous and unacceptable. Unfortunately, this government seems to tolerate and even encourage it.

[English]

Why, after 40 years of the Official Languages Act in Canada, can we not find anyone, not a single person, not a single company, to teach French to our military? Why are we paying Americans to teach one of Canada's official languages to Canadians?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, it was not this government that shut down the college at Lac Saint-Jean. However, I was made aware of this matter only this morning. I saw the article in the newspaper.

Obviously, the matter of official bilingualism is an important subject, one which the government takes seriously. I will take that question as notice. I am sure the Department of National Defence will be happy to provide a response as to why this particular group was contracted.

[Translation]

OFFICIAL LANGUAGES

BILINGUAL SERVICES FOR 2010 WINTER OLYMPIC GAMES

Hon. Claudette Tardif (Deputy Leader of the Opposition): This follows another equally scandalous situation. We learned this week from the Commissioner of Official Languages that the RCMP has hired a Vancouver firm, Contemporary Security Canada, which has been recruiting and posting signs only in English on the University of Ottawa campus, even though the positions are supposed to be bilingual. The positions are for reception and security for the 2010 Olympic Games.

The RCMP must comply with the Official Languages Act. Why is it that the recruitment and the posting of signs are only in English, when bilingual employees are needed for the Olympic Games?

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I would have to look at the testimony of the Commissioner of Official Languages. I am well aware of the situation at the Vancouver Olympics. As the honourable senator knows full well, the minister responsible made an announcement with regard to increasing funds considerably to ensure that the Vancouver Olympics are absolutely, totally bilingual. I am given to understand that the Commissioner of Official Languages applauded the government's actions in this regard.

With regard to the RCMP, I was not aware of the commissioner's testimony. There is obviously an explanation.

With regard to the Official Languages Act, I believe there was a celebration here a few weeks ago on the fortieth anniversary of the Official Languages Act. The government fully supports the Official Languages Act and has committed significant funds to the promotion of our French language and bilingual nature.

Rather than having people react to situations where perhaps there is a good explanation, I will find out exactly what the commissioner was referring to when he talked about the RCMP.

VETERANS AFFAIRS

STE. ANNE'S HOSPITAL—LANGUAGE SERVICES

Hon. Joan Fraser: Honourable senators, I suggest to the leader that she may want to check the blues in her response to Senator Tardif's first question. I think I heard the leader refer to the college at Lac Saint-Jean, and there is a gap of several hundred kilometres between Lac Saint-Jean and Saint-Jean; I am sure it was a slip of the tongue.

• (1400)

On the matter of official languages, some days ago, I asked the leader about the future of the veterans' hospital at Sainte-Anne-de-Bellevue in Quebec. I asked whether we were to expect a transfer of that hospital to provincial jurisdiction.

We learn now in the newspapers that we apparently are to expect such a transfer and that those negotiations are underway. Many questions can be raised about that situation. Will the leader tell me if we can expect a commitment from the Government of Canada that no such transfer will occur without a permanent guarantee that the Official Languages Act of Canada will continue to be observed at the hospital?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): In reference to the Royal Military College at Saint Jean, of course — being the former editor of the *Montreal Gazette* — the honourable senator is skilled at correcting people she believes have made a mistake, and for that I apologize.

With regard to the Ste. Anne's Hospital, our priority has been and always will be to ensure that our veterans — no matter where they live in Canada, but particularly at Ste. Anne's — continue to receive the exceptional service and care that they have earned and deserve.

As the honourable senator knows, we are in preliminary discussions with the Province of Quebec. I will be happy to communicate the honourable senator's concerns with regard to the implementation of the Official Languages Act, if in fact the hospital is taken over by the Province of Quebec.

When the honourable senator asked me about this issue before, I believe there was an erroneous story in her former newspaper, *The Gazette*. The article suggested that somehow or other the hospital would fall into private hands. That is not the case. This is, by the way, the last veterans' hospital exclusively run by the federal government. All other hospitals — such as Sunnybrook in Toronto and many others across the country — have a particular component that serves veterans. It has worked very well in other jurisdictions. There is no reason to believe that would not be the case if the negotiations with the Province of Quebec are successful.

The government has spent significant sums of money upgrading this wonderful facility with modern-day technologies. As the honourable senator also knows — as a resident of Quebec and the city of Montreal, — there is certainly a need, in that particular part of the city, for access to proper hospital care. The negotiations are ongoing around this general need.

I wish to assure the honourable senator that the care and well-being of our veterans is paramount to our government. Veterans groups have lauded the government for the work we have done with regard to veterans. There is still work to do, but we have come a long way in treating our veterans in a way they should and most certainly deserve to be treated.

Senator Fraser: For the record, if the honourable leader thought I was asking about the hospital being turned over to private hands, that was a massive failure of communication.

On the matter of official languages, the question is not idle. No one disputes the will of all parties to ensure that our veterans receive the very best care possible. It is, however, unfortunately the case — and has been the case under successive governments — that when responsibilities for federal actions, programs and institutions are handed off to the provinces, the rights previously enjoyed by Canadians using those institutions under the Official Languages Act too often lapse. We are talking now about some of the most deserving and vulnerable Canadians imaginable. I am asking for a guarantee that that element of their rights will be preserved in perpetuity.

Senator LeBreton: Honourable senators, all I can do is pass on the honourable senator's concerns to Minister Thompson and his officials who are in negotiation with the Government of Quebec. I will make Minister Thompson aware of the honourable senator's concerns about the Federal Official Languages Act being respected if this facility is transferred to the Province of Quebec. I reiterate that our government has invested in many programs to show our support and continued promotion of Canada's two official languages.

FISHERIES

SHELLFISH HARVESTING

Hon. Elizabeth Hubley: Honourable senators, the Minister of Fisheries has acknowledged that her department could have done a better job in managing the ban of shellfish harvesting that was imposed on August 31 in the Maritimes. Given fair warning, the industry could have adapted and avoided the millions of dollars in losses it has sustained.

Can the Leader of the Government in the Senate indicate what measures have been taken to ensure that the federal government will give fair warning to industry and provincial fisheries departments in the future?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank the honourable senator for pointing out that we have a very open, frank and honest Minister of Fisheries. As the honourable senator read into the record, the minister acknowledged that she and her department could have done better in this regard. Obviously, there were concerns and some timing issues.

With regard to the honourable senator's specific question, I will obviously take that question as notice.

Senator Hubley: I am pleased that the leader noted the fairness of the federal minister, which leads to my next question. The losses to Prince Edward Island in terms of catch and spinoff are estimated to be between \$2 million to \$3 million.

Can the Leader of the Government in the Senate indicate whether the federal government is considering compensation for the losses incurred by the industry, losses that could have been avoided if the government had given the industry time to adjust their harvesting plans?

Senator LeBreton: Honourable senators, I appreciate that the questions are asked with genuine concern and interest for people in the senator's province.

I will certainly ask the Minister of Fisheries and provide a complete and comprehensive response on how this can be prevented in the future and if anything is being done with regard to the ban.

• (1410)

INDUSTRY

SCIENCE AND TECHNOLOGY

Hon. Terry M. Mercer: Honourable senators, my question is for the Leader of the Government in the Senate. On January 1, 2010, right-wing ideology will continue its assault on research and development in this country with a massive 30 per cent budget cut to the Canadian Institute for Scientific and Technical Information, known as CISTI. CISTI is Canada's national science library, a creation by statute under the National Research Council Act that supplies Canadian researchers, hospitals and universities with the scientific and technical information they need.

As a result of a program review, Prime Minister Harper and his friends have instructed agencies, including the NRC, to cut back as much as possible. This is why CISTI is being cut.

Can the Leader of the Government in the Senate explain why, in this era of stimulus, the Harper Conservatives are cutting funding to research that supplies jobs in institutions in many cities?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, as Senator Mercer knows, just because he says something is so, does not mean it is true. I will simply answer his question by referring to a statement by the president of the University of Ottawa and former Liberal cabinet minister, Allan Rock. When talking about our investments at that university, he said that this investment is a major contribution towards their efforts to create a world-class research and learning environment for both students and faculty.

Mr. Rock is not the only person with that sentiment. Lloyd Axworthy in Winnipeg is another.

Senator Mercer knows full well that we have not in any way cut funding for major research. In fact, we have added to it. In the Senate alone, Senators Keon and Ogilvie are proof positive that this government is committed to science and technology, and

research and development. If the honourable senator took the time to read about what the government has been doing, he would know that this whole sector is the very backbone of many jobs of the future.

Senator Mercer: I am sure that the people who will be losing their jobs in Boucherville, Quebec; Fredericton, New Brunswick; London, Ontario; Saskatoon, Saskatchewan; and other communities do not care what Allan Rock or Lloyd Axworthy have to say. Those people are losing their jobs because of cuts. While the government is handing out cash in Conservative ridings, it is removing funding from private sector hospital and university research.

What happened to the government's supposed commitment to innovation? Will the Leader of the Government tell the researcher at Dalhousie University in Halifax, who is perhaps very close to discovering a cure for cancer, why they cannot get information from their own country's scientific knowledge base? Why is this government limiting Canadian scientists' and researchers' abilities to do their good work?

Senator LeBreton: The honourable senator has given me a great opportunity, and since he asked for it, I will put on the record what the government has done.

Our government values and supports science and technology, and any suggestion otherwise is flat out false.

The economic action plan invests \$5.1 billion in science and technology, including a \$2 billion Knowledge Infrastructure Program; \$750 million for the Canadian Foundation for Innovation; \$250 million to modernize federal laboratories; and \$87 million for Arctic research.

We have increased the budgets of the three granting councils. We have also created new programs, such as the Canada Excellence Research Chairs and the Vanier Canada Graduate Scholarships.

While the Liberals had a single advisory position, we have replaced that position with a group of 18 distinguished Canadians known as the Science, Technology and Innovation Council, headed by Dr. Howard Alper, which released a report earlier this year.

I guess we are running out of time for Question Period. I hope the honourable senator will ask me this question again tomorrow because I have much more to put on the record.

Some Hon. Senators: Hear, hear!

POINT OF ORDER

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I rise on a point of order to seek clarification from His Honour.

Earlier today, during Senators' Statements, His Honour interrupted Senator Carignan as he was making a statement on the home renovation tax credit. I have to presume that this was done under rule 22(4), which states that a senator shall not anticipate consideration of any order of the day.

In fact, the home renovation tax credit is not the subject of any order of the day item, either bill, motion or inquiry. I did give a notice of inquiry yesterday on Canada's Economic Action Plan, which will be on the Notice Paper tomorrow, which I may or may not move or speak to in the next little while.

Therefore, I would like to have His Honour clarify the reasoning behind his interruption so that we may all be aware of the apparent breach that was made and be absolutely sure that we understand the reason for the interruption. Could the Speaker in fact clarify if an item is to be on the Order Paper or the Notice Paper, where it will eventually become an item on the Order Paper? In my view, rule 22(4) is quite clear in that it had to be on the Order Paper. In this case, it was certainly not.

In the future, will items that are part of the Notice Paper be considered items that are on the Order Paper?

Perhaps the Speaker might issue a clarification, hopefully in writing.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I think that the intent that was given in His Honour's ruling, if I understood it correctly, is that the purpose of Senators' Statements is not one of debate on public items but is the opportunity to make representations that are of issues of concern in our areas of good works or recognition of different events in each of our regions.

The purpose of Senators' Statements is not to make announcements, political statements of government projects, or to anticipate the debate on the economic action plan as put in a notice of inquiry yesterday. We are all aware it is coming.

I think this was the intent of His Honour's ruling and it is in that sense that in his ruling the statement that was made was not in conformity with the judgment that was rendered yesterday. Therefore, I contend there is no point of order on this matter.

Senator Comeau: For clarity's sake, and I know we have a number of new senators in the chamber, it might be worthwhile for me to read rule 22(4):

When "Senators' Statements" has been called, Senators may, without notice, raise matters they consider . . .

— they consider, not Senator Tardif or Senator Mercer or anybody else —

. . . need to be brought to the urgent attention of the Senate. In particular, Senators' statements should relate to matters which are of public consequence . . .

— such as Canada's Economic Action Plan —

. . . and for which the rules and practices of the Senate provide no immediate means of bringing the matters to the attention of the Senate. In making such statements, a Senator shall not anticipate consideration of any Order of the Day and shall be bound by the usual rules governing the propriety of debate. . . .

[Senator Comeau]

In other words, you do not curse and say nasty things about your colleagues.

. . . Matters raised during the period shall not be subject to debate.

I was watching the other side when Senator Carignan was speaking on the subject, and they were incensed about the comments he was making. In fact, he was praising what the government has proposed in the economic action plan.

I realize this topic does incense our colleagues on the other side.

Be that as it may, it is still a matter which this senator considered needed to be addressed.

• (1420)

As for the item I presented yesterday under Notice of Inquiries regarding Canada's Economic Action Plan, I may speak to it within a few days; I may speak to it within a few weeks. It is in my name. I may move it; I may not. The thing is that the senator considered that he did not have another means by which he could raise a matter which he considered very important and he did so today.

We do not now need Senator Tardif's interpretation but for the Speaker to identify those items I spoke of earlier in my comments to clarify rule 22(4). We need clarification, because, in my view, if matters stand as they are, items on the Order Paper do not become subject to any statements proposed by senators. It does limit the types of items on which senators will be allowed to speak during Senators' Statements.

Hon. Joan Fraser: It seemed to me that what happened earlier today was an example of the Speaker using his discretion in an extremely civilized and graceful way. I think a number of us on this side did believe that Senator Carignan's statement was of a partisan and political nature and not in conformity with the spirit of the Speaker's ruling yesterday.

Senator Carignan is new to our chamber and I welcome him to the Senate.

It would have been harsh for the Speaker to come down like a complete ton of bricks on him. My own view is that the statement I expect someone may have suggested that he make was not in conformity with the spirit of the Speaker's ruling yesterday.

Senator LeBreton: That is the most arrogant thing I have ever heard! Senator Carignan is not a Liberal.

Senator Fraser: I always think that being heckled is a sign that you are getting somewhere.

What I heard the Speaker say earlier today amounted to a graceful statement that, given that notice had been given yesterday, even though it had not been moved, it would be appropriate in this circumstance to consider that the statement should not be proceeded with.

I did not find that out of line. I thought it was, as I say, a graceful way to move on rather than engaging the whole great formal paraphernalia of a really major and substantive decision from the Speaker in the case of a new senator in particular.

I do not see a point of order here. I saw a gesture of considerable courtesy.

The Hon. the Speaker: Honourable senators, let me thank Senator Comeau for raising this matter. I find it very helpful that we have this dialogue around this particular topic and that we have the various views brought to bear on it.

As we know, this honourable house traces part of its ancestry to the House of Lords and, up until recently, there was no Speaker in the House of Lords. There is now. There is a Lord Speaker in the House of Lords and prior thereto it was the Lord Chancellor who sat on the Woolsack. As we all know, it was not the role of the Lord Chancellor or the noble lord sitting on the Woolsack to decide points of order, a tradition we should reflect upon to see whether we should go back there. This honourable senator would be happy to go back that way.

The house is the house of all honourable senators. That is why, when rising, we address each other as honourable senators. I know that many make reference to the Speaker, but the tradition is to address honourable senators. The house is run by all honourable senators, and the Speaker does not occupy the position of *primus inter pares*. I have a seat in the chamber and at any time I am able to leave the chair and go to my place and participate in debate. That helps to underscore the fact that each of us in this chamber has a responsibility for the good operation and the maintenance of order and the dignity of this house.

Now, with reference to the particular case of Senators' Statements, I think we are making a little bit of progress on keeping them well within the parameters of the rule, but all rules are written in language, and language is written by humans, and humans are not infallible with most of the things that we do, including writing rules.

We interpret them as best we can. I welcome Senator Comeau's suggestion that perhaps I express my views as to how I understand this rule. I attempted to do it yesterday and on four prior occasions.

However, it does say here under rule 22(4):

When "Senators' Statements" has been called, Senators may, without notice, raise matters they consider need to be brought to the urgent attention of the Senate.

This is the point that Senator Comeau was underscoring for us — that it is the judgment of the honourable senator who rises to make his or her statement. They may consider it, but if it is outside the rules, then the rules trump the individual senator's consideration or prudential judgment.

Certainly, whoever sits in the Speaker's chair — and any honourable senator at any moment in time could be sitting in the Speaker's chair — would not want to be in the position of always trying to make a judgment upon what the judgment is of the

honourable senators who rose and participated in Senators' Statements on the basis of what he or she may consider to be a matter that fits within the rule 22(4).

However, as I sat here and heard the honourable senator's initiated statement — maybe I misunderstood it and if I did I apologize for that — I understood the statement in the vein of the Notice of Inquiry which is recorded in the Hansard English and French version at page 1395. As I recall yesterday, it was in French when Senator Comeau said:

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, two days hence, on behalf of the government:

I will call the attention of the Senate to *Canada's Economic Action Plan — A Third Report to Canadians*, tabled in the House of Commons on September 28, 2009, by the Minister of Transport, Infrastructure and Communities, the Honourable John Baird, P.C., M.P., and in the Senate on September 29, 2009.

[English]

I did say, as I looked at the Order Paper today, the government's inquiry is not on it but notice had been given. I was not sure whether technically there is a distinction, but I think it better to err on the side of prudence. Honourable senators, it is my belief that we exercise prudential judgment. It is a political body that we are part of, and, under our Westminster system, political bodies are a good thing. It is the engine room of our Westminster system. None of us is offended by observations and interventions that are political as such. This is a political body, and political parties in our system of governance are a good thing.

• (1430)

Having said that, if I was in error, I apologize for any error that I made. Once again, I wish to thank honourable senators for having been observant at the time of Senators' Statements to make a declaration well within the terms of reference of rule 22.

ORDERS OF THE DAY

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this item is at day 14. For new senators, I wish to point out that rule 27(3) states that when an item reaches day 15, which will be tomorrow, this bill, if no one speaks to it, would either fall from the Order Paper and be forgotten or would have to be re-introduced in the future. This is a useful rule, in my view.

Occasionally, however, a bill or motion no longer meets the needs of the original intent for which it was introduced. Governments may have taken action, for example, to deal with the issue, it may no longer be relevant, or it may be no longer of any use. The item therefore falls from the Order Paper if honourable senators no longer have an interest in the subject matter. Otherwise, the rule permits continued debate.

Occasionally, the senator in whose name the item is adjourned may or may not be in the chamber when the order is called at day 14 or 15. Such is the case with this bill. If the senator happens to be outside the chamber at the time that the bill is called, we would not want the bill to fall from the Order Paper by accident. Senator Andreychuk is not in the chamber at this time, but I know she intends to speak to this bill as soon as practicable. That does not preclude any other senator from speaking to this bill if they wish to do so at this time. Senator Andreychuk will speak on this matter in the future.

To conclude, rule 27(3) is a useful rule and, in my view, continues to meet the original intent for which it was designed. Therefore, I move the adjournment of the debate in the name of Senator Andreychuk for the balance of her time.

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

COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCoy, seconded by the Honourable Senator Wallace, for the second reading of Bill S-206, An Act respecting the office of the Commissioner of the Environment and Sustainable Development.

Hon. Joseph A. Day: Honourable senators, I note that Item No. 22 has stood on the Order Paper for 15 days and if it is adjourned today, it will disappear as has just been indicated. The Honourable Senator McCoy has proposed Bill S-206 and she is not in the chamber at the present time. Therefore, I ask honourable senators to agree to adjourn the matter and have the time run again to give her an opportunity to speak on this matter.

Hon. Anne C. Cools: Honourable senators, I have not paid much attention to this matter at all but I have great respect for Senator McCoy. I would like to take the adjournment in my name.

(On motion of Senator Cools, debate adjourned.)

THE SENATE

MOTION TO URGE GOVERNMENT TO ENGAGE IN CONSULTATIONS ON SENATE REFORM—DEBATE CONTINUED

On the Order:

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

That the Senate embrace the need to consult widely with Canadians to democratize the process of determining the composition and future of the Upper Chamber by urging the Government to:

- (a) invite all provincial and territorial governments in writing to assist immediately in the selection of Senators for appointment by democratic means, whether by holding elections to fill Senate vacancies that might occur in their province or territory or through some other means chosen by them;
- (b) institute a separate and specific national referendum on the future of the Senate, affording voters the chance to choose abolition, status quo, or an elected Upper Chamber; and
- (c) pursue the above initiatives independently of any legislation that it may introduce in this Parliament for reforming the existing term and method of appointment of Senators.

Hon. Bert Brown: Honourable senators, I rise to speak to Senator Segal's motion No. 51 on the Order Paper. The motion is in three parts; I will address each part separately. The motion states, first:

That the Senate embrace the need to consult widely with Canadians to democratize the process of determining the composition and future of the Upper Chamber by urging the Government to:

- (a) invite all provincial and territorial governments in writing to assist immediately in the selection of Senators for appointment by democratic means, whether by holding elections to fill Senate vacancies that might occur in their province or territory or through some other means chosen by them;

The election of senators by provinces in future to fill existing vacancies or expected vacancies caused by retirement at age 75 does not require a constitutional amendment. If such democratic elections are held in any province, the only authority needed to assure their results are followed is the willingness of the Prime Minister to appoint the winners. At present, we have such a prime minister. The precedent for provincial senatorial elections was set in motion during the Meech Lake negotiations in 1989, when the Honourable Senator Stan Waters was elected and substantially appointed to this chamber. Such elections were reinforced twice more, in 1998, and, in 2004, in Alberta.

During the Charlottetown negotiations, all the premiers agreed on direct democratic elections. Quebec agreed to elect future senators through the votes of its national assembly. The first definition of “democracy” is government by the people, a form of government in which the supreme power is invested in the people and exercised directly by them or by their elected agents under a free electoral system.

Paul Lemay said that politics has sometimes been described as the battle of ideas, but in democratic politics, one non-partisan idea above all others is supposed to rule supreme. Those who govern derive their moral authority to do so only with the consent of the governed and such consent comes through free and fair elections.

• (1440)

I quote paragraph (b) of Senator Segal’s motion:

- (b) institute a separate and specific national referendum on the future of the Senate, affording voters the chance to choose abolition, status quo, or an elected upper chamber; . . .

Senate abolition is not possible and the status quo is unacceptable to Canadians. While I am not opposed to a national referendum on the future of this chamber, having been a witness and a participant in the Charlottetown constitutional negotiations in 1990 through 1992, as well as seeing numerous polls taken over the past two decades on election of senators, all carried by a substantial majority, I would feel confident in such a referendum. However, since not a single provincial or federal government of any political stripe has ever bound itself to the outcome of a referendum on any subject, the proposed referendum would be costly and of no binding legal effect.

Paragraph (c) of Senator Segal’s motion reads as follows:

- (c) pursue the above initiatives independently of any legislation that it —

— the government —

— may introduce in this Parliament for reforming the existing term and method of appointment of Senators.

The functions of a democratic Parliament and its component parts, while remaining stable, cannot remain unchanged forever if the institutions are to survive. Generations of Canadians have wanted their Senate to be, in the words of the Canadian Press, “legitimate” through elections, rather than “illegitimate” for the lack of its members being elected.

We now have for the first time in our history a prime minister who not only speaks about Senate reform but makes real efforts to accomplish reform. The Prime Minister’s Bill S-7, to set eight-year term limits on future senators, and, secondly, a proposal for consultative elections should pass from this chamber to the House of Commons.

If those bills will not go forward, it is because, despite protests to the contrary, this chamber is too partisan to seriously consider reforming itself. The Senate of today should look to a time in the

near future when the makeup of the Senate and the partisanship likely will change. This year, a party balance from both sides will provide the opportunity to put partisanship aside. That opportunity will be a time for sober second thought and a time to take the first steps to a democratic Senate. The result will be a future upper chamber with democratic representation from all the provinces.

Honourable senators, eight years is a long time. It is more than enough time for new senators to become familiar with this place and to gain the experience they need to carry on the important work that we do here. If eight years is long enough for a President of the United States, perhaps it should be long enough for future Canadian senators.

Some of my honourable friends will say that ours is the wrong approach, that any reform in the Senate requires consulting the provinces and reopening the Constitution. Honourable senators, I remind you there is absolutely no desire on the part of Canadians or myself for a fresh round of constitutional talks. Talking about opening the Constitution or references to a Supreme Court decision are nothing but attempts to block any reforms to the Senate, period.

I also remind honourable senators that there was once a time when senators were summoned to this chamber for life, but Parliament unilaterally changed this situation by amending section 29 of the Constitution Act of 1867 through the Constitution Act, 1965, and created what is the current mandatory retirement age of 75 years for senators.

Honourable senators, the Senate accomplishes important work for Canadians. Our government believes in the Senate and we want to give it the accountability and democratic legitimacy it deserves. Canada is a parliamentary democracy. A democratic Senate can make Canada a great democracy. The only proven route to this democracy is through electing senators by the provinces as a first step.

Honourable senators, our government believes in the purpose of this institution, and so do I.

Hon. Bill Rompkey: Honourable senators, will Senator Brown take a question?

Senator Brown: Yes.

Senator Rompkey: Does Senator Brown believe in a Triple-E Senate?

Senator Brown: Yes, I still believe in an elected, equal and effective Senate. The committee I have chaired for years has outlined three steps to reach that goal. I would be happy to give the honourable senator or any other member of his party the written context of those three steps. I have given them, I believe, to Senator Cowan and Senator Mitchell at one time, but I would be happy to give them to everyone in this chamber. They are too lengthy to discuss now. The first step is elections. The second step is to have the provinces decide what the equality version will be, whether it will be fully equal, partly equal, two thirds equal or whatever. The last step is what the Prime Minister has asked us for, which is an override to protect the supremacy of the House of Commons.

Senator Rompkey: I notice that Senator Brown wants the provinces to decide on other matters, but not on the election. He spent almost all his speech talking about election, but not discussing the whole question of equality. Surely, if we elect the Senate as it is now, we entrench inequality, unless there is some provision for providing equality. If we vote for the Senate as it is, we entrench the power of the powerful. Those of us who come from small provinces know the results of a lack of power here in Ottawa, either in the House of Commons or here in the Senate. This chamber is not an equal chamber. There are equal chambers in the world, but this is not one of them. If we vote for an elected Senate first without entrenching provisions for equality, surely we entrench inequality. Does Senator Brown agree?

Senator Brown: Honourable senators, yes, I wholly agree with Senator Rompkey's points. The papers that I have offered to give him provide the explanation of how we want to go forward. I do not wish to say, nor have I ever tried to say, that anyone in the present Senate should be affected by what we are hoping to accomplish in the future. Elections by the provinces are the simplest way to begin the process. If the process was to start tomorrow, for instance, it would take five to eight years before a majority of senators were elected in this chamber. It would give the provinces five to eight years to decide what kind of representation they want.

The Meech Lake Accord, for which I also testified, decided on full equality. If honourable senators are familiar with Meech Lake, it ultimately took all the powers away from the proposed Senate. Therefore, the accord failed. The same thing happened in Charlottetown in 1992. The powers of the Senate that were proposed at that time, again under equality, were whittled away until there was nothing left. The Senate would have been the world's most expensive debating society, and the House of Commons would have ruled without any discussion other than having the Senate speak its piece and then the Commons would overrule it.

We have proposed a much better system. We call it the "Elton Override." Again, I am happy to provide to anyone who wishes the three papers that explain elections, representation and override.

Hon. David P. Smith: Honourable senators, to go back to the equal aspect of Triple-E, has Senator Brown thought much about the impact that aspect would have on relations within Canada between Quebec and the rest of Canadians? I am not sure whether his equal idea applies to the territories as well, but let us set the territories aside and look at the 10 provinces. If that were imposed, Quebec's representation in this chamber would be cut by over half. They would be down to about 10 from the current level of 24 senators. Does the honourable senator not think that would cause tremendous strain in the rapport we have with our colleagues from Quebec?

• (1450)

Senator Brown: No, honourable senators, I do not think so. I was witness to five constitutional conferences during the constitutional debates on the Charlottetown Accord. I believe they began in Halifax, followed by Montreal, then Toronto, Calgary and, finally, Vancouver.

Through those negotiations, Quebec decided that it would accept equality and, in return, it would get a position that was equal to that of all provinces. Frankly, at that time it was decided that the Senate was not able to pass legislation because it was considered to be illegitimate by the Canadian press.

Senator Smith: Did you get that position from the Government of Quebec in writing?

Senator Brown: I believe the Premier of Quebec at the time was Premier Bourassa, and he was in the room when all of the provinces agreed.

Hon. Jane Cordy: I thank Senator Brown for his comments in which he suggested that this chamber was responsible for delaying Mr. Harper's Senate reform. Perhaps I have missed it, but when was a bill on the election or selection of senators introduced in the Senate chamber?

Senator Brown: I am sorry. All I know about is the introduction of term limits. I do not think Prime Minister Harper has introduced an actual bill on the election of senators as of yet. I think he has discussed the issue in the House of Commons, and I believe there was a time delay in bringing it any further.

Senator Cordy: I have commented to some MPs on the other side that there has never been a bill on the election or selection of senators brought forward to this chamber, despite public declarations by members of the opposition in the other place to the contrary.

Senator Brown mentioned the tenure bill. The original bill was brought to the Senate, and both the committee and this chamber recommended that bill be sent to the Supreme Court.

Some Hon. Senators: Oh, oh.

Senator Cordy: That bill was sent by this chamber, requesting that the government send it to the Supreme Court to determine its constitutionality. That was over two years ago.

Could Senator Brown tell us why Mr. Harper and his government chose not to allow the bill to go to the Supreme Court?

Senator Brown: Yes. I believe I answered that question yesterday when I spoke on Bill S-7. My understanding is that the term limits were constitutional. I have consulted with two doctors of political science with whom I have consulted over the last two decades. They assured me that the Constitution Act of 1965, which reduced the term limits of senators from life to 75 years old, was the result of Parliament and that it was not a case of having all the provinces involved.

I believe that is the Prime Minister's grounding for the statement that they need a constitutional amendment.

The Hon. the Speaker: I have to advise the house that the time of the Honourable Senator Brown has expired. Is the senator requesting five more minutes?

Senator Brown: Yes.

The Hon. the Speaker: Is that agreed, honourable senators?

Hon. Senators: Agreed.

Senator Cordy: I am wondering, if the Prime Minister indeed felt that this would follow the Constitution, why he would not be sending it to the Supreme Court, despite what the Premier of New Brunswick and the Government of Quebec said to the Standing Senate Committee on Legal and Constitutional Affairs.

Senator Tkachuk: It was your bill, not ours. You changed the bill.

Senator Brown: I am not sure that I can answer for the Prime Minister personally, but the information I was given is that a constitutional reference to the Supreme Court was not necessary for the term limits being suggested. I consulted with two constitutional experts: Dr. Peter McCormick, head of political science at University of Lethbridge; and Dr. David Elton, professor emeritus at University of Lethbridge. I take their word for it. They were involved in those constitutional negotiations in 1992.

Hon. Jeremiah S. Grafstein: Honourable senators, I have a brief question for clarification. I see Senator Murray and Senator Rompkey are here, and perhaps they might recall as well. My recollection — and I will obviously check on this — of what happened in Victoria is that there was a packaged agreement which included Mr. Bourassa's concurrence, and then shortly thereafter he withdrew that agreement and it fell apart. At one moment in time, there was an entire cluster of agreements that were encapsulated in the Victoria Declaration, and Mr. Bourassa then decided to withdraw. Maybe Senator Murray would have a better recollection, but that is my recollection and perhaps Senator Brown might check the records.

Senator Brown: Honourable senators, Senator Grafstein is correct about the Victoria Declaration, but that was after Meech Lake. I am speaking specifically about the constitutional negotiations of 1990 to 1992, which had the agreement of all the premiers and which was voted on in a national referendum for an elected, equal and effective Senate. However, the powers of the Senate would have been diminished greatly. In short, if the Senate disagreed with a bill from the House of Commons, there would be a joint session to speak to each side of the issue. When the joint session was over, the House of Commons would rule and the Senate would have no veto of any kind.

That is what happened. The vote on the Charlottetown Accord was lost in all but two provinces. In Ontario, the "yes" vote was 50,000 more than the "no" vote; and in Prince Edward Island, they voted for the Charlottetown Accord.

Hon. Pierrette Ringuette: Honourable senators, I differ with Senator Brown's opinion on the issue, but I do respect the energy and time he spent to promote his position. With regard to the referendum, the honourable senator is correct that there were proposed changes to the Senate in the Meech Lake Accord. However, I would like to have the record state that, in percentage of population, Alberta is the province that voted most against Meech Lake and Charlottetown.

I would also like to acknowledge that in the last few years Senator Brown has made efforts to meet with provincial premiers, which takes time and commitment. The Constitution says that a change to this federal institution, the Senate of Canada, has to have the agreement of seven premiers and 50 per cent of the population. For the last three years have heard a great deal of political spin from your Prime Minister and at no time has there been any effort —

• (1500)

Some Hon. Senators: Order!

The Hon. the Speaker: Honourable senators, the time has expired. Is there continuing debate on this motion?

Hon. Lowell Murray: Honourable senators, before we close, I thought I should state for the record that the Victoria formula was 1971, that Meech Lake was 1987 to 1990 and there was no referendum, and that Charlottetown was 1992 and there was a referendum with the results that we know of.

It is not completely clear to me from hearing Senator Brown whether he intends to vote for or against Senator Segal's motion and therefore, I think I should give him the opportunity to declare himself. I move that the previous question now be put.

The Hon. the Speaker: It is moved by the Honourable Senator Murray, seconded by the Honourable Senator Wallin, that the previous question will now be put. This motion is debatable and adjournable.

(On motion of Senator Tardif, debate adjourned.)

FOREIGN AFFAIRS

MOTION TO URGE THE GOVERNMENT OF CANADA TO FACILITATE SETTLEMENT IN CANADA OF AFGHAN NATIONALS WHO HELPED CANADA DROPPED FROM THE ORDER PAPER

On the Order:

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

That,

Whereas Canada's efforts in the diplomatic, military, political and economic reconstruction of Afghanistan have been assisted and served by Afghans who work alongside our military, who staff our embassy, and who work with Canadian firms and non-governmental organizations; and

Whereas there is no better way to express our gratitude to these individuals who are friends of Canada than to welcome them to settle in Canada;

That the Senate urge the Government of Canada to develop and implement a program to facilitate the settlement in Canada of Afghan nationals who have helped Canada during our engagement in Afghanistan; and

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

Hon. Hugh Segal: Honourable senators, this motion will, of its own accord, fall off the Order Paper today. I want to express my profound appreciation to the Minister of Immigration, the Honourable Jason Kenney, who has announced that the government will put this policy in place.

The Hon. the Speaker: No other senators wishing to participate in the debate, I will put the question. It is moved by the Honourable Senator Segal, seconded by the Honourable Senator Nolin —

Senator Segal: Point of order. I apologize if I made a mistake. I was not asking to move the matter. I was merely pointing out that it would fall off the Order Paper naturally today; and I was paying tribute to the minister for having announced this is now a matter of government policy.

The Hon. the Speaker: Honourable senators, the item is at day 15. No further debate has occurred on it. Therefore, it will fall off the Order Paper.

THE SENATE

MOTION TO URGE THE PRESERVATION OF CANADIAN HERITAGE ARTIFACTS— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Grafstein:

That,

Whereas works of art and historical objects, including silver baskets offered as wedding gifts to the Duke of York (who later became King George V), as well as a porcelain set decorated with war scenes by the Canadian Maritime artist Alice Hagen, kept at the Governor General's residence at Rideau Hall but shelved during the last few years, have recently been sold online through the Department of Public Works;

Whereas there does not seem to be any adequate policy regarding the status and management of works of art and historic objects previously at Rideau Hall;

Whereas there is an urgent need to prevent the scattering of other such items without any regard to their historical character or the protection of Canadian heritage,

It is moved that this chamber:

- deplore that decorative items related to Canada's history, and in the past to Rideau Hall, were sold publicly without any regard to their special importance to Canadian heritage;

- express its surprise that no heritage management policy at Rideau Hall prevents such scatterings;
- demand that the contents of rooms reserved for official functions at Rideau Hall be subsequently managed by an authority at arm's length from the building's occupants in order to preserve their historical character;
- that the National Capital Commission carefully manage the art and artifacts previously in use at Rideau Hall; and
- that surplus moveable art or decorative works of art be offered first to the Canadian Museum of Civilization, Library and Archives Canada or Canadian museums recognized for their role and mandate in preserving and promoting our country's historical heritage.

Hon. Lowell Murray: May I ask the Deputy Leader of the Government whether when Senator Oliver speaks to this matter, he will be speaking on behalf of the government and stating the government's position on the matter?

As my friend knows, there is some special pertinence to this issue as a result of the revelation in the media in the last day or two that the government has had to pony up almost \$100,000 to buy back \$4,000 worth of items that Rideau Hall disposed of through Crown Assets. Senator Joyal has a motion with some interesting formulae and I think it would be helpful if we were to debate it at an early date.

Perhaps the Deputy Leader of the Government can tell us whether Senator Oliver will be stating the position of the government and whether he might be encouraged to take up the debate at an early date.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Senator Oliver is not in the chamber at this moment. I am sure when he comes back to the chamber he will want to address this issue.

I am quite sure the position of Senator Oliver will be that these actions happened independent of our government. What happened was not in the interest of the taxpayers or of our Canadian heritage; and we will strive to make sure this kind of thing does not happen again by making mandatory the appraisal of unique or attractive items. We want to avoid the type of media attention that has occurred in the papers in the past few days.

Senator Murray: I thank the Deputy Leader of the Government for placing that on the record. All that remains is for us to have a fuller debate on the issue, which presumably will take place when Senator Oliver is back in his seat.

The Hon. the Speaker: Is it agreed, honourable senators, that the item remain standing in the name of Senator Oliver?

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

[The Hon. the Speaker]

SCIENTIFIC RESEARCH

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the critical importance of scientific research to the future of Canada and to the well-being of Canadians.

Hon. Joseph A. Day: Honourable senators, this particular inquiry is one on which I have been doing some research as late as Question Period today, when the Leader of the Government in the Senate was not able to give a full answer to it. I am interested in hearing the rest of that answer, which will help me in my research.

I also had the opportunity last evening to attend a reception by Biotech Canada, and they indicated their deep concern that because of policies that may be out of date, much of our biotech research is migrating to the United States. I think this is something all senators will want to look into to find a solution to this matter.

I also have met with the representatives from Sustainable Development Technology Canada. The representatives indicate that the money to be disbursed over five years for that type of technology research is running out and there is no indication of further funding. That is another area I would like to explore in more detail. Therefore, honourable senators, I move that this matter be adjourned for the remainder of my time.

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

(On motion of Senator Day, debate adjourned.)

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY

MOTION TO SUPPORT RESOLUTION ON MEDITERRANEAN FREE TRADE AREA— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Baker, P.C.:

That the Senate endorse the following Resolution, adopted by the OSCE Parliamentary Assembly at its 17th Annual Session, held at Astana, Kazakhstan, from June 29 to July 3, 2008:

RESOLUTION ON A MEDITERRANEAN FREE TRADE AREA

1. Reiterating the fundamental importance of the economic and environmental aspects of the OSCE concept of security,
2. Recognizing that without economic growth there can be no peace or stability,
3. Recalling the importance that the OSCE Parliamentary Assembly accords to the development of international trade, as underlined by the Assembly's fifth economic conference on the theme of *Strengthening Stability and Co-operation through International Trade*, which was held in Andorra, in May 2007,
4. Maintaining that creating a free trade area will, inter alia, contribute significantly to the efforts to achieve peace,
5. Recalling that the European Union itself was made possible by the establishment of free-trade areas, first the European Coal and Steel Community in 1951 and then the European Economic Community in 1957,
6. Recalling the Helsinki Final Act of 1975, in which OSCE participating States expressed their intention "to encourage with the non-participating Mediterranean States the development of mutually beneficial co-operation in the various fields of economic activity" and to "contribute to a diversified development of the economies of the non-participating Mediterranean countries",
7. Recalling the Helsinki Final Act, in which OSCE participating States recognized "the importance of bilateral and multilateral intergovernmental and other agreements for the long-term development of trade" and undertook "to reduce or progressively eliminate all kinds of obstacles to the development of trade",
8. Celebrating the decision made at the OSCE Summit in Budapest in 1994 to create a Contact Group with Mediterranean Partners for Cooperation,
9. Expressing support for the Barcelona Declaration of 1995 regarding the establishment of a free trade area between the members of the European Union and all Mediterranean states by 2010,
10. Saluting the American Middle East Free Trade Area Initiative (MEFTA) launched in 2003,
11. Concerned by the slow pace of economic development in the Middle East, especially in the agriculture sector and the knowledge-based economy, where two-thirds of the population is under the age of 35,
12. Considering the obstacles to economic growth posed by agricultural trade and tariff barriers, as discussed at the OSCE Parliamentary Assembly meeting in Rhodes in 2004,
13. Considering the lack of direct foreign investment in Middle Eastern Arab countries and the concentration of such investment in a small number of these countries,
14. Noting that despite the efforts made in the Middle East to stimulate free trade, economic growth in Mediterranean countries is markedly stronger in the Israel-Europe-North America axis than among countries in the region, and

15. Encouraged by the increased literacy rate and the increased participation of women in the domestic economies of countries in the Mediterranean basin,

The OSCE Parliamentary Assembly:

16. Recommends the creation of a Mediterranean Economic Commission whose objective would be to quickly reduce trade barriers and facilitate the transition to a knowledge-based economy in countries in the region;
17. Recommends the creation of a Mediterranean Agricultural Marketing Board whose objective would be to create jobs in the agriculture sector for young people in the region;
18. Invites OSCE participating countries and partner states for co-operation to intensify their efforts under the Barcelona Process and to more fully benefit from the MEFTA Initiative in order to expedite the establishment of a free-trade area among all Mediterranean countries.

Hon. Jerahmiel S. Grafstein: Honourable senators, I have been asked by Senator Joyal to adjourn this matter in his name.

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

(On motion of Senator Grafstein, for Senator Joyal, debate adjourned.)

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY IMPLEMENTATION OF GUARANTEED ANNUAL INCOME SYSTEM—DEBATE CONTINUED

On the Order:

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the implementation of a guaranteed annual income system, including the negative income tax model, as a qualitative improvement in income security, with a view to reducing the number of Canadians now living under the poverty line;

That the Committee consider the best possible design of a negative income tax;

That the Committee submit its final report no later than December 31, 2009; and

That the Committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

[The Hon. the Speaker]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this is a very important matter that I intend to make a few comments on, but I have not yet had the chance to prepare all my thoughts on this very important debate. We have been talking about this since the days of Robert Stanfield, a truly great Canadian.

That being said, I would like to adjourn the debate in my name.

(On motion of Senator Comeau, debate adjourned.)

[*English*]

- (1510)

DECLARATION ON STRENGTHENING THE FINANCIAL SYSTEM ADOPTED BY THE G20

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Grafstein calling the attention of the Senate to the following Declaration on Strengthening the Financial System, adopted by the G20 on April 2, 2009, at the London Summit:

DECLARATION ON STRENGTHENING THE FINANCIAL SYSTEM-LONDON SUMMIT, 2 APRIL 2009

We, the Leaders of the G20, have taken, and will continue to take, action to strengthen regulation and supervision in line with the commitments we made in Washington to reform the regulation of the financial sector. Our principles are strengthening transparency and accountability, enhancing sound regulation, promoting integrity in financial markets and reinforcing international cooperation. The material in this declaration expands and provides further detail on the commitments in our statement. We published today a full progress report against each of the 47 actions set out in the Washington Action Plan. In particular, we have agreed the following major reforms.

Financial Stability Board

We have agreed that the Financial Stability Forum should be expanded, given a broadened mandate to promote financial stability, and re-established with a stronger institutional basis and enhanced capacity as the Financial Stability Board (FSB). The FSB will:

- assess vulnerabilities affecting the financial system, identify and oversee action needed to address them;
- promote co-ordination and information exchange among authorities responsible for financial stability;
- monitor and advise on market developments and their implications for regulatory policy;
- advise on and monitor best practice in meeting regulatory standards;

- undertake joint strategic reviews of the policy development work of the international Standard Setting Bodies to ensure their work is timely, coordinated, focused on priorities, and addressing gaps;
- set guidelines for, and support the establishment, functioning of, and participation in, supervisory colleges, including through ongoing identification of the most systemically important cross-border firms;
- support contingency planning for cross-border crisis management, particularly with respect to systemically important firms; and
- collaborate with the IMF to conduct Early Warning Exercises to identify and report to the IMFC and the G20 Finance Ministers and Central Bank Governors on the build up of macroeconomic and financial risks and the actions needed to address them.

Members of the FSB commit to pursue the maintenance of financial stability, enhance the openness and transparency of the financial sector, and implement international financial standards (including the 12 key International Standards and Codes), and agree to undergo periodic peer reviews, using among other evidence IMF / World Bank public Financial Sector Assessment Program reports. The FSB will elaborate and report on these commitments and the evaluation process.

We welcome the FSB's and IMF's commitment to intensify their collaboration, each complementing the other's role and mandate.

International cooperation

To strengthen international cooperation we have agreed:

- to establish the remaining supervisory colleges for significant cross-border firms by June 2009, building on the 28 already in place;
- to implement the FSF principles for cross-border crisis management immediately, and that home authorities of each major international financial institution should ensure that the group of authorities with a common interest in that financial institution meet at least annually;
- to support continued efforts by the IMF, FSB, World Bank, and BCBS to develop an international framework for cross-border bank resolution arrangements;
- the importance of further work and international cooperation on the subject of exit strategies;
- that the IMF and FSB should together launch an Early Warning Exercise at the 2009 Spring Meetings.

Prudential regulation

We have agreed to strengthen international frameworks for prudential regulation:

- until recovery is assured the international standard for the minimum level of capital should remain unchanged;
- where appropriate, capital buffers above the required minima should be allowed to decline to facilitate lending in deteriorating economic conditions;
- once recovery is assured, prudential regulatory standards should be strengthened. Buffers above regulatory minima should be increased and the quality of capital should be enhanced. Guidelines for harmonisation of the definition of capital should be produced by end 2009. The BCBS should review minimum levels of capital and develop recommendations in 2010;
- the FSB, BCBS, and CGFS, working with accounting standard setters, should take forward, with a deadline of end 2009, implementation of the recommendations published today to mitigate procyclicality, including a requirement for banks to build buffers of resources in good times that they can draw down when conditions deteriorate;
- risk-based capital requirements should be supplemented with a simple, transparent, non-risk based measure which is internationally comparable, properly takes into account off-balance sheet exposures, and can help contain the build-up of leverage in the banking system;
- the BCBS and authorities should take forward work on improving incentives for risk management of securitisation, including considering due diligence and quantitative retention requirements, by 2010;
- all G20 countries should progressively adopt the Basel II capital framework; and
- the BCBS and national authorities should develop and agree by 2010 a global framework for promoting stronger liquidity buffers at financial institutions, including cross-border institutions.

The scope of regulation

We have agreed that all systemically important financial institutions, markets, and instruments should be subject to an appropriate degree of regulation and oversight. In particular:

- we will amend our regulatory systems to ensure authorities are able to identify and take account of macro-prudential risks across the financial system including in the case of regulated banks, shadow banks, and private pools of capital to limit the build up of systemic risk. We call on the FSB to work with the

BIS and international standard setters to develop macro-prudential tools and provide a report by autumn 2009;

- large and complex financial institutions require particularly careful oversight given their systemic importance;
- we will ensure that our national regulators possess the powers for gathering relevant information on all material financial institutions, markets, and instruments in order to assess the potential for their failure or severe stress to contribute to systemic risk. This will be done in close coordination at international level in order to achieve as much consistency as possible across jurisdictions;
- in order to prevent regulatory arbitrage, the IMF and the FSB will produce guidelines for national authorities to assess whether a financial institution, market, or an instrument is systemically important by the next meeting of our Finance Ministers and Central Bank Governors. These guidelines should focus on what institutions do rather than their legal form;
- hedge funds or their managers will be registered and will be required to disclose appropriate information on an ongoing basis to supervisors or regulators, including on their leverage, necessary for assessment of the systemic risks that they pose individually or collectively. Where appropriate, registration should be subject to a minimum size. They will be subject to oversight to ensure that they have adequate risk management. We ask the FSB to develop mechanisms for cooperation and information sharing between relevant authorities in order to ensure that effective oversight is maintained where a fund is located in a different jurisdiction from the manager. We will, cooperating through the FSB, develop measures that implement these principles by the end of 2009. We call on the FSB to report to the next meeting of our Finance Ministers and Central Bank Governors;
- supervisors should require that institutions which have hedge funds as their counterparties have effective risk management. This should include mechanisms to monitor the funds' leverage and set limits for single counterparty exposures;
- we will promote the standardisation and resilience of credit derivatives markets, in particular through the establishment of central clearing counterparties subject to effective regulation and supervision. We call on the industry to develop an action plan on standardisation by autumn 2009; and
- we will each review and adapt the boundaries of the regulatory framework regularly to keep pace with developments in the financial system and promote good practices and consistent approaches at the international level.

Compensation

We have endorsed the principles on pay and compensation in significant financial institutions developed by the FSF to ensure compensation structures are consistent with firms' long-term goals and prudent risk taking. We have agreed that our national supervisors should ensure significant progress in the implementation of these principles by the 2009 remuneration round. The BCBS should integrate these principles into their risk management guidance by autumn 2009. The principles, which have today been published, require:

- firms' boards of directors to play an active role in the design, operation, and evaluation of compensation schemes;
- compensation arrangements, including bonuses, to properly reflect risk and the timing and composition of payments to be sensitive to the time horizon of risks. Payments should not be finalised over short periods where risks are realised over long periods; and
- firms to publicly disclose clear, comprehensive, and timely information about compensation. Stakeholders, including shareholders, should be adequately informed on a timely basis on compensation policies to exercise effective monitoring.

Supervisors will assess firms' compensation policies as part of their overall assessment of their soundness. Where necessary they will intervene with responses that can include increased capital requirements.

Tax havens and non-cooperative jurisdictions

It is essential to protect public finances and international standards against the risks posed by non-cooperative jurisdictions. We call on all jurisdictions to adhere to the international standards in the prudential, tax, and AML/CFT areas. To this end, we call on the appropriate bodies to conduct and strengthen objective peer reviews, based on existing processes, including through the FSAP process.

We call on countries to adopt the international standard for information exchange endorsed by the G20 in 2004 and reflected in the UN Model Tax Convention. We note that the OECD has today published a list of countries assessed by the Global Forum against the international standard for exchange of information. We welcome the new commitments made by a number of jurisdictions and encourage them to proceed swiftly with implementation.

We stand ready to take agreed action against those jurisdictions which do not meet international standards in relation to tax transparency. To this end we have agreed to develop a toolbox of effective counter measures for countries to consider, such as:

- increased disclosure requirements on the part of taxpayers and financial institutions to report transactions involving non-cooperative jurisdictions;

- withholding taxes in respect of a wide variety of payments;
- denying deductions in respect of expense payments to payees resident in a non-cooperative jurisdiction;
- reviewing tax treaty policy;
- asking international institutions and regional development banks to review their investment policies; and,
- giving extra weight to the principles of tax transparency and information exchange when designing bilateral aid programs.

We also agreed that consideration should be given to further options relating to financial relations with these jurisdictions.

We are committed to developing proposals, by end 2009, to make it easier for developing countries to secure the benefits of a new cooperative tax environment.

We are also committed to strengthened adherence to international prudential regulatory and supervisory standards. The IMF and the FSB in cooperation with international standard-setters will provide an assessment of implementation by relevant jurisdictions, building on existing FSAPs where they exist. We call on the FSB to develop a toolbox of measures to promote adherence to prudential standards and cooperation with jurisdictions.

We agreed that the FATF should revise and reinvigorate the review process for assessing compliance by jurisdictions with AML/CFT standards, using agreed evaluation reports where available.

We call upon the FSB and the FATF to report to the next G20 Finance Ministers and Central Bank Governors' meeting on adoption and implementation by countries.

Accounting standards

We have agreed that the accounting standard setters should improve standards for the valuation of financial instruments based on their liquidity and investors' holding horizons, while reaffirming the framework of fair value accounting.

We also welcome the FSF recommendations on procyclicality that address accounting issues. We have agreed that accounting standard setters should take action by the end of 2009 to:

- reduce the complexity of accounting standards for financial instruments;
- strengthen accounting recognition of loan-loss provisions by incorporating a broader range of credit information;

- improve accounting standards for provisioning, off-balance sheet exposures and valuation uncertainty;
- achieve clarity and consistency in the application of valuation standards internationally, working with supervisors;
- make significant progress towards a single set of high quality global accounting standards; and,
- within the framework of the independent accounting standard setting process, improve involvement of stakeholders, including prudential regulators and emerging markets, through the IASB's constitutional review.

Credit Rating Agencies

We have agreed on more effective oversight of the activities of Credit Rating Agencies, as they are essential market participants. In particular, we have agreed that:

- all Credit Rating Agencies whose ratings are used for regulatory purposes should be subject to a regulatory oversight regime that includes registration. The regulatory oversight regime should be established by end 2009 and should be consistent with the IOSCO Code of Conduct Fundamentals. IOSCO should coordinate full compliance;
- national authorities will enforce compliance and require changes to a rating agency's practices and procedures for managing conflicts of interest and assuring the transparency and quality of the rating process. In particular, Credit Rating Agencies should differentiate ratings for structured products and provide full disclosure of their ratings track record and the information and assumptions that underpin the ratings process. The oversight framework should be consistent across jurisdictions with appropriate sharing of information between national authorities, including through IOSCO; and,
- the Basel Committee should take forward its review on the role of external ratings in prudential regulation and determine whether there are any adverse incentives that need to be addressed.

Next Steps

We instruct our Finance Ministers to complete the implementation of these decisions and the attached action plan. We have asked the FSB and the IMF to monitor progress, working with the FATF and the Global Forum, and to provide a report to the next meeting of our Finance Ministers and Central Bank Governors.

Hon. Jerahmiel S. Grafstein: Honourable senators, I have delayed speaking to this declaration on strengthening the financial system, which was approved by the Canadian government on April 2, 2009, because we have not had clarification in either House as to the government's plans in this regard. I await the government's action and will respond thereafter. I move the adjournment of the debate for the remainder of my time.

(On motion of Senator Grafstein, debate adjourned.)

EMERGENCY PASSPORT SERVICES

INQUIRY—DEBATE ADJOURNED

Hon. Catherine S. Callbeck rose pursuant to notice of June 3, 2009:

That she will call the attention of the Senate to the inability of Canadians in rural and remote regions to receive timely access to emergency passport services.

She said: Honourable senators, as I have mentioned before in this chamber, my home province of Prince Edward Island is the only province that does not have its own passport office. Islanders must travel to Halifax, Nova Scotia, or Fredericton, New Brunswick when they need to apply in person for a passport. This trip takes time — in addition to the processing times — because Islanders need to travel from their homes to another province. There are exceptional costs, such as missing a day or two of work, bridge or ferry tolls, gas money and, if necessary, hotel expenses to stay overnight while waiting for a passport to be issued.

In the case of an emergency, these added challenges can pose a substantial delay for those who must travel at a moment's notice. I launched this inquiry back in June because of a disturbing passport-related incident involving an Islander who contacted me for assistance. She has given me permission to relay her story in the hope that it may not happen to another Canadian.

On the morning of Friday, April 24, 2009, I received an urgent call about a passport for a woman whose husband was in critical condition in hospital in the United States. He was a trucker, and had a heart attack on one of his runs. She needed to fly to the United States immediately to be with him, but she had no passport. My office staff contacted the office of the Minister of Foreign Affairs, and a Passport Canada official was immediately assigned to telephone the constituent to explain how to proceed. We were relieved because we thought the matter had been dealt with.

However, we soon received another call from the constituent's home. She had been told by the Passport Office that her only option was to travel to Halifax or Fredericton to apply in person for an emergency passport, and that it would take one business day to process the application. She was not advised that her passport might be processed more quickly. It was already late Friday morning. The closest passport offices were in Fredericton and Halifax but were three to four hours from the constituent's home. She would have to complete her application, obtain photographs, secure a guarantor and drive to the passport office. It was possible for her to do those things before closing time but

she did not know that her passport might be processed that same day. She had been told that processing required one business day and, therefore, assumed it would not be ready until Monday or Tuesday. She believed that acquiring a passport on short notice was impossible, and no one from Passport Canada advised her differently. Seemingly with no other options, she travelled by car to Bangor, Maine, and flew Saturday morning to Raleigh, North Carolina. Shortly after her arrival, her husband passed away.

Driving to Bangor at that time was an option for this woman because, as honourable senators know, Canadians did not require a passport to enter the United States by car. If such a situation occurred today, a person would have no option but to wait for a passport to be processed.

In light of this incident, I made an inquiry to the Minister of Foreign Affairs about passport services available to Canadians in the event of an emergency. The minister confirmed that urgent service can be received within 24 hours but only if the applicant requesting the service applies in person. An Islander must travel from Prince Edward Island to Fredericton, New Brunswick, or to Halifax, Nova Scotia, after which it is determined whether an emergency passport may be issued. The minister also noted that the Operations Centre of Foreign Affairs and International Trade Canada offers 24/7 emergency service for Canadians. Calls concerning passports are transferred to Passport Canada. The Passport Canada official will outline only the individual's options for applying for a passport and will not ensure that the individual will receive immediate access to emergency passport services.

The minister also states:

As a general rule, Passport Canada does not keep its offices open after regular working hours. However, Passport Canada may provide a call back service for an additional fee to clients who need to travel in an emergency situation. The client will then be referred to offices that have the necessary printing capacity to provide such emergency services. Employees are called back to work overtime in order to process the emergency passport application. This is offered on a case-by-case basis and at the discretion of the manager who will make the decision based on the urgent circumstances presented by the applicant. In order to be provided with this kind of service, the applicant must submit a complete application for consideration.

It must be noted that the applicant must make the application before such services will be considered.

Some attempt has been made to provide passport services to Islanders. There are seven Service Canada and Canada Post locations, but urgent and express services are not available in these places. Passports are mailed to the applicants in approximately four weeks. In addition, Passport Canada brought their mobile Passport Office to Prince Edward Island in July. They set up for two days — one in Charlottetown and one in Summerside. Passport Canada officials were on hand to receive applications but four weeks were still required to process passports.

I am not the only Islander concerned about this lack of service. In June 2007, the 31st Conference of New England Governors and Eastern Canadian Premiers passed Resolution 31-1, entitled

“A Resolution Concerning the Western Hemisphere Travel Initiative.” The resolution states, in part:

Be it further resolved that the NEGECP (New England Governors and Eastern Canadian Premiers) call upon their respective federal authority to quickly take appropriate measures to improve and accelerate the passport issuance process, to review the established terms and conditions of renewal and to establish a passport office in each state and province; . . .

A copy of this resolution was sent to the Prime Minister.

In April 2008, the Prince Edward Island legislature unanimously passed a motion to urge the Government of Canada to establish a devoted public-run passport office in Prince Edward Island. The Federation of Labour in my province, in association with the Public Service Alliance of Canada has also been working on this issue. The Federation of Labour passed a resolution on the subject and brought the issue to meetings with the federal Minister of Labour.

This issue is a serious one for Islanders. As honourable senators know, travel by car to the United States without a passport is no longer possible, so this is even more important than ever.

• (1520)

Prince Edward Island is the only province without a Passport Canada location. It is a shame. I am deeply concerned about the added delay of out-of-the-province travel for Islanders in emergency situations such as the one I just described.

I believe the federal government has to do whatever it possibly can to facilitate emergency passport applications, especially in times of extreme stress for the applicants and short timeframes. I would hope that the federal government would study the potential of emergency passport services delivered through existing government offices. I urge the federal government to explore all the options available to them and to implement solutions as soon as possible.

The Hon. the Speaker *pro tempore*: Do honourable senators wish to continue the debate?

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I do not wish to see this debate adjourned today. If no one takes the floor, that will be the end of the debate.

Senator Callbeck has raised a problem that many of us here were unaware of.

[*English*]

I was unaware of the situation, as I am sure many other senators were. I wonder if one of the best suggestions would be for the Senate to show that, at times, we can be non-partisan and productive by getting senators of both sides to put their minds together to find a resolution to this problem and to ask the government to implement a new service. That would be non-partisan.

After all, Canada was built in that province, after many hours, days and years of conferences. Charlottetown was the birthplace of Canada. It would only be reasonable and non-partisan if the Senate, as a whole, would show an example to the rest of Canada. We could find a solution here in order to see that this problem raised by Senator Callbeck could see a happy resolution.

The Hon. the Speaker *pro tempore*: Do honourable senators wish to continue the debate?

(On motion of Senator Tardif, debate adjourned.)

THE SENATE

MOTION TO RECOGNIZE “FAMOUS FIVE” AS HONORARY SENATORS—DEBATE ADJOURNED

Hon. Ethel Cochrane, pursuant to notice of September 15, 2009, moved:

That the Senate of Canada,

in commemoration of the 80th anniversary of the October 18, 1929 decision of the Judicial Committee of the Privy Council that recognized women as “persons” in law eligible for appointment to the Senate of Canada, and

in acknowledgement of the important contributions women have made in the Senate of Canada,

posthumously recognize Emily Murphy, Nellie McClung, Irene Parlby, Louise McKinney and Henrietta Muir Edwards, popularly known as the “Famous Five”, as Honorary Senators.

She said: Honourable senators, I rise in support of the motion to grant each member of the Famous Five recognition as an honorary senator.

This is a special and unique acknowledgment to honour the Famous Five as individuals and as women who significantly changed the Senate of Canada.

On October 18, we will commemorate the eightieth anniversary of the historic decision of the Judicial Committee of the Privy Council of Great Britain, recognizing women as persons in law and eligible for appointment to the Senate of Canada. In 1927, the Famous Five persuaded Prime Minister Mackenzie King to ask the Supreme Court of Canada to clarify the word “persons” under the British North America Act, 1867.

After being turned down by the Supreme Court of Canada, these five women from Alberta were instrumental in sending an appeal to the British Privy Council, which had the wisdom to overturn lower court rulings.

On October 18, 1929, it declared that women were persons under the law. It also established the meaning of the word “persons” as meaning both women and men throughout the British Empire forevermore.

I would like to remind honourable senators that in 1927 it was Henrietta Muir Edwards, Louise McKinney, Irene Parlby and Nellie McClung who met at Emily Murphy's house in Edmonton to sign Murphy's petition regarding the appointment of women to the Senate of Canada.

For the past 30 years, October 18 has been celebrated as Persons Day in Canada and, since 1992, October has been Women's History Month. Women's History Month provides an opportunity for Canadians to learn about the important contributions of women and girls of all ages from various backgrounds and across different cultures in Canada.

Eighty years ago, five remarkable women challenged the law on behalf of the thousands of women who stood behind them, changing not only Canadian society but also the world. Since that day in 1929, major strides in equality rights have been realized right here in Canada. I cannot help but think that, if it were not for these women, I would not be standing here today. Indeed, 34 per cent of senators in this chamber might not be here today.

The reality is that before 1929, when a girl was born in Canada, she was considered by law to be a non-person. Mother, daughters, sisters and aunts were not fully considered as persons.

British common law at the time stated that women were persons in the matter of pains and penalties, but not in the matter of rights and privileges. The Famous Five worked together to try to improve conditions for women and change the interpretation of the Canadian Constitution to ensure that women could participate in all aspects of public life.

Who were these women that we refer to as the Famous Five? Though time prohibits a thorough and definitive account of their lives and accomplishments, I would like to offer sketches of each of these remarkable women.

The first is Emily Murphy. She spearheaded the fight to have women declared persons in Canada and, therefore, eligible to serve in the Senate. She became the first female police magistrate in the British Empire and successfully combined family life, a writing career and a variety of reform activities in the interests of women and children.

The next is Henrietta Muir Edwards who was also an accomplished woman who had compiled, at the request of the Canadian government, a summary of Canadian laws, both federal and provincial, which pertained to women and children. She later prepared two handbooks on legal matters affecting women. Those were entitled *Legal Status of Canadian Women*, published in 1908, and *Legal Status of Women in Alberta*, published in 1917 and republished in 1921. She served as the Convener of Laws for the organization for 35 years and, along with Lady Aberdeen, was co-founder of the Victorian Order of Nurses.

Louise McKinney became the first woman elected to the Legislative Assembly of Alberta in 1917 and the first woman elected to a legislature in the British Empire. She organized 20 Woman's Christian Temperance Union chapters in the West, and served as president of the Alberta and Saskatchewan union for two decades, strongly influencing the political and social growth and development of Alberta. She played a major part in obtaining the franchise for women in that province in 1916.

• (1530)

Irene Parlby was elected to the Alberta legislature in 1921. She was appointed Minister without Portfolio, the first female cabinet minister in Alberta history and only the second in the British Empire. Irene Parlby represented Canada at the League of Nations in Geneva in 1930 and was the first woman awarded an honorary doctorate from the University of Alberta in 1935.

Nellie McClung was a member of the Alberta legislature for Edmonton from 1921 to 1926. She was known as a teacher, temperance leader, suffragist, lecturer, politician, historian, wife, mother and activist. Nellie McClung was also a famous writer, authoring numerous essays, articles and 15 books.

Honourable senators, because of the path blazed by these women in the early part of the last century, on November 17, 1986, I became Newfoundland and Labrador's first female senator. The women of the Senate today, like the Famous Five, are accomplished teachers, lawyers, journalists and business women. They are also entertainers, scientists and ambassadors.

As I look at my fellow women senators in this chamber today — and think of our own many and varied accomplishments — I realize none of these accomplishments would have been possible without the courage and determination of the Famous Five to push the cause of equality forward so that women could be admitted to this special place. A long sequence of events preceded my appointment to the Senate. I would like to take this opportunity to outline some of those milestones.

After amendments to the Election Act by the Conservative government in 1919, Agnes Macphail was elected to the House of Commons and became the first woman member of Parliament in Canada in the 1921 federal election. In 1930, the Honourable Cairine Wilson of Ontario became the first female senator in Canada.

Charlotte Whitton was elected Mayor of Ottawa in 1951 and became the first female mayor in Canada. In 1957, Prime Minister John Diefenbaker appointed the Honourable Ellen Fairclough to the federal cabinet making her the first female to serve in Canada's cabinet.

Prime Minister Lester B. Pearson established a Royal Commission on the Status of Women in 1967. In 1971, the federal government created a cabinet portfolio of Minister Responsible for the Status of Women. In 1972, the honourable Muriel McQueen Fergusson became the first woman Speaker of the Senate. She was from New Brunswick. Are honourable senators not lucky to have had someone from New Brunswick?

A decade later, the Canadian Charter of Rights and Freedoms, which was adopted in 1982, included section 15, the equality clause. In 1984, Jeanne Sauvé became the first woman appointed Governor General of Canada. In 1989, Audrey McLaughlin, a member of Parliament from the Yukon was elected as the federal leader of the New Democratic Party. She became the first woman ever to lead a national political party in Canada. Our esteemed colleague, the Honourable Catherine Callbeck was elected Premier of Prince Edward Island in 1993.

Some Hon. Senators: Hear, hear.

Senator Cochrane: She became the first female premier elected in Canada. That same year, the Right Honourable Kim Campbell became the first female Canadian Prime Minister. Today, one third of our Senate is composed of women — a great achievement.

Honourable senators, there have been many advances in equality rights over the last 80 years. Women have taken on prominent roles, a few of which I noted earlier, and have made a tremendous contribution to our nation at all levels. In the Senate in particular, the Persons Case was the key that unlocked many opportunities. This great achievement of the Famous Five, and the Famous Five themselves, have been recognized in many ways including the statues that now grace Parliament Hill.

I hope that all senators will join with me in supporting this motion. It gives each member of the Famous Five something that none of them received during their lifetime — a place in the roll of the Senate. Recognizing them as honorary senators is a way of expressing our appreciation for their contributions to Canadian society, in particular, to this chamber and to the diversity of our membership.

(On motion of Senator P  pin, debate adjourned.)

EMPLOYMENT INSURANCE ACT

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUBJECT MATTER

Hon. James S. Cowan (Leader of the Opposition), pursuant to notice of September 17, 2009, moved:

That, in accordance with rules 74(1) and 62(1)(i), the Standing Senate Committee on National Finance be authorized to examine the subject-matter of Bill C-50, An Act to amend the Employment Insurance Act and to increase benefits, introduced in the House of Commons on September 16, 2009, in advance of the said bill coming before the Senate.

He said: Honourable senators, since it is not often that the opposition introduces a motion to pre-study a government bill, a few words of explanation are in order. I will begin with a little historical context, not on Bill C-50, but on the pre-study technique.

Pre-study has a long history in our chamber. It is a tool that was employed with great regularity through the 1970s and 1980s. It became so commonplace that pre-study of government legislation became the rule rather than the exception. As Senator Royce Frith, then Leader of the Opposition explained in 1991:

... when pre-study of bills began in the Senate it was generally in application to bills which were difficult and complex or where there were exceptionally serious time problems. Pre-study was also used to allow the Senate Committee on Banking, Trade and Commerce, which started this practice, to suggest amendments to the House of Commons in cases where the Senate would find it difficult to amend the legislation, for example, and understandably,

certain tax bills. What was originally intended to have but limited application became the rule. Bills were referred to Senate committees almost as a matter of course as soon as they were introduced in the House of Commons. Bills were referred for pre-study, at times even before committees had held their initial organizational meetings.

This evolution of ever more frequent pre-studies had an important impact on the Senate's legislative role and the concern that then developed about that impact was not limited to members of the opposition in this chamber.

The late Senator Finlay MacDonald, one of the leading members of the Senate's Progressive Conservative caucus during the Mulroney years, gave a scholarly speech on pre-study on June 9, 1988. He began his analysis with the observation that "it is a basic principle of British parliamentary procedure that a bill must be dealt with consecutively in both houses."

Senator MacDonald then went on to explain the reasons that underlay this important principle. He described how the Senate could waste its time examining and suggesting amendments to a bill that might never reach the Senate. He worried that "the exact contribution of the Senate to the legislative process becomes somewhat blurred, at least for the outsider. . . ."

As a result of these and other concerns, pre-study has been utilized much more judiciously since that time. I think this more conservative approach to pre-study has served the Senate well. When it has been used, as with the pre-study of Bill C-36, the Anti-terrorism Act in 2001, it has been for good reasons and with good results.

Although the differences between Bill C-36 and Bill C-50 are obviously greater than any apparent similarities, there are, in my opinion, compelling reasons for the Senate to consider a pre-study of this Employment Insurance bill also.

• (1540)

With respect to the bill itself, my first impression is that the measures proposed by the government in this legislation are simply inadequate for the majority of the Canadians who face unemployment during the current, massive downturn in our economy.

I invite colleagues to re-examine the report of our Standing Senate Committee on National Finance presented to the Senate on June 11, 2009, and particularly those sections of the report on the EI provisions of the 2009 Budget Implementation Act, to gain a better understanding of what is actually needed by those in our workforce at the present time. Our committee urged the government to take a comprehensive approach to the EI program. It recommended a system of tiered benefits, wider coverage, removal of the two-week waiting period and a standard 420-hour entrance requirement.

Honourable senators, it is shocking to me that the maximum EI weekly benefit today is \$447, compared to \$604 in 1996, and that the average benefit today is just \$325 per week. This is below the poverty line for an individual, let alone for someone who is

trying to support a family. According to the OECD, out of its 30 member countries, Canada is exceeded only by the United States in terms of jobless people living in poverty. Second worst! Surely we can do better.

What is the government's response to the plight of unemployed workers in this country? As best as I can understand it in Bill C-50, it is to select a worthy few for extra help and to tell the rest that they are on their own. I believe that the opening line of an op-ed that appeared in the *Ottawa Citizen* on September 23 caught the tone of the government's message. It began with the line: "Memo from the Prime Minister's Office to Canada's unemployed: It sucks to be you."

I could go on at some length about why I fear that Bill C-50 is a woefully inadequate response to the plight of the ever-increasing numbers of unemployed in this country. However, the purpose of my speech is not to dissect the provisions of Bill C-50 but to recommend to the Senate that our National Finance Committee have an opportunity to do so as quickly as possible.

The primary impetus for this motion arises from my concern about the coming into force provision of the bill. That provision reads, in part, as follows:

8. (1) Subsections 1(1) and 2(1) and (3) and sections 3 to 7 are deemed to have come into force on the second Sunday before the day on which this Act receives royal assent.

These are the sections that will provide some of the recently unemployed — and in the eyes of the government, deserving unemployed — with a few additional weeks of EI benefits.

This coming into force provision is very similar to the one that was contained in the recent budget implementation bill. Given our experience with that legislation, I am concerned about possible consequences if we wait until we actually receive Bill C-50 before starting our examination. I am concerned that a thorough committee study of the bill itself after second reading could result in some Canadians finding they missed the deadline for extra benefits that they would be otherwise entitled to receive under the bill should the Senate ultimately decide to pass it.

When the Minister of Human Resources and Skills Development, the Honourable Diane Finley, spoke at second reading to this bill in the other place on September 17, she said:

As proposed, this new, temporary measure would cover all new claims established from the start date, which will depend on when the legislation comes into force.

Again, should the Senate decide to pass Bill C-50, I do not believe the few Canadians who could benefit from its provisions should be jeopardized by an undue delay of the coming into force date.

Honourable senators, our Committee on National Finance has the experience and the expertise to conduct a thorough and impartial examination of the subject matter of Bill C-50. It should have an opportunity to do so without placing at risk the few meagre benefits the Conservative government is reluctantly

prepared to give to some of those most in need of assistance. It is for this reason that I urge all colleagues to support this motion to ask our National Finance Committee to pre-study Bill C-50.

Hon. Hugh Segal: Would my honourable colleague take a question?

Senator Cowan: Of course.

Senator Segal: Notwithstanding how we may, on various sides of this house, differ with respect to the adequacy of the legislation, is my honourable colleague in any way troubled that the non-confidence motion made by his colleagues in the other place, which would have the effect of diluting, diminishing or destroying a series of benefits now planned for those in need, does not in fact imply the notion of rapid study and movement but rather that of shutting down the government and having an election, thereby not moving ahead with benefits that the senator himself believes Canadians need?

Senator Cowan: I thank the senator for the question. I remind him that the Liberal Party in the other place offered to expedite consideration of that bill in the other place, and the government and the NDP decided that they needed further time to study the bill. All I am suggesting is that in this place, we would not on this side want to do anything that would slow down consideration of this bill. That is the reason I am proposing the motion.

Senator Segal: I appreciate the sincerity and clarity of my colleague's response. Is he not struck by the contradiction in his position of, on the one hand, campaigning for stopping all government business and having an election, at a cost of over \$300 million, versus, on the other hand, trying to flow billions of dollars of benefits to Canadians in need? By advocating more study, rapid study and perhaps improving the benefits package, is he saying that he disagrees with his colleagues in the other place and that he would like to see progress made rather than an election at great cost to the Canadian taxpayer?

Senator Cowan: I thank the senator again for the question. What does strike me is the hypocrisy of the government consistently saying that what the Liberal Party in the other place wants to do is to throw this country into an election. My leader says that the Liberal Party has drawn a line in the sand. The Liberal Party has lost confidence in the ability of this government to govern the country. We are simply stating our position. I would remind Senator Segal of which he is well aware. The opposition of the Liberal Party in the other place on a motion of non-confidence will not bring down the government. The Liberal Party has stated a very clear position of non-confidence in the government. It is placed solely on the shoulders of the other two opposition parties in the House of Commons to decide whether they have confidence in that government, which we do not, or whether they share our position.

Senator Segal: Could I, then, with the greatest of respect and affection, understand, with the help the Leader of the Opposition in the Senate, whether the policy in the Liberal Party happens to be, as we speak, to make motions of non-confidence which they devoutly hope cannot pass?

Senator Cowan: I do not know whether the vote on the Liberal motion has taken place in the other place. I think the honourable senator will find that the members of the Liberal party in the other place will stand proudly with their leader in support of his motion of non-confidence in the government, and we will see what the other opposition parties do.

The Hon. the Speaker *pro tempore*: Is there further debate?

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.)

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

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