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**Wednesday, October 7, 2009**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Wednesday, October 7, 2009

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

Prayers.

### SENATORS' STATEMENTS

#### COADY INTERNATIONAL INSTITUTE

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, today I am delighted to pay tribute to an extraordinary institution, the Coady International Institute at St. Francis Xavier University in Antigonish, Nova Scotia.

The Coady Institute is celebrating its golden anniversary this year. The institute grew out of what became known worldwide as the Antigonish Movement, a pioneer movement spearheaded by two men, Rev. Jimmy Tompkins and his cousin, Rev. Moses Coady, over 80 years ago.

It began as “people’s schools” that opened the doors of the university to men and women from impoverished fishing, farming and mining communities in the region to help them change their lives and their futures.

After World War II, the scope expanded as men and women began to arrive from poor, newly established nations around the world, eager to learn ways to help their communities back home. Over 100 international students registered at St. FX in the 1950s to learn the grassroots methods used and taught there.

In 1959, St. FX established the Coady International Institute to respond to this increasing demand. The institute was named in honour of Rev. Coady, whose work had laid the foundation for the institute, although he himself sadly did not live to see his dream realized.

Today, 50 years later, the institute has more than 5,000 graduates and partners working in more than 130 countries. Its goal is to build a better world, one community at a time. Rev. Coady once said, “When you stop pioneering, you die.” The institute has taken that to heart and, for 50 years, has not stopped pushing the boundaries, finding new ways to help people all across the world.

The Coady International Institute works to create effective, practical and sustainable solutions to reduce global poverty and injustice through education, research and capacity building for development organizations. Honourable senators, let me give you just a few examples of the work of the institute.

In 2006 the institute joined forces with the Self Employed Women’s Association and the Friends of Women’s World Banking, India to develop the first-of-its-kind Indian School of Microfinance for Women. This is designed to help millions of people, mostly women, gain access to basic financial services to help them earn a living, build financial assets, take control of their lives and weather crises.

The Xtending Hope Partnership is an initiative based at the Coady International Institute that works to help, develop and support the people, governments and NGOs in Rwanda and Botswana as they deal with the HIV/AIDS epidemic. Coady partnered with First Nations communities for the First Nations At-Sea Mentoring Initiative, working to develop the technical skills of Aboriginal fishers working in the commercial inshore fishery.

There are thousands of international graduates of the institute who return home and work directly to improve the lives of their fellow citizens, applying the many lessons learned at Coady to help build a more just, secure and prosperous future.

The institute also provides opportunities for young Canadians, helping recent university graduates work overseas on internships with development organizations. These young Canadians — 169 so far — return home as more engaged global citizens, with new skills and experiences.

Honourable senators, this important anniversary for the Coady International Institute signals 50 years of igniting leadership — leadership that is taking action to improve our world. All Canadians can be proud of this home-grown institute that represents Canada so well, in so many places around the world.

#### GLOBAL RECESSION

**Hon. Yonah Martin:** Honourable senators, under the strong leadership of Prime Minister Stephen Harper, Canada is making a difference on the world stage. Rather than proposing an election that no one wants, our government is opening up new markets —

**Some Hon. Senators:** Oh, oh.

**Some Hon. Senators:** Order!

**Senator Martin:** — for Canadian companies, and working to secure good jobs for Canadian families.

In January, we introduced Canada’s Economic Action Plan to tackle the global recession here in Canada. The International Monetary Fund called our stimulus plan “large, timely and well targeted.”

Prime Minister Harper recently met with world leaders at the G20 in Pittsburgh, as well as at the Friends of Democratic Pakistan and the Summit on Climate Change in New York. During these important meetings, we discussed measures to strengthen the global financial system and resist trade protectionism. We highlighted our desire to work with the government and people of Pakistan as they fight terrorism, and we re-stated our commitment to tackling climate change through sustained action to build a low-carbon economy.

• (1340)

Next year, we will host not one but two major economic summits and, in the process, help to usher in a key new role to be played at the G20.

Prime Minister Harper also took a strong stand against the President of Iran to ensure that Canada does not provide even the semblance of legitimacy to the president's history of anti-Semitism. We also made it clear that we expect the Iranian leadership to meet its obligations under UN Security Council resolutions and International Atomic Energy Agency requirements.

Furthermore, Minister of International Trade and Minister for the Asia-Pacific Gateway, Stockwell Day, has launched free trade talks with Ukraine and signed a nuclear cooperation agreement with Kazakhstan. Minister Day has also opened a new trade office in India.

Honourable senators, our government is focused on tackling the global recession and sending Canadians back to work. We are accomplishing that by working within the global community and showing real leadership on the world stage.

#### GOVERNOR GENERAL'S AWARDS IN COMMEMORATION OF THE PERSONS CASE

**Hon. Catherine S. Callbeck:** Honourable senators, I want to pay tribute to the eightieth anniversary recipients of the Governor General's Awards in Commemoration of the Persons Case. Every year, five adult awards and one youth award are presented to women who have made outstanding contributions to the goal of equality for women in Canada.

Daphne Dumont from Prince Edward Island was the first woman admitted to study law at any of the Oxford men's colleges. She has spent her career advancing equality in legal affairs, from founding the Legal Education and Action Fund, and serving on the National Task Force on Gender Equality in the Legal Profession.

Jeannette Corbiere Lavell of Ontario is a well-known advocate for Aboriginal women. She helped found the Ontario Native Women's Association, the Native Women's Association of Canada and Indigenous Women of the Americas.

Bev LeFrançois of Ontario has helped establish multiple community centres, women's centres, rape crisis centres and shelters for battered women. She is a founding member of a number of active women's organizations.

Karen Messing of Quebec has worked for more than 30 years to promote equality for women in the workforce. She wrote the World Health Organization's fact sheet and booklet on gender and occupational health, and is currently Chair of the Gender and Work Technical Committee of the International Ergonomics Association.

Mary Scott of Manitoba has harnessed the power of the Internet to help women communicate, network and share ideas with each other. She is an active member of the United Nations

Platform for Action Committee Manitoba and a co-founder of the Manitoba chapter of the United Nations Development Fund for Women.

Pauline Fogarty of Ontario is this year's youth award recipient. She has been actively involved with the Regional Multicultural Youth Centre in Thunder Bay, volunteers for Canadian Mental Health Association and works for the St. Joseph's Health Centre.

As the Famous Five before them, these six women have dedicated their lives to ensuring equality for women everywhere. Honourable senators, please join me in congratulating them on this well-deserved honour.

#### HEALTH

**Hon. Wilbert J. Keon:** Honourable senators, the Conference Board of Canada recently issued a report of health indicators in several nations, and Canada managed only to "hang on to its 'B,'" ranking 10th among the 16 peer countries." The board's findings place us far from where we should be. Here are a few examples.

Canada has one of the highest infant mortality rates, at 5 for every 1,000. We are fourteenth when it comes to mortality due to diabetes. On mortality due to diseases of the musculoskeletal system, including rheumatoid arthritis, osteoarthritis, osteoporosis and spinal disorders, we have dropped from seventh to tenth.

Since 1960, the board has been giving Canada a "B" on health, but notes that our mortality rate for diabetes and mental illness has increased over that time. Why are we in this predicament? To me, the answer is simple: Since the landmark report of the Honourable Justice Emmett Hall 45 years ago, the needle has been stuck in the single track of our health system. When it comes to health, we have a total preoccupation with the health care delivery system and, indeed, we are almost incapable of addressing everything else.

Thanks to the Canada Health Act and numerous other interventions, we have a good health care delivery system but, regardless of how good it is, how good it will ever become or how much money we spend on it, we can never attain an appropriate health status for Canadians through the health care delivery system. The reason for this is simple: The health care delivery system accounts for 25 per cent of health outcomes. Despite the enormous expenditure — and even if we wish to increase that expenditure, the situation will not change — governments over the years, regardless of jurisdiction or political persuasion, have refused to look at the truth.

The truth is the health care delivery system accounts for 25 per cent of health outcomes and will never do better than that. If we are to improve the health of Canadians, we must assume a population health approach. Indeed, collective governments have been totally irresponsible on this file, wasting taxpayers' money to the tune of tens of billions of dollars, searching for outcomes they know they cannot achieve.

Until we address the determinants of health and correct the health inequities, we will continue to languish in the rut we are in. We will continue to spend tens of billions of dollars treating

diseases, 50 per cent of which are totally preventable. We will continue to watch a large portion of Canadians languish in poor health, with a low standard of productivity.

I urge honourable senators to wake up and smell the coffee. There is nothing complicated about this subject. It has been documented repeatedly. It simply requires our collective governments to do the right thing rather than the easy thing to help them be elected. Honourable senators, all sectors of society, all individuals must assume their responsibility on this file and reverse this situation.

**Hon. Senators:** Hear, hear!

[Translation]

### L'ORDRE DES FRANCOPHONES D'AMÉRIQUE

**Hon. Maria Chaput:** Honourable senators, the Ordre des francophones d'Amérique is awarded every year to honour the achievements of individuals who are committed to maintaining and developing the language of French America.

On Wednesday, September 30, 2009, Ibrahima Diallo, the dean of the Collège universitaire de Saint-Boniface in Manitoba, was presented with the insignia of the Ordre des francophones d'Amérique for western Canada.

Mr. Diallo is a native of Dakar, Senegal. During his 15 years teaching biology in French in Manitoba — he has been the dean since 2000 — he was also honoured by the Manitoba's Association interculturelle Dinamba for his contribution to the francophone community in Manitoba and to ethnocultural communities.

Ibrahima Diallo is a thoughtful, caring, dynamic and collegial man, and a proud Canadian.

I congratulate him on this honour, which recognizes the importance of his actions and his contribution to the development of French culture and language.

[English]

### GLOBAL RECESSION

**Hon. Donald H. Oliver:** Honourable senators, I rise to pay tribute to Canada's Minister of Finance, the Honourable James Flaherty. He was honoured yesterday by *Euromoney* magazine as "Finance Minister of the Year."

**Senator Cowan:** Is there a math test involved?

**Senator Oliver:** Honourable senators, this award is highly-coveted and cherished. *Euromoney* is a world-renowned magazine that has become an important source for the wholesale financial world. Created 40 years ago, it reports on various financial issues, such as the international financial markets, alternative investments and foreign exchange.

Minister Flaherty received this prestigious honour because, as *Euromoney* states, he:

... has enhanced his country's reputation for sound fiscal policy that takes full account of social justice, while a strong regulatory regime has kept the financial sector out of the chaos.

• (1350)

**Some Hon. Senators:** Hear, hear!

**Senator Oliver:** The article continues:

Flaherty's plan for Canada's economy is one of long-term goals that will have positive effects for its citizens.

Honourable senators, Conservatives believe in standing up for hard-working families in tough economic times, and that is exactly what we have been doing this year. Here are a few initiatives for which Mr. Flaherty won that award.

The government is contributing \$34.7 million to help build the David Braley Cardiac, Vascular and Stroke Research Institute in Hamilton. This will be the home of the Population Health Research Institute, as well as the Henderson Research Centre, which will help fight vascular disease.

We are working with the Government of Quebec to extend Highway 5 in the Outaouais. We are helping to twin the Trans-Canada Highway through Banff National Park.

We have launched the Federal Economic Development Agency for Southern Ontario, known as FedDev Ontario, to bring new jobs and opportunities to a region that has felt the impact of the global recession.

We have also announced the creation of the Canadian Northern Economic Development Agency, which will be headquartered in Iqaluit, with offices in Whitehorse and Yellowknife. We have signed new labour market agreements with Nunavut, Northwest Territories and Yukon, and we are investing \$36.5 million over the next two years to help workers in the territories, whether or not they qualify for EI.

From building staff housing for the Canada Border Services Agency in Little Gold and Beaver Creek in Yukon, to restoring the Cabot Trail in the Cape Breton Highlands National Park, we have been creating jobs and improving the quality of life for Canadians.

The International Monetary Fund has judged our Economic Action Plan to be a response to the global recession that is "timely, appropriately sized, diversified and well structured."

**Some Hon. Senators:** Hear, hear!

### PERSONS DAY

**Hon. Elizabeth Hubley:** Honourable senators, October 18, known as Persons Day in Canada, marks the eightieth anniversary of the historic decision of the Privy Council of Great Britain, which recognized women as "persons" in law, and therefore eligible for appointment to the Senate of Canada.

In 1927, the “Famous Five” — Emily Murphy, Nellie McClung, Irene Parlby, Louise McKinney and Henrietta Muir Edwards — asked the Supreme Court of Canada to clarify if women were “persons” under the meaning of section 24 of the BNA Act, and therefore eligible for appointment to the Senate. When the Supreme Court of Canada decided that the word “person” did not include women, they took their case to the Privy Council in England.

On October 18, 1929, the Privy Council ruled that:

... the exclusion of women from all public offices is a relic of days more barbarous than ours. And to those who would ask why the word ‘person’ should include females, the obvious answer is, why should it not?

Honourable senators, in celebration of Persons Day, I wish to join my colleague, the Honourable Senator Callbeck, in congratulating all the recipients of the Governor General’s Awards in Commemoration of the Persons Case for this year. In particular, I wish to congratulate Daphne Dumont, a fellow Prince Edward Islander.

Ms. Dumont is a lawyer, former president of the Canadian Bar Association and founding member of the Legal Education and Action Fund. She has devoted countless hours to volunteering for community groups, providing advice on family law, Legal Aid and access to justice, and is devoted to promoting equality for women. The contributions to women’s equality made by women like Daphne Dumont are part of the ongoing legacy of the Famous Five.

[Translation]

## ROUTINE PROCEEDINGS

### COMMISSIONER OF OFFICIAL LANGUAGES

#### ACCESS TO INFORMATION ACT AND PRIVACY ACT— 2008-09 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table, in both official languages, the 2008-09 annual reports of the Office of the Commissioner of Official Languages, pursuant to section 72 of the Access to Information Act and the Privacy Act.

### CANADA-FRANCE INTERPARLIAMENTARY ASSOCIATION

#### ANNUAL MEETING, JULY 19-24, 2009— REPORT TABLED

**Hon. Jean-Claude Rivet:** Honourable senators, after expressing our thanks to our former colleague, Lise Bacon, who chaired the Canada-France Interparliamentary Association for many years, I have the honour to table, in both official languages, the report

of the Canadian parliamentary delegation to the Canada-France Interparliamentary Association, regarding its participation in the 36th annual meeting, held in Paris and Toulouse, France, from July 19 to 24, 2009.

[English]

### NORTEL EMPLOYEES AND PENSIONERS

#### NOTICE OF INQUIRY

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

I will call the attention of the Senate to the need for the Government of Canada to take immediate action to help those Nortel employees and pensioners who are suffering financial hardship caused by the government’s lack of action as this Canadian research and development flagship faces bankruptcy.

## QUESTION PERIOD

### FISHERIES

#### NORTHWEST ATLANTIC FISHERIES ORGANIZATION CONVENTION

**Hon. Lorna Milne:** Honourable senators, we all know what the European Union has done to our seal hunt. I understand that Prime Minister Harper has tabled a proposed revision of the Northwest Atlantic Fisheries Organization agreement in the other place. He tabled it in June, which gives parliamentarians only 21 sitting days to respond.

This revision proposes to turn over two thirds of the control and management of our East Coast fish stocks to NAFO, effectively to the tender mercies of the European Union. Apparently this will cover all our territorial waters, including within the 200-mile Exclusive Economic Zone, right up to the shorelines of Nova Scotia, P.E.I., New Brunswick, Quebec, Newfoundland and Labrador, and including in the Gulf of St. Lawrence.

I ask the Leader of the Government in the Senate if this is a wise idea considering the emotional, easily swayed and unscientific actions by the EU about our seal hunt.

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I thank the honourable senator for the question. Her colleague, Senator Rompkey, asked a question and made a comment about this subject last week.

The honourable senator’s description of what the Prime Minister and the government are doing is incorrect. I will be happy to provide the honourable senator with a copy of the government’s position, which does not in any way threaten the livelihood of the Canadian fishery.

[ Senator Hubley ]

I am well aware of the actions of the European Union on the seal hunt. The government has been forceful in defending the Canadian position on the seal hunt and will continue to do so. However, the comments that the honourable senator made in her question are incorrect and I do believe she knows that.

**Senator Comeau:** Get some new researchers.

**Senator Milne:** I thank Senator Comeau for his suggestion. However, I suggest that honourable senators on the other side should hire some new researchers because they are believing the line.

• (1400)

Will this revised agreement also cover the waters of the Bay of Fundy, Hudson's Bay and James Bay? If so, it will affect seven provinces and two territories. It will affect all fisheries on the East Coast and the North Coast. That is everything except the West Coast and the freshwater fisheries of the Great Lakes.

**Senator LeBreton:** I already told the honourable senator that her premise was wrong and indicated that I would provide her with a response. I mentioned that Senator Rompkey raised this issue the other day.

Obviously, there is concern about what the European Union is doing, but in no way would the government ever enter into a situation where our own fishery is threatened.

**Senator Milne:** Honourable senators, since this will affect seven provinces and two territories, has the Prime Minister informed those premiers and consulted with them before he did this? How on earth will giving away our sovereignty over our own territorial waters affect the government's claim to increase Arctic sovereignty? Why has the federal government refused six times in the other place to allow Parliament to debate this enormous handover of our sovereignty? Six times they have turned down an emergency debate.

**Senator LeBreton:** There is an old saying that has to apply to Senator Milne. What part of "no" does the honourable senator not understand?

**Some Hon. Senators:** Oh, oh.

**Senator Milne:** Honourable senators, I am appalled by the statements of the Leader of the Government in this place — talk about personal language.

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### APPOINTMENTS TO LAND CLAIMS TRIBUNAL

**Hon. Nick G. Sibbeston:** Honourable senators, in the last few decades our country has been marred by incidents — for example, Oka, Ipperwash and Caledonia — that resulted from Aboriginal people being frustrated by the federal government's inaction on their claims to resolve long-standing land issues.

To the government's credit, and to Mr. Prentice in particular, in 2008, the government passed the Specific Claims Tribunal Act that was to address these issues by establishing an independent tribunal. The act came into force October 16 last year and no appointments have been made to the tribunal thus far.

Will the Leader of the Government explain why there has been a delay in making these appointments and inform us when these appointments will be made so this tribunal can carry out its important work?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** As the honourable senator quite rightly stated, we passed Bill C-30, the Specific Claims Tribunal Act. We also passed Bill C-21 that finally provides First Nations people full access to the Canadian Human Rights Act.

Regarding appointments to the tribunal, I will consult my colleague, the Honourable Chuck Strahl, as to the status of appointments to this board.

As honourable senators know, the government goes through a rigorous process of seeking out appointees for various boards, commissions and tribunals of the government. We seek people who express an interest in serving on these boards. I am sure Minister Strahl is going through this process. I will be happy to ask him to give us, as soon as possible, an indication of when these people will be named and who they are.

**Senator Sibbeston:** Honourable senators, another part of the government's proposed solution was developed in cooperation with the Assembly of First Nations. It called for the creation of independent mediation or alternative dispute resolution measures to assist with the negotiation process. Little progress seems to have been made in this area. To the extent it has been made, it appears to consist of establishing some form of mediation process within the Department of Indian Affairs. That hardly qualifies as independent.

When will the government fulfill its commitment to create an independent mediation process, and what form will it take?

**Senator LeBreton:** As the honourable senator mentioned in the preamble to his original question, and as I believe, this government — first with Minister Prentice and now with Minister Strahl — has made great strides with regard to Aboriginals in a host of areas. There has been very good cooperation among the leadership. Recently, Minister Strahl, Minister Aglukkaq and the Assembly of First Nations' new chief, Chief Atleo, reached agreement on a protocol to follow regarding dissemination of information on the H1N1 flu virus.

I believe the honourable senator would agree that we have in Minister Strahl someone committed and hard-working, who has gained the respect of our Aboriginal communities and who has made great progress in many areas. We continue to work our way through various issues, whether it is education, health, land claims or the situation regarding development of the North. Many measures have been taken by the government.

With regard to the specific question, I will add that to the question I will put to the minister on the honourable senator's behalf.

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### LONG-TENURED AND SEASONAL WORKERS

**Hon. Catherine S. Callbeck:** Honourable senators, my question is for the Leader of the Government in the Senate. The government's proposal to assist long-tenured workers does absolutely nothing for seasonal workers. We all know that the primary industries in my region are seasonal — tourism, agriculture and fisheries. We need seasonal workers for these industries that add so much value to our economy.

Does the Leader of the Government in the Senate realize that the government's initiative for long-tenured workers does not include seasonal workers?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, Bill C-50 is exactly what it says it is. It is a bill to help long-tenured workers. These are people who have been in jobs over a long period of time who, through no fault of their own, have found themselves unemployed. Many of them are coming to the end of their qualification period.

With regard to seasonal workers, the honourable senator should not mix apples and oranges. Bill C-50 is for long-tenured workers. The many existing programs under EI already address many other issues that have to be dealt with by the Employment Insurance fund. Bill C-50 for long-tenured workers is, by its nature, dealing with that specific group of unemployed individuals. By no means does it take away from the many things the government does for all of the other people who fall under different EI eligibility categories.

The question is an oxymoron, really. The opposition asks a question about long-tenured workers and then adds that this does not cover seasonal workers. Of course, it does not. It is intended for long-tenured workers. The EI system we have deals with seasonal workers through its many other faculties.

**Senator Callbeck:** Honourable senators, certainly many seasonal workers have been in the same job year after year. They are forced to apply for EI benefits through no fault of their own at all. As I said, we need seasonal workers for these particular industries; otherwise, the industries will not exist.

Under this proposal that the government has put forward, one of the eligibility criteria is that if you draw more than 35 weeks of benefits over five years — that is seven weeks per year — you are not eligible. Seasonal workers draw more than seven weeks of benefits per year. This criterion shuts out the seasonal worker from the government's proposed program for long-tenured workers. Many seasonal workers are long-tenured because they return to work at the same job year after year. Through no fault of their own, they need to receive benefits. What will the government do to assist seasonal workers?

• (1410)

**Senator LeBreton:** The government will do exactly what it has always done to assist seasonal workers. When seasonal workers are laid off, of course, they are eligible for EI benefits, which the

government has extended by five weeks. Seasonal workers are also encouraged to participate in job retraining through the EI program.

This bill is for long-tenured workers — people who have worked in a factory or an industry or other workplace for years and years — who have lost their jobs because of the global economic downturn. Obviously, the EI program was designed to address all of the various elements of the unemployed, including seasonal workers. One of those groups is the long-tenured workers, for whom Bill C-50 has been specifically structured.

It is difficult to understand the honourable senator's concern about all of this when, in the other place, her party voted against these measures for Canadians.

## STATUS OF WOMEN

### UNITED NATIONS RESOLUTION 1325

**Hon. Grant Mitchell:** Honourable senators, United Nations Resolution 1325 on Women, Peace and Security is internationally important and supported. Resolution 1325 has been endorsed by Canada and yet no one would know because Canada has not fulfilled even the most basic of its obligations: to prepare an action plan for the implementation of UN Resolution 1325.

My question is for the Leader of the Government in the Senate. Other than the fact that the Prime Minister thinks that women are a left-wing fringe group, is there any other reason that this government halted work on that action plan such that Canada still does not have one?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** My only suggestion to the honourable senator is that he continue to keep his eye on, and perhaps sit in on, meetings of the Standing Senate Committee on Human Rights which is dealing with this subject matter at the moment.

**Senator Mitchell:** Honourable senators, the Human Rights Committee is dealing with this subject because the government will not deal with it. Thank God for the Senate.

Canada is immersed in a war in Afghanistan, where a key element for consideration is the treatment of women. Why can this government not make it a priority to develop an action plan on UN Resolution 1325, not tomorrow, not next week, but yesterday? Come on, let us get after it!

**Senator LeBreton:** As I have said to the honourable senator before, he does not have to yell. I can hear him quite nicely, thank you very much.

The government does not have to take a back seat to anyone in terms of our support of women in whatever walk of life. The Conservatives gave women and Aboriginals the right to vote. The matter is being studied by the Standing Senate Committee on Human Rights because the government is very concerned about it.



## FEDERAL ACTION PLAN FOR WOMEN

**Hon. Grant Mitchell:** Honourable senators, let us pursue this subject a little further. In Budget 2008, the government made a commitment to prepare a federal action plan for women but 18 months later there is no plan. Why is that? Is this a trend? Is something not being revealed, or is it just that the Prime Minister does not care all that much about women's issues?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, Senator Duffy said they have not mentioned the Strategic Counsel poll about what women think about the Liberal leader

The honourable senator has stood and said to the Leader of the Government in the Senate and Minister of State for Seniors, who sits on several cabinet committees, that the Prime Minister does not care about women, and when the government has many women in its caucus.

**Senator Cowan:** Wave your finger at him, Marjory!

**Senator LeBreton:** I would be happy to wave my finger, Senator Cowan. If the honourable senator is so turned on by my finger, I will wave it.

**Some Hon. Senators:** Oh, oh!

## FOREIGN AFFAIRS

UNITED NATIONS CONVENTION  
ON CLUSTER MUNITIONS

**Hon. Elizabeth Hubley:** Honourable senators, on September 25, 2009, France and Burundi became the twentieth and twenty-first countries to ratify the UN Convention on Cluster Munitions. Thirty countries must ratify this convention for it to come into force. Canada has not ratified it yet. Will the Leader of the Government in the Senate assure us that this government remains committed to ratifying this convention?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I will give a direct answer to a serious question: Yes, the government is committed to it.

**Senator Hubley:** I have a supplementary question. Given that 30 countries must ratify this convention before it can come into force and that, to date, 21 countries have ratified it, leaving only 9 remaining, will the leader assure the chamber that the government will resume the leadership position it has abandoned and be among the first 30 countries to ratify this convention?

**Senator LeBreton:** Honourable senators, I disagree with one part of the honourable senator's question; the government has not abandoned its strong commitment to the ratification of this convention. I will be happy to provide the honourable senator with the timeline. In fact, we have a strong commitment to this important matter.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to present delayed answers to two oral questions raised by Senator Watt on May 28, 2009, concerning Inuit youth, and by Senator Callbeck on September 17, 2009, concerning health, federal financial assistance for medical radioisotope supply.

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

## INUIT YOUTH

*(Response to question raised by Hon. Charlie Watt on May 28, 2009)*

One of the main objectives of the Government's four-pillared Northern Strategy — to exercise Canada's sovereignty in the Arctic, to protect our environmental heritage, to promote social and economic development, and to improve and devolve Northern governance — is to improve the quality of life for all Northerners, particularly Northern youth. A key component of the Government's vision for the North is to have self-reliant individuals living in healthy, vital communities, managing their own affairs and shaping their own destinies. In order to realize these goals, the Government recognizes that Northern youth need to be an important focus of its policies and activities.

Through the Northern Strategy, the Government is pursuing a number of initiatives which should have either direct or indirect benefits for Inuit youth — from those aimed at encouraging greater economic and social development in the North, like the \$200 million in funding provided in Budget 2009 to improve northern housing, significant funding being provided through the Building Canada Plan for infrastructure needs, and funding to expand broadband services, to efforts aimed at protecting the North's environmental heritage for future generations, like the expansion of protected national park land, the Government's agreement to reach an international consensus on a global climate change agreement, and arctic science investments through International Polar Year and the future Arctic Research Station.

In addition to this, there are a number of initiatives being pursued in the North that have direct and targeted impacts for Inuit youth that should be highlighted.

The recently launched Canadian Northern Economic Development Agency (CanNor) is delivering a number of existing and new programs aimed at encouraging economic activity, skills development, and entrepreneurship to help establish a sustainable and viable work force in the North. These programs will help create greater job and training opportunities for youth, through the Strategic Investments for Northern Economic Development program, the Aboriginal Economic Development Framework and Action Plan, the Economic Development Initiative, and

the Community Adjustment Fund, and will help create important new community infrastructure to increase quality of life for youth through the Recreational Infrastructure Canada (RInC) in the North, the Municipal-Rural Infrastructure Fund, and the Building Canada Fund.

In order to provide specific support to Inuit youth, in terms of increasing participation in the workforce, the Government has created the First Nations and Inuit Youth Employment Strategy, as part of its broader Youth Employment Strategy, for youth between the ages of 15 and 30. This Strategy includes two main programs aimed at increasing job opportunities for young people, including the First Nations and Inuit Summer Work Experience Program and the First Nations and Inuit Skills Link Program.

Another Government of Canada program aimed at improving the participation of Inuit and other Northern youth in their communities is the Junior Canadian Rangers (JCR) Program, run by National Defence and the Canadian Forces. This program aims to promote traditional cultures and lifestyles by offering a variety of structured activities to young people (ages 12 to 18) living in remote and isolated communities. There are approximately 3,400 JCRs in 113 remote and isolated communities across Canada. Many participants are aboriginal and speak a language other than English or French. Due to the success of the program, just last year this Government committed to expand this program to increase participation by approximately 500 youth by 2012-13.

A final example of the Government's recognition of the importance of supporting Inuit youth, is that in April of this year, this Government signed the Inuit Education Accord, becoming a partner to an 11 party agreement (including the Inuit of Canada, partner organizations and governments), to establish a National Committee on Inuit Education. This committee has already begun its work, announcing in September that within the year it was going to identify a plan to create a National Strategy on Inuit Education, with the goal of eliminating the gap in Inuit educational outcomes.

Moving forward, the Government will continue to consider Inuit youth an important target of its policies and initiatives under the Northern Strategy, recognizing them as the future of Canada's North.

## HEALTH

### FEDERAL FINANCIAL ASSISTANCE FOR MEDICAL RADIOISOTOPE SUPPLY

*(Response to question raised by Hon. Catherine S. Callbeck on September 17, 2009)*

The Government of Canada's response to recent supply disruptions of isotopes will continue to be guided by the respective role and responsibilities of the different levels of governments within the health sector. Health Canada will continue to make every effort to support provincial and territorial governments to effectively manage the situation

on the ground. The department is working closely with provincial and territorial governments on supply forecasts, implementation of contingency plans, and ongoing monitoring to understand impacts on the ground. Federal officials, as well as the Special Advisor for Medical Isotopes, Dr. Alexander (Sandy) McEwan will continue to maintain a constructive dialogue with provincial and territorial governments and health care providers to share information and identify innovative approaches to managing the present situation.

Preliminary reports from provincial and territorial officials and experts on the ground suggest that this collaborative approach is working well, to the benefit of patients across the country. While all jurisdictions have been affected differently, on the whole, supply levels have been much better than were originally anticipated and, with the use of effective contingency measures, provincial health care systems continue to manage within the current supply levels.

All governments have expressed an interest in learning more about the health system impacts of the supply disruption. The Government of Canada continues to monitor the situation and will review information provided by provincial and territorial governments and experts in the field.

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[English]

## ORDERS OF THE DAY

### CANADA CONSUMER PRODUCT SAFETY BILL

#### SECOND READING

On the Order:

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

**Hon. Tommy Banks:** Honourable senators, the objects of Bill C-6 are laudable, as Senator Day mentioned in his opening remarks on the bill. The questions that I have about the bill, some of which have been addressed by Senator Day, are not about the objects of the bill but, rather, about the processes that it proposes to attain those objects.

Some honourable senators believe that government ought to be less intrusive of personal rights and ought to be more careful of approving of individual rights in some circumstances. Senator Day referred to some of those things, and I had the pleasure yesterday of a briefing with officials from the Department of Justice, both of which have made me realize that it is one thing for us to sit here and make law; it is another thing to apply and administer the law. In making the law that others must apply and administer, we must be careful to strive, as we always do, for the balance between the larger public right and the rights of

individual Canadians and their enterprises. We must ensure that the fulcrum is placed in the correct perspective. We must ensure that the public interest in the present bill does not trample on the interests of individual Canadians or of their enterprises.

• (1420)

I call to honourable senators' attention some of the provisions of this bill, some of which have already been referred to by Senator Day, in the hope that honourable senators will find them interesting, as I do in my naïveté. I hope that these provisions will be addressed by the committee to which I hope the bill will be referred for study, and I hope that some of the questions can be answered and some of the concerns allayed.

In the preamble, paragraph 8 says something novel to me. I have not seen this before. It says that the Parliament of Canada, along with the Government of Canada, "enacts." I have not heard that language before and I am not sure whether there are any implications.

Clause 15 says that "The minister may disclose" confidential business information "to a person or a government . . . without the consent of" the person whose property it is. Clause 16 says that may happen, "if the person to whom or government to which the information may be disclosed agrees in writing to maintain the confidentiality" of that confidential business information.

I am interested in knowing the extent to which we can rely upon that undertaking.

Clause 18 says that "The Minister shall decide on the number of inspectors," and that he or she "may designate an individual as an inspector." However, there are no qualifications for such inspectors set out in this bill. When, in other legislation, persons other than peace officers, in the normal sense of the word, are empowered to do some of the things that are included in this bill, we have an assurance, on the basis of who those persons are, of the qualifications that they have. When a policeman is empowered to enter places and to ask for identification, and to seize things, we know that the policeman has graduated from depot, or has received training to properly exercise that authority. The same thing is true of a fisheries officer or a park warden. There is no set of criteria of which I am aware for the proper discharge by these inspectors of the powers of investigation, intrusion, and seizure that they have, under the proposed bill. There may be some that are not contained in the bill.

Clause 20 says that an inspector — the kind to which I have been referring — may enter a store or a factory, without a warrant, and without any authority other than that that has been granted in this bill of having been appointed by the minister, and the inspector may in that place take and seize things. The inspector may demand that things be moved and stored at the expense of the owner. The inspector may take documents, including confidential business information.

I understand that in a store, or perhaps even in a factory, there is not a reasonable expectation of privacy. However, I am imagining an office of an enterprise that may operate three or four factories, or three or four distribution centres, or three or four stores in malls, for example. I think that in an office, there is a reasonable expectation of privacy. However, under this bill, an

inspector can enter that office without a warrant. The inspector can require the person in charge to identify himself or herself to the satisfaction of the inspector, and the inspector can take and seize property. The inspector can turn on a computer and can take away documents that are in that computer and distribute them in the conditions that I described previously.

This situation may be okay. I may be naive in asking these questions, but I am not sure that it is okay. I think that if someone were to come into my business office, which I regard as private premises, if they are going to take things or demand that I identify myself to them to their satisfaction, I expect that they would be required to have a warrant, unless they were in hot pursuit or had some other authority to do those things. I do not think a police officer can go into a private business office and demand that someone in that office identify themselves to the satisfaction of the police officer.

This bill says that an inspector, under the act, can do those things. The inspector, with a reasonable suspicion of contravention of the act but without a warrant, may seize and detain, for any time — I repeat, any time — the materials, the stuff, the thing, the information that the inspector finds there. Furthermore, the inspector may order the owner or the person in charge to establish, as I said, their identity to the inspector's satisfaction, and the inspector may seize, move or store the seized property in another place at the expense of the owner. If an inspector believes on reasonable grounds that there is a contravention of the act or the regulations under the act, the inspector may order any measure that the inspector considers necessary to remedy the non-compliance and to take those measures herself or himself if the person does not follow the order. I repeat: The inspector can order any measure that the inspector deems necessary.

Such an order may be reviewed by a review officer upon application of the person who is the subject of the order, provided that the application is based on grounds that involve questions of law or a mixture of law and fact. However, then clause 34 says that an order continues to apply during a review. This provision appears to present a possible conflict. It appears that if the order continues to apply, then the measures ordered by the inspector may be undertaken by the inspector while the review is still in progress. Proposed regulations under the act must be laid before both Houses of Parliament. That is good. The minister shall take into account any report that is made on them by a committee of either house. That provision is good.

However, clause 36 says that a proposed regulation that has been laid before Parliament need not again be so laid prior to the making of the regulation, whether it has been altered or not. Clause 37(3) says that under this act:

An interim order is exempt from the application of sections 3 and 9 of the *Statutory Instruments Act*.

Honourable senators, there is only one reason, as I have said before, again and again, for the inclusion of language like this in the law, and that is to escape parliamentary scrutiny. We have a Standing Joint Committee for the Scrutiny of Regulations, including statutory instruments, for a reason. The reason is to ensure that those instruments are compliant with the intent of the

law. These provisions are in these acts to escape that scrutiny. I would be glad to hear of another reason for the inclusion of this kind of language in acts of Parliament, but no one has come up with one yet.

An interim order, as I said, is exempt from the act. This act provides fines of up to \$5 million, or two years in jail — this offence is starting to sound serious — or both. It sounds like these offences are close to criminal prosecutions.

• (1430)

The next clause states:

**39.** If a person other than an individual —

— which is to say “a corporation.”

— commits an offence under this Act, any of the —

— corporation’s —

— directors, officers, agents or mandataries . . . is a party to the offence —

And there are some directors here, I think.

— and is liable on conviction to the punishment . . . even if the person —

That is to say the corporation.

— is not prosecuted for the offence.

**40.** In a prosecution for an offence . . . it is sufficient proof of the offence to establish that it was committed by any employee, agent or mandatary of the accused, even if the employee, agent or mandatary is not identified or is not prosecuted for the offence.

**41.** If an offence . . . is . . . continued on more than one day, it constitutes a separate offence for each day on which it is committed or continued.

Five consecutive days could result in fines of \$25 million in the aggregate or 10 years in jail in the aggregate. We should be careful when we are passing laws that contain those kinds of penalties.

Here is a train of thought to follow senators: If, as per clause 49, an individual authorized under the act to issue a notice of violation,

. . . believes on reasonable grounds that a person has committed a violation, the designated person may issue. . . a notice of violation. . .

Clause 50(1)(a) says that if the person named in the notice pays the prescribed penalty,

(a) they are deemed to have committed the violation . . .

Clause 50(2) says that instead of paying the penalty, the person may request to enter into a “compliance agreement with the minister.”

Clause 51(2) says that if they do enter into such an agreement, the person is deemed to have committed the violation. However, clause 52(1) says that if the minister refuses to enter into a compliance agreement, then the person who made the request is liable to pay the fine, and then the person is deemed to have committed the violation.

Clause 52(3) says that if the person does not pay the fine, the person is deemed to have committed the violation.

If you are charged under this act, you are guilty, no matter what you do.

Clause 56 (1) is good, I think, but maybe I am being naive.

**56. (1)** A person named in a notice of violation does not have a defence by reason that the person

(a) exercised due diligence to prevent the violation; or

(b) reasonably and honestly believed in the existence of facts that, if true, would exonerate the person.

Clause 62 says:

In any proceeding . . . a notice of violation purporting to be issued . . . is admissible in evidence without proof of the signature . . . of the person appearing to have signed the notice of violation.

Clause 64 says that orders made under this act are not statutory instruments under the Statutory Instruments Act.

See this duck? This is not a duck under the terms of this act.

Clause 66 says:

A document appearing to have been issued by the Minister . . . is admissible in evidence without proof of the signature or official character of the person appearing to have signed the document and, in the absence of evidence to the contrary is proof that the Minister became aware of the acts or omissions on that day.

Senators, I may be being naive, but there are some Canadians who think that some of these things are pushing the envelope in terms of where the fulcrum lies as regards the interests of individuals and their enterprises by comparison with the public interest. No one could possibly argue with measures that are taken to protect the public interest and the health and safety of Canadians. That is the object of this bill. My questions have to do with the means by which that is gone about. I suggest that at the very least we must at some point consider an amendment to this bill that provides, at the very least, that an entry by an inspector into a private office, during the course of which she or he may obtain information and take it away, should be subject to a warrant.

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

**Hon. Senators:** Question.

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

(Motion agreed to and bill the read second time.)

#### REFERRED TO COMMITTEE

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

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

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### SECOND REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion by the Honourable Senator Oliver, seconded by the Honourable Senator Brown, for the adoption of the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*amendments to the Rules of the Senate—reinstatement of bills from the previous session of the same Parliament*), presented in the Senate on March 11, 2009.

**The Hon. the Speaker:** Senator Oliver has spoken on this motion. He moved the adjournment and asked that the item be adjourned for the balance of his time.

**Hon. Donald H. Oliver:** Honourable senators, the second report of the Standing Committee on Rules, Procedures and Rights of Parliament proposes to include within the *Rules of the Senate* a mechanism that would allow the reinstatement of bills from session to session of the same Parliament.

This proposal was first presented to the Senate in the First Session of the Thirty-ninth Parliament as the sixth report of the Rules Committee. The committee presented this report again in the Second Session of the Thirty-ninth Parliament as its second report. Though these reports were debated in the previous Parliament, they were not adopted prior to prorogation or dissolution. The Rules Committee's second report proposes amendments to the *Rules of the Senate of Canada* to provide a mechanism for the reinstatement of bills from a previous session of the same Parliament.

• (1440)

Reinstatement of bills has the effect that the bills that died on the Order Paper with the prorogation of Parliament are placed in the following session at the last stage that they had been completed prior to the prorogation.

The issue of the reinstatement of bills from the previous session of the same Parliament has been raised in the Senate on a number of occasions in recent years.

The Senate does not currently have any provision in its rules permitting the reinstatement of bills following prorogation. As a result, some bills, particularly non-government bills, have often been reintroduced, debated and studied on a number of successive occasions. Since 1998, the other place has operated under rules that provide for the reinstatement of bills that are not government bills from previous sessions in the same Parliament.

In the case of government bills from the Commons, reinstatement is not automatic but may be effected by passing a motion to that effect. From time to time, the government has proposed a general motion at the beginning of a second and subsequent session of Parliament, allowing the government to reinstate bills if certain conditions are met.

Senate public bills can also be reinstated in the Commons at the same stage they had reached during the prior session if the bills were reintroduced in the House of Commons within the first 60 sitting days of the session after being passed again by the Senate, and if the Speaker of the House of Commons is satisfied that the bills are in the same form as they were at the time of prorogation.

During the first 60 days of the Second Session of the Thirty-ninth Parliament, there were four Senate public bills — Bill S-203, Bill S-207, Bill S-213, and Bill S-220 — that benefited from this procedure.

Some provinces, including Manitoba, Ontario, and Quebec, have adopted rules, or have established practices, respecting the reinstatement of bills. The House of Lords and the House of Commons in the United Kingdom also provide for the reinstatement or carry-over of bills between sessions of a singular Parliament.

Bills often take a long time to work their way through the legislative process, and senators have no control over the date at which a prorogation may occur. Some bills that are currently before the Senate were introduced first in the Thirty-seventh Parliament.

Reinstatement of bills under the proposal contained in the second report of the Rules Committee can ensure that the time and energy that had been invested in the consideration of bills in a given session are not lost for a subsequent session of the same Parliament.

The committee proposes that the mechanism for reinstatement of bills be based upon the following principles: First, reinstatement of bills is not automatic. Each proposal to reinstate a bill must be considered on its own merits. However, the debate on the substantive motion to reinstate a bill shall not exceed two hours.

Second, the Speaker must be satisfied that a bill whose reinstatement is proposed is in the same form as it was in the previous session.

Third, reinstatement of bills should be available for all bills: Government bills, senators' public bills and private bills originating in the Senate, as well as for government and private members' bills from the House of Commons.

Fourth, reinstatement of bills as proposed will not include an automatic third reading in a new session in order to allow a final reconsideration at that stage before sending it to the House of Commons.

Finally, reinstatement of bills will not apply between parliaments.

The Rules Committee's second report is complex and was developed after many hours of discussion in the previous Parliament. It had to accommodate the different kinds of bills the Senate is dealing with, and the procedures of the chamber. Only bills that meet strict criteria will be reinstated, and in no event will a bill be allowed to pass without an opportunity for a debate and vote. The committee believes that these procedural changes achieve a balance of the competing issues and interests involved.

**Hon. Anne C. Cools:** Will Senator Oliver take a question?

**Senator Oliver:** Yes.

**Senator Cools:** Honourable senators, I listened with considerable interest to the honourable senator's brief remarks, and I was hoping for a more wholesome and fulsome explanation as regards these proposed changes. I wonder if I can put some questions to the honourable senator, then, that may help stimulate the recollections of the committee discussion on those matters.

As the honourable senator has said here, this proposal to reinstate is directed towards bills that have died by prorogation but not by dissolution. I understood the honourable senator to have said that. Can the honourable senator give this house an indication of the legal and constitutional authority on which he, as chair, and also the committee have relied to be able to use a rule of the Senate to essentially defeat a decree, which is a prorogation? Can Senator Oliver give us some insight into the legal and constitutional basis for these proposals?

**Senator Oliver:** The *Rules of the Senate* are designed to help the process of bills and other matters through this chamber. The Rules Committee can only make suggestions that come to this chamber, and those rules do not become the law of this chamber until such time as they are passed by the majority in this chamber.

The Rules Committee has been looking at this matter and has submitted three different reports on this matter over several years. I became the chair of this committee less than a year ago and, at that time, a report was written. Senator Cools was a member in two previous sessions, as I have been told, where this matter was discussed at length.

This committee wants to follow the practices that have been set up in Westminster where the House of Lords and House of Commons have such a procedure. There, they pass a rule that gives the permission to pass certain stages, such as first, second and third reading if that has been done in a previous Parliament. They are not doing it for different parliaments but in the same parliament that has been changed by a prorogation.

In this particular case, the Rules Committee from this session, a previous session and a previous session before that of Parliament has passed a similar report in which they say, we are prepared to come up with certain principles that we would invite the Senate to look at, to determine whether saving time, saving expenses and saving a lot of the work of committees can be expedited by looking at certain basic principles.

First, because a bill passed first and second reading, went to committee, was studied by the committee and had many witnesses appear before the committee does not mean that bill will automatically be reinstated. That is the first principle, and that is a principle that the Rules Committee has the jurisdiction to make.

Second, in another principle brought forward previously, the committee said that the Speaker, who is the president of this chamber, must be satisfied that this bill is in substantially the same form as the bill that died on the Order Paper with prorogation.

It seems to me that the Rules Committee has the jurisdiction to make principles such as that one, and to bring them before this chamber and allow the chamber to make the determination of whether the chamber wishes it to become its law.

**Senator Cools:** Perhaps I was not clear in my question.

My question to Senator Oliver was asking him to describe to this house the legal and constitutional authority for these rule changes. Senator Oliver has recited to me what the rules intend to do, which is essentially the same recitation that the honourable senator gave in his speech. No power can be given to this house by rule changes for which we have no constitutional authority.

• (1450)

I will put the question another way: What sections of the Constitution of Canada, which governs the constitution of this house, is the honourable senator relying on to make these proposals to this house? I understand what the honourable senator said, and he can think about it for a moment, but, for example, the *Rules of the Senate* cannot give the Speaker any greater powers than the BNA Act.

I do not know if I am making any sense to the honourable senator. Maybe people think I am speaking Greek.

The Speaker of the House of Commons is the House of Commons' man. He is the commoners' man. The Speaker of the Senate is not the senators' man. The Speaker of the Senate is the King's man or Queen's man. They are two very different constitutional creatures. The *Rules of the Senate* cannot be used to make the Speaker of the Senate like the House of Commons Speaker. Quite often these changes happen because too few know, and even fewer care, but there are a few of us who do care.

I am prepared to be disagreed with, and I am prepared to be voted down, but I do want it done with some explanation of the legal thinking and of the law behind the actions. That is what I am asking for from the honourable senator. I want him to tell me, in law and in respect of these rules, the difference between a dissolution and a prorogation. I want him to explain to this house

the law that allows this house to defeat a prorogation and the law of the prerogative, which essentially says that a prorogation terminates just about all business in the houses.

I will put the question again: I would like the honourable senator to explain to me where the committee derives the powers to propose such rules to this place.

**Senator Oliver:** Neither the report of this committee, nor the rules purport to defeat prorogation. To suggest that means that the honourable senator has not understood what this report has been about at all.

**Senator Cools:** I object to that. I understand this report very well and quite clearly. This has nothing to do with my ability or capacity to understand, or my ability to comprehend. I understand it quite well.

These proposals are basically doing away with the effect of a prorogation. They are. If not, then the honourable senator should prove it to me.

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

**Hon. John D. Wallace:** Honourable senators, I move the adjournment of the debate on this matter.

**Senator Cools:** I am waiting for my question to be answered. My question was properly directed to the chair of the committee.

**The Hon. the Speaker:** We have a motion. Senator Oliver, or any senator, can join questions or comments. No senator is obligated to answer any question of any other honourable senator. That is what the rules say.

We have a motion proposed by the Honourable Senator Wallace, seconded by the Honourable Senator Demers, that further debate on this item be continued at the next sitting of the Senate. Is it your pleasure —

**Senator Cools:** I will have to do it on a point of order, then. I did not hear Senator Oliver decline. I am prepared to accept that.

**The Hon. the Speaker:** Senator Oliver sat down.

**Senator Cools:** Let the record show that the honourable senator sat down.

**The Hon. the Speaker:** Further, his time is up and he has not asked for an extension of time.

(On motion of Senator Wallace, debate adjourned.)

[Translation]

### THIRD REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Rules, Procedures and the Rights of Parliament (*amendments to the Rules of the Senate—questions of privilege*), tabled in the Senate on May 12, 2009.

**Hon. Donald H. Oliver:** Honourable senators, I am pleased to speak today to this third report of the Standing Committee on Rules, Procedures and the Rights of Parliament. This report recommends amendments to the *Rules of the Senate* regarding the procedure for questions of privilege.

As honourable senators will recall, the Rules Committee presented recommendations on this matter to the Senate during the First and Second Sessions of the Thirty-ninth Parliament. Unfortunately, those recommendations died on the Order Paper. The committee began examining this matter once again during the current session. I am pleased to present the committee's report.

[English]

The need to consider the procedure pertaining to questions of privilege arises out of an inconsistency in our rules with respect to notice requirements. Indeed, on the one hand, while rule 43 establishes a comprehensive notice mechanism whereby a question of privilege must be preceded by a written notice and oral notice, rule 59(10), on the other hand, states that questions of privilege may be raised without notice.

This inconsistency was noticed by our Speaker in a ruling rendered as long ago as October 26, 2006. The Speaker stated then that rule 59(10) was clearly linked to the procedure for the raising of questions of privilege before the 1991 amendments to the rules and the enactment of our current procedure, which is to be found in rule 43. The Speaker suspected that the appropriate consequential amendment to rule 59 had not been made in 1991, and he called upon the Rules Committee to look into the matter.

In the same ruling, the Speaker also concluded that notices for questions of privilege must clearly identify the issue that a senator intends to raise as a question of privilege.

Again in this ruling, the Speaker also noted that Senators' Statements were not, as such, part of Routine of Business and that points of order were, therefore, not prohibited during these proceedings, contrary to past practices and most senators' understandings of our rules. Once more, he suggested the Rules Committee study this question.

In subsequent rulings rendered on March 31, 2009, and April 21, 2009, our Speaker again noted the inconsistency between rules 43 and 59(10) with respect to the notice period for questions of privilege.

The Rules Committee has reviewed the Speaker's rulings and has carefully examined the issues arising there from. Building on the committee's work accomplished in previous sessions, it sees fit to recommend changes to our Rules.

First, the committee proposes a more consistent procedure for the raising of questions of privilege.

When time permits, a senator would have to comply with the double notice requirements: written notice would have to be given at least three hours before the Senate meets, and oral notice would

have to be given during Senators' Statements. That is precisely the procedures that the senator followed yesterday in her question of privilege, three hours before and immediately during Senators' Statements. That is the old procedure.

• (1500)

No written notice would, however, be necessary for matters arising immediately before a sitting. A senator would also have the opportunity to raise, without any notice, a question of privilege arising during a sitting of the Senate. He or she would also be entitled to raise the matter at a subsequent sitting, provided that the notice requirements were complied with.

The Rules Committee also proposes that a block of up to 30 minutes be provided for the consideration of questions of privilege and points of order after Delayed Answers. Should this period not suffice, their consideration could be deferred until either of the completion of the Orders of the Day or 8 p.m.

This proposal seeks to strike a balance between allowing the Senate to deal with questions of privilege in an expeditious and timely manner, recognizing their importance, while not unduly delaying the start of Orders of the Day.

Second, when written and oral notices are required, they should clearly identify the subject matter of the questions of privilege to be raised. This proposed amendment would codify within Rules the Speaker's ruling of October 2006 in that respect.

Third, the committee proposes that the Rules state clearly that points of order cannot be raised during Senators' Statements and Delayed Answers. The same rule already applies to Daily Routine of Business and Question Period.

The rationale behind this prohibition is that the time-limited regular business for the Senate at the start of the sitting should not be unduly interrupted. Therefore, points of order arising out of proceedings during Senators' Statements and Delayed Answers would also be postponed to a later period after Delayed Answers.

Thank you very much for your attention.

**Hon. Anne C. Cools:** Honourable senators, I wonder if the senator would take a question.

**Senator Oliver:** No.

**The Hon. the Speaker:** The honourable senator has declined.

**Senator Cools:** I thank you for taking notice of that, Your Honour. At least now the record shows it.

(On motion of Senator Smith, debate adjourned.)

[ Senator Oliver ]

[Translation]

## STUDY ON APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

### FOURTH REPORT OF OFFICIAL LANGUAGES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Hubley, that the fourth report of the Standing Senate Committee on Official Languages, entitled *Reflecting Canada's Linguistic Duality at the 2010 Olympic and Paralympic Winter Games: A Golden Opportunity, Follow-up Report*, tabled in the Senate on September 15, 2009, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Canadian Heritage and Official Languages and the President of the Queen's Privy Council for Canada being identified as ministers responsible for responding to the report.—(Honourable Senator Champagne, P.C.)

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I want to speak today to draw your attention to the 16 recommendations in the report of the Standing Senate Committee on Official Languages, which was tabled on September 15. I would like to acknowledge the important work done by this committee, of which I have the privilege and the pleasure to be a member. I would also like to recognize the committee chair, the Honourable Maria Chaput, and the vice-chair, the Honourable Andrée Champagne, whose work is much appreciated.

This report recognizes that VANOC — the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games, Canadian Heritage and the federal institutions involved have made noteworthy and encouraging efforts. Nonetheless, less than five months before the celebrations begin, a number of crucial measures still are not in place. Time is short, and the government must discharge its responsibilities with respect to francophone rights.

Clearly, the Olympic and Paralympic Winter Games in Vancouver are an ideal opportunity for Canada to showcase its linguistic duality to the world. The Senate Committee on Official Languages hopes that collaboration among all the partners in Canada's francophone communities will continue to be strengthened so that the remaining problems can be resolved.

Allow me to pay tribute to the Commissioner of Official Languages for his rigour and diligence. Since taking up his mandate, he has made this international event one of his highest priorities. His recent report provides information on the progress made and identifies the challenges still to be tackled before the start of the Games. Based on his recent observations, the Commissioner stated:



... it is imperative that VANOC, Canadian Heritage, and federal institutions act swiftly and implement corrective measures so that the deficiencies identified in this report do not jeopardize the success of the Games.

In its report, the Official Languages Committee emphasizes the commitment of VANOC, which has set up an advisory committee on official languages, and appreciates the release of information on the 2010 Olympic Torch Relay.

I remind the government that, in conjunction with the dedication and collaboration of the partners involved, it needs to act with urgency by demonstrating sustained leadership and unparalleled commitment in order for the linguistic duality of our country to be unequivocally reflected in these Games.

Allow me to remind you that there are legitimate reasons why the government must take quick and effective action. First of all, linguistic duality represents a fundamental value of our country and is the envy of the international community. Canada's reputation is constantly enriched by this distinguishing value. In addition, we know that French and English are the official languages of the International Olympic Committee. Consequently, as the host country of the Games, Canada must distinguish itself as an example in this regard. The 2010 Vancouver Games will be a golden opportunity for Canada to promote its linguistic duality both here and abroad. Why not take advantage of this unique opportunity and have the Vancouver Games serve as a working model for linguistic duality?

It is well known that the International Organization of the Francophonie has high expectations for Canada because, of all the members, Canada is the best equipped to command respect for linguistic duality during the Games.

When the Commissioner appeared before the Standing Senate Committee on Official Languages on September 28, he expressed the expectations of the International Organization of the Francophonie:

They want Canada to set the standard for the next games, the London Games in 2012, or for subsequent games.

He also said:

Our main challenge is that the Organisation internationale de la Francophonie takes for granted that we will be setting the gold standard. This is an incentive for us to meet any challenges head on because there is an assumption on the part of the international Francophone community that Canada will be up to the task and that they will be able to use the same system to convey to the English speaking community that this is indeed possible.

When the Commissioner of Official Languages tabled his report, the Minister of Canadian Heritage announced that he would increase the budget for the Olympic Games by \$7.7 million, with \$5.3 million of that being allocated to interpretation and translation services, and the rest to bilingual signage and the medal ceremonies. That is good news!

Nonetheless, there are still significant situations that require a quick response with respect to translation, recruiting volunteers, distributing information, signage, representation by francophone artists, and services offered in both official languages by the

Canada Border Services Agency and the Vancouver and Toronto airports.

• (1510)

Since most people going to Vancouver for the Olympic Games will travel by plane and come in contact with federal institutions, the Commissioner wanted to carefully examine the measures those institutions have taken. He is quite concerned about his findings. He said:

Generally, there is still no reflex to actively offer service in English and in French.

One of the committee's recommendations addressed that: we indicated that it is essential to guarantee that services are available to the public in both official languages at the Toronto and Vancouver airports. This recommendation calls on organizations such as Air Canada and airports to adhere to existing requirements, namely to provide services in both official languages.

As the Commissioner emphasized:

We must remind them that all of this is not just some rule that they might forget about, but that it is current and real, that it is intertwined with our Canadian identity and with the fundamental concept of service to Canadians and the travelling public.

I would like to highlight some of the other recommendations in the report, such as developing tools for volunteers to provide for the active offer of services in both official languages; pursuing efforts with community newspapers and radio stations to ensure that Canada's francophones are well informed about the Games; pursuing discussions with the hotels in Vancouver and Whistler to ensure that their clients have access to broadcasts of the Games in both official languages; ensuring that Canada's francophone communities are reflected in the cultural celebrations that take place before, during and after the Games; and ensuring that Games-related signage is available in both official languages.

Because action is needed urgently, the Senate Official Languages Committee considers that direction must come from above. Only the Privy Council Office can succeed in obtaining a commitment from all federal institutions on this matter. The evidence heard showed that confusion persists as to how responsibilities for official languages are defined.

The Senate committee is of the opinion that the responsibilities of the Federal Games Secretariat and of VANOC in this regard need to be clarified.

In light of these observations, the Senate Committee recommends that the Privy Council Office provide stronger leadership to all federal institutions and partners involved in the organization of the Games.

The Standing Senate Committee on Official Languages believes that there is still enough time for all parties involved to make appropriate changes as long as they act quickly to remedy the aforementioned shortcomings.

Oversights do happen, and we must be vigilant in correcting them. For example, two weeks ago, at a recruitment centre set up at the University of Ottawa to hire young workers for the Vancouver Games, no information in French was available. It is most unfortunate that the RCMP, which hired the recruiting firm, did not comply with its obligations under the Official Languages Act.

When she tabled the report, the Senator Chaput insisted that it was vital that all parties involved in organizing the Games must undertake to take positive steps to promote the full recognition of the use of French and English. I will add that time is getting short, and it is the responsibility of the government to quickly show its good faith by working harder to achieve this priority. The government must immediately do everything it can to fulfil its obligations to francophone and anglophone minorities.

Thank you, honourable senators, for your commitment to making the Vancouver 2010 Olympic Games a success. Let us hope that these games set an example in both of our country's official languages.

[English]

**Hon. Mobina S.B. Jaffer:** I know Senator Champagne has not spoken and I respect that very much, but may I take the adjournment?

[Translation]

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, Senator Champagne asked me to adjourn this in her name. Nothing is stopping Senator Jaffer from speaking on this topic at any time, if she wishes to do so.

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

[English]

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### FIFTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion by the Honourable Senator Oliver, seconded by the Honourable Senator Cochrane, for the adoption of the fifth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*amendments to the Rules of the Senate—Conflict of Interest Code for Senators*) presented in the Senate on May 27, 2009.

**Hon. Donald H. Oliver** moved the adoption of the report.

**The Hon. the Speaker pro tempore:** Honourable senators, if Senator Oliver speaks on this, it will close the debate. Do any other senators wish to speak on this motion?

Senator Oliver, do you wish to speak?

[ Senator Tardif ]

**Senator Oliver:** For the question.

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

(Motion agreed to and report adopted.)

## THE SENATE

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

On the Order:

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

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.

**Hon. Grant Mitchell:** Honourable senators, I would like to begin by congratulating Senator Cochrane, who moved this motion. This is an enlightened idea. I kind of wish I had thought of it myself.

• (1520)

One of the things we forget is the power of our institutions, not just to legislate, but to present and put ideas out into the world. In doing so, we can change thought, direct energy, build ideas and, in this case, create a greater prominence for the importance of women's equality. It is something on which we have made a good deal of progress in Canada, but for which — I need not remind honourable senators — we still have a long way to go.

I congratulate Senator Cochrane for this. I know that she is very motivated and passionate about this motion. Unfortunately, I was unable to be here to listen to her speech. However, I read it and it was a beautifully crafted and I am certain it was beautifully presented. Good for her, and congratulations.

Honourable senators, I have an anecdote about Nellie McClung. First, I should say I am particularly impressed by the Famous Five, because every one of them came from Alberta. That is one of the places where equality is always an issue and it has emerged many times, in many historic cases like this one, on the right side of equality.

I was a member of the Legislative Assembly of Alberta for 12 years. At some point during that time, the then-Conservative government decided they would redraw boundaries. In the process of doing that, they renamed a number of existing constituencies and established some new ones. I came into the legislature one day and saw the motion to do this. Much to my absolute horror, they had proposed to rename Edmonton-Meadowlark, the riding I had represented then for about six wonderful years, Edmonton-Manning.

I thought: What kind of a horrible joke is this? I stood up in the house — and this is a testimony to the responsiveness of that government, although I would not say that very often, and I surely never said that when I was there — and I said: “You can name this riding Manning if you want, but could you please name it Ernest Manning or E. Manning, and not the other Manning?” I thought the historical differences and difference in perspective were absolutely profound.

Lo and behold, I came in the next day, I believe, and there was an amendment to this motion. They had changed the proposed name of my riding from Edmonton-Manning to Edmonton-McClung. Looking back, that was one of the proudest days of my life. First, I had actually had success in changing the government’s mind for once in the 12 years that I was there. Second, I feel so strongly women’s equality and about Nellie McClung. It was a fantastic moment.

There is another anecdote. I have mentioned this in this house before, but I am not sure all the new senators have heard this. I was appointed to the Senate on the same day as Senator Nancy Ruth. Over the years we have come to know one another very well and I have worked closely with her. She is remarkable on women’s equality issues and other issues, as well. I had not realized it at the time, but her grandfather was Rowell of the Rowell-Sirois Commission, which we all know about. However, he was also the lawyer who took the *Persons* case to Britain and won it. Due to his victory, Senator Nancy Ruth and other women can be in the Senate today. It is very interesting.

If we are to recognize these five remarkable people as honorary senators, it begs this question: If they were sitting in this Senate today, what would they think about the status of women’s equality and rights in this country?

Looking back, I think they might say that we have made some progress. I am sure they would say that. However, I am sure they would also say that we have a long, long way to go. They would reflect upon two things. They would reflect upon what this government has done in the last four years in setting back initiatives to establish and enhance women’s equality rights. I can actually list a number of them.

There are too many to list in 15 minutes, so I will just list a couple of them. First, the government cancelled the Court Challenges Program. That was unfortunate, in the first case, when they did that, because that program had been exceptionally important in allowing many groups that are not as powerful in society and do not have access to money to take important equality issues to the courts. It certainly enhanced and helped women do that in the past.

As an aside, it is interesting to note that, this summer, the Prime Minister seems to have drawn an analogy between the Court Challenges Program and women’s left-wing fringe groups who would have used that program. In any event, it had been very successful and it has been cancelled, unfortunately.

Second, the government cancelled funding for Status of Women Canada. That is very interesting because in the February 2008 budget they called upon the Standing Committee on the Status of Women to bring out a special action plan for women’s issues, women’s policies and equality. That has not been done.

That brings me to the next point, which I raised this afternoon in Question Period, which was with regard to UN Security Council Resolution 1325 on Women, Peace and Security. It simply cannot be that hard to do the fundamental, basic responsibility in the acceptance of that resolution, which is to prepare a plan of action for implementing the resolution throughout our institutions and to see it reflected in the way that we conduct ourselves, particularly internationally.

As I said in Question Period, given that we are embroiled in a war in Afghanistan which addresses many issues, but fundamentally addresses the treatment of women, it would seem absolutely a necessity that we would have an action plan for Resolution 1325 that we could apply in that theatre of war and in many other places around the world where we are active and respected as a country.

By simply taking a stand and expressing a commitment to Resolution 1325 internationally and taking some initiatives to include women in post-conflict resolution and rebuilding, we would send enormously important messages around the world. However, we do not even have a plan of action. How difficult can it be to do that over the four years this government has been in power? At one page a month, it would be a 50-page plan of action. It seems to me we need to do that.

Of course, the government has changed the pay equity appeals process dramatically with Bill C-10, the Budget Implementation Act, 2009. That is a travesty. They have taken away the right of women to present their case for pay equity before the Human Rights Commission. They have diminished that level of appeal to the labour relations boards. There is nothing wrong with a labour relations board, except it is a board where you negotiate, and we do not negotiate rights in Canada. That is not part of what we are. That is the exact implication of what that initiative amounts to and means.

If a woman or a group of women today in the public service can get together 70 per cent of their working category, then they could take that appeal to the labour relations board, but without any kind of assistance. If they were rich, then they could hire lawyers. It used to be 55 or 60 per cent of their category and now it is 70 per cent, so they have upped the bar on establishing something as a predominantly-female group. The groups used to have the assistance of their labour union, but it is almost incomprehensible to believe that Bill C-10 took away their right to have their labour union help them fight an inequality issue. If they do that, then it is a \$50,000 fine.

Therefore, the five women who we are honouring today with this motion would surely be aghast that women in this country would be treated in this way on basic, fundamental issues of equality and human rights. Why would any government in Canada, at this time in its history, even consider doing that?

• (1530)

You have to wonder; you have to try to plum the depths of the government and the Prime Minister's mind to find out what he was thinking when he allowed that to happen. Maybe he did not just allow it; maybe he actually initiated it. That is what this government has done.

Then the five remarkable people would say, "let us assess where we are"; and clearly, we have not come far enough. On average, a woman in the workforce in Canada makes only 70 per cent of what a man in the workforce makes.

You could say some of that is due to different interests, perhaps, a different sense of what a career could be. You could argue those things, but it is almost a 50 per cent difference and that goes beyond simple structural or psychological differences about what a career might be. That is a structural bias.

We know in our heart of hearts that there are jobs that women tend to do that if men were doing them, they would be paid more. There are jobs that women do that are every bit as valuable; if we looked at it from 30,000 feet, we would say that job is every bit as valuable as the job that men tend to do, which is a different job but has the same value.

Those things still need to be worked out in our society. Prior to Bill C-10, there were some legitimate mechanisms for doing that; they are gone.

Women are paid less in our society — about 70 per cent of the salaries of their male counterparts. Lone-parent families headed by women have the lowest income of all family types. The corollary is that poverty in our society is disproportionately borne by women, not men. As an aside, the *Financial Post's* top 500 companies have an average of only 15 per cent female executive officers.

This situation is one that we can directly control, which has not been done by Bill C-50, no matter what the government wants to say. The government could have done two things in the bill. In Bill C-10, the government did 9,002 things, so they could have done more than just long-term workers in Bill C-50. They could have done long-term workers and women, because women are structurally disadvantaged under EI and its eligibility.

Essentially, to summarize, women pay into EI about the same way that men do, but they are less likely to be able to claim benefits; and when they claim benefits, they get lower benefits. It is not fair or right and these five women would have seen that.

Today the RCMP has 20 per cent women. Remarkably, the RCMP's hiring objective is 17 per cent. Yes, there are some reasons why they might go to 17 per cent; but if you tried harder, you could push it up.

[ Senator Mitchell ]

In the House of Commons, 22 per cent are women; 33 per cent of the Senate are women. Of course, that was a higher percentage before the government started to appoint senators. They have appointed women at a lower rate than the proportion that was in here before the new appointments.

I will say this in passing; I do not know that it means anything, but it is interesting that of the first 18 senators, five were women, but each woman was put in the backbench. You can argue that there may be reasons for that, except that there is a bit of a protocol in here where if you have ever been elected to anything you would tend to be ahead of people who were not. It is not important to me, but it would be important if I were a woman.

In fact, there was a senator who was appointed in January who was a former MP, who was sitting behind men who had never been elected. I just point it out. I do not know that it means anything. It is probably just a coincidence.

In summary, I will say it is a great idea; we have to promote women's rights and do whatever we can. I hope this bill receives unanimous consent. There are serious questions about what this government has done in diminishing any kind of priority that would be placed on women's rights and equality. These "Famous Five" women would look at the situation today and say we have a lot work to do, so let us get started on it.

**Some Hon. Senators:** Hear, hear!

**The Hon. the Speaker *pro tempore*:** Continuing debate.

[Translation]

**Hon. Lucie Pépin:** Honourable senators, I am pleased to speak in support of the excellent initiative put forward by our colleague, Senator Cochrane, to recognize each member of the Famous Five as an honorary senator.

I would like to congratulate her for thinking of such a wonderful way to commemorate the 80th anniversary of the decision of the Judicial Committee of the Privy Council that recognized women as "persons" and, as such, made them eligible for appointment to the Senate of Canada.

It is hard for us to imagine today that women's eligibility for political service was such a hard-fought battle.

In earlier times, women could not vote or own property, nor could they even sign a medical authorization form for themselves or their children.

Women were expected to stay in the home, and serve their husbands and children. Having any sort of political aspirations was definitely out of the question, given that their rights were extremely limited.

Equality for women is now guaranteed and enshrined in our Constitution thanks to the work of women who have fought to have all Canadian women recognized as full citizens.

It is practically impossible to talk about these pioneers without mentioning the Famous Five: Irene Parlby, Nellie McClung, Emily Murphy, Henrietta Edwards and Louise McKinney. Senator Cochrane has already provided us with an eloquent portrait of each of these five remarkable women.

These five women from Alberta, supported by thousands of others, helped carry on the progress that began with the achievement of women's right to vote in 1918.

Thanks to their determination, on October 18, 1929, the Privy Council decreed that the word "person" in the British North America Act included women.

When the matter went before the Supreme Court of Canada, it ruled in 1928 that the Constitution was to be interpreted in light of the time in which it was written.

The Court noted that in 1867 women did not have the right to vote or the right to run for election, and furthermore, the Constitution contained only masculine pronouns and adjectives.

This decision by the Privy Council was a decisive victory in Canadian women's fight for recognition of their rights.

The Famous Five fought hard for the right to sit in the Senate, firmly believing that, with women in the Senate, decisions that affected Canadian women and their families would be more equitable. Today, we can say that they were right.

The Senate has good representation of women, who make up 34 per cent of senators. Our institution surpasses the critical mass equivalent to the United Nations' key index of 30 per cent. According to the UN, this is the threshold at which women can make a difference.

Perhaps I should not be the one saying this, but the Senate has in its ranks women from all walks of life who use their knowledge and experience as women in their duties as parliamentarians. This statement also applies to our sisters in the House of Commons.

This decision by the Privy Council not only gave Canadian women the right to be senators. The stakes in the battle waged by the Famous Five went beyond women's right to sit in the Senate.

The argument in the *Persons* case was used to deny women the right to hold certain positions of authority and to participate in political life and the affairs of state on an equal footing with men. Without a doubt, these five women paved the way for Canadian women to take part in public life in general.

Certainly, a great deal has been accomplished, and women are now a fixture in politics. Never before have so many Canadian women put their knowledge and experience to use in serving their country. Senator Cochrane gave us examples of several women who have played prominent roles in politics and made us proud.

Eighty years have passed since the struggle by the Famous Five. Things have changed for the better, but the reality for women in politics has not changed fundamentally.

I have to say that there is still work to be done, because women are a long way from carrying significant weight on the political scene.

The particular nature of the Senate, where members are appointed, should not be the tree that hides the forest. In the 2008 election, only 22 per cent of successful candidates were women, the highest percentage of female members ever elected at the federal level.

In fact, it looks as though, for the time being, we may have reached the glass ceiling of 20 per cent female representation in the House of Commons. At the provincial and municipal level, an average of 25 per cent of elected members are women.

• (1540)

Many Canadian women believed that the right to vote would naturally translate into fair representation in the legislatures. Years later we have come to the realization that that has not occurred. Getting elected to Parliament remains a long and arduous task.

These women were able to enter many non-traditional trades. However, a position in the legislature can be a very difficult objective for most Canadian women to attain.

Women fare better in appointments to the Senate. However, although we have welcomed 27 new senators since December, only 8 are women. I am very pleased to welcome women, but we need more.

There is still a great deal of room for improvement. The Famous Five would no doubt be very proud that we are paying such a wonderful tribute to them today by naming them honorary senators. They would be even more pleased if their objective of increasing the number of women in public office were already attained.

Given the situation, the legitimate question is: why are women still underrepresented in the House of Commons, provincial legislatures and municipal government?

I regret to say that answers to this question were provided in 1992 by the Royal Commission on Electoral Reform and Party Financing. I was one of five commissioners.

The underlying causes of the lack of women in politics are systemic. I do not believe that political parties have shown enough resolve to implement the required remedies.

And yet, just as we have done, the Equal Voice organization reminds us of this quite often. The majority of Canadians are in favour of an immediate increase in the number of women elected in this country.

My speech this afternoon may not be the ideal moment for reviewing the obstacles preventing women from participating more fully in Canada's political life or even acknowledging the solutions that are slow to be implemented.

Therefore, I will only comment briefly, in the spirit of the struggle of the Famous Five.

In paying tribute today to the Famous Five and the efforts they made, we realize how much we owe them.

To those who, like me, are disappointed by the slow progress of women in political positions, the Famous Five have shown us that the most important thing is never to back down and never to give up fighting for change.

Let us embrace the determination of the Famous Five and work together to make the equality we dream of a reality.

In closing, I would like to reiterate my support for Senator Cochrane in her efforts to honour the Famous Five in such a wonderful way.

I invite you, honourable senators, to adopt this motion that has been submitted for your approval.

(On motion of Senator Fairbairn, debate adjourned.)

(The Senate adjourned until Thursday, October 8, 2009, at 1:30 p.m.)

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