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Wednesday, October 28, 2009



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, October 28, 2009

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

Prayers.

SENATORS' STATEMENTS

COUNTRY OF ORIGIN LABELLING

Hon. Donald Neil Plett: Honourable senators, Conservatives believe in standing up for the farmers who feed us. That is why we are fighting back against American country of origin labelling rules by launching a World Trade Organization dispute settlement process.

Canadian farmers are among the best in the world. We owe them every time we enjoy the food they put on our tables. Thanks to their hard work, Canada is not dependent upon the food produced in other countries.

Our farmers work hard and the new American rules are unfair. This is a serious matter. Agricultural trade between Canada and the United States is a big business, totalling some \$37 billion last year. Canadian farmers cannot afford to be left out.

The rules mean extra costs at each stage of the production process, all the way from the feedlots to packing and retail. Canadian animals will cost more and some processors will not buy them. We raised this concern with the Americans in December 2008, but to no avail. The rules were implemented in March. We met with them again in June, but the Americans would not budge.

We are now invoking the dispute settlement process, which normally takes about nine months. It will take some time, but we are taking action for our farmers and ranchers.

This is but one of many measures we have taken recently to help farmers and rural Canadians. My Liberal friends, on the other hand, do not seem terribly interested in the problems faced by rural Canadians. Only last year, the Liberal Party came out in favour of an expensive carbon tax that would have hurt rural Canadians.

Honourable senators, Liberal leader Michael Ignatieff has long been a supporter of higher taxes. As far back as 1991, when he was talking about using higher taxes as a solution for the environment, he said: "Taxes have to rise; there is no other way."

More recently, in 2008, when reporter Craig Oliver asked whether he still believed in the carbon tax, he said: "I do, Craig." He continued in this vein, saying: "I am glad our party seems to be moving that way." This attitude is no surprise given Mr. Ignatieff's admission that his party has "... little to say to rural Canada."

Honourable senators, our Conservative government is working hard for farmers and rural Canadians. We are not afraid to stand up to foreign countries when necessary.

I remind all honourable senators that Mr. Ignatieff lived for many years in the United States and even used the pronoun "we" when addressing American audiences.

Honourable senators, I am proud to stand —

The Hon. the Speaker: Order.

UNITED STATES SENATOR OLYMPIA J. SNOWE

Hon. Joseph A. Day: Honourable senators, the debate on health care currently raging in the United States has been of great interest to many of us in Canada. One very significant development took place in the U.S. Congress recently with respect to the health care debate that is worthy of note.

Senator Olympia Snowe is a Republican senator representing the state of Maine. She was first elected in 1994 and re-elected more recently in 2006 for a third term in the U.S. Senate. She obtained 74 per cent of the votes cast. In 2001, she became the first Republican woman ever to secure a full term seat on the Senate Finance Committee. Honourable senators will appreciate how valued and sought after such a position on the Senate Finance Committee would be.

Earlier this month, she showed her independence of mind by being the only Republican to vote with 13 Democrats during the Senate Finance Committee vote on health care reform legislation. Senator Snowe describes herself as "a Republican moderate." This is not the first time she has shown her moderation by voting independently. Previously, she had voted for President Obama's economic stimulus and against former President Bush's proposed health care bill, which she felt was inadequate.

Honourable senators, there may be a lesson for each of us in Senator Snowe's independence. She demonstrates that a representative of a region has a primary responsibility to the people she is representing. Usually, she can achieve that goal through her political party affiliation, but not always. Given a choice between the people she represents and her political party, she chose her people and her region. For this, she has come under attack in some quarters, yet she remains one of the most respected and influential senators on Capitol Hill.

Honourable senators, all of us in the Senate of Canada can learn from her courage and conviction.

FIRST ANNUAL STRATEGIC NORTHERN INFRASTRUCTURE SYMPOSIUM

Hon. Patrick Brazeau: Honourable senators, I rise in this chamber today to share information relating to a recent, important and significant gathering in Canada's North.

Honourable senators, I was pleased to attend the First Annual Strategic Northern Infrastructure Symposium that was held recently in Yellowknife. This was a significant gathering of industry professionals and leaders in endeavours related to Northern affairs and infrastructure development in the North.

Discussions and presentations were numerous, focusing on key matters, issues and opportunities of importance to Northern development, such as: territorial infrastructure development; government and industry collaboration; navigating through the North's regulatory processes; energy, marine and community infrastructure; and Northern gas pipelines.

The symposium was widely attended by a diverse group of professionals, government officials and leaders from both the Aboriginal and non-Aboriginal political domains. The event's two co-chairs were no strangers to Northern development and Aboriginal affairs. They are well-accomplished former political leaders. Brendan Bell served in the cabinet of the Government of the Northwest Territories from 2003 to 2007. Bob Nault served as Minister of Indian Affairs and Northern Development from 1999 to 2003.

Canada continues to look north at opportunities for community and economic development and for increased employment, all of which can fundamentally contribute to our country's prosperity and particularly that of its northern citizens.

[*Translation*]

The North is a place where many degrees of ability and entrepreneurship coexist in diverse communities and where we must deal with the very different legal and regulatory systems carefully and delicately.

This activity and the stimulating exchanges and debates it has inspired have proven to be very useful tools for developing the lasting and productive partnerships that will contribute in a tangible way to sound economic development of the North and pay a dividend for the people who live north of 60.

• (1340)

[*English*]

I wish to commend and congratulate Mr. Nault and Mr. Bell for planning and staging such a successful symposium. I was also pleased to be joined by the Honourable Chuck Strahl, Minister of Indian Affairs and Northern Development, as well as my new colleague, the Honourable Senator Patterson from Nunavut.

Our participation in this important event reflects the importance our government places on Northern development and our dedicated commitment toward ensuring that northerners can share in the seemingly boundless prosperity of Canada, which indeed, exists from sea to sea to sea.

NATIONAL ARTS CENTRE

CONGRATULATIONS ON FORTIETH ANNIVERSARY

Hon. Jim Munson: Honourable senators, I call to your attention an important anniversary. This year marks the fortieth anniversary of Canada's National Arts Centre. With several stages, including the largest one in North America, the NAC offers innovative programming in the performing arts.

The NAC was created by Parliament in the 1960s as part of our centennial celebrations. It has served us well these 40 years.

[*Translation*]

With English and French theatre, dance and music, the NAC gives us access to a wealth of artistry.

[*English*]

More than an Ottawa landmark, the NAC works with theatres and music groups from across the country to help develop Canada's artists and to give audiences memorable performances. Classical music, variety, dance, community programming and theatre —

[*Translation*]

— the NAC has it all, and in both official languages.

[*English*]

As the senator for Ottawa-Rideau Canal, I encourage all honourable senators to spend an evening at the NAC and enjoy the artistic excellence that is always showcased there. As it starts its fifth decade, I say to the NAC that, just like senators, you are not getting older; you are just getting better.

[*Translation*]

MR. RONALD J. LEBLANC

Hon. Percy Mockler: Honourable senators, it was quite the event! On Friday, October 23, the Université de Moncton, our university, in the person of its Rector, Yvon Fontaine, paid tribute to the talent and excellence of a great Acadian athlete and former member of the university's men's hockey team. The university retired Aigles Bleus sweater number 16 worn by none other than Ronald J. LeBlanc, known as Ronnie. No matter where we live, in New Brunswick, Acadia or elsewhere, we will always remember Ronnie's impressive record and unprecedented performance as a hockey player from 1971 to 1975.

He was the captain of the Aigles Bleus from 1971 to 1975 and has held the records for most points scored in one season and most points scored in a career in Atlantic university hockey. Furthermore, as coach of the Aigles Bleus from 1979 to 1983, he led the team to its first four Atlantic championships and first two Canadian championships.

Born into an Acadian family, Mr. LeBlanc proudly continues to work — as a lawyer, husband and father — for the good of his community and is always ready to help its most vulnerable members.

In closing, honourable senators, I will read the comments provided by Senator Jacques Demers, with which I concur:

Ronnie, a true professional who has always given his all, both on and off the rink;

He is a model for today's young people.

Ronnie, hats off to a job well done!

ROUTINE PROCEEDINGS

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

WESTBANK FIRST NATION SELF-GOVERNMENT AGREEMENT—2006-07 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2006-07 Annual Report of the Westbank First Nation Self-Government Agreement.

INDIAN CLAIMS COMMISSION—2008-09 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2008-09 Annual Report of the Indian Claims Commission.

[*English*]

SCRUTINY OF REGULATIONS

FOURTH REPORT OF JOINT COMMITTEE TABLED

Hon. John D. Wallace: Honourable senators, I have the honour to table, in both official languages, the fourth report of the Standing Joint Committee for the Scrutiny of Regulations entitled: *Australia — New Zealand Scrutiny of Legislation Conference, July 2009*.

IRAN

NOTICE OF MOTION TO SUPPORT DEMOCRATIC ASPIRATIONS OF THE IRANIAN PEOPLE

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

That,

- (a) Canada supports the democratic aspirations of the people of Iran;
- (b) Canada condemns the use of violence and force by Iranian authorities against their own people to suppress pro-democracy demonstrations following the Iranian presidential elections of June 12, 2009;

(c) Canada condemns the use of torture by Iranian authorities;

(d) Canada calls for the immediate release of all political prisoners held in Iran;

(e) Canada calls on Iran to fully respect all of its human rights obligations, both in law and in practice;

(f) Canada condemns Iran's complete disregard for legally binding UN Security Council Resolutions 1696, 1737, 1747, and 1803 and International Atomic Energy Agency requirements;

(g) Canada affirms its opposition to nuclear proliferation and condemns any pursuit by Iran of nuclear weapons capability;

(h) Canada recommends to international organizations of which it is a member that a new set of targeted sanctions be implemented against Iran, in concert with allies, unless Iran comes into compliance with its human rights and nuclear obligations in law and in practice.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF SENATE COMMITTEE SYSTEM

Hon. Donald H. Oliver: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on Wednesday, March 25, 2009, and Tuesday, June 16, 2009, the Standing Committee on Rules, Procedures and the Rights of Parliament which was authorized to examine and report on the Senate committee system as established under rule 86, taking into consideration the size, mandate, and quorum of each committee; the total number of committees; and available human and financial resources, be empowered to extend the date of presenting its final report from October 30, 2009 to March 31, 2010.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF MOTION TO TELEVISION PROCEEDINGS

Hon. Donald H. Oliver: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on Wednesday, June 17, 2009, the Standing Committee on Rules, Procedures and the Rights of Parliament which was authorized to approve in principle the installation of equipment necessary to the broadcast quality audio-visual recording of its proceedings and other approved events in the Senate Chamber and in no fewer than four rooms ordinarily used for meetings by committees of the Senate, be empowered to extend the date of presenting its final report from November 18, 2009 to March 31, 2010.

• (1350)

QUESTION PERIOD

HEALTH

H1N1 FLU VACCINE

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

Health Canada approved the H1N1 vaccine that is now being administered on the basis of one clinical study only, a study in Belgium of 130 healthy adults aged 18 to 60. According to its own website, Health Canada approved this vaccine without any clinical data with respect to the vaccine's effects on the elderly, children and adolescents.

The situation for pregnant women is particularly concerning. They are justifiably concerned not only for themselves but for the health of their babies. However, the government's recommendations for pregnant women seem to change almost daily. Until a few days ago, the government was telling pregnant women not to take the regular vaccine with the adjuvant, but to wait for the one without it. When it became clear that the vaccine without adjuvant would not be ready until mid-November, the government began telling pregnant women to take the adjuvant vaccine. Then the government announced it was purchasing 200,000 doses of the vaccine without the adjuvant from Australia, which will be available in the first week of November.

I ask the Leader of the Government in the Senate: Is the vaccine that is now available, the vaccine with the adjuvant, safe for pregnant women? Should pregnant women wait for the vaccine to arrive from Australia, and is 200,000 doses enough? Given the government's flip-flops, how can these Canadian women have any confidence in the government's recommendations?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, the issue of the H1N1 virus is a serious one. I believe that events of the last few days, with the loss of some young people — who, for some time now, Canada's public health authorities have been saying, are an at-risk group — are particularly troubling because it is a terrible thing to lose a child.

With regard to the honourable senator's question, the Minister of Health, the Chief Public Health Officer, all of the ministers of health in all of the provinces and territories and all of the public health agencies have worked extremely hard to inform the public. With respect to the vaccine, we were pleased that Health Canada and public health officials gave the go-ahead to release the vaccine earlier than was first intended. It is now in the hands of the provinces and territories. Vaccinations are taking place in record numbers as we speak.

With regard to the vaccine for pregnant women, we can only rely on the information provided to us because none of us are health experts or medical people. The government relied

exclusively on the advice of qualified, reputable health officials. The decision of the government to have the adjuvant vaccine produced was the right decision. Many people acknowledged that.

That decision was also made in Europe. Unfortunately, it was not the decision they made in the United States. However, it was clear all along that the adjuvant vaccine was a safe vaccine for pregnant women. In the summer, the World Health Organization made a recommendation that governments provide pregnant women with the choice of using the older method, the non-adjuvant vaccine, or the adjuvant vaccine.

Dr. Butler-Jones and public health officials have been very clear ever since Health Canada released the vaccine, in saying to pregnant women that if there is a high level of concern in their communities, where H1N1 seems to be taking hold, the adjuvant vaccine was very safe. However, they would have the choice, if they so wished, to wait for the non-adjuvant vaccine.

As you know, GlaxoSmithKline, because the adjuvant vaccine was the vaccine of choice, producing it first and would then turn to producing non-adjuvant vaccine. Due to the concerns expressed by some pregnant women, the Minister of Health decided, quite rightly, to obtain non-adjuvant vaccine as well. She approached our Australian counterparts, who had a supply of non-adjuvant vaccine that we were able to acquire immediately to deal with the period between now and when the non-adjuvant vaccine will be available here in Canada from GlaxoSmithKline.

With regard to the safety of the vaccine, there are thousands of examples of proof that this vaccine is safe. It is the vaccine used and produced in Europe. There were tests conducted in Dresden. People have been volunteering in Canada. It is a safe vaccine.

It does not do any good to be bringing that vaccine into question. As Dr. Butler-Jones said today, if the decision is to take the vaccine or not, the proof is absolutely positive that it is a safe vaccine. The adjuvant is something they have always used. They have used it in natural products and in other flu vaccines. It boosts the potency of the vaccine.

As a matter of fact, it has been acknowledged now by many in the United States that the U.S. government should have produced the adjuvant vaccine. They would not be facing the shortages they are if they had done so.

Senator Cordy: The honourable senator said that pregnant women are given a choice, with or without adjuvant, and that we have to rely on the advice of qualified health officials. The problem is that this advice keeps changing.

Forgive me if I find this to be an extremely serious matter. I have great concerns about H1N1. I received an email from my daughter this morning that two people in her office have H1N1. You know what? I am a mother and I am a little bit concerned; I am concerned about the information that is being put out by Health Canada.

First, the government has to get 200,000 doses of the vaccine without the adjuvant from Australia. Second, those who have asthma or an allergy to eggs are being told to get the vaccine injected by a doctor who specializes in allergies; but these doctors do not have the vaccine.

The honourable senator said that the vaccine is safe, that there is positive proof. Yet, I read this morning on the Health Canada website that there is no clinical data on the vaccine for children from 6 to 35 months of age; there is no clinical data on the vaccine for children aged 10 to 17 years; and there is no clinical data on the vaccine for those over 60 years of age. Forgive me if I am overly concerned, but what is the plan?

Some Hon. Senators: Oh, oh.

Senator Mercer: You are hypocrites.

Senator Cordy: I have fear for my family and for all the families in Canada. If the honourable senator does not, that is her choice. I have fear for health of the people of Canada.

Senator LeBreton: We all have fear for members of our families. My own son had H1N1 in British Columbia. We do not have to get into this silly “your family is more in danger than my family” or vice versa. That is not the issue.

Senator Cordy: I did not say that.

Senator LeBreton: This is an issue of the safety of Canadians. We have excellent public health officials. We have credible people at Health Canada.

Due to the nature of this particular pandemic, we are relying on all of the best possible advice that we can get from health care people from around the world. As the Minister of Health and as Dr. Butler-Jones have pointed out, we are administering this vaccine in Canada.

• (1400)

This is the largest vaccination campaign in the history of the country. Health care professionals are urging Canadians to protect themselves and to be vaccinated. There have been valid clinical trials in Europe, which is not unlike Canada in terms of demographics and climate.

Honourable senators, the vaccine is safe. With regard to the adjuvanted or non-adjuvanted vaccine, the World Health Organization wanted pregnant women to have the choice. Canadian medical experts and doctors tell us that the adjuvanted vaccine is safe but, of course, there is still some concern and some misinformation. That is why the Minister of Health arranged to bring the vaccine from Australia until GlaxoSmithKline was able to produce the vaccine for Canada. As honourable senators know, the government had suggested that the adjuvanted vaccine would be available in the first week of November and the non-adjuvanted, in the second or third week of November. We are well ahead of schedule.

Canadians are seized of the seriousness of H1N1. I believe that all honourable senators should do their part to convince fellow Canadians, not only for their personal safety but also for that of their loved ones, friends and communities, that they have a responsibility to society as a whole.

Canada is unique in the world in having sufficient vaccine for all our citizens. Information is available from many sources. The Minister of Health and the Chief Public Health Officer are on

television every day to provide information and reassure people. Today, the Minister of Health issued another guidance document about unnecessary travel if people are sick.

Honourable senators, everyone takes responsibility for their own personal safety. We all have access to clinics and to doctors. Surely to goodness it is reasonable to expect that pregnant women, fathers and mothers would consult with their doctors and heed their advice, as I did. I am certain everyone would agree that it is the reasonable thing to do.

This issue should not be used for any kind of excessive partisan purposes because this is about the health of Canadians. All health officials, of whatever political stripe, at the federal, provincial and territorial government levels, including First Nations, have worked closely together on this issue. There has been an extremely high level of cooperation. I would hope that it will continue so that Canada can get through this serious flu pandemic.

FINANCE

PENSION REFORM

Hon. Art Eggleton: Honourable senators, my question, which was provided in advance, is for the Leader of the Government in the Senate. Yesterday, Finance Minister Jim Flaherty announced proposed changes to federally regulated pension plans. It is estimated that roughly 5 million Canadians, one third of the workforce, are not building enough of a private nest egg to avoid a significant drop in living standards upon retirement and that almost one in three Canadians has no retirement savings at all. Statistics show that the median funding level for private sector pension plans is only 85 per cent, which means that pension plans are under-funded by an estimated \$50 billion. Therefore, thousands of retirees could be stranded with limited pensions when they retire, which could lead to more cash-strapped elderly and a rising bill for society.

My question is: What is the timetable for these changes? What methods of delivery — either legislation or regulation — will the government use to implement these changes? Since the announced changes assist only federally regulated pensions, will legislation be coming forward to help the 88 per cent of Canadians not affected by the announced changes?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank Senator Eggleton for the question and I appreciate the courtesy of being provided the question in advance.

As honourable senators know, the government has been working on these pension issues for some time. Earlier this year, the government doubled the time required for solvency payments for federally regulated plans. In the spring, as the honourable senator knows, Ted Menzies, Parliamentary Secretary to the Minister of Finance, completed cross-country consultations on federally regulated pensions. Important pension reforms resulting from these consultations were released yesterday. Senator Eggleton is correct in saying that they pertain only to federally regulated pensions.

These changes are intended to help to protect pensioners by requiring companies to fully fund pension benefits on plan termination; to make pensions more stable; to give pensioners

more negotiation powers; and to modernize investment rules of pensions. While some of the proposed changes can be implemented by changes to regulations, others will have to be implemented by legislation, which the government plans to introduce in the coming months.

Honourable senators, this reform of federally regulated pensions is but one step in a larger process. The federal government will work with provinces because most pension plans are provincially regulated, while only 10 per cent are federally regulated.

As I answered previously, a federal-provincial-territorial research working group on retirement income adequacy began in May with Jack Mintz as its director of research. The FPT finance ministers will discuss the group's findings at their meeting in Whitehorse in December.

All of these efforts build on previous government actions, including pension income splitting and increasing the age limit for maturing pensions and RRSPs to 71 years of age from 69 years of age. As the honourable senator knows, the government has also increased the age credit amount twice.

Senator Eggleton: Does the government plan to address the common problem of under-funded plans being wound up in bankruptcy, as we see with Nortel retirees? This is a significant issue that might leave many retirees facing sharply reduced pension payments.

Senator LeBreton: The situation at Nortel is very sad. I have friends and neighbours who are retired Nortel employees affected by this. Nortel pensions were provincially regulated. I was pleased to note that the Government of Quebec has taken some responsibility for Nortel employees living in Quebec, which reinforces that they recognize it as a provincially regulated pension. It is my hope that the actions of the Government of Quebec will encourage the Government of Ontario to step up to the plate on this issue.

The government is always open to further suggestions on ways to improve the system.

• (1410)

When the working group, which all the provinces and territories are monitoring, reports from their meeting in December in Whitehorse, hopefully we will have some good ideas and solutions as to how to address this serious issue.

The economic downturn has proven all too vividly that people's savings for retirement have been inadequate. This is one of the lessons of the economic downturn that people in the workforce can learn from.

However, that does not in any way take away from the serious situation that many pensioners face. The government is always open to helpful suggestions as to how we can better manage the pension issue, and hopefully we will have some good results in December.

SENIORS

ELDER ABUSE

Hon. Judith Seidman: Honourable senators, I would like to again ask my question from the end of last Thursday's Question Period.

Last week the Liberal Party promised to create a body to advise the government on seniors' issues, including the serious matter of elder abuse. This is something that our Conservative government has in fact already accomplished.

Could the Leader of the Government in the Senate and Minister of State for Seniors please inform all honourable senators what actions the government has taken in this regard since taking office in 2006.

Senator Munson: Who wrote that question?

Senator Comeau: Finally, we get a good question.

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank Senator Seidman for the question.

Senator Tkachuk: I like Question Period now.

Senator LeBreton: When I perused the Pink Book, I did not know whether I should take it personally that all my efforts in the last year have been so overlooked by Liberal women. I have renamed the Pink Book "the shocking Pink Book" — shocking in its lack of details.

In any event, I am happy to answer Senator Seidman's question on this serious matter with regard to Canada's seniors. Perhaps I could suggest to my colleagues opposite that when they are researching the next version of their shocking Pink Book, they should visit seniorscouncil.gc.ca, and they will discover what our government has already done.

As all honourable senators should be aware, in March 2007, two months after I was named Minister of State for Seniors, we created the National Seniors Council to advise the government on seniors' issues of national importance. In the 2005-06 federal campaign we promised that there would be a Minister of State for Seniors, and I am the incumbent.

Elder abuse was one of the National Seniors Council's first priorities. They held round table discussions across the country and they delivered a publicly available report, which I believe I distributed to some of my colleagues opposite. We acted upon that report, which drew to the attention of the government the serious issue of elder abuse.

On June 15 of this year, World Elder Abuse Awareness Day, Minister Diane Finley and I were proud to launch a national awareness campaign. This campaign, for those of you who watch television, ran on television across the country in June, and now is running again. These advertisements focus on the issue of elder abuse. We are also funding projects through the Federal Elder Abuse Initiative and the New Horizons for Seniors Program.

I should not be surprised by this oversight in the shocking Pink Book. Two years ago, Liberal MP Paul Szabo introduced a motion that there should be a Secretary of State for Seniors when I was already in the job. I do not know whether to take this personally. In any event, those are the measures we have taken for seniors on the issue of elder abuse.

Senator Comeau: They have not read it in the *Globe and Mail*.

Hon. Pierrette Ringuette: I appreciate the leader's answer.

Senator Stratton: The national daycare program is in there again. How many times will you put that up?

Senator Mercer: Until it gets done.

Senator Ringuette: Senators, either we have a Question Period or we do not.

Some Hon. Senators: Oh, oh!

Senator Ringuette: I have a supplementary question for the leader.

I have read a few articles in regard to the leader's speeches on financial abuse of seniors, and this abuse actually exists. I suspect that some of the entities are within financial institutions. We have put forth two bills in the Senate to try to remove some of those financial abuses particularly targeted at seniors.

Will the minister approve and fast-forward these two bills?

Senator LeBreton: As a member of the government, I will not comment on a private member's bill, but I will say to Senator Ringuette that if she has informed herself about our Elder Abuse Awareness campaign, she would know that it covers many facets. It covers physical, sexual and financial abuse and, of course, neglect.

The financial abuse side forms a large part of the government's initiatives for seniors. I was happy that the Senate passed the identity theft legislation, which is a serious issue concerning seniors.

There is also abuse of so-called powers of attorney. I say "so-called" because sometimes seniors sign powers of attorney and they do not realize what they have signed. Through New Horizons for Seniors and other seniors' programs, we have embarked on an aggressive financial literacy education package.

Financial abuse is a serious concern for the government and for me personally. In the many places I have visited across the country addressing seniors' organizations, financial abuse is the type of abuse that is most acknowledged by those in the audience.

The government's white-collar crime legislation directly affects seniors because they are disproportionately represented in the population of those abused by fraudsters, scam artists and others responsible for financial abuse.

[Senator LeBreton]

JUSTICE

PUBLIC POLICY

Hon. Lorna Milne: Honourable senators, my question is to the Leader of the Government in the Senate. This government is advancing a legislative agenda based on what it reads in the polls rather than what the data and expert-opinion information indicate.

Recently, in the Standing Senate Committee on Legal and Constitutional Affairs, the Minister of Justice said to the committee that his government is "not guided by statistics."

When will this government stop attempting to run the country based on what it claims its partisan base says and start running it on the basis of facts and sound public policy?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): That is an interesting question, but I do not know to what Senator Milne is referring.

Senator Comeau: As usual.

Senator Milne: Let me tell the leader, then. Good public policy, honourable senators, is based on expert reports, statistics and reliable data, not solely on public opinion and anecdotal evidence. The government has the statistics; we know they have, because we heard them in the Standing Senate Committee on Legal and Constitutional Affairs. They often paint an opposite position to that claimed by this government.

When will the government stop ignoring statistics, data, reports, expert opinion and information that clearly indicates that the government is on the wrong track?

Senator Comeau: Get a new writer.

Senator LeBreton: I still do not know to what Senator Milne is referring. I can only tell the honourable senator that the government is responding to a public need with regard to the issue of law and order and safety in our streets.

• (1420)

As Minister of State for Seniors, when I am travelling in the country, next to their financial security, the important issues for seniors are safety in our streets, violent crimes, drugs and guns. I believe, honourable senators, the government is responding to a public need. I do not like to personalize things, but my family having been victims of a serious crime, I am probably at the head of the line for tougher sentences for violent crime.

SENIORS

POVERTY LEVELS

Hon. Hugh Segal: Honourable senators, further to the statistics raised by Senator Milne, as the rate of poverty for older Canadians has moved marginally from 2.5 per cent five years ago to about 5.9 per cent — largely because of the increase in costs — would the minister take under advisement, during this

period of prebudgetary consultation, the proposition of increasing the threshold for gains so that our senior citizens might receive a larger top-up, perhaps around the time of the next budget?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, statistically, the level of poverty among seniors has dropped significantly, but there has been a slight upturn because of the economic conditions. I will be happy to take Senator Segal's question as notice and pass on his remarks to my colleagues.

[Translation]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ECONOMIC CONFERENCE OF THE ORGANIZATION
FOR SECURITY AND CO-OPERATION
IN EUROPE PARLIAMENTARY ASSEMBLY,
MAY 27-29, 2009—REPORT TABLED

Leave having been given to revert to Tabling of Reports from Inter-Parliamentary Delegations:

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the Canada-Europe Parliamentary Assembly concerning its participation in the Economic Conference of the Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA), held from May 27 to 29, 2009, in Dublin, Ireland.

ELECTION OBSERVATION MISSION OF
THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE PARLIAMENTARY
ASSEMBLY, JUNE 25- 29, 2009—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the Canada-Europe Parliamentary Assembly concerning its participation in the Election Observation Mission of the Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA) in Albania, held from June 25 to 29, 2009, in Albania.

ANNUAL SESSION OF THE ORGANIZATION
FOR SECURITY AND CO-OPERATION
IN EUROPE PARLIAMENTARY ASSEMBLY,
JUNE 29-JULY 3, 2009—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation to the Canada-Europe Parliamentary Assembly concerning its participation in the eighteenth Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly (OSCE PA), held from June 29 to July 3, 2009, in Vilnius, Lithuania.

[English]

QUESTIONS OF PRIVILEGE

SPEAKER'S RULING—
APPEARANCE OF PROVINCIAL MINISTER
BEFORE LEGAL COMMITTEE

The Hon. the Speaker: Honourable senators, before going to Orders of the Day, I wish to deal with two outstanding Speaker's Rulings on questions of privilege.

First, on October 6, Senator Fraser raised a question of privilege under rule 43. Her concern related to a meeting of the Standing Senate Committee on Legal and Constitutional Affairs, of which she is chair, held on October 1. To summarize, the committee delayed the planned date for clause-by-clause study of Bill C-25, An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody), in order to hear from the Alberta and Manitoba Ministers of Justice and Attorneys General. At the meeting of October 1, just before noon, one of the ministers indicated that they both had to leave to catch planes. This prevented some senators from completing their discussion with the ministers, although they did agree to provide written responses to questions. Senator Fraser explained that, instead of heading directly to the airport, the ministers actually attended a previously scheduled press conference with the federal Minister of Justice and Attorney General. At this conference, the federal minister urged the committee to pass Bill C-25 without delay and without amendment.

[Translation]

Senator Fraser had three concerns about these events. First, she suggested that the committee had been deliberately misled about why the provincial ministers had to leave. Second, she argued that the committee's work had been impeded, since the meeting with the ministers had been cut off earlier than strictly necessary. Finally, she suggested that some statements at the press conference had impugned the committee's work. She expressed concern about the contempt she felt had been shown to the committee and asserted that these events had breached its privileges.

[English]

Senator Wallace took a different view. He underscored the serious nature of the allegations, particularly when directed against ministers of the Crown. He noted that the provincial ministers had stayed beyond what they had understood to be the duration of their appearance and had accepted a number of questions for written follow-up. From this, Senator Wallace concluded that the ministers had sought to cooperate with the committee. While they did have planes to catch, they did not mention specific times and no questions were asked on that point. Senator Wallace did not see these events either as contempt or as an attempt to mislead the committee. He rejected the idea that the ministers had to justify the use of their time after their appearance. The senator also rejected the idea that the federal minister had attempted to interfere with or manipulate the committee's work. Finally, Senator Wallace questioned the process of raising a matter of privilege from a committee. It was his understanding that it can only be done by a committee report, and he made references to Erskine May, Beauchesne, and Marleau and Montpetit justifying this position.

[*Translation*]

Senator Tardif, when she spoke, expressed the opinion that the ministers had used the excuse of a flight to get to a press conference. In her view this was both disrespectful to the committee and had impaired its ability to properly fulfil its duty to examine and report on Bill C-25. Senator Cools then reviewed a number of extracts from the committee transcripts. She suggested that the committee had acted in good faith, and she detected a sense of disappointment in the way events had unfolded. Senator Brown, for his part, emphasized that the ministers had understood they would appear for an hour, and had structured their time in consequence.

[*English*]

Before considering the substantive points at the heart of this question of privilege, it is appropriate to address the procedural issue raised by Senator Wallace about how a matter of privilege from a committee can be brought before the Senate. Many parliamentary authorities do indeed state that such a matter should only be considered, except in rare instances, upon a report of the committee in question. However, the *Rules of the Senate* provide, at rule 43(1)(b), that a question of privilege can be raised under the special process for such issues if the “privileges of the Senate, or of any committee thereof, or any Senator” are at issue. Accordingly, rule 43 can be used to raise questions of privilege arising from committee work, although a report of the committee is another vehicle available, as the authorities suggest.

I now turn to the substantive matter. This purported question of privilege involved two broad fundamental issues. One relates to the provincial ministers leaving the committee meeting. The other relates to the comments made at the subsequent press conferences and the fundamental issue of the independence of the Senate as a house of Parliament.

To deal with the first of these issues, the problem that arose in the committee meeting on October 1 can be viewed as a misunderstanding of the time, albeit a misunderstanding that had vexatious consequences. The witnesses had not been compelled to attend and ordered to remain until dismissed. They came voluntarily and seemed to have arranged their day based on the understanding they would appear for a limited period of time. Once this premise is accepted, the subsequent events do not appear unreasonable.

The second issue in this question of privilege touches on fundamental issues about our structure of governance. Ours is a parliamentary system operating under written and unwritten rules and long-standing traditions. This country enjoys its great measure of freedom and rights in no small part due to an understanding of, and respect for, basic principles and a recognition of the different roles of the executive and of Parliament.

[*Translation*]

Parliament has three components — the Queen, the Senate, and the House of Commons. Each is distinct and autonomous, although they must all act together to ensure the passage of legislation. To focus on the two houses, communications are

[The Hon. the Speaker]

properly through the exchange of messages, reflecting decisions taken. Neither house is formally aware of the details of how business is conducted in the other. A respect for the independence of each house by the other is essential. As stated in the fourth report of the Rules Committee, adopted by the Senate on June 23, attempts to place undue pressure on the Senate to act quickly are “at odds with the autonomy and independence of the Senate.” The report went on to note that “The Senate cannot be coerced to adopt a legislative proposal or to adopt it in a given timeframe.”

• (1430)

This underscores the point that it is not the role of the executive branch to dictate to Parliament, or its component parts, how they are to act.

[*English*]

At the same time, it must be recognized that members of both houses, whether ministers or not, have a great interest in monitoring and encouraging legislative proposals that they sponsor. Parliamentarians do not simply introduce bills and then let them take care of themselves. They monitor developments, urge action, discuss, negotiate, and seek to arrive at satisfactory outcomes. This process is perhaps most visible in committees. If problems with a bill are identified, the sponsoring parliamentarian must often work assiduously to arrive at a successful resolution.

The comments at the press conference of October 1 can be seen as part of this process of trying to move a bill forward. The minister was urging rapid action by the Senate. Of course, the remarks in no way compelled action by the committee. It was free to deal with Bill C-25 within the bounds of our rules and practices. As it happened, the committee did recommend amendments, but the Senate did not accept them and passed the bill without changes. What is important, honourable senators, is that the Senate retained full freedom to accept or reject the bill, with or without amendment. Nothing said at the press conference affected these basic rights and functions of the Senate.

With this understanding of the events of October 1, it is now possible to consider the question of privilege in light of the criteria of rule 43(1). Senator Fraser explained why she could not have raised the matter earlier, thereby satisfying the first criterion. She also indicated that she is ready to move that the matter be referred to the Rules Committee so that the issue can be studied in detail, thereby satisfying the third criteria.

With respect to the second criterion — that the matter directly concern privilege — and the fourth — that it seek to correct a grave and serious breach — the points outlined earlier suggest, upon reflection, that the criteria have not been met. The provincial ministers can be seen as having acted reasonably based on their understanding of how their appearance would be managed. Even if the remarks at the press conference caused offence to some senators, they in no way affected how the Senate could deal with Bill C-25 or limited the role of this house in the parliamentary process.

As such, the ruling is that the criteria of rule 43(1) have not been satisfied, and accordingly, a *prima facie* question of privilege is not established.

SPEAKER'S RULING—
PRESS RELEASE OF THE LEADER OF THE OPPOSITION

The Hon. the Speaker: Honourable senators, the second question of privilege that was brought before the Speaker relates to what occurred on October 20, when Senator Comeau, the Deputy Leader of the Government in the Senate, raised a question of privilege challenging the accuracy of a press release from and interviews by Senator Cowan, the Leader of the Opposition in the Senate, as well as statements contained in a blog kept by Senator Mitchell. These materials addressed the Senate's handling of Bill C-25 and Senate procedures. Senator Comeau considered that they had misrepresented decisions taken by the Senate and distorted his own role and position. The result, he argued, was that they constituted a contempt.

[*Translation*]

The statements challenged by Senator Comeau included one that government senators refused a proposal to consider and vote on the bill itself on October 8. Senator Comeau argued that the record actually indicates that no such proposal was made. He also objected to claims that the government had prevented the Senate from meeting on October 9. The government, he said, does not control the Senate's schedule and any senator could have denied leave, forcing a Friday sitting. Senator Comeau felt that such statements had resulted in erroneous articles appearing in the press, misrepresenting senators' work and their position, including his own.

[*English*]

Senator Cowan rejected Senator Comeau's interpretation of the events of October 8. He reviewed the press release in detail. The senator insisted that it accurately reflected events and did not affect any senator's rights or privileges. Senator Mitchell, for his part, denied the post on his blog constituted an impediment to any senator. He characterized them, instead, as part of a broad public debate, not an infringement of privilege. Senator Cools also questioned the idea that there was a *prima facie* question of privilege, being unable to identify any specific privilege that had been breached.

I wish to thank all honourable senators who contributed to the discussion of the question of privilege for their input. The Speaker's role is now to evaluate the purported question of privilege in terms of the criteria set out in rule 43(1). Before doing so, however, it should be noted that Senator Comeau's complaint broadly respected the requirements of rule 45, that when a senator complains of a statement in "any form of public news media, as a breach of privilege," specifics must be provided as to "the matter complained of, the source thereof and the nature of the breach of privilege."

The first criterion under rule 43(1) is that a purported question of privilege must "be raised at the earliest opportunity." Since Senator Comeau raised this issue at the first sitting after the events at issue had occurred, he clearly met this criterion. Similarly, in relation to the third criterion, that the matter "be raised to seek a genuine remedy," Senator Comeau has indicated his readiness to move a motion to refer the matter to the Rules Committee.

The second and the fourth criteria can be considered together. They require that the complaint "be raised to correct a grave and serious breach" that "directly concern[s] the privileges of the

Senate, of any committee thereof, or any Senator." In this case a significant difference of opinion as to the course of events on October 8 obviously exists. Some honourable senators understood what happened in one way, others interpreted the situation quite differently.

[*Translation*]

Paragraph 62 of Beauchesne's sixth edition offers some guidance, which honourable senators should bear in mind. It reads:

... in the context of contempt, it seems to me that to amount to contempt, representations or statements about our proceedings or of the participation of members should not only be erroneous or incorrect, but, rather, should be purposely untrue and improper and import a ring of deceit.

[*English*]

Do differences in how events are interpreted in the present case actually constitute a "grave and serious breach" of privilege? Was the Senate prevented from dealing with Bill C-25 as it wished? Do senators still exercise their rights and responsibilities unimpeded?

Senator Comeau certainly felt aggrieved by what was said, and not without reason. However, on balance, it does not appear that the tests of the second and the fourth criteria have been satisfied. The ruling is therefore that a *prima facie* question of privilege has not been made out.

• (1440)

ORDERS OF THE DAY

CANADA SECURITIES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

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

Hon. Michael A. Meighen: Honourable senators, I spoke to this matter at a previous sitting and have discussed it with my friend Senator Grafstein. As honourable senators are well aware, the government recently made a reference to the Supreme Court of Canada with respect to its legislation dealing with the creation of a national securities regulator. I think it advisable to wait until the Supreme Court has rendered its judgment before pursuing this matter further. However, I consulted with my learned friend and he expressed a strong preference to have the matter referred to committee. I have no objection in principle to that and would be content with that course of action.

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

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

[*Translation*]

FINANCIAL ADMINISTRATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Banks, for the second reading of Bill S-221, An Act to amend the Financial Administration Act (borrowing of money).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have not had an opportunity to complete my review of Bill S-221; therefore, I move adjournment of the debate for the remainder of my time.

(On motion of Senator Comeau, debate adjourned.)

[*English*]

NATIONAL FINANCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY STATE OF PENSION SYSTEM—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Ringuette:

That the Standing Senate Committee on National Finance be authorized to examine the state of the pension system in Canada in view of evidence that approximately five million Canadians may not have enough savings for retirement purposes;

In particular, the Committee shall be authorized to examine:

- (a) Old Age Security/Guaranteed Income Supplement;
- (b) Canada Pension Plan/Quebec Pension Plan;
- (c) Private Savings — includes employer-sponsored pension plans, Registered Retirement Savings Plans (RRSPs), and other investments and savings;

That the study be national in scope, and include proposed solutions, with an emphasis on collaborative strategies involving federal and provincial governments; and

That the committee submit its final report no later than November 30, 2009, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

Hon. Consiglio Di Nino: Honourable senators, over the last few days and weeks we have seen that this is an issue of great importance to Canadians and that it is being widely discussed. I have had some discussions with the sponsor of the bill. I have not yet completed preparations to speak on it, so I would like to adjourn it in my name for the remainder of my time.

Hon. Art Eggleton: I appreciate that Senator Di Nino said he has not yet prepared. This is a very important issue, as I think the honourable senator recognizes. The Leader of the Government in the Senate said earlier today that they are always open to helpful suggestions. Here is an opportunity for helpful suggestions on the subject.

Can the honourable senator give an indication of when he will be prepared to speak to the matter?

Senator Di Nino: I do not want to make a promise that I may not be able to keep, but after we return from the November break I will take a serious look at the matter.

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

(The Senate adjourned until Thursday, October 29, 2009 at 1:30 p.m.)

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