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Wednesday, November 18, 2009



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, November 18, 2009

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

Prayers.

SENATORS' STATEMENTS

THE LATE LIEUTENANT JUSTIN GARRETT BOYES

Hon. David Tkachuk: Honourable senators, I want to pay tribute to Lieutenant Justin Garrett Boyes, a young man killed in Afghanistan on October 28 of this year. He was 26 years old — a life barely lived. He left behind a mom and dad who raised him; a brother and a sister who looked up to him; a young family that depended on him; and a calling from which he never flinched.

Bravery is a much-diminished term these days. Actors are considered brave if they take on a risky role; a writer is brave if he bares his soul in print. We need to find another term to describe these things, for brave is when a young man willingly risks his life in combat when he knows full well he has so much to lose and so little to gain.

I attended Lieutenant Boyes' funeral and the courage he displayed was perfectly reflected in the courage his family showed at his loss. This cannot be minimized. When a man or woman goes to war, their family goes to war. When he or she dies in battle, their family is left to bear the loss. We ask much of them. They pay the price long after the war has ended.

The inconsolable grief of the Boyes family was heart-wrenching, but tempered by the enormous pride in which they held Justin and their continued commitment to the fight.

His wife said:

Justin and I believe in the mission in Afghanistan. One of the things that frustrated him was the lack of support from the Canadian citizens he lived to protect. . . .

He said recently, "We're not losing this war, but if we do, it's because we lost it at home first."

She concluded by saying:

Please support our boys. They are making progress.

I believe she was heard, if I can judge by Saskatoon. On Remembrance Day, over 9,000 people showed up at the ceremonies there to remember the fallen and to show support for men and women who are still fighting.

Justin died during his second tour of duty in Afghanistan. He had a university degree and could have done anything he wanted, but he chose the military. He went to Afghanistan prepared to do what was asked of him. We all know what that meant for him.

However, none of us feels the effects more than the family that is left behind. To Justin's wife Alanna and his son James, to his parents Brian and Angela, to his brother Curtis and his sister Lindsay, to all the members of his extended family, on behalf of all senators and all Canadians, I want to offer my deepest and most sincere sympathy. Their loss is immeasurable, as is the loss of families who have lost loved ones before them.

NATIONAL CHILD DAY

Hon. Roméo Antonius Dallaire: Honourable senators, November 20 is National Child Day. It also marks the twentieth anniversary of the United Nations Convention on the Rights of the Child, adopted on November 20, 1989.

This is a wonderful opportunity to recognize and celebrate children in Canada and across the world. It is also a time to take stock of what we have achieved over the last 20 years and to look ahead at where we can improve on efforts to protect and promote the rights of every single child.

The Convention on the Rights of the Child has changed the way we think and talk about children. It has made us more aware of the challenges facing children and young people in this complex world. It has made us much more aware of our obligations toward them.

The four core principles of the convention are: non-discrimination, respect, not tolerance; the best interests of the child; maximum survival and development, not use as instruments of war; and respect for the views of the child, hearing the child and child participation. These principles have helped guide us for the last 20 years and the Convention has played a central role in the ongoing transition toward a rights-based approach to dealing with children and young people.

For example, in 2006, the report of the Secretary-General of the United Nations on violence against children became the first real attempt to document the reality of violence against children around the world and to map out what is being done to stop it. The report concludes that while some children may be particularly vulnerable, violence against children can stretch across geographic, cultural and socio-economic boundaries and even home life.

The Secretary-General's report also concluded that:

No violence against children is justifiable; all violence against children is preventable.

Identifying our shortcomings around child rights is the first step. It is encouraging that in the last 20 years we have become more willing to speak honestly about our treatment of children and more willing to tackle the problems head-on instead of turning a blind eye. Certainly the Optional Protocol to the

Convention on the Rights of the Child, which says that no child under the age of 18 should be used or trained in any instrument of war, signed in 2000, is a perfect example of the positive evolution of protecting children and their rights from abuse by adults.

As legislators and parliamentarians, we must keep this in mind. We have a special responsibility to listen to children and to take their views and concerns into account when we are making decisions, policies and legislation that affect their lives. We must foster their desire to get involved in public life, to become activists, and to show their presence and capability. We must help equip them with the skills and confidence to tackle the serious problems facing the world today.

Honourable senators, the future of the children of today is not 20 years down the road, but five or six years down the road. They, in this incredible revolution of communications, are the globalized generation that can take on human rights, environment, and nuclear disarmament.

[*Translation*]

INTERNATIONAL TRADE

Hon. Yonah Martin: Honourable senators, the Conservatives believe in working hard and in providing assistance to the families of workers during this global recession.

Strengthening our ties with international trade partners and facilitating the free movement of goods and services across the border are some of the most important things we can do to help put Canada back on the road to prosperity.

Last weekend, Prime Minister Harper participated in the APEC leaders' summit in Singapore.

Right after the summit, he flew to India, where Canada has opened new trade offices in Hyderabad, Calcutta and Ahmedabad this year.

Honourable senators, India has one of the fastest-growing economies in the world. It is estimated that one million Canadians of Indian origin and 7,300 Indian students currently live in Canada, which shows that these two countries have a strong bond.

Next, Prime Minister Harper will go to China from December 2 to 6, and to the Republic of Korea from December 6 to 7.

Honourable senators, China is Canada's third most important export partner, and leading up to the Prime Minister's visit, there have been 18 ministerial visits to China since 2006.

This year marks the 100th anniversary of the establishment of the Canadian Trade Commissioner Service office in Shanghai.

• (1340)

Last year, Canada announced plans to open six new trade offices in that country. Two are already open, and the other four should be open by the end of the year. South Korea is Canada's seventh-largest trading partner, with bilateral merchandise trade close to \$10 billion.

[Senator Dallaire]

By maintaining and strengthening our relationships with India, China and South Korea, our government is working hard internationally to end the global recession and put Canadians back to work as soon as possible.

[*English*]

NATIONAL PHILANTHROPY DAY

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I wish to draw your attention to National Philanthropy Day, which was celebrated on November 15. I commend our honourable colleagues, Senators Grafstein and Mercer, as well as Mike Savage, MP for Dartmouth—Cole Harbour, for their initiative and persistence in introducing, reintroducing and supporting — in five different sessions — a bill to recognize throughout Canada, in each and every year, the fifteenth day of November as National Philanthropy Day. Such strong work was obviously the inspiration behind the statement made on October 21, 2009, by the Minister of Canadian Heritage, declaring November 15 as National Philanthropy Day, while this bill continues to languish in committee in the other place.

According to the Association of Fundraising Professionals, “Canada is the first country to officially recognize National Philanthropy Day since its creation in 1986.” National Philanthropy Day “is celebrated around the world as a day to recognize the work of charities and remember the extraordinary achievements that philanthropy — giving, volunteering and social engagement — has made in all aspects of life.”

[*Translation*]

Honourable senators, the word “philanthropy” is Greek in origin and means “love for mankind.” I would like to honour Canadians' generosity by recognizing the importance of National Philanthropy Day. According to Imagine Canada, 84 per cent of Canadians donate to charitable organizations and 12.5 million Canadians do volunteer work.

Philanthropy has become even more important during this time of economic crisis. More than half of those responding to a Barclays Wealth survey were demonstrating social responsibility during this difficult economic period. I have no doubt that Canadians appreciate volunteer work, and I would like to thank all volunteers and donors for their contributions that make Canada a better country.

[*English*]

The worldwide importance of giving, volunteering, social engagement and compassion has recently been emphasized by the Charter for Compassion, unveiled on November 12 of this year. The Charter for Compassion is a cooperative effort to restore not only compassionate thinking but, more important, compassionate action to the centre of religious, moral and political life. The charter, crafted by people all over the world and drafted by a multi-faith, multinational council of thinkers and leaders, seeks to change the conversation so that compassion becomes a key word in public and private discourse.

I encourage all Canadians to continue their volunteer work and philanthropic endeavours, and to continue to recognize National Philanthropy Day by contributing some time or resources to positive change.

[*Translation*]

ASSISTANCE FOR LOW-INCOME CANADIANS

Hon. Suzanne Fortin-Duplessis: Honourable senators, Canadians know that our government, under the leadership of Prime Minister Harper, favours reducing taxes and has given Canadians tax breaks totalling more than \$200 billion. But today, I would like to talk about a Canadian initiative that we have introduced for persons with disabilities.

In Budget 2007, our government proposed to establish a registered disability savings plan or RDSP to help persons with disabilities and their families save for the future. There is no annual contribution limit, but the lifetime contribution limit is \$200,000. The government will provide a matching grant of up to \$3,500 a year, depending on the amount contributed and the beneficiary's family income, with a lifetime limit of \$70,000.

The government will also deposit a bond of up to \$1,000 a year into the RDSPs of low-income and modest-income Canadians. It is not necessary to contribute to an RDSP to receive a bond, and the lifetime limit is \$20,000.

Since this plan came into effect late last year, more than 15,000 RDSPs have been opened. The Government of Canada has paid more than \$50 million in grants and bonds to persons with disabilities and their families. In addition, we are investing \$1 billion over two years in renovations and energy-efficiency upgrades to social housing, including modifications that will benefit persons with disabilities, as well as an additional \$75 million over two years to build new social housing units for the disabled and \$20 million in each of two years to make federally-owned buildings more accessible.

I spoke earlier about the tax relief we have given Canadians. Our government is putting more money into taxpayers' pockets by doubling the assistance provided through the working income tax benefit.

Honourable senators, I am proud to be able to say that our government is providing Canadians with real assistance.

[*English*]

SIR WILFRID LAURIER DAY

Hon. Hugh Segal: Honourable senators, there are occasions when the work of those who previously served among us in this place, and before some of us arrived, remind us of the importance of the history we share.

I speak, of course, of the efforts of Senator John Lynch-Staunton in ensuring that each November 20 is known as Sir Wilfrid Laurier Day.

Senator Lynch-Staunton led the efforts that saw both members of the Senate and the other place declare Laurier's birthday a day of national commemoration, along with that of January 11, which is, as every Kingstonian knows, Sir John A. Macdonald Day.

While it was Macdonald who is rightly known as Canada's founding father, it was Laurier who hardened — to use a phrase of Sir John A.'s — Confederation's gristle into bone as the 20th century dawned.

Laurier's accomplishments, including his founding of the Royal Canadian Navy in 1910, with the support of Opposition Leader Borden, are too numerous to cite completely in the time available. However, in considering the current leadership of the party to which senators opposite belong, I would be remiss if I did not at least mention the decades Sir Wilfrid sat in opposition.

Laurier became leader of the Liberal Party in 1887, and he spent nearly a decade in the wilderness before reaching the top of what Disraeli called the "greasy pole." When he was defeated by the great Nova Scotian, Robert Borden, Sir Wilfrid spent another eight years in opposition. He persevered; he served; he built — from the government and the opposition benches. His efforts in opposition were principled and very effective.

This is but one part of the stellar Laurier legacy the great man left Canada's Liberals, and all Canadians benefited from his patience and determination.

Laurier did one more important thing. He separated the Liberal Party from the Lord Durham/George Brown antipathy to the standing of French Canada and the Roman Catholic Church. Laurier embraced the Confederation-building partnership between Macdonald and Cartier, and brought the party into the political mainstream.

My own city's Sir John A. Macdonald recognized that his opponent had a great future. Only a month before Macdonald died, as recorded by Sir Joseph Pope, his private secretary, Laurier dropped in on Sir John A. to discuss a parliamentary matter.

• (1350)

When Laurier had left, Sir John A. turned to Pope and said, "Nice chap, that. If I were 20 years younger, he'd be my colleague."

"Perhaps he may be yet," said Pope.

"Too old," said Sir John, "too old."

I hope all senators, regardless of political affiliation, will join me in honouring Sir Wilfrid Laurier this week.

REMEMBRANCE DAY

Hon. Nicole Eaton: Honourable senators, on November 11, I had the honour of representing Veterans Affairs Minister Greg Thompson at Remembrance Day ceremonies at both the Toronto Stock Exchange and at Queen's Park.

I realized, looking at the assembled crowd at the Queen's Park cenotaph, that my generation is the lucky one. We did not have to survive the Great Depression or either great wars; nevertheless, stories at family mealtimes gave me and so many others of my age a direct and real connection to these historical events.

Whether it was from my grandfather who flew in the Royal Flying Corps in 1915 telling us about the important roles First Nations snipers played in the trenches, or my father's tales as a young naval lieutenant on a Corvette hunting German submarines in the North Atlantic, these stories at family meals reinforced the concepts of heroism, selflessness, love of country and the importance of fighting for one's freedom.

What of future generations when there is no longer a living connection to events in the 20th century? Honourable senators, only 4 out of 10 Canadian provinces teach Canadian history in high schools.

If you have not read about Champlain's first settlement in Canada in Port Royal in 1605; if you have no idea who dismissed us as "quelques arpents de neige" at the end of the Seven Years' War and why the names of James Wolfe and the Marquis de Montcalm became forever linked on September 13, 1759; if you do not understand the hard-won compromise that our first Prime Minister, John A. Macdonald, wrought with the Fathers of Confederation in 1867, or the grit and endurance it took to open up the West, or that in 1881 the last spike of the Canadian Pacific Railway in B.C. linked us from Atlantic to Pacific forever, how can you possibly value and cherish this democracy of ours?

If young Canadians today are not taught the history of this great country, will they be prepared to defend us; to keep us "true north strong and free"; to protect our way of life, our shared values of freedom, democracy, human rights and the rule of law? How will we keep the torch of remembrance burning bright if our history, our proud and valiant Canadian history, is not taught in schools in every province and territory? Lest we forget.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Bogdan Aurescu, State Secretary for Strategic Affairs, Ministry of Foreign Affairs of Romania, who is accompanied by Her Excellency Elena Stefoi, Ambassador of Romania; Mr. Daniel Ionita, Director of Security Policy; Mr. Cosmin Onisii, Head of the U.S. Canada Division; and Mr. Adrian Grigoras, Third Secretary.

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

Hon. Senators: Hear, hear.

[*Translation*]

ROUTINE PROCEEDINGS

STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

FOURTH REPORT OF FISHERIES AND OCEANS—
GOVERNMENT RESPONSE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government's response to the fifth report of the Standing Senate Committee on Fisheries and Oceans, entitled *Nunavut Marine Fisheries: Quotas and Harbours*.

TAX CONVENTION IMPLEMENTATION ACT, 2009

FIRST READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) introduced Bill S-8, An Act to implement conventions and protocols concluded between Canada and Colombia, Greece and Turkey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

(Bill read first time.)

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

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

[*English*]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

FOURTH PART, 2009 ORDINARY SESSION
OF PARLIAMENTARY ASSEMBLY OF COUNCIL
OF EUROPE, SEPTEMBER 28-OCTOBER 2, 2009—
REPORT TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association to the Fourth Part of the 2009 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, from September 28 to October 2, 2009.

[Translation]

CONTRABAND TOBACCO IN CANADA

NOTICE OF INQUIRY

Hon. Hugh Segal: Honourable senators, pursuant to rule 56, I give notice that, two days hence:

I will call the attention of the Senate to the seriousness of the problem posed by contraband tobacco in Canada, including the grave ramifications of the illegal sale of these products to young people, the detrimental effects on legitimate small businesses and the threat on the livelihoods of hardworking convenience store owners, and the ability of law enforcement agencies to combat those who are responsible for this illegal trade throughout Canada.

QUESTION PERIOD

NATIONAL DEFENCE

RECRUITMENT OF ARMED FORCES PERSONNEL

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. I would like to return to the question I asked yesterday with respect to the recruitment of Armed Forces personnel. Although results seem to be positive, which is not the case for all trades, an increasing number of academic institutions in our country do not allow military recruiters on their campuses to recruit the best students to serve our nation and to participate, if required, in operations abroad in the name of democracy.

Does the government intend to take direct action to have these institutions change their policies in that regard?

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank the honourable senator for the question. Honourable senators, as I indicated yesterday, Chief of the Defence Staff Natynczyk has produced some encouraging statistics about recruitment in the Armed Forces.

Certainly, it is to be hoped that our Canadian Armed Forces have access to all of the institutions in Canada in order to promote the values and the benefits from serving in our Armed Forces. I cannot specifically respond to the various policies and decisions made by individual universities and post-secondary schools. However, I will raise Senator Dallaire's concerns. They are concerns, and perhaps one of the reasons for those concerns, as indicated by my colleague Senator Eaton, is, unfortunately, there has been a lack of proper teaching in high schools of

Canadian history. Therefore, there is not the same desire to pursue a military career because of this lack of knowledge and understanding of our history.

• (1400)

However, I will ask the Minister of National Defence about any specific endeavours to address this serious problem with some of our colleges and universities.

[Translation]

Senator Dallaire: Could the minister verify whether the attitude is the same for recruiting RCMP members, the armed soldiers who secure the borders, or game wardens? This situation may have something to do with the weapons.

However, in the context you just referred to, the response is nonetheless positive. As far as recruitment is concerned, it is true that National Defence, like all the other departments, is subject to strategic review and budget cuts. Some people say that operational budgets are back down to what they were three years ago, when the current government came into office.

Some are also saying that, even if a lot of people were recruited, there would not be enough financial resources to train them to be operational. Is it possible that the National Defence budget has been reduced in order to decrease the operational capability to support operations?

[English]

Senator LeBreton: I do not know. With the amount of money that the government has invested in National Defence, I find it hard to believe that when we are trying to encourage people to join our military forces, we would take actions to impede them from joining.

With regard to the RCMP and border security officers, I will attempt to find out what recruitment processes are in place by those agencies and how they enter our post-secondary educational institutions. Canadian citizens and younger Canadians, when they consider their future career path, should have as an attractive option all the various ways to serve Canada, including the military, border services, police, health care or whatever. Hopefully these careers are equally attractive to our young people entering the workforce, but I will specifically seek information on the various practices used by Department of National Defence, border services and the RCMP in terms of recruitment.

BUDGET CUTS

Hon. Roméo Antonius Dallaire: Honourable senators, it seems incomprehensible, when the forces are stretched and in operations in the field, that budget cuts are being considered in the Department of National Defence to the extent where quality of life and care for the troops, particularly for those who are injured, may be affected by the availability of operational funds due to the requirement of the department to meet the strategic review imposed by the central agencies.

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I am mystified by Senator Dallaire's blanket statement that there have been budget cuts at the Department of National Defence. This government has

massively increased the budgets of the Department of National Defence after a “decade of darkness,” to quote a former Chief of the Defence Staff. Senator Dallaire makes a statement that is not borne out by fact. As I said in my earlier response, I will ascertain the recruitment and follow-up procedures of the Department of National Defence, Public Security Canada and the RCMP.

Senator Dallaire: I am not talking about the Capital Acquisition Support Program; I am not even debating the personnel envelope. I am speaking of the operations and maintenance envelope. It is going through a strategic review, like every other department, and rumours are it will be cut to the 2006 level. I request that you review that envelope and come back to us as to whether budget cuts will take place in the Department of National Defence to meet a strategic review.

Senator LeBreton: Honourable senators, Senator Dallaire can properly understand that I cannot answer questions in response to rumours. Having participated in strategic review, in many cases the department is reviewing its own programs and reallocating funds to programs within that the department deems important. I am certain that, as we go through the strategic review process, rumours will run rampant. We have known that for years, but I cannot and will not respond or answer a question based on a rumour.

FINANCE

REPORT OF PRIVACY COMMISSIONER— FINTRAC INFORMATION COLLECTION

Hon. Joan Fraser: Honourable senators, my question is directed to the Leader of the Government in the Senate. Yesterday, we learned from the Privacy Commissioner, Jennifer Stoddart, that the Financial Transactions and Reports Analysis Centre of Canada, which is mercifully better known as FINTRAC, has in its database a considerable amount of information that should not be there — some information it does not have the statutory authority to have and some information it may have the statutory authority to have but is not necessary for FINTRAC to do its job, which is tracking money that might be used for terrorist financing and money laundering.

One recommendation Ms. Stoddart made in her audit report was that FINTRAC “should permanently delete from its holdings all information which it did not have the statutory authority to receive.”

Sounds simple and indeed FINTRAC said, yes, we agree, but then went on to say, but of course, those are complicated technical questions that will take a long time and will cost a lot of money; in the meantime, we will continue to explore and develop new ways to achieve this goal.

Anyone who has been watching bureaucracy for any length of time knows this response is not a commitment for immediate action.

Can the Leader of the Government in the Senate tell us what steps the government will take to ensure that that information, which should never have been in the database to begin with, is deleted rapidly?

[Senator LeBreton]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, as Senator Fraser well knows, every two years the Privacy Commissioner audits FINTRAC to ensure that FINTRAC protects information it receives and collects. The audit reviews FINTRAC’s programs and information management processes where privacy concerns may exist. FINTRAC has accepted the Privacy Commissioner’s recommendations from this most recent audit. FINTRAC has assured the government that it recognizes the importance of ensuring its database contains only information it is authorized to hold. I understand that FINTRAC is now taking steps to limit information it receives from reporting entities, and is developing a framework to destroy quickly all extraneous information reporting entities may have sent to them.

Senator Fraser: Honourable senators, I hope that is the way it works out. What Ms. Stoddart said about FINTRAC is a reminder of a more generalized concern, difficulty, problem, that exists, particularly in this era of concern about terrorism. The Government of Canada or its bodies have many lists. The government has lists not only under FINTRAC. It has no-fly lists; it has lists of terrorist individuals or organizations, not to mention the various lists and databases that exist within the Canadian Security Intelligence Service, the RCMP, et cetera. We all know, because these lists are compiled by human beings, that sometimes inaccurate information appears there; sometimes people appear on a list who have no business being there. Maybe they had a reason to be on the list in year 1, but in year 1 plus 10 or 20 years, they no longer deserve to be on those lists. However, nowhere does there seem to be any clear policy to get people’s names off these lists. Periodically, in committee, I have asked the heads of various agencies how one gets off their lists or out of their data bases once one is in them or on them, and the response has tended to be a rather pitying smile, followed by evasion of the issue.

• (1410)

Can this government assure us that it will adopt a policy to ensure that while necessary information is compiled and retained, those accumulations of unnecessary, irrelevant and often erroneous information will regularly be purged from all of these databases?

Senator LeBreton: I thank the honourable senator for the question. Obviously, this subject is of great concern. We have a Privacy Commissioner who made a report, FINTRAC has accepted the report, and they have made assurances to the government. We must have faith in our institutions, in our bureaucracy, and in people like the Privacy Commissioner in that the recommendation has been made and assurance has been given to the government. It is not something that the government takes lightly, but on the other hand, we have to have faith and trust in the individuals that we put in positions of responsibility to pay heed to the recommendations of the Privacy Commissioner and live up to the commitments they have made to the government to quickly dispose of information that has been sent to them that they have no requirement for.

Therefore, I will not prejudge the system. We have every reason to have great faith in our system. We have the Privacy Commissioner, an officer of Parliament, who takes her position seriously and has looked at this matter and made

recommendations. FINTRAC, in this case, has made some commitments to the government, and we are beholden to give them a chance to live up to those commitments.

With regard to the no-fly list, Transport Canada has worked with the Privacy Commissioner, and hopefully that situation will also improve.

However I, quite rightly, will not comment on editorializing about the body language of the public servants who appear before committees.

Senator Fraser: I was not asking the minister to do so; I was just giving her the closest faithful report that I could of experience I have had while a senator.

However, what I was urging the leader and her colleagues to take into serious consideration is that we are dealing with a systemic tendency. It is not a partisan difficulty. These lists were being compiled under predecessor governments and will continue to be compiled under successor governments. I am asking the minister to take back to her colleagues a request that the Government of Canada put in place a policy and mechanisms to eradicate erroneous or unnecessary information in order to combat the systemic tendency, which exists always and everywhere, but particularly now, to compile more information than is necessary and to keep it on file even when it is erroneous. It is quite simple, but it is a very important problem.

Senator LeBreton: Of course, it is a serious issue, and there are always allegations of systemic problems. I go back to my original answer, and that is that FINTRAC, in particular, has committed to developing a framework to quickly destroy all extraneous information that reporting entities may send to them. I do believe, as a result of the Privacy Commissioner's report and FINTRAC's response, that we should allow them to do their work. I know they take it seriously. Let us have a little faith in the people responsible for these files.

On the other hand, I will make my colleagues aware of the honourable senator's concern about the systemic tendency of collecting and holding on to information that is no longer necessary.

ECONOMIC STIMULUS FUNDING FOR ABORIGINAL COMMUNITIES

Hon. Elizabeth Hubley: Honourable senators, there is an Aboriginal community in my province that is still waiting to hear whether their application for infrastructure funding under the stimulus program will be approved. The Lennox Island First Nation is attempting to improve woefully inadequate infrastructure in its community, particularly, by upgrading the roads.

Can the Leader of the Government in the Senate indicate why there has been no federal contribution to this project despite the fact that the provincial government has already approved \$500,000 for it?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I am not aware of that particular application, but I am happy to take the question as notice and find out.

Senator Hubley: Honourable senators, it has been suggested that Prince Edward Island is the only province in Canada whose Aboriginal population has not received a single penny in stimulus funding. Can the minister confirm that that is the case?

Senator LeBreton: Honourable senators, likewise, I cannot confirm that that is the case since I have absolutely no knowledge of it. I will simply take the question as notice.

Senator Hubley: Can the minister indicate whether it included Aboriginal communities in its plans when it negotiated agreements with the provinces for infrastructure projects within the stimulus program? Were there no assurances sought that Aboriginal communities would be guaranteed at least some portion of the overall funding?

Senator LeBreton: Honourable senators, in terms of the infrastructure program, as the honourable senator knows, the federal government has worked with municipal and provincial governments. In terms of the Aboriginal stimulus, there has been considerable work done in Aboriginal communities and many important projects are under way. With regard specifically to Prince Edward Island and the honourable senator's targeted question, I will, unfortunately, have to take the question as notice because I do not know.

Senator Hubley: I certainly appreciate that. Given the nature of this infrastructure program having to do with roads, it is critical that we have an answer as soon as possible.

Senator LeBreton: As I committed yesterday to Senator Callbeck to get an answer with regard to diabetes funding, I will be happy to try to get an answer as soon as possible.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

EMPLOYMENT

Hon. Jeremiah S. Grafstein: Honourable senators, my question is for the Leader of the Government in the Senate. I want to return to the subject I have been raising in the Senate since our return in September, namely, the disconnect between the financial market recovery — the real economy's recovery — and the jobless recovery. There is growing evidence that the thesis is correct, that there is a disconnect between the two economies, and Toronto is in the lead of suffering from this disconnect. In the November 13 *National Post*, on page A15, there is an article, entitled, "Joblessness dragging down city: experts."

In the article, it indicates that joblessness in every category save for one, is dragging down the city. The only categories that are different are autos and housing, and housing is artificially inflated, according to experts, because of low mortgage interest rates. I am not quibbling with that; it is at least one good thing that may be happening.

• (1420)

Having said that, it appears to me and other economic experts that the stimulus package, which we all hoped would work, is not working. The Economic Action Plan is not cutting it when it comes to creating jobs. If there are jobs, they are temporary or part-time jobs and not full-time jobs. The evidence is now overwhelming that this is the case.

Can the Leader of the Government in the Senate indicate, assuming for the moment that she takes the thesis that the stimulus package is not working, what plan B is in case it does not work? We are running out of money.

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, the senator just said that the stimulus package was not working and then said “in case it is not working.” Which is it, honourable senators?

I am not an economist. I can only rely on what I also read in the newspapers. This situation is occurring not only in Canada but also around the world because of the global economic downturn. The stimulus packages of the various governments, as agreed to on November 15 in Washington this time last year, has had a major impact on the economy. Of course, it is a fragile situation. There are some hopeful signs that some parts of the economy are recovering. In this country, there are places where they have not felt the economic downturn like they have in other parts of the country, for example, in southern Ontario with its manufacturing industry. However, there are also some encouraging signs with regard to the auto industry.

Senator Grafstein talked about the housing industry and the fact that we have had low interest rates, but another influencing factor has been the stimulus package on home renovations. A massive stimulus has been injected into the economy as people participate in those programs. One need only talk to people who work at Home Depot, Rona or one of the lumber supply companies to know that.

Honourable senators, this government and the Minister of Finance has always said — and this is also the case not only in the Canadian context but also in the American context — that job recovery will lag behind any recovery that may take place in the economy. Parts of the country have been much harder hit. The honourable senator specifically mentioned the city of Toronto. That is why the government, twice now, has extended Employment Insurance benefits. That is why we brought in programs like job sharing, older worker retraining, job retraining, and support through the Employment Insurance fund, so that people could go back to school and to learn new trades. The government has done a host of things to address this downturn with, I would argue, some great success.

Having said that and while the actions of the government have helped, I do believe that we have some way to go in terms of the employment numbers. Although unemployment numbers have been going up, there has been a decline month over month in the number of people who are joining the unemployment rolls.

Honourable senators, there is no easy answer. The government, by its programs and various incentives, including the stimulus package — which has worked — has helped immensely in

providing employment for Canadians. However, we are still part of the global economic condition. Canada is thankfully still best positioned to be one of the first countries to come out of this global economic downturn and many economists bear this out.

Senator Grafstein: Honourable senators, I want to bring to the attention of the Senate some facts because the minister raised the question of sales in some categories. Attached to this article on Friday, November 13 is a category of all the retail sales in Toronto. Every category is down in terms of gross numbers of sales from August 2008 to August 2009. The numbers in September do not look good, either. The categories are: furniture stores, home furnishings, computer sales, home electronics, supermarkets, convenience stores, pharmacies, gasoline stations, clothing stores — shoes, clothing and accessories — sporting goods, and general merchandise. All of these numbers are down.

As a result, again based on this article, the number of people on welfare jumped in September. The numbers from last year to this year went from 92,000 cases and 155,000 last August to 94,000 cases and 158,000 people — a huge jump. The experts here, who were quite neutral, said that “unemployment has always been a significant lag factor,” which confirms the leader’s thesis when it comes to economic trends. However, none of the other data indicates Toronto has turned a corner to any significant degree.

Honourable senators, there is a valid, factually-based position that the stimulus package as currently crafted is not working as it applies to jobless figures for the largest city in Canada. These are the facts.

Will the government take a fresh look at its facts that the leader is presenting here? The leader is given facts in a briefing notebook, but the facts appear to be in conflict with independent observers.

An Hon. Senator: Who wrote that?

Senator Grafstein: His name is professor —

The Hon. the Speaker: Order. Regrettably, honourable senators, the time for Question Period is over. This might be an apt opportunity to underscore that it is Question Period and not time for debate.

[Translation]

ORDERS OF THE DAY

GOVERNANCE OF CANADIAN BUSINESSES EMERGENCY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator P  pin, for the second reading of Bill S-235, An Act to provide the means to rationalize the

[Senator Grafstein]

governance of Canadian businesses during the period of national emergency resulting from the global financial crisis that is undermining Canada's economic stability.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I see that this bill is on the Order Paper at day 14. I have not concluded my research on the subject, and I move adjournment for the remainder of my time.

(On motion of Senator Comeau, debate adjourned.)

• (1430)

[English]

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY

MOTION TO SUPPORT RESOLUTION ON WATER MANAGEMENT IN THE OSCE AREA ADOPTED AT SEVENTEENTH ANNUAL SESSION—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Banks:

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

RESOLUTION ON WATER MANAGEMENT IN THE OSCE AREA

1. Reiterating the fundamental importance of the environmental aspects of the OSCE concept of security,
2. Recognizing the link between natural resource problems and disputes or conflicts within and between states,
3. Noting the opportunities presented by resource management initiatives that address common environmental problems, including local ownership and sub-regional programmes and co-operation amongst governments, and which promote peace-building processes,
4. Recalling the OSCE's role in encouraging sustainable environmental policies that promote peace and stability, specifically the *1975 Helsinki Final Act*, the *1990 Concluding Document of the CSCE Conference on Economic Co-operation in Europe* (Bonn Document), the *1999 Charter for European Security* adopted at the Istanbul Summit, the *2003 OSCE Strategy Document for the Economic and*

Environmental Dimension (Maastricht Strategy), other OSCE relevant documents and decisions regarding environmental issues, and the outcome of all previous Economic and Environmental Fora, which have established a basis for the OSCE's work in the area of environment and security,

5. Recognizing that water is of vital importance to human life and that it is an element of the human right to life and dignity,
6. Noting the severity of water management issues and the scarcity of water resources faced by many states in the OSCE region, affected in particular by unregulated social and economic activities, including urban development, industry, and agriculture,
7. Concerned by the impact of poor water management systems on human health, the environment, the sustainability of biodiversity and aquatic and land-based eco-systems, affecting political and socio-economic development,
8. Concerned by the more than 100 million people in the pan-European region who continue to lack access to safe drinking water and adequate sanitation,
9. Concerned by those areas and people in the North American region of the OSCE space without access to safe drinking water and sanitation,
10. Concerned by the potential for water management issues to escalate if options to address and reverse the problem are not duly considered and implemented,
11. Recognizing the importance of good environmental governance and responsible water management for the governments of participating States,
12. Applauding the work of the Preparatory Seminar for the Tenth OSCE Economic Forum which took place in 2001 in Belgrade and which focused on water resource management and the promotion of regional environmental co-operation in South-Eastern Europe,
13. Applauding the work of the 15th OSCE Economic and Environmental Forum and its preparatory meetings, "Key challenges to ensure environmental security and sustainable development in the OSCE area: Water Management," held in Zaragoza, Spain,
14. Applauding the OSCE's *Madrid Declaration on Environment and Security* adopted at the 2007 Ministerial Council which draws attention to water management as an environmental risk which may have a substantial impact on security in the OSCE region and which might be more effectively addressed within the framework of multilateral co-operation,

15. Expressing support for the efforts made to date by several participating States of the OSCE to deal with the problem, including the workshop on water management organized by the OSCE Centre in Almaty in May 2007 for experts from Central Asia and the Caucasus,

The OSCE Parliamentary Assembly:

16. Calls on the OSCE participating States to undertake sound water management to support sustainable environmental policies;
17. Recommends that the OSCE participating States pursue and apply the measures necessary to implement the 2007 *Madrid Declaration on Environment and Security*;
18. Recommends that such water management and oversight activities include national, regional and local co-operative initiatives that share best practices and provide support and assistance amongst each other;
19. Recommends that the OSCE participating States adopt the multiple barrier approach to drinking water protection, with particular attention to water tables, in their national, regional and local regulations to ensure that people living throughout the OSCE space have access to safe drinking water;
20. Recommends that the OSCE participating States consider developing more effective national, sub-national and local results-based, action-oriented and differentiated approaches to sound water management policies;
21. Encourages the OSCE participating States to continue their work with other regional and international institutions and organizations with respect to water management solutions, providing for the establishment of supranational arbitral commissions with decision-making powers delegated by the States;

And on the motion in amendment of the Honourable Senator Prud'homme, P.C., seconded by the Honourable Senator Comeau, that the words "That the Senate endorse" at the beginning of the motion be replaced by the words "That the Senate take note of".

Hon. Jerahmiel S. Grafstein: Honourable senators, I really do not want to speak to Item No. 8 per se. I would rather speak to the motion in amendment moved by my honourable colleague Senator Prud'homme and seconded by the Deputy Leader of the Government, Senator Comeau, which is that the Senate, rather than endorse, replace the words "That the Senate take note of." The motion now stands in the name of Senator Cools, but I would like to spend a few minutes addressing that particular motion and the inappropriateness of that motion for this resolution, if I might, with the honourable senator's consent.

Hon. Anne C. Cools: Gladly. I yield the floor to Senator Grafstein. It is my intention that, of course, the adjournment will revert back to me at the end.

Hon. Marcel Prud'homme: On this issue, I would like to bring a matter to the attention of honourable senators in order to eliminate in the future many useless and sad debates. A decision was rendered by the Speaker *pro tempore*, the Honourable Senator Losier-Cool, on February 2, 2007, talking about who has the right to speak and who can hold up debate, about which we had a debate — not an acrimonious one — two weeks ago.

The Speaker *pro tempore* said:

This does not mean that the senator in whose name an item is adjourned has a monopoly on speaking to it next and can therefore hold up debate. This matter was addressed in a ruling by Speaker Molgat on December 10, 1996, which appears on page 744 and 745 of the *Journals*. This ruling noted that, although an item of other business may be adjourned in a particular senator's name, this "... does not give that senator alone the right to decide if that item will be proceeded with, though it has sometimes appeared that way because of the courtesy usually extended by the Senate towards the senator who adjourned the item. The ruling goes on to note that "Should the Senate decide to debate the item, the senator who had adjourned it will usually be accorded the opportunity to speak first; otherwise any other senator will be recognized to speak." Therefore, a senator in whose name an item is adjourned has the right to speak first when it is next debated. If, however, another senator is ready to speak and the senator in whose name the item stands is not, the senator who is ready to speak has every right to do so.

I would like to bring to our attention that this was a good ruling, and I stand by that ruling. Therefore, Senator Cools, of course, will keep her place as having adjourned the motion, but any senator can stand up, as Senator Grafstein is doing, to say a few words on debate.

Senator Grafstein: I am very familiar with that ruling. That is why I sought to address the Senate on this particular amendment. However, it is common practice, not necessarily the rules, that one gives the senator who took the adjournment the courtesy of asking whether or not he or she would consent to my speaking in advance, which I have just done and which Senator Cools affirmatively nodded to. I followed the procedure and I followed the custom and the practices of the Senate.

I always appreciate any help the Honourable Senator Prud'homme can give me. I need all the help from him that I can get.

Having said that, it is important that we deal with the substance of the procedural motion as it relates to the major motion. The procedural motion is, rather than to approve or to let the Senate opine on the substance of the recommendations, that it would be better to just take note of it. I want to speak to that narrow point as it applies to the subject matter of this bill.

What is the subject matter of this bill? It is the question of water as it applies to our resources and as it applies to drinking water. In both categories, with independent evidence before two, three or

four committees of the Senate, it has been demonstrated that the drinking water in this country is continuing to deteriorate for lack of proper regulation and that the sources of clean water continue to evaporate.

Let me mention three points on the substance, and I will try to be mercifully brief.

In 2005, the Commissioner of the Environment and Sustainable Development, in a report to the other place, Chapter 4, entitled *Safety of Drinking Water: Federal Responsibilities*, makes it clear that this area of supervision of both drinking water and the sources of drinking water have been woefully neglected by governments: the federal government in its pure jurisdiction, and others.

The report goes on to say at the end, which is the telling point, that the voluntary guidelines in place for drinking water, in effect, are not clear and not enforced, too little and too weak. That is all in the report of the Commissioner of the Environment and Sustainable Development in 2005.

As senators know, the question of debating the issue of drinking water and the source of drinking water has been in the Senate now for almost a decade, all because of our good friend Senator Watt. He brought that issue to my attention because of the woeful situation as it applied and continues to apply to at least two thirds of all the Aboriginal communities in this country, where they are at medium or high risk in terms of the clean drinking water. Other senators have been listening to some of this evidence, but I will return to it.

An article appeared in the *Ottawa Citizen* on October 16, 2007 entitled "Air gets dirtier, water even worse." That is referring to a Statistics Canada report about the deterioration of our water.

Then there was an article in the *Toronto Star*, April 3, 2008 entitled "Protect Canada's water, Ottawa urged." The Sierra Club environmental group and the Canadian Centre for Policy Alternatives, a progressive think-tank, also participated. The article reads:

The study, which outlines the water shortage crisis in the United States, says Canada's renewable freshwater supplies are roughly only 40 per cent of what they had previously been thought to be — 2.6 per cent of the world's supply rather than 6.5 per cent.

Therefore, there has been a two-thirds deterioration in our water sources. The situation continues to deteriorate for our drinking water and its sources. Practically every expert agrees with the thesis, but the question really is, what to do about it.

In order to bring some best practices to Canada, this issue was debated and has been debated at the OSCE for the better part of a decade. I must say they have made tremendous progress.

I point out to Senator Prud'homme that one of the purposes of going to an international meeting is to learn best practices of other countries and to see whether or not we can learn from them. It is not a question of supporting or not supporting; it is a

question of bringing back those best practices to Canada. The resolution that is the subject matter of this amendment was endorsed unanimously. I participated in those debates, in committee, with 56 countries. I only want to draw attention, not to the long preamble to which Senator Prud'homme referred, but to the action plan. It is usually a few small paragraphs saying what to do next.

• (1440)

I refer honourable senators only to what to do next. I refer only to the last three points of six in the action plan. The points are not long; they are not difficult to read. They appear on page 21 of the Order Paper.

19. Recommends that the OSCE participating States —

— of which Canada and the United States are equal members —

adopt the multiple barrier approach to drinking water protection, with particular attention to water tables, in their national, regional and local regulations to ensure that people living throughout the OSCE space —

— this includes Canada —

— have access to safe drinking water;

We do not.

20. Recommends that the OSCE participating States consider developing more effective national, sub-national and local results-based, action-oriented and differentiated approaches to sound water management.

We do not.

21. Encourages the OSCE participating States to continue their work with other regional and international institutions and organizations with respect to water management solutions, providing for the establishment of supranational arbitral commissions with decision-making powers delegated by the States.

Europe does this. We do not.

The reason we do not is clear. We have a belief in this country, which is hard to overturn. That is why it is important, honourable senators, to have the Senate speak with one voice. We need to say that we want action on these fronts. We do not need only "to take note." We have taken note for a decade. We have taken note at Walkerton; we have taken note at Battleford; we have taken note in Aboriginal communities since the beginning of Confederation. Still, there is no action.

This is an action plan. It is not my action plan, it is an action plan supported unanimously by 56 countries. I urge honourable senators not to adopt this amendment, but rather to support the resolution fulsomely.

Senator Prud'homme: May I ask Senator Grafstein a question?

Senator Grafstein: Yes.

Senator Prud'homme: When one arrives with a motion asking us to say we agree, then we agree. That is the end of the debate. Putting forward an amendment has prompted the honourable senator to rise and explain something that is extremely important. I know that Senator Cools will also participate and bring more food to the table on an important matter.

Does the honourable senator accept that there was some good in having an amendment by allowing him, therefore, to speak longer on this important issue to which he has attached so much importance internationally and here in the Senate?

Senator Grafstein: I did not have an opportunity to respond yesterday to Senator Prud'homme's comments about the difference between "condemnation" and "taking note," which I intend to do.

However, I agree with him. One reason I disagreed with the honourable senator yesterday is because he said that he read resolution after resolution that I put on the Order Paper, as if the resolution came from me. This resolution does not come from me. It comes from international organizations.

Why put the same resolution, or a variation of the resolution, on the Order Paper year after year? The reason is exactly the reason he gave. It is to bring to the attention of the Senate and, through the Senate, to the Canadian public over and over again this matter of paramount importance, which has been growing.

Honourable senators, I agree with the first part of Senator Prud'homme's comments. Hopefully he will agree with the second part to put multiple resolutions on the Order Paper to convince him and other senators who are not up to speed on some of these issues that this issue might perhaps commend itself to public action.

The Hon. the Speaker: Honourable senators, the question before the house is the motion in amendment. Is it agreed that it continues to stand in the name of the Honourable Senator Cools?

Hon. Senators: Agreed.

(On motion of Senator Cools, debate adjourned.)

(The Senate adjourned until Thursday, November 19, 2009, at 1:30 p.m.)

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