



CANADA

# Debates of the Senate

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2nd SESSION

•

40th PARLIAMENT

•

VOLUME 146

•

NUMBER 72

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, November 24, 2009**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

## CONTENTS

(Daily index of proceedings appears at back of this issue).

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Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
**Also available on the Internet: <http://www.parl.gc.ca>**

## THE SENATE

Tuesday, November 24, 2009

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in the gallery of the Honourable John Bryden, our former colleague in the Senate of Canada, and his wife Lorrie Bryden.

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

## SENATORS' STATEMENTS

### TRIBUTES

#### THE HONOURABLE JOHN G. BRYDEN

**The Hon. the Speaker:** Honourable senators, pursuant to rule 22 (10) of the *Rules of the Senate*, the Leader of the Opposition requests that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable John Bryden, who resigned from the Senate on October 31, 2009.

I remind senators that pursuant to the *Rules of the Senate*, each senator may speak once and for three minutes only. Tributes to Senator Bryden will continue under Senators' Statements for 30 minutes and any time remaining after tributes may be used for other Senators' Statements. Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, I rise to pay tribute to Senator John Bryden, who resigned from the Senate on October 31. Senator Bryden decided to retire three years early, but since he has packed several lifetimes of work into one, I think he can be forgiven. He has been a successful businessman, lawyer, public servant, campaign organizer extraordinaire and politician. He even claims that at one time he sold life insurance. Together with Lorrie, his wife and partner of more than 50 years, Senator Bryden calls home a small farm where he was born and raised on the shores of the Northumberland Strait; so add farmer to his long cv., and hunter and fisherman as well.

He did not start out to become active politically. Originally, he thought he would become an academic and teach at a university. He attended Mount Allison University and then the University of Pennsylvania as a Woodrow Wilson Scholar, where he pursued doctoral studies in philosophy. Happily for us he decided to

switch from the philosophical study of justice to a more active pursuit of that ideal, and he returned to New Brunswick to study law.

In 1969, he became Deputy Minister of Justice in the New Brunswick government of then Premier Louis Robichaud. Senator Bryden resigned his position when Richard Hatfield was elected premier, and, never one to stand idly by, ran for the leadership of the Liberal Party of New Brunswick, first in 1971 and again in 1978. He came pretty close in 1978 on the first ballot by finishing just 53 votes behind Joseph Daigle, the eventual winner.

He then turned from running for election to helping others to win them. In 1984, he was persuaded to leave the business world to help a young lawyer run for the leadership of the New Brunswick Liberals and take on the reigning Conservatives — a little-known guy by the name of Frank McKenna. Many honourable senators remember Frank McKenna's first election in 1987. It was a sweep with Premier McKenna's Liberals winning all 58 seats in the New Brunswick legislature. Harrison McCain said, "John Bryden got him elected. Without Bryden, he wouldn't have made it." Senator Bryden went on to manage successfully all of former Premier McKenna's campaigns.

Senator Bryden was summoned to this chamber on November 23, 1994, by then Prime Minister Jean Chrétien — 15 years ago yesterday. All honourable senators come to this place hoping to make a positive difference for the people of our respective provinces and for our country. Senator Bryden certainly succeeded. He is fiercely proud of New Brunswick and Atlantic Canada. He worked quietly, usually behind the scenes, to represent Atlantic Canada's interests in Ottawa. To give you one example, in 1999, Senator Bryden was the moving force behind the development of a document out of our Atlantic Liberal caucus called *Atlantic Canada: Catching Tomorrow's Wave*, which took a fresh look at a number of innovative activities in progress in Atlantic Canada. He conceptualized how to put them together in an economic development plan for the region. This initiative became the \$700-million five-year federal Atlantic Investment Partnership, which was launched in 2000. It was further developed into the Atlantic Investment Partnership — the Second Wave, a new five-year \$708-million initiative.

• (1410)

Although Senator Bryden was very successful operating behind the scenes, he did not shy away from activities in the Senate, which gave him a strong public profile. For example, in 1997, he chaired the Special Committee of the Senate on the Cape Breton Development Corporation. That special committee looked closely at the coal industry in Cape Breton.

That was only one of a number of special Senate committees on which Senator Bryden served during his 15 years in the Senate. Other committees included the committee inquiring into the Pearson Airport agreements, the inquiry into the Canadian

Airborne Regiment in Somalia and the so-called Kelly committee on security and intelligence, whose report is still cited regularly in security and intelligence community matters.

For most of his time here, Senator Bryden also served on our Standing Senate Committee on Legal and Constitutional Affairs, bringing his considerable legal experience and skills to bear on a wide range of issues, including criminal law, constitutional law, elections law and animal cruelty, where his private members' bill succeeded in breaking the impasse that existed on that issue. That bill was passed into law last year.

He has been a passionate and effective advocate of all manner of good causes throughout his professional, business and political career. I know we will all miss his wise counsel. Whether he will miss us in equal measure is another question.

I know he is looking forward to spending time with Lorrie, his three grown children, Jock, Tricia and Peter, and his eight grandchildren — and to spending time fishing with all of them in the Miramichi.

Our very best wishes to you, John. You have made a lasting and indelible impression.

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, after almost 15 years of service in the Senate of Canada, today we say goodbye to our colleague from New Brunswick. Senator John Bryden has been a highly respected member of this place and his many contributions will not soon be forgotten.

Before coming to the Senate, John Bryden's work in his home province of New Brunswick in politics, business and the law are well known and well documented. In particular, he counts among his many successes the campaigns in the 1980s and the early 1990s to the extreme benefit of Premier Frank McKenna. Senator Bryden wore his rock-red Liberal colours on his sleeve; but having said that, he always understood and respected the right of Conservatives to fly our Tory-blue colours high. He understood politics. That is probably why we got along, Senator Bryden.

Since his appointment to the Senate in November 1994 by former Prime Minister Chrétien, John Bryden has been a proud and able representative of the people of New Brunswick. He has served, as Senator Cowan said, on practically every standing or special committee that one can think of, most notably the Standing Senate Committee on Legal and Constitutional Affairs and as a past co-chair on the Standing Joint Committee for the Scrutiny of Regulations.

One particular special committee comes to mind, the Special Committee on the Pearson Airport Agreements, for we on our side battled Senator Bryden and his colleagues on the very important issue concerning the legal rights of Canadian citizens to have access to the courts.

Senator Bryden has proven that he has the courage to tackle contentious issues, as we have witnessed in his work with his private members' bill amending the Criminal Code to enhance the sentencing provision for cruelty to animal offences.

As an animal lover, I fully understand why Senator Bryden felt such a strong duty to continue to do what he believed was right in the face of what must have seemed like tremendous obstacles. He persevered and worked steadily across party lines for a number of years to shepherd this legislation through Parliament; and in April 2008, his bill, S-203, received Royal Assent.

The senator's recent decision to retire early from this chamber to spend more time with his family is one that I am sure all honourable senators fully understand, respect and appreciate.

Senator Bryden, on behalf of all Conservative senators, I wish you and your family a very happy and healthy retirement.

**Hon. Bill Rompkey:** Honourable senators, I do not know how many people remember Paladin of the television series, "Have Gun, Will Travel." That character perhaps best describes John Bryden. Paladin was the fixer. If something went wrong, you sent a call up into the hills and he strapped on his six-shooter, came down and fixed the situation.

I wish to recount a story from around the time I was appointed to the Senate. It was probably not my finest hour in the Senate, but it was not long after I came. We had formed the Special Senate Committee on the Canadian Airborne Regiment in Somalia. One special focus of the committee was the case of Shidane Arone. Senator Murray may remember because he was on the committee.

The committee met and I, for my sins, was chosen by Joyce Fairbairn, who was leader at that time, to chair the committee. Fortunately, John was on the committee and knew the *Rules of the Senate of Canada*, because evidently I did not know them all that well.

The steering committee brought in a report, as Senator Murray may remember, and the vote was a tie. I voted to break the tie, but found out that I could not because although that is common procedure in the other place, under the *Standing Orders of the House of Commons*, it is not so in the *Rules of the Senate*. In order to break a tie in the Senate, the chair must vote when everyone else votes, so we lost the vote. There we were on the committee and in chaos.

John seized the moment and immediately moved another motion. Of course, all hell broke loose because the Conservatives argued, as rightly they should, that this was entirely out of order. A volatile situation occurred, which resulted in the Tories stomping out of the committee, and we had the committee all to ourselves. Once we had the committee all to ourselves, we were able to pass the motion, and we did. The committee carried on from there.

As I say, it was not my finest hour in the Senate, but it does show that this is a man who is on his toes, who knows what the rules are, who knows what he is talking about and comes to the rescue when you need him. I just wanted to put that on the record as an illustration of the kind of work he has done in the Senate.

I simply want to wish John well in that Shangri-La on the Northumberland Strait. I know he will enjoy life there because he will have time now to see if he can actually catch a bigger fish than Lorrie. John, bonne chance.

**Hon. Lowell Murray:** Honourable senators, they say one's short-term memory is the first to go. I am afraid I have no recollection of the committee proceedings to which Senator Rompkey refers, but I am glad that his intellect is still in such sharp shape. I will take his word for what he says went on there.

I was sorry to see Senator Bryden go, for he has been an excellent colleague. In New Brunswick, where life — professional and political — is lived at close quarters, he learned a lot about law, public policy, governance and politics. His experience there, as intensive as it was extensive, has served him well and has been reflected in his constructive contributions to debates in this chamber and in our committees.

Even when he was being partisan, as he sometimes was — how could it be otherwise with a New Brunswick Grit — his arguments required serious consideration and response, for they were always substantive, coherent and well presented. His record of commitment to his party is well known. However, the record will show that when his own principles or strongly-held convictions were at issue, he remained true to them, even when they placed him somewhat apart from colleagues.

He was and no doubt will continue to be his own man. All things considered, I believe this description to be high praise and I certainly intend it as such.

**Hon. Joseph A. Day:** Honourable senators, it is a great privilege to be able to join with other senators in paying tribute to my good friend from New Brunswick, John Bryden. John was born in Port Elgin, New Brunswick, and that is the same area of southeastern New Brunswick from which Roméo LeBlanc and Senator Trenholme Counsell came, both of whom were senators here and to whom we have paid tribute in the past.

• (1420)

Port Elgin is also close to Sackville, New Brunswick, which is the home of the world-famous Mount Allison University. Therefore, it was no surprise that John elected to go to Mount Allison University for his first degree. He continued at the University of Pennsylvania, and studied law at the University of New Brunswick.

John has been married for over 50 years to Lorrie, and they have three children — Jock, Tricia and Peter — and eight grandchildren. In addition to his wife Lorrie, it is great to see people with whom he has worked along the way, including Hélène, Len and Barbara, who are sitting with him in the gallery, along with his brother, Rod.

In addition to the considerable contributions John has made as a senator in this chamber, he was also a very successful lawyer, businessman, senior public servant and political operative. I was at the convention in New Brunswick for the leadership of the

Liberal Party in 1978 and I can recall volunteering for John's campaign. His good friend and mine, Tony Barry, recently reminiscing about the 1978 campaign, said, "Oh, that was a close one."

Unfortunately, I could not convince John to get involved in the 1982 leadership convention, in which I was a participant.

However, he was convinced to come out in 1984 to help Frank McKenna, who, as you have heard, was very successful. Following Frank's choice as leader of the Liberal Party, in 1987, he swept all of the seats in the province of New Brunswick. That 58-out-of-58 victory for the Liberal Party is probably one of the highlights of John Bryden's political career.

John went on to participate in several other campaigns for Frank McKenna, Jean Chrétien and Paul Martin.

Before he got involved — or sometimes at the same time as he was involved — in the political campaigns, John was busily involved in business with his brother, Rod Bryden. I recall many times in the 1980s meeting John on planes going back and forth to New Brunswick, as I was doing the same. He was President of Paperboard Industries at that time.

John was appointed to the Senate 15 years ago yesterday, as has been indicated by my honourable colleague. He had the experience of having been a public servant in the government of Louis Robichaud. He had also worked in the area of law, where negotiations were very important. That was clear in the work he did in the Senate with respect to two points which I recall, and they have already been mentioned: the Special Committee of the Senate on the Pearson Airport Agreements, and the legislation with respect to animal cruelty. The latter had lost that balance between rural and urban. John decided he would find that balance and he did so, ultimately coming forward with a private members' bill that passed both houses and achieved that critical balance.

Honourable senators, if you are passing southeastern New Brunswick and you see an honourable senator sitting on his red tractor with his old straw hat, you will know it is our good friend, John Bryden.

**Hon. Jeremiah S. Grafstein:** Honourable senators, I also rise to pay tribute to my friend, John Bryden, who sat in the chair behind me in the Senate, and would volunteer to me, *sotto voce*, his homespun, salty, always-funny comments about the speakers and the Orders of the Day. I will miss those comments, John. They kept me awake during most of the debates.

Honourable senators, John is a quiet man; a man of few words; a man with a razor-sharp, steel-trap mind; and a very great wit. We have heard that he is a teacher, scholar, lawyer, public servant, businessman, farmer and a political organizer par excellence.

Politics, or the DNA of politics, runs very deep in his province. John hails from New Brunswick. I have always considered New Brunswick a truly distinct society. I recall Senator Charles McElman, who became an iconic figure here, and I recall the late and great Louis Robichaud, the former Premier of New Brunswick, one of Canada's greatest political speakers. Every once in a while, we heard him regale this Senate, and I remember his words to this day.

John was a creative force behind Frank McKenna and his landslide election victories in New Brunswick. It was unheard of and unheralded in political history to win all seats in a province. It had never happened before, and will never happen again.

New Brunswick has produced great, energetic and fertile minds like the late Roméo LeBlanc; our Deputy Speaker, Senator Losier-Cool; Senator Ringuette, our colleague over to the left; of course, the always-astute Senator Robichaud; and, never to neglect my seatmate, Senator Day, a capable and energetic senator if there ever was one.

However, John was more than that. He is a contrarian, with an independent streak of mind which gives him great credibility and unshakable honesty. His force of personality shaped this chamber in a quiet and persuasive way, and he was a great star — a quiet star — on the Standing Senate Committee on Legal and Constitutional Affairs, where I served with him from time to time, having been kicked off a number of times while John survived.

I will miss John's wit, his companionship and his political insight. I wish him good health and long life. John is a man for all seasons and for all good reasons.

**Hon. Catherine S. Callbeck:** Honourable senators, Senator Bryden has made an outstanding contribution to the Senate during his 14 years of service to his province and country. His long experience and expertise made him a valued member on a number of committees, including the Standing Senate Committee on Legal and Constitutional Affairs and the Standing Committee on Internal Economy, Budgets, and Administration. His hard work and his understanding of the issues earned him the respect and admiration of his colleagues.

Senator Bryden has three major passions in his life. First among those is his devotion to his family. He has taken retirement to spend more time with his wife, children and grandchildren. Family was always important to him, as were the many friendships he gained throughout his life.

His second major passion is for his home province of New Brunswick. Throughout his life and career, he has been strongly committed to the betterment of that province and its people. In his retirement, he is returning to the family farm on the shores of the Northumberland Strait, where he grew up. That farm, by the way, is just across the strait from my cottage on Prince Edward Island.

His third passion is politics. As we all know, he has exceptional organizational skills and was a key organizer in Frank McKenna's leadership campaign and in the subsequent provincial election in which the Liberals won every single seat. He has been described as the "insider's insider" because of the strong relationships he established at the levels of both provincial and federal politics.

Honourable senators, we will miss John Bryden in this chamber. His no-nonsense approach to the issues and the highly effective manner in which he dealt with them made a significant contribution to the public life of this country. We will miss his wise counsel and strong dedication to this chamber.

[ Senator Grafstein ]

As he returns to the land and to the family that he loves so deeply, I wish Senator Bryden and his wife Lorrie many happy and healthy years ahead.

**Hon. Rose-Marie Losier-Cool:** Honourable senators, not only is the Senate losing a good parliamentarian in John Bryden, but New Brunswick is also losing a useful representative, a hard-working person, and I am losing one of the best seatmates anyone could have.

What I will miss most about John is his gift for speaking his mind at the most important moments, never losing sight of his message, resisting the temptation to engage in pointless rhetoric, and staying focused.

• (1430)

Now for a little bit of humour. If John ever gets bored of simply spending time enjoying his retirement and family on his farm, he may want to consider embarking upon yet a new career this time as an image consultant. Harvey Sawler wrote in his latest book on Frank McKenna:

Frank McKenna, of course, was more than used to pinstripe suits long before he arrived in Washington. But there was a time in his early political days when he needed grooming, so Liberal political adviser John Bryden exemplified this by recalling the moment at which he had to tell McKenna to start wearing interview length socks so his legs would not show below the hem of his pants in meetings or during the full body shot television interviews.

John, maybe you could get a job on "Fashion File."

Simply enjoy your retirement with Lorrie, your children and grandchildren. Thank you for your lifetime of commitment.

[*Translation*]

**Hon. Jean Lapointe:** Honourable senators, I will be very brief, because I did not know Senator Bryden personally for very long. I admired him because he took concrete action and showed above-average intelligence on many issues.

One day, I was asked to replace a senator who could not attend a meeting — at the Victoria Building — and I was sick. I went regardless, because I had made a promise. Senator Bryden was there. There were one or two Conservative senators, one or two NDP senators, and one or two independent senators, if I remember correctly. As I was not feeling well, I asked Senator Bryden if he needed me, or if he could do it on his own. He looked at everyone, looked at me, and said, "Piece of cake." Since then, every time I saw him, I would ask:

[*English*]

How are you, piece of cake? Well, piece of cake, I will miss you a lot.

**Hon. Gerry St. Germain:** Honourable senators, as you well know, I have been in Ottawa for 26 years. Senator Bryden used to sit over here and I was sitting over there, and a better heckler the country has never produced.

I am sorry, Senator Mercer, you are number two. John is number one, and believe me, in his heyday when he first came here, he was brilliant as a heckler — a true Grit.

John, I will miss you. As everything has been said about you, there is no point in repeating it. All are accurate in what they have said. You were a great contribution to this place. I enjoyed your company. We used to jostle back and forth after hours at one of the local watering holes, before you got religion. I carried on.

John, you will be missed. You did great work when you were here. God bless you and your family.

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, I just want to add a few words to those already spoken. It was a great pleasure to have known Senator Bryden.

[English]

I think the rules are clear: You do not vote last; you vote first if you want to vote. I am one of those who likes to read the *Rules of the Senate*. John Bryden once told me, “Whoever controls the red book” — not the Red Book some may have in mind, but the red book of the rules — “may control Parliament.” It is a very small book, but if you read the book attentively, I think you can control this Parliament.

Senator Bryden, your intellectual discipline and legal mind has taught me that it is good to read the rules. Your friendship toward me once manifested itself on a very difficult vote on a difficult issue. It is something that I will never forget. To you and your family, I wish you the best.

**Hon. Jim Munson:** Honourables senators, I was not about to stand up, but I like standing. Senator Bryden, you are from Port Elgin. The Scott family — my mother's family name was Scott — is only a mile down the road in Baie Verte, New Brunswick. My grandfather Scott, as you know, was a great Conservative organizer who always had big battles with Marilyn Trenholme's family. There was tremendous respect. My mother, who is 96 years old, talks fondly of the Brydens. It is a family within those two villages.

I simply thought it was important to stand up and to wish you well on behalf of the Scott family of Baie Verte, New Brunswick.

**Hon. Wilfred P. Moore:** Honourable senators, I would like to be associated with remarks made by other colleagues today.

I also want to put on the record that John was a congenial host in his office for about a year. Every Tuesday night, our little Atlantic caucus economic team met. With his drive, we put

together a paper called “Catching Tomorrow's Wave,” which was a blueprint for regional economic development in the Atlantic Provinces. As a result, approximately \$750 million of research was centred in our very good universities. John, I simply want to put on the record that you were a driving force in getting that done. I have a cover of that report framed in my office. It was 10 years ago, but it seems like yesterday.

I want to thank you for that and for the work you did on the cruelty to animals file. You drove that issue and did a wonderful job on it. You have been a good representative for the people of New Brunswick and a good friend to me. I thank you and wish you and Lorrie all the best.

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## ROUTINE PROCEEDINGS

### CANADA-JAPAN INTER-PARLIAMENTARY GROUP

ANNUAL VISIT BY CO-CHAIRS,  
APRIL 4-10, 2009—REPORT TABLED

**Hon. David Tkachuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Japan Inter-Parliamentary Group to the Annual Visit by the Co-Chairs, held in Tokyo, Japan, from April 4 to 10, 2009.

### CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL MEETING, MAY 15-18, 2009—REPORT TABLED

**Hon. Jerahmiel S. Grafstein:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group to the Fiftieth Annual Meeting, held in La Malbaie, Quebec, Canada, from May 15 to 18, 2009.

LEGISLATIVE SUMMIT OF NATIONAL CONFERENCE  
OF STATE LEGISLATURES, JULY 20-24, 2009—  
REPORT TABLED

**Hon. Jerahmiel S. Grafstein:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group to the Legislative Summit of the National Conference of State Legislatures, held in Philadelphia, Pennsylvania, United States of America, from July 20 to 24, 2009.

• (1440)

[*Translation*]

## THE SENATE

### MOTION TO PERMIT PHOTOGRAPHIC COVERAGE DURING TRIBUTES ADOPTED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That a photographer be authorized in the Senate Chamber on Wednesday, November 25, 2009, during tributes for the Honourable Senator Prud'homme, P.C., on the occasion of his retirement from the Senate, with the least possible disruption of the proceedings.

(Motion agreed to.)

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[*English*]

## QUESTION PERIOD

### FINANCE

#### FUNDING FOR SOCIAL PROGRAMS

**Hon. Catherine S. Callbeck:** Honourable senators, my question is to the Leader of the Government in the Senate. Last week, Food Banks Canada released the results of the HungerCount 2009 survey, which showed a dramatic increase in the number of families using food banks. In fact, if one compares March 2008 to March 2009, there is an increase of 18 per cent. One of the provinces skyrocketed 61 per cent. It is even more disturbing to note that nearly half of assisted households are families with children.

Why has the government not brought in more programs to help the many Canadian children who depend on food banks for their daily meals?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I appreciate the question, which I was expecting since the honourable senator put out a press release last week saying she asked me the question, or at least Senator Munson did, after he basically said he did not want to politicize this issue but sent out a press release in any event.

I believe I answered the question last week. The fact is that the global economic downturn has had a significant negative impact on many of our families, particularly low-income families and people working in jobs in the industrial base who lost their jobs through no fault of their own.

The government has put significant resources into various programs, all in support of assisting families and, by extension, helping children. We are acting to support low-income families. Our Economic Action Plan, in particular, is helping to give vulnerable Canadians a hand up.

I believe I said last week that we enhanced the National Child Benefit and the Canada Child Tax Benefit for low-income families. We enhanced the Working Income Tax Benefit, WITB, to help lower-income Canadians over the so-called welfare wall and into employment. This has been difficult because of the economic downturn. We created WITB in Budget 2007, and 900,000 Canadians were assisted by this plan in its first year. Our Economic Action Plan also makes significant investments for social housing to support low-income Canadians, persons with disabilities and seniors.

We twice extended EI benefits to assist families. We support families with children through the child tax credit, introduced in Budget 2007, and the Universal Child Care Benefit, introduced in Budget 2006. Through the Universal Child Care Benefit, the government is providing more than \$2.4 billion each year to benefit over 2 million children.

We have also taken almost 1 million low-income Canadians off the tax rolls entirely, and we are providing, as I reported last week, predictable and increasing funding to the provinces. As I have pointed out, unlike the previous government, we did not make deep cuts in Canada's social safety net. We have enhanced the transfers and have committed to a 6 per cent increase year over year.

**Senator Callbeck:** I have a supplementary question. The minister talks about different programs, but clearly this survey shows that the government's lack of action has caused increases at food banks. If one looks at the tax credit for children under 18, which the government introduced in 2007 and referred to as the child tax credit, this credit is non-refundable and it is absolutely worthless to low-income Canadians. It makes no sense that high-income Canadians could take advantage of a benefit that is not available to low-income Canadians, who need it the most.

Is the government giving consideration to making the tax credit for children under 18 refundable?

**Senator LeBreton:** Honourable senators, first, I do not know whether the honourable senator identified exactly the report to which she is referring, but the fact is that many levels of government are working in collaboration with each other to assist low-income families, and particularly people who live below the poverty line. As I suggested last week, we all owe a great debt of gratitude to the front-line workers who are working in the food banks and with community-based organizations, such as the United Way, to assist these families.

I have outlined the many programs the government undertook. We took people off the tax rolls. That, in and of itself, assisted a great many Canadians. By taking them off the tax rolls, they did not have to pay tax and it freed up money for their living expenses.

I have outlined several initiatives the government has taken. I stand by those initiatives. People have suggestions, and I am happy to pass them on to my colleagues. However, to say that the government has not responded to this serious matter, which is made more serious by the present economic condition, is quite incorrect.



However, I will be happy to pass on any other suggestions that the honourable senator may have. While there is much work yet to be done, without the benefit of these government programs we would be in a much worse situation than we already are.

**Senator Callbeck:** My suggestion is that the government makes this child tax credit refundable so that the people at the low end of the income range can take advantage of it. It does not make any sense whatsoever that people in high-income brackets can get the child tax credit, whereas low-income people cannot.

I will ask my question again: Is the government giving consideration to making the tax credit for children under 18 refundable?

**Senator LeBreton:** We took 900,000 Canadians off the tax rolls; therefore, they do not pay tax. High-income families are in a certain tax bracket, and it is a taxation matter. However, for low-income families, we took 900,000 Canadians off the tax rolls, which means they do not have to pay tax.

## INDUSTRY

### STATISTICS CANADA DATA ON POVERTY

**Hon. Jeremiah S. Grafstein:** Honourable senators, I understand that today marks the twentieth anniversary of a unanimous resolution passed in the other place to reduce poverty in Canada by 2000. The most recent data from Statistics Canada, namely for 2007, indicate that one out of nine children live below the poverty line. In Toronto, it is worse.

• (1450)

Could the Leader of the Government in the Senate give us some accurate figures and tell us how many children are living below the poverty line this year compared to last year?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, there are various reports. I am sure that Statistics Canada and other statistics-gathering bodies have data with regard to the actual numbers; however, I do not have those figures at my fingertips. I do not know if they are available as a comparison of last year versus this year as we are not yet through this year. However, I will take the question as notice and try to provide the honourable senator as much information as possible.

**Senator Grafstein:** Honourable senators, the poverty line in Toronto, a city that I proudly represent, is now at an income level of \$22,400. Average income has fallen by \$1,000 or \$1,500 so now more people are living below the poverty line in Toronto than last year, based on income. As a result of the lag between Statistics Canada and the numbers available, if the economic situation is worse this year than it was in 2007, one can conclude that more children are living below the poverty line.

Assuming that is correct, I want to return to Senator Callbeck's question. Obviously, taxation does not do anything for someone earning \$22,400. Tax relief does not help. What specific programs does the government have in mind, or would the government consider, with respect to relieving the poverty of children, especially in my city of Toronto?

**Senator LeBreton:** First, I would tell the honourable senator, that taxation policy does have an impact. When 900,000 Canadians are taken off the tax roll, obviously it has an impact on them.

On the honourable senator's second point, with regard to the City of Toronto, the federal government transfers significant billions of dollars to the provinces under the social transfer. The provinces administer social programs, as they do with health. The federal government has some role in the area of housing. In fact, it has committed to quite a significant impact in the area of social housing.

In terms of specific federal government programs dealing with an area that falls under provincial jurisdiction, it is difficult for me to parcel off what Toronto or the Province of Ontario may have done with money that was transferred. We have committed to a 3 per cent increase year over year.

I would be happy to take the question as notice, but, as the honourable senator knows and as we all know, this money was transferred to the provinces and it is the provinces that administer health, social and education services for their citizens.

**Senator Grafstein:** Again, while the leader is getting information with respect to my previous questions, would she also provide a comparison of this year to last year and the new number of social housing units that have been made available for people who live at or below the poverty line?

**Senator LeBreton:** On the housing front, in September 2008, the government announced \$1.9 billion over five years for the renewal of our Homelessness Partnering Strategy. We are currently investing in more than 1,000 homeless projects across the country. Renewing social housing helps vulnerable Canadians, particularly those who live below the poverty line, and creates jobs and opportunities for those in the construction trades and other industries.

In the Economic Action Plan that we introduced earlier this year, more than \$2 billion over two years was invested to help low-income Canadians and the homeless by building new housing and renovating existing social housing; \$600 million for new housing and repairs to existing social housing on reserves and in the North; \$400 million for housing for low-income seniors; and \$75 million for housing for people with disabilities. Earlier this year, these announcements received great praise from various organizations dealing with the homeless and the whole issue of social housing.

[Translation]

## ENVIRONMENT

### GREENHOUSE GAS EMISSIONS

**Hon. Jean-Claude Rivest:** Honourable senators, my question is for the Leader of the Government in the Senate and concerns the Copenhagen conference.

Yesterday, Premier Charest of Quebec announced that the Government of Quebec had set a target of reducing greenhouse gas emissions by 20 per cent, the most ambitious target in North America.

I would remind the minister that Ontario has a target of 15 per cent, British Columbia has a target of 11 per cent, and so on.

In his statement, Premier Charest addressed the Prime Minister of Canada and asked whether, in Copenhagen, the Prime Minister would set his sights higher when it came to reducing greenhouse gas emissions. As we know, the Prime Minister is currently aiming at a target of just 3 per cent.

Premier Charest also asked why the Prime Minister was using 2006 as a reference year when the international consensus is to use 1990, as all the other ambitious governments are doing.

Could the minister ask the Prime Minister of Canada whether he intends to follow up on the proposals and requests the Premier of Quebec made yesterday?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I am well aware of Premier Charest's announcement. Premier Charest has a long history in this particular field, having been the federal environment minister and having been at the original Earth Summit in Rio de Janeiro.

From the federal government's perspective, we have been clear from day 1 that the post-2012 agreement needs to be effective, ambitious and include all the major emitters. I believe this is something that most reasonable people agree with. It also needs to effectively balance environmental protection with economic considerations, particularly in this period of global economic downturn.

Honourable senators, the agreement this government signs will be good for all of Canada and will be an agreement we intend to respect — unlike the previous government who signed an agreement that they had no intention of implementing.

Due to the integrated nature of our economies, we need to work closely with the United States towards a North American approach. We are making progress. For example, we have made progress on tailpipe emission standards, aviation emission standards and carbon capture and storage; and we have embarked on the clean energy dialogue because of an agreement between the Prime Minister and President Barack Obama.

Obviously, the negotiations in Copenhagen will be tough, but Canada is committed to working constructively and to seeking a binding global agreement that will include all major emitters. Obviously, to participate in discussions that do not take into account the major emitters, such as China, India, Brazil and

[ Senator Rivest ]

the United States, is not sound policy. The Minister of the Environment, Minister Prentice, will go to Copenhagen with a view to working with our partners. Anything he signs on behalf of the government will be something that we will honour.

• (1500)

## FOREIGN AFFAIRS

### COMMERCIAL SEAL HUNT

**Hon. Lorna Milne:** Honourable senators, apparently Department of Foreign Affairs and International Trade officials were instructed to meet with a Ms. Rebecca Aldworth on November 9 of this year. Ms. Aldworth is a paid employee of the Humane Society of the United States — HSUS. She is an individual who has vilified Canadian sealers in the international press and political figures in Europe and the United States.

For those senators who have not heard of the HSUS, in my opinion it is a false front organization that was originally set up to siphon funds from the legitimate American Humane Society, which was founded in 1877. I believe the primary purpose of HSUS is to raise money for which it does not have to account publicly, and since that is its primary purpose, it has leapt on to the seal hunt bandwagon.

My question is for the Leader of the Government in the Senate. Is this Conservative government and the Minister of Foreign Affairs considering abandoning their support for the Canadian seal hunt, the people of the Maritimes, the people of the Gulf of St. Lawrence and our Aboriginal peoples of the North?

**An Hon. Senator:** You have been smoking too much hemp.

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, the simple answer to the honourable senator's question is absolutely not. This government has been supportive and has said that we will take this to the highest authorities to protect our sealing industry. We have many people in our caucus, such as Senator Patterson, Senator Lang, our Minister of Health Leona Aglukkaq, and, most important, our Minister of Fisheries, who have been very vocal and strong in their condemnation of the European Union's actions. They have been supportive in all aspects of our seal hunt, including the Prime Minister who served seal meat to members of the cabinet when we were in the North.

**Senator Comeau:** Good stuff.

**Senator LeBreton:** Actually, some of my colleagues, including the Prime Minister, ate more than one serving.

**Senator Milne:** I am absolutely delighted to have that reassurance. Unfortunately, an official invitation from DFAIT gives this woman stature that she and her organization should not have. I hope that the government will reassure Canadians. Canadian sealers need to be reassured. This word went through that community like you simply cannot believe. They are very concerned about this subject. I hope that the Minister of Fisheries is talking to the Minister of Foreign Affairs to ensure that they are reading from the same page.

**Senator LeBreton:** I will draw the attention of my colleague, the Minister of Foreign Affairs, to the person that Senator Milne has cited. However, I do not think there is a single sealer in this country who does not fully understand the support of the government and who does not absolutely appreciate everything the government has done in support of their industry.

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### POST-SECONDARY STUDENT SUPPORT PROGRAM

**Hon. Elizabeth Hubley:** Honourable senators, it is estimated that between 2001 and 2006, over 10,500 First Nations and Inuit post-secondary students were denied funding to the Post-Secondary Student Support Program, with an additional 2,588 denied in 2007-08.

Will the government remove the 2 per cent cap on funding increases to alleviate the financial barriers affecting First Nations and Inuit peoples?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I will take the question as notice. The honourable senator did not mention the report or the origin of the estimates in her preamble, and I will have to investigate the validity of the honourable senator's question. I will provide the senator with a delayed answer.

**Senator Hubley:** Honourable senators, would the leader also confirm that the Assembly of First Nations has estimated that the cost of \$260 million could provide comprehensive assistance that would remove financial barriers for all Aboriginal students? Instead of spending \$100 million and counting on political self-promotion, why would the government not use that money to close the gap in funding that has prevented the Post-Secondary Student Support Program from removing financial barriers for all Aboriginal people?

**Senator LeBreton:** The honourable senator makes an assumption in her question for which there is no proof. The government has many programs. Of course, our support through Indian and Northern Affairs of our Aboriginal community is significant, including education, retraining, skills development and many other programs. I will be happy to provide honourable senators with a long list of things the government has done in this area.

The government also had an obligation with Canada's Economic Action Plan, in view of the severe economic downturn, to provide information to Canadians through advertising of all other government programs. Therefore, I do not believe that it is an either-or situation. There is money set aside in the budget for programs for Indian and Northern Affairs. There is money set aside for Health Canada for its programs. There is money set aside in the budget for Transport Canada for infrastructure monies and advertising.

It might make for nice copy, but the fact is that there are many government programs. To say that one program has been overlooked at the expense of another is quite false.

[Translation]

## OFFICIAL LANGUAGES

### 2007-08 ANNUAL REPORT

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Madam Leader, the *Departmental Performance Report (DPR)*, 2008-09, of the Department of Canadian Heritage has already been published. Your government seems disinclined to publish a report on the status of official languages. However, the *Report on Official Languages 2007-08* has not yet been published. Soon it will be 2010. Can the government leader tell us when the report will be tabled?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I thank the honourable senator for the question. As honourable senators know, I have said many times that the government strongly supports Canada's linguistic duality. We have prepared the *Roadmap for Canada's Linguistic Duality*, which provides the largest investment ever by a federal government: \$1.1 billion over five years. I will speak to my colleague the Honourable James Moore about providing further information and to find out exactly when he will have further information to provide on this matter.

[Translation]

**Senator Tardif:** The 2006-07 annual report on official languages was nearly two years late. It was not tabled in the Senate until February 9 of this year. Yet the 2005-06 report was tabled much more quickly on June 19, 2007.

Will we be waiting three years for the 2007-08 report to be tabled?

[English]

**Senator LeBreton:** The government has embarked on a completely different program, with the *Roadmap for Canada's Linguistic Duality* and the significant amount of money, \$1.1 billion, committed to it.

As the honourable senator is aware, on September 9, just a couple of months ago, Minister Moore announced that the University of Ottawa will administer the new Language Rights Support program and rely on the knowledge of a panel of experts who will be responsible for evaluating and selecting the files to be supported by the program. The program will have an annual budget of \$1.5 billion from the department's Development of Official-Language Communities Program. This program, which is administered by the University of Ottawa, has been supported and is the right way to go.

• (1510)

I will take as notice Senator Tardif's question about the full release of the report.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table five answers to oral questions raised by Senator Chaput on September 29, 2009, concerning Official Languages, language rights support program; by Senator Jaffer on October 6, 2009, concerning Citizenship and Immigration, assistance for refugee and immigrant women; by Senator Zimmer on October 6, 2009, concerning Veterans Affairs, survivor benefits; by Senator Milne on October 21, 2009, concerning Citizenship and Immigration, lost citizenship; and by Senator Tardif on October 29, 2009, concerning Official Languages, second-language learning in post-secondary institutions.

## CANADIAN HERITAGE AND OFFICIAL LANGUAGES

### LANGUAGE RIGHTS SUPPORT PROGRAM

*(Response to question raised by Hon. Maria Chaput on September 29, 2009)*

The members of the Panel of Experts of the Language Rights Support Program will be designated by the Minister of Canadian Heritage and Official Languages in collaboration with the Fédération des communautés francophones et acadienne du Canada, the Canadian Bar Association and the *Quebec Community Groups Network*.

In order to do so, the Department has solicited suggestions for candidates from these three groups. The nine Panel members will comprise balanced representation (experience, region and language).

Once designated, the Experts will remain totally independent from the Minister and will report only to the University of Ottawa.

The nine members of the Panel will be divided as follows:

- Four (4) lawyers
- Three (3) representatives from the Francophone minority community
- One (1) representative from the Anglophone minority community
- One (1) representative specializing in alternative dispute resolution

The members of the Panel of Experts will be announced in the coming weeks.

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### ASSISTANCE FOR REFUGEE AND IMMIGRANT WOMEN

*(Response to question raised by Hon. Mobina S. B. Jaffer on October 6, 2009)*

Citizenship and Immigration Canada (CIC) offers a variety of settlement programs and services to eligible newcomers, in order to enhance their official language skills, increase their labour market participation, and improve their access to information, community connections, and support services. CIC is in the process of implementing a modernized approach to its settlement programming. This new approach will assist Service Provider Organizations (SPOs) to meet the different needs of newcomers through programming that is flexible, responsive and holistic. Some of the SPOs that receive funding have a mandate to specifically aid the settlement and integration of immigrant and refugee women or have a high percentage of women as their clientele.

### Language Learning

Language Instruction for Newcomers to Canada (LINC) provides free language training to newcomers, in order to facilitate their social, cultural and economic integration into Canadian society. To encourage the access of female clients to LINC, CIC provides funding for a number of different services, such as on-site childcare, transportation allowances, and flexible classes available on evenings and weekends. In certain locations across Ontario, such as Seneca College in Toronto and Women's Enterprise Skills Training of Windsor, LINC offers classes targeted to women belonging to cultures where an all female learning environment is considered preferable. LINC serves approximately 55,000 clients across Canada each year, and 72% of all newcomers who enroll in LINC are refugee and immigrant women.

### Labour Market Access

The Enhanced Language Training (ELT) initiative helps immigrants and refugees to access and remain in the labour market at levels commensurate with their skills and qualifications. ELT offers language training paired with a workplace component, such as internships, mentoring opportunities and work placements. Other ELT services include helping newcomers in obtaining certification or recognition of their academic credentials, and other job-search support. ELT projects across Canada serve approximately 3,000 clients per year. A formative evaluation of ELT conducted in Fiscal Year 2007-08 found that 56% of all participants were women. Approximately half of all service providing organizations offering ELT also provide on-site childcare.

In addition to ELT-type programming, programming under the modernized approach is designed to address the barriers to labour market access and is focused on the development of a continuum of settlement services to assist newcomers in finding and retaining employment, and to

likewise support employers in the hiring and retention of newcomers. The Job Search Workshops (JSW) Program provided by the COSTI Immigrant Services in Ontario is an example of SPO programming that is designed to assist newcomer women obtain pre-employment information by guiding them through the job search process in Canada. These pre-employment workshops are 16 to 24 hours in duration and are available in daytime, evening and weekend sessions. These workshops provide clients with the ability to assess marketing tools, including cover letters and resumes and enhanced interview skills, and the ability to utilize various job search strategies. Women have a very high rate of uptake for this program, accounting for 56% of clients in the period between December 2008 to March 2009, and for 57% of clients in the period from April 2009 to June 2009.

### **Welcoming Communities**

The Host program was designed to assist newcomers to form community, social and professional networks and to improve cross-cultural understanding between newcomers and the host society. The Host program matches newcomers with Canadian volunteers in order to help them learn about available services and how to use them, practice their English and French, access contacts in their field of work, and participate in the community.

In 2007/2008, the Host program served 5,503 clients, 60% of whom had been in Canada for less than one year. The Host program was also accessed significantly by refugees, who represent approximately 50% of Host clients. As such, the Host program provides important guidance and initial bridging services to recent entrants and high needs clients, such as refugees. The Host program also provides important bridging and mentoring services for immigrant women as a client group. As demonstrated in the 2004 Host program evaluation, community bridging activities are very effective in sharing information, providing social support/friendship and expanding newcomers' social and professional networks.

Citizenship and Immigration Canada has other special initiatives to facilitate the integration of newcomers into the labour market such as the Foreign Credentials Referral Office and the Resettlement Assistance Program for government assisted refugees.

### **The Foreign Credentials Referral Office (FCRO)**

The Government of Canada launched the Foreign Credentials Referral Office (FCRO) in 2007 to provide internationally trained and educated men and women with the information, path-finding and referral services they need, both overseas and in Canada, to help them better utilize their skills and credentials in the Canadian labour market.

The FCRO helps newcomers and prospective immigrants find the information and referral services they need to put their skills to work in Canada. The FCRO provides integrated and authoritative information, path-finding and referral services to newcomers, prospective immigrants and employers on foreign credentials recognition and the Canadian labour market.

The FCRO is also developing an Overseas Strategy which will provide in-person orientation sessions to immigrants in the Federal Skilled Worker and Provincial Nominee categories (including spouses and working dependants). These men and women will be offered foreign credential recognition services, labour market information, and limited settlement information to facilitate their integration once they arrive in Canada.

### **The Resettlement Assistance Program**

CIC offers financial support and immediate essential services to help government assisted refugees (GARs) resettle in Canada and integrate into Canadian society. Through the Resettlement Assistance Program (RAP), the Government ensures the delivery of essential services (such as reception services at the port of entry, temporary accommodation, assistance in finding permanent accommodation, and financial orientation) through contribution agreements with service provider organizations (SPOs). This program also provides income support for up to 12 months after arrival in most cases, and up to 24 months for refugees with special needs, such as victims of trauma or torture.

CIC designs all of its programs and policies to benefit men and women equally.

## **VETERANS AFFAIRS**

### **SURVIVOR BENEFITS**

*(Response to question raised by Hon. Rod A. A. Zimmer on October 6, 2009)*

Several services and benefits are available for spouses/common-law partners and survivors.

### **Benefits for Spouses/Common-Law Partners**

While the member is enrolled in the Canadian Forces, the CF is largely responsible for the provision of benefits to spouses/common-law partners. Veterans Affairs Canada and the Department of National Defence have worked together to establish integrated personnel support centres (IPSCs) at Canadian Forces bases across the country. Hosting both VAC and DND staff, these centres provide a coordinated, seamless and integrated approach to care of the injured/ill and their families as they transition back into military service or to civilian life.

One important service that is available to the spouse/common-law partner is the Operational Stress Injury Social Support (OSISS), which is a joint DND and VAC initiative. OSISS offers a support network for families of CF members. This network consists of Family Peer Support Coordinators who understand the challenges facing families and are available to offer assistance. This assistance is available to families of members and modern-day Veterans and assistance can be offered while the member is serving and/or after release.

As the member approaches release from the CF, the spouse/common-law partner can benefit from:

- participating in the VAC Transition Interview with the member
- participating in VAC case planning, if the member is enrolling in the Rehabilitation Program

Once the member is released, the spouse/common-law partner can benefit from:

- receiving services (along with the children) from the VAC Rehabilitation Program to the extent necessary to achieve the Veteran's rehabilitation goals
- receiving Vocational Assistance services, according to needs, if the Veteran will not benefit from vocational rehabilitation (i.e. has been deemed Totally and Permanently Incapacitated). This would also include receiving medical and psycho-social rehabilitation services to the extent required to achieve their Vocational Assistance goals, as well as receiving case management/support to the extent required.
- coverage under the Public Service Health Care Plan (if the Veteran is a CFSA superannuate or if the Veteran is eligible for VAC's Rehabilitation Program)
- receiving assistance from the VAC Assistance Service, as required
- receiving spiritual support from the Pastoral Outreach Program, as required

#### NVC Benefits for Survivors

VAC's new suite of wellness programs and services under the New Veteran's Charter that came into effect on April 1, 2006 provides greater services and benefits than ever before to help us take care of the families of soldiers who die as a result of their military service.

In addition to death benefits, assistance for families may include economic support, family counselling, vocational rehabilitation for the surviving spouse, education assistance for children, a health care plan for the family and more.

Surviving family members are eligible for programs and services under the *Canadian Forces Members and Veterans Reestablishment and Compensation Act* (CFMVRCA) and other authorities. This includes access to the:

Disability, Death and Detention Benefits Program  
 Financial Benefits Program  
 Rehabilitation Program  
 Health Benefits Program (PSHCP)  
 VAC Assistance Service  
 Education Assistance Program (EAP)  
 Case Management  
 Integrated Personnel Support Centres

#### DISABILITY, DEATH AND DETENTION BENEFITS PROGRAM

The Disability, Death and Detention Benefits Program provides a Death Benefit and/or Disability Award for eligible survivors.

The **Death Benefit** is a one-time lump sum benefit of \$250,000 (tax free) introduced in April 2006 and adjusted annually based on the cost of living index. The rate for January 2009 is \$267,364.94. The surviving spouse would receive 100% if there were no dependent children. If there are dependent children, this benefit is divided into 50% for the surviving spouse and 50% divided equally among all the dependent children.

#### FINANCIAL BENEFITS PROGRAM

Financial Benefit Program offers three benefits to survivors: the Earnings Loss Benefit, Canadian Forces Income Support and the Supplementary Retirement Benefit.

The Earnings Loss Benefit is a taxable income replacement benefit which provides 75% of the deceased member's salary. The Earnings Loss Benefit will be retroactively payable monthly from the day after death as long as the survivor applies within one year of the member's death.

If there are no eligible orphans, the surviving spouse would receive all of the benefit payable, less any other monthly income that is being received as a result of the member's death. If there are eligible orphans, the surviving spouse would receive 60% of the amount payable, less any other monthly income that is being received as a result of the member's death, and the remaining 40% would be divided equally among the orphans. This benefit is payable until the Veteran would have attained the age of 65.

The following criteria must be met to be eligible for the Earnings Loss Benefit

- the member or Veteran must have died as the result of a service-related injury or disease or a non-service related injury or disease that was aggravated by service, and
- the survivor and orphans must meet the definition of survivor and orphan respectively.

The Canadian Forces Income Support is a **tax-free income support** benefit and is payable when the Veteran would have attained the age of **65**. A survivor or orphan may qualify if residing in Canada and meeting income conditions.

The Supplementary Retirement Benefit is a taxable **one time lump-sum payment** to compensate for the lost opportunity to contribute to a retirement fund. This is payable to the surviving spouse when the Veteran would have reached age 65.

## REHABILITATION PROGRAM/JOB PLACEMENT PROGRAM

Rehabilitation services, vocational assistance, and job placement assistance represent a continuum of programs. In the case of a service-related death, vocational assistance services will be available to the Veteran's survivor to assist him/her in finding appropriate employment.

Services offered as part of vocational assistance may include; employability assessment, career counselling, training, job search assistance, and job finding assistance. Transportation and dependent care expenses will also be reimbursed. Rehabilitation services will be available to survivors to the extent required to meet vocational goals.

## HEALTH BENEFITS PROGRAM

Survivors of CF members and Veterans are eligible for the Health Benefits Program (PSHCP) if the death is related to service and if the survivor is not otherwise eligible for the PSHCP. If the survivor received a survivor's superannuation pension, the survivor and dependants are eligible for the PSHCP through DND.

## VAC ASSISTANCE SERVICE

Families of former CF members also have access to VAC's Assistance Service which is a free, voluntary and confidential counselling service delivered through a nationwide team of counsellors and accessed initially through a toll-free line. The VAC Assistance Service is similar to the Canadian Forces Members Assistance Program (CFMAP). The service, which provides access to professional counselling 24 hours a day, 7 days a week is delivered on VAC's behalf by Health Canada.

The purpose of the VAC Assistance Service is to assist individuals in overcoming problems that affect their lives such as marital and family problems, transitional problems, emotional and psychological problems, substance abuse or financial difficulties.

Personnel answering the phones are trained and experienced counsellors who identify initial needs and make appropriate referrals to professional accredited counsellors located near the client, for short-term counselling (up to 8 sessions).

## COUNSELLING

Grief counselling is available to survivors through the VAC Assistance Service or through the Health Benefits Program - Public Service Health Care Plan. These programs offer counselling services provided by various counselling professionals.

Grief counselling can also be offered as part of Rehabilitation Program as a service to assist in meeting rehabilitation/vocational assistance needs that are identified during the assessment process.

The Operational Stress Injury Social Support, which is a joint DND and VAC initiative, offers a support network for families of CF members. This network consists of Family Peer Support Coordinators who understand the challenges facing families and are available to offer assistance. VAC continues to build a national network of Operational Support Injury (OSI) clinics, that are staffed with highly trained mental health professional who base assessment and treatment on recognized best practices. By the end of 2009, VAC will have ten OSI clinics, which complement DND's five Operational Trauma and Stress Support Centres.

## INTEGRATED PERSONNEL SUPPORT CENTRES

Veterans Affairs Canada and the Department of National Defence have worked together to establish integrated personnel support centres (IPSCs) at Canadian Forces bases across the country. Hosting both VAC and DND staff, these centres provide a coordinated, seamless and integrated approach to care of the injured/ill and their families as they transition back into military service or to civilian life.

## CASE MANAGEMENT

Case management services are available to families throughout the process of re-establishment where needed. It is a proactive approach to managing the needs of Veterans and their families through transitional and cultural change.

## EDUCATION ASSISTANCE PROGRAM

Dependant children who pursue their education after high school may also be eligible for VAC's Education Assistance Program (EAP).

To qualify for current or future benefits under the EAP, children must meet the definition of orphan under the CFMVRC Act.

Under the EAP, education benefits may be paid to the surviving children of a deceased Veteran/member of the Canadian Forces:

- whose death was directly or indirectly attributable to military service or
- who died after being granted a disability award paid at the 48% rate or higher; or
- who died and a subsequent posthumous disability award(s) was paid at the 48% or greater; or
- who died and subsequent posthumous awards under the CFMVRC Act and Pension Act together amounted to an assessment of 48% or greater.
- Such benefits are paid to assist the surviving children in pursuing full-time educational studies at an approved post-secondary institution in Canada.

- A surviving child must enter the program before he/she reaches 25 years old. Assistance under the program may continue to the end of the academic year in which the student attains the age of 30.

**Note: CANADA COMPANY SCHOLARSHIP FUND**

A scholarship fund has been created and will provide up to four thousand dollars a year up to four years to support the post-secondary education of children of CF members who died in the service of the country. Canada Company was created in 2006 as an apolitical organization to provide community leaders from across Canada with a platform to support Canadian military personnel in the work that they do. This scholarship fund is in addition to the benefits to survivors that VAC provides. VAC's amended policy allows the Department to be "first payer" of tuition fees. As long as that is the case, these students should be able to benefit from both the Education Assistance Program and the Canada Company scholarship.

**LIVING CHARTER**

The New Veterans Charter legislation is a "Living Charter." Veterans Affairs Canada commitment was to first ensure that the NVC programs were operating as intended, then to address emerging needs as they became priorities or to consider revisions as the needs of clients and their families shifted. As VAC gains greater experience with its New Veterans Charter programs, it continues to review them to determine effectiveness and to identify potential improvements to services, programs and benefits.

**CITIZENSHIP, IMMIGRATION  
AND MULTICULTURALISM**

**LOST CITIZENSHIP**

*(Response to question raised by Hon. Lorna Milne on October 21, 2009)*

Bill C-37, *An Act to Amend the Citizenship Act*, was implemented on April 17<sup>th</sup>, 2009 and resolved most lost Canadian cases, automatically restoring or giving Canadian citizenship to many who lost or never had it.

For those who did not benefit from C-37, the Governor in Council (GIC) has the discretionary authority to direct the Minister to grant citizenship to any person to alleviate cases of special and unusual hardship or to reward services of an exceptional value to Canada, under subsection 5(4) of the *Citizenship Act*. In seeking passage for Bill C-37, the Government indicated that, given the variety of circumstances, it would examine each case submitted under subsection 5(4) on its merits and, where warranted, use the discretionary authority to grant citizenship.

In its Response to the Standing Committee on Citizenship and Immigration's recent Report on Bill C-37, tabled in the House on October 23, 2009, the Government

responded positively to the Committee's recommendation concerning the remaining lost Canadians and affirmed its commitment to finalize cases where persons have applied for a discretionary review under subsection 5(4) of the *Citizenship Act* as quickly as possible.

As Bill C-37 resolved most cases of lost Canadians, this has reduced the need for persons to request consideration under subsection 5(4). The total number of subsection 5(4) grants for 2009 has increased since the tabling of the Government response to the report from 26 to 33 which includes 16 lost Canadians and others.

**OFFICIAL LANGUAGES**

**SECOND LANGUAGE TRAINING  
IN CANADIAN UNIVERSITIES**

*(Response to question raised by Hon. Claudette Tardif on October 29, 2009)*

The Government welcomes the Commissioner of Official Languages' study and its conclusions.

Canadian Heritage regularly consults with its second-language partners, specifically the French as a Second Language Partners Network, and works closely with them. It also works regularly with departments of education in each province and territory, who are important partners in this file.

Canadian Heritage will analyze further the content of the report and encourage the Association of Universities and Colleges of Canada to begin a reflection with all of its members so that they may communicate their interest to governments to implement different cooperative or learning models or approaches.

While respecting provincial and territorial jurisdiction and universities' independence, Canadian Heritage will encourage more cooperation and the development of a common understanding between the different players involved in second-language learning.

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[English]

**ORDERS OF THE DAY**

**ECONOMIC RECOVERY BILL (STIMULUS)**

**SECOND READING—DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Gerstein, seconded by the Honourable Senator Eaton, for the second reading of Bill C-51, *An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and to implement other measures*.



**Hon. Lowell Murray:** Honourable senators, I know that the adjournment of this matter was moved by the Deputy Leader of the Opposition on Thursday last. I also know that Senator Day intends to speak on the matter this week. He would obviously be the spokesman for Her Majesty's Loyal Opposition and would have 45 minutes reserved to him for that purpose. There is a matter I would like to raise now, briefly. I have asked Senator Day's permission privately, and he has graciously indicated that he would yield. If the Senate has no objection, I would proceed to make my point.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** I just want to ensure that everyone understands that we reserve the 45 minutes for our critic.

**The Hon. the Speaker:** Is it agreed, honourable senators, that we hear from Senator Murray now, and that Senator Day will be the official speaker for the opposition?

**Hon. Senators:** Agreed.

**Senator Murray:** It is quite understood that Senator Day will have 45 minutes to damn the bill with faint praise. I could not possibly need 45 minutes, or anything near that, to make my one point. As I say, I had not intended to intervene in the debate on this bill at this stage, and I do so now only to correct the record with regard to a question I put to the sponsor of the bill, Senator Gerstein, on Thursday last.

The subject matter of my question was the Crown shares payments from the federal government to Nova Scotia in respect of offshore resources. As I informed the Senate on Thursday, there was, in July 2008, an agreement between the two governments, one of the provisions of which was that within 90 days there would be a permanent formula arrived at to govern those payments.

The 90 days had come and gone. Indeed, more than a year came and went without such a formula being produced. Meanwhile, there was agreement between Nova Scotia and Canada on the amounts of money for the fiscal years 2008-09 and 2009-10. My concern was that, absent a formula-based permanent agreement, this would be a matter of annual negotiation between Nova Scotia and Canada, with all the uncertainty and potential tension that that might bring with it. Therefore, I asked Senator Gerstein where this matter stood, more specifically to flag the matter as one that someone would want to pursue when the bill went to committee.

When I looked at the bill after Senator Gerstein's speech — and I probably should have looked at it before Senator Gerstein's speech — I found that there are indeed provisions for a formula-based arrangement for these payments going forward. For ease of reference, these are to be found in clauses 47 to 49 in Bill C-51. I am reliably informed that this formula-based arrangement had been agreed to by the two governments.

I am happy to complete, indeed to correct, the record on that matter. I am happy that they reached that agreement for the future. This is a very important subject for the Government of

Nova Scotia, in particular. As I say, it is immensely preferable to having the matter negotiated year after year between the two governments. If Nova Scotia is happy and Ottawa is happy, I am happy.

Senator Smith interjects to say that if I am happy he is happy. So say we all.

In addition to having read the bill and enlightened myself on the matter, this had been brought to my attention privately by Senator Greene of Nova Scotia. He was too shy and too polite to bring it up publicly, but I want to acknowledge his assistance in the matter.

(On motion of Senator Carstairs, debate adjourned.)

## TAX CONVENTIONS IMPLEMENTATION BILL, 2009

### SECOND READING—DEBATE ADJOURNED

**Hon. Stephen Greene** moved second reading of 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.

He said: I appreciate the opportunity to speak today at second reading of the 2009 tax conventions implementation bill. This bill relates to Canada's ongoing effort to update and modernize its network of income tax treaties with other countries, which happens to be one of the most extensive of any country in the world. At present, Canada has tax treaties in place with over 80 countries. This bill implements three new tax treaties that Canada has recently signed with Colombia, Greece and Turkey.

First, honourable senators, I want to make it clear that this bill does not represent any new or significant change in policy. In fact, the tax treaties covered by this bill, like their predecessors, are patterned on the OECD Model Tax Convention, which is accepted by most countries around the world. As the OECD *Observer* magazine declared:

. . . the OECD Model Tax Convention has proven its value over five decades as a framework for how we think about international tax . . .

Accordingly, the provisions in these particular treaties comply with the international norms that apply to such treaties. I also note that Canada currently has tax treaties in place with 87 countries, a number that will increase to 90 when the treaties in this bill come into force.

Honourable senators, the tax treaties in this bill have been designed with two goals in mind; avoiding double taxation, which is always a good thing; and preventing international tax avoidance and evasion, which is also a good thing.

I will elaborate further on the importance of these objectives, but before discussing the specifics of the bill there are a couple of general points I would like to make on the nature of tax treaties and their role in contributing to a competitive tax system in Canada.

• (1520)

To put this legislation in context, in 1971, the federal government undertook a thorough review and overhaul of Canada's tax system. Among other initiatives, this review involved the expansion of our network of tax treaties with other countries.

The Government of Canada continues to work hard to keep our tax system up to date and competitive. By doing so, Canada will remain an active and leading participant in the global economy.

Honourable senators, these tax treaties have met with a great deal of success and I anticipate that the ones before us today will be no exception.

This, of course, depends on the countries involved completing their legislative requirements as well. Indications are, however, that all three countries — Colombia, Greece and Turkey — are anxious to ratify these conventions as soon as possible.

Honourable senators, I mentioned earlier that tax treaties contribute to a competitive tax system.

Indeed, the Government of Canada has an important role to play in building a more competitive economy by creating an environment that enables Canada's visionaries to excel, and does not stand in the way of their success.

Part of that job is ensuring that the fundamental elements of a successful economy are in place.

As honourable senators know, the world is beginning a tentative recovery from the deepest global recession since the 1930s. In these uncertain times, our Conservative government is staying the course and following through on Canada's Economic Action Plan to ensure a sustained recovery — action that is consistent with the commitment G20 finance ministers and central bank governors outlined at their recent meeting earlier this month.

It is important to remind honourable senators that while we have been impacted by the current global recession, Canada is facing this downturn in an enviable position.

Our fiscal standing is the healthiest in the G7; our housing markets avoided the problems seen in other countries; and, our banks and financial system are the strongest in the world. Clearly, this was not a made-in-Canada recession.

As Scotiabank economist Warren Jestin has noted, Canada was:

... dragged fully into the global recession only when faltering emerging economies triggered a collapse in resource prices and export earnings. . . . Even then, the erosion in employment, housing activity and car sales has been less severe than south of the border.

Moreover, Canada's sound fiscal position is the product of significant debt-reduction efforts by the government before the global recession began. At the onset of the crisis, Canada had

the lowest debt-to-GDP ratio of all G7 countries. From this position of strength, the government responded quickly and boldly with an economic stimulus package that ranks among the largest in the world.

As the International Monetary Fund recently declared:

Canada's large fiscal stimulus package and unprecedented monetary easing are supporting domestic demand. In this context, and with household and financial institution balance sheets stronger than in many countries, Canada's economy is relatively well positioned to resume expansion. . . . Canada's resilience bears testimony to its strong and credible policy frameworks that responded proactively to the global crisis.

Of course, a competitive economy requires a competitive tax system; and clearly, having up-to-date international tax conventions, such as those contained in this bill, is a key component of that goal.

Another key element of a competitive tax system is lower taxes — not only for individual Canadians, but for Canadian businesses as well.

The tax reductions in Canada's Economic Action Plan are an essential part of the government's effort to stimulate the economy and to create or maintain jobs. Lower taxes help ease the financial pressure on individuals, families and businesses, and help build a solid foundation for future economic growth.

Lower taxes also stimulate individual spending, which helps to protect and create jobs. The tax reductions in the plan reinforce our Conservative government's ambitious agenda of tax relief aimed at creating a tax system that fuels job creation and investment in Canada, and improving the standard of living of Canadians.

Tax reductions support Canadians, businesses and jobs by providing both immediate and long-term economic stimulus, which helps individuals and businesses weather the global recession, and also creates a long-term advantage for sustained economic and employment growth.

Actions taken by the government since 2006, including the Economic Action Plan, will reduce taxes on individuals, families and businesses by an estimated \$220 billion over 2008-09 and the following five fiscal years. Of this amount, the tax relief proposed in the Economic Action Plan totals more than \$20 billion.

Our Conservative government is doing its part by keeping its promise to reduce taxes, but there is more — there must be, if Canada is to excel in the global economy.

We need to create a climate that encourages capital investment and innovation. There are countless success stories of Canadians with bright ideas and a willingness to work long hours to make their dreams come true. These people need a government that will support their tremendous potential, and not stand in their way.

Our government is working to create an environment for jobs and growth, through a more competitive tax system. As a result of federal business tax changes and bold tax reductions, Canada will

[ Senator Greene ]

have the lowest overall tax rate on new business investment in the G7 by 2010, and the lowest statutory corporate income tax rate in the G7 by 2012.

By 2012, Canada will also have a tax rate on new business investment that is lower than the OECD average. The competitiveness of our business tax system encourages new investment in Canada, including direct investment from abroad.

It is by achieving tax relief milestones like these that Canadian companies, and the Canadians who make them thrive, can compete with the best the world has to offer. The recent return of Tim Hortons to Canada to take advantage of lower business tax rates is a clear sign of the success of this policy.

Even Liberal senators would agree with our Conservative government on that point, I am sure. If not, I ask them to consider the following op-ed that was published in Saint John's *Telegraph Journal* and written by Britt Dysart, President of the New Brunswick Liberal Association:

Tim Hortons made the decision to shutter its corporate headquarters in the U.S. and run everything from within Canadian borders. There is nothing more Canadian than rolling up the rim on your large double-double, and the announcement was timed nicely to coincide with Canada Day festivities. But this decision was about business, not patriotism. . . . the company explained that one of the reasons Tims was pulling up stakes in Delaware, a state known for low taxes, was because the tax system in Canada was more attractive.

Honourable senators, tax treaties are an important part of this overall approach to improve the tax system. Indeed, they are an integral part of the government's plan to improve the standard of living of Canadians.

One might ask: So how does an international tax convention such as this one make a difference to Canadians? What do taxes in other countries have to do with us?

Tax treaties like this bill directly affect the international trade in goods and services, which, in turn, impacts Canada's domestic economic performance, and that impact is significant.

Over 40 per cent of Canada's annual gross domestic product can be attributed to exports. Moreover, Canada's economic wealth each year also depends on foreign direct investment, as well as inflows of information, capital, technology, royalties, dividends and interest.

In other words, the tax treaties contained in this bill will benefit Canadian businesses and individuals with operations and investments in the three countries covered by this legislation.

Just how will that happen? To begin with, perhaps the most important point is that taxpayers will know that a treaty rate of taxation cannot be increased without substantial advance notice.

Second, the mere existence of these tax treaties will foster an atmosphere of certainty and stability for investors and traders that can only enhance Canada's economic relationship with each country.

Third, the complexity in the operation of the tax system will be reduced and a mechanism to settle problems encountered by taxpayers will be provided. Reducing the burden of this administrative compliance will encourage more international economic activity. This can only have a favourable effect on the Canadian economy.

In short, honourable senators, these new treaties will provide individuals and businesses in Canada and the other signatory countries with predictable and equitable tax results in their cross-border dealings.

As honourable senators know, Canada's economy is becoming increasingly intertwined with the global economy. Eliminating administrative difficulties and unnecessary tax impediments with respect to cross-border dealings will remain an important priority for the Government of Canada.

Eliminating administrative complications is, of course, an important component of international tax treaties; but hand in hand with that, honourable senators, is the issue of tax fairness and tax evasion.

In the name of fairness, no Canadian should ever find himself or herself subject to double taxation. It would also be unfair for those who owe taxes not to pay taxes. As the full title of this bill implies, this is exactly what tax treaties work to eliminate.

First, what do we mean by double taxation? Double taxation, in an international sense, arises as the result of the imposition of comparable taxes in two or more states, on the same taxable income, in the hands of the same person, and for the same period of time.

As one can appreciate, this overlap between taxation by the country where the income arises and taxation by the country where the taxpayer resides can have further adverse and unfair consequences to taxpayers.

Tax treaties, like the ones included in this bill, prevent double taxation by establishing rules for clearly laying out taxation jurisdictions according to the taxpayer's country of residence and the country where the income arises.

Honourable senators, to alleviate the potential for this happening, a tax treaty between two countries allocates taxing authority with respect to a given item of income.

• (1530)

This happens in one of three ways. First, the income may be taxable exclusively in the country in which it arises. Second, it may be taxable only in the country in which the taxpayer is resident; or, third, it may be taxable by both the source country and the residence country with relief from double taxation provided in some form.

The treaties contained in this bill confer an exclusive right to tax with respect to a number of income sources. The treaty partner is thereby prevented from taxing those sources and double taxation is avoided.

From an administrative point of view, when a country is granted the exclusive right to tax in accordance with its privileges, the burden associated with filing tax returns in the jurisdiction of the other treaty signatories is greatly reduced. For example, if a Canadian resident employed by a Canadian company is sent on a short-term assignment — say for three months — to any one of the three treaty countries contained in this bill, from now on Canada has the exclusive right to tax that person's income.

However, in the case of most items of income and capital, the right to the tax is shared, especially if it is over a longer term. Under any of the three tax treaties contained in this bill, where a shared right exists to tax an item of income of a taxpayer, there also exists an obligation on the part of the country in which the taxpayer is a resident to eliminate any double taxation.

One method of reducing the potential for double taxation involves the reduction of withholding taxes, which are the taxes countries generally impose on certain types of income paid to non-residents. Without a tax treaty or other legislated exemption, Canada taxes various categories of income paid to non-residents at the rate of 25 per cent. Most of Canada's trading partners impose a similar level of withholding tax.

However, Canada's network of tax treaties provides for several reciprocal withholding tax rate reductions which more accurately reflect the actual level of taxes owed. Normally, under treaty, the country where the income is generated can withhold tax, usually at a rate of 5, 10 or 15 per cent on dividends, depending on the circumstances, and 10 per cent in the case of interest and royalties.

Honourable senators, as I have just explained, over-taxation is clearly unfair and economically damaging, but tax evasion and avoidance are also unfair and damaging. The loss of revenue resulting from tax avoidance and evasion has the potential to adversely affect the efforts of governments in reaching important policy objectives. Not only that, tax evasion places a disproportionate share of the burden on honest taxpayers.

We all recognize the best defence against international tax avoidance and evasion is through improved and expanded mechanisms for international cooperation and information sharing. To facilitate that goal, treaties like those found in this bill permit the exchange of information between revenue authorities and, in so doing, help them identify cases of malfeasance and act on them.

In conclusion, honourable senators, as I mentioned at the outset, this bill deals with important treaties that comply with the international norms. There is little doubt that its benefits are clear. The treaties covered in this proposed legislation will provide equitable treatment to the various taxation issues between Canada and Colombia, Greece and Turkey. Moreover, these treaties will help Canada's position in the increasingly competitive world of international trade and investment. I therefore urge all honourable senators to pass this bill quickly.

(On motion of Senator Moore, debate adjourned.)

[ Senator Greene ]

## MEDICAL DEVICES REGISTRY BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Mac Harb** moved second reading of Bill S-243, An Act to establish and maintain a national registry of medical devices.

He said: Honourable senators, it is my pleasure to rise to ask for your support for Bill S-243.

This bill was formerly known as Bill S-221. It received approval at second reading and was referred to committee. Unfortunately, an election or two interrupted the bill's progress, but I trust, honourable senators, that we will be able to come together and once again agree on the importance of the purpose of this legislation to Canadians and ensure it is sent on to committee for further study.

Some new faces have joined the chamber since this bill was first introduced. Therefore, I would like to take a few moments, with honourable senators' permission, to provide the necessary background information.

The subject of medical devices hits painfully close to home for many of us. Reports indicate that one in ten Canadians is walking around with some form of medical implant. Canada's orthopaedic surgeons are performing significantly more hip and knee replacements than they were 10 years ago, up over 100 per cent, in fact. Statistics from the Biomedical Research and Education Foundation show us that this trend will continue. By 2030, the number of knee replacements in the United States is expected to increase by 673 per cent, and hip replacements are expected to grow by 174 per cent.

It is not just the use of implants that is on the rise. Thousands more Canadians every year use prescribed medical devices such as blood glucose monitors or portable oxygen tanks.

Health Canada is the body responsible for reviewing and licensing medical devices to assess their safety, effectiveness and quality before authorizing them for sale in Canada. Between 2005 and 2009, the number of devices licensed by Health Canada rose by 60 per cent as 37,259 more types of devices became available in the marketplace. As the number of devices has risen, so too has the number of warnings and recalls relating to these devices. Unfortunately, during the same period of 2005 to 2009, more than 2,500 defective medical devices were reported to Health Canada.

The goal of this bill is to establish and maintain a national registry of medical devices. This registry would contain the names and addresses of people who use implantable or prescribed home-use medical devices. The information would be given voluntarily by the users of the devices.

This bill would also require manufacturers and distributors of certain medical devices to notify the registrar if a medical device could pose a risk to the health or safety of a user. The registrar would then be required to notify registered users.

Let us look for a moment at the situation today. As my colleague Senator Keon pointed out when we last spoke to this legislation, we have regulations in place that cover certain medical

devices and that contain specific protocols for patients and physicians to follow. These regulations include mandatory problem reporting and require all high-risk implantable devices to be registered.

He also commented on the fact that sometimes, despite the regulations, devices are flawed and patients are not notified. Referring to a tragic case, he mentioned a surgeon who failed to notify a patient about a serious problem with a jaw implant. This unfortunate example of a surgeon who failed to comply with the regulations does not criticize in any way the regulations themselves. While he did not know the particulars in this case, the fault appears to have been with the individual surgeon and not with the system. Sadly, this is true. Despite current regulations which, on paper, could adequately protect Canadians, common occurrences — such as simple human error, a medical practitioner moving out of the country, a patient database being lost or a device manufacturer going out of business — can result in users of medical devices falling through the cracks. When they do, there can be a very high cost to the individual and their quality of life, as well as to our already-overburdened health care and legal systems.

• (1540)

A national registry can mitigate the impact of device failures. Experts and some impressive statistics back this up.

[*Translation*]

Dr. William Maloney from the Department of Orthopedic Surgery at Washington University's School of Medicine is an ardent supporter of a national registry of medical devices in the United States. His research has shown that if a registry led to an annual decrease of even 5 per cent of the total number of hip replacement repairs, it would save more than \$30 million a year. That is for hip replacement repairs alone. Multiply that by the number of devices and complicated repair procedures that could be prevented by an efficient registry system and the savings for Canadian taxpayers would become that much more apparent.

The cost of health care in Canada is expected to reach \$183 billion in 2009. The registry will allow us to cut costs, as well as reduce the pain and suffering of users.

When an unfortunate incident occurs, Health Canada issues warnings, public health notices and other industry notices as a service to health professionals and consumers. When Health Canada receives a notice, it posts the warning on its website and issues a notice.

Does the consumer stay informed? There is no way to be sure. However, one thing is for certain: this process alone is not a good substitute for a device registry.

[*English*]

Our current system needs a backup. Canadians need to know that if they take the time to voluntarily submit their contact information to the registrar for medical devices and they keep that

information up to date, they will be notified. No ifs or maybes; they will be notified should something go wrong with their device.

Honourable senators, putting a national medical device registry in place would allow Health Canada to be proactive and specific in the dissemination of information about medical devices that have been approved for use in this country. The registry would ensure that individuals receive quick and reliable information regarding possible life-threatening malfunctions or the failure of a device from a centralized source.

Let us look for a moment at how the national medical device registry would work. The registry would contain, with their consent — it is important to note that registering on this database would be totally voluntary and up to individual patients — the names and addresses of persons who use implantable medical devices or prescribed home-use medical devices. Individuals would be given the option of providing contact information for safety alerts and/or for medical device follow-up and evaluation. Personal data in the registry would never be disclosed for any reason without the written permission and informed consent of the person. At the end of the day, the registry would give Health Canada officials the necessary information for contacting patients quickly in the event of a recall or defective device.

Medical devices are divided into four classes, with Class I being the lowest risk and Class IV being the highest. Class I devices, such as surgical instruments, are not licensed. Class II devices, such as contact lenses and pregnancy tests, Class III devices, such as glucose monitors and orthopaedic implants, and Class IV devices, such as pacemakers, must currently be licensed by Health Canada before they are allowed to be sold or advertised.

Obviously the scope of the devices covered by the registry would require consideration. The legislation allows for regulations defining the scope and class of devices involved.

[*Translation*]

There are a number of medical devices registries already in existence. For example, Health Canada funds the Canadian Joint Replacement Registry. There are also registries in other countries, such as Sweden, Finland, Norway, Denmark, Hungary, Australia and Saudi Arabia.

The health bill recently passed by the United States House of Representatives includes a clause on a national medical devices registry. The FDA is very interested in the possibility of keeping a national registry that includes more than orthopaedic implants.

Generally speaking, these medical devices registries are established to provide information in real time about problems with devices and give immediate feedback to the medical community and device manufacturers about the performance of these devices, as well as providing information for clinical research purposes. There is no question that such registries are beneficial. However, for the time being, the measure I am proposing is designed to provide users with information on defective devices as efficiently and quickly as possible.

[English]

Aaron Moskowitz is the Executive Director of the Biomedical Research and Education Foundation, or BREF as it is called. In an email to my office he said:

User notification, for all devices, is of great interest to BREF. There is a lack of information making its way to purchasers, doctors and patients. A fast recall and warning system for devices could save a lot of money, time and improve patient safety. A registry should work at both the population and individual level.

I look forward to discussions on how the registry could possibly be rolled in with Health Canada's praise-worthy efforts to harmonize licensing and labelling regulations with other countries. Imagine for a moment, if you will, a national medical device registry with links to warnings and recalls around the world. However, as one would say, one step at a time.

Canada is on the cutting edge of research and development in the field of information technology. We have not only the technology needed to create these incredibly complex and oftentimes life-saving devices but, as well, we have the technology that will help us track it and provide up-to-date and accessible information to Canadians in a timely manner.

We have a good system with excellent people doing the very best they can, given the tools and resources at their disposal. However, there is no doubt in my mind that it can be a better system and that Canadians can be better protected when it comes to a device that has gone bad.

Health Canada's stated mission is to protect the health and safety of Canadians. It already has responsibilities to approve medical devices in the first place. It currently gathers information about adverse events and does it best through press releases and a web page to pass on warnings should something go wrong. A registry would allow Health Canada to take its responsibility "the last mile," ensuring timely notification to registered users. It is vital that we meet with stakeholders and ensure that this legislation meets the urgent needs of Canadians. If we do it right, Canada will be among the frontrunners, not only in the research and development of medical device technology, but in the protection of its citizens when that technology fails.

• (1550)

**Hon. Nancy Greene Raine:** Will the Honourable Senator Harb take a question?

**Senator Harb:** Absolutely.

**Senator Raine:** Honourable senators, I am impressed by this subject and by Senator Harb's presentation. Has the honourable senator looked at the option of the recipient of the medical device being responsible for staying in touch with the registry? Having a knee replaced is a major event in a person's life. It would make sense to me that such a person would want to be in touch personally with the registry to control the input rather than have it controlled by the government.

[ Senator Harb ]

**Senator Harb:** There are two sides to the question. First, I agree that the patient should be proactive. However, who will maintain the registry? Surely someone must be responsible for setting up and maintaining a national registry. We cannot expect one or two patients to set it up. Health Canada is best equipped to do that. There is already a mechanism in place for certain medical devices. The intent of this bill is to ensure that the necessary resources will be put in place to take it to the next step. Currently, if there is a problem with the device, such as a pacemaker, Health Canada will issue a press release, put it to the Health Canada website and notify the doctor or the hospital where those devices are used. A problem can arise, however, if the doctor who performed the surgery is no longer at the same hospital, that the patient will not learn about the problem, unless there was a national registry to carry the information.

Another problem can occur when a producer of a device is no longer in business. Getting that information to all who might be affected must be done by an organization that has a national scope, such as Health Canada. Otherwise, it would not work.

As a patient of that kind of surgery I would input the information to the database on a voluntary basis, and the maintenance of that information would be done through Health Canada or an agency under Health Canada. The information will be accessed and maintained by Health Canada, who will ensure that it remains confidential. If a problem arises, it is a national responsibility to notify affected patients. The manufacturer would be responsible for telling Health Canada when problems arise with medical devices and patients could tell us when a problem arises. Notification would then be sent out immediately to all patients with the problematic device. There would be no need to wait for people to figure out whether something has gone wrong with their system. Not everyone sits in front of the Internet every day to check press releases from Health Canada. We need a proactive system whereby the federal government will be able to reach out to the people.

A manufacturer cannot manage a system for everyone because they manufacture only one kind of implant, and we have thousands of various medical devices. We cannot have all of those manufacturers attempting to set up a registry individually. We need one registry managed by someone who has the interests of the people at heart — Health Canada.

**Senator Raine:** I see it in a different way. One person with one new knee will be very concerned, involved and engaged, and, therefore, likely to be the best person take responsibility for staying in touch via newsletters. We all know about unsubscribing to the many newsletters on the Internet but in this case, we would unsubscribe only when we die. I like the idea of having a registry but I like the idea of the individual taking personal responsibility. Perhaps when they get their knees replaced, they could pay a fee to the private sector person who maintains this database on those devices. Perhaps Health Canada has a role in ensuring that each device has a system attached to it, but I like the idea of the individual who has the device being responsible for staying in touch.

**Senator Harb:** Honourable senators have heard this impressive concept brought forward here this afternoon. This kind of subject should be debated at committee.

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

### INCOME TAX ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Lovelace Nicholas, for the second reading of Bill S-213, An Act to amend the Income Tax Act (carbon offset tax credit).

**Hon. Consiglio Di Nino:** Honourable senators, I intend to speak to this bill next week. Therefore, I move the adjournment of the debate in my name for the remainder of my time.

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

### PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

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

**Hon. A. Raynell Andreychuk:** Honourable senators, I rise to speak to Bill S-218, which was introduced by Senator Joyal.

Previous versions of this bill have been before the Senate, which I have spoken to in other sessions. I will reiterate some of the remarks that I made and indicate that I do support the objectives of Senator Joyal's bill as outlined in Bill S-218. However, I think that the process needs to be considered to determine whether this is the best way to implement the policy that Bill S-218 intends to address. A more careful study, as was begun in the Standing Committee on Rules, Procedures and Rights of Parliament, is warranted.

Before I speak specifically to Bill S-218, I will speak to the issue of human rights in general. While we in this chamber often pay tribute to the success of the Canadian Charter of Rights and Freedoms, to the Universal Declaration of Human Rights and to specific human rights legislation that has been developed over the years in Canada, we have not looked in any systematic way at the issue of human rights as it applies within the Senate of Canada.

• (1600)

Parliamentarians are unique. While human rights' legislation applies to the precinct of Parliament, nonetheless, due to parliamentary privilege, the method by which Parliament complies with human rights' legislation has been within the discretion of parliamentary legislatures, either the House of Commons or the Senate of Canada.

In our particular case within the Senate, we have employees who are caught within the definition of parliamentary privilege. We have those employees who are not within the definition, but do work for the Senate of Canada. We have employees who work for senators. We have contractual employees and we have part-time and full-time employees in varying capacities, as our need indicates.

It is time, as I have said previously and will reiterate, that we look at our human rights' obligations to ensure that our employees have the same rights as do other Canadians, subject only to the careful study of parliamentary privilege. We should be mindful that we should not curtail employees' rights, except when we believe that it is absolutely necessary.

I will remind honourable senators that I will be also dealing with motion No. 13, as it stands on our Order Paper, which I have introduced, and would also ask that the motion be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament. As Senator Joyal and I, in the past, have combined my general motion on human rights and his specific bill, Bill S-218 — and, in fact, the Rules Committee had started its study comprehensively on both issues — I believe it would be in the best interests of the Senate to continue that process.

I believe the motion deals with an overview of the issues of human rights as it applies to the Senate, while Senator Joyal's bill deals with particular employees and their rights and responsibilities. We would therefore be on more solid ground when we ask in our oversight capacity that governments and others comply with such rights.

Turning specifically to Bill S-218, our colleague Senator Joyal has pointed out a gap in the way that the employees in the Senate, the House of Commons and, in fact, the Parliament of Canada are protected under the Canadian Human Rights Act. It is a gap that he hopes to close with Bill S-218.

When Senator Joyal speaks to this bill, he refers to the *Vaid* case. The case had been before the courts, and the question before the court was whether or not employees of Parliament were protected by the Canadian Human Rights Act. I would like to quote the findings of the court; in particular, the court said:

... the *Canadian Human Rights Act* applies to all employees of the federal government including those working for Parliament. However, the fact that Mr. Vaid claims a violation of his human rights does not automatically steer the case to the Canadian Human Rights Commission. Rather, in this case, Mr. Vaid's complaints of discrimination and harassment, contrary to the provisions of the Canadian Human Rights Act, arose in the context of his claim of constructive dismissal and therefore fall within the grievance procedure established under PESRA, the Parliamentary Employment and Staff Relations Act.

The PESRA created a specific regime covering the labour relations of parliamentary employees. Its system of redress, which covers complaints about violations of statutory standards, such as those found in the Canadian Human Rights Act, runs parallel to the enforcement machinery provided under the Canadian Human Rights Act. While not all potential claims to relief under the Canadian Human

Rights Act would be barred by section 2 of PESRA, there is clearly a measure of duplication in the two statutory regimes, and the purpose of section 2 of PESRA is to avoid such duplication. Since Parliament has determined that workplace grievances of employees covered by PESRA are to be dealt with under the PESRA, and as PESRA includes grievances related to violations of standards established by the Canadian Human Rights Act, Vaid is obliged to seek relief under the PESRA. There is nothing in Vaid's complaints to lift his grievance out of the specific employment context.

The Supreme Court of Canada found that the Canadian Human Rights Act does apply to parliamentary employees, but with parliamentary privilege, it is up to Parliament to decide how to address the implementation of human rights for parliamentary staff.

What Parliament has decided to this point is that parliamentary employees covered by PESRA who have grievances must seek redress under the existing PESRA. That seems straightforward, but the situation is a little more complicated than it first appears.

As Senator Joyal has pointed out, PESRA does not offer quite the same protection under its grievance procedure as provided under the Canadian human rights tribunals for others. In the past, Senator Joyal has emphasized that, under PESRA:

The Canadian Human Rights Commission has no standing, no right to intervene and no possibility to support the claims or grievances of the employees.

As the Supreme Court has pointed out, PESRA operates parallel to the Human Rights Act and section 2 of the PESRA ensures that there is no duplicity between the two. The relevant part of section 2 states the following:

Except as provided in this act, nothing in any other act of Parliament that provides for matters similar to those provided for under this act and nothing done there under, whether before or after coming in force of this section, shall apply to or in respect of or have any force or effect in relation to the institutions and persons described in this section.

Further, I go on to say and have said in this chamber, the Public Service Labour Relations Act, which governs public service employees, includes a means to protect them should they have a human rights grievance. Under this act, the Canadian Human Rights Commission is called to appear and to take a stand in support of employees who seek redress or who have a grievance to file.

There is no such requirement under PESRA, and that is the problem, and one that our honourable colleague, Senator Joyal, has chosen to rectify legislatively through Bill S-218, which will bring about three key changes to our existing laws.

First, it will amend the Parliament of Canada Act to provide for notice to be given to the Canadian Human Rights Commission when a grievance referred to adjudication raises an issue involving

the interpretation of the application of the Canadian Human Rights Act. Clearly, this would create a link between PESRA and the Canadian Human Rights Act.

Second, it will set out the powers of an adjudicator named under the Parliamentary Employment and Staff Relations Act to interpret and apply the Canadian Human Rights Act.

Third, it will repeal section 4(1) of the Parliamentary Employment and Staff Relations Act that gives privileges, immunities and powers referred to in the non-derogation clause, section 4 of the Parliament of Canada Act.

Honourable senators, this bill will deal specifically with the gaps that currently exist. In particular, it will ensure that employees who are covered by PESRA will have the full protection of human rights, eliminating any discrepancies that currently exist.

However, Senator Joyal has chosen the legislative route in Bill S-218. I believe it warrants a full study, and the gap for employees is certainly one that needs to be addressed. However, I would like to explore further whether a legislative answer is necessary for PESRA, while I believe it probably is for the Canadian Human Rights Act.

Therefore, it is necessary to look at the act, the regulations and all policies. We should ensure that employees are not having their rights or privileges curtailed by virtue of the rights and privileges of parliamentarians.

• (1610)

I would also want to protect the rights and privileges of parliamentarians to the fullest extent. For example, the *Vaid* decision makes it clear that it is not necessary to repeal section 4(1) of the Parliamentary Employment and Staff Relations Act, PESRA, to make a link to the Canadian Human Rights Act. Again, the Supreme Court stated clearly:

The *Canadian Human Rights Act* applies to all employees of the federal government, including those working for Parliament.

My particular concern, therefore, is curtailing privileges, immunities and powers referred to in the non-derogation clause, which may lead to a number of difficulties.

We should also note that the House of Commons' Board of Internal Economy is also seized with this issue, and we need to be updated on their actions. We should be mindful of the workers and employees in all our respective offices, so that we have a cogent means of addressing this problem.

As we take on the issues outlined in Senator Joyal's bill, we should be mindful of the fact that we have employees who are caught within parliamentary privileges and are not subject to the PESRA rules. As I have pointed out, there are other categories of employees. We should look at the bill with a view to looking at employees in the broadest context. I believe that a referral to the Standing Committee on Rules, Procedures and the Rights of Parliament would do just that.



I thank Senator Joyal for his persistence with this issue. I believe this bill, in conjunction with the motion that is on the Order Paper, would perform a valuable service, not only to the employees on the Hill, but to our commitment to human rights issues.

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

**Senator Andreychuk:** Yes.

**Senator Cools:** Honourable senators, I thank Senator Andreychuk, as always, for her clear articulation of the issues and also for her interest in these matters. As I was listening to her, I noted on several occasions that she spoke about persons or employees who work for Parliament. In another instance, she said “parliamentary employees.” My understanding is that Parliament does not have any employees and that individual staff do not work for Parliament. The Senate has employees and the House of Commons has employees, but not Parliament.

I wonder if the honourable senator could clarify this for the house. I know it is a larger question than it appears, but perhaps the honourable senator can clarify that because there is some confusion.

**Senator Andreychuk:** I thank Senator Cools for being absolutely correct. I accept her version.

**The Hon. the Speaker *pro tempore*:** Order.

The honourable senator’s time has expired. She will have to ask for more time in order to answer questions.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** She may have five minutes.

**Senator Andreychuk:** I will reiterate that I thank Senator Cools for her comments. She is quite right.

I was trying to apply a shorter version of my speech. I think the Rules Committee will address it appropriately as the honourable senator has phrased it.

**Senator Cools:** Honourable senators, I think Senator Andreychuk has told me there is a glorious future ahead of having questions answered, and I will look to that future. In the meantime, perhaps I will look at *Vaid* and some of the questions.

I, therefore, move the adjournment.

(On motion of Senator Cools, debate adjourned.)

## COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

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

**Hon. Anne C. Cools:** Honourable senators, it had been my intention to speak to this particular matter, however, I am afraid I am finding my plate a little laden. Senator Segal has indicated to me that he would like to speak to it, as well.

Therefore, I am quite happy to yield the floor to him so that this chamber can be enhanced by his towering intellect.

**Hon. Hugh Segal:** Honourable senators, Senator Nolin wants to raise a question of privilege on that last matter, but all that has passed.

I have a grave concern about the creation of officers of Parliament and different commissioners. I want to develop that concern in the depth and context that this chamber deserves.

Therefore, I would like to adjourn the debate in my name, for the rest of my time, if that is acceptable.

(On motion of Senator Segal, debate adjourned.)

## THE SENATE

### MOTION TO AUTHORIZE THE RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT COMMITTEE TO STUDY THE APPLICATION OF THE CHARTER OF RIGHTS AND FREEDOMS AS IT APPLIES TO THE SENATE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Tkachuk:

That the Senate refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the *Charter of Rights and Freedoms* as it applies to the Senate of Canada.

**Hon. A. Raynell Andreychuk:** Honourable senators, this is the companion motion I was talking about when I was addressing Bill S-218. I did not bring this motion at the same time as Senator Joyal’s bill. My main preoccupation was that we in this chamber often talk about the Charter of Rights and Freedoms and how it is of benefit to Canadians. We often use Charter issues as a guideline on the rights and responsibilities of Canadians.

It seemed to me that we had not looked at the issue of how the Charter of Rights and Freedoms applies to us and, therefore, how other human rights legislation that we have in Canada and internationally applies to us. Given that this upper chamber prides itself in its oversight role, I believe it is warranted that we make sure that our house is in order on the issues of rights and freedoms of Canadians as and when they deal with the Senate.

I also think it is an opportunity, being mindful of the fact that the Senate has a special responsibility for national, regional and minority interests, to be sure that we have put in place the practices and procedures that allow us to be cognizant of

the Charter issues as and when we deal with our work, our practices and our policies. In other words, we should practice what we preach for others, and we should ensure that our house is in order.

The opportunity to be able to do that in an efficient way is to combine this motion with Bill S-218, as we did before in the Rules Committee. I think it would be an appropriate place to review the issues of the Charter and to look specifically at the issue of procedures with respect to employees. I spoke to this at greater length in previous sessions.

• (1620)

At this point, I would simply ask honourable senators to reflect on their own experiences with respect to the Charter. I would also wish for this motion to be referred to the Rules Committee in conjunction with Bill S-218.

**The Hon. the Speaker *pro tempore*:** Further debate?

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

**Senator Andreychuk:** Yes.

**Senator Cools:** Honourable senators, I thank Senator Andreychuk for her broad-mindedness in respect of wanting to explore other options rather than the route that is legislation. I am appreciative of that. Every time I hear yet another adjudicator, yet another commissioner or yet another officer being created, I shudder at yet another bureaucracy.

Honourable senators, does Senator Andreychuk have any idea if a certain sector of senators will be captured by this? As she knows, senators do not receive salaries. We are not employees. We are paid indemnities. However, several years ago, the Senate started the practice, by way of legislation brought at the initiative of the government, of paying chairmen of committees \$10,000 per year, or whatever the amount is. It also applies to deputy chairmen and, in recent times, chairmen of caucuses, as well. What is the nature of these payments and under what rubric are they classified? They cannot be indemnities, because all our indemnities are the same. Yet, there is the additional payment. Is that payment of the nature of employee? Would this committee be asked to look at that issue under this rubric?

Honourable senators, it is a very serious question and many have fluffed over it. Individuals such as myself opposed it *ab initio* and thought it was very wrong. The time is coming soon when serious questions will be raised about those payments — what they are for, what duties are actually performed for them, and how those individuals are chosen. Those positions have moved from being voluntary, or as subsumed within the indemnity. Since they are in legislation, they have moved into a very wide area of challenge and question. We ought to start looking at the issue.

**Senator Andreychuk:** When I first introduced this motion many sessions ago, my preoccupation was that we treated those who come in contact with us in our parliamentary duties fairly and in line with Charter expectations. However, the honourable senator raises a very good point. We cannot talk about employees if we do not talk about senators.

Therefore, I think it would be up to the Rules Committee if they accept the honourable senator's suggestion. They could frame this as broadly or as narrowly as they wish. I do not want to pre-empt the authority of the committee in structuring its work and mandate. I hope they would take this into account as a valid point.

We all know that the reimbursement for senators has changed many times over the years. It may be worthy to look at this in line with the other issues. I will leave it to the committee to take all of our suggestions into account. I am not saying what they should or should not study. I hope they would at least address these issues. It would be the first time since I have been here that we may be addressing those issues in some systematic way.

**Senator Cools:** Honourable senators, I understand clearly that the committee is the master of its own proceedings and will take all those decisions. I also understand, of course, that the honourable senator does not want to pre-empt the study. That is desirable.

In the honourable senator's work on the question of these relations — and these are forms of human relations — has she wrapped her mind around these payments for services rendered? What sort of constitutional animal are these payments? I know what our indemnities are, but I am not clear on the nature of the constitutional animal, these payments. It seems to be a novel animal.

I am not pre-empting anything, but am simply wondering if the honourable senator has looked at the matter during the course of her work.

**Senator Andreychuk:** After the Rules Committee has finished, I may have an answer for the honourable senator. I have not looked at it from that perspective. I have questioned chairs and deputy chairs being paid. That is as far as I have gone. When we look at employees, we have to look at those who employ them or have some direction over them. Therefore, it is valid.

**Senator Cools:** Honourable senators, when a chairman of a committee is summarily removed, there are definite human rights questions involved.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, Senator Andreychuk has indicated that this motion is complementary to Bill S-218. Senator Cools took the adjournment for Bill S-218.

**Senator Cools:** I am planning to do it today.

**Senator Tardif:** On this motion as well?

**Senator Cools:** Yes.

**Senator Tardif:** Very well. I will concede to Senator Cools.

(On motion of Senator Cools, debate adjourned.)

[ Senator Andreychuk ]

## EMERGENCY PASSPORT SERVICES

## INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the inability of Canadians in rural and remote regions to receive timely access to emergency passport services.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, without giving any position regarding whether I support the point of order I will raise, it is the ambiguity of rule 35 of *Rules of the Senate* at issue. Senator Callbeck has already spoken on this inquiry. Therefore, if she speaks now, she would be speaking a second time. If we read rule 35 carefully, it states:

A senator shall have the right of final reply if:

(a) the Senator has moved the second reading of a bill or made a substantive motion, other than a motion to adopt a committee report on *Conflict of Interest Code for Senators* pertaining to the conduct of a Senator, or an inquiry . . .

This is very poorly drafted. The way I read it is that a senator who has proposed an inquiry and spoken to it, if the senator has final reply on the inquiry, it should read something this:

A senator shall have the right of final reply if the senator has moved second reading of a bill, or made a substantive motion or proposed an inquiry.

An inquiry, as we all know, is like a take-note debate. It is not debatable on the floor like a motion on which a substantive decision will be taken by the Senate.

Often, a senator will move an inquiry and, if no one else speaks to it, that senator becomes the only senator who speaks on the inquiry. If my understanding is correct, in fact, Senator Callbeck is the only person who has spoken to this inquiry. She not only opens the debate on the inquiry, but she also closes the debate. This is, in effect, providing 30 minutes of discussion through an inquiry, whereas I think the intent of the drafters of this rule was that there not be a final reply to inquiries.

• (1630)

If Her Honour finds that in fact there is the right of a reply to an inquiry, so be it; I will live with it. However, I cannot see why we would have 15 minutes to open and 15 minutes to close when in fact an inquiry is a take-note subject.

I leave it in the capable hands of Her Honour. If she wishes to reflect on this, so be it. If Her Honour decides there is a right to final reply on an inquiry, so be it. Senator Callbeck can, at a future date, close the debate on her inquiry. I am looking for guidance from Her Honour.

I would ask that Her Honour look carefully at the way this rule is drafted. It is extremely poorly drafted. If nothing else, let us find the means so that someone of average intelligence can read this rule intelligently.

**Hon. Joan Fraser:** Senator Comeau is absolutely right. This rule is so badly drafted that it is unintelligible and therefore deserves the attention of the working committee now considering clearer language for the rules.

That said, since the rule is unintelligible, it seems to me that an appropriate way to deal with the unintelligibility would be to err on the side of giving the senator in question the benefit of the doubt and of permitting a fully rounded debate. Therefore, in the absence of a clear rule, I would argue in favour of a right of final reply.

**Senator Comeau:** My problem is that if we accept that point of view as a ruling, which is what I believe my honourable colleague is proposing, we would be establishing a rule of the Senate on the floor. I think it would be more appropriate that we have a one-time agreement by both sides, everyone in the chamber at present, pending the Speaker's more permanent ruling. That way Senator Callbeck would be given an extra 15 minutes at this particular time, without setting a precedent, which is what I am trying to avoid.

**The Hon. the Speaker pro tempore:** The record shows that Senator Prud'homme also spoke on this inquiry. Senator Callbeck spoke for nine minutes, and according to the record, Senator Prud'homme also spoke on the inquiry.

[Translation]

**Hon. Fernand Robichaud:** Honourable senators, I believe that rule 35 is rather clear, and I quote:

A Senator shall have the right of final reply if:

(a) the Senator has moved the second reading of a bill or made a substantive motion, other than a motion to adopt a committee report on the *Conflict of Interest Code for Senators*. . .

There is an exception. The rule then states:

. . . or an inquiry;

Therefore he has the right of reply if he has moved second reading of a bill or made a substantive motion or inquiry. What is found between the commas is an exception. In that case, I believe that Senator Callbeck certainly has the right of reply on her inquiry.

**The Hon. the Speaker pro tempore:** Honourable senators, this is not the first time we have referred to rule 35.

[English]

**The Hon. the Speaker pro tempore:** "A Senator shall have the right of final reply if:" and then we accepted the words "or an inquiry."

Therefore, I will ask Senator Callbeck to give her final reply. If Senator Callbeck speaks now, she will close the debate. It is the final reply.

**Hon. Catherine S. Callbeck:** Honourable senators, I want to say a few words on this inquiry. If no other honourable senator wishes to speak, I would like to close the debate, as it is day 15.

I initiated this inquiry because of my concern about the length of time it takes for people living on Prince Edward Island to get an emergency passport. I am also concerned about the costs involved in getting that passport. We are the only province in Canada that does not have a passport office. This means that if the situation develops that an Islander wants to get a passport quickly, they have to go to Halifax, Nova Scotia; or Fredericton, New Brunswick, and appear in person with a complete application for consideration.

Once the applicant goes and presents their documents, a decision is made by the manager as to whether or not Passport Canada will go ahead with the emergency passport. Even after the applicant has travelled to Halifax or Fredericton, it is possible that they can be turned down for an emergency passport. This travel takes time and it can be costly, when one considers the bridge tolls, the cost of gas, missing a day or two of work, possibly having to stay overnight, restaurant bills and so on. This problem is more urgent than ever before because, as all honourable senators know, you need a passport even to go to the United States by car.

I initiated this inquiry because of my concerns about the length of time it takes to get this passport and the costs involved, which can be considerable, especially if the applicant has to take one or two days off work, and all the other associated costs. I believe that the federal government must provide a way for Islanders to receive an emergency passport in a more timely manner.

I call on the federal government to implement a solution to this problem of getting an emergency passport as soon as possible.

**Hon. Marcel Prud'homme:** Will Senator Callbeck accept a question?

**Senator Callbeck:** Yes.

**Senator Prud'homme:** As the honourable senator knows, I once asked for adjournment of the debate. I wanted the issue to be discussed in more depth. Now that the honourable senator has spoken, of course, it is the end of the debate. However, I kindly

ask whether the honourable senator intends to pursue the issue. In another life, I would certainly pursue it.

Would the honourable senator accept that we prolong the debate on this very important question? To me, it is fundamental that Canadians be treated equally in this country, and this is the kind of argument that could be made. It is not correct.

This is the Senate at its best. This is not a partisan question; it is a question of the right of all Canadians to be treated equally. We should be sensitive to every region of Canada, and the honourable senator's province is the birthplace of Confederation. Surely, colleagues of both parties should make an effort. Do you not think that it would be fair for the government of the day to extend to the people of P.E.I. the same treatment that is offered to others so that they do not have to run around to get the kind of service that they need?

• (1640)

**Senator Callbeck:** I thank the honourable senator for his question. Certainly, I think it would be fair if Prince Edward Islanders had the same access to a passport as other Canadians.

As the honourable senator says, it is not a partisan issue; however, it is one that needs and deserves attention. I am not the only one concerned about this issue.

In 2007, the Thirty-first Conference of New England Governors and Eastern Canadian Premiers passed Resolution 31-3 entitled: Resolution Concerning the Western Hemisphere Travelling Initiative. They are concerned about it. The legislature of Prince Edward Island passed unanimously a motion to urge the Government of Canada to establish a devoted, publicly run passport office in Prince Edward Island. There is a lot of concern about this, but, as the situation exists, it is a real inconvenience for Islanders. It is not only inconvenient but also costly — or can be.

**The Hon. the Speaker *pro tempore*:** Honourable senators, Senator Callbeck was the final speaker. This inquiry is considered concluded.

(Debate concluded.)

(The Senate adjourned until Wednesday, November 25, 2009, at 1:30 p.m.)

## CONTENTS

Tuesday, November 24, 2009

	PAGE		PAGE
<b>Distinguished Visitor in the Gallery</b>		<b>Human Resources and Skills Development</b>	
The Hon. the Speaker . . . . .	1767	Post-Secondary Student Support Program.	
<hr/>		Hon. Elizabeth Hubley . . . . .	1775
<b>SENATORS' STATEMENTS</b>		Hon. Marjory LeBreton . . . . .	1775
<b>Tributes</b>		<b>Official Languages</b>	
The Honourable John G. Bryden.		2007-08 Annual Report.	
Hon. James S. Cowan . . . . .	1767	Hon. Claudette Tardif . . . . .	1775
Hon. Marjory LeBreton . . . . .	1768	Hon. Marjory LeBreton . . . . .	1775
Hon. Bill Rompkey . . . . .	1768	<b>Delayed Answers to Oral Questions</b>	
Hon. Lowell Murray . . . . .	1769	Hon. Gerald J. Comeau (Delayed Answer) . . . . .	1776
Hon. Joseph A. Day . . . . .	1769	<b>Canadian Heritage and Official Languages</b>	
Hon. Jerahmiel S. Grafstein . . . . .	1769	Language Rights Support Program.	
Hon. Catherine S. Callbeck . . . . .	1770	Question by Senator Chaput.	
Hon. Rose-Marie Losier-Cool . . . . .	1770	Hon. Gerald J. Comeau (Delayed Answer) . . . . .	1776
Hon. Jean Lapointe . . . . .	1770	<b>Human Resources and Skills Development</b>	
Hon. Gerry St. Germain . . . . .	1771	Assistance for Refugee and Immigrant Women.	
Hon. Marcel Prud'homme . . . . .	1771	Question by Senator Jaffer.	
Hon. Jim Munson . . . . .	1771	Hon. Gerald J. Comeau (Delayed Answer) . . . . .	1776
Hon. Wilfred P. Moore . . . . .	1771	<b>Veterans Affairs</b>	
<hr/>		Survivor Benefits.	
<b>ROUTINE PROCEEDINGS</b>		Question by Senator Zimmer.	
<b>Canada-Japan Inter-Parliamentary Group</b>		Hon. Gerald J. Comeau (Delayed Answer) . . . . .	1777
Annual Visit by Co-Chairs, April 4-10, 2009—Report Tabled.		<b>Citizenship, Immigration and Multiculturalism</b>	
Hon. David Tkachuk . . . . .	1771	Lost Citizenship.	
<b>Canada-United States Inter-Parliamentary Group</b>		Question by Senator Milne.	
Annual Meeting, May 15-18, 2009—Report Tabled.		Hon. Gerald J. Comeau (Delayed Answer) . . . . .	1780
Hon. Jerahmiel S. Grafstein . . . . .	1771	<b>Official Languages</b>	
Legislative Summit of National Conference of State Legislatures, July 20-24, 2009—Report Tabled.		Second Language Training in Canadian Universities.	
Hon. Jerahmiel S. Grafstein . . . . .	1771	Question by Senator Tardif.	
<b>The Senate</b>		Hon. Gerald J. Comeau (Delayed Answer) . . . . .	1780
Motion to Permit Photographic Coverage During Tributes Adopted.		<b>ORDERS OF THE DAY</b>	
Hon. Gerald J. Comeau . . . . .	1772	<b>Economic Recovery Bill (stimulus) (Bill C-51)</b>	
<hr/>		Second Reading—Debate Continued.	
<b>QUESTION PERIOD</b>		Hon. Lowell Murray . . . . .	1781
<b>Finance</b>		Hon. Claudette Tardif . . . . .	1781
Funding for Social Programs.		<b>Tax Conventions Implementation Bill, 2009 (Bill S-8)</b>	
Hon. Catherine S. Callbeck . . . . .	1772	Second Reading—Debate Adjourned.	
Hon. Marjory LeBreton . . . . .	1772	Hon. Stephen Greene . . . . .	1781
<b>Industry</b>		<b>Medical Devices Registry Bill (Bill S-243)</b>	
Statistics Canada Data on Poverty.		Second Reading—Debate Adjourned.	
Hon. Jerahmiel S. Grafstein . . . . .	1773	Hon. Mac Harb . . . . .	1784
Hon. Marjory LeBreton . . . . .	1773	Hon. Nancy Greene Raine . . . . .	1786
<b>Environment</b>		<b>Income Tax Act (Bill S-213)</b>	
Greenhouse Gas Emissions.		Bill to Amend—Second Reading—Debate Continued.	
Hon. Jean-Claude Rivest . . . . .	1773	Hon. Consiglio Di Nino . . . . .	1787
Hon. Marjory LeBreton . . . . .	1774	<b>Parliamentary Employment and Staff Relations Act (Bill S-218)</b>	
<b>Foreign Affairs</b>		Bill to Amend—Second Reading—Debate Continued.	
Commercial Seal Hunt.		Hon. A. Raynell Andreychuk . . . . .	1787
Hon. Lorna Milne . . . . .	1774	Hon. Anne C. Cools . . . . .	1789
Hon. Marjory LeBreton . . . . .	1774	Hon. Gerald J. Comeau . . . . .	1789
		<b>Commissioner of the Environment and Sustainable Development Bill (Bill S-206)</b>	
		Second Reading—Debate Continued.	
		Hon. Anne C. Cools . . . . .	1789
		Hon. Hugh Segal . . . . .	1789

	PAGE		PAGE
<b>The Senate</b>		<b>Emergency Passport Services</b>	
Motion to Authorize the Rules, Procedures and the Rights of Parliament Committee to Study the Application of the Charter of Rights and Freedoms as it Applies to the Senate— Debate Continued.		Inquiry—Debate Concluded.	
Hon. A. Raynell Andreychuk . . . . .	1789	Hon. Gerald J. Comeau . . . . .	1791
Hon. Anne C. Cools . . . . .	1790	Hon. Joan Fraser . . . . .	1791
Hon. Claudette Tardif . . . . .	1790	Hon. Fernand Robichaud . . . . .	1791
		Hon. Catherine S. Callbeck . . . . .	1792
		Hon. Marcel Prud'homme . . . . .	1792





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