



CANADA

Debates of the Senate

2nd SESSION

•

40th PARLIAMENT

•

VOLUME 146

•

NUMBER 82

OFFICIAL REPORT
(HANSARD)

Monday, December 14, 2009



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

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

Debates Services: D'Arcy McPherson, Chambers Building, Room 943, Tel. 613-995-5756
Publications Centre: David Reeves, Chambers Building, Room 969, Tel. 613-947-0609

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

Monday, December 14, 2009

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

Prayers.

SENATORS' STATEMENTS

COMMERCIAL SEAL HUNT

Hon. Dennis Glen Patterson: Honourable senators, today I will talk about the misinformed animal welfare activists who have had the gall to interfere with the Inuit subsistence economy in the harvesting of seals. These activists are some of the same folks who imperilled the security and safety of people on Parliament Hill last week. Even worse, the European Union fell prey to their distortions of the truth.

I was proud when our Governor General paid respect to the Inuit people and their culture, partaking of seal meat while in Rankin Inlet this summer, and that our federal cabinet was served seal meat during their meetings in Iqaluit this year. This act shows respect for the nutritional, cultural and economic value of the seal harvest to the Inuit people.

The animal rights activists proclaim that the Inuit are not the target of their campaign of misinformation, but the Inuit have been hit hard, as surely as if they were specifically targeted, as have our friends who are sealers in the St. Lawrence and in the Atlantic provinces. We do not criticize Europeans for eating pâté or veal. We do not criticize the Europeans for foie gras, made from the liver of a duck or goose that has been specially fattened before slaughter, typically achieved through force-feeding corn. We do not talk about the possible health consequences of an enlarged liver that the duck or goose faces. I am sure Inuit would be amazed at this practice but they would also be respectful. After all, French law states that foie gras belongs to the protected cultural and gastronomical heritage of France. This is what I say about the seal harvest to Inuit and to East Coast and St. Lawrence sealers.

Inuit do not understand why they are targeted when hunting for their cultural and traditional food of seal, whose fur has sustained and clothed Inuit in one of the harshest climates of the world for tens of thousands of years.

This action taken by the Europeans toward seal products is insulting and offensive to a proud and ancient culture, a people who are, first and foremost, proud and loyal Canadians. The action jeopardizes our greatly-valued and now-threatened renewable resource economy. We learn it is costing Inuit harvesters dearly in a developing fragile economy where hourly wage jobs are in short supply and where the cost of gasoline, bullets and outdoor equipment is daunting.

Please understand that Inuit mostly hunt seals in the ocean in summer, on the sea ice in spring and on the floe edge in winter. The seal is not only important as nutritious food, chock full of

vitamins, it also provides high quality leather for clothing, waterproof boots and oil for the lamps, which have sustained the Inuit for centuries. The seal hunt is both humane and sustainable.

The Inuit are long-suffering victims of these heartless activists. *Nunavut News/North* reported on November 16 that the price of Nunavut seal pelts has dropped drastically in the wake of the European ban on seal products. The price was as high as \$70 before the European ban. A cured pelt now sells for as low as \$25. Fur Harvesters Auction Inc. in North Bay, Ontario, reports that they usually sell between 10,000 and 12,000 Nunavut seal pelts annually prior to the ban but, this year, have sold only 2,500, a decrease of 70 per cent.

Honourable senators, I am proud of the government's position and wish the ministers concerned every success in standing behind Inuit sealers while challenging the European Union at the World Trade Organization.

POST-TRAUMATIC MILITARY CASUALTIES

Hon. Roméo Antonius Dallaire: Honourable senators, I rise to speak of living history. The Canadian Forces, since the first Gulf War in 1991, have been in war zones and, at times, at war while Canada has been at peace. Since September 11, 2001, that peace has been shaken by the events that happened in New York and the closeness of the threat.

However, the whole nature of conflict has changed to the extent that we do not see peacekeepers anymore as we used to — in short pants, blue berets and baseball bats — to observe and report on conflicts. We now see the use of force as essential to protect the moderates and innocents. We even see in UN missions today where the use of force is a norm and, where force is deployed, it must be used.

Recently, one of our veterans committed suicide. This young 30-year-old master corporal had completed two tours in Yugoslavia and three in Afghanistan. In his last tour, he was part of an infantry organization in the observation post. He returned to Canada, was observed, indicated that he had suicidal tendencies and, 10 days later, committed suicide.

We recognize the casualties of those who die on the battlefield. We even recognize those who commit suicide on the battlefield. We recognize those who, because of physical injuries, have died after their return from the battlefield. However, we have not recognized those who have been injured psychologically and who, due to that psychological injury, have been pushed to commit suicide.

I contend that the master corporal who died 10 days after coming back from Afghanistan and the major who was with me in Rwanda who committed suicide 14 years after coming back from Rwanda due to the injuries of operational stress, should be counted amongst those who are casualties of these operations.

The figure of 137 lost in Afghanistan is not correct. The figure is far higher; it is 150 or 160. Neither Veterans Affairs Canada nor the Department of National Defence will recognize those numbers. The regiments, in certain cases, do not recognize their numbers.

These soldiers died because they were injured; they had a terminal injury that led them to extinguish their own lives. They are casualties and should be recognized in this chamber as those who died on the battlefield.

[*Translation*]

**THE LATE HONOURABLE
JEAN-ROBERT GAUTHIER, C.M.**

Hon. Andrée Champagne: Honourable senators, Jean-Robert Gauthier has passed away, and all francophones in Ontario, in Canada and all over the world are in mourning. In the education and healthcare communities and among those who work to establish democracy in developing countries, everyone is mourning his passing.

I had the privilege of knowing him, of being around him, during my nine years in the green chamber at the other end of the hall. Even though we were on opposite sides of the big table during debates, when we were at the International Assembly of French-Speaking Parliamentarians, we were on the same team. He helped me when I was starting out with what would become the APF. He was like a big brother to me, and would pass along some of the knowledge he had picked up over the years, just when I needed it.

We travelled together throughout the world and also within Canada. I especially recall one year when the Canadian branch was hosting the annual meeting. My husband and I had some unforgettable experiences with Jean-Robert and his wife Monique in the heart of the Rockies.

We had something else in common. In 2007, after a meeting of one of the committees of the APF, I became ill because of bacteria similar to that which made his final years so difficult.

• (1410)

During my recovery, I tried to be as optimistic and determined as Jean-Robert had always been.

I was diagnosed more quickly, and the lasting effects were much less serious. But I did not lose a single bit of admiration for my former colleague.

I will always remember Jean-Robert Gauthier as a man who was courageous, determined — even stubborn — and, especially, dedicated. The memory of his smile will always keep me going during the difficult times in life.

Goodbye, Jean-Robert. Thank you for your friendship.

[Senator Dallaire]

[*English*]

**CANADA'S CURLING REPRESENTATIVES
AT 2010 OLYMPIC GAMES**

Hon. Bert Brown: Honourable senators, I rise today to tell you that the Kevin Martin team of Edmonton won the right to represent Canada at the 2010 Winter Olympic Games in men's curling and the Cheryl Bernard team from Calgary won the right to represent Canada in women's curling.

[*Translation*]

L'ÉCOLE MAURICE-LAVALLÉE

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it is my great pleasure to highlight the 25th anniversary of l'École Maurice-Lavallée in Edmonton, the first francophone school to have received public funding.

During its first 10 years, the Maurice Lavallée school was run by Edmonton Catholic Schools. In 1994, it became one of the first five schools under a francophone board, the Conseil scolaire Centre-Nord.

Today, I am proud to see that the Maurice Lavallée school has an outstanding reputation for excellence in all areas of school life in Alberta. However, we must not forget that francophone parents worked long and hard to take control of their school and help it achieve that distinction.

Honourable senators, I am very proud to have been an active participant in the negotiations 25 years ago to ensure recognition for the right to minority language instruction under section 23 of the Charter of Rights and Freedoms, which governs education rights in official language minority communities. That section was instrumental in helping francophones take control of their own schools. I would also like to recognize the important role played by Senator Jean-Robert Gauthier in moving this file forward.

It took many years of intense negotiations for francophone parents to get their first French-language school in Alberta and then to manage their own schools. Before the Charter was enshrined in the Constitution in 1982, there were no publicly funded French-language schools in Alberta. I was a member of the first parents' committee that fought to establish the Maurice Lavallée school. We had to jump through a lot of hoops to persuade the province, the school board and all the authorities, and to change people's attitudes and the organizational culture concerning the education rights of francophones. The Charter lent legitimacy to the demands made by parents to the provincial government, school boards and local authorities. A tenacious group of parents had to go to court — all the way to the Supreme Court of Canada — to ensure respect for their rights under the Charter.

I would like to pay tribute to all of the people who got involved and worked tirelessly, relentlessly and passionately for all those years to lay the foundation for French-language education in Alberta and to build it up from there.

There are now more than 30 French-language schools in Alberta, five school boards and over 5,000 students. Those numbers are sure to go up because so many francophones have immigrated to Alberta and want their children to be educated in French.

On this, the 25th anniversary of the Maurice Lavallée school, allow me to honour its priceless contribution to our community and to salute francophone parents' determination to overcome all obstacles.

Long live l'école Maurice-Lavallée!

[*English*]

THE LATE DR. DAVID MARSHALL

Hon. Doug Finley: Honourable senators, I rise to pay tribute to Justice David Marshall from Haldimand County, in my home region of Ontario—South Coast. Dr. Marshall recently passed away at the age of 70 years at his home in Dunnville, Ontario.

David Marshall was a remarkably impressive individual. He was both a doctor and a lawyer. In addition, he was a teacher, an author, and also served in Canada's military. He was a particularly proud husband and father and a lifelong community activist who did much for Haldimand County.

I am also told that, in his younger days, he was a fantastic athlete. He was a scratch golfer, among other achievements.

Dr. Marshall was a true renaissance man in every sense of the description — an intellectual, an accomplished sportsman, community activist and dedicated family man.

As a lawyer, he taught law in Toronto, Ottawa and Windsor. He worked as a Cayuga court judge before being appointed to the Supreme Court of the Northwest Territories and Yukon, as well as the Court of Appeal for the Northwest Territories and Yukon in 1982.

To make his appointment more efficient, David became a trained pilot and transported himself around this massive judicial territory. This was one of his favourite periods of time. He long regaled friends with his northern experiences.

As a doctor, not only did he work in Haldimand County, but he used to travel to Central America every year to put his medical training to good use. He was a special adviser to the Surgeon General from 1964 until the office was abolished. In addition, he was well known for his involvement as director of the Haldimand Association for the Mentally Handicapped.

Dr. Marshall served as a commanding officer of the 23rd Hamilton Medical Field Corps, before serving as its honorary colonel. On September 17, 2009, he was named as Colonel Commandant of the Canadian Forces, the highest honorary position available in the Canadian Forces Medical Services, which made him the liaison between the Royal Family and the Armed Forces.

On top of his work, he never passed an opportunity to give back to his community. He was a staunch advocate and ambassador for Haldimand County. Recently, an article in his local newspaper called him "Dunnville's greatest achiever." It was said by a former member of the other house, Dr. Bud Bradley, that "... he achieved more in his 70 years than most people could achieve in 150." It amazes me to know what he has accomplished. I am still in awe of how he was able to do so much.

David Marshall's public involvement for both his community and his country will never be forgotten. I ask honourable senators to join me in sending our condolences to his wife Jill; his children Jill, Julie, Albert, Tom and David; and all of his grandchildren.

[*Translation*]

ROUTINE PROCEEDINGS

FOREIGN AFFAIRS

CANADA'S ENGAGEMENT IN AFGHANISTAN— JULY 1-SEPTEMBER 30, 2009 REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the September 2009 Report to Parliament for the period from July 1, 2009, to September 30, 2009, concerning Canada's engagement in Afghanistan.

INTERNATIONAL TRADE

RESPONSE TO THE LEGISLATIVE REVIEW OF EXPORT DEVELOPMENT CANADA— DECEMBER 2009 REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Response to the Legislative Review of Export Development Canada, December 2009.

[*English*]

PROVINCIAL CHOICE TAX FRAMEWORK BILL

BILL TO AMEND—THIRTEENTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Monday, December 14, 2009

The Standing Senate Committee on National Finance has the honour to present its

THIRTEENTH REPORT

Your committee, to which was referred Bill C-62, An Act to amend the Excise Tax Act, has, in obedience to its order of reference of December 11, 2009, examined the said bill and now reports the same without amendment.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of observations, see today's Journals of the Senate, p. 1653.)

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

(On motion of Senator Day, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

• (1420)

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—FIRST READING

Hon. Pierrette Ringuette presented Bill S-245, An Act to amend the Bankruptcy and Insolvency Act and other Acts (unfunded pension plan liabilities).

(Bill read first time.)

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

Senator Ringuette: Hopefully tonight, Your Honour.

The Hon. the Speaker: Is leave granted for second reading this evening?

Hon. Gerald J. Comeau (Deputy Leader of the Government): No.

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

INTER-PARLIAMENTARY UNION

CONFERENCE FOR MEMBERS OF PARLIAMENTARY COMMITTEES ON THE STATUS OF WOMEN AND OTHER COMMITTEES DEALING WITH GENDER EQUALITY, SEPTEMBER 28-29, 2009—REPORT TABLED

Hon. Mobina S.B. Jaffer: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union to the Fourth Conference for Members of Parliamentary Committees on the Status of Women and Other Committees Dealing with Gender Equality, held in Geneva, Switzerland, from September 28 to 29, 2009.

QUESTION PERIOD

NATIONAL DEFENCE

LETTER FROM DIPLOMATS

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. On Thursday of last week, I asked whether the government was prepared to apologize formally to Richard Colvin for its drive-by smear of his reputation. No apology was or has been forthcoming.

On Friday, I asked how the government intended to respond to the open letter signed by 95 former diplomats, expressing concerns about the government's treatment of Mr. Colvin. The number of former diplomats who have signed this letter is now 125. Over the weekend, we learned that our former Ambassador to Washington, Mr. Allan Gotlieb, and the key negotiator for Prime Minister Mulroney at the Canada-United States free trade negotiations, has affixed his signature to this letter.

The leader told us on Friday that she had not seen the actual letter. I hope that over the weekend, she had an opportunity to read how those who signed the letter were dismayed that Mr. Colvin was,

... unfairly subjected to personal attacks. . . . While criticism of his testimony was perfectly legitimate, aspersions cast on his personal integrity were not.

As noted, Mr. Gotlieb has now signed that letter.

In view of her response to my questions on Friday, will the Leader of the Government in the Senate now claim that the opinion of Mr. Gotlieb, Companion of the Order of Canada and legendary former ambassador to the United States, is of no more weight to this government than that of any Canadian on an issue like this?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank the honourable senator for the question. My answer is exactly as I stated on Friday. There are many people who, in this free and democratic country of ours, are perfectly willing to sign letters. We have had many letters signed by Canadians; whether they were university professors over science policy, there has been any number of examples of people signing letters of this nature. It is a free and democratic country; they can sign any letter they wish.

I noted in the *Ottawa Citizen*, a former diplomat had an opposing view, and I am sure many other people share that view.

While a letter signed by a group of former ambassadors is impressive; the fact is they are expressing their views in their positions as former ambassadors and as Canadian citizens, which is their right. The fact that these people had some special standing does not mean that they are more important than any other Canadian who writes or signs letters with regard to actions they perceive to be unfair. I do not believe, as they state in the letter, that Mr. Colvin was personally attacked. The credibility of his evidence was attacked. That is proper.

He represented a point of view at the committee. Many others, including the Correctional Service of Canada officials, Justice officials, the former Chief of the Defence Staff, other military people and Mr. Colvin's superior, Mr. David Mulroney, gave testimony that was quite different. We should respect Mr. Colvin's testimony indeed, but should not, in any way, disregard the opposing testimony.

I do not see anyone saying that the testimony of the other group should not be treated with the same weight as the testimony of one individual, Mr. Colvin.

Senator Cowan: Honourable senators, as the letter made clear, criticism of any witness's testimony is perfectly legitimate. However, this sort of drive-by character assassination is the offensive part. That is the part that the former diplomats have criticized, and why they have written to the government.

I am not suggesting that Mr. Colvin is more important; I am suggesting that if the Government of Canada receives a letter from 125 people who have special experience and expertise in these matters, then at least the letter deserves a response.

I cannot understand, and I ask the leader to explain one more time, why the government steadfastly refuses to comment on or respond to this perfectly legitimate letter. One hundred and twenty-five distinguished and knowledgeable Canadians, whose opinion on an issue like this surely is of more weight than others who might write to parliamentarians on various issues deserve a response.

Senator LeBreton: The honourable senator talks about the personal drive-by smears against Mr. Colvin. I have not heard any member of the government personally attack Mr. Colvin.

Some Hon. Senators: Oh, oh.

Senator LeBreton: I have heard members of the government question his testimony. However, I do take issue with the honourable senator's idea. It is typical Liberal elitism that somehow or other, because they are a group of former diplomats, we owe them a special status response.

I have no idea what response, if any, is forthcoming. However, to suggest that just because they are former diplomats, somehow or other that they are above all the rest of us, is something that I personally find offensive.

Senator Comeau: Right on.

BUDGET CUTS

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for Leader of the Government in the Senate. Last year, the government published the Canada First Defence Strategy. There is a commitment to a significant capital acquisition program in this policy statement. Under the current five-year budget plan, is the capital acquisition program affordable?

• (1430)

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank the honourable senator for the question. The government is committed to the Department of National Defence and to properly equipping our Canadian soldiers. I am not involved in the budget process. It is the job of the Minister of Finance to deal with the departments. It would be presumptuous of anyone to speculate on the full development of the budget.

Honourable senators, the government's commitment to such policies is strong. Unlike the previous government, this government will continue to support the Canadian Armed Forces.

Senator Dallaire: I hope the leader will forgive my uncertainty because in 1987, a previous Conservative government went as far as producing a white paper under Minister of Defence Perrin Beatty. We worked hard on the white paper but the subject was found to be unaffordable. By 1989, Mr. Wilson had crashed the entire capital program and the increase in forces, which created a capability commitment gap that has not recovered.

The government is in a budget process and capital acquisitions have been identified in the budget. In addition to whether any projects are not affordable, have any projects been moved to the right? Has major funding been moved out of the five-year plan, thus slowing down their capital acquisitions?

Senator LeBreton: I thank the honourable senator for that question. I have no information on which to base a response to that question. However, the Department of National Defence and Minister MacKay have remained focused on the priorities and operational requirements of the Canadian Armed Forces.

I was around in the 1980s when most of those decisions were made, but that was then and this is now. Any reluctance on the part of that government to follow through on the white paper was nothing compared to what happened to the Canadian Armed Forces in the 1990s, including disbanding the former Canadian Airborne Regiment and sending our troops to Afghanistan ill-prepared and improperly equipped. I can assure the honourable senator that that will not happen under this government.

Senator Dallaire: Honourable senators, I acknowledge some of the history related by the leader. With regard to affordability, funding, and troops in the field, has this year's defence budget been reduced to the extent that the preparation of troops being deployed on the next rotation might be at risk?

I ask the leader whether her colleagues in cabinet might provide this place with the answers to those questions. The leader has built such a strong case for government support of the forces and yet some of what we see seems to be contrary to those statements.

Is the government putting at risk the current commitments to the Canadian Armed Forces because of the implementation of significant budget cuts?

Senator LeBreton: Honourable senators, Senator Dallaire has asked a hypothetical question. The government is committed absolutely to the Canadian Forces and to its mission in Afghanistan until 2011. As I reported to the honourable senator

when he asked me these questions last week, there have been no budget cuts in the Department of National Defence. It is quite the opposite. The military continues to be fully funded in respect of new equipment. The government expended a considerable amount on the acquisition of Chinook and Griffon helicopters, which have saved goodness knows how many lives. I cannot answer a hypothetical question about budget planning.

The commitment of the government to the Armed Forces would indicate that it is a commitment that it intends to keep. I am not involved in the budget process. I will express the honourable senator's concern to colleagues in cabinet. As they work on budget preparation, they will be aware of the honourable senator's concerns in this area.

Senator Dallaire: Honourable senators, reservists account for more than 20 per cent of the forces committed. Budget cuts to Defence are such that reservists returning have no class A money in their regiments to continue their incredible expertise within the forces and so they are finding jobs elsewhere. The numbers will bear out that fact.

Would the leader ask her colleagues to provide the facts of the matter and not perceive these queries as hypothetical? Certainly, the government does not want to squeeze those forces to the extent that people are put at potential risk.

Senator LeBreton: With regard to reservists, the Armed Forces and National Defence are focused on ensuring that reservists remain prepared for operations in Canada and around the world. Every effort will continue to ensure that reservists are prepared for any operational activity.

I believe that I read a news article along the lines that the honourable senator mentioned. However, the government is committed to treating the reservists reasonably, so that they remain fully operational. As the honourable senator points out, reservists constitute a significant portion of our Armed Forces.

TRANSFERRED DETAINEES

Hon. Rod A. A. Zimmer: Honourable senators, over the past month, Canadians heard testimony indicating the existence of detainee abuse by local authorities in Afghanistan. Canadians also heard about the early warnings notifying the government that such events were taking place as early as June 2006. Despite these allegations, the government has denied knowledge of such facts. However, Canada's top general now recognizes that the military was aware that local authorities were abusing Afghan detainees.

Given the initial denial of these facts by this government and the contradictory stories between the government and military officials, the release of documents is imperative in order to restore public confidence in the government's handling of the Canadian mission in Afghanistan.

When will the government provide specific information on this issue? When will this government disclose the documents revealing the existence of detainee abuse so that the public and parliamentarians will know the facts?

[Senator LeBreton]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, the Chief of the Defence Staff made a statement one day and corrected the record the next day in respect of one prisoner. That was the proper thing to do. The government and the military have always said that when there was credible evidence of abuse, actions were taken. When the Conservatives came into government, it was soon realized that the agreements signed by the previous government were inadequate.

• (1440)

The military worked with many officials of government, the Department of Justice and the Correctional Service of Canada to put in place a policy whereby government officials can check up on, and have access to, Taliban prisoners in order to improve the situation. We are still talking about an incident that occurred two and a half years ago.

With regard to the documents, officials are following the laws that Parliament passed with regard to privacy and security. Officials have provided, and will continue to provide, all legally available information. Redactions are done by independent, non-partisan officials at the Department of Justice whose only objective is the accurate application of the law. These redactions are conducted in accordance with the laws of this country, for privacy and security reasons. We are doing what anyone would do in this place, namely, following the law.

Senator Zimmer: Honourable senators, a few days ago, we learned that the Prime Minister and his Minister of Foreign Affairs have contradicted each other on this file. Indeed, the Prime Minister assures us that any detainee transfer issues that occurred in the past week have been resolved.

However, Minister Cannon acknowledged last week that a number of Afghan detainees captured by Canadian forces and transferred to local authorities were not accounted for. Some might have been freed, as military sources have confirmed, some detainees were captured multiple times and others have been tortured or killed. We simply do not know. Minister Cannon, for his part, has pointed a finger at Afghan authorities, who supposedly failed to keep Canadian officials up to date on the status of detainees.

Who should we believe — the Prime Minister or his Minister of Foreign Affairs — when we hear them inform Canadians of what is happening?

Senator LeBreton: Honourable senators, I do not believe there is a contradiction between the Prime Minister and the Minister of Foreign Affairs.

We are in Afghanistan at the invitation of the Afghan government. We are not there to run their government; we are there to create a situation where a democracy can grow.

Our government implemented a new transfer agreement, as I mentioned earlier, more than two and a half years ago, which includes a requirement that the Afghan government notify Canada about the release of Canadian captured prisoners. We consistently demand that the Afghan government live up to this

agreement and have regularly raised the issue of release notification at all levels of the Afghan government. We continue to follow this practice.

However, the Afghan government is the Afghan government. We are there to train the Afghan army and create situations through our aid program to put the country on a more sound footing. Rebuilding the institutional capacity of Afghanistan remains a challenge. Anyone who watches what happens in Afghanistan on a daily basis will understand. Surely the people who are there, especially our military, our diplomats and other public servants working in Afghanistan, know the challenges. It is easy for us to sit here and judge how they do their job, but it is a challenge.

We are committed to working with our partners to strengthen the Afghan institutions, including corrections and justice, but this work is a challenge. I, for the life of me, do not understand why people think this task is easy, because it is not. Our military and diplomatic officials in Afghanistan are working extremely hard. They have unannounced access to Taliban prisoners. They are working to strengthen the justice system.

The Afghan situation is something that was severely broken. All these issues are challenges, but that does not mean that the government and everyone working for the government on behalf of Canada do not understand the challenge or are not doing everything they can to make the situation better.

[Translation]

FINANCE

COMPENSATION AT BANK AND LIFE INSURANCE COMPANIES

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, Canadian banks announced unprecedented and, more importantly, unparalleled profits compared to any other sector in the Canadian economy. Accordingly, the boards of directors of those financial institutions have authorized bonuses worth hundreds of millions of dollars, nearly 30 per cent higher than last year. Meanwhile in Europe, British Prime Minister Brown and French President Sarkozy have announced plans to tax any excessive bonuses paid to executives.

Does the Conservative government plan to tax these bonuses or the institutions that are paying them?

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, unlike the United States or the United Kingdom, Canada has not put any public money into our banking system. That said, we welcome the new compensation standards established at the G20 summit in Pittsburgh. Compensation should be aligned with prudent risk-taking and not reward excessive risk-taking. As the honourable senator may know, the Office of the Superintendent of Financial Institutions is currently reviewing compensation practices at Canadian banks and life insurance companies.

Again, the government did not put public money into the banking system, unlike other countries and the government is following the agreement made by the G20 in Pittsburgh a couple of months ago.

[Translation]

Senator Hervieux-Payette: Honourable senators, last year, Canada's Bank Act was amended to permit the purchase of hundreds of thousands of mortgages held by Canadian banks through the Canada Mortgage and Housing Corporation. This is Canadian taxpayers' money, including government funds totalling nearly \$100 billion.

How does the Conservative government plan to rein in Canadian banks regarding both service fees, which are rising much faster than inflation, and the compensation paid to executives using taxpayers' money and money from our pension funds?

[English]

Senator LeBreton: I will not repeat my answer. We, as a government, will take every step to ensure that institutions clearly align pay incentives with financial stability. A plan was devised at the G20 in Pittsburgh. All the G20 countries agreed to new compensation standards, and that is the plan that we are following as a government.

[Translation]

HEALTH

CANADIAN HEALTH SERVICES RESEARCH FOUNDATION

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, the Nursing Research Fund was wound down in March 2009 as its government funding was not renewed. These investments were just beginning to yield results. The \$55 million fund, disbursed over ten years, helped improve access to, as well as the quality and safety of the health care system and benefited the health of our population.

Does the government intend to restore this important source of funding for health promotion for all Canadians?

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, my answer is the same as the previous answers when the honourable senator or her colleagues questioned me on particular programs brought in by previous governments that had a certain lifespan or sunset date.

We have undertaken other plans and initiatives and we have put more money into the health care system. A plan set up many years ago does not mean that it must continue in perpetuity. Our government was elected to carry out our own set of policies and plans, not to carry on the policy and plans of previous governments, and we intend to carry out the plans we were elected on.

[Translation]

Senator Tardif: Honourable senators, this fund also supported recruitment in the nursing profession.

Does the government agree that the nursing profession is essential to maintaining the health sector, especially when there is a shortage of medical services? Does it agree that it is important to improve the scientific foundations of nursing to benefit future generations?

• (1450)

[English]

Senator LeBreton: Honourable senators, we have increased funds through our research grants to many medical organizations. We have provided increases to the provinces and territories in our health care spending. Of course, I agree that the nursing profession is crucial, but the honourable senator's question assumes that we are not supporting the nursing profession, which is not the case. Significant research funds have been put into the medical research field and the overall health care system.

Again, I reiterate that we, through the Minister of Health and her counterparts, have devised a good working arrangement. The health care costs continue to go up, but this government, unlike the previous government, will not cut the health care system on the backs of deficit reduction.

Senator Comeau: Right on.

[Translation]

Senator Tardif: I hope that the Leader of the Government in the Senate will agree that nursing is based on specialized science. Thanks to research funds, nursing best practice guidelines have led to the reduction of pressure ulcers from 21 per cent to 10.6 per cent in five years. This has led to savings of \$2.9 million for every 1,000 patients.

These best practices not only improve patient health but also reduce health care costs.

When will the government invest in this health promotion fund?

[English]

Senator LeBreton: I will take that question as notice because significant funds have been invested into health research. Also, significant funds have been invested into attracting nurses and doctors which members, of course, were depleted completely in the early 1990s when people like the honourable senator's new-found colleague, Bob Rae, cut back on the entry-level admission of nurses and doctors into our medical schools.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to present three answers to oral questions raised by Senator Callbeck on April 1, 2009 and October 29, 2009, concerning industry — Canada Graduate

Scholarships Program, by Senator Pépin on October 6, 2009, concerning efforts to reduce child poverty, and by Senator Grafstein on October 21, 2009, concerning employment for women.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

CANADA GRADUATE SCHOLARSHIPS PROGRAM

(Response to questions raised by Hon. Catherine S. Callbeck on April 1 and October 29, 2009)

Our government recognizes that talented, skilled and creative people are the most critical element of a successful national economy, and has committed to strengthening Canada's People Advantage in our Science and Technology Strategy, *Mobilizing Science and Technology to Canada's Advantage*. To this end, our government has not only maintained but increased the level of ongoing federal support for graduate students in Canada. Through Budget 2007, we expanded the Canada Graduate Scholarship (CGS) program to support 5,000 students annually across all areas of study. Of these, 2,600 are supported through SSHRC, 1,600 are supported through the Natural Sciences and Engineering Research Council (NSERC), and 800 are supported through the Canadian Institutes for Health Research (CIHR).

Budget 2009 announced a further, temporary increase in the number of CGS awards that will be granted in 2009-10 and 2010-11, as part of *Canada's Economic Action Plan*. This increased funding will help students deepen their skills through further study at a time when they face a weakening labour market. Of the 2,500 additional scholarships made available through the *Economic Action Plan*, 500 will be awarded by SSHRC to students pursuing business-related degrees.

Overall since 2006, our government has increased funding for scholarships at the Social Sciences and Humanities Research Council by 50 per cent (to \$75 million). More scholarships are available to more graduate students from all areas of study. Stakeholders asked us to make more scholarships available to business students and we've done that. Canada Graduate Scholarships will continue to fund social sciences and humanities studies and also support business and finance research.

Our government's Science and Technology Strategy speaks to the need to foster more advanced business training in Canada as a means to improve innovation and the overall health of the economy. Our focus on business-related studies will provide additional support and encouragement to students pursuing advanced training in an area critical to Canada's future economic success.

At the same time, this government recognizes the important contribution of all social sciences and humanities disciplines to a vibrant economy and society. Research in the social sciences and humanities advances

knowledge and builds understanding about individuals, groups and societies. This knowledge and understanding informs discussion on critical social, cultural, economic, technological, and wellness issues. It also provides communities, businesses and governments with the foundation for a vibrant and healthy democracy. SSHRC will continue to award Canada Graduate Scholarships across the full range of social sciences and humanities disciplines through the ongoing CGS program. Over the next three years, SSHRC will award an expected 5,700 Canada Graduate Scholarships.

CHILDHOOD POVERTY

(Response to question raised by Hon. Lucie Pépin on October 6, 2009)

It is important to note that the percentage of families with children living in low income has declined significantly from a peak of 18.4 percent in 1996 to 9.5 percent in 2007 (based on Statistics Canada's Low Income cut offs, after tax). This progress is linked, in part, to substantive action the Government of Canada has taken in a range of areas to support low-income families with children. These actions help ensure that these families can fully participate in our society and economy and have produced concrete results by reducing the number of low-income families with children.

This government supports families by providing them with greater choice, flexibility and opportunity as they strive to achieve their personal goals and dreams for their children. As outlined in the 2009 Budget, *Canada's Economic Action Plan*, we continue to make significant investments through a range of income support, tax relief and targeted programs for Canadians, including low-income families with children. The Government of Canada is currently investing more in children and families than any federal government in Canadian history.

Altogether, the federal government provides over \$13 billion in benefits for families with children through the Canada Child Tax Benefit (CCTB), including the National Child Benefit (NCB) Supplement, the Universal Child Care Benefit (UCCB) and the Child Tax Credit. Introduced in 2006, the UCCB provides \$1,200 per year to parents for every child under 6 so that they can choose the child care of their choice. The Government currently provides approximately \$2.5 billion per year to over 2 million children through the UCCB. It is estimated the UCCB will lift some 22,000 families with 57,000 children out of low-income. Through the NCB, the federal government works with the provinces and territories to provide income support, as well as benefits and services, for low-income families and their children. Budget 2009 includes investments of \$230 million in increased payments under the NCB Supplement and the CCTB. Latest available data shows the NCB prevented 59,000 families with 125,000 children from living in low income resulting in 12.1 percent fewer low-income families.

The Canada Social Transfer (CST) is the main federal transfer program providing financial support to the provinces and territories for social assistance and social services, including early childhood development, early

learning and child care, and post-secondary education. Provinces and territories now have stable and predictable funding as this government has renewed and increased the CST to provinces and territories to \$10.9 billion in 2009-2010. These transfers will continue to grow by 3 percent annually, until 2013-14.

More specifically, in 2009-10, \$1.13 billion of the CST has been notionally allocated to support families with children through the Federal/Provincial/Territorial Early Childhood Development Agreement and the Multilateral Framework on Early Learning and Child Care¹, as well as \$250 million each year, starting in 2007, to help support the creation of new child care spaces across the country. This funding is used by the provinces and territories to support programs and services which promote healthy pregnancy, birth and infancy, improve parenting and family supports, strengthen early childhood development, learning and care, and strengthen community supports. Funding is also used to assist parents in meeting the costs of child care and support their participation in employment and training. Examples of initiatives include: increasing the number of child care spaces, supporting extended and flexible hours of operation and offering low-cost quality child care and/or fee subsidies that take into account a parent's ability to pay.

The Government of Canada also offers a 25-percent Investment Tax Credit to businesses that create new licensed child care spaces for their employees, to a maximum of \$10,000 per space created. The Child Care Expenses Deduction (CCED) allows families to deduct the childcare expenses incurred to earn employment or business income, pursue education or perform research. These approaches recognize the importance of employment to eliminate poverty, and that it will take not just governments, but *all* sectors of society — to put an end to child poverty.

For families caring for a child with a disability, this Government introduced the Registered Disability Savings Plan, effective in 2008, to help parents and others save for the long-term financial security of a child with a severe disability. This is in addition to an expanded and enhanced Child Disability Benefit for families with a child who has a disability.

The Public Health Agency of Canada promotes improved health outcomes for vulnerable Canadian children and their families through a continuum of maternal and child health programs targeting pregnant women, new parents, and children under six years of age.

To reduce inequalities in health status amongst children and families in Canada, over \$100 million is being invested in three contributions programs. Together the Community Action Program for Children (CAPC), the Canada Prenatal Nutrition Program (CPNP) and Aboriginal Head Start in Urban and Northern Communities (AHSUNC) serve over 100,000 children, parents and families from over 3,000 communities across Canada.

These programs, as well as the Nobody's Perfect parenting program and the Fetal Alcohol Spectrum Disorder initiative, address the broad determinants of

health to promote health and reduce health disparities among these vulnerable populations. They respond to a number of risk conditions including poverty, poor nutrition, teen pregnancy, lone parenting, social and geographic isolation, recent arrival in Canada, alcohol or substance use and/or family violence.

Through Health Canada, the federal government supports a range of programs and services that promote improved health outcomes for First Nations and Inuit children and their families. These initiatives support healthy pregnancies, healthy births and healthy childhood development and include:

- mental health promotion and youth suicide prevention
- addictions prevention and treatment
- nutrition and physical activity promotion
- early childhood development and school readiness
- chronic and infectious disease prevention
- injury prevention
- oral health promotion

Funding is also provided to First Nations and Inuit communities to deliver programs and services that support the development of children in an effort to address gaps in health between Aboriginal and non-Aboriginal children. Health Canada continues to work collaboratively with First Nations and Inuit leaders, and provincial and territorial governments to ensure First Nations and Inuit children have access to quality health services.

The First Nations and Inuit Health Branch of Health Canada has taken a leadership role in international discussions on inequities affecting Indigenous populations, including poverty, through the work of the Canadian Reference Group to the World Health Organization's Commission on Social Determinants of Health. This work has contributed to the recognition of the unique status of Indigenous peoples in the Commission's final report.

Through Indian and Northern Affairs Canada (INAC), the federal government provides funding for a suite of essential programs aimed at improving the socio-economic outlook in First Nations. For example, the Income Assistance Program provides First Nation individuals and families with financial assistance for food, clothing, and shelter, special needs such as special diet allowances, and employment supports such as skills training and education to empower a greater number of First Nation members to transition into employment.

Further to the Income Assistance Program, the National Child Benefit Reinvestment (NCBR) initiative provides community-level services that promote healthy social development for children, reduce the depth and effects of

child poverty, and help parents access or maintain employment. The program has a substantial impact on the daily lives of First Nation children and families, providing funding for important projects such as school meal programs, relief for families in distress, childcare, and supports for parents seeking to enter or remain in the workforce. Approximately 90,000 families and 200,000 First Nation children benefit from INAC's NCBR programming annually.

The Government of Canada also provides funding for child and family services on reserve. Funding for the First Nations Child and Family Services Program has increased from \$193 million in 1997-1998 to an estimated \$537 million for 2009-2010. Starting in 2007, the federal government has been investing in First Nation child and family services to transition the program to an Enhanced Prevention-Focused Approach. The transition is occurring province-by-province as tripartite frameworks are negotiated between the federal government, the province, and First Nations. The Enhanced Prevention-Focused Approach has been implemented in three provinces (Alberta, Saskatchewan and Nova Scotia), with incremental resources of \$98.1 million for Alberta, \$105 million for Saskatchewan, and \$10 million for Nova Scotia over five years. As a result of Canada's Economic Action Plan, the Enhanced Prevention Approach is also being implemented in Quebec and Prince Edward Island, with incremental resources of \$59.8 million and \$1.7 million over five years, respectively.

In addition to social programming, the Government of Canada also provides a range of other initiatives to reduce poverty and promote healthy economies in First Nations. Canada's Economic Action Plan is supporting investments in First Nation infrastructure by providing \$515 million over two years for First Nation projects in the three priority areas of schools, water and critical community services, and is dedicating \$400 million over two years to new social housing projects and to remediation of existing social housing stock on reserve.

This government is also working to improve the self-reliance of Canadians, including low-income families with children, through the Working Income Tax Benefit (WITB). Introduced in 2007 to make work more rewarding for low- and modest-income Canadians, the WITB helped over 900,000 low-income Canadians in its first year alone. In Budget 2009, the Government announced plans to double its investment in the WITB. These improvements are in addition to the Canada Employment Credit, an existing tax credit on employment income of up to \$1,044 to help working Canadians.

Our government also understands that housing is an important matter for low-income families with children and has invested more money in homelessness and supportive housing initiatives than any other government in Canadian history. Our multi-pronged approach supports the efforts of Canadians from all walks of life and in all parts of the country to secure acceptable housing. For those low-income Canadians who need some help to find housing they can afford, the Government provides \$1.7 billion each year in

support of almost 625,000 existing social housing households. In September 2008, the Government committed to investing more than \$1.9 billion over the next five years to improve and build new affordable housing, and to help the homeless (including a two-year renewal of the Affordable Housing Initiative, Residential Rehabilitation Assistance Program and the Homelessness Partnering Strategy). Building on this, Canada's Economic Action Plan includes a one-time investment of \$2 billion over two years to build new social housing, and to repair and energy retrofit existing social housing.

The Government has also lowered taxes so that low-income Canadians can keep more of their money. The Economic Action Plan included an increase in the basic personal amount as well as an increase in the upper limits of the two lowest personal income tax brackets. These measures combined with previous tax cuts have resulted in close to one million low-income Canadians not having to pay federal income taxes at all anymore. This means that low-income families with children can earn more money that is not subject to federal tax.

¹While the Government of Quebec supports the general principles of the *Early Childhood Development Agreement* and the *Multilateral Framework on Early Learning and Child Care*, it did not participate in developing these initiatives because it intends to preserve its sole responsibility on social matters. However, Quebec receives its share of federal funding and the Government of Quebec is making major investments in programs and services for families and children.

EMPLOYMENT FOR WOMEN

(Response to question raised by Hon. Jeremiah S. Grafstein on October 21, 2009)

In response to the Honourable Senator's question, good faith efforts have been made to find and provide the information requested. However, given that Canada is still in the earliest stages of the recovery, data are not yet available for all of the groups for which information was requested.

Employment numbers referred to in this response are seasonally adjusted, unless otherwise noted. They are based on Labour Force Survey data available as of November 5, and cover the period from October 2008 to September 2009.

Canadian employment fell significantly between October 2008 and July 2009, with losses (seasonally adjusted) of 414,400 over this period; between July and September 2009, employment grew by 57,700. Overall, women have been less affected by recession job loss than men. Of the 414,400 jobs lost between October and July, 306,600 (74%) were accounted for by men and 107,900 (26%) by women. Between July and October 2009, women regained two thirds of these lost jobs, with employment growth of 72,600 over this period; while men experienced ongoing job losses of 14,700.

Women in all age groups experienced job gains in the period of employment growth between July and September 2009. However, young men and core working-

age men (25-54) experienced continuing job losses during this period; only men 55 and over experienced job gains during the July 2009 — October period. Overall, the employment rate for women 15 and over rose by 0.3% between July and September, while that for men 15 and over dropped by 0.3%.

Young women lost 69,500 jobs between October 2008 and July 2009, but have since recovered 7,200 of these jobs (10%). Young men, on the other hand, lost 135,200 jobs between October and July, and have lost a further 7,900 jobs since July. Between July and October 2009, employment rates rose by 0.3% among young women but declined by 0.4% among young men.

Core working-age women account for 50,500 of 57,700 job gains since July, or 87% of these gains. Since July, women in this age group have regained over half (51%) of the jobs lost by this group between October 2008 and July 2009. On the other hand, men in this age group have continued to lose jobs. Between July and October 2009, employment rates rose by 0.6% among core-age women, but declined by 0.3% among core-age men.

Older women and older men have gained jobs since October 2008 — both in the October-July and July-September periods. To date, older women have gained 75,800 jobs and older men have gained 32,400 jobs. However, employment growth among older males is due to growing numbers in this age group, as the employment rate for older men declined by 0.4% between October and September. On the other hand, employment rates have grown significantly among women 55 and over — by 0.9%.

Regarding *immigrant women*, seasonally adjusted data are not available for this group, therefore the employment change figures for this group cover the period from October 2008 to September 2009. Overall, established immigrant women — those in Canada for five years or more — fared relatively well, experiencing job gains over this period of 28,900. However, recent immigrant women — those in Canada less than five years — were overrepresented among job losses in this period, accounting for 3.0% of net job losses, but only 1.3% of total employment.

Nevertheless, recent immigrant women experienced a much smaller decline in employment rates than recent immigrant men — 0.4% between October 2008 and September 2009, compared with 7.8% for recent immigrant men. Established immigrant women also experienced a much smaller decline in employment rates than established immigrant men during this period — 0.6% compared with 2.9%. The declines in employment rates among established immigrant women over the October-September period were also smaller than the declines in employment rates among Canadian-born women and men.

[English]

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, our houses of Parliament, both the Senate and the House of Commons, equally possess certain rights and immunities to protect their proceedings and members from any undue interference. Such immunities and rights constitute “parliamentary privilege,” and they are an important part of the law of Parliament.

The fundamental importance of privilege is acknowledged in rule 43(1), which states that:

The preservation of the privileges of the Senate is the duty of every Senator. A violation of the privileges of any one Senator affects those of all Senators and the ability of the Senate to carry out its functions . . .

Through privilege, the Senate has the capacity to, among other things, summon witnesses, discipline its members, and punish as contempt any action or conduct that it feels offends the authority and dignity of this house, even when it does not breach a specific parliamentary privilege.

Erskine May's Parliamentary Practice has long provided the standard statement respecting the character and purpose of privilege. In the 23rd edition, at page 74, it states that:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively . . . and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.

This definition makes clear that an essential element of privilege is the need for these rights and immunities so that the houses and parliamentarians can fulfill their duties.

[Translation]

On December 3, 2009, the Honourable Senator Cools rose on a question of privilege after having given the necessary written and oral notices. In speaking to the question of privilege, the senator identified a press release issued on December 2, 2009, by Benjamin Perrin, Assistant Professor of Law at the University of British Columbia. The release dealt with Bill C-268, An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years). It included a statement asserting that the senator had stalled the bill in the Senate by unilaterally adjourning debate. It also claimed that “As a result of her inaction, alleged child traffickers in a Calgary case announced today will benefit from lax sentences that the current law permits. The Senate must take action.”

Senator Cools explained that the release demonstrated a lack of understanding about parliamentary practice, and Senate procedure more particularly. Items are adjourned by decision of the Senate, as she noted, not by the unilateral action of a single

senator. The senator also noted that, far from blocking progress on the bill, she had gladly yielded to Senator Dyck to speak. The period the bill has since stood in Senator Cools' name is nothing out of the ordinary.

Going beyond these points, Senator Cools claimed that the release constituted an act of intimidation directed at her, and, more generally, an attempt to force adoption of the bill in a precipitous manner. In Senator Cools' view the statements were untrue and incited scorn and contempt towards her.

[English]

Senators Harb, Carstairs, Dyck, Fraser, and Cowan generally expressed sympathy with Senator Cools' concerns. Through their remarks they underscored the lack of understanding about Senate procedure that the release demonstrated, and the offensive nature of its contents. The history of Bill C-268, both in the Senate and the House of Commons, was also analyzed in detail. Senator Carstairs made several references to Beauséne and to the importance of freedom of speech, the most fundamental right of parliamentarians.

Senator Comeau, on the other hand, did not see a question of privilege. He spoke to the right of all Canadians to express their views. Nothing in the release, according to the senator, constituted a real threat or intimidation. Senators Di Nino and Martin made similar points. While sympathizing with Senator Cools, Senator Di Nino pointed out that the matter at hand was not the bill and how long it had been before Parliament, but whether privilege was infringed by a Canadian citizen expressing his views in a critical way.

[Translation]

I again wish to thank all honourable senators for the input they provided on this question of privilege. As I have already noted, the privileges we enjoy, both collectively and individually, are essential for us to perform our functions. The thoughtful and considered comments by senators showed how well this is understood.

[English]

The Speaker's role at this point is to address the narrow issue of whether there is a *prima facie* question of privilege, using the four criteria set out in rule 43(1). This inevitably requires that consideration be given to a broader range of issues. The standard definition of privilege, from *Erskine May*, was quoted earlier. This is a foundation upon which to base how we deal with such questions. It is, however, also important to remember that privilege has changed over time. Matters considered breaches of privilege or contempt in a less democratic era are no longer treated as such. At one time, for example, those reporting words spoken in Parliament risked imprisonment. Today we encourage the media to report on our proceedings.

• (1500)

As the English philosopher John Stuart Mill pointed out in *On Liberty* more than 150 years ago, it is not our role as parliamentarians to suppress the liberty of the citizen, particularly in the exercise of free speech.

[Translation]

We now understand that public engagement in national affairs is to be fostered and nurtured. It is part of the vibrant democracy we enjoy in Canada. Good debate inside Parliament, and therefore good legislation and policy, is helped by informed criticism from keen observers and the general public.

With useful criticism, however, we must all too often be willing to accept ill-informed, indeed harsh and offensive, comments. We need not like it at all, but no one occupying a position in Parliament, at the heart of public life, can claim exemption from being exposed to sometimes unmerited or ignorant criticism.

[English]

In the specific case before us, we must draw a distinction between the question of privilege and Bill C-268 itself. Disagreeable or offensive words are not in themselves sufficient to violate privilege. Instead, it must be shown how these words can be reasonably seen as impairing a specific privilege. Issues of contempt must also be approached with caution. Citation 62 of Beauchesne notes that a statement must be “purposely untrue and improper and import a ring of deceit” to possibly constitute contempt.

In the case at issue, it is certainly true that the press release contained inaccuracies. For example, Senator Cools did not unilaterally adjourn debate on Bill C-268. Proper processes under the rules were followed, resulting in the item currently standing in her name. This kind of misunderstanding is not uncommon, and for this reason we have sought to foster a better understanding of how the Senate works.

While the senator can speak if she wishes, nothing prevents other senators from speaking to the bill, as has been made clear in past rulings, so Senator Cools cannot be said to have “stalled” the bill. Indeed, nothing prevents the Senate from making a decision on the motion for second reading, should this chamber so determine, at any time the order for resuming debate is called.

What is more, some of the language in the release was exaggerated, to say the least. To suggest that one senator is at fault for how accused criminals are treated under the law is fallacious. To then imply some link between the senator and slavery is offensive. Such *ad hominem* attacks serve little purpose, and could even harm the cause they seek to advance.

[Translation]

This said, we must ask in what way Senator Cools’ privileges were affected, especially her freedom of speech. In what way were the Senate’s privileges infringed? Citation 69 of Beauchesne states that “It is very important . . . to indicate that something can be inflammatory, can be disagreeable, can even be offensive, but it may not be a question of privilege unless the comment actually impinges upon the ability of [parliamentarians] to do their job properly.” Similarly, in a report of the Rules Committee from the third session of the 34th Parliament, adopted by the Senate on June 10, 1993, stated that:

An adverse reflection upon a Senator or the Senate can constitute breach of privilege, but only if it impedes the Senator or the Senate from performing parliamentary

functions. As such, it has a very narrow application, and is to be distinguished from actions for defamation, which are available to all citizens and are pursued through the civil courts. It is extremely difficult to bring oneself within the protection offered by this aspect of parliamentary privilege.

[English]

Nothing in the release has forced any change as to how the Senate will deal with Bill C-268, nor could it. Senator Cools can speak freely to the bill, subject to our rules and practices. Other senators can do the same. Neither her right to speak, nor that of any other honourable senator, has been infringed. Eventually, at a time determined by the Senate, it will make a decision on second reading of Bill C-268.

[Translation]

As to the issue of contempt, mere ignorance of Senate Rules does not constitute purposeful untruth or deceit. We have no basis to see more in the current case. It may also be of interest to note here that, when Beauchesne refers to threats attempting to influence members, it appears to envision more than merely uninformed or disagreeable commentary. Citation 99 explains that normal practice is now to turn investigation over “to the ordinary forces of the law.” This suggests an entirely different type of matter from mere words in a press release. It implies direct threat and menace, even physical intimidation.

[English]

To turn to the criteria identified in rule 43(1) for determining if there is a *prima facie* question of privilege, it is clear that the matter was raised at the earliest opportunity. It is not, however, clear how this matter directly concerns privilege. While the language in the press release was exaggerated, and Senator Cools can quite rightly be offended by it, nothing in it affected the Senate’s right to deal with Bill C-268 as it sees fit. All senators can still speak freely. A few lines in a press release are not enough to cause honourable senators, let alone the whole chamber, to change their minds or course of action. The ruling is therefore that a *prima facie* case of privilege has not been established.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I wish to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: second reading of Bill C-64; second reading of Bill C-56; followed by consideration of the inquiry calling the attention of the Senate to *Canada’s Economic Action Plan—A Third Report to Canadians*; followed by

second reading of Bill C-27; second reading of Bill C-36; second reading of Bill S-6; second reading of Bill S-7; third reading of Bill S-8; third reading of Bill C-6; third reading of Bill C-15; followed by other items according to the order in which they appear on the Order Paper.

[English]

APPROPRIATION BILL NO. 4, 2009-10

SECOND READING—DEBATE ADJOURNED

Hon. Irving Gerstein moved second reading of Bill C-64, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010.

He said: Honourable senators, the bill before you today, *Appropriation Act No. 4, 2009-10*, provides for the release of supply in relation to Supplementary Estimates (B) 2009-10, which were tabled in the Senate on November 5.

• (1510)

This is the second set of supplementary estimates for the fiscal year that will end on March 31, 2010. Supplementary Estimates (A) were approved in June.

As I explained in response to Senator Day's presentation of the National Finance Committee's report on Supplementary Estimates (B), every stage of the budget cycle has been accelerated this year. Budget 2009, Canada's Economic Action Plan, was introduced earlier than any previous budget in Canadian history, providing a swift and powerful response to the global recession.

With these Supplementary Estimates (B), the government seeks approval for \$4.9 billion to fund measures not sufficiently developed at the time of the tabling of the Main Estimates or Supplementary Estimates (A). The government also describes increases to projected statutory spending totalling \$26 billion for a total requirement of \$30.9 billion.

Allow me to elaborate on some of the salient items provided for in this appropriation bill.

There is \$735.4 million for Treasury Board Secretariat to transfer to departments and agencies to fund salary adjustments.

Next is \$403.2 million for the Public Health Agency of Canada for the purchase of H1N1 vaccine. The swift and cooperative response to the H1N1 pandemic by all levels of government has led to the largest mass vaccination in Canada's history.

Next is \$321.5 million for the Canadian International Development Agency for programs to support agricultural research and development in developing countries. Canada has long been at the forefront of agricultural innovation. In sharing

that innovative spark with the developing world, we heed the proverbial wisdom that it is better to teach people to fish than merely to give them a fish.

CIDA will also receive through this legislation \$136.1 million for additional grants to international organizations that provide development and humanitarian assistance and programs to combat hunger, malnutrition and disease. Our Conservative government recognizes that even in the midst of our most severe recession in decades, we must not forget the chronic poverty and privation that plague other parts of the world. Our enviable standard of living comes with a moral obligation to help others less fortunate.

There is \$263.9 million for the Provincial-Territorial Base Funding initiative, which provides long-term predictable and flexible funding to provinces and territories for infrastructure. Under Canada's Economic Action Plan, the Conservative government has enabled provinces and territories to access this funding on an accelerated basis to encourage job-creating investment when it is most needed.

There is \$200 million for Atomic Energy of Canada Limited to support the ongoing refurbishment of CANDU reactors so they can continue to provide safe, clean energy well into the future.

There is \$198.1 million for policing and security for the 2010 Olympic and Paralympic Winter Games in Vancouver, in accordance with a cost-sharing agreement reached by the governments of Canada and British Columbia in February this year.

Next, there is \$190.7 million for the Canadian Air Transport Security Authority to support the development of aviation security plans and passenger assessment systems.

There is \$160.8 million for the Building Canada Fund for public infrastructure projects that will improve the quality of life in communities across Canada. Our government has accelerated investments under the Building Canada fund by streamlining application and approval processes.

Next is \$119.2 million in funding for benefits for Canada's veterans and their families under the Disability Award Program and the War Veterans Allowance program. Canada's war veterans carry the memories and scars of our country's defining struggles and embody our national spirit. We must always strive to be worthy of their service and sacrifice.

Many of the initiatives this appropriation act seeks to fund involve more than one organization. These are what we call "horizontal initiatives." They include \$123.1 million for the Canada Strategic Infrastructure Fund, which supports large-scale projects in areas vital to economic growth and the quality of life of Canadians, such as highways, railways, broadband,

[Senator Comeau]

telecommunications, water and sewage; \$107.4 million for the assessment management and remediation of federal contaminated sites, and \$102.5 million for construction related to recreational infrastructure.

For the purpose of information only, these supplementary estimates also describe a net increase of \$1.6 billion in budgetary statutory spending, mainly attributable to \$1.159 billion for revision of forecasted public debt charges resulting from higher than projected budgetary deficits and higher than projected losses on investments and \$443.4 million to help Canada's pork industry recover and transition to the new market.

Finally, honourable senators, non-budgetary statutory spending is expected to increase by \$24.4 billion due to \$12.4 billion for Export Development Canada to discharge obligations pursuant to section 23 of the Export Development Act to facilitate and develop Canada's international trade; and \$12 billion in advances to the Business Development Bank of Canada for the Canadian Secured Credit Facility to purchase term asset-backed securities, backed by loans and leases on vehicles and equipment.

Honourable senators, these supplementary estimates are consistent with the overall planned spending level of \$272.5 billion for 2009-10, as set out in the September 2009 Economic and Fiscal Update.

Should you require additional information, I shall happily do my utmost to provide it.

Honourable senators, we must never lose sight of the serious challenges so many Canadians have faced during the recent economic downturn. The legislation before us now is a crucial step in the government's ongoing efforts to address these challenges. As I have said before, the economy is Canadians' top priority, and the economy is this government's top priority.

In closing, honourable senators, I hope my comments today have reminded you of words written by William Shakespeare, which seem so very appropriate, this being the week before Christmas. No, I am not referring to the verse in Act 2, Scene 2 of Hamlet in which Hamlet declares, "O dear Ophelia, I am ill at these numbers," but rather, honourable senators, I hope you will feel as the character Roselind felt in Act 4, Scene 1, of the play, *As You Like It*, when she said: "Come, woo me, woo me; for now I am in a holiday humour, and like enough to consent."

Hon. Joseph A. Day: Honourable senators will know that we are now dealing with the bill for supply, Bill C-64, and the first test that I always perform when I receive supply bills is to ensure that the schedules attached to them are the same as the schedules we were promised when we pre-study the document, as we have done with this bill for the last month or so.

Honourable senators, I am able to confirm that the Schedules A and B attached to Bill C-64 are the same on this occasion as those included as drafts in Supplementary Estimates (B). That is a good place to start. Honourable senators will recall that in the past we have found discrepancies but we found none this year. Perhaps

we will find none in the future, now that we have been able to let our honourable colleagues in the other place know that we perform that exercise each time we receive a bill.

Honourable senators, the process that we follow for supply is different from the process that you come to expect as our normal process here. With respect to supply, we receive the information in advance, and we study that information. In this particular instance, the information is Supplementary Estimates (B), and we as a committee can study this entire document; we can continue to do so, even after the bill has passed, and we will. A number of issues often come up during debate, and sometimes there are issues where we cannot, for whatever reason, bring forward a witness, such as in the case of these supplementary estimates.

• (1520)

We wanted to meet with the Public-Private Partnerships Inc. personnel, a new company that we created a while back to encourage these triple-P arrangements. We were not able to bring them before our committee before we prepared our report, but they have assured us that they will be able to visit with us after the Christmas break.

We were quite concerned about the additional funding requested for AECL. We are concerned about the isotope issue. We are concerned about the two MAPLE reactors in Chalk River and the other reactor which is down. We are concerned about the delays with respect to Point Lepreau in New Brunswick. All those issues will be explored by our committee at a later stage because the representatives of AECL were not available to come in the short time frame we had to study these documents, and that was approximately one month, as I indicated.

Honourable senators, based on the studies which we did — we met with the Canadian International Development Agency and government officials from the Treasury Board Secretariat who were very helpful and knowledgeable — we generated our report which we debated in this chamber last week. Honourable senators have adopted that report which is the eleventh report of our committee.

That report, in effect, forms the basis for these supplementary estimates. This bill will not be sent to committee. After this second reading, we will proceed to third reading, normally at the next sitting, and the basis for that is our pre-study of these documents. It is important to understand that supply is dealt with in that slightly different manner and that the important basic document is the report that we filed.

There are not many extra points that I wish to bring to honourable senators' attention. I spoke on this report last week and I remind honourable senators that this particular report provides for Treasury Board's report on the \$3 billion of stimulus that was authorized by us to allow the government to bring out the \$3 billion quickly before the end of June, and that \$2.1 billion of that was sent out by the government. Whether they are shovel-ready projects or not is another question, but at least they are on the books as having been expended by the government and committed by the government.

There are a number of federal contaminated site issues that we dealt with and that we want to explore further. There was some money from National Defence that was allocated for contaminated sites, old abandoned radar sites across the DEW

Line, but there are a number of contamination problems that still exist. The Department of National Defence was not in a position to expend the money allocated to them. The contamination continues but they were not in a position to continue at this stage. Hopefully we can encourage them to move on those particular matters.

Honourable senators will recall that the Auditor General does an annual examination and estimate of the cost of remediation of contaminated sites which is now in the range of \$6.3 billion. We, as a federal government, have that work on the books as work that must be done.

The sale of properties abroad is an area that concerns me and, I think, a number of other honourable senators. If DFAIT is being underfunded and is selling off properties abroad in order to have operating funds, then we have a concern. Honourable senators should know that in the past year the properties sold were the official residences in Dublin, Ireland and Atlanta, and chanceries in Lima, Peru and Dhaka, Pakistan, as well as staff quarters in The Hague, London, Canberra, Dallas, Atlanta and Santiago, Chile. All of those properties were sold and we have no indication of any properties having been purchased in the past year. We will want to follow up on that with the Department of Foreign Affairs and International Trade to ensure that there is not a transfer or sale of these assets to meet operating costs, such as we saw with the CBC and which I spoke to previously. Certainly, honourable senators will have read various reports of DFAIT being underfunded and unable to do what they would like to.

One other point, honourable senators, in the report that I mentioned earlier but is worth mentioning again is that the Northern Pipeline Agency is being reactivated. It was incorporated in 1978. They have basically been dormant but are now ready to proceed with a gas pipeline construction through TransCanada PipeLines, and so the Northern Pipeline Agency has asked for new allocation of funds to get matters moving in that regard.

The initiative, honourable senators, with respect to the Canadian Northern Economic Development Agency taking over some of the work from Indian and Northern Affairs Canada is a positive move. We now have a new agency in the North to help with respect to economic development and it will take over some of the work previously done by Indian and Northern Affairs and, therefore, some of their allocation of funds. That is a positive move and we will want to watch the build-up of this new agency to see what authorities and mandate it will be given.

Urban Aboriginal initiatives and Aboriginal initiatives generally were matters of discussion, and there are further allocations that appear in that regard.

We were interested in hearing about CIDA's activity in Afghanistan and how well they are working with the military in Afghanistan. That is also in our report, honourable senators.

One other point, speaking about the military, is a matter of concern that I believe our committee really should look into, and that is at page 38 of the bill that is before us today. The National

Defence operating vote is 1(b) and capital is 5. It is always a concern that money is being taken out of capital and moved into operation. That is what I was talking about with DFAIT. I have a concern without an answer, honourable senators, but we can pursue these questions later.

In this particular allocation of funds that we are being asked to vote on, the words are as follows:

. . . To authorize the transfer of \$360,954,976 from National Defence Vote 5 . . .

National Defence vote 5 is for \$360 million of capital being moved over into operating funds. That is a concern, honourable senators, and one that we should look into if that happens too many times for capital expenditures, the keeping up of the huge infrastructure of National Defence, and the need for new equipment, all of which is being put aside just to keep matters moving on the operations side. We all understand that the Afghanistan file is taking a lot of money, but if it is causing the infrastructure and capital acquisition to be set aside, then we are borrowing from the future and it will come back to us to cause some problems. I wanted to bring that to honourable senators' attention.

• (1530)

There is also a point in here with respect to the Department of National Defence indicating that \$13 billion will come due for payment in future years. In this bill, we are authorizing payments of approximately \$5.9 billion to be spent the rest of this fiscal year. I take as a gratuitous comment the \$13 billion to be spent in future years. The government will be back for authorization to spend that money, presumably, at a later time.

There are only a few agencies that have authority in Schedule 2 to this particular bill. About \$50 billion in spending is authorized to be spent over two years. Those agencies are Canada Revenue Agency, Parks Canada Agency and Canada Border Services Agency. For some reason, we decided that, rather than an annual authorization for those particular agencies, because of the type of activity they are involved in, expenditures are authorized over a two-year period. Otherwise, the agencies will be back to us and we will have an opportunity to review these expenditures at another time.

Honourable senators, in summary, we are asked to authorize expenditures of \$4.9 billion in this particular supply bill. I anticipate that we will see another supplementary estimate and, therefore, another supply bill before the end of this fiscal year.

Hon. Lowell Murray: Honourable senators, I cannot resist commenting that now that the sponsor of the bill has wooed and won the chief opposition spokesman, let me be the first to wish them every happiness. These two honourable senators richly deserve each other.

The matter I wish to raise is nowhere to be found, either directly or indirectly, in the bill that is before us. However, with your indulgence, I will avail myself of the wide latitude that is traditionally granted to parliamentarians to raise almost any matter of public policy when a supply bill is before this chamber.

The matter I wish to address is the recent energy agreement between New Brunswick and Quebec. On October 29, a memorandum of understanding was signed by the premiers of those two provinces for the sale of all the assets of New Brunswick Power to Hydro-Québec. The MOU is to lead to definitive agreements that will be the subject of legislation to be approved by the New Brunswick legislature before March 31, 2010.

The debate, which has engaged New Brunswickers to an extent seldom before seen there or anywhere, is not comparable to controversies such as the privatization of a publicly owned utility, which in the recent past has been debated and resolved one way or the other in several of our provinces; neither is it an ordinary interprovincial agreement nor a mere commercial transaction. What is proposed is the acquisition, management and control by one province of a Crown corporation presently owned by another province. New Brunswick Power is to become a subsidiary of Hydro-Québec. If there are precedents for any of this transaction in Canada, I do not know of any.

It is not my purpose today to intrude on the debate among New Brunswickers as to where the interests of their province lie in this matter. Rather, I want to submit that there are aspects of this proposed transaction to which the government and Parliament of Canada cannot be indifferent. We have an interest and a responsibility.

There is the obvious interest of Atomic Energy of Canada Limited in the future of the Point Lepreau nuclear facility — one of the key provisions of the MOU — and, of course, Parliament's exclusive jurisdiction over atomic energy, which we obtained by invoking our constitutional declaratory power many years before any of us came to this place. However, at least three other elements are of more general concern to us here.

First, there is the question of interprovincial trade; second, that of international trade; and third, the broad constitutional issue of whether New Brunswick is, in effect, transferring legislative jurisdiction to Quebec and whether this transaction is an appropriate thing to do.

With regard to interprovincial trade, the governments of Newfoundland and Labrador and Nova Scotia have already flagged potential barriers to the transmission of their electricity through New Brunswick if the MOU is implemented. At present, open access through New Brunswick is ensured by an independent operator, the New Brunswick system operator, which has its own governing board and is outside the control of New Brunswick Power. Under the MOU, this independent operator will disappear, and its role will be assumed by a transmission subsidiary of Hydro-Québec. The future neutral operation of the transmission systems is, to understate the case, an open question.

On this issue, permit me to take a moment to draw to the attention of honourable senators the one amendment made by the authors of the Constitution Act, 1982, to the division of powers provisions of what we used to call the BNA Act, now the Constitution Act, 1867. There are still a few honourable senators in this chamber who were here for the debates of 1980 and 1981 that led to the Constitution Act, 1982. I spoke in those debates and, from time to time, filled in as a substitute member of the joint committee, co-chaired by our present colleague the Honourable Senator Joyal from the House of Commons, where

he was then, and by the late Senator Harry Hays. In the intervening years, I have taken many opportunities that happily came my way to reflect and reminisce on the issues with some of the key participants from both the federal side and from the various provincial governments.

The amendment of which I speak is now known as section 92A of our Constitution. It reinforced provincial jurisdiction over natural resources. The initiative for this new section came from Alberta, with an assist from Saskatchewan. The record shows that the work of drafting and negotiating the amendment was done by Professor Peter Meekison, then a senior adviser to the Lougheed government, and the Honourable Roy Romanow, then the Attorney General of Saskatchewan, who have since written about it. They had oil and gas in mind and it quickly became clear that electricity had to be included because it is generated from fossil fuels, nuclear and hydro, among other sources. Quebec, which was still at the table at that stage, supported Alberta. However, the concern of the federal government and of the province of Ontario was to ensure that the amendment did not allow for discrimination against other provinces. In the event, subsection (2) of the new section 92A stipulated that a province may make laws for the export of electric energy but that such laws may not authorize or provide for discrimination in prices or in supplies exported to another part of Canada.

As the negotiations went on, Ontario and the federal government continued to fret about possible discrimination and so a compromise was reached that led to subsection (3) of section 92A:

Nothing in subsection (2) derogates from the authority of Parliament to enact laws in relation to the matters referred to in that subsection and, where a law of Parliament and a law of a province conflict, the law of Parliament prevails to the extent of the conflict.

In other words, the "Fathers" of 1982 created a new concurrent field of jurisdiction with federal paramountcy. This is noteworthy in the context of the proposed New Brunswick-Quebec transaction. Parliament has full authority to legislate, if necessary, to remedy any abuse of power by a province.

I do not know whether section 92A is of any comfort to Newfoundland and Labrador and Nova Scotia as they contemplate the future operation of the maritime and Quebec transmission systems or, indeed, to Ontario, which has been silent so far but whose officials and ministers must surely be following these matters closely. Newfoundland and Labrador and Nova Scotia earlier this month asked New Brunswick for a commitment to negotiate an agreement with them before the transaction with Quebec is completed to construct a new interprovincial transmission line through New Brunswick to the border with the state of Maine and, in the meantime, to ensure that the independent New Brunswick system operator will remain in charge of open access applications.

• (1540)

So far, New Brunswick seems to have brushed off these representations, arguing that nothing will have changed under the proposed deal with Quebec and, anyway, that the U.S. authorities will enforce nondiscriminatory access in the interests of its

northeastern importers of electricity. Nova Scotia and Newfoundland and Labrador would then be in the odd position of depending on the U.S. to protect their interests in Canadian interprovincial trade. If these interests are imperiled, it is surely the role of the federal government to protect them.

The question of international trade is intimately bound up with the interprovincial considerations I have just mentioned. Canada has a lot of generating capacity, existing and potential, and the United States is a big market. The two countries have an integrated system, the Maritimes component of which is the responsibility of the aforementioned independent New Brunswick system operator now destined to be replaced by the Hydro-Québec subsidiary. The disappearance of the New Brunswick system operator sends an ominous signal. I will say as objectively as I can that Nova Scotia and Newfoundland and Labrador have every reason to be concerned.

Under the MOU, Hydro-Québec will own and control all present and future interconnections with New England, as well as important links with New York. It would be an understatement to say that Quebec will have increased its market power significantly.

Concerns about the use of that increased market power were expressed by New England importers of Canadian electricity as soon as the MOU was signed. While the Minister of International Trade may be reluctant to take a position on the potential consequences of a sale of New Brunswick Power to Hydro-Québec for New England and New York importers of electricity, the government of the U.S.A. will have every interest in protecting the potential access of its importers to electric power generated in Nova Scotia and Newfoundland and Labrador, and to the competitive pricing regime for Quebec and New Brunswick power such access supports.

The implications of the MOU for international trade thus cannot be avoided or evaded by the federal government. It should begin now to consider how it will act to prevent perceived abuse of this enhanced market power, or at least how it will respond if the U.S.A. government raises concerns about the potential for such abuse.

For example, the Minister of International Trade could simply state that the MOU, if it proceeds, must explicitly reaffirm the historic practice and principle of open access that is quantifiable and rules-based, both for international and interprovincial electric power exports. A policy of continued silence would be an implicit delegation of the federal government's jurisdiction in this area of interprovincial and international trade to the U.S.A. federal energy regulatory commission and the Government of Quebec.

With regard to New Brunswick's legislative authority, I acknowledge article 7.5 of the MOU, headed "Sovereignty Unaffected," and which reads as follows:

Nothing in this MOU or in the Proposed Transactions is intended to limit the exercise by each of New Brunswick and Québec of its sovereignty or constrain its ability to establish or modify independent energy and industrial policies and regulations, provided that each of the Parties will comply with those commitments specifically agreed as part of this MOU and the Definitive Agreements.

One of those commitments in the MOU is that "the regulatory framework governing the generation, transmission and distribution of electricity in New Brunswick will be altered to conform to the framework currently in effect in Québec." Under an act of the New Brunswick legislature, regulation of New Brunswick Power is delegated to an independent Crown agency, the New Brunswick Energy and Utilities Board, known as the EUB. When, under the MOU, the regulatory framework in New Brunswick is made to conform to that of Quebec, what discretion or authority in this field will remain to the EUB, or even to the government and legislature of New Brunswick?

What the MOU seems to be saying is that New Brunswick's sovereignty will be intact, except that it is eliminated when it comes to the ability to regulate the generation, transmission and distribution of electricity. Further, it would seem that Hydro-Québec, once it takes control, can do whatever it wants to do with those assets in the future. It appears that New Brunswick has indentured itself indefinitely to Hydro-Québec.

The federal government may and probably does prefer to be silent on those issues, regarding them as hypothetical at least until the MOU is given concrete form in an agreement and legislation. However, such a course would be simply an evasion of responsibility and, I believe, an untenable evasion at that. As I have attempted to demonstrate, one or more of the following events is highly likely to demand some response from the federal government if the MOU proceeds to the stage of definitive agreements: a demand of intervention from frustrated neighbouring provinces; action by the U.S.A. government; or a court challenge to one or more issues raised by the MOU and subsequent definitive agreements.

If such a *fait accompli*, or something like it, is lobbed into the lap of an unprepared federal government, possibly at very politically inconvenient time, ministers and their advisers may wish they had thought through and staked out a responsible federal position much earlier in the process.

Hon. Donald H. Oliver: Honourable senators, may I ask the Honourable Senator Murray a question?

The Hon. the Speaker pro tempore: Will the Honourable Senator Murray accept questions?

Senator Murray: Yes, of course.

The Hon. the Speaker pro tempore: The senator's time has expired. First, is the senator asking for more time?

Senator Murray: I am glad to ask for five minutes for honourable senators to ask and for me to reply to any questions.

Senator Tardif: Agreed.

Senator Oliver: Honourable senators, I thank Senator Murray for bringing to our attention the importance of the amendments to sections 92A and 92A(3) of the Constitution Act.

When describing the new power of this Hydro-Québec subsidiary, the honourable senator said that the federal declaratory power can come into effect if there is an abuse of power in the province of New Brunswick.

Would the honourable senator consider it an abuse of power the fact that, when the negotiations with Hydro-Québec were taking place, there was no opportunity for any other organization, group, company or agency to have been able to bid on it competitively? Could that in his mind be construed as an abuse of power that could be caught by those sections?

Senator Murray: Honourable senators, I should specify that I was not suggesting that the declaratory power, which is rather like a nuclear arm, should be used. I was suggesting that section 92A(3), which would be a much more focused and narrow provision, would come into play as a last resort. I think we all agree that these things are far better settled by way of political negotiations rather than by going to court. The absolute last resort for the federal government and Parliament is to have to act.

My friend refers to the nature of the negotiations between New Brunswick and Quebec and the lack of, as one says, input from other sources, the lack of competitive process. No, I would doubt that the federal government would take that into account if it had to justify the use of some parliamentary override as a last resort. I do not think they would go into that. The main question would be whether there exist here barriers to interprovincial and/or international trade.

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I would like to raise a question with the honourable senator as well on this important matter.

The honourable senator has addressed the very substance of the deal in terms of the issue as it relates to, ultimately, the opportunities for trade from other provinces. The original legislation, the British North America Act, attempted to guarantee that there would be freedom of commerce and that one province could not block access to commerce through its own developments.

• (1550)

However, at the time of the original development of Churchill Falls, Quebec argued that both the development of hydro energy and its transmission fell under provincial jurisdiction and the province was granted complete control of transmission of energy across its province. The current MOU, as the honourable senator correctly identified, assigns to the new subsidiary that will run the energy in New Brunswick, a subsidiary of Quebec Hydro, the exact rights as conveyed to Quebec Hydro in this regard.

The British North America Act was not able to protect the provinces with regard to free transmission, or free-wheeling as it is known today, across its jurisdiction. As honourable senators know, there are now significant opportunities in Atlantic Canada for large-scale developments of green energy, which will have their greatest potential if the energy can be transmitted across provinces, particularly the province of New Brunswick and into other markets.

Does the honourable senator believe in any way that a current federal government is likely to have the courage to operate under section 92A of the current act any more than they had at the time of the original deal and the non-application of the British North

America Act to guarantee freedom of commerce, and, thus, to protect opportunities for the other Atlantic provinces to have negotiated access to markets for their own energy?

Senator Murray: Honourable senators, the politics of it would be awkward for any federal government; I have no doubt about that. As I said when I strangely offered what might have been taken as a legal opinion, but was really a policy opinion to Senator Oliver, it is immensely preferable to try to settle these matters by way of political negotiations rather than by going to court or, indeed, by parliamentary override.

My friend said that the commerce clause was ineffective in protecting the interests of other provinces in the Churchill Falls arrangement. I will not go into that arrangement in detail. However, that was surely part of the background for the fathers of the Constitution Act, 1982, when they, at the insistence of the federal government and of Ontario, drafted section 92A(3). They must have known what they were doing. I would think that a federal government, as a last resort and conscious of its responsibility both for inter-provincial and international trade — because the Americans will come at us on this matter if it goes that far — would be conscious of its responsibility and would realize that it had to act if all else failed.

[Translation]

The Hon the Speaker pro tempore: Honourable senators, I regret to say that Senator Murray's speaking time has expired.

(On motion of Senator Ringuette, debate adjourned.)

[English]

FAIRNESS FOR THE SELF-EMPLOYED BILL

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Consiglio Di Nino moved second reading of Bill C-56, An Act to amend the Employment Insurance Act and to make consequential amendments to other Acts.

He said: Honourable senators, I am pleased to speak in support of our government's proposal to introduce legislation that will extend on a voluntary basis Employment Insurance benefits for maternity, parental, sickness and compassionate care leave to self-employed Canadians.

Honourable senators will recall that the Standing Senate Committee on National Finance has completed a pre-study on this bill.

During my four decades in the financial services sector, I gained great respect and admiration for the Canadian men and women who, either by choice or circumstances, were self-employed entrepreneurs, many of whom are new Canadians. The self-employed have remarkable talents and expertise, are generally fiercely independent, and have admirable worth ethics. I admire their entrepreneurial savvy, determination and the long hours they are willing to put into making a success of being their own boss.

[*Translation*]

From coast to coast to coast, millions of self-employed Canadians work in sectors as diverse as information services, information technology, science, construction, the arts, personal care and all kinds of other occupations, professions and consulting services. These entrepreneurs constantly have to come up with new and clever ways not only to present and promote their products and services, but also to reach their target markets. Self-employed Canadians need to take risks, while always maintaining their creativity and intelligence. They are literally the driving force of our economy.

In 2008, there were 2.6 million self-employed workers in Canada, all across the country, who accounted for over 15 per cent of the active workforce. Those 2.6 million Canadians make a vital contribution to the well-being of our economy by providing goods and services that are in demand. They continually enrich the world of ideas and innovation, which contributes to maintaining the strength of our economy.

However, the negative aspects, honourable senators, are as follows. Until now, most self-employed Canadians, unlike most other Canadians, have had little or no income protection to enable them to cope with important events such as childbirth, illness, injury, care of a newborn or recently adopted child or care of a seriously ill relative. The government acknowledges that the lack of a safety net in the form of temporary income support is a major concern for self-employed Canadians with respect to their future financial security. It also acknowledges that the current situation is unfair. As I already mentioned, self-employed Canadians make a significant contribution to our country's economy and its potential for innovation.

[*English*]

It is only right and fair that these workers should have access to similar maternity, parental, sickness and compassionate care benefits as salaried employees enjoy.

Honourable senators, one-third of all self-employed persons are women of child-bearing age. Frankly, we think it is unconscionable that these women should have to make a choice between work and having a family because they have no maternity or parental income benefits available to them.

It is equally unconscionable, honourable senators, that self-employed Canadians should suffer financial hardships because of illness or accidental injury, or because they need time off work to care for a relative who is gravely ill. Surely, they are as entitled to income support during these unforeseen life events as all other employed Canadians.

Many surveys tell us that self-employed Canadians would welcome income assistance to help them cope with these situations.

According to recent public opinion polls and research, 86 per cent of self-employed Canadians confirmed that they support access to sickness benefits; 84 per cent were interested in

compassionate care benefits; and 64 per cent supported the idea of having access to maternity and parental benefits.

• (1600)

Honourable senators, in 2008, our government pledged to bring maternity and parental benefits forward for self-employed Canadians. In this legislation we are proposing, we not only meet but surpass that commitment by providing access to sickness and compassionate care benefits as well.

This legislation will therefore not only support a strong Canadian family policy, which is one of our government's priorities, but as is the case for other Canadian workers, it will also give self-employed Canadians peace of mind with respect to their future financial security should they become sick or injured or have to care for a relative who is suddenly gravely ill.

We are certainly not imposing these benefits on self-employed Canadians. Self-employed Canadians, generally quite independent, will have the choice to opt into the EI program and receive these special benefits.

[*Translation*]

The special benefits provided to the self-employed will be similar to those provided under the current employment insurance program. The benefit period, the salary replacement rate, the maximum insurable earnings, the benefits and the waiting period will be similar.

More specifically, self-employed Canadians who opt in will have a maximum of 15 weeks maternity leave, in the case of a natural mother, and a maximum of 35 weeks of parental leave for parents who choose to remain at home to look after a newborn or recently adopted child.

They will receive up to 15 weeks of benefits if they are unable to work because of illness, injury or quarantine and a maximum of six weeks of benefits to care for a seriously ill relative.

Self-employed Canadians who participate in the program will pay regular premiums like all other employees. However, they may choose, at the end of any fiscal year, to withdraw from the program provided they have never drawn benefits.

Self-employed workers who choose to take part in the program would pay a relatively low premium equivalent to the premium that employees pay. The rate would be the same across the country and equivalent to employee rates.

Independent workers would pay just one premium and would not be required to pay the employer's share of the premium, as is currently the case under the Canada Pension Plan and the premium will be fair and attractive. This will give them a number of opportunities that currently do not exist.

[*English*]

To qualify for the program, self-employed Canadians must have earned a minimum of \$6,000 of self-employed earnings over the preceding calendar year. Let me explain how we arrived at this amount.

[Senator Di Nino]

As senators are aware, the current entrance requirement for EI special benefits is 600 hours. However, because self-employed Canadians do not report hours of work, this entrance requirement was converted to a representative minimum wage of \$6,000 based on \$10 an hour. The Canada Revenue Agency will administer and collect revenues through the tax system, and this collection would begin January 1, 2010, or as soon as we get this bill passed, whichever is sooner.

We anticipate that \$19 million of premiums will be generated in the first year of operation. As the base of contributions increases over time, growing premiums are projected to be \$205 million by 2013-14.

[Translation]

Honourable senators, I would also like to take a moment to explain the impact the proposed bill will have on self-employed workers in Quebec.

Since the Government of Quebec already pays out maternity and parental leave benefits through the Quebec parental insurance plan, we will provide self-employed workers in Quebec with access to sick leave and compassionate care benefits under the employment insurance program.

Premiums paid by self-employed workers in Quebec would be adjusted accordingly. If they choose to take part in the program, they will pay the same premiums as employees living in Quebec since the rate in that province has already been adjusted to take into account the existing Quebec parental insurance plan.

[English]

As I believe I have demonstrated, the legislation we are proposing is in keeping with our government's commitment to make responsible and responsive adjustments to the EI program to support Canadian workers who need assistance.

As honourable senators heard during the debate on consideration of Bill C-50, our government is taking unprecedented action to respond to the needs of long-tenured workers who find themselves laid off through no fault of their own because of the global recession. These workers have contributed to the EI program for many years and yet seldom, if ever, collected benefits. Bill C-50 will enable these workers in all industries and sectors throughout the country to access additional EI support while our economy recovers.

[Translation]

Allow me to point out some other timely improvements the government has made to employment insurance through its economic action plan.

These improvements include five extra weeks of employment insurance benefits nationally, increasing the maximum duration of benefits from 45 to 50 weeks in regions of high unemployment.

Under the Economic Action Plan, we have also made changes to the work-sharing program to help workers remain in the labour force and to protect their jobs. This program offers employment

insurance income support to workers who are willing to work a reduced work week while their employer pursues the company's economic recovery plan.

Under Canada's Economic Action Plan, workers will also benefit from the \$1 billion increase in funding of over two years for skills training under the existing labour market development agreements with the provinces and territories. This additional investment will help people receiving employment insurance benefits to get the skills training they need in our changed economy.

[English]

We are also investing \$500 million in a two-year Strategic Training and Transition Fund to support the particular needs of those who would not normally have qualified for EI training. The fund is helping to ensure that all Canadians will be able to access the training they need when they participate in these provincial and territorial initiatives. The initiatives help meet the different training needs of workers in affected communities and sectors in retaining employment or making the transition to new jobs.

Since coming to office, we have worked very hard to make fair and timely changes to the EI program in keeping with the real needs of Canadians. This is why we have expanded eligibility for EI compassionate care benefits by enlarging the definition of "family members" to include a wider range of individuals. It is why we are improving the management and governance of the EI account by establishing the Canada Employment Insurance Financing Board.

[Translation]

By making special employment insurance benefits accessible to self-employed Canadians, the government is upholding the tradition of improving the employment insurance system in order to help Canadians and to respect its commitment to fairness.

• (1610)

[English]

I am sure that no senator wants to see a self-employed woman make the agonizing decision not to have a child because she cannot access maternity and paternity benefits. She is working just as hard and contributing just as much to the economy as does a salaried employee. Why should she not be entitled to similar maternity and parental income support benefits?

[Translation]

The same is true for a self-employed carpenter who comes down with the flu or is injured and cannot work, or a graphic designer who works from home and is called upon to take care of a dying parent. Why should these self-employed workers not be entitled to special employment insurance benefits during these difficult times?

I urge honourable senators to support this bill that would bring about fair and completely justified changes to our employment insurance system. Thank you.

[English]

Hon. Joseph A. Day: Would the honourable senator accept a question?

Senator Di Nino: Yes.

Senator Day: Senator Di Nino, I have a point of clarification with respect to the honourable senator's comment that self-employed individuals may opt into the program after January 1, 2010 or as soon as this bill is passed. Will the honourable senator confirm that there is a transition period for the first year? That is, if someone should opt in before April 1, 2010, he or she would then be eligible for benefits January 1, 2011, which is the first date benefits would be available.

Senator Di Nino: That is correct. I was reading that in my broken French, for which I do not apologize, because I am trying very hard, but Senator Day is absolutely right.

Hon. Nancy Ruth: This is government legislation of which I am most proud. I think it is one of the best things for women in this country. I was concerned that in his speech Senator Di Nino almost implied that women would choose to have children based on a piece of state legislation.

Surely, the honourable senator does not mean that, does he?

Senator Di Nino: I have known Senator Nancy Ruth for longer than we care to admit, because it shows our age.

I said that it is of utmost importance that all women have the same benefits so that one need not delay having a child due to financial needs. That mirrors what we now have in the EI act for employed Canadians. The intent of this legislation is to make these benefits available to self-employed Canadians on the same basis as employed Canadians.

Hon. Catherine S. Callbeck: Honourable senators, I am pleased to say a few words at second reading in support of Bill C-56, An Act to amend the Employment Insurance Act and to make consequential amendments to other Acts.

I thank Senator Di Nino for his detailed explanation of why this legislation is needed.

The self-employed contribute a great deal to the economic prosperity of this country. They represent 16.4 per cent of the total employed workforce. There are a total of 2.75 million self-employed Canadians as of October 2009. This represents a 3.9 per cent increase over the last 12 months. Therefore, I am pleased that the federal government has finally introduced legislation for special benefits, namely maternity, parental, sickness and compassionate care benefits to self-employed persons.

During the Prime Minister's Task Force on Women Entrepreneurs, we heard repeatedly that women wanted to be able to pay into a fund so that they could access maternity benefits. We heard that the lack of benefits has a profound impact

on the length of time self-employed women may remain at home with a child. We also heard that it is sometimes difficult for self-employed women to spend even the first month with their newborn child.

According to Business Development Canada, women entrepreneurs represent a growing economic force in this country. About one third of all Canadian companies are now owned by women. The top 100 women entrepreneurs alone bring more than \$2 billion into the Canadian economy and employ about 2 million people. All in all, there are more than 900,000 women entrepreneurs in Canada.

Self-employed women face challenges when it comes to their businesses and families. This is why the Prime Minister's Task Force recommended in 2004 that the federal government extend maternity benefits to women entrepreneurs. Recommendation 4.01 stated quite clearly:

The federal government should extend maternity leave benefits to self-employed women.

Prior to the 2006 election, the former Minister of Human Resources and Social Development indicated to the Senate Social Affairs Committee that her department was reviewing the issue with a view to making the recommendation work and extending benefits to the self-employed.

The Prime Minister's Task Force on Women Entrepreneurs was not the only group urging maternity benefits for the self-employed. The House of Commons Committee on the Status of Women has repeatedly recommended that the government develop a framework for extending maternity and parental benefits to self-employed workers. The Liberal Women's Caucus has also been calling for this change, and it is a key recommendation in the *Pink Book* of the Liberal Women's Caucus.

These changes in Bill C-56 do more than assist women entrepreneurs. They will provide maternity, parental, sickness and compassionate care benefits to any eligible self-employed person who chooses to opt in and pay premiums: women or men, from all sectors of the economy, from farmers to tradespeople to dentists. For example, at Committee in the House of Commons, Kristin Ego of the Canadian Young Farmers noted:

... the extension of EI benefits like parental and compassionate leave is a step in the right direction to improving the quality of life for all farm families.

This is indeed a step forward for farmers. Extending these special benefits to them may help many stay on the land. As they prosper, rural Canada will benefit from their success. There is no doubt that many self-employed people will welcome these special benefits.

Bill C-56 amends the Employment Insurance Act and other Acts so that qualified self-employed persons can voluntarily opt into the EI system for special benefits to which they are not currently entitled to receive. These benefits are maternity benefits for a maximum of 15 weeks, parental or adoptive benefits for a maximum of 35 weeks, sickness benefits for up to 15 weeks and compassionate care benefits for up to six weeks.

Under the proposed legislation, self-employed persons would have to pay premiums for at least one year before they are eligible to claim benefits. In addition, self-employed individuals must have earned a minimum of \$6,000 in self-employed earnings over the previous year. Finally, an individual could opt out of the EI program at the end of any tax year, but only if he or she has never claimed benefits. Those who claim benefits must contribute for as long as they are self-employed.

• (1620)

As Quebec has its own provincial Parental Insurance Program, there will be a difference between the premiums paid by self-employed persons in Quebec and the premiums paid by self-employed persons in other parts of Canada.

While this bill is a great step forward for self-employed Canadians, I do have some concerns. My main concern is financial. What impact will these measures have on the EI fund and premiums? This is a serious concern, especially since departmental projections show the expenses of these special benefits will exceed revenues by the fourth year by approximately \$78 million. The shortfall will have to be paid out of the EI fund.

In addition, I am concerned about the lock-in aspects of this program. The self-employed person who makes any claim for benefits will be required to continue paying premiums for as long as they are self-employed. For those who received maternity and parental benefits for the full 50 weeks, it may seem fair; however, it does seem unreasonable that someone who may only require a few sick days is locked in forever.

It has also been suggested in the other place that the five-year review period might be too long a time to wait. If there are significant problems in the administration or financing of these provisions, we should know about them sooner than five years.

Finally, I am concerned about how the self-employed will learn about these benefits. Should it come into the force at the beginning of January, those who wish to be eligible for benefits the following year must register before April 1, 2010. That gives the department just three months to advise self-employed Canadians of these new benefits. I would hope that the government is developing an aggressive campaign to notify these individuals.

I am pleased that this legislation has been introduced, and I urge all senators to support it at second reading.

(On motion of Senator Carstairs, debate adjourned.)

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator Eaton, for the third reading of Bill C-15, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts, as amended;

And on the motion of the Honourable Senator McCoy, seconded by the Honourable Senator Campbell, that the original question be now put.

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: The question is on the amendment of Senator McCoy. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Speaker *pro tempore*: Carried on division.

(Motion agreed to, on division.)

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

(Motion agreed to and bill read third time and passed.)

[*Translation*]

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Cook, for the second reading of Bill S-236, An Act to amend the Canada Elections Act (election expenses).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I know that Senator Gerstein is still considering his comments on Bill S-236. Since this item is at day 14 on the Order Paper, I would like to adjourn the debate in Senator Gerstein's name for the remainder of his time.

(On motion of Senator Comeau, for Senator Gerstein, debate adjourned until the next sitting of the Senate.)

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Wallace, for the second reading of Bill S-204, An Act to amend the National Capital Act (establishment and protection of Gatineau Park).

Hon. Pierre Claude Nolin: Honourable senators, when I last spoke to this bill, on October 27, I mentioned that the clause-by-clause review of Bill C-37, the government bill to amend the National Capital Act and other acts, was scheduled to begin on November 4. As well, in my previous speeches on Bill S-204, which is currently before us, I described the legislative situation as follows:

Almost simultaneously, the two houses have three legislative initiatives before them: Bill S-204 is before us here, while Bill C-367, which is nearly a carbon copy of Bill S-204, and government bill C-37 are before the other place.

• (1630)

As I am sure you will agree, that causes quite a bit of confusion and it all needs to be untangled. I had suggested to honourable senators that we wait until Bill C-37 proceeds all the way through the House of Commons and is referred to the Senate in order to have a debate and, above all, a more comprehensive contemplation of the future of Gatineau Park and what is really at stake with all this legislation.

The House of Commons Standing Committee on Transport, Infrastructure and Communities held two meetings, on December 7 and 9, 2009, dedicated to the clause-by-clause consideration of the bill. Over 40 amendments were proposed, one-third of which came from the government.

Some people's first instinct was to say that the government's position had not been clearly thought out, but I am among those more inclined to believe that the committee process showed the government just how badly major changes are needed.

According to the minutes of the December 9 meeting, that committee stands adjourned until Parliament resumes on January 25, 2010. Of course, the clause-by-clause study was not finished. Among the amendments discussed, the notion of ecological integrity was reinforced by an amendment that passed, but the questions of consultation with the provinces affected by possible changes to the park's boundaries and the tabling of management plans remain the subject of intense discussions.

Accordingly, honourable senators, I propose that we postpone this debate and I move adjournment in my name for the rest of my time.

(On motion of Senator Nolin, debate adjourned.)

STATE IMMUNITY ACT CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Stratton, for the second reading of Bill S-233, An Act to amend the State Immunity Act and the Criminal Code (detering terrorism by providing a civil right of action against perpetrators and sponsors of terrorism).

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I know that a number of senators would like to take part in this important debate. This item is on day 14 on the Order Paper and I move that the debate be adjourned in my name for the remainder of my time.

(On motion of Senator Tardif, debate adjourned.)

[English]

BUDGET IMPLEMENTATION BILL, 2009

STUDY ON ELEMENTS DEALING WITH EQUITABLE
COMPENSATION (PART 11)—THIRD REPORT
OF HUMAN RIGHTS COMMITTEE—DEBATE
CONTINUED

On the Order:

Resuming debate on the consideration of the third report of the Standing Senate Committee on Human Rights, entitled: *The Public Sector Equitable Compensation Act*, tabled in the Senate on June 11, 2009.

Hon. A. Raynell Andreychuk: Honourable senators, there is a report standing in my name that I wish to speak to but I think I will have a more receptive audience when we return after the break. Therefore, I ask that we rewind the clock.

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

Hon. Senators: Agreed.

(On motion of Senator Andreychuk, debate adjourned.)

VICTIMS OF HUMAN TRAFFICKING PROTECTION ACT

BILL TO AMEND—FOURTH REPORT
OF HUMAN RIGHTS COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Human Rights (Bill S-223, An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures in order to provide assistance and protection to victims of human trafficking, with amendments), presented in the Senate on December 8, 2009.

Hon. A. Raynell Andreychuk: Honourable senators, as Chair of the Standing Senate Committee on Human Rights, I wish to make a few comments about the report, the bill and the amendments.

This bill has been before the Senate in various forms prior to Bill S-223. While the principle of the bill was one that I believe all senators could support, namely, to provide services for those people who have been trafficked, many of the other sections in the initial bills were troublesome. After some changes, debate and hearing witnesses, Bill S-223 came before us; Senator Carstairs was the proponent of the bill.

Once again, there were difficulties in the bill and, although the committee and others supported the principle of providing services for those who were trafficked, there were some difficulties with some of the amendments.

Over the summer, Senator Carstairs and the Department of Citizenship and Immigration were able to have fruitful discussions and presented a series of amendments about which Senator Carstairs will want to make some further comments. The amendments did not affect the principle that services should be provided to those who are trafficked; however, it brought the definition of “persons who are trafficked” in line with the Criminal Code and other provisions of the Immigration and Refugee Protection Act. There were consequential amendments that were agreed to that would ensure the definition was in line with other acts and other usages to this point.

Further amendments removed issues of provincial jurisdiction. Many of the services that are necessary for victims lie within the purview of the provincial jurisdiction. It was agreed that the cooperative nature between the federal authorities and the province should be maintained and the amendments leading to the deletion of those issues that were clearly within the provincial jurisdiction were in the best interest of all.

Other amendments were also in this line to ensure that the persons who are trafficked, that that is taken into account, but after that these people would be afforded the benefits and dealt with as closely as other persons who are dealt with in the Immigration and Refugee Protection Act. Therefore, I believe all of the amendments are in line with furthering the purpose of the bill, underscoring that the government is attentive to the needs of the trafficked persons but allows for the maintenance on the integrity of the Immigration and Refugee Protection Act as it stands now. The amendments passed unanimously within the committee.

Should the report be accepted and moved to third reading, I will be asking the law clerk to renumber clause 9 as clause 7 as a technical correction that needs further review.

With those few comments, I ask that the report be accepted.

(On motion of Senator Cools, debate adjourned.)

• (1640)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR—FOURTEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*budget—release of additional funds (study on the energy sector)*) presented in the Senate on December 10, 2009.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Senator Angus is not here, but I am more than willing to move the motion standing in his name.

(Motion agreed to and report adopted.)

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS—FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Human Rights (*budget—study on Canada’s national and international human rights obligations—power to hire staff and travel*) presented in the Senate on December 10, 2009.

Hon. A. Raynell Andreychuk: I move the report standing in my name.

(Motion agreed to and report adopted.)

AGRICULTURE AND FORESTRY

BUDGET—STUDY ON CURRENT STATE AND FUTURE OF FOREST SECTOR—SEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Agriculture and Forestry (*budget—release of additional funds (study on the current state and future of Canada’s forest sector)*) presented in the Senate on December 10, 2009.

Hon. Percy Mockler: I move the report standing in my name.

(Motion agreed to and report adopted.)

CURRENT STATE AND FUTURE OF FOREST SECTOR

EIGHTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report (interim) of the Standing Senate Committee on Agriculture and Forestry, entitled: *The Canadian Forest Sector: Past, Present, Future*, tabled in the Senate on December 10, 2009.

Hon. Percy Mockler: I move that the report be adopted.

(Motion agreed to and report adopted.)

ABORIGINAL PEOPLES

BUDGET—STUDY ON FEDERAL GOVERNMENT'S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES—NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Aboriginal Peoples (*budget—release of additional funds (study on matters generally relating to the Aboriginal Peoples of Canada)*), presented in the Senate on December 11, 2009.

Hon. Elizabeth Hubley: Honourable senators, I move the adoption of the report standing in the name of Senator St. Germain.

(Motion agreed to and report adopted.)

IRAN

MOTION TO SUPPORT DEMOCRATIC ASPIRATIONS OF THE IRANIAN PEOPLE— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

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

That,

- (a) Canada supports the democratic aspirations of the people of Iran;
- (b) Canada condemns the use of violence and force by Iranian authorities against their own people to suppress pro-democracy demonstrations following the Iranian presidential elections of June 12, 2009;
- (c) Canada condemns the use of torture by Iranian authorities;
- (d) Canada calls for the immediate release of all political prisoners held in Iran;
- (e) Canada calls on Iran to fully respect all of its human rights obligations, both in law and in practice;

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

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

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

And on the motion in amendment of the Honourable Senator Di Nino, seconded by the Honourable Senator Oliver, that the motion be amended by adding a new recommendation:

(i) Canada condemns the use of discrimination, both religious and ethnic, as a means of suppressing the population of Iran.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to speak on this motion and I know that time is running out. However, Senator Grafstein will not be with us when we return. To respect his wishes, I will speak today on the motion on Iran.

Honourable senators, I am pleased to rise before this chamber today to participate in the debate on Senator Grafstein's motion to support the democratic aspirations of the Iranian people. I specifically rise to support the amendments of Senator Di Nino that he has proposed to add, namely, that:

Canada condemns the use of discrimination, both religious and ethnic, as a means of suppressing the population of Iran.

In June of this year, the world was shocked by televised images of violent attacks on Iranian citizens protesting the outcome of the presidential elections. These attacks, the arbitrary arrests, allegations of torture and the "show" trials and death sentences that have followed are symptomatic of the widespread incidents of gross human rights violations perpetrated by the Iranian government against its own citizens.

For many years, I have represented Iranian refugees, especially women, who have been tortured and imprisoned in Iran. The suffering of these women is unimaginable. Sadly, honourable senators, this suffering still continues.

As described in disturbing detail in September 23, 2009, report of the Secretary-General to the Third Committee of the United Nations General Assembly, these human rights violations affect a cross-section of Iranian society, including women, labour union officials, human right activists, journalists, students, academics and ethnic and religious minorities.

Today, I will address the situation of one religious group, the Baha'i of Iran, whose rights have systematically been violated by the Iranian government since the inception of the Islamic revolution. As a young child in Uganda, my father often took

me to a construction site where a Baha'i temple was being built. As the temple was being built, my father would describe the different aspects of the faith of the Baha'i. His description of the embracing by the Baha'i of all religions left me with a great love and respect for all faiths. I am also a great admirer of the Baha'i. As Ugandans, we are proud of the Baha'i temple in Uganda and we believe it is one of the best temples.

There is a lot of talking and I do not think this is appropriate.

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

Senator Jaffer: It is still happening.

Some Hon. Senators: Order.

Senator Jaffer: Honourable senators, let me take a few moments to provide some background of the Baha'i faith. It originated in Iran, then Persia, in the 1840s. Central to the spiritual teachings of the Baha'i faith is the concept that there is only one God and that the major world religions have been established by divine educators who brought teachings commensurate with humanity's stage of development.

The source and spiritual essence of all these religions is the same in the Baha'i view. Only the social teachings have changed in order to support the emergence of an ever-advancing civilization. Baha'is strive both individually and as communities, and with the guidance of their institutions, to understand and implement the spiritual and moral teachings in their own lives and communities, and to contribute to the common good.

The five million or so people comprising the Baha'i international community represent 2,112 ethnic and tribal groups who live in over 121,000 localities, 190 independent countries and 45 dependent territories and overseas departments.

Its membership, which cuts across all boundaries of class and race, governs itself through the establishment of local and national democratically elected bodies known as spiritual assemblies. Its world centre and the seat of its international governing council, known as the Universal House of Justice, is located in Haifa, as specified by the founder of the Baha'i faith, in what was then Palestine.

I have often visited this Haifa temple while working with Israeli women. This temple is not only a structure but is located in an area that exudes peace. I have often spent time in the gardens of the Haifa temple to find peace.

The Baha'i international community has an accredited consultative status with the United Nations Economic and Social Council, ECOSOC, and with UNICEF. It is also affiliated with the United Nations Environment Program and the United Nations Department of Public Information.

It maintains offices to support its collaboration with the United Nations in New York and Geneva. Through its UN offices, the Baha'i International Community has released statements and participated in a series of UN world summits, which took place throughout the 1990s, culminating with the Millennium Forum, which was co-chaired by the principal representatives of the Baha'i international community.

Baha'i's representatives have been active contributors to the UN reform process. They follow the work of the various UN commissions and UN Human Rights Council, providing a forum for dialogue by hosting topical side events among various other initiatives.

• (1650)

The Baha'i community of Canada, which celebrated its 100th anniversary in 1998, elected its first National Spiritual Assembly in 1948. One year later, Canada became the first country in the world to incorporate the National Spiritual Assembly through an act of Parliament on April 30, 1949.

Today, the Baha'i community of Canada comprises approximately 30,000 members from backgrounds that are truly representative of Canada's rich cultural and ethnic diversity. Canadian Baha'is live in every province and territory and are spread among 1,200 localities. Their economic and social backgrounds are as diverse as their cultural and religious heritage.

Over the years, the National Spiritual Assembly of the Baha'is of Canada has welcomed and responded to invitations from the Canadian government to offer its perspective on issues of provincial, national and international significance in discourse and social action related to such themes as violence against women, racism, sustainable development, climate, education and human rights education.

The Canadian Baha'i International Development Agency has collaborated with CIDA on primary health care, community radio and education projects in Africa, India and Central and South America. As they do in Canada, in whichever country the Baha'is reside, they are appreciated as a constructive force. I know that the work they look after really benefits all of us.

Why then, honourable senators, do we have a slow genocide of the Baha'i community in Iran through such means as arbitrary arrests; incitement of hatred in government-controlled media and from the pulpit; harassment of schoolchildren; denial of access to post-secondary education or to employment in the public sector; severe restrictions on employment in the private sector; the destruction of graveyards; denial of government pensions; and the discrimination in courts?

In Iran, these attacks against the Baha'is intensified in the last three years with the issuance of an official memorandum calling for the identification, surveillance and reporting on all Baha'is. This led to memos issued to 81 universities, stating that Baha'is should not be admitted and, if admitted, should be expelled; a memo to security forces listing 25 occupations that the Baha'is, as unclean persons, were barred from; and a 31-page document circulated in Shiraz listing the name of every Baha'i, their occupation and address, accompanied by letters from religious leaders calling on their fellow citizens to shun them and not to do business with the Baha'is.

The answer is found in part in the baseless charges brought against all seven members of the former group that coordinated the affairs of the Baha'i community in Iran. Arrested in March and May of 2008, and held ever since in the notorious Evin prison, these seven Baha'is — Fariba Kamalabadi, Jamaluddin Khanjani, Afif Naeimi, Saeid Rezaie Behrouz Tavakkoli, Vahid

Tizfahm and Mahvash Sabet, who also served as the secretary — learned in late February, 2009, that they would be brought before Iran's revolutionary court to face charges of espionage on behalf of Israel, insults to the sacredness of Islam, and propaganda against the regime.

These charges, which were completely unfounded, carry the death penalty. Honourable senators, we need to be there as a voice for these seven Iranians.

Iran is well aware that the location of the Baha'i world centre in Israel is the result of an historical event of its own making. Baha'u'llah, the founder of the Baha'i faith, was exiled at the behest of Iranian authorities from Iran to Iraq, to Constantinople, and eventually to Akka — the fearsome prison city in what was then Palestine.

Iran is also well aware that Baha'i teachings recognize the Prophet Muhammad as the manifestation of God, and his book as a holy book, as indeed Baha'is recognize all the founders of the world's greatest religions; and they are called upon to consort with the followers of all religions in a spirit of friendliness and concord.

Finally, Iran knows that Baha'is are bound by the teachings of their faith to avoid partisan politics, to be obedient to their government, and to strive for the advancement of their society.

Honourable senators, I can vouch for the Baha'is' commitment in what I have observed of what they have been doing in Israel and here in Canada.

The Baha'i leadership in Iran is guilty of none of the charges laid against them. Rather, their arrest, their continued detention in violation of Iran's own laws, and their impending trial is the latest chapter in a deliberate campaign that the Iranian government has been waging for 30 years in an effort to eradicate the Baha'i community as a viable entity in Iran. It is a classic example of pure religious persecution, uncomplicated by ethnic, linguistic, political, economic or any other factors. Only their beliefs distinguish Baha'is from their fellow citizens — beliefs which the Baha'i teachings would forbid them from imposing on others.

I believe, in today's world, all of us should be allowed to practice our religion. The freedom to hold beliefs of one's choosing and to change them is central to human development. It makes possible the individual search for meaning, which is a distinguishing impulse of human conscience.

Freedom of religion or belief is protected in the Universal Declaration of Human Rights, article 18 which states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

It is hard for us who live in a society that respects freedom of religion or belief to imagine what it means to be in a religious minority in a society that does not. The consequences of

membership in a religious minority are all too obvious to the Baha'is of Iran who have faced waves of persecution since its birth in the mid-1800s, a persecution that has become relentless since the inception of the Islamic revolution in 1979.

I have called what is happening against the Baha'is, whom I have represented for many years, a slow genocide of the Baha'i.

The Baha'is face tremendous persecution in Iran. In the face of the intensifying persecution, the Baha'is of Iran are intensifying their efforts to serve their society. For example, drawing on lessons they have learned about the equality of men and women, they are sharing their experience with their friends and neighbours and are working on projects together.

Knowing the necessity of literacy in a search for independent understanding, they are teaching disadvantaged children how to read. Being a diverse community, with believers from a wide range of ethnic groups and religious backgrounds, they have developed unity and are working with the larger community to overcome prejudice and promote unity.

Even so, these efforts attract further persecution. Three young Baha'is are serving four-year prison sentences in Shiraz for offering a literacy program to disadvantaged children living on the outskirts of the city. Although they had sought and received a permit for this activity and were exonerated of any wrongdoing in an official report, all efforts to have their sentences commuted have been fruitless.

The other youth, who were non-Baha'i and who were working with them, were given suspended sentences conditional on attending classes on Islam, during which their own faith is denigrated. Honourable senators, it is worth noting that the Muslim youth who were working with the Baha'is were released while the young Baha'is are facing prison sentences.

The Baha'i community in Iran has been denied access to the media and has been unable to respond to the systemic misrepresentation of their beliefs and conduct, the result of which has been widespread and unreasoning prejudice that permitted the Iranian government to act with impunity. However, this prejudice is starting to give way. Growing numbers of Iranians are calling upon their government to respect the rights of their fellow Baha'is.

Honourable senators, we should all join with them and ask the Iranian government to release the members of the former leadership, pending an open and fair trial; to commute the sentences of the three youth imprisoned in Shiraz; and to accord its Baha'i citizens the same rights and freedoms as are guaranteed all Iranians in its constitution and conform to international human rights standards.

The Hon. the Speaker *pro tempore*: Honourable Senator Jaffer, your time is up.

Senator Jaffer: May I please have five more minutes?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five more minutes, fine.

Senator Jaffer: The intensifying persecution of the Baha'is of Iran reflects the deteriorating human rights' situation in that country.

I urge all honourable senators to ask our government to be there for the Iranian people. I remind you that Canada was the first country in 1948 to recognize the Baha'i National Spiritual Assembly. We need to continue to be there, actively involved in protecting the Baha'is and all Iranian people.

Today, I urge us all to ask our government to protect the rights of all Iranians. That means human rights for the Baha'i in Iran, human rights for the Sunni Muslims in Iran, and human rights for Christians in Iran. Human rights for all Iranians need to be protected.

• (1700)

Honourable senators, if there was ever a time that we needed to look at protecting the rights of Iranians, it is now. I will take the opportunity to acknowledge that Senator Grafstein has worked hard on issues of anti-Semitism in this house. I want him to know that, although he leaves us, he has left a legacy. I can assure him that, although I will never be able to do as good a job as he has done, I will be there to ensure that we in this country continue to enjoy the freedoms that we have enjoyed.

Senator Grafstein has taught me a lot about anti-Semitism, and I thank him for that. I will continue to work on this issue.

As the only Muslim senator in the Senate, I tell all honourable senators that when people speak on my faith and cause terrible abuses, they do not speak in my name.

Hon. Anne C. Cools: I want to speak on this matter, but not today. I move the adjournment of the debate.

Hon. Jeremiah S. Grafstein: If the honourable senator will give her consent, I will conclude my remarks on this item. I may not be here when Senator Cools makes her remarks, but I want to respond at least to Senator Di Nino and Senator Jaffer.

Senator Cools: I would be happy to agree, but perhaps Senator Comeau should speak to the proper parliamentary way to address this situation.

Senator Comeau: If Senator Grafstein speaks at this point, it will close the debate. However, with unanimous consent we can suspend that rule.

Hon. Sharon Carstairs: Perhaps, as Senator Comeau suggested, we can give unanimous leave for Senator Grafstein to speak without closing debate on the item before us. That will give Senator Cools the right to move the adjournment.

The Hon. the Speaker pro tempore: Is there unanimous consent for Senator Grafstein to speak?

Senator Comeau: So that we understand, by speaking at this point, Senator Grafstein will not close the debate as such, because we are on an amendment. This side is prepared to recognize Senator Grafstein for a 15-minute speech on an amendment. Even though he has spoken on this item, we are agreeable to give him 15 minutes.

The Hon. the Speaker pro tempore: Is there unanimous consent, honourable senators?

Hon. Senators: Agreed.

Senator Cools: That is a better way. We are suspending the rule about speaking twice.

Senator Grafstein: I thank all honourable senators, particularly Senator Cools, Senator Di Nino and Senator Jaffer. I thank Senator Jaffer for her kind remarks. I appreciate her staunch support for the issues we have shared fighting for human rights, not only against anti-Semitism, but also persecution of Christians, Jews, and the persecution of the Baha'i that I think take place in Iran today, which goes to the heart of the subject matter of this debate.

I support Senator Di Nino's amendment, because I think it gives the motion greater strength.

I also thank Senator Segal, who brought this matter to my attention in an acute way and urged me to move on this motion because of the urgency.

I will speak to the urgency of the issue, because it is greater today than it was when I introduced the motion.

I will quote briefly from today's *Wall Street Journal*. As senators know, the Iranian government has been playing cat and mouse with the international community, and for the first time the UN's International Atomic Energy Agency has condemned strongly the Iranian government's refusal to cooperate with international supervisors. They have put things on the table and they have pulled them back, most recently this weekend.

I will bring the debate up to date to illustrate the urgency of the Senate passing this motion before the end of this year. It is for us to join forces with the international community, including Russia and China, which is now mightily concerned with the situation because dire consequences might follow if the international community does not have its way and introduce sanctions quickly.

Here is what happened this weekend as told in today's *Wall Street Journal* on page A8:

Western officials said the Iranian foreign minister's weekend comments that Tehran would be willing to make a uranium trade in small batches, and on Iranian soil, fell well short of their demands.

Skipping down:

Senior Iranian officials, however, have refused to endorse the proposal, instead offering a series of sometimes-contradictory counteroffers and demands for major changes, in public comments.

Skipping down again:

U.S. officials said Sunday that Mr. Mottaki's comments didn't alter the Obama administration's plan to impose tough new economic sanctions on Iran at the end of the year.

Further in the article it says:

On Friday, the European Council of the European Union adopted a declaration expressing “grave concern that Iran has so far done nothing to rebuild confidence of the international community in the exclusively peaceful nature of its nuclear program.”

The declaration said the EU would “support action by the United Nations Security Council” if Iran doesn’t begin to cooperate with the international community over its nuclear program.

An EU spokesman on Sunday declined to comment on the declaration.

A spokeswoman for the German foreign ministry said Germany “expects Iran to seek cooperation” to resolve open issues surrounding its nuclear program.

Here we are on December 14. The deadline is 16 days hence. Hence the urgency, honourable senators, of this chamber addressing this issue, hopefully before we adjourn. There will be dire consequences if Iran does not conform to the UN resolutions, particularly those of the UN Atomic Energy Commission, which is now overwhelmingly criticizing Iran, which they have not done before.

This is a world crisis. I do not know how often I have to say this to honourable senators in this chamber. The evidence is clear. All parts of the international community are prepared to move, including Russia and China, which was reluctant but said a couple of weeks ago that they are now prepared to move in concert with the international community.

I hope that this chamber will endorse this resolution, with which I think no one finds fault. I commend Senator Di Nino for his excellent amendment, which I believe strengthens the resolution.

I thank Senator Jaffer again for her poignant comments about the role of the Baha’i. Baha’i is historically probably the most peaceful religion in the world. If honourable senators examine the history of Judaism, Christianity and the Muslim faith, they will learn that the religions are all bifurcated, that they all called for violence and destruction at some point in their religious theology. However, the Baha’i have never called for this violence. They are the most peaceful of all the major religions in the world — historically, in practice and so on — and they have found a happy home in Haifa, Israel. I have attended their magnificent temple located in the heart of Haifa, Israel.

• (1710)

Honourable senators, this is a crime against humanity and against the Baha’i, the most peaceful religion in the world, a religion that does not intend or seek out or seek to proselytize. To be criticized and treated this way in Iran is an historic scandal. I hope we lend our voices not only to the substance of the resolution dealing with the nuclear issue but also to respecting this most peaceful of all religions. I wish you all season’s greetings and urge you to support this motion.

(On motion of Senator Cools, debate adjourned.)

[Senator Grafstein]

RULES OF THE SENATE

MOTION TO AMEND RULES 86(1)(R) AND 86(1)(T)—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Moore:

That the *Rules of the Senate* be amended:

- (1) In rule 86(1)(r), by deleting the words “, including veterans affairs”; and
- (2) By adding, after rule 86(1)(t), the following:

“(u) The Senate Committee on Veterans Affairs, composed of twelve members, four of whom shall constitute a quorum, to which may be referred, as the Senate may decide, bills, messages, petitions, inquiries, papers and other matters relating to veterans affairs generally.”

Hon. Joseph A. Day: Honourable senators, this particular matter is at the twelfth day. I continue to be interested in this matter. In fact, the proposal is to create a separate veterans affairs committee. At the time, the Standing Senate Committee on National Security and Defence agreed unanimously to form such a committee.

Honourable senators, there is a survey from the Rules Committee going around for each of us to complete. I would like to keep this particular motion open. That lets the Rules Committee know that there is an interest in having a separate veteran’s affairs committee, much as what has transpired in the other place, where a separate Veterans Affairs Committee has been created out of their National Defence Committee.

With honourable senators’ permission, I would like to keep this matter standing to see what happens with the Rules Committee survey. I move that this matter be adjourned in my name for the balance of my time.

(On motion of Senator Day, debate adjourned.)

TREATY ON CLUSTER MUNITIONS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hubley calling the attention of the Senate to the Treaty on Cluster Munitions.

Hon. A. Raynell Andreychuk: Honourable senators, and in particular Senator Hubley, I intend to speak on the very important topic of cluster munitions. I would like to put it into the context of small arms and other light weapons. The United

Nations is taking all of these issues together and hoping to make an impact. Therefore, this convention is very important, but would I like to put it in the other context. I will adjourn the inquiry at this time.

(On motion of Senator Andreychuk, debate adjourned.)

**ORGANIZATION FOR SECURITY AND CO-OPERATION
IN EUROPE PARLIAMENTARY ASSEMBLY**

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

Leave having been given to revert to Other Business, Other, Motion No. 7:

On the Order:

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

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

**RESOLUTION ON A MEDITERRANEAN
FREE TRADE AREA**

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

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

Hon. Jeremiah S. Grafstein: Honourable senators, first, thank you for the indulgence of this motion. This has been on the Order Paper for some time, probably close to a decade in one form or another, and I took very careful note of the comments made by other senators with respect to endorsing this as opposed to approving it. It is important that I give you a bit of history because it is an important resolution that I believe goes to the heart of peace and stability in the Middle East.

Some time ago, shortly after 9/11, I was invited to attend a think tank conference in Wilton Park in England, attended by 60 or 70 outstanding economic experts from the Middle East countries. Aside from one American, one member from the United Kingdom and me, the rest were Muslim officials who were economic advisers to the 22 Muslim states. I was surprised to be invited to that conference. I think I was invited because of the activity I had on this front at the OSCE in talking about economic progression in the Middle East. In Wilton Park I met with most of the officials from the Arab states on this subject matter. It was here that I devised my peace plan for the Middle East based on economics.

The history of this is set out in the resolution. You will see when the Helsinki Accords took place in 1975 that one of the parts of the declaration that brought together the European countries from Vladivostok to Vancouver that called for not only economic development within the OSCE space but also with respect to the Mediterranean region. Even then, it was recognized there could not be peace in the world unless there was economic stability, not only in Europe and North America but also in this fragile area in the Mediterranean basin.

We started a series of meetings to try to develop a plan, and the plan was essentially one that we promoted to develop a free trade zone for the Middle East that would include Israel. In private conversations with the economic advisers of every one of the 22 Arab countries in that region, — and I have had such conversations — no one disagreed. Everyone thought the way to peace and stability in the Middle East was through economics, but the political track was clogged, the political track was difficult.

I argued that, as happened in Europe, economic progress came before political progress. I argued that the two tracks could be separate. One could proceed on the economic track and ultimately the political track would catch up. That was the history of the EU. One man, Jean Monnet, a brilliant French wine merchant decided that one of the keys to putting together a peaceful relationship between the giant adversaries in Europe, France and Germany, was economics. He devised the scheme with others that there be a common coal and steel community. Jean Monnet is at the core of the EU. This was in 1952-53, right after the World War II.

• (1720)

Remember, until that time, both Germany and France, for 100 years before had been at each other's throats in a series of wars. They slaughtered each other. Jean Monnet felt that economics was the heart of moving these two adversaries

together. He then convinced parliamentarians and both Chancellor Konrad Adenauer of Germany and Prime Minister Robert Schuman of France, and they entered into an historic agreement in 1954 to have a free trade zone of steel and a free trade zone of coal to bring these two economic giants together. It was a free trade agreement called "The Community, The Common Pact".

From those two free trade agreements, they moved quickly to economic integration. The result was the European Union, the largest unit of integration in history in Europe took place, and it started with economics. Therefore I felt, and others felt, that if we could start the ball rolling with respect to the economic track in the Middle East we might bring this horrible, difficult, complex region together on one common track, while the politics would follow.

In the EU, we must remember historically that economics came before politics. Politics are difficult, complex and emotional, but economics are scientific and correct. Essentially, it is a direct means to increase the general welfare of the public. We looked at the Middle East and after 9/11 here is the irony: The region that was most detrimentally affected by 9/11 was not North America or Europe; it was the Middle East. The economics there were bad and went from bad to worse, and all the statistics are there to prove it.

For instance, here it is, in some respects some of the richest states in the world, yet those rich Arab oil states never invested in their own region. They will invest in Europe, North America, China and Japan, but not in their own region. This situation to my mind is the heart of a difficult problem and that is why even economic advisers in Egypt in particular, and in Jordan, Morocco and Algeria, understood this particular problem, as well as in Syria and elsewhere. I had a great conversation with an economic adviser to the current President of Syria and we both agreed. He said, "*Sotto voce*, we all agree." Economics are the key to peace and prosperity. Therefore the question is how to move the agenda forward.

These resolutions started to take place at the OSCE Parliamentary Assembly and regional meetings. We convened meetings in Rome. We had meetings in Rhodes. We had meetings in Malta, in Montenegro, in Washington several times, and recently in Athens. We called it an OSCE Mid-East Forum. At these forums, Israel was represented as well as these Arab countries in the Mediterranean Basin. They all spoke, they all agreed and they argued, and the horrible rhetoric we hear publicly was not present at these particular meetings. The most recent one in Athens was a successful meeting. I was given the responsibility of chairing and organizing these meetings right across the face of the Middle East in the last decade.

At every meeting, when the doors were closed and they discussed economics, they all agreed. Let us take a look at the facts laid out in this resolution. Listen to this: Therein lies a horrible factual situation that can be corrected.

In the Middle East, two thirds of the population is under 35 years old. It is the youngest population in the world. What are these kids, who do not have jobs and cannot find a job, doing? They throw rocks, they obtain guns and they kill people. We have

not provided an alternate vision of economic prosperity. If honourable senators take a look at it as well, direct foreign investment is down. Economic growth is down and the recent financial crisis has made it worse.

Now, there is some good news. The good news is that President Sarkozy, deeply influenced by some of these resolutions and also, I believe, deeply influenced by Jean Monnet, decided that he would take the lead on this track. Several years ago, he introduced a fresh economic model for the region. I urge honourable senators to look at the background of his proposals and I will not belabour the point, but President Sarkozy understood that he wanted to create an economic model that would culminate in a free trade zone for the Middle East, especially in the Mediterranean Basin.

Who are the problems with the free trade zone? First, amongst Arab countries, and of course with Israel, the United States has shown the lead and Canada has followed suit. Canada entered into a free trade agreement with Jordan. The Americans predated that agreement by doing the same thing. The Americans came up with a brilliant plan both for Egypt and Jordan with their free trade agreements, and I commend it to honourable senators who are interested in free trade.

In connection with the free trade agreement with Jordan, the Americans said they would set up qualified investment zones, QIZs, which are not any different from the maquiladoras between Mexico and the U.S.A., free trade zones where the products assembled there would get free trade access without tariffs into the United States.

In the U.S.A.-Jordan Free Trade Agreement, there was a condition, and the precondition. Part of the cost inputs into manufacturing and assembly would include not only the Jordanians but also the Israelis. As a result of these free trade zones, 40,000 to 50,000 jobs have been created. That was the American free trade agreement. Then the Americans had a partial free trade agreement for certain products with Egypt that accomplished the same thing. Company after company is now lined up in Egypt to enter into assemblies, manufacturing and services in these QIZs together so products can enter into the United States tax free with three conditions. It must have Israeli input; it must have Egyptian input; and it must be within limited product cost categories. These, at an economic level, are creating jobs at the grassroots.

On the economic front, there are things we can do. We have examined this situation. We have talked about it, and I hope that after Senator Cools has an opportunity to consider this resolution, rather than taking note of this resolution, honourable senators will pass this resolution unanimously to indicate to the Middle East that Canada has a plan and that Canada is ready to participate.

Honourable senators, I commend the Conservative government because after years of urging the Liberal government to enter into a free trade agreement with Jordan, the government has done so. I hope they will follow that agreement with a free trade or partial free trade agreement with Algeria and Morocco. Good on them if they do so. Both states are all standing ready to do this.

What is the problem? The crucial problem for a free trade zone in the Middle East is farmer resistance. Why — because the largest tariff walls in the world protect farmers in Europe. Because of the farm tariffs in Europe, we have had high farm

tariffs in the United States, and because of the farm tariffs in the United States we have had farm tariffs in Canada. For that reason, the basic agricultural products in the Mediterranean region cannot be transported tax-free into Europe. This is a problem here that must be resolved. The Doha Round is not working. The World Trade Organization will not succeed on this particular round, for the heart of the issue is to ultimately reduce agricultural tariffs so agricultural products in these developing countries can move freely into Europe and North America. Canadian farmers are ready for it. We can take it. We have some of the most productive farmers in the world and we can take it.

The Europeans are not prepared to take it; the Americans are partially prepared to take it, but we in Canada are ready. Our farmers are the most productive farmers in the world. We have not helped them. They have succeeded on their own. There is a way through this morass: services, manufacturing, agricultural products and free trade.

I believe that with a free trade zone in the Middle East we will see jobs created, we will see women participating in the workforce, which they do not as actively as they could and literacy rates will go up. Everyone should understand that if they examine the history of the common law and the rule of law, the foundation of democracy.

Honourable senators, I end with this point: The common law was based on civil rights. However, before the common law came the law of commerce. Commercial law preceded the civil law. People made business and did business under the commercial rule of law before the civil rule of law. That argument is another one, honourable senators, for proceeding with the economic track while the political track remains clogged.

I urge the adoption of this resolution. We have worked intensely across the face of Europe for the better part of a decade. I have had a small but, I think, important role in trying to bring this issue to the Canadian public attention, so I urge the adoption of this resolution — not to note it, but endorse it.

Hon. Consiglio Di Nino: Honourable senators, I will add a few words to what Senator Grafstein has said. The creation of the EU, and the purposes and reasons behind it, came to my attention many years ago but I did not understand it. I did not understand what I have been referring to as the noblest of all experiments.

• (1730)

About 10 years ago, I was in Strasbourg. I was having a discussion on the sidelines. Such a discussion is, by the way, one of the most useful things that one does when going to these parliamentary association meetings. I was chatting with an elderly gentleman; I suspect he was somewhere close to 80 at the time. I was arguing the costs of this noble experiment called the EU. He let me ramble on for a couple of minutes and then he said, “Young man, whatever it costs, it is cheaper than war.”

It hit home to me that this exercise to try to build what I hoped one day would be a country called Europe was not about making money. Those wise men and women who, back in the 1950s attended the Treaty of Rome, I think, which was probably the

first one, were there to create an environment where war, which had ravaged Europe throughout its history, could be minimized.

I spoke about my own personal experience not too long ago here. I know that my family lost family; probably every European could say the same thing. Over the last 100 years or longer, the number of family members who were killed is uncountable.

I would like to support what Senator Grafstein has said because I agree with him. Probably the only way to solve the Middle-East problem will be through economic issues and, rather, through political or even social issues.

Good luck and well done, my friend.

Hon. Anne C. Cools: I move the adjournment of the debate. Theoretically, it should have fallen back to me, but that is alright.

(On motion of Senator Cools, debate adjourned.)

CANADA CONSUMER PRODUCT SAFETY BILL

THIRD READING—MOTION IN AMENDMENT— POINT OF ORDER—SPEAKER'S RULING

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Lang, for the third reading of Bill C-6, An Act respecting the safety of consumer products;

And on the motion in amendment of the Honourable Senator Furey, seconded by the Honourable Senator Moore, that Bill C-6 be not now read a third time but that it be amended:

(a) in clause 2, on page 2, by replacing line 29 with the following:

“importation, packaging, storing for sale, advertising,”;

(b) in clause 20,

(i) on page 10, by replacing line 38 with the following:

“imported, packaged, stored for sale, advertised, sold,”, and

(ii) on page 11, by replacing line 41 with the following:

“packages, stores for sale, advertises, sells, labels, tests”;

(c) in clause 21,

(i) on page 12,

(A) by deleting lines 16 to 35, and

(B) by replacing lines 36 and 37 with the following:

“**21.** (1) If the inspector obtains a warrant authorizing entry into a place mentioned in subsection 20(1), the inspector may not use force in executing the warrant”, and

(ii) on page 13, by replacing lines 1 to 3 with the following:

“(2) If an inspector believes that it would not be practical to appear personally to make an application for a warrant referred to in subsection (1), a”;

(d) in clause 31, on page 15, by replacing line 22 with the following:

“packaging, storing for sale, advertising, selling, label-”; and

(e) in clause 36, on page 18,

(i) by replacing line 18 with the following:

“tion, packaging, storing for sale, sale, advertising,”, and

(ii) by replacing line 23 with the following:

“tion, packaging, storing for sale, sale, advertising,”;

And on the motion in amendment of the Honourable Senator Banks, seconded by the Honourable Senator Day, that Bill C-6 be not now read a third time but that it be amended:

(a) in clause 15, on page 9,

(i) by replacing lines 12 and 13 with the following:

“**15.** (1) The Minister may disclose personal information related to a consumer product to a person or a government that”, and

(ii) by replacing lines 17 to 19 with the following:

“relates if

(a) the disclosure is necessary to identify or address a serious danger to human health or safety; and

(b) the person to whom or government to which the information may be disclosed agrees in writing to maintain the confidentiality of the information and to use it only for the purpose of carrying out those functions.

(2) The Minister shall provide prior notice of the intended disclosure to the individual to whom the personal information relates unless doing so would endanger human health or safety.

(3) If the Minister discloses personal information under subsection (1) without providing prior notice, he or she shall, as soon as practicable but not later than six months after the disclosure, notify the individual to whom the personal information relates.”; and

(b) in clause 56, on page 31, by replacing line 5 with the following:

“violation has a defence by reason”.

The Hon. the Speaker: Honourable senators, before proceeding to the Notice Paper, I would like to deliver a Speaker’s ruling.

On December 10, Senator Cools raised a point of order during debate on the series of amendments to the motion for third reading of Bill C-6, An Act respecting the safety of consumer products. The senator questioned Senator Comeau’s participation in debate for what appeared to be a second time.

[Translation]

A brief chronology of events may help us understand what exactly happened. When the sitting resumed at 8 p.m., there was some initial business, after which Senator Comeau moved the adjournment of debate without actually participating in it. After an hour bell, the motion was rejected. Senator Dallaire then spoke briefly on the amendments. Senator Comeau then moved the adjournment of the Senate. That motion was also rejected after another hour bell, and Senator Comeau subsequently rose to speak, after which he moved the adjournment of debate.

[English]

Senator Cools questioned whether Senator Comeau should have been speaking at this point. Several other senators expressed a range of views on the point of order.

Parliamentary authorities provide some assistance on this issue. Page 601 of the second edition of *House of Commons Procedure and Practice*, states that “If a Member moves a motion during his or her speech (e.g., an amendment or a motion to adjourn debate), the act of moving the motion will terminate the Member’s speech.” Page 346 of the fourth edition of Bourinot notes that “If a member should move the adjournment of debate, and the house should negative that motion, he will have exhausted his right of speaking on the main question.”

As is often the case, the Senate is flexible in its practices, not always applying these provisions rigidly. Since the matter has been raised, however, it is clear from the authorities that, with the rejection of his motion, Senator Comeau had exhausted his time in speaking to the amendments on Bill C-6 and cannot speak again to them.

THE HONOURABLE LORNA MILNE

INQUIRY—DEBATE CONCLUDED

Hon. Claudette Tardif (Deputy Leader of the Opposition) rose pursuant to notice of December 9, 2009:

That she will call the attention of the Senate to the career of the Honourable Senator Milne in the Senate and her many contributions in service to Canadians.

She said: Honourable senators, unfortunately, time last week did not permit all of those who wished to pay tribute to Senator Milne to speak. Therefore, I am pleased to speak to this inquiry.

It is with much sadness that I give this tribute to my honourable colleague, Senator Milne, whose presence in this chamber, in committee and in meetings will be sorely missed. Senator Milne’s integrity, tenacity and strength have been an inspiration to me and I have always appreciated her wise counsel and support in my role as Deputy Leader. Her continued support in the participation and preparation of Question Period has been much appreciated on this side, though perhaps less so on the other side of the chamber.

Many issues have been brought to the attention of our fellow senators through her contributions in Senate Question Period, issues that, in her mind, did not always receive the consideration she felt was required from a government mandated to lead and assist all Canadians — for example, issues pertaining to veterans, lost Canadians, physically and mentally challenged Canadians, the seal hunt, the environment and access to information.

One of Senator Milne’s many attributes is the ability to take complex social and political issues and make them relevant to the Canadian public.

Senator Milne has routinely brought forward issues affecting Canadians inside the Senate Chamber for debate. For example, who can forget the countless instances where she stood in this chamber presenting petition after petition on behalf of Canadians regarding the issue of preserving access to the Canadian census.

In committee, Senator Milne was known for getting to the heart of complex issues that were studied and debated in the Standing Senate Committee on Legal and Constitutional Affairs, of which she was a member and chair for many years, as well as in the Standing Senate Committee on Energy, the Environment and Natural Resources.

She was always a knowledgeable and dedicated advocate of those who were less fortunate in our society.

As a senator from southern Ontario, she always felt an obligation to the agricultural community of southwestern Ontario. Her work on getting hemp to be a legalized crop has been an ongoing process since her appointment in the 1990s. I hope some of our esteemed colleagues will take over this issue and continue her excellent work.

Lorna, I wish to convey my congratulations to you on your outstanding career. My very best wishes to you, your husband, Ross, and your family in this new chapter of your life.

[Translation]

Hon. Marie-P. Poulin: Honourable senators, I would also like to say a few words on the occasion of Senator Lorna Milne’s retirement.

On September 21, 1995, when our colleague, the Honourable Senator Lorna Milne, was sworn in, I could tell that she was delighted with her new responsibilities. I knew that she would

actively participate in the affairs of the country and she has done so with a spirit of generosity. She has served Canada in a special way and has enriched all Canadians. Her accomplishments were eloquently listed by our colleagues last week.

• (1740)

Despite her many accomplishments, the Honourable Senator Milne remains first and foremost a good and respectful woman. Every day, she showed a deep respect for Canada's Parliament; for the parliamentarians in the two chambers; for each chamber's mandate, purpose and constitutional responsibility; and for the rules and traditions of the Senate. She reminded us of that respect in her farewell address.

Honourable senators, I join you in thanking her both for her impeccable service and for her gift to us: the reminder that every senator is responsible for that respect.

[*English*]

Hon. Michael Duffy: Honourable senators, I did not have the opportunity to know Senator Milne very well, but I did know her and still do know her husband who was an outstanding member of Parliament.

Since we are in a festive Christmas mood tonight and I was not able to get on the list the other day when senators were paying tribute to my good friend Senator Grafstein whom I have known for nearly 40 years, I want to add my voice to the record about what an outstanding Canadian he is and has been in his contribution not only to Parliament and international affairs but also to broadcasting in Canada. We go back a long way to a man named Ben Torchinsky of AGRA Industries in Saskatchewan who had this idea for an all-news channel in Canada. Everyone thought it was revolutionary, except Senator Grafstein, who took the idea under his wing and, with hard work, championed it into the CKO Network. Like so many ventures in which Senator Grafstein has been involved, it was years and perhaps even decades ahead of its time.

As we are paying tribute to departing senators tonight, I want to add my voice to those who will sorely miss Senator Grafstein.

Hon. Joyce Fairbairn: Honourable senators, if there was ever an opportunity to march a thoroughly outstanding member into this Senate, I was able to do so with my dear friend Lorna Milne on September 21, 1995.

Already she was well-known in this building as the vigorous partner of Ross Milne who served as the member of Parliament for Peel—Dufferin—Simcoe from 1974 to 1979. Her presence in this chamber and its committees has been a great service to all of us.

Senator Milne is a graduate from the Ontario Agricultural College. She was a census commissioner for Statistics Canada, the owner of an antique store, an author, a lecturer and a genealogist to name a few of her occupations before joining and helping in this chamber. Lorna was the founding president of the Brampton and District University Women's Club and served on the board of numerous community organizations. Her vigorous public activity was truly a pathway into this

Senate and its committees, as well as Chair of Standing Senate Committee on Legal and Constitutional Affairs, and Rules, Procedures and the Rights of Parliament; and on the executive of the Canada-Europe Parliamentary Association.

Wherever she goes, she finds friends. She teaches the history of her country and conducts herself in this house — and there will be a memory — with her skill, history and a cheerful friendship, which can never be forgotten.

On her last day, with her family around her, there was a wonderful sense of pride and affection and a feeling that there are good times to come with Ross and her children and grandchildren, which will bring her to my province of Alberta, where I hope I can continue our friendship in years to come.

I thank Lorna for all she has given to the Senate, to our Liberal Party and for having been such a fine leader and good friend. Without doubt, she will be remembered.

Hon. Art Eggleton: Honourable senators, I met Senator Lorna Milne numerous times over many years but did not really come to understand and appreciate her good work in the Senate until I joined the chamber a few years ago. Since then, I have seen a person very dedicated to this chamber, dedicated to her party and to her country, who has done an enormous amount of work in the chamber and on the various committees with which she has been involved.

Prior to getting to know Senator Milne, I did know two other members of her family. I have known Ross Milne since the 1970s. He, of course, was a member of the other chamber. Through various party connections, I met him numerous times. The member of her family I knew the best was her father, William Dennison, who was Mayor of Toronto. In fact, he was elected to his final term when I was first elected to Toronto city council back at the beginning of 1970. The election was held in December 1969, which ages me even more, but I can remember the day after the election being called into the mayor's office. He called me in with another rookie alderman, as we were called in those days, by the name of David Crombie. Crombie and I marched into the mayor's office and were promptly told how things would work, how we were to behave. He said, "And you always support the mayor, of course." It was a good meeting with him, one where we received advice that we took seriously.

Little did we know at the time that he would actually be counselling a couple of his successors in that office. Altogether, what this demonstrates, through her father, her husband and herself, is the dedication to public service of that family, the Milne and Dennison family. I am happy to pay tribute to her today and to wish her, Ross and her entire family health and happiness in retirement.

Hon. Jeremiah S. Grafstein: Honourable senators, Senator Eggleton inspired me to talk about Lorna Milne's father.

First, I helped run Phil Givens' campaign against William Dennison. Phil was a Liberal, ebullient, a world figure, a world-class speaker, and opposite him was a modest NDP gentleman by the name of William Dennison who had a lisp. He conquered his lisp through training with a speech therapist. By the dint of his

[Senator Poulin]

own personal discipline, he became a solid speaker. We felt that with Phil Givens talking about the famous Moore statue in the centre of Nathan Phillips Square, and the city of Toronto being a world city with great ideas we could conquer and really crush William Dennison who was supported by the unions in Toronto.

I learned a serious and important lesson about politics in that campaign because Dennison had a banner that I have never forgotten. It was one of the hard lessons you learn in local politics. He would make a speech, and Phil would beat him at each debate and Dennison would complete his speech by pointing to the sign that said, "You have to respect the taxpayers' dollar." We were talking about the world and he was talking about respecting the taxpayers' dollar. Dennison beat Givens hands down. The lesson to be learned is to always remember to respect the taxpayer's dollar.

When Lorna became active, she moved away from her NDP roots and joined the Liberal Party. Two great and powerful women were the keys to the success in Ontario politics for the Liberal Party for sometime. The first was Dorothy Petrie, or Dorothy Davey, the wife of Keith Davey, who was a powerhouse. We ran a number of campaigns together. I cherish my thoughts of Keith Davey, but Dorothy was an equally powerful organizer, one of the best organizers we ever had in Ontario, and she brought along Lorna Milne. They became good friends, and Lorna stepped into her footsteps and became a superb organizer for the Liberal Party in Toronto.

• (1750)

I wish all the best to Lorna and her husband Ross. I have fond memories of them. They were great public servants, but they were greater Liberals.

The Hon. the Speaker: Honourable senators, if no other senator wishes to participate in this inquiry, it is considered debated.

(Debate concluded.)

[*Translation*]

PROTECTION OF ANIMALS AND THE ECOSYSTEM

MOTION ADOPTED

Hon. Céline Hervieux-Payette, pursuant to notice of December 1, 2009, moved

That,

Whereas the Senate of Canada recognizes that contemporary principles of animal welfare, sustainable development, ecosystem-based management and precautionary principles must be applied, and the contribution of Aboriginal traditional ecological knowledge to these principles must be recognized;

Whereas the Senate of Canada recognizes the moral obligation to treat all species without cruelty and with respect;

Whereas the Senate of Canada recognizes that the contributions to ecosystem diversity and function made by the sustainable use of natural resources by humankind, without prejudice against species that might be regarded as competitors in drawing on these resources;

That the Senate of Canada affirms that a balanced ecosystem is the result of constant interactions between predators and prey throughout the food web, that humans are an integral part of the ecosystem and, therefore, that their position as predators cannot be separated from nature;

That the Senate of Canada affirms that humankind can legitimately raise, harvest and use animals that are either wild or farmed and this for purposes that are either economic, personal or scientific; and

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

She said: Honourable senators, I am caught up in the enthusiasm for uniting everyone and giving the gift of hope to our citizens on the east or Atlantic coast, whether on the Magdalen Islands or Newfoundland, and to our friends in Nunavut and all those involved in the seal hunt.

I would also like to thank Daniel Shewchuk, Nunavut Minister of the Environment, Quebec Minister Claude Béchard and Mr. Tom Henderson, former fisheries minister with the Government of Newfoundland and Labrador, who all supported me in preparing this motion. The Canadian family is united behind this motion.

A CBC television program that aired yesterday showed the plight of our fellow citizens for whom the seal hunt is a way of life. They are worried about what the future has in store for them. Whether they are hunters or those who make a living from seal products, no one should feel abandoned.

The purpose of this motion is simply to tell them that we are here for them and that we will continue to fight against groups like PETA, the Humane Society and actors who have not worked in a long time, such as Brigitte Bardot, Pamela Anderson or Paul McCartney, who have no real knowledge of this sector and just blindly lend their name to the vegetarian cause.

This motion will show every group across the land that we are committed to animal welfare while recognizing that humans are an integral part of the ecosystem. A balanced ecosystem, as I wrote in the motion, is the result of constant interactions between predators and prey throughout the food web. Humans are an integral part of the ecosystem and, therefore, their position as predators cannot be separated from nature.

I think that today we agree with our colleague, Senator Grafstein, who is encouraging Europe and the Western world to join Mr. Sarkozy and do business with the Middle East. Nevertheless, we still have work to do to persuade our European Parliament counterparts that our seal hunters can legitimately and ethically raise, harvest and use any animal,

whether wild or domestic, for personal, economic and scientific purposes. We must make it clear that we will continue fighting to have the embargo on exporting seal products to Europe lifted.

Honourable senators, I urge you to support this motion.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I support Senator Hervieux-Payette's initiative and the substance of the motion, but I would like some clarification on one point.

Could the senator explain in detail the meaning of the part of the motion that reads, "Whereas the Senate of Canada recognizes that contemporary principles of animal welfare... must be recognized?"

Senator Hervieux-Payette: Honourable senators, this provision was included in response to professional standards developed by the veterinarians, anthropologists and other experts who have worked with me toward the goal of having all countries ratify the Universal Declaration on the Ethical Harvest of Seals. We have professionals who set very high standards that the provinces have committed to complying with. So when we talk about modern principles of animal welfare, we mean that the hunt must be conducted ethically in accordance with recommendations from experts in the field.

[*English*]

Hon. Michael Duffy: Honourable senators, we all know that the seal hunt is of vital economic importance to the some of the furthest regions of our country. Could the honourable senator share with us her thoughts on how much money these anti-sealing organizations have milked out of different groups around the world in support of this phony cause?

Senator Hervieux-Payette: They have not sent their audited financial statement to me, but according to some professors who are following this and recently published some reports on it, it is a minimum of \$2 million a year, not including the supporters who work for free for this cause.

We are talking about an ideology, not just about feeding people with the animal meat or using the skin or other by-products. We are talking about people who deny that in the order of things human beings are authorized to use what the land provides, which in this case is essential revenue for our people living in the North and also on the coast.

As we know, whether we are talking about the Atlantic Coast or the Magdalen Islands, the season starts with the seal hunt. The revenue from the seal hunt enables the people to proceed with fishing for either lobsters or fish. Without the income at the beginning of the year, they would be unable to proceed with the rest.

Their annual incomes are very small. We are not talking about billions of dollars. The revenue from the seal hunt in 2007 was about \$15.4 million, but this is essential revenue for the livelihood of these people.

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

(Motion agreed to.)

[Senator Hervieux-Payette]

• (1800)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I see that the clock is almost at 6.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Our side would agree a not to see the clock, if the other side is agreeable.

Hon. Claudette Tardif (Deputy Leader of the Opposition): That is agreed.

THE SENATE

MOTION TO URGE GOVERNMENT TO CREATE A RURAL CANADIAN POSTAL SERVICE CHARTER—DEBATE ADJOURNED

Hon. Robert W. Peterson, pursuant to notice of December 9, 2009, moved:

That the Senate urge the government to immediately introduce legislation that will amend the Canada Post Act and create a Rural Canadian Postal Service Charter that achieves the following principles:

- (a) Canada Post will maintain a postal system that allows individuals and businesses in Canada to send and receive mail within Canada and between Canada and elsewhere. Canada Post will provide a service for the collection, transmission and delivery of letters, parcels and publications;
- (b) The provision of postal services to rural regions of the country is an integral part of Canada Post's universal service;
- (c) Canada Post Corporation will place a moratorium on the closure, amalgamation and privatization of rural post offices;
- (d) Canada Post Corporation will deliver mail at rural roadside mail boxes that were serviced by that corporation on September 1, 2005; and
- (e) Canada Post will establish and promulgate complaint resolution processes that are easily accessible to customers and will address complaints in a fair, respectful and timely manner.

He said: Honourable senators, rural Canada is at a crossroads, to say the least. Over the years, its fabric has slowly started to unravel. It seems that no matter in which region of the country we find ourselves, stories of the demise of rural Canada can be heard loud and clear. More and more young people are choosing to move away from the country and into the city. Some leave to go to college or university, some leave to find work, and others simply leave, wanting to see what else is in store for them.

My point is not to fault those who decide to leave. On the contrary, my point is to ask how we can assure a high quality of life for the millions of people who have decided to remain in Canada's smaller centres. My point is to ask how we can

guarantee that the young family who recently took over the family farm or the senior citizen who has lived in small-town Saskatchewan all her life will not be penalized because of where they choose to live.

Living in rural Canada should not mean having to accept hospital bed closures and the shutting of schools. It should not mean having to drive three hours to see their doctor or having to travel five towns over to bring their children to school, but this is exactly what many people have had to do over the years. To say it more plainly, too often rural Canadians are asked to give up things that we would never ask of people living in cities.

People will not stay in rural Canada unless we all agree to support rural Canada. Communities throughout this country are struggling to stay together, and they need to know that the government is contributing its share to help them out. Rural communities have not felt that over the last four years. During

that time, they have observed the closure of 42 rural post offices and 55,000 rural mailboxes. This is unacceptable and must stop today. That is why this motion and the legislation that will follow is so important.

Honourable senators, we in this place, know that shutting down a post office is not about bricks and mortar; it is about taking away a piece of the community. It is about weakening the ties that bind people in town to people in surrounding farms. It is about accepting that yet another part of rural Canada is allowed to fall by the wayside.

Senators, we have an opportunity here to show real leadership. We have an opportunity to stand up for rural Canada.

(On motion of Senator Comeau, debate adjourned.)

(The Senate adjourned until tomorrow at 2 p.m.)

CONTENTS

Monday, December 14, 2009

	PAGE		PAGE
SENATORS' STATEMENTS		Finance	
Commercial Seal Hunt		Compensation at Bank and Life Insurance Companies.	
Hon. Dennis Glen Patterson	2039	Hon. Céline Hervieux-Payette	2045
Post-Traumatic Military Casualties		Hon. Marjory LeBreton	2045
Hon. Roméo Antonius Dallaire	2039	Health	
The Late Honourable Jean-Robert Gauthier, C.M.		Canadian Health Services Research Foundation.	
Hon. Andrée Champagne	2040	Hon. Claudette Tardif	2045
Canada's Curling Representatives at 2010 Olympic Games		Hon. Marjory LeBreton	2045
Hon. Bert Brown	2040	Delayed Answers to Oral Questions	
L'École Maurice-Lavallée		Hon. Gerald J. Comeau 2046	
Hon. Claudette Tardif	2040	Human Resources and Skills Development	
The Late Dr. David Marshall		Canada Graduate Scholarships Program.	
Hon. Doug Finley	2041	Question by Senator Callbeck.	
		Hon. Gerald J. Comeau (Delayed Answer) 2046	
		Childhood Poverty.	
		Question by Senator Pépin.	
		Hon. Gerald J. Comeau (Delayed Answer) 2047	
		Employment for Women.	
		Question by Senator Grafstein.	
		Hon. Gerald J. Comeau (Delayed Answer) 2049	
		Question of Privilege	
		Speaker's Ruling.	
		The Hon. the Speaker 2050	
ROUTINE PROCEEDINGS			
Foreign Affairs			
Canada's Engagement in Afghanistan—			
July 1-September 30, 2009 Report Tabled.			
Hon. Gerald J. Comeau	2041	ORDERS OF THE DAY	
International Trade		Business of the Senate	
Response to the Legislative Review		Hon. Gerald J. Comeau 2051	
of Export Development Canada—December 2009 Report Tabled.			
Hon. Gerald J. Comeau	2041	Appropriation Bill No. 4, 2009-10 (Bill C-64)	
Provincial Choice Tax Framework Bill (Bill C-62)		Second Reading—Debate Adjourned.	
Bill to Amend—Thirteenth Report of National Finance		Hon. Irving Gerstein 2052	
Committee Presented.		Hon. Joseph A. Day 2053	
Hon. Joseph A. Day	2041	Hon. Lowell Murray 2054	
Bankruptcy and Insolvency Act (Bill S-245)		Hon. Donald H. Oliver 2056	
Bill to Amend—First Reading.		Hon. Kelvin Kenneth Ogilvie 2057	
Hon. Pierrette Ringuette	2042	Fairness for the Self-Employed Bill (Bill C-56)	
Hon. Gerald J. Comeau	2042	Bill to Amend—Second Reading—Debate Adjourned .	
Inter-Parliamentary Union		Hon. Consiglio Di Nino 2057	
Conference for Members of Parliamentary Committees on		Hon. Joseph A. Day 2060	
the Status of Women and Other Committees Dealing		Hon. Nancy Ruth 2060	
with Gender Equality, September 28-29, 2009—Report Tabled.		Hon. Catherine S. Callbeck 2060	
Hon. Mobina S. B. Jaffer	2042	Controlled Drugs and Substances Act (Bill C-15)	
		Bill to Amend—Third Reading 2061	
		Canada Elections Act (Bill S-236)	
		Bill to Amend—Second Reading—Debate Continued.	
		Hon. Gerald J. Comeau 2061	
		National Capital Act (Bill S-204)	
		Bill to Amend—Second Reading—Debate Continued.	
		Hon. Pierre Claude Nolin 2062	
		State Immunity Act Criminal Code (Bill S-233)	
		Bill to Amend—Second Reading—Debate Continued.	
		Hon. Claudette Tardif 2062	
		Budget Implementation Bill, 2009	
		Study on Elements Dealing with Equitable Compensation	
		(Part 11)—Third Report of Human Rights Committee—	
		Debate Continued.	
		Hon. A. Raynell Andreychuk 2062	
QUESTION PERIOD			
National Defence			
Letter from Diplomats.			
Hon. James S. Cowan	2042		
Hon. Marjory LeBreton	2042		
Budget Cuts.			
Hon. Roméo Antonius Dallaire	2043		
Hon. Marjory LeBreton	2043		
Transferred Detainees.			
Hon. Rod A. A. Zimmer	2044		
Hon. Marjory LeBreton	2044		

PAGE	PAGE
Victims of Human Trafficking Protection Act (Bill S-223)	Rules of the Senate
Bill to Amend—Fourth Report of Human Rights Committee— Debate Adjourned.	Motion to Amend Rules 86(1)(r) and 86(1)(t)—Debate Continued. Hon. Joseph A. Day 2068
Hon. A. Raynell Andreychuk 2063	Treaty on Cluster Munitions
Energy, the Environment and Natural Resources	Inquiry—Debate Continued. Hon. A. Raynell Andreychuk 2068
Budget—Study on Current State and Future of Energy Sector— Fourteenth Report of Committee Adopted.	Organization for Security and Co-operation in Europe
Hon. Gerald J. Comeau 2063	Parliamentary Assembly
Human Rights	Motion to Support Resolution on Mediterranean Free Trade Area—Motion in Amendment—Debate Continued. Hon. Jerahmiel S. Grafstein 2070 Hon. Consiglio Di Nino 2071 Hon. Anne C. Cools 2072
Budget and Authorization to Engage Services and Travel— Study on National and International Human Rights Obligations— Fifth Report of Committee Adopted.	Canada Consumer Product Safety Bill (Bill C-6)
Hon. A. Raynell Andreychuk 2063	Third Reading—Motion in Amendment—Point of Order— Speaker's Ruling. The Hon. the Speaker 2073
Agriculture and Forestry	The Honourable Lorna Milne
Budget—Study on Current State and Future of Forest Sector— Seventh Report of Committee Adopted.	Inquiry—Debate Concluded. Hon. Claudette Tardif 2073 Hon. Marie-P. Poulin 2073 Hon. Michael Duffy 2074 Hon. Joyce Fairbairn 2074 Hon. Art Eggleton 2074 Hon. Jerahmiel S. Grafstein 2074
Hon. Percy Mockler 2063	Protection of Animals and the Ecosystem
Current State and Future of Forest Sector	Motion Adopted. Hon. Céline Hervieux-Payette 2075 Hon. Gerald J. Comeau 2076 Hon. Michael Duffy 2076
Eighth Report of Agriculture and Forestry Committee Adopted.	Business of the Senate
Hon. Percy Mockler 2064	Hon. Gerald J. Comeau 2076 Hon. Claudette Tardif 2076
Aboriginal Peoples	The Senate
Budget— Study on Federal Government's Responsibilities to First Nations, Inuit and Metis Peoples—Ninth Report of Committee Adopted.	Motion to Urge Government to Create a Rural Canadian Postal Service Charter—Debate Adjourned. Hon. Robert W. Peterson 2076
Hon. Elizabeth Hubley 2064	
Iran	
Motion to Support Democratic Aspirations of the Iranian People—Motion in Amendment—Debate Continued.	
Hon. Mobina S. B. Jaffer 2064	
Hon. Gerald J. Comeau 2067	
Hon. Anne C. Cools 2067	
Hon. Jerahmiel S. Grafstein 2067	
Hon. Sharon Carstairs 2067	



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5