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**Wednesday, March 17, 2010**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Wednesday, March 17, 2010

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

Prayers.

### DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before I call for Senators' Statements, I draw your attention to the presence in our gallery of our distinguished former colleague, Senator Willie Adams.

Welcome back.

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

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## SENATORS' STATEMENTS

### HOME CHILDREN

**Hon. Gerry St. Germain:** Honourable senators, I rise today to draw attention to a period of Canadian history that until recently was little known and often forgotten: the forced immigration of the British home children to Canada.

From 1869 to 1948, 100,000 British children, ranging in age from 3 years to 14 years, were sent across the Atlantic Ocean to Canada in search of a better quality of life. Some of these children were orphans, but many others originated from families who were destitute and could not afford to raise them.

Although a good quality of life was attained by many of these children in the years that followed, some paid a price for it by being exploited and, in limited cases, suffering abuse in unmonitored farm homes and workhouses. Many were subjected to hours of hard physical labour with little food or rest.

Through strength and perseverance, the work completed by the children contributed directly to the building of the early Canadian landscape. Honourable senators, the home children have planted deep roots in Canada, as nearly 4 million Canadians are descendants of former home children.

I have my own personal ties, honourable senators. My maternal grandfather came to Canada as a little immigrant, a home child. My grandfather's family was destitute. His father had died and his mother was left with four small children, two of whom she was forced to put into a Bernardo home for children. My grandfather was shipped to Canada and he smuggled with him his little brother, George, who was not supposed to come. They landed in Halifax. George had no papers. William James, my grandfather, did have his papers, so they let him in, but they sent George back to England. George, being persistent, eventually came back and settled in Portage la Prairie, Manitoba.

My grandfather went to Brockville, Ontario, where he was mistreated. He ran away and went back to the Bernardo home for children in Toronto and, eventually, was sent to Weyburn, Saskatchewan. On the night he arrived, they said that they would put him in a nice bed in the barn until they found out whether he had any health problems.

### BUSINESS OF THE SENATE

**Hon. John D. Wallace:** Excuse me, honourable senators. There is a stranger in the house.

**The Hon. the Speaker:** I will recall for honourable senators rule 20(1), which was drawn to your attention last Thursday when Senator Wallace raised a point of order. That rule provides:

If at any sitting of the Senate, or in Committee of the Whole, a Senator shall take notice that strangers are present, the Speaker or the Chairman (as the case may be) shall forthwith put the question "That strangers be ordered to withdraw", without permitting any debate or amendment.

To explicate a little further, as honourable senators know, the house acted under rule 136 in suspending Senator Lavigne. Therefore, he is estranged, having been suspended. I will therefore ask that the senator retire from the chamber. In the alternative, I will put the motion:

That strangers be ordered to withdraw.

**Hon. Sharon Carstairs:** Honourable senators, I am confused. I listened carefully the other day and I understood that Senator Lavigne was to appear in the house on March 17, which is today. He apparently appeared prematurely last week and a point of order was rightly raised about that appearance. However, there is some confusion about whether that appearance met the requirement to avoid disqualification or whether he had to reappear today to remain eligible.

I would like that confusion clarified today. If Senator Lavigne met the requirement, as he must do, of being here once when he was here last week, then I think it is clear that he must now withdraw. If he did not meet that requirement last week and therefore must be here today because today is the day he was supposed to be here, then I do not support asking him to withdraw. I am in a quandary.

**The Hon. the Speaker:** I thank the Honourable Senator Carstairs for that explanation. She has explained the situation clearly.

In the *Journals of the Senate* for last Wednesday, Senator Lavigne's name is listed among those who were present. While under suspension, the rule is that he is to attend on the sixth day, but he attended earlier. No objection was raised at that time. Therefore, Senator Lavigne has met his obligation to be here. His presence on that day is recorded in the *Journals of the Senate*. Honourable senators will also recall that I spoke about the possibility of the name being expunged, but no action was taken.

Senator Carstairs has explained clearly that Senator Lavigne has met his obligation to attend. He can do it only once. He has done it, and therefore he would have to withdraw now.

[Translation]

**Hon. Céline Hervieux-Payette:** Honourable senators, since my colleague is not a member of the legal profession, I would like to clarify a few points.

The “sixth day” does not refer to the sixth sitting day. The session started on March 3; 6 plus 3 is 9, and the senator made an appearance in the Senate on March 10, hence the confusion between March 10 and March 17, but since 3 plus 6 is not 17, as far as I know, I cannot understand how we got March 17. That is why there is confusion.

I read the letter that Senator Lavigne received in French, in which the Clerk, Mr. O’Brien, explained to him that he had fulfilled his obligation, but the words “on a épuisé” were used in French. It is difficult for anyone who is not a lawyer to understand the language, which was probably correct. But that meant that his obligation had been fulfilled. It would have been simpler to use that word.

I understand that Senator Lavigne fulfilled the obligation to make an appearance and, since that obligation was fulfilled, he must now comply with the committee’s decision.

**The Hon. the Speaker:** Honourable senators, I would like to clarify this issue by quoting rule 136(5) of the *Rules of the Senate*, which states:

A Senator on leave of absence, or suspended under rule 141, for more than a full session may nonetheless make an appearance in the Senate once every session to avoid disqualification, but only on the sixth day the Senate sits after the Clerk lays upon the Table a notice of the Senator’s intention to be present, signed by the Senator.

• (1410)

Since Senator Lavigne made an appearance last Wednesday, as indicated in the *Journals of the Senate*, in order to meet this obligation under the *Rules of the Senate of Canada*, he may not make a second appearance.

[English]

**Hon. Anne C. Cools:** Honourable senators, I do not know under what rubric we are debating, because no motion was moved by Senator Wallace. Further, I heard no senator raise a point of order. I am somewhat uneasy as to which rubric we are functioning under. That is not a rubric. This is not a question.

I am looking with some care at rule 136(5), which is circumspect:

A Senator on leave of absence, or suspended under rule 141, for more than a full session may nonetheless make an appearance in the Senate once every session to avoid disqualification, but only on the sixth day the Senate sits after the Clerk lays upon the Table a notice of the Senator’s intention to be present, signed by the Senator.

[The Hon. the Speaker]

If honourable senators look at the margin notes of rule 136(5), the words “No disqualification” appear. The purpose of rule 136(5) is to ensure that a senator who is on a leave of absence or suspended under rule 141 is not disqualified. That point brings us then, honourable senators, to the critical question of whether we are operating under rule 20, which speaks to the phenomenon of a senator calling attention to the presence of a stranger in the house. To cut a long story short, rule 20 is directed at strangers but there is no evidence before this house that there is a stranger in the house because, despite the nature of any alleged wrongdoing, Senator Lavigne has not been disqualified from this house and is still very much a member of this Senate.

My understanding, honourable senators, is that the first criteria to be a “stranger” is to be a non-member of the Senate. Senator Lavigne, like it or not, is still a member of this Senate.

The British North America Act lays out clearly the conditions under which senators are disqualified. What the BNA Act does not lay out, which is found only in practice, is that if any individual senator wishes to initiate a process whereby a senator is removed from the house, that removal must take place by virtue of a duly set and substantive motion that states and articulates clearly the ills and the mischiefs that are causing these actions to be taken.

Honourable senators, if one knows anything about the process of disqualification, removal or creating vacancies, one must understand that the individual senator who takes that initiative takes it upon his or her own responsibility. The Senate is then obligated to inquire in a deep fashion into the nature of the accusation, because the system here is supposed to follow the common law system, which demands evidence, discussion and debate and the impugned individual’s defence.

Unless someone here can prove to us and establish here and now that Senator Lavigne is a stranger present in this house, this particular proceeding is extremely illegitimate, mischievous and wicked.

**The Hon. the Speaker:** Honourable senators, I thank Senator Cools for her intervention. Perhaps the Standing Committee on Rules, Procedures and the Rights of Parliament might want to undertake a study on this topic. It is no longer necessary for me to proceed as I was intending to proceed under rule 20 because Senator Lavigne has absented himself from the chamber.

We shall now move back to Senators’ Statements. Did Senator St. Germain finish?

**Senator St. Germain:** No.

**Senator Mercer:** He was just hitting his stride.

## HOME CHILDREN

**Hon. Gerry St. Germain:** I was talking about my grandfather, who was shipped to a farm in Weyburn, Saskatchewan. When he arrived, he was met at the train and they asked him to sleep in the barn overnight. He did, and all night long he could hear noises — people, dogs and a host of other sounds. When he crawled out

from under the hay in the morning, the farm he was at was surrounded by members of the Sioux Nation. They had come up from the United States to Weyburn.

He told me this experience was one of the most memorable things in his life. He went on to marry my grandmother, who was from the Pas-de-Calais, in France, and from there came my mother.

My grandfather, like many others, was considered one of the "little immigrants" or the home children.

Honourable senators, the Government of Canada, in response to the motion adopted unanimously in the last session in the other place, has declared 2010 the "Year of the British Home Child." This symbolic gesture is a step in the right direction. I commend the good work of the entire House of Commons in supporting the passage of this motion.

Honourable senators, I think that all of us in this chamber should consider recognizing the historical significance and contribution of the British home children or little immigrants to Canada.

If honourable senators are confused by my behaviour at times, with a background of Metis and little immigrants, I guess that is the explanation.

**Senator Mercer:** Yes.

**Senator St. Germain:** That is why I have no hair, yet I have this aggression. God bless you and thank you very much, honourable senators.

### PILLOWS FOR TROOPS

**Hon. Rod A.A. Zimmer:** Honourable senators, on Friday, November 20, I attended the official launch of "Pillows for Troops" in Winnipeg along with His Excellency Jawed Ludin, the Afghanistan Ambassador to Canada; Sam Katz, the Mayor of Winnipeg; and many other distinguished guests. The launch was in memory of Corporal James Hayward Arnal, the eighty-eighth fallen Canadian soldier and a Winnipeg hero. At this launch, we also paid our respects to and honoured James's mother Wendy Hayward Arnal.

Pillows for Troops is a Winnipeg initiative that came together to pay tribute to the soldiers who gave their lives serving our country. The initiative was also to support troops and their families currently in Afghanistan and those who are preparing to leave for duty from Winnipeg and across Canada.

Corporal James Hayward Arnal received a pillow prior to his first tour of duty in Afghanistan from his former employer, John Lopes, President of JS Furniture and founder of Pillows for Troops. The pillow brought James comfort and a piece of home while on his first and second tour of duty in Afghanistan.

Honourable senators, James wanted his fellow soldiers to be as comfortable as he was with the pillow John gave him to take on each assignment. He always left it behind when returning home so that someone else could enjoy it.

Pillows for Troops has committed to providing 5,000 pillows, one to accompany each Canadian soldier departing for Afghanistan from now to the end of 2011.

• (1420)

Since the initiative's inception, the goal was increased to 7,500 pillows because of the tremendous support they received. Donations can still be made and pillows can be purchased online for \$5 at [www.pillowsfortroops.com](http://www.pillowsfortroops.com).

James did not return home from his second tour. He lost his life to a roadside bomb in Afghanistan. James will never be forgotten; he will always be remembered as a Canadian hero.

Honourable senators, our hope is that all of our heroes return safely to the arms of their families and to the people of Canada.

### CHILD PORNOGRAPHY

**Hon. Donald Neil Plett:** Honourable senators, last week in Ontario there was a province-wide sweep against child pornography by 18 police forces, coordinated by the Ontario Provincial Police. The police executed 44 search warrants and laid 122 charges across Ontario.

In total, 35 arrests were made. Those charged range in age from 15 years to 61 years. The charges include sexual assault, possession of child pornography, distribution of child pornography, making child pornography, and accessing child pornography. They also rescued two child victims, one from Ontario and the other from outside of Canada.

I commend the police forces for their diligent work in cracking down on these disgusting criminals. However, there is still much work to be done to protect our children from these pedophiles. According to the Canadian Centre for Child Protection, 80 per cent of confirmed reports of child pornography in Canada pertain to children under the age of eight years, and 19 per cent are under three years of age.

The trafficking in images of abuse is an international problem involving over 1 million pictures of more than 50,000 different children from around the world. Only about 1,300 of these children have been rescued.

Every child has the right to be safe. Removing these criminals from our neighbourhoods is essential.

Ontario Provincial Police Commissioner Julian Fantino voiced:

Every image of a child being abused represents the victimization of a vulnerable person. Every trading or transmission of that image represents re-victimization of that child.

Commissioner Fantino further lashed out at the maximum 10-year sentence for distributing, making or selling child pornography, stating, "You can't in good conscience call that adequate punishment. . . . for such a brutal crime."

Honourable senators, child pornography is not harmless entertainment as users, distributors and some civil rights groups claim. To produce these images, real children are raped and assaulted, even tortured, by pedophile criminals. Real children lose their innocence. Real children are condemned to a lifetime sentence of severe emotional trauma along with its heartbreaking consequences. Real children are repeatedly victimized. As one victim said, "The abuse never stops, since Internet images live forever."

We must also call this crime what it is. This is not pornography; this is rape. If an adult woman is raped, we would not suggest that a video of it was adult pornography. This is not pornography; this is child rape. We must call these revolting criminals what they are: child rapists and pedophiles.

[Translation]

### INTERNATIONAL ORGANISATION OF LA FRANCOPHONIE

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, as my honourable colleagues Senator Poulin and Senator Champagne have mentioned, this year March 20 will mark not only the International Day of La Francophonie, but also the 40th anniversary of the founding of the International Organisation of La Francophonie, the OIF.

The OIF is based on the sharing of the French language and universal values. It has made the recognition and promotion of the cultural diversity of francophone countries a factor in dialogue and peace with a view to development.

On March 20, for this special double anniversary, Nicolas Sarkozy, President of the French Republic, and Abdou Diouf, Secretary General of La Francophonie, will inaugurate the Maison de la Francophonie, the organization's new head office in Paris.

The headquarters, made available to the organization by the French government, will work closely with the Centre de la francophonie des Amériques, which is located in the heart of Quebec City and was inaugurated last year during the Francophonie Summit.

This year, the theme for the anniversary is "diversity serving peace," which reflects the diversity of French-language speakers throughout the francophone world.

La Francophonie is also active internationally in the academic field. Established in 1961, the Agence universitaire de la Francophonie, a worldwide association of French-language universities representing 728 institutions, will celebrate its 50th anniversary next year. I am proud to point out that the agency's president, Canadian Yvon Fontaine, is a francophone and an Acadian as well as the president of the Université de Moncton.

In my own province of Alberta, on March 9, the Franco-Albertan flag was raised by francophones in 16 cities and a ceremony in tribute to Alberta's francophone community was held at the legislative assembly, as part of the Rendez-vous de la Francophonie events taking place across Canada from March 5 to 21.

[ Senator Plett ]

The objective of the Rendez-vous celebrations is to highlight the important contribution francophones have made to building our country, to enhance appreciation of the French language and its many cultural expressions, and to promote bridge-building between francophone communities and all communities in Canadian society.

The Rendez-vous de la Francophonie reminds us that we belong to the international Francophonie and that we have a special relationship with all the countries and governments that are members of this big family, which spans the globe.

These events remind us that living and participating in French in Canada is still difficult for members of linguistic minority communities and is not a given, even though we have the Official Languages Act.

A political commitment to implement the act and to promote the French fact and the development of linguistic minority communities, university involvement and strong community participation will ensure that Canada has a vibrant francophone community within the international Francophonie.

[English]

### THE LATE MAXWELL COHEN, O.C., Q.C., D.C.L.

**Hon. Michael Duffy:** Honourable senators, today would have been the one hundredth birthday of Maxwell Cohen, the great Canadian educator, jurist and outstanding scholar in public international law, constitutional law, human rights law, and air and space law. Max Cohen died in 1998.

Today, in his honour, McGill University, where he served as Dean of Law from 1964 to 1969 and where he taught for more than 30 years, is holding a special celebration that will also mark the official launch of the Dean Maxwell and Isle Cohen Doctoral Seminar in International Law. Every second summer, these seminars will bring together the best graduate students at McGill and elsewhere to share their ideas and present their research.

I am among the many Canadians whose lives were enriched by knowing the Cohens. They were dear friends. Indeed, I am wearing this tie not just because it is St. Patrick's Day but because Mrs. Cohen was my unpaid fashion adviser well into her nineties, regularly commenting on my choice of ties for television.

I am told that the law faculty will even serve green cake today, just as the law students used to do for Dean Cohen to celebrate his birthday on this St. Patrick's Day.

Today's fitting tribute to Max Cohen and his loving wife and partner, Isle Cohen, is only the latest of the many honours deservedly accorded to him throughout his life and afterward. These honours are too numerous to list fully here but prominent among them was being appointed an Officer of the Order of Canada in 1976.

Throughout his long and illustrious career, Max Cohen contributed with flare, distinction and effectiveness to the development of constitutional, labour and international law. In 1965-66, he was Chair of the Special Committee on Hate Propaganda in Canada, which, in effect, authored the hate provisions which are now in the Criminal Code.

• (1430)

He was chairman of the Royal Commission on Labour Relations in Newfoundland from 1969 to 1972 and of the Canadian Section of the International Joint Commission from 1974 to 1979; and Canadian judge ad hoc at the International Court of Justice from 1981 to 1985.

Honourable senators, it gives me great pleasure today to pay tribute to the memory of this great Canadian couple. I also wish to congratulate Max and Ilse Cohen's daughter, JoAnne Sulzenko, on the wonderful contribution that her family and, in particular, her distinguished parents have made and will continue to make through this special scholarship to the welfare of our nation.

### NEW MORTGAGE RULES

**Hon. Donald H. Oliver:** Honourable senators, there is much truth to the old adage: An ounce of prevention is worth a pound of cure.

Many experts say that the current global recession had its roots in the American subprime mortgage crisis. The costs worldwide have been astronomical. However, Canada's housing market is healthy and stable and there are no signs of a housing bubble. Thanks to Canada's prudent regulation of the financial services industry, our country was in a much stronger position to weather the economic downturn. There was no need to nationalize or bail out the banks.

Honourable senators, we want to keep it that way. That is why the government adjusted the minimum standards for government-backed, high-ratio mortgages in 2008 to set a maximum amortization period for new mortgages to 35 years and require a minimum down payment of 5 per cent.

That is also why Minister of Finance Jim Flaherty recently announced even more measured steps to support the long-term stability of Canada's housing market. The government will now require that all borrowers meet the standards for a five-year fixed rate mortgage, even if they choose mortgages with lower interest rates or shorter terms. The government will lower the maximum amount that Canadians can withdraw when they refinance their homes from 95 per cent to 90 per cent to help ensure that home ownership is a better way of saving money. The government will require a minimum down payment of 20 per cent for government-backed mortgage insurance on non-owner occupied properties purchased for purposes of speculation.

Honourable senators, credit is the lifeblood of the Canadian economy. The government wants to ensure that Canadians have access to credit when they follow the Canadian dream and purchase a new home. At the same time, however, the government also wants to ensure that more Canadians do not take on new debt they cannot afford if house prices fall or if interest rates go

up. By adjusting these rules, the Government of Canada is looking ahead and taking action to prevent problems before they have a chance to develop.

## ROUTINE PROCEEDINGS

### FISHERIES AND OCEANS

#### REPORT PURSUANT TO RULE 104 TABLED

**Hon. Dennis Glen Patterson:** Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Fisheries and Oceans, which deals with the expenses incurred by the committee during the Second Session of the Fortieth Parliament.

(For text of report, see today's Journals of the Senate, p. 91.)

[Translation]

### CRIMINAL CODE

#### BILL TO AMEND—FIRST READING

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** presented Bill S-2, An Act to amend the Criminal Code and other Acts.

(Bill read first time.)

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

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

[English]

### THE SENATE

#### NOTICE OF MOTION TO EXTEND WISHES OF APPRECIATION TO CANADIAN NAVY

**Hon. Hugh Segal:** Honourable senators, I give notice that two days hence, I will move:

That the Senate of Canada offers to the Canadian Forces Maritime Command, known today as the Canadian Navy and formerly known as the Royal Canadian Navy, on the occasion of its 100th anniversary, the Senate's best wishes and its most sincere expression of gratitude, appreciation and respect, and pays special tribute to the courage, competence, loyalty and determination of the men and women who served, serve and will serve under the White Ensign, the Canadian Forces Naval Jack and the Maple Leaf, always in the cause of freedom, humanity, peace and stability and always in the name of the people of Canada.

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

[Translation]

## NATIONAL FINANCE

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

**Hon. Joseph A. Day:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance have the power to sit at 4 p.m. on Tuesday, March 23, 2010, even though the Senate may then be sitting, and that the application of rule 95(4) be suspended in relation thereto.

[English]

## HUMAN RIGHTS

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS AND REFER PAPERS AND EVIDENCE SINCE FIRST SESSION OF THIRTY-SEVENTH PARLIAMENT

**Hon. Janis G. Johnson:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-seventh Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than June 30, 2010.

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUE OF SEXUAL EXPLOITATION OF CHILDREN AND REFER PAPERS AND EVIDENCE FROM SECOND SESSION OF FORTIETH PARLIAMENT

**Hon. Janis G. Johnson:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon the issue of the sexual exploitation of children in Canada, with a particular emphasis on understanding the scope and prevalence of the problem of the sexual exploitation of children across the country and in particularly affected communities;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the Second Session of the Fortieth Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than June 30, 2010, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES OF DISCRIMINATION IN HIRING AND PROMOTION PRACTICES OF FEDERAL PUBLIC SERVICE AND LABOUR MARKET OUTCOMES FOR MINORITY GROUPS IN PRIVATE SECTOR AND REFER PAPERS AND EVIDENCE SINCE FIRST SESSION OF THIRTY-EIGHTH PARLIAMENT

**Hon. Janis G. Johnson:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine issues of discrimination in the hiring and promotion practices of the Federal Public Service, to study the extent to which targets to achieve employment equity are being met, and to examine labour market outcomes for minority groups in the private sector;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-eighth Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than June 30, 2010.

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS AND REFER PAPERS AND EVIDENCE SINCE FIRST SESSION OF THIRTY-EIGHTH PARLIAMENT

**Hon. Janis G. Johnson:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to monitor the implementation of recommendations contained in the committee's report entitled *Children: The Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, tabled in the Senate on April 25, 2007;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-eighth Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than June 30, 2010.



NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY ON-RESERVE MATRIMONIAL REAL  
PROPERTY ON BREAKDOWN OF MARRIAGE  
OR COMMON LAW RELATIONSHIP AND REFER  
PAPERS AND EVIDENCE SINCE SECOND SESSION  
OF THIRTY-SEVENTH PARLIAMENT

**Hon. Janis G. Johnson:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to invite the Minister of Indian Affairs and Northern Development to appear with his officials before the committee for the purpose of updating the members of the committee on actions taken concerning the recommendations contained in the committee's report entitled *A Hard Bed to Lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the Second Session of the Thirty-seventh Parliament be referred to the committee; and

That the committee continue to monitor developments on the subject and submit a final report to the Senate no later than June 30, 2010.

• (1440)

## QUESTION PERIOD

### ENVIRONMENT

#### CLEAN ELECTRICITY

**Hon. Grant Mitchell:** Honourable senators, I do not like to be cynical. Although there is much in evidence on the other side that supports cynicism, I hope that the Leader of the Government in the Senate can disabuse me of this evidence. Once again, this government is walking away from another climate change objective.

The Minister of the Environment has talked about a reasonable objective of 90 per cent clean electricity by 2020, but there is no evidence of any real commitment by this government to that important objective. Why would anyone believe that the government is committed to 90 per cent clean electricity by 2020 when they have abandoned the ecoENERGY program that supported alternative electricity and did not replace it with another program? There is nothing about the program in the budget.

**Senator Brazeau:** Read it.

**Senator Mitchell:** Does the honourable senator wish to answer my question?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I did not hear a question but I am happy to put on the record once again the government's excellent agenda on the environment.

Budget 2010 provides \$100 million over four years to support the development, commercialization and implementation of advanced clean energy technologies in the forestry sector with the creation of the Next Generation Renewable Power Initiative. This initiative builds on the ongoing investment provided by Canada's Economic Action Plan, including \$1 billion over five years through the Clean Energy Fund in support of clean energy research, development and demonstration projects, including carbon capture and storage projects; as well as \$1 billion over five years for the Green Infrastructure Fund. The government advocated for an agreement that includes all the world's major emitters. This government supports the Copenhagen Accord as an important new international framework. The government has submitted to the United Nations Canada's 2020 economy-wide target of a 17 per cent reduction in greenhouse gases from 2005 levels. Canada and the United States are working together through a clean energy dialogue to strengthen a continental approach, which is critical due to the close integration of our economies. The government has released the proposed rules for Canada's offset system, which is a key element of our climate change approach; the government has made substantial investments in clean energy technologies; and the government continues to work in close collaboration with provincial and territorial governments and our other partners.

**Senator Mitchell:** Honourable senators, if the objectives were communications and spin, then all these targets are effective because that is what this government does — it spins. The Honourable Senator Brazeau suggested that I read the budget. In the budget speech, climate change is not mentioned once. The 454-page budget plan mentions climate change only three times. It is barely mentioned in the Speech from the Throne. It is not as though this government truly has a commitment.

Following up on the leader's point, there is a minimal amount — \$25 million per year for four years — in forestry to provide alternative energy. That is not clean electricity by any means. Can the Leader of the Government in the Senate tell the house why the government is not supporting alternative energy outside the forestry sector? Where, in any of the funds and programs mentioned by the leader, is clean electricity promoted? Carbon capture and storage will take 10 years to work, if it works at all, which will be beyond the 2020 objective by about three months.

**Senator LeBreton:** The honourable senator should have heeded Senator Brazeau's advice because he is absolutely right. Budget 2010 underscores the government's ongoing determination to protect Canada's environment and to establish Canada as a clean energy superpower, including new measures totalling \$190 million in support of a cleaner, more sustainable environment. At a time of overall fiscal restraints, the commitment of resources to support new environmental programs and to sustain existing ones is encouraging. Even though the government is mindful of its obligations to reduce the deficit, the government continues to put money into the environment file.

The Speech from the Throne spoke to the government's support for the Copenhagen Accord, its commitment to continue investing in clean energy technologies, its commitment to bolstering the action plan on clean water and its commitment to building on our

national conservation plan. The conservation plan previously included massive expansions of Nahanni National Park Reserve and the creation of the Lake Superior National Marine Conservation Area, plus \$225 million for the Nature Conservancy of Canada.

The government is not proposing to transfer jurisdiction of environmental assessments on the oil sands and other energy projects from the Canadian Environmental Assessment Agency to the National Energy Board or the Nuclear Safety Commission. The NEB and the NSC remain responsible for projects they currently review and their respective pipelines, transmission lines and nuclear projects. This work is happening as we work to eliminate the duplication of work on these projects by the CEAA.

A great deal of work is being done on all aspects of the environment. However, if the honourable senator chooses not to look for them in the Throne Speech or Budget 2010, as Senator Brazeau suggested, there is little I can do about it.

**Senator Mitchell:** Honourable senators, I return to my point about clean electricity generation. Can the leader tell the house how carbon capture and storage, which will take at least 10 years to come online and to be commercial, will help the government meet its stated objective of 90 per cent clean electricity by 2020 when 2020 is less than 10 years away? Can the leader clarify that point for honourable senators?

**Senator LeBreton:** The government set an objective such that 90 per cent of Canada's electricity will be provided by non-emitting sources by 2020. The government is a strong supporter of renewable energy technology. Canada's Economic Action Plan included a \$1 billion Green Infrastructure Fund to create green electricity generation and a \$1 billion Clean Energy Fund to support critical research, development and demonstration of new and innovative renewable technologies. The government has announced three carbon capture and storage projects to date, which the honourable senator seems to doubt. The projects are co-funded by the Province of Alberta for a total Clean Energy Fund commitment of \$466.1 million. Currently, the government is engaged in discussions with other provinces, and has announced 19 proposals for demonstration projects of renewable and alternative energy technologies from all regions of the country.

Budget 2010, which Senator Brazeau suggested that the honourable senator read, establishes the Next Generation Renewable Power Initiative, with \$100 million over the next four years to support the development, commercialization and implementation of advanced clean energy technologies in the forestry sector. I also remind honourable senators that this government is investing up to \$1.5 billion to increase the supply and availability of cleaner renewable fuels, such as ethanol and biodiesel.

#### RENEWABLE AND ALTERNATIVE ENERGY— EMPLOYMENT

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. A recent report released by the Pembina Institute states that the United States is outpacing Canada 17.8 to 1 on a per capita basis in creating jobs that deliver renewable energy sources. That situation means Canada is losing out on the jobs for

tomorrow. Can the honourable leader tell the house what specific measures this government is taking to close that job gap?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, any objective observer knows that the government is doing a good job of creating jobs in Canada.

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

**Senator LeBreton:** Comparative claims with the United States are only that — claims. They amount to selective thinking.

• (1450)

I believe that in my long answer to Senator Mitchell I outlined the many initiatives our government is taking with regard to new technologies and clean energy. I believe I outlined our government's targets of reducing greenhouse gas emissions by 2020.

**Senator Cowan:** The key element of the United States government's incentive program is to provide support for wind energy projects. In Canada, the ecoENERGY program has already allocated all of its funds. As a result of the lack of funds to support new wind energy projects in Canada, wind energy investors will obviously go elsewhere. How does that help us create and keep the jobs of tomorrow?

**Senator LeBreton:** Honourable senators, I hope that Senator Cowan was listening when I said we announced 19 proposals for demonstration projects, renewable and alternative energy technologies from all regions. Wind energy, of course, is included in that.

**Senator Comeau:** Don't let the facts get in the way of a good question!

#### ATLANTIC COASTAL ACTION PROGRAM

**Hon. Catherine S. Callbeck:** Honourable senators, my question is to the Leader of the Government in the Senate.

The Bedeque Bay Environmental Management Association from my community in Prince Edward Island, along with 15 other grassroots organizations from Atlantic Canada, are awaiting word from the federal government about renewed funding to the Atlantic Coastal Action Program. The current funding runs out at the end of this month, which is only two weeks away.

These groups cannot survive without this assistance. They have been trying, without success, to find out from the government what happens after March 31. These 16 groups are trying to make plans for their summer projects, where they employ a number of students, but they will not be able to do so without funding.

Will the leader find out if and when these 16 grassroots organizations from Atlantic Canada will be getting their funding renewed, and, if not, why?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I have made inquiries about the Atlantic Coastal Action Program, and I have been informed that this program is currently under review.

**Senator Callbeck:** It is under review, but their funding ends at the end of March. Will there be any interim funding available to them?

**Senator LeBreton:** I can only repeat what I just reported to the honourable senator. The program is under review, and beyond that, I cannot speculate on what may or may not happen.

**Senator Callbeck:** Would the honourable leader inquire as to whether the government will provide interim funding? The funding for these 16 grassroots organizations that do valuable work in Atlantic Canada terminates in two weeks, and they do not know whether to hire students for the summer. Without federal assistance they will not be able to hire summer students. Will the leader inquire as to whether the government will provide interim funding until the review is completed?

**Senator LeBreton:** I already answered Senator Callbeck's question. The program is under review, and I cannot speculate on what will happen. I can simply report, as I said, that the program is under review. We are well aware of the end date at the end of the fiscal year. I can simply say, as I said in response to the honourable senator's first question, that I did check, as I was quite certain that this question would arise. I was informed that the matter is under review, and I am afraid that is the best answer I can offer today.

[Translation]

CANADIAN FOUNDATION FOR CLIMATE  
AND ATMOSPHERIC SCIENCES

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. The Climate Action Network has said that the closure of the Canadian Foundation for Climate and Atmospheric Sciences will considerably reduce the amount of public funding for climate change science. Since 2000, the foundation has invested more than \$117 million in 198 research initiatives in Canada and facilitated numerous scientific advances and discoveries. It is essential to the future of our country and our environment and to our future generations that we invest in studying climate change and developing green technology.

Why did the government decide to shut down the Canadian Foundation for Climate and Atmospheric Sciences after ten years? This foundation has greatly contributed to research and to the dissemination of knowledge in this field.

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I am afraid I will have to disappoint Senator Tardif, just as I had to disappoint Senator Callbeck yesterday.

I want to be clear that this foundation has not been shut down. In fact, we have extended this mandate to 2012 to allow the foundation to report on the work it has undertaken with the \$110 million allotted to it over the last 10 years. I believe Canadian taxpayers expect this type of reporting when \$110 million has been spent on such a project.

I repeat; this foundation has not been shut down. It has been extended to 2012.

[Translation]

**Senator Tardif:** Honourable senators, if that is so, why did the chair of this foundation state, on March 5 that the scientific community was devastated and that the closure of the Canadian Foundation for Climate and Atmospheric Sciences would gut scientific climate research? Why would the chair of the foundation make this statement? Was this decision made after March 5?

[English]

**Senator LeBreton:** Honourable senators, I have no idea why the chair would say such a thing. Someone perhaps should ask the chair. Sometimes people say things that are reported in the newspaper and sometimes people actually believe what they read in the newspaper. It is shocking because, in most cases, what you read in the newspaper could not be further from the truth.

I cannot answer that question, honourable senators. I do not know why the individual would say such a thing.

**An Hon. Senator:** It is another Denis Coderre comment.

[Translation]

**Senator Tardif:** Can the minister confirm that funding will be available to continue International Polar Year activities?

[English]

**Senator LeBreton:** The work of the Polar Environment Atmospheric Research Laboratory is part of the Canadian Foundation for Climate and Atmospheric Sciences and, as I reported, this foundation has not been shut down; it has been extended to 2012.

## ORDERS OF THE DAY

### QUESTION OF PRIVILEGE

#### SPEAKER'S RULING RESERVED

**Hon. John D. Wallace:** Honourable senators, pursuant to rule 59(10), I rise on a question of privilege.

As I understand the Speaker's ruling of March 11, 2010, which can be found at pages 68 and 69 of the *Debates of the Senate*, Senator Lavigne improperly attended the Senate on March 10. However, as the Senate did not seek a remedy with respect to his appearance, Senator Lavigne has complied with his constitutional obligation to attend the Senate once every two sessions of Parliament.

I would further contend that although Senator Lavigne breached rules 136 and 140 on March 10, he is not entitled to attend the chamber again today as he has done, or on any other day in the current session of Parliament. He has, after all, complied with that part of rule 136(5), which reads as follows:

A Senator on leave of absence, or suspended under rule 141, for more than a full session may nonetheless make an appearance in the Senate once every session to avoid disqualification . . .

• (1500)

Even though Senator Lavigne did not comply with the substantive part of rule 136 on March 10, he cannot use that breach to justify a further violation of the rules by appearing twice in the session, when he is only entitled to appear once.

I would contend, honourable senators, that in violating the rules on two occasions in the past week, Senator Lavigne has shown contempt for the Senate. I would cite *Maingot* at page 239 which reads as follows:

Disobedience to rules or orders represents an affront to the dignity of the House, and accordingly the House could take action, not simply for satisfaction but to ensure that the House of Commons is held in the respect necessary for its authority to be vindicated.”

At the start of page 240 *Maingot* reads:

Disobedience of rules or orders is an obvious contempt.

Honourable senators, I do not intend to imply that a breach of any rule of the Senate should necessarily be treated in this manner. There are times when our rules could be breached inadvertently or, perhaps, a breach of a less-than-grave nature could be forgiven. We should, however, attempt to adhere to the rules at all times and take corrective action when necessary.

However, I would contend that in this case the breach of the rules is quite serious. In fact, the entire purpose of rules 136, 140 and 141, all concerning members of the Senate who have been charged or convicted of crimes, can only be to maintain the dignity of this chamber. Therefore, a breach of those rules challenges not only the authority of the chamber, but brings into question the dignity of the institution and the integrity of its members.

Ultimately, it will be for the chamber to decide what to do in this case. At a minimum, however, the Speaker should find a prima facie case of privilege. Should he agree, I am prepared to move the appropriate motion to refer this matter to the Standing Committee on Rules, Procedures and the Rights of Parliament for further investigation.

**Hon. Anne C. Cools:** Honourable senators, am I the only person wishing to speak? Certainly other senators want to lead the discussion. I am sure the leaders of the government and opposition should be speaking before me, a mere backbencher.

**Senator Nolin:** Could the honourable senator stand up, please?

**Senator Cools:** Honourable senators, I am trying to figure out, once again, the rubric that we are under.

**The Hon. the Speaker:** It is a question of privilege.

**Senator Cools:** I am aware of that, but the Honourable Senator Wallace, I believe, invoked rule 59(10), but I am just checking because he spoke rather quickly. I did not hear him conclude or begin his intervention with a motion. If he did, could he be so kind as to read it again, please?

**An Hon. Senator:** It is a point of order.

**Senator Cools:** No. Rule 59(10) is a motion. If it is a motion, we are on a substantive motion and I can ask questions of him, of course. If we are not on a point of order and if we are on a motion, full-fledged debate is allowed on the motion. It is also an adjournable motion under rule 59(10).

I was asking if the honourable senator could read his motion to the house again. He moved it; could he repeat it, please?

**Senator Wallace:** Your Honour, it is not a motion. It is a question of privilege that I raised under rule 59(10). What I concluded was that it would be for this chamber to decide what to do in this case, and at a minimum, the Speaker should find, I believe, a prima facie case of privilege. If he agrees, then I am prepared to move a motion that this matter be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for further investigation. That would be the motion. I stand not on a motion, but on a question of privilege.

**Senator Cools:** Honourable senators, something is very out of order here. Senator Wallace has not moved a motion on a question of privilege under rule 59(10). Rule 59(10) is about the phenomenon of his ability to move a motion on a question of privilege without giving notice. If Senator Wallace is asking His Honour to rule on a prima facie context, then he is really operating under rules 43 and 44, which require three hours' notice to the clerks of the Senate before the Senate sits.

Rule 59(10) is about moving a motion, which Senator Wallace has not done, so there is nothing before the house and absolutely no requirement whatsoever for His Honour to rule, as a matter of fact. I think it dishonours His Honour to ask him to rule on a question which is not really in order.

I wanted to speak to Honourable Senator Wallace's substantive motion on privilege. It needs to be clarified. Since there is not a motion before us, nor a prima facie request before the Speaker, the Order Paper should just tick on.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Rule 59(10) says:

Notice is not required for raising a question of privilege.

**The Hon. the Speaker:** Are there further comments from honourable senators on this matter?

**Senator Cools:** The debate is continuing and I still do not know what rule we are under. I know the history of rule 59(10) well. If you look at rule 58(1), one day's notice should be given of any of the following motions. When you go to rule 59, it basically states that for all of those motions listed, notice is not required. Rule 59(10) of the Senate has been around for millenniums.

[ Senator Wallace ]

Right now, in our system, there is no other proceeding under which the Speaker can be asked to rule in a prima facie way. Let us understand, honourable senators, what prima facie is. Prima facie just means that the Speaker rules that a debate on a motion can take place forthwith and take priority over the other matters on the Order Paper. The determination of whether or not there is a question of privilege does not belong to the Speaker at all, but to the whole house. We must understand this, honourable senators. I am trying to figure out where we are, because if there is a motion before us, I want to speak to that motion. If there is a prima facie matter before us, I want to speak to that, so I need some clarification to know which rubric to speak to because they are entirely different.

Perhaps, since Senator Wallace is the person who raised the subject matter, he should clarify for us. He is out of his element and over his head.

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

**Senator Wallace:** Your Honour, I wish to thank the honourable senator for some of her comments — not necessarily all of them.

There is nothing more I can add to what I have referred to the chamber and have directed to the Speaker. I would leave it to the Speaker to make his ruling with regard to my request.

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

**Senator Cools:** Honourable senators and Your Honour, there is no matter before us that demands a ruling from Your Honour. I only hope that any ruling that you would make would contemplate that.

If we want to talk a bit on the substance —

**An Hon. Senator:** Oh, oh.

**Senator Cools:** I beg your pardon? If Senator Mockler has something to say, he can stand and say it. I would gladly yield the floor to him to speak.

• (1510)

In any event, honourable senators — and perhaps this matter must be addressed — the earlier proceeding that Senator Wallace was trying to initiate was deeply flawed. Many questions must be answered around the question of being a stranger or not being a stranger. The crux of the rules that Senator Wallace makes reference to, which are rule 136(5) and those relatively new rules governing senators who are charged with criminal offences, are very new and intended to give a process under which the Senate would grant leaves of absences and so on.

The senator in question is not a stranger —

**Some Hon. Senators:** Shame.

**Senator Cools:** — to this place.

Obviously Senator Wallace finds me deeply amusing.

**An Hon. Senator:** You are out of control.

**Senator Cools:** I am not out of control. There must be some honour here. There have to be some principles. We are not living in a sledgehammer democracy. This Senate has not become just a place where whimsical actions are taken for mischievous and hurtful purposes. We are not sinking into black heartedness in that way.

Honourable senators, Senator Lavigne has been charged. We all disapprove of a lot, but he is still entitled to due process in this place. “Due process” means that any actions to be taken, or any proposals that any senator makes must proceed by a substantive motion in this place and they are not to involve His Honour because His Honour has no business whatsoever in any decisions to do with the fate of any individual senator. If such motions were moved and His Honour wants to speak, or take part in them, he leaves the chair as the Speaker and goes to his own chair, to his own place, and speaks.

Honourable senators, I find myself in a most odd and particular position because I am speaking to a rubric not knowing what it is. Therefore, I cannot figure out which arguments to marshal where. If we are really on a question of privilege, then I would have to say what is before us is not a question of privilege at all, and no senator’s ability to function as a senator here has been tampered with or has been impaired.

Honourable senators, I went through this issue with many senators. Not one of them was prepared to see that Mr. Mulroney would receive due process. I do not care who it is or what the alleged offence is. It is a fundamental principle of our system that every single human being deserves due process. A phenomenon of our system is that a person is innocent until proven guilty. All those other rules to assist that process are largely of an administrative and a procedural nature and not of a substantive nature.

I appeal to Senator Wallace to clarify the situation and to be careful, indeed. Every single human being deserves due process. I would say to Senator Wallace that when these allegations were raised about Mr. Mulroney years ago, I was the only person on the floor of this house to try to raise any concerns about the investigations concerning Mr. Mulroney.

Honourable senators, let us understand this process. As members of Parliament and members of the Senate, we have a duty to uphold that system and I do not think it is any laughing matter. I do not think it is any giggling matter and it is not pretty.

**Hon. Hector Daniel Lang:** Honourable senators, I want to reiterate what Senator Wallace did bring forward to the floor. Any senator has the right to bring forward a question of privilege. Any senator has the right to ask the Speaker to rule on that question of privilege. After that stage, I contend that the honourable senator brought forward a notice of motion if a prima facie case is brought forward to the house.

I submit to His Honour, under rule 18(3), that there has been enough brought forward to the floor for his consideration and for His Honour to come forward at a later date and rule on the question of privilege.

**The Hon. the Speaker:** Does any other honourable senator wish to speak on this matter? If not, honourable senators, I will take the matter —

**Senator Cools:** What is before us?

**The Hon. the Speaker:** Order. I will take the matter under advisement and report back.

[Translation]

## SPEECH FROM THE THRONE

### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poirier, seconded by the Honourable Senator Runciman:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

### MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

**Hon. Dennis Glen Patterson:** Honourable senators, I am pleased to resume debate on the Speech from the Throne, given in the Senate chamber by Her Excellency the Right Honourable Michaëlle Jean, Governor General of Canada, on March 3, 2010.

[English]

It was a real thrill for me to sit here for the first time in this chamber with the Supreme Court of Canada justices within the ropes, and with members of Parliament and cabinet ministers standing in the wings. I wish to express my gratitude that the Governor General paid such attention to Canada's great North and to Canada as a great northern country in the Speech from the Throne.

For many years, northerners — and I was one of them — would eagerly search the Throne Speech for a mere mention, the slightest reference or allusion to the North. We would suspend sessions of our legislature to crowd into the members' lounge and listen to the Throne Speech, hoping for the slightest reference to the North, too often a vain hope. I will not say to which federal government I refer.

Honourable senators, I am greatly inspired, and the people of the North are thrilled by the importance given to the North by our government. We are gratified for the support and recognition

of the Inuit as people who hunt seals, just like those people on the East Coast, and the Inuit have done so for thousands of years. The efforts of Senator Hervieux-Payette and the support of honourable senators when the issue of the seal hunt came up again in this house last week are much appreciated by the Inuit.

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

**Senator Patterson:** I can assure senators that when the Governor General, the Prime Minister in Parliament and this chamber demonstrate support for the traditional way of life and for traditional food, it makes the Inuit feel respected, after having been lumped in by some with those who are falsely labelled as being inhumane or cruel.

Honourable senators, we have had lots of evidence that Canada's North is important to this government. The federal government met at 68 degrees north latitude in Nunavik in August 2008. Then, last summer, the cabinet came to a town of 7,000 people on Baffin Island for a cabinet meeting. That meeting was another statement about the North as an important part of Canada.

When the G7 finance ministers and bank governors met at 63 degrees north latitude in February of this year in another serious meeting to talk about forgiving the debt of Haiti and the financial problems of Greece, that meeting made a statement about our government's understanding of the strategic importance of the North to Canada and to the world.

Our government recognizes that, despite our small population and our sparse political representation in the House of Commons and Senate, the three northern territories encompass 40 per cent of the land mass of Canada and has, by far, its longest coastline. I dare say it is longer than Canada's Atlantic and Pacific coasts combined. If honourable senators include Nunavik and Nunatsiavut — Northern Quebec and Labrador — which I always include in my mind when I consider the unique situation and challenges of the North, we encompass 47 per cent of the area of Canada — almost half the country.

By the way, and not to brag, honourable senators, did you know I am privileged to represent by far the largest region, province or territory in this country? Ontario, with all respect, counts for 10.8 per cent of the total area of Canada; Quebec is bigger at 15.4 per cent; however, Nunavut dwarfs them all at 21 per cent of the area of Canada. So, of course, the North is important; it is almost half the country.

• (1520)

Honourable senators, I hope I have made my case that we are indeed a great northern country. It is not just because of our staggering size, although I do sometimes brag that Baffin Island alone is bigger than all of Great Britain. We are also important because of what we are to Canada. The North is important to Canada because our North — and it is ours from coast to coast to coast — helps define us. It gives us a big part of our identity.

[Translation]

We are the true North, strong and free. We, along with Russia, are one of the world's great northern nations.

[English]

In this sense, confirming our sovereignty over our precious, pristine Arctic lands and waters is a matter of vital interest to every province and region of this great country, for most provinces border the North either by land or sea. The protection of the North's fragile ecosystem — the breeding ground for whales and North American migratory birds and the repository of a staggering one fifth of the world's fresh water supply — is in all our interests. As I have said before in this chamber, I believe it is in Canada's interest that we develop in an orderly manner our untold renewable and non-renewable natural resources in this undiscovered, undeveloped part of this great country. This, too, will be an exercise of our sovereignty and our stewardship of our lands and resources. It will be good for the North and for Canada.

Finally, as the North grows to take its place as a have jurisdiction and not a have-not one through wise use of our natural and human resources, I know that Canada will welcome the people of the North, including the predominantly Inuit population of Nunavut, as strong, vibrant and loyal citizens who express the diversity and richness of our Canadian cultural mosaic, a people who are determined to retain their Inuktitut language amidst a sea of English and who cherish their traditional way of life.

One of the things I am most proud of that the people of the North bring to Canada as we take our place as equal partners in Confederation is our tradition of consensus building in public decision making. We bring a spirit of respect.

I want to commend and acknowledge the good work and inspirational example provided by our MP, the Honourable Leona Aglukkaq, who showed her mettle through the H1N1 pandemic, providing an example, I believe, of calm, focused leadership amid sometimes petty and over-the-top partisan sniping. I would like to think that other northern Aboriginal leaders will also provide inspiration to the Aboriginal peoples of Canada, and that accommodation and prosperity can be achieved where people of goodwill work together in common cause.

It is no secret why northern comprehensive land claims were settled ahead of all the others, beginning with the Inuit of Nunavik, under the leadership of my friend the Honourable Senator Watt in 1975, then the Inuvialuit of the Beaufort Delta region of the Northwest Territories in 1984, under the leadership of Sam Raddi and Nellie Cournoyea, the Inuit of Nunavut in 1983, not to forget the Yukon, Gwich'in, Sahtu and the Tlicho. It is because the people of the North have been willing to compromise and negotiate with give and take, persistence and vigour to achieve common goals.

These land claims provided environmental and social safeguards, while creating a stable investment climate due to certainty of title. This is what we bring to Canada: a huge area of land and water requiring stewardship; rich resources that can be developed for the benefit of all of Canada; and, our most precious resource, people of goodwill who are willing and eager to help Canada increase in strength and dominion over this great northern territory of ours through prosperity based on capitalizing on its rich natural and human resources.

I am delighted with the attention paid to the North by this government as reflected in the lofty goals set out in the Speech from the Throne. I believe this focus on the North is turning Canada's attention, once again, to what has sometimes been overlooked and neglected during periods of our history. Canadians are realizing that the people of the North are a key part of Canada's identity, and the abundant resources of the North are potentially a source of wealth and economic growth for the entire nation.

[Translation]

The Speech from the Throne stated: "We are a northern country."

[English]

These words are music to the ears of those of us from the North who were told patronizingly for decades that the North is the resource treasure chest for Canada; a welfare recipient; and a place where economic policy and lands and resource management are best directed from afar by the northern program of the Department of Indian Affairs and Northern Development, a side of the department which does not get much attention though its work is important to all of Canada.

Honourable senators, I respect every person who has ever taken the portfolio of Indian Affairs and Northern Development; it is a daunting job. The Honourable Chuck Strahl is one of the best and most sincere, but the truth is that, in the area of lands and resource management, the North is the last colonial remnant run from afar. Therefore, it is encouraging that our Conservative government has governance as one of the pillars of its northern strategy and that last week's Speech from the Throne makes the welcome pledge that Canada will take next steps toward devolution of lands and resources management to the people of the North.

Honourable senators, the duly-elected governments of the North deserve the same say in resource development decisions affecting their population and their environment as citizens in southern Canada enjoy. Yukon has had that privilege since 2003. It is widely regarded as working well. I am delighted our government is supportive of moving in the same direction for the other northern territories, especially in Nunavut where the Inuit land claim already gives the Inuit a voice in resource development decisions and a 5 per cent royalty share on any developments anywhere in Nunavut. Now it is time to provide the same responsibility and incentives to the government of Nunavut, which, after all, must deal with the social impacts of development and growth.

The people of the North are much better placed to look after their land and resources than even the most well-intentioned and benevolent Minister of Indian Affairs and Northern Development, and the Honourable Chuck Strahl is just such a person. I am so delighted that Minister Strahl and our government have an uplifting vision of where we should be evolving in governance in the North, and I very much look forward to working with him on the next steps for devolution.

What should those next steps be for Nunavut, where the discussions on devolution have taken place for three years with Minister Strahl's special representative and well-experienced

former Deputy Minister Bruce Rawson representing the federal government? It is clear that Nunavut lacks capacity in lands and resources management. Nunavut was established and, by their own admission, their record of employing Nunavummiut is very poor. It was under 20 per cent when I last inquired under the northern program. The main thrust of a report by Mr. Rawson's predecessor, Mr. Paul Mayer, now Mr. Justice Paul Mayer, was that the capacity issue would have to be dealt with.

In my respectful opinion, honourable senators, the next step for devolution should be that Canada work with the Inuit and the Government of Nunavut to implement a capacity-building plan to train Inuit in lands and resource management. They already know the land. I happen to know that a capacity-building program has already been designed, in big brush strokes, by the three parties to devolution talks in Nunavut: Nunavut Tunngavik, Canada and the Government of Nunavut. Once we have begun a process of training northern lands and resource managers, then I would hope formal talks could begin on the devolution of responsibilities from the federal government to the territorial government.

Honourable senators, building capacity and devolving the last vestiges of colonialism to the elected governments of the North will not only realize one of the four pillars of Canada's northern strategy, namely, governance, but it will also buttress Canada's sovereignty in the North. Sovereignty is not only about patrolling, monitoring and delineating our territorial boundaries, or about who has the largest icebreaker. It is also about supporting the permanent residents of the North, including Canada's Arctic Rangers, who will eagerly assert Canada's dominion over the Arctic as effectively as ships and planes.

It was once explained to me as layering. The more layers, the more sovereign we are. The Inuit land claim is a layer on top of Canada's inherent sovereignty. Canada's infrastructure; our economic activities, including harvesting of marine mammals and our fishery; mining and oil and gas exploration and development; our communities; our northern governments and the authority they have in partnership with the Inuit over management and stewardship of its lands and waters are all layers of sovereignty. This is how we establish dominion over the North.

• (1530)

In the Throne Speech Canada has pledged to "... vigorously defend Canada's Arctic sovereignty" and to realize the potential of Canada's North for northerners and all Canadians. These are inspiring words. Since Canada's Arctic, from Yukon through to Labrador, straddles all of Canada and belongs to all of Canada, I strongly believe that it is in Canada's overall interest to strengthen Canada's sovereignty and dominion over these vast lands and waters to the north. Because of this shared pride in our northern reaches — even though too few Canadians are able to visit the North — I believe that moving forward with initiatives on Arctic sovereignty will resonate well with all Canadians in all regions of Canada. The North is one asset that all of Canada can share, from east to west.

While I agree with the spirit of the Throne Speech that we should vigorously defend the Arctic and establish a significant military presence and capability, as we are doing, including full utilization of the Arctic Rangers, defence need not be our only focus.

[ Senator Patterson ]

**The Hon. the Speaker *pro tempore*:** Honourable Senator Patterson, your time has expired. Are you asking for more time?

**Senator Patterson:** If I may, please.

**The Hon. the Speaker *pro tempore*:** You may proceed for an additional five minutes.

**Senator Patterson:** I am delighted with the pledge in the Throne Speech that Canada will work with other countries to settle territorial boundaries in the Arctic. The ownership and rights to develop significant renewable and non-renewable resources and, indeed, Canada's very jurisdiction over our internal waters and the Northwest Passage are implicated in these discussions pursuant to the UN Convention on the Law of the Sea.

I wish to commend Minister Cannon for his leadership in convening a meeting of the five countries whose borders are adjacent to Arctic waters for later this month in Chelsea to discuss the delineation of territorial boundaries in the Arctic. We will cooperate and share mapping and scientific information about the outline of the continental shelf and how it informs territorial jurisdiction. I believe that the UN convention provides the authority and credibility for an orderly and logical way of determining territorial boundaries. I think that our natural geography will be the best way of asserting our territoriality in the North.

Honourable senators, there is some urgency to this work. This is due to the apparent thinning of the Arctic ice cap, which some have forecast might disappear completely some day. This will mean that the northern shipping route, similar to great circle air routes, could trim thousands of miles from shipping routes. It means that the Arctic's natural resources, which are thought to hold 22 per cent of the world's remaining supply of untouched oil and gas reserves, may become more accessible.

Now there is increasing interest in the Arctic from other quarters. China has invested significant resources in polar study and has some of the world's most advanced Arctic research labs, even though China has no Arctic coast and, as far as I know, no recognizable right to any portion of the roof of the world. China is now officially declaring its interest in Arctic waters. It is also building the world's largest icebreaker for research purposes.

As an illustration of this increasing interest on the part of China in the Arctic, according to the official China News Service, Chinese Rear Admiral Yin Zhuo said the following on March 5:

The Arctic belongs to all the people around the world as no nation has sovereignty over it. China must play an indispensable role in Arctic exploration as we have one-fifth of the world's population.

Honourable senators, this is why it is urgent that we assert our sovereignty over our Arctic and continue to do polar research, which we have a long tradition of doing well in Canada. In this connection, the pledge of our government in the Throne Speech to establish the High Arctic research station in the coming year in an Arctic Coast community is very welcome news. This commitment recognizes that the Arctic is the best place to do research on the Arctic.



How can we best advance Canada's sovereignty in the North through the work of our Senate committees? I believe that standing committees of the Senate have a very important role to play in advancing Canada's sovereignty in the North. It is certainly not my place to say which Senate committee should examine what aspects of the multi-faceted issue of sovereignty, but some roles are emerging, and I am pleased that the Committee on National Security and Defence will take the lead on sovereignty. They have acknowledged that other committees, including Foreign Affairs and the committee on which I sit, Fisheries and Oceans, can do useful work. There is much work to be done in asserting Canada's sovereignty in the Arctic.

In closing, social and economic growth are also pillars of Canada's northern strategy. Economic growth can only serve to relieve social problems in the North related to unemployment and despair. One long-time northern mining developer used to say that one gets a certain amount of self-esteem from having money in one's pocket.

Honourable senators, I was pleased that the Throne Speech also made a commitment to social programs, including social housing programs, that will continue to roll out in the coming year. I was delighted to see the commitment in the federal budget to continue and reform the so-called Food Mail Program, which will provide support for healthy food choices for remote communities.

Honourable senators, I look forward to working with all my colleagues in the Senate and the Government of Canada to take further steps forward in realizing the great potential of Canada's Far North for the benefit of all of Canada.

(On motion of Senator Comeau, debate adjourned.)

## EXCISE TAX ACT

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

**Hon. Charlie Watt** moved second reading of Bill S-212, An Act to amend the Excise Tax Act (tax relief for Nunavik).

*[Editor's Note: Senator Watt spoke in Inuktitut.]*

He said:

Honourable senators, it is my privilege to speak to you today about Bill S-212, my private member's legislation proposing necessary tax relief for the region of Nunavik, an area in sub-Arctic Quebec that is known as the homeland of the Inuit. This region encompasses about 507,000 square kilometres of tundra, boreal forest, mountains, rivers and lakes. Today, approximately 11,600 people, 90 per cent of whom are Inuit, live and work in its 14 coastal villages.

Bill S-212 addresses the matter of purchasing power. It proposes a zero per cent tax rate on the supplies of goods and services in Nunavik, as well as exemptions for petroleum products and fuels from certain excise and consumption or sales taxes.

• (1540)

This is the fourth time I have introduced this bill before Parliament since 2007. I have persisted with this matter because this tax relief is desperately needed to provide quality of life for the Inuit who live there.

Lack of purchasing power is a very serious issue in Nunavik. Currently, purchasing power in Kuujuaq represents about 29 cents per dollar. This varies throughout the region. For example, one of the furthest communities in Nunavik has a purchasing power down to 15 cents per dollar. It is likely worse than that now.

When she appeared before the Standing Senate Committee on National Finance last September, Rita Novalinga, General Manager of La Fédération des coopératives du Nouveau-Québec, told senators a simple item like 454 grams of butter, which costs \$3.49 in the South, will cost about \$8.49 in Nunavik. While an item like peanut butter is \$3.99 in Montreal, it can cost \$6.49 or more in Nunavik. Meanwhile, necessities like 24 rolls of toilet paper purchased in the South at \$5.99 will cost \$12.99. According to Rita Novalinga, a grocery basket up North is 116 per cent more than what is paid in Montreal and the surrounding area.

Honourable senators, this high cost of living is the result of the geographic isolation of this region. There are no roads connecting Nunavik to southern Quebec. All merchandise is transported by boat during a short sealift season or by airlift year round.

While there is no question that other communities in the North experience a high cost of living and hardship, Bill S-212 only deals with Nunavik. This area is different from Nunavut and the Northwest Territories in that in addition to the federal and municipal taxes, residents in Nunavik also pay high provincial taxes. This taxation situation is different from the territories.

It comes as a surprise to many Canadians that the Inuit population in Canada does not benefit from a general tax exemption comparable to the reserve-based exemption provided to First Nations under the Indian Act. The Inuit taxation in Canada had been designed by southern Canadian leaders for southern Canadian wage earners, who have access to readily available goods and services. In the North, the people are in transition and these southern rules are killing us. They place a strain on our communities and put individuals in great debt.

It is a grave situation. About 40 per cent of the Nunavik population lives below the poverty line. Dr. Gérard Duhaime, a University of Laval sociologist who has studied this region for the last 30 years, tells us that 44 per cent of private households in Nunavik live with less than a minimum comfort budget.

We do not accept a situation like this internationally in other countries, so it is upsetting that is accepted in the Canadian North, where we have elders supporting multiple generations of families on whatever is provided from Old Age Security benefits. They are the ones hardest hit by poverty in Nunavik.

People have no choice. They must hunt and fish to survive; yet affording the very equipment and tools for this subsistence harvest is proving to be almost impossible. The community freezers must be filled or people will starve or die.

Dr. Duhaime tells us that most of the Inuit workers in this region are the working poor. There is a great difference in the income that the Inuit in Nunavik earn through their work. A few can earn good wages in the public service or in organizations that can afford to pay good wages. However, there are also many who earn very little; they are close to the minimum wage as they work for organizations that can only afford to pay them at that level.

The rationale for Bill S-212 is clearly and concisely stated in its preamble. This legislation is necessary because the cost of living in this region is excessive compared to that of Canadians living south of the 55th parallel.

This bill is necessary because the cost of transportation is transferred to the price of food and other necessities. At the cash register, consumers will pay tax on this inflated price, which seriously limits their purchasing power. On a per capita basis, the Inuit are the most heavily taxed people in Canada. People simply cannot afford to purchase those necessities.

This legislation will provide uniquely needed economic assistance and promote social well-being. It will remove economic injustices endured by the people of Nunavik.

Honourable senators, there is a slight difference in the legislation I am introducing this time around. You will notice that amendments to the Income Tax Act dealing with the Northern residents tax deduction have been removed. This has been done to simplify this legislation in an effort to expedite its passage through Parliament. I wish to inform you that I have not given up on this particular taxation issue, but I have decided it is a matter too cumbersome to be placed in this particular bill.

There is wide support for the use of tax policy and variant tax treatment in Canada. On this note, I would like to leave you with some thoughts from national Inuit leader Mary Simon. She says:

... questions such as these must be answered with a kind of radical practicality. "Practicality" because we need concrete measures that bring about improvements in the day-to-day lives and hopes of communities, households and individuals; "radical" insofar as the accumulation of unmet economic and social problems demands boldness and imagination from all of us in a healthy impatience with the status quo.

This legislation can only be looked at as a step toward an anti-poverty strategy for this region.

In his May 2009 report, entitled *Poverty in Nunavik: State of Knowledge*, Dr. Duhaime outlines many proposals from academics like Marcelle Chabot. These academics recognize the role and importance of traditional activities, increasing assistance to the harvesters and adjusting wages to the cost of living. These are all ways to combat poverty in this region of Canada.

Honourable senators, Mary Simon has told the Senate that special tax treatment afforded to Arctic regions should make a difference, a tangible and rapid difference.

This is what Bill S-212 does. Within the confines of Senate private member's legislation, it is aimed at making a tangible rapid difference, and I would like your support. For many in my region, it will make the difference between life and death. Quite simply, if a person is not occupied by the struggle of obtaining the basic necessities of life, then they will have the energy to

contemplate things that many take for granted: an education and a healthy family and community. I am asking for my people to have those opportunities, also.

Thank you. Nakurmiik.

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

• (1550)

## FEDERAL SUSTAINABLE DEVELOPMENT ACT AND AUDITOR GENERAL ACT

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

**Hon. Tommy Banks** moved second reading of Bill S-210, An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament).

He said: Honourable senators, the bill before you is a reintroduction of a bill that was known as Bill S-216 in the previous session. It was introduced and debated in the Senate. It was sent to our committee, the Standing Senate Committee on Energy, the Environment and Natural Resources, and debated there. The committee recommended the bill's passage. It was passed at third reading in the Senate and was sent to the other place. It was introduced in the House of Commons and then debated at second reading there.

I am happy to tell honourable senators that, in debate at second reading in the House of Commons, led off by its Conservative sponsor, Stephen Woodworth, it received support from the government and from all speakers representing all parties. It was then sent to a committee of the other place where it was about to be studied for the report back to the house when prorogation occurred.

Fortunately for the life of this bill, a provision in the other place called Standing Order 86.2, which says that, in the case of *lex interruptus* brought about by prorogation, a Senate bill can be restored to the procedural place that it occupied in the House of Commons immediately before prorogation, provided that it is passed in the Senate — again, and in a form identical to the original — and returned to the House of Commons within 60 of their sitting days in the new parliamentary session.

Ten of those days have now elapsed. Honourable senators, I can assure you that the bill presently before you is identical in every respect to the bill that was in committee in the House of Commons and which, at prorogation, died on the Order Paper.

I am the purported author of this bill but, in fact, the bill is the unanimous bidding of the Standing Senate Committee on Energy, the Environment and Natural Resources, which, in examining the Federal Sustainable Development Act and relevant and connected parts of the Auditor General Act, instructed me to draft and introduce the amending legislation. In fact, the amendment to the Auditor General Act is at the specific request of the Auditor General.

This bill seeks to amend two existing acts of Parliament: the Federal Sustainable Development Act and the Auditor General Act. Since 1995, the federal government departments have been obliged by successive governments of both stripes to have a sustainable development plan of some kind and to report annually as to its success and efficacy in operating in a sustainable way.

That policy was based upon the reasonable premise that, if the Government of Canada were to ask Canadian businesses, Canadian enterprises, Canadian industry and Canadians as individuals to observe the principles of proper sustainable development, it must first do so itself; it must take care of its own backyard. For some time, the government's policy in that respect was referred to as the Federal House in Order Initiative.

Since it was instituted, that policy has been honoured "intermittently" — to put it as kindly as possible — across the various departments of government. Some have done well and reported great successes. Some have not done so well and have reported candidly and fully. However, other government departments have honoured the policy more in the breach than in the observance.

The unevenness of the application of this policy among government departments has been reported on in this place, and has been called to Parliament's and to successive governments' attention by the Commissioner of the Environment and Sustainable Development and by the Standing Senate Committee on Energy, the Environment and Natural Resources. Both have done so several times.

The reaction to these alarms we have raised has not been heartwarming. However, in the Federal Sustainable Development Act and the Auditor General Act, we now have not merely policy but legislation that is enforceable. It has been given the weight and the teeth of statute.

The Honourable John Godfrey was, during his long service to Canadians, an indefatigable champion of the environment and of environmental responsibility. In the Second Session of the Thirty-ninth Parliament, he devised what was then called Bill C-474. It was passed in the other place during that Parliament and sent here for concurrence. It was called the Federal Sustainable Development Act. The object of that bill was so admirable, so needed and so necessary that, when it came before us in the Senate, the Energy Committee recommended to this place its prompt passage, notwithstanding deficiencies in the bill.

We were coming to the end of that session. Mr. Godfrey, who had been a public servant, admired on all sides, was retiring and we did not want to return an amended bill to the other place in case it might be lost. We agreed that, despite its deficiencies, we would report the bill to the Senate and urge its passage without amendment. In other words, we did not want to let the perfect stand in the way of the good.

The Senate passed the bill and the Federal Sustainable Development Act is now law.

However, the Energy Committee's report, recommending its passage, included significant observations, which effectively form the substance of the bill before honourable senators now. This law requires fixing, and that is our job in the Senate; we are the quality control department of Parliament. The bill before us, honourable senators, is for that specific purpose.

Two rectifications are included in this bill of amendment. The first relates to the place of the Senate in the proper business of Parliament. Under the Federal Sustainable Development Act, various reporting procedures are required of ministers of the Crown. On behalf of the Auditor General, various reporting procedures are required of the Commissioner of the Environment and Sustainable Development. These reports all end up in Parliament.

However, according to the act as it is presently written, the reports are tabled only in the House of Commons. The act requires that the various reports be referred for study to the respective committees only of the House of Commons. The reports are not required to be tabled in the Senate. The reports are not required to be referred to committees of the Senate.

I will quote, in respect of that issue, from the observations that accompanied the recommendations by the Standing Senate Committee on Energy, the Environment and Natural Resources on Bill C-474. They said:

Until and unless the Constitution is amended, Parliament consists of the Crown, the Senate of Canada, and the House of Commons. No proposed legislation of this order would ever leave the Senate of Canada without provisions for the participation in the Act's various functions by the House of Commons. Regrettably that practicality, not to say courtesy, is absent in the present Act.

• (1600)

Honourable senators, in the short time that I have been here, in various committees and sometimes on the floor of this place, we have caught several such omissions from the proper business of Parliament. Some of them have been inadvertent; some have been accidental; many have been fixed very quickly and some with apologies.

With respect to the Federal Sustainable Development Act as originally presented in the other place by Mr. Godfrey, both Houses of Parliament — including this one — were included in those reporting procedures. Senate committees were included in the committees to which the reports were to be sent for study. However, the references to the Senate of Canada were removed during the committee process in the other place as the result of motions by persons who do not think there ought to be a Senate of Canada.

This was not accidental oversight; this was deliberate omission. It weakens the act. It undermines the attempt to make environmental decision making more transparent. It is an affront to us and to this place. The bill of amendment now before us fixes that shortcoming.

The second part of the present bill seeks to amend the Auditor General Act. It is a simple and practical amendment. As the Federal Sustainable Development Act is presently written, reports

by the Commissioner of the Environment and Sustainable Development are to be made in his or her annual report to Parliament. That only occurs once a year, honourable senators. According to the act, the commissioner may find, shortly after having made her or his annual report to Parliament, something necessary to report to Parliament with a certain amount of urgency and without letting a year pass before the next annual report.

Bill S-210, now before us, says that a report may be made by the commissioner during the course of his or her annual report in Parliament as prescribed in the act that creates the office or during other times of the year during which the Auditor General may report to Canada. The Commissioner of the Environment and Sustainable Development is a function of the Office of the Auditor General. That provision of the bill before honourable senators is of a specific request of the Auditor General of Canada.

Honourable senators, we need to fix the act in both of those ways to make it work effectively and to maintain the proper place of the Senate in the business of the Parliament of Canada. I urge that we move this bill forthwith to the Standing Senate Committee on Energy, the Environment and Natural Resources for study and recommendation in the hope that we can return it to its standing in the other place.

**Hon. Hector Daniel Lang:** Honourable senators, I appreciate the history that the honourable senator gave to the house. The honourable senator gave a fairly accurate description of what has taken place in the past. I realize that the clock is ticking from the point of view of getting this legislation through the Senate and expeditiously returning it to the House of Commons if we are to do it in the time frame Senator Banks mentioned. I would like some time to reflect on the bill. Therefore, I ask honourable senators to adjourn debate on the motion at this time. I will return soon to speak to the bill.

(On motion of Senator Lang, debate adjourned.)

## PARLIAMENTARY REFORM

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the issues relating to realistic and effective parliamentary reform.

**Hon. Grant Mitchell:** Honourable senators, thank you for the opportunity to speak to this item on the Order Paper. I applaud Senator Cowan for raising the matter of realistic and effective parliamentary reform. Clearly the issue of Parliamentary reform is current and important. Heaven only knows that one feature of it seems to be a priority of this government. I would like to address that particular feature, which is Senate reform. I have a few points I would like to make.

An interesting poll recently suggested that Canadians are considerably more concerned about reforming the Prime Minister's Office than they are about reforming the Senate. Many of us can understand that implicitly.

**Senator Stratton:** Are you from Alberta?

**Senator Mitchell:** Speaking of the Prime Minister, I would like to respond to Senator Segal's points the other day. It was striking to me that he would elevate the Prime Minister to the level of a paragon of democratic virtue for any number of reasons, but the one that he chose — which was even more striking — was that this Prime Minister was the first ever to appear before a Senate committee. I thought that was tremendous. He appeared once on an issue of tremendous importance to him with which he is trying to make significant political gain at the expense of this remarkable, wonderful and beautiful institution.

If the Prime Minister was truly a paragon of democratic virtue — based on that kind of observation — I would ask Senator Segal perhaps to invite him to appear before the Nation Security and Defence Committee to discuss Afghan detainees or perhaps he could appear before the Legal and Constitutional Affairs Committee to discuss prorogation or fixed elections. I could continue. My point is that we should put that particular argument of Senator Segal's in perspective.

I would like to talk specifically about two proposals that seem to be current and central to the government's efforts to reform the Senate. First is fixed terms. Senator Cowan made the most devastating criticism of the eight year, fixed-term proposal, which is that a single Prime Minister could appoint every single senator having been elected only twice. Eight years in power would add up to appointing all senators. While that may be appealing to the current government members in the Senate, that situation can change. Hopefully, it will change sooner rather than later.

There are other arguments as well. Eight-year appointments are not, perhaps, sufficiently long. The average length of time in the House of Commons for a member of Parliament in recent history, according to a statistic I saw, is about six to seven years. The average length of time for a senator has been about 11 years. If we specified eight years, we would never get to eight years because some people would not sit that long and some would sit no longer. We would average less than eight years.

That would damage the Senate's ability to provide two things. First is to provide institutional memory. It takes a while to learn what is happening in the chamber and to see what takes place in Ottawa and in governments. In my experience with longer standing senators, I have seen tremendous value in what those senators bring to discussion and debate because of that experience.

Second is that senators — and there are many examples of this — have been able to take issues that do not necessarily have a particular political urgency, making them less appealing in the other place, and develop those issues over long periods of time with great success and significant impact. For example, we all are aware of Senator Michael Kirby's work with his committee on mental health. We are aware of Senator Lucie Pépin's work on family centres for the support of military families; Senator Sharon Carstairs' work on palliative care; and Senator Joyce Fairbairn's work on literacy.

These are issues that perhaps would not otherwise be picked up by a politician driven by an election that can happen next week. There is no certainty of how long they will be in the house and the issues do not have political immediacy.

I do not believe eight years is sufficient time given that the term will not be eight years since the average sitting time for senators will probably end up at five years or six years and could possibly be even less time than the average sitting term for a member of Parliament. Therefore, we must look at a longer term for sure.

Another issue of term limits is compounded by the fact that there will be, or was last time at least, no provision for reappointment or re-election. If we are not to be concerned with the Prime Minister being able to appoint every senator within two elections, then re-election becomes very important to the accountability process.

• (1610)

Much of the talk about Senate reform is to make it more accountable. It is absolutely not accountable if its members never have to seek re-election or have the chance to be reappointed. That would not be an improvement over what we have now, if people truly are concerned about accountability.

The process of electing is fraught with difficulty and it is hard to argue against electing a Senate in the 21st century, although there are some who do that with credibility. However, we have to be careful about electing and causing a problem that is worse than the problem we are trying to solve without having figured out some of these issues first.

As all honourable senators know, and many Canadians do not know, the Senate has profound power over the House of Commons. The Senate can veto literally everything that the House of Commons does because budgets, bills, et cetera, require the approval of the Senate. This place has not tended to exercise that generally because senators know they are not elected. More specifically, at this time, there is fear that the Prime Minister would simply call an election if the Senate were to do anything remotely resistant to the Prime Minister, who likes to control, of course.

However, if senators were elected, this place would begin to see senators stand up and veto what the government proposes to do. It is not impossible that with the right mix of senators, the Senate could hamstring government entirely. Look at what happens in the U.S. where there is no way to break an impasse of any consequence at all. It is all in the negotiations. Their system is bogged down such that they cannot find leadership and they cannot perform difficult tasks. They cannot even put in a health care plan, even though it will not cost the public purse any money, because some people are afraid that it might.

We have the advantage of not having that problem at this time, but we could have such a problem if we elect Canada's senators without first figuring out how to break an impasse. In Australia, when the two houses disagree twice on the same issue, they go to an election. Many honourable senators who have been actively involved in politics know that an election focuses people's attention.

We then have to wonder if the Prime Minister would follow these ad hoc elections. Let us say there were 52 Conservatives and 52 Liberals in the Senate, and that the senator elected to the next position was a Liberal. Would this Prime Minister appoint that Liberal senator to make it 52 and 53 with a Liberal majority? Well, he did not even adhere to his fixed-term elections. We would

want something to direct him to do that before we could have any confidence in this Prime Minister.

The other problem is specific to the West, in particular Alberta. There is a sense that if we begin to elect senators, we will have regional imbalance redressed. This is a big issue in Alberta where we have felt alienated and wronged from time to time. Ironically, if we elected senators, we would start to exercise our power in a much more rigorous way based on current seat allocations. Here are the numbers for the Conservatives, who love numbers. Alberta has 5.3 per cent of the seats in the Senate, where purportedly we would have regional representation, and 9.7 per cent of the seats in the House of Commons. Electing would not help Alberta, but make it worse. We would have less representation in the Senate than we would have in the House of Commons. As well — and I am not begrudging this — the historical fact is that Nova Scotia and New Brunswick each has 10 seats. Alberta and each of the Western provinces has 6 seats. Taken as a region, the West has 24 seats, while the Atlantic provinces have 30 seats. Do not tell me that somehow this will properly redress regional imbalance, because it will not do that. Instead, it will exacerbate the problem, making it worse.

The other issue to mention is what electing a Senate would do to the relative power structures of the various political entities in Canada. I mentioned earlier that the executive branch, the Prime Minister and the House of Commons certainly would have a problem if senators began to veto.

I love saying this to our Conservative Alberta MPs when I bump into them in the airport: There are 28 Alberta MPs and 6 elected Alberta senators. Who do you think will be more powerful? Whom do you think the press will want to speak to? Who do you think will have the force and the podium from which to speak? It will not be the members of Parliament who represent one twenty-eighth of a province. It will be the senators, who represent the whole province, although they are 72 per cent fewer in numbers than the members of Parliament. Senators will have much more influence.

I often ask people to name five members of the U.S. Congress. They cannot do it. I then ask them to name five senators in the U.S. Senate. Most people can do that. Why is that? It is because senators have presence and power, which brings me to my next point.

Does anyone truly believe that this Prime Minister wants an elected Senate? Does he want to give away that power so that he cannot do what he wants to do? It is anathema to everything he does with respect to power. He is not truly worried about it, because he assumes that he will never have an elected Senate.

Once senators are elected, they will exercise their powers rigorously to represent regional interests. Where does that power currently reside? It resides with the provinces and their respective premiers. Where would we take the power from? It is not infinite power. We would take it from the premiers. When I ask people to name five governors in the United States, they find it more difficult now that Sarah Palin has resigned. People remember the name of Arnold Schwarzenegger. However, they cannot name any others because so much of the power resides with the Senate. So, we are playing with a certain kind of fire that needs to be debated and elevated way above simple spin politics.

Some people think that the Senate is useless. Some of our new senators are beginning to realize just how hard we work. We do great work in this place and we need to continue that. The last time I checked, there are 26 federations in the world, 24 of which have second houses. Mauritius and the United Arab Emirates, which have fewer than 2.5 million people, do not have second houses. Canada is one of the largest countries in the world. It is complex and complicated to govern with 13 jurisdictions, many cultural groups and various economic levels and energy systems. If any country on the face of the earth needs a Senate, it is Canada, which has been well-served by the Senate for a long time.

There are those who lament the fact that young people and others are not interested in participating in the political process. We hear so much aggressive criticism by the government of our institutions, in particular the Senate. Nothing good is said about the Senate by the leadership on the other side. It hammers and hammers not only this institution, but every institution that it does not like at some point. People think it must be bad because those in a position of authority are forever putting it down.

Let me make this point: The parliamentary system of government is the most successful system of government on the face of the Earth and it has lasted longer than any other system of government. It began about 900 years ago with the signing of Magna Carta. We have a tremendous, wonderful, remarkable system of government.

**The Hon. the Speaker:** The honourable senator's time has expired.

**Senator Cordy:** Five minutes.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Five minutes.

• (1620)

**Senator Mitchell:** I thank honourable senators. Yes, it can be improved, but let us step back — people in this house, new ones and others in particular — and say: “We will not criticize this institution for the sake of criticizing it for political gain.” The Senate is a special place. Of all the people in the country, honourable senators have a special responsibility to protect and defend it: yes, to improve it, but also to protect and defend it.

**Hon. Gerry St. Germain:** Will the honourable senator accept a quick question?

**Senator Mitchell:** Yes.

**Senator St. Germain:** What confuses me is that the honourable senator is concerned about the powers that exist in the executive branches of government. This situation is something that has been discussed over the years. Yet, he is opposed to changing this place. It appears that he is concerned about the veto power that this place will gain with an elected process.

As honourable senators know, for 10 years I have sat here as a proponent of an elected Senate. I realize that it is not a simple task. However, how does one square the circle of saying there is too much power in the executive branch, yet we do not want this change that will bring about the ability to place a check and balance on the executive branch?

**Senator Mitchell:** First, I thank the honourable senator for that question. I enjoyed his statement today about his grandfather. It was interesting to me that, in this context, he came from Britain, where the parliamentary system started.

I never said that I think the Prime Minister necessarily has too much power. I think the power has been abused. I think that any prime minister can abuse power, but any prime minister does not have to do so. No matter what the powers are, and no matter what the structure is, one always runs the risk of power being abused.

I think we need a relatively strong prime minister and cabinet process because Canada needs strong governance. It is a difficult country to govern. If we erode the central government too much, we can damage absolutely the future of this country. That is how I square it.

I think reform needs to happen in the other place. Canadians think the Prime Minister has too much power. Some of that can be worked with. The kind of absolute hamstringing that would happen if we elected senators without finding a way to break an impasse is different and would be damaging.

**Hon. Fabian Manning:** Honourable senators, I listened intently to the honourable senator across the way as he spoke about the American system and the fact that he went out and asked people to name five senators or five congressmen in the United States. I wonder if he undertook an exercise of going out into the airports or onto the streets of Canada to ask an ordinary Joe or Mary to name five senators in the Canadian Senate. If he did, what response did he receive?

**Senator Mitchell:** I am sure they could not name five senators in the Canadian Senate but, of course, they would have no interest in doing so because the honourable senator's Prime Minister is always putting senators down. If he were not, senators might have a chance to be elevated above that level.

(On motion of Senator Comeau, debate adjourned.)

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO STUDY NATIONAL SECURITY AND DEFENCE POLICIES AND REFER PAPERS AND EVIDENCE SINCE FIRST SESSION OF THIRTY-SEVENTH PARLIAMENT

**Hon. Pamela Wallin** pursuant to notice of March 16, 2010, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the national security and defence policies of Canada, including, but not limited to:

- (a) the capability of National Defence to defend and protect the interests, people and territory of Canada both here and abroad; and its ability to prevent and respond to a national emergency or attack;
- (b) the role of our Forces in Afghanistan and post 2011;

- (c) the relationship with NATO, NORAD, the UN, other international bodies and our allies; the role and use of reservists; the effectiveness of humanitarian efforts such as Haiti; and the Canada First Defence Strategy;
- (d) the working relationships among the various agencies involved in intelligence gathering, security, protection and defence, and how they collect, coordinate, analyze and disseminate information and whether these functions might be enhanced;
- (e) the existing mechanisms to review the performance and activities of the various agencies involved in security, intelligence, defence and humanitarian assistance;
- (f) the security of our borders and critical infrastructure and the impact on consumers, transport systems, border security and budgets;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First session of the Thirty-seventh Parliament be referred to the committee; and

That the committee report to the Senate no later than June 16, 2011 and that the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

**The Hon. the Speaker:** Do honourable senators want a debate?

**Hon. Joseph A. Day:** Honourable senators might like to hear that this mandate is similar to the mandate of the last session for that committee and whether new initiatives are planned.

**Senator Wallin:** I think there are things that honourable senators would consider “new” items to the agenda. There will be a focus on Arctic sovereignty. I have asked the chairs of other Senate committees looking at the question of Arctic sovereignty — whether it is the Standing Senate Committee on Fisheries and Oceans; the Standing Senate Committee on Energy, the Environment and Natural Resources; or the Standing Senate Committee on Foreign Affairs and International Trade — if they are willing to participate through their own committees in looking at the issue of Arctic sovereignty through their vantage point so that we might collect that information and create a general Senate report at some point.

Of course, the uniqueness of our situation now regarding Afghanistan is obviously a new vantage point because of the timing. The future and the status of our troops and their equipment, the security of our country and of our borders and such items as those are issues of long-standing importance.

**Hon. Jane Cordy:** Honourable senators, I wish to ask a question. I note that the honourable senator will be dealing with other international agencies such as the North Atlantic Treaty Organization, North American Aerospace Defense Command and the United Nations, which is great, and the committee will look at Arctic sovereignty.

Will the committee look at Arctic sovereignty in relation to other NATO countries, particularly those NATO countries that are in the Far North?

**Senator Wallin:** As I am sure honourable senators are well aware, a conference is coming up at the end of March, and some of those countries will gather.

It is not so much that we will look at NATO in that context. Rather, we will look at our relationship with NATO as part of the International Security Assistance Force, ISAF, operation in Afghanistan, which is a NATO-UN mission. NATO itself is looking at its own future. We will examine some things they are contemplating and how they might impact us as a member country.

**Hon. Tommy Banks:** Honourable senators, Senator Wallin and I discussed this point yesterday. In paragraph (c), am I correct in assuming that the words “the relationship with NATO, NORAD, the UN, other international bodies and our allies” is circumscribed by the words in the first paragraph talking about “on the national security and defence policies of Canada”? That is the context in which we are talking about the relationship of Canada with NATO, NORAD, the UN and other international bodies. Do I understand that point correctly?

**Senator Wallin:** If I understand the honourable senator correctly, he is talking about the paragraph that says: “That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the national security and defence policies of Canada, including, but not limited to”?

**Senator Banks:** Yes, and then paragraph (c).

**Senator Wallin:** Yes, everything the honourable senator sees is in the context of our national security and defence policy. That is the nature of our committee.

**Senator Banks:** Thank you.

[Translation]

**Hon. Roméo Antonius Dallaire:** Honourable senators, in the context of our study on Arctic sovereignty in cooperation with the Committee on Aboriginal Peoples and the Committee on Energy, the Environment and Natural Resources, among others, and following the example of the magnificent initiative you presented in committee today, I would like us to stop thinking of the Arctic as a “frontier,” which is what we see in the English version, and start describing the Arctic as a border or a “frontière,” as it is described in the French version —

[English]

— meaning a border, and to get out of this context of continuing to consider the Arctic as the frontier area of our country while being very much a border, just as the border in the South. Our centre of gravity is far more northern than we think, and we will try to work within the context of making that a border of Canada and all responsibilities that lie therein.

**Senator Wallin:** I do not see anything in the motion that is somehow mutually exclusive of that point.

• (1630)

I do not mean to imply that by using the phrase “Arctic sovereignty,” which I think is shorthand in everyone’s mind for the relationship and what that relationship will bring to Canada and who are we doing business with there and in the surrounding areas.

I do not think I implied it was a frontier, but the point of bringing the vantage points, whether it is the Aboriginal People’s Committee or the Energy Committee, is to look at that very much as if it is our territory and determine, therefore, what it means to us.

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

**An Hon. Senator:** Question!

**The Hon. the Speaker:** It is moved by the Honourable Senator Wallace — shall I dispense?

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** Are honourable senators ready for the question? All in favour of the motion will signify by saying “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed will signify by saying “nay.”

**Some Hon. Senators:** Nay.

(Motion agreed to, on division.)

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

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