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**Tuesday, March 30, 2010**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Tuesday, March 30, 2010

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

Prayers.

### SENATORS' STATEMENTS

#### EXTENSION OF CANADA'S ROLE IN AFGHANISTAN

**Hon. Hugh Segal:** Honourable senators, I rise to express the profound hope that the Parliament of Canada, most notably the House of Commons, will see its way clear to modify its resolution of March 13, 2008, and agree to the continued deployment of Canadian humanitarian and military forces in the ongoing engagement in Afghanistan.

The Prime Minister is to be commended for staying fast and true to the resolution on the end of the Kandahar province combat engagement in 2011, but that faithfulness does not negate the need for vision and renewed commitment now.

Afghanistan is a critical theatre in an important war against terrorism, which is and remains a scourge on humanity. Canadian troops have spent too much blood and grief, and shown too much courage and progress to end the engagement before realistic stability goals are attained. A minority Parliament does not justify a failure of will or avoidance of international responsibility.

The nature and mix of our deployment there may change, and that is for elected parliamentarians to decide, but Canada's commitment to fight the pathologies of terrorism in a part of the world where they are most intense must not.

#### LITERACY SKILLS

**Hon. Catherine S. Callbeck:** Honourable senators, four in ten — or 42 per cent — of working-age Canadians have literacy skills that fall below what is adequate for coping with the demands of everyday life and work in an advanced society.

More disturbing, these numbers will not improve in the future if things continue the way they are now.

Higher levels of literacy skills are fundamental to the success of this country. Research has shown there is a strong relationship between literacy skills and social and economic issues like health, productivity and crime.

Adults with low literacy skills can have poorer health outcomes, work fewer weeks at a time, and make less during those weeks. Adults with higher literacy skills are healthier, experience less unemployment, earn more, and rely less on government assistance. They even tend to be more involved in community groups and in volunteer activities.

In uncertain times like these, adult learning has even more benefits. In its September 2009 report, *State of Adult Learning and Workplace Training in Canada*, the Canadian Council on Learning notes:

Education and training can also act as a protective factor in times of economic instability, enabling individuals to adapt to fluctuations in the labour market — serving as a preventive, rather than a reactive, form of social policy.

Without a doubt, improving literacy has real benefits to individuals and to society. Support for literacy and learning is an investment, not a cost. That is why I urge the federal government to make literacy a higher priority on its agenda. We need to encourage Canadians to keep updating their skills; lifelong learning should be the norm. By improving literacy levels across the board, we can improve everyone's quality of life and strengthen the Canadian economy at the same time.

[Translation]

### QUEBEC

#### SERVICE NEUTRALITY

**Hon. Suzanne Fortin-Duplessis:** Honourable senators, the vast majority of Quebecers, together with Canadians from other provinces, support the Quebec government's decision to require all individuals receiving or providing government services to show their faces.

According to an Angus Reid poll commissioned by *The Gazette*, nearly all Quebecers — 95 per cent — and 8 out of 10 Canadians support Bill 94, which sets out guidelines on accommodation requests.

On Wednesday, the Government of Quebec introduced a bill providing that, henceforth, people must show their faces to provide or receive government services. Like the vast majority of Canadians, I applaud that decision. Women wearing a niqab or burqa must have their faces uncovered when dealing with a government employee regardless of whether the employee is male or female.

This bill is the Charest government's response to a recent controversial incident involving a woman of Egyptian origin who chose to stop attending her French classes rather than remove her niqab when asked to do so.

Bill 94 is limited in scope, seeking primarily to establish guidelines on accommodation requests and to help government employees handle situations involving women who request services but are wearing garments that cover their whole bodies, including their faces.

If a request for accommodation is made, government officials do have some latitude. The department or organization involved should grant requests only if they do not create any "undue hardship."

Employees must consider whether a request would generate any expense or raise issues of security, communication or identification.

Furthermore, the bill states that accommodation will be subject to the Charter of Rights, specifically with respect to gender equality. Gender equality is a fundamental and non-negotiable value for Quebecers.

The Conseil du statut de la femme, which was consulted as the bill was being drafted, is very pleased with the government's initiative.

With this bill, Quebec is affirming the state's "neutrality," not its "secularism." Basically, this means that it will not ban religious symbols other than the full-body veil.

Honourable senators, Quebecers are reaffirming the province's historical choice to favour open secularism.

[English]

### COMMEMORATION OF THE SINKING OF THE *TITANIC*

**Hon. Jane Cordy:** Honourable senators, April 15, 2012 will mark the one hundredth anniversary of the sinking of the *Titanic*. Along with Belfast, Cork, Southampton and Cherbourg, Halifax played a significant role in the history of the *Titanic*. In April of 1912, Halifax was a staging site for much of the search and rescue operations where cable ships were dispatched to pick up victims and debris. Halifax's Fairview Lawn Cemetery is the final resting place for 150 of the victims of the *Titanic* disaster. The gravestones of those buried there align to form the shape of a ship's hull.

For an excellent history lesson on the *Titanic* search and rescue operation, I encourage all senators to visit the Maritime Museum of the Atlantic in Halifax. The museum does an outstanding job of telling the story of the legacy of Halifax and the role Halifax played in the *Titanic* disaster rescue mission. The museum houses many *Titanic* artifacts that were pulled from the water within weeks of the sinking by ships from Halifax searching for *Titanic* victims. Included in the exhibit with the wooden items pulled from the Atlantic Ocean is one of the only *Titanic* deck chairs known to exist.

• (1410)

Efforts are under way in Nova Scotia to commemorate the one hundredth anniversary of the sinking of the *Titanic* by The Titanic 100 Society. The Titanic 100 Society is a broad-based initiative whose goal is to bring together community organizations and partners to strengthen ties with the legacy of the *Titanic* and promote the province of Nova Scotia and its efforts in the aftermath of one of history's greatest nautical disasters.

To help highlight the role Nova Scotia played in the rescue and recovery operations, the Titanic 100 Society plans to work with community partners and tourism Nova Scotia to organize events and programs in 2012 to commemorate the centennial of the sinking of the *Titanic*.

I support the Titanic 100 Society's efforts and I hope honourable senators will lend their support as well.

### SCHOLARSHIPS FOR CHILDREN OF CANADA'S SOLDIERS

**Hon. Consiglio Di Nino:** Honourable senators, the mental picture of 16 university professors banding together to oppose scholarships for children of Canada's soldiers who gave their lives in the service of others disturbs me.

While the vast majority of Canadians honour the men and women of the Canadian Forces and consider those who paid the ultimate price as heroes, these 16 so-called learned people offer a perverse opinion of the soldiers as tools of "the increasing militarization of Canadian society and politics."

I find their position contemptible and their statement offensive. They tarnish the excellent reputation of the Canadian Forces. They demean the goodwill of those who created and ran the Project Hero program, and they offend Canadian values.

Honourable senators, I am frankly concerned. These individuals have been entrusted with the education of future Canadian leaders. A March 27 editorial in *The Globe and Mail* stated, in part:

... there is now a greater probability that one day the child of a soldier killed in action, a fallen hero, will stand up in class and challenge the pervasive and doctrinaire leftist analysis of the mission in Afghanistan.

To that I say amen.

### JOURNALISTS LOST IN THE LINE OF DUTY

**Hon. Joan Fraser:** Honourable senators, I rise again this year to pay homage and bear witness to journalists who were killed in the line of duty. Last year, as listed by the Committee to Protect Journalists, 99 journalists lost their lives.

They were: in Afghanistan, Michelle Lang, of Calgary, Sultan Mohammed Munadi and Jawed Ahmad; in Azerbaijan, Novruzali Mamedov; in Brazil, José Givonaldo Vieira; in Colombia, José Everado Aguilar, Diego de Jesus Rojas Velasquez, and Harold Humberto Rivas Quevedo; in the Democratic Republic of the Congo, Bruno Koko Chirambiza and Bruno Jacquet Ossébi; in El Salvador, Christian Gregorio Poveda Ruiz; in the Gaza Strip, Basil Ibrahim Faraj; in Guatemala, Rolando Santiz and Marco Antonio Estrada; in Honduras, Rafael Munguia Ortiz and Gabriel Fino Noriega; in Indonesia, Anak Agung Prabangsa; in Iran, Omidreza Mirsayafi; in Iraq, Orhan Hijran, Alaa Abdel-Wahab, Suhaib Adnan and Haidar Hashim Suhail; in Kazakhstan, Gennady Pavlyuk; in Kenya, Francis Nyaruri; in Madagascar, Ando Ratovonirina; in Mexico, Bladimir Antuna Garcia, Eliseo Barron Hernandez, José Emilio Galindo Robles, Norberto Miranda Madrid, Juan Daniel Martinez Gil, Carlos Ortega Samper, Jean Paul Ibarra Ramirez and José Alberto Velazquez Lopez; in Nepal, Uma Singh; in Nigeria, Bayo Ohu; in Pakistan, Janullah Hasimzada, Wasi Ahmad Qureshi, Musa Khankhel, Siddique Bacha Khan, Raja Assad Hameed, Tahir Awan and Mohammad Imran; in the Phillipines, Henry Araneta, Vyacheslav Yaroshenko, Godofredo Linao, Mark Gilbert Arriola, Rubello

Bataluna, Arturo Betia, Romeo Jimmy Cabillo, Marites Cablitas, Hannibal Cachuela, Jepon Cadagdag, John Caniban, Lea Dalmacio, Noel Decina, Gina Dela Cruz, Jhoy Duhay, Jolito Evardo, Santos Gatchalian, Bienvenido Legarte Jr., Lindo Lupogan, Ernesto Maravilla, Rey Merisco, Reynaldo Momay, Marife "Neneng" Montano, Rosell Morales, Victor Nunez, Ronnie Perante, Joel Parcon, Fernando Razon, Alejandro Reblando, Napoleon Salaysay, Ian Subang, Andres Teodoro, Daniel Tiamson, Benjie Adolfo, Crispin Perez, Jojo Trajano, Badrodin Abbas, Ismael Pasiona and Ernie Rolin; in Russia, Abdulmalik Akhmedilov, Natalya Estemirova, Shafiq Amrakhov, Anastasiya Baburova and Vyacheslav Yaroshenko; in Somalia, Abdulkhafar Abdulkadir, Mohamed Amin, Hassan Zubeyr, Mukhtar Mohamed Hirabe, Nur Muse Hussein, Mohamud Mohamed Yusuf, Abdirisak Mohamed Warsame, Said Tahir Ahmed and Hassan Mayow Hassan; in Sri Lanka, Puniyamoorthy Sathiyamoorthy and Lasantha Wickramatunga; in Turkey Cihan Hayirsever; and in Venezuela, Orel Sambrano.

Honourable senators, these journalists were shot, stabbed, decapitated, bombed and beaten to death, all because they were trying to serve the cause of truth and the cause of telling the people of the world what is going on in the world. I ask honourable senators to join me in honouring them.

## SAINT MARY'S UNIVERSITY HUSKIES

### CONGRATULATIONS ON WINNING CIS MEN'S HOCKEY CHAMPIONSHIP

**Hon. Tommy Banks:** Honourable senators, yesterday my seatmate, Senator Moore, invited us to join in congratulating the Saint Mary's Huskies for winning the national Canadian Interuniversity Sport men's hockey championship. On behalf of my alma mater, the University of Alberta, I wish to join in those congratulations. For the 18 occasions on which that championship has been held, the University of Alberta Golden Bears have won the championship 14 times. We only think it is fair — Albertans are always fair — that, every once in a while, someone else should have a shot.

[Translation]

## ROUTINE PROCEEDINGS

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Claire Tunorfé, Deputy Mayor of the city of Lamentin, Martinique, representing Claude Lise, President of the Martinique General Council and Senator of the French Republic; Jacques Cornano, President of the International Commission of the Guadeloupe General Council, Mayor of the city of Marie-Galante, and Deputy Member of the French Republic; and Roland Rosillette, president of PLAC 21, an NGO.

[ Senator Fraser ]

They are guests of the Honourable Senator Losier-Cool. On behalf of all senators, I welcome you to the Senate of Canada.

## CANADIAN HUMAN RIGHTS TRIBUNAL

### 2009 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table the 2009 annual report of the Canadian Human Rights Tribunal, entitled: *Ensuring equal access to the opportunities of Canadian society through efficient, fair and equitable adjudication*, pursuant to subsection 61(4) of the Canadian Human Rights Act.

[English]

## CANADIAN HUMAN RIGHTS COMMISSION

### 2009 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table the 2009 annual report of the Canadian Human Rights Commission, pursuant to section 61 of the Canadian Human Rights Act and section 32 of the Employment Equity Act.

• (1420)

## QUESTION PERIOD

### HUMAN RESOURCES AND SKILLS DEVELOPMENT

#### CANADIAN COUNCIL ON LEARNING

**Hon. Catherine S. Callbeck:** Honourable senators, my question is for the Leader of the Government in the Senate. The Canadian Council on Learning is one of Canada's foremost researchers in education, and this morning they held a round table in Ottawa where they discussed such important topics as lifetime learning, literacy and post-secondary education.

The council's input is considered valuable to policy-makers in this country. In fact, when we started our study in the Social Affairs Committee on post-secondary education, the council's president, Dr. Paul Cappon, was one of our first panellists. However, in January the council was told that its funding was cancelled. They have indicated that they will try to continue, but it will be on a much smaller scale.

Why did the federal government cancel the funding of the Canadian Council on Learning?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, there is a big difference between cancelling something and having a program's term expire. The Canadian Council on Learning was provided with one-time funding of \$85 million in 2004. It has always been clear that the funding would expire after five years, which took them to 2009. The funding agreement was extended by our government for an extra year to March 31, 2010, to ensure maximum impact and also to allow the council to wind up its work.

We are committed to value for taxpayers' dollars and understand the need for stronger learning and labour market information systems.

Employers, workers and economists have all told us that there is a need for better information that is more aligned with labour market demand. We are focused on working with the provinces, territories and stakeholders on the creation of better labour market information.

The previous government had a plan for this program to run for five years. We extended it for one year. Simply because a program is put in place, does not mean it has to stay in place for perpetuity.

**Senator Calbeck:** I would think if a program was in existence and doing good work that this government would want to continue it.

The council was created in 2004 after cross-country consultations. Some of those consultation participants were from the federal, provincial and territorial governments, as well as education, business and labour stakeholders.

It is widely agreed that lifetime learning is essential to make Canada a leader in innovation and skills. The council has a proven track record. In fact, last year, the Secretary-General of the OECD was so impressed that he wrote to the Prime Minister and praised the government for supporting the council.

Would the Leader of the Government in the Senate impress upon the Minister of Human Resources and Skills Development the good work that the council is doing and ask that the minister consider funding this important organization?

**Senator LeBreton:** Honourable senators, my answer is clear. It is true that the council did some good work. As was the case with the previous government when they consulted people to set up the council, our government consulted with, as I mentioned a moment ago, employers, workers, economists and people in the labour market and they have advised that we should work on another model to better meet the demands of 2010 and forward.

[Translation]

## INTERNATIONAL COOPERATION

### INTERIM HAITIAN RECOVERY COMMISSION— ROLE OF WOMEN

**Hon. Rose-Marie Losier-Cool:** Honourable senators, we learned yesterday that Canada will pay \$100 million for the right to sit on the Interim Haitian Recovery Commission that is due to be announced this week in New York.

As Senator Fortin-Duplessis said in an inquiry, Canadians have been very generous to Haiti since the earthquake struck in January. They have already made \$113 million in private donations.

My question for the Leader of the Government in the Senate is this: is the \$100 million Canada will pay to sit on the Interim Haiti Recovery Commission part of the federal government's promised \$113 million in matching funds, or is this \$100 million in addition to the \$113 million?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the government was well pleased with the commitment of ordinary Canadians when they made their donations to Haiti. The matching funds, of course, will be spent directly in Haiti for the development and reconstruction of Haiti. I do not have the breakdown because we still do not know exactly what will be required but we are working with the Haitian government.

With regard to the reports that the honourable senator cites, I will take her question as notice and seek further clarification.

[Translation]

**Senator Losier-Cool:** If the \$100 million is in addition, the government should check what proportion of that \$100 million will go directly to assistance on the ground in Haiti.

Here is perhaps the most important part of my question: as a woman who is aware of the very important role women play in disadvantaged countries that are recovering from a crisis, like Haiti, I would like to know whether the \$100 million entry fee Canada will pay to sit on the interim commission will give Canada real oversight over the reconstruction activities in Haiti and not just a symbolic role.

I am especially interested in two aspects. The first is gender-based analysis in reconstruction projects. The second is targeted assistance for female parliamentarians in Haiti to help them resume their activities as soon as possible.

• (1430)

[English]

**Senator LeBreton:** Honourable senators, obviously Canada took an important lead and responded immediately to the plight of our Haitian neighbours after the disastrous earthquake on January 12. As I mentioned, the Government of Canada very much appreciated the generosity of Canadians and, of course, will provide matching funds for the reconstruction of Haiti.

With regard to the reported entry fee, as Senator Losier-Cool called it, I did say that I would seek further clarification. I believe there are meetings taking place within the next couple of days.

With regard to women, I do not think it is any surprise to anyone who has ever been to Haiti — and I have been there on several occasions — to observe that women undoubtedly play a huge role in Haitian society and did so especially in the activities following the earthquake. With respect to the distribution of aid after the earthquake, aid workers finally made the decision to distribute the aid and coupons to the Haitian women because the workers could rely on them to get the food to where it was needed, namely to their families.

I will take Senator Losier-Cool's question as notice. I cannot imagine any reconstruction or efforts in Haiti that would not involve women in a significant way. Of course, this was further reinforced by Her Excellency the Governor General when she went to Haiti and met with women's groups and also underscored the important role women will play in the reconstruction of Haiti.

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### CANADIAN COUNCIL ON LEARNING

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, I want to return to the topic that Senator Callbeck raised with the Leader of the Government in the Senate a few moments ago, which dealt with the failure to renew and continue the funding for the Canadian Council on Learning.

The leader said, as she has often said, that just because a program is in place under a previous government does not mean that this government, which was elected with different political priorities, must continue. We understand that. However, this is an organization that is universally recognized as a leader in the analysis and production of research on lifelong learning and educational issues. The leader said in her response that this was as a result of consultations with provinces, educators and others that the government was moving from this very successful model to another one. Would the minister articulate what that model is?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I do not know why it comes as a great surprise to the Canadian Council on Learning. The council was well aware that after five years of funding, from 2004 to 2009, and after receiving an extension of one year by our government to complete any work they were doing, that the funding was ending. The council received this information one year ago. Why would the council suddenly think that they could go back and ask for another year?

With regard to the recommendations the government has received about where the next focus should be, I will be happy to seek to provide Senator Cowan with more information.

**Senator Cowan:** My question was not whether the Canadian Council on Learning was surprised, disappointed or delighted about the failure to renew. My question is: Why would the government move from a successful model to no model? One could understand if the government claimed the previous government's model was found lacking and that they had chosen a more efficient model. Honourable senators, this government has done no such thing. Surely, the leader would not suggest that a government do analysis and research for five years and then simply stop. Analysis and research is a continuing process.

The other point that is important is the government quite properly has taken great credit for the amount of money they poured into infrastructure and universities last year. Those of us on this side were supportive of those investments. However, we did say there had to be another side to it. It is not simply enough to fund the infrastructure; one must fund what goes on in the infrastructure and obviously one must analyze and research the efficacy of what is done in those facilities. That is the missing part of the puzzle.

I urge the leader to call on her colleagues to reverse the decision they took with respect to the Canadian Council on Learning and put in place an even better model quickly, and sooner rather than later.

**Senator LeBreton:** Honourable senators, I can only repeat what I have said. Employers, workers and economists have told us there is a need for better information that is more aligned with

labour market demands. We are focused on working with those experts, the provinces and territories and the stakeholders on the creation of better labour market information.

Senator Cowan talks about infrastructure and the honourable senator is correct. The government, through the stimulus package, put incredible sums of money into infrastructure and also into research and development, so much so that we have had university heads, people like Allan Rock and Lloyd Axworthy, praise the government for its commitment to monies that have been directed to universities for these types of programs.

## HEALTH

### STRATEGY FOR AUTISM SPECTRUM DISORDER

**Hon. Jim Munson:** Honourable senators, my question is for the Leader of the Government in the Senate. April 2 is World Autism Awareness Day, and I listened closely to the recent budget speech, hoping to hear that there would be increased support for families dealing with autism spectrum disorders, known as ASD. The word "autism" was not mentioned in the budget.

There is a conservative estimate across our country that autism affects one in 150 families, yet Canada does not have a national strategy to understand this disorder. Canada does not have a strategy to diagnose it, prevent it or help families and people with ASD participate fully in our society.

We all know that autism is a costly condition that is bankrupting Canadian families. We are aware that autism imposes a huge burden on society. Canada's response, in my view, is not up to the challenge and we need to take action. We need a national strategy. When will we get one?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, as Senator Munson noted in his question, the Government of Canada has recognized April 2 as World Autism Awareness Day. Many honourable senators know of families who are living with autism. We have colleagues in our own caucus who have autistic children. A member of my own family has an autistic son. We strive to work with families, service providers and policy-makers to provide the best service and information to help them improve their quality of life.

In October 2007, as honourable senators are well aware, we announced the creation of a national chair in autism research and intervention to support research regarding interventions for individuals with autism, with a federal investment in that chair of \$1 million. As well, the Canadian Institutes of Health Research has also provided \$21.5 million to research effective treatments and cures for autism. All of these measures are breaking new ground and leading the way to assist families dealing with the terrible situation they face with autism.

**Senator Munson:** I thank the leader for that answer. I hate to inform the leader of bad news in regard to her statement about funding for Simon Fraser University. I have asked these questions over the last year and, of course, as the leader just mentioned, the government promised to spend \$1 million for a national research chair at Simon Fraser University. I have been informed by the university that the promised \$1 million has been sent back. The



university searched for a chair but the individual they wanted chose a university in Seattle, I believe. They could not find a suitable candidate to fill this position.

• (1440)

A promise was made, the money was sent, and now it has been sent back. Some of the reasons are unclear for the return of the money, but the chair was never established. Knowing that the money was returned to the federal government, can the Leader of the Government in the Senate tell honourable senators how this money is being used? Has the \$1 million been used to fund research or to help families with children of autism? What has happened with the announced funding for research in autism at Simon Fraser University?

**Senator LeBreton:** Honourable senators, I will take the honourable senator's question as notice. I was not aware of the situation and I thank the honourable senator for providing the information. I will find out if the university returned the money. If the government is searching for a new chair, that is disappointing news. However, it does not take away from the \$21.5 million of funding through the Canadian Institutes of Health Research, which provides research on autism for families with autistic children.

**Senator Munson:** I thank the leader for that answer. I hope that the \$1 million can be spent elsewhere in the autistic community. Once again, prominent members across this country, from doctors to individuals involved in the autism world have said repeatedly that we need a national strategy. I hoped that this government would follow the example of President Obama, who has declared that autism is a top public health priority in the United States.

When will this government establish a division for autism within the Public Health Agency of Canada so that we can track it and give it the attention it deserves as it grows in epidemic proportions?

**Senator LeBreton:** As honourable senators know, health services are delivered by the provinces and territories. I appreciate Senator Munson's compelling argument for a national strategy just as we have national strategies for cancer. However, honourable senators, I am not in a position to advise Senator Munson today on what discussions Health Canada, the provinces and the territories have had in an effort to focus exclusively on autism. I will take the question as notice.

## FOREIGN AFFAIRS

### PARTICIPATION OF INUIT AT ARCTIC MEETINGS

**Hon. Bill Rompkey:** Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, Minister Cannon hosted a meeting in Quebec of the five nations that ring the Arctic Ocean in regard to the future of the Arctic. Not all nations on the Arctic Council were included. Most importantly, there was no Aboriginal representation at the meeting. It seems that Minister Cannon lost a great opportunity to say to the world that because the Inuit, who are Canadians, have lived in the Arctic for thousands of years, this is their territory. The foreign

minister from Norway informs me that when he is at such meetings, he has someone from the Sami community next to him at the meetings.

Why were the Inuit, whose homeland was being discussed, and whose future will be more affected than anybody else's future, not invited to the meeting yesterday?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, Minister Cannon supports Canada's hard work in the North and believes Northerners play a fundamental role in Canada's Arctic sovereignty strategy. Minister Cannon spoke with the territorial premiers and the leaders of Arctic indigenous organizations in advance of Monday's meeting. He made it clear that the meeting was specifically for those countries that share a coastline on the Arctic Ocean. The Danish Minister for Foreign Affairs and Chair of the Arctic Council, Lene Espersen, will brief other members of the Arctic Council on discussions at the summit. The meeting was for attendance by countries that have a coastline on the Arctic Ocean, including Canada, the United States, Denmark, Norway and Russia. The meeting does not undermine in any way the role of the Arctic Council or the role that the government expects to play with its Northern territorial premiers and indigenous leaders in the ongoing policies on the North.

**Senator Rompkey:** The minister is aware that the Inuit have lived on that coastline longer than any people from any other nation. I will read to the honourable leader comments made by U.S. Secretary of State Hillary Clinton. She said:

Significant international discussions on Arctic issues should include those who have legitimate interests in the region and I hope the Arctic will always showcase our ability to work together, not create new divisions.

We need all hands on deck because there is a huge amount to do, and not much time to do it. What happens in the Arctic will have broad consequences for the earth and its climate.

The main point was that we need everyone at the table. There should be no divisions and no exclusions. This effort should be a collective one. I hope the honourable leader will encourage Minister Cannon to invite Aboriginal people to the table in future.

**Senator LeBreton:** Honourable senators, I noted Secretary of State Clinton's comments. I saw her on the national news extolling the virtues of the meeting and what was achieved.

Do not read anything into this meeting that was not there. The meeting was only for the countries that share the Arctic coastline with Canada. The involvement of the Inuit, territorial officials and all indigenous people of the North is part of the government's strategy. This government is addressing issues such as northern sovereignty, and is working with our northern neighbours to ensure that they play a large role in any economic development, which we hope is significant in the North. This government has done more work in the North, and provided more support for the North and northern sovereignty, than has been done since John Diefenbaker was prime minister.

## HEALTH

## APPROVAL OF BEVACIZUMAB

**Hon. Tommy Banks:** Honourable senators, my question is for the Leader of the Government in the Senate. I wish to pay her a compliment, which I will try to frame as a question. Two weeks ago, I asked the leader about trials undertaken by Health Canada with respect to the use of Avastin in the treatment of glioblastoma. Last week, Health Canada approved that treatment under certain conditions. Can we assume that is a result of the efficacy of asking the leader questions in the chamber?

• (1450)

**Senator Day:** Take credit.

**Hon. Marjory LeBreton (Leader of the Government):** That is right, Senator Banks. Why not?

I did appreciate the question and the opportunity to get the information from Health Canada. It underscored, honourable senators, a serious concern that the government is trying to address, which is how to break the logjam on approval of pharmaceuticals that have been tied up in the process for far too long.

I know that Health Canada is trying to work toward not having people who need such important medications wait so long for the approval process when those medications could save their lives.

[Translation]

## ORDERS OF THE DAY

## APPROPRIATION BILL NO. 5, 2009-10

## THIRD READING

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** moved third reading of Bill C-6, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010.

[English]

**Hon. Joseph A. Day:** Honourable senators, we have debated Bill C-6 and the Supplementary Estimates (C), together with the report that was filed and passed in this chamber in the latter part of last week, so honourable senators will be familiar with this particular matter. However, since we are dealing with two supply bills at the same time, permit me to touch on a few of the highlights.

First, honourable senators are being asked to authorize the government to spend \$1.8 billion by voting this particular bill. That is voted expenditures, honourable senators. There is also information in this bill for statutory spending of \$4.3 billion. It is for information purposes; we have already approved this previously. Therefore, the total that is in the Supplementary Estimates (C), of which this bill is reflective, is \$6.1 billion.

There are two points in these particular estimates that are worth recalling. One is the forgiveness of \$450 million in aggregated loans to the Islamic Republic of Pakistan. That was moved from a loan category to a forgiveness grant category as a result of the fine work done by the Standing Senate Committee on National Finance in raising the issue.

The second is with respect to relief in Haiti. For the one-month period when the federal government undertook to match grants by individuals in Canada, \$135 million was raised by Canadian citizens for this relief. That is a wonderful tribute to the Canadian people. The federal government will match that, so there is an anticipated \$270 million that will be forthcoming under that initiative alone, and there are other initiatives.

In these supplementary estimates that are before us, CIDA has requested \$56 million from this particular program of the matching Haiti Earthquake Relief Fund. Honourable senators should know, because there were questions on this earlier, that none of that money has been disbursed yet. We will see the rest of the matching funds, up to \$135 million, in subsequent supplementary estimates. Permission has not even been asked for by the government yet.

In summary, honourable senators, you are being asked to approve \$1.8 billion in this particular Bill C-6. This is third reading.

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

**Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

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

[Translation]

## APPROPRIATION BILL NO. 1, 2010-11

## THIRD READING

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** moved third reading of Bill C-7, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2011.

[English]

**Hon. Joseph A. Day:** Honourable senators, this, again, is third reading of another supply bill. This is interim supply for a three-month period from April 1 to the end of June. The government is seeking permission to spend \$27.2 billion in that three-month period. This compares fairly closely to last year's interim supply of \$26.8 billion.

The total balance of the voted expenditures that the government is seeking in the Main Estimates for this particular fiscal year is \$96.2 billion of voted, and \$165 billion statutory, honourable senators. Before the end of June, we will be called upon to vote the rest of the main supply.

In the interim, I expect that we will be receiving a Supplementary Estimates (A) for more funds reflective of the initiatives in the budget, because the budget is not reflected in these mains.

Honourable senators, at this time, you are being requested to vote interim funding in the amount of \$26.8 billion. This is third reading.

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

**Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

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

[Translation]

## BUDGET 2010

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Comeau calling the attention of the Senate to the budget entitled, *Leading the Way on Jobs and Growth*, tabled in the House of Commons on March 4, 2010, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on March 9, 2010.

**Hon. Percy Mockler:** Honourable senators, I have the honour and the pleasure of speaking to the 2010 budget.

I would be remiss if I did not first highlight and thank our Leader in the Senate for her dedication, which has enabled us to advance Prime Minister Stephen Harper's vision of improving the quality of Canadians' lives, regardless of the province or territory in which they live.

In the words of Prime Minister Harper, in these difficult economic times, it is more important than ever to protect Canadian families. It should be remembered that, even before the global economic crisis, our Conservative government was already putting programs in place to help families. Furthermore, we have been innovative and even ingenious, as demonstrated by the assistance provided to families through the universal child care benefit of \$1,200 per year, or the \$2,000 children's fitness tax credit.

• (1500)

Also consider the tax break for parents who enrol their children in sports.

Honourable senators, despite the recession, our government has never stopped caring about Canadian families from coast to coast to coast. Furthermore, in order to support and improve our fellow Canadians' quality of life, we introduced a temporary

home renovation tax credit worth \$1,350, which has been a tremendous success and created and maintained jobs in New Brunswick, and in all provinces and territories.

In addition, we cannot overlook the assistance provided to young families when purchasing their first home or property using their RRSPs or the tax credit. No matter what our opponents may say, we will continue to create mechanisms that ensure a better quality of life for all Canadians.

When we consulted Canadian families, they told us they wanted our government, Stephen Harper's Conservative government, to continue focusing on the economy and pursuing public safety priorities in all communities across Canada.

[English]

Honourable senators, some people have a goal. Some people strive to find a plan. Some people think that they have a plan and they do have a goal. However, not everyone can execute a plan.

Our government is delivering an action plan. Honourable senators, I want to say that I entered public life because I am a firm believer that, on this side of the house, we need to share the wealth of Canada from coast to coast to coast.

**Senator Mercer:** Tell the Prime Minister that!

**Senator Mockler:** Honourable senators, let us remember Budget 2009, because it was in that budget that Prime Minister Harper laid the foundation to weather our economy's biggest economic meltdown. He introduced *Canada's Economic Action Plan* in that budget, and, yes, he delivered for Canadians, regardless of where we live in our country.

Honourable senators, our government listened and delivered. We are still delivering in Budget 2010.

Honourable senators, I stand in the Senate chamber to congratulate the Prime Minister and the government for a job well done in balancing the needs of New Brunswickers and Canadians during this time of global economic recovery, and to be mindful, honourable senators, of the long-term financial security for our country, regardless of where we live.

Honourable senators, Budget 2010 will keep Canada and New Brunswick focused. Our country is on track to recover faster and end up in better financial condition than the rest of the world. There is no doubt in my mind, honourable senators, that our manageable debt and our workforce, which is better prepared, will help Canada lead the way in the global economic recovery.

Our government's insight into and understanding of what makes our economy work will continue to be recognized in the future as we move ahead of all other countries.

Canadians are proud people and I want to share this pride with honourable senators. We are proud we have the lowest debt-to-GDP ratio in the G8. We are proud that Canada's decline in the real GDP was virtually the smallest of all G8 countries. We are proud our Canadian labour markets have fared much better than our neighbour to the south. Canadians are proud because Canada's banks and financial institutions have not been bailed out. We are proud because we are acknowledged as having the

soundest banking system in the world. We are proud that Canada's housing market is stable and provides stability for the most vulnerable in our society.

**Senator Cordy:** Thank you, Jean Chrétien.

**Senator Mockler:** We are proud, honourable senators, that our action plan helps Canadian families to create jobs and it pumps more money into our communities and in New Brunswick, regardless of where we live.

Honourable senators, I am proud to share and examine Budget 2010 and what it represents for New Brunswick.

[Translation]

Our government's specific goal is to strike a fair balance in order to meet the needs of Canadians during this period of economic recovery and to aim for long-term financial security for all New Brunswickers.

There is no way around it; regardless of what our critics say, phase two will help us, in New Brunswick, to solidify our economic recovery. Several hundred million dollars will be invested in our communities.

Honourable senators, New Brunswick is saying "yes" to Budget 2010 because equalization payments will reach \$1.6 billion, which is an increase of \$233 million over 2005-06. New Brunswick is saying "yes" to funding to the tune of \$580 million, or \$23 million more than last year in health alone. New Brunswick is saying "yes" to \$246 million in social program transfers, a \$34 million increase over 2005-06. New Brunswick is saying "yes" to \$12 million in public safety funding for police recruiting and training.

[English]

Honourable senators, New Brunswickers say "yes" to year two of *Canada's Economic Action Plan* because it will provide over \$63 million in personal income tax relief in 2010-11 to help the hard-working families of New Brunswick.

New Brunswickers are saying "yes" to Budget 2010 because of \$32 million per year for the federal research granting councils to support advanced research and improve marketing. New Brunswickers are saying "yes" to Budget 2010 because of \$8 million per year to support the indirect costs of federal sponsored research at post-secondary institutions. New Brunswickers are saying "yes" to Budget 2010 because it provides \$15 million per year to double the budget of our community colleges in innovation programs, which foster research collaboration between businesses and researchers. New Brunswickers are saying "yes" to this budget because of the creation of the new Canada Postdoctoral Fellowships Program to help attract the best researchers to Canada. This is another of our Prime Minister's great visions.

Now, let me share with honourable senators the positive impact of Budget 2010 and what it means for our businesses and communities in New Brunswick. I will take this as a prime example: First, forestry companies in New Brunswick and across Canada could be eligible for the Next Generation Renewable Power Initiative. We know the future is all about energy. The

government will invest \$100 million over the next four years to support the development, marketing and implementation of advanced clean energy technology in the forestry sector — a great step in the right direction.

• (1510)

Second, regarding innovation, small and medium-sized businesses in New Brunswick will benefit from the new small and medium-sized enterprise innovation marketing program. It is a two-year, \$40 million pilot initiative through which federal departments and agencies will adopt and demonstrate the use of innovative prototype projects and technologies developed by small and medium-sized businesses in the province of New Brunswick.

Third, communities and businesses in New Brunswick will benefit from \$19 million per year — and we know what \$19 million per year means in Atlantic Canada — in ongoing funding for the Atlantic Canada Opportunities Agency, ACOA. Honourable senators, this vision is a step in the right direction.

Fourth, honourable senators, it is remarkable that ten Community Futures organizations in New Brunswick will benefit from the \$11 million per year in ongoing resources provided in Budget 2010 for the Community Futures Program. The program is delivered by ACOA in New Brunswick. I want to share with honourable senators today a "hats off" to Minister Keith Ashfield, who has done a remarkable job for Atlantic Canada.

Honourable senators, on this side of the Senate chamber, we are proud that our government has held true to its commitment of stimulating economic growth and of creating and protecting jobs. This commitment is continued in the second phase of our economic action plan. People do not care, honourable senators, about who we are until they know what we care for.

There is no doubt in my mind that Canada cannot afford a tax-and-spend approach to managing government. Budget 2010 shows New Brunswickers and Canadians, from coast to coast to coast, that we can be the best and that we can manage without mortgaging the future of our children and grandchildren.

The Prime Minister has a clear vision to be responsible, reasonable and steadfast. We must all strive, honourable senators, regardless of where we live to make Canada — our provinces and territories — for a better place to live; a better place to work; a better place to raise our children; and a better place to reach out to the most vulnerable.

[Translation]

In closing, honourable senators, as Prime Minister Harper always says, we have to continue making Canada the best place for our families.

[English]

Yes, like Prime Minister Harper, we must continue "making Canada the best place for our families."

[ Senator Mockler ]

**Hon. Lowell Murray:** Honourable senators, I propose to move adjournment of the debate. However, before I make that motion — if there is time — I ask the Honourable Senator Mockler whether there is room in the vision for the implementation of the Honourable Keith Ashfield's commitment to remove the tolls from the Saint John Harbour Bridge.

[Translation]

**Hon. Suzanne Fortin-Duplessis (The Hon. the Acting Speaker):** Do honourable senators wish to give Senator Mockler more time?

**Hon. Senators:** Agreed.

**Senator Mockler:** Honourable senators, I would like to thank Senator Murray for this question. This is a very important question.

In my former life, I was the Minister of Transport for New Brunswick. I must tell you that the best transport agreement New Brunswick ever signed with the Government of Canada was that signed by the previous Bernard Lord government. That government cared about the people of New Brunswick as a whole.

Senator Murray, it was the most important agreement ever seen in the history of New Brunswick. Signed by whom? By Bernard Lord, for over \$400 million. With whom? With Stephen Harper's government.

I do not need to take any lessons from the current New Brunswick government. When it comes to responsibilities, Canada's Conservative government will continue to shoulder its own.

**Hon. Fernand Robichaud:** I have a supplementary question for Senator Mockler. Could he respond to Senator Murray's question?

**Senator Mockler:** Very good question.

[English]

Stay tuned!

(On motion of Senator Murray, debate adjourned.)

[Translation]

#### SPEECH FROM THE THRONE

ADDRESS IN REPLY—CONCLUSION OF DEBATE  
ON APRIL 14, 2010—MOTION ADOPTED

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of March 25, 2010, moved:

That the proceedings on the Order of the Day for resuming the debate on the motion for the Address in reply to Her Excellency the Governor General's Speech from the Throne addressed to both Houses of Parliament be concluded no later than Wednesday, April 14, 2010.

(Motion agreed to.)

[English]

#### 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. Grant Mitchell:** Honourable senators, I want to say how much I enjoyed Senator Mockler's speech for two reasons. First, it was so much more pleasant to have him standing there speaking properly than sitting in his chair yelling at me and others. Second, it was, for the most part, a wonderful outline of a tremendous Liberal government record. It was all about how strong the banks are and how well Canada has been managed economically.

That was all in error before we received the \$58 billion mortgage that Senator Mockler says he does not want to leave our children. The government has already mortgaged our children for an extra \$58 billion. That deficit is unacceptable, and it has occurred because this government does not know how to manage. I also think that is reflected to some extent in the Throne Speech and budget.

I was interested in Senator Finley's speech recently. He said that the Liberals had not criticized the budget very much. It hit me the moment he said that, of course, it is true because there is nothing in the budget. It is exceptionally light. The Throne Speech is even lighter. I look at it on my desk and I almost have to put a paperweight on it so it does not float away.

• (1520)

I would like to talk a little about the lightness of being Conservative in this era of government in Canada. That is my focus on the Throne Speech. I may just roll into the budget a little bit.

Before I begin, I would like to say that my colleagues on the Standing Senate Committee on Energy, the Environment and Natural Resources had a wonderful experience in Vancouver at

the Globe 2010 conference. It was outstandingly good for many reasons. It left me with great impressions of what is going on in British Columbia because there is strong leadership on climate change and on the environment in that province.

We saw, for example, the electrical grid control structure for the entire province. Senator Neufeld organized that great experience. It is state of the art, perhaps some of the best in the world. It is outstanding and very important for the efficiency of electricity development, production and distribution in that province.

We also heard of the policy stating that the British Columbia government will be carbon neutral, and where they cannot do it themselves, it will be carbon neutral by finding other places, people or businesses — farmers, for example — to reduce carbon emissions on their behalf. They will buy that service. That is what a credit, allocations and offset market is all about. You buy the service to offset emissions. They have set up a group to work with industry and agriculture to develop those offsets, so they are investing money directly in businesses in clean tech in the future so that it can be done effectively.

They have programs to promote clean and green tech. VANOC maintained the highest of environmental standards. I believe it was said they had the single most environmentally safe building in the world at this time. That province is driving forward and providing leadership.

We came away with the impression that although a great deal is being done, but that it is nowhere near enough. We understand that every level of government needs leadership. In fact, the federal government must play a profound role in this leadership.

I would like to note that for eight years, Senator Neufeld was involved as energy minister in that province. He was involved in much of that development. I want to put on record that I am impressed by what he and his colleagues did. He should be congratulated for having done it. It is tremendous.

They have also priced carbon. Economists and business leaders are saying that you have to have a price, one way or another, or businesses cannot deal with it. They want it, and they were at that conference saying: Tell us what you want us to do; we are ready to do it, but we need leadership. There is a huge vacuum. They are not getting it.

I spoke with Gordon Campbell, the premier, to whom I would give a great deal of the credit for that kind of leadership, and the Mayor of Vancouver, Gregor Robertson, was there as well. They are doing tremendous things.

You can see the energy and the twinkle in Gordon Campbell's eyes. He can see his province's future and is prepared to take it there. If only we could see that in the federal Conservative government, but we have seen none of it, particularly when it comes to climate change.

I know it is perhaps cliché and obvious that great leaders seek out great challenges, but it is not obvious to this government. Great leaders are defined by great challenges. You cannot be a great leader without a great challenge. This is one of the greatest challenges that this country has ever faced, and where is the Prime

Minister of this country? He has run. He is hiding. I have this image of him sitting in his hotel room in Copenhagen because he is not of any importance to that conference.

I was struck by the fact that President Obama met with 19 world leaders in Copenhagen, and he did not meet with our Prime Minister. Can you imagine in the past the presidents of the United States being at a conference anywhere in the world and not meeting with Prime Minister Pearson, Prime Minister Trudeau, Prime Minister Mulroney, Prime Minister Chrétien, or Prime Minister Martin? It is almost incomprehensible to imagine such a thing.

Do you know what they were saying in Copenhagen? They were saying, Canada, could you please get out of the room so we can get some work done?

That is what we have come to. We have some of the best carbon capture and storage technology in the world, but it is not properly developed. Do you know who China signed the agreement with on carbon capture and storage? It was not with Canada. It was with the United States. Canada had never gone to the trouble of creating a relationship until the Prime Minister visited about five years after the last time we visited. During that visit, something almost unprecedented happened: the Chinese premier scolded our Prime Minister internationally in a press conference. Can you imagine what that does to our credibility, and why that happened? Can you imagine why they signed with the United States and not with Canada? It is pathetic. The future of this country and our economy has a great deal to do with what will happen in China and in India, and we are not very much a part of it because this government has lost sight, if it ever had it, of what needs to be done in those countries.

Let us look specifically at climate change. When I look at the Throne Speech and the budget, I am reminded of the absence of anything on climate change — 12 lines in 23 pages of the Throne Speech, and only four mentions in the pages of the budget document.

What has happened? The government has no consistency at all in its objectives. It set objectives under its Clean Air Act of 50 per cent reductions by 2020 and, of course, it overruled those. It came out with new targets of 20 per cent reductions of 2006 by 2020, and then shortly after that, it came out with 17 per cent reductions of 2005 by 2020, but it makes you wonder whether they want to do that at all.

Then one looks at what they have or do not have in the budget. One can see, for example, that they have been appointing climate change skeptics to science granting boards. That is enlightened. They have stopped the budget for the Canadian Foundation for Climate and Atmospheric Sciences Commission, which is the main funding body for university research on climate in Canada. They are not renewing funding for the Polar Environment Atmospheric Research Laboratory, which is known internationally for its effective data gathering and scientific work in the North on climate change. They are muzzling Environment Canada scientists, so if there ever was a hope of getting better explanation out to Canadians so they can understand and embrace the nature of this problem, it is diminished by the fact these people cannot speak.

When it comes to renewable energy, for example, there is no new funding for the ecoENERGY program. That program has been very successful in generating and attracting more investment in renewable energy, such as wind energy. It is gone. They have not renewed it.

The United States is outspending us 18 to 1 per capita. They know where the future is, namely, clean energy, energy that, in our case, can be blended with fossil fuel energy if it is done properly. That is where the world is going, and we are not going with it.

Two thirds of the energy fund has gone to carbon capture and storage, which is not all bad. The problem is the Conservatives have a target of 17 per cent reduction by 2020. That is less than 10 years. Carbon capture and storage cannot be in place in magnitude in less than 10 years.

You have one small plan. You have put \$100 million over four years — \$25 million a year — into forestry renewable energy. That is great. You put \$20 million extra money into the Prime Minister's Office. He is getting \$20 million and renewable energy is getting slightly more. I know there is a lot of hot air over in that office, but I am not sure it deserves \$20 million, particularly if the forestry industry is getting only \$25 million, and other industries like the clean tech and renewable energy industries are not getting anything. What are you thinking?

• (1530)

They will say they have the Green Infrastructure Fund. It is not clear exactly what that will be going into, but it is \$200 million a year. The bulk of that \$200 million a year, among other things, is going into waste water and waste infrastructure. Those are all useful things, but they are doing nothing for climate change.

This government has a problem that it cannot acknowledge and will not acknowledge. It cannot see the huge economic potential. It cannot see that there is a huge economic cost in not doing something about climate change. It cannot see what I and others believe, that we will have growth as good as or even better than business as usual. Why can the government not seem to grasp that?

Honourable senators, I have talked about this before. Part of the reason is that the ideology of the Conservative government is to hate government. This is seen all the time. It is seen in its being remiss, for example. The federal government does not want to meet with the premiers. The Prime Minister has met once with the premiers in four years. In fact, he then lamented the fact that Quebec argued a different position at Copenhagen. Why would it not? Quebec never got to sit down with the other premiers and work out a position together. The government's neglect is also seen in the fact they did not want to initiate a stimulus package, and it is certainly seen in the fact that they do not want to do anything at all on climate change.

Honourable senators, there is another reason: There are huge elements in the Conservative caucus who do not believe in climate change. Maxime Bernier made the case that many members of the caucus probably agree with, otherwise they would be fired. If not, why would he still be in the caucus? I could imagine some things Mr. Bernier could have said about other positions and he would have been out right now; particularly since he had that problem a year or two ago.

Maxime Bernier is the poster boy. He is almost the official spokesperson for the Conservative government. He absolutely is and he says what so many people somehow believe. He says that climate change is happening, but it is not happening because of human activity. I want to say to the people who believe climate change is happening but not because of human activity that they better be very afraid. If we are not causing it, then we cannot fix it. Unless they think they can tinker with sunspots — because that is always what is claimed — and just stop the increase in heat at the right moment, which I do not think we can, then we will have real problems. They had better pray we are causing climate change, because then we have a chance of fixing it — but we have to start now.

Honourable senators, the other thing that climate change deniers say is that they do not believe the science. The deniers have been able to take a small piece of evidence in a room full of scientific data, such as that from the University of East Anglia, and discredit the whole room, even though it has been re-established in its credibility by a third party such as *The Guardian*. Honourable senators will be pleased to know that is a right-wing newspaper. It is like me taking the *National Post* and saying there are four words in this newspaper that are wrong. I suppose that ruins the credibility of the *National Post* and the whole thing should be thrown out.

The fact is that those who argue against the science never respond with science to prove humans are not causing climate change. They never can find a scientific way to destroy that. Even though there are natural causes, they can never show that those natural causes account for the full scientific warming up.

May I have another five minutes?

[Translation]

**The Hon. the Acting Speaker:** Senator Mitchell's speaking time has run out.

**Senator Mitchell:** I ask for leave to extend my time by five minutes.

**The Hon. the Acting Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

[English]

**Senator Mitchell:** Thank you, honourable senators.

Just to wrap up, I want to say that, try as hard as I might, I do not agree with Senator Mockler that there is a vision in that speech. Let us look at the forces of change in Canada and the world today, like demographics and what they will mean for support for caregivers, the health care system, and the fact we have a completely changing economic world. As was said at our convention on the weekend, there will be jobs without people. We need information, research, and information technologies. We need to be ahead of the curve on this. We are losing ground on these things.

We need to understand that climate change will profoundly change the world and profoundly change Canada. There is nothing in the budget or Throne Speech that truly captures a

vision of the future in a way that will allow us to provide leadership for Canada to get to where we have to be. We will lose ground and our children will suffer as a result.

It was once said that the very hard right Conservatives — and I am sure there are none in here — cannot imagine what it is like to be someone else. I thought about that and how it probably makes some sense, because if one cannot do that, then one has a very tough time creating strong social policy.

I also think there are elements in some governments — not to mention names — that cannot imagine what it will be like in the future. If you cannot imagine what it will be like in the future, then you cannot get there, and you cannot convince people to go there with you. We need the kind of government that can do that, and that is not the kind of government we see in this Throne Speech or in this budget.

**Hon. Lowell Murray:** I believe there are still a couple of minutes remaining to the honourable senator, and I wonder whether he would accept a question.

**Senator Mitchell:** Yes.

**Senator Murray:** I was somewhat intrigued a while ago to hear Mr. Ignatieff's comments of support for the tar sands, which suggests to me that on one of the most fundamental issues there may not be much difference between the government and Her Majesty's Loyal Opposition.

Second, could the honourable senator tell us what Mr. Ignatieff's position is and, if he does not know it, could he give us his own position on the question of carbon capture and storage?

**Senator Mitchell:** I am happy to answer that question. May I ask the honourable senator to please call it oil sands? That is what it is.

**Senator Murray:** Oil sands, yes.

**Senator Mitchell:** As a quick aside, I will also say that if we are to support Senator Mockler in his chosen challenge in public life, which is to distribute income across the country, then we better have the oil sands.

I will say a third thing: It is interesting how many people in the environment industry and in business are saying the way to clean up the coal-fired gas plants and the coal-fired electrical plants is to use natural gas, and everyone says that is great because it creates less GHG emission per BTU, et cetera. However, that is what we use in the oil sands. We use natural gas. Therefore, the solution across the country for the kinds of power plants in Ontario is the problem when it comes to Alberta. That is what I want to avoid and that is what Mr. Ignatieff wants to avoid.

Honourable senators, the fact is we need the oil sands; we just need to operate them better. The top technology in the world is the only carbon capture and storage, or CCS, technology in Canada that did not get funding. If we get CCS working properly, and if the government had actually funded Weyburn and we can do all the things we need to do, then we can make the oil sands possible and we can capture their emissions.

[ Senator Mitchell ]

We also need to remember that the biggest emitters in this country are not oil sands plants. The biggest emitters in this country are coal-fired electrical plants. Coal-fired electricity emits tons more GHG across Canada than do the oil sands. The oil sands must be cleaned up, but they are at 3 per cent or 4 per cent.

As for carbon capture and storage, there are those who will say it is very expensive. It is approximately \$30 a ton over a 25-year period. However, in looking at every single potential solution for climate change there is someone, often an environmental group, who says there is a problem and you cannot do it. Nuclear cannot be done they would say because of the waste. Ethanol cannot be done because you are burning food. Carbon capture and storage cannot be done because it is too expensive. Wind cannot be done because it kills birds and makes people sick. I am not being facetious; that is what people say.

Tell me what solution could there conceivably be that would be perfect. There is not one, and government has to take some, drive them and lead. I believe it is compatible. If we do the oil sands right — we have to keep the pressure on them — and we do coal-fired electrical plants right, then we can do that, but we must do the oil sands right. We have to keep the pressure on them. If we do coal-fired electrical plants right, then we can do that. However, we have to do it.

• (1540)

(On motion of Senator Comeau, debate adjourned.)

## BANKRUPTCY AND INSOLVENCY ACT

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

**Hon. Pierrette Ringuette** moved second reading of Bill S-214, An Act to amend the Bankruptcy and Insolvency Act and other Acts (unfunded pension plan liabilities).

She said: Honourable senators, I rise today to speak on second reading of Bill S-214, An Act to amend the Bankruptcy and Insolvency Act and other Acts (unfunded pension plan liabilities). Bill S-214 is the same legislation that I tabled in December 2009, then known as Bill S-245, legislation that was an unfortunate casualty of this government's poor decision to prorogue Parliament.

This legislation, if passed, would give the pensioners of companies that declare bankruptcy preferred creditor status during bankruptcy proceedings, allowing those who have spent their working lives preparing for their retirement a better opportunity to hold on to some of the money that is rightfully owed to them and put them on the same level playing field as other creditors, creditors who have had a much shorter relationship with the bankrupt company in question.

[Translation]

This bill is similar to the Wage Earner Protection Program Act, which the Senate passed in 2005. At the time, the Liberal government rightly maintained that salaries owed to employees of a company should have some priority.



My friends opposite no doubt came around to this opinion, because the Conservative government expanded the program in its Economic Action Plan. Since we agreed on giving employees preferred creditor status, but not pensioners, it is high time we corrected this imbalance.

[English]

Sadly, Canada has fallen behind with respect to the protection of pensioners during bankruptcy proceedings. Ms. Diane Urquhart, an independent financial analyst, recently testified before the Finance Committee of the House of Commons, saying:

Canada lags the world in protection of its terminated employees, pensioners, survivors and long-term disabled employees during bankruptcy. I did a study over the Christmas-New Year season and found that 40 of 53 countries studied by the OECD have preferred or better status for employee benefits or they have a public pension benefit guarantee insurance program.

I want to give honourable senators an example. In my own region of New Brunswick, the County of Madawaska is linked with the other side of a river by a bridge. We are also brought together by a pulp and paper mill. The pulp is being produced in Edmundston, New Brunswick, and being pushed via vapour to the other side of the river in Madawaska, Maine, where they produce coated paper. The employees of the Madawaska, Maine, Fraser Mill have protection of their pension plan by federal legislation in the U.S. Their counterparts in the same company, working in Edmundston, New Brunswick, have absolutely nothing. This bill will try to redress that particular discrepancy.

Honourable senators, let us be absolutely clear. The legislation we are considering, Bill S-214, is not a government handout. This is not a burden on the Canadian taxpayers. This will not affect the government's bottom line. In fact, if this bill is not adopted, tens of thousands of Canadians, who should have received a decent retirement income with medical benefits, will be living near the poverty line and entitled to the GST tax credit, the Guaranteed Income Supplement, medication from provincial government programs, and much more.

Let me be absolutely clear. If we do not pass Bill S-214, employees and retirees from bankrupt corporations will need government financial assistance through many different programs, and that will definitely be at a cost to the Canadian taxpayer over many years to come.

This legislation will provide just a little more security, transparency and, most importantly, fairness into bankruptcy proceedings, specifically with respect to the money that is owed to pensioners.

[Translation]

Unfortunately, my colleagues opposite have not grasped the urgency of the situation. We may hear about Nortel, AbitibiBowater or Fraser Papers every day, but the Conservative government continues to ignore pensioners.

The Minister of Finance has decided to order another study instead of taking action. With all due respect to the Minister of Finance and my colleagues opposite, that is not enough. These pensioners do not have time to wait for the results of another government study.

[English]

A vivid reminder of the urgent need for action was provided just last Friday when a justice of the Ontario Superior Court rejected a temporary deal between Nortel Networks Corporation and its pensioners and disabled employees. The deal itself would have allowed former employees to take advantage of any changes to the Bankruptcy Act to increase their benefits up to the end of this year. Unfortunately, the court found this deal unfairly penalized other Nortel creditors because of the lack of a defined amount. Therefore, as of March 31, 2010 — that is tomorrow — there will be no funds for these benefits or pension plans unless another temporary agreement is reached.

As a result of this ruling, some pensioners and those receiving long-term disability payments fear their benefits will disappear tomorrow. It is difficult for pensioners to make long-term plans when their benefits suddenly expire one week after an unfortunate court ruling.

However, this bill is not only about the Nortel pensioners or the AbitibiBowater pensioners. It is about all pensioners across Canada who are worried that a lifetime of work, a lifetime of paying into their company pension plan, and a lifetime of stability and security will become the latest casualty of this economic downturn.

• (1550)

Honourable senators, let us be absolutely clear: In this debate, pension plans are simply deferred wages for employees. That is why it is absolutely necessary for us to take action and amend the Bankruptcy and Insolvency Act to provide the same protection to these long-term deferred wages as we agreed to in the Wage Earner Protection Program.

Honourable senators, I hope this bill will not become another partisan hot potato in this chamber. Pensioners should not be held as political or economic hostages. Pensioners need this legislation as quickly as possible. Let us move this bill quickly to committee where we can hear from the experts on both sides and come out with a bill that all senators can support. I know for a fact that all honourable senators take the needs of our pensioners seriously. Let us prove that we can work together and pass Bill S-214. The clock is ticking for too many people who already need our help.

[Translation]

This is not a matter of the government giving handouts; it is a matter of protecting the pensioners who contributed to their pension plans throughout their careers. This bill would simply help them get the money owed to them.

(On motion of Senator Comeau, debate adjourned.)

[English]

# OFFICE OF THE SUPERINTENDENT OF FINANCIAL INSTITUTIONS ACT

## BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Munson, for the second reading of Bill S-201, An Act to amend the Office of the Superintendent of Financial Institutions Act (credit and debit cards).

**Hon. Stephen Greene:** Honourable senators, I rise to add my voice to the debate on Bill S-201. While the bill's stated objective might seem innocuous, it is clear that it will provide little to no benefit to what is really required — educating Canadians to deal with the financial turmoil the world has suffered through.

We are living in an increasingly complex financial world of investment and credit products whose characteristics and risks have become much more difficult to comprehend. Technology is generating ever-increasing market activity that allows investors in search of the best returns to find them, not in hours, minutes or seconds, but in fractions of a second.

The range of financial products in the market is rapidly expanding, and the complexity of such products can make it difficult for the average Canadian to fully comprehend the risks, fees and potential returns. This complex and dynamic environment means that improving financial literacy, which is not addressed by this bill, will be the key to restoring confidence and ensuring long-term prosperity.

Understanding the basics of money, credit and investments is crucial. Financial literacy is essential for people from all walks of life. This literacy includes workers who are setting up a bank account and trying to determine the best way to reach their goals; the family trying to make ends meet while saving for a first home; investors who fail to understand the risks and returns on their investments or the benefits of compound interest; and the senior who, in a world of Internet banking and automated teller machines, ATMs, is susceptible to financial scams and fraud, as my mother recently discovered.

Whether for a sophisticated investment or a simple savings account, today's financial world cries out for improved financial literacy. This was our government's goal long before the financial crisis emerged, and it remains so today. We continue to take the steps needed to encourage savings, ensure access to borrowing and make the system more transparent and understandable.

Honourable senators, education is a necessary influence on consumers' choices whether they are picking credit cards, buying houses or deciding on a career. For example, over 200 credit cards are available in Canada, some of which charge interest rates as low as prime and some with no fees whatsoever. While having so many choices ensures competition and varying interest rates, decisions about which card is right for a person can be tricky and difficult without the necessary knowledge. That is where the Financial Consumer Agency of Canada comes in. FCAC ensures

that federally regulated financial institutions provide the required disclosures to consumers. In addition, FCAC provides consumers with useful information, such as comparison tables outlining the rates and features of the multitude of cards offered in Canada. FCAC publishes a semi-annual report entitled, *Credit Cards and You: All you need to know about credit cards*, that provides comparison tables outlining the rates and features of numerous credit cards offered in Canada by a variety of issuers. Young people, in particular, will benefit from the actions we are taking and the information we are providing as they decide, for the first time, what financial products are best for them. So honourable senators might fully appreciate the practical hands-on resources available to Canadians, I strongly recommend that they visit the website of the Financial Consumer Agency of Canada at [www.fcac-acfc.gc.ca](http://www.fcac-acfc.gc.ca).

However, our Conservative government recognizes that while the Financial Consumer Agency of Canada has addressed the issue of financial literacy somewhat, much more work is needed. That is why we provided increased funding in Budget 2007 and Budget 2008 to improve financial literacy in Canada. *Canada's Economic Action Plan*, as outlined in Budget 2009, built on prior investments by committing to an independent task force to work toward a national strategy on financial literacy.

This important step cannot be underestimated. Thomas Kloet, Chief Executive Officer, TMX Group Inc., which operates the Toronto Stock Exchange, TSX Venture Exchange and the Montreal Exchange, said in the *National Post* at the launch of the Task Force on Canadian Financial Literacy:

With the impact of the global economic crisis on their personal portfolios, investors in Canada and around the world are assuming more responsibility for their financial situations than ever before. . . . most of us have little choice but to ramp up our understanding of the markets and make daily decisions to help secure our financial futures.

The Government of Canada clearly recognizes this evolution.

I note for the benefit of honourable senators that last month the Task Force released a discussion paper that will serve as the basis for the public meetings it will hold in each province and territory in the coming weeks to discuss this important matter. For more information on this important cross-country public consultation, I encourage honourable senators to visit [www.financialliteracyincanada.com](http://www.financialliteracyincanada.com).

We are also taking steps to make financial products like credit cards more consumer friendly, as outlined in the sweeping new landmark regulations announced by the Minister of Finance. These new measures will help, first, by mandating summary boxes on contracts and applications to help improve disclosure to consumers by clearly stating the key features such as interest rates and fees; second, by forcing clearer implications of minimum payments by improving consumer awareness of the time it would take to fully repay loans if only the minimum payment were made each month; third, by ensuring timely advance disclosure of interest rate changes to protect consumers from poorly disclosed interest rate hikes; fourth, by mandating a minimum 21-day grace period for all new purchases made within that period to remain

interest free as long as the consumer pays their balance in full by the due date; fifth, by requiring lower interest costs with mandatory allocations of favoured consumer payments; sixth, by requiring express consent for credit limit increases; seventh, by placing limits on aggressive debt collection practices; and eighth, by prohibiting over-the-limit fees by restricting fees due to merchant holds placed on credit cards, protecting consumers from inadvertent fees they are not responsible for or aware of.

These regulations announced by the Minister of Finance were well received. A May 25, 2009 *Toronto Star* editorial judged them welcomed regulatory changes that will both introduce more transparency to the system and save consumers money.

• (1600)

On October 5, 2009, the *Montreal Gazette* editorial applauded them for being advantageous for consumers. The editorial commented that the regulations strike a just and sensible balance.

The Consumers' Association of Canada, in a written submission to the House of Commons Finance and Industry Committee, cheered them as well:

We believe the role of the Government is to ensure that consumers are given the tools they need to make informed decisions.

On this basis, we welcomed the Finance Minister's recent proposals for regulation of credit card issuer practices because they will address the key consumer concerns in the market without having unexpected adverse consequences for consumers.

We welcome Minister Flaherty's recent nine-point plan for improved credit card regulation, transparency and education. We believe these changes, once implemented, will result in real and tangible benefits to consumers.

Honourable senators should also be aware that the levels of interest rates, including lines of credit, are set by financial institutions in competition with each other. As long as markets are competitive, and consumers and business are sufficiently scrutinizing what products are available, it would be difficult for one or even a group of lenders to maintain a higher interest rate on a sustainable basis than the rest of the market.

Overall, since the onset of the credit turmoil, Canadian banks have responded to cuts in the central bank rate by reducing their interest rates. Interest rates on lines of credit, for example, have declined in recent months, and to date, the bank prime rates have fallen in concert with declines in the bank rate.

While it has become popular among some Liberal senators to launch into tirades about the alleged actions of Canadian banks with respect to their interest rates, credit cards or otherwise, they should take a moment and listen to their own Liberal colleagues — Liberal colleagues like the Liberal Member of Parliament for Scarborough Southwest, who wrote in the *Toronto Sun* only months ago:

We have the best banking system on the globe. The cynical and critical discourse aimed at our banks is troubling. Our banks continue to reflect profitability. . . .

Instead of having pride in our banking system, we have a penchant to bank bash. Credit cards are dispensed to facilitate discretionary spending — something which consumers have control over.

Indeed, the federal government can assist consumers with the decisions they have control over by creating a regulatory framework that ensures financial products and services are sold in a lawful and transparent manner. We do not dictate rates or cap them. Intrusive government meddling, and the red tape it would unleash, would only harm Canadians.

The remarks by the Liberal Member of Parliament for Scarborough Southwest are different from the remarks of the honourable senator on behalf of her bill. In her speech, it was said that Canada "bailed out" our banks to the tune of \$100 billion. Now, as any proud Canadian knows, our banks were sound going into the economic downturn and not one taxpayer's dollar was used to bail out a Canadian bank.

What we did do was help with bank liquidity by taking approximately \$100 billion in mortgages and auto loans off the books of Canadian banks. This was not done because those mortgages and loans were risky or bad or "toxic," which resulted in the bailouts and some government ownership south of the border. No, it was done by our government because Canada as a whole, including Canadian consumers and Canadian businesses, were exposed to worldwide problems with liquidity due to problems occurring elsewhere.

Taxpayers' dollars are not at risk here because those mortgages and car loans are not risky or toxic in any sense. In fact, the government, and thus taxpayers, will very likely make money off those mortgages and car loans.

Our government took those assets off the banks' books in order to provide our banks a little more liquidity room in the face of a worldwide liquidity crisis. During this crisis, banks stopped lending to each other. Our banks normally borrow from other banks, thereby allowing each to have the cash flow to lend to Canadians who wish to buy, for example, a new home or car or to lend to a business for working capital or expansion. When the global borrowing system dried up, resulting in a liquidity crunch, our government helped our banking system endure the problems created abroad. This was not a bailout, not even close.

As a Nova Scotian, you will permit me a nautical analogy that summarizes our banking situation during those times. We were a ship that weathered and survived a massive storm that forced all other ships to be towed into port. Alone at sea, the only ship able to sail — no tow lines, no damage — all we needed was a little wind in our sails and our government provided that wind.

We are all well aware of the concerns merchants have raised regarding credit and debit cards. These concerns range from the complexity and lack of transparency of the credit card contracts and fee structure to increasing credit card fees.

Many groups have spoken about the numerous approaches we could take to resolve the issue. For example, the Canadian Federation of Independent Business has advocated a code of conduct.

Our Conservative government, a strong supporter of small business, has responded to this advice. We released for public comment a code of conduct for the credit and debit card industry in Canada. This code was based on discussions of various issues related to the debit and credit card industry with stakeholders, including merchant and consumer groups, credit and debit card networks, card issuers and acquirers.

The proposed code will include various measures designed to encourage choice and competition in the credit and debit market for the benefit of consumers and merchants, and will also promote fair business practices to help ensure that merchants and consumers clearly understand the cost and benefits of credit and debit cards.

Reaction to the proposed code has been extremely favourable. Permit me to share a sampling of that reaction.

The Retail Council of Canada has stated:

The announcement of the Code is an important step toward ensuring merchant choice, enhanced competition and greater transparency. . . . Minister Flaherty deserves a great deal of credit for tackling this important and complex issue, and merchants across Canada appreciate the introduction of the Code. . . . The Code will keep the card companies' feet to the fire with their business practices and our coalition will be holding them publicly accountable.

The Canadian Council of Grocery Distributors exclaimed:

The Code is a solid starting point as government begins to address merchant concerns and to avoid skyrocketing costs for debit and credit card transactions. It has the potential to impose some price discipline on the card companies, and will force them to compete for merchants' business . . . creating a measure of cost-certainty for our members.

The Canadian Restaurant and Foodservices Association welcomed the announcement, adding:

This is an important step in addressing concerns of our members about unfair business practices. . . . The government is to be congratulated for recognizing the imbalance in negotiating power between credit card companies and merchants. The new code is a first step toward ensuring increased transparency and disclosure by credit card companies while allowing merchants to choose the cards they accept and payment options they provide.

All interested parties were invited to comment on how compliance with the code may best be monitored in an open and public consultation that began late last year and ended this past January.

As announced in Budget 2010, the code is being made available for adoption by credit and debit card networks and their participants. What is more, the budget also announced our Conservative government would also propose legislation to provide the Minister of Finance with the authority to regulate

the market conduct of the credit and debit networks and their participants, if necessary. Our Conservative government also provides the minister with the authority to monitor compliance with the code and any future market regulations or amendments to the Finance Consumer Agency of Canada's mandate.

I note that the Canadian Federation of Independent Business, the Retail Council of Canada, the Canadian Council of Grocery Distributors and the Payments Accountability Council, among others, representing more than 250,000 businesses in Canada, all reacted positively to this announcement.

The Retail Council of Canada exclaimed:

The Finance Minister and the Government of Canada deserve a great deal of credit for tackling this important and complex issue, and merchants across Canada appreciate the new measures introduced in Budget 2010.

The Canadian Council of Grocery Distributors heralded it, saying:

Budget 2010 tells us that the voices of consumers and retailers are being heard.

I would like now to review some of the more technical concerns we have with the particular proposal behind S-201.

While our government is working in close consultation with all affected stakeholders to come toward the best solutions, Bill S-201 would unilaterally impose a made-in-Ottawa solution, with no input from those interested and affected.

This proposal calls for the Office of the Superintendent of Financial Institutions to monitor the credit and debit card systems in Canada and provide an annual report to the minister regarding the operation of those systems — the fees and charges related to such cards and the privacy of users.

The proposal recommends monitoring the market conduct of the credit and debit card system, whereas OSFI's mandate focuses — as it should, particularly given the global financial crisis — on prudential regulation. As such, this bill will require that OSFI monitor compliance of entities beyond its legislated mandate and could conflict with its increasingly important prudential mandate. It simply does not make sense to have a prudential regulator deal with a market conduct problem. In fact, the Canadian Federation of Independent Business has already publicly dismissed this idea, declaring, "we're not convinced the Office of the Superintendent of Financial Institutions is the right body."

• (1610)

Finally, I note that the recent recommendation from the Standing Senate Committee on Banking, Trade and Commerce did not include any suggestion that OSFI be responsible for this oversight function. In fact, not a single mention of OSFI was made in the committee's report.

For all these reasons, our Conservative government will oppose Bill S-201 and continue to pursue our own path.

Honourable senators, over the past four years, this government has taken the steps needed to encourage saving, ensure access to borrowing and make the system more transparent and understandable.

As our record shows, the government believes that the best consumer protection framework is one where there is disclosure, competition and choice. This approach has been proven time and again.

As we have seen all too clearly with the unfolding of the subprime debacle south of the border, financial pressures that originate in large banks and financial institutions can quickly become systemic and have serious and real consequences for the most vulnerable in society. Canada has managed to avoid the worst consequences of that collapse and remains the envy of the industrialized world in terms of the health of our financial sector and the capitalization of our banks. In large part, that is due to the responsible stewardship our Conservative government has provided.

Through the historic economic action plan, our government has done more to address the effects of the ongoing global recession on vulnerable Canadians than anything else proposed. This plan will strengthen Canada's financial system and protect Canadian Canadians' hard-earned savings. This plan will help consumers of financial products by, among other things, improving business practices in respect of credit cards issued by federally regulated financial institutions.

Strong Canadian financial institutions are the pillar that will help support a faster economic recovery and promote future growth in this country. We owe it to Canadians to keep our model financial system strong.

We need to follow through on what we are already doing; that is, encourage greater competition in financial services and product offerings, as I outlined with respect to our efforts to help consumers and merchants.

Honourable senators, as our actions and the supportive comments of groups like the Canadian Federation of Independent Business, the Retail Council of Canada or the Consumers' Association of Canada clearly demonstrate, this Conservative government understands the importance of monitoring the credit and debit industry in this country.

I therefore urge honourable senators to vote against this bill and to instead support the government's ongoing measures to create more financially knowledgeable Canadians in a transparent and competitive marketplace.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

(Motion agreed to, on division, and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Ringuette, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

## BUSINESS OF THE SENATE

### COMMITTEES AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, a committee has a minister appearing before it later on this afternoon and the committee asks that they be allowed to meet at that time. Therefore, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Agriculture and Forestry and the Standing Senate Committee on Energy, the Environment and Natural Resources have power to sit from 5 p.m. today, even though the Senate may then be sitting, and that the application of rule 95(4) be suspended in relation thereto.

**The Hon. the Acting Speaker:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

(Motion agreed to.)

## BANKRUPTCY AND INSOLVENCY ACT AND COMPANIES' CREDITORS ARRANGEMENT ACT

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

**Hon. Art Eggleton** moved second reading of Bill S-216, An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act in order to protect beneficiaries of long-term disability benefits plans.

He said: Honourable senators, before I tell you what is in this bill and what it does, let me tell you what it does not do. First, it is not about pensions. It is about long-term disability, LTD, and that only. Second, the bill is not only about Nortel, although that situation precipitated this bill. It is about employees now and in the future, in similar circumstances with respect to LTD plans.

I appeal to all honourable senators, on an all-party basis, to support this piece of legislation.

The purpose of this bill is straightforward: to protect employees on long-term disability. While its focus is narrow, Bill S-216 speaks to larger issues, such as issues of fairness, justice and respect. It aims to correct the situation that leaves the most vulnerable of our workers in the most desperate of straits, and it

reaffirms the simple principle that people who pay their dues and play by the rules have the right to expect that they will receive what has been promised to them.

• (1620)

At the moment, approximately one million employees in Canada have disability benefits that are self-insured by their employers. That is approximately 40 per cent of long-term disability plans. Approximately 60 per cent of them are actually insured through the normal insurance premium process, but 40 per cent are self-insured. If a company with self-funded, long-term disability benefits goes bankrupt, its employees who depend on these benefits are given the same standing as an unsecured creditor.

That is what the Bankruptcy and Insolvency Act provides. It says to the disabled: "Get in line behind the secured creditors, behind the bondholders, behind the preferred shareholders, behind the common shareholders, and then, if there is anything left, you might get something."

In 2001, Amy Stahlke, in *Benefits Canada* magazine, wrote about the impending problem:

In Canada, there has been little regulation of self-insured plans. There is no requirement that employers set aside adequate reserves to cover future liabilities arising from these plans. If reserves are set aside, there is no restriction on how those funds are invested. There is also no obligation to keep funds in trust to protect them from creditors. This means that a bankruptcy could spell the end of the benefits plan, including benefits for individuals already on disability.

Honourable senators, employees who are disabled and who cannot work should not be shunted aside. Their needs are not over when their employer goes under. They still need their medication. They still need treatment. They still need rehabilitation. They still need all of the things that their long-term disability plan would have helped to provide.

The bill proposes to protect beneficiaries under long-term disability plans by granting them preferred status. By bringing LTD claimants to preferred status, employees will continue to get their benefit coverage up to age 65 years, be able to pay their medical bills and continue to live outside of poverty.

Honourable senators, some may have concerns about the cost and the impact on credit markets. Some may have concerns about our overall competitiveness. However, when we look at the evidence, we see that not only can this be done, but many countries around the world are already doing it.

Thirty-four of 54 countries studied by the OECD and World Bank already have either super priority or preferred status for employee claims in their bankruptcy laws. That is for all pension claims, not only long-term disability plans. They have properly functioning credit markets, and they are still competitive. Therefore, the two are not incompatible. We can protect our most vulnerable employees and retain dynamic credit markets and stay competitive.

At least 12 other countries, including Germany and the United Kingdom, require payment of insurance premiums by their corporations to fund their public pension plans and disability income insurance plans.

The United Kingdom's system goes even further. In 2004, they enacted the Pension Protection Fund that states if an insolvent company has underfunded their long-term disability fund, the government will compensate the scheme to protect employees. They are, therefore, protected before an employer goes bankrupt because the government requires their company to fund the LTD plans. If there is a shortfall, the government will step in to cover the shortfall. In essence, the most vulnerable are protected.

In the United States, long-term disability employers have protection through the Pension Benefit Guarantee Corporation. Employees also have legal recourse to go after LTD benefits after bankruptcy provided by their Federal Employee Retirement Income Security Act legislation. There is no such avenue for Canadians. They also have a more generous Social Security Disability Insurance Program that pays more than twice what the Canada Pension Plan Disability Benefit pays to the disabled in Canada. All of our major allies and trading partners have something that goes well beyond what our government offers to our disabled workers.

Honourable senators, nowhere is the inequity of the present situation more starkly illustrated than in the case of Nortel workers. As that company goes about the business of divvying up its assets, over 400 of its employees on long-term disability are being cast aside.

This comes on the heels of news that Nortel paid seven top executives U.S. \$8.6 million in incentive bonuses last year as the company struggled through bankruptcy proceedings. What is shocking is that these bonuses were paid to many of the same people involved in decisions that put the company into trouble in the first place. These bonuses were paid at a time when thousands of former employees lost their jobs without severance and while hundreds may lose their LTD benefits.

These long-term disabled employees face a dire situation because Nortel has stopped making new cash contributions to its health and welfare trust. What is the result? Funds in the health and welfare trust are being depleted as the company pays out current long-term disability income, which means there will not be anything left to pay these employees in the future.

This exacerbates the enormity of the situation because the average age of the Nortel LTD employee is 42 years and he or she may need benefits for many years to come as a result of cancer, respiratory diseases et cetera. Many employees became disabled at younger ages. On average, they have their lives frozen at 50 per cent of their income at the time of their disability, which is well below their earnings potential if they had not gotten sick. This means that these disabled persons have not been able to accumulate personal savings from their low disability incomes to ensure they can live outside of poverty in the future if their benefits are cut off.

Honourable senators, these people also face average health care costs of \$12,000 per year. That is over and above public medical care, which is paid through medical benefits from the trust. Once the money in the trust is gone, what are they supposed to do? Current CPP disability income is only about \$13,000 a year, well below the poverty line and barely enough to cover their health care costs, never mind leaving anything for food or shelter.

What will happen, of course, is that these employees will turn increasingly to social assistance and make greater use of social services. They will have to make the heart-wrenching decisions whether to buy medication or food, to get treatment or pay the rent.

Effectively, Nortel will have downloaded these costs onto taxpayers while the company walks away from its responsibility. Let me emphasize that the company will transfer its responsibilities, download them onto taxpayers through social assistance programs, and the company, which still has billions of dollars in assets, will walk away.

Nowhere is this situation more illustrated than in the individual cases of Nortel employees. They are real people, not simply statistics. They stand to lose everything if nothing is done.

Josée Marin, a lab technologist at Nortel and single mother, has been in long-term disability since 2002. She suffers from Crohn's disease, an inflammatory bowel condition, and scleroderma, a chronic autoimmune disorder. She does not want to become a burden on taxpayers or her family. She wants to be able to live the remaining years of her life with dignity. As she so starkly stated: "I want to die in the comfort of my home, not in my car or on the street."

Then there is Peter Burns, an engineer and a father of three. In 2004, a tumour was found on his spinal cord. After surgery, he was left paralyzed below the T9 vertebra. Surgery partially corrected his paralysis, but some damage was permanent. He also suffered a post-surgical stroke that led to permanent short-term memory loss, extreme hypersensitivity, compromised mobility and severe chronic pain. Most of the time I talked with him, he could not sit because of the pain in his back and legs.

Like Josée, he was of the understanding that Nortel's long-term disability plan would support him until age 65 years. To ensure he would be covered, he made additional contributions to the plan to raise his LTD coverage from 50 per cent to 70 per cent of his income. He thought he had done everything right. He thought he took the responsible steps to protect himself and his family. Sadly, if nothing changes soon, his efforts may be for naught.

Nortel employees are not alone. There are workers in similar situations at the Pacific News Group, which is owned by Canwest. As Canwest goes through bankruptcy, their employees may see their benefits go as well.

• (1630)

The problem is not new; we have seen this kind of thing before. When Massey Combines went into receivership, many employees saw their benefits vanish.

Honourable senators, long-term disability plans are based on a simple bargain: If one pays one's fees, one will be covered should anything happen that makes it impossible for one to work. In the case of Nortel and others, that bargain has been broken. In the future, if no action is taken, similar bargains will be broken again. The taxpayers, I emphasize, will then end up picking up the costs.

The bill before honourable senators today attempts to end that practice. It declares in no uncertain terms that promising long-term support and then making short-term decisions to leave those promises in tatters is not just a matter of liabilities that are unfunded; it is a matter of practices that are unfair, unjust and unacceptable.

On March 11 of this month, the Government of Canada ratified the United Nations Convention on the Rights of Persons with Disabilities, and I applaud them for doing that. The guiding principles of the convention say that we must respect the inherent dignity and inclusion of persons with disabilities in society and that we must protect their right to an adequate standard of living. If nothing is done soon, honourable senators, then we will not be living up to our commitment by protecting Josée, Peter, and the other Nortel employees who currently and in the future will find themselves in this terrible position.

Honourable senators, there are times when it falls to legislators to speak up for those who have no voice, to help the powerless, to stand up for people because of the rightness of their cause and the unfairness of our laws. This is just such a time.

This bill will not only bring a greater degree of fairness in the bankruptcy process, but it will also help protect some of our most vulnerable citizens now and in the future.

As Josée Marin said:

These changes to the bankruptcy act are about human decency. They ensure a situation like the one I have been through for the last year never happens to any critically ill or disabled worker ever again.

Again, colleagues, I appeal for all-party support for these measures. Thank you very much.

(On motion of Senator Comeau, debate adjourned.)

## BUSINESS OF THE SENATE

**Hon. Tommy Banks:** Honourable senators, with regard to Bill C-464, I just want to say a quick word. I have taken the liberty today of sending to all honourable senators a DVD of a motion picture that sets out the reason and providence of this bill that is before us, and I commend your attention to it. It will help you to better understand the issue than I could possibly do when I speak to this bill for your consideration.

[Translation]

## THE ACADIAN FLAG

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Robichaud, P.C., calling the attention of the Senate to the importance to the Acadian people of the Acadian flag—a flag that brings people together.—(*Honourable Senator Champagne*)

**Hon. Andrée Champagne:** Honourable senators, in the inquiry that he initiated, our colleague Senator Robichaud talked about the Acadian people's attachment to the French language and how important their flag, a symbol that brings people together if ever there was one, is to them.

My responsibilities within the Assemblée des parlementaires de la francophonie recently led me to become acquainted with another group of Acadians: the Cajuns. I met some of them in Baton Rouge and Lafayette, in Louisiana.

During our meetings, we reviewed the history of Louisiana. We heard names that are very familiar to francophone Canadians. Our conversations were peppered with names like Sieur de LaSalle and the Lemoyne brothers — Pierre Lemoyne, Sieur d'Iberville, and his brother, Jean-Baptiste Lemoyne, Sieur de Bienville. The latter dedicated 40 years of his life to the survival of a French community in the Mississippi Valley, an enormous French-speaking territory. In fact, after it was sold for the bargain price of \$15 million, the United States divided it into 15 new states.

It was the Sieur de Bienville who called the region Louisiana to please his king. Its first capital was located in modern-day Biloxi, Mississippi, and then in the city we know as Mobile, Alabama. When he decided to move the capital closer to the mouth of the great river, he named the town in honour of the Regent of the French court, the Duc d'Orléans. Thus, New Orleans was born.

In the middle of the 19th century, the capital was moved once again, this time to Baton Rouge, where it remains to this day. The Vieux Capitole still exists and is now a museum right next to the current huge capital building, with a statue of Sieur de Bienville in its rightful place. That is where we were received by Senator Éric Lafleur and Congressman Jack Montoucet. Thanks to them, we were able to hold our first meetings in the Senate chamber.

I must admit that we were bubbling with emotion to hear these elected members speak to us in excellent French and tell us that a number of Louisianans have been encouraged by descendants of "our" Acadians to make a concerted effort to bolster the Francophonie in the southern United States.

Our subsequent meetings were held in Lafayette, in the offices of the International Centre headed by Philippe Gustin. Mr. Gustin left France more than 30 years ago to teach French in Louisiana and has taken root there.

Louisianans by birth or by choice are moving heaven and earth to make sure that in Louisiana, French is no longer considered just another foreign language like Spanish, German, Chinese or Arabic. They are making definite progress.

Immersion schools have been set up and an entire generation of young Cajuns are now studying the language of Molière quite seriously. They are proud to speak French and want it to be passed down to new generations. French was once their grandmothers' language, but today it is a language that a number of young people want to speak.

Under the aegis of Ms. Comeau, they are preparing for the Great Acadian Awakening. They are getting help from, among others, a young woman from the Acadian peninsula of New Brunswick who has been teaching French in Lafayette for seven years.

Our meetings with youth organizations were very enriching. Louisiana French uses terms that surprise us and make us smile. There are many expressions that relate to the sea. For example, on a restaurant door a sign in English said "Pull" to open the door. Below that was the word "Hâlez," or haul, as in haul in a boat or haul in lobster traps.

I remarked that at home we use the word "Tirez," which means to draw, to which the young person responsible for translating signs at that establishment simply said, "Madam, here if we said 'Tirez,' people would draw their guns."

• (1640)

I have already ordered my Louisiana French dictionary. Historian William Arceneaux also spoke to us about the foundation that he has established. Each year, college students come to study at the Université Sainte-Anne in Nova Scotia. Others do a placement in France or Belgium. The foundation covers both transportation and living costs, while the universities cover the registration and course costs.

Honourable senators, we must do everything we can to allow other Canadian francophone universities to do the same. I will need your help.

Finally, our Acadians, who were displaced in 1755 and have set down roots there, are just as determined and stubborn as those who are still here on Canadian soil.

Many find themselves with family names with an X on the end, which was added to their names in the first censuses. Their flag underwent many changes: from an array of golden fleur-de-lys to a variety of colours, to including the star of our Acadian flag. However, they are just as proud of the pelican that now represents them.

The Cajuns and elected Louisianans who want their state to revive its roots and original language deserve our support. The APF will do its part, but all of the francophones and francophiles in the world must also do their part to help promote the Great Acadian Awakening in Louisiana.

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I would like to thank Senator Champagne for this wonderful history of our Cajun cousins. As we say, "On va se hâler une chaise," that is, "Pull up a chair and sit a spell." Or, as I'm sure you've heard, "Let the good times roll." And on that note, I move that the debate be now adjourned.

(On motion of Senator Losier-Cool, debate adjourned.)

[English]

## EROSION OF FREEDOM OF SPEECH

### INQUIRY—DEBATE ADJOURNED

**Hon. Doug Finley** rose pursuant to notice of March 25, 2010:

That he will call the attention of the Senate to the issue of the erosion of Freedom of Speech in our country.



He said: Honourable senators, I rise to call the attention of the Senate to the erosion of freedom of speech in Canada.

There can scarcely be a more important issue than this one. Freedom of speech is, and always has been, the bedrock of our Canadian democracy. The great Alan Borovoy, who was the head of the Canadian Civil Liberties Association for more than 40 years, calls freedom of speech a “strategic freedom” because it is a freedom upon which all other freedoms are built. For example, how could we exercise our democratic right to hold elections without free speech? How could we have a fair trial without free speech? What is the point of freedom of assembly if we cannot talk freely at such a public meeting?

Freedom of speech is a most important freedom. Indeed, if we had all our other rights taken away we could still win them back with freedom of speech.

Benjamin Franklin once said: “Without Freedom of thought, there can be no such Thing as Wisdom; and no such thing as public Liberty, without Freedom of speech.”

Freedom of speech is embedded in Parliament’s DNA. The word “Parliament” itself comes from the French word “parler,” to speak. As parliamentarians we guard our freedom jealously. No member of the House of Commons or the Senate may be sued for anything that is said in Parliament. Our freedom of speech is absolute.

Yet, only last week, a few miles from here, censorship reared its ugly head. Ann Coulter, an American political commentator, had been invited to speak at the University of Ottawa. Before she even said a word, she was served with a letter from François Houle, the university’s vice-president, containing a thinly veiled threat that she could face criminal charges if she proceeded with her speech.

On the night of her speech, an unruly mob of nearly 1,000 people, some of whom had publicly mused about assaulting her, succeeded in shutting down her lecture after overwhelmed police said they could not guarantee her safety.

Honourable senators, it was the most un-Canadian display that I personally have seen in years. It was so shocking that hundreds of foreign news media covered the fiasco, from the BBC to *The New York Times* to CNN. It was an embarrassing moment for Canada because it besmirched our reputation as a bastion of human rights — a reputation hard won in places like Vimy Ridge, Juno Beach and Kandahar.

More important than international embarrassment is the truth those ugly news stories revealed. Too many Canadians, especially those in positions of authority, have replaced the real human right of freedom of speech with a counterfeit human right not to be offended.

An angry mob is bad enough. That may be written off as misguided youth, overcome by enthusiasm. However, such excuses are not available to a university vice-president who obviously wrote his warning letter to Ms. Coulter after careful thought.

Ann Coulter is controversial, she is not to everyone’s taste, but that is irrelevant because freedom of speech means nothing if it applies only to people with whom we agree. To quote George

Orwell: “Freedom is the right to tell people what they do not want to hear.”

In a pluralistic society like Canada, we must protect our right to peacefully disagree with each other. We must allow a diversity of opinion, even if we find some opinions offensive. Unless someone counsels violence or other crimes, we must never use the law to silence them.

Freedom of speech is as Canadian as maple syrup, hockey and the northern lights. It is part of our national identity, our history and our culture. It is in section 2 of our 1982 Charter of Rights and Freedoms, listed as one of our “fundamental freedoms,” and it is in the first section of Canada’s 1960 Bill of Rights.

Honourable senators, our Canadian tradition of liberty goes much further back than that. In 1835, a 30-year-old newspaper publisher in Nova Scotia was charged with seditious libel for exposing corruption amongst Halifax politicians. The judge instructed the jury to convict him. At that time, truth was not a defence. The publisher passionately called on the jury to “leave an unshackled press as a legacy to your children.” After only 10 minutes of deliberations, the jury acquitted him. That young man, of course, was Joseph Howe, who would go on to become the premier of Nova Scotia.

Our Canadian tradition of free speech is even older than that. It is part of our inheritance from Great Britain and France.

[Translation]

Quebecers are heir to article 11 of the *Declaration of the Rights of Man and of the Citizen*, 1789. This article states:

The free communication of ideas and opinions is one of the most precious rights of man. Any citizen may therefore speak, write [and] publish freely . . .

France has produced some of the most well-known defenders of free speech in the world.

• (1650)

François-Marie Arouet, better known by his pen name, Voltaire, was a polemicist who used satire and criticism to press for political and religious reforms. He paid a personal price, facing censorship and legal threats.

[English]

Voltaire put it best when he famously wrote, “I disapprove of what you say, but I will defend to the death your right to say it.” His passionate advocacy helped shape liberty on both sides of the Atlantic.

English Canada has an impressive legacy of free speech, too. Like Voltaire, John Milton, the great poet who wrote *Paradise Lost*, was constantly hounded for his political views. His 1644 pamphlet on free speech, *Areopagitica*, perhaps the greatest defence of free speech ever written, is as relevant today as it was

350 years ago. In it, Milton wrote, "Let Truth and Falsehood grapple; who ever knew Truth put to the worst, in a free and open encounter?" and, "He who kills a man kills a reasonable creature, but he who destroys a good book kills reason itself . . ."

Yet, despite our 400-year tradition of free speech, the tyrannical instinct to censor still exists. We saw it on a university campus last week, and we see it every week in Canada's misleadingly named human rights commissions.

This week in Vancouver, a stand-up comedian named Guy Earl has been on trial before the B.C. Human Rights Tribunal for the crime of telling jokes that someone did not find funny. An audience member who heckled him is suing him for \$20,000 because she found his retorts offensive. They may have been offensive, but what is more offensive is that a government agency would be the arbiter of good taste or humour. Nobel Prize winner Alexandr Solzhenitsyn was sentenced to eight years of hard labour for telling a joke about Stalin's moustache. It is a disgrace that Canada is now putting comedians on trial.

There is not a lot that the Senate can do about the B.C. Human Rights Tribunal, but our own Canadian Human Rights Commission has egregiously violated freedom of speech without any shame. In a censorship trial in 2007, a CHRC investigator named Dean Stacey testified that, "Freedom of speech is an American concept, so I don't give it any value." He actually said that. The Canadian Human Rights Commission actually admits they do not give free speech any value. That is totally unacceptable.

Freedom of speech is the great non-partisan principle that every member of Parliament can agree on — that every Canadian can agree on. I will never tire of quoting the great Liberal Prime Minister Wilfrid Laurier when he said that Canada is free and its freedom is its nationality. I will readily give credit to Keith Martin, the Liberal MP from British Columbia, who two years ago introduced a private member's motion to repeal the censorship provisions of the Canadian Human Rights Act.

Honourable senators, I call for this inquiry to accomplish five things: first, to reaffirm that freedom of speech is a great Canadian principle that goes back hundreds of years; second, to put Canada's censors on notice that their days of infringing upon our freedoms with impunity are over; third, to show moral support for those who are battling censors; fourth, to inquire into the details of what went so desperately wrong at the University of Ottawa to ensure that those awful events never happen again; and, fifth, to inspire a debate that hopefully will lead to a redefinition of section 13.1 of the Human Rights Act.

Honourable senators, there are times for partisan debate when parties must naturally be at odds with one another. This is not one of those times. Freedom of speech and respect for differing views is a foundational principle of our entire parliamentary system — indeed, of our entire legal system, as well.

I look forward to the constructive comments of my friends and colleagues on both sides of the aisle to build on the bipartisan history that Canadian free speech enjoys. If we can rededicate our Parliament to protecting this most important right, we will have done our country a great service, but if we fail to stop and indeed

reverse this erosion of freedom, we will have failed our most basic duty, the duty to uphold our constitution and the rights in it, the rights it guarantees for all Canadians.

I know that, like so many generations of Canadians before us, we will meet the challenges of our time and live up to our responsibility to pass on to our children the same freedoms that we inherited from our parents. God keep our land glorious and free.

[Translation]

**Hon. Maria Chaput:** Would the honourable Senator Finley take a question?

**Senator Finley:** Yes.

**Senator Chaput:** I would like to congratulate you, Senator Finley. I, too, am a strong proponent of freedom of speech. However, I was wondering about the fine line between freedom of speech and respect for others. In your view, at what point does freedom of expression go too far, and can it go too far?

For example, is it not an abuse of the freedom of expression to incite hatred in others, or cause feelings of rejection or destruction? And, at that point, do we lose our freedom of expression?

I would like to hear your comments on this, Senator Finley.

[English]

**Senator Finley:** I thank the honourable senator for the question. I agree that it is a very thin line. However, I do not think that anything trumps freedom of speech. If the line is crossed to the extent that it is clearly a hate crime, in other words, if someone counsels or encourages some kind of unrest or malice towards someone based on gender, creed, race or religion, then I agree that line has been crossed. However, this is why I would like to see a debate to define our view as to what is appropriate or not. That should be part of the debate. It is not for me to say what that line should be, but it would have to go an awfully long way before I would accept any curtailment of freedom of speech.

**The Hon. the Speaker:** I know there is another question, honourable senators, but Senator Finley's time has expired. If he asked for an extension of his time, Senator Downe could ask his question.

**Senator Finley:** Yes, please, Your Honour.

**Hon. Senators:** Agreed.

**Hon. Percy E. Downe:** I am wondering if it is the honourable senator's view that the government has made a mistake by restricting people who want to come to Canada to speak by not allowing them entrance to the country.

**Senator Finley:** I can certainly appreciate where the question comes from, honourable senators. Far be it from me to argue with my wife, the minister, and the Ministers of Immigration and Public Safety, and so on. It is a fine line. I assume that the honourable senator is referring to Mr. Galloway. I was disappointed that he was not given an opportunity to express himself here in Canada.

[ Senator Finley ]

I have followed Mr. Galloway's pronouncements, and I do not think it would have taken long for Canadians to realize the manner of the man. However, on balance, the decision to ban Mr. Galloway was probably correct because of incidents and activities in which he has been involved. However, I was disappointed that he did not get an opportunity to strut his stuff in front of Canadians.

• (1700)

**Senator Downe:** I thank the honourable senator for that thoughtful response. I found his speech interesting. It will be an interesting debate. I was not referring to the honourable senator's spouse but to the previous minister.

**Hon. David Tkachuk:** Honourable senators, on March 23, a mob prevented Ann Coulter, a political provocateur, from speaking at the University of Ottawa. Their actions were explicitly encouraged and given prior sanction by the provost of the University, Mr. François Houle, who wrote a letter to Ms. Coulter before her arrival in Canada. The obsequious words of welcome that began the letter were suspiciously warm and completely disingenuous. It stated:

We are, of course, always delighted to welcome speakers on our campus . . . We have a great respect for freedom of expression in Canada, . . .

After that, he should have written . . . except when we do not like what you have to say and how you say it.

After making clear for Ms. Coulter the differences between free speech in Canada and the United States, he basically accused her of trafficking in hate speech, which in Canada, and I quote his letter, "could in fact lead to criminal charges."

The letter closed with a line that could have come straight out of the re-education camps of Pol Pot's Cambodia: It stated:

Hopefully, you will understand and agree that what may, at first glance, seem like unnecessary restrictions to freedom of expression do, in fact, lead not only to a more civilized discussion, but to a more meaningful, reasoned and intelligent one as well.

The mob took its cue from the provost. Their actions so physically intimidated the police that the guardians of free speech, the police, fearing for Ms. Coulter's safety, advised her against speaking. After the fact, the leadership of the university incredibly failed to support what, to me, is the very foundation of our academic institutions: Freedom of speech. University of Ottawa President Allan Rock, with his head firmly planted in the sand, gave a tepid response. He said:

We have a long history of hosting contentious and controversial speakers on our campus. Last night was no exception, as people gathered here to listen to and debate Ann Coulter's opinions . . .

In other words, Mr. Rock is saying that it was not the university that stopped Ms. Coulter from speaking. I remind senators that dictators use paramilitary groups to prevent free speech.

**An Hon. Senator:** Oh, come on!

**Senator Tkachuk:** I am just stating what happened. You might not like what I am stating, but I am stating what happened. I am practising free speech.

**Senator Cordy:** Were you there?

**Senator Tkachuk:** Prior restraint — regulating speech or expression before it occurs — is usually exercised through judicial or administrative regulations. At the University of Ottawa, the mob exercised prior restraint and the administration took cover behind it. The mob went so far as to prevent the speech itself — not the courts, not the law, but the mob, on the excuse of what Ms. Coulter might say. They prevented their fellow students from hearing her. Those students were there voluntarily to listen, debate and make up their own minds. They were prevented from doing so by that mob. They were prevented from taking her on in a debate, if they so chose.

That this took place at a university is all the more troubling. We depend on universities to promote the free exchange of ideas. We depend on them to teach our kids and future leaders about the value of free speech, its meaning and its origins. The University of Ottawa has yet to learn the lesson, it seems. How could they overlook some of the most elemental teachings of free speech, such as the following words on the subject by Justice, Louis D. Brandeis, who said:

If there be a time to expose through discussion the falsehood and fallacies, to avert the evil by process of education, the remedy to be applied is more speech, not enforced silence.

The taxpayers of Canada fund the University of Ottawa. These same taxpayers, ordinary Canadians or rather extraordinary Canadians, are willing to allow citizens to advocate the breakup of Canada, allow them to form political parties advocating such a breakup of the country, and allow them to run candidates for office, who, if elected, sit in our Parliament. This is free speech in Canada. The taxpayers of this country trust the administration and faculty of the University of Ottawa to teach these values to our young people. They have failed us. They have failed the parents of these people. They have failed the country.

**Hon. Lowell Murray:** Would Senator Tkachuk take a question? I congratulate Senator Finley and Senator Tkachuk on their speeches. My question to Senator Tkachuk is: If I am not in my seat at the time, will he agree, in the interest of open debate and free speech, to offer a courtesy second to Senator Harb the next time he brings in his bill on the seal hunt? Is there an answer?

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

**Hon. Michael Duffy:** Honourable senators, I rise to join my colleague, Senator Finley, in support of an inquiry into the state of freedom of speech in Canada. I share Senator Finley's love of freedom and his concern about the growing phenomenon of censorship. I approach the subject from the perspective of someone who, as a journalist for more than 40 years, has used freedom of speech every day of his life and as someone who has observed its essential role in keeping our democracy healthy.

My first observation is that freedom of speech is much bigger than politics. It is about our right as free men and women to express ourselves in any way we choose, not just politically but socially, musically, artistically and through every other human endeavour. Our freedom of expression is inextricably linked to our right to think for ourselves, to choose our place in the world, to talk back to the world and to even fight against the world. If you doubt that, ask any high school rock band why they do what they do. It is freedom of expression.

While it is often political speech that grabs the news headlines, we should never forget that millions of Canadians put freedom of speech into action every day, from filmmakers to authors to stand-up comedians to advertising agencies, to service club meetings and even to Rotary Clubs. Free speech is a thread of personal liberty that is woven into every part of Canadian society. As a journalist, I exercised my freedom of speech every day, and I was proud to offer a platform to many whose ideas were often considered controversial. Senator Cools, for example, was often a guest on my television program as she fought for causes she believed in, in particular the rights of divorced fathers. There are many other examples involving both senators and members from the other place.

Free speech oils the gears of democracy to keep them running smoothly, especially in times of great controversy. Freedom of speech not only helps the system to work but also invites people into the system and gives them a seat at the table of our national discussions. It turns dissidents into participants and invites people to opt in, not to drop out.

• (1710)

We sometimes take that for granted, but we should not, because in countries where there is no freedom of speech, people who feel marginalized cannot voice their grievances peacefully. They do not have the safety valve of public debate in which to vent their passions.

It is no coincidence that many of the countries with the least freedom of speech are countries with the most political violence. Some people say that if we banned offensive or rude opinions in Canada, our society will be more harmonious, but experience around the world shows that is just not how it works. If we stop people from expressing themselves verbally, even in ways we personally find distasteful, they might be tempted to express themselves in other less peaceful ways.

Free speech is our national safety valve. I am impressed by how many grassroots Canadians have joined the ranks of democratic participatory journalism through blogs, YouTube and social media such as Facebook and Twitter.

Journalism was once seen as a private club. There were enormous barriers to entry. Ordinary people could not join in the national discussion. They were reduced to the role of spectators, with little chance to participate beyond shaking their fists at the television set or maybe writing an occasional letter to the editor.

But now, anyone with a laptop — or a camera, for that matter — can help make the news and have their say and, through the power of their ideas, reach millions of people and

sometimes even change the world. It is not just healthy for journalism; it is healthy for our democracy, and it is young people who are in the vanguard. That is free speech.

Just ask the hardliners of Iran who are losing the battle of ideas against university students armed only with the power of Twitter. Or consider Communist China. During the events in Tiananmen Square, our distinguished colleague Senator Munson provided Canadians with a window on that important and historic event.

Today, thanks to technology, instead of just a few valiant journalists like Senator Munson, the main voice for dissidents in China, the main voice calling for reform, is that country's 20 million bloggers who are blowing the whistle on corruption and pressing for greater liberty.

What is the lesson? Even if censorship was morally correct — and it is not — it has been rendered obsolete by technology.

The Canadian Human Rights Commission, about whom we heard a lot earlier today, has shut down offensive websites here in Canada, but persistent dissidents are not stopped by that. They can simply move their websites to the United States or to Iceland, which has announced recently its plans to be the world's leading free speech jurisdiction.

There is another paradox of censorship in the Internet age. Out of the billions of pages on the Web, the Simon Wiesenthal Centre estimates that about 8,000 sites are serious purveyors of racism or anti-Semitism. By prosecuting this relatively small number of obscure websites, we give fringe, marginal ideas more attention and publicity than they would ever have received on their own.

Honourable senators, there is a better way. There may be thousands of hate sites, but there are millions of amateur bloggers out there ready to expose and rebut racist lies.

I am referring to people like Ken McVay of British Columbia. He is a righteous Gentile who has spent thousands of hours meticulously rebutting Holocaust denial on the Internet. He does not sue anyone, but he will debate anyone at the drop of a hat. His website is [www.nizkor.org](http://www.nizkor.org); it is now one of the most comprehensive archives of knowledge about the Holocaust to be found anywhere. Ken McVay has not created celebrity haters, like our censorship laws have, but he has been tremendously effective at rebutting racist lies as a citizen blogger.

Of course, we all agree that anti-Semitism and Holocaust denials are odious ideas, but one of the problems with censorship is that the definition of what is offensive is open to political bias.

*Maclean's* columnist Mark Steyn was put on trial for a week in Vancouver for merely expressing his political views. Ezra Levant and the *Western Standard* magazine were investigated for 900 days for illustrating a news story about the Danish cartoons of Mohammed with eight of those cartoons.

Prosecuting those acts of journalism was clearly not the intention of Parliament when Parliament passed hate speech laws; and the chilling effect has been much wider than just these and a few other notorious prosecutions. How many other journalists have quietly decided to pull their punches on controversial issues just to avoid a nuisance suit or a human rights complaint?

How many radio and television stations have avoided vigorous discussions of controversial issues out of fear of censorship from the Canadian Broadcast Standards Council, acting on behalf of the CRTC?

And why is it that the CBC has an in-house ombudsman to deal with questions of fairness, while private broadcasters have a different regime? It seems strange to me.

This is not hypothetical. In 2004, a handful of complaints convinced the CRTC to yank the licence of CHOI-FM, one of Quebec's most popular radio stations. Imagine that, a government order that, had it been allowed to stand, would have destroyed dozens of careers and a successful business, all because of hurt political feelings. That is how Hugo Chavez handles radio stations he does not like. It is not the Canadian way.

That is why non-partisan NGOs such as PEN Canada, the Canadian Association of Journalists, the Canadian Constitution Foundation and the Canadian Civil Liberties Association have all condemned government censorship and section 13 of the Canadian Human Rights Act, in particular.

Even anti-hate groups like B'nai Brith Canada have expressed grave reservations about human rights commissions, which were created to be a shield to protect Canadians and their rights, but instead have become swords used to destroy our rights. B'nai Brith, itself, was the subject of just such a nuisance complaint.

Finally, I would like to observe that, while technology has enhanced our freedom of speech, Canadian courts have enhanced our freedom of speech as well. I am referring to the 2008 Supreme Court case about defamation law — *WIC Radio Ltd. v. Simpson*.

The court unanimously ruled that:

We live in a free country where people have as much right to express outrageous and ridiculous opinions as moderate ones.

Just last September, the Canadian Human Rights Tribunal declared section 13 of the Human Rights Act unconstitutional.

Honourable senators, censorship was never a moral idea, but now it is impractical, too. Technology and human innovation came first, making the censors obsolete. Our judges were the next to weigh in, reaffirming that censorship is a violation of our Charter values of free speech. Now it is time for Parliament to act to modernize our laws and remove the archaic censorship provisions. They are unwelcome remnants of a different era.

It is my hope that this Senate inquiry will begin the process by which Parliament brings our laws into sync with Canada's values: our love of freedom; our ability to handle differences of opinion peacefully; our national embrace of the technologies of communication; and a clear message from the courts that Canada as a country must live up to our national promise of freedom for all.

As a journalist, I know the value of free speech and, as a senator, I believe I have a duty to protect it.

**The Hon. the Acting Speaker:** Senator Duffy, would you accept a question?

**Senator Duffy:** Yes, Your Honour.

[Translation]

**Hon. Roméo Antonius Dallaire:** Honourable senators, at this point in the debate, I do not want to raise the issue of the power that communications media can exert over a country. I have seen the effect that private stations, such as Radio Télévision Libre des Mille Collines, can have. That station was instrumental in the events that transpired and was known as genocide radio. I will talk more about it later on in the debate.

Everyone seems to want to blame the Human Rights Commission. There is a debate going on about human rights and the limits of those rights. Perhaps it would be useful to have a minister or a political person appointed to be responsible for human rights instead of allocating that responsibility to a dozen departments, whose public servants do not really take the time to understand the Charter or to adapt the restrictions therein to modern-day human rights and privileges.

• (1720)

[English]

**Senator Duffy:** Honourable senators, we all know about the experience of radio in Rwanda. Thank heavens we do not have that sort of thing here. Were it to occur here, I think it would be covered by hate speech laws, as well as the other laws that we have on the books to deal with issues of speech going too far. We all know the line that one cannot yell "fire" in a crowded auditorium.

As far as reforming government, the honourable senator has been at this a long while. If we continue on with this inquiry, maybe we will have some ideas about the honourable senator's idea of streamlining things.

**Hon. Anne C. Cools:** Honourable senators, I thank Senator Finley for his intervention and for putting this subject matter before us. I also thank Senator Duffy for his speech.

My question is of a particular variety. At the time that Senator Duffy was speaking of his several interviews with me, and there were countless ones, the fact of the matter is that public opinion in the country supported me, whether it was due to my defence of the importance of fathers in children's lives and the importance of continuous meaningful relationships with fathers, or whether it was on the phenomenon of women's violence against children, and even against men.

Honourable senators, in all those instances, I was supported by public opinion. All the pollsters would tell me this, and obviously I could see it in the work I was doing. I want to put this to the honourable senator because he comes out of the information and communication industry. He knows a lot about it. How is it and how was it that such a tiny number of individuals, a marginal number of individuals, are and were able to have such a stranglehold on the information industry?

**Senator Duffy:** I thank the honourable senator for the question.

**The Hon. the Acting Speaker:** Is the honourable senator asking for more time to answer?

Do honourable senators agree to five minutes more?

**Hon. Senators:** Agreed.

**Senator Duffy:** I hope our inquiry can look at that question, if we carry on this debate, as to all avenues of communication and what influences are there and what are the potential roadblocks to having a free and democratic society in terms of our public broadcasting.

**Senator Cools:** Honourable senators, that would be extremely helpful. I think Senator Wallin wants to take the adjournment, but I shall make it my business to speak on this matter. As this debate continues, we have to look at the fact that these individuals often are marginal and comprise a small number. It takes a high degree of moral courage, a high degree of brain power, a fair mastery of the English language as well as the ability to be articulate, to cut through the masquerade, to allow individuals to look at truth and to make judgments, particularly on what they see around them.

Honourable senators, in the particular instance of the divorce debate, as the honourable senator knows, every single person was affected by divorce, so every woman I know had a son, brother or father involved in divorce and "access denial." As honourable senators remember at the time, freedom of speech was even violated to a greater sense. Remember at the time, there was a plethora of false allegations of abuse against fathers in court cases.

This is a huge subject matter. I hope we shall take the time to explore it in its multiple dimensions. When the honourable senator speaks of Mark Steyn and the others, perhaps we can take a look there. Honourable senators will remember there were nasty, horrible, racist statements made about me by one of the individuals in one of those cases. I have stayed far away from it, but we should look at it. I think the honourable senator knows what I am talking about.

**Senator Duffy:** Thank you, Senator Cools. She always gives food for thought.

**Hon. Jim Munson:** I notice that this notice of motion was under Senator Finley's name and that he will "call the attention of the Senate to the issue of the erosion of Freedom of Speech in our country." Will the honourable senator expand upon his views on critical thinking?

**Senator Duffy:** Is this question addressed to me or Senator Finley?

**Senator Munson:** It is for Senator Duffy.

**Senator Duffy:** I do not think I can do the subject justice in the time available today. That discussion is for another time.

**Hon. Mobina S. B. Jaffer:** I listened to the honourable senator with great interest. I have taken note of what he said. I have a question of clarification. From his answer to Senator Dallaire,

does the honourable senator accept that there are certain times when we must have hate laws so there is no incitement of hate in our country?

**Senator Duffy:** We have a full array of laws already on the books and I think they are put there for a reason. I see recent events as going far beyond what is contemplated in the law.

**Hon. Pamela Wallin:** Honourable senators, I am pleased to participate in this inquiry today, which was launched by my colleague Senator Finley. The right to free speech is not the same as the right to be heard, but their coincidence is at the core of our democracy and is the essence of what democracy is truly all about: the right to say what you mean and the right to be heard.

The first issue is free speech. Since men and women first put pen to paper, or chisel to stone, or since the first political speech was shouted from a corner, or since the first actor took to the stage, many have joined the fight for free speech.

Last century and this one, we have even asked our soldiers, even to this day, to preserve that hard-won right to speak freely and to speak our mind. My mother always counselled me to speak my mind, but only once my mind was informed. I try to follow her advice.

That said, for better or worse, free speech is also about the right to uninformed speech or to speech for those with whom we may most vehemently disagree. Their words may appal us, offend our sensibilities, or make us angry or sad. We have laws, as we must and should, to contain and punish those who spread hate with their words or who demean others based on their race, gender or sexual preference. There are libel and slander constraints, as well.

However, the critic Noam Chomsky once stated: "If we do not believe in freedom of speech for those we despise, then we do not believe in it at all."

The recent case of Ann Coulter, a provocative media pundit, mentioned by the honourable senator, is a case in for the many who despise her. If you do, turn off your TV; do not buy her book; debate her; even mock her; but please do not censor her. My colleague quoted Voltaire, the French writer and historian, who also cogently wrote, as Senator Finley mentioned, that "I may disapprove of what you say, but I will defend to the death your right to say it."

In more contemporary terms, others have turned their mind to this issue. A one-time candidate in the United States, Adlai Stevenson, once said: "My definition of a free society is a society where it is safe to be unpopular." I think that is an important idea and concept. Perhaps even more compelling was his comment: "The sound of tireless voices is the price we pay for the right to hear the music of our own opinions."

The Internet discussion that ensued following Ann Coulter's arrival in Ottawa was filled with calls for action: to denounce her, to throw eggs or pie, or to spew their venom. I read a lot of them. Somewhat of an online frenzy of hate was whipped up out of ignorance and intolerance. It was abusive and threatening. Such acts demean us all. Institutions of higher learning should be the last place to expect stifled thought.

• (1730)

One honourable senator today mentioned the case of the professors in Regina. I was truly saddened by the selfish and mean-spirited response of professors there — it is my alma mater — regarding the Project Hero scholarship that provides financial aid to children of fallen soldiers so they might have an education. These are parents who are at war because their country asked them to do so. They are there fighting so that young Afghans can go to school and we think that maybe our soldiers' children should have the same right.

In my profound disagreement with them and others, I will still defend their right — the right of the protestors and the professors to speak — even though I disagree. I use my voice to reply to them and I want my right to do that.

The only way to ensure that you and those you agree with have the right to speak is to support the right to speak of those you despise or do not like — the people with whom you do not agree.

Wendell Phillips once said: "Eternal vigilance is the price of liberty." That is why the honourable senator was right to launch this inquiry. Each time we remain silent in the face of an attack on free speech, we erode it. We lose a little liberty each time someone is silenced.

While Ann Coulter may not share the status of others who have been silenced, such as Nelson Mandela, Charles Darwin, Anne Frank, J. D. Salinger, Alice Walker or even The Beatles, the principle is the same. These are the words of Alexandr Solzhenitsyn:

Woe to that nation whose literature is cut short by the intrusion of force. This is not merely interference with the freedom of the press but the sealing up of a nation's heart, the excision of its memory.

He is one who knows what it is to be silenced.

It does not matter whether it is a Harry Potter book or the comedy of George Carlin, we must rail against unduly restricting free speech. Carlin said: "I think it's the duty of the comedian to find out where the line is drawn and to cross it deliberately." He at least tried to do so and, with humour and a willingness to fight through the courts for his right to be offensive to some and funny to others, he eventually prevailed.

When free speech is taken away by force or a court, I suppose they can restore it in some senses. However, if we give up free speech without a fight, then it is lost forever.

George Washington said: "If freedom of speech is taken away, then dumb and silent we may be led, like sheep to the slaughter." Our American friends have been having this battle for centuries. The only legitimate restraint on free speech, they argue, is if it creates clear and present danger. They have modern interpretations of that term. Free speech is one of their inalienable rights.

Through our own French and British cultures and histories, we too have taken on this issue. In fact, the history is long, from Socrates to the Magna Carta, from Milton in 1644 to the English

Bill of Rights in 1689 and to the French Revolution, where the Declaration of the Rights of Man in 1789 called for freedom of speech.

The U.S. Bill of Rights declared in 1791 that freedom of speech was an inalienable right. In 1929, Justice Oliver Wendell Holmes gave voice to some of the sentiments expressed here today. The principle of free thought is "not free thought for those who agree with us, but freedom for the thought that we hate."

We still have much to battle these days. There are threats to free speech all of the time — too many examples for any of us to cite today. I will leave honourable senators with a final thought. If A.J. Liebling is correct that "freedom of the press is guaranteed only to those who own one," then let us take a page from his legendary book and remember that we own our own thoughts, ideas and speech. We own them, so let us use them and defend them. It is our responsibility as citizens and as representatives of the people of Canada.

**Hon. James S. Cowan (Leader of the Opposition):** Would Senator Wallin take a question?

**Senator Wallin:** I will try my best.

**Senator Cowan:** Honourable senators, I am sure all of us in this chamber welcome Senator Finley's inquiry. Many of us are anxious to participate in the debate. My question relates to the particular focus of not only Senator Wallin's speech but a number of other speeches, and that is what I might call the Coulter incident.

Is it the honourable senator's belief that the censorship and improper conduct in relation to that incident is based on the university preventing her from speaking, which has been reported, or based upon another report that Coulter's own organizers shut it down and requested that she not go forward?

I was not there; perhaps the honourable senator was, but there were two different reports. From the tenor of some of the discussion today, it seems that the focus of this, which I think should be broader —

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

**Senator Cowan:** Perhaps Senator Comeau was there and he can speak. Perhaps the honourable senator should speak on this; it is an important issue.

I would like to hear from Senator Wallin whether she knows which of those two possible explanations is, in fact, true.

**Senator Wallin:** I thank Senator Cowan for the question. I do not know what is ultimately true. The reports I read indicated that her organizers decided to pull her away from the event in conjunction with conversation with university officials. It is a chicken and egg scenario in my mind. It is simply one example. We can pick others and my colleague, Senator Duffy, mentioned others in this country.

It is a much broader issue than that event for me. That is a recent trigger that should cause us to have concern about what is happening. Whether we like, agree or disagree with Ann Coulter, it is up to us to form our own opinions. However, the principle is

important. That was the nature of my comments. What if someone the honourable senator believes in was shouted down, harassed or kept at bay by those in power from simply making remarks?

I suppose this comes from my years as a journalist, but it also comes from my years as a citizen. It is the responsibility of each and every one of us. We cannot simply say the university made a mistake and they should be punished, or the protestors made a mistake and they should not be allowed to speak. Each and every one of us must take responsibility in our own ways for doing that.

This inquiry will be spelled out in greater terms. Senator Finley has done that. I wanted to add my voice as someone who believes that we do not simply slough off these responsibilities onto institutions, rightly or wrongly. We all take on these responsibilities. That is why some of us were moved today to stand and to talk about it. It is a right that I feel very strongly about. These days, particularly in the world we live with the technological onslaught, it is more difficult to do.

**Senator Cowan:** Honourable senators, I take it that Senator Wallin agrees with me that it is important not to focus entirely on that incident, whatever the circumstances were and that what we really want to address in this inquiry — which I think we all welcome — is the broader discussion about freedom of speech. I think we all agree with the principle, but we would also agree that there must be some bounds. I take it that the honourable senator would agree that it is important to expand the discussion beyond the narrow context of this particular incident. I am not trivializing the incident at all.

**Senator Wallin:** Honourable senators, this is one incident and, as I said, many have been raised by my colleague today. However, this incident has obviously provoked us to rise on this issue today. Yes, I agree the issue is much broader than one single incident. It is the eye on the situation and that is what we were addressing.

**Hon. Art Eggleton:** My question to Senator Wallin centres on a controversy that has existed on campuses in Canada for the last couple of years about the Israeli Apartheid Week that upsets many people in our communities as being anti-Semitic. If it is not directly anti-Semitic, it is close to it.

• (1740)

How do the honourable senator's comments relate to that particular annual event which offends many people in this country?

**Senator Wallin:** I thank Senator Eggleton for the question. I did not cite that as an example, and I have certainly read about those situations on campus. The larger point is what is troubling me, and I say this also as a chancellor of a university: It should be of interest to us what that next generation out there is thinking and doing on university campuses. We might be well served to educate ourselves about debates being held on that topic, those that my colleagues raised today and that I did as well.

**Senator Eggleton:** The honourable senator would not suggest, as some people do, that those debates be banned?

[ Senator Wallin ]

**Senator Wallin:** I cannot tell honourable senators whether or not I think they should be banned. I have done some reading on that, but not in depth. If they fall under the purview of hate speech, and I cannot answer that specifically, if that is happening, then we have some laws and regulations to address that. I do not know enough of the circumstances to tell honourable senators what I think should be done legally.

**Senator Downe:** Will the honourable senator tell us her view on the subject of freedom of speech for senior public servants, some of whom — when they appear before parliamentary committees or in other forums where they must relate what the facts are — are sometimes threatened that their legal costs will not be covered for any lawsuits that come out of it? That is against the tradition where legal costs are always covered for public servants and parliamentarians. In one case, a head of an agency lost her job.

What are the honourable senator's views on freedom of speech for senior public servants?

**Senator Wallin:** I have had experience with that on both sides of the coin, as someone who was the consul general in New York, when I had to seek legal support for some of my staff members during a particular incident. I have looked at this issue as a journalist from many sides. This is precisely the point: Let us look at some of these issues and find a constructive way to approach this subject.

There are obvious reasons of national security for which some people will be restricted from speaking. I do not think that would be challenged by anyone. We cannot share every secret, and we also must take into account the context in which people make the comments that they do and check out the actual allegations as to whether they had other forums or other ways to share their information.

These things are never as simple as they appear in a news story of four or five paragraphs. These issues are complicated, and that is exactly why we have raised this. It is a good time for all of us to reflect. There have been many changes in the way information is spread these days. This is a good time to inquire into that situation.

[Translation]

**The Hon. the Acting Speaker:** Honourable senators, other senators have expressed the desire to speak. Is it your pleasure to give Senator Munson five more minutes?

**Hon. Senators:** Agreed.

[English]

**Senator Munson:** Honourable senators, my son will hate me for this. He was a graduate of King's, and perhaps he had some critical thinking in his life. He was the op-editor of the *Dalhousie Gazette*, and that is why I wanted to have Senator Duffy speak about critical thinking at King's and what real critical thinking means. Critical thinking is about being objective in a news story, but that is another topic because if you are worried about the next generation and the erosion of the freedom of speech, get ready for the next generation.



However, we should expand Senator Finley's inquiry on the erosion aspects of free speech. I do not see very much in the way of the erosion of freedom of speech in this country. Perhaps we should expand the inquiry to the United States of America, as we witnessed in the last week when David Frum exercised freedom of speech and lost his job.

Could I have the honourable senator's comments, please?

**Senator Wallin:** I certainly have slightly different information than does the honourable senator, and he knows how we go about collecting all of that. I do not know why David Frum lost his job. However, I do not think it is within our purview to start to examine freedom of speech in the United States. We should clean up our own backyard first.

**Senator Cools:** Honourable senators, I am very interested, as I said before, in these types of interventions on free speech. If the debate continues, we will obviously have to broaden and then narrow the subjects of discussion.

My question to Senator Wallin has to do with whether she has any ideas as to why so much of this activity seems to be happening on university campuses. My question is borne out of the fact that, just a few days ago, I saw some clips from a speech by a professor, Dr. Norman Finkelstein, who is a Jewish academic, whose very parents were victims in the Holocaust, and who is critical of Israeli aggression against the Palestinians. Yet, this professor was under fire for speaking out against Israeli aggression.

Honourable senators, this is such a large topic, one that has been worrying many of us for a long time. Does the honourable senator have any ideas as to why these sorts of things seem to be happening on university campuses? When I went to university, it was free speech. It was listen to everyone but the openness was quite profound. That was in the 1960s. I wonder why this kind of incident seems to be occurring on university campuses.

**Senator Wallin:** In one of the examples I cited, the issue was not the students; it was professors. Perhaps it is just because of the particular examples we chose, but it has much more to do, as we can all conclude, with what is happening with technology, how people are communicating and where people are testing their limits. It would be fair to say we all tested our limits much further when we were younger, and they have different mechanisms for doing that now. They can do that through and on the Internet, and it has the amazing and powerful impact of having a reach beyond anything we could have managed when we tried to gather a handful of people to mount a small protest against whatever it was we were protesting that day.

This reach is now international and global. It has a focus, but it is not just university campuses. Senator Finley has done a good job in terms of laying out the embrace that will allow us to bring that into the inquiry.

[Translation]

**The Hon. the Acting Speaker:** Honourable senators, the time allocated for questions has expired.

(On motion of Senator Fraser, debate adjourned.)

• (1750)

[English]

## THE SENATE

### MOTION TO TELEWISE PROCEEDINGS— DEBATE ADJOURNED

**Hon. Hugh Segal,** pursuant to notice of March 18, 2010, moved:

That the Senate approve in principle the installation of equipment necessary for broadcast quality audio-visual recording of its proceedings and other approved events in the Senate Chamber and in no fewer than four rooms ordinarily used for meetings by committees of the Senate;

That for the purposes set out in the following paragraph, public proceedings of the Senate and of its Committees be recorded by this equipment, subject to policies, practices and guidelines approved from time to time by the Standing Committee on Internal Economy, Budgets and Administration ("the Committee");

That proceedings categorized according to subjects of interest be prepared and made available for use by any television broadcaster or distributor of audio-visual programs, subject to the terms specified in any current or future agreements between the Senate and that broadcaster or distributor;

That such selected proceedings also be made available on demand to the public on the Parliamentary Internet;

That the Senate engage by contract a producer who shall, subject only to the direction of that Committee, make the determination of the program content of the proceedings of the Senate and of its committees on a gavel to gavel basis;

That equipment and personnel necessary for the expert preparation and categorization of broadcast-quality proceedings be secured for these purposes; and

That the Committee be instructed to take measures necessary to the implementation of this motion.

He said: Honourable senators, awash as we are in a constructive discussion about freedom of speech, I thought I might try for the third time since coming to this place four years ago to talk about freedom of vision — the freedom of Canadians to see what we do in this place.

In this Third Session of the Fortieth Parliament, I rise one more time to speak on my motion regarding the broadcasting of Senate proceedings. For those colleagues who have just arrived, I have done this on two other occasions. For those who are here and have been here for both of those occasions, I apologize for sounding repetitive and argumentative.

We in this chamber, and indeed outside of it, are discussing its meaning and value, and reform proposals are awash everywhere. Public perception of this institution is often less than generous, but I am one of those people who thinks that if Canadians could

turn on their computers and hear the debate we have just had — for which I thank my colleague, Senator Finley, for leadership on the matter — they would be impressed by the breadth, depth and range of discussion. The fact they are denied the right to do so because we do not have televised or digital video streaming from this place, for people to tune into as they wish, is a serious mistake.

Honourable senators, the public has a right to know what it is we do before it pronounces on how we might change this institution. As honourable senators will know, I have proposed a referendum on several occasions since coming to this place, but a referendum, to echo my colleague Senator Wallin, should be one upon which people are well informed before they express their views. Having a chance to see what happens in this place will assist in that process.

Currently, whatever good work is done, whatever legislation comes away from this place improved by amendment or approved after passing under our microscope, however thoughtful or inspired or improved — all in the best interests of Canadians — are neither here nor there if Canadians have no way of hearing or seeing this except by reading Hansard or whatever journalists may choose in their wisdom to cover.

Honourable senators, we could go a long way in showing the Canadian public a glimpse into our work and maybe, just maybe, they would come to understand what the Fathers of Confederation envisaged when they created this institution. Reforming the Senate, if such reform is to take place, would be a much easier task if its very legitimacy was not in question. In my view, one of the reasons its utility is in question is because, other than a few select committees, its work is hidden from sight. Televising or making our deliberations digitally available, communicating the public proceedings of the work done here, would assist remarkably in the utility question on a national basis.

The motion before honourable senators is my original motion of three years ago, but it has been changed. It is a revised, bipartisan collaboration that was introduced more than a year ago. At that time, there was debate, especially by my good friends Senator Fraser and Senator Andreychuk, as to the wording, which implied something about which they were troubled, namely editing of the broadcasts. Senator Banks has also offered insightful modernization suggestions from the original motion.

Honourable senators will note this phraseology, that of any editing, has been removed from this new motion. I agree with my honourable friends: Any public broadcasting should be subject to full public scrutiny, warts and all. It is my hope that video records will be digitally searchable by young people without any limitation.

Everyone in this place takes their work most seriously. We understand our role and execute it to the best of our ability and in the end our decisions directly affect other Canadians. It should not, I hope, be hard for us to agree that it is our responsibility to make our discussions and debates transparent and accessible for those who wish or care to see for themselves where their tax dollars are being spent and for what purpose.

This is the 21st century. Virtually everyone in this chamber is computer literate, carries a BlackBerry, watches more than one news broadcast daily, and stays in touch with family and friends

and people from their Senate district via email, Facebook or Skype. What then could possibly be the argument against allowing the public occasionally, whenever they decide to do so, to peer in on our deliberations and evaluate them for themselves?

I believe this motion represents a way ahead. The Standing Committee on Internal Economy, Budgets and Administration can make a series of decisions about cost and proceeding in a way that does not diminish the authority of this chamber to govern the process going forward in any way, as is our tradition. Based on advice —

**Hon. Roméo Antonius Dallaire:** Honourable senators, if I may interrupt; I am trying to listen to the French translation. It is a little fast. I wonder if the honourable senator can slow down the tempo of his speech to help us, if he does not mind.

**Senator Segal:** Based on advice from all sides, the motion reflects a fashion in which we might proceed that is both frugal and responsible. It will allow us to progress without diminishing the prerogatives that we all have as members of this place with respect to the way it is governed. I commend this motion to your most favourable and pressing consideration in either one of our two official languages.

**Hon. Joan Fraser:** Will Senator Segal take a question?

As I recall, in the last session the honourable senator's motion was amended for a reference to the Rules Committee, which, as the honourable senator knows, has done a lot of work on this subject, and I have reason to believe the committee would like to continue and complete that work. I am not talking now about a completion 10 years down the road, although the honourable senator might suspect that from some of the things I have said in the past. I am talking about an expeditious process here. There would be, I believe, some reluctance to do so without a renewal of the reference.

Is Senator Segal prepared to accept a friendly amendment to revive that reference to the Rules Committee?

**Senator Segal:** It was my privilege to do so the last time this item was discussed and I would be honoured to do so again.

**Hon. Jim Munson:** I agree with everything that Senator Segal says on this matter. The proceedings of this place should be televised. I know some senators cringe because they do not like that idea.

Honourable senators, I went home to northern New Brunswick, even though I am an Ontario senator, and I watched the proceedings of Bathurst city hall on television. They talked about sewer works and other things, and it was twelve o'clock at night and it was soothing by the Bay de Chaleur, but it was there. It is a public debate and people are seeing that debate.

I am sure the same thing happens at city hall at Kingston or nearby and people watch it. They participate. The proceedings are transparent and open. How can those of us who believe in a televised Senate move it faster so that we see it before I am 75, or before I am dead or in eight years?

**Senator Segal:** That is a question for which I am likely the least able to offer a response. There is a place where good ideas go to die. I suggest that this motion that is now before us has had the opportunity of visiting that place on a couple of occasions. I defer to those who are in charge of that place as to how that might be in some way advanced.

I understand the need for careful consideration, but I think in an age when students in grade 10 can watch the British House of Lords on their BlackBerry phones on the BBC download, they might be able perhaps to watch the upper chamber in this country, right here in Canada.

**Hon. Percy E. Downe:** Has the senator given any thought to what changes could be incorporated if we do have a webcasting TV in the Senate? Will he consider, for example, instead of trying to parallel the House of Commons where Question Period might become more partisan, entertaining a session on committee work where committee chairs can be questioned and members of the committee can inform other senators what they are doing in their committees?

On the weekends, I watch CPAC occasionally and I see interesting Senate committees. I have no knowledge of them because I am at other committees at the same time they are meeting. Rather than paralleling what the House of Commons is doing, is the senator open to being creative about how we can present this institution in the best possible way?

**Senator Segal:** I am, but I do not want to exceed —

• (1800)

[Translation]

**The Hon. the Acting Speaker:** Honourable senators, it is now 6 p.m. Is it your wish that we not see the clock and continue past 6 p.m.?

[English]

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, there are just a few minutes left in Senator Segal's time. We have one final motion that we would like to get through. Would honourable senators agree to not see the clock?

**Hon. Senators:** Agreed.

**Senator Segal:** Honourable senators, I do not want to expand the remits of this motion. Some of our colleagues who have been steadfastly opposed to this idea have said that they are troubled that this idea will, through the back door, affect a series of other procedural and rule changes around the orders by which this place operates. That would be beyond the remit of the motion, and anyone would be justifiably concerned about such changes.

The ability for all members of this place, during Question Period, to ask questions of committee chairs, which I understand to be part of the standing orders, would allow some of that discussion to roll out in the normative way. Moreover, nothing that would be decided with respect to this particular instrumental motion about visual streaming would get in the way of the Rules Committee saying that they would like to have a different

approach to Question Period. The Rules Committee could say that they want to have a system that exists in some other places where question periods take place on fewer days but for a longer period each day, which would allow more other debates. That is beyond my remit and certainly beyond my pay scale.

It strikes me that is the sort of thing that could be discussed, but I would not want to leave the impression that my purpose in this motion is to have a backdoor impact on the way this place operates. That should be a front-door discussion in which we are all involved.

(On motion of Senator Tardif, for Senator Banks, debate adjourned.)

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO STUDY SERVICES AND BENEFITS FOR MEMBERS AND VETERANS OF ARMED FORCES AND CURRENT AND FORMER MEMBERS OF THE RCMP, COMMEMORATIVE ACTIVITIES AND CHARTER AND REFER PAPERS AND EVIDENCE SINCE FIRST SESSION OF FORTIETH PARLIAMENT

**Hon. Pamela Wallin,** pursuant to notice of March 29, 2010, moved:

That the Standing Senate Committee on National Security and Defence be authorized to study:

- (a) services and benefits provided to members of the Canadian Forces; to veterans who have served honourably in Her Majesty's Canadian Armed Forces in the past; to members and former members of the Royal Canadian Mounted Police and its antecedents; and all of their families;
- (b) commemorative activities undertaken by the Department of Veterans' Affairs Canada, to keep alive for all Canadians the memory of Canadian veterans' achievements and sacrifices; and
- (c) continuing implementation of the New Veterans' Charter;

That the papers and evidence received and taken during the First and Second Sessions of the Fortieth Parliament be referred to the Committee; and

That the Committee report to the Senate no later than June 17th 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 Acting Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

(Motion agreed to.)

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

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