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THE HONOURABLE PIERRE CLAUDE NOLIN
ACTING SPEAKER

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
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THE SENATE

Wednesday, April 28, 2010

The Senate met at 1:30 p.m., the Honourable Pierre Claude Nolin, Acting Speaker, in the chair.

Prayers.

SENATORS' STATEMENTS

MULTIPLE SCLEROSIS TREATMENT

Hon. W. David Angus: Honourable senators, I wish to pick up where I left off yesterday when I drew the attention of this house to the current distressing dilemma facing Canadian multiple sclerosis sufferers.

I reached the point of mentioning that a number of Canadian MS sufferers with sufficient means are, in desperation, going abroad to countries such as Poland, India, Israel and Kuwait for treatment of their chronic cerebrospinal venous insufficiency, CCSVI, condition at great expense and inconvenience. To make matters worse, due largely to increased awareness about the remarkable success of Dr. Zamboni's testing and treatment, waiting lists at these foreign clinics are rapidly getting longer, such that today, in some cases, the waiting period exceeds nine months.

Dr. Zamboni has actively drawn attention to his testing techniques and the procedure he uses to treat CCSVI. He was in Toronto last week to speak to a major neuroscience conference. As a result, there has been considerable media interest recently in the subject in Canada. It is all very helpful to get the message out and to highlight the plight of Canadian MS sufferers.

CBC's "The National" carried a dramatic feature on the miracle cure two weeks ago. Reporter Kelly Crowe travelled to Poland with a film crew to record the Zamboni procedure being carried out on a Canadian MS patient with CCSVI. The patient had shelled out substantial amounts of money to travel to Poland for the relatively simple treatment that she could not obtain under Medicare in Canada.

CTV's Avis Favaro also did one or more pieces on the subject. *The Globe and Mail* and *National Post* have each published articles in recent days. I commend to all honourable senators the April 26 issue of *Maclean's*, which contains an informative, detailed article entitled "The Miracle Cure" about the terrible dilemma it has created for Canadian and other MS patients.

I also refer honourable senators to the website www.msliberation.ca that was established by a local group of MS sufferers. This group includes Ms. Rebecca Cooney who was diagnosed with MS at age 25. Now at the age of 42, Ms. Cooney has limited mobility, suffers from constant headaches and chronic fatigue. She was forced approximately four years ago to end her rewarding and productive business career.

Honourable senators, please join me in this urgent call for immediate funding and the organization of a controlled national clinical trial under the Canada Health Act to complement the excellent research already being conducted at McMaster University and elsewhere in Canada.

Canada's MS sufferers deserve relief from their frustrating dilemma without further delay. Given the high rate of MS in Canada and the excellent state of our medical sciences, I can think of no reason why Canada should not be at the leading edge of CCSVI testing, research and treatment. Honourable senators, the time to act is now. Such action will not only capitalize on an extraordinary national opportunity, but more importantly, it will demonstrate compassion for Canada's MS patients and comply with those high moral and ethical standards for which Canadian medical professionals have long been renowned.

MATERNAL HEALTH AND THE RIGHT TO CHOOSE

Hon. Mobina S.B. Jaffer: Honourable senators, yesterday during Question Period in this chamber, we debated exactly what kind of maternal help women in the developing world would obtain from Canada. The debate was whether this help would be comprehensive or piecemeal during childbirth.

A child's birth is a joyous time for most of us. It is a time of celebration for the arrival of a new life into our world.

Honourable senators know that there are some women for whom childbirth is not so joyous. This could be because the woman has health issues, has been raped or faces other hardships. Therefore, the woman has to make some hard choices.

The right to choose is never easy for any mother in this world. Each of us in this chamber knows that this is probably the hardest choice for any woman to make. In Canada, we give women the dignity to make that choice. It is the woman's choice. Why would we have a double standard and not extend that same right to women in the developing world?

I met Hasina when I first went to Darfur, Sudan. Hasina was being brought into the camp in a wheelbarrow by her tearful father. She had been violently gang-raped by eight militia men. She was covered in blood and her eyes were almost swollen shut.

Over a number of days while I was there, Hasina began her recovery. I had many conversations with her. Hasina was a young woman with many aspirations. She told me she wanted to become a teacher.

I asked her why she went to collect firewood and why she or her family did not send her brother. She looked me in the eye and said:

I chose to collect firewood. If I went, there was a possibility that I would be raped, but if my brother went to collect the firewood, I knew he would be killed by the militia.

Hasina chose to help her family, and she was violently assaulted.

The next time I returned to the camp, I saw Hasina teaching students in a makeshift classroom. We hugged and the first thing she said to me was:

Please thank Canadians. From the assault, I became pregnant and with the help of Canadians I was able to choose.

When I found out I was pregnant, my world collapsed around me, as not only were we destitute and living in a refugee camp, but now I would have to carry a child from that assault.

I chose not to have this child as I did not want my child to be looked upon as a child of the militia by my community. Your country, Canada, supported me, and now I can carry on my life with dignity.

Honourable senators, the Canadian way is to treat all women equally. We cannot have two standards, one for Canadian women who, for many reasons, have to make tough choices when they become pregnant and another policy for women in the developing world.

All women should have a right to choose. Maternal health is about providing comprehensive help to women. The right to choose and the ability to have access to the resources needed to make that choice is the right of every woman.

LIBERATION OF THE NETHERLANDS

SIXTY-FIFTH ANNIVERSARY

Hon. Fred J. Dickson: Honourable senators, I rise today as the sixty-fifth anniversary of the Netherlands Liberation Day on May 5 draws near. I ask all honourable senators to join me in remembering and paying tribute to members of the Canadian Army and RCAF, some 200,000 Canadian soldiers, who fought gallantly, bravely and some of whom made the supreme sacrifice against skilled and deadly Nazi forces to restore freedom for the Dutch people and the values that Canadians cherish.

The conditions faced by the Canadian troops were hard indeed. They were rarely out of range of Nazi attack weaponry. The troops pushed forward with resolve, dedication and success.

However, the price of freedom is not free. Nearly 7,600 Canadian soldiers sacrificed their lives in the liberation effort. This represents nearly 20 per cent of all Canadian battle fatalities during World War II. The sacrifices made by these individuals must never be forgotten. Canadian cemeteries in Holland are a great tribute to those who gave their lives for freedom.

Like all honourable senators, I am proud of the role that Canadians played in the restoration of freedom for the Netherlands. I am especially moved by the contributions of Nova Scotian soldiers, including the North Nova Scotia Highlanders who were primarily from central Nova Scotia communities around my home in Truro.

• (1340)

Permit me to mention a few of these soldiers, all of whom are gone now: Major Cyril Kennedy of Truro, who lost an arm in the Battle of the Scheldt and later served as a member of the other place; Major Sid Gilchrist of Pictou County, later a distinguished medical missionary in Africa; and Captain Walter Mosher of Truro, a leading citizen of the town. Another member of the "North Novies," a predecessor of ours in this chamber, Lieutenant-Colonel G.I. Smith was awarded the Order of Orange-Nassau by Prince Bernhard for his role in the Dutch liberation.

As significant as the Canadian military contribution to liberating the Netherlands was, it is also important to recognize the humanitarian efforts of Canada during this period. Many Dutch men, women and children lived in grave conditions in which food was extremely scarce. Nearly 10,000 innocent Dutch citizens died during the famine of 1944, due primarily to malnutrition.

Adhering to the principle of humanitarianism, which is synonymous with Canada, the Royal Canadian Air Force began to make food drops over the Netherlands in order to alleviate the suffering of the Dutch while under German control. This was, of course, met with many thanks from the resilient Dutch people, many of whom painted "Thank you, Canadians" on their rooftops.

The Dutch are forever grateful to the efforts made by Canada to liberate their country. As a sign of gratitude, the Dutch annually give Canada tens of thousands of tulips, which are used to decorate the city of Ottawa.

Honourable senators, I encourage you to take the time to walk around Ottawa to see the tulips, not only for their beauty but also for their symbolism. These flowers are a sign of recognition of the tremendous war effort and sacrifice made by Canadian soldiers to liberate the Dutch and represent a lasting friendship between two great nations.

Next week, a delegation of close to 100 veterans and civilians will travel to the Netherlands to help once again to celebrate their liberation and commemorate our soldiers' sacrifices. Honourable senators, may our thoughts be with them.

INTERNATIONAL DANCE DAY

Hon. Elizabeth Hubley: Honourable senators, tomorrow is International Dance Day. International Dance Day was introduced in 1982 by the International Dance Committee, which is an umbrella organization within the United Nations Educational, Scientific and Cultural Organization, UNESCO, for all kinds of dance. Dance Day aims to promote the awareness of the importance of dance throughout the world.

Dance has been an important part of human culture throughout history and around the world. Promoting dance within society and with all systems of education is a primary aim of International Dance Day.

Today, I want to recognize the dedication of dancers and teachers of dance. As a dance teacher who has taught dancing for many years, I have always taught my students the importance of a creative mind, discipline and hard work. I have tried to instil in them the importance of nutrition, wellness of spirit and of mind. I have also shared with them the stories, the origins and the development of dance.

The celebration of dance is part of our rich culture and history. It is an artistic expression of who we are as a people and defines us as individuals. Across this country, there are hundreds of festivals, ceilidhs, performances and dance-related events happening throughout the year.

I encourage all honourable senators to take the opportunity to experience the joy and freedom of dance in all its myriad forms, traditions and styles, and to always “dance as if no one is watching.”

2010 SENIOR AMATEUR HOCKEY CHAMPIONSHIP

CONGRATULATIONS TO FORT ST. JOHN FLYERS

Hon. Richard Neufeld: Honourable senators, the Allan Cup was donated by Sir H. Montagu Allan, C.V.O., shortly after the Stanley Cup became the championship trophy of the professional hockey clubs. Sir Montagu offered the trophy for the encouragement of amateurs, and safeguarded it with such rules and regulations as to prevent it from ever becoming a menace to the sport it was designed to foster.

It was decided to make the cup a challenge trophy, open to any senior club having won the championship of its league that year. Interest in the Allan Cup became greater each year until the challenges became so numerous that it was impossible for any team holding the cup to defend it against all those clubs sending in challenges.

The Canadian Hockey Association was formed in 1914, with branches in the provinces of Quebec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. The Allan Cup was accepted by the association as the trophy of the senior amateur hockey championships of Canada. In 1984, the classification of teams competing for the Allan Cup was changed to Senior AAA.

The Allan Cup was accepted as the trophy emblematic of the senior amateur hockey championship of Canada. This year's tournament will mark the one hundred and second year that the Allan Cup has been awarded.

This past week, honourable senators, the Allan Cup tournament was held in the community of Fort St. John, where I live. The Fort St. John Flyers, who are a good hockey team and have played there for a long time, met a team from Alberta, the Bentley Generals, a team of big guys who tried to pick a few fights.

Some Hon. Senators: No!

[Senator Hubley]

Senator Neufeld: You know those Albertans; you can hear it coming from Senator Mitchell. They tried to pick fights all the time, but the Flyers kept their cool and played hard hockey. They whipped the Generals 4-1 and won the Allan Cup.

Some Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Acting Speaker: Honourable senators, I draw your attention to the presence in the gallery of Ms. Rui Song, a 14-year-old student from Walter Murray Collegiate Institute in Saskatoon. Ms. Song, it was announced yesterday, is the winner of the national Sanofi-Aventis BioTalent Challenge for her study of fungus in lentil crops. She will go to Chicago in May to compete for Canada at the International BioGENEius Challenge.

Accompanying her is her teacher, Jolene Lapsiuk, and also Carol Reynolds from Genome Prairie, the coordinating agency for the Sanofi-Aventis BioTalent competition in Saskatoon. They are guests of the Honourable Senator Tkachuk.

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

Hon. Senators: Hear, hear.

[*Translation*]

ROUTINE PROCEEDINGS

EXPORT DEVELOPMENT CANADA

CANADA ACCOUNT—2008-09 ANNUAL REPORT
TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the annual report of the Canada Account of Export Development Canada for the fiscal year ending March 31, 2009.

A TRUSTED PARTNER IN TROUBLED TIMES—
2009 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table in both official languages, the annual report of Export Development Canada entitled: *A Trusted Partner in Troubled Times*.

[*English*]

LIBRARY OF PARLIAMENT

REPORT OF JOINT COMMITTEE
PURSUANT TO RULE 104 PRESENTED

Hon. Percy E. Downe: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to present the first report of the Standing Joint Committee on the Library of Parliament, which deals with the expenses incurred by

the committee during the Second Session of the Fortieth Parliament.

(For text of report, see today's Journals of the Senate, p. 301.)

The Hon. the Acting Speaker: When shall this report be taken into consideration?

(On motion of Senator Downe, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1350)

[Translation]

THE SENATE

NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO HEAR PARLIAMENTARY REPRESENTATIVES FROM POLAND

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate resolve itself into a Committee of the Whole, chaired by the Speaker, after Prayers on Wednesday, May 5, 2010, in order to receive Bogdan Borusewicz, Speaker of the Senate of the Republic of Poland, accompanied by other Polish parliamentarians and the Ambassador of Poland to Canada;

That Speaker Borusewicz's remarks be preceded by a welcome statement from the Leader of the Government or her designate and followed by a statement of appreciation from the Leader of the Opposition or his designate;

That television cameras be authorized in the Senate chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings;

That photographers be authorized in the Senate chamber to photograph the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings;

That the Committee of the Whole rise and report to the Senate following the remarks of the Leader of the Opposition or his designate, after which the sitting shall continue with Senators' Statements;

That, notwithstanding the order adopted by the Senate on April 15, 2010, if the Senate has not reached the end of Government Business at 4 p.m. on Wednesday, May 5, 2010, the sitting continue beyond that time, until the end of Government Business; and

That committees scheduled to meet on Wednesday, May 5, 2010, have power to sit from 4:15 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[English]

EMPLOYMENT INSURANCE

MATERNITY AND PARENTAL BENEFITS— NOTICE OF INQUIRY

Hon. Catherine S. Callbeck: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will draw the attention of the Senate to the need to adequately support new mothers and fathers by eliminating the Employment Insurance two-week waiting period for maternity and parental benefits.

QUESTION PERIOD

FISHERIES AND OCEANS

LOBSTER INDUSTRY

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, 2009 was a terrible year for the lobster industry in Atlantic Canada. As the effects of the recession were felt around the world, buyers at the wharf were scarce and prices paid to fishermen were slashed in half. One pound of lobster, worth as much as \$6.25 per pound in 2006, reached a low of \$2.75 per pound last year. The break-even price was roughly \$4.50 per pound. Licence holders had no choice but to lay off their crews while their families and communities went without the income they rely upon.

Honourable senators, the situation is not much better this year. I checked a few moments ago and heard that local fishermen are being paid \$4 per pound today, which is well below the break-even point.

In response to the crisis last year, the government announced a \$15-million assistance program to save the \$1-billion industry. The money was to be divided among 10,000 licence holders across five eastern Canadian provinces. Unfortunately, this financial relief was available to licence holders only and not to all lobster industry workers.

Will the minister tell honourable senators why her government abandoned thousands of lobster crew members and their families?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Cowan for the question. Our government recognizes the challenges facing lobster harvesters and the related industry workers as they gear up for the spring fishery. We are aware of the effect of the economic downturn on the value of lobster last year. The low market value of lobster is a concern to this government as well as the harvesters and industry workers. The Honourable Gail Shea, Minister of Fisheries and Oceans, and the departmental officials continue to work with their provincial counterparts and industry to find ways to support the lobster fishery.

The honourable senator thinks that the \$15 million short-term transitional measures program in 2009 was inadequate. However, in addition, a provision of \$50 million was dedicated to the long-term sustainability of the lobster fishery. Financial support will be provided to lobster harvester groups for restructuring their fleets and for improving sustainability.

Senator Cowan: On a supplementary question, in referring to the \$15 million allocated last year, my understanding is that less than one half of that amount was allocated to fishermen. Approximately \$8 million was spent, some of which was on program administration costs. All amounts received by the fishermen were taxable. The Department of Fisheries and Oceans estimates that, of the allocated and received money, \$1 million was clawed back in taxes. Furthermore, only 1,700 applications from a total of 10,000 licence holders were approved.

Why is the leader's government neglecting this industry by ensuring that as few members as possible receive much-needed financial assistance? At the very least, will the leader assure honourable senators that the government is committed to allocating the remaining \$6.5 million in assistance to help lobster fishermen this year? Surely Canada's lobster fishermen deserve that much.

Senator LeBreton: I thank Senator Cowan for the question. I will have to check into the honourable senator's statement. It is my understanding that the available funds were offered to all harvesters who met the criteria and applied for the program. I would have to make an inquiry as to whether, as the honourable senator claims, the money was not allocated because people did not meet the criteria. People must apply for these programs in order to qualify.

[Translation]

SNOW CRAB INDUSTRY

Hon. Rose-Marie Losier-Cool: Honourable senators, Senator Cowan talked about lobster, but personally, I prefer snow crab.

In New Brunswick, the crab industry is big business. It generates \$150 million per year. Because of quotas, some 2,500 people will have a hard time making a living.

Yesterday, the Premier of New Brunswick, together with several ministers, was in Ottawa to talk to the Minister of Human Resources and Skills Development, the Honourable Diane Finley, about the possibility of creating jobs or programs to help crab fishery workers.

When the Leader of the Government in the Senate talks to Ms. Finley and Ms. Shea, the Minister of Fisheries and Oceans, could she find out if there is an action plan in place. Could she please call their attention to New Brunswick's crab fishery?

• (1400)

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. As I have reported in this place before, the Minister of Fisheries, the Honourable Gail Shea,

[Senator LeBreton]

is working closely with the people in the snow crab industry. We are concerned about the effect of the reduction in quotas on the crab fishery. As well, I have reported in this place that the minister's decision was based on scientific advice she received. It is unfortunate, but we must respect the experts and scientists who are advising the government.

With regard to the request by the officials or the minister in New Brunswick to meet with either Minister Shea or Minister Finley, I know that both ministers work hard to accommodate requests of this nature. If they are available, I am certain that one or both would be most happy to accommodate any requests for a meeting.

Hon. Elizabeth Hubley: Honourable senators, I have a supplementary question on the crab fishery.

Prince Edward Island snow crab harvesters are reporting that their catches are up this year over last year. Some are questioning if the minister was too drastic in her decision to reduce the quota by 63 per cent.

Will the leader share with this house the scientific recommendations made over the last several years by the Department of Fisheries and Oceans and upon which the minister based her decision?

Senator LeBreton: I thank the honourable senator for her question. Our government, being no different than previous governments, receives scientific advice that has an effect on the fisheries on both coasts. I do not think there has been a minister of fisheries who has not been confronted, at one time or another, with scientific information that contrasts with the views of people working in the fishery.

I will take this question as notice and seek as much information as possible from the Department of Fisheries as to what they base their decisions on.

Senator Hubley: Honourable senators, fishermen stated publicly they were bracing for a 40 per cent cut in the snow crab quota this year after discussions with the ministry over the past several months. They were taken aback by the 63 per cent cut announced by the minister. There is obviously a serious disconnect between the minister and the industry.

Why did the minister ignore the scientific advice to introduce incremental cuts that would have prevented this catastrophe in the industry and so much hardship for the harvesters, processors, their families and our communities, which include First Nations communities? Will the government commit to working with the harvesters and the industries to create a transitional process to assist harvesters? Will they commit to developing a strategy to ensure the long-term viability of the crab industry, thus providing reliable and predictable product for our markets?

If we have to wait on the scientific evidence to receive answers to our questions, might we have a progress report of the work that has taken place in the past couple of weeks?

Senator LeBreton: Honourable senators, it is unfair to state that the minister ignored advice. As the honourable senator knows, especially when it comes to the fisheries, someone will accuse you

of ignoring their advice no matter where you stand on the issue. I can only tell her that Minister Shea is on top of this file and has accepted the scientific advice, as I reported earlier. However, the minister is working with officials and the industry in Prince Edward Island to assist in any way possible with respect to this cut in quotas.

It is hard to anticipate people's expectations and what the scientific evidence may prove. The snow crab industry was expecting a quota. I do not know what it was based on, but their expectations and the scientific analysis were some 20 percentage points apart, according to Senator Hubley's calculations.

Again, I will refer this question and the remarks to the department and ask them for an update. As the honourable senator has requested, I will also ask that they provide an interim answer if they do not have a full answer at hand.

AGRICULTURE AND AGRI-FOOD

FARM INCOME

Hon. Terry M. Mercer: Honourable senators, my question is directed to the Leader of the Government in the Senate. Atlantic Canadians are no strangers to job losses and increased costs. Nowhere is it truer than in the agriculture sector. Producers and processors are declining far too quickly and the federal government seems to be standing idly by as prices go up and jobs disappear.

For example, this past March, Larsen Packers Ltd. shut down its pork processing line in Berwick, Nova Scotia, resulting in more job losses in an industry that cannot take any more. Nova Scotia farmers will now have to ship their products farther way, resulting in more costs. Indeed, this situation is affecting more than Nova Scotia farmers; New Brunswick hog farmers who used the Larsen plant are obviously affected as well.

Why has the federal government not acted quickly to help our farmers and processors, who are suffering while trying to make a living?

Hon. Marjory LeBreton (Leader of the Government): The honourable senator's question is an interesting one. There is no evidence that the government and the Minister of Agriculture and Agri-Food has not worked diligently and in concert with the various people in the agricultural industry.

As we know, having lived through many ebbs and flows in the agriculture industry, problems arise and are dealt with. No sooner do those issues recede than others come to the fore. It is a complicated industry. Having been raised in it, I know this well.

I believe the Minister of Agriculture and Agri-Food has done a great deal to assist people in the agriculture business, including delivering \$5 billion to our farmers through Business Risk Management programs. That is just one example.

Senator Mercer: Honourable senators, this is of little comfort to the 40 people who lost their jobs at the Larsen plant in Berwick or to Atlantic Canadian farmers who are struggling to feed their families. Farm incomes in Nova Scotia are at very low levels while expenses continue to rise and surpass them. It is really a Catch-22 situation.

Further hurting the agricultural sector is the fact that farmers are getting older and no one is taking over the farms. There is not much incentive for young people to stay in farming.

Atlantic Canadians are finding it harder and harder to buy local products to support their communities as they would like to. Why has the federal government not acted quickly to ensure that farmers make a decent living and can support their communities?

Senator LeBreton: Honourable senators, I do not agree with the premise of the question. I just mentioned that we have delivered \$5 billion in direct payments through the Business Risk Management suite for agriculture and we have created a \$500 million Agricultural Flexibility Fund, AgriFlexibility. There is no doubt there are peaks and valleys in the various areas of the agricultural sector, depending on, for instance, market availability or situations beyond our control that take place in other countries.

The Minister of Agriculture and Agri-Food and the government work extremely hard to assist our farmers and open up markets in order for the industry to not only survive but continue to thrive.

It is true that farmers are getting older and in some instances have no one to pass their enterprises on to. However, there are many examples in the country where that trend is not a factor of the marketplace.

• (1410)

In the case of my family and some of our family friends, we decided there were other options, and it was not because there was not a market or an opportunity to continue in farming. Then, as now, second-generation farmers see that there are other choices for them to pursue.

From what I understand, our agricultural industry has continued to thrive with new people entering the industry or, in fact, the family farm being passed on to the next generation.

Many individual family farm operations have been replaced by much larger operations, but that is unfortunately a condition of the times we live in and not a result of any actions the government has or has not taken. We have opened up markets all over the world for our farm produce. We will continue to do so, regardless of the location in which it is produced.

Senator Mercer: Honourable senators, Senator LeBreton referred to programs that the government introduced and the Minister of Agriculture has put in place to try to help farmers, and I believe that the government and the minister are sincere in their efforts.

Would the leader undertake to ascertain from the minister if the department has done an analysis of the programs? Would the leader inquire if the intended effect that government wanted in putting the money forward has taken place and done the job?

Honourable senators, I suspect the answer will be a mixed one in that it works in some places, but has not worked in others.

Senator LeBreton: Honourable senators, I certainly will, but there are peaks and valleys in agriculture and it varies across the country. A year or two ago, we were concerned about the canola and barley crops in the West, and there was a great deal of pressure on the government to move in and do everything possible to assist that particular sector. The government took action and, as a result, markets were opened in China for their products. That agricultural sector has experienced a resurgence.

Many Eastern farm operations have produce protected by marketing boards, and then there are others such as the apple industry and the hog industry that have gone through other challenges.

I believe the answer will be that we have made considerable efforts to help these different agricultural sectors sustain themselves and provide a viable income for those who are working within the sector. I will attempt to obtain a report from the Department of Agriculture on all the programs in which that department has participated.

ATLANTIC GATEWAY

STATUS OF PROJECTS

Hon. Jane Cordy: Honourable senators, the Atlantic Gateway is defined by the government as a modern, competitive and integrated air, rail, marine and road freight transportation network. Honourable senators, an integral part of the Atlantic Gateway is taking full advantage of the seaports in the Atlantic region.

The federal government announced in Budget 2007 an amount of \$2.1 billion for new gateway and border crossing funds with \$335 million earmarked for 2010-11. To date, no Atlantic Gateway project funding has been announced.

The Province of Nova Scotia, the Cape Breton Regional Municipality and the Sydney and Area Chamber of Commerce have identified the dredging of Sydney Harbour as the number one priority for future economic growth in the industrial Cape Breton area. Steps have been made and a proposal for funding has been put forward to the minister. An environmental assessment was completed, the port authority has a competitive quote from a dredging company ready to do the work and a project timeline has been determined; yet the minister responsible for the Atlantic Gateway has been silent.

When will the federal funding for this project be given so that the dredging of Sydney Harbour can begin?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the senator for the question. She is quite right in her preamble that the government has made a commitment, which we intend to keep, to the Atlantic Gateway.

I will take the question as notice and ascertain from my colleague the Honourable Keith Ashfield, who is the minister responsible for the Atlantic Gateway, what progress he has made in ensuring the timeline of these projects can proceed.

Senator Cordy: There was mention of the Atlantic Gateway in Budget 2007. There was no mention of the Atlantic Gateway in Budget 2008, Budget 2009 or Budget 2010. The dredging project is key to the Sydney Marine Group port's master plan, which could mean 6,500 jobs for Cape Breton.

Is the Sydney Harbour dredging a priority project for the Government of Canada? An Atlantic Gateway strategy was due to be announced in fall 2009, but 2009 came and went and there was no announcement and no strategy.

Does the government have a strategy for the Atlantic Gateway or is it just another part of the Conservative culture of deceit for Atlantic Canada?

Senator LeBreton: Honourable senators, we are talking about cultures. How about the cultural war being embarked upon by the Liberal Party on the advice of Frank Graves? Maybe we could ask at the same time about the culture of corruption that John Gomery talked about and the still-missing \$40 million.

Honourable senators, the Government of Canada has made a serious commitment to the Atlantic Gateway. As proof, we have Minister Keith Ashfield, minister responsible for the Atlantic Gateway. I hardly think we would have a minister responsible for the Atlantic Gateway if we were not committed to the project.

Senator Cordy: Honourable senators, I find it difficult to believe that this government has a strong commitment to the Atlantic Gateway. In December 2009, Minister MacKay said there would be more money for the Atlantic Gateway project in Budget 2010. There was no mention of the Atlantic Gateway in Budget 2010 and there have been no projects.

Honourable senators, this government seems to talk out of both sides of its mouth. There is a minister but nothing happens; Senator LeBreton mentions the Atlantic Gateway and Budget 2007 but not Budget 2008, not Budget 2009, and not Budget 2010. The strategy that was supposed to have been announced in fall 2009 does not exist. We have not heard of a strategy.

If there really is this commitment, why do we not have a strategy? Why have there not been announcements? What is the minister doing if we have a minister responsible for the Atlantic Gateway?

Senator LeBreton: Honourable senators, in fairness, the minister responsible for the Atlantic Gateway was given this responsibility a few short months ago. Obviously, there is a commitment. Nothing I say or anything our government does meets with Senator Cordy's approval, so that is not surprising. However, as I indicated to her in my first response, I will get an update on the status of the Atlantic Gateway project.

Senator Cordy: Could the leader also try to get a copy of the Atlantic Gateway strategy?

Senator LeBreton: As honourable senators know, I can take the question as notice, but if this is a cabinet document, cabinet documents are not something I can table in Parliament.

• (1420)

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

CANADIAN NORTHERN ECONOMIC DEVELOPMENT AGENCY

Hon. Nick G. Sibbeston: Honourable senators, I believe the situation in the North requires the attention of the Leader of the Government in the Senate and the Minister of Indian Affairs and Northern Development. This issue has to do with the Canadian Northern Economic Development Agency.

Fifteen months ago the government provided money in Budget 2009 to set up the Canadian Northern Economic Development Agency. This is much like the Western Economic Diversification program and the Atlantic Canada Opportunities Agency.

Ten months ago, when the government announced that the agency would have its headquarters in Iqaluit, the people in the Yukon and the Northwest Territories were concerned that a regional agency was being set up so far east. As of today, the majority of the staff for the agency is located in Ottawa. There seems to be a reluctance or inability of people to move to Iqaluit.

Can the government leader see what she can do, first, to rectify the situation by undoing the mistake of establishing the headquarters in Iqaluit and setting it up somewhere that is more central, such as Yellowknife; and second, to get the staff out of Ottawa and into the North?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the senator for the question. I am sure for the people in Iqaluit it does not matter in what area one is in the North. Some will not necessarily be supportive of the choice of site. The people in Iqaluit are quite pleased with it, I am sure, and others are not. Such is the nature of establishing this agency in the first place, which our government did.

In terms of the staffing, this is a concern of the government. The Prime Minister has stated on his many visits to the North, and also publicly, that he would like to see locally engaged employees. He has made comments that it is rather discouraging to go to these various federally run projects and find that they are staffed by people from the South.

Of course, as the honourable senator knows, through education and much of the work we are doing in the North, the object of this exercise is to create a situation whereby employees who are hired for this work are locally engaged.

In terms of the resource development of the North, through our education, retraining and training programs, we provide skills to people living in the North so that when these projects do come to fruition they will be there, first in line, to benefit from the job opportunities.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to three oral questions raised by Senator Moore on

March 23, 2010, concerning Indian Affairs and Northern Development, funding for the First Nations University of Canada; by Senator Cowan on March 30, 2010, concerning Human Resources and Skills Development, the Canadian Council on Learning; and by Senator Lovelace Nicholas on March 31, 2010, concerning Indian Affairs and Northern Development, funding for the First Nations University of Canada.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FUNDING FOR THE FIRST NATIONS UNIVERSITY OF CANADA

(Response to question raised by Hon. Wilfred P. Moore on March 23, 2010)

On February 8, 2010, after working with the First Nations University of Canada on long-standing systemic problems related to governance and financial management of the institution with no resolution, the Department of Indian Affairs and Northern Development announced it would not renew its funding.

The First Nations University of Canada is the only First Nation institution that received operational funding from the Department. Funding was provided through a contribution which is administered by the Department's regional office under a special Treasury Board Authority obtained in 1988.

The priority is the students currently enrolled at the First Nations University of Canada. We will continue to provide funding through the Post-Secondary Student Support Program to eligible students. The Department currently supports approximately two-thirds of First Nations University of Canada's students through this post-secondary program to help with the cost of tuition fees, books, transportation and living allowances.

The Department is committed to ensuring that students at the First Nations University of Canada enjoy the same educational opportunities as other students. At the same time, it needs to be accountable and transparent to all Canadians, including First Nations.

To this end, the Department is prepared to invest up to \$3 million through the Indian Studies Support Program to an eligible post-secondary institution in good standing for expenses related to programming for students attending the First Nations University of Canada so that students can finish their academic year.

Funding is contingent upon an eligible post-secondary institution in good standing submitting a proposal under the Indian Studies Support Program. The proposal must fall within the guidelines of the program and demonstrate that it meets the needs of the First Nations University of Canada's education programming before funding is approved.

Under the current Indian Studies Support Program, eligible expenses include those that support the development and delivery of college and university level courses for First

Nation students, and the research and development of First Nation education. Certain expenses are ineligible under this program including core funding, debt payments, and severance pay.

The Department acknowledges that the First Nations University of Canada is affiliated with a university in good standing such as the University of Regina. That is why it has invited the University of Regina to submit an Indian Studies Support Program proposal.

The Department is now in receipt of a proposal from the University of Regina and will evaluate it against the Indian Studies Support Program criteria.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

CANADIAN COUNCIL ON LEARNING

(Response to question raised by Hon. James S. Cowan on March 30, 2010)

The government's decision on CCL reflects careful and considered discussions with provinces and territories over their learning information needs and interests.

Through our consultations with stakeholders, it became clear that Canada needs better learning information that is more aligned with labour market needs, and takes international competitive challenges into account. This pressing need became even more important in light of the recent global economic downturn and the government's focus on Canada's economic recovery.

The Canadian Council on Learning (CCL) was provided with one-time funding of \$85 million in 2004; however it has always been clear this funding would expire after 5 years. In fact, the Conservative government extended the funding agreement an additional year to March 31, 2010 to ensure maximum impact.

This government is committed to value for taxpayer dollars and understands the need for a stronger learning and labour market information systems. The government is focused on working with provinces and a variety of stakeholders on the creation of an improved learning information system that will make a positive difference in the lives of Canadians.

This will help Canadians make more informed decisions when it comes to their education and their careers and ensure employers have the workers with the skills they need for the jobs of tomorrow.

The most recent 2009-10 Conference Board of Canada report, *How Canada Performs 2009*, gives Canada an "A" grade on education & skills training. It shows this government's unprecedented investments made are producing real results.

As we move forward, our overall focus is to support citizen-centred learning information. This means better aligning learning information with labour market needs so

that Canadians can make informed choices about their learning, training and career paths. It is critical that Canadians can make informed decisions about where and how to invest in learning and training opportunities.

As well, the government continues to invest in learning for Canadians through the Office of Literacy and Essential Skills, the new Canada Student Grants Program, the Aboriginal Skills and Employment Training Strategy, and a new student loan Repayment Assistance Plan.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FIRST NATIONS UNIVERSITY OF CANADA— ABORIGINAL EDUCATION

(Response to question raised by Hon. Sandra Lovelace Nicholas on March 31, 2010)

The Department provides support to increase access to Post-Secondary Education Funding for First Nations and Inuit students through the post-secondary education program, which includes:

- Post-Secondary Student Support Program — financial assistance for students to access Post-Secondary Education opportunities;
- University College Entrance Program — financial assistance to help students acquire the academic prerequisites for entry into university and college level programs; and the
- Indian Studies Support Program — financial support to Aboriginal organizations, Aboriginal post-secondary education institutions, and other eligible Canadian post-secondary education institutions for the development and delivery of college and university level courses for First Nation and Inuit students, and research and development on First Nation and Inuit education.

The Department funds eligible institutions in good standing. Eligible post-secondary institutions are degree, diploma or certificate granting institutions which are recognized by a province (or territory) and include educational institutions affiliated with, or delivering post-secondary programs by arrangement with, a provincially recognized post-secondary institution.

In 2008-2009, the Department supported approximately 60 institutions (approximately 51 of those are Aboriginal-run institutions and 9 mainstream institutions) through the Indian Studies Support Program.

No other institutions face the same predicament because they do not receive core funding. Rather, they receive project-based funding for costs associated with a specific proposal.

[English]

ORDERS OF THE DAY

JUSTICE FOR VICTIMS OF TERRORISM BILL

SECOND READING—DEBATE ADJOURNED

Hon. David Tkachuk moved second reading of Bill S-7, An Act to deter terrorism and to amend the State Immunity Act.

He said: Honourable senators, I am pleased to have the opportunity to speak to government Bill S-7, An Act to deter terrorism and to amend the State Immunity Act. As many honourable senators know, this bill has its genesis in private members' bills that I and the Honourable Stockwell Day have been pushing — he in the House of Commons and I in the Senate — for some five years.

It is a validation of the efforts of the victims of terrorism and their allies, most specifically the Canadian Coalition Against Terror, who together have been pushing for this legislation tirelessly and relentlessly. For them it has been a long journey and an often frustrating one. My private member's bill went through four versions and several sessions of Parliament, beginning with Bill S-35, which received first reading here in May 2005; followed by Bill S-218; Bill S-225; and, finally in the last session, Bill S-233.

It has been five years since Bill S-35 was first introduced. The furthest any version of my bill got was Bill S-225 which, in the summer of 2008, was referred to the Standing Senate Committee on Legal and Constitutional Affairs. Three hearings were held on that bill. I can safely say that it received a warm reception from both sides of the house and from the independents who heard testimony from victims, advocates and legal experts, but that was as far as it got.

The same cannot be said of terrorist activity. Terrorists do not rise for the summer, they do not pause for the Christmas season, and they do not call a halt to their activity pending the outcome of an election. All too often, Canadians are reminded of the continued presence of terrorism around the globe. Its devastating effects are well known, as innocent victims, civilians, continue to be targeted by terrorist organizations that have little regard for human life.

These efforts are felt by citizens from countries around the world. These citizens were once considered collateral damage in a war. Now, in the age of terrorism, collateral damage is the whole point of the war. We are not immune to this threat.

The Toronto 18 were arrested in 2006 for, among other things, plotting truck bomb attacks on the Toronto Stock Exchange, a regional office of CSIS and a Canadian military base. They had the Parliament Buildings in their sights, as well. Police collected, as evidence, cell phone type detonators, batteries and the same type of fertilizer that was used in the Oklahoma bombings.

In 2008 we heard of the string of terrorist attacks in Pakistan where innocent civilians were indiscriminately massacred for no apparent reason. This past Christmas we learned of the attempted

attack against innocent civilians aboard Northwest Airlines flight 253 bound for Detroit from Amsterdam. After that, we heard about the planned attacks on U.S. and European embassies in Yemen, the bombings in Mumbai, the attacks on Sri Lanka's national cricket team, and the arrest of seven people on suspicion of planning a terrorist act in Amsterdam, which are all chilling reminders of the continued threat.

If we needed further reminding, on Monday the British Ambassador to Yemen narrowly escaped a suicide bomb attack on his car. It was likely the work of an al Qaeda offshoot in Yemen, a group that the U.S. recently termed a global threat.

Canada remains, and must remain, steadfast in its efforts to address this threat. Whether here in Canada where our intelligence and law enforcement officials are gathering information and apprehending individuals who threaten our national security or abroad where we help other countries to build their own counterterrorism capacity. Canada is making a significant contribution to counter this global challenge.

The bill before us today is one more example of this government's efforts in this regard and it complements existing counterterrorism tools at our disposal.

Honourable senators, we introduced Bill S-7 to address the needs of those who fall victim to acts of terrorism and to deter terrorists and those who support them from engaging in these terrible acts. By creating the cause of action, Canada is sending a clear message to perpetrators of terrorism and their supporters: They will be held accountable and we will not allow the voices of victims to go unheard.

Indeed, honourable senators, Bill S-7 would enable victims to sue individuals and organizations responsible for acts of terrorism and those who support them. This important piece of legislation will thereby provide victims with the ability to seek redress for damages or losses resulting from the terrorist acts that occurred anywhere in the world on or before January 1, 1985.

• (1430)

I would like to emphasize that under the proposed legislation, victims could also sue supporters of terrorist groups, including designated states that will be deemed to have supported terrorist entities. This is important because, as we know, terrorist organizations could not operate were it not for financial backing. They could not maintain complex communication networks, recruit new members or hold training camps without monetary contributions from supporters. This financial support comes from many sources, including states.

As lawsuits stemming from this legislation could target certain states known to support terrorism, the proposed bill contains provisions to amend the State Immunity Act. Such amendments would lift state immunity for those states that the government designates as supporters of terrorism.

Removing a state's immunity is an important policy decision — one that cannot be taken lightly. This makes it crucial that the system established to determine whether a state's immunity should be lifted is rigorous and effective. Bill S-7 lays out such a system.

Specifically, Bill S-7 would authorize the government to create a list of states that could be sued for supporting perpetrators of terrorism. Under this listing regime, the Governor-in-Council could put a state on the list, upon the recommendation of the Minister of Foreign Affairs, in consultation with the Minister of Public Safety. This would occur if the Governor-in-Council was satisfied that there were reasonable grounds to believe that the state in question supports terrorism.

It is also deemed important to base the listing of state supporters of terrorism on concrete criteria. For that reason, providing support to terrorist entities listed pursuant to the Criminal Code was considered an appropriate criterion to justify the listing of a state.

Those entities designated as terrorist actors under the Criminal Code are determined through a well-established and rigorous analytical process. There are currently 41 entities on this list.

Listed states could apply to the Minister of Foreign Affairs to be removed from the list. The decision to delist a state would be made by the Governor-in-Council, upon a recommendation by the Minister of Foreign Affairs, after having consulted with the Minister of Public Safety.

These provisions would allow for the list of state supporters of terrorism to remain accurate and to effectively take into account the changes in a state's behaviour or changes within the international system. The government recognizes that international relations are constantly shifting with the emergence of new actors and occurrences of events beyond our control. These safeguards embedded within the listing regime would allow the list to reflect this evolving environment.

It is an important step to demonstrate that Canada is standing up to terrorist organizations and those who act behind the scenes to provide them with material support.

Honourable senators, Bill S-7 is an important tool for Canada to use in targeting state and non-state supporters of terrorism, and in deterring terrorist organizations that could threaten us. It also puts a priority on victims of terrorism and allows them to seek redress for the losses and damages they have suffered as a result of terrorist acts.

Canadians are affected by terrorism. It is a threat with which we unfortunately have to live. Therefore, we must continue to take firm action to deter terrorism and to try to help alleviate the suffering of Canadians who fall victim to it.

I urge all honourable senators to give passage to Bill S-7 to send the message that Canada is committed to protecting the safety and security of Canadians, to holding terrorists and their supporters accountable for their despicable actions, and to providing victims of terrorism with a means to have their voices heard and to seek redress for the hardships they have suffered.

The Hon. the Acting Speaker: Will Senator Tkachuk accept questions?

Senator Tkachuk: Yes.

[Senator Tkachuk]

Hon. Serge Joyal: Honourable senators, I would like to commend the honourable senator for the introduction of Bill S-7. I happen to have been a member of the Legal and Constitutional Affairs Committee when the previous incarnation of Bill S-7 was introduced in our chamber. The main argument we heard on those occasions was that the Department of Justice considered the bill superfluous because the provisions therein were already covered in other provisions of the Criminal Code.

As the honourable senator referenced quite appropriately, the bill was studied at length in the Legal and Constitutional Affairs Committee. The honourable senator will remember that our friend Senator Grafstein was the last sponsor of that bill. We did our work without any partisan allegiance and we wanted to focus on the nature of the bill.

Since the bill is now an "S" bill, did the honourable senator have an opportunity to discuss with the Department of Justice why they no longer seem to object to the passage of this bill?

Senator Tkachuk: I did not have that discussion, but perhaps the Minister of Justice had more influence than I had.

Senator Joyal: Will the honourable senator be appearing at the committee when we study the bill? If the honourable senator does appear, he will have the opportunity to review the testimony of the witnesses we heard when we adopted the bill.

The honourable senator will remember that the Senate adopted this bill in its previous form. I have not had time to compare the two versions of this bill.

We have a procedure in this chamber. If we have exactly the same bill, we can, through the proper procedure, make the study and the adoption of the bill more expeditious.

Has the honourable senator had an opportunity to compare the two bills and draw a conclusion?

Senator Tkachuk: Honourable senators, there are differences between the two bills. There was quite a debate between myself and the office that drew up the bill, and I am sure that debate will continue in committee.

I will be attending as many of the committee meetings as I can and participating with honourable senators in studying the bill.

(On motion of Senator Tardif, debate adjourned.)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Claude Carignan moved second reading of Bill S-6, An Act to amend the Criminal Code and another Act.

He said: Honourable senators, I am pleased to rise to speak in support of Bill S-6, Serious Time for the Most Serious Crime Act. Amendments to the Criminal Code proposed by this bill will allow the government to fulfil its long-standing promise to eliminate the faint hope regime, which allows offenders serving a life sentence for murder or high treason to apply for early parole.

Offenders who commit crimes after these amendments come into force will not have the right to apply for early parole before the date set in their original sentence.

In short, honourable senators, all offenders who commit murder or high treason in the future will not be able to take advantage of the faint hope regime. These amendments will complete the process initiated in 1997, when the faint hope clause was repealed for those who committed multiple murders and committed at least one murder after that date.

• (1440)

Moreover, Bill S-6 will strengthen the current faint hope procedure to make it harder for offenders who are already serving time to apply for parole. These changes will eliminate the least valid applications right away and place restrictions on when and how often an offender can apply for early parole under the faint hope clause.

Honourable senators, these are important measures that reflect the government's ongoing commitment to address the concerns of Canadians who want murderers to do the time they have been given and stay in prison longer.

As the most recent Speech from the Throne stated:

The law must protect everyone, and those who commit crimes must be held to account.

Doing away with the faint hope regime for future murderers and making it difficult for offenders who are currently serving time to get early parole is one way to ensure that offenders who have committed one of the most serious crimes there is — illegally taking another person's life — are held to account.

As you know, honourable senators, all the changes in Bill S-6 were introduced in the House under former Bill C-36 during the previous session of Parliament. Bill S-6 is an exact replica of that bill and is before us today for the same reasons: to do away with what some people call the "loophole for lifers," which allows murderers to serve less time than they were sentenced to when they were convicted.

The government supports victims of crime. With the introduction of Bill S-6, the government is saying that it also supports the families and loved ones of victims of crime.

Before I go into more detail about the amendments to the Criminal Code proposed in Bill S-6, I would like to give some background on how they came about. I gave a historical

retrospective when I spoke in this chamber on December 3, 2009. I will not repeat what I said then, but I think it is important for honourable senators to understand why these amendments to the Criminal Code are necessary and timely.

Before 1961, any person found guilty of murder in Canada was sentenced to death by hanging — the only method of legal execution ever used in the country.

In 1961, murders fell into two categories: capital or non-capital. Capital murder, murder that was planned or deliberate, that resulted from the commission of a violent crime or that caused the death of a police officer or prison guard, was punishable by death. Persons convicted of non-capital murder were sentenced to life imprisonment. In the case of capital murder, cabinet could commute the death sentence to a life sentence and it did so often. For example, less than half, or 710 of the 1,481 offenders sentenced to death in Canada were actually executed. That being said, death sentences were carried out regularly in Canada until the 1960s. The last executions occurred on December 11, 1962, when Ronald Turpin and Arthur Lucas were hanged at the Don Jail in Toronto after being found guilty of murder.

However, changes in the public's attitude, concerns about the possibility of wrongful murder convictions and growing uncertainty about the deterrent effect of capital punishment pushed subsequent governments to commute all death sentences to life sentences as a matter of policy after 1963.

In 1967, this policy became law when Bill C-168 was passed creating a five-year moratorium on the use of the death penalty, except for murders of police and corrections officers.

In 1976, Parliament abolished the death sentence outside the military context. In 1987, a free vote on the issue of capital punishment in Parliament confirmed the initial decision to abolish the death sentence, with military justice eventually following suit in 1998.

In 1976, Parliament created two new categories of murder, first and second degree, both of which carried a minimum sentence of life imprisonment.

Under section 231 of the current version of the Criminal Code, murder is first-degree murder when it is planned and deliberate or when it is committed pursuant to an arrangement under which money or anything of value changes hands.

Murder is first-degree murder when the victim belongs to categories of professionals closely related to the administration of justice, such as police officers and prison guards and wardens.

Murder is considered to be first-degree murder if it takes place while the perpetrator is committing or attempting to commit a serious offence like hijacking an airplane, kidnapping or sexual assault.

Any murder that is not first degree murder is second-degree murder. As you can see, honourable senators, the distinction between murders in the first and second degree is similar to the former distinction between capital and non-capital murder.

No matter which type it is, murder remains a serious crime that results in a serious sentence: life in prison. However, as was the case before 1976, it is still possible for someone convicted of murder to apply for parole after a given period, in accordance with the provisions of section 745 of the Criminal Code. People convicted of first-degree murder are not eligible for parole until they have served 25 years. The same is true for people convicted of second-degree murder if they have previously been convicted of murder in the first or second degree or an intentional killing under the Crimes Against Humanity and War Crimes Act.

All other people convicted of second-degree murder are eligible for parole after serving 10 years. However, judges passing sentence currently have the power, under subsection 745.4 of the Criminal Code, to set a longer parole ineligibility period — up to 25 years — for people convicted of second-degree murder, depending on the person's personality, the nature and circumstances of the offence and recommendations from the jury.

Before 1976, the average detention period for capital murder was 15 years and 8 months. In other words, people convicted of capital murder who received parole served slightly less than 16 years of their life sentence before being released into community supervision.

The abolition of capital punishment in 1976 was the subject of heated debate. After much debate, the relatively long 25-year parole ineligibility period — in comparison to the former 10-year period for commuted capital murder — was accepted as a compromise for abolishing the death penalty.

The faint hope clause in the Criminal Code was adopted at that time. The debate in 1976 indicated that it was considered a necessary counterweight to the rather long parole ineligibility periods imposed by the legislation in 1976 for first- and second-degree murder, in exceptional cases when an offender could demonstrate significant potential for rehabilitation.

This regime was thought to provide motivation for offenders to demonstrate good behaviour in prison and to reduce the risk of violence against prison guards and other prisoners.

• (1450)

I should mention that the faint hope regime was also intended to recognize that in some cases, it is not in the best interests of the public to prolong the incarceration of some offenders, such as individuals who are very old, sick or in the terminal phase of an illness.

Honourable senators, as you surely know, few offenders have used the faint hope clause over the years — there have been fewer than 300 applications since it was adopted in 1976 — and even fewer have had their parole ineligibility period reduced.

However, these provisions were quite controversial almost as soon as they were adopted, and they still are now. They have also been criticized because they confuse the public and because they

have a negative impact on the families and loved ones of murder victims.

By proposing these amendments to the Criminal Code, not only to prevent future murderers from applying for early parole but also to tighten the application process for offenders already in the system, the government is acknowledging the suffering endured by the families and loved ones of murder victims.

These changes would save them from the pain and the reminders of their terrible loss that are caused by multiple hearings under the faint hope clause.

In fact, the application process under the faint hope clause has been greatly altered in response to concerns raised by victims' groups. In 1997, the application process was changed to require a Superior Court judge — appointed by the chief justice of the province — to conduct a paper review of the application to eliminate those applications that would have no possibility of succeeding before appointing a review jury. With these same amendments, the jury's decision to reduce an offender's period of ineligibility for parole must be unanimous.

Consequently, the process now has three stages.

First, an application must be examined by a superior court judge, who will only allow the applicant to move on to the second stage of the process if he is convinced that there is a real possibility that his application will succeed.

Some courts have let it be known that this criterion is fairly easy to meet. The government wishes to amend the criterion and make it stricter. Under Bill S-6, applicants would have to prove that there is a substantial likelihood that the application will succeed. That should make it possible to set aside unsuccessful applications.

If the application is turned down at the first stage, the applicant can submit a new application two years later unless the judge sets a longer period. This bill proposes to extend this period to five years.

Consequently, an offender who is eligible for parole only after 25 years, for example, would only be able to apply twice under the faint hope clause: once after serving 15 years, then once more, five years later.

Under the current law, applications may be made five times: after serving 15, 17, 19, 21 and 23 years.

The change from two to five years will offer greater certainty to victims' families about when a faint hope hearing will occur, thereby reducing the trauma that these hearings often inflict on them.

During the second stage of the faint hope process, the applicant has to convince all members of a 12-member jury that he or she should be allowed to apply for early parole.

If the jury says no, the offender may reapply to a judge two years later unless the jury sets out a longer period. We want to change this to a five-year period as well.

The jury is responsible for deciding whether and when the offender can apply to the National Parole Board for a hearing.

Once the application date set by the jury arrives, an offender whose application has been allowed can move on to the third stage of the process and submit an official application to the National Parole Board.

Bill S-6 will not change the existing application process for early parole. Applicants will still have to prove that they are not a danger to the public and fulfil other requirements to obtain early parole.

Under the current law, offenders can apply under the faint hope clause anytime after serving 15 years of their sentence. We want to amend that clause by setting a three-month deadline on faint hope applications.

This means that offenders must apply for faint hope within 90 days of the date they become eligible. If they miss the three-month deadline for any reason, they will have to wait a full five years to apply again.

As I said earlier, the procedural changes I described — increasing the severity of the selection criteria, the three-month window to apply and the five-year waiting period — will apply only to offenders who are involved in the criminal justice system in some way.

In short, these procedural changes will apply to all offenders who committed their crimes before these changes take effect. They will therefore apply to the roughly 1,000 offenders who are currently serving time for murder. There is no one serving time for high treason at present.

These procedural changes will also apply to those who have been convicted but not yet sentenced; to those who have been charged but not yet convicted; and those who may have committed a murder but have not yet been arrested.

Since the faint hope regime in the Criminal Code is incorporated by reference in the National Defence Act, all the proposed changes I have just described will apply to members of the Canadian Forces who are convicted of a capital offence under that act.

Honourable senators, I would like to remind you about the long, controversial history of the faint hope regime I spoke briefly about earlier.

Since the first application was made under this regime in 1987, many Canadians have expressed concern that the law in Canada seems to allow people convicted of the most serious crimes to serve less time than they were sentenced to.

Concerned Canadians have a hard time understanding how allowing the most violent offenders — those who have illegally taken another person's life — to apply for early parole is consistent with the fundamental objectives of sentencing, which are to denounce unlawful conduct, deter offenders from committing other offences and protect society by keeping convicted criminals off the streets.

For many Canadians, the availability of the faint hope clause is eroding their confidence in the integrity of the justice system.

As stated in the most recent Speech from the Throne, "Canadians want a justice system that delivers justice." Justice must be rendered to victims, their families and loved ones, and all Canadians.

To that end, violent offenders must be held in custody for the entire period initially set at the time of sentencing.

Our government is fulfilling its commitment to ensure that offenders who are convicted of the most serious offences serve sentences that match the seriousness of their crimes.

Honourable senators, Bill S-6 will allow us to achieve that goal and, in doing so, will also help us restore public confidence in our justice system.

In closing, honourable senators, I urge you to support Bill S-6.

• (1500)

[English]

Hon. Sharon Carstairs: Will the honourable senator accept some questions?

Senator Carignan: Yes.

Senator Carstairs: To give a bit of background, I was the chair of the Standing Senate Committee on Legal and Constitutional Affairs when this bill was amended in 1997. At that time, we made some serious changes to the way the faint hope clause would work. We had some very interesting testimony.

At the time, the indication was that no person who had been given a parole on the basis of the faint hope clause had re-offended — not one. Has there been a change from 1997 to 2010 that would indicate that more given this type of parole have re-offended?

[Translation]

Senator Carignan: First of all, the purpose of the bill is to restore public confidence in the justice system. It also seeks to ensure that someone who is sentenced to 25 years for murder serves 25 years, and that the victim's family is never put in a position of having to constantly relive the painful loss of their loved one by having to testify every two years whenever the offender applies for parole under the faint hope clause.

In terms of statistics, the recidivism rate is lower among those released because they met all the criteria. Given that the criteria to qualify for parole under the faint hope clause are extremely severe, only a few cases of recidivism have been noted, and the number is very low.

The bill seeks primarily to enhance public confidence in the judicial system and to protect victims' families.

[English]

Senator Carstairs: My second question has to do with the theory of a criminal justice system. There is no doubt in anyone's mind that one of the principal purposes of a criminal justice system should be to punish those who offend, but the second principle should be one of rehabilitation.

This bill would presume to state that there is absolutely no chance that someone who is guilty of first-degree murder can be rehabilitated in this country. Is that your interpretation?

[Translation]

Senator Carignan: That is not my interpretation. I think that there are people who can be rehabilitated, even if it is a small percentage. Again, the bill is aimed at applying another basic principle of our criminal justice system and that is Canadians' confidence in this system. In order for the law to act as a deterrent, a 25-year sentence for murder must actually be a 25-year sentence for murder.

Hon. Céline Hervieux-Payette: I think that we need more information. Given that I do not sit on the Standing Senate Committee on Legal and Constitutional Affairs, I am wondering if Senator Carignan could table some university studies or reports from other legislatures, perhaps in France, England or Australia, which would show that the amendments produce better results?

In terms of restoring confidence in the criminal justice system, I do not believe it would help very much to keep offenders in prison for a longer time, but I do believe that rehabilitating these individuals would restore public confidence in the way our system works.

As my colleague said, there were no repeat offenders in 1997 and rehabilitation was occurring. Can Senator Carignan table university studies or reports from other legislatures that could prove that the proposed approach produces positive results?

Senator Carignan: I believe that this type of study is routinely submitted to committee. I hope that this bill will be referred to the Senate Committee on Legal and Constitutional Affairs so that we can hear from witnesses about the benefits of this bill.

I would like to point out a nuance. This is not about lengthening the sentences of individual offenders; it is about not shortening them.

[Senator Carignan]

[English]

Senator Carstairs: The honourable senator keeps referring to a sentence and mentions 25 years. In fact, the sentence is not 25 years; the sentence is life. If a person violates a parole in any way, that person is returned to jail for life. Is that not correct?

[Translation]

Senator Carignan: You have obviously understood that it is a life sentence, but the person is not eligible for parole in the first 25 years.

[English]

Hon. Anne C. Cools: Honourable senators, I would like to ask the honourable senator a question. I was listening with care because the Honourable Senator Carignan tends to be very clear-minded. It could be the interpretation or me, but I understood the honourable senator to refer repeatedly to "a sentence of 25 years." Senator Carstairs has just clarified that the sentence is not 25 years. The time of 25 years describes what is called "parole eligibility date," but the sentence is for life. A parole in no way alters the sentence.

Could the honourable senator explain to the chamber the meaning of "life sentence"? The warrant that committed that person to prison states that a life sentence only expires the day the person dies. In the correctional system, it was called the "warrant expiry date"; and that warrant expires the day the criminal, the offender or the parolee expires. The sentence itself is never abridged or shortened. It is important to explain that because there are hundreds of thousands of people who labour under the misconception that a life sentence means a 25-year sentence, but life means life. That warrant is there over the offender's head. The parole board can revoke that parole any day.

[Translation]

Senator Carignan: I believe that I already explained this nuance when I responded to the question from Senator Carstairs.

(On motion of Senator Carstairs, debate adjourned.)

• (1510)

[English]

BOARD OF DIRECTORS GENDER PARITY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-206, An Act to establish gender parity on the board of directors of certain corporations, financial institutions and parent Crown corporations.

Hon. Linda Frum: Honourable senators, today I welcome the opportunity to address Bill S-206, An Act to establish gender parity on boards of directors of certain corporations, financial institutions and parent Crown corporations. Honourable

senators, I share the view of the Honourable Senator Hervieux-Payette that Canadian corporations and institutions are best served when they avail themselves of all the talent on offer in this country as opposed to limiting themselves to the talent of just one gender. Indeed, this idea is so obviously true that I was surprised to discover how many studies have been commissioned to prove what would seem such a highly self-evident fact. Yet, as Senator Hervieux-Payette shared with us, there are many studies. A 2007 McKinsey study shows that those European companies with at least three women on their executive committees significantly outperform competitors who do not have such diversity on their boards. Senator Hervieux-Payette also alerted honourable senators to studies conducted by Catalyst, Columbia University, Goldman Sachs and the Conference Board of Canada, each of which arrived at the not-so-startling conclusion that having more women at the top improves financial performance.

The numbers make it clear that Canada's corporations have arrived also at the not-so-startling conclusion that gender diversity and strong corporate performance go hand in hand. In 1994, only 4 per cent of directors at Canadian corporations were women — a lamentable situation, I will be the first to admit. From 2003 to 2005, this number grew to 13 per cent. From 2006 to 2008, 21 per cent of new director appointments in major corporations were women. That is a 425 per cent increase in only 14 years. It is important to note that this evolution has happened organically. No heavy-handed government intrusion was required. Instead, common sense prevailed. Smart corporations recruit their leadership from among the most intelligent people available and from among those with the greatest variety of skill. Given that diversity of skill set on boards of directors equals success, there is every reason to believe that the surge in female directorships will continue.

If we are already taking the time here to worry about gender gaps, then let honourable senators consider this: As Senator Hervieux-Payette noted, in 2007, nearly 61 per cent of university graduates in Canada were women. Since 1994, women have outnumbered men at every educational level except the doctorate level. In 2006, 28 per cent of females in Canada aged 18 to 21 years were in university compared with 18 per cent of males.

The University of Alberta's president has called Canada's educational gender gap a "demographic bomb." She told the *Edmonton Journal* in October 2009:

Left unchallenged, the shift towards more educated females will eventually lead to a loss of gender diversity in high profile positions, including CEOs, political leaders, not-for-profit bosses administrators and judges.

In other words, the University of Alberta's female president is worried about a gender gap, but not of the feminine kind. Honourable senators, given the educational trends in Canada, Senator Hervieux-Payette might wish to consider changing her bill to say an act to establish gender parity for men. If the projections of the President of the University of Alberta, Indira Samarasekera, are correct, then in 20 years we will be lamenting the dearth of male talent on boards of directors.

In the meantime, honourable senators, to judge the magnitude of women's influence on today's economy only by counting how many women sit around the country's boardroom tables is to ignore some of the reality of how and where women prefer to work. For example, we have seen a tripling of the number of self-employed women in Canada's workforce from 1976 to 2009. Carissa Reiniger, President of Women Entrepreneurs of Canada, explained to *The Globe and Mail* in October 2009 that many women prefer to start a small business as part of a lifestyle decision. That undoubtedly explains why an estimated 47 per cent of all small businesses in Canada have some form of female ownership.

Not all business women find corporate life attractive because that role, more often than not, is added to other full-time work. Typically, corporate directorships come with low remuneration but high fiduciary obligations. For many women, in particular working mothers hoping to achieve a work-life balance, such added responsibilities are not necessarily appealing. It is not just chauvinism that keeps woman out of corporate boardrooms, though I will not deny it exists, but rather women themselves. I ask honourable senators, are corporate directorships the best measuring sticks of women's achievements? I will take a moment to examine a slightly different work environment. I draw to the attention of honourable senators the statistics shared with the Standing Senate Committee on National Finance just two weeks ago.

Maria Barrados, President of the Public Service Commission, testified on April 13, 2010, that women have outnumbered men in the public service since 1999. Today, 55 per cent of public servants are women, about 40 per cent of whom hold executive positions. In Ottawa, 12 of 29 deputy ministers are women, and 56 per cent of knowledge-based workers in the public service are women. Ms. Barrados testified that this is not due to equity employment programs or gender parity laws. She said that they do not hire women through those provisions. It is, I would submit, yet more evidence of Canada's growing education gap. We should worry about Canada's young men.

Honourable senators, I am not trying to suggest that there is not room for more female directors in corporate Canada. Of course, there is room, but while Bill S-206 attempts to achieve that laudable goal, it creates more problems than it solves. The bill proposes to affect all publicly traded companies in Canada, including all federally, provincially and foreign incorporated corporations operating in Canada, banks, insurance companies, trust and loan companies, cooperative credit associations and certain federal parent Crown corporations. All would have to provide gender parity on boards whenever directors are elected or appointed; beginning with the second annual meeting of shareholders after the act comes into force.

Thousands of organizations would be affected. Currently, the Canadian Business Corporations Act provides, as it should, a flexible framework by which corporations may decide how to structure and govern themselves. Bill S-206 would impose a harmful layer of intervention. Industry Canada would have to acquire a battalion of gender police to micromanage the governance of over 4,000 publicly traded entities in Canada. There is also the issue of what would happen to those

corporations that currently enjoy a majority of female directors, such as the Canadian Nurses Association, for example, where seven of nine board members are women. The boards of the YWCA of Toronto and the Canadian Quilters Association, to name just two, are made up entirely of women. Is there anything inappropriate or offensive about this? Surely not. Yet, if Bill S-206 were to pass, those boards would be in violation of the law. That would be an undesirable outcome.

As well, there is the inevitable question of why diversity should be limited only to gender. Once we establish the principle that personnel decisions are best managed by the government rather than by the owners, shareholders and stakeholders of corporations, how long will it be before someone in this chamber proposes legislation mandating ethnic parity or religious parity or sexual orientation parity in corporations? Maybe we should mandate that all board members in Canada should be functionally bilingual; it is not so farfetched.

We must not and cannot mandate these things, honourable senators, because Canada is a free market society in which the owners and shareholders of corporations have the right to decide what is and what is not in their respective best interests. They have the right to decide who should and who should not be on their board of directors. They have the right to decide who should and should not be officers of their corporations.

• (1520)

Increasingly and happily, Canadian corporations are becoming more gender diverse. They have done this for the simple reason that it is smart business practice; the wider your net, the more talent you will catch. Corporations that fail to recognize the advantages of inclusion will suffer the consequences.

As citizens, shareholders and, in many cases, as board directors ourselves, we in this chamber should privately encourage and promote diversity because its benefits are clear. However, let us also understand the appropriate limits of our role as legislators. It is for these reasons that I urge honourable senators not to support Bill S-206.

[Translation]

The Hon. the Acting Speaker: Would Senator Frum agree to take a question?

Senator Frum: Yes.

Hon. Céline Hervieux-Payette: I would like to know whether the YWCA and the Canadian Nurses Association are publicly traded companies in Ontario.

[English]

Senator Frum: I think this bill also covers provincially incorporated companies. In any case, as a principle, this bill will leave open the problem of publicly-traded organizations that may wish to have a majority of females or to have all-female boards and as such that will become an illegal possibility in this country. That does not strike me as a very desirable outcome.

[Senator Frum]

Senator Hervieux-Payette: Perhaps the meaning is not the same in French and English. However, can you define the difference between “parité” and quota, because 50 per cent means “half-and-half”? There would not be any discrimination if men are the other half. Is there a difference in English between “parité” and quota?

Senator Frum: Yes, there is a difference. I recognize this bill is about parity but that, in effect, implies a quota of 50 per cent.

Hon. Nancy Ruth: Honourable senators, given that Senator Frum is looking for parity and talks about quotas, is there an established quota for men on these boards now?

Senator Frum: As I said, the trends are that boards are making room for diversity of all kinds — gender diversity and others. They are doing this because it is in their self-interest to do so. In our culture and society today, everyone recognizes that having a board made up of one type of group does not serve any institution very well.

Senator Nancy Ruth: To be clear, is it in the board’s self-interest to diversify and not in the shareholders’, the general public’s or women’s self-interests?

Senator Frum: It is clearly in the interests of all those entities and they have the power to express themselves and to make their feelings known. That can happen in a private context where it belongs. It is not a decision for us in this chamber to decide who should or should not be on a board.

Senator Nancy Ruth: My understanding is that women are usually the poor in Canada and are not necessarily shareholders, though perhaps through pension funds, and do not have the clout that would direct a board of directors. Is this true?

Senator Frum: Yes, that might be true. However, we are also talking about a strata of society in which the sort of women who would be promoted presumably by this kind of legislation are not the poor women to which the honourable senator refers. There is already an echelon of high-powered women in those positions, and this legislation will really help only them.

Senator Nancy Ruth: I would like to inform the senator that there are many women’s groups within Canada, such as the National Council of Women of Canada, the Canadian Federation of University Women, and the International Women’s Forum that have endless lists of women who want to be on boards and it has not happened. Could she explain why?

Senator Frum: I cannot speak for every corporation and the good and bad decisions they make. I am simply saying they have the right to make them.

Hon. Joan Fraser: I was interested in the honourable senator’s expressed faith in the ability of shareholders to move mountains. I was wondering if Senator Frum has any statistics or any studies she can quote on the number of grassroots shareholder revolts on any topic that has succeeded in Canada.

Senator Frum: It does not have to be a matter of a grassroots revolt. There are trends that are pushing things in the right direction to begin with. A cultural shift is taking place across our society. This is not about revolutions; this is about a movement towards improvement.

However, as I said, women also have to ask themselves if these are the kinds of roles they want. Women are very involved in the workforce, but corporate directorships are a very specific slice of life in this country. Women can put themselves forward and women can help other women. I do not think a revolution is required.

Senator Fraser: I am not sure I follow a portion of the honourable senator's answer. Sure, many people, men and women, do not aspire to be on corporate boards or to be chief executive officers or whatever. However, as the honourable senator has said repeatedly, there are growing numbers of women in the corporate world aspiring to advance. Yet she seems to be suggesting that these women do not really want to be on boards. Have I misunderstood the senator?

Senator Frum: This is a society of free movement and people who are interested in being in that world go into it. There is a lot of room for promotion, as we see. Over the last 14 years, the numbers have increased 425 per cent.

Senator Fraser: Based on what?

Senator Frum: On the basis of what?

Senator Fraser: Statistically speaking, it is up 425 per cent from what, two per cent?

Senator Frum: It is up from 4 per cent. However, the point is that things are moving in the right direction for those women interested in this kind of work. It is increasingly available to them.

Senator Carstairs: Just wait another 60 years.

Hon. Wilbert J. Keon: Senator Frum alluded to the gender gap of our youth in education. When I was preparing the population health report, I spent a lot of time in native communities. It is a horrendous problem in native communities. The young boys are not being educated and the girls are.

Unfortunately, I will not have an opportunity to do anything more on this subject. My question to you is more of a hope that maybe the honourable senator will speak again on this subject.

Senator Frum: I thank Senator Keon for that question. I share his concern. I sit on the almost all female board of my daughter's girls school and also on the board of my son's school. I can tell honourable senators of the kinds of worries we have when we talk about boys' education. The trends point to serious problems with young boys in this country, and people are much more optimistic and hopeful about the trends with young girls. Senator Keon is right, and it is a serious problem and something I would be happy to pursue further.

Hon. Michael Duffy: Senator Frum alludes to young men and boys and their education. I am told by the experts that the high school dropout rate among young men in some parts of Canada is

approaching 40 per cent. Yet, we do not see those same statistics for girls. Does the senator see a day in which women will be, in effect, the majority educated class in this country? If anything, will we need quotas to ensure a role for non-high-school-educated males?

• (1530)

Senator Frum: I thank the honourable senator for the question. I quoted the president of the University of Alberta, who is more expert in this than I am, and that is certainly her prediction. The article from which I was quoting was about why she had declined to create an institute for women in order to create female CEOs. She thought that process was well in hand. Her concern was how to encourage young men to come to university, to stay in university, and to follow the leadership track. That is absolutely where the problem is in our society today.

Hon. Pamela Wallin: Honourable senators, I have a question for Senator Frum, if she would take one.

Senator Frum: Yes.

Senator Wallin: I wanted to pick up on this theme, because some of us around the chamber do sit on corporate boards. Perhaps I am just kidding myself, and I do not think so, but I think the reason I sit on some of those boards is because I bring a skill set to the table and not because of my gender — at least I hope not.

I would also like to focus on the education question, because I, too, am a chancellor, at the University of Guelph. Three or four times a year, I watch those kids come up to get their degrees and I look over to the president every time and ask, "Where are the boys?" I do not want to make light of it, but I do think we have an issue in terms of what is going on in our educational institutions and why young men are not going to secondary school. Perhaps the honourable senator could comment on that.

Senator Frum: I thank the honourable senator for her question. She is quite right. That is my perception as well. A bill that is focused on promoting women misses the much bigger crisis that we are facing, namely, the education of young men in this society.

Hon. Kelvin Kenneth Ogilvie: Honourable senators, would Senator Frum take another question?

Senator Frum: Yes.

Senator Ogilvie: Following up on these recent remarks, in a previous life I had the requirement to often sit at the graduation ceremonies of high schools, largely in one region of the country, that is true. Nevertheless, I think the observation is fairly reflective of the situation across the country.

The reality is that after high school graduation, only those with an honours high school certificate or the equivalent, whatever it is called in a particular school system, are those who are likely to have any chance of going on to post-secondary education. At high school after high school, 10 per cent was typically the number of males at that graduation ceremony.

Honourable senators, is it not possible that our colleague opposite is looking down the road to protect young men in the future, as it becomes obvious that only people who are reaching the education and success level to be appointed to these positions will soon dominate the business culture of our country? Therefore, this bill is an important one aimed at protecting young men in the future.

Senator Frum: I thank Senator Ogilvie for that question. I made a remark in which I was teasing the honourable senator a bit about this. However, now that the honourable senator has pointed it out, perhaps that was the sincere intent of the bill.

[*Translation*]

Hon. Rose-Marie Losier-Cool: Honourable senators, in all the speeches I am hearing on this subject, reference is made to the banks and the major financial crises. Do you think that if the Lehman Brothers bank had been called the Lehman Sisters bank, the extent of the financial crisis would not have been as great?

[*English*]

Some Hon. Senators: Oh, oh.

Senator Frum: I share the honourable senator's enthusiasm of the talents of women. I agree with her completely. I believe in the potential and the talent of women, as well. However, one must be careful not to get too arrogant about it. We are all joking around, but this is serious. This will be a problem. Women will dominate our institutions; the trends are clear. We must be humble about it, I think.

Hon. Roméo Antonius Dallaire: Honourable senators, there is a certain air of levity about this subject that is a bit surprising to me because of the nature of what we are talking about. When I was to join the military college in 1964, my father, who was a career soldier, told me, "If you ever want to have a career in the Canadian Army, change your name from Dallaire to Dallards, because as a French Canadian you will go nowhere in the general officer corps." He was right; there were only two generals out of over 100 who were French Canadian.

In 1968, we brought in legislation that influenced not only the public sector, which was significant in generating French Canadians to reach higher ranks; but also the corporate sector in its recognition of the quality of certain peoples who speak another language and their ability to function even in that language.

Honourable senators, we worked for over 35 years to implement that 1968 bilingualism process in the Armed Forces — and it is still an ongoing arena that must be monitored; just ask Senator Chaput and those on the Official Languages Committee — and we are still trying to figure out how women in the leadership strata of the military will influence our leadership philosophy, and so on. I hope it will be a positive influence.

Does the honourable senator really believe that corporate Canada, in its independence in the free market and so on, is actually a generator of social change in our country? Should it not

[Senator Ogilvie]

be tweaked and sometimes nudged to meet the requirements of what we feel are the fundamental values of this nation?

Senator Frum: Honourable senators, I do not know if I would call corporate Canada a generator of social change, but I think social change has happened, such as the evolution that the honourable senator described in the military.

The country is more mature than it was in the sixties. Attitudes have evolved and changed, including those of the people who sit on Bay Street in Toronto. We must have a modern attitude about these things.

The honourable senator cited promoting language, but this is my point as well. My concern is that, once we take it upon ourselves to start mandating who should and should not be on a board, it will not limit itself to gender. We will start making linguistic, ethnic and religious demands. It is contrary to the spirit in which I think we should do things in this country.

Senator Dallaire: If the honourable senator believes the country is that mature, then we would not go to the ridiculous extremes that the honourable senator has just described. If that were the case, surely we would know where to stop and where to start because we will have achieved more maturity, and we hope that we will continue to become more mature in the years to come.

It is ridiculous to me that the free market entity will be an instrument that will bring about in a progressive way — and maybe not just in an evolutionary, but in a revolutionary way — the social changes just described, such as the positions of women at corporate levels. We created quotas for the number of French Canadians, and we promoted some people who should never have been promoted in order to self-start the system to get enough mass to encourage younger people to join, and so on. We have done that with women. There is a long learning curve on using means that are very aggressive, such as quotas, equal opportunity programs and so on, to start generating social change. It is difficult enough in government, let alone trying to impose it on the corporate body.

Would the honourable senator not think that it would be best to try to find ways to influence corporate Canada? Should not we, the representatives of the people, stimulate them more? Perhaps this bill is not perfect, but would the honourable senator not think it would be irresponsible to let it just go and see what happens?

• (1540)

Senator Frum: In answer to Senator Dallaire's question, it is incumbent upon this chamber to encourage corporate Canada to be more representative of society. As I said at the conclusion of my remarks, I think that responsibility falls on the private citizens. On boards on which I have volunteered, I encourage the leadership to broaden the types of people sitting on the board.

To reference my colleague Senator Wallin on the matter of quotas, quotas can be harmful to the people on which they are inflicted. Everyone wants to think we contribute because of what we have to offer and not because we satisfy a quota. It can be demeaning to think one fills a position on a board only because of a quota. That concept can be terribly insulting.

[*Translation*]

Hon. Marie-P. Poulin: Honourable senators, I want to thank Senator Frum for giving us the opportunity to have this extremely important debate. This debate affects us all, not only as representatives of regions and of minorities, but also as men and women who want to see all Canadian companies succeed.

Senator Frum said earlier that she predicts society will practically be run by women as a result of the challenges that exist in our education system. I see her nodding her head in agreement with my interpretation of her comments. Senator Frum is making an extremely important argument in favour of the suggestion by Senator Hervieux-Payette, who is not talking about quotas but who is suggesting that Canadian companies ensure that their boards of directors have parity, which would address the concern she has expressed.

I would like to thank Senator Frum for making an argument in favour of Senator Hervieux-Payette's legislation. Did I misunderstand?

[*English*]

Senator Frum: No, the honourable senator understood me. As the honourable senator was speaking, it occurred to me that people who sit on corporate boards in Canada are no less enlightened than the people in this chamber. They understand these ideas perfectly well, the same as we do.

Corporate Canada does not need this chamber to tell them to do the right thing. All that is needed is one strong voice on a board to say the corporation should consider greater diversity for the sake of the board. That is how change will happen from within.

I do not want to fail to give credit to the people on these boards that have the power to make a difference.

[*Translation*]

Senator Poulin: Senator Frum is absolutely right. We have some truly exceptional men and women sitting on boards of directors in Canada.

However, I think that Senator Hervieux-Payette's intention is to help our country take a big step forward, which would help make our Canadian businesses more successful. Why does Senator Frum see the objective of this private legislation as an intrusion into the business of public corporations?

[*English*]

Senator Frum: Honourable senators, this is an intrusion into the internal matters of businesses. Once legislation tells business that when a vacancy arises on their board they cannot fill it as they wish but have to check the gender composition on their board and are allowed to pick from only one-half of the talent pool available, we have limited their options. I do not think that is appropriate.

Hon. Anne C. Cools: Honourable senators, I want to thank Senator Frum. She has done a good job in defending her position. Honourable senators should acknowledge that. She is a newcomer

to this chamber, and she has faced the challenge. I am not in favour of quotas in this way. I have some problems with such well-intentioned initiatives. I come from a minority group, but in addition to belonging to a minority group, I labour under another problem: I think. I am a deep thinker. I have experienced a degree of persecution because of that all my life.

Honourable senators, I wonder from time to time if most honourable senators even know that, distinct from the women's movement and equality for women, male children have always lagged behind in school. This is not a new problem. For example, male children have always been afflicted by more dyslexia, attention deficits, juvenile delinquency and a wide range of social problems that have perplexed educators for many years. Senator Carignan spoke earlier, and his speech was well-presented. However, the honourable senator did not mention the fact that Canada has 13,000 male federal inmates and approximately 600 female federal inmates. Something is clearly wrong, and it has been wrong for a long time.

Honourable senators, my question came in a moment of levity following on Senator Dallaire. When it comes to selection or appointment to influential positions, we cite gender, race and quotas. However, we never cite brain power, skill or any such assets. For anyone in public life as long as I have been, I can testify to the stupendous amount of incompetence among highly placed people.

The honourable senator did not address in her remarks that, at the end of the day, skill and merit have to be at the top of the list of qualifications.

Senator Frum: I think Senator Cools made my case for me; that is exactly what I am trying to argue. This is about allowing merit, brains and ability to come to the fore regardless of gender. If we allow that to happen regardless of gender, women will do fine.

Senator Dallaire: Were there an equal number of women as men brought to this chamber over the last year or so? Why not?

Senator Frum: I am happy the honourable senator asked me that question. I can tell him the answer. The ratio of appointments is probably as good as it has ever been.

Senator LeBreton: The ratio is higher than it was for former Prime Minister Mulroney.

Senator Frum: I do not know how many other honourable senators in this chamber can say they are fulfilling this role while raising a 7-year-old child. It is not easy to do. It is not something a lot of my peers can imagine when we talk about it.

Why would I spend three days per week away from my children? Sometimes, I do not know why I do it. Women's lives are complicated. Women's lives are different than men's lives. I was trying to allude earlier that there is a reason women are not as interested as men are in these roles. Sometimes it is more difficult to find women to take positions in this chamber or on Bay Street.

Hon. Serge Joyal: Honourable senators, I have listened to the honourable senator carefully. Is the honourable senator comfortable, in principle, with affirmative action, independent of which group may be the object of affirmative action?

Senator Frum: That is a personal question that does not have basis in this particular debate.

Senator Joyal: It is not personal. Affirmative action programs exist in municipalities and provincial governments. They exist at many levels of public authorities, and any one of us can entertain a position in relation to that — that we do not believe in their effectiveness or we think they are ill targeted or so forth.

• (1550)

It is not personal; I do not ask if you would accept being the object of affirmative action. Then, of course, it would be a personal question. However, I am not labelling the question in terms of personality; I am asking for it in principle.

Senator Frum: With respect to affirmative action on the basis of gender, in 2010, it is really not necessary.

[Translation]

Senator Poulin: Honourable senators, I would like to remind the Honourable Senator Frum that her mother was a very respected and well-liked journalist for CBC. At the time, I was an executive at CBC. As Senator Joyal mentioned, we developed an affirmative action plan for television and radio in both English and French. This plan was developed at a time when very few women were on the airwaves. Her mother was an exception. I was responsible for implementing this plan. There was a lot of resistance from many program directors, who said that we were cutting our resources in half, that we were eliminating half of the best possible hosts.

But when we look at both public and private television today, at our hosts and excellent journalists, we can see that the number of men and women is balanced, which is representative of our country. However, if we had not dared to develop these plans and to implement them, despite the resistance, I do not think that is what we would be seeing today. That is why I do not understand her resistance to Senator Hervieux-Payette's idea to have an action plan developed by each business.

[English]

Senator Frum: Honourable senators, I am sympathetic to the history that Senator Poulin has described and the steps that were taken in the past, but this is a bill that will deal with the present and the future.

Because of the contributions of all types of women in the past, women in 2010 are in a much better place. We are not only fully equal but as we have been discussing for the past hour, we are beyond equal. We have in many ways surpassed men.

I am sure if you look at the journalism program at Ryerson — I do not have the number at my fingertips — I am guessing it is probably 70 per cent female. Things have changed.

If you start putting in equity programs for women, it is a historical at this point. It is no longer relevant.

Senator Nancy Ruth: Is Senator Frum aware that the Charter of Rights and Freedoms guarantees affirmative action programs in section 15(2), and that we do not have a quota system in Canada?

Senator Frum: I thank the honourable senator for that clarification.

Hon. Tommy Banks: Honourable senators, I agree with Senator Cools that Senator Frum has done a very good job of making her point.

What I was yelling rudely at Senator Cools was that the inference that she was doing well in light of the fact that she was a newbie was kind of a quota-based question. She did fine on her own without any qualification.

I have always found it interesting and sometimes useful to reduce difficult and trying questions to the context of dentistry. It is a useful measurement by which to determine whether the good old days were all that wonderful because dentistry was not all that wonderful that long ago.

I was thinking of dentistry in that context. If I was going to a dentist for a problem, I would like to go regardless of whether the dentist is a Catholic, a Jew, a member of Islam, Irish, Black, red, White, pink or male or female. I would rather go to the one that graduated with 90 per cent from the school of dentistry.

I cannot vote for this bill, I want to say in advance to the people who support it and who are very well intended. I could, if the example that Senator Poulin gave was followed in this case, which is that someone set an example and it has been followed by others. When the CBC did that, private broadcasters did not; the private broadcasters followed suit.

If this was a bill that said we ought to put our own house in order, that is fine, but it says other things as well. However, I have difficulty with the scope, not the intent, of the bill as it is presently formed.

(On motion of Senator Nancy Ruth, debate adjourned.)

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Céline Hervieux-Payette moved second reading of Bill S-204, An Act to amend the Criminal Code (protection of children).

She said: Honourable senators, you will understand that I have some work left to do in getting my previous bill passed as law. I feel I must continue the discussion on the protection of children bill, which deals with spanking, that is, the corporal punishment

of children as a means of child discipline. This is an important cause in my life. This is the third time I have introduced this bill. In order to be a more effective senator and to make good use of my time and yours, I will wait a little before speaking my mind. This will allow us to examine my other bill and will give me the opportunity to continue my research in order to update the data. I have already given two speeches on this matter and have added new American and European data. I will be in a position to

provide honourable senators with additional information. I move the adjournment of the debate in my name for the remainder of my time.

(On motion of Senator Hervieux-Payette, debate adjourned.)

(The Senate adjourned until Thursday, April 29, 2010, at 1:30 p.m.)

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