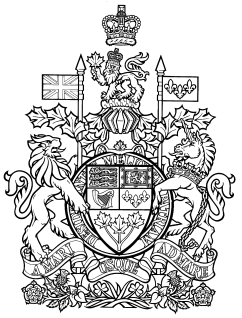

CANADA

Debates of the Senate

3rd SESSION • 40th PARLIAMENT • VOLUME 147 • NUMBER 37

OFFICIAL REPORT
(HANSARD)

Thursday, June 10, 2010

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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

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THE SENATE

Thursday, June 10, 2010

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

WILLIAM DAVIS MINERS' MEMORIAL DAY

Hon. Terry M. Mercer: Honourable senators, tomorrow is Davis Day, known as William Davis Miners' Memorial Day. Every June 11, former coal mining communities in Nova Scotia recognize the sacrifices of mineworkers and their families.

Bill Davis was killed during a strike in 1925. The coal company had shut down the water and power supply to miners' homes in the town of New Waterford, the birthplace of Senator Murray. Many other strikers were wounded during the conflict that occurred that day, which saw the provincial police deployed on horseback.

Cape Breton communities have a long history of coal mining, as have other communities in Nova Scotia, such as Springhill and Stellarton, all of which have seen their share of mining disasters throughout their history.

Honourable senators, this past year we have heard about several mining disasters across the world, notably in Virginia and China.

Davis Day is an opportunity for all of us to remember the sacrifices that these brave workers made. They did stand the gaff.

APOLOGY TO STUDENTS OF INDIAN RESIDENTIAL SCHOOLS

SECOND ANNIVERSARY

Hon. Patrick Brazeau: Honourable senators, I rise today to recognize the second anniversary of Prime Minister Stephen Harper's rendering, on behalf of the Government of Canada, of the apology to the survivors of Indian Residential Schools.

[*Translation*]

> We must always recognize and embrace the value of this gesture in paving the way for reconciliation and healing between Canada and its First Nations, Inuit and Metis peoples. It was indeed an appropriate and timely thing to do. It was also an honest admission that parts of our country's public policy in respect of Aboriginal affairs had been ill-conceived, improperly executed and, to say the very least, detrimental to the lives of so many Aboriginal families.

[*English*]

The apology was a means of striking a covenant whereby we all might walk forward in a spirit of renewal, with wisdom gained through past mistakes, healing commenced through admission of responsibility, and hope restored in a spirit of atonement and forgiveness.

Yet, the value of any apology can only be measured by the sincerity of the efforts aimed at delivering upon the spirit and intent of such an apology.

Let us then take stock. In respect of legislative endeavours, as honourable senators will recall, just days after the rendering of the apology, Royal Assent was given to legislation extending human rights protections to all First Nations citizens. After 60 years of calls for action, this legislation created an independent tribunal with binding powers to resolve specific claims.

[*Translation*]

What is more, last year Bill C-41 received Royal Assent, granting self-government to the Maa-nulth First Nations. Similarly, Bill C-5 was passed, amending the Indian Oil and Gas Act, thereby encouraging further investment and economic development in First Nations communities.

Our determined efforts to deliver on the apology go further afield than through legislative means alone. There are myriad other endeavours of note in the areas of education and employment, as well as housing, infrastructure and social services.

[*English*]

Underpinning these efforts is the fair resolution to the legacy of the Indian Residential School system and the implementation of the settlement agreement.

Fundamental to this resolution was the establishment of the Indian Residential School Truth and Reconciliation Commission. While no amount of financial compensation can reclaim that which was lost by the survivors, it is also important to note that to date over $1.5 billion has been distributed to over 75,000 former residential school students.

[*Translation*]

Rendering this apology was an act of determination and will by Prime Minister Harper. Its offering was done in a spirit of consultation and discussion with Aboriginal leaders at the time. I know firsthand because I was there. I was consulted, and my counsel to the Prime Minister was both respectfully received and reflected in the apology's delivery.

[*English*]

This government and this Prime Minister do not make empty promises — they deliver on commitments. They respect the relationship with Canada's Aboriginal peoples. They are determined to move beyond the pain of the past.

Above all, Prime Minister Harper is committed to working with Aboriginal peoples to build a prosperous and sustainable future — a future that First Nations, Inuit and Metis so richly deserve.

[*Translation*]

DEMOCRATIC REPUBLIC OF CONGO

RIGHTS OF WOMEN AND CHILDREN

Hon. Mobina S. B. Jaffer: Honourable senators, I would like to speak once again about the situation in the Democratic Republic of Congo. I have already talked about the violence, rape and other problems that are an everyday reality for the women of that country. Today I would like to talk about another aspect of this situation, a story of heroism, dedication and solidarity.

I recently had the opportunity to meet with several Congolese women. For the past 15 years, these women have been overcome by guilt, remorse and frustration, and have been extremely concerned about the fate of Congolese women.

One of the Congolese women I met was a model of altruism, compassion and commitment. Her name is Julienne Lusenge. She described herself as an activist, but after hearing her story, I realized that she is much more than that. She is a modern-day hero.

Sitting across from me, she told me about the countless nights she spent far from her family, travelling to remote villages to help victims of violence who, otherwise, would not have received the attention they deserve.

• (1340)

She also talked about the time and money she has spent to ensure that violent incidents are documented and brought to the public's attention so that justice can be done.

The problem is not a lack of effort or will. Many others like Julienne are ready to set aside their personal well-being to help the most vulnerable.

These people can go to government representatives and do everything in their power to present cases and document them before the courts, but they do not have the means to pay for lawyers to represent the victims.

They do not have any offices to use because existing ones are already overcrowded. Nor do they have access to medicine and other medical supplies to treat the women they are trying to help.

The fact is that Julienne and her colleagues are prepared to wholeheartedly defend their countrywomen, but they need money, resources and a system that will not abandon them.

Honourable senators, together we must take a serious look at the situation in Congo and ensure that the voices of women and children are heard.

Most importantly, we must ensure that women like Julienne have access to the resources they need to keep helping women in Congo.

[*English*]

THE LATE MR. ROSS HAYWARD MACLEAN

Hon. Richard Neufeld: Honourable senators, I stand here today to pay tribute to a great individual from my community of Fort St. John who passed away on June 4 at the age of 92. Ross Hayward MacLean was born on September 12, 1917, in Medicine Hat, Alberta, and lived most of his life in Fort St. John. He was a well-known businessman, a great supporter of hockey and supported a team of young hockey players that bears his name. He had decades of perfect attendance at the local Rotary Club and provided enormous support to the community through Rotary projects.

Mr. MacLean was the last torchbearer for the Olympic torch relay in Fort St. John last January. It was minus 25 degrees Celsius that evening when this 92-year-old gentleman ran to the stage with torch in hand to be met by Premier Campbell; Member of Parliament Jay Hill; Member of the Legislative Assembly Pat Pimm; and me. His face was beaming with pride, and I know the community was truly proud that he was chosen to represent us as a community.

When asked by the master of ceremonies how he felt, I will never forget his response: "Not bad for a young guy."

Much could be said about Mr. MacLean. He was caring and passionate about his family and community. I know he will be sorely missed but never forgotten by the people of Fort St. John and those who knew him.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I call your attention to the presence in the gallery of Mr. Kevin O'Brien, former Speaker of Nunavut; and Chief Jack Caesar, a respected elder and chief of Ross River, Yukon. They are guests of our colleague, the Honourable Senator Lang.

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

Hon. Senators: Hear, hear.

[*Translation*]

ROUTINE PROCEEDINGS

SENATE ETHICS OFFICER

2009-10 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the fifth Annual Report, for 2009-10, of the Senate Ethics Officer, pursuant to section 20.7 of the Parliament of Canada Act.

[*English*]

SPEAKER OF THE SENATE

PARLIAMENTARY DELEGATION TO LATVIA AND LIECHTENSTEIN, JANUARY 16-27, 2010— REPORT TABLED

Hon. Noël A. Kinsella: Honourable senators, I ask leave of the Senate to table a document entitled: "Report of the Visit of the Honourable Noël A. Kinsella, Speaker of the Senate, and a Parliamentary Delegation to Latvia and Liechtenstein," January 16 to 27, 2010.

Is permission granted, honourable senators?

Hon. Senators: Agreed.

[*Translation*]

STUDY ON CANADIAN SAVINGS VEHICLES

THIRD REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE TABLED

Hon. Michael A. Meighen, Chair of the Standing Senate Committee on Banking, Trade and Commerce, tabled the following report:

Thursday, June 10, 2010

The Standing Senate Committee on Banking, Trade and Commerce has the honour to table its

THIRD REPORT

Your Committee, which was authorized by the Senate on Wednesday, March 24, 2010, to undertake a study of the extent to which Canadians are saving in Tax-Free Savings Accounts and registered retirement savings plans, now tables its interim report entitled: *Canadians Saving for their Future: A Secure Retirement*.

Respectfully submitted,

MICHAEL A. MEIGHEN
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

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

THE SENATE

NOTICE OF MOTION TO EXTEND WEDNESDAY SITTING

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, if the time for Senators' Statements is extended for the purpose of tributes on Wednesday, June 16, 2010 pursuant to rule 22(10), and if the Senate has not reached the end of Government Business by 4 p.m. on that day, the Senate continue sitting past 4 p.m., notwithstanding the order adopted on April 15, 2010, until the earlier of the end of Government Business or the end of the time taken for the extension of Senators' Statements for tributes.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to the next item, I would like to draw your attention to the presence in the gallery of a group of Grade 8 students from École Pointe-des-Chênes in Sainte-Anne, Manitoba. They are guests of the Honourable Senator Maria Chaput.

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

INCOME TAX ACT

BILL TO AMEND—FIRST READING

Hon. Grant Mitchell presented Bill S-221, An Act to amend the Income Tax Act (carbon offset tax credit).

(Bill read first time.)

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

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

• (1350)

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

(Bill read first time.)

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

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

[*English*]

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

TRADE KNOWLEDGE WORKSHOP AND BILATERAL VISIT TO NATIONAL CONGRESS OF ARGENTINA, MARCH 15-19, 2010—REPORT TABLED

Hon. Pierrette Ringuette: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Forum of the Americas to the Trade Knowledge Workshop and Bilateral Visit to the National Congress of Argentina, held in Buenos Aires, Argentina, from March 15 to 19, 2010. I had the pleasure of leading this delegation.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

SECOND PART OF 2010 ORDINARY SESSION OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, APRIL 26-30, 2010—REPORT TABLED

Hon. Percy E. Downe: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association to the Second Part of the 2010 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, from April 26 to 30, 2010. No senators attended these meetings.

[*Translation*]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY GOVERNMENT'S USE OF TEMPORARY STAFFING AGENCIES TO FILL PUBLIC SERVICE JOBS

Hon. Pierrette Ringuette: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on National Finance be authorized to examine and report on the use by the Government of Canada of temporary staffing agencies to fill Public Service jobs;
>
> That, in conducting such study, the committee take particular note of:
>
> - The approximate $300 million annually that is charged to the Canadian taxpayer by agencies to staff Public Service positions;
> - Whether the use of such agencies has allowed the circumvention of geographic, linguistic and merit rules in the hiring process;
> - The cost to public service employees for the use of services provided by temporary staffing agencies;
> - Its impact on the ability of a sound, stable Public Service to provide services to Canadians; and
>
> That the committee submit its final report to the Senate no later than December 31, 2010, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

NATIONAL SECURITIES REGULATOR

NOTICE OF INQUIRY

Hon. Céline Hervieux-Payette: Honourable senators, pursuant to rule 57(2), I give notice that, on Tuesday, June 15, 2010:

> I shall call the attention of the Senate to the national securities regulator.

[*English*]

RETENTION OF PHYSICIANS

CHANGES TO FEDERAL TAX LAWS TO ALLOW PROVINCES TO NEGOTIATE VOLUNTARY PENSIONS WITH SELF-EMPLOYED PHYSICIANS— NOTICE OF INQUIRY

Hon. Mac Harb: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the fact that to retain physicians and protect our investment in the doctors we train, Canada should change federal tax laws to allow provinces to negotiate for voluntary pensions with self-employed physicians which would increase retention without necessitating increased funding and reduce federal involvement in this.

[*Translation*]

QUESTION PERIOD

PUBLIC SAFETY

SECURITY AT G8 AND G20 SUMMITS

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate.

I think I am having a déjà vu. In 2007, the government began its experiment with so-called good financial management at the summit in Montebello. A fence surrounding the summit site cost $875,000, or nearly four times its market value.

Honourable senators, according to *La Presse*, the fence that will surround the G20 summit in downtown Toronto will cost $5.5 million. I am sure Canadians are dying to know why the fences from the Quebec City and Montebello summits are not being reused. According to the minister at the time, those fences were to go into storage.

Can the Leader of the Government in the Senate tell us how many more millions of dollars have been budgeted to add to this fence? In order to provide absolute security to the heads of state, does the government intend to install an electric fence, trenches, searchlights, German shepherds, gate houses and barbed wire? I would like to know whether this fence is part of the government's action plan or part of the G20's security.

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, summits are very expensive, especially in this day and age with the security threats that all governments face, and we are hosting back-to-back summits, the G8 and the G20.

With regard to the use of the fence, I am not certain whether any of the fences that were used previously are being put to use now, but there is obviously a large area that must be fenced off. The fact is that we have between 10,000 and 12,000 people coming to Canada to attend the G8 and G20 summits, more people than the number of athletes who attended the Olympics, with a security level much higher because many of the world's leaders will attend these summits at the same time.

There is obviously a significant cost, but there is not a single security expert in the world who has criticized the government for the extreme measures that are being taken to secure the safety of our world leaders, their delegations and the large contingent of international media that will be attending as well.

Senator Hervieux-Payette: I remind the leader that the World Trade Center disaster took place in 2001 and I am talking about a fence in 2007. I suppose if there was a threat, we would know about it.

To be more specific, when did the leader's government file a request for the proposal for the fence? Who established the specifications? Who selected the supplier? Could the leader tell me the origin of the fence? At Montebello, the main supplier was from Alabama, to the great amazement of Canadian entrepreneurs who asserted they were able to supply the same product at four times less the price actually paid.

Senator LeBreton: Honourable senators, we could get into trivial arguments about fences, but there is a significant difference between Montebello and where the summit is being held in downtown Toronto.

In addition, and I continue to point this out, the G8 and the G20 are back-to-back events. The security measures are being taken by the government on the recommendation of our public safety and security officials. We have outstanding public servants, outstanding police and outstanding experts on whom we are relying. Surely no one would suggest that the government should question the advice and the direction we are getting from security experts who are trained and skilled in this area. Surely no one would want us to question their advice to us when such important meetings are being held in Canada.

• (1400)

It is a chance for Canada to showcase this wonderful country to the world. Surely no one is suggesting that we take measures that in any way would jeopardize the safety of world leaders, their delegations and our other guests.

Senator Hervieux-Payette: Since the leader belongs to a government that insisted, supported and drafted the accountability bill, at least she will understand why we hold them to account on these principles.

I would like to quote someone who has written about the G8, because the minister seems to attach a lot of importance to it and the fact that we spent several hundred million dollars for that event.

[*Translation*]

Today in *La Presse*, French Foreign Minister Bernard Kouchner — who is not new to politics — had this to say about the G8:

> Too much money is spent on these things. Billions of dollars is too much.

France's top diplomat thinks the G8 is bound to disappear.

> It is a meeting. We push some paper around and then we leave.

How does the government justify such an expensive tab for the event in Huntsville and why is it going beyond the expectations of the other heads of state?

[*English*]

Senator LeBreton: Honourable senators, I am aware of the comments of the French foreign minister. These summits are expensive. I read his comments. He was talking about summits in general. That is how I interpreted what he said. I said in this place a couple weeks ago that it is true that these summits are very expensive. However, with the summit about to take place, we cannot be questioning security officials. The advice that we are getting with regard to what they are saying must be followed in order to provide security for the world leaders and for these large delegations that accompany them.

However, I can understand the French foreign minister's concern, because next year France is hosting both the G8 and the G20 summits. When I saw his remarks, I did not take offence because he is realizing, as we are, that to host these meetings is hugely expensive. One would not expect any government to take shortcuts or question the advice that government is receiving from the people who are skilled in the areas of intelligence and security. That is what we are doing; we are taking their advice. Not one single security expert has told the government or suggested, either privately or publicly, that we are not taking this matter seriously. We will do everything possible to provide security for our guests.

Senator Mitchell: We are losing air.

Senator LeBreton: The only air in this place is the Honourable Senator Mitchell and he is full of hot air.

An Hon. Senator: Global warming.

Senator LeBreton: In any event, I am not —

Senator Mitchell: Keep swimming.

Senator LeBreton: The fact is, this is a serious matter, honourable senators, and we take the security of our guests and our world leaders very seriously. We are showcasing Canada. We are proud of Canada, unlike the opposition, who would do everything they can to undermine Canada. We are showcasing Canada.

An Hon. Senator: Right on.

Some Hon. Senators: Hear, hear.

INDUSTRY

ASBESTOS REGULATIONS

Hon. Jim Munson: Honourable senators, that is enough talk about "Where's me lake taxes gone?" Think about it.

My question is for the Leader of the Government in the Senate. I will talk about something even more serious — the asbestos issue in the province of Quebec. The Public Health Association of Canada has recently commented on the Conservative government's ongoing support of this dying industry, the asbestos industry in this country, as "wrong, unethical and indecent" and rightfully calls it "exporting death."

This is all happening at the same time that asbestos is being removed from the Prime Minister's residence and from our workplace on Parliament Hill. According to Kathleen Ruff of the Rideau Institute, the Prime Minister has given the industry his commitment that as long as he is Prime Minister of Canada, he will support the exportation of asbestos and will block a United Nations environmental agreement to the Rotterdam Convention so as to prevent asbestos from being put on a list of hazardous substances.

Why are the Prime Minister and his government propping up this dying industry by providing international protection to stop the industry from being regulated?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, first, I am not certain to whom Senator Munson referred as I did not get the name of the individual.

Obviously, asbestos is a hazardous product. I am not an expert in this area, but I believe there is a different type of asbestos that is still considered relatively safe, although I cannot be absolutely certain about that. I will take Honourable Senator Munson's question as notice.

Senator Munson: The name is Kathleen Ruff from the Rideau Institute.

A recent CBC documentary called *Canada's Ugly Secret* showed asbestos from Canada being handled under appalling conditions overseas. Studies from the Quebec government report a 100 per cent failure rate to handle asbestos safely in Quebec. Yet, this asbestos lobby group, the Chrysotile Institute, is allowed to carry the emblem and the flag of Canada on its literature.

Will the government listen to the appeals from the Canadian Cancer Society and health experts? You are used to cutting off funds for different lobby groups. This particular lobby group receives about a quarter of a million dollars and it is giving this country a black eye.

Senator LeBreton: I thank the Honourable Senator Munson for the question. I was not aware of any particular lobby group being funded with regard to this industry; I could be wrong, of course. I will take the question as notice.

Senator Munson: Honourable senators, I have a further supplementary question. I must emphasize the fact that in Quebec last year, 60 per cent of occupational deaths were caused by asbestos. That is according to figures from the Quebec Workers' Compensation Board. As a result of the proven health risks and despite the Quebec government's official policy to promote its use domestically, asbestos is rarely used in this country anymore. However, we still export about $100 million worth of asbestos a year to developing nations.

Canada will export 200,000 tonnes of asbestos every year for the next 25 years to Asia. Once again, this information is from the Rideau Institute. Why is it that many developed countries around the world, including the European Union, have banned asbestos use but we continue to promote its use abroad?

Senator LeBreton: Honourable senators, I am always a little dubious about anything the Rideau Institute says, but I will take the question as notice.

CITIZENSHIP AND IMMIGRATION

TEMPORARY VISAS FOR CUBAN DIGNITARIES

Hon. Pierrette Ringuette: Honourable senators, my question is directed to the Leader of the Government in the Senate. This year, the Canada-Cuba Friendship Group is celebrating 65 years of friendship between the countries, and there will be frank and honest discussion between the two countries.

This morning, I and my fellow co-chair of the Canada-Cuba Friendship Group hosted a breakfast for our membership to meet with Mr. Dagoberto Rodríguez Barrera, Deputy Minister of Foreign Affairs for Cuba. Unfortunately, when we got to the breakfast this morning, we learned from the Cuban ambassador that Mr. Barrera was denied an official visa to visit Canada by the Department of Immigration. Can the leader please explain why Mr. Rodríguez Barrera did not qualify for a visa?

• (1410)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I was made aware that the honourable senator had commented on this issue this morning and I sought advice on this matter.

Without directly referring to this particular individual, I will summarize what the policy is.

Canada's office in Havana endeavours to provide the highest possible level of service to applicants. Persons can be inadmissible to Canada for a number of reasons, as outlined in the Immigration and Refugee Protection Act. Canada recognizes that those who may technically be inadmissible may still have valid reasons for traveling to Canada. Temporary Resident Permits overcome this and allow travel to Canada for reasons of national interest. Temporary Resident Permits are just another tool used to facilitate travel to Canada. Individuals entering Canada on a Temporary Resident Permit based on national interest often are facilitated entry at the port of entry in the same manner as persons entering on a regular Temporary Resident Visa.

In other words, the holder of a Temporary Resident Permit can experience no difference in examination at the time of entry than the person who has been issued a Temporary Resident Visa. Temporary Resident Permits give Citizenship and Immigration Canada the flexibility to address exceptional circumstances where an applicant may not be able to meet all the requirements.

I will not comment on the individual case that Senator Ringuette referred to, but this policy has been followed for some time by Citizenship and Immigration Canada.

Senator Ringuette: I listened carefully to the policy statement by my honourable colleague. However, the indication in the policy says "technically inadmissible." I want to know what criteria made Mr. Rodríguez Barrera technically inadmissible in Canada.

Senator LeBreton: I have already said that I cannot comment on this particular case. It may not even be known. However, I will obtain the definition, without reference to this particular individual, of what constitutes a person being technically inadmissible.

Senator Ringuette: Honourable senators, this is the second time within a year that a Cuban official has been denied a visa to Canada. On the one hand, we want to know if the government policy in regard to diplomatic and official relations between Canada and Cuba has changed in the last three years or in the last year that had the effect of these two distinguished individuals not being able to come to Ottawa to attend meetings.

From my perspective, this is the first time that Canada has had such a disregard for our Cuban counterparts. Particularly now, considering that we have heard about billions of dollars being spent for 20 leaders in the last month, can we not even give a piece of paper, a visa, to a foreign dignitary to come and talk to Canadians?

Senator LeBreton: Again, honourable senators, I heard about this matter only today. Obviously there is no relationship between the $930 million that is being spent — and it is not 20 leaders, as Senator Ringuette knows full well. We are talking about major world leaders and large delegations of 10,000 to 12,000 people.

The honourable senator says this is the second incident, and I obviously take her word for it. I read into the record the policy that applies to any person coming into Canada. I do not think one can read anything more or less into it. However, I indicated that I would make inquiries about what constitutes inadmissibility.

Senator Ringuette: Honourable senators, I want the leader to realize that in denying visas to Mr. Rodríguez Barrera and to the president, we are insulting the Cuban government. Coming from New Brunswick, we in New Brunswick have been dealing with our Cuban colleagues for over 50 years.

Senator Tkachuk: Oh, yes. They are just a bunch of wonderful people.

Senator Ringuette: I am sorry, does Senator Tkachuk have something to say?

Senator Tkachuk: I am waiting for you to finish.

Senator Ringuette: If the honourable senator wants to say something, he should stand up and be heard.

To the honourable leader, if this is the new policy of the Harper government in regard to Cuba, this new policy should be vetted publicly.

Senator LeBreton: Honourable senators, I am almost tempted to say, do not run off to the corner and break your crayons over this.

This is obviously a particular case that was brought to the honourable senator's attention by the Cuban ambassador. There has been no change, as the honourable senator knows full well, in Canada's relationship with Cuba. Obviously, with any country in the world, we run into incidents like this one. We have citizenship and immigration officials at the border, and we must rely on their advice and how they handle matters. They have a tough job handling complicated and difficult issues.

I do not know the personal circumstances in this case. I read into the record the policy that has been in place for some time. There has been no change in the policy, and I think Senator Ringuette goes beyond the pale when she suggests that somehow the whole country has insulted Cuba over this matter.

FINANCE

BUSINESS INCOME TAX PENALTIES

Hon. Tommy Banks: Honourable senators, my question is directed to the Leader of the Government in the Senate. Until recently, it has been possible for corporations to deduct from their taxes, as a business expense, fines and other financial penalties incurred as a result of violating federal laws. These fines are not only fines under federal environmental laws, but any financial penalty imposed as a result of the contravention of any federal law.

A case on this point went to the Supreme Court. In that particular case, the Supreme Court allowed that since the fine was incurred in the course of conducting business, it was a business expense. The corporation in question was entitled, under the present law, to deduct the fine as a business expense from federal taxes due.

The fine or financial penalty then became merely a cost of conducting business — and a tax-deductible cost of conducting business — and not a punishment for wrongful conduct.

The Department of Finance had said that it intended to amend the federal tax laws to prevent this from happening, but I am not sure whether the loophole has been closed and the necessary amendment made.

Can the minister please tell us whether corporations that violate federal laws are allowed to deduct fines that result from those violations as an operating business expense?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Banks for giving me advance notice of this question. I used to be asked questions from our former colleague, Senator Grafstein, on complicated regulations, and he would expect me to have an answer. Senator Grafstein is a person who read the financial pages and looked at the markets every day.

With regard to Senator Banks' question, fines or penalties imposed by law, whether by a government, government agency, regulator, court or other tribunal or any other person with statutory authority to levy fines or penalties, including fines and penalties imposed under the laws of a foreign country, are not deductible for Canadian income tax purposes. These rules, effective for fines and penalties imposed after March 22, 2004, are found in section 67.6 of the Income Tax Act.

• (1420)

ENVIRONMENT

MINISTERS OF THE ENVIRONMENT MEETING IN ADVANCE OF G8 AND G20 SUMMITS

Hon. Grant Mitchell: Honourable senators, my question is for the Leader of the Government in the Senate. Since the early 1990s, there has been an almost uninterrupted tradition of the host G8 country's environment minister calling together all the environment ministers from the member countries of the G8, for a conference on the environment leading up to the G8 conference. This tradition was interrupted only once, and that was by George Bush. However, even George Bush went on to hold such a conference prior to the G20 summit.

For the events this year, there is no meeting of ministers of the environment leading up to either the G8 summit or the G20 summit. Would the Leader of the Government in the Senate tell us why that could possibly be?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as the honourable senator knows, as the government has stated, and as is quite obvious when one looks at the economic situation around the world, the primary agenda item of the summit is the economy. Canada will work to ensure that internationally coordinated efforts to combat the global recession and to secure the recovery will continue.

Our government supports the Copenhagen accord, which, for the first time, is a climate change agreement that includes all major emitters. Our objective is to translate this accord into an effective international treaty. It is for this reason that ministers of the environment did in fact meet. They met in Bonn, Germany, from May 2 to May 4, and Minister Prentice fully participated in the meeting.

Senator Mitchell: Honourable senators, why is it, then, that the agenda of the G8 summit does not include anything to do with the environment? If discussions about economic enterprise and economic issues and the recession are at the top of the agenda of the G8 summit, why is it that these member countries would not consider the environmental consequences of climate change a huge economic issue?

Senator LeBreton: As Senator Mitchell knows full well, the Prime Minister, President Calderón of Mexico, and others have said there is no question that the environment will be on the agenda of these meetings. The honourable senator is absolutely right; when discussing the economic challenges faced around the world, the environment factors into the discussion quite significantly. However, the honourable senator was quite wrong to suggest that we did not participate and are not participating in discussions on the environment leading up to the G8 and G20 summits.

Senator Mitchell: Six Nobel Peace Prize laureates have just written the Prime Minister to point out the economic consequences of not doing something about climate change. In doing so, they have once again focused the international spotlight on Canada and our failure to do what needs to be done with regard to climate change and any number of environmental issues.

How is it that this government can build an artificial lake and call it a marketing initiative to sell Canada abroad and not see the profound contradiction between that silly, expensive, wasteful initiative and doing something concrete on the environment so we can send a message to people around the world that this government is serious about one of the most important issues facing the world today?

Senator LeBreton: Honourable senators, not to belabour the point about the $2 million pavilion that will help promote Canada to our visitors, but someone commented to me, with regard to the $57,000 that was spent on the facility for the reflecting pools, that at least we know the cost of that pool, unlike the pool that was built at 24 Sussex. We never learned who put in the pool at 24 Sussex, who paid for it, or how much it cost.

In any event, honourable senators, we are making great strides on the issue of climate change, as I have previously reported in this chamber. As I mentioned earlier, we advocated for an agreement including all the world's major emitters and we are proceeding with an agreement reached in Copenhagen.

The executive director of the International Energy Agency recently praised Canada's target to reduce emissions to 17 per cent below 2005 levels by 2020. The director praised Canada for this initiative, unlike what happened with the previous government, who signed on to an accord they knew they could not live up to.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to present, in both official languages, delayed answers to three oral questions

raised by the Honourable Senator Dallaire on April 13, 2010, concerning National Defence, support for reservists; by the Honourable Senator Banks on June 1, 2010, concerning Foreign Affairs and International Trade, monitoring of social media; and by the Honourable Senator Chaput on June 2, 2010, concerning National Defence, Official Languages Training.

NATIONAL DEFENCE

SUPPORT FOR RESERVISTS

(*Response to question raised by Hon. Roméo Antonius Dallaire on April 13, 2010*)

Our reservists are a vital part of the Canadian Forces, and the Government of Canada is committed to ensuring they have the resources and personnel they need to undertake their missions.

The Canadian Forces have been experiencing an unprecedented operational tempo both internationally and domestically. Maintaining this high level of readiness comes at a cost, which can create internal fiscal pressures. As a result, approximately $80 million of the army's budget was reallocated last year to support Canadian Forces operational priorities to replace critical equipment and infrastructure. These reallocations affected, among other things, reserve and regular training, building maintenance and the civilian salary wage envelope.

However, these were temporary reallocations and for the 2010-11 fiscal year, the army reserve budget remains on track. Overall, the army has received a steady increase in funding for the reserve program, from $257.2 million in the 2005-06 fiscal year, to an anticipated program allocation of $457.6 million for the 2011-12 fiscal year.

Canadians have demonstrated an overwhelming degree of moral support for their troops and supported the government in the assignment of additional financial resources to the Canadian Forces. For example, last summer, the government announced a commitment to acquire new and refurbished armoured vehicles that will ensure soldiers have the tools and the protection that they need.

The government is committed to implementing the Canada First defence strategy, which will ensure the Canadian Forces have the people, equipment, infrastructure and expertise required to defend Canada and Canadian interests now and well into the future. To achieve this, our strategy sets out a predictable, long-term funding framework and vision for the Canadian Forces.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MONITORING OF SOCIAL MEDIA

(*Response to question raised by Hon. Tommy Banks on June 1, 2010*)

All employees who corrected misinformation online through the course of the pilot project identified themselves by first name and also indicated they were employees of the Government of Canada working on the seal file.

NATIONAL DEFENCE

OFFICIAL LANGUAGES TRAINING

(*Response to question raised by Hon. Maria Chaput on June 2, 2010*)

The Canadian Forces recognize the importance of supporting both official languages. Ensuring that French and English have equal status is not only the right thing to do, but also makes good operational sense. Indeed, in 2006, National Defence set out to transform its official languages model and, since then, has made measurable progress. For example, CFB Borden and the St-Jean Garrison have been provided with funding for various initiatives designed to ensure that Canadian Forces personnel of both linguistic groups have access to equal service, such as training, education and medical services.

The Canadian Forces has accepted each of the 20 recommendations from the Commissioner's latest report, and the Commissioner has written that he is satisfied with our action plan. The Canadian Forces are firmly committed to implementing the necessary corrective measures within the next few years. Indeed, some of the recommendations in the report are already being applied. Moreover, the Canadian Forces' Director of Official Languages will undertake a rigorous follow-up of the specific action plans prepared by the Canadian Forces' training authorities, to ensure that the Commissioner's recommendations are being implemented.

[*English*]

QUESTION OF PRIVILEGE

Hon. Joan Fraser: Honourable senators, I rise on a question of privilege. I raise this question pursuant to rule 59(10).

A few moments ago, in what we all know is the sometimes heated atmosphere of Question Period, the Leader of the Government in the Senate said that senators on this side, I think her words were, ". . . do everything they can to undermine Canada."

We are all accustomed to hearing more or less insulting language across the floor from both sides during Question Period. That is often part of the game, although we try to keep it under control. However, this particular comment goes beyond the boundaries, honourable senators, of what is acceptable.

First, the statement is not true. Indeed, many senators on this side, as on the government side of the chamber, have spent years working hard to defend Canada against those who seriously sought to undermine it, if not to destroy it.

Furthermore, such an accusation, if it were to be believed — and we must assume, absent evidence to the contrary, that statements in this place are true — would surely affect our ability to carry out our functions as outlined in the Constitution Act,

1867. According to rule 43, that constitutes a violation of the privileges of senators. I remind honourable senators that, as our rules say, a violation of the privileges of any senator constitutes a violation of the privileges of all senators.

Beauchesne's Parliamentary Rules & Forms of the House of Commons of Canada says, at citation 28 on page 12, that statements offending privilege ". . . involve a Member's capacity to serve the people." I would submit that to suggest that we are all traitors affects our capacity to serve the people.

Beauchesne's says, at citation 60, that it is a breach of privilege to make a remark that passes the bounds of reasonable criticism; and at citation 62, that it is a breach of privilege to make representations or statements that are not only erroneous or incorrect but also purposely untrue and improper and import a ring of deceit.

Your Honour, because I have used rule 59(10) to raise this question of privilege, I have not had time to do deep research and produce many citations. However, I suggest to Your Honour that this case is so clear that volumes of citations are not necessary.

If the leader were to withdraw her words, I would consider the matter closed. Otherwise, I urge Your Honour to find that there is a prima facie case of privilege, which should be addressed to the Rules Committee.

• (1430)

Hon. Marjory LeBreton (Leader of the Government): I thank the Honourable Senator Fraser.

There have been many incidents of late, and we saw as well when Canada hosted the Olympics that many things were said and done. Obviously, those on the other side were attacking the government, but it was trying to damage, I would say, Canada's reputation. That is my view. I did not intend to suggest that senators opposite are unpatriotic, but I will be happy to check the blues to see what I did say and deal with it then.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I remind any honourable senator who has not read rule 43 recently that it says the question must "be raised at the earliest opportunity" — I believe the honourable senator raised the question under rule 59(10) — and it must "be a matter directly concerning the privileges of the Senate, of any committee thereof, or any Senator;" and it must "be raised to seek a genuine remedy, which is in the Senate's power to provide, and for which no other parliamentary process is reasonably available. . . ."

As the leader indicated, she will check the blues to see whether she said anything that would impede the other side or in any way cause harm to it, and I am sure that after she has checked the blues, she will come back with reasonable comments.

In the meantime, I was listening during Question Period, and I did not hear anything that could impede or might in any way stop a senator from doing what is normally done in this chamber. In other words, the leader did not do anything to impede what the senator does. I cannot see that this matter would be a question of privilege.

Hon. Anne C. Cools: Honourable senators, I am trying to get some help. I am trying to discover what is happening here. I missed most of Senator Fraser's intervention but Senator LeBreton has indicated that she wants to check the blues. I am wondering what is happening. Is this a suspension of some kind? What is going on here? How is the needed time acquired to check the blues? Is it an adjournment of some kind that she is requesting? If it is, it should be so phrased. It should be so articulated, but a senator cannot just say: I will have to check the blues and get back to you tomorrow. There is a matter that has been raised. Maybe somebody should clarify what Senator LeBreton is really asking for, and I do believe and I feel strongly that if a senator is impugned or questioned in any way, that senator has an absolute right to be able to respond and to answer. I am not sure what the process is by which an honourable senator stops a debate so that that senator can check the blues. There should be some clarification on that point.

Senator Comeau: We have nothing more to say on this side, honourable senators, and if His Honour wishes to listen to other interventions, by all means, it is his prerogative.

Senator Fraser: I believe it has occurred in the past, Your Honour, that debates on questions of privilege were adjourned rather than simply taken under advisement, and I would be content to see this debate adjourned until the leader has had the occasion to consult not only the blues but also, perhaps, the sound recording of today's proceedings, and then wait to see what she says in her comments after those consultations.

Hon. Senators: Hear, hear.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(Pursuant to Rule 18(3), further consideration was deferred until the end of Orders of the Day at the next sitting.)

ORDERS OF THE DAY

JOBS AND ECONOMIC GROWTH BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Gerstein, seconded by the Honourable Senator Kochhar, for the second reading of Bill C-9, An Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures.

Hon. Joseph A. Day: Honourable senators, it is with great pleasure that I join in the debate on second reading of Bill C-9. At second reading, the bill was introduced by the Honourable Senator Gerstein yesterday. I am afraid I am not able to enter into

the same type of historical tour de force that the Honourable Senator Gerstein entertained us with yesterday because, honourable senators, I cannot treat a bill of 900 pages nearly as lightly as it has been treated.

Honourable senators, I will tell you a little about some of my concerns, since we are at the stage of dealing with the principles. That is second reading, and the principles are what we are dealing with at this stage. I will raise more questions than I have answers as we have not heard from a good number of witnesses yet.

Honourable senators, I will start by talking about what is in this particular bill. I have indicated that Bill C-9 is almost 900 pages. It deals with or amends 78 statutes. It has 2,208 different sections to be dealt with, and, in fact, it has another statute included within it.

Of the 24 different parts that appear in this bill, let me talk a little about some of the parts; mercifully, I will not go into all 24 of them.

With respect to the section dealing with Employment Insurance, we, in our Finance Committee, have dealt with Employment Insurance in the past, and there have been a number of changes to Employment Insurance along the way.

Last year, we extended for a period of two years the unemployment benefits for certain individuals for five extra weeks, honourable senators will recall.

It was a creation a number of years ago of the Canada Employment Insurance Financing Board, and the idea was to take Employment Insurance out of the consolidated revenues of the government and create an independent board that would set the premiums, and those premiums would be high enough to meet the expenses. Since then, a number of benefits have been added, as I indicated.

The government indicated in legislation last year that $2.9 billion should cover that amount. This legislation takes the old account that was a fictional account within revenue and creates another account. We do not know if it is a fictional or actual account. Several actuaries have come before our committee saying that the amount of money placed into the old account was not sufficient to meet the contingencies and the ups and downs of employment and unemployment. We will have many questions to ask in that regard, and I hope honourable senators will follow the debate. However, if the basic principle is that Employment Insurance should be operated on an insurance basis, and if the Canada Employment Insurance Financing Board is to be given the authority to make sure that that principle is met, then premiums for corporations and individuals over the next four years must increase by 35 per cent.

That, honourable senators, is what we are dealing with in this particular matter: a 35-per-cent increase in premiums over the next four years.

• (1440)

Another tax increase is in the Air Travellers Security Charge. We just had representatives of the Canadian Air Transport Security Authority, CATSA, before our committee on Supplementary Estimates (A) last evening because, in Supplementary Estimates (A), there is a request by the government to give to CATSA $350 million. We have before us a report that I expect Senator Gerstein will be speaking on later today. It is a report on our Main Estimates and in that report is a request for $243 million for CATSA for the coming year. In this particular bill, in addition to those that I have just spoken about, we have an increase of 50 per cent in the Air Travellers Security Charge. This fee will be going up 52 per cent if this bill is passed.

We wanted to know, honourable senators, where all this money is going. We did not get any answers last evening and we asked a good number of questions in that regard. That is another area that will take a considerable amount of time. I am anticipating this bill will be sent to the Standing Senate Committee on National Finance. We will have to explore all of these issues and determine why it is necessary to increase the travellers fee by another 52 per cent, on top of the $350 million that they are asking for in Supplementary Estimates (A). There was also $68,000 going to CATSA for the G8 and G20 summit in Toronto, which is also in Supplementary Estimates (A).

Atomic Energy of Canada Limited, AECL, honourable senators, is another area dealt with in these supplementary estimates. There have been several different pronouncements by the government with respect to the future of AECL. Our committee has spoken on this. I have a copy of our report from a previous meeting where the government, in Budget 2009, announced the restructuring of AECL. In May 2009, the government announced that AECL would be split into two businesses, one research and one commercial. Later on, it was announced that they would sell the commercial aspect. According to Budget 2010, the government initiated another restructuring process to make it attractive to investors. We have hired a New York City company to try to sell AECL. Various investors have been invited to submit proposals for the commercial sector. Then, most recently, in Part 18 of this particular bill — and this is budget implementation — the government is asking for authorization to sell a part or all of AECL.

What is the answer? Is it part or is it all that they want to sell? If they want to sell part, being the commercial aspect, why are we not being told that? Why would we not participate in this? What about our normal tests and safeguards with respect to the sale of government or Canadian entities to foreign entities? This sale obviously would be a sale to a foreign entity. Why would the test against national security not apply? Why would that be excluded? Why would the interests of Canada not be applied in the foreign investment review agency? Why are these being excluded? Those are questions that we will want to explore. I do not have the answers, but I can raise some questions and I am sure, with the government officials before us, we will raise many more questions, but that will give honourable senators a bit of the flavour of what we have before us.

Softwood lumber was solved forever and ever in 2006, honourable senators will recall. Since then, there has been a major challenge. We had virtually won the court cases previously, but there was a new challenge. We went to the London Court of International Arbitration and we lost that case. Now there is a 10 per cent fee being put on all shipments of softwood lumber products from Ontario, Quebec, Manitoba and Saskatchewan

because certain quantities were sold in excess of the quota that was agreed to by the government in order to achieve the earlier settlement. The problem is that Saskatchewan and Manitoba did not breach the quota as much as Ontario and Quebec did. They only breached the quota at certain times, but the same penalty of 10 per cent on all shipments is being imposed on them. We would like to know why that is the case. Why are Saskatchewan and Manitoba being singled out for unfair treatment in this particular instance?

There are several provisions in Bill C-9 dealing with pensions, honourable senators.

There is also the issue of remailers with Canada Post, the same issue that was twice before Parliament in a separate piece of legislation, and now it is tucked away in this bill. We will obviously have to delve into this particular matter.

We also have the credit union issue. Credit unions have normally been dealt with by provincial legislation. The federal government is, in effect, inviting them to become national and taking them under federal legislation, requiring them to reincorporate federally so they can be administered under federal legislation.

There is also the issue of credit and debit card networks, dealing with the extensive work that our Banking Committee and Senator Ringuette did with respect to the credit card issue. As well, it is intended that powers and oversight be given to the minister in relation to this particular initiative. We will want to know if the best way to do it is to keep it ministerial or if we should have some other body as an overseeing body.

Senator Gerstein spoke about the universal child benefit yesterday and he characterized it as making it tax-free, and in fact that is not the case. It is not to become a tax-free allowance, and honourable senators will see that if they read the legislation.

Two portions of Bill C-9 deal with single mothers and separated parents. Senator Gerstein described both of those as government initiatives for families. We will have to delve into that particular area in some detail.

Honourable senators, environmental assessments have received attention in a good number of newspaper articles and emails. Many of us have received emails and letters in regard to power that is being taken away from the Canadian Environmental Assessment Agency. It will lose powers with respect to energy. The Canadian Environmental Assessment Agency will no longer have authority to do the environmental assessment for any energy project or any project the minister can describe as an energy project. The Minister of Natural Resources has the power to define the scope of any environmental assessment and there will no longer be the opportunity for the public — any public — to participate in that scoping exercise. In addition to the energy projects, it excludes certain other projects from assessment.

Honourable senators, these areas are of great concern to a particular segment of society. I have also received communication from the pipeline people, the energy transporting people, to say this is a wonderful idea and this is the way we should go. We will be having conflicting points of view in relation to that particular issue, and we will want to look at it with an open mind.

• (1450)

The government is asking to reduce the statutory requirement to pay corporations or individuals interest on overpayments. If you make a mistake and overpay your income tax, the government previously paid a higher interest rate than what they now want to pay. We will want to understand why that is, and to make sure that the public is treated fairly.

Those, honourable senators, are some of the issues. You can see how diverse these particular issues are. That is why this bill has been characterized by some, including myself, as an omnibus bill.

I looked back through some of the other budget implementation bills. I could not go back as far as my good friend Senator Gerstein did, back to 1763, but I did go back to the time I arrived in the Senate in 2002. I can give honourable senators some of the information from speeches given since then. I want to keep in mind that some people, especially earlier on, referred to omnibus legislation as legislation that actually derived from the budget but was diverse and came from different sources. We understand that budgets are like that. They are omnibus in the sense that the bills deal with many different items coming from the budget.

However, more recently the term is being used to describe legislation that has a lot in it that did not have anything to do with the budget or with financial matters. That is the more modern application of the term "omnibus."

Let me give you just a few of the quotations that I found pertinent, from researching back to the period 2002 to 2010.

First, in 2002, Senator Noël Kinsella said of the budget implementation bill:

> . . . whilst I am supportive of the Africa fund, I am not supportive of the air security fee . . .

He is referring to the fee payable on air transportation.

> If, at this stage, we are debating the principle of the bill, what is the principle of the bill?

They were at second reading,

I ask, what is the principle of Bill C-9? I understand his dilemma.

Senator Kinsella goes on to say:

> Perhaps the bill is totally out of order and should be withdrawn or examined by His Honour. Perhaps that is something we should keep in the back of our minds as we carefully analyze the bill.

Senator Kinsella then goes to say:

> I would hope that in committee, if we will not do it here in the chamber . . . the bill could be split or that part which is particularly offensive could be cut away so that honourable senators could be supportive of some parts of the bill they deem to have great merit.

That was Senator Kinsella in 2002, speaking at second reading to a budget implementation bill.

Honourable senators, I have another quotation here. Senator Roch Bolduc also made some very interesting comments, but because he is not here to defend himself, I shall not read what he said. He was a wonderful Conservative senator, for whom I had a great deal of respect. He served on the National Finance Committee during the time he was here. He has since retired. I will therefore skip 2003.

I turn now to Bill C-30 in 2004, second reading, and comments by Senator Donald Oliver. The interesting point is that Senator Oliver became Chair of the Standing Senate Committee on National Finance. I thought this quotation was interesting. He said:

> Honourable senators, this rather lengthy bill aims to make law of several of the measures from the most recent budget.

He recognizes that the items were coming from the budget. He refers to it as "this lengthy bill."

Honourable senators, I looked up the bill to see its length. It was 56 pages — a lengthy bill. There are 900 pages in this one.

That was in May 2004. Senator Oliver had a chance to study the bill further.

In June 2005, a year later, Senator Oliver again — I expect he was still chairing the committee at this time — said:

> Honourable senators, we have before us a massive omnibus bill of some 23 separate parts. Bill C-43 ought to have come before us in at least three or more separate bills, one to deal with the budget measures per se . . .

He mentions others to deal with the other matters, and then continues:

> I should say, honourable senators, that if these provisions had been put in a separate bill weeks ago, as we had suggested...

He goes on to suggest that that portion would have been dealt with expeditiously. That sounds awfully similar to statements made in this chamber just recently.

That "massive bill," honourable senators, was 102 pages. The Honourable Senator Oliver ended his comments by saying:

> Regretfully, unfortunate political games were played by including these provisions in this omnibus bill.

They did not deal with financial matters.

Honourable senators, I have a number of quotations that I would love to put on record at some time.

Another quotation that jumped out at me is from Senator Lowell Murray from last year, when he said:

> Most important, there are strongly held differences of opinion on these issues among those Canadians who are most knowledgeable, most concerned and most directly affected by these proposals.
>
> In the interests of sound public policy and, indeed, in the interests of the democratic values we espouse, we have a duty to hear them. Their concerns about adverse legislation should not be brushed aside by sneak attack, which is what happens when extraneous measures are forced through in an omnibus budget implementation bill.

That is the position of Senator Murray.

We also have comments here from Senator Goldstein. Since he is not here to defend himself or to support these comments, I will not give them to you. However, I want to remind honourable senators that we on both sides have been making comments about this issue over the past many years, saying that this practice cannot continue.

Last year we came out the strongest that I have seen. We said in our report:

> Recommendation 9: The government cease the use of omnibus legislation to introduce budget implementation measures.

We went on and described how the Senate should act if the government does not heed us. The government has obviously not heeded us. Divide the bill into its coherent parts is the motion that has been filed by Senator Murray. Senator Murray's motion would delete all non-budgetary provisions and proceed to consider only those parts of the bill that are budgetary in nature. Alternatively, we do not divide it; just deal with portions of it. Perhaps we should defeat the bill at second reading on the grounds that it is an affront to Parliament. Here we are, at second reading. Do any of us feel like Parliament is being affronted?

We could also establish a new rule of the Senate — I am sorry that we have not pursued this — prohibiting the introduction of budget implementation bills that contain non-budgetary measures.

• (1500)

Those were the recommendations of the majority of the Standing Senate Committee on National Finance at this time last year, honourable senators, and you will recall we did a reasoned study of the bill after we passed it. We passed the bill, but we said the Canadian public had a right to be heard on these issues, even though it had been passed. We conducted extensive hearings for the very reason that has been pointed out by Senator Murray and others, that it is important that the public knows that we are doing our expected job and that the public has an opportunity to be heard.

One concern with respect to these omnibus bills is that the public is not being heard. Because we are often rushed and because we have so many different subject matters to deal with, we tend to focus on two or three issues that are well-debated publicly and that are of concern to the most people. The result is unintended consequences and things happen that should not. I pointed that out at the end of my presentation for Bill C-52. This was in 2007. In speaking at third reading, I stated:

> Honourable senators, allow me to go through some of the points. Part 7 of this bill is amendments to the Financial Administration Act. We did not have time to look at this, but it changes the right of government to borrow money without parliamentary approval. There used to be a fiscal year limit of $4 billion if they were short on funds before they came back to get approval from Parliament.

That particular provision, clause 85, was deleted and I indicated at that time that our committee felt that we should look into that and that this could have serious unintended and consequential damages.

Honourable senators, in fact, that has been brought up on a number of occasions since. That was three years ago. Why is the government not coming to Parliament to borrow money if they need more money? It was particularly evident last year when the stimulus package was being put together. The government did not need to inform Parliament that they were borrowing more money in order to meet the stimulus package.

I would like to talk briefly about trends. I was drawing together the information from 2002 to the present, and I have already alluded to one of the trends — the size of these bills. However, in 2002, the budget implementation bill was 112 pages long. It was in the House of Commons for 42 days, honourable senators. In 2003, it was 133 pages long. In 2004, it was 56 pages long. In 2005, Bill C-43 was 102 pages. In 2006, Bill C-13 was 186 pages long, with 13 parts. In 2007, there were 134 pages and 14 different parts. In 2008, there were 139 pages and 10 different parts. In 2009, there were 528 pages and 15 parts. Now, in 2010, this bill has 880 pages and 24 parts.

The trend is very clear, honourable senators. In spite of the pleas that have gone out from the committee to please stop this activity of including all this other peripheral information, the government is taking more and more advantage of this particular process with the hope and intention that we will not do the job that we would like to do because we will be anxious to go home for the summer, just like the House of Commons.

Honourable senators, I was very pleased to hear Senator Comeau and then, yesterday, Senator Gerstein repeat the fact that the other side of the chamber is prepared to do what has to be done to deal with this legislation and stay as long as is necessary to do it. I can tell you, honourable senators, that having spoken with my honourable colleagues on this side of the chamber, we feel likewise. I thank you all for the anticipated work that we will be putting in to deal with this bill. I know that we will do what the public expects of us and, in the end, we will do what is right for Canada and what is right for this Senate.

The Hon. the Speaker *pro tempore***:** Further debate, Senator Ringuette.

Hon. Pierrette Ringuette: Honourable senators, many of you listening to and watching the media understand my concerns in regard to Bill C-9. I will not take more than my time, but I would like to talk about a few of the issues that I find should not be in Bill C-9 and that this chamber should be able to look at in a separate way. I will talk about facts. I will not provide you with theatrics, but with facts.

One issue of major concern in Bill C-9 is the Canada Post issue, the removal of Canada Post's exclusive privilege for outbound mail. Canada Post has been supplying Canadians with reliable, universal rate, national delivery for over 100 years. Canada Post directly employs 71,000 Canadians. They serve 32 million Canadians at 14 million points of delivery, counting houses, postal outlets, and so forth. On a yearly basis, because of an increase in households, they have to add an additional 200,000 points of delivery.

In some ways in regard to this issue, I am somewhat blessed having worked at Canada Post for five years between 1997 and 2002 and, most specifically, having had to negotiate on behalf of Canada Post with a team at the UPU, the Universal Postal Union. The Universal Postal Union is under the umbrella of the United Nations. The Government of Canada has signed a treaty through the United Nations at the UPU regarding international mail delivery. This treaty was signed by 191 countries, and of those 191 countries, only 23 are considered developed countries.

• (1510)

In that treaty, there are rates that apply to developed countries, and there are rates that apply to developing countries. For instance, Canada Post will deliver a letter originating from the developing country of Haiti anywhere in Canada for an average rate of 11 cents per unit. If the letter is not deliverable to its destination and is returned to sender, Canada Post also assumes the return to Haiti with that 11 cents per unit.

This issue of remailers is funny because, in reality, there are only two major remailers in Canada. One is called Spring Global Mail, which is a consortium of Dutch Post, British Post and Singapore Post. Why Singapore Post? Because Singapore is a developing country and, therefore, Dutch Post and British Post use Singapore Post as the dispatching post office to Canada for remailing. As a result, Canada Post must deliver that remail for 11 cents.

That is what has been happening in Europe with regard to postal administration. There has been complete abuse and use of developing countries through these treaties to provide profits for Dutch Post and British Post to an organization called Spring Global Mail.

Another remailer is called Key Mail. Both of these organizations for the last decade have been going around throughout the country talking — I am sorry, do you have something to say? Can you please stand up? I will sit down. If you have something to say, stand up. Stand up! Stand up!

Senator Stewart Olsen: I believe the senator is finished.

The Hon. the Speaker: Honourable senators, might I remind that the colour of the rug here is red, not green. The Honourable Senator Ringuette has the floor.

Senator Ringuette: Thank you, Your Honour. I appreciate that, because this issue is of major importance. We are talking about the possibility of Canada Post employees losing good, reliable jobs throughout this country, never mind whether it is in New Brunswick or Ontario. We are talking about decent jobs and people who work hard to supply Canadians with good services at a good price.

If we look around the world, Canada Post is supplying this service. We have the fourth lowest price in the world with regard to the price of a stamp in Canada and internationally. I think all of us support that Crown corporation, and we should be proud of what has been done. We should be proud that for the last decade, Canada Post, in addition to paying corporate taxes to the Canadian government, has also been paying dividends to all taxpayers.

We are looking at millions and millions of dollars in 2008. With regard to corporate tax, we are looking at $71 million and dividends of $22 million. Some people are serious about issues and others are not. I am serious about this issue.

I want to convey to all my colleagues the importance of Canada Post and the balance with regard to international mail, whether it is inbound to Canada or outbound. That is why it is in the Canada Post Act. It is a balance.

Since 2008, when this bill was first introduced as Bill C-14, no one has yet told me who will assume the responsibility of the returns. Will Canada Post have to assume the cost and responsibility of returning mail that it was never paid for? That means that all Canadian taxpayers will have to assume the cost.

I have looked into a particular business entity that was mentioned yesterday in this chamber with regard to Canada Post. That entity is not a remailer; that entity is a printer that has been solicited by either Spring Global Mail or Key Mail to take mail that should go to Canada Post, as per our international treaty, and delivered at the Universal Postal Union treaty price instead of using and abusing developing country post offices. This is completely irrational.

On one hand, we are saying that Canadians are doing a good job towards helping developing countries, but on the other hand, we are currently removing the tools that create a decent postal organization within their country. There is a lot more to this than meets the eye.

One thing we must also understand is that Canada Post, because of the treaty with the Government of Canada, has what we call a Universal Postal Union, UPU, code. When we send mail anywhere in the world using that code, that postal administration recognizes the code and bills Canada Post. UPU has a directive from all countries under the treaty not to supply any further postal UPU codes.

Are there any remailers we can call in Canada that will be able to access a UPU code with its standard obligation with regard to mail delivery, the security of the mail and the cost of the returns? I know of no remailer in Canada that will be able to access UPU postal codes; they are no longer given.

• (1520)

I was at Canada Post for a while. In my final two years there, I designed an identification process for foreign mail and remailers that were defrauding Canadian taxpayers by what was called — and this might sound foreign to honourable senators — an ETOE, an Extraterritorial Office of Exchange. It responded to a foreign remailer that had no responsibility, no obligation and no privilege either, under the universal postal union. In only one month, we returned over $10 million of fraudulent mail coming into Canada by those remailers without any UPU postal code. They would bring mail into Canada in boxes and go through the streets of Montreal, Toronto, and Vancouver, and put parcels of mail into our mailboxes without paying Canada Post and without any respect whatsoever.

Honourable senators, this issue of removing the exclusive privilege for outbound international mail —

The Hon. the Speaker: I regret to advise the honourable senator that her time has expired.

Senator Ringuette: May I have five more minutes?

Senator Comeau: Five minutes; agreed.

Senator Ringuette: This issue of removing the exclusive privilege for outbound mail is an incentive to encourage this fraudulent practice. If we do not stop it, we are putting in peril not only Canada Post, the price of a stamp in Canada and the rural delivery of mail, but also the network of postal offices in developing countries that desperately need the stability and security of the UPU.

Honourable senators, I do not have time to talk to you about Atomic Energy of Canada Limited; I will do that another day. This issue is extremely important. Do not look at it only at face value; it is a complex situation. I hope that in the next 10 weeks, when the Senate Finance Committee holds its hearings, we will vet this issue. Hopefully, honourable senators will be listening to the costs.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

Senator Tardif: On division.

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

REFERRED TO COMMITTEE

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

(On motion of Senator Gerstein, bill referred to the Standing Senate Committee on National Finance.)

[*Translation*]

STATE IMMUNITY ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator LeBreton, P.C., for the second reading of Bill S-7, An Act to deter terrorism and to amend the State Immunity Act.

Hon. George Furey: Honourable senators, I would like to say a few words about Bill S-7. I will be brief.

[*English*]

The essence of the Bill S-7 is that it creates a new cause of action. Honourable senators will know that the present state of the law in Canada is such that plaintiffs can sue foreign states for death, injury or property damage caused in Canada. Section 6 of the State Immunity Act states:

> A foreign state is not immune from the jurisdiction of a court in any proceedings that relate to:
>
> (*a*) any death or personal or bodily injury, or
>
> (*b*) any damage or loss of property
>
> that occurs in Canada.

Clearly, Bill S-7 proposes to extend the already existing liability of foreign states to wrongs or torts that they commit outside of Canada. In other words, the bill purports to extend extra-territorial jurisdiction to Canadian courts.

In considering the benefits and drawbacks of Bill S-7, I will focus the attention of honourable senators on a couple of issues. First, I will refer to the arbitration clause at section 4(4) of Bill S-7, which states:

> 4(4) The Court may refuse to hear a claim against a foreign state under subsection (1) if the loss or damage . . . occurred in the foreign state and the plaintiff has not given the foreign state a reasonable opportunity to submit the dispute to arbitration in accordance with accepted international rules of arbitration.

It will no doubt be interesting to explore the purpose of this arbitration clause in committee, honourable senators. It strikes me that international arbitration would be a complex and costly procedure for most Canadian plaintiffs. It makes one wonder why Bill S-7 does not allow Canadian plaintiffs to sue in Canada rather than first submitting to international arbitration. There may be good reason for this step. It may be that this provision is required because Canada is a signatory to certain international obligations. However, Bill S-7 would be more plaintiff-friendly if a Canadian victim of terror is able to sue in a Canadian court without this first step of possible international arbitration. The arbitration clause appears to make the proceeding for a plaintiff more difficult because of the obvious tactical obstacles that it grants the foreign state.

On its face, the inclusion of this provision is puzzling. However, as stated earlier, it may be a requirement based on one or another of Canada's international conventions. In any event, honourable senators, it is an issue that requires further study at committee. I raise the issue now so that honourable senators may have time to consider it for future discussion and debate which no doubt will follow.

Honourable senators, there has also been significant concern expressed by some critics of Bill S-7 regarding the fact that the Governor-in-Council or cabinet sets the list of terror states who may be named thereby as defendants in civil actions. By including a "listed entity" requirement, Bill S-7 has the effect of creating a new cause of action, but at the same time some argue that the listing provision restricts the practical reach of this new cause of action. The arguments against the listing provision seem to say, one, that there should be no restriction on which foreign states can be named as defendants; and, two, that the list should be expanded to all countries that do not have extradition treaties with Canada.

However, honourable senators, the government's defence of the listing provision as a necessary part of the regime appear to me to be relatively sound. There is little doubt that private litigation under this bill, while creating a new remedy for victims in a particular case, likely will bring with it dramatic effects, negative or otherwise, on Canada's international relations with a defendant country.

It seems logical that the government of the day will have a legitimate right to determine whether a state can be sued as a terrorist. The idea of a plaintiff having the freedom to sue any state or any state that does not have an extradition treaty with Canada has important and far-reaching consequences.

• (1530)

In Canada, the government has no control over the determinations of judges — and that is how it should be. As a result, it is conceivable that a given judge, in a given case, might come to the conclusion that a particular foreign state has, for example, participated in harming Canadian citizens. Obviously this would dramatically affect the foreign policy of Canada toward that country without the Governor-in-Council having any input in the proceeding. Foreign policy would then tend to be driven by private litigation.

Honourable senators, a sovereign state such as Canada cannot have these types of matters determining and deciding our foreign policy. Canada has countless citizens, economic interests, and political and diplomatic interests in the world which would no

doubt suffer substantially by the finding of a completely unrelated private litigation case if all or many countries were open to becoming defendants in private causes of action alleging damage caused by terrorism.

It may be the case that certain states are involved in causing harm. However, without further study, it would seem to me that we should not be promoting an approach where private litigation would tend to remove the Governor-in-Council from the foreign policy equation.

Hon. Tommy Banks: Honourable senators, I am trying to listen to Senator Furey's speech. He is speaking to an important matter and there are several full-voiced conversations going on in this place. I cannot hear Senator Furey and I am using my earpiece.

The Hon. the Speaker: The honourable senator has anticipated my rising from the chair. I must advise all honourable senators that we have a reading room. If there are conversations that need to be taken while the Senate is sitting, that is why that room is there, or at least go below the bar. This is not a social hour. There are other times of the day for that.

We are on debate, and the decorum in this house is the responsibility of all honourable senators.

Some Hon. Senators: Hear, hear.

Senator Furey: Thank you, Your Honour. I shudder to think it would have anything to do with what I am saying, Your Honour.

Honourable senators, there is a second matter which would tend to support the involvement of the Governor-in-Council in the listing provision. That is that the Governor-in-Council is already listing terrorist states under the Criminal Code and has been listing such entities since the year 2001. For example, section 83.05 of the Criminal Code of Canada reads as follows:

> 83.05(1) The Governor in Council may, by regulation, establish a list on which the Governor in Council may place any entity if, on the recommendation of the Minister of Public Safety and Emergency Preparedness, the Governor in Council is satisfied that there are reasonable grounds to believe that:
>
> (*a*) the entity has knowingly carried out, attempted to carry out, participated in or facilitated a terrorist activity; or
>
> (*b*) the entity is knowingly acting on behalf of, at the direction of or in association with an entity referred to in paragraph (*a*).

Honourable senators, I would suggest that it is not a good idea for the Governor-in-Council, on the one hand, to be listing terrorist states under the Criminal Code and then, on the other hand, for judges or some other entities to be making a separate list of terror entities for civil damages. It would not make sense that a state somehow happened to be on a civil list and not on a criminal list. Such a situation would no doubt have a negative effect on and wreak havoc with our foreign policy.

It is important not to ignore the already existing Criminal Code listing provisions. The existing process has significant foreign policies effects. For example, under section 83.08 of the code, the listed terror-state entity can have its assets and monies frozen in Canada. As well, it is a crime in Canada to assist such a state. Under section 83.14, the assets can be forfeited and paid to victims of torture.

What we should recognize in reviewing Bill S-7 is that there is already a listing function being carried out by the Governor-in-Council. It is an important function. It is part of the anti-terrorism structure passed by the government of the day in 2001.

Moreover, it is not reasonable, in my view, honourable senators, to maintain that Bill S-7 can exist independently of all pre-existing anti-terrorism legislation. Bill S-7 will not function without having important side effects on foreign policy. Therefore, it would appear that the listing function, as contemplated by this bill, should involve the government.

The final point I wish to emphasize, honourable senators, for review of Bill S-7, is that this bill is essentially an amendment to the State Immunity Act. In this context it is important to remember that all states can now be sued in Canada for death, injury or property damage caused in Canada. The new aspect of Bill S-7 is that we are now looking at damage caused outside of Canada — something we did not look at in the past. Canadian courts would now be able to recognize suits relating to extraterritorial conduct.

The State Immunity Act should be reviewed, not only because Bill S-7 is essentially an amendment to this act, but as well to show that the Governor-in-Council already participates in decisions regarding the coverage of the State Immunity Act. The minister determines whether to issue a certificate for use in court indicating that Canada considers the entity a foreign state so as to benefit from any immunity that the act might provide.

The minister can further designate a subdivision of a foreign state, such as a province, as benefiting from the immunity. The minister can also restrict the scope of the immunity to accord with the law in the foreign country. It goes without saying that cabinet is already intricately involved in listing terrorist states as a result of the passage of section 83 of the Criminal Code of Canada, pursuant to the Anti-terrorism Act passed by Parliament in 2001.

Honourable senators, at this stage it is not necessary to support or oppose the cabinet-listing provision, but rather it is important to note that if we are going to alter or replace the listing function, the alternative needs to fit consistently with what we, as a country, are already doing. In many ways the Bill S-7 cabinet-listing provision is consistent with the existing terror-listing regime.

Critics of this Bill S-7 type of legislation say that it is only democratic and right for private parties to be able to prove that a state is involved in terrorism. This argument has an intuitive-sounding attractiveness. Governments do not always get it right, so the argument goes.

However, that being said, honourable senators, I trust that the hearings on this bill will allow us all time to examine these issues in all their complexities. No doubt the committee's examination

of this bill will address the necessity of an arbitration clause, its relation to the present Criminal Code listing power of the cabinet and how that would be affected by a change in the way to determine whether a state is subject to a cause of action.

Honourable senators, I believe this bill will benefit greatly from referral to committee for further study and debate. I thank you for your attention.

(On motion of Senator Downe, debate adjourned.)

THE ESTIMATES, 2010-11

MAIN ESTIMATES—FOURTH REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Losier-Cool, for the adoption of the fourth report (second interim) of the Standing Senate Committee on National Finance (*2010-2011 Estimates*), presented in the Senate on June 8, 2010.

Hon. Irving Gerstein: Honourable senators, I thank Senator Day for presenting the second interim report of the Standing Senate Committee on National Finance on the Main Estimates for the fiscal year 2010-2011, and for his very kind words today. I also wish to express my appreciation to Senator Day for his comments in this chamber yesterday, in which he spoke of his role as chair and the importance of "trying to have a committee that functions in a reasonable manner in the best interests of Parliament and all Canadians." Senator Day also mentioned that the government estimates, however voluminous and complex they may be, are "critically important for us all to understand."

• (1540)

I refer to these remarks by Senator Day for two reasons: first, because I agree with him wholeheartedly; and second, because I can assure honourable senators that Senator Day practices what he preaches.

In my experience as Deputy Chair of the Standing Senate Committee on National Finance for over a year, Senator Day has maintained reason and balance in the committee's proceedings, and eschewed excessive partisanship. I respect and commend him for that.

As honourable senators are aware, these Main Estimates do not reflect new measures announced in Budget 2010, since they were developed in advance of the budget being introduced.

The committee's first interim report on these Main Estimates was presented to the Senate in March. Since then, the committee has had further discussions with representatives from several government agencies, departments and Crown corporations. I would like to touch on the testimony we heard from three particular witnesses.

First, on March 30, officials from the Department of Finance explained to committee members that equalization transfers to the provinces have increased every year the Conservative government has been in office. We heard that the Conservative government is honouring the commitment it made in Budget 2009, to increase total equalization payments at the rate of Canada's economic growth. The program is based on a three-year rolling average of nominal gross domestic product growth. This will provide both stability and predictability for both levels of government, while still being responsive to changes in economic conditions.

Second, on April 27, the committee heard from the President of Canada Post, Ms. Moya Greene. When asked for her thoughts on the provision relating to Canada Post in Bill C-9, the jobs and economic growth act, Ms. Greene said it is not even anywhere near her list of the top 10 concerns facing Canada Post, as I cited yesterday in my comments on Bill C-9.

This testimony, honourable senators, refutes the overblown rhetoric from some quarters about the impact of Bill C-9 on the operations of Canada Post. As I explained earlier, the most important thing honourable senators should know about the clause in Bill C-9 that relates to the Canada Post Act is that it is necessary in order to save the jobs of those who have been employed in the competitive international mail industry for many years.

Third, on May 12, the National Finance Committee heard from the President of the CBC, Mr. Hubert Lacroix. Much of the discussion in that meeting focused on a matter that this report mentions only in passing, namely, the importance of ensuring that pollsters contracted by the CBC at taxpayers' expense are independent and non-partisan. Mr. Lacroix indicated that all pollsters bidding for CBC contracts are asked if they have an affiliation with any political party. As long as they answer "no" to that question, they can be awarded a contract.

Some honourable senators expressed serious concerns about one recent case in which the founder and president of a polling company contracted by CBC indicated that he had given pro bono political advice to a particular party. He had also given large financial donations to that party, and recently made very strong public statements supporting that party and condemning the government. Some members of the committee found it disturbing when Mr. Lacroix indicated that such behaviour, in the view of the CBC, does not constitute an affiliation with a political party, and therefore does not disqualify a pollster from being awarded a contract at taxpayers' expense.

Mr. Lacroix was also asked whether pollsters are contractually prohibited from sharing with a third party, such as a political party, any data generated by polling conducted at public expense for the CBC. He was not able to answer that question, but I must add that he most generously and graciously undertook to provide that and other information in writing to the committee. The chair further advised Mr. Lacroix that the committee would contact the CBC to arrange a further meeting on this and other issues.

Those are just a few of the areas I thought I would elaborate on. Senator Day has very adequately explained the main areas covered in the committee's report yesterday.

In closing, honourable senators, I wish to extend my customary but nonetheless heartfelt thanks to all the witnesses who appeared before the Standing Senate Committee on National Finance to help us understand the Main Estimates for 2010-11. I especially want to acknowledge two gentlemen whose uncanny insight and expertise have anchored our committee's deliberations on all the estimates that have come before us, at least since I became a member of the committee. I refer to Alister Smith and Brian Pagan of Treasury Board Secretariat. Both of these gentlemen, as Senator Day mentioned yesterday, are moving onward and upward, and I wish them the very best in their new positions. They leave very large shoes for their successors to fill.

I move the adoption of the report.

Some Hon. Senators: Hear, hear.

Hon. Pierrette Ringuette: Would the honourable senator take a question?

Senator Gerstein: It would be my pleasure.

Senator Ringuette: When the CBC appeared before the committee, questions with respect to political affiliation were asked by a few senators. Was the question asked of CBC, with regard to Kory Teneycke, whether the political affiliation to his contract was on the same basis as the other gentlemen the honourable senator referred to?

Senator Gerstein: Honourable senators, that is a very good question to which I do not know the answer. I do not recall the question having been raised.

(On motion of Senator Ringuette, debate adjourned.)

NATIONAL PHILANTHROPY DAY BILL

THIRD READING

Hon. Terry M. Mercer moved third reading of Bill S-203, An Act respecting a National Philanthropy Day, as amended.

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

• (1550)

BANKRUPTCY AND INSOLVENCY ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Tardif, for the second reading of Bill S-214, An Act to amend the Bankruptcy and Insolvency Act and other Acts (unfunded pension plan liabilities).

Hon. Vim Kochhar: Honourable senators, today I welcome the opportunity to speak to the provisions of Bill S-214, which would amend insolvency legislation to give a super priority to unfunded pension liabilities.

It allows us to discuss not only the specific provisions of the bill, but also the broader issues of pensions and retirement income security of Canadians.

No discussion of pensions and pension security can be meaningfully undertaken without placing the debate within the context of the Canadian economy as a whole. On this front, the news seems encouraging. Despite the trauma so many nations have felt the world over due to the recent economic downturn, Canada has weathered the storm better than the vast majority of countries. We seem to be coming out the other side faster than most. The Organisation for Economic Co-operation and Development's April 2010 Interim Economic Assessment report noted that Canada's economy grew substantially.

Honourable senators, I do mean substantially — 6.2 per cent versus 1.9 per cent, more than any of its G7 counterparts in the first quarter of this year. It is predicted that we will continue to expand at twice the G7 average over the next quarter.

I note this good news, colleagues, because pensions under threat are greatly benefited by a vibrant economy where companies thrive. Whether we are talking about the narrow issues of a company in economic distress and the worry their workers have about the viability of their pensions or the larger question of retirement income, one thing is certain. A holistic approach is needed rather than piecemeal tinkering with one piece of legislation or another.

Of course, none of this diminishes the firsthand challenges faced by Canadian pensioners and their families during the economic downturn. That includes the concern of pensioners when the company files for bankruptcy under the Bankruptcy and Insolvency Act, BIA, or restructuring under the Companies' Creditors Arrangement Act, CCAA.

We must remember that insolvency proceedings have an impact not just on current and former employees, but on the interests of all creditors. It is clear to me that the interests of other creditors and those of pensioners are very closely connected. The protection of pensions where an employer becomes insolvent is a significant economic challenge for not just individual pensioners but also for the economy. In that context, it is important to recognize that both the BIA and CCAA are fundamental marketplace framework laws that play an important part in maintaining Canada's economic well-being.

It is a fundamental aspect of insolvency legislation that all creditors be treated fairly and equally, respecting the rights that the parties had before the insolvency. We should be mindful of the consequences of altering that balance. The economic reality of insolvency is that the creditors of an insolvent business will receive less than what they are owed. The insolvency system serves a vital economic purpose by allowing for a fair and orderly treatment of all creditors.

In light of these principles, the government has already taken action to better protect the claims of pensioners in insolvency. Recent amendments were made to the BIA and CCAA to give

outstanding regular pension contributions a super priority status, which means that these claims are now paid ahead of secured creditors.

It is significant to note that Canada is one of the few countries among the members of the G20 and the 31 members of the Organisation for Economic Co-operation and Development that grant such a super priority for outstanding pension contributions. Among these countries, only Canada, Japan and Poland do so. The other countries have a preferred or unsecured claim, providing for a lower degree of protection.

I should add that the majority of the members of the Organisation for Economic Co-operation and Development, including Australia, France, Germany, Italy, New Zealand, Sweden, Switzerland and the United Kingdom, treat unfunded pension liabilities as unsecured claims in insolvency.

Now, honourable senators, it is important to make the distinction between the sources of claims against an insolvent company arising from its pension plan. First, there is the failure by the company to make the regular contributions required by regulators to the pension plan. In such cases, as I just alluded, these pension claims now have a super priority status. The second is the question of unfunded liabilities, which are made up of the deficit between existing pension assets, and the obligations to pay benefits to pensioners. Unfunded liabilities can occur as a result of poor market performance even if all required regular contributions have been made. In other words, there can be unfunded pension liabilities without any wrongdoing of the employer sponsoring the plan.

Honourable senators, in the consideration of this bill, and of potential alternatives, we must keep in mind the downstream impact of such changes on the economy as a whole. As I mentioned, the BIA and CCAA are both fundamental marketplace laws that potentially impact economic activity and business decisions of all sectors of the economy. Lenders, investors, suppliers, landlords, employees and customers all make decisions based in part on the consequences that may ensue if the businesses were to become insolvent. Any changes to insolvency legislation should be approached with the potential effects on these players in mind.

Honourable senators, consistent with the Speech from the Throne commitment to better protect workers whose employers go bankrupt, this government is looking at the broader issue and exploring comprehensive solutions both inside and outside of insolvency law to better protect pensions.

• (1600)

Further response will be carefully balanced to do the most good for pensioners, while continuing to protect the health of our economy as a whole. That is the only reasonable response to complex social issues such as these.

For that reason, I believe this bill should be sent to the Standing Senate Committee on Banking, Trade and Commerce for further study.

[Senator Kochhar]

The Hon. the Speaker *pro tempore***:** Is there further debate?

Hon. Pierrette Ringuette: Honourable senators, I appreciate the honourable senator's comments. I move that this bill be referred to the Standing Senate Committee on Banking, Trade and Commerce.

The Hon. the Speaker *pro tempore***:** Honourable senators, I wish to inform the Senate if the Honourable Senator Ringuette speaks now, it will have the effect of closing debate on the motion for second reading of this bill.

It has been moved by the Honourable Senator Ringuette, seconded by the Honourable Senator Tardif that this bill be read the second time. Are senators ready for the question?

Hon. Senators: Question.

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—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 Tardif, for the second reading of Bill S-204, An Act to amend the Criminal Code (protection of children).

Hon. Céline Hervieux-Payette: Honourable senators, I will try once again to demonstrate the need to amend the Criminal Code in order to ensure that our country shows greater respect for children and does more to reduce violence in our society.

We all agree that the incidence of violence must be reduced, but we do not always agree on how to go about achieving that goal. Personally, I regret the fact that, since 2006, Canada has chosen a "tough on crime" approach, while overlooking one aspect that I think is crucial: prevention.

[*English*]

Honourable senators, I genuinely believe that violence cannot be reduced through the use of violence. I have no doubt that honourable senators also agree with the principle that it is impossible to put an end to incivility and violence through punitive measures.

However, that is the reasoning that underlies child rearing. In child rearing, violence is ostensibly used to deal with inappropriate behaviour — even behaviour that is not necessarily violent itself. I am talking about children usually between ages of three and six years.

In short, we want a peaceful and safe society over the long term. We need to recommit to prevention and to deal with the root of the problem. This root is called parenting education.

[*Translation*]

That, very briefly, is one of the reasons I would like to see section 43 of the Criminal Code repealed; this section authorizes the use of force in order to teach our children good behaviour, or so it is said. Whether that force is reasonable or not, the scientific community agrees that one cannot put out a fire by throwing oil on it. I will come back to this point.

Then there is the issue of the state's intrusion into the private lives of families. I will also expand on this point later. However, I would like to address about two issues at this time: first, it is entirely legitimate — and this has already happened many times — for legislators to intervene to protect the public and ensure that the society they administer remains non-violent; and second, the goal of my bill is to educate parents and guardians, rather than punish them.

[*English*]

Those who say this provision would result in the criminalization of parents or guardians for so-called "trifling" reasons are arguing in bad faith. Section 34 and section 37 of our Criminal Code already allow people to use reasonable force to defend themselves or anyone else in their care. Furthermore, "*de minimis*" and "necessity" defences in common law already protect parents independently of section 43. Not one of the 26 countries that have thus far banned the use of violence in child rearing has experienced this result.

[*Translation*]

Perhaps, honourable senators are still perplexed at the idea that using force such as slapping or spanking, which may seem harmless, can be the root cause of the violence in our society and that child rearing violence can have such far-reaching consequences.

Let us start by asking ourselves a question: does violence lead to the use of force, or does using force lead to violence?

This is a fundamental question as we study this bill, and the answer from man — intelligent man, which also includes women — has changed. In fact, it has just been reversed in light of recent scientific discoveries.

[*English*]

For centuries, religious concepts held sway in the absence of any scientific knowledge about child development. The doctrine of original sin led those raising children to see in children's souls a mixture of good and bad tendencies. In other words, according to the religious precepts of Christianity, violence was innate in man — and I must say, women also.

From this basis, people believed that the worst thing in child rearing was to spoil children, thus losing control over them and allowing their bad tendencies to win out. This meant that the proper way to raise them was to submit them to parental authority, and to control them through authority rather than through argument in order to bring them under control or domination.

Therefore, it was believed that the virtue of obedience at all costs would give children the strong personality and strength to overcome their passions. A harsh upbringing would prepare them for the harshness of life. The church and, beyond that, society itself felt that it was legitimate for parents to strike their children and they acknowledged parental corrective action to be effective.

[*Translation*]

However, the whole centuries-old concept of upbringing, the whole concept of parental authority is based on religious beliefs — we all know the old saying "spare the rod and spoil the child" — and on empirical knowledge whose basis was laid down long before we began to understand the psychology of child development.

Since then, science has worked wonders, if I may put it that way.

It was not until very late in the 19th century, in 1898, that Alfred Binet — the French psychologist who invented the test to measure intelligence that is now known as the IQ test — announced that scientific observation and analysis of child behaviour would supplant the empirical knowledge of previous generations. Binet made the connection between child rearing violence and behavioural problems, developmental disorders and psychosomatic illnesses.

Alice Miller, a French philosopher and sociologist, called this authoritarian pedagogy spread by the church "black" or "poisonous" pedagogy, where obedience was expected at all costs, in contrast to reasoned child rearing, where the child is considered a reasonable being.

In Quebec, mental hygiene began to develop in the 1920s and psychology in the 1930s. In place of the old ideals of obedience and virtue, psychologists suggested new ones: normalcy, happiness and more democratic relations within the family. It was not until the mid-1940s that experts in psychology and psychiatry began teaching parents how to use the new knowledge in psychology to raise their children properly.

Thus, for barely 100 years, if not less, science has been trying to reverse child rearing practices rooted for centuries in our beliefs.

• (1610)

[*English*]

Science has recommended an about-face. Contrary to the postulations of the church, it is becoming increasingly clear that aggression is not innate in man. According to animal behaviourist John Paul Scott, Professor Emeritus at Bowling Green State University:

> All of our present data indicate that fighting behaviour among higher mammals, including man, originates in external stimulation and that there is no evidence of spontaneous internal stimulation.

[*Translation*]

Similarly, the idea that observing or participating in violence provides an outlet for our aggressive energy, according to the catharsis theory that dates back to antiquity, has been demolished. "Engaging in aggressive play just strengthens the disposition to react aggressively," concluded psychologist Leonard Berkowitz, in his classic 1962 work, *Aggression: A Social Psychological Analysis*.

As for the widespread notion that animals are aggressive and that humans must naturally be aggressive because we cannot escape the legacy of our evolutionary ancestors, science has disproved this too. The truth, according to anthropologist Ashley Montagu, quoting a colleague, is that: "There is no more reason to believe that man fights wars because fish or beavers are territorial than to think that man can fly because bats have wings." Furthermore, animals are nowhere near as aggressive as we might believe, but that is another subject.

Scientists tell us that external stimuli play such an important role in triggering violence that talking of an "innate" tendency to be aggressive makes little sense for animals, let alone for humans. According to Alfie Kohn, a parenting education author, "It is as if we were to assert that because there can be no fires without oxygen, and because the Earth is blanketed by oxygen, it is in the nature of our planet for buildings to burn down."

[*English*]

For several decades now, science has given us an opportunity to alter our perception of man, improve our understanding of human development and, accordingly, change our child rearing practices. Based on recent discoveries, we should not be teaching children virtue by forcibly repressing their bad tendencies when they are little. Rather, we should promote the growth of their personalities in tune with the various stages of their development. In this new environment, the boisterousness of children is no longer attributed to wickedness and it is no longer necessary to deal with disobedience through the use of physical or mental suffering.

[*Translation*]

However, beliefs are slow to die and churches do not intend to surrender so readily to science. You will remember that it was not until October 1992 that the Vatican officially rehabilitated Galileo, who was unfairly condemned by the tribunal of the Inquisition three and a half centuries earlier for stating that the earth revolved around itself. In 1929, Pope Pius XI was also opposed to psychology. In his encyclical on Christian education and youth, which is still relevant, he stated that original sin leaves bad tendencies in the soul of a child, even one who has been baptized that must be corrected by education. Although this encyclical made a distinction — common at the time — between mistreatment and deserved corporal punishment, it nevertheless gave legitimacy to the use of a certain amount of violence for the purpose of education.

However, in 1917, science began to report on the disastrous consequences of corporal punishment. The following signs were evident in children: rebellion, hypocrisy, a taste for cruelty, vengeful feelings, anti-social tendencies, onset of nervous illnesses, loss of activities, and loss of capacity to enjoy and to act. All these were reported in a very comprehensive study carried out by Statistics Canada, which showed all the negative effects which I discussed in a previous speech.

Fortunately, children can sustain punitive measures without many of the effects lasting into adulthood. In the 1880s, a gifted and spirited nine-year-old boy was beaten repeatedly because he would not submit to the discipline of the school where he was studying. Later, this boy wrote, "Where my reason, imagination or interest were not engaged, I would not or I could not learn." Incapable of understanding the psychology of a young child, the educators beat this young, sensitive boy because they interpreted his contrariness as disobedience. He had such welts on his back that his parents decided to remove him from this institution. He said:

> My teachers saw me at once backward and precocious, reading books beyond my years and yet at the bottom of the Form. . . They had large resources of compulsion at their disposal, but I was stubborn.

Despite his rebellions, petty vengeance and running away — the direct consequences of this absurd and ineffectual treatment — this young boy managed to rise above the mistreatment and to take his place in history. That boy was Winston Churchill.

However, reaching adulthood relatively unscarred by child rearing violence obviously does not justify the use of force in education.

[*English*]

All the more recent studies have shown, not only that force is ineffective in child rearing, no matter what level of force is used, but also that its consequences are counter productive in the medium and long term. The most recent study conducted by the American Academy of Pediatrics and published in April 2010, investigated the risk of aggression that may develop in five-year-old children when they have been raised with spanking from the age of three. The study was conducted between 1998 and 2005, with 2,461 respondents.

The results are unequivocal. As I mentioned earlier, external stimuli have a considerable impact on the development of aggression and no matter what scenarios were developed for the study, spanking three-year-old children significantly increased the probability of engendering higher levels of aggression by the age of five. The study went on to say that these findings were

consistent with dozens of other studies of the subject, including the Canadian one. It concluded that children learn to become aggressive when they are treated aggressively.

[*Translation*]

Children who are beaten will harbour repressed anger. According to Alice Miller:

> How is repressed anger very often vented? In childhood and adolescence: by making fun of the weak. By hitting classmates. By humiliating girls. By annoying the teachers. By watching TV and playing video games to experience forbidden and stored up feelings of rage and anger, and by identifying with violent heroes. In adulthood: by perpetuating spanking, as an apparently educational and effective means, often heartily recommended to others, whereas in actual fact, one's own suffering is being avenged on the next generation. By refusing to understand the connections between previously experienced violence and the violence actively repeated today. The ignorance of society is thereby perpetuated.

Very few civilizations have escaped this custom of child rearing violence, so much so, as certain archives point out, that the French missionaries who arrived in Canada in the 18th century were astounded to find that the Amerindians never hit their children. I took that from a book by Denise Lemieux, entitled *Les petits innocents. L'enfance en Nouvelle France*, published by the Institut québécois de la recherché sur la culture in 1985.

Unfortunately, we know how much Amerindians have since been influenced by western practices, which themselves were influenced by Christian concepts, and to what extent they have suffered, especially children entrusted to our so called "religious" institutions.

Not all corporal punishment leads to mistreatment, but all corporal punishment, regardless of the degree of intensity — I repeat, regardless of the degree of intensity — is ineffective and counterproductive. Physical pain simply is not educational.

[*English*]

That is why, when you use force with a child, you will be under the impression that you are being obeyed, but instead you will be developing that child's submissiveness. By exercising force, you will have a feeling that you are maintaining order but will be developing a feeling of fear. Using force will give you the impression that you are raising a child but you are really teaching aggression and humiliation. The potential social consequences of such child rearing methods must be borne by the whole community, society and country.

• (1620)

Alice Miller summarized this effect as follows:

> . . . when you nurture a child, the child learns to nurture. When you reprimand a child, that child learns to reprimand; when you warn a child, you teach that child to warn others; when you chew them out, that is precisely what they learn to do; when you mock them, they learn to mock; when you humiliate them, they learn to humiliate; when you kill their interiority, they learn to kill. Once you have reached this stage, all they have left to do is decide whom to kill: themselves, others or both.

[*Translation*]

Is it so difficult to raise children without raising our hand against them? Sometimes it is. That is why parents should have guidance. Bill S-204 provides for a campaign that would help them find alternative child rearing practices. Knowing the repercussions of child rearing violence, we cannot take the easy way out.

Twentieth-century science has shown us that men and women are not aggressive by nature, but that they become aggressive because of environment factors.

Honourable senators, a solemn declaration to reflect a global scientific consensus was written in Seville, Spain, in 1986, and was made public during UNESCO's general conference in Paris in 1989. The entire global scientific community said this to us:

> It is scientifically incorrect to say that we have inherited a tendency to make war from our animal ancestors. . .
>
> It is scientifically incorrect to say that war or any other violent behaviour is genetically programmed into our human nature —

[*English*]

> — It is scientifically incorrect to say that in the course of human evolution there has been a selection for aggressive behaviour more than for other kinds of behavior.
>
> It is scientifically incorrect to say that humans have a 'violent brain'. How we act is shaped by how we have been conditioned and socialised.

[*Translation*]

Since the start of the 20th century, we have also witnessed — and observations and studies have shown, time and time again — the ineffectiveness of child rearing violence and its social and human costs.

Should legislators interfere in family matters? In fact, legislators are becoming increasingly involved in family issues, particularly when it comes to the education and well-being of children, and this is not being called into question. In 1943, the Quebec government passed a compulsory education law. In 1944, the federal government passed the Family Allowance Act, recognizing a child's right to education and minimum level of well-being. Then there were the government interventions to impose women's rights and to limit the rights of men towards women.

Since we now know that the way today's children are raised will map society's future and since we know that the community can pay dearly for parental use of force, state intervention is apparently not only justified but necessary. The use of force in child rearing, spanking for example, is not a problem that affects only families. It also affects society as a whole.

[*English*]

That is what Sweden understood. Sweden, a fiercely warlike society by tradition, is now one of the least violent of the industrialized countries. This is no accident because Sweden was the first country to prohibit the use of force in child rearing some 30 years ago.

On the basis of what rule, then, should Parliament fail to protect the physical integrity of children in our country — as it has protected women — after taking action to require parents to provide them with schooling and basic welfare?

What rule is there to prevent Parliament from attempting to build a safer society now that we are aware of the impact of child rearing on the level of aggression in future adults?

Parents do not own their children. Children are individuals. Their protection should therefore take precedence over the protection of adults and over the imaginary risk of legal action against them — something that has never come to pass in the 26 countries in the world that have taken this path.

[*Translation*]

Honourable senators, I will conclude with this question asked by Olivier Maurel:

> No one would think it was normal if a man or woman were to slap their mother or father who, due to age and diminished mental faculties, refuses to eat or to wash. We do find it normal, however, to slap children for similar behaviors that are just as much a function of their age and immature brain. What justifies this blatantly unequal treatment?

The answer lies in our unfounded belief that we have ownership of a person who, in reality, has a right to physical integrity. The answer also lies in our archaic belief that violence begets good behaviour and obedience. The answer lies in our subconscious that reproduces devastating child rearing techniques, as all the experts have shown.

In study after study, year after year, the experts have said that the solution is to change our educational practices. Canada — and we as parliamentarians — must blaze a new trail and prohibit the use of force once and for all, and we must offer alternative child rearing and support measures for parents.

In September 1998, the European Court of Human Rights concluded that a provision in English law — similar to section 43 of the Criminal Code of Canada — violated section 3 of the European Convention on Human Rights. In May 2010, the 47 member states of the Council of Europe released guidelines to encourage states to establish legislation banning the use of force in child rearing. Without even waiting for these guidelines, 21 European countries have already banned the use of force in child rearing, and other countries are following suit.

[*English*]

Honourable senators, in conclusion, not only should violence not be part of raising children to adulthood, it is also known to be the way aggressive behaviour is taught. It is therefore essential and realistic to eliminate it completely.

If we wish to build a peaceful and safe society, repressive measures will not do the job. We must take action at the source, which means helping parents to raise their children in a way that reflects the discoveries of modern science.

Laws reflects our beliefs and our values. Child rearing beliefs and values are based on outdated concepts.

[*Translation*]

There is no reason to keep allowing ourselves to believe the traditional argument, under the guise of religious beliefs or some kind of empirical knowledge, that authoritarian child rearing, which includes physical violence, is necessary or more effective.

Consequently, honourable senators, I urge you to fully support Bill S-204.

(On motion of Senator Plett, Debate adjourned.)

[*English*]

CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Wallin, for the third reading of Bill C-268, An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years).

Hon. Lillian Eva Dyck: Honourable senators, I rise today at third reading of Bill C-268, An Act to amend the Criminal Code, minimum sentences for offences involving trafficking of persons under the age of eighteen years.

First, let me thank the Chair of the Standing Senate Committee on Social Affairs, Science and Technology, the Honourable Senator Eggleton, for his excellent work on the committee in guiding us through the hearings on Bill C-268. I also thank the sponsor of the bill, the Honourable Senator Martin, the witnesses who appeared before the committee, the staff and the members of the committee for all the work they did on this bill.

Honourable senators may recall that at second reading, my analysis as critic of the bill revealed three areas that could be strengthened: first, by including higher mandatory minimum sentences; second, by including two age categories of minors; and, third, by including sex trafficking specifically.

In all three instances, it seemed reasonable at the time to suggest that we could meet the stringent and tough penalties for trafficking of minors set by the U.S.A., Thailand and India, the three countries that Joy Smith highlighted on her website. However, having listened to the witnesses' testimony at the Standing Senate Committee on Social Affairs, Science and

Technology, I have since concluded that arguing for amendments to the bill that would set higher mandatory minimum sentences was not the best route to take. Similarly, it became clear that introducing an amendment to set higher mandatory minimum sentences for younger ages of minors was also not a good idea.

• (1630)

Let me explain why I came to these conclusions by telling you what the witnesses said to the Standing Senate Committee on Social Affairs, Science and Technology with regard to mandatory minimum sentences.

Mr. Michael Spratt, from the Criminal Lawyers' Association, was opposed to the use of mandatory minimum sentences. He stated that one problem with minimum mandatory sentences is:

> . . . that they represent a one-size-fits-all solution that limits or removes discretion from judges, and judicial discretion is very important in our system. Limiting judicial discretion can result in unfair and unjust results.

Ms. Nadja Pollaert, from the International Bureau for Children's Rights, stated:

> Victims find themselves in a circle of crime. Some victims recruit new victims into sex trafficking.

She indicated that such recruiters might be coerced by their trafficker into recruiting but if found guilty of trafficking a minor, the recruiter, who may only have just turned 18, would receive a 5-year mandatory minimum sentence. While not every committee member seemed to have complete faith in our judges to impose tough enough sentences for trafficking of minors, it seemed reasonable to me to leave the option open for judges to impose a sentence longer than the five-year mandatory minimum sentence of Bill C-268 when the factors of the particular case warrant a longer sentence, such as when a very young minor, for example a nine-year-old girl, is trafficked. Similarly, rather than introduce an amendment at committee to set higher mandatory minimum sentences that match those found in the trafficking laws in the U.S.A., Thailand and India, it seems wiser to leave the five-year mandatory minimum sentence in the bill as is and leave it to the judge to decide, based upon all of the factors of a particular case, whether a sentence greater that the five-year mandatory minimum should be handed down to someone found guilty of trafficking a minor.

Honourable senators, let me say a few more things about mandatory minimum sentences and their effectiveness. In terms of advantages, Ms. Smith argued that a five-year mandatory minimum sentence was good because, first, it separated the victim from the offender for a long enough time for the victim to feel protected; and second, a five-year mandatory minimum sentence put those found guilty of the offence behind bars for an appropriate length of time; and third, a five-year mandatory minimum sentence would serve as a deterrent to anyone considering trafficking a minor.

However, the effectiveness of mandatory minimum sentences as a deterrent to future crimes was not completely accepted as factual by other witnesses. Mr. Spratt, from the Criminal Lawyers' Association and Professor John Winterdyk, from the Center for Criminology and Justice Research at Mount Royal University, questioned the effectiveness of mandatory minimum sentence as a deterrent to traffickers. About mandatory minimum sentences, Mr. Spratt stated:

> There seems to be little evidence, or the evidence is equivocal, that they assist in specific deterrence and general deterrence.

Interestingly, it turned out that there are disadvantages to mandatory minimum sentences. First, they will likely decrease guilty pleas; and second, this will result in an increased need for victims to testify. It is possible that they and their parents will have to revisit and relive to some extent the traumatic experiences to which the victims were subjected.

Mr. Jamie Chaffe, President of the Canadian Association of Crown Counsel, stated:

> . . . mandatory minimum sentences will reduce guilty pleas to such charges and will increase the rate at which these matters go to trial.

He also said:

> If there is a guilty plea, the victim would not have to testify.

He continued:

> That is one of the ways that accused persons mitigate their sentence, by not putting the victim through a criminal trial, which, at best, is a very unpleasant thing for a victim.

In other words, an unanticipated outcome of Bill C-268 is that it might increase the need for victims who are minors to testify and, in so doing, they may well suffer some re-victimization. Mr. Chaffe said the victims "will likely need psychological supports with respect to the trauma they have endured."

Mr. Chaffe also said:

> . . . they may well exhibit issues with respect to memory, which is often a problem with children in any event and particularly when trauma is involved.

Therefore, honourable senators, imposing a mandatory minimum sentence can create a loophole that seems to benefit the accused. The accused trafficker can indicate that he or she will plead guilty to another offence. Both Mr. Chaffe and Mr. Spratt told the Standing Senate Committee on Social Affairs, Science and Technology that mandatory minimum sentences increase plea bargaining. Mr. Spratt stated that with plea bargaining:

> The discretion moves to police officers what charges they will lay . . .

He continued:

> . . . a great deal of discretion rests with the Crown attorneys about what charges they will proceed with and what plea negotiations they will enter into.

All of this happens out of public view.

My final comments bring up the issue of the lack of differentiation in Bill C-268 between trafficking of minors for the purposes of commercial sexual exploitation versus other forms of forced labour. The U.S.A., Thailand and India all have mandatory minimum sentences for these offences of sex trafficking of minors, but they do not have mandatory minimum sentences for the forced labour trafficking of minors. Thus, at least in these three countries, their civil societies, by and large, seem to consider sex trafficking of minors more severe than trafficking for the purposes of forced labour.

Virtually everyone who contacted us to pass this bill quickly focused on trafficking of minors for commercial sexual exploitation. For example, the postcard campaign shows a young girl about eight years old along with words such as "children are sexually trafficked and abused by predators," and "sex trafficking is the major form of human trafficking." Ms. Nathalie Levman, from the Department of Justice Canada, told the committee that the UN estimates that 75 per cent are trafficked for sexual exploitation and 25 per cent for forced labour. However, 98 per cent of women and children are trafficked for commercial sexual exploitation.

At second reading, I argued that trafficking for the purposes of exploitation and the commercial sex trade ought to receive special consideration and be considered more heinous than trafficking for the purpose of other forms of forced labour, such as domestic or restaurant services. However, none of the witnesses could see the distinction between these forms of forced labour. Interestingly, in justifying a mandatory minimum sentence for trafficking for forced labour, Ms. Levman stated:

> . . .victims may be trafficked for the purposes of forced labour, but then are routinely sexually abused by their trafficker, as a way to keep control.

Professor Benjamin Perrin, from the Faculty of Law at the University of British Columbia, stated:

> Another case exposes the false distinction often made in debates between sex trafficking and forced labour. In many instances, these forms of exploitation are merged. In our research, we came across a case involving a 16-year-old girl from Saint Vincent and the Grenadines. She was brought to Canada to work as a babysitter and ended up being essentially in domestic servitude — forced to work long hours, her papers taken, physically and sexually abused during the night.

• (1640)

Honourable senators, the key point is this: The case of victims trafficked for the purpose of forced labour and then sexually abused by their trafficker is inherently different from the case where the victims are trafficked for the explicit purpose to enter the sex trade. Where a victim is trafficked for forced labour, such as babysitter, and is then sexually abused, the offender would be liable to a six-year mandatory minimum because aggravated sexual assault will be an aggravated offence under Bill C-268. However, the same does not apply for a trafficker who traffics minors for the purpose of exploiting them in the sex trade. He or she would receive only a five-year mandatory minimum sentence.

It should be noted that the trafficker may not necessarily be the person who is sexually assaulting the minor or who is selling the sexual services of the minor, and that the latter person, the person who is actually selling the minor for sexual services, can be charged with living off the avails of a prostituted person.

The international labour convention, to which Canada is a signatory, identifies the worst forms of child labour. Commercial sexual exploitation, child trafficking and drug trafficking are among those classified as the worst forms of child labour.

At the committee, I introduced a motion to amend Bill C-268 to include the trafficking of minors for the sex trade essentially as an aggravated offence with a six-year mandatory minimum sentence, while the offence of trafficking of minors for other types of forced labour would remain as is with a five-year mandatory minimum, but it did not pass. However, I still think it is an important distinction and, if the timing were different, I would have made a motion to introduce the amendment here in the chamber. I decided against this because I do not want to endanger the timely passage of the bill. There is just not enough time before summer recess.

Honourable senators, in my research on trafficking I found on the Internet just a few weeks ago a guide entitled *Combating Trafficking in Persons — A Handbook for Parliamentarians*, published by the Inter-Parliamentary Union and the United Nations Office on Drugs and Crime in 2009, a very recent publication. I also found a publication entitled *Handbook for Parliamentarians: Combating Child Trafficking*, also published by the Inter-Parliamentary Union and UNICEF in 2005. It is a shame that none of the witnesses, including Ms. Smith and Professor Perrin, seemed to know that these reports exist.

The handbook on trafficking in persons makes it clear that there are three constitutive elements to the crime of trafficking: first, an act, or what is done — the recruitment, transportation, transfer, harbouring or receipt of persons; second, the means, or how it is done — the threat or use of force or other forms of coercion, abduction, fraud, deception and so on; and, third, an exploitive purpose, or why it is done — this includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.

The trafficking in persons protocol requires that the crime of trafficking be defined through a combination of the three constituent elements, though in some cases these individual elements will constitute criminal offences independently. Thus, it is clear, for example, that traffickers can be charged with trafficking and with other offences, as has been done, for example, in the case we heard about time and time again, Imani Nakpangi, who was sentenced to three years for human trafficking and also sentenced to two years for living off the avails of an underaged prostitute. He received two sentences for two charges.

The handbook on child trafficking states:

> Lawmakers need to establish a distinct criminal offence of trafficking in persons that includes all forms and potential victims of trafficking.

Thus, it is clear that all purposes for which victims are trafficked ought to be included in legislation. In other words, commercial sexual exploitation and forced labour ought to be included, as the proponents of Bill C-268 suggested. It is too bad that they did not seem to know about the Inter-Parliamentary Union recommendations, which would have added considerable weight to their arguments. It would have been much more convincing.

Here is another part of the Inter-Parliamentary Union handbook that should have been presented by the bill's proponents:

> A state's criminal law should include stringent penalties if the victim is under the age of 18, reflecting this in appropriate mandatory minimum sentences.

The Inter-Parliamentary Union handbook on child trafficking recommends mandatory minimum sentences for the offence of trafficking in minors. It seems to me that is a pretty good reason to include mandatory minimum sentences in Bill C-268.

The Inter-Parliamentary Union handbook also states:

> Aggravating circumstances that carry higher penalties should include trafficking that involves public officials . . . organized criminal groups, a person who is in a position of authority over children (such as school officials, persons charged with the task of protecting children or public welfare in general), conspiracy to traffic, and trafficking a spouse, family member or guardian.

The proponents for Bill C-268 did not incorporate such aggravating circumstances into the bill, nor did they even mention the IPU handbooks.

Honourable senators, Bill C-268 is a good starting point. Witnesses indicated that it is unlikely to serve as a deterrent, that it will decrease guilty pleas, that it will increase plea bargaining, that it may have an unintended effect of forcing victims to testify, that it may not be fair to some offenders, but I will vote in favour of passing Bill C-268 and offer the information from the Inter-Parliamentary Union handbooks on mandatory minimum sentences to support this decision.

The Hon. the Speaker *pro tempore***:** Honourable Senator Dyck, will you accept a question?

Senator Dyck: Yes.

Hon. Anne C. Cools: Honourable senators, I thank Senator Dyck very much for placing before us a cameo and a summary of the testimony and the events in the committee.

As I was listening to her, I was aware that this is a bill to protect children, but yet there has not been a single witness called who is in the business of protecting children. I am just wondering if the committee took a decision to exclude such witnesses. I am speaking, of course, about those in child protection agencies across the country who are actually in the business of protecting children. They are the ones who apprehend them and so on. I am thinking of the child protection agencies. I am also thinking of what we used to call the official guardians of each province, the guardians of children. In Ontario, we call it now the Children's Lawyer, but they are the official guardians, and also I am thinking of the attorneys general and ministers of each province, because they are the responsible ministers that are actually charged with protecting children.

I am just wondering why, if the honourable senator would know, since she is the only source of information so far, is it that none of the child protection personnel of the country were invited to testify?

Senator Dyck: I thank the honourable senator for the question.

I am not able to answer because I do not know what the rationale overall was for selecting witnesses. Perhaps the question should be directed to someone else. It is a good question, but the committee was focusing on the legislative aspects of the bill. What the honourable senator is talking about, child protection and so on, probably falls into a different category of protecting of children, which we must not forget about, but it is certainly not part of the bill itself.

Senator Cools: I thank the honourable senator very much for that.

Child protection is, in respect of the welfare side of it, a provincial matter, and the administration of it is provincial, but the creation of Criminal Code provisions that protect children is clearly federal and only ours.

• (1650)

Honourable senators, since protecting children is also clearly a provincial matter, these people who are in the business of it have huge powers. They can apprehend a child at risk. I had just assumed that the committee would have heard from some of them, even about the number of young people they have had to apprehend, the number of court orders they have had to issue, and the sorts of actions they take on behalf of trafficked children.

From what the honourable senator is saying, I gather the committee never even considered hearing them, the child protection people who must protect trafficked children. That is what I am understanding.

Senator Dyck: I thank the honourable senator for the question. I am not sure whether such people were put forward as witnesses, but I would think that the type of organizations that Senator Cools seems to be talking about would be more involved in apprehending children from their families, from an adopted parent or whatever. I do not know. It is not directly related to the bill, anyway.

Senator Cools: Honourable senators, if any child is at risk under any conditions, trafficked or otherwise, the powers are there to protect them. I have played a role in many child apprehensions, and the powers are pretty profound to apprehend and take control of children at risk.

I had just assumed, to the extent that we would open up the Criminal Code in the name of protecting children, that we would have looked at how this proposed new law, Bill C-268, would impact and the effect it would have on the ground with the people who actually work in child protection.

Remember, honourable senators, that there are two sides to child protection. There is the protecting of children from crime, and then there is the welfare side. I think in Senator Dyck's responses to me, she was speaking of the welfare side; in other words, the poor child who is hungry and needs to be fed, as opposed to, for example, a child who was rented out by its parent for sexual purposes.

Honourable senators, I think the chair, Senator Eggleton, is planning to speak. Perhaps the chair will be able to explain some of this in a more fulsome and a more wholesome way. The child protection people labour under enormous burdens, and I would have thought we would have heard from them.

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

Hon. Art Eggleton: Honourable senators, just to briefly respond to that comment, the issue before the committee was mandatory minimum sentences and that is why we had the witnesses there. That is what we discussed, and we had an appropriate number of witnesses to explore that.

In speaking to this matter, certainly the exploitation of children is a terrible crime, and people who do that kind of exploitation should be punished suitably. Are mandatory minimum sentences the answer to that? I have doubts about that. I think there are answers, but I have doubts about mandatory minimum sentences being the answer.

I am gathering some information about this, honourable senators, and I would like an opportunity to be able to speak next week. I know there are people who would like to get this through quickly, so I will undertake to speak next week on it.

I would like to move the adjournment of the debate for the balance of my time.

(On motion of Senator Eggleton, debate adjourned.)

[*Translation*]

INCOME TAX ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Rivest, seconded by the Honourable Senator Lang, for the second reading of Bill C-288, An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions).

Hon. Pierrette Ringuette: Honourable senators, I wish to speak in support of Bill C-288, introduced by Senator Rivest.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, the second person to speak on a bill usually has 45 minutes. If we could agree that this side of the chamber still has 45 minutes for this bill, we would not object to allowing Senator Ringuette to speak at this time.

Senator Ringuette: Honourable senators, Bill C-288, which was passed at third reading in the House of Commons, contains some important elements.

Basically, the bill has to do with recent graduates and grants them tax credits of up to $8,000 over a period of three years. The tax credits could be worth up to $3,000 a year, with a maximum of $8,000 over three years.

As a senator from New Brunswick, I can attest to the fact that small towns and communities are facing an exodus of young people who are moving to larger centres. Whether in the forestry, agriculture, mining or agri-food sector, our communities are being deprived of their talent because we are not paying more attention to this issue.

Thus, I believe that Bill C-288, presented by Senator Rivest, is an attempt to pay more attention to remote communities by providing tax credits to recent graduates who settle in these areas to begin their careers and contribute, both socially and economically, to the future of those small communities.

For decades, we have been focusing on tax credits, repayable loans or other types of incentives to bring businesses and industries to remote regions, without thinking about the human resources these businesses need in order to contribute to the economy of those communities.

The Province of Quebec, among others, has experience with this type of tax credit to encourage new graduates to settle in specific remote regions designated by Quebec's finance minister. The purpose of Bill C-288 is similar. It asks the Minister of Finance to designate the specific regions that will benefit from these incentives.

When I talk about communities, I am not just talking about rural communities and small towns. I am also talking about Aboriginal communities that could also benefit from the return of their energetic and talented young people.

Just look at the medical field where, for years, there have been long lineups in emergency rooms and a shortage of qualified staff. This would be another way of helping not only our new graduates, but also our communities.

• (1700)

I have looked into this and found that the Province of Saskatchewan also had a similar tax credit program that offered up to $20,000 in tax credits for new graduates over a period of seven years. Getting a university degree, regardless of the discipline, is becoming more and more expensive for our young people. Most leave university with an exorbitant debt. They have to settle in a community to start their career and cover the costs of housing and a vehicle and so on.

I think it is high time we ensured that our new graduates have opportunities in our regions to help our businesses and help our communities both socially and economically.

It is important to remember that for decades we have been helping our industries without considering that they also need adequate and even outstanding human resources to secure their future in our remote regions.

Honourable senators, I therefore support Bill C-288, introduced by Senator Rivest, without any reservations whatsoever.

Hon. Andrée Champagne: Honourable senators, I wonder whether Senator Ringuette has seen a Quebec film called *Seducing Doctor Lewis*. If she has, she will have seen how a small community on the Lower North Shore finds itself a doctor without asking the government for help and without asking for tax credits. I think she would find some good ideas for people who do not always want to dip into the government's pockets, which is to say, into our pockets.

Senator Ringuette: Thank you for your question, Senator Champagne. Unfortunately, I have not seen the film, but I have heard a lot about it. For everyone's information, I lived in Sept-Îles for eight years, so I know all the small communities along the Lower North Shore. They are all fantastic, unique communities. That is certainly one element.

I would like to get back to the point I wanted to get across about Bill C-9, which extends tax credits to corporations. These corporations cannot survive in smaller communities without human resources. That is the issue. Recent graduates could get a tax credit for going to work in those communities. I think that, in the end, the only thing we are doing is increasing the exodus of young people toward larger communities.

I think that when it comes to tax credits, it is time to look beyond tax credits for corporations, banks, big companies, big this, big that and big the other. Because the point is that if those big companies do not have the human resources to do the work, provide the services, manufacture the products, they have nothing. We have to think about those resources.

Tax credits have been tried in Quebec and Saskatchewan. This reminds me a little of the health insurance debate in western Canada. It started at the provincial level and succeeded. I think we can also conclude that given how little time it took to implement the tax credits in Quebec and Saskatchewan, it should also be a success at the national level.

Moreover, the bill provides that the regions would be designated by the federal Minister of Finance and his provincial and territorial counterparts. I thank you for your question.

Senator Champagne: The honourable senator should also know that Quebec gives large salary bonuses to young physicians who agree to practise in remote areas. I am not saying that what Senator Rivest is proposing has no merit; I am just saying we will have to look at it. As this session comes to an end, I can assure the honourable senator that what I am suggesting is an hour and a half that will bring a smile to her face, and we could all use a smile when we leave here.

The Hon. the Speaker: Are the honourable senators ready for the question? Would Senator Rivest like to ask any supplementary questions about Senator Ringuette's speech? If Senator Rivest speaks, that will close the debate.

Senator Rivest: Usually, when I speak, it settles the debate.

Senator Comeau: Honourable senators, if we do not want to close the debate at this point, I move the adjournment of the debate.

(On motion of Senator Comeau, debate adjourned.)

[*English*]

STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR

FOURTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled: *GLOBE 2010 Conference: Beyond the Science*, tabled in the Senate on May 27, 2010.

Hon. Tommy Banks: Honourable senators, I call your attention to the report that is before us at this time. I would not be far wrong in saying that all members of the Standing Senate Committee on Energy, the Environment and Natural Resources attended the GLOBE 2010 Conference in Vancouver. This conference occurs every second year. It attracts leading government officials, heads of state, and important scientists from all over the world. It is a place where people go to see the latest in industrial developments, because an interesting industrial show is attached that wherein one can find cutting-edge developments, — some are experimental — with respect to environmental matters involving insulation, alternative energy generation, and so on.

• (1710)

The industrial show, however, is only attached to the conference; the main conference is comprised of plenary sessions in which world-leading ecological experts and, as I said, sometimes heads of state, make quite groundbreaking commitments in respect of their approach to the environment. Then the conference proceeds to breakout sessions in which people can pursue their respective interests.

In addition to the members of the committee who attended this conference, all of whom found it useful, analysts from the Library of Parliament attended. There are so many breakout sessions going on that it would be impossible for members of the committee to attend all of them. Senator Brown attended the conference this year, and he found it very useful and interesting.

The main thing we found — and Senator Mitchell mentioned this when he spoke about the report — is that in many respects industry and other governments, but mainly industry, have advanced way beyond the questions with which we in this place, and those across the hall, are wrestling from day to day with

regard to whether substantial action ought to be taken. In that respect, the issues that Senator Mitchell has spoken about, and which I mentioned the other day in my remarks on Bill C-311, for example, are behind the curve, if I can put it that way, because industry is way ahead of us. They have accepted the incontrovertible facts, the facts upon which every credible scientific body in the world agrees.

I think it is safe to say that the attitudes of all of us who attended those breakout sessions, as well as the plenary sessions, were changed in that respect because we found ourselves in many respects making considerations here that were following and were behind developments that were already being done by people who are involved in making light bulbs, developing new ways of producing energy and, most important, new ways of saving energy.

Honourable senators, I commend your attention to this valuable report. I hope we will all read the report. If we do all read the report, it will inform our deliberations on questions that come before us having to do with energy in all aspects — conservation and production of energy, and the good of the Earth on which we live.

(On motion of Senator Moore, debate adjourned.)

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS AND ADJOURNMENT OF THE SENATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Gerstein, seconded by the Honourable Senator Eaton:
>
> That, until June 30, 2010, for the purposes of any study of a bill, the subject-matter of a bill or estimates, the Standing Senate Committee on National Finance:
>
> (*a*) have power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto; and
>
> (*b*) be authorized, pursuant to rule 95(3)(a), to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week;
>
> And on the motion in amendment of the Honourable Senator Day, seconded by the Honourable Senator Losier-Cool, that the motion be amended by replacing the words "June 30, 2010" with the words "July 31, 2010".

Hon. Joseph A. Day: Honourable senators, I hope you will forgive me, but I am eager for this motion to be adopted.

Honourable senators will note that this motion was adjourned in the name of the Honourable Senator Robichaud. I have had an opportunity to determine that Senator Robichaud is not averse to going ahead with the question. It is important to put his position on the record because the debate is adjourned in his name.

The Hon. the Speaker: I will formally put the question to the house. Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: The question before us, first, is the motion in amendment. It was moved in amendment by the Honourable Senator Day, seconded by the Honourable Senator Losier-Cool, that the motion be amended by replacing the words "June 30, 2010" with the words "July 31, 2010."

Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to, as amended.)

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

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

> That when the Senate adjourns today, it do stand adjourned until Tuesday, June 15, 2010, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, June 15, 2010, at 2 p.m.)

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

(*indicates the status of a bill by showing the date on which each stage has been* ***completed***)

(3rd Session, 40th Parliament)

Thursday, June 10, 2010

(**Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.*)

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Criminal Code and other Acts	10/03/17	10/03/29	Legal and Constitutional Affairs	10/05/06	0	10/05/11		
S-3	An Act to implement conventions and protocols concluded between Canada and Colombia, Greece and Turkey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	10/03/23	10/03/31	Banking, Trade and Commerce	10/04/29	0	10/05/04		
S-4	An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves	10/03/31	10/05/05	Human Rights					
S-5	An Act to amend the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999	10/04/14	10/05/12	Transport and Communications	10/06/03	0	10/06/08		
S-6	An Act to amend the Criminal Code and another Act	10/04/20	10/05/05	Legal and Constitutional Affairs					
S-7	An Act to deter terrorism and to amend the State Immunity Act	10/04/21							
S-8	An Act respecting the selection of senators	10/04/27							
S-9	An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime)	10/05/04	10/05/26	Legal and Constitutional Affairs	10/06/03	0	10/06/08		
S-10	An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts	10/05/05							
S-11	An Act respecting the safety of drinking water on first nation lands	10/05/26							

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-6	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 (*Appropriation Act No. 5, 2009-2010*)	10/03/24	10/03/29	—	—	—	10/03/30	10/03/31	1/10
C-7	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2011 (*Appropriation Act No. 1, 2010-2011*)	10/03/24	10/03/29	—	—	—	10/03/30	10/03/31	2/10
C-9	An Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures	10/06/08	10/06/10	National Finance					

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-232	An Act to amend the Supreme Court Act (understanding the official languages)	10/04/13							
C-268	An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)	10/03/04	10/04/21	Social Affairs, Science and Technology	10/06/03	0			
C-288	An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions)	10/05/06							
C-302	An Act to recognize the injustice that was done to persons of Italian origin through their "enemy alien" designation and internment during the Second World War, and to provide for restitution and promote education on Italian-Canadian history	10/04/29							
C-311	An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change	10/05/06							
C-464	An Act to amend the Criminal Code (justification for detention in custody)	10/03/23							
C-475	An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy)	10/06/10							

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Office of the Superintendent of Financial Institutions Act (credit and debit cards) (Sen. Ringuette)	10/03/04	10/03/30	Banking, Trade and Commerce					

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-202	An Act to amend the Canadian Payments Act (debit card payment systems) (Sen. Ringuette)	10/03/04	10/04/20	Banking, Trade and Commerce					
S-203	An Act respecting a National Philanthropy Day (Sen. Mercer)	10/03/04	10/04/29	Social Affairs, Science and Technology	10/06/08	2	10/06/10		
S-204	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	10/03/09							
S-205	An Act to provide the means to rationalize the governance of Canadian businesses during the period of national emergency resulting from the global financial crisis that is undermining Canada's economic stability (Sen. Hervieux-Payette, P.C.)	10/03/09							
S-206	An Act to establish gender parity on the board of directors of certain corporations, financial institutions and parent Crown corporations (Sen. Hervieux-Payette, P.C.)	10/03/09	10/05/13	Banking, Trade and Commerce					
S-207	An Act to amend the Fisheries Act (commercial seal fishing) (Sen. Harb)	10/03/09							
S-208	An Act to amend the Conflict of Interest Act (gifts) (Sen. Day)	10/03/09							
S-209	An Act respecting a national day of service to honour the courage and sacrifice of Canadians in the face of terrorism, particularly the events of September 11, 2001 (Sen. Wallin)	10/03/09							
S-210	An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament) (Sen. Banks)	10/03/09	10/03/18	Energy, the Environment and Natural Resources	10/04/22	0	10/04/27		
S-211	An Act respecting World Autism Awareness Day (Sen. Munson)	10/03/10	10/04/20	Social Affairs, Science and Technology	10/06/08	4			
S-212	An Act to amend the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	10/03/10	10/03/31	National Finance					
S-213	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Murray, P.C.)	10/03/23	Bill withdrawn 10/05/27						
S-214	An Act to amend the Bankruptcy and Insolvency Act and other Acts (unfunded pension plan liabilities) (Sen. Ringuette)	10/03/24	10/06/10	Banking, Trade and Commerce					
S-215	An Act to amend the Criminal Code (suicide bombings) (Sen. Frum)	10/03/24	10/03/31	Legal and Constitutional Affairs	10/05/06	0	10/05/11		
S-216	An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act in order to protect beneficiaries of long term disability benefits plans (Sen. Eggleton, P.C.)	10/03/25							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-217	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	10/04/14							
S-218	An Act respecting Canada-Russia Friendship Day (Sen. Stollery)	10/05/12							
S-219	An Act to amend the Canada Post Corporation Act (rural postal services and the Canada Post Ombudsman) (Sen. Peterson)	10/06/01							
S-220	An Act to amend the Official Languages Act (communications with and services to the public) (Sen. Chaput)	10/06/09							
S-221	An Act to amend the Income Tax Act (carbon offset tax credit) (Sen. Mitchell)	10/06/10							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

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