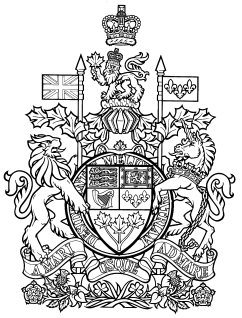

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OFFICIAL REPORT
(HANSARD)

Tuesday, June 15, 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

Tuesday, June 15, 2010

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

Prayers.

[*Translation*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before proceeding to Senators' Statements, I wish to inform the Senate that Inuktitut will be spoken during today's session. Inuktitut will be on channel 1, English will be on channel 2, and French will be on channel 3.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of a group of Inuktitut language specialists. These are the government terminologists, translators and interpreters who make our parliamentary system accessible to unilingual Inuktitut speakers in Canada and who serve honourable senators by making the Inuktitut language available to us. They are guests of the Honourable Senator Watt.

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

Hon. Senators: Hear, hear.

SENATORS' STATEMENTS

WORLD ELDER ABUSE AWARENESS DAY

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, June 15 is recognized each year in countries around the world, including Canada, as World Elder Abuse Awareness Day. Elder abuse can take many ugly forms, be it physical, financial, psychological, abuse through neglect or, sadly, even sexual abuse. This abuse can come at the hands of a person the senior knows well and trusts, and it can affect people from all walks of life. Often, seniors never get over being harmed and are embarrassed or humiliated by what they have experienced. Therefore, it is important to educate the public about how to spot the signs of elder abuse, and to let seniors know that help is available and where they can find it.

As I have previously informed all honourable senators, our government established the National Seniors Council in 2007 to advise the government on issues of importance to Canadian seniors. As one of its first orders of business, the council looked into elder abuse and provided the government with recommendations. In response, last year we launched a national awareness campaign entitled Elder Abuse: It's Time to Face the Reality. This multimedia campaign has focused not only on providing Canadians with information to help those seniors who have been abused, but it has also focused on changing attitudes regarding this very serious issue.

I am pleased to inform all honourable senators that last week in the other place, the Honourable Diane Ablonczy, the Minister of State for Seniors, announced that our government will launch a new phase of this campaign across Canada in the fall. The campaign thus far has been very successful in raising awareness. It is my hope this will continue.

As honourable senators may remember, the New Horizons for Seniors Program also contains a component that provides funding to non-profit organizations for national and regional projects that support elder abuse awareness activities. As one example, our government recently announced funding from this program for the Korean Senior Citizen Society of Toronto. The funding will support an educational outreach project for Korean seniors and the wider Korean community in that city, and will provide seniors with information on how to get help. As I mentioned, that is but one example.

Honourable senators, on this fifth annual World Elder Abuse Awareness Day, let us once again show our support for the seniors who have been victimized. Seniors deserve to live with dignity and respect. Our government is committed to letting all Canadians know that elder abuse cannot and will not be tolerated.

GOVERNMENT OF CANADA WORKPLACE CHARITABLE CAMPAIGN

Hon. Terry M. Mercer: Honourable senators, the Government of Canada Workplace Charitable Campaign is a program that provides federal public servants and Parliament Hill staff the opportunity to give of themselves to any charity of their choice, notably through the United Way.

The program is interesting in that one can give through payroll deductions to spread a donation over the whole year. This annual campaign makes it easy for all of us to give, as many honourable senators do.

In addition to that, there are many events organized by different groups to help support the Charitable Campaign on Parliament Hill. The Senate has many events, including the golf tournament and Harvest of Coins sponsored by the Senate Protective Services; the Senate Speaker's BBQ and the Christmas party; Senate Finance has a Spaghetti Splash each year; Senate Human Resources has a bowling tournament; there is a Halloween challenge for the Executive Secretariat; there is an Oscar challenge sponsored by the Law Clerk's Office; there is the Upper Chamber Chorus; the Senate administration calendar is produced by the Committees Branch; and the Christmas Craft Fair, a joint venture between the Senate and the employees in the

other place. Senator Hubley even hosts step-dancing classes to help support the campaign, which I would recommend some honourable senators try.

Honourable senators, the senators' office staff host an annual bake sale and silent auction. This year, the event, entitled Eat, Bid, Give, was held from May 19 to 20 while we were not sitting. It offered a variety of silent auction items, desserts and savoury items for purchase, and even included a lunch component this year. The total amount raised this year was $8,612.48, which I am told is a new record for the most money raised by a special event in support of the Senate's Charitable Campaign.

• (1410)

On behalf of all honourable senators, I want to recognize the members of the committee, some of whom I believe are with us in the gallery today. They are: Melissa Cotton and Céline Ethier from Senator Fraser's office; Emilie Anne Duval from Senator Cowan's office; Gwen Crowdis from Senator McCoy's office; Isabelle Jacob from Senator De Bané's office; Rachael Durie from Senator Martin's office; Helen Krzyzewski from Senator Wallin's office; Sherry Petten from my office; Lise Ratté from Senator Comeau's office; and Marie Russell from Senator Peterson's office.

Thank you all for your efforts and congratulations on a successful event. As well, thank you to all the groups in the Senate of Canada for hosting your own events. You all should be proud of your efforts in supporting such a worthwhile cause.

MS. LAUREN WOOLSTENCROFT

Hon. Nancy Greene Raine: Honourable senators, this past weekend showed once again how Canadians follow and embrace winter sports. Two million people flooded into downtown Chicago to celebrate, finally, the end of the hockey season, and Chicago's victory. I am sure there were a few Canadians there; but for emotional content, I contend that the Chicago parade did not come close to the one held in tiny Ilderton, Ontario, where the whole town turned out to cheer for hometown heroes Scott Moir and Tessa Virtue.

Riding down the main street in a horse-drawn carriage, with shops and homes decorated with congratulatory signs, Scott and Tessa were cheered on by folks who have supported them throughout their career. It is another example of what sport brings to our small-town communities.

Later in a jam-packed arena, Scott Moir said:

> I come from the best community in the world . . .

Tessa Virtue added:

> After the Olympics, I never thought I'd have that feeling, the one I had singing the national anthem again, but thanks to you, I had that feeling when I walked in here today.

Tessa is from nearby London, which is planning its own celebration later this month.

Meanwhile, yesterday, the Mayor of North Vancouver held a ceremony to confer the Freedom of the City on a truly remarkable young woman, Ms. Lauren Woolstencroft. This honour is well deserved as Lauren's achievements, both in her sporting life as well as her professional career, are remarkable.

Lauren is one of the greatest ski racers I have had the pleasure to meet. She is an amazing athlete and a fierce competitor. Winning gold medals in all five disciplines at the Paralympics in Whistler is simply incredible.

Anyone who watched, either in person or on television, could see how challenging the courses and the snow conditions were at Whistler. In particular, the downhill race was tough, made much faster than the course setter had planned when setting it in soft, wet snow. The snow then froze and became a sheet of ice. Only someone with great skill and courage could attack the course the way Lauren did that day.

Lauren is a true champion, the best in every way. Her skills and strength reflect years of hard work. Her mental toughness and ability to focus resulted in five victories. She is a great example of how pursuing excellence in her sport and in her life leads to success.

In addition to being a fierce competitor on the slopes, Lauren is an electrical engineer with BC Hydro. She graduated with an electrical engineering degree from the University of Victoria. Originally from Calgary, she now resides in North Vancouver.

Other milestones in her career include winning Vancouver Island's Top 40 Under 40 in 2006. The year prior, she was the 2005 YWCA Woman of Distinction nominee for Victoria, British Columbia.

As honourable senators can see, her accomplishments are wide and varied, testimony to what she has learned about competition and leadership. In her own words, Lauren said, "both are about setting goals and achieving them."

Honourable senators, please join me in congratulating Lauren on receiving this well deserved honour and wishing her the very best in the future.

INUKTITUT LANGUAGE SERVICES

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

Hon. Charlie Watt: Honourable senators, this afternoon, I draw your attention to a group of people in the gallery. These people assist me in the Senate with Inuktitut translation and interpretation. I welcome to the Senate today Simona Arnatsiaq-Barnes; Rhoda Innuksuk; Evelyn Kublu-Hill, who is also known as Papatsi; Doris Tautu; Martha Flaherty; and Rhoda Kayakjuak.

Honourable senators, these translators and interpreters help me bridge the cultural divide, and I am extremely grateful to them. They are available to all parliamentarians in Ottawa and provide much needed insight and understanding of Inuit culture and the spoken word in southern Canada.

Although these people work in different departments, they have found ways to work together to enhance language services. They have been able to address issues like the development of much-needed terminology. In some cases, there is no word in Inuktitut for the word spoken in English, and vice versa. This translation process has been ongoing for several years, but for the first time it will happen at the national level.

The Inuktitut translation and interpretation services are a groundbreaking achievement for the Senate in the promotion and cultural understanding of this language, and I thank honourable senators for their cultural understanding and support of this service.

The calibre and ease of these translations and interpretation services were not available to me when I started my career in this place 26 years ago. I want to thank early translators in Ottawa, especially Mary Panigusiq, Leah Idlout and Sarah Ekoomiak. Back in the 1960s, I had the pleasure of working with these ladies.

Honourable senators, we have come a long way. In Nunavik — Northern Quebec — Inuktitut was given legal recognition by the James Bay and Northern Quebec Agreement. Only last year, the Senate gave its seal of approval to Nunavut's language legislation. This legislation gave Inuktitut official language status.

The Senate has done stellar regional work for the Inuit in this regard, and I congratulate every person in this chamber for supporting this legislation last year. Nakurmiik — thank you.

2010 STANLEY CUP CHAMPIONS

Hon. Terry Stratton: Honourable senators, it amazes me that we sit in this chamber and, while many of us are hockey fans, no one has talked about the Stanley Cup — so I will.

I want to pay tribute to three Winnipeggers who played for the cup-winning Chicago Blackhawks: Jonathan Toews, Duncan Keith and Patrick Sharp. They helped Chicago to win for the first time in 49 years. The last time the Blackhawks won the cup was in 1961, when Bobby Hull, who later played for Winnipeg, was 21 years old.

• (1420)

Jonathan Toews, who is the captain of the Blackhawks, was also awarded the Conn Smythe Trophy for the most valuable player during the playoffs. It has been quite a year for the 22-year-old. He was voted the best forward in the Olympics. That is quite an achievement, when one looks at the other forwards who played for the Olympic teams, and I pay tribute to him.

I also want to pay tribute to all the Canadians who play for Philadelphia and Chicago. They scored 70 per cent of all the goals in that series.

Hon. Senators: Hear, hear!

NATIONAL FORGIVEN SUMMIT

Hon. Nick G. Sibbeston: Honourable senators, this past weekend I attended the three-day National Forgiven Summit in Ottawa at the Civic Centre. Thousands of Aboriginal people from across Canada came together in response to the Prime Minister's apology of two years ago. Many church leaders representing the denominations in our country as well as thousands of non-native people attended in support of this undertaking by Aboriginal people to forgive.

In his apology, the Prime Minister asked for forgiveness by Aboriginal peoples for the wrong done in residential schools. This conference was held in response to that request. Aboriginal people are willing to forgive.

A Charter of Forgiveness and Freedom was presented to Canada. It was a moving ceremony as elders from all regions of the country signed the document and youth witnessed the process. Minister Chuck Strahl accepted the charter on behalf of the Prime Minister. The Prime Minister was given many beautiful gifts from Aboriginal people from one end of the country to the other.

As Chief Kenny Blacksmith, the organizer of this event, said, forgiveness "is an individual choice that can break the generational cycle of victimization and accusation."

Forgiveness is necessary to heal and live a free life. It was deeply moving to watch and listen to many people who described their journey from hurt to healing. It gave me hope for reconciliation with Aboriginal peoples in our country.

This coming weekend, the Truth and Reconciliation Commission, established as part of the Residential Schools Agreement, will hold its first public event in Winnipeg. The commission is not only for Aboriginal people but also for all non-native people in our country who understand what Aboriginal people have gone through and, in this way, understand the situation.

I hope and trust this process will allow all Aboriginal peoples to eventually share in the gift of forgiveness that I witnessed these last few days. I believe that what I saw this weekend is a movement that has begun. The summit has been held for a number of years, and it is growing larger each year. It will be held in different parts of the country and, in this way, the hope is that there will be a nation-wide healing of the peoples of Canada.

[*Translation*]

RACISM IN CANADA

Hon. Donald H. Oliver: Honourable senators, it seems that every day we see new evidence showing that racism still exists in Canada. Sadly, hate crimes motivated by race and religion are on the rise in this country. Honourable senators, I believe that we must do something about this.

[*English*]

Twenty-five years ago, the federal government decided it needed legislation to help counter racism in the workplace. It named four groups of Canadians in need of special measures.

I refer, of course, to the landmark, epoch-making Employment Equity Act of 1986 that provides protection to women, Aboriginal peoples, persons with disabilities and visible

minorities. The act is designed to eliminate barriers in the workplace so that no person is denied employment opportunities. To my knowledge, there is no similar statute elsewhere in the world.

The Employment Equity Act and other ground-breaking statutes, such as the Canadian Multiculturalism Act and the Canadian Human Rights Act, have made Canada a leader in the protection of human rights and fairness. However, they have not been able to put an end to race hatred in Canada. Maybe it is time for the Senate to have a look at all these laws to determine whether they meet current challenges.

Earlier this year, Canadians were shocked to learn about a Ku Klux Klan-style, seven-foot cross-burning incident on the property of a Black family in Nova Scotia. As the cross burned, the family was further threatened with screams of race hatred — "Die, nigger, die."

Senators may also remember a confrontation between anti-racism demonstrators and a white supremacist, neo-Nazi group at a rally organized by Anti-Racist Action in Calgary last March. The rally coincided with the UN-sponsored International Day to Eliminate Racial Discrimination.

Historically, Jews, Blacks and Catholics have been the principal targets of such hatred. Today, Muslims are also a common target.

Only yesterday, Statistics Canada published its latest findings on police-reported hate crimes in Canada. The results are disconcerting. Hate-motivated crimes rose 35 per cent between 2007 and 2008. Blacks are the most commonly targeted racial group. Almost four in ten hate crimes motivated by race are committed against Blacks. This is up 30 per cent from 2007. Jews are still the principal religious group targeted. There were 165 hate crimes targeting members of the Jewish faith in 2008, up 42 per cent. Catholics and Muslims are targets in more than 20 per cent of these crimes.

Honourable senators, the questions these facts beg are: What can be done to reduce the rising number of hate crimes in Canada? Why are Blacks the most commonly targeted racial group? Why are members of certain religious faiths, such as Jews, Catholics and Muslims, targeted more than others?

These questions need answers. In my view, the Senate is a good place to launch such a dialogue. We should have a thorough debate on racism, diversity and pluralism in Canada. This is why, honourable senators, I intend to begin an inquiry on pluralism and diversity in Canada upon our return from the summer recess.

I believe it is time for Canada to acquire new tools fit for the 21st century to fight hatred and racism, to reduce the number of hate crimes, and to increase Canada's tolerance in matters of race and religion.

[*Translation*]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

ACCESS TO INFORMATION ACT AND PRIVACY ACT— 2009-10 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, pursuant to section 72 of the Access to Information Act and the Privacy Act, I have the honour to table, in both official languages, the annual reports of the Information Commissioner for the 2009-10 fiscal year, regarding the administration of these Acts within the Office of the Information Commissioner of Canada.

FOREIGN AFFAIRS

CANADA'S ENGAGEMENT IN AFGHANISTAN— MARCH 31, 2010 REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, *Canada's Engagement in Afghanistan*, the quarterly report to Parliament for the period from January 1 to March 31, 2010.

[*English*]

STUDY ON ISSUES OF DISCRIMINATION IN HIRING AND PROMOTION PRACTICES OF FEDERAL PUBLIC SERVICE AND LABOUR MARKET OUTCOMES FOR MINORITY GROUPS IN PRIVATE SECTOR

SECOND REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the second report, interim, of the Standing Senate Committee on Human Rights, entitled: *Reflecting the Changing Face of Canada: Employment Equity in the Federal Public Service*.

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

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS BILL

THIRD REPORT OF HUMAN RIGHTS COMMITTEE PRESENTED

Hon. Janis G. Johnson: Honourable senators, I have the honour to present, in both official languages, the third report of the Standing Senate Committee on Human Rights that deals with Bill 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.

(*For text of report, see today's* Journals of the Senate, *p. 565*.)

The Hon. the Speaker: This report deals with Bill S-4. It comes to the house with amendments. Honourable senators, when shall this report be taken into consideration?

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

• (1430)

MUSEUMS 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-34, An Act to amend the Museums Act and to make consequential amendments to other Acts.

(Bill read first time.)

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be read the second time at the next sitting of the Senate.

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

Hon. Senators: Agreed.

(On motion of Senator Comeau, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

[*Translation*]

CANADA-COLOMBIA FREE TRADE AGREEMENT IMPLEMENTATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-2, An Act to implement the Free Trade Agreement between Canada and the Republic of Colombia, the Agreement on the Environment between Canada and the Republic of Colombia and the Agreement on Labour Cooperation between Canada and the Republic of Colombia.

(Bill read first time.)

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be read the second time at the next sitting of the Senate.

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

Hon. Senators: Agreed.

(On motion of Senator Comeau, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

CANADIAN NATO PARLIAMENTARY ASSOCIATION

STRATEGIC CONCEPT SEMINAR, JANUARY 14, 2010—REPORT TABLED

Hon. Pierre Claude Nolin: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the third Strategic Concept Seminar: NATO's Partnerships and Beyond, held on January 14, 2010, in Oslo, Norway.

STRATEGIC CONCEPT SEMINAR, FEBRUARY 22-23, 2010—REPORT TABLED

Hon. Pierre Claude Nolin: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the fourth Strategic Concept Seminar, held in Washington, D.C., United States of America, from February 22 to 23, 2010.

VISIT OF DEFENCE AND SECURITY COMMITTEE, JANUARY 25-29, 2010—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the visit of the Defence and Security Committee, held from January 25 to 29, 2010, in Washington, D.C., and Florida, United States of America.

[*English*]

QUESTION PERIOD

NATURAL RESOURCES

MEDICAL ISOTOPES

Hon. Tommy Banks: Honourable senators, my question is for the Leader of the Government in the Senate. Canada was once the major producer of medical isotopes in the world but is now unable to generate enough isotopes to deal with the medical problems of Canadians. The current reactor will not be able to produce any isotopes until at least mid-summer, at best, and the long-term ability of that reactor is undetermined. There might not even be a long-term prospect for that reactor.

Over one year ago, when that reactor was shut down, the government appointed an expert panel to advise it on the best options for assuring our country and the world of a stable supply

of isotopes. The panel recommended that to ensure a long-term supply of medical isotopes, the government should commit to building a new reactor to provide a stable supply for the next 60 or more years.

Honourable senators, it seems that the government is disregarding the advice of those appointed experts. In fact, Minister of Natural Resources Christian Paradis said that the estimated $1 billion for a new reactor would be what he characterized as an irresponsible investment. I will not make the odious comparison between that $1 billion and another $1 billion. However, would the minister please tell honourable senators the scale of values upon which the minister has arrived at the conclusion that the investment of $1 billion to supply medical isotopes to the world would be irresponsible? Will the leader tell honourable senators whether her government will re-examine that question and look seriously at the design and construction or modification of reactors that will allow Canada to resume its former standing in the world with respect to the production of medical isotopes?

The expert panel also recognized that alternative technologies are available to explore, but the panel members were clear in saying that those alternative technologies are not, cannot and will not be a reliable source of medical isotopes in the near future. The panel members made it clear that those needed medical isotopes can only come from a reactor.

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Banks for the question.

• (1440)

It is no secret that there has been a high level of frustration over the shutdown of the AECL reactor and the moving target of when Atomic Energy of Canada Limited proposes to have the reactor up and running. It is also no secret that the government has told AECL on a number of occasions that their highest priority must continue to be the return to service of the National Research Universal reactor as quickly and as safely as possible.

We are now told of a target date of late July, and they seem to be sticking to this date. They have gone to the Canadian Nuclear Safety Commission to obtain approval for a late July start-up.

As we know, honourable senators, the supply of medical isotopes is a global issue requiring a global response. We have been working with foreign countries in the high-level groups on isotopes in an effort to make the supply more secure and more predictable.

With respect to the expert review panel, we carefully considered the panel's advice, and have already begun to act on some of its recommendations by investing $48 million to diversify sources of isotope supply and enhance the supply chain. We are ensuring that Canada remains a world leader in this area by funding new research and development and new medical isotope technologies.

As one of the interesting aspects of the shutdown of the NRU reactor, I have been told, directly and indirectly, by many people in the medical field, that the shutdown caused various hospitals to bring in efficiencies. They have been making much better use of the nuclear isotopes they receive.

[Senator Banks]

The government is still working hard with our global partners, as well as here in Canada, to obtain a secure supply. One thing we cannot and will not do is reopen the whole question of the MAPLE project. The government took the advice of AECL and terminated this project, and that remains the government's view. This hugely expensive project did not produce a single medical isotope.

All of this is to say, honourable senators, that the government is working on other sources of isotopes and working closely with AECL to have the NRU reactor up and running, hopefully, by the end of July. I say hopefully because this time last year they said last July would be the date. The government continues to press AECL to continue production and to have the NRU reactor up and running as its primary focus, and we continue to work with our global partners to secure a strong supply of medical isotopes.

Senator Banks: I am sure that the government is making efforts and that the $48 million the leader spoke about is well spent. We should be looking at those alternative technologies; however, the MAPLE reactors, and even the NRUs, are not necessarily the end of the road.

I appreciate that the government is working assiduously with other producers and countries in the world to ensure that the worldwide supply of necessary medical isotopes is maintained. However, does the government contemplate programs that will return Canada to its position of pre-eminence in the world in that regard?

Senator LeBreton: As honourable senators know, we have been working with AECL as part of their effort, and the government's effort, to strengthen our nuclear industry, which is an important industry in this country. We are working with AECL to maintain and strengthen the nuclear industry because, as we know, not only is the industry important for Canada, but it also has many highly qualified and skilled workers attached to it. The government is cognizant of that situation and we are working with AECL to bring in measures that will support and enhance our nuclear industry.

OFFSHORE OIL DRILLING

Hon. Nick G. Sibbeston: Honourable senators, my question is for the Leader of the Government in the Senate and it relates to offshore oil drilling in our country and also possible future drilling in the Beaufort Sea. One of the lessons we have learned from the disaster in the Gulf of Mexico is that regulations are useless if they are not enforced. Although the United States has strong regulations, British Petroleum and others were granted exemptions. Although rules required BP to have alternative arrangements in place, no one made sure that they did. Essentially, BP said, as oil companies often do: We are a big, sophisticated company; our technology and methods are state of the art; nothing can go wrong.

Obviously, they were wrong. We have drilling in the ocean off the coast of Newfoundland and Labrador. Therefore, this issue is pertinent, since a spill can occur off our shores.

What assurances can the Leader of the Government give us that not only will Canada put in place strict regulatory requirements but that those regulations will be strictly enforced to deal with the offshore drilling that is under way off our shores, and also with respect to any future drilling in the Arctic?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, if one is to believe the reports, many events took place that contributed to the terrible disaster in the Gulf of Mexico. Canada has a strict regulatory process, as honourable senators know. The National Energy Board is carrying out a comprehensive review of its drilling requirements at present, which will be open to the Canadian public and which will incorporate information from other regulators. As well, they are watching the ongoing U.S. investigation closely.

As I said last week, drilling will not occur unless the National Energy Board is satisfied that drilling plans are safe for workers and also for the environment. The National Energy Board initiated a review of Arctic safety and environmental offshore drilling requirements. This review will enhance drilling safety and environmental oversight. As the honourable senator also knows, there are currently no authorizations to drill exploratory wells in the outer Beaufort Sea.

Senator Sibbeston: The Gulf of Mexico is close to the centre of the American oil industry. There are plenty of transportation routes and facilities, and there is easy access to boats and emergency equipment, yet they are still struggling to limit the impacts of this oil spill. Canada's offshore has fewer resources. In the Arctic, transportation is limited and there are few emergency resources on the ground.

What actions is the federal government taking, or planning to take, to ensure that emergency resources will be on location in northern communities in the event of a future oil spill?

Senator LeBreton: I think I have already made it clear, honourable senators, that the National Energy Board is carrying out a comprehensive review of its drilling requirements. This process is an open one whereby the Canadian public will be informed and relevant information will be made fully available. The government has been clear, honourable senators. We expect Canada's regulators to enforce this country's strong environmental standards across the board.

With regard to the Arctic, as honourable senators know, at the present time there are no authorizations to drill in the outer Beaufort Sea.

• (1450)

In view of what has occurred in the Gulf of Mexico, the competency of the National Energy Board should provide Canadians with some security that we have systems in place. We will certainly not enter into any enterprise where either the environment or workers are put at risk.

The situation in the United States is unfortunate. The Gulf of Mexico is such an important area to so many people's livelihoods and it is obvious for most Canadians to understand how such a spill would have massive consequences. The government and the National Energy Board are at the forefront of the group that is doing everything possible to ensure that this does not happen in Canada.

Hon. Terry M. Mercer: Honourable senators, while we appreciate the answers that the Leader of the Government has given us, with the spill currently off the Gulf Coast and with the oil moving further east, the fear is that it will now go around Florida and then start up the Atlantic Coast. If the oil is caught in the Gulf Stream, then there is the worry that it might come ashore in Nova Scotia, because the Gulf Stream will move it up there quite quickly, depending on the weather, et cetera.

Can the minister assure us that the government has taken action, since this major spill in the Gulf occurred, to ensure that we are prepared in the event that some of this oil does make its way up the Atlantic Coast and comes ashore in Nova Scotia, which would be the first stop in Canada as it moves up the coast?

Senator LeBreton: I thank the honourable senator for his question. Senator Mahovlich asked the same question on June 3.

Clearly, the extent of the spill and its potential route are of great concern. Officials from the Department of Fisheries and Oceans, as honourable senators know, are in the Gulf to assist our U.S. neighbours. Many contingency plans are being put in place to keep the oil contained in the Gulf and not to let it get around through the Florida Keys and into the Gulf Stream.

I will say the same thing to Senator Mercer as I did to Senator Mahovlich. I have asked the departmental officials to provide a delayed response with regard to contingency plans in the event that the oil does make it around into the Gulf Stream. I saw some reports late last week that stated that, with all the resources that are now in place in the Gulf and the many different techniques being used to contain or disperse the oil, there was some confidence — although I do not know how one can say that with any great confidence because of what is happening down there — that they would be able to contain the oil in the Gulf and not have it extend further around the tip of Florida and impact the eastern seaboard of the United States and Canada.

Senator Mercer: I thank the leader for the answer. We all hope that we are having a hypothetical debate and that such an event never comes to pass. However, in the request for information from the department, could the leader also ask the department if they have had ongoing discussions with the Province of Nova Scotia and its Ministry of Environment, Ministry of Fisheries and Aquaculture, and Ministry of Natural Resources because of the effect that it might have? If disaster strikes, it is important that we are well coordinated between the federal response and the ability of the province to respond on the ground as well.

Senator LeBreton: I certainly hope that is the case, honourable senators. I will absolutely seek clarification on what discussions have been taking place with the provinces, particularly with Nova Scotia.

PUBLIC SAFETY

MISSING AND MURDERED ABORIGINAL WOMEN

Hon. Sandra Lovelace Nicholas: Honourable senators, on March 3, 2010, the Minister of Finance, Jim Flaherty, announced that the federal government would invest $10 million over two years to address the high number of missing and murdered Aboriginal women.

According to the latest statistics, about 583 cases of missing and murdered Aboriginal women have occurred in Canada over four decades. There are still cases that have yet to be confirmed. Although three months have passed since the announcement, the government has yet to make any specific commitments to fund concrete initiatives that would address the growing tragedy of missing and murdered Aboriginal women.

Honourable senators, in the case of missing and murdered Aboriginal women, the foot-dragging and the delay compound an already inhumane problem. These women, children and families have waited long enough for answers and help.

Will the Leader of the Government in the Senate explain to this house how her government plans to spend the $10 million with specific, concrete actions to address the devastating problems of missing and murdered Aboriginal women?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question.

This is a serious issue and the government is fully committed to addressing this problem. It is fully committed to using the $10 million provided in the budget. The Minister of Justice, the Minister of Indian Affairs and Northern Development, and the Minister of Public Safety are working hard to bring this issue to a head. I can assure the honourable senator that the government is committed to this issue. Hopefully, in the not-too-distant future, a concrete plan will be made public as to how the government intends to deal with this sad and serious issue.

Senator Lovelace Nicholas: Can the Leader of the Government in the Senate at least explain what aspects of funding will be addressed? Will it aid in research, prevention, and support services for families?

Senator LeBreton: Obviously, I am not in a position to go further than my answer to the honourable senator's first question, except to assure her that this is an extremely important issue. The government is working diligently on it. Hopefully, we will soon have something to say about it.

Again, I wish to repeat that we are fully committed to the monies that were set aside in the budget to deal with this sad and tragic situation.

[*Translation*]

FISHERIES

EUROPEAN BOYCOTT ON COMMERCIAL SEAL PRODUCTS

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. As we are nearing the end of this session and I have not received an answer to a question I asked on March 31, 2010, I thought I would give the honourable senator a friendly reminder. Two and a half months ago, I said:

> On November 2, the Government of Canada lodged an official complaint with the World Trade Organization to challenge the European boycott of seal products.
>
> The first phase of the process required consultations with the European Union. If, after 60 days, no agreement had been reached, Canada could then request that a special group be formed to review the complaint.

Since we will have the opportunity to travel, and in particular to visit the Îles de la Madeleine this summer, can the Leader of the Government in the Senate tell us what sort of conclusions were reached following the consultations between Ottawa and Brussels? Given that the 60-day deadline expired some time ago, can she tell us if Canada requested that a special group be formed to review the matter and if that request was approved?

• (1500)

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I will take the question with regard to the European Union as notice. At the same time, I am sure honourable senators are well aware that the Minister of Fisheries and Oceans has been working diligently on behalf of the sealing industry, and has been to China and is working on opening up new markets for seal products in other countries.

With regard to the honourable senator's specific question, I will take it as notice.

Senator Hervieux-Payette: I thank the Leader of the Government for her diligence, because I expect the answer shortly.

Last month, a strange report from the Department of Fisheries and Oceans indicated that thousands of grey seals would be culled or 15,000 females would be sterilized during a period of five years to allow fish stocks to replenish around Sable Island.

This report was actively covered by the media, and the reaction from anti-seal hunting lobbies was strong. According to Radio-Canada, a representative of the Atlantic anti-sealing coalition even said that this action will spread anger around the world.

As a result of this reaction by lobbies and the media, the government seems to have been caught by surprise. Can the leader indicate when her government will set aside resources to put in place a communications strategy surrounding the creation and release of such sensitive reports in order to counter efficiently the manipulation of information by lobbies that threaten the interest of Canadians?

Senator Comeau: Now you want us to spend money on communications.

Senator LeBreton: I thank the honourable senator for the question. I will seek a detailed answer to her question by delayed answer.

ORDERS OF THE DAY

SAFE DRINKING WATER FOR FIRST NATIONS BILL

SECOND READING —DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Brazeau, seconded by the Honourable Senator Lang, for the second reading of Bill S-11, An Act respecting the safety of drinking water on first nation lands.

Hon. Tommy Banks: Honourable senators, I want to thank Senator Brazeau for sponsoring this bill and particularly for the recitation in his excellent speech of the urgent necessity of taking action on clean drinking water.

I hope that Senator Brazeau and all honourable senators will take note of the fact that committees of the Senate of Canada have been scathingly critical of this government for the state of affairs as regards water on First Nations reserves. We have been scathingly critical of this government. We were scathingly critical of Mr. Martin's government. We were scathingly critical of Mr. Chrétien's government, and we likely will be scathingly critical of the next government.

That criticism, and it was scathing criticism, was made by committees of the Liberal-dominated Senate of a Liberal government in a House of Commons in which an overwhelming majority of seats were held for three consecutive Parliaments by Liberals. Why did we do that? We did that because we are the Senate of Canada, and we, in this place, are not a function of government.

Now, senators, I will be scathingly critical of this bill.

It is difficult to be critical of proposed legislation that says it will bring clean drinking water to First Nations. The purport of the bill is unarguably good. There are two good things about this bill. The first is the title: "Safe Drinking Water for First Nations Act." How can anyone argue with that title? It is a terrific title.

The second good thing in this bill is the concept of universal, nation-wide regulations — not mere guidelines, senators, but regulations with teeth, with the possibility of real penalties for their contravention. That concept is good, but I cannot forebear to note, and to call to the attention of honourable senators, that it is a concept embodied in, and central to, legislation that has been passed twice by the Senate. It was legislation devised by Senator Grafstein, passed here and sent to the House of Commons. It was legislation that, had it been acted on properly in that other place, under both Liberal and Conservative governments, would have obviated the need for further legislation to protect the interests of First Nations, and everyone else to boot, when it comes to the provision of safe drinking water.

Now here is the legislation again, the concept of enforceable regulations with teeth, and this time in a government bill, wrongly reported in the national media to have been introduced in the Senate by ministers of the Crown whose seats are in the other place.

Those two things — the title and the concept of enforceable regulations — are good. It is also a good thing that the bill recognizes that, as we sometimes know, we have to begin at the beginning; that we sometimes have to look first not at the delivery system but at the source of drinking water. Again, that issue was addressed in great detail in legislation proposed here by Senator Grafstein, legislation that has three times died on the Order Paper.

In the main, senators, this bill is severely deficient. It proposes the possibility of all sorts of regulations, all sorts of punishment and significant penalties against First Nations if they fail to measure up to some as yet undefined standards, which are characterized as national standards, but which will not be national standards because they will vary from province to province to territory.

The idea of engaging the provinces — again, as previously proposed by Senator Grafstein — and incorporating provincial laws and regulations by reference into this bill is a good one. It might also be a good idea, though, to engage the First Nations directly in this process, not by consultation — I think we all understand the ephemeral nature of consultation — but by direct, hands-on participation, as proposed by everyone who has looked at how to solve this problem.

In his speech at second reading, Senator Brazeau referred to two significant precursors to this bill: first, the Report by the Expert Panel on Safe Drinking Water for First Nations, which panel was, I believe, created by this government; and second, the report by the Commissioner of the Environment and Sustainable Development in the Office of the Auditor General.

Senator Brazeau was wise to cite these two reports. He was correct in pointing out that both reports argued and proposed — as Senator Grafstein had argued and proposed, and in legislation that we have passed before and as the Standing Senate Committee on Energy, the Environment and Natural Resources and the Senate of Canada have proposed — that the issue can be addressed only by new legislation, by federal legislation that contemplates meaningful, enforceable regulatory powers. This bill proposes exactly that.

However, Senator Brazeau, the ministers, the government and the drafters of this bill should have read the whole of those reports, all of those reports, because they argued and proposed much more than merely making enforceable regulations. They all went on to say that new institutions had to be put in place, institutions in which the First Nations had direct, on-the-ground, meaningful, participating and proprietary interests.

Permit me to quote from the report of the expert panel. It proposed new legislation. The report called the legislation a bridge to self-government that would create a First Nations water commission comprising a majority of First Nations representatives to be given important roles. I quote from the report: "It would be important for the Commission to have the power to ensure that INAC" — Indian and Northern Affairs Canada — "provide adequate funding to meet the requirements of an Act."

The report said that the government should "base new federal laws on First Nations' customary laws. This task would start with, and be driven by First Nations across the country."

• (1510)

The drafters of this bill forgot that part of the government's own expert panel's report and advice.

Permit me to further refer to Senator Brazeau's speech at second reading, in which he cited the report of the Commissioner of the Environment and Sustainable Development, and which speech correctly described the commissioner's report to have included five recommendations. First, create a federal regulatory regime. This bill does that. Second, clearly design codes and standards. This bill partly does that. Third, ensure monitoring and follow-up. This bill partly does that. Fourth, create institutions for capacity building. Oops, this bill does not do that. Fifth, provide progress reports to Parliament. Well, they forgot that one, too.

Honourable senators, three out of five is not good enough. Leaving the governed out of the design of governance is not good enough anymore. Actually, it has not been good enough since 1215.

In case this bill is sent to committee for further study, allow me to place on the record, having to this point paid attention to important considerations that are not in the bill, some things that are in the bill, some of which should give us pause and others of which should set off very loud alarms.

Clause 4 of the bill refers to included powers — powers of the Crown under the bill — and it states in paragraph 4(1)(b) that the regulations may "confer any legislative, administrative, judicial or other power on any person. . . ."

We used to have laws conferring enforcement powers on public officers, police officers, peace officers, wardens, fisheries officers, and constables of one kind or another, all of whom had demonstrable qualifications in the application of the powers that they were given. Then last year, in Bill C-6, it became inspectors, without reference to any qualifications on the part of those inspectors, whatever they are, of the application of constabulary powers, and now we have "any person," not merely for constabulary powers, but now for judicial powers and legislative powers.

What does that mean, to confer legislative power on a person? I hope that someone who knows the law will look at that. I find it a little frightening.

These persons on whom these powers are conferred, any person without any qualification, who are so empowered can — I hope that senators on the Aboriginal committee will listen to this — and I quote from the bill:

> . . . require a first nation to enter into an agreement for the management of its drinking water or waste water system in cooperation with a third party. . . .

That sounds onerous to me, honourable senators, that a person appointed by the Crown can require a First Nation to enter into an agreement with some undefined, unqualified third party, the XYZ water company, perhaps, to manage their water and waste water systems. That is in this bill.

Clause 4(1)(h) says that the Crown may "confer on any person" — not a constable or an officer — ". . . the power to seize and detain things found in the exercise of that power."

What? They are going to empower any person with the authority to seize and detain things that they find in the exercise of that power, including the power to apply for a warrant to conduct a search of a place — your place or my place? If I were a member of a First Nation, I would be worried about that provision.

I do not have the honour of being such a member, and I am still worried about it.

Honourable senators, please listen to this language. I will quote directly from the bill. Paragraph 4(1)(r) states that the Crown can make regulations to:

> provide for the relationship between the regulations and aboriginal and treaty rights referred to in section 35 of the *Constitution Act, 1982*, including the extent to which the regulations may abrogate or derogate from those aboriginal and treaty rights;

Senator Mitchell: Unbelievable.

Senator Moore: They cannot do that.

Senator Banks: What? Honourable senators, if you were to look at the body of federal legislation, the laws of Canada, you would find in many, many of those laws clauses called non-derogation clauses. They occur in trade acts and in many environmental acts. They were put there in the first place as a red flag. They did not do anything. They reminded the courts, with a little red flag, that they must pay attention to the fact that nothing in this bill must derogate from the rights enshrined and protected in section 35 of the Constitution Act. That is what it said. That was its purpose. Every one of those non-derogation clauses begins with the words "nothing in this act shall be construed" and then it goes on.

If one lined up all those non-derogation clauses from all those acts of Parliament in a row, one would see that they all start with those words and then they get fuzzier and fuzzier, as one goes along, until they get to the point that they are not interpretable by anyone.

We finally got the Department of Justice to agree, in a meeting of the Standing Senate Committee on Energy, the Environment and Natural Resources, that with the final wording, which in the vernacular of the trade seemed to try to swallow itself whole, in fact one can derogate from those provisions and protections, because the Supreme Court of Canada has decided in a particular case that those rights are not inviolable. They are not absolute. They can, in the application of the concept of eminent domain, be abrogated in some larger interest. Therefore, the non-derogation clauses became fuzzier and fuzzier. However, this clause that I have just read to you, honourable senators, is not a non-derogation clause, but a derogation clause.

This bill contemplates the extent to which the regulations — not even laws or amendments — made by a minister of the Crown under this act may abrogate or derogate from those Aboriginal and treaty rights. That is what this bill says.

It sounds to me as though a minister of the Crown is being authorized legislatively in law, by this bill, to derogate and abrogate Aboriginal treaty rights in section 35 of the Constitution Act. That is what it says. I am only reading English, but I hope that attention will be paid to this provision by persons who understand the application and the practice of law, which is obviously a lot more complicated than the mere making of law that we do here.

Subclause 6(1) of this bill states:

> Regulations made under this Act prevail over any laws or by-laws made by a first nation. . . .

Did someone not suggest that the idea of this act was to be a bridge to self-government? Clause 6 says, in effect, they can forget self-government because whatever they say will be overridden by whatever that minister of the Crown who happens to be in the office on that day says.

• (1520)

Clause 6(2) reads:

> In respect of an aboriginal body named in column 1 of the schedule, this Act and the regulations prevail over the land claims agreement or self-government agreement to which the aboriginal body is a party, and over any Act of Parliament giving effect to it . . .

I will read that to you again. This is clause 6(2) of this bill. It reads:

> In respect of an aboriginal body named in column 1 of the schedule, this Act and the regulations prevail over the land claims agreement or self-government agreement to which the aboriginal body is a party, and over any Act of Parliament giving effect to it . . .

I am speechless, senators. This is not a bridge to self-government; this is a slap in the face. This is arrogance beyond belief. It is astonishing that anyone would dare to present such a bill to this place —

Some Hon. Senators: Shame.

Senator Banks: Our history, the history of this place, is the protection of environmental interests and Aboriginal interests. That is what we have done, better than anybody else.

I was not speaking to Senator Brazeau when I said that it was a travesty, because I know that he was speaking on behalf of the government.

The expert panel, the commissioner and everyone in sight have argued that the First Nations must be included in and must drive a new institution to address the problems of safe drinking water. They are right, and the Senate committees were right, and Senator Grafstein was right. What we have instead, in clause 6(2), unless I am completely misreading or misinterpreting it, is a return to heavy-handed 19th century paternalism: There, there; we know what is best.

I hope that someone who knows the law better than I will look seriously at this provision if the bill goes to committee.

One final point, which is picayune by comparison with all the others, has to do with clause 9, which says that monies collected as fines, fees and charges by a person:

> . . . pursuant to the regulations are not Indian moneys for the purposes of the Indian Act or public money for the purposes of the Financial Administration Act.

Honourable senators, there is good reason for that provision. It is to ensure that when monies for these fines are collected, for example, by the provinces, they are not susceptible of federal laws. However, we should amend that provision to say that when monies are collected by a provincial or territorial body they are not susceptible of the Indian Act or the Financial Administration Act.

Honourable senators, this bill would, in my view, put into law an abdication of federal responsibility. It is as simple as that. We may not like the Constitution; we may not like the Indian Act, but until we change the Constitution and until we change the Indian Act, we must make laws that are consistent with them, and not only with the words actually contained in the Constitution and the Indian Act but also with the conventions and practices that have arisen from the application of those acts. This bill does not do that, and so I urge senators, and particularly the members of the committee to which this bill might be sent for study, to be assiduous in their deliberations, to ask witnesses from all sides to be straightforward, and either to substantially refute my observations here — and I would be happy to be corrected — or to urge the defeat, or at least the significant amendment, of this poorly-conceived bill.

Hon. Gerry St. Germain: Would the honourable senator take a question?

Senator Banks: Yes.

Senator St. Germain: Is it possible that this bill was designed in such a way as to focus responsibility on one individual in order to be able to expedite a process, if required?

Water is such an integral part of our existence as human beings that some of these decisions have to be made instantaneously. It is like a field marshal in a theatre of action, because it is basically a war against E. coli or germs.

Is it possible that the designers of this bill would have had that in mind in order that this could be acted upon expeditiously and immediately when the call arrives?

Senator Banks: Honourable senators, water is not only important to us; it is the only thing we cannot live without. We can live without anything else. We can live without oil, steel or wheat, but we cannot live for more than about three days without water.

To use Senator St. Germain's analogy, if that were the intent of the framers of this bill, then their intent is to have the field marshal empowered to send the army out to battle with no ammunition, no knowledge, no understanding, no equipment, no facilities, no training, no capacity to do what they are sent out to do.

That having been said, we must recognize that the government has earmarked a total of $660 million to do good things with respect to First Nations drinking water, and some of it has been done very well. The Circuit Rider Training Program, through which people are sent around to help First Nations deal with those issues, is a good program, and some upgrades have been good too. However, if you divide the number of First Nations that need upgrading, training and assistance into the $660 million, which is over two years, I believe, it does not even come close to doing what needs to be done.

The problem, honourable senators, is that if this bill were to be passed as it stands, and if it were to be brought into force at the pleasure of the Governor-in-Council at some point within the next couple of months, people who have been contracted by First Nations to operate water and waste water systems would be susceptible of quite severe penalties without having been given the necessary training and resources to permit them to meet the standards that might be set by the imposition upon them of whatever those standards will be. We do not know what they will be. The minister of the Crown will say what the regulations will be, but I do not know how quickly the minister will do so. I can only tell you that it is not reasonable, realistic or possible for First Nations to respond to the requirements of this bill from a standing start from where they are now. It cannot be done.

I will immodestly tell you, honourable senators, that I have the advantage of knowing a little bit about water and about the problems of water on First Nations lands and elsewhere because I have been a member of the Standing Senate Committee on Energy, the Environment and Natural Resources since I came to the Senate and we have done many studies of that subject.

Honourable senators, quite aside from the constitutionally questionable items I described to you in terms of overriding the protections of First Nations, with the resources that they have and the time they might have, it is totally unrealistic to assume that the First Nations can rise to meet the requirements of this act. It is quite unrealistic and, if they fail to do so, they will be subject to severe penalties.

I hope I have answered the honourable senator's question.

• (1530)

Senator St. Germain: I do not view this issue as a partisan one. Unfortunately, I had to go to a steering committee, but it is as the honourable senator said in his speech. He is right that government after government has failed to deal with this issue.

Now this government is trying to deal with it. We are down to about three or four priority situations in the country. Even that number is unacceptable, though the number was close to 100 not long ago. We completed the study on safe drinking water in the Senate.

Does the honourable senator not think that common sense will prevail in the enforcement of any regulation, and that any regulation will be designed in such a way as to take into consideration that more circuit-rider training or whatever training required will be the norm of the day?

Though I am not accusing the honourable senator of this, I am afraid we are taking an extreme position as far as enforcement is concerned. I do not think this problem will happen in this particular instance. Does the honourable senator have reason to believe it will?

Senator Banks: I do not ascribe ill will to anyone, senator. The honourable senator is right: This issue is about as far from a partisan one as we can get, because this issue affects everyone in this room; every Canadian and everyone in the world.

I am not criticizing the intent of the government. I know the intent of the government is right. However, I also know we are being asked to pass a bill, and it is before us.

It does not say, "By the way, we will not do this for a while." It does not, and bills cannot, say that we will be careful and we will not assiduously enforce the provisions of the bill for a while. It does not say there is a grace period. It does not say any of those things.

We have to deal with the bill that is given to us. The intent of the bill is terrific. The concepts to which the honourable senator refers — enforceable regulations with teeth and punishment for those who do not live up to them — are things we have been arguing for, and which we have been in favour of and urging upon successive governments since long before I arrived here. Those parts the honourable senator refers to are good. We have to get to the pointy end of the stick at some point and say, "You must do this."

However, this bill says that, if you do not, you are susceptible to significant penalties, and rightly so. My point is that there is a gap in the ability of the First Nations to meet these standards, and that ability has not been developed yet.

We must figure out how to meet those standards. The expert panel told us how to meet them. The Standing Senate Committee on Energy, the Environment and Natural Resources, and I suspect the honourable senator's committee's report, told us how to meet them, as well.

However, the part that explains how to meet them is left out of this bill. That is the problem.

The concept is good, the object is good and the enforceable regulations are good, but the other stuff has been omitted. That is why I suggested nothing other than that we seriously look at and defeat this bill, or amend it by adding the things that need to be added. This bill is a government bill, so if things need to be done that require money, the Royal Recommendation can be obtained by the time the bill reaches the House of Commons. I hope the committee to which this bill will be sent will take all those things into account.

(On motion of Senator Watt, debate adjourned.)

CANADIAN NATO PARLIAMENTARY ASSOCIATION

JOINT MEETING OF DEFENCE AND SECURITY, ECONOMICS AND SECURITY AND POLITICAL COMMITTEES, FEBRUARY 14-16, 2010 AND ANNUAL ECONOMICS AND SECURITY COMMITTEE CONSULTATION WITH THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT, FEBRUARY 17-18, 2010—REPORT TABLED

Leave having been given to revert to Tabling of Reports from Interparliamentary Delegations:

Hon. Jane Cordy: Honourable senators, I have the honour to table in the Senate, in both official languages, the report of the Canadian NATO Parliamentary Association, the NATO PA, respecting its participation at the Joint Meeting of the Defence and Security, Economics and Security and Political Committees, held in Brussels, Belgium, from February 14 to 16, 2010 and the Annual Economics and Security Committee Consultation with the Organisation for Economic Co-operation and Development, OECD, held in Paris, France, from February 17 to 18, 2010.

MEETING OF STANDING COMMITTEE AND SECRETARIES DELEGATION, MARCH 27-28, 2010—REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table in the Senate, in both official languages, the report of the Canadian NATO Parliamentary Association, the NATO PA, respecting its participation at the Meeting of the Standing Committee and Secretaries of Delegation, held in Memphis, Tennessee, United States of America, from March 27 to 28, 2010.

[*Translation*]

THE SENATE

MOTION TO EXTEND WEDNESDAY SITTING ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government) pursuant to notice of June 10, 2010, moved:

> 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.

(Motion agreed to.)

THE ESTIMATES, 2010-11

MAIN ESTIMATES—FOURTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

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. Rose-Marie Losier-Cool: Honourable senators, on behalf of Senator Day, I move adoption of the fourth report (second interim) of the Standing Senate Committee on National Finance, presented in the Senate on June 8, 2010.

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

(Motion agreed to and report adopted.)

[*English*]

STUDY ON ORDER AMENDING SCHEDULE 2 OF CANADA NATIONAL MARINE CONSERVATION AREAS ACT

FIFTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE—ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*Order amending Schedule 2 to the* Canada National Marine Conservation Areas Act *together with a Report to Parliament, entitled Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site*), presented in the Senate on June 9, 2010.

Hon. W. David Angus moved the adoption of the report.

He said: Honourable senators, last week on World Oceans Day, the honourable Minister of the Environment tabled in the other place an order-in-council amending the Canada National Marine Conservation Areas Act to formally establish the Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site. The adoption of this motion will have the effect of enacting the said order-in-council.

Gwaii Haanas will be Canada's first legally established national marine conservation area since the act was passed in 2002. Honourable senators, the area will extend 10 kilometres offshore. Together with the existing Gwaii Haanas National Park Reserve, the area will encompass over 5,000 square kilometres of spectacular wilderness and what many have referred to as Canada's Galapagos Islands. This area will constitute a protected marine area that extends from the alpine tundra of the mountaintops to the deep ocean beyond the Continental Shelf.

This area will be a truly unique achievement for Canada, honourable senators. Nowhere else in the entire world has such a national marine conservation area been established. It is a true demonstration of international leadership by our great country, Canada. What makes it remarkable, honourable senators, is that sustainable fishing and other activities will continue under the national marine conservation areas act and that local traditions and cultures will be recognized and celebrated. What makes it even more extraordinary is that the creation of the area has been achieved in collaboration with the Haida people, and with the direct leadership of Guujaaw, the President of the Haida Nation.

• (1540)

Following Minister Prentice's comments on behalf of the government following last week's tabling of the order-in-council, speakers from each of the other parties rose, one after the other, to support this great initiative and to highlight the need to protect Canada's ocean environment — and in particular, the waters of Gwaii Haanas.

Honourable senators, such all-party support provides a rare echo back to the all-party support that was articulated in a unanimous motion passed in the other place some 23 years ago. That 1987 motion called for the protection of Gwaii Haanas and the involvement of the Haida people protecting this special place; and this is precisely what the proposed amendment to the act will achieve.

Let me explain briefly and technically, honourable senators. Section 6 of the Canada National Marine Conservation Areas Act indicates *inter alia*, that for the "purpose of establishing or enlarging a reserve," "the Governor-in-Council may, by order, amend Schedule 2 of the act, by adding the name and a description of the reserve. . . ."

Section 7 of the Canada National Marine Conservation Areas Act requires:

> . . . the proposed amendment shall be laid before each House of Parliament . . . and an amendment so laid stands referred to the standing committee that normally considers matters relating to marine conservation areas.

Honourable senators, in this place, the Standing Senate Committee on Energy, the Environment and Natural Resources is the committee that is mentioned in that section.

Subsection 7(2) indicates:

> The committee of each House may, within 30 sitting days after the amendment is tabled, report to the House that it disapproves the amendment, in which case a motion to concur in the report shall be put to the House in accordance with its procedures.

It is my pleasure to tell honourable senators that last Thursday, the Standing Senate Committee on Energy, the Environment and Natural Resources considered this matter and unanimously supported the adoption of the order-in-council in question.

There is no subsection in the act that prescribes requirements in cases where the committee or the house wants to explicitly express its support for the amendment to create a new marine conservation area. It thus remains for each committee in both the Senate and in the other place to proceed in accordance with its procedures. That, honourable senators, is the reason for this motion.

I simply add for the record that extensive consultations have been undertaken during the past four years. These have included communities on and off the islands of Haida Gwaii, as well as with a wide range of stakeholders, including commercial and recreational fisheries. More than 70 meetings took place with over 20 fishing organizations in the past two years.

Honourable senators, I seek your unanimous support of this report to give effect to the amendment regarding the Gwaii Haanas National Marine Conservation Area and Haida Heritage Site that I have just described. Thank you, honourable senators.

The Hon. the Speaker *pro tempore***:** Is there further debate? Are honourable senators ready for the question?

Some Hon. Senators: Question.

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

(Motion agreed to and report adopted).

[*Translation*]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Maria Chaput moved second reading of Bill S-220, An Act to amend the Official Languages Act (communications with and services to the public).

She said: Honourable senators, it is a privilege to tell you about Bill S-220, an act to amend Part IV of the Official Languages Act, the law that contributes to the development and vitality of the francophone community so dear to me.

My heritage was passed on to me by my great-grandparents. The Chaput family came from France, first to Quebec and then to Manitoba, where they have lived for 125 years. My mother's family, the Charrières, left Switzerland for Manitoba in 1903.

I, in turn, have passed on this heritage to my descendants, my three daughters and my four granddaughters, in the hope that they will do the same. However, the francophone reality in which they live is completely different from the one I grew up in. Today's Francophonie is modern and dynamic and, for my granddaughters, an open Francophonie that brings together people of French Canadian origin, Metis, newcomers, bilingual individuals and francophiles.

We have just celebrated the 40th anniversary of the Official Languages Act. Canada has made much progress since the Official Languages Act was passed in 1969. It is time to take stock of the current state of this fundamental law, to reflect on future challenges, and to take the action required to ensure, among other things, respect for English and French as official languages, their equality of status and the equal rights and privileges as to their use in federal institutions.

According to the Supreme Court of Canada:

> The importance of these objectives and of the constitutional values embodied in the *Official Languages Act* gives the latter a special status in the Canadian legal framework. Its quasi-constitutional status has been recognized by the Canadian courts.

It is not an ordinary law.

Since its beginnings, Canada's political system has reflected the coexistence of the country's two large linguistic communities. Respecting linguistic minority rights is one of our fundamental constitutional principles.

The Official Languages Act is the fruit of bipartisan work that began when the first act was passed in 1969 under a Liberal government.

The 1969 legislation extended the constitutional guarantee given to the use of French and English in Parliament and in federal courts to federal institutions in general.

In 1988, the Conservative government of the day, with support from the Liberals, carried out a thorough review of the Official Languages Act to ensure the full implementation of the linguistic rights guaranteed under the Canadian Charter of Rights and Freedoms.

Throughout our history, Canada's two major political parties have been able to work together to ensure respect and protection for both our founding languages.

In the past 40 years, considerable progress has been made in communications with the public, provision of federal services, and support for the official language communities. In terms of equality between French and English, Canada has come a long way since the Official Languages Act was passed in 1969.

Nevertheless, as we go over our record of accomplishments, we must also note that official language communities continue to be threatened by crushing and very worrisome pressures to assimilate.

Despite the best intentions of the legislator, some provisions of the Official Languages Act relating to communications with and services to the public have to be improved in order to fight assimilation of those it was intended to protect.

For example, look at the lack of federal services in the minority official language in regions where the province offers them — that is the case in New Brunswick, the only officially bilingual province, and in Ontario, where Ontario's law ensures that government services are provided in French in 25 regions across the province.

While the provincial government offers all of its services in both official languages in the greater Toronto area, almost a quarter of federal offices are not designated bilingual. In Brampton, where the province offers all its services in French and English, the federal government only offers bilingual service in one office out of six. There is no shortage of examples in Ontario.

In New Brunswick — the only officially bilingual province — the public cannot obtain services in the language of their choice in one third of the federal government offices.

It is appropriate to recognize the need to amend the act in order to adapt to current needs.

• (1550)

In so doing, we cannot lose sight of the purpose of the Official Languages Act, which is to:

- ensure respect for English and French as the official languages of Canada and ensure equality of status and equal rights and privileges as to their use in all federal institutions, in particular with respect to their use . . . in communicating with or providing services to the public . . .; [and]

- support the development of English and French linguistic minority communities and generally advance the equality of status and use of the English and French languages within Canadian society.

It is important to note that section 16 of the Canadian Charter of Rights and Freedoms provides that language rights can be broadened in scope and that one role of Parliament or a legislature is to advance the equality of status or use of English and French.

There has been a significant evolution in legal thinking, in the way the public thinks, and in the values that constitute the very basis of language rights, such as the remedial purpose of language rights and substantive equality of the official languages.

In the late 1960s, people talked about the equality of the languages themselves. Then came the concept of the equality of the speakers. During the 1980s, the courts gave interpretations that indicated that the purpose of language guarantees was to preserve and develop official language communities and that a community-based approach was needed.

The conclusion was that institutional support was vital to achieving substantive equality. The case of the Montfort Hospital in Ottawa is a good example of how important institutions are to the vitality and development of minority official language communities.

These institutions, be they schools, cultural or government institutions or other bodies, very often act as lifesavers for these minority official language communities, which use them to preserve their language and culture and pass them on to future generations. It is important to note that section 20 of the Canadian Charter of Rights and Freedoms guarantees the public:

> The right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French.

Moreover, the public has that same right with respect to any other office of these institutions, where there is a significant demand for the use of the official language or where the nature of the office warrants. Part IV of the Official Languages Act covers the constitutional obligations of the federal government and its institutions.

In 2009, in *DesRochers*, the Supreme Court of Canada ruled that federal officials' obligations under Part IV of the Official Languages Act consist not only in communicating with the public and providing services equally in both official languages, but also in providing services of equal quality. To my way of thinking, equal quality means active offer, regular consultation, an integrated approach and adapted services.

The sociolinguistic context has also changed a great deal since 1969 and even since 1988. Many people from French-language minority populations, which were largely located in rural areas, have moved to urban centres, where they make up a relatively small segment of the overall population. This has reduced the size of francophone core groups and made it difficult for francophones who have moved to urban areas to get services in French.

For example, the 79,000 French speakers in Edmonton, spread throughout an area of over 600 square kilometres, have access to services in French at only one post office.

As a result of this migration towards urban areas, we have also seen an increase in exogamy, which has often meant that francophones identify themselves as belonging to a household where English is the language most often spoken.

Lastly, among all these changes, we must note the remarkable emergence of networks of institutions — educational, community, cultural, sports and others — managed by and for the official language communities. They help stabilize and even increase demand for services in the minority official language.

The existing linguistic regime, which results from Part IV of the Official Languages Act, has not adapted to all these changes. It is about time that it did adapt. This is particularly true when it comes to the obligation to provide services in both official languages, "where there is significant demand." The Official Languages Act offers only a few optional criteria for determining demand, and leaves it up to the regulations to define the rights and how they should be implemented. The regulations are very technical and mathematical and based on the needs of the administration, and do not take into account the impact on the communities served — which goes against the very objective of that same act — and they have not been revised since they were adopted in 1991.

We seem to have lost sight of the very objective of the act, which is to encourage the use of both official languages and to promote the development of official language minority communities, thus recognizing linguistic duality as an important component of Canadian identity.

But in applying the current system, public servants look only at statistical data when determining sufficient numbers, numbers that do not take into account exogamous families, Canadians who went to immersion schools and who choose to identify, occasionally or permanently, with the minority language community, or even members of the public who have a knowledge of French and would like to use it from time to time.

This, honourable senators, is incompatible with the text of the legislation, particularly with section 20 of the Canadian Charter of Rights and Freedoms, which provides for access to services to the public in both official languages, and not just for members of official language minority communities. In 1969, 1982 and 1988, the legislator sought to facilitate the use of the other official language, be it by members of an official language minority community, newcomers or bilingual members of the majority language community. The goal was to include, not exclude.

These days, it is presumed that only francophones, as defined by Statistics Canada, request service in the minority official language. That is a very static perception of the francophone community. Canada's Francophonie includes people of French Canadian origin, Metis, newcomers, and bilingual and francophile individuals. People love being part of our francophone community, which encourages them to be the best they can be.

Application of the current regime also ignores the particular characteristics of the minority population criterion in the Official Languages Act. During the 1988 debates on amending the Official Languages Act, the Honourable Ramon Hnatyshyn, then Prime Minister Mulroney's justice minister, emphasized the importance of the particular characteristics criterion when he said:

> Based on qualitative criteria, it may be that a minority language community's situation and specific needs can be considered significant enough to justify providing bilingual services even when quantitative criteria suggest otherwise.

According to leading sociologist Raymond Breton, a francophone community's vitality depends on the strength of the institutions that support and nourish it. The current system dismisses the legislator's intent by brushing aside the criterion of the particular characteristics of the minority community.

• (1600)

Only the mathematical criteria are used.

It is crucial that Canada's linguistic regime fully take into account the remedial purposes of linguistic rights, the substantive equality of our two official languages, Canada's sociolinguistic reality right now, as well as the assimilative pressures that threaten our official language minority communities.

The main problem we face is the one Bill S-220 is intended to correct, that is, access to general services provided by the federal government has been restricted, with a few exceptions, to places where there is significant demand, despite the absence within Part IV of the Official Languages Act of any logical, mandatory, clear, inclusive parameters that are compatible with the purpose of the act.

Above all, we must not forget that the purpose of this part of the act is to ensure equal access to services of equal quality to both official language communities, in short, to the public, and to encourage the use of the minority language to promote the development and vitality of official language minority communities.

The criteria to be established must reflect the values behind the act and must take the present situation into account. In that regard, it is important to bear in mind that psychological factors

are very important when it comes to how the members of a minority behave. The active offer of federal services, as required by the act, is vitally important to official language minority communities.

Francophone individuals in minority communities who are charged with a crime and summoned to appear before a unilingual anglophone judge are not likely to ask to be heard in French if they are bilingual, even if only partially, because they will feel like they are annoying the very people before whom they are most vulnerable.

Francophone individuals in minority communities who suffer from cultural insecurity, even if they are bilingual, will not always ask to be served in French in a formally bilingual institution, where it is clear that service in French is simply a concession.

In minority communities, there must be an offer for there to be a demand. Official language minority communities should not be burdened with having to mathematically prove the existence of a demand for services in their official language in order to exercise their fundamental rights.

On the contrary, it is up to the federal government to promote the full recognition and use of French and English in Canadian society.

> . . . in all the provinces. . .the right to communicate with the government and public officials in the official language of their choice . . .

The late Jean-Robert Gauthier called this the "minimum objective." Bill S-220, much humbler in scope, is a small step towards that ideal.

Bill S-220 proposes some minor adjustments: first, it will ensure that the criteria for calculating significant demand are logical, mandatory, clear, inclusive and compatible with the purpose of the law; second, it will clarify the role of the federal government as leader in the area of official languages by ensuring that federal institutions are required to do at least as much as the provinces; third, it will establish a mechanism for reviewing communications and provision of services after each decennial census; fourth, it will guarantee services of equal quality to users in either official language, by including in the law this principle recognized by the Supreme Court of Canada; fifth, it will make decision makers accountable by ensuring that the public is informed and consulted before exempting a service or an institution from application of the law; and sixth, it will improve understanding of the rights of the travelling public.

Let me quote the first subsection of section 16 of the Canadian Charter of Rights and Freedoms:

> English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

And the third subsection states:

> Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.

Therefore, Parliament retains extensive authority to legislate in the area of official languages, particularly for the purpose of defining what constitutes "significant demand."

With respect to the provision of services where warranted by significant demand, the federal system established when the 1988 Official Languages Act came into force is incompatible with the approach of the Supreme Court of Canada.

To rely on a purely objective assessment is disturbing because it forces the government to move away from the legislation's fundamental goal, which is to support official language minority communities.

Here is an overview of the results of this purely objective assessment. The 2001 census data used by public officials led to a reduction of French services in 100 federal offices across Canada. For example, in my home province of Manitoba, the francophone community suffered a net loss of seven federal offices following the most recent decennial census, while there was a net loss of three offices in Saskatchewan and four offices in Newfoundland and Labrador. These closures made communities that were already threatened with assimilation even more vulnerable.

The mathematical approach also led to some totally illogical situations, such as providing services to a community of 500 people accounting for 5 per cent of a municipality's total population, while refusing to do the same for a community of 500 which accounts for 4 per cent of another municipality's overall population.

In this example, there are as many members in the second official language community as there are in the first one, but because they are spread out in a larger centre, they are likely more at risk of being assimilated. They are more vulnerable and, consequently, more likely to need government services in French to ensure their protection and development.

The fact that there is no binding obligation in certain provincial capitals, and that, in some cases, the federal government provides fewer services than the provincial government, as is the case in New Brunswick and in Ontario, also seems to make little sense.

It is rather peculiar that the demand must precede the offer of services when calculating the numbers that will create an obligation on the government. Instead, the demand should be determined by taking into consideration all those who would like to be served in the minority language. It should not be based on the category of people that the government feels it must take into consideration, based on the census figures.

Furthermore, in his 2008 report, the honourable Bernard Lord recommended that the new government strategy for official languages be focused on improving access to services in French that are provided directly to citizens.

[*English*]

In short, under the current system, determining significant demand is a function of administrative requirements at whatever the cost to the preservation of the official language minority

community. It would be more in keeping with the intent of the act to recognize a community in need of service on the basis of other criteria, such as its particular characteristics and its institutional vitality.

Other phenomena must be taken into account as well: urbanization and its impact on francophone communities; immigrants who have neither French nor English as their mother tongue or the predominant language in the home; and francophones living in exogamous family settings. Above all, we must not presume that only francophones, as defined by Statistics Canada, will make use of services in French.

Over the past months, I have consulted many groups and individuals. I share their belief that the government should allow the greatest possible number of its citizens the freedom to choose. In other words, let Canadians request services in either official language or even choose the official language community with which they want to be associated. We must avoid putting the emphasis on the "official-language minorities" and instead focus our attention on the "official-language communities," a broader concept that brings together members of the minority, people with links to them and people who speak the language although it is not their mother tongue.

• (1610)

It is remarkable that what seems so novel today was already understood in the remarks by the then Minister of Justice, the Honourable Ramon Hnatyshyn on March 22, 1988, when he told the legislative committee considering the proposed Official Languages Act that:

> [The] particular characteristics of that [official-language] minority population . . . such as the existence of educational, religious, social or cultural institutions . . . may attest, perhaps better than numbers alone, to that population's vitality and potential as a community.

Federal services should at the very least strengthen communities that, since the adoption of the Charter, have obtained their own schools and been revitalized by them. The federal government should adapt to the situation in provinces and territories that allows for broader access than provided for under federal legislation. This would also be a good indication that the federal government is taking positive measures to meet its commitments under Part VII of the Official Languages Act.

Were you aware, honourable senators, that in Newfoundland and Labrador there is a minister responsible for francophone affairs; that in Nova Scotia, a French-language Services Act was adopted in 2004; that Prince Edward Island adopted a French Language Services Act in 1999; that New Brunswick is Canada's only officially bilingual province; that Ontario's French Language Services Act dates back to 1986, while the francophone presence in that province dates back 350 years; that Manitoba has had a policy on French-language services since 1989; that Saskatchewan adopted a policy regarding French-language services in 2003; that Alberta has had a Francophone Secretariat since 1999; that British Columbia has a Francophone Affairs Program and signed, in 2009, the Canada-B.C. Co-operation Agreement on Official Languages with the federal government, to increase the province's capacity to offer services to the province's 290,000 French speakers; that the Northwest Territories' Official Languages Act, adopted in 1984, recognizes French as an official language; that the Yukon's Languages Act, enacted in 1988, makes French one of the territory's official languages; and that in 2008 Nunavut adopted its Official Languages Act and, in doing so, made French one of its official languages?

[*Translation*]

> . . . Official language minority communities are not demanding something that is a universal right, or in fact, an essentially moral right.

— wrote former Supreme Court of Canada Justice Michel Bastarache recently, and he added:

> They are demanding something that is their constitutional right. . . . They need not periodically justify their right in light of demographic or political changes, nor need they compare themselves to speakers of other languages.

In 1969, when Senator De Bané was a member of Parliament examining the bill on official languages, he suggested it would be appropriate for this legislation to take priority over other federal laws — today, this question has been answered and the quasi-constitutional nature of the Official Languages Act is well established.

In March 1988, when the Senate was sitting in committee of the whole, the Right Honourable Pierre Elliott Trudeau reminded us of the importance of the hundreds of thousands of French Canadians who had settled in the rest of Canada and tried to preserve their identity, the Acadians who fought for years against the indifference and often the hostility of their fellow citizens as well, the generations of male and female politicians in Quebec who fought to establish the French fact, not just for Quebec, but also for Maillardville, for Peace River, which we call Rivière de la Paix, and for French Canada as a whole.

Today as never before, members of Canada's francophone community travel across the country for business and pleasure. The legislation has to reflect this increased mobility of the citizens and be adjusted accordingly.

On April 15, 2010, when the Minister of Transport, Infrastructure and Communities, the Honourable John Baird, appeared before the Standing Committee on Official Languages of the other place, he said he was aware of the problems of Air Canada and its subsidiaries with regard to their official language requirements, and I quote:

> I agree with the fact that we need a new bill. . . . I think, and obviously I've said, in some shape there needs to be strengthening of the law by amending the legislation.

[*English*]

As honourable senators may know, I come from a small francophone rural community in Manitoba. That community's values were passed on to me through many generations, values centered on being proud of who you are and where you come from, and about having faith in the people around you.

I grew up in a typical francophone family of that time, the oldest of 11 children. I learned from my mother the secret of how to call forth from each and every person the very best they had to offer, the potential of each and every one of us.

In my early years, I attended school in a convent run by the Grey Nuns in a French-speaking community called Sainte-Anne-des-Chênes, in southeast Manitoba. Those were the years when teaching French in Manitoba schools was forbidden by law. When the provincial school inspector was in the neighbourhood, we had to hide our French books. Remember that French-language instruction in Manitoba was forced underground after the final abolition of French schools, in 1916.

Honourable senators, less than 200 years earlier, Acadians had been deported and told that they could not come back to their country. French in North America was threatened from all sides. This was, of course, based on the irrational idea that in a federation like Canada there could only be one language and one culture.

All honourable senators in this chamber know very well that this is not the case, and accept that our federation has two official languages and is home to a multitude of cultures.

Our story is one of anxiety and loss, but it is also a tale of resilience and, ultimately, survival and restoration. Over time and with great effort, by people of various linguistic backgrounds, things have improved for Canada's French speakers. However, we must never forget what happened, or why, so that it never happens again.

While we have come a long way, there is still work to be done. Bill S-220 is another small step in the right direction. Canadians should feel a sense of ownership of the other official language, even if they do not speak it, because this is Canada.

[*Translation*]

"I would like to extend language rights to all Canadians as much as possible," said the Honourable Eymard Corbin, then a member of Parliament, during the 1969 study of the official languages bill. Like many other Canadians, I share our former colleague's desire and I believe that Bill S-220 is a small step in that direction.

The future of the official language communities, in particular francophone and Acadian communities, will always rely on the unconditional support and attentiveness of their country's government.

The French fact is present in Canada, from coast to coast, and those who believe in it are increasing in number.

Official language minority communities are not asking to be left alone, but rather to be supported by government action.

I believe, as do many others, that Canada's federal government has the responsibility to play a leadership role with respect to official language minority communities: it must promote the use of the official languages and ensure that our communities' accomplishments are safeguarded.

[*English*]

As the Commissioner of Official Languages pointed out, we would make great progress as a country if we recognized the other language for the huge asset that it is — not as an obligation, an imposition or a concession, but as a central part of Canadian identity.

[*Translation*]

As you all know, honourable senators, the Senate has a constitutional mandate to protect, defend and promote minority rights on a case-by-case basis and to represent the regions.

I am asking you to support this bill and allow a Senate committee to study it.

(On motion of Senator Comeau, debate adjourned.)

• (1620)

[*English*]

MEDICAL DEVICES REGISTRY BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Lapointe, for the second reading of Bill S-217, An Act to establish and maintain a national registry of medical devices.

Hon. Nicole Eaton: Honourable senators, I am pleased to rise today to speak to Bill S-217, introduced by Senator Harb in this place on April 14, 2010. This bill seeks to establish and maintain a national voluntary patient registry for implanted and home use medical devices.

Advancing the health and safety of Canadians is a fundamental goal of all parliamentarians and senators. Having said that, it is not clear to me what further advantage the proposed registry would provide to the voluntary and mandatory reporting systems that currently exist under the Medical Devices Regulations.

There are a significant number of issues associated with this bill. I will address each of these considerations in greater detail, but first I want to provide honourable senators with the current context of the regulation of medical devices in Canada.

In his speeches on this bill, Senator Harb referred to a case from 1985 regarding a jaw implant, where the patient did not receive notification of a product recall and was unable to obtain information on the implant. It is important to note that in 1985, a pre-market regulatory system existed for only implantable medical devices, and mechanisms were not in place to address post-market issues. However, the regulations were revised in 1998 to encompass a pre-market licensing system for all medical devices, which included the requirement for a quality

management system. More important, the revised regulations mandated the requirements for the reporting of serious adverse incidents, which would provide Health Canada with early warning of incidents that present the highest risks to patients and users. These revised Medical Devices Regulations have been in place since 1998, and Canadians can be confident that medical devices sold in this country are safe, effective and of high quality.

I would like to take another moment to address a few other points raised during the second reading of Bill S-217 before proceeding. During second reading, a number of statistics and facts were provided. For example, it was noted that the number of Canadians with implanted devices or home use devices continues to rise. Also reported was the increase in medical device approvals in Canada, as well as the number of medical device warnings and recalls. It is indeed true that the number of licensed, higher risk, Class III and Class IV medical devices, which would be the majority of devices potentially included in the proposed registry, increases yearly. For instance, between 2005 and 2009, the number of new licences per year for Class III devices was about 600, and the number of new licences per year for Class IV devices was about 100. However, to compare this information with the number of recalls over the same time period would not properly reflect the situation, as recall numbers would need to be compared to the total number of licensed devices in Canada.

It is also important to make the distinction between a higher risk priority recall and a lower risk priority recall. In Canada, of the 60,000 licensed devices, the majority of recalls related to Class III and Class IV devices, are lower risk recall situations, and there are very few higher risk recall situations. An example of a lower risk recall includes the manufacturer's decision to make a labelling change.

Honourable senators, permit me to outline the current situation in order to emphasize that the government's Medical Devices Regulations are, in fact, sufficiently robust to protect the health and safety of Canadians and strike an appropriate balance between privacy rights and the mitigation of risks to health.

The Canadian Medical Devices Program helps to ensure the safety, effectiveness and quality of medical devices in Canada with a combination of pre-market review, post-market surveillance and quality management systems. The Medical Devices Regulations, which are administered by Health Canada, set out the requirements governing the sale, importation and advertisement of all medical devices in Canada.

The term "medical device" covers a wide range of products used in the treatment, mitigation, diagnosis or prevention of diseases or abnormal physical conditions. Medical devices are placed into four classes. Class I medical devices represent the lowest risk and include everyday items such as toothbrushes and bandages. Class IV medical devices represent the highest risk and include more complex items, such as pacemakers and implantable drug pumps.

Health Canada maintains an electronic database of all licensed Class II, Class III and Class IV medical devices authorized for sale in Canada. This database system helps hospitals, health care workers and other stakeholders verify if a manufacturer has an active medical device licence in Canada.

Class I medical devices do not require a medical device licence and are monitored by the Health Products and Food Branch Inspectorate through Medical Devices Establishment Licensing. The regulations also contain provisions and mechanisms relating to the safety, effectiveness and quality of medical devices. These provisions and mechanisms include, among other things, requirements for mandatory problem reporting and implant registration for specific implantable medical devices, both of which I will describe in more detail in a moment. Both support the timely communication of risks to all Canadian hospitals, physicians and the general public.

In addition, the post-market surveillance component of the regulations also requires manufacturers, importers and distributors to keep distribution records, to have written procedures in place to handle complaints, to investigate these complaints and to recall defective devices from the market. Manufacturers and importers must report to Health Canada serious problems that have occurred following sale. Additionally, peer reviewed research and perspective clinical outcomes are monitored from worldwide sources of information.

Health Canada assesses these sources of information as part of the regulatory post-market surveillance of licensed and authorized medical devices. The current regulations require the manufacturer to be able to trace the distribution of devices to health care facilities and physicians. This traceability ensures that both implanting and follow-up physicians contact their patients to determine the possible risks and decide on what type of action to take concerning the implanted device.

Honourable senators, this government has made much progress in recent years in enhancing the problem reporting mechanisms for medical devices. Although manufacturers and importers are required to report medical device problems, Health Canada also actively encourages anyone purchasing, using or maintaining these products to voluntarily report problems. Further, Health Canada maintains a hotline that patients can use to report medical device problems. Problem report data can be linked to identify problems that would otherwise go unnoticed or be dismissed as an isolated incident. Once assessed by the manufacturer in consultation with Health Canada, all affected facilities and professionals can be informed promptly of the situation and required actions.

• (1630)

Finally, several problem-reporting mechanisms exist at the provincial level regarding provision of medical services and physician care. Any requirement for physicians to maintain or provide patient data to a registry have to be supported by the provincial and territorial governments. Additionally, there are provisions to facilitate the tracking of certain implanted devices so that recipients of these implants may be notified of pertinent post-implant information. Devices subject to this requirement are listed in Schedule 2 of the regulations and are the higher risk devices.

Under this scheme, personal information is not retained by Health Canada but rather by the hospital or physician as part of a patient's medical records. As such, the manufacturers of medical devices listed in Schedule 2 of the regulations are required to provide implant registration cards to patients receiving these

devices, and to their physicians. Patients can then voluntarily consent to provide the manufacturer with their personal information. The manufacturer is then responsible for maintaining this information that patients voluntarily provide to them.

The government is committed to having available to the Canadian public accurate, complete and up-to-date information regarding the potential risks and benefits of medical devices. Health Canada provides general notices and safety alerts regarding device problems to all hospitals and physicians potentially affected in Canada, as well as the general public.

Health Canada, working closely with manufacturers and importers, takes timely action by publishing notices and warnings to the public, industry, health care professionals, hospitals and other stakeholders regarding medical-device-related incidents.

As already mentioned, Health Canada has set up post-market surveillance mechanisms to detect, prioritize and assess safety signals. When a safety concern with a medical device is identified, one of the risk mitigation strategies considered is the issuance of a risk communication. Different types of risk communications are available, depending on the audience and the level of risk associated with the issue.

To further support the dissemination of timely communication, the government initiated a pilot project in April 2010 called the Canadian Medical Devices Sentinel Network. This project gathers data from 10 health care facilities that report on adverse events associated with devices. This system provides complementary data to Health Canada's post-market evaluators and helps to identify emerging safety issues.

Honourable senators, over the years there have been several requests for Health Canada to establish patient registries for medical devices. As one example, the Independent Advisory Committee on Silicone-Gel-filled Breast Implants recommended the creation of a patient registry for breast implants. Private members' bills have also been tabled in Parliament requesting the establishment of a registry for breast implants. These requests have been reviewed and the issue of the establishment and maintenance of a national registry of medical devices has been seriously considered.

The government has taken these requests seriously, and maintains the view that the regulatory mechanisms currently in place for the safety, effectiveness and quality of medical devices, including requirements for mandatory problem reporting and implant recommendation, are appropriate and strike a balance between privacy rights and the mitigation of risks to health.

Honourable senators, as I previously mentioned, a significant number of issues are associated with this proposed bill. These issues include utility and appropriateness of a patient registry, privacy considerations, implementation issues and provincial and territorial jurisdiction considerations. I will now address each of these considerations in more detail.

The bill proposes the implementation and ongoing maintenance of a real-time patient registry. It will voluntarily contain the names and addresses of recipients of an implanted medical device, for example, a pacemaker or a home-use medical device, such as a personal respiratory system. It is questionable whether the proposed voluntary patient registry represents the best approach for providing a patient warning system, as the ultimate success of a voluntary registry depends on the cooperation of hospitals, physicians and patients.

Among other concerns, the proposed system needs to be established to meet the needs of patients and physicians. Further, it needs to be maintained in real time to monitor, detect and respond to safety signals immediately. A patient registry is also inconsistent with what currently exists for other health products.

In addition, patients not registered in such a voluntary registry still need to receive necessary safety information either directly or via their health care providers. The onus of keeping information up to date will be on the patient.

Health Canada already has medical device product information in a readily accessible and searchable database. It has also recently initiated its Sentinel system pilot project for device-related incident reporting. In addition, no other government has established a national patient registry for medical devices, but some countries are considering implementing product registries. The government is closely monitoring such proposed product registries abroad.

The implementation of a product registry will also face many challenges and issues. Also, as mentioned, mechanisms that achieve the same purpose are already in place in Canada.

Honourable senators, it is important to note that neither Health Canada nor manufacturers currently have direct access to a patient's identity. The proposed bill requires practitioners, who implant medical devices or who supply home-use medical devices to their patients, to provide their patients' personal contact information for inclusion in a registry with the consent of the patient.

However, certain provisions of the bill need to be redrafted to ensure compliance with the Privacy Act. For example, a provision is needed to permit destruction of personal information contained in the registry in certain limited circumstances. Consideration must also be given to the existing privacy laws, the Canadian Charter of Rights and Freedoms and the constitutionality of the legislation supporting the registry.

In the past, implant registries have been initiated and maintained by other third-party organizations, all of which operate on the premise of informed consent and maintaining the privacy of the information. These organizations include MedicAlert and the Canadian Institute for Health Information. Registries established by these organizations are primarily intended to gather information in a post-market setting or to provide a service to an individual for a fee.

In the past, the government has assisted other private organizations in the development of specific registries, such as the Canadian Joint Replacement Registry, operated by the Canadian Institute for Health Information. This successful patient registry was developed and implemented by Canadian

orthopaedic surgeons and receives the bulk of its funding from private sources. The implementation of a patient registry at a national level will have significant financial impacts.

• (1640)

Such a system would, first and foremost, need to be established to meet the needs of physicians and patients across Canada. Identifying these needs and performing a thorough level of consultation on a national scale would be a costly and complex undertaking for both Health Canada and its provincial counterparts.

Also, an effective registry would need to be maintained around the clock and appropriately staffed in order to monitor, detect and ensure immediate response to safety signals by contacting each affected patient in the registry. It is questionable whether the proposed voluntary registry in Bill S-217 would represent the best approach for providing a patient warning system.

The ultimate success of a voluntary registry depends on the cooperation of hospitals, physicians and patients. In addition, it is uncertain whether or not Canadians will want to participate in a registry, as Senator Harb noted during a previous debate on November 7, 2006. Whether we like to or not, there are some people who do not want to divulge personal information.

We must remember that the safety of medical devices in Canada is a shared responsibility. The federal government is responsible for regulating the sale and importation for sale of medical devices. The provinces and territories have responsibility for the delivery of health care services — with, of course, the exception of First Nations — including the licensing of health care professionals. The provinces and territories regulate physicians and the practice of medicine, including direct dealings with patients. In the context of the proposed bill, any requirement for physicians to maintain or provide patient information to a national registry goes beyond the federal role and would need to be supported and funded by the provincial and territorial governments.

Under the current regulatory regime, and in keeping with federal constitutional jurisdiction, the government has legislative authorities in place to regulate the sale and importation for sale of medical devices. The Food and Drugs Act and medical devices regulations place the responsibility for the safety, effectiveness and quality of medical devices sold in Canada on their manufacturer. The bill, in its present form, may weaken the existing duty of care on the part of manufacturers.

In conclusion, as there are mechanisms and requirements in place that already meet the needs of physicians and patients, it is my position that the establishment of a national registry requiring physicians to provide and maintain patient data is not required and is redundant with the existing regulatory safeguards already in place. Moreover, there are serious concerns about patient privacy, jurisdictional boundaries and the significant costs and logistics that such an undertaking would entail. For these reasons, I cannot support this legislation.

[Senator Eaton]

Hon. Mac Harb: I greatly appreciate the comments of my colleague. Certainly, this is a good reason why this proposed legislation should go before a committee of the Senate, so we can look at the constitutional, privacy and reporting issues.

Reporting is one issue, but at the heart of the matter in the whole debate is the question of who informs the patient. Under the present system, it is really up to the doctor to inform the patient. What happens if the doctor has 1,000 patients, or if the doctor has retired?

The Hon. the Speaker *pro tempore***:** Do you have a question for the honourable senator? If you speak now, you will —

Senator Harb: Yes, I want to ask her a question.

The Hon. the Speaker *pro tempore***:** Perhaps you could pose your question.

Senator Harb: Under the present situation, the only thing Health Canada has to do is put on their website the fact that there is a problem. If a corporation has reported a problem with a device, all they have to do is put it on the website.

We put the onus on the constituent or the citizen who has a device that might be defective to go to the website. Is that the way we should be proceeding, or should we be informing each citizen who has a deficient product?

Senator Eaton: I thank the honourable senator for the question. I am sure he knows a great deal more about this than I do. However, my understanding is that if there is a problem, if, when looking at the data that people are reporting — whether it is a person or a physician reporting a problem with the device — they see a trend developing, then they contact the manufacturer.

The manufacturer, under the present regulations, is obliged to be able to trace that particular batch of devices or mechanisms to the distributors; meaning, they distribute to these physicians in these hospitals. They are obliged by law to contact those hospitals that have a list of which doctors implanted what device in what patient.

One can go up the line or down the line. As a patient, if I am having trouble with the device, I report it to the hotline at Health Canada. If they see that it is something that is not happening on a one-on-one basis, but that there is a trend developing, then by regulation, they will inform that manufacturer and the manufacturer must trace the distribution of that particular branch.

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

Some 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 Harb, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

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. Jane Cordy: Honourable senators, I had not planned to speak to this bill. However, after Bill C-268 passed the Standing Senate Committee on Social Affairs, Science and Technology, I put forward observations that I felt would allow for better enforcement of the bill. We can have all the legislation in the world, but if we do not provide the resources to catch the perpetrators, then the bill will not do much good.

The committee heard that only a small percentage of perpetrators of the crime of trafficking of persons under the age of 18 are actually convicted. Since the observations put forward by Senator Dyck and myself were voted down unanimously by the majority Conservatives on the committee, I would like to take this opportunity to put the observations on the record.

There are some good things that have been happening in the field of trafficking of humans. Since 2004, there has been an interdepartmental working group on trafficking in persons. It is comprised of 17 federal departments and agencies. In 2005, the RCMP established the Human Trafficking National Coordination Centre.

Human trafficking is often described as the modern day form of slavery. It exploits people — usually sexual exploitation or forced labour. Trafficking may occur either across borders or indeed it happens within Canada, as we have heard of many such cases across the country.

• (1650)

In 2005, three trafficking-specific indictable offences were added to the Criminal Code. Section 279.01 specifically prohibits trafficking in persons and imposes a maximum penalty of life imprisonment where kidnapping, aggravated assault, aggravated sexual assault or death to the victim is involved, and 14 years in all other cases. These penalties are the most serious maximum penalties contained in the Criminal Code.

We heard at committee that since 2007 there have been five cases where convictions have been secured under the Criminal Code. All were as a result of guilty pleas. Will Bill C-268 mean more convictions? I want to believe so, but I am not sure that mandatory sentencing has been proven to work. Police forces need more resources, information and data to gain a better understanding of human trafficking in Canada.

That was why I recommended the committee attach an observation to the bill for more resources to be given to the RCMP to ensure they can reduce, and eventually stop, trafficking of young persons.

Julie McAuley, from Statistics Canada, told the committee that there is a lack of comprehensive, reliable and comparable data on human trafficking. We do not know whether incidents of trafficking are increasing or decreasing. She stated that because of the clandestine nature of the crime, Statistics Canada is almost limited to the police laying a charge to identify a case as human trafficking.

That is why I recommended resources be given to the RCMP to help prevent and apprehend those trafficking persons under the age of 18. Honourable senators, what is the point of enacting legislation if we do not provide the resources? I recommended it as an observation, not an amendment, so the bill could be sent back to the Senate chamber.

The trafficking of persons is a horrific crime. When the trafficking involves younger persons, it is even worse. When honourable senators hear some of the stories of what has happened to young people, it makes one's stomach turn. We all want those who are found guilty to be punished severely because of what the crime does to victims, many of whom are the most vulnerable members of our society.

Honourable senators, I want to thank Joy Smith for the work she has done in combating human trafficking. I also want to take the opportunity to thank Senator Gerard "Jigger" Phalen who previously brought forward a bill on human trafficking.

Hon. Sharon Carstairs: Will the honourable senator accept a question?

Senator Cordy: Certainly.

Senator Carstairs: Honourable senators, I am surprised, frankly, Senator Cordy found that observations, which were clearly positive ones, would be rejected by a committee of the Senate. The same thing has occurred recently in the Standing Senate Committee on Legal and Constitutional Affairs. Observations put forward are rejected.

In the honourable senator's history in the Senate — and she has been here for some years — can Senator Cordy indicate other occasions when she thinks observations have been rejected by the majority on the committee?

Senator Cordy: Honourable senators, I honestly was surprised. I did not bring forward an amendment, as I said earlier, because I think all honourable senators hope this bill will be passed. I am not sure that mandatory sentences are the answer, but I am willing to give them a chance.

For that reason, both Senator Dyck and I brought forward observations. Bill C-268 is not a government bill, although the government acted as though it is. As I said to several senators

later, when we Liberals were in government, to the best of my knowledge — I will have been here for 10 years this June — the situation was always win-win. The government had its bill passed and the opposition brought forward observations so the minister could review them to make the proposed legislation work a little better. It was a win for the government and a win for the opposition. Everyone walked away feeling they had accomplished good work.

I did not have a good feeling that the committee worked together. It was the second time we proposed observations that were turned down by the government side. I hope this experience is not an indication of what will happen in the future. I hope government members have not been told observations are not allowed on bills.

Hon. Anne C. Cools: Will Senator Cordy take another question?

Senator Cordy: Yes.

Senator Cools: Honourable senators, I think Senator Cordy has followed the debate on this bill. The bill claims to be about protecting children. However, I learned that in the committee's study and consideration of the bill the committee did not hear from a single witness from the child protection sector in this country.

It is an interesting and important piece of legislation because it is rare for this house to have a bill before it that addresses children. It is rare for federal legislation to deal with children because protection of children and many of these questions fall under provincial jurisdiction constitutionally.

Honourable senators, in these circumstances when those rare moments occur, I have often believed and expressed the opinion that the opportunity be taken to examine the situation with care from the perspective of child protection and those thousands of workers who deal with these huge problems on a daily basis.

Since the honourable senator is a member of the committee, will she give some insight as to why no such witnesses were called?

Senator Cordy: Honourable senators, Senator Cools raises an excellent point. No child protection agencies were represented as witnesses. I agree with her point that there probably should have been such witnesses.

This bill is one where we are caught between a rock and a hard place. We want to make the bill better, but we understand that from a public relations perspective — if I can put it that way — people want the bill passed quickly. It is unfortunate that no child protective agencies appeared before the committee. There is so much that we do not know. We heard from witnesses that the RCMP does not have a good handle on whether the number of children trafficked is increasing or decreasing. I want to believe it is decreasing, but unfortunately I believe it is likely increasing. We know the trafficking of humans overall has surpassed the trafficking of guns.

Perhaps we should examine the whole issue of trafficking of humans for the purposes of sexual exploitation, not only those under the age of 18.

Senator Cools: Honourable senators, I was away for a week at a conference and when I returned, the committee hearings had begun and ended. In what I was able to glean, I heard a lot about the terms "sexual exploitation" and "sexual services." When last I looked, the Criminal Code admits to no services that children can perform for adults. In other words, the Criminal Code will speak of illicit sex, corrupting the morals of youth and so on. However, the Criminal Code does not view any illicit sexual activity with children as "services."

I ask Senator Cordy to comment on that because what seems to be happening is that the term "trafficking" attempts somehow to replace the term "illicit sex" with young people. The matter is a serious one.

Honourable senators, years ago, whole teams of officials looked after this area. I do not know if Senator Cordy is old enough to remember the vice squads in certain police departments.

Honourable senators, if we are talking about children and the propagation of illicit sexual activity against them, then we are in the business of child protection, which is a provincial matter. But we have not looked at it. I wondered if Senator Cordy could clarify that whole phenomenon of sexual services.

• (1700)

Senator Cordy: Honourable senators, Senator Cools is very kind to say that I might not be old enough to remember since my big birthday is coming up in July. I thank her.

Senator code is right. We have changed language a lot. Instead of saying "illicit sex," we say, "trafficking." Sometimes when we sanitize language, which we tend to do often, it is not quite as graphic and does not give us a clear picture of the horror of what is happening to some young people in Canada.

The more that Senator Cools raises these types of questions, the more I am convinced that we have to study the whole issue. There are so many unanswered questions and, honourable senators, during our committee hearings, some of our witnesses were unable to provide all the answers.

Unfortunately, we found out that the only people who have been convicted are those who have put forward a plea of guilty. We have not gone through the trial process in this respect. I get a little bit nervous about this, and Senator Dyck made a lot of reference to this in her speech: If people know there is a mandatory minimum they might not be as likely to put forward a plea of guilty. That means these young children will have to testify in court, which re-victimizes them in a way as they live the crime all over again. I thank Senator Cools for her excellent question.

Senator Cools: Honourable senators, there are so many questions. The chair of the committee has not spoken yet. I keep hoping that some of these questions will be answered. In any event, I thank Senator Cordy very much.

Honourable senators, on the point of the shifting language, perhaps the jargon of public relations is shifting. In my understanding, there has been no shift in the language of the Criminal Code. I do not know whether Senator Cordy wants to address that. I was hoping that we would get a portrait of a trafficker. Who are these people?

The Hon. the Speaker *pro tempore*: Senator Cordy's time is up. Is the honourable senator asking for more time to respond to this one question?

Senator Cordy: I will let Senator Cools finish her question, yes. No more than five minutes.

Hon. Gerald J. Comeau (Deputy Leader of the Government): No more than five minutes.

Senator Cools: I beg your pardon?

The Hon. the Speaker *pro tempore*: Senator Cordy has five minutes.

Senator Cools: I have been struggling to discover who the traffickers are. Who are they? Where are they from? What are their ages? What sort of characters are they? Could the honourable senator give us an image or a cameo of these individuals?

Senator Cordy: I am afraid that I cannot give honourable senators an image of the average trafficker. Certainly, we know that we would never want to run into a trafficker because of the horrific things that they do. I assure the honourable senator that the chair of the committee will read her questions today and perhaps include some of the answers in his speech tomorrow.

Senator Cools: Honourable senators, I have one last question for Senator Cordy. The protection of children, as the honourable senator knows, is the exclusive domain of Her Majesty and her *attornatus rex*, the King's attorney, and the Attorney General. Has the honourable senator been able to glean why this bill proceeded as a private member's bill and not as a bill under the guidance of the Attorney General of Canada?

Senator Cordy: Honourable senators, I am not the person to answer that question. It appears to me that the government side has treated it all the way along as though it is a government bill under the guidance of the Attorney General of Canada. The honourable senator is right that it came forward as a private member's bill. Perhaps it would have been better had it been introduced as a government bill under the guidance of the Attorney General. I cannot answer how that happened. The honourable senator would have to ask that question of the other side.

(On motion of Senator Cordy, for Senator Eggleton, debate adjourned.)

STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR

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

On the Order:

> Resuming debate on the 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. Daniel Lang: Honourable senators, I rise to echo the words of Senator Banks last week when he recommended that honourable senators take some time to read the fourth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, which contains our findings of the GLOBE 2010 Conference held in Vancouver.

It was very interesting, honourable senators, as more than 80 countries participated in that conference. It exposed a vast range of business opportunities for Canadian companies and others to help control our greenhouse gas emissions through the use of new technologies and alternate fuels. As well, some significant conservation measures were proposed.

The conference was an interesting mix of government decision makers, corporate executives and leaders in the environment industry. As stated by Senator Banks the other day, we were able to participate in the plenaries and workshops that encouraged a synergy amongst the attendees from different backgrounds.

We were pleased to be there, honourable senators, because the representation from the Government of Canada was not that great. We really brought something to the table from the point of view of the Government of Canada and Parliament given that we were interested in taking that much time and effort to attend.

One thing that struck all of us, I believe, is that the Canadian economy and economies around the world are changing. Many of the participants at the conference are engaged in businesses that did not exist 10 years ago and were not even thought of 10 years ago. Private enterprise is moving fast to help the world to adjust to reducing carbon emissions around the world. Given the added resources and the political support, honourable senators will see significant changes as time goes by.

The conference showcased the potential for Canadian entrepreneurs to participate in this major economic and social revolution that could be compared to or even become greater than the Industrial Revolution. Huge business opportunities are available for Canadians that will help to move our country forward.

In conclusion, honourable senators, take some time to review the report and its significance. The area of energy supply in our economy will be important to Canada in future deliberations in this house.

Hon. Grant Mitchell: Honourable senators, I rise to make a few comments in follow-up to Senator Lang, Senator Banks and Senator Angus, Chair of the Energy Committee. I echo their sentiments and underline several points. I will make a couple of other observations.

This was a great international conference of 80 countries, as Senator Lang mentioned. It was not only an international conference, it is internationally renowned. It is held every second year in Vancouver, Canada, and is a powerful conference and trade show. It includes outstanding renowned speakers from business, non-governmental organizations, community-level organizations and industry. Private sector people in particular are an overwhelming presence at this conference. They are there for no other reason than the

economic development opportunities, the business deal potential that can be found in the environment and the potential for environmental enterprise and business at this time.

• (1710)

It was pointed out to me at the conference that there is now an international market for green products totalling $7.7 trillion per year. That is worth 50 per cent of the entire economy of the United States of America. On the floor of this convention, one had the sense that there were thousands of people attending who understood that fact implicitly and explicitly.

The trade show was a particularly interesting feature of the convention, not something one often finds at a convention of this nature. To see the remarkable inventions that are emerging that are commercial and are making money was inspiring. These inventions come from around the world and many people are looking to sell them here in Canada, which in some respects is a vacuum for these products. To see the level of international development, commercial products and the results of research was also inspiring.

It was inspiring to find ourselves in the setting of Vancouver, British Columbia. Both the city and the province are outstanding in the leadership they provide, not only in Canada but throughout the world, in terms of environmental leadership, environmental focus and objectives, and environmental progress. Vancouver's mayor spoke at the opening plenary session of the convention and made the point that Vancouver is committed to being the greenest city in the world. Vancouver is currently the greenest city in the country and it wants to be the greenest city in the world by 2020.

I had a chance to chat with the premier of British Columbia. It was inspiring to see his vigour and excitement about what was going on in Vancouver. Admittedly, this was immediately after the Olympics, but so much is occurring. The province has a zero-carbon footprint objective for their government. They have set up the Pacific Carbon Trust to develop the credits and the business that can reduce and offset the carbon that is being emitted in their governmental operations. The government has established a dedicated, specific cabinet minister with responsibility for climate change. That may be one of the first such appointments in North America and in many parts of the world.

British Columbia has a price for carbon. The province has a carbon tax. I do not know what percentage of the Canadian population British Columbia makes up, but that percentage, B.C. alone, is under a carbon tax.

We were right beside the major convention centre, which in and of itself is an icon to practical environmental policy application, with its grass roof that provides all kinds of environmental benefits, among many other elements of that building.

I want to make a number of observations. First, I want to recognize the work of Senator Richard Neufeld once again in being part of this tremendous environmental progress and energy development in a positive, sustainable way when he was the Minister of Natural Resources.

I also want to give credit to Joyce Murray, the Liberal member of Parliament in the other place who was Minister of the Environment for part of that era. She and Senator Neufeld undoubtedly worked well together and have accomplished a great deal within a structure where there is real leadership and where things can truly be done.

I will make some general observations. The name of our report is *Beyond the Science*, to capture the idea that people are not debating the existence of climate change any longer. They accept that it is occurring. They know that human activity is creating climate change and that they have to do something about it. However, they know that they can also, if I can put it this way, take economic advantage of climate change in the development of the new economy that Senator Lang referred to. However, they are looking for collaboration amongst government, businesses and individuals; and they are looking for leadership, particularly from government, so they can achieve a level playing field as well as some security and some sense about where they can go.

Presenters at the convention made the point that we have to look not only at how we are developing energy products and their emissions, and using them, but also at the relationship among consumers, consumption and sustainability. We cannot lose sight of that relationship. This point relates to issues such as how to build buildings that require less energy.

Presenters pointed out — and this is important for all of us who understand and appreciate Jane Jacobs and the role of cities in the economies of the 20th and 21st centuries — that cities are the natural and central drivers and the foci for this kind of green economic development.

There was a good deal of support for carbon capture and storage, with recognition of the challenges there but a general sense that carbon capture and storage is one important technology that needs to be undertaken and perfected.

Anthony Cary, the British High Commissioner to Canada, a powerful speaker on the topic of climate change, made the important point, which I had not heard before, that every stage of carbon capture and storage is proven technically; the stages only have to be integrated and brought to a commercial level.

We need to treat talent as we treat other resources. This idea stuck in my mind. We need to treat talent in a way that ensures its sustainability. We cannot think that in acquiring the specialized technical personnel that we will need for a future economy, with their backgrounds and expertise, that we can always look to other countries to find them. We have to develop and nurture such talent here in Canada.

That point has been made by the leader of my party that there will be many jobs for which there are no people. We need to address that shortfall now. That same point was made at the convention by significant people in the business world and elsewhere.

The chief executive officer of Masdar, which is a power corporation in the United Arab Emirates, is taking responsibility to build a new city in the United Arab Emirates that will be carbon neutral, and he is selling and marketing this idea around

the world. This country is not without carbon energy products. They have built their economy and their lives on such products. However, they can see the future and the possibilities. The CEO of Masdar gave a powerful presentation to say that they are finding a way to provide all the energy for this new city through renewable sources, and not through traditional carbon-emitting sources.

HSBC Bank is the first major financial institution that has become carbon neutral. This bank is not a small organization. If British Columbia can become carbon neutral with their government and if HSBC Bank can become carbon neutral in their business, it seems to me that the Government of Canada should set this goal with our operations as well.

It was interesting to hear the debate after the panellists had spoken. Among many of the interesting points made, one was that there should be a common-sense element to sustainability. One person put it this way: If dumping things on the ground is wrong, then dumping things in the air is equally wrong.

Another presenter said: There is no time. We are running out of time to deal with climate change.

I will add a corollary to that statement: We are running out of time to be in a position to capitalize on all the economic opportunities that will exist as countries begin to look at how to deal with climate change. We need not to be left behind.

This conference was worthwhile for all the participants from our committee who attended. I thank the Standing Committee on Internal Economy, Budgets and Administration for providing us with the resources to attend, and I ask them to consider that we have much more work to do and that we need their support in the future.

The Hon. the Speaker: If there are no further participants in the debate, the debate is considered concluded.

STUDY ON CANADIAN SAVINGS VEHICLES

THIRD REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE CONCLUDED

The Senate proceeded to consideration of the third report (interim) of the Standing Senate Committee on Banking, Trade and Commerce entitled: *Canadians Saving for their Future: A Secure Retirement*, tabled in the Senate on June 10, 2010.

Hon. Michael A. Meighen: Honourable senators, I would be remiss if I did not offer a few brief remarks about the interim report from the Standing Senate Committee on Banking, Trade and Commerce, which I had the honour to table in the Senate on Thursday, June 10.

Entitled *Canadians Saving for their Future: A Secure Retirement*, the report has its genesis in an informal suggestion from the Minister of Finance that it would be helpful if the committee were to look into the issues of Registered Retirement Savings Plans and Tax-Free Savings Accounts — RRSPs and TFSAs — and how to encourage their greater use by Canadians. I subsequently raised this idea as a possible topic for study with the members of the committee, and they agreed this is something we should look into.

In effect, this examination started out as the committee's contribution to online and cross-country round-table consultations and discussions that the Minister of Finance initiated on Canada's retirement income system. As the minister stated in a Department of Finance news release on March 24:

> The consultations will inform discussions at the next meeting of federal, provincial and territorial Ministers of Finance.

In this same press release, the minister stated that he

> . . . asked the Standing Senate Committee on Banking, Trade and Commerce and the House of Commons Standing Committee on Finance to help inform the government's efforts through their own studies of the government-supported retirement income system.

• (1720)

Honourable senators, I think I speak for the whole committee when I say that we are happy that we were able to get this interim report into the public domain prior to the meeting of the federal, provincial and territorial finance ministers that took place in Charlottetown this past weekend, June 13 and 14.

[*Translation*]

We hope to present our recommendations in a final report, but we have not had enough time to produce as substantial a text as such a critical issue requires or to develop the kind of recommendations worthy of the committee's consistently high standards.

However, we have prepared a 43-page report that represents much of the committee's work to date on retirement savings instruments.

During its study, the committee held six hearings, and 26 interested groups and individuals provided their comments in person or in writing.

In addition to providing an overview of the history of registered retirement savings plans and tax-free savings accounts, the report details how these instruments were developed, how they have been used and the fiscal costs to the government. The report lists and categorizes some of the statements and presentations given orally and in writing.

[*English*]

Honourable senators, I compliment the witnesses for the high quality of information they provided to the committee. The evidence received during our study makes for a thought-provoking read. I urge all who have an interest in retirement income security to take the time over the next few months to closely examine the views and proposals for change that are in this report. Not only is the summary of testimony interesting and

educational, but I dare say that some of it may point the way to possible future courses of action directed towards securing the retirements of Canadians.

Honourable senators, I underline in closing that this interim report does not close the chapter on the Banking, Trade and Commerce Committee's examination of this important matter. Rather, it sets the table for a second report that the committee expects to issue well before the end of 2010. It is the expectation of committee members that this second report will give precise recommendations on a way forward, particularly with respect to the encouragement of savings for retirement by self-employed Canadians and those in the small business sector.

The Hon. the Speaker: If there is no further debate, honourable senators, this report is considered debated.

IMMIGRATION AND REFUGEE PROTECTION ACT FEDERAL COURTS 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-11, to amend the Immigration and Refugee Protection Act and the Federal Courts Act.

(Bill read first time.)

[*Translation*]

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I move that the bill be placed on the Orders of the Day for second reading at the next sitting of the Senate.

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

Hon. Senators: Agreed.

(On motion of Senator Comeau, notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

[*English*]

QUESTION OF PRIVILEGE

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, before we move on to the Notice Paper, I should like to respond to the question of privilege raised by my colleague Senator Fraser last Thursday June 10.

After reviewing the *Debates of the Senate* for that date, it was clear that an exchange of views was had in Question Period, but it is also clear that there was also no prima facie case of privilege. As I have said before, I am of the belief that the opposition parties, in their attempt to score political points against the government, have said extremely negative things without consideration for how those words impact on how Canada is viewed internationally. We saw this in particular in the run-up to the Vancouver Olympics, and we are seeing this again as Canada prepares to host the G8 and G20 summits.

Having said that, I wish to state that I am sorry if any honourable senator opposite took offence at my comment. As I said at the time, I did not intend to suggest that senators opposite are unpatriotic, for I surely know that that is not the case. Thank you, honourable senators.

Hon. Joan Fraser: That is probably as close to an unqualified apology as we are likely to get, Your Honour, and I will take it in that spirit. I will thank Senator LeBreton for her unqualified endorsement of the devotion to this country of members on this side and on all sides of the house. Therefore, I shall withdraw my question of privilege.

(Question of privilege withdrawn.)

COMMERCIAL SEAL HUNT

INQUIRY—DEBATE ADJOURNED

Hon. Mac Harb rose pursuant to notice of June 8, 2010:

> That he will call the attention of the Senate to the fact that the government's lack of leadership in the face of the collapsing commercial seal hunt has failed Canadians and alienated our international trading partners.

He said: Honourable senators, the commercial seal hunt for 2010 officially ended June 14, last night, and 66,000 seals, out of a possible quota of 335,000, were killed.

In the face of the collapsing commercial seal hunt, this government has displayed an astounding lack of leadership, disappointing the sealers, upsetting the First Nations, alienating Canada's major trading partners, and ultimately failing the Canadian public.

Back in 2008, when the European Union proposed its ban on trade seal products, sealers were told by this government not to worry. Minister Shea said at the time:

> We're extremely disappointed that the European Commission has proposed these measures . . . but we don't expect there will be any changes.

Were they just not paying attention? That ban will go into effect this summer, the market will shut down, and the government will have wasted two years during which those affected could have been moving forward into new ventures.

The government has tried to tell those involved in the hunt that better times were just around the corner. Well, we have had a look around that corner. Those who depended on the government for leadership and support have, instead, received empty promises and dashed hopes. They have been given lip service instead of leadership.

When the government should have been rolling up its sleeves, sitting at the table with stakeholders and charting a course for a more viable future, it chose, instead, to pursue pointless and even damaging actions, such as passing unanimous motions in the other place to force Canadian athletes to wear seal fur at the Vancouver Olympics.

• (1730)

Government officials attended a one-time seal snack photo op in the parliamentary restaurant. It wasted taxpayers' money on commissioning studies into a possible $35 million slaughter and incineration of up to 220,000 Sable Island grey seals. It wasted millions of dollars on political and bureaucratic missions to Europe to defend a doomed market. It participated in fashion shows in China in the hope of selling the Chinese more than seal penises.

Those are the kinds of actions the government has taken, embarrassing Canadians at a recent G7 meeting by trying to force-feed seal meat to our international guests. Again, it wasted two valuable years by not providing traditional support to those sealers interested in moving into long-term viable opportunities. These public relations stunts did nothing to respond to the needs of Canadians.

The European Union is Canada's second-largest trading partner. The government is currently negotiating an historic free trade pact that could bring a potential 20 per cent boost to bilateral trade and a GDP gain of up to $12 billion for Canada by 2014. However, the government's support for the commercial seal hunt is getting in the way of the deal. Let us do the math. The seal hunt brought in less than $1 million last year. What part of $12 billion does this government not understand?

[*Translation*]

In order to justify its ill-advised measure and its wasting of even more public money, the government is trying to convince us that it can remove the American ban by disputing it before the WTO. Canadian taxpayers will have to foot the bill of over $10 million for this futile dispute, even though the European Union has every right to ban such products if it so chooses.

The European Union made this decision in accordance with the will of its citizens and because it needed to do so. In view of the care taken by the European Union in drafting the ban, the dispute will definitely fail.

[*English*]

Honourable senators, it is interesting to note that the United States has had a trade ban on products from the commercial seal hunt in place for nearly 40 years — since 1972 — and the government has taken no steps to challenge that ban. No real action was ever taken on the appeal to the World Trade Organization of the similar bans implemented by the Netherlands or Belgium. In my opinion, the government knows these challenges will be dismissed.

Why are we wasting scarce resources lobbying foreign markets when the majority of the people around the world have sent a clear message that the hunt is an unviable activity? Already citizens' groups are working to have bans similar to the European Union's passed in Russia, Hong Kong, Australia, Israel and South America.

Honourable senators, an Environics poll done just last month showed that 70 per cent of Canadians agree that the government's stubborn refusal to ban the commercial seal hunt is damaging Canada's international reputation, but the damage does not stop there. The government has also let down the Inuit and the indigenous hunting communities. When the EU ban was introduced, specific exemptions were made to assist the Inuit communities so they could continue to market the product derived from the traditional hunt. Given this exemption, the federal government had a responsibility to ensure that northern hunters' access to the market remained open.

The government knew the ban was coming. It knew the Inuit and all indigenous hunters would have a unique exemption. However, less than two years later and before the ban is even in effect, Nunavik Premier, Eva Aariak, said:

> The recent European Union seal products ban, while aimed at the Atlantic harp seal harvest, has severely impacted the market for Nunavut ringed seal pelts.

What happened? Where was the federal government? What actions did it take? The government did not take one single positive action. Instead, it was doing everything in its power to confuse the small Inuit subsistence hunt with the much larger commercial seal industry in the hopes that, somehow, this would sway world opinion. What is that old Harry Truman saying? "If you can't convince them, confuse them."

Industry watchers have noted that if the government genuinely cared about Inuit communities, it would never have used them as "leverage" to promote the dying commercial sealing industry. It had a responsibility to work with the Inuit to develop a marketing strategy to take advantage of their singular access to the entire European market and reap the benefits. Where is the assistance for the Inuit? Now these vulnerable communities and their subsistence hunters are paying the price.

When the Minister of Fisheries and Oceans stated, "We will fight to improve market access. We will work with the industry to develop new markets for Canadian seal products," she was only giving the hunters false hope that there is a future for their industry.

Rather than working to develop long-lasting jobs for the Atlantic and Quebec communities affected by the ban, the government is again stubbornly denying the facts. The government's state of denial is hurting everyone involved.

As the hunt off Newfoundland got underway this year, fewer than 50 boats headed out of the harbour, compared to 500 the year before. What does the government do? In a baffling move, the government raised the total allotted catch, TAC, to 50,000, bringing the quota to 335,000. Remember, honourable senators, only 66,000 seals were killed this year. Even the sealers said the rise in the total allowable catch was a strange move. In fact, Newfoundland sealer Larry Easton said, "Now that there is no market, they give us an increase of 50,000 seals. It's crazy."

Then, there is the rather mysterious order for seal pelts that increased demand from an all-time low of 15,000 to 72,000 skins within a week and drove up the pelt price to $20. This happened just as the Newfoundland hunt was getting under way, despite the fact that more expensive pelts from the past few years were still stockpiled in warehouses. In the Gulf of St. Lawrence, the lone boat that went seal hunting only found a buyer for the meat and was forced to throw 2,200 pelts into the sea. Was the government or its agents responsible for the late surge in demand in pelts on the front? If so, Canadians and the sealers have a right to know if there was actual demand or simply demand manufactured for appearance's sake at the taxpayers' expense.

When asked about the commercial seal hunt, the Minister of Fisheries and Oceans said:

> . . . since I have been at Fisheries and Oceans, this file has been first and foremost on my desk and has probably taken more of my time than any other file we have dealt with.

What about the other files? What about the disappearing Pacific wild salmon and issues over aquaculture on the West Coast? What about the declining snow crab and lobster markets, or the ongoing boycott of Canadian seafood products? What about the contingency plan to cope with the impact of the Canadian dollar and relatively high fuel costs in the fishing industry? What about the declining of the Great Lakes fishery due to the poor health of aquatic ecosystem and loss of fish habitat? What about the punitive EU tariffs on Canadian shrimp imports? Finally, what about the lack of even the most basic harbour for the research boat the government has committed $2.2 million to build in order to study the future of a possibly lucrative fishery in the North? The boat does not have a place to dock. What about that?

Fishing in Canada generates approximately $12 billion in economic activity each year. Maybe these other files need more attention, Madam Minister. Let us support and grow industries around products that have a market and a future. Let us support and transition to viable industries those Canadians affected by the end of the commercial seal hunt.

A recent poll by Ipsos Reid shows that one half of Newfoundland sealers who hold an opinion are willing to consider a federal buy-out of the sealing industry that would compensate them for lost revenues and develop economic alternatives. The government needs to show leadership and make an investment that would pay dividends for these communities and all Canadians for years to come.

• (1740)

In Newfoundland, for example, Canada's main sealing province, more than 1.3 million whale-watchers contribute nearly $20 million in annual revenues to the provincial economy. A seal-watching industry, carried out by fishers prior to the start of the main fisheries, would be a natural draw for tourists. It would be an industry that takes advantage of Quebec and Atlantic Canada's scenic beauty and welcoming people. It could provide jobs.

The Hon. the Speaker: Order. I remind honourable senators that it is not proper to stand between the Speaker and a senator speaking. Continue, Senator Harb.

Senator Harb: Thank you, Your Honour. I am just about done.

According to a 2009 Newfoundland and Labrador labour market report, employment increased by 3.8 per cent between 2003 and 2008, all in full-time employment. The report showed that the provincial economy is more diverse than ever before and that productivity, education levels and wage rates have all increased. However, labour shortages in certain sectors are predicted for the future and the new jobs will require more skills and higher education. It seems like an opportunity for real support by the federal government, support that will give these workers the tools to participate in an industry with a future.

What did the minister say? Minister Shea stated that "our government will continue to defend the rights of Canadian sealers to provide a livelihood for their families . . ."

Honourable senators, I do not believe that the commercial seal hunt will continue to provide much in the way of a livelihood for these Canadians. I believe it is the federal government's responsibility to prepare these communities for an alternative.

I have had the privilege of being an elected representative for many years. I understand very well the political imperative of the next election. However, if we choose action with short-term political payoffs, then we must be prepared to face the long-term consequences. By continuing to defend the commercial seal hunt, the government is condemning these Canadians to a low-paying occupation with a dismal economic outlook.

(On motion of Senator Watt, debate adjourned.)

FIRST NATIONS COMMERCIAL AND INDUSTRIAL DEVELOPMENT 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-24, An Act to amend the First Nations Commercial and Industrial Development Act and another Act in consequence thereof.

(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.)

JOBS AND ECONOMIC GROWTH BILL

MOTION TO INSTRUCT COMMITTEE TO DIVIDE BILL INTO FIVE BILLS NEGATIVED

Hon. Lowell Murray, pursuant to notice of June 9, 2010, moved:

> That it be an instruction to the committee to which Bill C-9, An Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures, is referred that it divide the bill into five bills, as follows, in order that it may report on them separately:

A. Parts 1 (Amendments to the *Income Tax Act* and Related Acts and Regulations), 2 (Amendments in Respect of Excise Duties and Sales and Excise Taxes), 3 (Amendments in Respect of the Air Travellers Security Charge), 4 (*Softwood Lumber Products Export Charge Act, 2006*), 5 (*Customs Tariff*), 6 (*Federal-Provincial Fiscal Arrangements Act*), 7 (*Expenditure Restraint Act*), 22 (Payments to Certain Entities), and 24 (Employment Insurance Financing);

B. Part 18 (Atomic Energy of Canada Limited);

C. Parts 19 (Participant Funding Programs) and 20 (Environmental Assessment);

D. Parts 8 (Amendments Relating to Certain Governmental Bodies), 11 (*Export Development Act*), 15 (*Canada Post Corporation Act*), and 23 (*Telecommunications Act*); and

E. Parts 9 (*Pension Benefits Standards Act, 1985*), 10 (Agreement on Social Security Between Canada and the Republic of Poland — Retroactive Coming Into Force), 12 (Payment Card Networks), 13 (*Financial Consumer Agency of Canada Act*), 14 (*Proceeds of Crime (Money Laundering) and Terrorist Financing Act*), 16 (*Canada Deposit Insurance Corporation Act*), 17 (Federal Credit Unions), and 21 (*Canada Labour Code*).

He said: Honourable senators, on June 3, when Bill C-9 was being debated in the House of Commons, Ms. Carol Hughes, the MP for Algoma-Manitoulin-Kapuskasing, referred to my opposition to the abuse of the omnibus process and described me as "one of the Conservatives' own senators, Lowell Murray."

She later asked rhetorically, "If one of their own cannot support this bill, why should we, as opposition, support it?"

Honourable senators, I do not know Ms. Hughes, nor do I know why, under cover of parliamentary immunity, she would seek to defame me as she has. However, for the record, let me state again that I am an independent senator who wears the same label, Progressive Conservative, that he bore coming into this house more than 30 years ago.

My political party is extinct, and there is barely a trace of its philosophy or approach to governance in the Reform Alliance that swallowed it whole. Nevertheless, I must say that Ms. Hughes's comment gave me pause to reflect, as I have done in the past, and to wonder whether, indeed, I am not one of the last of the real Conservatives in this place. My opposition to the abuse of the omnibus process is profoundly Conservative.

It has traditionally been the Conservative impulse to sustain and protect, and even try to perfect those parliamentary institutions that have evolved over generations and that, even today, in an age of so-called "constitutionalism" and charters of rights, is the last line of defence — our parliamentary institutions — against authoritarian or autocratic government, even now.

Honourable senators have heard me before on the subject of the House of Commons and how the estimates process over a period of 40 years has been abandoned to the point where, today, every year, billions of dollars of proposed spending of taxpayers' money is deemed to have been reported by the appropriate Commons committee, whether or not they have ever opened the book on those estimates, and, in the vast majority of cases, they never do open the book. What a tragic end to a function that is at the heart of parliamentary democracy. The raison d'être of the House of Commons — their duty to hold the government to account by holding the power of the purse — is gone out of the House of Commons.

As far as the abuse of omnibus bills is concerned, I regard this as making a sham and a mockery of Parliament's control of the legislative process.

That being said, there are times when the omnibus process is not only the most efficient way to proceed, but it is the only proper way to proceed. There is a place for the omnibus process in our system. I think of the tax measures that were brought in during the 1960s, following the Carter royal commission and the Benson white paper. The government of the day grouped all those tax amendments into an omnibus bill, where parliamentarians and the public could see how they related to each other and see how they formed a coherent whole, if they did.

Again, with the overhaul of the Criminal Code brought in under the Pearson government and implemented under the Trudeau government, these amendments were brought in in one omnibus bill, which was the proper way to go.

• (1750)

After the election in 1988, we brought in the Free Trade Agreement implementation legislation. It was a huge omnibus bill. However, the virtue of putting it all in one bill was that parliamentarians and the public — if they wanted to read it carefully — could discern some idea of the trade-offs that had been involved in those negotiations, and see how various provisions fit together into a coherent whole.

There is even a place for omnibus bills in implementing a budget. I recall that toward the end of my tenure as government leader in this chamber the Mazankowski budget of 1992 — where we went about it the right way — brought in two omnibus bills. The first grouped together in Bill C-76 the fiscal changes proposed in that budget. The other, Bill C-93, grouped together various items affecting the reorganization of a number of government agencies. Some honourable senators may recall that Bill C-93 was defeated on third reading in the Senate.

Some Hon. Senators: Hear, hear.

Senator Murray: I suggest nothing as drastic today. I did not like it at the time as government leader, but I had to accept it.

The point I make here is that all this talk — some of it by government spokespersons, too much of it in the media — that the amendment or defeat of a bill like Bill C-9 would be automatically a confidence measure is a lot of nonsense.

I invite honourable senators to go back to their Eugene Forsey books. I put some of this material on the record a year or two ago. The precedents are abundant that tax and budget implementation bills have been amended and even defeated over the years. When it happens, the government and Parliament of the day carry on.

I do not suggest anything as radical as the defeat of the bill. I do not even suggest the amendment of any particular parts of the bill. I suggest we group the bill into five digestible bills where Parliament can perform its proper job to scrutinize legislation and to control the legislative process.

I regret Senator Gerstein is not in his seat. He is the Deputy Chair of the Standing Senate Committee on National Finance. I have come from there, where they are meeting on Bill C-9. Recently, he and Senator Day were supposed to speak to the principle of Bill C-9. Both of them quickly despaired in trying to do so. Why? It is because there is no principle to Bill C-9; it is a grab bag of measures with no discernible identifiable principle. Rather than discuss the principle of Bill C-9, they anticipated the motion with which I am opening debate today.

Senator Gerstein, on the question of omnibus bills, took us on a historical tour back to 1763. One knows that nostalgia is a powerful emotion on the far right, but I think 1763 is a bit rich. He might have paused in his head-long rush back to the future for a moment in 1994 when the Liberal government of the day brought in a budget implementation bill.

On March 25, 1994, the Budget Implementation Act, 1994 was presented by the Honourable Arthur C. Eggleton, President of the Treasury Board for the Minister of Finance — our present colleague, I believe; there goes the last of my illusions. Honourable Arthur Eggleton moved second reading of Bill C-17, an omnibus bill, whereupon there arose from the back benches the rookie member from Calgary West, Stephen Harper, who told the House of Commons that because Bill C-17 was an omnibus bill: "I put it to you, Mr. Speaker, that you should rule it out of order. . . ."

Some Hon. Senators: Hear, hear.

Senator Murray: Mr. Harper argued "that the subject matter of the bill is so diverse that a single vote on the content would put members in conflict with their own principles."

We cannot have that, can we? Mr. Harper went on, quite properly, to identify some of the provisions. He said:

> . . . the drafters . . . have incorporated in the same bill the following measures: public sector compensation freezes; a freeze in Canada's assistance plan payments and Public Utilities Income Tax Transfer Act transfers; extension and deepening of transportation subsidies; authorization for the Canadian Broadcasting Corporation to borrow money; and changes to Unemployment Insurance with respect to benefits and the payroll taxes.

Then Mr. Harper quoted a famous ruling by Speaker Lamoureux of the House of Commons dating to January 26, 1971. I will not read the entire portion of the ruling that Mr. Harper read, but Mr. Speaker Lamoureux, declining to split a bill on his own initiative — as all of his successors have done — but expressing his grave concern — as all of his successors have done — with the abuse of the omnibus process, asked: "However, where do we stop? Where is the point of no return?" He continued: "There must be a point where we can go beyond what is acceptable from a strictly parliamentary standpoint."

Then Mr. Harper told the speaker of 1994 that although Speaker Lamoureux declined to rule it out of order, they had certainly reached the point of no return by 1994.

I simply put that to you, and I observe in passing that the omnibus bill to which Stephen Harper, member of Parliament, took such valid and pointed objection in 1994 was 21 pages in length. How do honourable senators like that?

Senator Day gave more recent history of omnibus bills. He referred to the repeated annual objections of the Standing Senate Committee on National Finance to the abuse of the process. He did not mention 2007 when the government of the day slipped in the provision to remove Parliament's right to deal with borrowing bills. He mentioned last year's report, in which the committee effectively indicated it would not accept such a practice, and presented four options for the future to deal with the situation ranging from defeating the bill at second reading to establishing a new rule of the Senate. I think my motion before honourable senators today is the least disruptive of those options.

My analysis of Bill C-9 indicates that there are 10 parts that can properly be included in a budget implementation bill. Of the other 14 parts, each of them, if we were doing things correctly, should stand alone. However, I wanted to find a way to avoid crowding the parliamentary agenda unduly or, indeed, the government's agenda unduly. Therefore, in this motion, I divided the bill into five plausible bundles, five separate acts of Parliament, five mini-omnibus bills to be debated, examined, studied and scrutinized as they should be.

I have come from the Standing Senate Committee on National Finance where I and others have adduced from witnesses testimony leading me to the conclusion that many matters in Bill C-9 are sufficiently non-controversial that they can be passed expeditiously in one or another of the bundles I suggest. That bundling will allow honourable senators time, at our leisure, to study and give proper examination and debate to some of the more important controversial matters.

Bill C-9 is before us in its present state because opposition parties in the House of Commons failed in their duty.

• (1800)

Last year when I was speaking about this, I referred to political blackmail and said:

> . . . Parliamentarians who so succumb will find, as parliamentarians before them have found, that the appetite of the blackmailer is not only voracious, it is insatiable.

The Hon. the Speaker: I regret to interrupt the honourable senator but his time has expired.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, our side would definitely agree to five minutes. Since I am on my feet and it is nearing six o'clock, I would take this opportunity to advise the chamber that there have been discussions on both sides not to see the clock.

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

Hon. Senators: Agreed.

Senator Murray: Honourable senators, I have far less than five minutes in these notes.

It is the avoidance and abuse of due process within governments and between governments and Parliament that brings us things like the sponsorship scandal. I remember asking at the time in this place after it was all over: Where was Parliament when all this was going on? Had we totally lost oversight? Did we have to wait for the Auditor General to bring this to our attention? Why are we here?

It is this lack of due process that brings sponsorship scandals and fake lakes and extravagant quantities of local pork portrayed fraudulently as summit expenditures — enormous amounts of money apparently being spent on untendered projects. Canadians deserve better than this. I realize that there are some people who think that the subject matter we are dealing with now is arcane and technical and that no one cares. However, if they think that, then they have a very short memory. A few months ago when Parliament was locked out, most people had never heard of or understood the word "prorogation." By the time it was over, the governing party had lost 10 points in the public opinion polls, not that we in this place should be concerned about electoral considerations.

My point is that Canadians do care about the rights of Parliament and our job is sober second thought. We are, in this instance, the last line of defence to ensure that those rights are protected.

Hon. David Tkachuk: Honourable senators, I noticed and enjoyed Senator Murray's mention of Bill C-93, from 1993. The honourable senator spoke about the bill but did not quote from his speech on that bill when he was the leader. I will quote, in case the honourable senator has forgotten, which I doubt. The Senate was contemplating splitting Bill C-93, an omnibus budget bill, to make Part 3 of that legislation a separate bill. The motion was very similar to the one moved today. He said:

> The one thing I can say is that the government is determined that when the bill goes before the Standing Senate Committee, we will produce witnesses who will speak to the financial implications of Part 3 and will seek to satisfy honourable senators that there are financial implications in savings as a result of what is proposed; and more than that, we will argue that Part 3 should be approved by the Senate and passed into law because it is good public policy.

He continued:

> I would ask colleagues to defeat the proposed instruction to the committee and then to proceed with second reading of the bill and its referral to the committee so that without prejudice the committee will have an opportunity to consider all aspects of the bill, to consider all its implications, and to do so with all its options open.

Those are excellent remarks. I wonder what has caused Senator Murray's change of mind.

Senator Murray: Honourable senators, my mind has not changed. I am glad that the honourable senator reminded me of my speech and that excellent bill, which, unfortunately, was defeated in the Senate. I am as convinced today of the validity of my arguments as I was then. We had grouped that budget into two omnibus bills, one with all the fiscal measures and one with the government reorganization measures. The idea was to take certain government agencies out; I believe it was the cultural agencies. I thought that particular bill was very coherent, and the provisions hung together very well. Anyone examining the bill today would find that to be so.

Bill C-9 is completely incoherent. It has hundreds of provisions that relate to each other only tangentially and, to the extent that they are part of a budget, may have been alluded to in one or other of the budget documents. There is no comparison at all between what was before Parliament then and what is before Parliament now.

Hon. Anne C. Cools: Honourable senators, I rise to speak in support of Senator Murray's motion for an instruction to the Standing Senate Committee on National Finance to divide Bill C-9. Technically, his instruction is to ask the committee to divide Bill C-9 into five bills.

I will begin, honourable senators, by saying that I am pleased and honoured to support Senator Lowell Murray today. I served with Senator Murray on the National Finance Committee when he was the chair and I was the deputy chair. Honourable senators, it is rare to serve under a chair that is as competent as Senator Murray is in these matters. Senator Murray is an experienced and accomplished senator. He is a man of admirable stature and character. He is a man of great acumen and intelligence. As a senator and former minister in the government of Prime Minister Brian Mulroney, he has a sound knowledge of government and the functions of government, in particular in matters of national finance. I believe that Senator Murray brings the wealth of his experience and knowledge to this motion, so I am proud to support him.

Honourable senators, for some years we have heard many senators, Senator Murray included, complain of the size, magnitude and scope of these omnibus bills. I do not think anyone has ever questioned the phenomenon of an omnibus bill or its proper uses. The concerns and the complaints have been precisely about the magnitude to which they have grown. I know Senator Gerstein spoke to it with considerable wit and humour,

but the fact is that even in 1763 or under former British Prime Minister Gladstone in the late 1800s, a bill of this magnitude was never on the radar screen. I think those comments are ill placed.

Honourable senators, I want to say a little bit about that. Despite the concerns that have been raised here for many years, the government's response has been to continue to grow the size and the magnitude of these omnibus bills. Honourable senators might recall the ragamuffin Topsy in *Uncle Tom's Cabin*. Well, these bills have "grow'd" like Topsy. The evidence suggests that they will keep on growing until we take some corrective steps.

Honourable senators, this bill is 880 pages, and I am told that it contains 2,208 different sections and 24 different parts.

• (1810)

Honourable senators, when these complaints began many years ago, senators were concerned about bills that had reached the size of 56 pages, 139 pages, or 112 pages. However, this bill is so voluminous and so enormous as to pose the question of whether or not it can actually be studied. In point of fact, how many members will even read the bill, far less study and digest it? It is not physically possible, particularly, honourable senators, when we consider the fact that these bills always seem to arrive at the end of the term, when we are all about to adjourn, and are put before us with enormous haste, what Sir Wilfrid Laurier sometimes used to call "indecent haste." What we are talking about is the hopeless extravagance of this government in expanding the use of these bills to what I would call the inhuman. It is not humanly possible to study them.

Honourable senators, Senator Murray quoted Mr. Harper, and he mentioned the famous ruling that we find recorded in Mr. Beauchesne's book, wherein Speaker Lamoureux made the following statement. I will read it again. On January 26, 1971, House of Commons Speaker the Honourable Lucien Lamoureux said:

> There must be a point where we go beyond what is acceptable from a strictly parliamentary standpoint.

He continued:

> . . . the government has followed the practice that has been accepted in the past, rightly or wrongly, but that we may have reached the point where we are going too far and that omnibus bills seek to take in too much. All honourable members should be alerted to this difficulty, of which the chair is fully conscious. When another omnibus bill is proposed to the House, it should be scrutinized at first reading stage when all honourable members would be given an opportunity to express their views and the Chair could express its view as to whether the bill goes too far or is acceptable from a procedural standpoint.

Honourable senators, several House of Commons speakers have looked at this matter, including Speaker James Jerome, as well as Madame Jeanne Sauvé. They all recoiled from taking steps that they thought were not properly within the Speaker's ken, but they have all added over the years, that the house should take this matter under control and that it is in the hands of the house to make some correction. It is an old parliamentary tradition to control the house.

Honourable senators, I just wanted to put that on the record and to say that I do not think Senator Murray is asking too much. He is not asking to amend the bill. He is not asking to defeat the bill. He is just asking to divide the bill into portions that can be managed and studied in a very serious way. I do not think, honourable senators, that the Senate or any members opposite would lose anything whatsoever if they were to agree to the division of the bill.

Honourable senators, I am aware that time is pressing. I want to read from the Sixth Report of the National Finance Committee of last year, tabled in the Senate on June 11, 2009. That committee, in its Recommendation 9, made the following statement:

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

The report also said that:

> . . . it is a pattern of behaviour that has been observed in governments of both political stripes. If the pattern persists, at some point Parliament will have to consider measures to protect it from being stampeded into hasty decisions by such manipulations.

Honourable senators, in closing, I understand the politics and the strategic implications of the situation, but I think Senator Murray has raised a very important parliamentary and moral point, which is that regardless of the outcome of this vote, this government simply has to make an amendment and a correction in how it views and uses the omnibus bill instrument. Whatever the outcome of this vote, however it unfolds, the time has come for governments, on these kinds of bills, to pull in their horns and to make a concession — they say "Parliament," but it is to the two houses, and to bring bills that we can look at in a credible and believable way so that we can honestly do our work.

Honourable senators, sometimes I feel more and more like a shrinking minority, being in that group of people who love the system called Parliament. Honourable senators, I grew up on a diet of believing in these systems. Like many people my age and younger, I did not grow up on a diet of worshipping and adoring movie stars, basketball stars, hockey stars and all of those stars. I was raised in a way that upheld the great British social reformers, the great parliamentarians of the 19th century, the Lord Shaftesburys and the William Wilberforces, and also the great Liberals like Mr. Gladstone, who created such terms as control of the purse, control of the public purse.

Senator Murray, I have never said this to you before, but it was Mr. Gladstone who moved the motion in the House of Commons when the first Public Accounts Committee was created.

Having said all that, honourable senators, I think Senator Murray has done us a good service. I am sure other colleagues may wish to speak in this debate, but I assure all honourable senators that I shall be voting with Senator Murray. It is a long

story, but it comes from the fact that I have great respect for this man, great respect for this senator. Senator Murray has done this institution enduring service, good service; and, honourable senators, I shall be voting with him.

Thank you very much, honourable senators. I was hoping to avoid anyone having to rise to say that my time is up. However, honourable senators, this is a very important matter. Our institutions are in decline. I have said in many speeches, and everywhere, that Parliament, meaning the two houses, has never been weaker in its entire thousand-year history as it is at this present time. Honourable senators, I do not think it is worthy of any of us to allow this decline to continue.

Hon. Tommy Banks: Honourable senators, I want us to gird our loins in this respect and I want to remind us that a couple of years ago, when there was a huge Liberal majority in the other place and an overwhelming majority in this place, we split a bill, to the horror of our leaders. The bill had to do with guns and animals at the same time, and we simply said that it was inappropriate. Our leadership did not like that view at all, but we did it because it was the right thing to do. I never thought that I would agree with Mr. Harper, but I would have agreed with him in 1994 because he was right in 1994.

• (1820)

Honourable senators, before I sit down, to everyone's great relief, you do not often get a chance to tell Senator Murray something he did not know, no matter how trivial it is, but on that day in 1994, when Senator Murray's government was defeated on the omnibus bill —

Senator Murray: It was 1993.

Senator Banks: In June of 1993, I was up there. Even though the officers are constrained to tell people that they are not allowed to applaud or cheer, on the defeat of that bill before Senator Murray's government, raucous cheering came from up there, and I was one of those raucous cheerers. The thing that brought it down — you may recall Finlay MacDonald having led the charge on this — was the supposed merger, wrongly conceived, of the Social Sciences Humanities Research Council and the Canada Council, in the mistaken belief that that would somehow save money, and yes, I was a member of it at the time. We had lobbied, as others have lobbied in the other place, to try to stop what was a bad bill. Our colleagues, the Liberal colleagues in the other place, did not do the job that they ought to have done in defeating this bill, and the same thing was true then, except there happened then to be a Conservative majority. I do not know if the fact that a Conservative majority in this place on that day defeated a government omnibus budget implementation act is unique, but it caused Senator Murray great consternation and us great joy. I remember it well. I just wanted Senator Murray to know that I was here on that day.

An Hon. Senator: Question!

The Hon. the Speaker: Are honourable senators ready for the question? It is moved by the Honourable Senator Murray, seconded by the Honourable Senator McCoy, that it be an instruction to the committee to which Bill C-9 — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. Do we have advice from the two whips?

Hon. Jim Munson: Thirty minutes.

Hon. Consiglio Di Nino: Thirty minutes.

The Hon. the Speaker: Honourable senators, it is agreed that there be a 30-minute bell. The vote will take place at seven minutes to seven o'clock. Do I have permission to leave the chair?

An Hon. Senator: Yes, please do.

The Hon. the Speaker: Thank you.

• (1850)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Banks	Mahovlich
Callbeck	Massicotte
Campbell	McCoy
Carstairs	Mercer
Chaput	Merchant
Cools	Mitchell
Cordy	Moore
Cowan	Munson
Dawson	Murray
Day	Pépin
Downe	Peterson
Dyck	Poulin
Eggleton	Ringuette
Fox	Robichaud
Fraser	Rompkey
Furey	Sibbeston
Hervieux-Payette	Smith
Hubley	Stollery
Jaffer	Tardif
Losier-Cool	Watt
Lovelace Nicholas	Zimmer—42

NAYS
THE HONOURABLE SENATORS

Andreychuk	MacDonald
Angus	Manning
Boisvenu	Marshall
Braley	Martin
Brazeau	Meighen
Brown	Mockler
Carignan	Nancy Ruth
Champagne	Neufeld
Cochrane	Nolin
Comeau	Ogilvie
Demers	Oliver
Di Nino	Patterson
Dickson	Plett
Duffy	Poirier
Eaton	Raine
Finley	Rivard
Fortin-Duplessis	Runciman
Frum	Segal
Gerstein	Seidman
Greene	St. Germain
Housakos	Stewart Olsen
Johnson	Stratton
Kinsella	Tkachuk
Kochhar	Wallace
Lang	Wallin—51
LeBreton	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1900)

STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR

FOURTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE— MOTION TO RESTORE TO ORDER PAPER ADOPTED

Hon. W. David Angus: Honourable senators, with leave, I would like to have a matter put back on the Order Paper.

I move, seconded by the Honourable Senator Lang:

> That the order for resuming consideration of the fourth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, tabled in the Senate on May 27, be revived and placed back on Orders of the Day for the next sitting of the Senate.

The Hon. the Speaker: It was moved by Senator Angus, seconded by Senator Lang, with leave of the Senate, notwithstanding rule 58(1)(j), that the order for resuming consideration of the fourth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, tabled — shall I dispense?

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

Hon. Senators: Agreed.

The Hon. the Speaker: Those in favour of the motion will please signify by saying "yea."

Some Hon. Senators: Yea.

Some Hon. Senators: No.

The Hon. the Speaker: Those opposed to the motion will please signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: Honourable senators, let me proceed slowly. As we are at the end of the Order Paper, Senator Angus is asking leave to move a motion.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted.

Honourable senators, Senator Angus moved, seconded by Senator Lang, that, notwithstanding rule 58(1), the fourth report of the Standing Senate Committee on Energy, the Environment and Natural Resources be revived on the Order Paper.

(Motion agreed to and report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

(The Senate adjourned until Wednesday, June 16, 2010, at 1:30 p.m.)

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