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Thursday, October 28, 2010



THE HONOURABLE DONALD H. OLIVER
SPEAKER *PRO TEMPORE*

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THE SENATE

Thursday, October 28, 2010

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

Prayers.

SENATORS' STATEMENTS

OTTAWA FASHION WEEK

Hon. Elizabeth Hubley: Honourable senators, according to Statistics Canada, the apparel industry in Canada is the nineteenth largest manufacturing sector, with over 30 per cent of the apparel exported to worldwide markets. The Canadian fashion industry is a strong segment of apparel manufacturing and Canadian designers have achieved international recognition.

If honourable senators are in Ottawa this weekend, they will see both new and established designers in action at the fourth season of Ottawa Fashion Week at the National Gallery of Canada. Ottawa Fashion Week is a showcase for Canadian fashion designers and brings together media, industry, buyers and consumers to view the spring/summer 2011 lines from over 20 designers.

Ottawa Fashion Week is but one venue to highlight the fashion industry in Canada. The LG Fashion Week, one of the premier fashion events in Canada, was held last week in Toronto. Fashion weeks also exist in other cities, such as Halifax and Vancouver.

I wish the designers showcasing their work this weekend in Ottawa success in this celebration of the creative and multi-dimensional art form that we call fashion.

[*Translation*]

ORDER OF NEW BRUNSWICK

CONGRATULATIONS TO 2010 RECIPIENTS

Hon. Rose-Marie Losier-Cool: Honourable senators, I am very proud to tell you today about a very dear friend, Father Zoël Saulnier. Yesterday he received the Order of New Brunswick, the highest honour my province can bestow upon an individual.

Father Zoël, as he is known to everyone back home, is a great Acadian who has done a lot for Acadia and for his church. As a proud patriot involved in the governing bodies for all of Acadia, he has always been a prominent ambassador for our Acadian culture and our beautiful French language. At 77 years of age, he still plays an active role in raising the profile of our artists.

In addition to his pastoral ministry, he writes prolifically and well. He cares about using the French language correctly. His biography was just launched at the recent Acadian peninsula book show. I would encourage anyone who would like to learn more about Father Zoël to read *L'Acadie dans le coeur* by Sylvain Rivière.

I have known him for a very long time, since I was a child in fact, and he is a close friend, confidant and moral guide whom I trust implicitly. It is therefore with great pride and great affection that I warmly congratulate Father Zoël on the well-deserved tribute that my province has bestowed upon him.

I would also like to congratulate the other nine individuals who received the Order of New Brunswick alongside Father Zoël: Dawn Arnold of the Northrop Frye International Literary Festival, Wayne Brown of the St. Mary's First Nation; Pamela Coates, who campaigns tirelessly against poverty; Reuben Cohen, Chancellor Emeritus of Dalhousie University; Everard Daigle, former Grand Falls mayor and MLA; Gérard Haché, former MLA and businessman on the Acadian peninsula; Gérard Losier, Miramichi doctor and health care activist; Susan Rickards, teacher, writer and advocate for the homeless; and Ruth Stanley, activist, feminist and retired lawyer.

Congratulations to all of the recipients.

ROUTINE PROCEEDINGS

RECEIVER GENERAL OF CANADA

PUBLIC ACCOUNTS OF CANADA—
2010 REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3), I have the honour to table, in both official languages, the 2010 Public Accounts of Canada.

TREASURY BOARD

PUBLIC SERVANTS DISCLOSURE PROTECTION ACT—
2009-10 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2009-10 annual report of Treasury Board of Canada Secretariat on the Public Servants Disclosure Protection Act.

[English]

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO REVERSE ITS DECISION TO REPLACE THE NATIONAL LONG-FORM CENSUS

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate, recognizing that the National Long Form Census is an irreplaceable tool for governments and organizations that develop policies to improve the well-being of all Canadians, urge the Government of Canada to reverse its decision to replace the long form census with a more costly and less useful national household survey.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. David Tkachuk, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, October 28, 2010

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SIXTH REPORT

Your Committee recommends that the Senate agree with the request from the Auditor General to conduct a performance audit of the Senate Administration.

Respectfully submitted,

DAVID TKACHUK
Chair

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

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

• (1340)

[Translation]

QUESTION PERIOD

FOREIGN AFFAIRS

CHILD SOLDIERS

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate.

In the past — and I say that because it has been at least 10 years — we signed certain conventions, particularly the Convention on the Rights of the Child, and the protocol on child soldiers, which was signed in 2000.

In signing this document, the government agreed to the definition of child soldier, which states that no human being below the age of 18 years must be used in conflict, either in training or recruitment for training, or in armed forces. They cannot be used in conflicts.

In the context of Canada's involvement in armed conflict in Afghanistan since 2002, could the leader tell us whether someone under the age of 18 who is involved in this war, on our side or the other side, would be considered a child soldier?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, there is some debate on the definition of a child soldier as it applies to certain individuals who were in Afghanistan. The honourable senator has laid out what he believes the definition is.

Senator Dallaire: It is not my definition; it is the definition that the Canadian government signed on to. In fact, Canada participated for several years in articulating the Convention on the Rights of the Child and convincing the bulk of the nations of the world to sign on as well. It is one of those rare conventions that has a vast number of nation signatories, all following the leadership of great countries like Canada and the United States.

The definition is quite clear, that any youth being used, either by government forces or non-state actors, in a conflict is, by definition, a child soldier and falls under that convention.

Has Canada in fact refuted that convention?

Senator LeBreton: Absolutely not. The definition of a child soldier is clear. I believe that the honourable senator is making reference to an individual whom he has questioned me about many times before, and there is great debate as to whether that particular individual falls within the definition of a child soldier as the country knows it to be and of course recognizes.

Senator Dallaire: Honourable senators, I am not referring to anyone in particular. I could be referring to Canadians who might be recruited into the Canadian Forces under the age of 18 and in

fact be used in conflict. We have seen the British recruit soldiers under the age of 18 and deploy them to Afghanistan. They were subsequently held accountable. The British government withdrew them and made sure that it did not happen again.

I am not talking about an individual. I am just trying to figure out whether the Canadian government has changed its position formally in front of the UN or any international body to contravene or to no longer accept that convention.

I bring to the honourable senator's attention the national report we submitted last fall to the United Nations Commission on Human Rights in Geneva. That report indicated that we agreed with the convention against using child soldiers in conflict. It was signed off by the Minister of Foreign Affairs. Have we changed our position in that regard?

Senator LeBreton: We have not changed our position in that regard. The honourable senator should know better than anyone that the Canadian government and the people of Canada would never recruit child soldiers to fight on behalf of the country. That would not happen in this country.

The honourable senator may make reference to situations in other wars where people who served were underage, but as honourable senators know, those individuals actually went into the forces stating their age to be other than what it was.

The honourable senator knows full well, and I am frankly surprised by his question, that we do not recruit children to serve in our army.

Senator Dallaire: I was the Assistant Deputy Minister of Personnel at National Defence Headquarters in 1998 and was on the receiving end of Canada's position with regard to child soldiers as that convention was being negotiated. In fact, we had to modify the National Defence Act. We were recruiting people into the Armed Forces below the age of 18 to go into education programs at the military college. We also confirmed that we would never train or use them for operations before the age of 18. We decided on that matter before we signed the convention.

What I am trying to understand from the Leader of the Government in the Senate, given that the convention is being applied internationally, is have we changed our position with regard to that convention that we signed and, in particular, the definition that is being used by the International Criminal Court to bring people in front of it? In fact, there are currently two people in The Hague. Are we in a changed mode of which, perhaps, we are not aware?

Senator LeBreton: Honourable senators, the simple answer is absolutely not.

VETERANS AFFAIRS

RECOGNITION FOR CANADIAN VETERANS OF BOMBER COMMAND

Hon. Hugh Segal: Honourable senators, as we are talking about some of the difficulties associated with warfare, I wonder, as we draw nearer to Remembrance Day, if I might ask the Leader of

the Government in the Senate about Bomber Command and the status of the designation and decoration for their brave service in defence of democracy in World War II. I am led to believe that the matter has now progressed and is in the Chancellery of Honours at Rideau Hall.

My question to the minister is: Pursuant to the motion proposed by Senator Meighen and passed unanimously in this place on June 18, 2008, I wonder whether the leader might undertake to use her good offices to inquire as to the status of the matter at the Chancellery of Honours and whether some decision might be made public prior to Remembrance Day 2010?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I believe I responded to a similar question from Senator Segal in written form. I can only say that, as the honourable senator knows, Veterans Affairs has no authority or responsibility for the creation of new honours. However, the Minister of Veterans Affairs has written to the Governor General asking that the creation of a new honour for members of World War II Bomber Command be considered by the Honours Policy Committee. As well, the Deputy Minister of Veterans Affairs has similarly written to her counterpart at the Chancellery of Honours making the same request.

• (1350)

That is where the matter is at the moment, honourable senators. I can make inquiries as to where it is in the process, but that is in the hands of the chancellery. Hopefully they are in a position to respond to the request from the Minister of Veterans Affairs and the Deputy Minister of Veterans Affairs.

FOREIGN AFFAIRS

CHILD SOLDIERS

Hon. Roméo Antonius Dallaire: Your Honour, I stand to continue the question that I had initiated. My questioning process had not been terminated and I would like to pursue this.

The Hon. the Speaker *pro tempore*: I saw Senator Segal and I thought his was a supplementary question.

Senator Dallaire: As did I, but it was not. I sat here, as the proper gentleman I believe I am supposed to be in this institution, and gave him a bit of room to manoeuvre.

The Hon. the Speaker *pro tempore*: Please proceed.

Senator Dallaire: Thank you, Your Honour.

In the previous response of the leader, she indicated that there is some debate of this definition out there. In fact, it is rather interesting that again the Minister of Foreign Affairs brought out a definition in which he said that the convention only applied to youths who are part of properly recognized national bodies, that is to say, a national military, and that it did not apply to people who are not part of a national body.

If I may pursue this one step further, has the definition been changed by the Minister of Foreign Affairs, or is the definition as per the UN convention that we signed, which does include those youths who are used by non-state actors in conflicts?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the policy has not changed. The honourable senator well knows that the debate here is the definition, and the application of the definition makes reference to an individual. The honourable senator has questioned me on this individual regularly. As the Minister of Foreign Affairs has stated, there is some question about whether that individual is or is not a child soldier. I happen to believe he is not.

Senator Dallaire: I am not sure whether the Minister of Foreign Affairs is speaking out of turn when he is trying to change international law or our position on an international law. We have not changed our criminal laws. We have not changed our immigration laws. We have not even changed our security laws to apply that convention. We changed only the National Defence Act and no other act. However, it is recognized internationally as international law and the International Criminal Court, which we supported extensively to create under the Rome Statute, has recognized that it as a crime against humanity to use youths under the age of 18, whether they are a part of formed organizations such as national state units or of non-state actor units in a conflict. That is international law. I hope the Minister of Foreign Affairs is not trying to change that and give direction to our diplomats on something for which he has no authority to change.

However, if the leader is saying he is not changing the definition but that he has a problem understanding it or that we have raised it, then I would like to provide an example and query the leader as to whether or not that example could be applied here.

Senator Tkachuk: Are you answering your own questions?

Senator Dallaire: No, I am asking for an answer. Let me pose the question.

Four days ago, President Karzai, president of the country that is in conflict to which our troops are committed and fighting, pardoned a 14-year-old suicide bomber. The suicide bomber had been recruited under duress. The family is poor. The Taliban had gone in, held the family hostage, took the child, loaded him up with dynamite, and sent him to a target. It did not work and the child was then disarmed and held. The president of that country, that is, in fact, at the source of the conflict inasmuch as this country is, pardoned that 14 year old who could have blown up Americans, Canadians, British, Dutch or Afghani soldiers.

That was the application of a power by a nation through its presidency. Could we not, in fact, apply that same methodology in recognizing what that international convention calls for, even in a case as extreme as a suicide bomber?

Senator LeBreton: The Minister of Foreign Affairs made an accurate statement. He is not confused; he said what he believes.

The incident to which the honourable senator refers with regard to President Karzai is interesting. However, the honourable senator is, in a roundabout way, trying to have the government

comment on a case before the courts at the moment. The Minister of Foreign Affairs was within his right to make the comments he made and the government stands behind him.

STATUS OF OMAR KHADR

Hon. Roméo Antonius Dallaire: Turning that around, if the government stands by that position and is applying it in the case, as the leader says, of Omar Khadr, it would lead me to believe that the government has taken a deliberate decision, inasmuch as it has a Canadian citizen who was, first, in a conflict; second, shot; and third, taken prisoner — not arrested, but a prisoner in a conflict. He was then put in a prisoner of war camp, held there and tortured by the Americans, one of whom was ultimately proven guilty of killing one of the prisoners in that same camp. The prisoner was then transferred to a detention centre, which has been recognized internationally as an aberration to the Geneva Convention, and held there for eight years. He is now going through a process that governments have not recognized internationally as a due process of justice.

Is the leader telling me, after a Canadian has gone through all that, that the definition by this government has not changed from what the convention actually calls for?

Hon. Marjory LeBreton (Leader of the Government): Let us be clear here, honourable senators. Omar Khadr has pled guilty to murdering a U.S. army medic, Christopher Speer. He pled guilty to attempted murder and to supporting al Qaeda. He also publicly acknowledged that he planted roadside bombs which he knew were targeting civilians. The trial has now moved into sentencing hearings where the court will hear from the victims of his crime, including Christopher Speer's widow.

As the court process is ongoing, this matter is between Mr. Khadr and the U.S. government and I, on behalf of the government, will have no further comment to make.

Some Hon. Senators: Hear, hear.

Some Hon. Senators: Oh, oh.

Senator Dallaire: I cannot believe the enthusiasm on the other side and that those honourable senators believe in the fundamental Charter of Rights, the fundamental charters and our international conventions, and that they are not influenced by political manoeuvring.

My last question is this: Can the leader confirm to me that the Canadian government gave consular support to that Canadian through the process and that that prisoner was not coerced? Are we sure that he was not coerced within a judicial process that has not been recognized internationally as a just one?

• (1400)

Senator LeBreton: Honourable senators, I have answered that question before.

Since Senator Dallaire commented on the enthusiasm of the response from this side, for once I would like to have someone think about the wife of Christopher Speer, his children, and the other medic who was with him and lost an eye in the attack by Omar Khadr.

INTERNATIONAL COOPERATION

KAIROS— CANADIAN OFFICIAL DEVELOPMENT ASSISTANCE

Hon. Grant Mitchell: Honourable senators, as recently as last month the Minister of CIDA said:

— KAIROS was recently refused funding as it . . . did not meet the government's priorities.

What is interesting about that is that CIDA has, in documents that have been released under access to information, a document signed by that minister that states that KAIROS' objectives are strategically aligned with our country program objectives.

The program that does the assessment, which was signed by the minister, says that they are aligned with our objectives. However, the minister, in trying to explain why, in the name of heaven, they would have ever cancelled funding to KAIROS after 35 consecutive years of funding, says they are not aligned.

If it is that the priorities are not aligned, could the minister tell us why the funding to KAIROS was cancelled? Is it just that their view of the world did not mesh with some arcane feature of the government's ideology?

Hon. Marjory LeBreton (Leader of the Government): Honourable Senator Mitchell must stop reading *The Toronto Star*.

With regard to KAIROS, we have been clear in outlining our country's focus, thematic priorities and our aid effectiveness strategy. I went through this yesterday.

All projects funded by CIDA, whether through geographic, multilateral or partnership programs, have been assessed against these standards. After completing due diligence, it was determined that the KAIROS proposal did not meet government priorities. CIDA receives many eligible proposals, but the agency cannot possibly fund every proposal recommended by the department.

This is the answer I have given before, this is the answer I give today, and this is the answer I will continue to give.

Senator Mitchell: The honourable senator often gives answers that bear no relationship to the question at all. Maybe she should try pulling out another tab from her book to see what she gets. Once in a while we might receive an answer that conforms to the question.

Given that the government has cancelled funding to a great number of aid groups that promoted women's equality in one way or another, is it just a coincidence that the government has cancelled funding to KAIROS, which is known for its Women of Courage program, which has promoted the rights, status and circumstances of women all over the world?

Senator Mercer: Why are they against the United Church?

Senator LeBreton: I was actually born and raised in the United Church, honourable senators.

Again, as the Honourable Senator Mitchell knows, many organizations request funding.

We are proud of our aid effectiveness agenda. We will continue to concentrate on areas where we can make a difference.

I will outline what we have done because, obviously, reading *The Toronto Star* and the like, the honourable senator will not know.

Senator Comeau: He won't get educated there.

Senator LeBreton: We have untied food aid. We are in the process of untying all aid, as I said yesterday. We have doubled the aid to Africa and championed the issue of maternal and child health at the G8 summit. We have concentrated bilateral trade in 20 key countries. We have met or exceeded our food aid commitments. We have committed \$540 million over three years to The Global Fund to Fight AIDS, Tuberculosis and Malaria, and we have revamped the Canadian Partnership Branch.

The Canadian-led "Initiative to Save a Million Lives," launched by the Prime Minister in Africa in 2007, has trained 20,000 health workers and distributed 640,000 insecticide-treated bed nets, as I said yesterday.

Who benefits from these programs? By and large, they are women.

Senator Mitchell: Has the leader's government ever considered, for the briefest of moments, that the kinds of countries that have been helped by this organization, KAIROS, which has been identified with Canada so strongly, might have been the kinds of countries that would have supported our bid for a UN seat but perhaps they did not because of the way this government has structured its foreign policy?

Senator Mercer: You reap what you sow!

Senator Tkachuk: Like who?

Senator Cowan: Chirp, chirp. The sparrows are at work.

Senator LeBreton: As a government, we follow a principled foreign policy agenda. We legitimately let our name stand for the UN Security Council. We conducted a fair campaign for that. We did not compromise our own principles or the direction of the government. If that is the conclusion that the honourable senator wants to draw, he can be my guest.

TRANSPORT

HARMONIZED SALES TAX—CANADA POST

Hon. Tommy Banks: Honourable senators, I rise to ask the collusion of the Leader of the Government in the Senate, in the interests of my constituents, in a matter of tax avoidance — not evasion, but tax avoidance.

It may be well known to senators that Albertans do not have a sales tax. That is a matter of some pride in Alberta. We have many different kinds of taxes that make up for it, but we have nothing called a sales tax.

In Canada Post's case, Canada Post has decided to charge Albertans a sales tax. If, in Alberta, I mail a package to Ontario, I have to pay the harmonized sales tax — in Alberta.

The words “sales tax” and “Alberta” are almost oxymoronic. The only sales taxes that we have ever had were those imposed on us by a succession of governments of all stripes.

Will the leader undertake to ask the minister to whom Canada Post reports to see if he can ensure that residents of provinces that do not have the Harmonized Sales Tax are not obliged to pay them?

Hon. Marjory LeBreton (Leader of the Government): One thing we did do, as honourable senators know, was to reduce the GST. It is a legitimate question and I will be happy to refer it to the minister responsible for Canada Post for an explanation.

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. Pamela Wallin: Honourable senators, I have a question for the Leader of the Government in the Senate.

We hear today those on the other side unabashedly supporting someone who has declared his glee at killing an American soldier.

Senator Mitchell: No, we did not.

Senator Wallin: We have heard those on the other side —

Senator Moore: Check the transcript.

Senator Wallin: — arguing against Canada having a seat at the United Nations. We also hear those on the other side, and their colleagues in the House of Commons, arguing now and saying that if they had the opportunity, they would cancel the contract for the F-35s, which will make our soldiers both safe and secure.

Can the leader talk to us about what the implication would be of the Liberal position on the F-35?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Wallin for the question. When I heard the Leader of the Opposition in the other place and his outrageous and irresponsible statements yesterday about the F-35, I thought he was having a flashback and taking advice from his Chief of Staff, Peter Donolo, who was involved in the “zero” helicopters back in the early 1990s.

Senator Wallin will note today in the newspapers there was outrage about the Liberal announcement. This is a win-win situation for Canada, the Canadian economy and the Canadian Forces. The forces will be replacing an aircraft that will soon have reached the end of its lifespan. Canadians will benefit from well-paying jobs for years to come as a result of this initiative.

As a government, we will not change our position on this. We will stand up in defence of the Canadian Forces to ensure that they are properly equipped. This is a good signal to them that, if the coalition were ever to form the government, we would be back into the decade of darkness. We are standing up for the Canadian military and for the tens of thousands of jobs in the aerospace industry.

• (1410)

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I would like to draw your attention to the presence in the gallery of Mr. Thomas Gaffney and Mr. Earnest Beaudin, guests of the Honourable Senator Campbell.

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

Hon Senators: Hear, hear.

ORDERS OF THE DAY

KEEPING CANADIANS SAFE BILL

SECOND READING—DEBATE ADJOURNED

Hon. Fabian Manning moved second reading of Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America.

He said: Honourable senators, I am pleased to have this opportunity to rise in sponsorship of Bill S-13 — legislation which further strengthens our government's commitment to ensure our borders are open to trade and legitimate travel, but closed to crime. Honourable senators will know that one of our government's strongest commitments to Canadians is to make our streets and communities safe for everyone. That has been one of our top priorities since our Conservative government was first elected in 2006.

We have accomplished that by cracking down on crime — violent gun crimes, in particular. We have passed legislation to strengthen sentences for people convicted of drive-by shootings and murders connected to organized crime. We have passed tough new legislation to give police and the courts the added powers they need to fight identity theft. We have introduced legislation to crack down on organized crime and drugs by imposing mandatory jail time for people involved in serious drug crimes. We have introduced legislation to help ensure that individuals who are found guilty of crimes serve a sentence that reflects the severity of those crimes by limiting the amount of credit they receive for their time in presentencing custody. We have introduced legislation to toughen sentences for fraud.

Honourable senators, our government has introduced legislation to strengthen the National Sex Offender Registry and the National DNA Data Bank, and has introduced measures to support the ability of our law enforcement community to combat crime in the face of rapidly evolving communication technologies. As well, we have given the police and law enforcement officials the tools and resources they need to do their jobs.

As honourable senators can see, we have taken important steps already to help put criminals out of business; but we can do more. With the introduction of this proposed legislation, we will do more. After all, that is what this bill is all about.

Bill S-13 is about keeping our streets and communities safe. It is about protecting the safety and security of Canadians by cracking down on organized crime groups, gang members and others who often earn a major portion of their illegal income by smuggling contraband goods such as guns and drugs across our border with the United States.

Honourable senators, this bill proposes to implement a framework agreement signed in May 2009 by the Minister of Public Safety and the United States Secretary of Homeland Security. The agreement will allow specially trained and designated Canadian and U.S. law enforcement officers to work together on each other's marine vessels in shared waters to enforce the law on both sides of the border. That means organized crime will no longer be able to exploit shared border waters to evade arrest and prosecution. Under this framework, law enforcement will be able to continue the pursuit and arrest of criminals regardless of which side of the border they are on.

Some honourable senators might already know that this agreement, known as the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, commonly called the Canada-U.S. Shiprider agreement, has been tested by specially designated Canadian and American law enforcement officers over the last few years. Operations were launched on a pilot basis in September 2005 and from August to September 2007. The results were positive. During the 2007 pilot, Canadian and U.S. officers working together seized over \$1.4 million in contraband cigarettes and 215 pounds of marijuana worth \$330,000 U.S.

Building on this success, this year our Conservative government deployed the Shiprider pilot project as part of our cross-border security operations before and during the Vancouver 2010 Winter Olympics. As honourable senators know, security efforts related to this international event were highly complex and involved a multiple-agency approach. It was a great opportunity to use the Shiprider pilot as an added layer of security in patrolling our border along shared waterways. RCMP and U.S. Coast Guard boats, specially designated as Canada-U.S. Shiprider vessels, were deployed in Puget Sound and off the Pacific Coast as a visible deterrent to prevent and respond to national securities threats. In the end, no national security interventions took place during the games, but there were some arrests, including an individual with many outstanding warrants.

This past June, the Shiprider pilot project was deployed in another significant international event. It was on Lake Ontario in the lead up to and during the G20 summit. The goal was to help secure the Toronto waterfront and, again, the operation was successful. The success of these pilot projects shows how Canadian and U.S. border security agencies can work together to do their jobs more effectively. It sends a strong message to would-be smugglers that Canada and the U.S. are sealing the cracks through which they are slipping.

Honourable senators can see how the Canada-United States Shiprider agreement can add effectively another layer of security to our border waters. The fact that we are taking the necessary steps to implement this innovative concept fully on a national basis is good news indeed.

The proposed legislation before the honourable senators today clearly spells out how these integrated maritime law enforcement operations will work. Operations will take place in shared waterways and be driven by joint Canada-U.S. threat assessments. Only specially designated and trained members of the RCMP, U.S. Coast Guard or other appropriate law enforcement agencies will be able to take part in the Shiprider operations.

The RCMP Commissioner and the Commandant of the U.S. Coast Guard will have overall responsibility for managing and coordinating joint operations. All operations will be conducted in a manner respecting the rule of law and constitutionally protected rights and freedoms. Domestic sovereignty of both countries will be respected. For example, Canadian law enforcement officials will direct all enforcement activities in Canada's jurisdiction, while U.S. law enforcement officers will direct activities within their jurisdiction. All integrated law enforcement operations in Canadian jurisdiction will be subject to a public complaints process in order to ensure appropriate oversight and accountability. Both countries have agreed to provisions regarding the seizure of property and the arrest and detention of persons.

The Canada-U.S. framework agreement constitutes a marked departure from the traditional approach to border law enforcement cooperation between our two countries. It signals the beginning of a new era of cooperation for border law enforcement — an era in which resources are maximized, cooperation is increased and border security is vastly enhanced. It means that organized crime groups and gangs who endanger the safety of Canadians and Americans by smuggling illegal goods across our border are more likely to be brought to justice. It means that our streets and communities will be safer with fewer guns and drugs smuggled across our border. It means that more criminals will be held responsible for their actions.

• (1420)

This is what Canadians want. It is what our Conservative government was elected to do, and it is what we will continue to do as we push forward with more initiatives over the coming months to help keep this nation the safest and most prosperous in the world.

I urge all honourable senators to support the legislation before us today.

Hon. Hugh Segal: Would Senator Manning accept a question?

Senator Manning: Yes, I would.

Senator Segal: As sponsor of the bill, would Senator Manning either know or be prepared to inquire as to two specific aspects with respect to the relationship between the law enforcement process and the United States Coast Guard, which in the United States is a military service along with the marines, the navy, the army and the air force, versus the Royal Canadian Mounted Police, which is a non-military national police service?

As my good friend will know because of his great interest in and support for the naval reserves, one of the explicit mandates of the naval reserve in Canada is coastal patrol, protection of harbours and aid to the civil power in that respect. Any information the honourable senator could share with us with respect to the relationship this law will create between this joint enforcement process and the naval reserve, as well as any anomalies that might unwittingly be created as between the Coast Guard and U.S. military services, and with respect to the absence of the military involvement in this proposition on our side would be very helpful.

Senator Manning: I thank the honourable senator for that question.

This agreement that has been signed between the Canadian and the U.S. governments gives the RCMP commissioner in our jurisdiction and the commandant of the United States Coast Guard in the jurisdiction of the U.S. authority for the implementation of the agreement and management of operations. Responsibilities would also include developing joint training programs, appointing participating officers and deploying operations.

Not every officer will be permitted to participate in Project Shiprider. Officers will take special training for that purpose only. They will have to meet the criteria and be designated as part of Project Shiprider. Members of the RCMP, the United States Coast Guard and peace officers of other jurisdictions will be appointed under the laws of the provinces or the states. The pilots and the entire crew will be part of the integrated operations. Everyone will be participating. Jurisdiction in Canadian waters will be under Canadian authority; jurisdiction in American waters will be under American authority, and we will be working together to ensure that no one can escape the law by crossing into the other territory.

We will be working together, but the laws of both countries will be respected and criminals will not have a gateway to freedom.

Senator Segal: Honourable senators, supporting as I do both the purpose and the letter of the legislation, I want assurance from my colleague that this legislation neither creates new obligations for the naval reserve nor diminishes the existing scope of responsibility as it now exists for the naval reserve of Canada.

Senator Manning: I can assure my honourable colleague that I do not think that is the case.

The key principles of the bill include respect for domestic sovereignty of both nations. Operations will be conducted in accordance with the rule of law and will be intelligence driven based on joint threat assessments. Key elements of the bill include identifying which Canadian and U.S. law enforcement officers will be designated to take part in Shiprider operations, the criteria for appointment, and providing appropriate authority for designated U.S. law enforcement officers to enforce Canadian law while operating in Canadian jurisdiction and the opposite when Canadians are operating in American jurisdiction. Provisions regarding the seizure of property and the arrest and detention of persons are also key elements of the bill.

The pilot projects that have been ongoing for the past couple of years, most recently with the G20 summit this summer, have been very successful. The message is going out loudly and clearly to criminals that there is a new set of rules and regulations in place that will be enforced and that the jurisdictions on each side of the border will be respected.

I do not think that the honourable senator need fear added responsibility. It is a new responsibility on both sides of the border, and it will be enhanced with this legislation.

(On motion of Senator Tardif, debate adjourned.)

SENATORIAL SELECTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Brown, seconded by the Honourable Senator Runciman, for the second reading of Bill S-8, An Act respecting the selection of senators.

Hon. Art Eggleton: Honourable senators, I rise today to speak on Bill S-8, An Act respecting the selection of senators.

This bill has drawn a fair amount of comment from honourable senators on both sides of the chamber. I agree with many of the points raised in previous debate and would like to bring forth two different lines of reasoning for why I take issue with the bill before us.

The first stems from the systemic technical problems with which this bill is plagued. As Senator Brown pointed out in his speech at second reading, this bill will not be a legal directive. Instead, it simply gives the Prime Minister the option to consider appointing senators that have been elected as nominees from their respective province or territory.

I ask honourable senators: What is the point? If a prime minister can simply discount these province-wide elections, or consultations, why bother holding them? The whole point of the elections is to make the process seem more democratic and legitimate. If prime ministers have the ability to overlook the results, the process will be seen by many as far from democratic.

The bill also states that it would help establish a framework to provide guidance to provinces and territories for the text of legislation governing Senate elections. However, each province or

territory would be in charge of establishing their own rules and regulations, meaning a lack of uniformity and potential for a wide range of requirements varying from province to province and territory to territory.

Moreover, each province would have to pass legislation allowing for these elections to take place. It is not unreasonable to argue that not every province would be in support of that idea, resulting in some provinces adopting the idea and others choosing not to, meaning a complete double standard or two-tiered system across the country; a less legitimate process, I would argue, than we currently have or, as Senator Neufeld said in the chamber, one that is neither workable nor effective.

Honourable senators, this bill is full of many “mays,” “coulds” and “ifs” and lacks any form of definitive concrete language. It comes across as merely hypothetical, a bill that, if passed, would only give the illusion of change and the option to ignore it.

My second comment on Bill S-8 comes from a concern about its impact on our parliamentary system. I oppose this bill because I completely believe that the Fathers of Confederation had it right when they designed the upper chamber. They realized that they needed an effective upper chamber that would, as Sir John A. Macdonald remarked in 1867, serve as the sober second thought in Parliament. The Senate would, therefore, act as one of the checks and balances in Canada’s parliamentary government, an element essential to democracy.

We have seen the principle of sober second thought time and again throughout the history of the Senate. Honourable senators will remember Bill C-2, the Accountability Act, from not long ago. It was rushed through the House of Commons and was found to be flawed by the Senate in terms of meeting the intent of the legislation. Dozens of amendments were passed in the Senate and the bill was returned to the other place, where many amendments were accepted by the government — some were not — and after some further discussion between Senate and house representatives, a final bill acceptable to the government and the majority of the other place was approved by this Senate. That clearly demonstrates the value of legislative review or sober second thought.

• (1430)

This is not the only bill that was amended by the Senate. Senators may remember Bill C-29, An Act to Amend the Patent Act; or Bill C-12, An Act to Promote Physical Activity and Sport; or Bill C-15, An Act to Amend the Lobbyists Registration Act, just to name a few. All were amended by the Senate because senators took their role seriously. In fact, according to statistics from the Library of Parliament, during the period between 2001 and 2004, the Senate amended 10.7 per cent of government legislation, and that was at a time when the government and the Senate majority were of the same political party.

I am afraid, honourable senators, an elected Senate would scuttle the current independence of senators even more by increasing even more the role of partisan politics that are so much more prevalent in the other place. Instead of fulfilling roles to complement the work of the other place, an elected Senate with candidates running under party banners would tighten the stranglehold parties have on the legislative process.

[Senator Eggleton]

Let me now turn to a major theme that was highlighted by Senator Nolin. As the honourable senator so eloquently argued in this chamber, if we had an elected Senate, we would quite likely not have the same composition of members that we have today. We may well have fewer women in the Senate than we do now; we could have fewer Aboriginal leaders than we do now; and we would likely not have people with the wide variety of backgrounds and expertise that we have today.

Many of these senators are not politicians who would seek election to public office and would be unable or unwilling to meet the significant financial and time demands required for an election campaign; yet they provide dedicated service, valuable insight and expertise in helping the Senate carry out its sober second thought, social policy development and minority protection mandates.

Honourable senators, the facts bear that out. Due to deliberate choices during the appointment process, certain population groups are more represented in the Senate than in the other place. As a result, women constitute 34 per cent in the upper house and 21 per cent in the lower house. First Nations are 7.7 per cent in the upper house and 1 per cent in the lower house. It is not perfect, but it better reflects the makeup of the population of Canada than the House of Commons.

The Senate also brings stronger regional perspectives to bear in its deliberations. That is particularly important to protect the minority interests of smaller provinces. That was a key concern of the Fathers of Confederation. In fact, most democratic federations in the world have an upper chamber to better protect their minorities’ interests in the legislative process.

As Andrew Heard, a political scientist from Simon Fraser University, pointed out in 2008 about the current makeup of the Senate:

The result is an accumulation of institutional memory, collegiality and expertise.

Harnessing this experience has led to much more than legislative insight.

A number of significant impressive policy reports have come from this place that has influenced public discourse and government action. Important and significant policy studies in recent decades have included reports on banking and finance, national security, fisheries, poverty and mental health.

Senate committees have more time than House of Commons committees to study issues in depth. Members usually have more years to develop expertise in committee issues and the Senate committees function in a less partisan way.

A good example is the committee that I chair, the Standing Senate Committee on Social Affairs, Science and Technology. A two-year study under the previous chair, Senator Michael Kirby, on mental health issues, resulted in an award-winning report, which the committee unanimously, both Liberals and Conservatives, adopted, with many of its recommendations being implemented by the current government. The chances of a house committee coming up with such a report involving a two-year study and a unanimous decision — now that would be rare indeed.

The committee has also had consensus on reports on early learning and child care, population health, autism, and poverty, housing and homelessness, which demonstrates its ability to work together, like many other Senate committees, to create sound public policy options.

Perhaps it is because of this exemplary reputation that the Minister of Health recently asked our committee to do an in-depth study on Canada's pandemic preparedness.

Honourable senators, I want to close on an important issue that advocates of an elected Senate often raise, and that is the one of legitimacy. Even though the Senate provides significant contributions to legislation and policy development, as I think I have demonstrated, those who advocate for an elected Senate hold the belief that there is a democratic deficit and that this house is not legitimate.

Honourable senators, I do not think our system of democracy as a whole, I do not think our system of government as a whole, lacks for democracy. We have one of the most democratic countries on the face of the earth. Changing to an elected Senate, however, will change the dynamic of our parliamentary system. Two elected chambers will make it less like the traditional Westminster system and more like the American system. An elected Senate, like its counterpart in the U.S., will feel that it has as much right to represent the public as does the House of Commons.

As a 1978 Government of Canada paper rightly pointed out:

Two elected Houses would complicate the question of ultimate responsibility, and thus undermine parliamentary government.

Honourable senators, I do not think we need to elect two chambers in the Parliament of Canada. One is enough. Furthermore, if Bill S-8 does pass and we have an elected Senate, we must realize that we simply cannot tinker around the edges. We would be required to fundamentally change the nature of our parliamentary system. Australia, which has a parliamentary system and an elected Senate, tinkered with it but found that it led to parliamentary deadlock. As Australian political scientist John Uhr commented just last year:

Australian parliamentary commentators have increasingly rejected the terms and categories of the 'Westminster' system . . . The presence of an elected Senate in a constitutionally-entrenched federal parliament is far from classic 'Westminster.'

Therefore, if we accept Bill S-8, we must accept the slippery slope away from the Westminster parliamentary system, a system, I might add, that has stood the test of time.

Honourable senators, I do believe the Senate needs reform or renewal. What I believe the Senate needs more than anything else is a change in how appointments are made. Until now, appointments have been the prerogative of one person, the Prime Minister. I believe that should change. One alternative

would be to have a special council, perhaps including former senators, make recommendations to the Prime Minister or Parliament, similar to the process of selecting judges.

Another could involve some provincial appointments. I believe that a ten- to twelve-year, non-renewable term limit would be appropriate.

Honourable senators, let us renew the Senate; let us make it function better; but let us not destroy or radically change the structure of an institution that has served us well for the 143-year existence of this country.

Hon. Hugh Segal: Will my colleague take a question?

Senator Eggleton: Of course.

Senator Segal: My distinguished colleague has a remarkable history of being elected as the mayor of Toronto on various occasions, when I actually voted for him, the only Liberal for whom I ever cast a ballot in my entire life, and who was elected to the other place on various occasions, also with great success electorally.

I am trying to understand the Liberal Party's problem with the idea of democracy. Could the honourable senator explain more clearly why, on the one hand, he says that the longevity of our term is what allows us to take matters seriously in this place and, on the other hand, at the end of his comments, he says that perhaps we could reform the term to be 10 to 12 years.

There is a bill in the other place, as he knows, to limit the terms in this place, which is being held solid by the opposition, unable to move. I need the honourable senator to explain why the contagion of democracy is so frightening to him and his colleagues on the other side of this chamber. I need Senator Eggleton to specify why he thinks, if a province were to elect its nominees for the consideration of the Prime Minister, it would devalue the quality of the work done in this place.

• (1440)

Honourable senators, I know Senator Eggleton as a great democrat, a great believer in the legitimacy of democracy and public participation. I find it hard to understand why the honourable senator would fall in with the old centrist Trudeau line that a touch of democracy in this place is a total violation of the elitist principles upon which this place was designed.

As Senator Eggleton has mentioned this house was established 143 years ago, when women did not have the right and men could vote only if they owned property. Does the honourable senator wish to maintain that kind of bias going forward in this country? That is my respectful question.

Senator Eggleton: Honourable senators, this country does not lack for democracy and I am proud of that. We can all be proud of Canadian democracy. It is as good as it gets anywhere. We have inherited a system called the Westminster system and that has stood the test of time. Even the honourable senator has admitted that this chamber has existed for 143 years and this chamber has done well.

Yes, honourable senators, I have been through many elections and I understand that process. However, there are a number of people here who have never been through elections, would never stand for elections, but have contributed. I can think of my past deputy chair on the Senate Social Committee, Dr. Keon, who would never stand for political office but that man made a solid contribution to this country and a solid contribution to this chamber. I believe we have room for that kind of person. That is why I say that the system basically functions well.

When I say that, I say that as a person and as a senator. You attribute it to everyone over here — the Liberal Party. I may not necessarily speak for the other Liberal senators, but that is one of the things about the Senate. I can get up and I can give you this kind of thing without having to have it approved by the front office, as we hear so often has happened. I get up as an individual.

The Hon. the Speaker pro tempore: I regret to inform the honourable senator that his 15 minutes is up. Is he asking for more time?

Senator Eggleton: I will take another five.

The Hon. the Speaker pro tempore: Five minutes has been granted.

Hon. Terry M. Mercer: Perhaps if Senator Segal feels this place is that bad, he should have said no when Paul Martin called.

Concerning Senator Eggleton's deliberations and in his presentation of his speech today, I appreciate what the honourable senator said about the greater number of women and the greater number of people of Aboriginal descent in this place. It has been a point of mine for some time that prime ministers and leaders of the opposition — because they are currently the only two people who will be in a position to appoint over the next little while — make a commitment to the Canadian public that they only appoint people to this chamber who would address the issue of gender equity on a province-by-province basis.

Honourable senators, while we have not been able to constitutionally or electorally provide a chamber in the country where there is an equality of the sexes, whether at the provincial level or the federal level, there is an opportunity if the Prime Minister and the Leader of the Opposition would both commit to do it for a number of years. Then we would eventually get to the point where there is equality amongst men and women, and once it is done it could never be turned back.

Senator Eggleton: I certainly believe we should strive and we should ask the prime minister, or leaders of the party, to strive towards gender equity and to have a specific plan in place to accomplish that goal.

Honourable senators, I would even take it a step further. This chamber needs to reflect the population of Canada. We have the opportunity to do that. There are people of many other backgrounds who we should also look to bring to the Senate. As

[Senator Eggleton]

I said, we have more Aboriginal people here than the House of Commons. Let us get people of a wide variety. There are a number here now, but that is something you may not get in an elected house, as is the example in the House of Commons.

This house, I believe, is a complementary house to the elected house. This house knows its role of sober second thought in policy development and looking after minority interests, both in the general minorities and in the geographic minorities. It is a complement to that house, which is the popular house, the house that is elected. That is the beauty of the Westminster system. The combination works well, and it is democratic and legitimate.

Hon. Nancy Greene Raine: Honourable senators, we have a wonderful history in our Senate, and it is true that we are following the Westminster model. Is the senator aware that in Westminster they are now electing Lords?

Senator Fraser: They are not.

Senator Eggleton: No, I am not aware of that. I know they have talked about it. They have made some changes in the House of Lords, where there are no longer lifetime appointments and the title cannot be inherited. The House of Lords has discussed many changes, as has the Senate.

The first Senate reforms were proposed 142 years ago, just a year after the Senate was formed, and they have been talking about it ever since. The same thing has happened in the U.K. They have been talking about reform in the House of Lords forever and ever.

While some people talk about possibly electing Lords — I do not know how you elect a Lord — I do not think that is likely to happen.

(On motion of Senator Mitchell, debate adjourned.)

STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY

SEVENTH REPORT OF FOREIGN AFFAIRS AND
INTERNATIONAL TRADE COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *A Workplan for Canada in the New Global Economy: Responding to the Rise of Russia, India and China*, tabled in the Senate on June 28, 2010.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, some members from the Foreign Affairs Committee on this side would like to speak to the matter; therefore, I would like to take the adjournment in my name.

(On motion of Senator Tardif, debate adjourned.)

• (1450)

[*Translation*]

ADJOURNMENT

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

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

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

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

Hon. Senators: Agreed.

(Motion agreed to.)

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

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