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(HANSARD)

Tuesday, November 16, 2010

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, November 16, 2010

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE DUFFERIN ROBLIN, P.C., C.C.

The Hon. the Speaker: Honourable senators, I have received a notice from the Leader of the Government who requests, pursuant to rule 22(10), that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Dufferin Roblin, who passed away on May 30, 2010.

I remind honourable senators that, pursuant to our rules, each senator will be allowed three minutes and they may speak only once. The time for tributes shall not exceed 15 minutes.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I rise today to pay tribute to our former colleague, the Honourable Senator Dufferin Roblin, who passed away on May 30, 2010.

Over the course of many years, Senator Roblin was a driving force in the life of his home province of Manitoba and, indeed, of our country. He served his fellow citizens as a member of the Legislative Assembly of Manitoba; Leader of the Progressive Conservative Party of Manitoba; Premier of Manitoba; and as a member of the Senate of Canada, where he served with distinction, including as the first Leader of the Government in the Senate in the cabinet of the Right Honourable Brian Mulroney in 1984.

When he was a young man, Duff Roblin served in the Royal Canadian Air Force as a Wing Commander. He was first elected in 1949 to the Manitoba legislature in the riding of Winnipeg South. Ultimately, on June 16, 1958, Dufferin Roblin followed in the footsteps of his grandfather Sir Rodmond P. Roblin by leading the Progressive Conservatives to power in Manitoba. For the 10 years that followed, he piloted Manitoba through a time of tremendous change. It is a sad coincidence that we have recently marked the passing of the Honourable Norman Atkins, who ran successful provincial campaigns for Duff Roblin.

As Premier of Manitoba, Duff Roblin had numerous accomplishments. He is credited with modernizing many aspects of life in his province in education, health care, infrastructure and social welfare programs. Without question, however, his greatest legacy to the people of the province is the Red River Floodway, also known affectionately as "Duff's ditch." This floodway has saved the city of Winnipeg and the surrounding areas from major flooding many times. Our colleague Senator Johnson pointed out to honourable senators in June that, by coincidence, on the very day Duff Roblin died, the floodway was opened up to help control flooding once again in the Winnipeg area.

Upon leaving provincial politics in 1967, Duff Roblin ran as a federal Progressive Conservative Party leadership candidate, where we all know he did not experience the same level of success. He ultimately lost to Robert Stanfield on the fifth and final ballot in that hot Maple Leaf Gardens in 1967. Many of us were there.

In March 1978, Duff Roblin was appointed to the Senate of Canada, where he would serve Manitoba and all of Canada for 14 years. In this chamber he served in a number of positions, including Deputy Leader of the Opposition, Leader of the Opposition and, as I stated earlier, as Leader of the Government for almost two years. He handed off his leadership responsibilities in June 1986 to the Honourable Lowell Murray.

In his time in the Senate, Senator Roblin was an active member of numerous Senate committees. It is hard to believe that it has been over 18 years since Duff Roblin retired from the Senate of Canada, yet the memory of his intelligence, creativity, concern for the less fortunate and his sterling example of public service remains to this day, especially to those of us who had the privilege to know him.

He lived a long, full and productive life. To this day the people of Manitoba and Canada continue to benefit from his work on their behalf and they will for a long time to come. On behalf of all Conservative senators, I extend sincere condolences to his family for their loss.

Hon. Michael Duffy: Honourable senators, one of the best parts of spending 40 years in journalism was the opportunity to meet and interview truly great Canadians, and the Honourable Duff Roblin certainly meets that definition. We all know of his family's many contributions to building the modern Manitoba we see today.

As the Leader of the Government in the Senate said and as Senator Johnson said earlier this year, Senator Roblin did not hesitate to undertake bold and audacious initiatives, including what we have just been told about "Duff's ditch," the floodway that was designed to protect the city of Winnipeg and the surrounding area. At the time Premier Roblin proposed this massive public works project, his critics were legion, saying it was a waste of money and, even worse, it would not work. They underestimated the foresight and tenacity of Duff Roblin. History shows that Duff Roblin was right, and today the people of Winnipeg take it for granted that their city will be protected from floods. If the critics had prevailed, they would not have had that assurance.

Derek Bedson, who served as an assistant to Prime Minister John Diefenbaker and who later became Secretary to the Manitoba Cabinet, told me Duff Roblin was the most disciplined politician he had ever met. Mr. Bedson told me

Dufferin Roblin would begin each day by asking, "What are the toughest issues we must face today?" It was only after the tough stuff was done that he moved on to the fun stuff of politics, meeting and chatting with school kids, posing for photos and the like.

Senator Roblin, as honourable senators have heard, came to national prominence when he ran for the leadership of the Progressive Conservative Party in 1967. He was late getting into the race but his speech at that convention galvanized delegates. He came within 81 votes of beating Bob Stanfield, another remarkable provincial premier, who went on to become Leader of the Official Opposition and, many believe, the best prime minister Canada never had.

Duff Roblin, as we have heard, went on to leadership positions in business and in this chamber, where his many contributions are well remembered. His had a remarkable record of public service.

Our sincere sympathies are extended to the Roblin family and their countless friends on the passing of this truly great Canadian.

• (1410)

Hon. Rod A.A. Zimmer: Honourable senators, I rise today to honour a man, a gentleman and a gentle man, Senator Duff Roblin. I wish to associate myself with what Senator LeBreton has said, and I want to add my own Manitoban perspective to her eloquent words.

Long before Senator Roblin came to Ottawa, and before I came onto the federal scene, Senator Roblin became a towering figure in Manitoba. His legacy is a shining example of the good that politicians and government can bring to their citizens. He gave the titles of politician, premier and senator a good name.

I wish to direct my comments to all Manitobans, Canadians and honourable senators, but especially and most importantly to his family members who are in the Senate gallery today.

When I came to Ottawa for the first time, from 1973 to 1979, as a special assistant to the Honourable James Richardson, Minister of National Defence, I met Senator Roblin. Irrespective of my political affiliation, from then on, Senator Roblin always befriended me.

As Premier of Manitoba from 1958 to 1967, Duff Roblin was responsible for the construction of the Red River Floodway. It was then the second largest earth-moving project of its time, after the Panama Canal. The cost was $63 million. At first, Manitobans were upset at the cost, but when they saw his vision, that he was saving lives and property, he became a hero. It is now and forever known as "Duff's ditch."

I am proud to say that Pierre Elliott Trudeau was also a visionary when he appointed Senator Roblin to the Senate in 1978. Unfortunately, Senator Roblin reached the age of retirement well before I arrived in the Senate. However, like many Manitobans, I, at times, like to think that I follow in his footsteps in the service of my province and my country.

Many years ago, to relieve stress, Senator Roblin played the bagpipes in his office. He wrote in his autobiography, in 1999, that the cleaning staff soon got used to it. He also said:

> Education is not a cost or a bill or expense but a wholesome investment in human life, growth and comprehension.

Honourable senators, finally, to all Manitobans and Canadians, and especially his family in the gallery, Duff Roblin is, and always will be, a Canadian hero.

Hon. Michael A. Meighen: Honourable senators, I am honoured to join my colleagues Senators LeBreton, Duffy and Zimmer in paying tribute to the Honourable Duff Roblin.

While I admired Duff Roblin from afar — and notably, his four consecutive election victories — I first got to know him when I became an ardent supporter of his during the 1967 Progressive Conservative Party's leadership race to succeed the Right Honourable John Diefenbaker.

Having been born and raised in Montreal and having recently completed my law degree at the University of Laval, I felt it imperative that the leader of the party possess, at the very least, a good working knowledge of the other official language — in this case, French — and Duff Roblin did so and more. In addition, he was from Manitoba, where my family had strong ties through my grandfather and also my father, who was born in Portage la Prairie.

As it turned out, Duff was particularly well received in Quebec where he was invariably introduced by his old friend Maurice Arpin. Blair Fraser was quoted at that time as saying he had never seen an Anglo politician receive the reception that Duff did.

At the Toronto convention, Duff issued a clarion call for "many cultures, two languages, one nation," but he ran into what became the Big Blue Machine, a group of political operatives in Toronto, including our late colleague Norman Atkins who took campaigning to a new level of sophistication. The organization was just too good and Duff lost to the Big Blue Machine and their candidate Bob Stanfield on the last ballot.

Duff returned from the 1967 leadership convention and ran in Gordon Churchill's former riding. Unfortunately, the good citizens of Winnipeg South Centre had a far easier time remembering the evils of a provincial sales tax than they did the benefits of a floodway. It was a brutal campaign and Duff lost badly.

[*Translation*]

Shortly thereafter, Duff and his wife Mary moved out east where he was named as president of Canadian Pacific Investments. I had the privilege of seeing him often in Montreal and I was always intrigued by his clear and thoughtful points of view on national and international affairs.

But Duff was a Winnipegger at heart. After returning there, he accepted his appointment to the Senate by Prime Minister Trudeau, on recommendation of Joe Clark.

Duff Roblin was a great parliamentarian and was admired by his colleagues from all parties. When he left the Senate, where he was leader of the government in the mid-1980s, the tributes flowed in. The most touching tributes were from two Liberal francophones, Senator Gil Molgat, from Manitoba, and Senator Louis Robichaud, from New Brunswick.

Senator Robichaud said:

[*English*]

> I want to tell Duff Roblin, his wife, Mary and his children how proud I was of him, and I want to tell them that Duff Roblin is a great Canadian. . . . He consistently talked about the Metis, because they were of special interest to him. He was an honest, dedicated, sincere politician, but above all he was a great Canadian and still is.

In 2004, I had the honour of accompanying Duff to the sixtieth anniversary celebrations in Normandy and, at the time, I marvelled at the stamina and cheerfulness of this almost 87-year-old man.

Duff was chosen as the greatest Manitoban in history in an online poll. In 2007, I joined then Premier Doer and a small group of friends and admirers in Winnipeg to pay tribute to this remarkable Canadian on the occasion of his ninetieth birthday.

On June 17 last, a small group, including former Ontario Finance Minister Darcy McKeough, who had nominated Duff for the national leadership of our party, and Joe Martin, one of Duff's most longstanding and closest associates, gathered in Toronto to remember Duff and to raise money for the graduate student fellowship in his name at the University of Winnipeg. One in the group was the Right Honourable Joe Clark. Joe said more than once that he was there because of the impact Duff had on his life. He told us how Peter Lougheed had modelled his rise to power in Alberta and his government on what Duff did in Manitoba.

At Bobby Kennedy's funeral in 1968, Teddy Kennedy's eulogy included these words:

> Some men see things as they are and say why. I dream things that never were and say why not.

In the 1950s, there were inadequate school facilities and the talents of Manitoba boys and girls were being wasted. Duff asked, why not a system of education with larger, better school divisions and free textbooks, as well as improved financing for the university and the affiliated colleges?

In the 1950s, Manitoba had a terrible highway system. Duff asked, why not a highway system for the present and the future, not the past?

In the 1950s, Winnipeggers feared the Red and the Assiniboine Rivers in springtime. Duff asked, why not a floodway, which would provide flood protection?

That was Duff Roblin's legacy — to dream the impossible dream and to make it possible.

[*Translation*]

Hon. Pierre De Bané: Honourable senators, when the late Duff Roblin sat here with us, he was a senator who commanded respect from both sides of this chamber. When he spoke, we listened because we knew that what he was telling us was true. I met the late Duff Roblin for the first time when I was a university student with my colleague Senator Meighen. We had organized a conference on the Canadian Constitution, and one of the participants was Duff Roblin. There were other participants who were well known at the time. What was remarkable was seeing Duff Roblin, who came from Western Canada, from Manitoba, master the French language with so much skill. He showed us how a person can have a strong attachment to their own province but at the same time understand the needs and aspirations of the entire country.

• (1420)

[*English*]

He was a great statesman who commanded respect from all corners of the Senate and the country. He was a great gentleman for whom we had the greatest respect. To Mrs. Roblin, their children and family, I say how much we miss a man of that calibre.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of a number of members of the family of the late Senator Dufferin Roblin, including Jennifer Roblin, Craig Laithrop, Shawn Laithrop, Bronwyn Laithrop, Ewan Laithrop, Lilly Roblin and Rachael Roblin.

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

Hon. Senators: Hear, hear.

UNIVERSITY OF VICTORIA

LE,NONET PROJECT

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I rise today to congratulate the University of Victoria on the great success of its extraordinary pilot project, LE,NONET Research Project.

We all know the importance of a post-secondary degree in today's knowledge economy. We all know the research: Higher education levels are associated with better health outcomes, lower crime rates, and the list goes on and on. However, in 2006, only 8 per cent of Aboriginal people aged 25 to 64 had completed a university degree, compared to 23 per cent of non-Aboriginal Canadians.

The University of Victoria decided to do something to change those statistics and create a university environment that would work for Aboriginal Canadians. In 2005, with money from the Canadian Millennium Scholarship Foundation, the university established the LE,NONET Research Project. LE,NONET in the

language of the local Straits Salish people means "paddling a canoe in a storm and making it through to the other side." How prescient that name is.

The project has been remarkably successful. Thanks to LE,NONET, many more Aboriginal students are making it through difficult waters to the other side. There are seven programs within the project, all developed in close consultation with Aboriginal students and communities. These programs include a straightforward bursary program, under which students receive an average of about $3,500 a year. There is an emergency relief fund. Students were going home to their communities, for example to attend a family member's funeral, and not returning because the travel expenses were simply too high. This fund helps to defray those expenses.

There are programs designed specifically to create an environment at UVic to encourage Aboriginal students to stay, learn and succeed. There is a peer mentor program, which matches new students with experienced Aboriginal students; a community internship program; a research apprenticeship program; and a preparation seminar, which is a course focused on Aboriginal history, culture, research methods and skills for working in community settings.

The university recently published its findings from the four-year pilot project. Graduation rates have improved 20 per cent. The withdrawal rate was fully two thirds less than that of students not in the program. In interviews, an overwhelming 97 per cent of students credited the program with contributing to their success. The program has also helped to build community. Students felt more connected to Aboriginal communities both on and off campus as well as to the broader university environment. Paul Wells wrote about the program in *Maclean's* last week:

> Sometimes people suggest being a member of the First Nations and being at university are contradictory. Most LE,NONET participants disagree.

In 1999, the University of Victoria had fewer than 100 Aboriginal students; today it has nearly 700. The number of graduate students has also exploded from fewer than 10 to nearly 150. Honourable senators, this project is a great success story. I would like to extend my sincere congratulations, and I suspect the congratulations of all in this chamber, to David Turpin, President of the University of Victoria, his colleagues, the people who partnered with the university from the Canadian Millennium Scholarship Foundation and, in particular, the Aboriginal students at LE,NONET. Together they are truly building a better future for all Canadians.

CANADIAN PACIFIC RAILWAY

ROLE OF CHINESE WORKERS

Hon. Vim Kochhar: Honourable senators, 125 years ago, on November 7, 1885, Canada was bound together by our railroad. The country is much different now. When this country was young, only the Canadian National Railway linked east and west. It took 14 years for the CPR to build through blistering summer heat and frigid winters, and through difficult mountain terrain and inhibiting forests and swamps.

When we think of driving the last spike 125 years ago, we must remember the 17,000-plus Chinese workers who were brought in to build the railroad. They built the railroad kilometre by kilometre, blasting through mountains while enduring landslides, cave-ins, drownings, avalanches and disease. It has been said that their contribution was so crucial that the railroad might not have been built without them. They were poorly paid, poorly treated and not allowed to bring their families into Canada. Later, we punished them with a head tax and all sorts of hurdles to restrict their immigration to Canada.

It was the morality of that generation; it should teach us that what we did was wrong. The inhuman treatment by Canadians of that generation caused humiliation and a great deal of suffering to 17,000 Chinese who stayed in Canada after building the railroad.

Today, when we think of the CPR uniting Canada and remember their contribution, we must not forget that the Chinese built the railroad, and their contribution brought Canada together. This contribution is a part of the Canadian human rights journey, and it is worth remembering.

WORLD DIABETES DAY

Hon. Catherine S. Callbeck: Honourable senators, this past Sunday marked World Diabetes Day, which aims to keep diabetes and its effects firmly in the public spotlight. Started by the International Diabetes Federation and the World Health Organization in 1991, it became an official United Nations day in 2007. The date for celebration is always November 14, the birthday of Sir Frederick Banting, the great Canadian who discovered insulin as a treatment for diabetes.

All around us, a global epidemic of diabetes is emerging. People everywhere are becoming more overweight and obese, and less and less active. As a result, they can develop diabetes. Currently, 285 million people around the world have diabetes. Predictions are that this number will double over the next 20 years. Every year, seven million more people develop this chronic disease. Here at home, about two million Canadians live every day with diabetes.

As most will know, there is more than one type of diabetes. In Type 1 diabetes, the body cannot produce its own insulin, while in Type 2, the body cannot use it effectively. Type 2 accounts for approximately 90 per cent of all cases.

We often think of diabetes as a manageable disease that is not so dangerous. However, approximately 5 per cent of all deaths worldwide are caused by diabetes. That number was about 1.1 million people in 2005. Over the next 10 years, the number of deaths will increase by 50 per cent. What is more, the full impact of diabetes is even greater. Many more die of kidney failure or heart disease brought on by diabetes.

At the moment, most deaths from diabetes, about 80 per cent, are from low- and middle-income backgrounds. The implications are startling for those in poorer countries. People can be unaware of diabetes and its warning signs, and there can be a lack of access to health services. This lack can lead to complications like blindness, amputation and kidney failure.

• (1430)

Even here at home the complications and risks are staggering. About 80 per cent of Canadians with diabetes will die from a heart attack or stroke. Thirty per cent of Canadians with diabetes will become blind. The life expectancy of a person with Type 2 diabetes can be shortened by 5 to 10 years, while a person with Type 1 diabetes may lose as many as 15 years.

The good news is that diabetes can be prevented in many cases. For individuals, 30 minutes of moderate exercise on most days and a healthy diet can drastically reduce the risk of developing Type 2 diabetes.

The Canadian Diabetes Association chapter in my home province of P.E.I. is doing what it can. The association holds diabetes education nights for the public, makes presentations to schools and other groups, partners with business to support research and services, raises funds and provides a Diabetes Supply Centre.

Government can do its part as well. More awareness must be created about diabetes and its symptoms, how to prevent it and how to live with it. Research must be conducted to discover new and innovative ways to treat this terrible disease. I believe that, working together, we can turn the tide of this growing epidemic and ensure healthier lives for people around the world.

CANADA'S VETERANS

Hon. Pamela Wallin: Honourable senators, Remembrance Day is always a remarkable time. An estimated 30,000 people turned out in Ottawa — and tens of thousands more attended ceremonies across the country, including in my hometown of Wadena, Saskatchewan.

Canadians of all ages gathered to show their respect for those who have died for this country and for those who have served and still serve in defence of this nation. Our soldiers, seamen, airmen and special forces deserve the gratitude of their fellow citizens, and they also deserve the best from us when they return to civilian life as veterans, especially if they have been injured while performing their duty.

Five years ago, Parliament quickly and unanimously passed the New Veterans Charter with little debate so that veterans could receive their benefits quickly. Since then, as anticipated, deficiencies in the so-called ''living'' charter have been discovered. The government has been acting to address these deficiencies, recently investing more than $2 billion over the long term to enhance veterans' benefits under the charter. Severely injured veterans who are unable to return to work will, in future, receive an additional $1,000 a month for the rest of their lives, and we will ensure a minimum annual income of at least $40,000 a year to replace lost income for veterans undergoing rehabilitation or who cannot return to work.

There will be more than $52 million over five years for seriously injured soldiers, offering better housing and support services including up to $100 a day for family or close friends who leave their jobs to help provide care for ill or injured soldiers. There will also be enhanced case management support and quicker response times from the bureaucracy. Call it giving the benefit of the doubt to the veterans.

As a result of the Privacy Commissioner's recent recommendations concerning unacceptable treatment of veterans' files, the government is acting quickly to protect their privacy.

The government recently appointed a new Veterans Ombudsman, retired Chief Warrant Officer Guy Parent. Retired Chief Warrant Officer Parent served 46 years with the Canadian Forces and is again ready to serve. He is up to speed, having worked the past two years in the current ombudsman's office.

As the minister has promised, the government will soon announce changes to the lump sum disability award, making the disbursement of funds more flexible, in line with the wishes expressed by veterans themselves.

Honourable senators, these initiatives are how we can show veterans our respect and how we can truly remember them.

LANGUAGE EDUCATION

Hon. Mobina S. B. Jaffer: Honourable senators, a few weeks ago, I had the privilege of attending the Southern Alberta Heritage Language Association's International Languages Symposium in Calgary, Alberta. This year, the language association celebrated its twenty-fifth anniversary. For a quarter of a century, this organization has been working hard to lead, advocate and provide resources for the promotion of international and heritage languages education.

During my time in Calgary, I had the opportunity to meet with members of the Canadian Languages Association, which is a national umbrella organization that promotes international languages education.

During our meeting, we discussed the fact that multiculturalism and multilingualism are the strength and heart of our Canadian society. We also reflected on how multiculturalism and multilingualism promote peace, cooperation and respect for one another, both nationally and internationally.

Honourable senators, we are blessed to live in a country that welcomes people from all walks of life and embraces difference and diversity. Throughout my life I have travelled to many parts of the world. I have been fortunate enough to be able to learn many languages. This learning, to me, is not simply an accomplishment that I take pride in; it is part of my identity. It is who I am.

By failing to preserve heritage languages, we are doing a great disservice to our children, for we are robbing them of an important piece of their individuality and identity. Language education has an important role to play in strengthening Canada's identity as a multicultural nation by providing an inter-cultural perspective on our country through language learning and appreciation.

Language education serves an even greater role in the trading world in which we live. If trade creates opportunities that promote the growth of our country, then we must develop and sustain our capacity to engage in conversations and develop relationships with our global trading partners.

We need to prepare our children to learn more languages. Building a truly multi-linguistic society means educating our citizens and creating the opportunities needed in order for them to play an important role for Canada in the future. Through the promotion of language education, we extend the limits of our understanding to include a global community and we increase our capacity to play an important role in shaping the future at home and abroad.

Honourable senators, there is a growing need to embrace a linguistic plurality. Canada's identity is made up of a mosaic of languages and cultures, all combining to form a unique and vibrant multicultural community. We need to prepare our children for the new world, a world where children speak three to four languages. Most of our children do not.

Honourable senators, we have much work to do.

[*Translation*]

ROUTINE PROCEEDINGS

PUBLIC SAFETY

RCMP'S USE OF LAW ENFORCEMENT JUSTIFICATION PROVISIONS—2009 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2009 annual report on the RCMP's use of the law enforcement justification provisions.

JUSTICE

APPLICATIONS FOR MINISTERIAL REVIEW— 2010 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 2010 annual report entitled *Applications for Ministerial Review — Miscarriages of Justice*.

PUBLIC SAFETY

OFFICE OF THE CORRECTIONAL INVESTIGATOR— 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 the Office of the Correctional Investigator, pursuant to section 192 of the Corrections and Conditional Release Act.

JUSTICE

COURTS ADMINISTRATION SERVICE— 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 the Courts Administration Service.

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF PROGRESS MADE ON GOVERNMENT'S COMMITMENTS SINCE THE APOLOGY TO STUDENTS OF INDIAN RESIDENTIAL SCHOOLS

Hon. Gerry St. Germain: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That notwithstanding the Order of the Senate adopted on June 2, 2010, the date for the presentation of the final report by the Standing Senate Committee on Aboriginal Peoples on progress made on commitments endorsed by Parliamentarians of both Chambers since the Government's apology to former students of Indian Residential Schools be extended from December 2, 2010, to December 31, 2010.

• (1440)

[*English*]

QUESTION PERIOD

THE SENATE

MAILINGS BY SENATORS

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

Honourable senators, I have noticed recently that a number of Conservative senators have attached petitions to their newsletters advocating various positions. I have noticed that these Conservative senators seek names, addresses and email addresses.

Can the minister tell us if this information is passed on to the Conservative Party or party officials? Can the minister tell honourable senators what the senators are doing with this information? Are the senators compiling information for campaign lists or for prospective donors?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. Honourable senators, this is not a government matter. This is a matter between a senator and the *Rules of the Senate*.

Senator Munson: Honourable senators, given the government's huge deficit, is it appropriate for Conservative senators to use taxpayers' dollars to distribute thousands of partisan brochures and pamphlets critical of Liberal positions into the ridings of elected Liberal MPs?

Senator Tkachuk: I have one of the pamphlets with me; would you like me to read it to you?

Senator Munson: Senator Tkachuk, you are not allowed to use props. You should know better than that.

No one has an issue with the newsletter from Senator Runciman or Senator Plett or whomever, but the issue inside of these things, from my perspective, is that it is unlike the Liberals. Advocating a position is one thing, but taking a critical position into the elected —

Senator Tkachuk: You should read all of these things. Read your own literature.

Senator Munson: Members from the other place, particularly Minister Van Loan, used to take great delight in describing this as the "unelected, unaccountable Liberal-dominated Senate." My, how times have changed.

Can the leader explain why the Conservative senators are using the back door of the Senate, as opposed to the front door of the House of Commons?

Senator LeBreton: All senators in this place, whether Conservative, Liberal, Independent or otherwise, have privileges to communicate with the Canadian public, and I believe all senators on both sides have availed themselves of this practice.

It is not my position as Leader of the Government in the Senate to dictate to Senator Mitchell, or any senator on this side, how they should communicate with the public. Individual senators make these decisions. As far as I am aware, senators on both sides of this chamber abide by the *Rules of the Senate*.

Senator Munson: May I ask the Leader of the Government in the Senate if she feels it is appropriate for individual senators in this chamber of sober second thought, this chamber of review, this chamber where minority rights are to be respected, does she believe it is right for senators to be sending thousands of brochures into individual Liberal MPs' ridings?

Senator LeBreton: Honourable senators, when I was a child, my father used to say, "People in glass houses shouldn't throw stones."

Senator Tkachuk: You got it.

Senator LeBreton: Honourable senators, individual senators are responsible individuals. Obviously members on this side support the government's policies. Some senators on this side have their own track records, particularly in areas of law and order issues. Senators on the other side have interests in the environment and other issues. Those senators who choose this method to communicate with the Canadian public are entirely within their rights to do so and, as long as they abide by the *Rules of the Senate* as provided by the Senate, as Leader of the Government in the Senate, I have no comment to make because that is not the responsibility of the Leader of the Government in the Senate. It is the responsibility of individual senators.

Hon. Pierre De Bané: Honourable senators, my question is for the Leader of the Government in the Senate. Does the leader agree that it is appropriate for an appointed member of this house to use taxpayers' money to target an elected person in his riding and send a partisan document attacking that elected member of the House of Commons?

Does the leader find this behaviour proper? Does the leader believe that this type of behaviour reflects well on all members of this house? Does the leader believe that it is our role as senators to write brochures, not to expose our views, but to attack an elected member of the other house?

Senator LeBreton: Honourable senators, I believe Senator De Bané incorrectly described the mailing as a brochure. Senators on both sides of this house have strong views on many issues, whether it is health care, education, the environment, law and order issues or justice matters. I believe, honourable senators, provided it follows the *Rules of the Senate*, far be it from me or any senator on either side to restrict the rights of that senator.

As I have indicated before, senators on the other side have done likewise on matters about which they feel particularly concerned. Of course, it was okay to do that then, but now that there has been a news story in that newspaper of such non-partisan views, the *Toronto Star*, all of a sudden it becomes a big issue.

An Hon. Senator: Its own little brochure.

Senator LeBreton: Honourable senators, far be it from me to dictate to senators on that side or on this side of this chamber what senators may write in a newsletter or a mail-out to members of the Canadian public on issues that concern them.

Hon. Gerry St. Germain: Honourable senators, I have a supplementary question. I believe that this type of debate and this line of questioning diminish the importance of our work.

An Hon. Senator: Hear, hear!

Senator St. Germain: Simply because on issues in the past, such as Bill C-68, the gun registry, I travelled this country from coast to coast to coast, ocean to ocean to ocean, and expressed my opposition. I spoke in opposition. Those who supported it logically were not on this side. I was taking issue with Minister Allan Rock at the time and the legislation he was bringing forward.

An Hon. Senator: Question!

Senator St. Germain: I was spending Canadian tax dollars doing this.

Senator Tardif: What is the question?

Senator St. Germain: Honourable senators, it was not a waste of money. It is a matter of opinion. The other side wants to stifle debate and stifle opinion. I think this is dangerous to the democratic process. I have been elected. Not many

honourable senators have been elected. I have been elected and I would never mind if a senator came in and took issue with anything I believed in. He or she had that right, and this is what democracy is all about. This type of questioning diminishes democracy.

• (1450)

Senator LeBreton: Honourable senators, Senator St. Germain is absolutely right. There are many issues on which we have strong views. People often have differing views. The importance is that even though sometimes I do not share the views of my friends opposite, I will fight to the death for their right to have those views.

Hon. Robert W. Peterson: Can the leader determine if these pamphlets were prepared by the Senate printing office or were they printed off-site and charged back to the Senate?

Senator LeBreton: Honourable senators, that is not a question for me. The honourable senator must ask the proper authorities in the Senate. I understand that these letters that were sent out by senators to communicate with the public were distributed from the Senate.

Senator Cowan: What was your answer?

Senator LeBreton: It is my understanding that they were distributed from the Senate or sent from the Senate.

Senator Cowan: They were printed in the Senate?

Senator LeBreton: That is my understanding.

FINANCE

DISABILITY INSURANCE AND PENSIONS FOR NORTEL EMPLOYEES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I recently received a touching and heartfelt letter from Ms. Jackie Bodie of Calgary. Ms. Bodie, a 41-year-old mother of two young boys, started paying for disability insurance through Nortel 18 years ago. She wrote:

> . . . my intention — for paying for disability insurance — was to ensure that I would have the means to provide the basic necessities of life for myself and my family if I could no longer work for a living. In my mind, LTD insurance was a contingency plan that I hoped I'd never have to fall back on.

Unfortunately, Ms. Bodie was diagnosed with Parkinson's disease at the age of 33 and in 2005, at the age of 36, went on long-term disability. Her long-term disability income and benefit plan offered by Nortel expires on December 31 of this year.

Time is running out. Only 45 days remain to take the necessary action. What is the government's plan to ensure that Nortel's long-term disability beneficiaries, like Ms. Bodie, have the funds necessary for the continuation of their benefits beyond December 31?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, of course, the issue is complex and of concern to our government, as it is to all of us. We realize there are no easy answers with regard to this issue. Several bills are before Parliament. One is before the Senate. I am told by my colleagues that one of the bills that is before the Senate will receive careful consideration within the next few weeks.

[*Translation*]

Senator Tardif: Honourable senators, Ms. Bodie explains that, after December 31, 2010, she and her spouse will have only one income to cover the cost of her medication and support their young family.

Will the government undertake to correct this terrible situation whereby more than 400 people will lose their disability benefits?

[*English*]

Senator LeBreton: Honourable senators, the issue is a difficult one, for which, as we all know, there are no easy answers. The government is working with its provincial and territorial partners on pension reform issues trying to deal with this serious matter. I cannot offer any further comment at the present time, except to say, as honourable senators well know, most of these pensions fall within provincial jurisdiction. Having said that, the federal government is working with the provinces and territories to try to address some of the issues facing pensioners at the moment.

[*Translation*]

FOREIGN AFFAIRS

CLOSURE OF DIPLOMATIC OFFICES—AID TO AFRICA

Hon. Rose-Marie Losier-Cool: Honourable senators, my question is for the Leader of the Government in the Senate. An article by Geoffrey York that appeared in last Wednesday's edition of *The Globe and Mail* indicated that Foreign Affairs is thinking of closing up to four more embassies in Africa. Added to the cuts already made by Canada to its diplomatic missions in Africa in recent years, these new closures would result in Canada having a presence in fewer than one-third of the countries on the African continent.

Can the Leader of the Government in the Senate tell us if these new closures will take place? If the answer is yes, which embassies will be closed and when will they be closed?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I saw the article in question. The Minister of Foreign Affairs, of course, always reviews our embassies abroad. I am given to understand that some embassies may close and others may open. I do not have precise details. I do not think the minister has made a final decision, so I will take the question as notice.

[*Translation*]

Senator Losier-Cool: I thank the Leader of the Government for taking my question as notice. The Minister of Foreign Affairs, Mr. Cannon, replied that he could not confirm or deny that the closures will take place. Senators will remember that eight African

countries were dropped from Canada's list of priorities for international aid last year. It appears that the current government is increasingly distancing itself from Africa and concentrating on other regions considered more profitable, such as South America and Asia.

Will the Leader of the Government in the Senate confirm that this policy change signals greater involvement in South American and Asian countries and the neglect of Africa?

[*English*]

Senator LeBreton: In the honourable senator's preamble, she confirmed what the minister said, which is basically what I said. The article in the newspaper speculated, but, as the minister said, decisions have not been made on the closure or opening of new embassies.

With regard to the honourable senator's question on Africa, the government has increased its aid to Africa. We are proud of the policies of government with regard to the effectiveness of our aid. As honourable senators know, we have untied food aid. In fact, we are in the process of untying all aid. We have doubled aid to Africa and championed the issue of maternal and child health at the G8, as we all know. We concentrated on bilateral aid in 20 countries and revamped the Canadian Partnership Branch. We committed $540 million over three years to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

[*Translation*]

Senator Losier-Cool: More and more economic analysts are noting the strong economy of Africa, a continent that fared well during the recent global economic crisis and whose natural resources are attracting a huge number of foreign investors, especially from Asia. We know that China has an economic presence in Africa in a number of areas.

Can the leader tell us whether the government understands the economic importance of investing in this booming continent and whether that warrants maintaining a diplomatic presence in Africa? That could help the Minister of Foreign Affairs decide whether or not to close embassies.

[*English*]

Senator LeBreton: I absolutely do understand the importance. As I pointed out to honourable senators, that is why our government has increased aid to Africa and why we have untied food aid and are delivering aid onto the ground and into the communities where it is needed. In answer to the honourable senator's question, I absolutely do understand the importance.

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate. The leader said much of the maternal health aid that the Prime Minister specified at the G8 could go to Africa. What percentage of that aid will go to Africa and to what countries?

• (1500)

Senator LeBreton: Honourable senators, regarding the G8 initiative to make a difference in the lives of women and children — the Muskoka Initiative, as we call it — our contribution is $1.1 billion over five years. About 80 per cent of the new Canadian contribution will flow to sub-Saharan Africa. As I have said many times, we are focusing our efforts on areas where we believe we can have the most impact to save the lives of the most mothers and children possible. For example, our additional support for the Micronutrient Initiative is a vital component. On this front, Canada is a world leader.

Senator Jaffer: May I please ask the leader if she can find out to which sub-Saharan countries this aid will be provided?

The one thing I am confused about is this: if we are removing our presence in the countries, how do we know our aid is being applied in these countries the way we want it to be applied?

Senator LeBreton: Honourable senators, I did not say that we were removing our representation in the country. I said that no decisions have been made on what new missions will be opened and what missions will be closed.

With regard to 80 per cent of the Canadian monies going to sub-Saharan Africa, obviously, honourable senators, that information would be available because we could not make a statement that 80 per cent of our money goes to sub-Saharan Africa and then not know where it is going. I just do not have that information at my fingertips. However, I will be happy to provide it to honourable senators.

[*Translation*]

Hon. Jean-Claude Rivest: Honourable senators, I have a short supplementary question. In response to the questions from our honourable colleague, the Leader of the Government said that the minister was reviewing the situation in Africa.

Could the minister ask the Minister of Foreign Affairs to be very careful if he decides to reduce Canada's presence in Africa, because a number of African countries are members of the Commonwealth or La Francophonie. In the case of La Francophonie, I hope the decisions the Minister of Foreign Affairs makes will not take away from Canada's essential role in standing up for the international francophone community.

[*English*]

Senator LeBreton: I thank the honourable senator for the question. I would be happy to pose that question to my colleague the Honourable Lawrence Cannon and provide a written answer from him.

ENVIRONMENT

CLIMATE CHANGE POLICY

Hon. Grant Mitchell: Honourable senators, when I asked the leader a question some months ago about how much of the stimulus funding had gone to green projects, she rose with a triumphant flourish and listed projects that she said had received funding from the green tech fund that applied to green technology, greenhouse gas emissions reduction and so on.

As it turns out, we now see that only 3 per cent of that fund of $200 million has actually been allocated. Would the leader stand in the Senate today and apologize for so badly misleading the

members of the Senate on exactly what in fact they committed money to, or will she just remain part of that spin strategy out of the PMO that cannot distinguish between announcing something and actually doing it?

Senator Comeau: Do it with a triumphant flourish!

Senator Di Nino: At least we do it.

Senator Mitchell: You do not do it; you just announce it.

Hon. Marjory LeBreton (Leader of the Government): The Honourable Senator Lapointe has accused me of being a good skater and a good tap dancer, but I have never been told that I have done it with a triumphant flourish.

The fact is that the honourable senator is obviously basing his question on something that appeared in the newspaper. I think honourable senators will find that many of the stories of these funds are occurring simply because the invoices have not been submitted yet.

Senator Mitchell: Could the leader help us with that and provide to the Senate a written list of which projects were funded under that 3 per cent, or maybe a few more percentage points above that? Could the leader do that for us? It will not take long because it is not a long list, I am sure.

Senator LeBreton: I suppose the honourable senator is looking for a "short" answer. Therefore, I will do my best.

Senator Mitchell: Just about the time when you think it cannot get any worse, we now have a part-time Minister of the Environment. Is this because the environment is seen as a part-time job, or is it simply all that is necessary when this government is waiting for the U.S. to tell us what to do on our environmental policy?

Senator Di Nino: Look at your record. You should be ashamed of what you did not do.

Senator LeBreton: Yes, signing on to an accord and then saying immediately after they signed on to it that they had no intention of living up to it.

Senator Di Nino: Absolutely.

Senator LeBreton: We are taking action to make Canada a clean energy superpower. We have committed to reducing our emissions by 17 per cent below 2005 levels by 2020. Internationally, we are committed to the Copenhagen Accord, which has commitments from 148 countries consisting of 85 per cent of global GHGs.

Continentally, we are working and continue to work with the Obama administration in regulating the administration sector. Regulations for passenger cars and light duty trucks were finalized on October 1. Draft regulations are being drafted for heavy trucks, air, rail and ships. In June our government announced that we are regulating the phase-out of coal-fired plants. Canada is working with the United States through the U.S.-Canada Clean Energy Dialogue. Canada is also one of 17 members of the Major Economies Forum that was set up by the Obama administration to work in parallel with the United Nations on a process on climate change. Furthermore, Canada's federal, provincial and territorial ministers meet and work together to build upon the past achievements through the Canadian Council of Ministers of the Environment.

Honourable senators, we are working hard. We were sorry to see Minister Prentice leave. He did an outstanding job as Minister of the Environment.

Some Hon. Senators: Hear, hear!

Senator LeBreton: He will be missed, but I can assure honourable senators that my colleague, the Honourable John Baird, has always followed with great interest the activities of his former colleague the Minister of the Environment, Minister Prentice, and can step into the breach and represent the government at the next conference in Cancun at the end of November.

Senator Mitchell: I will bet the reason that Minister Prentice — the best, most qualified minister they probably had — left was because he knew that he could announce these things but that he could never get them done because their caucus and Prime Minister always stood in the way.

If the leader wants to argue against that, could she indicate to me, against this interminable list of things she says that she will do but has only announced, exactly how much greenhouse gas reduction will be attributed to each one of those projects and how that will relate to the 2020 objective that was set so we can see whether the government has any chance on God's earth of doing it?

Senator LeBreton: I hate to disappoint the Honourable Senator Mitchell, but Minister Prentice was a very successful minister in our government. He had the full support of the Prime Minister. He was the chair of the Cabinet Committee on Operations and his views were valued. He was listened to and he got results. I could speculate that he left politics because he was tired of getting on a plane and going to Alberta and having to face Senator Mitchell.

ATLANTIC CANADA OPPORTUNITIES AGENCY

ATLANTIC GATEWAY STRATEGY

Hon. Terry M. Mercer: Honourable senators, since the Leader of the Government in the Senate is in the mood to share the government's long list of great accomplishments, I will give her an easier question to answer because it will be a much shorter list, I am sure.

Could the leader tell us how much money has been spent on the Atlantic Gateway that has been announced in the last several budgets? There has never been a line in the budget that says "Atlantic Gateway." The absent Minister of National Defence, the political minister for Nova Scotia, keeps announcing that the number one project on the list that everyone in Nova Scotia agrees to on the Atlantic Gateway is the simple dredging of Sydney harbour, yet that project has not been done. Tell us how much money has been spent on the gateway.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I know for a fact that my colleague the Honourable Peter MacKay is an active minister in regard to all matters in Atlantic Canada. With regard to the Atlantic Gateway, I will take the question as notice.

[*Translation*]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-9, An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime), and acquainting the Senate that they have passed this bill without amendment.

• (1510)

[*English*]

JUSTICE FOR VICTIMS OF TERRORISM BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Wallace, for the third reading of Bill S-7, An Act to deter terrorism and to amend the State Immunity Act;

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Mockler, that Bill S-7 be not now read a third time but that it be amended in clause 7,

(*a*) on page 4,

(i) by replacing line 33 with the following:

"Council may, at any time, set out the name of a foreign state", and

(ii) by adding after line 40 the following:

"(3) The list must be established no later than six months after the day on which this section comes into force."; and

(*b*) on page 5,

(i) by renumbering subsections 6.1(3) to 6.1(6) as subsections 6.1(4) to 6.1(7) and any cross-references thereto accordingly,

(ii) by replacing lines 22 to 29 with the following:

"(*a*) whether there are still reasonable grounds, as set out in subsection (2), for a foreign state to be set out on the list and make a recommendation to the Governor in Council as to whether the foreign state should remain set out on the list; and

(*b*) whether there are reasonable grounds, as set out in subsection (2), for a foreign state that is not set out on the list to be set out on the list and, if so, make a recommendation to the Governor in Council as to whether the foreign state should be set out on the list.

(8) The review does not affect the validity of the list.

(9) The Minister must complete the review", and

(iii) by adding, after line 34, the following:

"(10) Where proceedings for support of terrorism are commenced against a foreign state that is set out on the list, the subsequent removal of the foreign state from the list does not have the effect of restoring the state's immunity from the jurisdiction of a court in respect of those proceedings or any related appeal or enforcement proceedings.".

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak on Bill S-7, An Act to deter terrorism and to amend the State Immunity Act.

Bill S-7 deals with deterring terrorism and terrorist financing by holding those entities and/or foreign states that commit or support terrorism accountable in a Canadian court of law. This bill creates an extraterritorial right of action that allows Canadian victims of terrorism to sue individuals, organizations and terrorist entities for loss or damage suffered as a result of acts or omissions that would be punishable under the Criminal Code of Canada and which have been committed by these individuals, organizations or entities. Further, this bill allows victims of terrorism to sue foreign states that have supported terrorist entities.

Bill S-7 also amends the State Immunity Act to create a new exception to the idea of state immunity so that a foreign state's immunity can be removed when the state in question has been placed on a list established by cabinet on the basis that there are reasonable grounds to believe that the said state has supported or currently supports terrorism.

Honourable senators, I would like to thank Senator Segal, Senator Tkachuk and Senator Furey, and all honourable senators who were on the Special Committee for Anti-Terrorism, for the work that was done on this bill. As well, I would like to thank all the witnesses involved.

Two weeks ago, Senator Tkachuk rose on behalf of the government and presented amendments to this bill. Senator Tkachuk has worked hard on this issue of protecting victims of terrorism, and I want to thank him for this. I also want to thank Senator Furey, who has worked closely with Senator Tkachuk on this issue.

I have had a chance to examine the amendments of the government. I am pleased to tell honourable senators that I am content in one regard, but I am disappointed in another. Let me explain.

During our last committee meeting, held on July 12, 2010, I submitted three specific amendments to this very bill. I proposed the following:

First, that the general criteria concerning how a country is posted on the list of foreign states that support terrorism be made public knowledge.

Second, there should be a creation of a new bill that creates a fund and compensates victims in situations where the victim wins the case, but the accused is unable to pay. We need a similar act to the U.S. Victims of Trafficking and Violence Protection Act of 2000, or the Victims Trust Fund created by the International Criminal Court.

The Americans have two acts: one to enable the victim to sue and another that makes provisions to compensate the victim financially.

We are now working on the bill to enable the victim to sue, but not to help to compensate the victims.

The third amendment I proposed was that a country should not be removed from the list of foreign states that support terrorism during an ongoing legal proceeding. If the country is removed, the victim should still be able to proceed with their trial against the said country. If a country is delisted post-trial but is still found guilty, then the individual should be able to attain compensation. If at any point there is a delisting, then our government should take over the trial.

Honourable senators, I am very thankful that the government accepted my third amendment. I am also grateful that the government expanded the amendment so that it is more comprehensive. The new amendment, in clause 7, section 10, reads:

> Where proceedings for support of terrorism are commenced against a foreign state that is set out on the list, the subsequent removal of the foreign state from the list does not have the effect of restoring the state's immunity from the jurisdiction of a court in respect of those proceedings or any related appeal or enforcement proceedings.

This matter of delisting a country during an ongoing legal proceeding was a crucial concern for not only me, but many other honourable senators, during the committee proceedings because the process, as set out in the bill, was confusing, unclear and contradictory. Even some of our witnesses from Public Safety Canada admitted to this.

On July 5, for example, in regard to the question of "If a state is removed from the list, what would happen for the plaintiff, should the plaintiff be successful in their case?" a legal representative from Public Safety stated:

> If a state is listed, the plaintiff would commence proceedings. Before a judgment is rendered, if the state is delisted, without being able to predict exactly what the court would say, it is probable that the state would likely benefit from the immunity again.

Honourable senators, this was a very problematic issue in the bill because it meant that in certain situations we could not hold foreign states that support terrorism accountable for their actions. However, now this unfairness has been fixed, and I thank the government for this correction.

The challenge I now have, however, is that neither my first nor my second amendment was implemented in this bill, the first of which is in regard to making public general criteria of how a country is posted on the list of foreign states that support terrorism.

The list in question is a fundamental aspect of the bill. It determines which countries can or cannot be pursued in terms of their association with terrorism. However, one flaw I observed during committee, and which still exists today, is that we do not know the criteria for how a country gets on the list. All we know is that the basis for listing a foreign state is that there are reasonable grounds to believe that the state in question supported or supports terrorism. However, I ask: What are these reasonable grounds?

The government has presented new amendments which state that "the name of a foreign state can be listed at any time" and that "the list must be established within a specific time frame from the day in which this section comes into force."

However, honourable senators, this still does not address the fundamental issue of how the country listing process works. In the current framework, three parties have the ability to deal with the creation of the list — the Governor-in-Council, the Minister of Foreign Affairs, and the Minister of Public Safety — and in the current framework, none is required to show any transparency behind their decisions.

As Minister Toews said on June 28, 2010, during our committee meeting:

> There must be, in my opinion, a very deliberate consideration by government as to whether or not state immunity should be lifted in respect of any particular country.

Undoubtedly, there must be deliberate consideration, but this deliberate consideration, and other relevant considerations, I believe, must be made transparent. Because of the seriousness of listing specific countries as having relations to terrorism, and the diplomatic effects it can have on Canada, we must be transparent in terms of the criteria used to deem if a country is to be on the list.

Honourable senators, in my second proposed amendment I suggested that a new bill — similar to the United States Victims of Trafficking and Violence Protection Act of 2000, or the Trust Fund for Victims established by the International Criminal Court — be created so as to compensate victims in a situation where they may win a case, but the accused is unable to pay.

As with many forms of litigation, a case as such may take a great deal of time and thus a great deal of money.

• (1520)

As the second report on this bill, which was released on October 5, stated:

> This type of litigation "is likely to be both complex and expensive, requiring victims of terrorism to engage the services of expert witnesses, such as for example forensic accountants and/or intelligence experts to demonstrate the link between the activities of the foreign state and the activities of the terrorist entities."

Given the fact that these trials can be costly and ultimately in the end, an accused — whether it be a terrorist entity or a nation state — may not be able to pay, there is a need to create a backup financial framework such as exists in the United States or with the International Criminal Court, which can compensate a victim if they are successful in their claim.

The U.S. system is set up for such a situation through the Victims of Trafficking and Violence Protection Act of 2000. We need to create a similar framework here in Canada to deal with this issue. We need a system that will justly serve Canadian victims.

I am disappointed that the government did not include this amendment. Without a financial framework in place, a Canadian can win a case against a country or a terrorist entity but not receive the financial support they deserve.

Terrorism in the 21st century is an unfortunate reality. Every single day we see the impact terrorism has on our society. The introduction of Bill S-7 undoubtedly will help in both addressing our current set of circumstances with terrorism-related issues as well as work to prevent future tragedies.

However, I feel if this bill is to be fully effective in protecting Canadians, it needs to address its current set of shortcomings as soon as possible. Specifically, there needs to be transparency in terms of determining how a country is put on the list of foreign states that support terrorism. This process should not take place behind closed doors. It should be made public because of the seriousness of the matter.

Second, a bill needs to be created that can compensate victims in situations where they are successful in their claims but the accused is unable to pay.

Honourable senators, we all know that the victims of terrorism have suffered enough. Victims not only have to prove their case, but further, they have to find ways to be compensated.

Honourable senators, I thank the government for implementing one of my amendments into this bill. However, I encourage them to re-examine my other two amendments in the other place and incorporate them into this important piece of legislation. By incorporating these amendments, we will serve the best interests of Canadians, especially those Canadians who have suffered at the hands of terrorists and the countries that support them.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore***:** It was moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Wallace, that this bill be read a third time now, as amended.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

[*Translation*]

THE ESTIMATES, 2010-11

STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT AUTHORIZED TO STUDY VOTE 10 OF THE SUPPLEMENTARY ESTIMATES (B)

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of November 4, 2010, moved:

> That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Parliament Vote 10 of the Supplementary Estimates (B) for the fiscal year ending March 31, 2011; and
>
> That a message be sent to the House of Commons to acquaint that House accordingly.

(Motion agreed to.)

[*English*]

TARTAN DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator Mockler, for the second reading of Bill S-222, An Act respecting a Tartan Day.

Hon. W. David Angus: Honourable senators, I rise today to say a few words respecting Bill S-222, a private member's bill introduced by our colleague Senator Wallace with a view to having a federally sanctioned Tartan Day to be held annually on April 6.

I fully subscribe to the remarks of Senator Wallace when he spoke so eloquently in support of this bill here on October 21. Indeed, I am one of those senators he listed having a strong Scottish background who has a great interest in preserving our nation's rich Scottish heritage and in celebrating same in all areas of Canada each April 6.

In the interests of full disclosure, I am not a Scot; I am a proud and true Canadian, but my father and his family emigrated three generations ago to Perth County, Ontario, from Aberdeen, Scotland, and my mother's family emigrated from Aberdeen as well in 1898.

Alas, honourable senators, there may no longer be a need for this legislation.

Prior to the adjournment of the previous session of Parliament, I was about to introduce a similar piece of legislation calling for a National Tartan Day, and I had plans to be in full Scottish regalia and to be piped to the doors of the chamber by a piper from the Black Watch Regiment. However, these plans did not come to pass.

There may no longer be a need for this legislation in that on October 21, shortly after Senator Wallace's said speech, the office of the Honourable James Moore, Minister of Canadian Heritage and Official Languages, issued a press release in which he purported — and I underline "purported" — to declare April 6 as Tartan Day in Canada. The press release stated as follows:

> The Honourable James Moore, Minister of Canadian Heritage and Official Languages, announced today that the Government of Canada will now officially recognize April 6 as Tartan Day.
>
> "A tartan represents a clan, a family, and a community, and is an enduring symbol of Scotland that is cherished by Canadians of Scottish ancestry," said Minister Moore. "Many Canadian provinces and other countries already celebrate Tartan Day. As well, through Tartan Day, Canadians will have an opportunity to learn more about the various cultures that comprise Canadian society."
>
> Tartan Day originated in the late 1980s in Nova Scotia, where it was declared an official day by the provincial government. It then spread across the country, with many provinces joining in.

I might say that every province of Canada, either through legislation or Premier Proclamation, has adopted in that province and, indeed, in at least one of the territories April 6 as Tartan Day. The press release continues:

> This marks the first time the Day has been recognized by the federal government.
>
> "By officially recognizing this Day, we encourage Canadians all across the country to celebrate the contributions that over four million Canadians of Scottish heritage continue to make to the foundation of our country," said Senator John Wallace, who recently introduced a bill in the Senate in support of nationally declaring Tartan Day.

• (1530)

> In Canada, Tartan Day is celebrated on April 6, the anniversary of the Declaration of Arbroath, the Scottish declaration of independence. Tartan Day celebrations typically include parades of pipe bands, Highland dancing and sports, and other Scottish-themed events.

Honourable senators, as mentioned, I am a very enthusiastic supporter of Scottish social and cultural traditions here in Canada and, indeed, elsewhere. As a matter of fact, I served in 2008 as Scotsman of the Year for Quebec. In this role, I had occasion to attend and sometimes officiate at many Scottish activities, including country dancing, highland dancing, bagpipe and folk music festivals, whiskey tasting, and highland athletic games. As well, I sported the highland regalia, including an Angus tartan quilt. I attended numerous Robbie Burns suppers and participated in a variety of festive dinners featuring Scottish cuisine, including haggis.

Honourable senators, on the subject of haggis, I am sure you will indulge me in the following wee ditty, for it always mystifies me why in some quarters haggis is not all that popular.

Folklore has it, honourable senators, that a certain Sandy Campbell arrived at the restaurant of the Caledonian Hotel in Glasgow with his wee wife Nelly, and he was greeted by Jock, the maitre d', who inquired: "Are you here for a special occasion?"

"Och aye," said Sandy, "we won third prize in the annual Robbie Burns contest, a haggis dinner for two."

"Well done," said Jock, "and what were the other prizes, then?"

"Well, oh, well," said Sandy, "second prize was a single haggis dinner and if you were lucky enough to win first prize, you dinnae have to have haggis at all."

Now, I have two other wee examples of Scottish humour, which I love so well, and I am sure honourable senators do, too. It's rather subtle, but very engaging.

Jock's nephew — the very same Jock — came to him with a problem: "I have my choice of two women," he said, "a beautiful, penniless girl, a young girl, whom I love very dearly, and a rich old widow, whom I cannae stand."

"Follow your heart. Marry the girl you love," Jock counselled.

"Very well, then, Uncle Jock," said the nephew, "that is very sound advice."

"By the way," asked Jock, "where does the widow live?"

I have another one.

A Scotsman was invited for a visit to the home of his Canadian friend. Soon after the Scotsman arrived, he glanced out the window to see a huge beast, just outside the window. He pointed and he asked his Canadian friend: "Oh, lad, what is that?"

The Canadian replied: "Oh, that is a moose."

The Scotsman declared his disbelief and replied: "That is a mouse? How big are your cats around here?"

Some Hon. Senators: Oh, oh.

Senator Angus: In Canada today, honourable senators, some 15 per cent of our citizens are of Scottish descent and many others, over 5 million Canadians, are directly descended from Scottish ancestry, over 250,000 of them in Quebec alone. Many others across Canada claim to be Scottish and they wish they were, but they are not.

As a Quebecer, I have a special interest in what is known as the Auld Alliance. The Auld Alliance was formed between the French and the Scots back in 1295. This was a centuries-old alliance between the Scots and the French from early times and, over the years, neither the Scots nor the French have gotten on well with the English.

[*Translation*]

For today's Scots, this old alliance remains a characteristic of their national identity that significantly differentiates them from other Brits, whether in Scotland or here in Canada for their descendants. Canadians of Scottish descent have always related more to French Canadians, with whom they more easily share joie de vivre, music, Scotch and, of course, red wine.

[*English*]

You folks on the other side will appreciate that the great Sir Wilfrid Laurier stated in an important speech in Toronto in 1893, and I quote: "If I were not French, I would choose to be . . . Scotch."

I could go on about this business, but I want honourable senators to know that Robbie Burns, for example, the great Scottish poet, lived a very short life from 1759 to 1796. He died at 37, but by that time his poetry had encompassed the folklore, the new education and the new awakening of a society that was blossoming. He died at about the same time so many poor people were fleeing from Scotland and proliferating out around the world in the great diaspora of the Scots. They went to countries such as South Africa, Canada, New Zealand, Australia, the United States and many other countries around the world. Often, they had nothing with them except the clothing on their backs and two volumes — one, the Bible, and the other, a book of Robbie Burns' poetry. They arrived in places such as Canada and put themselves to work in the way they had been taught at home. With education, they became engineers, doctors, professors, educators, architects and all kinds of great things.

In Canada, we were blessed. From the time they arrived here, it was the great awakening. The railway and the great banks started to be built. Honourable senators can look at the literature, and there are three books that I would like to refer you to.

First of all, there is an overall volume entitled *How the Scots Invented the Modern World* by Arthur Herman. Lately, two really good books have come out and I commend them both to you. The first is by Matthew Shaw from British Columbia, who has published a book called *Great Scots!: How the Scots Created Canada*. Another book that has just come out is entitled *How the Scots Invented Canada*. These are current books that are on the bestseller lists around town here. I bought them here two weeks ago. So the Scots must have done something.

There seems to be a prevalent view that we have too many "days" — this, that and another day. However, what group of people have come and helped to settle this country more than the Scots and have done so in a most significant way — the Lord Strathconas and Donald Smiths of the world. I think it is appropriate that we pass this legislation, support this initiative by the government and have a National Tartan Day on April 6.

Honourable senators understand the point here, and I would ask all honourable senators to support this legislation and the words of Senator Wallace in his speech of October 21.

I believe that it would be appropriate to ask that this debate be continued in the name of Senator Hubley.

Hon. Francis William Mahovlich: I would like to ask a question of Senator Angus.

Senator Angus: Yes, please, sir.

Senator Mahovlich: Will Canada have a tartan for this national tartan day on April 6, and will I have to wear a kilt?

Senator Munson: Yeah, it will be a maple leaf.

• (1540)

Senator Angus: That is a very interesting question. There are many tartans. There are the tartans of particular clans, which have become tartans of particular regiments.

If honourable senators search the Internet, as I did last weekend, there is a tartan known as the Canada tartan. It has not been officially adopted in the statutes because of intellectual property issues. However, it is worn by some of our military pipe bands and the like. Therefore, Senator Mahovlich, it will be coming soon.

Senator Mahovlich: The Province of Nova Scotia has a tartan. Does Quebec have a tartan?

Senator Angus: I do not know what the honourable senator means by that kind of a tartan, but "a tartan is a tartan is a tartan," as far as I am concerned. The Nova Scotia tartan happens to be lovely and I like it very much, as do Senator Moore and others from that great province.

I am sure there will be lots of debate on whatever tartan Canada ultimately adopts as the Canadian tartan, as it might not suit everyone's particular fancy. The Canada tartan in question that is under consideration, subject to copyright and the like, is rather nice, Senator Mahovlich.

The Hon. the Speaker: Is it agreed, honourable senators, to have this item stand in Senator Hubley's name?

(On motion of Senator Hubley, debate adjourned.)

CLIMATE CHANGE ACCOUNTABILITY BILL

SECOND READING NEGATIVED

On the Order:

> Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Banks, for the second reading of Bill C-311, An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change.

The Hon. the Speaker: I would now ask the table to call the current item.

Hon. Grant Mitchell: I do not want it to stand.

The Hon. the Speaker: If debate has concluded on this item, are honourable senators ready for the question?

Senator Comeau: No.

The Hon. the Speaker: The question has been called.

It was moved by the Honourable Senator Mitchell, seconded by the Honourable Senator Banks, that Bill C-311, An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change, be read a second time.

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

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying "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 the whips have advice as to the length of the bell?

It will be a one-hour bell. Honourable senators, the vote will take place at 20 minutes before 5:00.

Do I have permission to leave the chair?

Hon. Senators: Agreed.

• (1640)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Banks	Mercer
Callbeck	Merchant
Chaput	Mitchell
Cowan	Moore
Dawson	Munson
De Bané	Pépin
Downe	Peterson
Fox	Poulin
Furey	Ringuette
Harb	Robichaud
Hervieux-Payette	Sibbeston
Jaffer	Smith
Joyal	Stollery
Losier-Cool	Tardif
Mahovlich	Watt
Massicotte	Zimmer—32

NAYS
THE HONOURABLE SENATORS

Angus	Lang
Boisvenu	LeBreton
Braley	Manning
Brazeau	Marshall
Brown	Martin
Carignan	Meighen
Champagne	Nancy Ruth
Cochrane	Neufeld
Comeau	Ogilvie
Cools	Oliver
Di Nino	Patterson
Dickson	Plett
Duffy	Poirier
Eaton	Runciman
Fortin-Duplessis	Segal
Frum	Seidman
Gerstein	St. Germain
Greene	Stewart Olsen
Housakos	Tkachuk
Johnson	Wallace
Kinsella	Wallin—43
Kochhar	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1650)

[*Translation*]

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Brown, for the second reading of Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I would like to reserve the 45 minutes allocated for Senator Campbell, who would like to speak. I would therefore like to move adjournment of the debate in his name.

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

[*English*]

STUDY ON CANADIAN SAVINGS VEHICLES

FOURTH REPORT OF BANKING, TRADE AND
COMMERCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Canadians Saving for their Future: A Secure Retirement*, tabled in the Senate on October 19, 2010.

Hon. Michael A. Meighen moved the adoption of the report.

He said: Honourable senators, I am honoured to speak to this report. On March 31, 2010, pursuant to authority from this chamber, the Standing Senate Committee on Banking, Trade and Commerce began a timely and significant study on tax-free savings accounts and registered retirement savings plans and how they might be put to better use for Canadians.

I want to applaud all members of the committee who participated in the generation of this final report and the interim report that was issued last June. I am particularly grateful to the members of the committee for unanimously agreeing to undertake this report in the first place. Committee members agreed to study this topic in response to a request from Finance Minister Jim Flaherty in order to assist him in discussions with his provincial counterparts on retirement income issues. Our decision to focus on this study and to prepare a timely report required that we set aside other issues, as well as private senators' bills, that are also before the committee. I salute committee members for their cooperative spirit and understanding.

[*Translation*]

I would like to thank the committee's deputy chair, Senator Hervieux-Payette, for the leadership role she has taken at different stages in our study. Thanks to her sustained effort, we were able to add to our order of reference the study of potential ways to improve the protection of tax-free savings accounts, TFSAs, and registered retirement savings plans, RRSPs.

I must also thank the staff of the Senate Committees Directorate, the Communications Branch and the Library of Parliament for their excellent work throughout our study. Congratulations to everyone for the professionalism and commitment to the public service that were the hallmarks of their work for the committee.

Honourable senators, RRSPs were introduced in the 1957 budget. This measure responded to arguments from professional associations stating that their members were facing discrimination because of their ineligibility to receive a tax deduction such as the one associated with occupational pension plans.

According to the Canada Revenue Agency, in the 2008 taxation year, approximately 6.2 million Canadians, or approximately 25 per cent of tax filers, contributed about $32.9 billion to their RRSPs. The average RRSP contribution was approximately $5,337 and the median contribution was about $2,700. The annual RRSP contribution limit is 18 per cent of income earned in the previous year to a maximum contribution of $22,000, an amount that is indexed to average wage growth.

Tax-free savings accounts, TFSAs, introduced by the current Conservative government in the 2008 budget, allow Canadians to earn investment income on a tax-free basis. Tax filers are able to make annual TFSA contributions of up to $5,000 on which — in contrast to RRSP contributions — taxes have already been paid. The annual contribution limit is indexed to inflation and is rounded to the nearest multiple of $500. As with RRSPs, unused TFSA contribution room can be carried forward to future years.

[*English*]

According to an RBC survey in October 2009, 10 months after it was first possible to contribute to TFSAs, 71 per cent of surveyed Canadians were aware of the existence of the savings vehicle and 24 per cent of surveyed Canadians had opened a TFSA.

I should point out that, unlike registered retirement savings plans, funds withdrawn from a TFSA are tax-exempt. Also, income-tested benefits, such as the Goods and Services Tax/Harmonized Sales Tax Credit, the Age Credit, and Old Age Security and Guaranteed Income Supplement benefits, are unaffected by TFSA withdrawals. This is different than RRSPs where withdrawals do cause clawbacks to kick in with some income-tested benefits, including the GIS and the GST/HST Credit.

I should also underscore the fact that, based on testimony from some of our witnesses and at the persistent urging of Senator Gerstein and others, one of the report's recommendations would terminate these clawbacks. Specifically, recommendation number two states that:

> The federal government make the necessary legislative amendments to ensure that, while remaining taxable, withdrawals from registered retirement savings plans have no impact on eligibility for, or the amount of, federal income-tested benefits and tax credits.

Honourable senators, in making this recommendation and in devising the other five proposals made in *Canadians Saving for their Future: A Secure Retirement*, our committee members were informed by compelling testimony of the need to focus, as far as RRSPs and TFSAs are concerned, on middle- and, to a somewhat lesser extent, lower-income earners.

With respect to low-income earners, the committee was particularly struck by the negative implications for low-income Canadians of RRSP withdrawals being treated as income for purposes of obtaining government benefits. While we agree that withdrawals from RRSPs should be treated as taxable income, we believe that such withdrawals should have no impact on eligibility for or the amount of such government programs as Guaranteed Income Supplement benefits or income-tested tax credits.

In the committee's view, an end to the practice whereby RRSP withdrawals compromise eligibility for or the amount of government benefits would make RRSP contributions a more attractive option for lower-income Canadians, thereby perhaps enhancing their standard of living in retirement. It would also remedy what we consider to be somewhat discriminatory treatment, since withdrawals from tax-free savings accounts do not have a negative effect on such government benefits.

The Committee did hear testimony indicating that for some Canadians — particularly those with a low income — contributions to an RRSP are not feasible and perhaps not even in their best interest. This testimony expressed the view that the retirement income needs of low-income Canadians can be met through public pension sources with relative consistency between their pre- and post-retirement standard of living, and that RRSP withdrawals could compromise their eligibility for income-tested benefits and tax credits. According to this perspective, another reason why RRSPs are a less attractive option for lower-income Canadians, relative to middle- and upper-income Canadians, is the relatively low rate of taxation with lower tax benefit that would accrue to lower-income Canadians when they make contributions.

Lower-income Canadians who are employed also would undoubtedly benefit from other recommendations of the committee, including the proposal to facilitate multi-employer pension plans and the Canada-wide voluntary plan to encourage adequate retirement savings and its emphasis on lower administration fees and shared risk. The financial education and oversight component of recommendation number 5 would also benefit all Canadians, regardless of socioeconomic status.

Before I go any further, I want to address the issue of the Canada Pension Plan because this is also of concern to lower-income Canadians. Labour groups, including the Canadian Labour Congress, have criticized our report for making little or no mention of the current discussions that the federal government is having with the provinces with respect to strengthening the Canada Pension Plan. In response to these criticisms, I would like to read to you a letter I wrote to Ken Georgetti, President of the Canadian Labour Congress, after my office received correspondence from him on this very topic. I stated:

> With respect to your comment regarding the Canada Pension Plan, I point out that it is the Senate's Social Affairs, Science and Technology Committee which has a mandate over pensions, not the Standing Senate Committee on Banking, Trade and Commerce. Secondly, as is clear in our Order of Reference for this study, which was based on a request from the Minister of Finance, our committee was not asked to study options for the CPP (which would have been outside the Committee's mandate . . .), but rather to study the extent to which Canadians are using tax free savings accounts and registered retirement savings vehicles, how their usage might be increased, and how savings in these vehicles might be protected. With this frame of reference as our point of focus, we generated recommendations to make these savings vehicles more effective and attractive for Canadians.
>
> As to any consideration of our report's recommendations vis-à-vis any options for the CPP, I can't speak for any of the committee members, but as a colleague of the Finance Minister, I personally endorse his efforts to bolster the CPP, as this is a key component of most retired Canadians' income.

• (1700)

Honourable senators, the committee heard considerable testimony and data that indicated that the extent to which unused RRSP, and perhaps TFSA, contribution room exists for some Canadians, we felt that the current principal focus should be middle-income Canadians. We particularly focused on those Canadians who do not belong to an occupational pension plan or who belong to a defined contribution rather than a defined benefit plan, self-employed persons who are unable to contribute to an occupational pension plan and employees of those small- and medium-sized employers who may face barriers in sponsoring an occupational pension plan.

As to high-income Canadians, the committee felt that they are already assisted by the federal government in a manner that is both adequate and appropriate. While they were not the committee's key focus, they would nonetheless benefit from the implementation of many of this report's recommendations, including the committee's recommendation to increase the age at which an RRSP is converted to a RRIF from 71 years to 75 years. They would also benefit from the recommendation for a lifetime $100,000 contribution limit to TFSAs, which would enable one to take greater advantage of financial windfalls and inheritances.

Honourable senators, two recommendations that I feel are absolutely central to this report are the Canada-wide voluntary plan — or the "big idea," as Senator Greene and Senator Massicotte referred to it — and the measures to facilitate multi-employer pension plans, including registered retirement saving plan arrangements.

These two recommendations are not incompatible. They have been recommended with a view to targeting groups most in need of help in addressing their retirement income requirements, and in the case of multi-employer pension plans, the recommendation is designed to address existing barriers and regulations to their usage.

Neither are these two proposals unique to this report, having been discussed at meetings of federal and provincial finance ministers. As well, a 2009 background paper prepared by Canada's Department of Finance discussed these two concepts as possible ways forward in addressing the retirement income needs of Canadians.

With respect to the issue of multi-employer pension plans, the Department of Finance consultation paper entitled *Strengthening the Legislative and Regulatory Framework for Private Pension Plans Subject to the Pension Benefits Standards Act, 1985* noted:

> Multi-employer pension plans have a number of advantages: they spread risk across a number of employers; they provide employees with benefit transferability when they switch employers within the plan; and they allow employers to provide defined benefit coverage without the same administrative burden borne by a single employer defined benefit plan sponsor.

With respect to the concept fleshed out in greater detail within the national voluntary plan recommendation of our report, this same Department of Finance discussion paper mentioned:

> Another related issue that has been receiving attention in recent months consists of establishing large, pooled defined contribution arrangements for employers and employees who do not already have a private pension plan, potentially with the involvement of the government. Proposals for such arrangements are typically advocated under the premise that investments could be managed professionally and efficiently, leveraging economies of scale due to pooling. Some of these proposals suggest that new annuitisation options could be offered.

Honourable senators, in recommending the voluntary plan, I have explained how the committee's focus was primarily on middle-income Canadians, self-employed persons, and the employees of small- and medium-sized employers that may find it difficult to establish an occupational pension plan. The committee believes that the proposed plan that we have put forward would help each of these groups.

There are several aspects to the proposed voluntary plan that your committee feels would make the mechanism attractive to a wide range of Canadians. These include professional management, simplicity in terms of having to choose from a limited number of fund options, and guidance about the fund most appropriate for people of various ages and incomes.

The voluntary plan, as envisaged by your committee, would contain a commitment to low fees as well as the absence of real and/or perceived conflicts of interest on behalf of investment advisers and managers.

Furthermore, while Canadians would have the right to opt out, the auto-enrolment feature of the voluntary plan would presumably result in increased saving by Canadians. In interviews publicizing this report, I used a rather poor analogy, but an analogy nonetheless, to the effect that if you lead a horse to water, he or she might indeed stay and eventually drink. The hope of the committee was that by making enrolment automatic, with the right to opt out, most of the people who are automatically enrolled would stay and thereby act to grow their retirement savings.

On a final note with respect to the voluntary plan, it should be attractive to employers who wish to make contributions on their employees' behalf, since the funds would already be established and contributions by them would be locked in until retirement.

Turning to the report's recommendation that the government should take action to encourage multi-employer pension plans, the Banking Committee had access to evidence and other studies that pointed out that there are considerable regulatory barriers to their usage.

In 2009, the Department of Finance consultation paper to which I referred a moment ago stated that it appears that the main obstacle to greater uptake and usage of multi-employer pension plans is that much of the legislative framework of the Pension Benefits Standards Act, 1985, was originally designed mostly for single employer defined benefit plans.

As well, Frank Swedlove, of the Canadian Life and Health Insurance Association, has stated:

> Participation in multi-employer plans is constrained by tax and regulatory red-tape that create administrative burdens for employers, particularly small- and medium-sized businesses. But this can be corrected relatively easily and with immediate and quantifiable benefit. If legislation were amended to permit any employer, including the self-employed, to participate in a multi-employer pension plan, this would remove almost all administrative costs for employers, as it would be handled centrally by the managing financial institution.

Honourable senators, can I have five minutes?

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

Hon. Senators: Agreed.

Senator Meighen: Thank you, honourable senators.

> In addition, if all businesses with 20 or more employees were required to offer a pension plan, group RRSP, or access to a Multi-Employer plan, this would mean more than 80% of Canadian workers would participate in an efficient, cost-effective way to save for retirement.

Mr. Swedlove also pointed out:

> Employment standards should facilitate automatic enrolment of employees and automatic escalation of employee contributions, with appropriate opt-out rights, to gently steer human behaviour to smart savings strategies. For many employers, group RRSPs are an efficient alternative to pension plans. But employer contributions to group RRSPs can be withdrawn at any time by employees. Employers are more likely to contribute if those contributions are locked in, to ensure that they are meeting the objective of providing retirement savings. We recommend that tax law explicitly require such locking in.

Those are the views of Mr. Swedlove and your committee, as honourable senators are aware, adopted many of them.

Honourable senators, in a nutshell, it appears that there is not greater usage, uptake or participation in multi-employer pension plans for reasons due to the existing legislative framework, administrative costs, tax and regulatory disincentives, and the fact that they are not mandatory.

Finally honourable senators, I would be remiss if I did not make reference to another innovative recommendation, to which I alluded earlier, contained in the report. I refer to the proposal to establish a lifetime contribution room of $100,000 per individual to his or her TFSA in addition to the current annual, inflation-adjusted contribution room.

In making this recommendation, the committee felt that this modification to TFSAs could have several benefits. Individuals who experience a financial windfall, including middle-income Canadians, self-employed persons, and the employees of those small- and medium-sized employers who face barriers in sponsoring occupational plans could make good use of this modification.

Lifetime contribution room could also benefit those who are close to retirement and have had relatively less time to make TFSA contribution and to accumulate unused TFSA contribution room.

Honourable senators, in conclusion, I want to again acknowledge the disciplined efforts of the senators who participated in this study. They deployed sound judgment and great creativity in crafting this final report on this most important of topics. I hope it will commit itself to all honourable senators. It is hard to overemphasize the importance, particularly with the aging population, that faces this country in encouraging Canadians to save for their retirement.

• (1710)

As I said at the outset of my remarks, the work of my colleagues on this committee has made it a joy to lead.

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

STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR

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

The Senate proceeded to consideration of the eighth report (interim) of the Standing Senate Committee on Energy, the Environment and Natural Resources entitled: *Facts Do Not Justify Banning Canada's Current Offshore Drilling Operations: A Senate Review In the Wake of BP's Deepwater Horizon Incident*, deposited with the Clerk of the Senate on August 18, 2010.

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

He said: Honourable senators, I want to speak to the eighth report of the Standing Senate Committee on Energy, the Environment and Natural Resources that was tabled with the clerk on August 18, during the summer break, pursuant to authority received from this chamber before the summer adjournment was taken. The report is entitled *Facts Do Not Justify Banning Canada's Current Offshore Drilling Operations: A Senate Review In the Wake of BP's Deepwater Horizon Incident*.

First, I commend this report to all honourable senators on the basis that there is a wealth of data contained in its pages that talks about licences that have been issued by the various regulatory agencies, and where and how certain activities are carried on, be they exploration or production in the oil and gas industry off Canada's three coasts. More importantly, I want to explain to honourable senators how this study came about.

At the outset, I want to thank all members of the committee who went the extra mile to participate in the 12 hearings where we heard some 26 witnesses, and hundreds of pages of documents were filed. The staff of the parliamentary library worked hard to draft the report and ultimately send it through translation and make it available for our approval at committee, outside the regular hours during the summer, to be sure it was in good and due form for tabling with the clerk.

As honourable senators know, we are in the midst of a major study on Canada's energy system: how energy is produced, what the sources of energy are, and how they need to be re-engineered going forward, taking into consideration the dynamic explosion of population globally and what is anticipated 20 years hence — Canada being the greatest consumer per capita of energy in the world — and all of the related aspects that involve the interrelationship between energy, the environment and our economy.

Suddenly, in the midst of this study, this tremendous accident happened in the Gulf of Mexico. This accident involved not some isolated oil rig drilling in a deepwater location, but it was one of literally 300 or 400 drilling operations taking place at all times in a totally different environment than we have off the East Coast or West Coast in terms of the ecological surroundings, the proximity to the U.S. coast and Mexico's coast, and all the ecological sensitivity. Yet there is voluminous activity there. There was panic around the world following the explosion of the BP drilling ship, the *Deepwater Horizon*, and the consequential spewing into the

ocean, unchecked, of hundreds of thousands of barrels of crude oil a day, not to mention the tragedy that took place when the drilling ship exploded, with a loss of 11 lives and 28 serious injuries, and untold collateral damage in and around the area.

There were stories that this oil would somehow leave the Gulf of Mexico, enter the current, come up the East Coast of Canada, foul Nantucket and American preserves on their East Atlantic Coast, continue up the coast to Nova Scotia and Newfoundland, and so on. These stories are some of the things that were being written in the newspapers. Scientists said that will never happen, but we might want to consider if there is something going on in Canada's offshore oil and gas exploration and development industry that might let us take a look at this situation.

That is to say, is there a real and imminent danger of damage in Canada of a similar incident happening here?

What sent us into action was a CBC poll that appeared on May 6 or 7 this year stating that well over 50 per cent of Canadians were afraid that there could be a similar incident in Canada. Canadians were afraid that there was a real and imminent danger not only to life and limb but also to the ecology, to the wildlife, to the beaches of Sable Island in Nova Scotia, and so on, and to the Arctic.

Some stories were preposterous in the view of your committee, honourable senators. What we knew even then, without going into whether there was a real and imminent danger, was that there was no drilling or exploration occurring on the West Coast and that there had been a moratorium in effect since the mid-1970s, sanctioned by both the Government of British Columbia and the federal government. Furthermore, there was no activity in the Arctic, which we all know is a highly sensitive and difficult area to deal with, so we are obviously focused on the Arctic.

We knew that no licences were granted for any drilling. We were aware of exploratory licences out there that will begin in 2012, but we also knew that there was activity. There is exploration and development occurring on a large scale off the East Coast.

We also knew that the economies of Atlantic Canada, especially Nova Scotia and Newfoundland and Labrador, were directly tied to this critical industry. We were aware that some 15 per cent of Canada's fossil fuel resources in the form of oil and gas were produced in our Atlantic offshore industry. We felt it was necessary to find out whether these polls were justified. If so then we would recommend action. If not, we would say so and, hopefully, allay the fears that might turn out to be unfounded.

Under the general mandate of our energy study, we convened special hearings. We sent out notices to all stakeholders and interested parties. We launched the study with a press conference and there was great interest. We had many requests to appear before our committee. I do not think anyone who wanted to appear was not invited.

The House of Commons committee held hearings that were two or three days long. In our view, they gave the wrong impression. They focused on the Arctic and said, "Look how terrible it would be if there was a blowout like the *Deepwater Horizon* in the Arctic."

We said, "Sure, that would be terrible, but we are not drilling there, so it is irrelevant for the purposes of our study."

We were trying to enlighten and to provide a service on behalf of the Senate for Canadians to tell them the facts and what the state of play is.

We set upon our study, and we had 28 witnesses. We started with the regulators from the Newfoundland and Labrador board and from the ones in Nova Scotia, and we developed a sense of what was taking place. Lo and behold, we found out there was only one deepwater drilling operation on any of Canada's coasts, namely, the one sponsored by Chevron some 450 kilometres northeast of Newfoundland in the middle of the western ocean.

We then called upon officials from the National Energy Board, which has jurisdiction different from the offshore. I will not go into the details, but these jurisdictional issues are important. As we all know, there are certain elements of natural resources that are provincial matters. Then there are elements that are federal, especially those dealing with interprovincial pipelines and the transmission of some of the product, and I could go on and on. This is clearly delineated and defined in the report. One of the beauties of this report is that it will be a catechism for someone who wants a snapshot of what the Canadian offshore industry is all about, how it works, what is the supervision, and so on.

• (1720)

We carried out our study and we found there was no reason to fear an imminent danger of a Deepwater Horizon happening here. We found some flaws in the oversight. We found that the laws related to liability and how much the developers should be putting up as contingencies are complicated matters and we have made recommendations in that respect.

All in all, we found that Canada's regulatory system is state of the art. We are a member of a group comprised of all the major offshore oil and gas drilling and exploration countries in the world. There are nine such countries, and we are a major player. Along with Norway, we are considered to be the gold standard.

Interestingly, now the reports are coming out in the United States from the presidential commission and the other investigations that took place. They had five or six regulatory regimes in the U.S. that overlapped. That was one of the elements that led to Murphy's Law kicking in and their having eight or nine things go wrong. That was what was needed for the event to happen, much like the Piper Alpha incident some 25 years ago in the North Sea.

These findings are being pointed to by the investigators in the United States who are saying they will move to this other system, which is the gold standard of oversight — presently, at least, in their view — and that is the system we have. We are not saying our system is the be-all and end-all and that it should remain that way. Our regulatory system is a work-in-progress. As technology develops and as experience from the Gulf of Mexico incident comes to bear, we learn from that.

Generally, we felt comfortable telling Canadians what we found in this regard. We held a press conference on August 18 at the National Press Theatre. I must say that it was absolutely

jam-packed. There was tremendous interest in the report and in what we had to say, and there was tremendous coverage. I think the Senate was presented in a very good light in the days following that coverage.

We also had a lot of feedback. Some people said they did not realize we were doing this study. Some environmental groups wished that they had come.

From people involved in Old Harry Field, which is a cross-jurisdictional situation between Newfoundland and Labrador and Quebec, we found that an exploratory licence had been issued. We asked the regulators to come back and tell us why we did not know about it, and they said, "Well, you did. It is right in your report." We said, "Yes, but you did not tell us that it was such a sensitive area." They said, "Because nothing is happening there yet."

We got people's attention. We were able to fill in the blanks where people were not clear on what is going on. I would say that this study has been extremely well received.

I do not think there is much more for me to say about the report. I know that members of the committee also wish to say a few words on this matter in the coming days.

I want to conclude by saying that I am really glad we did this special emergency type of study, with opening and closing press conferences, because the idea was to present the Senate in the light of doing something constructive. As a member of the political party that sits on this side of the house, I want to say that the study is consistent with government policies that are in place. I am proud of recently resigned Minister Prentice who, at all times, cooperated with our committee in this study, as did his colleague Minister Paradis of National Resources Canada.

Our committee was ready to let the facts be known and to call the necessary witnesses. The facts that were made known are consistent and not only show the Senate in a good light, but also the present government.

Honourable senators, this is the report that our committee was pleased to have tabled here on August 18 and, in due course, I hope the report will be adopted in this place.

(On motion of Senator Lang, debate adjourned.)

[*Translation*]

EMPLOYMENT INSURANCE

MATERNITY AND PARENTAL BENEFITS—INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the need to adequately support new mothers and fathers by eliminating the Employment Insurance two-week waiting period for maternity and parental benefits.

Hon. Rose-Marie Losier-Cool: Honourable senators, today I am speaking in support of the initiative of my colleague from Prince Edward Island, the Honourable Senator Callbeck.

On September 29, Senator Callbeck expressed her wish to eliminate the two-week waiting period that new mothers or new parents currently have to endure before receiving the parental or maternity benefits to which they are entitled. I agree with my colleague that this waiting period is illogical and unnecessary and that it should be eliminated as soon as possible.

A mother returning home from the hospital after giving birth or parents returning home with their adopted baby often do not have any income during their maternity or parental leave. Living alone does not come for free; imagine what it is like with a new baby. The two weeks that these mothers or these parents currently have to wait without an income are very difficult.

In a society that depends a great deal on children in order to renew itself and grow, the government is sending a bad message to new mothers and new parents. By delaying the start of the benefit period by two weeks for these mothers or parents, who themselves have contributed to the employment insurance fund for a long time, the government is saying to these mothers and these parents that their contribution to society is not appreciated enough to justify immediately releasing the benefits to which they are entitled.

[*English*]

While I would argue even more strongly for doing away with the two-week waiting period before collecting regular employment insurance, I am constrained by the topic of this inquiry to limit my advocacy to new mothers and new parents. While the current weekly maximum of $457 is not quite enough to see a new mother or parent through the ever-mounting expenses of raising a child during his first year, maternity and parental benefits are incredibly important to many parents. They can help buy diapers, formula, clothing, and toys. How would they pay for those without any money for two weeks?

Bear in mind, honourable senators, that what Senator Callbeck and I are suggesting is not to extend by two weeks the maximum duration of benefits, currently set at 50 weeks per child. What we are suggesting is that the maximum duration remain at 50 weeks, but that it begin and end two weeks earlier than is now the case. At the end of the day, what we are suggesting will not cost the government and taxpayers a single penny more. The amount will not change, but simply the period in which it is given.

[*Translation*]

Senator Callbeck feels that the parental income replacement provisions of the Employment Insurance Act need a thorough overhaul that goes further than just eliminating the two-week waiting period. I agree. It will be my pleasure and duty to take part in that debate in due course. However, in the meantime, we need to deal with the most pressing issue and abolish the waiting period, which is totally unwarranted when you consider that childbirth and adoption are life events that are neither unexpected nor unplanned.

I therefore call on the government to do the honourable thing and give this money to these new mothers and new parents earlier. If children are our future, then we should prove it by giving their parents the tools they need to want children, have them and raise them from day one.

(On motion of Senator Wallin, debate adjourned.)

(The Senate adjourned until Wednesday, November 17, 2010, at 1:30 p.m.)

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