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**Wednesday, November 24, 2010**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

## CONTENTS

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

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## THE SENATE

Wednesday, November 24, 2010

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

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of a distinguished visitor in the person of Monsignor Liam Bergin, Rector of the Pontifical Irish College in Rome, who is here as a guest of the Parliament of Canada as we celebrate today the twentieth anniversary of the Father Sean O'Sullivan meditation room in the East Block.

Father Sean O'Sullivan, having been elected to the House of Commons at the age of 20 years, is the youngest elected MP to serve in the other place. After five years in Parliament, he went to seek another house, and was sent to Rome and stayed at the Pontifical Irish College, where he studied for the priesthood.

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

**Hon. Senators:** Hear, hear.

**The Hon. the Speaker:** Honourable senators, we are doubly honoured today because we also have in the gallery His Excellency Edward Evelyn Greaves, High Commissioner of Barbados, and his wife, Mrs. Francilia Greaves. They are the guests of the Honourable Senator Cools.

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

**Hon. Senators:** Hear, hear.

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## SENATORS' STATEMENTS

### BARBADOS

THE LATE HONOURABLE  
DAVID JOHN HOWARD THOMPSON

**Hon. Anne C. Cools:** Honourable senators, I rise to pay tribute to the late Honourable David Thompson, the Prime Minister of Barbados, the island of my birth.

On October 23 last, the people of Barbados were touched by grief and thrown into mourning when pancreatic cancer claimed the life of this vigorous and energetic man. David Thompson was only 48 years old and had been prime minister for two and a half years. I wish to honour him and uphold his family and the people of Barbados.

Honourable senators, Mr. Thompson was born in 1961 in England of Barbadian parents. As a young boy, his family and he moved to Barbados. He attended Combermere School, the famous school of many Barbadians, including my father. He studied law at the University of the West Indies in Barbados. In 1987, David Thompson was elected to the Barbados House of Assembly for the constituency of St. John, which he held by wide margins until his death. He also served as a minister in several portfolios. As the leader of the Democratic Labour Party and of the opposition in both the 1994 and 1999 elections, he lost to Owen Arthur and his Barbados Labour Party. He relinquished these positions in 2003. In 2006, Mr. Thompson was re-elected leader of the opposition. In the January 2008 election, he successfully restored his party to power. Winning 20 of the 30 seats, he became Prime Minister of Barbados at age 46.

Honourable senators, Mr. Thompson's large state funeral was held on November 3, 2010, in Bridgetown, Barbados. It was attended by several thousand Barbadians and by representatives from all over the world, including Canada. The Honourable Owen Arthur, the Leader of the Opposition, in paying tribute to Mr. Thompson, described his death as "a staggering loss to the country," and said:

His death at the height of his intellectual and oratorical skills and powers unfortunately means that we will never truly get to know the full extent of his possible contribution to the development and transformation of Barbadian society.

Mr. Thompson was interred at the cemetery of the historic Barbados church called St. John's Anglican Church.

Honourable senators, this eloquent public man's pilgrimage is over. He has "finished his course." He shall labour no more in the toil of politics and public service. He shall be wearied no more by the burdens of life.

He leaves behind his wife, Mara, and their three daughters, Misha, Oya and Osa-Marie, and also his parents, Charles and Margaret, and his siblings. To them, I send my prayers and affection in this time of sorrow. I offer them a poem known as the Irish Blessing:

May the road rise to meet you,  
May the wind be always at your back,  
May the sun shine warm upon your face,  
The rains fall soft upon your fields.  
And until we meet again,  
May God hold you in the palm of his hand.

I extend my sympathies and those of honourable senators to the new Prime Minister of Barbados, the Honourable Freundel Stuart, and to the Government and the people of Barbados in their loss. I also thank the Barbados High Commissioner to Ottawa, His Excellency Edward Greaves and his wife Francilia for being present with us here in our gallery today.

### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Evaline Apoko, a heroine who has survived tragic circumstances in her native country. She is the guest of the Honourable Senator Jaffer.

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

**Hon. Senators:** Hear, hear.

### MS. EVALINE APOKO

**Hon. Mobina S.B. Jaffer:** Honourable senators, yesterday evening, Senator Kochhar, Senator Eggleton, the Honourable Yasmin Ratansi, the Honourable Keith Martin and I welcomed a very special young woman to Parliament Hill.

Evaline Apoko is 19 years old and is from northern Uganda. This young woman who is joining us here today personifies strength, courage and heroism.

Growing up in a time of political instability and conflict, Evaline is no stranger to tragedy. From a very young age, Evaline and her family were overwhelmed with fear, and they often moved around in hope of escaping the Lord's Resistance Army. One night, when she was nine years old, Evaline and her family sought refuge in what they thought was a safe house. Unfortunately, they were mistaken. They had walked into a house occupied by the Lord's Resistance Army.

Evaline, who often had nightmares about being abducted, was taken captive by the Lord's Resistance Army and was subjected to an incredibly unfortunate fate. After being separated from her family and loved ones, Evaline walked vast distances with the Lord's Resistance Army forces, who abused her both physically and emotionally, and who often deprived her of basic nourishment.

Almost a year after her abduction, when Evaline was 10 years old, tragedy struck again. While walking with the rebel forces, she was caught in an air raid. She managed to dodge several bullets, until a bomb exploded near her, blowing away part of her face.

Evaline did not receive medical attention. Instead, she was left to suffer alone as the rebel forces left her for dead. After enduring such a traumatic experience, Evaline no longer feared death because she felt it would be a less painful alternative to living a life full of pain and suffering.

• (1340)

However, Evaline knew she was special and she knew she had to speak out; she had an important message to share with the world. At the tender age of 13, after being emotionally scarred and physically disfigured, Evaline mustered up enough courage and successfully escaped from the Lord's Resistance Army.

She returned home to Uganda, where she received the medical attention she desperately needed, and underwent three surgeries. She was then taken to the United States, where she had four

additional surgeries. Evaline has another year of reconstructive surgeries ahead of her. She wakes up every night with severe headaches.

Honourable senators, although Evaline has a past full of tragedy and heartache, her future is one that is inspiring and full of promise. She has courageously decided to complete her high school education and hopes to be a spokesperson for young children who have been abducted. She is the voice for the thousands of children who have not lived to tell their stories.

Honourable senators, Evaline Apoko's life has been full of heartache and tragedy. Throughout most of her childhood, she has suffered in solitude. I urge honourable senators to learn more about the thousands of children like Evaline who live in conflict-ridden areas.

**Hon. Senators:** Hear, hear!

### HEALTH CARE SYSTEM

**Hon. Gerry St. Germain:** Honourable senators, Canada's publicly funded health care system has reached a tipping point. Our medical system in most cases is stretched beyond functional capacity. As our population ages, our current system will not be able to cope with the increased demand.

In a speech this fall, former Prime Minister Brian Mulroney stressed the need for Canada to have an "adult conversation" about the future sustainability of medicare in this country, and I agree.

There has been a lack of political will when it comes to making substantive changes to our health care system. The mention of the slightest change invokes some degree of public uproar, but to sustain our system for the future we must move beyond our fears. Radical ideas are not needed. What is needed is a constructive discussion on addressing commonly shared problems.

Across the country, pitfalls in our medical system are commonplace. They include high administrative costs, escalating drug costs and long wait times for procedures.

Some provinces have started confronting these challenges on their own. British Columbia has developed patient-based funding in an effort to reduce wait times. Ontario and Quebec are collaborating to ease the rising cost burden of prescription drugs.

To address these problems in a comprehensive manner, I believe Canada and the provinces must talk about the bigger picture, which is the national picture. If that conversation includes enabling Canadians who have the financial means and the will to pay for medically necessary procedures out of their own pockets, then so be it.

Perhaps it is time for the federal government to consider revising our health regulations to allow some private delivery of medicine right across the country. Under the direction of Dr. Brian Day, one of Canada's leading surgeons, the Cambie Surgery Centre in Vancouver has been providing an alternative

since the 1990s. Due to stresses on the public system, the Cambie Surgery Centre has experienced a sharp increase in Canadians from other provinces seeking their services.

Honourable senators, the 10-year federal-provincial health care funding formula will expire in 2014. In the lead-up to this date, all provinces will be in talks with Ottawa to achieve a renewed funding formula. With all parties at the table, this lead-up may be a good time to discuss the issue of health care beyond dollars and cents. Perhaps Canada can engage in its much needed "adult conversation" at this time.

I do not claim to have all the answers to sustain the future of public health care in this great country. However, I do know we must do something because the current system of delivery will not be sustainable for much longer.

[Translation]

### RADIO-CANADA ACADIE

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I rise today to pay tribute to two greats in the francophone news world, the retiring director and the future director of Radio-Canada Acadie. Louise Imbeault, the current director of Radio-Canada Acadie, will retire in June after a long career with our public broadcaster that started in 1974.

She started working for Radio-Canada as a freelancer and became news director in 1984. Then, in 1987, she became director of French-language television for Radio-Canada Atlantique, as it was called until 2007. I must say that talking about Acadia on Radio-Canada has always been a huge challenge.

Louise Imbeault helped give our Acadian communities an opportunity to learn as much and become just as well informed as other francophones in Canada, and she gave Acadia a place on Radio-Canada, both regionally and nationally. I offer her my sincere thanks for the 35 years she has dedicated to our Acadian society.

I also want to congratulate Michel Cormier, a well-known Acadian journalist and author, who will take over for Louise Imbeault next summer. He has been a journalist for 30 years, and many of you have heard him in French and in English on the Radio-Canada and CBC national news, because, since 2000, he has been a correspondent in Paris, Moscow and now China.

Many of you have surely read his 2004 biography of Louis J. Robichaud, or his 2006 study of Russia. You know that he has a sharp mind and a talent for speaking that will serve him well in his new role as manager of 250 Radio-Canada Acadie employees. I wish him all the best in his new role.

I will conclude with the words of Louise Imbeault, who said: "The golden years of Radio-Canada Acadie are yet to come." I completely agree, and I hope that this essential tool for our Atlantic francophone communities will be around for a long time to come.

**Hon. Senators:** Hear, hear.

[ Senator St. Germain ]

[English]

### RACIAL STEREOTYPING BY THE MEDIA

**Hon. Vivienne Poy:** Honourable senators, on November 10, 2010, *Maclean's* magazine posed the question "Too Asian?" The headline was in reference to Canada's top universities. Another article in the *Toronto Star* entitled: "Asian students suffering for success" urged Asian parents to stop pushing their children into university.

The term "Asian" was used to describe students who look Asian at the University of Toronto, University of British Columbia and Waterloo University. Besides international students, are the majority of them not Canadians? In response, the Chinese Canadian National Council stated that the articles are "fear mongering" and stoke an "us versus them" mentality.

*Maclean's* implies that "white" students who prefer to drink and party cannot compete for the spots at our universities because "Asian" students work too hard. This view implies that Caucasian students are too lazy to study but university acceptance remains an entitlement. Students who happen to look Asian are "the other," whose numbers should be lower because our top universities accept too many.

Caucasian parents and students should be upset by this negative portrayal.

My question is, who is a Canadian? What do Canadians look like? All we need to do is look around our large cities and we see faces from all over the world. Most of them are Canadians, and entitled to enter our universities based on merit.

Canada needs students who are committed to learning, entrepreneurship and innovation, which are the keys to our future success. This situation is evident from the University of Toronto's status as the top research university for the past three years and one of the best in the world.

It is retrogressive to suggest that those who look "Asian" are not welcome on our campuses. Since when is hard work and being studious a problem in human society?

"Disgracefully xenophobic" is how Jeet Heer from York University described the *Maclean's* article in the *National Post* on November 15. He compared it in every detail to what A. Lawrence Lowell, President of Harvard University, wrote about the student body being "too Jewish" in the 1920s. Just imagine the response to *Maclean's* if that had been the headline.

• (1350)

President David Naylor of the University of Toronto said:

We've never had a student complain. . . . Asian students are fully engaged in extracurricular activities. So the whole concept is false.

Mei-Ling Chen, a recent graduate of the University of Toronto, said that the article's wording is just another form of bullying.

[Translation]

Honourable senators, please join me in rejecting such a blatant attempt to create divisions in Canadian society.

**Some Hon. Senators:** Hear, hear!

### JACK & CO. LTD.

#### CONGRATULATIONS ON ONE HUNDRED AND FIFTIETH ANNIVERSARY

**Hon. Stephen Greene:** Honourable senators, this week is the one hundred and fiftieth anniversary of Jack & Co., the oldest independent property and casualty insurance brokerage in Nova Scotia and possibly all of Canada. Yes, Jack & Co., located in Halifax, predates Confederation.

In this age of making financial decisions online and buying financial products online, I would like to take the opportunity of this wonderful anniversary to remind Canadians of the value of their local insurance broker to them and their community, and the more than 100,000 independent insurance brokers from coast to coast to coast.

When there is a flood, a hurricane, a twister, an ice storm, a robbery, or just a run-of-the-mill traffic accident, they can be sure that their independent insurance broker will be there for them, offering immediate service and recovery to their former state.

This is one of the chief reasons why a regulatory wall must be kept in place to deny banks the right to sell property and casualty insurance. Can honourable senators imagine a bank manager or other bank employee going to a home in the aftermath of a natural catastrophe to assess damage and offer immediate payment?

Banks argue that home and auto insurance policies are just like the other financial products they sell, so they should be allowed to sell them as well. They are not the same as other financial products. Home and auto insurance contracts are not like the other financial instruments because they expire after one year and cannot be used as collateral for a loan, nor do they form part of a person's net worth. In this way, they are not even like life insurance.

Independent insurance brokers are part of the fabric of Canada's small towns. They are usually family-run businesses which give back to their local communities in so many ways, such as the sponsorship of hockey teams. With the decline of local retailers in favour of national and international chain stores, the independent insurance brokerage industry represents one of the few opportunities for local capital formation to occur in small towns. As well, it provides full-time, year-round job opportunities.

I am proud to celebrate Jack & Co. on its one hundred and fiftieth anniversary, the oldest independent insurance brokerage in Nova Scotia.

## ROUTINE PROCEEDINGS

### PRIVACY COMMISSIONER

#### CERTIFICATE OF NOMINATION TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the certificate of nomination for the position of Privacy Commissioner.

#### NOTICE OF MOTION TO APPROVE APPOINTMENT

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

That, in accordance with subsection 53(1) of the *Privacy Act*, Chapter P-21, R.S.C. 1985, the Senate approve the appointment of Ms. Jennifer Stoddart as Privacy Commissioner.

### THE SENATE

#### NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE MS. JENNIFER STODDART, PRIVACY COMMISSIONER, AND TO PERMIT ELECTRONIC AND PHOTOGRAPHIC COVERAGE DURING THE COMMITTEE OF THE WHOLE PROCEEDINGS AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN ONE HOUR AFTER IT BEGINS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I give notice that, later this day, I will move:

That, at the end of Question Period and Delayed Answers on Thursday, November 24, 2010, the Senate resolve itself into a Committee of the Whole in order to receive Ms. Jennifer Stoddart respecting her appointment as Privacy Commissioner;

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

That photographers be authorized in the Senate Chamber to photograph the witness, with the least possible disruption of the proceedings; and

That the Committee of the Whole report to the Senate no later than one hour after it begins.

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

**Hon. Senators:** Agreed.

**FIGHTING INTERNET AND WIRELESS SPAM BILL**

[Translation]

**FIRST READING**

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-28, An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act.

(Bill read first time.)

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

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

[English]

**CANADA-EUROPE PARLIAMENTARY ASSOCIATION**

WINTER MEETING OF THE ORGANIZATION  
FOR SECURITY AND CO-OPERATION IN EUROPE  
PARLIAMENTARY ASSEMBLY,  
FEBRUARY 18-19, 2010—REPORT TABLED

**Hon. Consiglio Di Nino:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the Ninth Winter Meeting of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Vienna, Austria, from February 18 to 19, 2010.

ANNUAL SESSION OF THE ORGANIZATION  
FOR SECURITY AND CO-OPERATION IN EUROPE  
PARLIAMENTARY ASSEMBLY, JULY 6-10, 2010—  
REPORT TABLED

**Hon. Consiglio Di Nino:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the Nineteenth Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Oslo, Norway, from July 6 to 10, 2010.

**EDMONTON'S BID FOR EXPO 2017****NOTICE OF INQUIRY**

**Hon. Tommy Banks:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the decision by the Government of Canada in respect of Edmonton's bid for the 2017 World Expo.

**QUESTION PERIOD****CITIZENSHIP AND IMMIGRATION****FRENCH LANGUAGE AND IMMIGRATION SERVICES**

**Hon. Maria Chaput:** Honourable senators, my question is for the Leader of the Government in the Senate.

Yesterday, I asked a question about an article that ran in *La Presse* newspaper on November 18, 2010, about French-language services before the Immigration and Refugee Board in Montreal.

Today, I have another question on the same subject for the Leader of the Government. The author of the article, who, as I said yesterday, is a lawyer specializing in immigration law, said it is getting harder and harder to obtain services in French in Montreal. He said:

It is unacceptable that anyone should have to fight to obtain acceptable services in French in Quebec in 2010.

The author asks why it is that people who land at Pierre Elliott Trudeau International Airport speaking neither French nor English are received by a francophone immigration officer, and will have their immigration file completed in English.

I would like to know if the Leader of the Government agrees that this situation is unacceptable and needs to be corrected. Can she get us more information on this matter?

• (1400)

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, as I said yesterday, situations whereby someone entering the country is not provided services in one or the other or both official languages are of great concern. I have asked for an explanation, and I will be happy to add Senator Chaput's further comments today.

**FOREIGN AFFAIRS****CONVENTION ON CLUSTER MUNITIONS**

**Hon. Elizabeth Hubley:** Honourable senators, my question is also to the Leader of the Government in the Senate. The leader has indicated in the past in this chamber that Canada supports a total ban on all cluster munitions as defined in the United Nations Convention on Cluster Munitions and recognizes that cluster munitions are unreliable and cause unacceptable catastrophic harm in theatres of conflict, not only to combatants but also to civilians.



Next week, December 3, will mark the second anniversary of Canada's official signing of the UN Convention on Cluster Munitions. Forty-seven countries have already ratified the convention, which came into force August 1, 2010. However, this government has yet to ratify the convention.

Why, after two years, has Canada still not ratified this convention, and when will Canada ratify the convention?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. Ratification of Protocol V of the Convention on Certain Conventional Weapons, which addresses the explosive remnants of war, was approved by cabinet, and I am informed that we intend to formally ratify the protocol in the near future.

**Senator Hubley:** I thank the leader for that answer. I might also add a supplementary question.

Canada has never produced or used cluster munitions. In March, the leader indicated to this chamber that Canada was in the process of destroying its complete stockpile of these munitions. Has the stockpile been destroyed; and, if not, can the leader explain why?

**Senator LeBreton:** As a signatory to the convention, our government supports a total ban on cluster munitions as defined in the text of the Convention on Cluster Munitions, as they are inaccurate, unreliable and cause unacceptable humanitarian harm to civilians, most particularly children.

The honourable senator quite rightly stated that Canada does not use cluster munitions. I am given to understand that we have no cluster munitions in our possession. However, if, in fact, we do have any cluster munitions, I will ascertain whether they have been destroyed or are about to be destroyed.

[Translation]

## INTERNATIONAL COOPERATION

### FINANCIAL AID TO SUB-SAHARAN AFRICA

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, last week, in response to a question asked in this chamber on the possible closure of African embassies, the Leader of the Government in the Senate said that aid to Africa has doubled thanks to the efforts of the Conservative government.

Nonetheless, the second Report to Parliament on the Government of Canada's Official Development Assistance 2009-10 indicates quite the contrary. First, the report shows a \$120 million decrease between 2008 and 2010 with regard to aid for development. Clearly, aid to Africa has not doubled.

Can the Leader of the Government tell us whether she disputes the data in this report published by the Canadian Council for International Cooperation?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, as I have said before, Canadians want their aid dollars to be effective, efficient and focused. Canadians

have shown their generosity when it comes to humanitarian disasters, and they trust their government to ensure that the aid money is achieving real results. We are proud of our aid effectiveness agenda and we will continue to concentrate on areas where we can make a difference.

As I have mentioned before, we have untied food aid. In fact, we are in the process of untying all aid. We have doubled aid to Africa, and we championed the issue of maternal and child health at the G8 Summit. We have concentrated bilateral aid in 20 countries and revamped the Canadian Partnership Branch. We have committed \$540 million over three years to the Global Fund to Fight Aids, Tuberculosis and Malaria. The Canadian-led Initiative to Save a Million Lives, launched by the Prime Minister in Africa in 2007, has trained 20,000 health workers and distributed 640,000 insecticide-treated bed nets.

We continue to assist in emergencies. For example, we recently provided \$52 million in flood relief to Pakistan. With regard to Pakistan, Canadians raised \$46.8 million and our government committed to doubling those funds.

I stand behind the claim that our government has increased and, in fact, doubled our aid to Africa.

[Translation]

**Senator Tardif:** In addition, the report indicates that bilateral aid granted by CIDA to sub-Saharan Africa decreased by 12 per cent compared to 2008-09, from \$776 million to \$683 million, one year after Ottawa bragged about doubling aid to Africa in 2008. A government target is not the same thing as a goal that has been met. The official figures are clearly at odds with what was said in this chamber.

Madam leader, how do you justify the reduction in aid to sub-Saharan Africa and how will you provide aid commensurate with demand in these countries if the government goes through with plans to close embassies in Africa?

[English]

**Senator LeBreton:** The honourable senator said in her first question that I had misspoken by saying we have doubled our aid to Africa. I did not misspeak; we have doubled our aid to Africa.

In her second question, the honourable senator spoke about a specific part of Africa. I have already indicated to honourable senators that Canadians want their aid dollars spent in a focused way, where we can make a real difference. We make no apologies for focusing our aid on where the need is greatest, and we have, in fact, doubled our aid to Africa.

With regard to the news reports about potential embassy closures, I can only say what I have said before. These are news reports in all cases. This is a matter for the Department of Foreign Affairs to deal with. I am given to understand that this is a question that has not been resolved. In fact, there were reports that we were planning to open more embassies in certain places. I think we should await the decision of the Department of Foreign Affairs on embassy openings or closures.

## AID TO AFGHANISTAN

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** The leader might wish to consult the report published by the Canadian Council for International Co-operation to review those figures.

On another matter, we also learned last week that although 950 Canadian troops will remain in Afghanistan until 2014, the budget for aid to Afghanistan will be cut by more than 50 per cent. To many Canadians, this measure goes against the objectives of the Afghan mission — those of education, diplomacy, development and transitional justice.

How does the leader's government justify this cut in aid, especially at a time when it will be most needed?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. With regard to Afghanistan, after the combat mission, the government will participate in a training mission, as the honourable senator quite rightly stated.

• (1410)

There will be significant aid going to Afghanistan. I will take the honourable senator's question as notice, because I know that aid dollars to Afghanistan will continue to be expended, but I do not have those figures before me. I will be happy to provide them by way of written response.

[Translation]

## PUBLIC WORKS AND GOVERNMENT SERVICES CANADA

## UNTENDERED GOVERNMENT CONTRACTS

**Hon. Francis Fox:** Honourable senators, I am very troubled by what Senator Chaput has reported about the use of French in the largest francophone city in North America.

Like Senator Chaput, I am willing to wait for the minister to come back with an answer once she has followed up with the appropriate ministers. However, in this chamber, we certainly believe that this is an extremely important issue.

Honourable senators, my second question for the Leader of the Government, which is in a completely different area, concerns an article that appeared in *La Presse* yesterday, alleging that the number of untendered contracts awarded by the government increased by 50 per cent over the past five years, and we are not talking about small contracts, but contracts worth \$1 billion a year.

Could the leader explain this increase in untendered contracts over this time? And can she tell us whether we can expect this proportion to decline rapidly in the coming years?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, government policy has not changed. All contracts are open to public tender. As honourable senators are aware, in some cases there is only one supplier to fulfill a

contract. This can be the case for this government, as for all governments. Therefore, the government cannot publicly tender a contract when there is only one supplier to fulfill that contract.

[Translation]

**Senator Fox:** I understand the minister's answer. I am not sure how to describe the numbers that she is giving me, but we are talking about 50 per cent more contracts over a five-year period than in the five previous years. This government seems to have a strong tendency to offer an increasing number of untendered contracts.

I hope that the leader can give us a rational explanation for this and tell us that it is not a trend and that we can expect to see the percentage of untendered contracts decrease instead of increase.

[English]

**Senator LeBreton:** I thank the honourable senator for the question. My answer is the same: Government of Canada contracting follows all the laws and guidelines. These rules and guidelines must be followed at all times. However, as I have said, there are instances of contracts for items such as medical equipment, medication and medical supplies for which there is only one supplier. When only one contractor exists — and because of intellectual property rights — the government acquires these items directly from the lone supplier.

Honourable senators, nothing has changed. The government follows all contracting laws and guidelines. The untendered contracts are simply for supplies for which there is only one supplier.

[Translation]

**Senator Fox:** Honourable senators, I would like to know if the minister can confirm that there has been a significant increase in these contracts, without a rational explanation, and that public tenders should be the norm.

Surely the leader knows that when the government uses public tenders — and there have been numerous front-page stories about this lately from across the country — costs will be reduced. Do not forget that the current government increased the number of untendered contracts. There really ought to be ample justification when that happens. Instead of giving me a very general response, I would prefer that the leader reassure me and tell me that there are, in fact, reasons justifying this increase.

These are exorbitant increases — that is the adjective I was looking for earlier. And up until now, the minister has been unable to explain why there have been exorbitant increases in the number of contracts awarded without public tenders when public tendering is supposed to be the norm in this country.

[English]

**Senator LeBreton:** Honourable senators, there have not been exorbitant increases. As I stated, the government follows all the rules and guidelines with regard to the tendering of contracts. Particularly for contracts involving medical equipment, medication and medical supplies, there is often only one supplier. In the last year, Canada has been in significant urgent

need of such supplies because of Afghanistan and events in Haiti and Pakistan. Obviously, when there is only one supplier, the government will go to that supplier to meet that urgent need.

Honourable senators, I would be happy to obtain the details for Senator Fox. All public contracting is subject to the tendering process. The government follows the laws and guidelines and will continue to do so.

I do not make the rules, although the people on the other side certainly made a lot of rules for themselves, including passing money out the back door that we never did find.

**Some Hon. Senators:** Oh, oh.

**Senator LeBreton:** Honourable senators, there have been many untendered contracts this year for medical supplies in view of Canada's role and its commitment to disasters in Haiti, Pakistan and other places around world.

**Senator Fox:** Honourable senators, this will be my last question. Could the minister at least reassure the house that, given her reasons for the increase, the trend line will go down? As I understand, the Afghan mission will be transformed into one of training. Therefore, can the leader assure honourable senators that the trend line will not increase and that it will indeed go down?

**Senator LeBreton:** Honourable senators, I would like to be able to stand here and be certain, but I do not have the power to say that there will not be earthquakes in places like Haiti or floods in places like Pakistan. However, I am able to stand here and say that I hope they will go down in the coming year because I hope we will not be confronted with many of the medical and natural disasters we have had to face this year. If we have a normal year coming up and we do not have to rush to the aid of many people around the world, then the need to go directly to sole source contract to provide medical supplies hopefully will go down.

Concerning Canada's changing role in Afghanistan, as the honourable senator knows, that is still some time away. Canada remains in a combat role in Afghanistan until that role ends in 2011 and moves to a training role.

## ATLANTIC CANADA OPPORTUNITIES AGENCY

### SYDNEY HARBOUR PROJECT— ATLANTIC GATEWAY STRATEGY

**Hon. Terry M. Mercer:** Honourable senators, yesterday, Senator Cordy and I asked a series of questions about the dredging of Sydney Harbour. I asked about it last week and Senator Cordy asked about it months ago. Over the past eight months, there have been about 10 to 15 questions from Senator Cordy and me about the dredging of Sydney Harbour.

Yesterday, the minister spoke curious words. She said that it was a challenge to dredge Sydney Harbour. This morning, a colleague of mine said that grade 11 algebra is challenging; this is simple.

The leader made reference to the fact that the government does not dredge privately-owned harbours. Mayor John Morgan of the Cape Breton Regional Municipality responded to that in a note to Senator Cordy today wherein he indicated that the government continues to incorrectly say Sydney is a private harbour when, in fact, it is owned by the Government of Canada. Now that I helped clear up that point for the minister, and now that she has had that information conveyed to her, now that the Cape Breton Regional Municipality and the Government of Nova Scotia have all said they are in and they all want this dredging — it is a top priority of the provincial government, the municipal government and a large number of members of Parliament from Nova Scotia — will the leader please tell us why it is not being done when the money is there?

• (1420)

**Hon. Marjory LeBreton (Leader of the Government):** First, honourable senators, I did not say dredging the harbour was challenging; I said finding a solution was challenging. There is a difference.

However, I must tell honourable senators that mathematics and algebra were not my strong suits in school and I did find them a challenge.

By the way, when Senator Cordy said yesterday that I had not responded to her request for a delayed answer, I checked the record and she did receive a response. That response was tabled in the Senate and I believe it is in the record of this place of September 27. I apologized for something that she should have apologized for because she did receive an answer.

With regard to Sydney Harbour, I reiterate that Minister Ashfield and Minister MacKay are working diligently with officials to find a solution to this issue of Sydney Harbour, and they are doing everything possible to find ways to keep this project moving forward.

**Senator Mercer:** Honourable senators, the leader said the solution is challenging. I remind her that the municipality is on side, the province is on side, everyone is on side and in several budgets now there has been a reference to the Atlantic Gateway. It has been recognized that part of any gateway project involves the dredging of Sydney Harbour. We are not aware of even a nickel being spent on the Atlantic Gateway, and this project is a reasonably priced deal for the Government of Canada.

Honourable senators, I do not see the challenge here. The simple thing is to turn to the minister responsible for the gateway and say that the first money we will spend is on dredging Sydney Harbour, which everyone agrees is a priority and needs to be done immediately.

**Senator LeBreton:** I can report only what I understand is the case. Transport Canada's policy is that the department provides funds only for the dredging of publicly owned harbours. In view of what Senator Mercer reported today on behalf of the mayor, I will go back and check with the Department of Transport officials as to why Minister Strahl has put out that position. I believe they are on valid ground but, in any event, I will confirm that information.

I reported yesterday with regard to the Atlantic Gateway. Minister MacKay and Minister Ashfield are working and have been working with their fellow provincial governments, experts in the area, and also internationally on Atlantic Gateway projects. They believe they are making significant progress and, with regard to Sydney Harbour, I will repeat what I said before: Both Minister Ashfield and Minister MacKay are working along with their officials to try to find a solution for Sydney Harbour that will keep the project moving forward.

I believe this initiative is a positive one and I hope that Senator Mercer will support this initiative.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, is the minister suggesting there is some solution to this issue other than dredging the harbour? Either they will do something other than dredge it or they are looking for some other source of funding. The Province of Nova Scotia is already in, the municipality is in, and the federal government is not in. Therefore it is either a question of looking for someone else to pick up the balance of the tab, or some alternative engineering strategy to the dredging; which is it?

**Senator LeBreton:** It is with regard to the funding and, as I have said before, the provinces and the private sector must have a significant role in this funding. All I am saying is that both Minister MacKay and Minister Ashfield are working with officials, and I understand they are working with their counterparts in the Government of Nova Scotia, and hopefully with municipal officials, to find a solution that is acceptable to all concerned so this project can move forward.

**Senator Cowan:** The solution you are talking about is a funding solution; is that correct?

**Senator LeBreton:** Yes.

**Senator Cowan:** You are looking at a reallocation of the responsibility to provide the funding; is that correct?

**Senator LeBreton:** Yes, that is right.

**Hon. Jane Cordy:** Honourable senators, I do not understand why this situation is so difficult and why the leader is seeking a solution. The municipal government is in. They have said it is the number one economic priority for the Cape Breton region. The provincial government is in. They have said it is the number one economic priority for the region. This past summer, I had the opportunity to meet with private industry in Cape Breton, a large number of people in the private sector in Cape Breton, and it is their number one priority.

The only request is that the federal government provide \$19 million. I am not sure why it is taking from early this spring until November of this year to come up with a solution to what the leader says is a complex solution. The solution is that the federal government provide \$19 million to help with the dredging of Sydney Harbour so that the Cape Breton area can have a boost for economic development in the Cape Breton region. That solution does not seem to be that difficult for me.

[ Senator LeBreton ]

**Senator LeBreton:** First, with regard to the Minister of Transport, as far as Transport Canada is concerned, they do not have the funds as they put Transport Canada funds only into publicly owned harbours, so let us set aside Transport Canada for the moment.

Minister MacKay and Minister Ashfield are working to find a solution but it must involve all levels of government and the private sector. I cannot answer beyond that. I will go back and check whether all levels of government and the private sector are fully engaged in this project. I believe Minister Ashfield, Minister MacKay and their officials are working diligently to find a solution so that this project can move forward, but again, I repeat, the project requires the support of all levels of government — municipal, provincial, federal — and, of course, the private sector.

[Translation]

## FOREIGN AFFAIRS

### AFGHANISTAN

**Hon. Jean Lapointe:** Honourable senators, my question is for the Leader of the Government in the Senate. For the past four or five years, all we have heard about Afghanistan is that Canada would withdraw in 2011.

I recently learned that Canada wants to complete some humanitarian work in Afghanistan by providing additional assistance for the reconstruction. Does the leader not agree that Canada has been doing its part long enough, that this has cost Canada enough in terms of young lives, not to mention billions of dollars? Is it not time for another country to take over, so that our young soldiers can return to Canada and we no longer have to hear about Afghanistan?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, it is clear that the government was persuaded by many, including the soldiers — the men and women who have served in Afghanistan — and their families, that it is important for Canada to remain in Afghanistan.

• (1430)

The government was persuaded of the importance of Canada staying there by our NATO allies, which includes, of course, the United States. That is why the government committed to switching to a training mission after the combat mission ends. This initiative was very much appreciated and it was expressed to the Prime Minister, to the Government of Canada and to the people of Canada by NATO leaders in Portugal last week, and, according to public opinion, is supported also by the Canadian public.

## ORDERS OF THE DAY

### KEEPING CANADIANS SAFE BILL

#### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Manning, seconded by the Honourable Senator Dickson, for the second reading of Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America.

**Hon. Tommy Banks:** Honourable senators, this is a good bill. You have heard me complain long and loudly about bills the government has brought forward with respect to enforcement matters and the fact that some of those measures endow on any person constabulary and sometimes legislative and judicial authorities. This bill does not do that. This bill clearly circumscribes the kinds of people who will be given constabulary authority under it. It is the ratification of a framework agreement signed in May 2009 to better enable more full cooperation between Canada and the United States with respect to maritime borders that we share.

There are only two matters about which I am still trying to find out details. It is only by exercising prudence that we can be certain of these things. I want honourable senators to know what those two matters are. After I explain them, I will adjourn the debate for the remainder of my time.

The first of those items is the question of reciprocity. This is a framework agreement that requires an exchange of diplomatic notes between the parties, namely, Canada and the United States before it can come into force. This bill will allow Canada to take that step. I want to find out where, when and in what state is the comparable United States legislation.

The second thing is a small difference that I want to be able to assure you of, and it has to do with the kinds of powers that are granted. The central authorities — in our case, the Commissioner of the RCMP and, in the case of the United States, the head of the Coast Guard — can appoint persons of the other nation to have constabulary authorities in the host nation, so that, as in the case of *Due South*, a Mountie could operate in the United States with, one hopes, constabulary powers, and a United States police officer or Coast Guard officer could operate in Canada.

The description in the framework agreement says that when the Canadian central authority appoints a United States person to have that authority in Canada, he or she will have the authorities of a peace officer. We all know what that means. It is clearly described.

However, if the United States authority appoints a Canadian to operate in the United States, that person will have the authority of a customs officer. I am not sure that I can assure you at the moment that those two are approximately reciprocal or equal, and as soon as I can I will report to you further on this bill.

Therefore, I move the adjournment for the remainder of my time.

(On motion of Senator Banks, debate adjourned.)

[Translation]

### THE SENATE

#### MOTION TO PERMIT TELEVISUAL RECORDING AND PHOTOGRAPHIC COVERAGE OF NEXT ROYAL ASSENT CEREMONY ADOPTED

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of November 23, 2010, moved:

That at the next Royal Assent by traditional ceremony at which His Excellency the Governor General is present, television cameras be authorized in the Senate chamber to record the ceremony, with the least possible disruption of the proceedings; and

That photographers also be authorized in the Senate chamber at that time to photograph the ceremony, with the least possible disruption of the proceedings.

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

(Motion agreed to.)

#### MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE MS. JENNIFER STODDART, PRIVACY COMMISSIONER, AND TO PERMIT ELECTRONIC AND PHOTOGRAPHIC COVERAGE DURING THE COMMITTEE OF THE WHOLE PROCEEDING AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN ONE HOUR AFTER IT BEGINS ADOPTED

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of November 24, 2010, moved:

That, at the end of Question Period and Delayed Answers on Thursday, November 25, 2010, the Senate resolve itself into a Committee of the Whole in order to receive Ms. Jennifer Stoddart respecting her appointment as Privacy Commissioner;

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

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

That the Committee of the Whole report to the Senate no later than one hour after it begins.

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

(Motion agreed to.)

[English]

## BUSINESS OF THE SENATE

**Hon. Hugh Segal:** Honourable senators, I have a point of order. Since we seem to have in rapid succession a series of motions with respect to televising the proceedings of this place, moving through with such a broad and consistent consensus — and this may in fact not be a point of order and I expect I may be reprimanded for attempting to suggest it is — but as it relates to the order of this place, might the Deputy Leader of the Government share with us what I hope is his intent to bring in a general motion in that respect as soon as possible for the televising of all of our activities in this place?

**Some Hon. Senators:** Hear, hear.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, in my view, that was not a legitimate point of order, but a legitimate opinion.

**The Hon. the Speaker:** Honourable senators, the chair concurs with the Deputy Leader of the Government.

## STUDY ON USER FEE PROPOSAL

### PUBLIC SAFETY—TWELFTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Legal and Constitutional Affairs (*National Parole Board User Fees Proposal, with observations*), presented in the Senate on November 23, 2010.

**Hon. John D. Wallace** moved the adoption of the report.

He said: Honourable senators, on September 27, 2010, the Standing Senate Committee on Legal and Constitutional Affairs received an order of reference from the Senate to review and examine a proposal submitted by the National Parole Board to increase the fees collected by the board for processing pardon applications from \$50 per application to \$150 per application.

Under the User Fees Act, prior to implementing an increase of a user fee, the board is required to table in Parliament a formal proposal outlining, among other things, the reason for the fee increase, as well as performance standards for the service for which the service fee is collected.

The act also requires that, prior to requesting parliamentary approval of the proposed fee increase, the board engage in a consultation process, taking reasonable steps to notify clients of the proposed increase and giving them a reasonable opportunity to comment on or submit a complaint regarding the proposal.

Once a user fee proposal has been tabled in Parliament, it is deemed referred to the appropriate standing committees of the

House of Commons and Senate for study. Once referred to the appropriate parliamentary committees, each committee has 20 sitting days after the tabling of the proposal to submit a report to the respective Houses of Parliament containing a recommendation as to the appropriate user fee. Essentially, the committees of each chamber may recommend that the proposed user fee be approved, rejected or reduced.

If a committee in question does not report to Parliament within 20 sitting days after the tabling of the proposal, the committee is deemed to have recommended approval of the proposed user fee.

• (1440)

Following receipt of the committee's report, the House of Commons or the Senate, as the case may be, may pass a resolution approving, rejecting or amending the recommendation made by the committee.

In the case of this particular "National Parole Board User Fees Proposal," the proposal was forwarded to the House of Commons Standing Committee on Public Safety and National Security as well as the Standing Senate Committee on Legal and Constitutional Affairs.

The "National Parole Board User Fees Proposal" was tabled in the House of Commons on September 20, 2010. On October 25, 2010, a report recommending that the proposal be adopted was deemed presented to the House of Commons by the Standing Committee on Public Safety and National Security, pursuant to the provisions of the User Fees Act. The House of Commons has, accordingly, already approved the proposed fee increase.

After studying the proposal submitted by the National Parole Board and hearing further testimony from witnesses on this point, the Standing Senate Committee on Legal and Constitutional Affairs likewise recommends that, in accordance with section 5 of the User Fees Act, the Senate approve the proposed user fee increase.

If the Senate passes a resolution approving this proposal, the National Parole Board's component of the pardon user fee will increase from \$35 to \$135, as \$15 of the current user fee will continue to be allocated to the RCMP, to cover the costs of its role in the pardons application process. This fee increase from \$35 to \$135 would allow the National Parole Board to cover the direct costs, but not the indirect costs, for processing pardon applications.

The committee is of the view that the fee increase currently proposed is a reasonable one, given the fact that there has been no increase in the fees collected for pardon applications since 1994-95, the number of pardon applications has increased substantially since that time, and the board has been forced to transfer money allocated from its conditional release program to cover the costs in the processing of pardons applications during recent years.

Such an increase also seems reasonable in light of the benefits that are conferred upon individuals who receive pardons, such as timely access to gainful employment and the ability to travel abroad.

It is important to note, however, that the board's current proposal to increase user fees for pardon applications, from \$50 to \$150, makes it clear that what the National Parole Board is currently requesting is an interim, or staged, increase. The board explicitly states in its current proposal that it will table another proposal in Parliament in the near future — that is, 2011-12 — seeking an additional increase in user fees that will enable the board to recover fully both the direct and indirect costs of granting pardons under An Act to amend the Criminal Records Act, known as Limiting Pardons for Serious Crimes Act, formerly Bill C-23A.

This act, which came into force in June 2010, introduced amendments to the Criminal Records Act that served to increase the waiting period before individuals are eligible to apply for pardons when they have been convicted of certain offences. It has added new criteria for the National Parole Board to consider when determining whether a pardon should be granted for an indictable offence.

In light of the fact that Parliament may be asked to consider another user fee increase for pardon applications in the near future, the committee has encouraged the National Parole Board, in the observations appended to our report, to make the consultation process it undertakes prior to tabling a proposal for a further fee increase in Parliament as comprehensive as possible.

In particular, the committee has suggested in its observations that the board take steps at that time to ensure that individuals who might be affected directly by an additional user fee increase, such as individuals who have received pardons in the past or who may be eligible to receive them in the future are, to the extent reasonably possible, both informed of the amount of the proposed increase and afforded an opportunity to submit comments or complaints regarding the proposal.

The committee has further indicated that, in engaging in future consultation processes, the board should not regard itself limited or constrained by the consultation process that it engaged in before tabling its current user fee proposal in Parliament.

Honourable senators, in conclusion, and as I have previously stated, the committee recommends that the Senate approve the National Parole Board's proposed user fee increase.

**Hon. Serge Joyal:** I would like honourable senators to concur with the report that Senator Wallace has tabled and commented on this afternoon. The only proviso I propose to concurring with the substance of the report is that the Senate was the only chamber that decided to study the issue.

When the other place was first seized with the proposal to increase the parole board fees, they decided to let the delay lapse and automatically, the fee increase was deemed adopted. The committee never called any meetings; never studied the impact of the increase on those who will have to pay the fees in the future; and never asked what consultative mechanism should be followed by the parole board before proposing that Parliament increase the fees. The Senate was the only chamber to take the issue seriously and to hear witnesses. We had four meetings to do so. We studied at length, and I should say at pains, to try to understand what the

User Fees Act imposed on the parole board and what kind of monitoring Parliament should make of those fees. That is why there are provisos in the Parole Act to ask Parliament to look into those increases to better protect those who will have to pay the fees.

Honourable senators, I add that point for your own reflection because I think it is part of the mandate of our chamber to exercise due diligence when Parliament recognizes formally a role in the approval of fees. I commend senators on both sides of the committee who took that responsibility seriously and made efficient recommendations for the National Parole Board, especially next year, when they will return with a proposal to cover the full cost. We will want to satisfy ourselves that those who will be touched by that increase will have an opportunity to have their views expressed and taken into account by the National Parole Board because providing that opportunity has important social impacts on the kind of society that Canada pretends to be.

I thank you, honourable senators, and I thank the Honourable Senator Wallace for the report he made today because I think he exercised due diligence in carrying out the role of the Senate.

**Hon. George Baker:** Honourable senators, to agree with both senators who have spoken on this subject, the Senate committee, not the House of Commons committee, examined this proposal in detail, as we were supposed to do.

There is one thing, however, that bears noting: This proposal will increase the fees for those persons seeking an administrative pardon. When we look at the numbers of people who have criminal records in Canada, it is staggering. About 10 per cent of all Canadians have criminal records. That evidence was given before the committee. That is 10 per cent of all Canadians, or 3.6 million people in Canada today, who have criminal records. That is a little over 10 per cent of the entire population.

• (1450)

There was no breakdown given, and the figures are not available, for the percentage of people with criminal records who are over the age of 16 or 18 years because a one-year-old child could not have a criminal record. As honourable senators know, one must have a *mens rea* to have a criminal record.

I imagine the figure would be about 14 or 15 per cent of all adult Canadians who have criminal records. As Senator Wallace pointed out, that prevents those Canadians from travelling and going from job to job. It bars them from many things in our society that most of us — all of us here — would take for granted.

Just imagine, 15 per cent of all adult Canadians have a criminal record, so one would have to conclude that if an institution were truly representative of the people of Canada, then 15 per cent of the members of the House of Commons would have criminal records, would they not? Or, 15 per cent of senators would have criminal records. The point is that no one with a criminal record is permitted to be a senator.

In examining bills such as this, we should consider this great number of people, 3.6 million, who have criminal records in Canada and the affect that has on them.

Even more alarming is what is happening in our society in that the number of people with criminal records is increasing. The number of applications for an administrative pardon rose to 30,000 the year before last and then dropped down to 28,000. Just imagine the committee dealing with 30,000 people who apply for an administrative pardon so that their criminal record will be so recognized as not being in existence for certain things.

However, one never completely removes a criminal record, as the Speaker knows, being a professor of law. If one were ever called as a witness before court, one would be examined on the criminal record for which an administrative pardon was received. The only pardon one can receive that wipes out the offence totally is a pardon that we did not examine in the committee because we are not allowed to examine it, and those are the pardons given by cabinet.

However, there was testimony that a substantial number of pardons are given every year wherein an application is made to the National Parole Board for an opinion on pardons given by cabinet, but that has always been the case.

The main point is this: If two years ago, the National Parole Board set a record with 30,000 people applying for pardons, that is less than 1 per cent of the total number of people with criminal records, which is less than 10 per cent. When one looks at the increase in the number of people who have criminal records, one sees an increase of more than 300 per cent. Therefore, the number is steadily rising. At some point, it would be worthwhile to examine what the eventual outcome of this will be. What does one do when the 15 per cent of the adult population that now has a criminal record grows to 30 per cent?

An honourable senator said many of those people should run for politics and try to change the laws. Perhaps we should give consideration to reducing the size of the Criminal Code.

**Senator Segal:** That's the new Liberal Party candidate search approach.

**Senator Baker:** That made the record, by the way, senator.

We did receive testimony recently in the Standing Senate Committee on Legal and Constitutional Affairs about the substantial increases in the number of new laws over the years. In fact, the Criminal Code, which was once just a couple of inches thick, has now doubled in size.

That should give rise to consideration by lawmakers of approving new laws and multiplying the number of counts of unlawfulness against an individual for one delict, as Mr. Speaker would say — one delict being one unlawful act. Twenty years ago, one might have had three charges laid against them for one unlawful act, whereas today one could have five, six or seven charges laid against them for the same delict. Therefore, when looking at someone's criminal record, one might see 40 or 50 pages for a young man 21 years of age. One must then look at the dates of the commission of the offences where it will be discovered that two or three pages relate to one instance of break and entering with intent to commit an indictable offence.

[ Senator Baker ]

I wanted to put on the record that at some point, I believe a committee of the Senate should examine this ever-increasing number — today at 15 per cent of all adult Canadians with criminal records — to give consideration to where this is going and what we should perhaps be considering in an effort to try to stop that number from increasing.

In effect, when we pass a law, as we are doing today with the Controlled Drugs and Substances Act, and we give someone a criminal record for passing a drug such as Tylenol 3 — because it contains a substance in Schedule 1 of the Controlled Drugs and Substances Act, namely codeine — or passing an Atasol-30, or passing a marijuana cigarette, and the effect that criminal record has on that individual. The criminal record never goes away. Even if it is a hybrid offence either summarily or indictably, one is still registered under the Criminal Records Act and has a criminal record if convicted. One cannot apply for a pardon until all the conditions have run out on one's sentence.

For every offence that carries a punishment of over 14 years up to life imprisonment, as the Speaker knows, one will be on probation for  $x$  number of years. Under the Criminal Code, there is a condition placed upon the criminal for 10 years wherein they are not allowed to have a firearm in their possession.

When all the probationary instances on one's sentence after they complete their imprisonment are added up, even if it is conditional and one is serving it at home, it is 10 years beyond that before one is able to even apply for a pardon.

As I said, what is even more alarming is that the number of people with criminal records is steadily increasing and a Senate committee should consider in the future what to recommend that the Government of Canada does about it.

• (1500)

**Hon. Lowell Murray:** Honourable senators, I had not intended to take part in this debate and my intervention will be brief.

I am not in a position to speak as knowledgeably as Senators Joyal, Wallace and Baker about the measure that is before us. However, because we are discussing a measure that relates to the National Parole Board, and in view of what we have heard — especially from Senator Baker a few minutes ago — I thought this would be as good a time as any to place on the record some information tabled by the Chairperson of the National Parole Board, Mr. Harvey Cenaiko, in the report on plans and priorities tabled with the 2010-11 estimates.

I put this one paragraph on the record for the sake of putting it on the record and for the information of honourable senators. He says:

Performance data indicate that 95 per cent of all releases on parole do not result in a new offence and 99 per cent do not result in a new violent offence . . . 96 per cent of all pardons awarded by the board remain in force, demonstrating that the vast majority of pardon applicants remain crime free. . . .



In the context of the discussion we have had about the National Parole Board, I thought it might be interesting to place that on the record.

**Hon. Hugh Segal:** Honourable senators, I had a question for Senator Baker, so I think I am now done and I am toast.

**Hon. Percy E. Downe:** I have a question for Senator Wallace, if that is okay. It is not okay? I will save it.

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

**Hon. Tommy Banks:** I think it is amusing, honourable senators, for us to remember what Senator Baker pointed out to us. It has nothing to do with this measure in particular, but — under existing law, if I give you a Tylenol 3 because you have a bad headache, I have committed a crime. It is an indictable offence. It is sometimes that kind of crime for which pardons are sought and, we hope, are given.

**Senator Downe:** I will join the debate. Senator Wallace, in his concluding remarks, may have covered off some of the points.

If I understood correctly, the fee is increasing but the amount of funding going to the RCMP is not increasing for administration. I am curious if that was a recommendation of the Parole Board or did the committee speak to and hear witnesses from the RCMP?

It would seem to me that the fixed costs of the RCMP would be going up as well, and I am hoping they are getting the funding they require to maintain their data base. Perhaps, at some point, the chair of the committee can inform the Senate of that point.

**The Hon. the Speaker *pro tempore*:** Honourable senators, after Senator Baker finished speaking, two senators rose — Senator Segal and Senator Murray. I saw Senator Murray, and I now find that Senator Segal had a supplementary question that he wanted to put to Senator Baker. However, since Senator Murray spoke, it is not possible for Senator Segal to now speak unless he receives leave of the house. He did not ask for leave.

**Some Hon. Senators:** No.

**The Hon. the Speaker *pro tempore*:** Okay. Is there further debate? Is the house ready for the question?

**Some Hon. Senators:** Question.

**Senator Segal:** Can I ask for leave of the house to ask a question of Senator Baker?

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

**Some Hon. Senators:** Agreed.

**Senator Segal:** My question for Senator Baker is as follows: When he made reference to the ease with which a criminal record becomes part of a person's life, and when he talked about the increasing numbers of people who now have a criminal record, he was clearly creating, or perhaps alerting us to the risk that,

unwittingly, the impact of this and other bills, which I think are well intentioned, is to create a custodial state where the primary relationship between the state and a growing amount of citizens relates to the issue of whether they are being held in custody, might be held in custody or were held in custody.

Could he share his broader concern in that respect so we have the full benefit of his advice on the matter?

**Senator Baker:** Honourable senators, Senator Segal has asked a question to which perhaps I should limit my response to its scope.

Section 19 of the Criminal Code says that ignorance of the law is no defence. Some people interpret that as meaning ignorance of the law is no excuse. However, as honourable senators know, there is quite a difference in law between an excuse and a defence. An excuse is when you admit to breaking the law and knowing you broke the law, but a defence can perhaps arise when you do not know what the law was before you broke it.

The complexity of our society today makes it impossible for a reasonable person to know all of the laws that impact upon that person, and when these laws, in some cases, were even brought in.

The message was delivered to the Standing Senate Committee on Legal and Constitutional Affairs recently by the head of the student union of Canadian universities, saying, look, for goodness sake, put out a massive advertising campaign associated with the new Controlled Drugs and Substances Act so that people will know what the law is. That would serve two purposes: It would inform them of what the new law is; and it would alert them to certain activities that they may be taking part in today that they had better change, because minimum jail sentences could be the result.

I think the general problem, in answer to the honourable senator's question is this: We all agree with trying to get the best form of law enforcement that we can. We always try to look at ways to assist police forces, assist investigative functions in our society so that the police and investigative agencies can better do their jobs. Therefore, we have given away what some people would consider to be a lot of the safeguards that we had vis-à-vis the *Canadian Charter of Rights and Freedoms*.

As honourable senators know, to violate someone's Charter rights in listening to their telephone conversations, for example, is quite common. To violate their Charter rights for arbitrary detention or illegal search when you enter Toronto airport with customs officials is a common occurrence.

However, when those matters get to a court of law, as they do every day, they are judged on the basis of section 1 of the Charter, which asks, is that a reasonable limitation of our Charter rights under the *Canadian Charter of Rights and Freedoms*?

You see the direction in which we are going. There are more and more laws. Everyone who tries to get elected today or who wants to get re-elected always says, we passed 100 laws last year, or whatever the case is; whereas perhaps we should have more politicians saying that if they got elected, they would actually decrease the number of laws so that ordinary citizens would not be subjected to such a barrage of illegality.

**Senator Segal:** I have a supplementary question.

**The Hon. the Speaker *pro tempore*:** I regret to advise that the 15-minute speaking time for Senator Baker has elapsed.

Is there further debate, honourable senators?

**Senator Downe:** I seek leave of the Senate to ask Senator Wallace a question.

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

**Some Hon. Senators:** Agreed.

• (1510)

**Senator Downe:** I believe Senator Wallace heard the question before my participation debate. However, if he wants me to repeat it, I will do so.

**Senator Wallace:** Honourable senators, the National Parole Board did consult with the Royal Canadian Mounted Police in making this application. The RCMP is content with the \$15 portion of the \$150 charge. We had that information provided to us in evidence.

That is the situation.

**The Hon. the Speaker *pro tempore*:** Do honourable senators wish for further debate?

**Senator Segal:** Will Senator Wallace take a question?

**Senator Wallace:** Certainly.

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

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Before we give leave, I want to ensure where we are, because I am not sure. We are straying into some strange territory here.

My understanding is that if Senator Wallace speaks in response to a question, he is closing the debate. I might be wrong. I ask for an indication from Your Honour as to whether that is correct, but I think I am right.

**The Hon. the Speaker *pro tempore*:** As I understand it, Senator Segal's request is to ask a question and it will not be a separate intervention. Therefore, it will not conclude the debate if the senator speaks now. If leave is granted, Senator Wallace is permitted to answer a question.

**Senator Segal:** I assume, because of his own distinction as a practitioner of law in the sovereign province of New Brunswick, and given the due diligence of the committee, that there is some assurance that every case will be assessed on its own merits and not lead willy-nilly to the prosecution of, say, a young Queen's student who shared a Tylenol-3 with a peer one morning to help rid him of a hangover caused because the University of Ottawa's Gee-Gees had beaten the Golden Gaels that night. The wording in legislation is often set as a description of how people believe the

law should be worded but is not necessarily a description of how Crown attorneys and police operating with prosecutorial discretion will act in every case.

On that basis, is the honourable senator comfortable that the purport of the law will not lead to willy-nilly police actions or Crown activities that produce the kind of outcome that would be perverse, I think, in the context of anyone who believes in not bringing the administration of justice into disrepute?

**Senator Wallace:** I can say with absolute certainty that this particular proposal will not bring about those consequences. I can understand that we have many matters and a number of bills before our committee. I had a feeling perhaps that Senator Baker might be giving thought to the next bill we will deal with in this chamber, which is Bill S-10. His comments were probably more relevant for that purpose. Those things happen.

As his comments relate to this proposal, I have none of the concerns Senator Baker voiced.

**Hon. Terry Stratton:** Honourable senators, I am confused, if no one else is. First, we had Senator Wallace speak. Then he sat and we moved on, and Senator Baker spoke. He was asked questions, but then we reverted back to Senator Wallace. However, my understanding is that it is done; one does not go back.

That is where confusion reigns supreme, because once a debate is finished by a person, it is done.

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

**Some Hon. Senators:** Question.

**The Hon. the Speaker *pro tempore*:** It has been moved by the Honourable Senator Wallace, seconded by the Honourable Senator Cochrane, that the twelfth report of the Standing Senate Committee on Legal and Constitutional Affairs, (*National Parole Board User Fees Proposal, with observations*), be now adopted.

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

(Motion agreed to.)

## CONTROLLED DRUGS AND SUBSTANCES ACT

### BILL TO AMEND—ELEVENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator Duffy for the adoption of the eleventh report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-10, An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts, with an amendment), presented in the Senate on November 4, 2010.

**Hon. Charlie Watt:** Honourable senators, once again . . .

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

Thank you. I stand before honourable senators today on the issue of Bill S-10, an act to amend the Controlled Drugs and Substances Act. With this legislation, formerly known as Bill C-15 in the last session, we are again asked to accept mandatory minimum sentences for drug offenders and are again asked to accept a bill that provides for drug courts only in some parts of this country.

Drug courts are not available in the North, East or the province of Quebec. Honourable senators, we are also looking at a bill that ignores a vital tradition established in the Criminal Code, known as the Gladue principle. Under this principle, judges are mandated under section 718.2(e) of the Criminal Code to look for alternatives to jail for Aboriginal offenders. Judges have been instructed to pay specific attention to the circumstances surrounding Aboriginal offenders during sentencing.

The minister stated that Bill S-10 will override the *Gladue* principles and that the mandatory minimum will apply to all people.

Honourable senators, the Standing Senate Committee on Legal and Constitutional Affairs received testimony last month from a witness, Michelle Mann, who spoke about interconnectedness of Fetal Alcohol Spectrum Disorder, substance abuse, Aboriginal offenders and the mandatory minimum sentences for drug crimes.

In the North, I have seen the ravages of alcohol on Inuit youth and the impact that Fetal Alcohol Syndrome Disorder has on the children. It is a fact that too many Aboriginal people struggle with this terrible condition without proper diagnosis or support. They too often find themselves in trouble with the law because they struggle with this condition, and not simply because they are criminals.

Michelle Mann cautioned the committee. She said:

Canada's legal framework protects the rights of all Canadians, including offenders, to live without being disadvantaged by discrimination because of their race or disability. Mandatory minimums for drug offenders in a context where Aboriginal people disproportionately experience substance abuse issues and disproportionately suffer from FASD raise the spectre of discrimination based on both disability and race against Aboriginal offenders within justice system.

She then asked:

Where the offence is committed as a result of substance abuse, compounded by the disability of FASD and by *Gladue* factors, what are the government's obligations from a legal and policy perspective? Does a mandatory minimum meet these responsibilities, particularly in areas where drug courts are not available?

• (1520)

Honourable senators, if this bill is passed without addressing these issues, it places a judge in the position of having to give a mandatory minimum sentence. It eliminates their ability to suspend that sentence when certain circumstances, like Fetal

Alcohol Syndrome, are present. Aboriginal people are struggling against some pretty tough odds. This bill creates yet another road block to rehabilitation.

The Legal and Constitutional Affairs Committee heard from dozens of witnesses who all agree there are serious problems with this bill. Mandatory minimum sentences are not a cure-all remedy that will solve Canada's issues with drug crimes. Section 718.2(e) of the Criminal Code does not give preferential treatment to aboriginal offenders — it attempts to level the field, but clearly this is not enough, as we have such a disproportionate representation of Aboriginals in our jails.

Collectively, Inuit and other Aboriginal people are so disadvantaged before entering the courts that we should be asking ourselves questions like: How can we tip the balance towards more equitable living standards? How can we provide culturally relevant intervention before crimes are committed? How can we ensure that Aboriginal people are well nourished, safely housed and have access to regular medical care?

We should be asking what the best practices are for them in drug rehabilitation. How do we reduce depression and anxiety within our Aboriginal communities? As parliamentarians, we have the opportunity to pass laws that will encourage community leaders to invest in the health and well being of their members.

I believe the time has come to hold an inquiry into the status of Aboriginal incarceration in this country. It is time for us to create new alcohol-free and drug-free communities in remote regions of the country where our youth can go back to the land and reclaim their personal well being. We need to create addictions treatment facilities in the North and on reserves.

If Bill S-10 is truly the best that Parliament has to offer, then we have failed to uphold the honour of the Crown, and we are further perpetuating the injustices to aboriginal citizens.

#### MOTION IN AMENDMENT

**Hon. Charlie Watt:** Therefore, honourable senators, I move:

That the Eleventh Report of the Standing Senate Committee on Legal and Constitutional Affairs be not now adopted but that it be amended:

(a) in the opening paragraph, by replacing "following amendment" with "following amendments"; and

(b) by adding amendment N° 2 as follows:

"2. *Page 6, clause 6:* Add after line 14 the following:

"(6) A court sentencing an aboriginal person who is convicted of an offence under this Part is not required to impose the minimum punishment for the offence if the court is satisfied that

(a) the minimum punishment would be unduly harsh, having regard to the circumstances of the aboriginal offender; and

(b) another sanction that is reasonable in the circumstances is available.

(7) If, under subsection (6), the court decides not to impose a minimum punishment, it shall give reasons for that decision.” ”.

(On motion of Senator Comeau, debate adjourned.)

## CANADA PENSION PLAN

### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Catherine S. Callbeck** moved second reading of Bill S-223, an Act to amend the Canada Pension Plan (retroactivity of retirement and survivor's pensions).

She said: Honourable senators, it gives me great pleasure to speak to Bill S-223, An Act to amend the Canada Pension Plan. This legislation will extend retroactivity limits for CPP retirement benefits to five years for people over the age of 70 years, as well as the retroactivity limit for survivors' pensions to five years. Currently, both limits are set at 12 months. For retirement benefits, this change would put the CPP in line with the Province of Quebec and its Quebec Pension Plan, which also provides for five years retroactivity.

Presently, Canadians are eligible to apply for Canada Pension Plan retirement benefits beginning at age 60, but depending on age at the time of application, benefit levels are different. Those who apply at age 60 receive a lesser amount — 30 per cent less — than if they had waited until they were 65 years old. For every year a senior does not apply between 60 and 65, his or her retirement benefits increase by 0.5 per cent per month, or 6 per cent per year. For example, if someone's retirement pension begins when they turn 63 years old, they will receive 88 per cent of their full pension. At 65, a senior will receive 100 per cent of his or her pension benefits. For those who continue to wait after 65, their retirement benefits will increase by 0.5 per cent per month, or 6 per cent every year until age 70.

Retirement benefits reach their maximum at age 70. No matter when the senior applies after age 70, their retirement benefit will never get any higher, even though their contributions are still invested and earning interest. No matter when they apply after age 70, under the current rules the retroactivity is a maximum of one year. This legislation will change that to a maximum of five years. That would mean if someone applies at the age of 73, they would receive a full three years of retroactivity rather than just one year. The maximum retroactivity after age 70 would be five years, in line with the Quebec Pension Plan.

The CPP survivors' pension is a monthly pension paid to the surviving spouse or common-law partner of a contributor who has died. If the deceased was already receiving a retirement benefit, the amount of the survivor's pension will be based on it. If the deceased has not yet received CPP retirement benefits, the government calculates how much the deceased's retirement pension would have been if the contributor had been 65 at the time of death. The survivor's pension is then calculated based on the age of the survivor. If the survivor is 65 or older, they will receive 60 per cent of the contributor's pension. For those under the age of 65, there are a number of categories based on age, and a

formula is used to make the calculation. Again, the current retroactivity is just one year, and this bill will change it to five years.

• (1530)

This is not a complicated piece of legislation. It brings Canada in line with a number of other countries with contributions-based pension plans. Germany allows four years of retroactivity, Japan allows five years, and Australia and Sweden have no retroactivity limits at all.

From the outset, I would like to say that this is not a money bill. I have consulted outside counsel, the law firm Heenan Blaikie, which provided a legal opinion on the legal issues of this legislation. Heenan Blaikie states:

The funds that are the subject of the proposed amendments are not funds which form part of the Consolidated Revenue Fund and the proposed amendments do not seek, directly or indirectly, to impose taxes or appropriate funds. In our opinion, the draft bill does not require a royal recommendation and sections 53 and 54 of the *Constitution Act, 1867* do not impair the power of a Senator to introduce the bill to the Senate or the power of the Senate to deal with it.

The money set aside for the Canada Pension Plan goes into its own fund, which is separate from the Consolidated Revenue Fund. This is not public money — it is destined only to pay for CPP benefits. In addition, no new money is being spent. The benefits are fully funded for those who are eligible, whether they apply or not. As the Chief Actuary stated in his appearance before the Finance Committee, “. . . in the actuarial report, the assumption was made that they would apply, so the cost . . . is already included.”

As all honourable senators know, the federal government and the provinces are co-stewards of the CPP fund, and section 114 of the Canada Pension Plan lays out the circumstances under which an amendment to the act can be made with or without the express consent of the provinces. Under section 114, this bill does not require the consent of the provinces.

To be certain, the law firm Heenan Blaikie studied the draft bill and the Canada Pension Plan. With regard to section 114, they stated:

In our view, no provision of the proposed amendments fits within the specified categories. In particular, no amendment alters or has the effect of altering, either directly or indirectly, the general level of benefits provided by the Act, the classes of benefits, the contribution rate for employees, employers or self-employed persons, the formulae for calculating contributions and benefits, the management or operation of the Canada Pension Plan Account, or the *Canada Pension Plan Investment Board Act*

It follows that, in our opinion, the clause of the bill that provides, for greater certainty, that its provisions are not provisions to which the provisions of section 114 apply is a fair interpretation. The further provision in the draft bill that section 114 of the Act does not apply to it gives legislative effect to this interpretation.

As honourable senators can see, section 114 is not applicable to this bill. The bill will not have any effect on the level or benefits nor the contributions rates, nor any of the other conditions that require provincial consent. It will simply provide regular benefits to those who are entitled to them — money that has already been accounted for in the actuarial reports.

However, because they have such a vested interest in the management of the CPP program, I wrote to all the provincial and territorial premiers to advise them of the bill and to invite their comments. I received replies from Newfoundland and Labrador, Prince Edward Island, New Brunswick, Nova Scotia, Quebec, Manitoba, Saskatchewan, Alberta, Yukon and the Northwest Territories. Many expressed their support for this initiative. In fact, I did not receive any negative feedback.

I would still like to have all provinces and territories officially involved in this process, so, under Appendix I of the *Rules of the Senate*, I would ask the committee that examines this bill to formally invite all provinces and territories to appear or submit commentary on this bill.

It must always be remembered that the Canada Pension Plan is a contributions-based pension plan. Hard-working Canadians have, over the course of their careers, paid into the plan and they should be getting the pensions and benefits to which they are entitled. This fund is not the government's money; it belongs to those who have paid into it. The federal government is a steward of the funds and must ensure that senior Canadians receive the benefits for which they paid all those years. If a Canadian is late in applying, the government should not be allowed to arbitrarily keep part of someone's pension.

Honourable senators, I encourage you to support this bill so these reforms can be implemented promptly and further improve the lives of Canadian seniors.

(On motion of Senator Comeau, debate adjourned.)

## RACISM IN CANADA

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Oliver calling the attention of the Senate to the state of Pluralism, Diversity and Racism in Canada and, in particular, to how we can develop new tools to meet the challenges of the 21<sup>st</sup> century to fight hatred and racism; to reduce the number of hate crimes; and to increase Canadians' tolerance in matters of race and religion.

**Hon. Sharon Carstairs:** Honourable senators, I am quite am prepared to leave this standing in the name of Senator Andreychuk, but I would like to put a few words on the record today with respect to this inquiry.

I rise to speak to this inquiry, and I thank Senator Oliver for introducing this inquiry to the Senate and Senator Poy for her contribution. I concur that there is still much that needs to be done to ensure equality of all Canadians, but it is important to reflect on the many changes that have occurred in our nation just in my lifetime.

Like Senators Mercer, Moore and Cowan and perhaps others, I grew up in Halifax. I lived, from the time I was born until the time I was 16, on the north side of Quinpool Road in Halifax, and my colleague, Senator Cowan, lived on a street on the other side of Quinpool Road, but we did not go to the same school. He walked with his friends up the south side of Quinpool Road, to his Protestant school. I walked up the other side of Quinpool Road with my friends, to the Catholic school. He went to the YMCA. I was not allowed there because it was considered a Protestant organization. We only became friends when we found ourselves in the same class at Dalhousie University, studying political science together.

Although some children in this country still go to religious schools, many of the barriers that existed in those days have thankfully disappeared. However, now there appears to be little tolerance between Catholics and Protestants and those of the Muslim faith. It is unfortunate that the lessons we learned in being able to work together as Protestants and Catholics have not spread to our being able to live in harmony with those of the Muslim faith.

At the same time that I was in university, there were still quotas in many professional schools in this country with respect to those of the Jewish faith. Those quotas no longer exist, but we still hear all too often about activities of an anti-Semitic nature. All of us recognize that there are far too few Aboriginal Canadians graduating from high schools and then attending post-secondary institutions.

• (1540)

In Halifax and Toronto, where there is a significant number of Black Canadians, we still see far too few of them graduating from high school and going on to post-secondary education. In my years of school in Halifax, from grades 1 to 11 — we went to university after grade 11 in those days — I do not remember attending school with a single Black child, despite the fact that Halifax at that point had the highest percentage of Black people compared to any city in Canada. I do not remember going to school with any child from a visible minority community.

Today, in most of our schools, this country sees faces of many colours, and it is always a delight to me to speak in schools in which there are so many colours represented by the children in those classes. Yet, far too many Black children in Canada are not succeeding in school; they are not graduating.

Today, I no longer live in Nova Scotia. I have been privileged since 1977 to live in Manitoba, and my concerns with respect to pluralism and racism focus primarily on our Aboriginal people who, in my view, do not have equality of opportunity in this country. They do not have equality of opportunity to education, to health care, to employment and to basic justice.

An Aboriginal child taken into care in my province does not have the same access to the same programming or even to the same dollars spent as a non-Aboriginal child. On average, an Aboriginal child living on a reserve in this country and in my province gets \$2,000 a year less spent on their education than a child who lives off-reserve.

In my province of Manitoba, 71 per cent of the inmates in the jails are Aboriginal. Many of them suffer from FAE and FAS. You heard about that a just few minutes ago. FAE and FAS we know are caused by the abuse of alcohol while these inmates were in utero. They had no choice about this abuse. This occurred to them while they were in the wombs of their mothers, yet they do not receive treatment, either before they have gotten into difficulty with the law or, tragically, even after they have had difficulty with the law. We also know that many of them lack economic opportunity, and the commission of crime and the lack of economic opportunity are easily correlated.

We know that diabetes and tuberculosis are far more prevalent among our Aboriginal people and that HIV/AIDS is growing rapidly in these communities. We also know that our Aboriginal people, particularly the young people, have a disproportionate rate of suicide.

Aboriginal people on reserve are the direct responsibility of the federal government, yet successive governments of all political stripes have failed to ensure the equality rights of these Canadians.

I had hoped that the Kelowna Accord, signed by the federal government and all provinces and territories, would have been a huge step forward towards these equality rights. Regrettably, that accord has not moved forward and the result is that our Aboriginal people, Canada's First People, lag behind. Until we accept our fiduciary responsibility to these, our First Peoples, we will fail to ensure equality for all Canadians. I challenge this and any future government to obliterate what I believe to be Canada's national shame.

(On motion of Senator Comeau, for Senator Andreychuk, debate adjourned.)

#### STATE OF PALLIATIVE CARE

##### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carstairs, P.C., calling the attention of the Senate to the state of Palliative Care in Canada.

**Hon. Jim Munson:** Honourable senators, Senator Mercer is working on his notes on this inquiry, and he would like me to restart the clock on this important debate.

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

(On motion of Senator Munson, for Senator Mercer, debate adjourned.)

#### THE SENATE

##### MOTION TO CONDEMN ATTACKS ON WORSHIPPERS IN MOSQUES IN PAKISTAN AND TO URGE EQUAL RIGHTS FOR MINORITY COMMUNITIES— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Greene:

That the Senate condemns last Friday's barbaric attacks on worshippers at two Ahmadiyya Mosques in Lahore, Pakistan;

That it expresses its condolences to the families of those injured and killed; and

That it urges the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, Senator Jaffer is continuing her research on this topic, has indicated she is not completed yet, and would like to restart the clock.

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

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

[*Translation*]

#### AGRICULTURE AND FORESTRY

##### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON THE CURRENT STATE AND FUTURE OF FOREST SECTOR

**Hon. Percy Mockler,** pursuant to notice of November 23, 2010, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, March 11, 2010, the Standing Senate Committee on Agriculture and Forestry, which was authorized to undertake a study on the current state and future of Canada's forest sector, be empowered to extend the date of presenting its final report from December 31, 2010 to March 31, 2011; and

That the Committee retain until March 31, 2011 all powers necessary to publicize its findings.

(Motion agreed to.)

(The Senate adjourned until Thursday, November 25, 2010, at 1:30 p.m.)

## CONTENTS

Wednesday, November 24, 2010

	PAGE
<b>Visitors in the Gallery</b>	
The Hon. the Speaker. . . . .	1394

---

### SENATORS' STATEMENTS

<b>Barbados</b>	
The Late Honourable David John Howard Thompson.	
Hon. Anne C. Cools. . . . .	1394
<b>Visitor in the Gallery</b>	
The Hon. the Speaker. . . . .	1395
<b>Ms. Evaline Apoko</b>	
Hon. Mobina S. B. Jaffer . . . . .	1395
<b>Health Care System</b>	
Hon. Gerry St. Germain . . . . .	1395
<b>Radio-Canada Acadie</b>	
Hon. Rose-Marie Losier-Cool . . . . .	1396
<b>Racial Stereotyping by the Media</b>	
Hon. Vivienne Poy . . . . .	1396
<b>Jack &amp; Co. Ltd.</b>	
Congratulations on One Hundred and Fiftieth Anniversary.	
Hon. Stephen Greene . . . . .	1397

---

### ROUTINE PROCEEDINGS

<b>Privacy Commissioner</b>	
Certificate of Nomination Tabled.	
Hon. Gerald J. Comeau . . . . .	1397
Notice of Motion to Approve Appointment.	
Hon. Gerald J. Comeau . . . . .	1397
<b>The Senate</b>	
Notice of Motion to Resolve into Committee of the Whole to Receive Ms. Jennifer Stoddart, Privacy Commissioner, and to Permit Electronic and Photographic Coverage During the Committee of the Whole Proceedings and that the Committee Report to the Senate No Later than One Hour After it Begins.	
Hon. Gerald J. Comeau . . . . .	1397
<b>Fighting Internet and Wireless Spam Bill (Bill C-28)</b>	
First Reading. . . . .	1398
<b>Canada-Europe Parliamentary Association</b>	
Winter Meeting of the Organization for Security and Co-operation in Europe Parliamentary Assembly, February 18-19, 2010—Report Tabled.	
Hon. Consiglio Di Nino . . . . .	1398
Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, July 6-10, 2010—Report Tabled.	
Hon. Consiglio Di Nino . . . . .	1398
<b>Edmonton's Bid for Expo 2017</b>	
Notice of Inquiry.	
Hon. Tommy Banks . . . . .	1398

### QUESTION PERIOD

<b>Citizenship and Immigration</b>	
French Language and Immigration Services.	
Hon. Maria Chaput . . . . .	1398
Hon. Marjory LeBreton . . . . .	1398

<b>Foreign Affairs</b>	
Convention on Cluster Munitions.	
Hon. Elizabeth Hubley . . . . .	1398
Hon. Marjory LeBreton . . . . .	1399

<b>International Cooperation</b>	
Financial Aid to Sub-Saharan Africa.	
Hon. Claudette Tardif . . . . .	1399
Hon. Marjory LeBreton . . . . .	1399
Aid to Afghanistan.	
Hon. Claudette Tardif . . . . .	1400
Hon. Marjory LeBreton . . . . .	1400

<b>Public Works and Government Services Canada</b>	
Untendered Government Contracts.	
Hon. Francis Fox. . . . .	1400
Hon. Marjory LeBreton . . . . .	1400

<b>Atlantic Canada Opportunities Agency</b>	
Sydney Harbour Project—Atlantic Gateway Strategy.	
Hon. Terry M. Mercer . . . . .	1401
Hon. Marjory LeBreton . . . . .	1401
Hon. James S. Cowan. . . . .	1402
Hon. Jane Cordy . . . . .	1402

<b>Foreign Affairs</b>	
Afghanistan.	
Hon. Jean Lapointe . . . . .	1402
Hon. Marjory LeBreton . . . . .	1402

---

### ORDERS OF THE DAY

<b>Keeping Canadians Safe Bill (Bill S-13)</b>	
Second Reading—Debate Continued.	
Hon. Tommy Banks . . . . .	1403

<b>The Senate</b>	
Motion to Permit Televisual Recording and Photographic Coverage of Next Royal Assent Ceremony Adopted.	
Hon. Gerald J. Comeau. . . . .	1403
Motion to Resolve into Committee of the Whole to Receive Ms. Jennifer Stoddart, Privacy Commissioner, and to Permit Electronic and Photographic Coverage During the Committee of the Whole Proceeding and that the Committee Report to the Senate No Later than One Hour after it Begins Adopted.	
Hon. Gerald J. Comeau. . . . .	1403

<b>Business of the Senate</b>	
Hon. Hugh Segal . . . . .	1404
Hon. Gerald J. Comeau . . . . .	1404

<b>Study on User Fee Proposal</b>	
Public Safety—Twelfth Report of Legal and Constitutional Affairs Committee Adopted.	
Hon. John D. Wallace . . . . .	1404
Hon. Serge Joyal . . . . .	1405
Hon. George Baker . . . . .	1405
Hon. Lowell Murray . . . . .	1406

	PAGE
Hon. Hugh Segal . . . . .	1407
Hon. Percy E. Downe. . . . .	1407
Hon. Tommy Banks . . . . .	1407
Hon. Gerald J. Comeau . . . . .	1408
Hon. Terry Stratton . . . . .	1408
<b>Controlled Drugs and Substances Act (Bill S-10)</b>	
Bill to Amend—Eleventh Report of Legal and Constitutional Affairs Committee—Debate Continued.	
Hon. Charlie Watt . . . . .	1409
Motion in Amendment.	
Hon. Charlie Watt . . . . .	1409
<b>Canada Pension Plan (Bill S-223)</b>	
Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Catherine S. Callbeck . . . . .	1410

	PAGE
<b>Racism in Canada</b>	
Inquiry—Debate Continued.	
Hon. Sharon Carstairs . . . . .	1411
<b>State of Palliative Care</b>	
Inquiry—Debate Continued.	
Hon. Jim Munson . . . . .	1412
<b>The Senate</b>	
Motion to Condemn Attacks on Worshippers in Mosques in Pakistan and to Urge Equal Rights for Minority Communities— Debate Continued.	
Hon. Claudette Tardif . . . . .	1412
<b>Agriculture and Forestry</b>	
Committee Authorized to Extend Date of Final Report on the Current State and Future of Forest Sector.	
Hon. Percy Mockler . . . . .	1412











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