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(HANSARD)

**Tuesday, February 8, 2011**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Tuesday, February 8, 2011

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

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### BLACK HISTORY MONTH

**Hon. Donald H. Oliver:** Honourable senators, February is Black History Month. It is a time of year that is very important to me.

First of all, I would like to congratulate Senator Pépin on the excellent speech she made on this subject last week. Her speech was well received by the African-Canadian community and the entire country.

[English]

This year marks the eighty-fifth anniversary of the first Negro History Week, which was later expanded to a month-long celebration. In Canada, the event was first celebrated in the 1950s in Toronto, but it was only 16 years ago that it received national recognition.

In 1995, the House of Commons adopted a motion to recognize February as Black History Month. The Senate needed to adopt a similar resolution and three years ago, I tabled a motion to officially recognize Black History Month, which was unanimously adopted by honourable senators.

In spite of these significant recognitions, most Canadians remain woefully ignorant about the enduring contributions of Blacks to Canada's history. Black History Month reminds us of what life in Canada was once like for Blacks and other people of colour. Life was not always easy for people of colour and although we have come a long way, we still have a long way to go.

During Black History Month, and throughout the year, we need to speak out against racism; the racism that still affects Blacks and other people of colour; the racism that continues to impede our progress and to stall the growth of Canada as a diverse, inclusive and progressive society.

As the Prime Minister said this week in *The Hill Times*:

February is an opportunity to celebrate the values of perseverance and dignity that have defined the Black community in Canada.

Honourable senators, above all, I believe Black History Month is a time to discuss solutions for ending discrimination and that is exactly what I intend to do throughout the month. I will engage a number of federal government departments, public servants and students in open discussions about diversity and racism in Canada. I will give several keynote speeches this month

including to Treasury Board Secretariat, the Department of National Defence, and National Archives Canada for Canada Revenue Agency's Black History Month event. I will also meet with high school students in Halifax and Dartmouth to raise awareness of African heritage. In April, I will be the keynote speaker at the annual Harry Jerome Awards in Toronto. This awards ceremony recognizes and honours excellence in achievements in people of African-Canadian descent.

Honourable senators, celebrating Black History Month and acknowledging our past offers much inspiration for the more than 800,000 Canadians of African descent.

Honourable senators, my message is simple: We should look back with pride on yesterday's achievements, but we must also acknowledge today's problems and look forward to tomorrow with vision and hope, for as George Washington Carver once observed, "Where there is no vision, there is no hope."

I invite all honourable senators to join me in the fight against racism and discrimination in Canada during Black History Month and throughout the year as we celebrate the International Year for People of African Descent.

#### HOSPICE PALLIATIVE CARE IN PRINCE EDWARD ISLAND

**Hon. Elizabeth Hubley:** Honourable senators, on Saturday, February 5, at the Confederation Centre Public Library in Charlottetown, I attended the launch of a book entitled: *I Know an Angel... The First 25 Years of Hospice Palliative Care on PEI, 1985-2010*. The book presents an historical review of hospice palliative care in Prince Edward Island over the past 25 years.

Written by Eleanor Davies of Stratford, herself a founder and a 25-year volunteer with hospice, the book chronicles how a small group of dedicated Islanders who, recognizing the need for hospice palliative care, made a big impact on the life of Islanders living with life-threatening illnesses. Their motto became "Make each day count."

Volunteer chapters of hospice exist throughout the province. In the past 25 years, over 1,500 trained volunteers have provided in excess of 45,000 hours of care in a variety of settings, including the community, patients' homes and palliative care beds in acute and chronic care facilities. These volunteers are an important component of the Integrated Palliative Care Program.

Honourable senators, hospice volunteers across the country are truly angels who give of themselves to provide comfort and support to patients and to the families of patients who are living with life-threatening illnesses.

I am proud to say that Eleanor Davies is my sister, and I remind all honourable senators to make each day count.

## SALVATION ARMY

### CONGRATULATIONS TO COMMISSIONER LINDA BOND ON ELECTION AS GENERAL

**Hon. Ethel Cochrane:** Honourable senators, last week, in an announcement that was live-streamed worldwide over the Internet, the Salvation Army announced the election of their new world leader — a Canadian woman.

Commissioner Linda Bond, a Salvationist from Glace Bay, Nova Scotia, was chosen to become the nineteenth general of the church. Nominated for the position by her peers, Commissioner Bond was elected by the High Council of the Salvation Army, a body composed of senior leaders from around the world. General-elect Bond will officially become general on April 2.

It may be surprising to honourable senators that Commissioner Bond is the third woman and only the fourth Canadian to hold this important position. It is quite a remarkable story for a woman who was born the youngest of 13 children to a British immigrant mother and a coal miner father.

In her new role, General-elect Bond will lead a church that is 1 million followers strong and active in more than 123 countries. The church also has more than 100,000 employees who communicate in over 175 different languages.

With 42 years experience in Christian ministry and leadership, Commissioner Bond brings a wealth of experience and talent to her new role. In addition to being a leader and ordained minister of religion, she has served in local church ministry, on staff at national and regional headquarters, and as part of the training staff for new officers.

Previously, Commander Bond led the Salvation Army in Canada and in Bermuda, and held a range of leadership positions in the United Kingdom and the United States. She currently leads the church in Eastern Australia.

Honourable senators, I applaud the general-elect for her lifelong commitment to service and I offer her my prayers and best wishes as she leads her people in the challenging years ahead.

• (1410)

[Translation]

## ROUTINE PROCEEDINGS

### THE ESTIMATES, 2010-11

#### SUPPLEMENTARY ESTIMATES (C) TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2010-11 Supplementary Estimates (C), for the fiscal year ending March 31, 2011.

### NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (C)

**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 the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (C) for the fiscal year ending March 31, 2011.

[English]

## OLD AGE SECURITY ALLOWANCE

### NOTICE OF INQUIRY

**Hon. Catherine S. Callbeck:** Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will call the attention of the Senate to the inequities of the Old Age Security Allowance for unattached, low-income seniors aged 60-64 years.

[Translation]

## FIRST CONFERENCE OF ARAB EXPATRIATES

### NOTICE OF INQUIRY

**Hon. Pierre De Bané:** Honourable senators, I give notice that, two days hence:

I shall call the attention of the Senate to the First Conference of Arab Expatriates, conference organized by the League of Arab States, that was held in Cairo, Egypt, from December 4 to 6, 2010.

## QUESTION PERIOD

### FISHERIES AND OCEANS

#### REPAIRS TO NEW BRUNSWICK HARBOURS

**Hon. Rose-Marie Losier-Cool:** Honourable senators, my question is for the Leader of the Government in the Senate. Near the end of December, the coastal areas of northern and eastern New Brunswick were ravaged by three successive storms accompanied by breaking waves and very strong winds. Several harbours and vessels were damaged, thereby compromising this year's fishery, which should begin in May. Most of these small fishing harbours fall under federal jurisdiction, but according to a CBC/Radio-Canada report on January 17, 2011, the Department of Fisheries and Oceans has a budget of only \$25 million to \$30 million a year to all fishing harbours under its jurisdiction. That amount is not usually enough, even in a normal year.

Could the Leader of the Government in the Senate ask the Minister of Fisheries and Oceans for a list of the criteria that will be used by the department to determine which ports in my province will receive assistance, and could she table that list here in the Senate?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. Departmental staff officials have been inspecting harbours to determine the extent of damage and the estimated cost of repairs.

Public safety, as honourable senators know, is our first priority. We are working with all partners to secure sites and ensure that the most pressing repairs are undertaken well in advance of the upcoming fishery season.

[Translation]

**Senator Losier-Cool:** I thank the Leader of the Government for her response, for this is an urgent matter. Fishers want to get ready for this year's season and are counting on the government to make additional emergency funds available in order to repair the terrible damage caused by the storms.

[English]

**Senator LeBreton:** Honourable senators, as I indicated in my first answer, this is absolutely the objective of the government. The government is well aware of the extent of the damage and the cost to the coastal communities. I will ask the department to provide a brief update on the status thus far so that I can provide honourable senators with more detail.

[Translation]

**Senator Losier-Cool:** The storms also ravaged tourist attractions like Parlee Beach and the Bouctouche dune, two of the most beautiful areas in Canada. In order to rebuild, will those sites be eligible for assistance from the Infrastructure Stimulus Fund, since it has been extended until October 2011? Do those sites satisfy the criteria to benefit from additional assistance?

[English]

**Senator LeBreton:** Honourable senators, I visited some of the sites that were affected and the extent of the damage is overwhelming.

With regard to the stimulus funding, as honourable senators know, the announcement to extend the stimulus funding was for projects already under way. Obviously, these repairs and all the work that is done in this area will be coming from other sources, but I will clarify that for Senator Losier-Cool.

## HEALTH

### SODIUM WORKING GROUP

**Hon. Catherine S. Callbeck:** Honourable senators, my question is for the Leader of the Government in the Senate. Last November, I asked her about Health Canada's Sodium Working Group, which was an expert panel that had recommended voluntary restrictions on the amount of salt allowed in packaged and processed foods.

[ Senator Losier-Cool ]

At the time, the leader said:

Sodium levels are extremely high in Canada. That is why, as the honourable senator mentioned, we established the Sodium Working Group.

The leader also pointed out the fact that the minister had established the working group as evidence of this government's commitment to the issue.

Now we hear that Health Canada has quietly disbanded the working group that brought forward these recommendations. These experts will no longer be monitoring and evaluating the effectiveness of the restrictions.

Why did this government disband the expert panel, which had been working so hard to improve the lives of Canadians?

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

Obviously, as I reported to honourable senators, this working group was established because we are concerned, as are all Canadians, about the high level of sodium in our food. We certainly thank the members of the group for their hard work and we are pleased to endorse their interim goal for sodium reduction. As a result of their report, we are now working with the provincial and territorial governments and their health authorities to develop a strategy based on the recommendations of the advisory group.

**Senator Callbeck:** I thank the leader for her answer. However, the fact is that the work of this working group was not completed. Let me read to the leader its mandate:

. . . the multi-stakeholder Working Group will develop, implement and oversee a population-health strategy for the successful reduction of the sodium content of the diets of Canadians . . .

The strategy was developed. The next step, specifically, was the implementation and oversight, and this is clearly the responsibility of that Sodium Working Group, according to the mandate.

My question is the following: The working group started the initiative, and they are experts in their fields, so why does this government not let them finish the job?

**Senator LeBreton:** Actually, honourable senators, the government is letting them finish the job, because organizations that are also members of the Sodium Working Group are now part of the advisory committee charged with implementing the recommendations in the provinces and territories. We have not simply shelved this report. We have their plan and the organizations that were in the Sodium Working Group are now charged with implementing the plan that they recommended.

**Senator Calbeck:** With all due respect, I would ask the leader to check into that, because the members of the working group are really not part of the group that will be implementing this.

• (1420)

**Senator LeBreton:** Honourable senators, I will check into it, but the people who were on the Sodium Working Group belong to organizations. I will have to verify whether or not they are exactly the same individuals — they may not be — but the organizations that they represented on the Sodium Working Group are now part of the advisory committee charged with implementing the plan.

[Translation]

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### REORGANIZATION OF SERVICE CANADA

**Hon. Maria Chaput:** Honourable senators, my question is for the Leader of the Government in the Senate. Last week, it was announced that five Service Canada offices in Nova Scotia, two of which provide services to Acadians in both official languages, would be closing their doors. Since that time, I have learned that 13 Service Canada offices in Newfoundland and Labrador will be closed. This morning, I learned that some community offices in Ontario will be closed and that changes will be made to the services offered by 50 community offices in remote areas of the country.

Service Canada has over 19,000 employees, nearly 90 per cent of whom work in some 300 offices and 14 call centres. Of these, there are 136 designated bilingual service centres in four large regions: Western Canada and the Territories, Ontario, Quebec and Atlantic.

Service Canada is a model for providing on-site services to remote rural communities and linguistic minorities. Designated bilingual offices are found in these communities. The Commissioner of Official Languages has already stated that Service Canada has become a key player in the delivery of front-line federal services.

Given that 136 designated bilingual service centres can be found from one end of the country to the other, did the government take into consideration its obligations under the Official Languages Act and Regulations? Did it conduct a study on the impact that these changes would have on official language minority communities? If so, is this study available and can I have a copy?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. The government fully supports and implements Canadian laws and one of the very important Canadian laws is the Official Languages Act.

As a result of the honourable senator's question last week, I have made inquiries. Obviously, Service Canada has been a great success story. It has provided Canadians with timely access and services across the country when dealing with the government.

The community offices that the honourable senator referred to in her question last week did not have government employees working in them. Residents in those areas could not get answers to inquiries and could not apply for benefits such as OAS and CPP at these locations.

Instead, the government is implementing a scheduled outreach site for local residents where they can apply for access to government services and all benefits such as OAS, CPP and social insurance numbers. They will also continue to have access to full Service Canada centres within reasonable distances and can access services online and by phone.

I wish to stress that some of the community-based offices did not have government employees and could not provide the services that now can be provided through this new measure.

[Translation]

**Senator Chaput:** Was this reorganization planned in consultation with the communities? Can the Leader of the Government in the Senate convey the serious concerns we have about this to the Minister of Human Resources and Skills Development? The question I ask myself is this: is this reorganization, if we can call it that, the best way to support the vitality of communities?

[English]

**Senator LeBreton:** Absolutely, honourable senators, the government did consult. Now, constituents in many rural and remote communities do not have to drive all the way to a major centre to a Service Canada office to apply for benefits. For the first time, residents will be able to apply for benefits and services such as OAS, CPP and social insurance in their own communities.

I reiterate, honourable senators, that Service Canada has been a great success story. As a government, we are working on that success story to improve services. Some of the facilities did not have people who were able to provide the government services Canadian citizens want and that is why the change was made. Obviously, changes were made to benefit people who live in rural and remote areas.

[Translation]

**Senator Chaput:** I am pleased to hear it is a success story; it is actually one of the best success stories ever. The federal government should be congratulated for having established this type of service. Therefore, honourable senators, you will understand why I am greatly concerned by the reorganization. We had not heard anything about it. This news has taken us by surprise. That is why I am asking the Leader of the Government in the Senate to find out if a plan has been prepared. Has the impact this will have on official language minority communities been taken into consideration? Could I please obtain a copy of this reorganization plan?

[English]

**Senator LeBreton:** Honourable senators, the purpose and the goal of the government is to provide outreach service to all of our citizens. In my previous work as the Minister of State for Seniors for three years, from the beginning until the end, the one

wonderful story I kept hearing was about the improvement of services in both official languages through the offices of Service Canada — so much so that when we had workshops for seniors, Service Canada sent their regional or community employee to participate.

As I said in my first answer, honourable senators, the government fully respects and implements the law, which is the Official Languages Act. However, if there is more information I can provide on this subject, I would be happy to get it for the honourable senator.

[Translation]

## HERITAGE

### CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION— APPOINTMENT OF VICE-CHAIRPERSON

**Hon. Pierre De Bané:** Honourable senators, my question is for the Leader of the Government in the Senate. Does the government realize that major broadcasting issues are being or will soon be discussed at CRTC hearings, such as the renewal of licences for French and English specialty services, the renewal of the CBC/Radio-Canada licences, the vertical integration of distributors and broadcasters and, finally, the acquisition of Bell Canada by CTV?

In view of the importance of these strategic matters, the government published the selection criteria for the position of Vice-Chairperson (Broadcasting), which has been vacant for more than five months, in the *Canada Gazette*. This position commands an annual salary of more than \$220,000, and according to the government's official press release:

• (1430)

Reporting to the Chairperson of the CRTC, the Vice-Chairperson is responsible for assisting the Chairperson in providing effective leadership to the Commission, assuming responsibility for broadcasting issues, and for providing executive support in the management of an independent regulatory body.

The *Canada Gazette* then provides a very detailed list of selection criteria concerning experience, knowledge, abilities, and strong analytical skills.

My question for the leader is the following: did Mr. Pentefountas, the face of the ADQ in Quebec and a criminal lawyer, take part in the competition posted in the *Canada Gazette* and send his curriculum vitae to the Assistant Secretary to the Cabinet by July 28, 2010?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, Mr. Pentefountas was appointed as the CRTC vice-chair and the honourable senator correctly read into the record the minister's announcement of his appointment. This individual went through a thorough, independent, open selection process through Canadian Heritage and was found to be completely qualified.

[ Senator LeBreton ]

I am confident he will make a positive contribution to the CRTC. As the government, we are proud of this appointment.

[Translation]

**Senator De Bané:** Madam leader, This full-time Vice-Chairperson position has been vacant since August 31, 2010, when former Vice-Chairperson Michel Arpin was told his mandate would be over, in March 2010. The government announced it would issue a call for candidates. Mr. Arpin submitted his application, but was never called to meet the selection committee.

Pierre Trudel, media law professor at the Université de Montréal, wrote the following in *La Presse* yesterday, Monday, February 7, about Mr. Pentefountas's appointment:

I find this appointment disturbing. Usually people in this position have excellent knowledge of the industry and its rules. The CRTC makes a thousand decisions a year. The government seems to want to undermine the CRTC.

Mr. Trudel continued:

I find it hard to understand how Michel Arpin can be replaced by someone with a fraction of his experience.

My question, Madam minister, is this: why was Mr. Arpin not called for an interview, since he applied for the position?

[English]

**Senator LeBreton:** I am not party to the process that Canadian Heritage went through. However, I clearly explained to the honourable senator in my first answer that this gentleman went through an independent, open selection process through Canadian Heritage.

The honourable senator might have different views as to Mr. Pentefountas's character. I do not know the gentleman personally, but when he went through the selection process, he satisfied all the concerns and met the criteria they were looking for. He is a skilled lawyer, as the honourable senator pointed out.

As I said in answer to the honourable senator's first question, the government is confident that he will make a positive contribution to the board, and we are proud to have appointed him as the vice-chair of the CRTC.

**Senator De Bané:** I assure the leader that there is no precedent to this decision. When one looks to the past, there has never been a vice-president of the CRTC who was not an expert in either telecommunications or broadcasting. There are no exceptions in the history of the CRTC that we have appointed somebody who must be a capable person in the field in which he practices but who has absolutely no experience and no knowledge whatsoever about the different criteria.

Why has the government broken that wise tradition and not appointed somebody who commands the respect of the entire industry? If I can put it another way, why is it that in this country, when we appoint somebody to be in charge of food safety, head of a department, chief of the military or head of a mission abroad, we take the best?



In an industry so vital to Canada, where major decisions must be made in the near future — the buying of Bell Canada by CTV, the vertical integration of distributors and broadcasters, et cetera — why is it that this time we said, “Forget the tradition that we have for all departments and government positions. For this one, we will appoint someone who might give us some political payback”?

**An Hon. Senator:** Oh, oh!

**Senator LeBreton:** That last statement is regrettable. The honourable senator makes what I believe to be incorrect assumptions that this individual is not qualified to serve on this body. The honourable senator can make the argument that people in that particular industry have certain biases one way or the other. I would argue that an individual coming to the CRTC with a strong legal background and a fresh set of eyes would probably serve the agency better.

Having said that, I think the honourable senator performs a great disservice to Mr. Pentefountas and the people at Canadian Heritage. Again, this individual went through an independent, open selection process at Canadian Heritage. I suggest to the honourable senator that we give this gentleman an opportunity to take up his position and work within the CRTC before we prejudice in any way whether this person is suited for the job. Canadian Heritage thinks he is suited to it.

This individual has a solid educational background and I think it is unfair to prejudice anyone appointed by any level of government based on past practice — that somehow the individual would not be fit to serve in certain capacities within Parliament or the government. If we prejudged on that basis, the same could be said perhaps regarding about half the people sitting in this Senate chamber.

• (1440)

**Senator De Bané:** Honourable senators, I have a great deal of respect for the Leader of the Government. Obviously, some elements of this file were not brought to her attention.

The deadline to present curriculum vitae for consideration was the end of last June. In November, Mr. Robert Fife of CTV announced that Mr. Pentefountas would be the new Vice-Chairman of Broadcasting of the CRTC. In December, Mr. Lawrence Martin reported in *The Globe and Mail* that he had phoned Mr. Pentefountas and asked if he had competed. Mr. Pentefountas said that no, he had not competed in any way, shape or form. Something does not make sense here.

When someone is appointed to the judiciary, for example, the chief justice of the court is consulted to know what abilities are required, whether they be expertise in criminal law, administrative law, commercial law, insurance, maritime law, et cetera.

In this case, was the Chairman of the CRTC consulted to know what abilities were required? Mr. Pentefountas said in December 2010 that he had never competed for the position or even submitted his curriculum vitae; and the competition was closed at the end of June 2010. Something does not smell very good.

**Senator LeBreton:** I can only repeat what I said earlier: An independent and open selection process was held and Mr. Pentefountas was considered to be the best candidate.

The honourable senator mentioned the media and Mr. Martin. I recall an old saying attributed to Mark Twain: If you don't read the newspaper, you are probably uninformed. If you do read the newspaper, you are probably misinformed.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour of presenting three delayed answers to oral questions: the first raised by Senator Sibbeston on October 26, 2010, concerning Environment—Arctic Offshore Drilling Requirements; the second, raised by Senator Fox on November 24, 2010, concerning Public Works and Government Services Canada—Untendered Government Contracts; and the third, raised by Senator Banks on December 15, 2010, concerning Transport—Rail Freight Service.

## ENVIRONMENT

### ARCTIC OFFSHORE DRILLING REQUIREMENTS

*(Response to question raised by Hon. Nick G. Sibbeston on October 26, 2010)*

Since the fall 2010, the National Energy Board has been meeting with Aboriginal groups, Northern communities and Northern governments to gain an understanding of their perspectives in the context of the Arctic review.

Further, the National Energy Board will provide up to \$300,000 in funding to assist with travel costs for participation at meetings to discuss and comment on information gathered in the Arctic Review.

In addition, the Department of Indian and Northern Affairs is providing \$120,000 in funding to conduct focussed workshops in Northern communities.

## PUBLIC WORKS AND GOVERNMENT SERVICES CANADA

### UNTENDERED GOVERNMENT CONTRACTS

*(Response to question raised by Hon. Francis Fox on November 24, 2010)*

Sole source contracts are entered into only when there is a rationale that complies with the Government of Canada Contracting Regulations. These are usually:

- Cases of pressing emergency;
- When the nature of the work is such that it would not be in the public interest to solicit bids;
- Where only one person or firm is capable of performing the contract.

Based on the past ten years, an average of approximately 80% of all contracts awarded by PWGSC were competitive.

During the period 2006-2009, 80% of non-competitive procurement by value was because there was only one person capable of performing the work, intellectual property or exclusive rights, or prototype or interchange parts for an existing system.

While the percentage varies from year to year, the percentage of sole source contracts decreased in 2008 by 2% compared to 2007 and again in 2009 by 2.9% compared to 2008.

## TRANSPORT

### RAIL FREIGHT SERVICE

*(Response to question raised by Hon. Tommy Banks on December 15, 2010)*

Canadian National Railway and Canadian Pacific Railway have established extensive networks throughout Canada and into the United States. These Canadian railways continue to invest significant capital in their networks and equipment to increase efficiencies and to better serve Canadian shippers. Where it makes economic sense to do so, they have reached commercial agreements to allow another railway to run over their tracks. There are a number of cases where shortline railways have agreements to run over the track of Canadian National Railway and Canadian Pacific Railway. The Asia-Pacific Gateway has benefited greatly by such agreements, which have reduced congestion and decreased the time that it takes to move the goods of Canadian shippers to port.

A running rights provision exists within the *Canada Transportation Act*. A railway company may apply to the Canadian Transportation Agency for the right to run and operate its trains over any portion of any other railway. The Agency may grant the right and impose conditions on either railway regarding the dual use of the tracks. The Agency may also fix the amount to be paid by the guest railway to the host railway.

[English]

## ORDERS OF THE DAY

### BILL PROTECTING CHILDREN FROM ONLINE SEXUAL EXPLOITATION

#### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Comeau, for the second reading of Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

[ Senator Comeau ]

**Hon. Jim Munson:** Honourable senators, I rise at second reading as the opposition critic on Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service. I am grateful to be permitted time to reflect on this proposed legislation following its introduction in December in this chamber.

Our colleague, Senator Runciman, introduced and first spoke in support of the bill. He cited the honour and privilege we share as parliamentarians to “shape Canadian society so that our children can grow, learn and thrive in a safe and secure environment.” I wish to thank Senator Runciman for these words and for launching our study and discussions on Bill C-22 in this way.

Honourable senators, I, too, support the purpose of this proposed legislation, which is to make it harder for child pornographers to operate; it makes good sense.

Since its introduction to our lives, the Internet has presented us with incredible, ever-emerging possibilities. It is difficult to imagine getting along without it. Yet, as we all know, the Internet has an underside — a context for crime and, as a consequence, for human beings to be harmed. In my mind, there is no online criminal activity more heinous than child pornography. It is bad enough that this industry exists at all. Add to this the fact that it has been able to proliferate and to seemingly out-run our laws and the capacity to enforce them.

Honourable senators, my primary concern is with the victims of child pornography, specifically the children who are being violated, assaulted and murdered as subjects for this atrocious material.

I have a little background on legislation in Canada. In the 2001 Speech from the Throne, our government of the day committed to focus on safeguarding all Canadians from criminals on the Internet and outlined steps to ensure that our laws would protect children from those who could prey on their vulnerability.

Since then, Canada has continued its legislative enforcement and educative efforts to deal with Internet child pornography. The challenge with the Internet is keeping up. Developments are constant and they are rapid. Bill C-22 represents a necessary and timely advancement in our capacity to identify and prosecute child pornographers. It sends a message to those who provide Internet services to the public that they have a social, moral and legal obligation to report pornographic material when they come across it.

I am hopeful that Bill C-22 will be referred to committee as I have some questions on its content to be answered by the minister and other witnesses who will appear. I have concerns about certain parts of the bill that warrant study and debate.

For example, why does the bill set up two distinct reporting requirements depending on the circumstances? As I understand clause 3, if members of the public were to advise an Internet service provider, an ISP, that they think child pornography is available at a certain Internet protocol address, website or webpage, they would have to report this Internet address to an

agency to be designated by regulation. However, clause 4 sets up a different reporting obligation, whereby an Internet service provider that has reasonable grounds to believe that its network is being used to transmit child pornography must report its suspicions to the police.

The rationale for these clauses eludes me and begs a number of questions, chief among them being: Why would the police not be notified in all cases? I understand that we do not want Internet service providers to have to investigate tips from the public, but we are, after all, talking about a possible offence under the Criminal Code.

The wording of the bill tends to suggest that a member of the public might not know what constitutes child pornography, but that an Internet service provider should know. Is this a valid distinction to make?

As for this other yet-to-be-named organization, I question whether it is appropriate to designate it by regulation. Who are the investigators within this organization and how are they trained? What is their code of conduct? How will information be dealt with and disposed of? Will this organization be a government agency or an arm's-length one?

Why are we suggesting that investigative work normally done by police be dealt with by an organization other than the police? Is this done in other parts of the Criminal Code or for other offences?

In my view, honourable senators, these are far more than administrative details. They affect the strength and viability of the bill, as well as a need for accountability. The committee should explore these issues and, in the process, assess whether some should be articulated within the bill rather than dealt with through regulations. Honourable senators, I appreciate that this law is urgently needed. However, I also think we will run into setbacks if we do not engage parliamentarians appropriately.

• (1450)

Some of the contextual issues include preventative education. In addition to what is inside the bill, I want to know more about its context. I had the opportunity last week to speak with Marv Bernstein, Chief Advisor, Advocacy for UNICEF Canada. He talked about Bill C-22 as one part of what should be a coordinated approach to strengthening an overall child protection environment. From the perspective of the United Nations International Children's Emergency Fund, UNICEF, education is a crucial part of the picture. Children and youth need to understand and reflect on activities like "sexting" and photo sharing. We have a responsibility to educate and guide young people on the possible implications of activities like these. They are not a game.

I would like a status report on preventive education programs for children on the Internet. What is the government doing and what are the next steps, if any? Mr. Bernstein is an excellent resource and I recommend that the committee include him as a witness for the study of Bill C-22.

On the issue of civil liberties, this legislation imposes a new legal obligation on Internet service providers. It requires Internet service providers to function as agents of the state in police investigations. If they do not perform this function, they can be prosecuted.

Imposing this legal obligation on the Internet service providers will better able investigators to expose online child pornographers. However, we need to have confidence that this legislation does not in any way undermine the rights or freedoms of anyone impacted by it. A balance must be reached. I am confident that the committee studying this bill will include a conscientious assessment of its impact on legal and civil liberties.

In closing, as I said at the outset, I am pleased with the purpose of Bill C-22. As a signatory to the United Nations Convention on the Rights of the Child, Canada has agreed to ensure the safety and dignity of children throughout the world. I believe this legislation has the potential to enhance our ability to live up to this obligation.

Today, I have identified what I consider the most significant issues related to this bill, and I look forward to observing and providing comments as the committee sets out to examine and, where necessary, resolve these and other issues, so that at third reading we will all be satisfied.

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

**Hon. Senators:** Question.

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Runciman, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[*Translation*]

## CANADA PENSION PLAN

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Callbeck, seconded by the Honourable Senator Poy, for the second reading of Bill S-223, An Act to amend the Canada Pension Plan (retroactivity of retirement and survivor's pensions).

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I see that this is the 13th day of debate on this bill. Since I do not want this item to die on the Order Paper, I ask that the debate be adjourned in my name for the remainder of my time.

(On motion of Senator Comeau, debate adjourned.)

[English]

## NATIONAL HUNTING, TRAPPING AND FISHING HERITAGE DAY BILL

### SECOND READING

**Hon. Gerry St. Germain** moved second reading of Bill C-465, An Act respecting a National Hunting, Trapping and Fishing Heritage Day.

He said: Honourable senators, I am pleased to rise and speak in support of Bill C-465. This bill received all-party support in the other place and seeks to establish a national hunting, trapping and fishing heritage day to be celebrated each year in Canada.

I want to clarify that the intent of this legislation is not to create a holiday, but merely a day of recognition.

I am proud to sponsor this bill. Before I continue, I wish to commend the work of my colleague, the author of this bill, Rick Norlock, Member of Parliament for Northumberland-Quinte West.

In the early days of this country, people made their living off the land. Hunting, trapping and fishing were the mainstays of the early Canadian economy, and their impact helped to establish this country as the nation we know and enjoy today.

Established in Canada by the Europeans, the fur trade dates back more than 400 years and predates Samuel de Champlain's post at what is now Quebec City. The fur trade marked many firsts. It was the backbone of our first economy; it was the major commodity of our first trades with our neighbour, the United States; and it helped to establish the border with our friends to the south. It was also the main point of interaction between the Europeans and our country's First Peoples.

The Europeans may have carved the first economy out of the riches of the land, but it was the Aboriginal people who lived off the land, and did so for many centuries prior to European contact. For the Aboriginal peoples, the land is paramount to their cultural identity. Sourced from the land are the main elements of life: food, water and shelter.

It is because of this relationship that the Aboriginal peoples established themselves as the original conservationists. Their respect for the land is founded on their cultural practices and is part of their way of life. Their philosophy is simple but meaningful: if they take from the land by fishing, hunting, trapping or some other means, then they must, in some way, give back.

Honourable senators, I think we would all be better off, as citizens, to adopt this outlook. The bill before us will act as a useful tool in promoting this important and long-standing part of our heritage.

I believe that Canada must remind its citizens of who they are and where they came from so that our history and cultural identity is not lost on future generations. The creation of a day

respecting these traditional Canadian outdoor activities will be welcomed by folks like me and many others — in this place as well — who still take part in them.

There exists hundreds of thousands of Canadians in each of our ten provinces and three territories who avidly hunt, trap and fish, and they are proud of the fact that they do. Most of these people, like the Aboriginal people, take pride in the land and give back what they take. They never take more than they should to continue the propagation of the species.

• (1500)

Some of these people are members of conservation groups such as Ducks Unlimited or the B.C. Wildlife Federation in my home province of British Columbia, which boasts over 38,000 active members.

Honourable senators, I must dwell for a moment on one particular member of the B.C. Wildlife Federation. A long-time friend of the B.C. wilderness, and a personal friend of mine for many decades, the late Bill Otway, was a tireless fighter for sound outdoor management practices. He also served as executive director of the B.C. Wildlife Federation.

Bill dedicated his life to ensure that all Canadians could enjoy a good day out in the wilderness. I know he would be proud to hear that a day dedicated to honouring the causes he championed is nearly a reality. Many others like him will be pleased to see this bill passed.

Honourable senators, there are still many Canadians today who rely on the land to meet their needs. Most of Canada's farmers are also hunters. Some hunt to protect their lands and crops from predators; others hunt to feed their families. Across the ranchlands of Alberta and in B.C.'s Cariboo Chilcotin region, hunting and trapping come hand-in-glove with the territory.

This way of life has been passed down by the early pioneer ranchers of Western Canada, who relied on the proceeds of hunting and trapping to see them through the winter months when livestock sales were sparse or there were none.

Today, this way of life continues, albeit in a smaller capacity. On the coasts of this country and throughout Canada's vast system of lakes and rivers, there exists a vibrant fishery.

Most of us here in this chamber can likely say that we have cast a hook at least once in our life and taken part in recreational fishing. Many Canadians look forward to this opportunity every summer, and some fish year round as commercial fishermen. Commercial fishing on all three coasts contributes millions of dollars to the Canadian economy. This industry is perhaps the largest economic contributor of the three industries recognized by this bill.

On the B.C. coast, of which I am most familiar, commercial fishing employs thousands of people and is represented by a fleet of hundreds of fishing vessels. Halibut, rockfish, hake, herring and salmon are the main fisheries, with shellfish playing a supporting role. Last year, B.C.'s famous sockeye salmon fishery posted one of its best runs of the last century.

Honourable senators, when an opportunity came up to speak to this bill, I decided to speak to it for many reasons. One of them is because I have a personal connection to what this bill seeks to recognize. My father was a Metis trapper in Manitoba. As a young child, I developed an early appreciation for the land as it helped to feed our family.

My father, every spring, went out trapping muskrats and beaver, and in the winter he trapped wild mink. When he trapped muskrats, the Metis people from the community, who were basically destitute and extremely poor, would line up for the meat from the skinning of these animals that my father trapped.

Hunting was a mainstay of our survival. A story used to go around that if you could not clear a six-foot fence by spring from eating deer meat, there was something wrong with your hunting habits.

I recall vividly one day when I was about nine years old and I was with my father. We were along the Assiniboine River. He was after a beaver. The beaver somehow broke loose in the trap so he shot it. The beaver dove into the water, and it was icy water in the spring, with my father right after it. I was shocked. I did not know what to do. He disappeared, and he came up with a beaver in his hand.

I said, "What in God's name are you doing, dad?"

He said, "Well, if he had gone down there, he would have secured himself to the bottom and we never would have got him. The last thing you ever want to do is shoot something, fish something, and not use it, if it is at all possible."

It is easy for me to stand here and talk, honourable senators. This bill seeks to recognize three important traditional activities that were part of my life; that helped to shape the fabric of our country. The activities continue to take place today in not one but all the regions of Canada.

I believe the bill, if passed, creating a day in recognition of hunting, trapping and fishing, will not only seek to preserve the historical significance of these industries to our country, but will also be used to promote further conservation efforts to protect our vast Canadian wilderness for generations to come. The bill will give a better understanding to many young people that, instead of sitting in front of computers, there is more to this world and its outdoor experiences.

I encourage all honourable senators to lend their support to this bill. It will cost you nothing, as far as resources are concerned, but will help keep our country's history at the forefront.

I thank you, honourable senators. I hope we have your support to go forward.

(On motion of Senator Watt, debate adjourned.)

## BOARD OF DIRECTORS GENDER PARITY BILL

### EIGHTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Banking, Trade and Commerce (Bill S-206, An Act to establish gender parity on the

board of directors of certain corporations, financial institutions and parent Crown corporations, with a recommendation), presented in the Senate on February 3, 2011.

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

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

[Translation]

**Hon. Céline Hervieux-Payette:** I move the adjournment of the debate.

[English]

**Hon. Lowell Murray:** Honourable senators, I thought perhaps the chair of the committee would speak at this point to argue in favour of his report. If not, I, of course, will defer to the Honourable Senator Hervieux-Payette, who is not only the sponsor of the bill but apparently is the chief opposition spokesperson on the matter.

I want to make some remarks on this report. With Senator Hervieux-Payette's permission and if the house agrees, I can make them now or I can wait until a later date.

**The Hon. the Speaker pro tempore:** Senator Hervieux-Payette, you started to make a motion to adjourn. Do you object to having Senator Murray speak now?

**Senator Hervieux-Payette:** I agree, and then I will take the adjournment.

**Senator Murray:** Thank you, honourable senators. I do not intend to address the substance of the bill. I may say, in passing and for the record, that I am not inclined to support the bill for some of the same reasons outlined in the report that is before us and for some of the reasons put forward by Senator Massicotte in a rather more nuanced intervention at the committee on February 1.

My concern in rising is with the process that was followed in the committee to produce the result that is now before us. My contention is that the committee manipulated several rules of the Senate in such a way as to create a danger that the integrity of the legislative process is being compromised. I say that particularly with an eye to the precedents that are being set, and have been set, and may be carried into the future.

The committee report, as honourable senators know, recommends that the bill should not be proceeded with further in the Senate. This procedure is provided for in our *Rules of the Senate*, specifically rule 100, which reads:

When a committee to which a bill has been referred considers that the bill should not be proceeded with further in the Senate, it shall so report to the Senate, stating its reasons. If the motion for the adoption of the report is carried, the bill shall not reappear on the *Order Paper*.

• (1510)

I take that to mean not to reappear on the Order Paper during that session of Parliament.

This procedure of a committee recommending that a bill not be proceeded with further is resorted to infrequently in the Senate. Indeed, as His Honour pointed out in a ruling last December 1 in a similar if not identical case, that of Bill S-216, as he put it, "There are relatively few instances in which Senate committees have used this process. . . ." His Honour said at the time, "Research had identified eight cases since 1975 . . ." Bill S-216 in December was number nine, and this report, if it is adopted, will be number 10. That would make 10 cases in over 35 years, two of which will have recently appeared within a two-month time frame. What that may portend for the future I do not know, but I think it should give us pause lest this procedure be more frequently resorted to by a majority in a committee or in the Senate chamber.

Honourable senators, the background to this recommendation in this report is a motion moved by Senator Frum in the Banking Committee on February 3, to be found at page 27 of the unrevised transcript. Senator Frum moves:

. . . that we not proceed to clause by clause but move in camera to consider a draft report.

Honourable senators, I said that the committee was manipulating rules. Right there are two rules that are being manipulated. I do not want to put a pejorative cast on the word "manipulated." What has been done is within the *Rules of the Senate of Canada*, unfortunately. My suggestion will be that our Standing Committee on Rules, Procedures and the Rights of Parliament ought to revisit some of these rules with a view to clarifying and perhaps tightening them up. I could not have risen on a point of order because I do not have one.

In any case, Senator Frum moved that the committee not proceed to clause-by-clause consideration of the bill but move in camera to consider a draft report.

The first rule that is being manipulated is rule 96(7.1), which states:

Except with leave of its members present —

— that is to say, except with unanimous consent —

— a committee cannot dispense with clause-by-clause consideration of a bill.

Senator Frum did not move to dispense with clause by clause; she moved that we not proceed with clause by clause but rather go in camera.

Honourable senators, the intent of rule 96(7.1) is clear, that it should take unanimous consent for a committee to dispense with clause by clause. The difference between dispensing with clause by clause, which would take unanimous consent, and not proceeding with clause by clause, which can apparently be done by a majority vote, is the finest of fine lines. What Senator Frum's motion accomplished, as did a previous motion in the case of Bill S-216, was to circumvent rule 96(7.1).

I cannot hear the interjection of the Honourable Senator Segal from his seat. Perhaps Senator Segal would like to adjust the volume or I could put on my earphone, perhaps, to hear what he has to say.

[ Senator Murray ]

**Senator Segal:** Honourable senators, I said that there are two good angels dancing on the same pin, very much to Senator Frum's credit.

**Some Hon. Senators:** Order.

**Senator Murray:** Yes, I have studied the question of angels dancing on pins, and Senator Segal is quite correct. They have circumvented this rule.

Honourable senators, let me pause for a moment to say something about the committee stage of a bill. The essence of the committee stage is not, as some would suppose, to hear witnesses. Hearing witnesses is extremely useful but a relatively recent add-on. The essence of the committee stage is to study a bill that has already received second reading clause by clause, so that honourable senators who wish to amend or change a clause have an opportunity to do so *seriatim*.

Our old friend and former colleague, Senator John Stewart, who was an expert on these matters, used to say that what is sent to a committee after second reading is really a shell. A principle has been agreed to, and there is a shell there. The question that the committee chair puts — namely, "Shall clause 2 carry" or whatever — should really be, "Shall clause 2 form part of the bill." The committee builds the bill in committee, and the committee has an opportunity to make whatever changes it desires. That is the essence of the committee stage, and I think we toy with it and try to manipulate it at some peril.

I quite agree — whether or not I agree with His Honour is irrelevant. His Honour in his ruling stated that it would be "inconsistent" and "contradictory" to go to clause by clause when a previous motion has been made not to proceed further with the bill. Here we come across two problems. First, the motion not to proceed with clause by clause precludes an honourable senator from proposing an amendment to a clause at committee stage.

Senator Massicotte, when he spoke in the public session that took place after the in camera session, expressed a number of reservations about the bill and then went on to say that if they had gotten to clause by clause, he would have moved an amendment. I quote from page 37 of the unrevised transcript:

If we would have gotten to clause by clause of the bill, I would have made the amendment that 50 per cent is too severe.

Then he went on to develop his argument. A bit later Senator Massicotte says:

The other thing I would have done is given them more time. I would probably have added 60 years.

Senator Massicotte went on to develop that argument. The point is that he was precluded from making those motions and amendments in clause by clause because the rule about dispensing clause by clause was circumvented by a majority vote. That is something we have to reflect on.

Honourable senators, the second rule that is being manipulated is the in camera rule. It is very clear the general rule is that all committees must meet in public. However, a committee may decide to hold an in camera meeting to discuss its business only when the agenda deals with any of the following, such as contract negotiations, other personnel matters and so forth. Then there is rule 92(2)(f) of the *Rules of the Senate of Canada*, which includes:

(f) consideration of any draft report of the committee.

• (1520)

I think we all know what that means in general. A “draft report” refers to the kind of lengthy narrative that is prepared by officials and placed before senators when we are discussing a policy matter or commenting on government estimates and so forth.

In this case, the committee went in camera, supposedly to draft a report, but what they did in camera was kill the bill. I recognize that after the committee came back into public session there was a pro forma motion made to accept the report, but what happened in camera? Did the honourable senator who made the motion put forward his or her reasons? Did another honourable senator debate it? What arguments were deployed? No one knows the answers to these questions because the meeting was held in camera and no transcript of the proceedings was kept.

Honourable senators, even allowing for the fact that they managed to circumvent the rule on clause-by-clause consideration, at a minimum I think what should have happened is that a motion should have been made in public that the bill not be proceeded with further, that it should have been debated and that it should have been voted on. At that point, officials could have been instructed to prepare a draft, or if an honourable senator just happened to have one in his or her vest pocket, they could have gone in camera to discuss it at that point.

I hope honourable senators get the message I am sending, which is that a vital part of the legislative process was conducted behind closed doors.

I will not take any more of your time except to say that I think the remedy for all of this is that our Committee on Rules, Procedures and the Rights of Parliament ought to review these rules and practices and try to tighten the rule with regard to clause-by-clause study. I believe this rule should be tightened so that it cannot be circumvented and it cannot be used to preclude any honourable senator from moving an amendment to a clause of the bill in the committee stage of the bill. Second, the committee should also tighten the in camera rule in such a way that no part of the legislative process is conducted in secret; and third, clarify our rules and practices with regard to keeping transcripts of in camera meetings. I think there is nothing much in the *Rules of the Senate of Canada* about it, if anything, but the practice tends to vary from one committee to the next, and I think the same is true in the other place. However, I think we should give serious consideration to the conditions and circumstances under which it would be permissible not to keep a transcript.

**The Hon. the Speaker pro tempore:** I regret to advise Senator Murray that his 15 minutes have expired.

Would you like to ask for more time?

**Senator Murray:** I can say what I have to say in less than 30 seconds.

**Senator Comeau:** Five minutes.

**Senator Tardif:** Five minutes.

**Senator Murray:** Do I have to fill five minutes?

**The Hon. the Speaker pro tempore:** There may be questions as well.

**Senator Murray:** We ought to define more carefully the circumstances under which it is permissible not to keep a transcript of an in camera meeting. Under other conditions, transcripts should be kept, if only for the information of all honourable senators.

**Hon. Hugh Segal:** Would Senator Murray take a question?

**Senator Murray:** Yes.

**Senator Segal:** Honourable senators, Deferring as I do to Senator Murray’s profound understanding of the *Rules of the Senate of Canada*, for which the dean of this place deserves respect in every context, and without commenting on the salience of the legislation itself, would Senator Murray be of the view that in his judgment, Senator Frum’s motion was in fact consistent with the Rules as they now exist, which, to be fair, I think I heard him say? Second, while the recommendations that Senator Murray has made for changes to the *Rules of the Senate of Canada* should, I think, embrace a broad swath of senators who would be supportive, certainly in principle, as I would be, is the senator of the view that a committee should not have the right to kill a piece of legislation when the majority on that committee believes that it is in the public interest to do so?

**Senator Murray:** To answer the second part of the question first, of course it would be possible for a committee to recommend killing the bill if the majority of the committee members want to kill the bill. My objection to what was done in the present case is twofold; first, that essentially it was done in secret; and second, that it was done in a way that precluded an honourable senator from attempting to move amendments to several clauses of the bill, which Senator Massicotte said he wanted to do.

As to the first part of the question, yes, if I thought that anything that was done there, by my reading of the transcript, was contrary to the *Rules of the Senate of Canada*, I would be standing on a point of order. It is fairly clear to me, based on the way the Rules were manipulated, as I say, and based on His Honour’s decision of early December, that what was done was unfortunately within the *Rules of the Senate of Canada*.

**Hon. Michael A. Meighen:** Would Senator Murray accept another question?

**Senator Murray:** Yes.

**Senator Meighen:** Without getting into the question of whether the vote, which happened to be seven-to-five, was conducted in public or not, is it Senator Murray's position that in no case should clause-by-clause consideration be obviated by rule 100? Rule 100 seems to me to be very clear. In my reading, I see nowhere that there must be clause-by-clause study before rule 100 can be invoked.

Is it the honourable senator's position that it would be preferable to have clause-by-clause consideration and then, if the committee so decides, to proceed under rule 100?

**Senator Murray:** Honourable senators, I would like to hear what the Standing Committee on Rules, Procedures and the Rights of Parliament has to say about that after mature reflection. A fair statement of my position is that the essence of committee stage is clause-by-clause study, and so long as any honourable senator wishes to move an amendment to a clause of the bill, clause-by-clause consideration should not be dispensed with or not proceeded with except with unanimous consent. That is my somewhat offhand but general opinion on the matter, subject to what the committee may think at a later stage. I am willing to be convinced of a different formula, if there is one.

**Senator Meighen:** To follow on Senator Segal's question, if the committee felt that the bill was not in the public interest, the honourable senator's preference seems to be, nevertheless, to go through clause-by-clause consideration and defeat each clause, or to defeat each proposed amendment to each clause, after which you are left with nothing, and then proceed under rule 100 to defeat nothing.

**Senator Murray:** I am terribly sorry if my honourable friend finds this ancient parliamentary practice onerous, as chairman of the committee, but the short answer to his question is yes. It may well be that the question he raises of whether a bill is in the public interest or not is better clarified after a clause-by-clause examination. I come back to my original point. The essence of the committee stage is clause-by-clause consideration of a bill.

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

• (1530)

## CONFLICT OF INTEREST FOR SENATORS

### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Committee on Conflict of Interest for Senators (*budget—mandate pursuant to rule 86(1)(1)—power to hire staff*), presented in the Senate on December 9, 2010.

**Hon. Terry Stratton** moved the adoption of the report.

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

**Hon. Senators:** Agreed.

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

(Motion agreed to and report adopted.)

[Translation]

## THE SENATE

### MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE THE COMMISSIONER OF OFFICIAL LANGUAGES AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN ONE HOUR AFTER IT BEGINS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Hubley:

That, at the end of Question Period and Delayed Answers on the sitting following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive the Commissioner of Official Languages; and

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

**Hon. Maria Chaput:** Honourable senators, I rise today in support of Senator Tardif's motion. I believe that, in the current circumstances, it is absolutely necessary for the Commissioner of Official Languages to appear. To be fair and as a sign of respect, we must give the commissioner the opportunity to respond, here in this chamber, to the criticisms that have been made against him.

As an officer of the Parliament of Canada, the Commissioner of Official Languages has a very important role to "ensure respect for English and French as the official languages of Canada and ensure equality of status and equal rights and privileges as to their use in all federal institutions."

According to section 56 of the Official Languages Act:

It is the duty of the Commissioner to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society.

That is the commissioner's duty.

It was suggested that Bill C-232 "has nothing whatsoever to do with the Official Languages Act," and that the commissioner had gone outside his mandate by supporting this legislative initiative, which would ensure that all judges appointed to the Supreme Court of Canada understand both official languages, without exception.



But a seasoned expert on the matter told me, and I quote:

The Commissioner of Official Languages must promote the rights of the defendant and equal access to the services of the Supreme Court. He should intervene to force the government to not make exceptions to the equal status of languages with respect to their use in an institution as fundamental as the Supreme Court.

It has been said that Bill C-232 “clearly goes against the principles of the Official Languages Act and the constitutionally protected rights of Canadians.”

I would suggest that Bill C-232 is an affirmation of the principle of the substantive equality of the two official languages, pursuant to the Official Languages Act and the constitutional rights of Canadians.

A prominent legal scholar recently explained to me that:

Institutional bilingualism . . . means that the entire judicial or government machinery must be able to meet the demand for service delivery equally in both official languages across the entire organization; that Parliament clearly can require that judges speak both official languages as a condition of their appointment and can force them to use both languages; and that this is done in other multilingual countries and does not violate any Canadian laws.

It has also been suggested that “the commissioner publicly justify” his decision to support Bill C-232. I think that is an excellent idea and I completely agree. There would be nothing unusual about it.

As a result of a motion by the Honourable Senator Comeau, the Senate did resolve into a Committee of the Whole on October 4, 2006, in order to receive Graham Fraser regarding his appointment as Commissioner of Official Languages. On that occasion, Mr. Fraser graciously answered our questions and gave his point of view on several topics related to official languages. He said, and I quote:

As you know, the commissioner has six roles or functions in the enforcement of the Official Languages Act — a promotion and education role, a monitoring role in terms of the impact of government initiatives, a liaison role with minority communities, an ombudsman role in dealing with complaints, an auditing function in terms of the public service and a judicial intervention function.

Some have alleged that the commissioner has overstepped his mandate as set out by law. I think it is time we heard from the Commissioner of Official Languages so he may respond to the criticisms that have been levelled against him and so he may explain his expertise regarding this issue.

It is clear that some confirmation is needed and, therefore, it would be only logical for the Senate to resolve itself into a Committee of the Whole in order to welcome Mr. Fraser again, so he may respond to the questions that have come up recently in the Senate.

I thank Senator Tardif for having moved this motion and I encourage all honourable senators to support it so that the Senate may resolve itself into a Committee of the Whole in order to receive Mr. Fraser again.

**Hon. Hugh Segal:** Would the honourable senator take a question?

**Senator Chaput:** Yes.

**Senator Segal:** Accepting in good faith the legislative comments made earlier and the procedural comments made by our colleague, Senator Tardif, and expressing my general support for anything that constitutes progress in terms of bilingualism and to assure our French-speaking colleagues and constituents that the Government of Canada, the federal government, respects their rights, I want to ask a question about the mechanism proposed by Senator Tardif.

I want to talk about the mechanism of inviting an officer of Parliament to the Senate Chamber, to a Committee of the Whole, not a committee considering legislation, but the Senate in Committee of the Whole, to discuss and answer basic questions before the Senate has approved in principle the bill before us.

If the bill is referred to a committee, I imagine the first witness invited to that committee would be the Commissioner of Official Languages. He will be very seriously involved in the detailed discussion of the content of the bill, and that is good for those of us who will be present. I have great fondness for the Commissioner of Official Languages. He is a friend and very competent. Nonetheless, I take issue with the principle that an officer of Parliament, whether it be the Auditor General or the Commissioner of Official Languages, can be called before a Committee of the Whole before a bill is even approved at second reading stage.

Does it not bother my colleague, from a procedural standpoint, to have an officer of Parliament, appointed by us and the other place, by the government and by the Privy Council, intervene before we have made our decision, as a chamber, and before anyone from either side wanting to speak to the matter has a chance to do so?

• (1540)

**Senator Chaput:** Honourable senators, I hope I have properly understood the spirit of the intervention as well as the nature of the question asked.

I humbly believe that the Commissioner of Official Languages, who would be invited to speak to the Senate sitting in Committee of the Whole, would appear in his capacity as an officer of Parliament to explain, by answering senators' questions, his understanding of his mandate and his responsibilities as they pertain to the Official Languages Act.

I understand that the criticism concerning the commissioner's position is based on the fact that the bill is still before the Senate and has not yet been sent to committee. However, I was expecting that the commissioner's presence, in his official capacity, would

allow us to determine, on the basis of what he would say, whether he has the right to make the comments he has made and the right to take a position on a bill.

It is true that I do not have Senator Segal's experience, and I certainly do not have his knowledge of the judicial process, but that is what I was considering.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, Senator Chaput indicated, in her reply to Senator Segal, that the invitation extended to the Commissioner of Official Languages is related to the Official Languages Act.

I agree completely with Senator Chaput that the commissioner can comment on matters pertaining to the Official Languages Act, as that is part of his mandate.

The commissioner himself has said in the past that Commissioners of Official Languages have made statements on bills that affect the Official Languages Act. For example, his predecessor, Ms. Adam, made a statement and comments on Bill S-3, which was sponsored at the time by Senator Jean-Robert Gauthier.

Senator Chaput spoke of a bill directly related to the Official Languages Act. We could expect the Commissioner of Official Languages to comment on such a bill, and I believe that it would fall under his mandate as he presently views it.

In any case, Bill C-232 is not a bill that pertains to the Official Languages Act, and that act is not mentioned anywhere in the bill.

The bill simply states that Supreme Court judges must be able to understand and hear cases without the help of an interpreter. It has nothing to do with the Official Languages Act. This bill does not offer any protection to people who will be subject to the new act if it becomes law; it does not offer any protection to judges who will be appointed; and it does not even mention how the linguistic qualifications of these judges will be assessed.

I would like Senator Chaput to tell us where she sees a distinction because for me it is simple: either it has to do with the Official Languages Act or it has nothing to do with it.

Bill C-232 has nothing to do with the Official Languages Act.

Would Senator Chaput care to comment?

**Senator Chaput:** Honourable senators, as I mentioned in my speech, I consider Bill C-232 to be a demonstration of the principle of the substantive equality of the official languages. Perhaps, as honourable senator understands it, the bill is not directly related to the Official Languages Act; however, it stems from the Official Languages Act and from our constitutional rights.

I am not an expert on the Constitution or legislation. I am telling honourable senators how I see this bill and I am sharing the comments that were made to me in response to questions I asked during some of the consultations I held.

[ Senator Chaput ]

I see a link between the Official Languages Act and Bill C-232. In my opinion, the crux of the matter is whether the Commissioner of Official Languages overstepped his rights and responsibilities under his mandate by taking a stand on this bill. It then becomes an issue of what the commissioner's mandate is and how he sees that mandate, which is surely not the same way the Honourable Senator Comeau sees it. This is the principle that encouraged me to support Senator Tardif's motion.

It seems to me that it would be completely fair and equitable to be able to hear the commissioner in this chamber so that he can explain how he sees his mandate and what led him to openly support a bill that — I do understand — is still before the Senate and has not yet been sent to committee.

I have less experience than Senator Comeau, but that is my opinion.

**Senator Comeau:** Honourable senators, either Bill C-232 concerns the Official Languages Act or it does not. If it concerns the Official Languages Act, let the Commissioner of Official Languages say so publicly. He is surrounded by plenty of staff and has access to incredible resources. He need only tell me I am wrong and why. If this is part of his mandate, let him prove it to me. It is very simple.

However, I believe that Senator Segal was right in raising a concern that has come about in the Senate, namely, that this is an invitation to the Commissioner of Official Languages to come speak and explain his support for a bill that Parliament has not yet passed at second reading.

This type of witness is usually invited to committee. I have no problem with having the Commissioner of Official Languages come and speak about his mandate. That does not worry me at all.

It would worry me if he came to speak with us at this stage, when we are at second reading of a bill that does not even mention the Official Languages Act, to explain why he supports the bill. I believe that we need to proceed very cautiously on this issue.

If officers of Parliament start to intervene at second reading of legislation in the Senate, then where do the parliamentarians fit in?

In the future, will we invite other officers of Parliament to come and get involved in debates, for any kind of bill, even if it has nothing to do with their mandate? Second reading of legislation is part of the role of parliamentarians.

The Commissioner of Official Languages has full access to the media and communications. I know that there are people who do not like what I am saying, but I will say it just the same.

(On motion of Senator Comeau, debate adjourned.)

- (1550)

## 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 21st 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. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, this inquiry was adjourned in Senator Andreychuk's name. I suggest that it again be adjourned in her name once I have finished my speech.

Honourable senators, I rise today to continue the excellent inquiry by Senator Donald Oliver, who called the attention of the Senate, on October 19, 2010, to diversity, pluralism and racism in Canada. I am enthusiastic about participating in this debate. We must have an open dialogue on these issues so that we can develop ways to fight hatred and racism, reduce the number of hate crimes and increase tolerance and respect in Canada.

[English]

I thank my honourable colleague for bringing awareness to this topic of great concern. As Canadians, we need to address the issue surrounding racial, cultural and ethnic diversity comprising our country. We need to instil positive values in our youth — those of understanding, accepting and appreciating those differences that form the fabric of Canadian life.

[Translation]

I would like to begin by sharing a few statistics about Canada's demographic reality. Each year, Canada welcomes approximately 250,000 new permanent residents from around the world. The 2006 census revealed that people from more than 200 ethnic origins make Canada their home, with visible minorities accounting for 16.2 per cent of the total population, which is up from 11.2 per cent in 1996.

A report published by Statistics Canada predicts that by 2031, about one-third of Canada's population will be from a visible minority and about one in four Canadians will be foreign-born. Simply put, the size of the visible minority population will double in Canada in the decades to come. These changing demographics demonstrate a significant, recent growth in the country's ethnic and religious diversity. It goes without saying that Canada's population is varied, diverse and constantly changing.

[English]

As the demographic realities of Canada are changing, so are those of my native province of Alberta. It is estimated that by 2031, visible minorities will account for 38 per cent of Calgary's population, more than the anticipated national average, and for 29 per cent of Edmonton's population.

Immigrant and cultural diversity play a key role in the vitality of the province of Alberta. This diversity also contributes significantly to the growing strength and diversity of the province's francophone communities.

[Translation]

Indeed, only 3 out of 10 Franco-Albertans were born in Alberta and nearly 15 per cent of the French-speaking population in Alberta came there as immigrants. Saskatchewan, Alberta and Manitoba welcome many immigrants of African origin, representing 25.3 per cent, 26.9 per cent and 27.8 per cent of all French-speaking newcomers in those three provinces. In addition, nearly 2,700 Franco-Albertans belong to one of the First Nations.

Let me remind honourable senators that Canada has had a Multiculturalism Act in place since 1988. The goal of this legislation, which includes the Multiculturalism Policy of Canada and provides a legal policy framework to guide federal responsibilities and activities with regard to the advancement of multiculturalism in Canada, is to preserve and enhance multiculturalism in Canada, to assist in the preservation of culture and language, to reduce discrimination, to enhance cultural awareness and understanding, and to promote culturally sensitive institutional change.

Most Canadian provinces also have multiculturalism policies that invite all Canadians to accept cultural diversity and encourage everyone to be full members of Canadian society. Quebec prefers a policy of interculturalism between groups of different cultures. Interculturalism is the preferred means of raising awareness of cultural diversity. It is based on the assumption that the host society will actively participate in the integration of newcomers and that there is mutual knowledge and understanding of cultural differences. More specifically, interculturalism suggests that the dominant culture of the host country or region will be adopted and that commonalities will be identified while preserving individual differences. The Quebec policy of interculturalism is based on three key elements: French as the common public language the participation and contribution of all in a democratic setting; and a pluralistic and open society to the extent made possible by democratic values and intercommunity exchanges.

[English]

Some scholars of late maintain that multiculturalism should be struck from our national vocabulary. They maintain that Canada needs to refocus the debate by replacing the term "multiculturalism" with the concept of pluralism, a concept that articulates a sense of citizenship through the idea of responsibility.

This change, according to Rudyard Griffiths, co-founder of the Historica-Dominion Institute, will encourage people to define themselves as individuals and have their rights recognized, all while reinforcing the need to take their civic roles more seriously.

The goal here is to build a successful society around the concept of citizenship so that newcomers become familiar with the symbols and institutions rooted in Canadian history and the fundamental Canadian values of freedom and democracy, as well as the contributions made by groups of people more recently arrived.

[*Translation*]

No matter what definition is used, the fact remains that the principle of racial and cultural equality has the force of law in Canada, which means that all organizations, departments and Crown corporations have a responsibility to enforce this law by promoting cultural diversity in all Canadian sectors. In addition, there are a number of other legal texts that help fight racism in Canada, including the Human Rights Act, the Canadian Charter of Rights and Freedoms, the Employment Equity Act and a number of provincial policies, just to name a few.

Diversity is also one of our Canadian values. In a survey published in 2003 by the Centre for Research and Information on Canada (CRIC), 54 per cent of those surveyed stated that multiculturalism made them very proud to be Canadian.

[*English*]

However, despite having formal federal laws in place to promote tolerance and diversity in Canada, as well as having an increasing diversity in our country, incidents of racism and intolerance continue to occur in Canada.

A recent 2011 survey conducted by the Association for Canadian Studies and the Canadian Race Relations Foundation found that 46 per cent of respondents agree that racism is on the rise in Canada; 45 per cent of respondents disagreed with this statement. The survey also found that 38 per cent of the respondents had witnessed an act of racism within the last year.

This survey demonstrates that Canadians have contrasting views when it comes to experiences with racism in Canada, and that many are not aware of its significance or occurrence. It takes little more than to open a newspaper or turn on a television to notice that discrimination happens on many levels.

• (1600)

I was disheartened to read an internal report this summer about the alarming and systemic rates of racial profiling within the Montreal Police Service. The report, done by criminologists who had been with the Montreal Police Service since 2006, stated that Black youth in the northern part of Montreal were stopped by police approximately 40 per cent of the time, as compared to 5 or 6 per cent for White youth. The report also showed that random stops of Black citizens more than doubled between 2001 and 2007, and that Black citizens were more likely than their White counterparts to be stopped for vague and unjustified reasons.

[*Translation*]

Another indicator of the racial discrimination that persists in Canada is the level of integration of visible minorities, measured through labour market participation, education, income, housing, political and civic involvement and health. According to a report by Human Resources and Skills Development Canada, visible minorities and Aboriginals are seriously disadvantaged in all these areas. The report notes large gaps between labour market prospects for visible minority and non-visible minority populations. The employment rate is lower and the unemployment rate is higher for visible minorities than

[ Senator Tardif ]

for non-visible minorities. The demands for labour market flexibility have disproportionately exposed “racialized” groups to contract, temporary, part-time, and shift work with poor job security and low wages and benefits. The rate of university degree attainment among Aboriginals is significantly lower than that of non-Aboriginals. The average employment income of Canadian visible minorities is approximately 86 per cent of the general population’s. Newcomers to Canada and visible minorities are significantly overrepresented in high poverty neighbourhoods.

[*English*]

A recent finding by the Conference Board of Canada also suggests that Canada’s failure to properly use the skills of immigrants costs this country \$5 billion a year in lost productivity. This is but one example of how discrimination negatively affects the country’s economy.

[*Translation*]

These alarming data reveal the deeply rooted discrimination in our institutions, our systems and our culture. Senator Oliver listed a number of indicators of discrimination and racism in Canada, and in his wise words, “equality is still not a reality.”

[*English*]

Yet there is hope, honourable senators. I truly believe that education is the key to cultivating tolerance and understanding, embracing cultural diversity and bringing awareness to prejudice and discrimination. According to UNESCO, building tolerance requires access to education. Intolerance is often rooted in ignorance and fear: fear of the unknown of “the other” — other cultures, other religions and other nations.

I would like to speak about the pedagogical efforts and initiatives of several organizations in my home province of Alberta, namely those of the Tolerance Caravan of Alberta and of the John Humphrey Centre for Peace and Human Rights.

[*Translation*]

In 1995, the first Tolerance Caravan visited five schools in Montreal and the Laurentians after the Comité Rapprochement Québec launched an awareness program in high schools about prejudice, discrimination and genocide. The Tolerance Foundation, a non-profit organization, was founded to direct the Caravan, which was a great success with youth. That organization was founded by one of our former colleagues, Senator Goldstein.

Since then, the Tolerance Foundation has been actively working to encourage high school youth to be open to difference by developing teaching tools and offering activities, workshops and initiatives to fight against racism and discrimination.

[*English*]

The Tolerance Caravan of Alberta, inspired by the Montreal-based caravan that travels throughout Quebec, has been organizing activities in numerous francophone and French-immersion schools in my home province since 2006. The Tolerance Caravan of Alberta is one of Alliance jeunesse-famille de l’Alberta Society’s

signature initiatives, an Alberta-based not-for-profit organization whose mission is to prevent crime among French-speaking immigrant youth and families and to facilitate their integration into Alberta's social and professional life. It plays a key role in teaching Albertan youth about the effects of racism, discrimination and prejudice by promoting intercultural exchanges and interactive discussions.

[Translation]

May I have an additional five minutes, please?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Yes.

**Senator Tardif:** Alberta's Caravan of Tolerance primarily aims to reinforce and encourage partnerships between schools, youth, the police, media and the community. The Caravan's workshops are targeted at 9- to 17-year-olds and are based on exchange, dialogue and meetings.

Similarly, the John Humphrey Centre for Peace and Human Rights is a non-profit organization in Edmonton that envisions a world that manifests a culture of peace and human rights in which the dignity of every person is respected, valued and celebrated. Its mission is to advance a culture of peace and human rights through educational organizations and activities, community collaboration and relationship building guided by the principles of the Universal Declaration of Human Rights.

[English]

The Edmonton-based centre is named after John Peters Humphrey, a Canadian and principal drafter of the Universal Declaration of Human Rights. The declaration was born from the ashes of World War II and the Holocaust. It was a global rejection of the notion that what is right is determined by who is in power, and it was drafted by men and women of various nations, ideologies and religions.

The declaration was ratified on December 10, 1948. In 1995, in the fiftieth year of the United Nations, Pope John Paul II would hail it as one of the highest expressions of the human conscience in our time.

The beauty of the Universal Declaration of Human Rights is in its commonality: It speaks to all people, regardless of race, religion, geography, gender or social class. It has survived for 58 years as the moral blueprint of the world precisely because it has the uncanny ability to resonate with each of us, despite our differences and diversity, in a manner that seems directly tailored to our individual beliefs and aspirations.

The declaration has had a tremendous influence upon the lives of millions around the globe. No greater example exists than in Canada, which followed the United Nations' path in enshrining and guaranteeing fundamental human rights through the adoption of the Charter of Rights and Freedoms.

As Madam Chief Justice McLachlin has noted, the adoption of the Charter of Rights and Freedoms in 1982 elevated basic human rights, Aboriginal rights and equality to the status of supreme law

against which all government actions, regulations and legislation must be assessed. The Charter stands as Canada's ultimate expression of our commitment to freedom and human dignity.

[Translation]

As I conclude my speech, I am very hopeful. I believe that tolerance, understanding, respect and openness to Canadian diversity are part of a project that is already under way.

[English]

Transforming one's fears into understanding, acceptance, openness and embrace are the goals and initiatives of many organizations across this great country. To quote Nelson Mandela, as I have tried to convey throughout my contribution to Senator Oliver's inquiry, "Education is the most powerful weapon which you can use to change the world."

• (1610)

A recent article in the journal, *The Ismaili*, speaks to the space and freedom that is given in Canada to the negotiation of the plurality of identities:

This uniquely Canadian idea of citizenship tells us that it does not matter where we come from or what the colour of our skin is and that what makes us up, individually and collectively, are our spiritual, moral, ethical, educational and cultural experiences and insight.

A society which emphasizes uniformity, as former Prime Minister Pierre Elliott Trudeau once said, is one which creates intolerance and hate.

Honourable senators, we need to be vigilant and continue our efforts to ensure that in our policies and programs diversity is recognized as a basic cultural value in Canadian society.

(On motion of Senator Andreychuk, debate adjourned.)

## IMPACT OF DEMENTIA ON SOCIETY

### 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 Impact of Dementia on the Canadian Society.

**Hon. Terry M. Mercer:** Honourable senators, when Senator Carstairs first introduced this inquiry, I was again hopeful that everyone in this place would listen carefully. Senator Carstairs is known for her dedication on these subjects, and I thank her for the leadership she has provided over many years on the topics of aging, dementia and palliative care.

Dementia is the deterioration of a person's ability to learn and think but is not necessarily confined to one disease. It can take many forms, occur at different times in a person's life, and progress slowly or quickly. While terminal, a person suffering from whatever form of dementia can live for many years after

their diagnosis. This characteristic is a large part of the reason why it is so important to detect signs of dementia early and try to prevent them altogether.

Honourable senators, I do not think there is a person in this chamber who has not been affected by, or does not know someone who has been affected by, dementia. According to the Alzheimer Society of Canada, the estimated number of Canadians living with Alzheimer's disease in 2007 was 300,000. In January 2010, the Alzheimer Society of Canada released a new study entitled: *Rising Tide: The Impact of Dementia on Canadian Society*. It stated that the numbers of Canadians suffering from Alzheimer's disease or related dementias is now 500,000. That number is expected to more than double in little over a generation.

Honourable senators, we have heard these statistics before, but I think they bear repeating. Senator Carstairs and other senators have told us that the Alzheimer Society study reports that by 2038 the economic burden will increase from \$15 billion to \$153 billion. The number of hours that Canadians will provide care to their loved ones will be 756 million hours per year, an increase from 231 million hours. These statistics are astounding. The question is: Are we prepared for it?

As we all know, the health care system in Canada is already burdened by long wait times, an inadequate number of doctors and nurses and not enough short-term and long-term care beds. We also know that improving preventative care now can have significant benefits in the future, even with dementia. Before I elaborate on the Alzheimer Society report, I will give honourable senators examples of how other jurisdictions are tackling this problem.

In February 2009, the United Kingdom released a report entitled *Living Well With Dementia: A National Dementia Strategy*. The strategy identified 17 key objectives for improving the quality of services provided to people with dementia. According to the report, there were 700,000 people in the UK with dementia at a cost of £17 billion per year. In the next 30 years, the number of people with dementia will double to 1.4 million with the cost rising to over £50 billion per year.

Some of the objectives the UK government identified include improving public and professional awareness and understanding of dementia; early diagnosis and intervention; information for those with dementia and their caregivers; and easy access to care and support following diagnosis.

In May of 2006, the Australian Health Ministers' Conference met to plan their National Framework for Action on Dementia for 2006-2010. In 2006, 200,000 Australians had dementia, and it was predicted that by 2016, dementia will be the major cause of disability for Australians, overtaking cardiovascular disease, cancer and depression. Some estimates suggest that by 2050, nearly 750,000 Australians will have dementia.

To combat this problem, the Australian health ministers identified five key priority areas: care and support; access and equality; information and education; research; and workforce and training. This information all sounds familiar.

Honourable senators, Canada is no different and will face a major crisis if we do not act soon. The aforementioned new study by the Alzheimer Society lays out similar plans for how to deal with dementia in Canada. Of course, we will not be able to help solve the problems associated with dementia if a support system is not in place to do so. Caregivers, such as spouses, children and grandchildren of dementia sufferers, need support. We recommended similar approaches in the report of the Special Senate Committee on Aging chaired by Senator Carstairs.

In my eyes, preventative measures are always the most effective. Just as education can take people on the path out of poverty, so too can preventative medical techniques solve some of our health care problems. More exercise and a healthy diet and lifestyle are always helpful to prevent the onset of many medical problems, including dementia.

This advice sounds like common sense to me, but if we do not encourage these things, how can they be helpful? Are we even able to diagnose the early symptoms of dementia?

The following statistics are directly from the report of the Special Senate Committee on Aging, *Canada's Aging Population: Seizing the Opportunity*. The report states:

Although the number of geriatricians almost doubled from 111 to 211 between 1995 and 2007, this was still far short of the 538 that were estimated to be needed in 2006.

Of the 211 geriatricians, however, the Committee heard that many have other responsibilities, reducing the number of active fulltime equivalencies to probably less than 150. Even more alarmingly, the number of internal medicine residents entering geriatric medicine programs has decreased dramatically over the last 10 years.

The problem is becoming worse. The report continues:

The Canadian Geriatric Society reports that in 2007 there were only five trainees in English-speaking programs for the entire country. Likewise, Care of the Elderly family medicine training programs have many vacancies, and there are only 140 physicians with this training in Canada.

Honourable senators, if my math is correct, for 2007 there were 150 geriatric doctors for 300,000 Alzheimer's patients. That ratio is 2000:1. I believe that statistic says it all. Honourable senators, we need more research, more preventive measures and more doctors and nurses. We need a lot of things, but how will we pay for them? Does the government have a plan?

• (1620)

As many senators have already stated, the cost of dementia care will increase from \$15 billion to \$153 billion. This is staggering.

Canadian families also want the option of caring for loved ones who have fallen ill at home. Our rapidly aging population is putting increased pressure on our health care system. Family caregivers are responsible for 80 per cent of Canada's home care services. One can well imagine the stress on these caregivers when dementia is taken into account. The Special Senate Committee on

Aging heard stories firsthand from families who had exhausted their personal time, and even their health and finances, to care for loved ones.

While it appears government has no plan, it seems some people have been listening to these statistics. To help families care for their loved ones, the opposition in the other place, the Liberal Party, has a plan to invest \$1 billion annually in a new family care plan to help reduce the pressures faced by hundreds of thousands of Canadian families. The Liberal plan will introduce a new six-month “Family Care Employment Insurance Benefit” so that more Canadians can care for their ill family members at home. The plan also offers a new family care tax benefit which would help low- and middle-income family caregivers to compensate for the cost of providing care to a family member at home.

Combined with further government support, loved ones with dementia can be taken care of at home by family members, with the help of professionals, for a longer period of time. Not only does this save money in the long term in the health care system, but it also gives dignity to the person with dementia and their families.

As I said, everyone here has a story to tell about a family member, a relative, a neighbour, or someone they know who has suffered from dementia. Honourable senators, my own mother, in the last few months of her life, suffered from the symptoms of dementia. We only discovered later that it was not dementia, but a brain tumour. However, she had the classic symptoms of dementia. I salute my family members who provided the care to her over those last few months. As well, I salute a couple of her grandchildren. On the final Christmas my mother lived, we visited my sister for Christmas. We were going there on Christmas Eve and my son and my nephew drove my mother up to my sister’s cottage. At that time, because of her problem, my mother needed

to stop at every washroom along the way. Thank God there are so many Tim Hortons restaurants in Nova Scotia; conveniently, there is one almost at every interchange. Here were these two young men, aged 29 and 30 years old, with this 89-year-old woman in tow, stopping at Tim Hortons establishments along the way, taking her into the men’s washroom, taking her into the cubicle and helping her to use the facilities. While I mentioned my son and my nephew, that is the kind of care that is being given by hundreds of thousands of Canadians right across the country every day.

This morning, I made a phone call to another relative of mine who was recently diagnosed with early stages of dementia to find out how he was doing. I was encouraged — and this is a positive story — because he has been put on a regimen of new drugs. Amazingly, it has helped to stabilize his condition and has helped him to come back so that he is able to participate more in his day-to-day life and has been able to maintain his ability to drive, which is important. He lives in an extremely rural part of Nova Scotia. Without his ability to drive, he would probably be institutionalized, which would be disastrous for both him and his family. This has dramatically improved his quality of life.

Honourable senators, there are things we can do to help prevent a catastrophic rise in health care costs associated with dementia. I only hope the government benches have listened to what honourable senators have said regarding this inquiry. Again, I thank Senator Carstairs for leading this discussion and hope that she will continue to do so.

(On motion of Senator Cowan, debate adjourned.)

(The Senate adjourned until Wednesday, February 9, 2011, at 1:30 p.m.)

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