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Tuesday, February 15, 2011

THE HONOURABLE PIERRE CLAUDE NOLIN
ACTING SPEAKER

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THE SENATE

Tuesday, February 15, 2011

The Senate met at 2 p.m., the Honourable Pierre Claude Nolin, Acting Speaker, in the chair.

Prayers.

BUSINESS OF THE SENATE

The Hon. the Acting Speaker: Honourable senators, I have received a notice from the Leader of the Opposition who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable James Tunney, former senator, whose death occurred on September 22, 2010.

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

VISITOR IN THE GALLERY

The Hon. the Acting Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Dr. Dipu Moni, Minister of Foreign Affairs of the Republic of Bangladesh.

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

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE JAMES TUNNEY

Hon. Elizabeth Hubley: Honourable senators, it is my honour to rise today to pay tribute to former Senator Jim Tunney. Senator Tunney and I were appointed to the Senate on the same day in 2001. We sat as seatmates in this chamber and served together on the Standing Senate Committee on Agriculture and Forestry. I am saddened by his passing.

• (1410)

I was always impressed by Senator Tunney's knowledge and passion for farming and for the agricultural industry. From a young age, Senator Tunney knew he wanted to farm. He loved farming and it was a way of life for him and his family. He was a fourth generation farmer who loved the land.

Honourable senators, Senator Tunney was not only an accomplished dairy farmer, he was also an advocate for the agricultural industry, both here in Canada and abroad. From 1993 to 1998, he made frequent trips to Russia and Ukraine on behalf of the dairy industry, where he consulted with farmers and helped them to develop a farm marketing board.

Senator Tunney served as a director of the Dairy Farmers of Canada for 18 years, of the Dairy Bureau of Canada for 8 years, and of the Ontario Milk Marketing Board for 12 years. Last September, in recognition of his lifelong contribution to the farming industry, Senator Tunney was inducted into the Quinte Agriculture Wall of Fame.

Senator Tunney was a self-educated man, an avid reader and a strong supporter of the educational system. He was active in his community and served as a trustee on the Peterborough Victoria Northumberland and Clarington Catholic District School Board for 16 years. He was also a proud supporter of his local plowing match and an advocate for local Aboriginal communities, including the Alderville First Nation.

Senator Tunney's time in this chamber was too short; nonetheless, he made an important contribution to agricultural policy through his work on the Standing Senate Committee on Agriculture and Forestry. He brought to this institution vast knowledge of the agricultural industry and a passion for supporting the small- and medium-sized farmer.

Not surprisingly, considering his name and background, Senator Tunney could barely make it through a day in Ottawa without someone asking if he was "the Tunney" of Tunney's Pasture. He was not, but he took the question with his typical good humour.

On February 1, I met with the Dairy Farmers of Canada at their reception for parliamentarians. I was delighted that so many recalled Senator Tunney and his uncompromised dedication to the dairy industry. Mr. Ron Maynard from Prince Edward Island, a member of the national board, recalled that Jim Tunney was a quiet gentleman — maybe even shy — until he stood to speak. Once he began to speak, his demeanour would change immediately and this quiet man spoke with confidence, knowledge and enthusiasm. His colleagues' respect for him was remarkable.

A strong family man, Senator Tunney will be missed by his family and friends. All those whose lives he has touched will also sincerely miss him.

I know all honourable senators join me in expressing deepest sympathies to Senator Tunney's sons, Karol and Ed; his daughters-in-law, Susan and Karen; and his five grandchildren.

Hon. Joseph A. Day: Honourable senators, it is my pleasure to rise today to pay tribute to the late Senator Jim Tunney. Senator Tunney served in the Senate from March 8, 2001, to June 16, 2002, just a few months more than one year. Though Senator Tunney served only a short time in this place, he

established a reputation as a trustworthy and hard-working individual. He was ably assisted during his time here by Ms. Trish Renaud, who was not only his executive assistant but also a great friend. They made a great team together.

Growing up in the small town of Grafton, Ontario, east of Toronto, Senator Tunney spent most of his life operating a dairy farm in the region. He knew the meaning of hard work and he knew that hard work brought good results. It was putting into practice that philosophy of life that made him such a well-liked and highly respected senator.

Senator Tunney served as a director of several agricultural and dairy boards including the Dairy Farmers of Canada, for 18 years; the Dairy Bureau of Canada for 8 years; and the Ontario Milk Marketing Board for 12 years. On top of all this he was a trustee for the separate school board in his area. These contributions to his community speak to Senator Tunney's character in a manner that words would not do justice.

Honourable senators, one of my favourite stories about Senator Tunney speaks to his tenacious personality. It is a story about the farm that he and his wife of 37 years, Gladys, operated during their life together. As a young boy, Jim Tunney admired a local farm close to his home. As a teenager, he would walk past that farmhouse and say to himself, "I am going to buy that house one day." When he had the chance, he would knock upon the farmhouse door and inform the farmer that he wanted to buy the house. The farmer used to laugh at Jim and tell him to come back when he had some money. The farmer clearly underestimated Senator Tunney and his frugal ways. One day while in his early twenties, Senator Tunney walked up to the farmer's door and once again said, "I would like to buy the farm." He handed the farmer the money to buy the farmhouse and the farm, where he lived for the rest of his life.

Honourable senators, when I first came to the Senate, I joined the Standing Senate Committee on Agriculture and Forestry. Coming from New Brunswick, I was looking forward to working on forestry issues. The committee chair was Senator Leonard Gustafson, the deputy chair was Senator Jack Wiebe, and on the committee was Senator Jim Tunney. I learned a great deal about agriculture but very little about forestry. We have some wonderful memories of our committee's travels together in Northern Ireland and visiting local farms. One of the highlights of my time in the Senate was serving with Jim Tunney on that committee.

Senator Tunney is survived by his two stepsons, Karol and Ed; their wives, Susan and Karen; his grandchildren, Paul Shaw, Karl Shaw, Dennis Blackburn, Stephanie Shaw and Todd O'Rourke; and his siblings, Patrick and Kathleen Tunney. Senator Tunney, despite his short time here, was a credit to this institution.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I did not know Senator Tunney as I was not a member of this chamber when he was a senator. However, in the past few months I have heard only great things about this former senator from Ontario. In fact, this past week I received a note from former Senator Eugene Whelan asking me if I could read in the Senate what he had to say about his long-time friend, James Tunney. Here is what he wrote:

> During my very long public career I have met many people from around the world, from every walk and way of life, from kings, queens, presidents, prime ministers, dictators and top corporate executives, yet none have left such a long and lasting memory as Jim has; Jim stood tall amongst all of them.
>
> In his early teenage life he quit school to work on his uncle's dairy farm. This gave him a very strong work ethic and provided him with first-hand knowledge and understanding of farming, especially dairy farming. This led to Jim establishing his own successful dairy farm.
>
> His dedication to the agriculture industry and particularly to the dairy industry as their representative on the Ontario Milk Marketing Board will be remembered for a very long time. As Minister of Agriculture for Canada, I often sought out Jim's advice or opinion when I had tough decisions to make. However, sometimes I didn't even have to ask for his opinion, because he would already be on the phone calling me, the Minister of Agriculture, with his opinion on what should be done to solve the problem. I always valued Jim's thoughtful advice and candour; he was a great representative for the Dairy Farmers of Canada.
>
> Many times Jim would also call our home in Amherstburg, and if I was not there, he would talk with my wife Liz at length, and give her the message. She would relay all of Jim's messages very carefully to me, and it developed into a long-standing family relationship over many years; sadly our last conversation by phone was only three weeks before Jim left this world.

• (1420)

> We will always remember Jim Tunney as a great representative of the dairy farmers, and if I was ever thought to be a good Minister of Agriculture for Canada, it was because of people like James Francis Tunney helping me to do my job.
>
> I will never forget.
>
> We in Canada have lost a strong voice for agriculture and a great Canadian; a real Canada builder.

It is signed:

> With my Deepest Respect and Fond Memories, Eugene Whelan.

This is a great testament to a wonderful man. I wish to take this opportunity to extend my sincere sympathies to the late Senator Tunney's family.

VISITORS IN THE GALLERY

The Hon. the Acting Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of members of the family of Senator Tunney.

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

Hon. Senators: Hear, hear.

The Hon. the Acting Speaker: Honourable senators, I also wish to draw your attention to the presence in the gallery of participants in the Parliamentary Officers' Study Program.

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

Hon. Senators: Hear, hear.

2010 WINTER OLYMPIC GAMES

Hon. Nancy Greene Raine: Honourable senators, this past weekend many Canadians relived the fun and excitement of the Olympic and Paralympic Winter Games held a year ago in Vancouver and Whistler. It was great to watch CTV's program on Sunday night and to see our medal-winning athletes once again.

Thinking back, I remember the tension as opening day approached. The weather was terrible — warm and rainy — and it seemed the media coverage was all negative.

At a personal level, I will never forget the thrill of taking part in the opening ceremonies, especially as I stood in the dark and watched Rick Hansen coming up the ramp on the opposite side of stadium. As the flame from his torch came into view, the roar of the crowd was unbelievable.

Then the competitions got under way. The sun came out, Vancouver and Whistler sparkled, and the media had incredible stories to report. We waited anxiously for someone to win the first gold medal on Canadian soil. It was wonderful when it was Alexandre Bilodeau who won and he introduced to the whole country his older brother Frederic.

Fourteen gold medals and names for the record book: Alexandre Bilodeau, Maelle Ricker, Christine Nesbitt, Jasey-Jay Anderson, Ashleigh McIvor, Jon Montgomery and Charles Hamelin; bobsleigh pair Kaillie Humphries and Heather Moyse; Tessa Virtue and Scott Moir in ice dancing; the men's speed skating pursuit team, the men's 5,000 metre short track relay, the men's curling team and, of course, both hockey gold-medal teams.

Who can forget the emotional bronze won by Joannie Rochette?

We all have favourite moments and, for many of us, it was Joannie's performance. We will all remember and pass down the stories of what happened at our Olympics when we truly "owned the podium." For me the lasting image is of Canadians celebrating in the streets and plazas, waving the flag and bursting into *O Canada* as they walked arm-in-arm in happy throngs.

Today is Canada Flag Day, and I remember carrying the Canadian flag for the very first time into the Olympic opening ceremonies in Grenoble.

Who could have written that final chapter: Sidney Crosby scoring in overtime to win an amazing hockey gold? Thank gosh we came out on top.

Looking back, if we ask, "Was it worth it?" most Canadians say it was and the reasons are not just the medals. It is more about a new pride in Canada and a new "we can do it" attitude that I believe will last a long time.

Another reason is the new respect for the wonderful First Nations heritage that added to the games' ceremonies in so many ways.

The games created an incredible spirit that swept across Canada and ignited our country as never before.

In December, when the final financial accounting was completed, and in spite of an incredibly challenging world economy, VANOC balanced the books on Canada's biggest-ever sporting event.

Kudos to everyone who worked so hard: John Furlong and his team at VANOC, the cheerful volunteers in their blue jackets, the official coaches and especially the athletes. You did us proud. Thank you.

PRINCE EDWARD ISLAND

FAMILY VIOLENCE PREVENTION WEEK

Hon. Catherine S. Callbeck: Honourable senators, I rise today to recognize Family Violence Prevention Week in my home province, which aims to make Islanders aware of the serious situation experienced by countless women and families across the province and, indeed, across the whole country.

This devastating problem results in injuries, unbearable living conditions, broken homes and, in some cases, death.

Family violence is a problem within Canadian families of all walks of life and every social and economic status. Startling statistics reveal the severity and frequency of the issue. According to Statistics Canada, over half of Canadian women — 51 per cent — have been victims of at least one act of violence since age 16. Children's rates of exposure to domestic violence have increased by 259 per cent since 1998.

Family violence is indeed a serious and tragic issue in communities. That is why, in 1995, we established the Premier's Action Committee on Family Violence Prevention in my home province. It was made up of representatives from 17 community groups and 6 government departments, and it worked closely with police, municipalities and community organizations to address a range of issues related to family violence. It was a five-year strategy, but I am pleased to say that, 16 years, later this committee and its good work are continuing.

Over the years since its inception, the committee's "made in Prince Edward Island" approach has been recognized nationally as a model of best practice for community involvement.

Years ago, we would not have been discussing this issue, and certainly not publicly. Many people flatly refused to recognize it as a problem. Those who knew about occurrences of family violence thought that what happened in other peoples' homes did not affect them.

Fortunately, times and attitudes have changed. We recognize the impact that family violence has on our society and on our children. We have resources and services in place to assist those who need help to leave an abusive situation. We have dedicated people whose efforts on the front line — providing services, creating awareness, offering support — are truly outstanding.

We are making progress. I have high hopes that progress will continue as there is much more work to be done.

THE HONOURABLE GORDON CAMPBELL

Hon. Gerry St. Germain: Honourable senators, on February 26, a new premier of my home province of British Columbia will be selected, thus marking the end of Gordon Campbell's term as the thirty-fourth premier of B.C.

Premier Campbell's retirement from office is not without accomplishment and a bit of controversy, but in my opinion he was a builder of British Columbia, the likes of which the province has not seen since the days of the Bennett Social Credit dynasty.

First elected to the legislature in 1993 as MLA and B.C.'s Liberal Party leader, Premier Campbell went on to lead a coalition of Conservative and Liberal thinkers to the biggest electoral landslide in provincial history during the 2001 B.C. general election, capturing all but two seats.

Premier Campbell would then begin two more mandates, making him the first B.C. premier in 26 years to achieve this. At the beginning of his first term of government, the financial state of British Columbia was in ruins. We were classified as a have-not province. Through a series of tough restraints, tough decisions and regulatory reform, the B.C. economy rose from the worst to the first in Canada by 2005.

British Columbia was once again open for business and the world came back to take part in our robust economy. Upon re-election to Premier Campbell's second term of office, his government used the power of B.C.'s flush finances to build up infrastructure and services to the public.

During the biggest push of "black-top" politics since the early 1980s, Premier Campbell's government undertook major highway projects, fixing the Sea-to-Sky Highway, twinning the Port Mann Bridge and creating the South Fraser Perimeter Road. In the lead-up to the 2010 Winter Olympic Games, his government improved Vancouver's infrastructure and rapid transit.

Premier Campbell must also be recognized for improving the relationship between the province, the Crown and the First Nations of B.C. Under his leadership the province signed six treaties, most recently the Tsawwassen and Maa-nulth final agreements. These agreements and other initiatives helped to bridge the social and economic gap between Aboriginals and non-Aboriginals in my home province.

• (1430)

Honourable senators, I know from my own observations and experiences that Premier Campbell is leaving B.C. in much better shape today than it was when he assumed office, but, like a lot of politicians who govern for the good of their jurisdiction, which often involves making unpopular decisions, he is not without his critics.

History will be the judge of this man's achievements, as it will be for so many of us. I can confidently say, without a shadow of a doubt, that his achievements for British Columbia and Canada will stand the test of time.

I ask all honourable senators to join me in thanking Premier Gordon Campbell for his service to British Columbia and to Canada.

URGENT ACTION FUND

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak about a special group of women. Only last week, I had the privilege of travelling to Pakistan to work with the Urgent Action Fund, a women's rights movement whose mission is to support and defend women's rights by striving to establish cultures of justice, equality and peace. This global women's fund works diligently to provide rapid response grants that enable strategic intervention and, in addition, participates in collaborative advocacy and research.

Honourable senators, I became involved with this particular group over a year ago, when we met in Amaan, Jordan. After working closely with these women during this time, I knew that I wanted to be part of this movement, as it so uniquely personified strength and unity.

I was working recently with the Urgent Action Fund in Pakistan. As I am sure honourable senators are aware, this past summer, flooding in Pakistan devastated one fifth of the country, claiming the lives of over 1,600 people while seriously affecting 20 million. This flooding not only displaced entire villages but also destroyed more than 700 schools and 400 health care facilities. Although the entire country of Pakistan was ravaged by the flooding, after meeting with several victims and service providers, I learned that women in particular were adversely affected by this disaster.

Honourable senators, the unfortunate reality is that when aid is provided, women's needs and the issues that women are uniquely confronted with are often not acknowledged. The truth is that women and children do not have the same access to humanitarian aid as men do.

This lack of access leaves women, who have often been robbed of their homes and all their possessions, forced to accept the fact that they are now particularly vulnerable to sexual assault and kidnapping. Although I am proud to report that many organizations like the Urgent Action Fund perform great work catering to the needs of women, it is time for our country to do the same.

Honourable senators, when Canada provides disaster relief, it is of utmost importance that we remain mindful of the unique needs of women. We also have the duty to ensure that mothers and daughters are not forced to bear additional burdens simply because of their gender. I urge Canada to build on the successes of organizations like the Urgent Action Fund and the women who work on their behalf such as Terry Greenblatt, Marcy Wells and Sanam Anderlini.

NATIONAL FLAG DAY

Hon. Michael L. MacDonald: Honourable senators, today we mark National Flag Day. The national flag of Canada is a straightforward and relatively simple design that has, as its centrepiece, the red maple leaf of Canada. There are many symbols that Canadians and others usually immediately identify with our country — the beaver, the *Bluenose*, Mounties on horseback and ice hockey — but I believe it is true to say that it is the maple leaf, as the emblem of Canada, that has proven to be the most enduring and recognizable symbol that people the world over associate immediately with our country.

That the maple leaf would become a great international symbol of our country is understandable, given Canada's history. In both Central Canada and Atlantic Canada, the maple tree has served as a source of syrup and high-quality wood since the arrival of the earliest settlers.

The maple leaf rapidly evolved as a national symbol across the country. In 1834, when the inaugural meeting of the St. Jean Baptiste Society was held in Montreal, the first mayor of Montreal, Jacques Viger, spoke in its favour as a symbol of Canada. When Alexander Muir composed his stirring song "The Maple Leaf Forever" in 1867, it quickly became a popular anthem across English-speaking Canada.

The original coats of arms of Ontario and Quebec, designed in 1868, contained the golden and green maple leaves respective to both provinces. Until 1901, all Canadian coins had a maple leaf on them and the maple leaf is still to be found today on the Canadian penny.

The maple leaf was widely used as a regimental symbol in Canada during the 19th century, most notably on the sun helmets of Canadian soldiers who fought in the Boer War. Later, during the First World War, the Canadian Expeditionary Force commonly used the maple leaf on its shoulder and other badges.

Her Majesty's Royal Standard in Canada is a modified version of the Royal Standard itself, with the addition of a sprig with three red maple leaves on a white background.

The national flag of Canada first flew over the Parliament Buildings on this day, February 15, 1965, following months of what can only be described as acrimonious debate. It replaced the Canadian Red Ensign, a lovely and historically significant flag in its own right, which Canadians fought and died under during the Boer War, World War I, World War II and the Korean conflict.

It is said that time heals all wounds. I believe that to be the case with the Canadian flag. Whatever difficulties occurred in the past during the transition from one flag to another, these problems are now confined to the pages of history. The maple leaf flag of Canada, our flag, is recognized around the world as the symbol of a rich, generous and good nation; of a people who believe in democracy and the rule of law, and who are committed to work towards the betterment of all of us who inherit this earth.

HOCKEY DAY IN CANADA

Hon. Daniel Lang: Honourable senators, this past Saturday, the eyes of the whole country were on Yukon as Hockey Day in Canada was held in Whitehorse and Dawson City.

Yukon hosted the Governor General of Canada; the Minister responsible for the North, Leona Aglukkaq; the President of the Treasury Board, Stockwell Day; and, of course, Ron MacLean, Don Cherry, and other dignitaries and hockey heroes.

It was actually "Hockey Week in Yukon," not only Hockey Day in Canada, as the Ottawa Senators alumni team played the Yukon Dawson City Nuggets in two re-enactments of the 1905 Stanley Cup game between the Yukon Nuggets and the Ottawa Silver Seven. Games were held in both Whitehorse and Dawson City. Having the Governor General lace up his skates to play a game of shinny in Dawson City has to be another shining moment in Dawson City's remarkable history of achievements.

Hockey was also celebrated in Whitehorse, which hosted the first ever regular season Western Hockey League game played in Yukon. I can attest that the game between the Kamloops Blazers and the Vancouver Giants was truly exciting and thrilled the capacity audience.

Honourable senators, our national game was celebrated enthusiastically by Yukoners from all walks of life. All of us enjoyed Yukon being showcased to Canadians across the country. Congratulations are well deserved by the Whitehorse city council and the countless volunteers, including the steering committee and their chairman, Walter Brennan, who organized a schedule that was timed down to the second. I thank all those responsible for a weekend of good fun Canadian style; a job well done.

[*Translation*]

ROUTINE PROCEEDINGS

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

WESTBANK FIRST NATION SELF-GOVERNMENT AGREEMENT—2007-08 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, two copies of the 2007-08 annual report on the Westbank First Nation Self-Government Agreement.

• (1440)

[*English*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE PROGRESS IN IMPLEMENTING THE 2004 10-YEAR PLAN TO STRENGTHEN HEALTH CARE

Hon. Art Eggleton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, pursuant to Section 25.9 of the Federal-Provincial Fiscal Arrangements Act (Statutes of Canada Chapter F-8), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the progress in implementing the 2004 10-Year Plan to Strengthen Health Care; and,
>
> That the Committee submit its final report no later than October 31, 2011, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[*Translation*]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY RESEARCH AND INNOVATION EFFORTS IN THE AGRICULTURAL SECTOR

Hon. Percy Mockler: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on research and innovation in the agricultural sector. In particular, the Committee shall be authorized to examine research and development efforts in the context of:
>
> (*a*) developing new markets;
>
> (*b*) enhancing agricultural sustainability; and
>
> (*c*) improving food diversity and security.
>
> That the Committee submit its final report to the Senate no later than March 31, 2012 and that the Committee retain until September 30, 2012 all powers necessary to publicize its findings.

[*English*]

QUESTION PERIOD

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

PASSPORT CANADA—ACCESS TO PASSPORTS IN PRINCE EDWARD ISLAND

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. Prince Edward Islanders are still the only Canadians who need to travel outside of their home province to obtain an urgent or express passport. These passports can be obtained only if one applies in person and, since there is no passport office in Prince Edward Island, we have to travel to the nearest office, which is in Fredericton or Halifax. Travel takes extra time. As honourable senators know, time is of the essence in an emergency.

How will this government ensure that Prince Edward Islanders can access an urgent or express passport without going outside their province?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will take the honourable senator's particular question as notice.

However, I believe I can state with absolute certainty that the whole process of acquiring passports, which took on some urgency a few years ago with changes to the border, has been one of the real success stories of the government. No longer do we hear about people having to wait inordinate amounts of time; we have sped up the process for the renewal of passports.

However, the honourable senator asks a specific question about people in need of an emergency passport on short notice, and I will take that question as notice.

Senator Callbeck: We still face the same old problem of travelling to another province for an urgent or express passport. In the event of an emergency, at a time when a person does not need the added stress of worrying about a passport, travel outside the province causes additional distress. On top of that stress, we have to pay for the gas, ferry, bridge tolls, meals and maybe overnight accommodation, all in addition to extra passport fees. We are the only province without a passport office.

Does this government have any plans to open a passport office in Prince Edward Island?

Senator LeBreton: Again, I will take the honourable senator's question as notice. I repeat that the acquisition of passports has been vastly improved. I can well understand people facing additional stress when they need an emergency passport. That is not a situation we like to see.

I will take the question as notice and return to the honourable senator with an answer.

Hon. Percy E. Downe: Honourable senators, I think the leader will find the standards she talks about regarding improvements in passports do not apply in Prince Edward Island. Senator Callbeck correctly pointed out the demands for emergency passports, but the same issues apply with the requirements for regular passports. I am contacted about this matter all the time. People have to travel for business or other reasons, and they have to mail off the forms or, as Senator Callbeck indicated, travel outside the province. Prince Edward Island is the only province in Canada where one must do that.

Can the minister find out if it is the government's intention to have the same standard of service in Prince Edward Island as everywhere else in Canada?

Senator LeBreton: My answer to Senator Downe is exactly the same as it was to Senator Callbeck: I will make inquiries with regard to Prince Edward Island.

Again, to avoid situations like these, it is in the interests of all Canadians to acquire a passport, whether or not they think they will need it, because it is a valuable document for any Canadian citizen.

Senator Downe: Given that the Canadian passport is currently available only for a five-year period, is it the intention of the government to extend the time for which passports remain valid? As honourable senators well know, many countries deny entry if a passport is set to expire within six months.

Is it the intention of the government to extend the number of years a passport remains valid?

Senator LeBreton: I believe that there have been many suggestions and recommendations, but I do not believe there has been any decision to alter the present five-year time span for a Canadian passport. I will check if there have been further discussions with regard to this matter.

[*Translation*]

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

MISSING AND MURDERED ABORIGINAL WOMEN

Hon. Lucie Pépin: My question is for the Leader of the Government and has to do with the Sisters in Spirit project.

The Government of Canada supports the project, but it no longer provides any funding for research or compiling of data on missing and murdered Aboriginal women. Demonstrations were held yesterday to draw attention to this government decision.

Can the Leader of the Government in the Senate tell us why the government made such cuts to the research funding for the Sisters in Spirit project, despite the importance of quality research?

How does the government plan to tackle the underlying causes of violence against Aboriginal women without a solid foundation of research and reliable data?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as I have indicated on many occasions, this is a serious issue in Canada. We have taken and are taking concrete steps to address the disturbingly high number of missing and murdered Aboriginal women. The investment of $10 million announced in October will bolster law enforcement, the justice system, victims' services and community safety.

Aboriginal women deserve to be better served by our justice system and that is precisely why we have taken the measures we have. These measures include a National Police Support Centre for Missing Persons, a national tip website for missing persons and federal funding for culturally appropriate victims' services through the provinces and territories.

Honourable senators, I think the government has made great strides in addressing this serious issue in many ways. Are they sufficient? There is much more work to be done, but the government is serious about its intentions to assist the various groups and to allow our law enforcement officials to address this serious issue.

• (1450)

[*Translation*]

Senator Pépin: I thank the Leader of the Government for that information, but I would simply like to point out that she has been telling us the same thing since December 2009, that is, that a federal-provincial-territorial working group is looking after the file on Aboriginal women. At the time, however, she promised to provide us with some figures and some hard data.

Does the Leader of the Government have any other information to share with us, other than what she has been telling us since 2009? We know the government is working very hard, but we never see any concrete numbers on this matter.

[*English*]

Senator LeBreton: Honourable senators, I could hardly have given the honourable senator this answer in 2009. If Senator Pépin had listened to my answer a few moments ago, the senator would have heard that we invested $10 million in October 2010. I could have hardly provided an answer in 2009 about money we invested in 2010.

As honourable senators are aware, we have been working collaboratively with the Native Women's Association of Canada. In fact, Status of Women Canada provided $500,000 for a project to the Native Women's Association of Canada for a project called "Evidence to Action" to develop tools to break the cycle of this violence. Of course, it builds on work done by Sisters in Spirit. We look forward to recommendations from the Native Women's Association of Canada once they have completed their work.

Hon. Lillian Eva Dyck: Honourable senators, I find it very interesting that the Leader of the Government is saying that her government is speaking with the Native Women's Association of Canada to support more work into the issue of missing and murdered Aboriginal women. At the same time, the leader has also said that she does not want the Native Women's Association

of Canada to continue to use the term "Sisters in Spirit" or the Sisters in Spirit logo, which is well known in Canada and throughout the world.

Why is the leader downplaying the wonderful work that the Native Women's Association of Canada has done with respect to missing and murdered Aboriginal women?

Honourable senators, in the $10 million that has been delegated to this issue, the fear is that only a small portion of that money is actually going to Aboriginal women. The leader talks about missing persons; it was the missing Aboriginal women who brought this issue to the forefront. Will they get the majority of the money or will that be lost like the whole pool of missing persons?

Senator LeBreton: I thank the honourable senator for her question. We have not in any way, shape or form downplayed the work of Sisters in Spirit. We have worked collaboratively through Status of Women. Minister Rona Ambrose has been actively engaged in working with the Native Women's Association of Canada and, through Status of Women, provided $500,000 to this project. It was built on the work that was done by Sisters in Spirit.

It is quite incorrect for the honourable senator to suggest that the government is downplaying or not taking into account the great work of the Sisters in Spirit.

INTERNATIONAL COOPERATION

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY OVERSEAS PROGRAM FUNDING

Hon. Jane Cordy: Honourable senators, last week in response to questions from Senator Cowan, Senator Mercer and me, the leader stated that the Canadian Teachers' Federation proposal for Project Overseas was rejected because of a lack of focus, sustainability and budgetary information. I find this unusual since the program has been sustainable for over 50 years. The focus of the project is to train teachers and develop curricula. Surely the budgetary information was discussed during the 18 months that CIDA and the teachers' federation worked together on the proposal.

Honourable senators, I also find the budgetary aspect particularly unusual since it is next to impossible to find out from this government the costs of the crime bills that are before Parliament. What will the cost be to the Canadian taxpayer?

Can the leader tell this chamber who made the decision to reject the proposal from the Canadian Teachers' Federation? Was it CIDA or was it Minister Oda?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, in all decisions made by the government, the minister responsible for the decisions makes the ultimate decision.

Concerning the Canadian Teachers' Federation, we collectively want to work with the federation to ensure students in developing countries get the best possible education. The staff members at CIDA have been working with the Canadian Teachers' Federation to help guide them in their submission and will continue to do so.

Honourable senators, I believe there is goodwill on both sides. I believe that, as I said last week, the Canadian Teachers' Federation has been encouraged to submit a new proposal, which will be looked at seriously.

Senator Cordy: Honourable senators, the leader is right; ultimately, the minister makes the final decision. However, I do not think it is usual that the minister inserts the word "not" after a document has been signed by department officials. This is what happened in the KAIROS funding situation.

Project Overseas has sent 1,900 Canadian teachers around the world to promote education to overseas teachers. If CIDA officials thought the program did not meet the official criteria for funding, why did they not tell the teachers' federation that during the 18 months they worked together on the proposal?

I ask the leader again, where was this decision made? If the minister or the Prime Minister made the decision — and, as the honourable senator said, they absolutely have a right to do so — why not let Canadians know?

Senator LeBreton: Honourable senators, there are two sides to every story and there are at least two parties to any negotiation. I will not presume that the people who represent the Canadian Teachers' Federation were not fully aware of the negotiations in which they were involved.

HERITAGE

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

Hon. Pierre De Bané: Honourable senators, my question is to the Leader of the Government in the Senate. Interested candidates in the position of vice chair of broadcasting at the CRTC had until June 28 to submit their curriculum vitae. When did Mr. Pentefountas submit his application?

If the honourable senator does not have that information today, I would appreciate if she could provide that information tomorrow.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I cannot make a commitment. I do not believe that information with regard to when an individual applies for a position is information that is readily available.

I have to say to the honourable senator, I read the newspaper reports that somehow or other this individual went through a process and then all of a sudden there was a great revelation that the Prime Minister's Office or the Privy Council Office handled it.

I thought, "Where in the dickens have these people been?" I was in that position in the Prime Minister's Office, and all Order-in-Council positions in the government are handled by the senior staffing division in Privy Council Office, working with a senior staffing position in the Prime Minister's Office. I was in that position.

Honourable senators, when someone is chosen as the successful candidate, the Privy Council Office and the senior staff enter into negotiations. Of course, the honourable senator does not have to take my word for it; he can ask his colleague, Senator Downe, because he did exactly the same thing under Prime Minister Chrétien. That is the way the system works. That this was seen as some new revelation was quite amusing to me.

• (1500)

Senator De Bané: Honourable senators, I asked the Leader of the Government in the Senate if Mr. Pentefountas had, as per the advertisement that was published in newspapers in our country, submitted his curriculum vitae before June 28. All the arguments put forward by the Leader of the Government relate to the fact that it was said in both houses that the particular asset of this candidate was his ignorance about the work of the CRTC. That fact is what makes the background of that nomination surprising. The assertion that ignorance is the best protection against conflict of interest will go down in the history of this Parliament.

Would the leader please let us know the date that Mr. Pentefountas met with the four members who interviewed the different candidates?

Senator LeBreton: I take issue with the outrageous preamble to the honourable senator's question. I did not, nor did my colleague in the House of Commons, talk about ignorance. To assume that a lawyer who went through an independent, open selection process is somehow ignorant is an outrageous statement.

The comment I made, and that I believe my colleague in the House of Commons made, was a common sense comment in that oftentimes, with agencies like the CRTC, it is to the advantage of the organization not to have people appointed who have a bias on one side or the other. To me, being free of bias strengthens the organization. It is absolutely improper and insulting to say that someone of this gentleman's qualifications and calibre, who went through a process, is somehow ignorant.

Senator De Bané: Minister, may I quote Minister Moore in the other place, who said the following in relation to what the NDP member said:

> The member says that Tom Pentefountas does not have experience. Another way of saying that is that he has no conflicts of interest . . .

Let me remind the leader what was expected, according to the advertisement that was published in all the papers of this country: experience in the operation and conduct of a quasi-judicial tribunal; proven senior level decision-making experience; experience formulating cultural and regulatory policy; extensive knowledge of the legislative framework and mandate of the CRTC; knowledge of the theories, practices and procedures related to administrative justice; an understanding of the relevant global, societal and economic trends; knowledge of broad issues related to media conversions would be an asset.

No one argued that he had those qualifications, which were listed extensively in the advertisement. I will put it another way: why is it that the 10 other candidates were rejected? I will give the minister one example. One commissioner of the CRTC is Suzanne Lamarre. She is a member of the Bareau du Québec and the Association of Professional Engineers and Geoscientists of British Columbia, an engineer to boot, and has 25 years of experience in regulatory framework. Why was she not considered? Why is it that the vice-chair, who was there and whose mandate was completed recently, was not invited for an interview despite submitting his CV? Today, we learn that he has been hired as a consultant to the new vice-president.

Senator LeBreton: First, it was presumptuous when the honourable senator read the criteria of the position to presume that Mr. Pentefountas does not have extensive knowledge. I repeat: the individual went through an independent, open selection process through the Department of Canadian Heritage. Obviously, having satisfied the criteria, he was appointed to the position. I am not, nor are most of us, I am sure, privy to all the information and all the people who applied and what process was followed. However, it is inappropriate to suggest that a successful candidate is, for some reason, not the proper candidate and that the honourable senator has another candidate. It is a ridiculous set of circumstances.

The gentleman in question satisfied an independent, open selection process, and to suggest that somehow this individual with his background and training cannot fulfill his functions is highly insulting and, frankly, elitist.

Senator De Bané: Honourable senators, the mandate of the chair of the CRTC, Mr. Konrad von Finckenstein, will expire in less than a year, on January 25, 2012. Is it true that by appointing Mr. Pentefountas to be the vice-chair that Mr. Pentefountas will succeed Konrad von Finckenstein in less than a year? Is it normal for a man who knows nothing about a sector that brings $60 billion a year to the Canadian economy to be elevated to the chair of the CRTC in less than one year?

Senator LeBreton: That may be how the Liberals used to do things, but I dare say that, in this case, when Konrad von Finckenstein's term is up, I am certain that the Minister of Canadian Heritage will take his responsibilities seriously, and make a decision after the appropriate processes of naming his replacement.

I do not have a crystal ball. I cannot see into the future. I have no idea who the next chair of the CRTC will be.

Senator De Bané: Honourable senators, on September 17, 2008, Prime Minister Harper said in the Saguenay that he would consult with the Government of Quebec before appointing the vice-chair to the CRTC. My question now is a question of fact. Was the Government of Quebec consulted prior to the decision of February 4, 2011, in regard to the appointment of Mr. Pentefountas, as the Prime Minister of this country promised in the Saguenay?

• (1510)

Senator LeBreton: Honourable senators, we are talking about the Canadian Radio-television and Telecommunications Commission.

In answer to the honourable senator's question, I believe the government, on all appointments, has opened up the process. It advertises positions and works closely with senior staffing in the Privy Council Office. The government trusts its ministers, and especially the process that we have set in place to seek out qualified individuals, to ensure they go through a rigorous process and then, following that process, to appoint them to various positions in the government, which is entirely within the rights of the government and the minister.

[*Translation*]

ANSWER TO ORDER PAPER QUESTION TABLED

VETERANS AFFAIRS—RECOMMENDATION OF THE SPECIAL NEEDS ADVISORY GROUP

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 35 on the Order Paper—by Senator Downe.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND— AMENDMENTS FROM COMMONS CONCURRED IN

On the Order:

> Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator Demers,
>
> That the Senate concur in the amendments made by the House of Commons to Bill S-6, An Act to amend the Criminal Code and another Act (*Serious Time for the Most Serious Crime Act*); and
>
> That a Message be sent to the House of Commons to acquaint that House accordingly.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, last week we noticed that the message that came from the House of Commons contained an error. After checking and identifying the error, the law clerks of both chambers reported that it was minor and could be corrected by an exchange of messages, and that a corrected version of the bill would be submitted.

The next day, following a question raised by Senator Murray asking if the person who had identified the flaw was satisfied with the explanation, I had to consult this person, who was not in his office last Friday. I was finally able to reach him today and he indicated that he was very satisfied with the explanation and the solution.

If Senator Murray is satisfied with this answer, could we possibly proceed with the vote on the question?

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

Some Hon. Senators: Question!

(Motion agreed to, on division.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator MacDonald, for the second reading of Bill C-21, An Act to amend the Criminal Code (sentencing for fraud).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Would Senator Poulin indicate when she plans to speak to Bill C-21?

Hon. Marie-P. Poulin: I firmly intend to do so when we return from the break.

(Order stands.)

[*English*]

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Eaton, seconded by the Honourable Senator Rivard, for the second reading of Bill C-35, An Act to amend the Immigration and Refugee Protection Act.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I want to ask the same question of Senator Jaffer on Bill C-35. When might we expect her to speak to this important bill?

Hon. Mobina S. B. Jaffer: I will speak on this bill when we return from the break.

(Order stands.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. W. David Angus moved second reading of Bill C-30, An Act to amend the Criminal Code.

He said: Honourable senators, it is a pleasure to begin second reading debate on Bill C-30, the response to the Supreme Court of Canada Decision in *R v. Shoker* Act.

The objective of this bill, consistent with the Harper government's commitment to safeguard our Canadian communities, is to ensure compliance with court-ordered prohibitions on the consumption of illicit drugs and alcohol.

This bill was originally tabled as Bill C-55 on October 30, 2009, in the last session of Parliament. It was reintroduced in the same form in the present session on May 31 of last year. It passed third reading in the other place just before Christmas, after agreement was achieved amongst all parties to expedite its consideration at committee and report stage by deeming it to have been considered in Committee of the Whole, reported without amendment, read the third time and was passed, I believe unanimously, on December 10, 2010.

I understand, honourable senators, that all parties chose this path on the basis of their agreement that the proposed legislation is balanced and urgently needed.

As its title states, Bill C-30 is the government's response to the Supreme Court of Canada decision on October 2006 in *R v. Shoker*, which held, in a constitutional challenge, that there was no statutory authority, in the Criminal Code or elsewhere, for a judge to require provision of bodily samples as part of a court-ordered probation condition to abstain from the consumption of alcohol or drugs.

[*Translation*]

The purpose of this bill is to help control repeat criminal behaviour by ensuring that individuals comply with court orders prohibiting drug and alcohol use.

Prior to October 2006, a number of provisions in the Criminal Code allowed the court to impose conditions forbidding the consumption of alcohol or non-prescription drugs. Typically, these conditions were placed on individuals whose criminal offending pattern was linked to addictive substance abuse.

In order to verify compliance with abstention conditions, courts would often also attach a condition that required an offender to provide bodily samples on demand to police and probation workers.

Refusal to provide a bodily sample, or providing a sample that tested positive for drugs or alcohol, often resulted in prosecution for breach of conditions and carried serious penal consequences.

Even the threat that a sample could be required was an effective deterrent to substance abuse and potentially to further criminal conduct as it reinforced the belief of the offender that there was a high probability of being caught.

However, in October 2006, the Supreme Court of Canada in *R. v. Shoker* held that, while these provisions gave the courts the authority to impose a condition prohibiting drug and alcohol consumption, there was no such authority for a court to require these offenders to provide bodily samples to prove compliance.

● (1520)

This decision significantly hampered the ability of police and probation officers to monitor offenders in the community, those under court order whose criminal conduct and pattern of re-offending were often tied to substance abuse and addiction.

Honourable senators, the proposed amendments to the Criminal Code in Bill C-30 would allow a judge to impose conditions requiring bodily samples to be provided and for conditions to be included in probation orders, conditional sentences and peace bonds.

[*English*]

Honourable senators, the context was the following: The defendant Shoker had originally been convicted of one count of breaking and entering a private home with intent to commit an indictable offence, namely, sexual assault. He was sentenced to 12 months in custody, followed by two years of probation.

The probation order included two conditions: first, that Shoker abstain from the consumption of illicit drugs or alcohol and, second, that he supply a bodily sample on demand to ensure compliance with the first condition.

At that time, such conditions were commonplace and generally accepted as proper and legal. For example, from April 1, 2005 to March 31, 2006, some 236,000 individuals in Canada were convicted of a Criminal Code offence. Of these convictions, 105,000 of the sentences involved probation orders, the most common punishment imposed by all courts in Canada. By comparison, about 80,000 defendants were given a sentence of imprisonment and just under 11,000 received conditional sentences.

Honourable senators, data from the Canadian Centre for Justice Statistics also suggests that the condition imposed most frequently by judges as part of a probation order, aside from the mandatory conditions to keep the peace, be of good behaviour, appear before the court as required and notify the court of change of address or occupation, has been the specific condition to abstain from the consumption of illicit drugs and alcohol.

Honourable senators, prior to the Shoker decision, in most such cases, the courts added a condition for the offender to provide a bodily sample to police or probation officers on demand.

The reason for the courts' heavy reliance on these conditions is fairly obvious, I would submit, given that criminal court judges see every day the impact of substance abuse on our communities. They know all too well that the ability to rehabilitate the majority of criminal offenders in Canada is closely linked to the ability of the offender to overcome addiction and substance abuse.

Studies of Canadian offender populations also indicate that the more serious the offence, the greater is the link to drug and alcohol abuse. For example, about 80 per cent of offenders sentenced to a term of two years or more cite drugs or alcohol as a cause of their having offended.

Honourable senators, the data also clearly reveals that much of this crime is committed by offenders who are seeking money to fund their addictions. Some 38 per cent of offenders with substance abuse problems sentenced to a federal penitentiary committed their current offences to support such addictions.

From a policy perspective, it seems clear that any serious endeavour to make our communities safe must include an effort to control drug and alcohol abuse. A key element of this has been the condition to abstain from consuming drugs and alcohol. However, in order to ensure that offenders comply with such a condition, experience shows that police and correctional workers must have the tools to monitor such individuals.

Honourable senators, since the *Shoker* decision the capacity to monitor these offenders has been severely compromised: hence, Bill C-30 purports to restore the ability of judges to order bodily sampling to monitor compliance. In my respectful submission, honourable senators, it does so in an effective, efficient and fair way, consistent with the Canadian Charter of Rights and Freedoms.

As I mentioned previously, the probation conditions to abstain from drinking and the illicit use of drugs and to submit bodily samples imposed on Mr. Shoker were commonplace, generally believed to be necessary to ensure public safety, and indeed legal at the time. However, Mr. Shoker and his lawyers disagreed and appealed the sampling condition to the British Columbia Court of Appeal, arguing that the condition to provide a bodily sample was a prima facie breach of his section 8 Charter rights to be free from unreasonable search and seizure, and thus unconstitutional. His appeal was upheld, the B.C. court finding that "obtaining bodily samples" did not satisfy the three-part test previously established in 1987 by the Supreme Court of Canada in *R. v. Collins*, namely: first, that the search be authorized by a provisionary law; second, that such law was reasonable; and third, that the search itself was conducted in a reasonable manner.

The B.C. Court of Appeal held that because the probation condition permitted police to make such a demand of Mr. Shoker for a blood sample it was overly intrusive, and thus failed the third part of the *Collins* test.

The B.C. Attorney General appealed that decision to the Supreme Court of Canada, which, in October 2006, also ruled in favour of Mr. Shoker, but for different reasons. Specifically, the Supreme Court held that there was simply no express statutory authority, in the Criminal Code or elsewhere, allowing courts to impose a condition to provide for a bodily sample. It therefore failed the first element of the *Collins* three-part test. In effect, there was a lacuna, or a gap, in the law.

The fallout from the *Shoker* decision in the fall of 2006 was immediate and widespread: probationers were still being subjected to conditions to abstain from drugs and alcohol, but they knew they could no longer be ordered to provide a sample that could be used in a criminal proceeding for breach of their probation condition. These consequences soon spread to conditional sentence and peace bond conditions, given the close similarities between those Criminal Code provisions and the probation provisions.

Therefore, honourable senators, in the wake of this decision, the Government of Canada understandably proceeded immediately to consult with justice, corrections and police officials across Canada to identify the most appropriate response — one that would ensure compliance with these abstention conditions, but in a way that would fully respect the section 8 Charter right of an individual to be free from unreasonable search and seizure.

Thus, as you will surely understand, honourable senators, Bill C-30's objective is to provide necessary legal authority to our Canadian courts to require that bodily samples be taken from offenders on probation.

In my view, Bill C-30, as drafted, appears to accomplish this objective and, if passed, will ensure a fair and constitutional sampling regime.

[*Translation*]

The proposed amendments will give a court the authority to impose conditions requiring bodily samples to be provided to police and probation officers on demand or at regular intervals where the court sees fit to prohibit the individual from consuming drugs and alcohol. Bodily samples can include breath, blood, urine, saliva, hair and sweat samples. The amendments will allow for conditions to be included in probation orders, conditional sentences and peace bonds.

[*English*]

In-depth consultations with provincial and territorial justice, correctional and police officials also indicated that an essential aspect of any legislative reform needed to take into account the varied needs and practices of front-line justice workers from coast to coast to coast. What works, for example, in downtown Toronto would simply not be feasible in rural Manitoba or New Brunswick. What works in the farming communities of southern Saskatchewan would simply not work in Canada's three northern territories or in the outports of Newfoundland and Labrador.

These consultations identified three key issues needing to be addressed in any reasonable and proper legislative response to the *Shoker* case.

First, and most obviously, the bill must ensure that the lawful authority is put into place on the statue books to allow bodily sample conditions for those provisions in the Criminal Code that have been affected by *Shoker*.

• (1530)

Second, it was necessary to ensure that the bill could withstand constitutional challenges based on the second and third arms of the *Collins* test, that the search and seizures in the form of bodily samples taken, stored and analyzed by the authorities will be conducted in a "reasonable manner." Finally, it was necessary to ensure that any national scheme imposed by the new legislation would need to be flexible enough to allow for front line justice workers in all areas of Canada to deal directly with offenders and their samples in an effective and fair manner, given the local conditions.

Honourable senators, I am comfortable that Bill C-30 satisfies these concerns. First, Bill C-30 gives clear authority for a court to exercise its discretion to impose a condition requiring an individual who is subject to a condition to abstain from the

consumption of drugs and alcohol as part of a probation order, conditional sentence or peace bond to provide a sample on demand. The demand for a sample may only be made by specific individuals designated under the authority of the act, and the demand may only be made where there are reasonable grounds to believe or suspect that such offender has breached the prohibition condition to abstain.

In addition, the court may also impose a condition requiring the individual to provide a sample at regular intervals. This additional condition could be imposed at the discretion of the court in cases where there appears to be a greater likelihood that the offender will have difficulty staying drug and alcohol free, thus requiring a higher level of scrutiny.

The bill also addresses the type of sample that can be taken from an individual. During the aforementioned consultations, provincial and territorial officials, scientific experts, police agencies and probation officers consistently responded that authority to demand all types of samples is necessary to ensure that there is an ability to identify the ever-expanding list of illegal drugs, when those drugs were consumed, and the various ingenious methods used by offenders to avoid detection.

The second issue of concern raised in consultations, i.e., the need to ensure that the law is "reasonable" and that the searches that will take place under the law will be "reasonable," is addressed in Bill C-30 in a number of ways. The proposed authority to demand a sample is tailored to the specific type of proceeding under which the condition is being imposed. Under probation orders and peace bonds, for example, individuals are not under an active sentence of imprisonment and, as such, the demand for a sample may only occur where there are "reasonable" grounds to believe that the offender has consumed drugs or alcohol. This is a very high standard, I submit, and one that requires more than a mere suspicion. It traditionally requires some hard, fact-based evidence.

The standard is lowered somewhat for those under a conditional sentence of imprisonment where a sample may be demanded where there is a reasonable ground to "suspect" a breach has occurred. While this is a lower standard, it would be justifiable given that the offender is under a sentence of imprisonment and, thus, does not enjoy as high an expectation of privacy as other individuals in the community.

[*Translation*]

Honourable senators, the proposed provisions will ensure that the samples can only be taken and analyzed to enforce compliance for the duration of the court order. The ability to make a sample demand will be limited to situations where there are reasonable grounds to believe that an individual has breached a condition when they are subject to a probation order or peace bond, and reasonable grounds to suspect when they are subject to a conditional sentence. A court may also order an individual to provide samples at regular intervals where such a condition is justified in the circumstances.

[*English*]

In addition, honourable senators, specific operational safeguards in the actual taking, storing, testing, and use of any samples taken must be put into place in every jurisdiction in Canada before a sample can in fact be demanded and taken. While each jurisdiction will be responsible for designating these operational parameters, the federal government will always retain the ability to put into place specific minimum standards through its regulatory powers under the legislation. This should ensure that the sampling, handling and testing procedures used across Canada will be applied consistently within jurisdictions while respecting concerns regarding the privacy of the individual and the integrity of the sample taken.

Honourable senators, this next part is very important. The use by the Crown of any sample taken is also restricted under Bill C-30 to the very specific purpose of ensuring compliance with the probation condition. In other words, a sample demanded and taken under this authority cannot, in turn, be used to obtain DNA evidence for some other criminal investigation. The legislation also requires all jurisdictions to dispose of any samples taken within a specific period of time, absent the necessity to retain them for the purpose of pursuing a breach of the probation condition itself.

[*Translation*]

Samples obtained under these proposed amendments will be used only for the purpose of compliance with the prohibition conditions, and will be destroyed once the condition has expired.

[*English*]

Finally, the third major consideration in designing this legislation, i.e., incorporating flexibility between and within provincial and territorial jurisdictions to ensure that sampling can be operationally feasible from coast to coast to coast is, I submit, well ensured in Bill C-30.

Specifically, the legislation is not intended to and does not make it mandatory for justice workers to collect a sample at any time. Once the court has imposed a condition, it is up to those on the front line, supervising the individual under probation, to make the determination of whether or not to take the sample. Even where a condition is imposed by the court to allow for a sample at specific intervals, it is up to the probation officer supervising the convicted individual to establish what the interval should be and whether or not to actually take a sample.

Bill C-30 also gives all provinces and territories the necessary flexibility to establish their own set of operational rules for their officials who supervise offenders and who will be tasked with administering the sampling scheme. The provinces and territories will establish where offenders must go for various types of samples to be collected and who can collect what types of samples, such as trained medical practitioners in the case of taking blood samples. They will establish the procedure by which samples are collected to ensure privacy, and how samples are to be stored once they are collected to safeguard against contamination and spoiling. They will establish where the samples are to be sent for testing, and finally, the method by which samples are to be destroyed to ensure proper respect for offender privacy and for public health purposes.

Honourable senators, unless and until each of these enumerated requirements in the legislation are spelled out by the attorney general of a province or a minister of justice of a territory, no sample can be demanded or collected under the authority of the legislation after its enactment. This framework will provide

flexibility to accommodate the unique operational requirements of each of the provinces and territories while still allowing the federal government to stipulate minimum standards nationwide if and when required.

At a practical level, this design should result in encouraging each jurisdiction to sample offenders more frequently, which, in turn, would ensure better compliance with probation conditions. It will also have the benefit of allowing the jurisdictions to tailor specific sets of rules for specific areas within the province. For example, the Attorney General of Ontario could establish one set of rules for downtown Toronto and another specific set for Aboriginal offenders living in remote, northern communities and on reserves in Ontario. Again, this will benefit everyone, as it will be easier to monitor offenders to ensure that their compliance rates are high, thereby enhancing public safety within the communities.

Honourable senators, in my respectful view, Bill C-30 achieves the two competing objectives of ensuring that all regions of Canada can adapt the legislation to their needs while still maintaining the ability to impose national standards to ensure adequate privacy and fairness. As a result, all 13 provinces and territories have advised the Minister of Justice and officials at Justice Canada that they not only support this bill but urge Parliament to pass the bill as quickly as possible.

• (1540)

In conclusion, honourable senators, I believe that Bill C-30 deserves the support of each and every one of us in this chamber. It is a fair and effective response to the decision of the Supreme Court of Canada in *R. v. Shoker*, it gives provinces and territories the operational flexibility they need and is consistent with the Charter.

I trust that shortly the bill will be referred to the Standing Senate Committee on Legal and Constitutional Affairs for careful study and review. In particular, I look forward to hearing the Honourable Senator Baker, who is not here today, as he has the mandate as critic of the bill to give us his analysis of the *R. v. Shoker* decision and any other relevant jurisprudence.

Hon. Lowell Murray: Will the honourable senator accept a question?

Senator Angus: Yes.

Senator Murray: I thank the honourable senator for a comprehensive, and indeed comprehensible to this layman, explanation of the bill. I followed along in the bill as he spoke. It is obvious, of course, that he has read the judgment of the Supreme Court of Canada in *R. v. Shoker*. Can the honourable senator tell the house whether the Supreme Court of Canada suggested a remedy, such as the one contained in this bill?

Senator Angus: My understanding is that the Supreme Court was clear on this matter. I have the language somewhere in these papers before me to the effect that it is not their role to come up with a remedy rather, it is our role as legislators to do so. The Supreme Court pointed out the lacuna, or obvious gap, in the legislation and said that Parliament should get to work fixing it.

Senator Murray: I appreciate the answer. However, had they given some broad hints to parliamentarians, it would not be the first time, as the honourable senator is aware.

There is nothing new in parliamentary legislating to take account of a decision of the courts that strikes down all or part of one of Canada's laws. Bill C-30 is entitled, An Act to amend the Criminal Code. What intrigues me is the line in the bill, "Alternative Title," with which I am not familiar. The bill states at clause 1:

> This Act may be cited as the *Response to the Supreme Court of Canada Decision in R. v. Shoker Act*.

Perhaps I have not been paying close enough attention, but I find it unusual to have a title that highlights the fact that we have to legislate because the Supreme Court of Canada has made a certain judgment. Perhaps the honourable senator can tell the house whether he is aware of any precedence for this title in legislation and, in any case, whether this title is the government's way of expressing its displeasure and scorn for the Supreme Court of Canada.

Senator Angus: Honourable senators, I am able to say only that, in anticipation of interesting questions, such as those of the Honourable Senator Murray, I took the liberty of reading the *House of Commons Debates*. Of course, the alternative title says it the way it is: This bill is a response to the Supreme Court decision in *R. v. Shoker*. That is what the bill is. I understand that there has been considerable criticism in recent months of some of the titles that have found their way into some proposed government legislation that has come forward in the area of criminal justice. I can find nothing but plaudits for this title. If that is helpful, those are my comments.

Senator Murray: I have not had the opportunity and I did not take the occasion to read the debates of the other place. If there were plaudits for this title, I am glad to have the assurance of the honourable senator. Hundreds of times Parliament has legislated to take into account a judgment of the court and to correct lacunae in the legislation. I am not aware of any instance in which we have given an alternative title to a bill, namely response to the Supreme Court of Canada decision in a case. I will leave it at that, take the honourable senator's advice and look up the House of Commons Hansard.

Hon. Joan Fraser: Honourable senators, I have a question for Senator Angus. I am intrigued by the phrase "alternative title." Usually we say "short title," but they are becoming longer than the real titles. However, that is not my question.

I thank the honourable senator for his remarks, which, as Senator Murray said, were clear, detailed and helpful. Given the honourable senator's service on the Standing Senate Committee on Legal and Constitutional Affairs, in particular during its study of DNA, he will not be surprised to learn that my ears pricked up when he talked about the samples that can be taken. The honourable senator was comfortingly clear about rules to safeguard the use of these samples. Of course, presuming the bill is referred to the Legal Committee, that aspect will be examined.

In the meantime, the honourable senator said that samples cannot be used to provide DNA for use in investigating another offence. Can they be used to provide samples for the DNA databank — the Convicted Offenders Index? If a sample is to be entered in the Convicted Offenders Index, does it have to be a separate sample?

Senator Angus: I thank the honourable senator for the question. As she knows, together we have participated in a most interesting study arising out of the statutory review of the DNA legislation. My first question was about the potential to create a slippery slope.

On the face of the act, it is absolutely clear that it cannot be used for any other purpose than that which is related to the probation order and the ensuring of compliance therewith, and I assume that special regulations will be made. Samples are not to go to the DNA databank. I specifically asked that question of officials at Justice Canada to be sure that was the case. I can assure the honourable senator of that, as I needed the same assurance, to be honest.

(On motion of Senator Tardif, debate adjourned.)

[*Translation*]

INCOME TAX ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Rivest, seconded by the Honourable Senator Lang, for the second reading of Bill C-288, An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this is the thirteenth day of debate on this bill. Since I do not want this bill to die on the Order Paper, I would like to move adjournment of the debate for the remainder of my time.

(On motion of Senator Comeau, debate adjourned.)

• (1550)

[*English*]

STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

SIXTH REPORT OF FISHERIES AND OCEANS COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report (interim) of the Standing Senate Committee on Fisheries and Oceans, entitled: *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and British Columbia*, deposited with the Clerk of the Senate on December 20, 2010.

Hon. Bill Rompkey moved the adoption of the report.

He said: I am sure all honourable senators are aware of the iconic value of Canada's lighthouses on both coasts. Those of us who come from the coastal areas are perhaps aware of not only their iconic value, but also the emotional attachment people have to them and, indeed, the continuing utility of lighthouses because they still serve mariners and aircraft at the present time.

Furthermore, lighthouses can potentially enrich Canadian communities in the future. Lighthouse tourism is a growing trend.

Our committee has been studying two aspects of lighthouses: first, their preservation, on which we are reporting later this spring and, second, the issue of the staffing of lighthouses or "de-staffing." Some of us have a problem with that word, but we have been able to find no alternative, so it is the de-staffing of lighthouses on which we are reporting.

Our report is entitled *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and in British Columbia,* because those are the only two provinces that still have staff in their lighthouses. I want to speak to that report today, and the question of whether or not there should be staff in the lighthouses on those two coasts.

Traditional lightkeepers have vanished from most lighthouses in Canada. Most lighthouses are now automated — often solar powered — and they do the work, or they are supposed to do the work. We all remember our first LP record player and how the needle would get stuck and the song would go on and on and on. That can happen. Technology is not perfect. From time to time, those new inventions malfunction.

There are lightkeepers at approximately only 50 sites, roughly half in British Columbia and the other half in Newfoundland and Labrador. In 2009, the Canadian Coast Guard advanced a plan to remove Canada's remaining lightkeepers from those regions. The Coast Guard took the view that eliminating those jobs would be a better use of taxpayers' dollars. The agency had earlier made several such attempts in those two provinces. On all occasions, public opinion averted full-scale closures.

I must say that the outcry in British Columbia was particularly strong, and we owe the people who are interested in the lighthouses in British Columbia a great deal for having delayed the process.

This time, the Minister of Fisheries and Oceans asked if our standing committee would study the question and make recommendations, which is not terribly unusual. I remember the Minister of Defence doing the same thing in 1993. Some senators are still in the chamber who sat on that committee. Therefore, it is not completely unusual for a minister to ask a committee to study a question, but it does not happen every day. I was interested that she asked this particular committee in this chamber and not the committee in the other place. Of course, we have to commend her for her judgment in that respect.

Our committee agreed to do the study and, speaking for myself and perhaps other members of the committee as well, it is one of the most satisfying things that I have been involved with. It is not

up there on the Richter scale with tax policy or jails or whatever, but it is an important issue for the people on the coasts. They welcomed this study and they welcomed us with open arms. After all, it was members of this chamber, such as Senators Pat Carney and Mike Forrestall, and now Lowell Murray who has adopted the mantle of those two who came before him, who brought the Heritage Lighthouse Protection Act into law. We agreed to study the staffing question and we broadened our terms of reference to include lighthouse preservation in general.

For the initial report on staffing, we held hearings in Ottawa and we made regional visits. A number of committee members travelled first to Nova Scotia, where lighthouses were de-staffed in past years, to learn from that experience, and we made similar fact-finding visits to Newfoundland and Labrador and to British Columbia.

Originally we had planned public meetings in those provinces with simultaneous interpretation and full transcription, but because we had limited funds available to us, as many committees have found over the past year or so, we wound up making only fact-finding trips rather than formal recorded hearings. In one way this was a shame, because people in those remote areas see us so seldom and so seldom feel that their voices are heard at the centre of the country. It is this particular chamber, I would think, which carries the flag of the Parliament of Canada to the remote regions of this country so often. We should do it more often. It is when we do it that we are appreciated most, I think, as a chamber.

Wiser heads decided that we did not have the money to take the full committee, so we did a fact-finding trip. However, it turned out to be a very informative experience. We spent nearly a week in each province. We met with a wide variety of stakeholders, community groups and interested individuals. We heard from more than 240 people in all. That shows there was a great deal of interest.

We travelled by road and helicopter to as many lighthouses as we could, looking over the structures and talking to the lightkeepers themselves. Everywhere we went, coastal people told us that a human presence on remote coastlines reinforces sovereignty itself and that lightkeepers can provide emergency aid.

I want to point out an interesting fact on the question of sovereignty. On both coasts there is a place called Green Island, which is important for Canadian sovereignty. The first, on the East Coast, is just off Fortune Bay, between Fortune Bay and St. Pierre and Miquelon, which of course are two French islands.

The lighthouse is exactly on the margin between our two countries. It was driven home to me forcefully that this is a presence of the Government of Canada on its perimeter. The only lighthouse that has been saved for that purpose is one in New Brunswick, at Machias Seal Island, I believe.

Senator Munson: We did a news story on that — the last disputed territory between Canada and the United States.

Senator Rompkey: Senator Munson will get his chance to speak in a moment.

As I was saying, it brought home forcefully that this lighthouse is providing a Canadian presence in an important matter of sovereignty.

The other one is Green Island on the north coast of British Columbia. I stood in that lighthouse and I could see Alaska and the marine line between our two countries.

• (1600)

This issue is important, and it is one of the services that our lighthouses provide. They are not all in that category, but some are. For that reason, I think they should be preserved.

The regions where lightkeepers still work include some of Canada's most remote and isolated coasts, outside the Arctic. These keepers serve this country in more ways than most people know. We talked to airplane pilots with 40 years of experience who told us, particularly in British Columbia, that those lighthouses and the keepers in them were important for their travel. Air travel is increasing on the West Coast of British Columbia with that kind of small plane that needs lighthouse reference.

I think BC Ferries is the biggest ferry company in the world. They told us that those lighthouses were important for their operation. We heard from ferry operators, pilots, fishermen and tourist operators. All of them said that those lighthouses and the keepers in them were important for the future.

On both coasts we heard that nothing could replace the structure. The tower itself, apart from the light, is a point someone can use to take a bearing. If lighthouses are taken away, we remove one of the ways a ship coming to land can find a bearing.

By the way, I discovered today that India is in the process of establishing lighthouses every 30 miles along their coast and they are hiring lightkeepers. There is a disconnect there somewhere. Canada is firing lightkeepers and India is hiring them. I think it is worth finding out why.

We also heard about lightkeepers' assistance to environmental monitoring, climate studies, whale research and ecological reserves.

Tourism is another issue, and tourism benefits everyone. At Crow Head, near Twillingate on the east coast of Newfoundland, we heard from a local development committee that a knowledgeable keeper in an upgraded light station can help increase their tourist visits from 40,000 per year to 55,000 per year. Those lighthouses are a draw for tourists. The interest is not only in the lighthouse itself: Someone must be there to explain the purpose of the lighthouse, its function and how it operates. People want that historic experience.

We learned that lightkeepers can be used more systematically than at present, but their duties have been cut back. This cutback is in spite of the fact that there are now more small craft on the water.

Lightkeepers already report on weather and sea conditions. They collect long-term scientific data. They protect rare wildlife and plant species. They also support the RCMP's Coastal/Airport Watch Program. In fact, it was pointed out to us that lightkeepers provide services to the public, both directly and indirectly, for at least seven federal departments and agencies.

That fact raises a key question. There is a silo mentality here. The lightkeepers are orphans. There are seven different federal agencies using those lighthouses, but no one takes any responsibility for them. We need a whole-of-government response to those lighthouses and some sort of coordination and ongoing funding that will allow them to continue to provide the services they provide now.

No cost-benefit analysis has been completed that justifies the de-staffing of lighthouses, and no agency has picked up on all the possible uses of staffed lights. The views we heard on both coasts were overwhelmingly in favour of keeping the keepers, and that is what we recommend unanimously. An evaluation of which lighthouses should retain their lightkeepers and which ones should be de-staffed should be prepared immediately. That review should also look at whether some lights without a keeper should be re-staffed, as we heard in the Maritimes.

Again, our consultations were most rewarding. When we talked to lightkeepers in places like Triple Island in British Columbia, a bare rock except for the slender tower in a rocky area where waves can be gigantic, I wish that some members who look skeptically at the use of the Coast Guard could have accompanied us on this trip. Maybe, on our next trip, Cheryl Gallant can come with us and see for herself what waves are like on both coasts. However, people have a perception of what lies behind the simple phrase, "aid to navigation."

I want to thank a number of honourable senators, some of whom are in the chamber today. I want to thank Senator Patterson, the deputy chair, who is here. I also want to thank Senator Raine, who knew the mountains well, but who also came to know the coastline. I think she became as passionate about the coastal areas as she is about the mountains.

I thank them for their cooperation, and I commend this report to the chamber.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Will Senator Rompkey accept a question?

The Hon. the Acting Speaker: Is the honourable senator asking for more time?

Senator Rompkey: Yes.

The Hon. the Acting Speaker: The honourable senator is granted five more minutes.

Senator Comeau: I, too, want to congratulate Senator Rompkey and the members of the committee for taking the initiative to look at this important issue. However, I want him to clarify something for me. He identified two separate "streams" that his committee looked at, the first of which was staffing. I think that stream is a question unto itself and not part of the act that looked at the preservation of lighthouses. That is one issue, and it is important and timely for both coasts.

However, the second part of the issue that he identified was the preservation of existing structures. Unfortunately, I have not had the opportunity to read the report yet. I wonder if he can confirm for me whether the report deals with the issues of both staffing and preservation, or only staffing at this time.

Senator Rompkey: Right now, we are reporting only on the issue of staffing. That request came from the minister. She wanted advice on staffing, so our initial report is on staffing.

Our own terms of reference include exactly what Senator Comeau has said — namely, the whole parameter of issues. We are starting our meetings again tonight and we will make a final report later this spring that will include the Heritage Lighthouse Protection Act.

Senator Comeau: I have a second question. As a side note, I think an Italian newspaper yesterday made reference to the study the committee had prepared.

The honourable senator made reference to the fact that the preservation of lighthouses under the original act, which was introduced in this chamber, did not identify the sources of funding, unfortunately, for the preservation of lighthouses. If I recall, a group of individuals near the lighthouse must request of Parks Canada that the lighthouse be designated as abandoned or to be abandoned. Then a certain number of people has to identify that they will take ownership of it.

If Parks Canada identifies the lighthouse as being worth preservation, then this group must seek funding from somewhere. Since it was not a government bill, no money was designated for it, unfortunately. My understanding is that the Department of Fisheries and Oceans will not divert funding from its other important duties.

• (1610)

In the newspaper article yesterday a profound problem, that is almost ingrained in the fact that it was a private member's bill, was identified: There is no funding for it.

At one point in the article I think the honourable senator indicated that this might have precipitated the department's action to put these lighthouses on the chopping block.

Will the honourable senator be looking at what was reported in the newspaper yesterday as he progresses through his study?

Senator Rompkey: Honourable senators, at this point we have more questions than answers. The article sought to inform people of the state of play so that they could become engaged in the process.

The honourable senator is quite right that any 25 Canadians can apply to take over a heritage lighthouse. That has to be designated by the minister. The lead minister is the Minister responsible for Parks Canada, which is the Minister of the Environment.

The honourable senator also is quite right that no funding has been provided. Part of that is the silo effect that I talked about, that lighthouses are owned by the Coast Guard and operated out of their budget, but six other federal departments or agencies use those lighthouses and no one takes any responsibility for them.

Honourable senators, one thing the government could do is look at a whole-of-government approach to the use of lighthouses in the future. All of the funding might not come from the government. It is quite possible that funding could come from elsewhere. This is one of the questions we would like to explore.

As a matter of fact, certain individuals already have taken over some lighthouses and operate them as commercial operations. There are many community groups that would like to take over the lighthouses if they had access to funding.

There is a time problem as well, but I have a time problem, I see, so here endeth the lesson.

(On motion of Senator Hubley, debate adjourned.)

STUDY ON PANDEMIC PREPAREDNESS

FIFTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Canada's Response to the 2009 H1N1Influenza Pandemic*, deposited with the Clerk of the Senate on December 29, 2010.

Hon. Art Eggleton moved the adoption of the report.

He said: Honourable senators, on June 15, last year, the Honourable Leona Aglukkaq, the Minister of Health, requested that the Standing Senate Committee on Social Affairs, Science and Technology undertake a review of Canada's response to the 2009 H1N1 influenza pandemic. This request was authorized by the Senate on June 28.

The goal of the study was to find the lessons learned from this public health challenge, that I am sure we all remember, and to try to improve upon Canada's pandemic preparedness.

Honourable senators, our committee heard from representatives of the federal departments. We heard from medical officers of health of provincial and territorial governments, First Nations and Inuit organizations, health care professionals and the research community. We also heard from first responders and front-line workers — certainly the national associations representing them — that contributed so much to community preparedness during the pandemic.

The result is the report before you, which was adopted unanimously by the committee: Senators on both sides supported it. It is a bipartisan effort. It is not controversial. I think it has a number of very useful recommendations, 18 in all, to help in terms of pandemic preparedness.

I want to thank Senator Ogilvie, the deputy chair of the committee, and all of the members of the committee who participated in this study. I see some of them around the room.

Honourable senators, the 2009 H1N1 pandemic was a test that stretched our pandemic response to the limit. It is estimated that roughly 10 per cent of the population — 3.5 million people — were infected with the virus, with 428 confirmed deaths.

Overall, we found that Canada's response was successful and that the planning, which began many years ago and had increased since the SARS outbreak in 2003, proved effective in reducing the impact of the H1N1 influenza pandemic.

All agencies should be congratulated and thanked for their exemplary efforts here at home and for their leadership on the international stage, particularly the Public Health Agency of Canada, by effectively providing assistance to countries that were less well equipped.

However, honourable senators, our committee did find areas that need improvement. Our report offers some 18 practical ways to increase our efforts, because it is not a matter of "if" there will be another pandemic but "when" there will be another pandemic, and we need to be prepared.

First, we would like to emphasize the importance of pandemic readiness and the need to maintain a focus on planning. We are recommending that the Government of Canada renew the funding for pandemic preparedness in the 2011 federal budget. It is coming up soon and we need it to be renewed. Honourable senators, $1 billion over five years was put into the budget five years ago, and now is the time to renew it.

We heard considerable testimony expressing concerns and challenges with respect to communications and messaging. Some senators may remember that testimony. We heard complaints that the general public and many health practitioners were receiving mixed messages regarding the diagnosis and how to clinically treat the flu. We also heard that there was a lot of diverse messaging regarding the safety of the vaccine. Was it safe? Had it been tested? What were the long-term effects? Do we really need it? These were the type of questions that many in the public had, and they had trouble finding the answers because of differing messages in the mainstream media and also, I might add, in the social media.

Honourable senators, we are calling for the communications annex to the Canadian Pandemic Influenza Plan to be updated, clarifying the roles and responsibilities of the different levels of government. We are also recommending that the Public Health Agency of Canada consult widely on how best to communicate real-time policy decisions, as well as how to harmonize messaging.

Harmonizing messaging is very important. The Medical Officer of Health for British Columbia said that because of the split jurisdiction between the federal government and the provincial and territorial governments, we have many people speaking. While there are many voices, there needs to be one message. Harmonizing that message is critical.

We must expand our reach into the social media — to Facebook, Twitter, et cetera — because many people, particularly young people, gain their information and determine whether they have confidence in the vaccine or the system by what they see in the social media.

Finally, the committee is calling on the Public Health Agency of Canada to begin public awareness campaigns, using tools like social media, aimed at various aspects of public health such as vaccine safety and effectiveness. We need a little preplanning before we get to that stage so that we build up the confidence and they get used to hearing the messaging from our key health officials like Dr. Butler-Jones, our Chief Medical Officer of Health.

Honourable senators, we also heard many other issues about the vaccine. Witnesses said that although the vaccine was generally provided on time, if any production delays had occurred there was no backup supplier to fill the void. Hence, the committee recommends that the 10-year vaccine contract, which will be established this year, should include a backup supplier. In fact, the bidding has gone out and is asking for backup suppliers. We are delighted with that because we need to ensure that Canada and Canadians have a safe and sufficient supply of pandemic vaccine.

• (1620)

We also heard that the packaging chosen for the vaccine, that is, the number of doses per vial, was 500 doses. The average small-town doctors, and even some of the big-city doctors, were not able to cope with that kind of dosage, particularly since it had timelines associated with its use. This packaging led to some vaccine being wasted because many doctors' offices did not have the capacity to deal with that quantity. Some of them did not even open the package — my own doctor did not.

As a result, we recommend that the manufacturer consult the health agency prior to determining the packaging to better meet the needs of the end user.

We were also concerned that the logistics of implementing the vaccination program was not fully appreciated, as the vaccination rollout and rates differed from province to province. As such, we recommend that mass vaccination programs be more thoroughly investigated and tested.

When there was rollout, there were feelings that some people were jumping the line, and prioritization issues came up at the same time. These issues need to be worked out further between the federal and provincial officials.

Honourable senators, in terms of capacity for public health service delivery we are calling on the Public Health Agency of Canada to monitor the scope of practice of paramedics and pharmacists across Canada, to include them, wherever possible, as a valuable resource during public health emergencies. They have skills that could be beneficial, particularly if we have a larger scale pandemic than what this one turned out to be.

In addition, we want the agency to work with the provinces and territories to encourage greater interconnectivity between the different health care infrastructures, namely acute care, primary care, clinical care and public health care. The hospitals, of course, are key in all of that interconnectivity. These measures can contribute to increased surge capacity in hospitals and in individual communities.

We also heard concerns regarding a lack of collaboration and consultation outside of the government sphere. We are calling therefore for broader inclusion of health professionals — the Canadian Medical Association was in to see us and made this point — during future planning processes.

Also, we recommend that the health agency establish formal collaborative arrangements with provincial public health agencies. Only three provinces have them at this point — British Columbia, Ontario and Quebec — but there are further resources and expertise that should be useful. There should be further collaboration.

Honourable senators, we also note specific circumstances faced by First Nations and Inuit populations. We commend the efforts made by health practitioners to ensure that remote communities and on-reserve First Nations received necessary care, such as antivirals and vaccines, noting that the vaccination rates were high in these communities — as high in the North as in some of our provinces. With people in the First Nations and Inuit communities it went as high as 80 per cent. In fact, the average overall in those communities was 60 per cent, whereas the average for the rest of the population was about 40 per cent.

However, we are concerned about unhealthy conditions that exist in these areas. Unhealthy conditions, such as poor access to clean water and overcrowding in housing accommodation, increased their vulnerability to communicable disease, and this issue must be tackled. This is a key point that came out of all of our findings. We also recommend that the federal government begin discussions with First Nations and Inuit organizations and communities to clarify its role in a public health emergency.

The final area of concern identified during this study was that of research. We recommend that research be included in the ongoing focus on pandemic preparedness by maintaining the influenza research infrastructure with dedicated and sustained funding.

We have good researchers in this country that can be helpful to us, but if we do not maintain their funding, we will lose them to somewhere else. Let us be sure, when the budget comes up, that we also consider this aspect as well.

In conclusion, honourable senators, the 2009 H1N1 pandemic was difficult. It stretched our capacity to the limit. Nevertheless, we performed well, and we owe a debt of gratitude to the many men and women across the country who served Canadians so well in that time period. We cannot sit on our laurels, however. Although this pandemic was not as big as some had feared it might be, we need to make sure that we are ready for the next one, and perhaps it will be even greater. We have asked that we look at the mild, moderate and severe possibilities. Those possibilities need to be part of the planning as well, because the next one might be more severe. Again, honourable senators, it is not a matter of "if;" it is a matter of "when."

Thank you.

The Hon. the Acting Speaker: Continuing debate?

An Hon. Senator: Question.

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

(Motion agreed to and report adopted.)

[*Translation*]

THE SENATE

MOTION TO RESOLVE INTO A 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. Lowell Murray: Honourable senators, it has been seven or eight months since I informed my friend, the Deputy Leader of the Opposition, that I had serious reservations about Bill C-232, but that I would not oppose the bill being sent to committee so that witnesses could be heard and so that the bill could be examined clause by clause.

I rise now, not to explain my position on the bill, but to declare my support for the motion by Senator Tardif to call the Commissioner of Official Languages to appear before the Committee of the Whole of the Senate.

This motion resulted from a speech given in this place on December 7, 2010, by the Deputy Leader of the Government, Senator Comeau, during the debate at second reading on Bill C-232. The Honourable Senator Comeau opposed the bill for a number of reasons that he explained very clearly. It was a legitimate and valuable contribution to the debate.

However, Senator Comeau did not limit himself to a discussion of the merits or the flaws of the bill. He went much further. He tackled an entirely different matter, the mandate of the Commissioner of Official Languages. He accused the commissioner of going beyond his mandate by intervening in support of Bill C-232. I assume that Senator Comeau would have objected even if the commissioner had intervened to oppose the bill.

[*English*]

I have, in English, the language in which he delivered that particular part of his speech, the citation. It is on page 1528 of *Debates of the Senate* of December 7:

> I suggest that the commissioner publicly justify how and under what mandate he is using the considerable powers and resources of the Office of the Commissioner of Official Languages to lobby for bilingualism policies that clearly fall outside the commissioner's mandate.

• (1630)

[*Translation*]

Senator Comeau suggested that the commissioner should publicly justify his involvement. I agree. There is no better forum than this chamber, where the accusation was made, for the commissioner to answer questions. Saying that Mr. Fraser abused his power and misused his mandate is a very serious accusation to make against an officer of Parliament. The fact that this accusation came from a senator who is part of the government leadership makes it even more serious.

I was here on December 7 when Senator Comeau made his speech. It was clear that it was not a spontaneous or improvised speech.

[*English*]

He did not wing it, as we say, as he sometimes does and as we all sometimes do.

[*Translation*]

He read the speech from a text that appeared to be carefully written.

The argument of the Deputy Leader of the Government — and he has repeated it several times, not just in his December 7 speech, but more recently during a debate on this same motion on February 8, 2011 — has to do with the fact that the commissioner does not have the authority to speak to Bill C-232 because the bill does not deal with the Official Languages Act; it deals with the Supreme Court Act.

I think that that is an incredibly narrow interpretation of the commissioner's mandate. I do not recall anything, in the activities of the five commissioners who came before Mr. Fraser, in 42 years of the Official Languages Act, to corroborate Senator Comeau's interpretation. In the past, commissioners have spoken to the policies and programs of provincial and municipal governments, the public services that these other governments offer to their linguistic minorities, the progress made by private-sector companies in providing services to clients and employees, and the availability and role of minority-language information media: essentially, just about everything that has to do with language issues in Canada. To my knowledge, there were very few objections to this flexible interpretation of the mandate.

As for the commissioner's potential appearance before the Committee of the Whole, the only argument I heard against that motion was that it would be premature before the Senate votes on the bill at second reading. Senator Segal made that argument on February 8, 2011, and Senator Comeau and Senator Carignan supported it.

I would like to make a clear distinction between the substance of Bill C-232 on the one hand, and Senator Comeau's accusation that the commissioner has exceeded his mandate on the other hand. Whatever happens with Bill C-232, the issue of the commissioner's mandate is now before us. We must resolve this issue definitively. We certainly cannot allow this uncertainty regarding such an important officer of Parliament to persist.

(On motion of Senator Comeau, debate adjourned.)

[*English*]

EMPLOYMENT INSURANCE

MATERNITY AND PARENTAL BENEFITS—INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Elizabeth Hubley: Honourable senators, I have spoken with Senator Wallin who has agreed that I could speak today and adjourn the debate in her name.

Honourable senators, the increased participation of women in the paid workforce has been one of the most significant social trends in Canada in the past quarter-century. Several years ago I introduced an inquiry in this chamber concerning the need to improve maternity and parental benefits. In that inquiry I spoke at length about the need to extend maternity and parental benefits to the self-employed. As of January 2011, self-employed persons can opt-in to the special benefits programs under Employment Insurance, including maternity and parental benefits.

Like the improvements that were made to the program under the Liberal government in 2001, increasing the benefit to 50 weeks, this initiative certainly will assist new parents and their children. However, despite these changes in the past decade, there is still room for more improvement. There are other steps Canada can take immediately to support new families.

I agree with honourable senators who have participated in this inquiry that a thorough review is desirable. However, removing the mandatory two-week waiting period for maternity and parental benefits could go a long way to helping parents during these critical first two weeks right now. This simple and immediate measure could be taken to alleviate the financial stresses placed on new parents.

For low-income parents who rely exclusively on these benefits, the two-week waiting period without benefits is an unnecessary strain. Although there are valid reasons perhaps for maintaining a two-week waiting period for regular employment insurance benefits, these same reasons do not apply to maternity and parental benefits. Comparing the waiting period with the deductible for any kind of insurance overlooks the fact that maternity and parental benefits are not just any kind of insurance; they are Canada's investment in a child during their extremely important first year of life. Forcing parents to scramble to cover their new child expenses during this critical initial two weeks is an unnecessary burden and undermines Canada's commitment to its new citizen.

Eliminating these two weeks of financial stress for new parents would be easy to do and would not require an increase in overall benefits. It would simply provide the benefits that parents are already entitled to receive sooner — when they need them. This simple change is a positive step in the right direction to improving maternity and parental benefits and, ultimately, to building a stable, adequate system of support for families.

I applaud my colleague from Prince Edward Island, Senator Callbeck, for calling the attention of the Senate to this important issue. I hope the government will move not only to eliminate the two-week waiting period, but also to undertake a thorough review of measures that enhance the economic security of women and children. We need to give our children the best start we can; they deserve no less.

• (1640)

The Hon. the Acting Speaker: Honourable senators, I understand the debate will remain adjourned under the name of Senator Wallin.

Hon. Senators: Agreed.

(On motion of Senator Hubley, for Senator Wallin, debate adjourned.)

IMPORTANCE OF CANADA'S OIL SANDS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Eaton calling the attention of the Senate to the benefits of Canada's oil sands.

Hon. Daniel Lang: Honourable senators, I rise to speak to the inquiry on the importance of the benefits of Canada's oil sands to Canada, presented by Senator Eaton on October 27.

I believe that, as parliamentarians, we should make it clear to Canadians that we are fortunate to have this vast natural resource that is the envy of the world. Canadians and particularly Albertans should be proud of what they have accomplished. Not only is this resource a major financial cornerstone of Canada's economy, but the proceeds from it allows us to be generous with other countries that are less fortunate.

As our colleague Senator Eaton stated, the oil sands are a "true Canadian success story." During her address, she outlined the history, science and practicality of Canadian technology that has been developed over the years to position our country in the eyes of the world as an oil-rich nation. As many honourable senators know, we are now the number one exporter of oil to the United States.

Honourable senators, along with this accomplishment comes environmental responsibilities. That is why our oil sands industry and all levels of government have invested so much in research and new technologies to minimize the effects to the environment and to provide the breakthrough remediation efforts that are presently under way.

Despite the huge environmental and technological successes in developing the oil sands, voices continue to advocate the shutting down of this valuable resource. These voices ignore that Canada's oil sands have a lower carbon footprint than the carbon footprints for processing oil in Venezuela and, indeed, in the California oil industry and in most other oil-producing countries.

These same voices pay for expensive advertising campaigns in the U.S. and in Canada calling for the oil sands to be closed down, but are absolutely silent about Venezuela, California and other oil-producing countries.

Canadians have to wake up to the reality that, outside our borders, there are financial interests that are envious of Canada's good fortune and are prepared to interfere in the political decisions of Canadians. An immediate question, honourable senators, might be, why would I say that?

If honourable senators take the time to research the full story of the oil sands and review the opposition to its development, they cannot help but notice that there has been a consistent and constant barrage of misleading information spread under the guise of environmental or social justice by many different environmental groups.

Unfortunately, half truths become truths if they are repeated often enough. Our media and Canadians as a whole must begin to ask the hard questions of these organizations, whose principal goal is to shut down, or at least curtail, the development of this great source of wealth for Canada.

For instance, they can ask this questions: Why is your organization focused on Canada while ignoring the oil development and environmental damage taking place in countries like Nigeria, Venezuela and other oil-producing countries?

Another question is: Why is your organization not demanding that China adhere to a common set of environmental principles, since it is the biggest producer of CO_2 in the world?

Another question is: Why does your organization ignore the abuses of human rights in many of these oil-producing countries while attacking Canada, which is a world leader in human rights?

The questions that Canadians should ask are endless. We should demand answers from the spokespersons of these organizations, and ask them why their statements are so unbalanced towards Canada's success story, the oil sands.

Opposition to the oil sands is big business, and most Canadians have been left in the dark. Canadians are only now becoming aware that our political and economic future is being threatened by international interests for motives that are not necessarily publicly stated.

We have to ask: Who is funding these political attacks on Canada's economic interests, and why? How many Canadians know that over the past 10 years, it is estimated that foreign interests have invested between $200 million to $300 million through charitable organizations to influence our political and economic future?

Questions such as these deserve asking before foreign interests grow bolder in their attempts to influence decisions that should properly be made by Canadians.

In the past number of months, there have been public revelations that there is a flow of funding from multi-million dollar U.S. foundations that finance an organization called the Tides Foundation in the United States. In turn, this foreign organization transfers millions of dollars to Tides Canada, which in turn funds organizations opposed to Canada's economic interests, including the oil sands.

These donations are defined currently under Canadian law as charitable and, therefore, under our current guidelines they are categorized as confidential. As a result, Canadians are not informed of the political objectives of the donors and have no idea of their motives.

Honourable senators, a cynic might call this money-laundering because, in the end, Canadians have no idea who funds the local protests or why.

I do not believe it is a charitable donation when, in this case, U.S. interests try to influence political events in our country. Nor do I think it is a charitable donation when monies are donated to environmental activists who themselves utilize these funds to influence elections in Canada.

Honourable senators, the implications of this practice cannot be understated. This morning's *Toronto Sun* reports that a Canadian organization, Environmental Defence, which received no fewer than six high-priced donations from U.S. donors, is planning to make 50,000 phone calls into the riding of the Minister of the Environment to attack his support for the oil sands. They say they will be on the ground in Thornhill for months.

Last month, allegations surfaced that the municipal campaign in the city of Vancouver may well have been financed in part by U.S. interests. I believe honourable senators will agree that it is highly improper for U.S. donors to influence directly or indirectly the results of our Canadian elections. Yet that is what is taking place. Just as these U.S. donors launder their money to Canadian environmental groups to combat our oil sands, they have now expanded their reach to influence our political process. This laundering is offensive. We must draw a line on what constitutes a charitable donation and what constitutes a donation to an activist political cause.

Honourable senators, Canadians are concerned about their environment and their responsibility to preserve it, but we do not need to be manipulated by unknown foreign entities with a hidden agenda.

In my opinion, it is time for various levels of government to look beneath the surface to review how these multi-millions of dollars come into our country with no transparency and little, if any, scrutiny.

Honourable senators, to do nothing and to say nothing is to give tacit consent. We cannot stand by and continue to allow this foreign interference in our political affairs.

(On motion of Senator Comeau, debate adjourned.)

• (1650)

STATE OF PALLIATIVE CARE

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Terry M. Mercer: Honourable senators, it is again a pleasure to rise and speak today on an inquiry introduced by Senator Carstairs, this time on palliative care. Senator Carstairs is a true leader on issues involving aging and end-of-life care, and I would like to thank her for her years of dedication to studying these issues and keeping them at the forefront of debate.

As we all know, Senator Carstairs' reports on palliative care and aging were numerous. I will list them: *Of Life and Death* in 1995; *Quality End-of-Life Care: The Right of Every Canadian* in 2000; *Still Not There — Quality End-of-Life Care: A Progress Report*, 2005; *Canada's Aging Population: Seizing The Opportunity* in 2009; and, most recently, *Raising the Bar: A Roadmap for the Future of Palliative Care in Canada* in 2010.

Even with all these reports and research, we are still not prepared for the amount of coordination that is required to provide quality palliative care in this country, but we are getting there.

Honourable senators, palliative care is really not just about ease and care in the last hours of someone's life. It involves, or rather should involve, a process that starts at diagnosis through to death, and then afterwards helps families deal with the entire process. How we get to perfecting that process is what is at issue.

While the federal government has numerous responsibilities when it comes to the health of Canadians, it is the provinces and territories that are responsible for health care to Canadians. That is an important distinction to be made. In order to provide the delivery of good quality health care, all levels of government must work together with all stakeholders, including doctors, nurses, medical associations, hospitals, and the list goes on.

Still Not There — Quality End-of-Life Care: A Progress Report from 2005 examined progress on implementing the recommendations made in the reports tabled in 1995 and 2000. Along with the recommendations for a renewed national strategy for palliative care, the report also recommended improvements to the compassionate care benefit under Employment Insurance, increased education and training, and the creation of a public information program on services available, legal rights and care for the dying.

Important strides were made since 2000 in these areas, but the number of Canadians who had access to quality palliative care was still not good enough.

Honourable senators, in October 2009, the Canadian Institutes of Health Research, Institute of Cancer Research, released a report entitled *Palliative and End-of-Life Care Initiative: Impact Assessment*. This report engaged 18 partners in health care and delivery, from Health Canada to the National Ovarian Cancer Association, to the Heart and Stroke Foundation of Canada, and many others.

An interesting point from this report was that it built upon clinical research capacity and greatly increased the quantity and quality of research on palliative care. According to the report, this research did and still continues to produce results that are being integrated into practice guidelines, health professionals' training and policy discussions.

There were some interesting points from the CIHR report.

> Both quantity and quality of care were major problems: Too little care for many who could benefit from palliative care but did not receive it and too much care in the form of heroic treatment for those who preferred a less aggressive course.
>
> The statistics tell us that in 10 to 15 years, we will have 20 per cent more deaths and 20 per cent fewer health care providers.

That is a recipe for disaster.

> All coordinated national strategies have therefore advocated the need to build research capacity, particularly among clinicians, and to establish palliative care as a respectable new interdisciplinary — or better, trans-disciplinary — research field.

These are not new statistics or new ideas that we are hearing about for the first time. As with the reports that Senator Carstairs has spearheaded, it seems that better research, better training and more integration of best practices are the way to approach it, and we are getting there.

However, are we progressing quickly enough? The newest report, *Raising the Bar: A Roadmap for the Future of Palliative Care in Canada*, tabled in 2010, makes 17 further recommendations to serve as a guide for building a better palliative care system in this country. It also builds upon the previous reports that have been tabled in the Senate.

The report identifies five things we can do to help create and improve access to quality palliative care: a culture of care, building capacity, support for caregivers, integration of services and leadership.

I will not comment heavily on the report, as Senator Carstairs has already done so better than I could have. However, I will say that with any discipline within the health care system, a multi-jurisdictional approach is required so that everyone is working together and not duplicating or deleting services. Palliative care is no different.

Honourable senators, there are many things we can still do to increase the quality of palliative care in this country. As the report identifies, the responsibility lies with governments at the federal, provincial and territorial levels, but it also lies within the community, including community organizations and health care providers. It lies with the families of loved ones who need care and also with the volunteers who play a pivotal role in good quality palliative care services. However, all of these groups need to work together to make it better. Leadership is required to bring them together and to streamline the process.

Therefore, the federal government should re-establish the Canadian Strategy on Palliative and End-of-Life Care and it would do well to listen to the other recommendations of the report, including establishing a Canada Pension Plan dropout provision for caregivers, similar to that for parents who stay home with new children, and revamping the compassionate care benefit program under Employment Insurance to improve the application process and to lengthen the period of support from 6 to 26 weeks.

When I spoke last week about the impact dementia is having and will have on society, I mentioned the Liberal Party plan to invest $1 billion annually in a new family care plan to help reduce the pressures faced by Canadian families with ill or dying loved ones. The Liberal plan will introduce a new six-month family care Employment Insurance benefit and will offer a new family care tax benefit that would help caregivers compensate for the cost of providing care to a family member at home, whether they are suffering from an illness or indeed facing death. Therefore, someone is actually listening to what these reports are saying.

The report also encourages the provincial and territorial governments to foster interprovincial and territorial cooperation, to work in partnership with the federal government, and to ensure palliative care services are covered under all provincial and territorial insurance plans.

We can have a world-class system of palliative care in this country, but we all must work together. If we do not, the consequences could be quite alarming.

• (1700)

In a recent story from the CBC this past month, the daughter of an elderly dementia patient in British Columbia revealed that her mother was given a potentially dangerous drug, which was not approved for treating her condition. Records show the drug eventually contributed to her having a major seizure. The 83-year-old mother died in November of natural causes, however.

The CBC also reported that a 92-year-old resident of a seniors' home in Halifax died earlier this month, one month after being pushed to the ground and even beaten by another resident. This is the second incident involving abuse of a senior reported in this particular seniors' home.

Honourable senators, as you can see, without proper systems in place, situations can arise because of inadequate services and quick fixes. Whether there is not enough properly trained staff to deal with the situation, or not enough funding to enact a proper care program, we cannot and should not allow this to happen. Only through an integrated approach, stable and direct funding, and sharing of best practices can we build the best systems for palliative care.

As Senator Carstairs stated, 90 per cent of Canadians who die can benefit from palliative care, yet just over 30 per cent of Canadians are presently receiving palliative care services in Canada. We all know that we are going to die some day. Would it not be comforting to know that it can be in the best way possible for yourself or for your family and friends you leave behind?

Thank you, honourable senators.

(On motion of Senator Pépin, debate adjourned.)

[*Translation*]

THE SENATE

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

On the Order:

> Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Greene,
>
> That the Senate condemns last Friday's barbaric attacks on worshippers at two Ahmadiyya Mosques in Lahore, Pakistan;
>
> That it expresses its condolences to the families of those injured and killed; and
>
> That it urges the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, Senator Jaffer said she wanted to continue the debate on this issue. However, since she has not finished compiling her notes on the matter, I move adjournment in her name.

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

[*English*]

GOVERNMENT PROMISES

INQUIRY—DEBATE ADJOURNED

Hon. James S. Cowan (Leader of the Opposition) rose pursuant to notice of February 9, 2011:

> That he will call the attention of the Senate to the litany of broken promises by the Harper administration, beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

He said: Honourable senators, the purpose of my inquiry is to reflect on the lamentable record of the Harper administration since it assumed office in 2006, and to do so by focusing on its ever-increasing list of broken promises to Canadians.

I know that Senator LeBreton, will be pleased to hear that I have taken my inspiration for this inquiry from an inquiry she launched almost exactly eight years ago, on February 11, 2003. Her inquiry concerned alleged waste during the years that the Right Honourable Jean Chrétien was Prime Minister and the Honourable Paul Martin was Minister of Finance. Actually, that is not quite accurate because Senator LeBreton labelled that period "the Martin-Chrétien years," and in her remarks that day repeatedly referred to the government simply as the "Chrétien-Martin government."

Honourable senators, be that as it may, in her speech, Senator LeBreton made a valiant, though in my view unsuccessful attempt to show that Prime Minister Chrétien and Finance Minister Martin were wasteful of taxpayers' dollars as they successfully fought to eliminate the massive deficit that their government had inherited from the Mulroney-Campbell-Wilson-Mazankowski Conservative government.

While Prime Minister Chrétien and Minister Martin battled the deficit left by the Conservatives, they created jobs for Canadians. From the time the Chrétien government took office in October 1993, until the end of the year 2000, 2 million new jobs were created.

In any event, it was that inquiry launched by Senator LeBreton that convinced me that it would be useful to place on the public record, for all Canadians to examine, how the Harper Conservative government has faithfully followed in the footsteps of the former Progressive Conservative government in breaking its promises to Canadians.

Honourable senators, we all remember how that earlier administration earned such a reputation for breaking its promises that the Prime Minister earned an unflattering moniker, which I do not believe would be parliamentary to repeat in this chamber but which was certainly in common usage in Tim Hortons establishments across the land.

I contend that the record of the current government would lead any reasonable observer to conclude that it too has only the most tenuous relationship with the truth. Honourable senators, as witnessed yesterday, the pattern set by this Prime Minister has been emulated by his cabinet colleagues, with very regrettable consequences.

A good place to begin in looking at the evidence for this hypothesis is the Prime Minister's famous promise on income trusts. This was not the first — or the last — promise broken by Prime Minister Harper, but it was one of the most heartbreaking.

In the Conservative Party's 2006 federal election platform, in a section headed Security for Seniors, Mr. Harper promised:

> A Conservative government will . . . preserve income trusts by not imposing any new taxes on them.

That is on page 32, if anyone still has a copy of that document.

Here is what Prime Minister Harper wrote in a *National Post* op-ed in October, 2005, when there was talk that the then-Liberal government might tax income trusts:

> This reckless action . . .

— and that is what he was suggesting the Liberals were doing or would do —

> . . . has wiped out billions of dollars in market capitalization from Canadian companies and tens of thousands of dollars from the retirement nest eggs of individual investors. Most notable was the damage done to Canadian seniors who may not have the time to recoup their losses. . . .
>
> Income trusts are popular with seniors because they provide regular payments that are used by many to cover the costs of groceries, heating bills and medicine. . . . So one must ask, why is the government —

— again, he is referring to the Liberal government.

> — clamping down on the retirement savings of seniors and investors?

During the campaign, Mr. Harper made repeated, on-camera, uncategorical promises to the Canadian people that a Conservative government would not tax income trusts. He falsely told Canadians that the Liberals would "raid seniors' nest eggs" with "a tax on income trusts," but that a new Conservative government "will never let this happen." He urged Canadians:

> Don't forget — don't forget this!

Six months after the election, he asked Canadians to forget everything he had said. On October 31, 2006, in what has been called by some "the Halloween Massacre," Finance Minister Flaherty announced that, yes, the Conservative government would bring in a tax on income trusts.

Some Hon. Senators: Yes. Shame.

Senator Cowan: Twenty billion dollars were wiped out in the first day of trading. Within two weeks, that figure had ballooned to $35 billion. Investors were stunned, and the hardest hit were Canadian seniors — men and women who, as Mr. Harper himself had said, depended on that income from those trusts to buy

groceries, pay their heating bills and fill their prescriptions. Deceived by his repeated promises that a Conservative government would never tax these trusts, they found their life savings suddenly gone.

Diane Francis of the *Financial Post*, in a column dated September 9, 2008, wrote:

> The trashing of the trusts has been an unmitigated disaster. . . .

Ms. Francis described how the trust affected some 2.5 million Canadians. She said:

> The income trust fiasco has created $2 billion a year in tax leakage, and counting, instead of stemming it as promised; it disrupted the junior oil and other markets by removing competitors for their assets; it blackened Canada's reputation to offshore investors . . . many of whom were in the U.K. and banked on Harper's promise and, worst of all, has spawned a spate of foreign leveraged buyouts of Canadian assets and corporations.

In an earlier column on January 28, 2007, Ms. Francis accurately summed it up by saying:

> This Income Trust Mistake may just be the most unbelievable, unjustifiable, arrogant flip flop in Canadian current history.

• (1710)

Minister Flaherty ultimately, albeit several years later, had the good grace to apologize. When cornered at a conference by one still-irate senior, Minister Flaherty apologized, saying he had only been finance minister for six months:

> . . . so it was probably a politically unwise thing to do — certainly for me personally.

Prime Minister Harper, by contrast, arrogantly tried to deny that any promise was broken. This is what he said:

> The commitment was not that we would have no taxes for Telus. It was not that we would have no taxes for BCE. It was not that we would have no taxes for foreign investors or no taxes for major corporations.
>
> It was a commitment to protect the income of seniors.

Honourable senators, let me read once again that commitment that I read at the beginning of my speech from the Conservative Party election platform:

> A Conservative government will . . . preserve income trusts by not imposing any new taxes on them.

A promise made was a promise broken. The hundreds of thousands of Canadians who sadly believed Mr. Harper, and watched in horror as their savings disappeared, have learned the hard lesson that, with Prime Minister Stephen Harper, what he says is not what Canadians get. The income trust fiasco is only one of the more blatant examples. In the days and weeks ahead we will hear the sordid details about a great many more.

(On motion of Senator Cordy, debate adjourned.)

(The Senate adjourned until Wednesday, February 16, 2011, at 1:30 p.m.)

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