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Wednesday, March 2, 2011



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, March 2, 2011

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

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE SHAHBAZ BHATTI

Hon. Salma Ataulhjan: Honourable senators, it is with deep regret that I stand here today to commemorate the inspirational life of my good friend Shahbaz Bhatti, who was assassinated in Pakistan today. It is reported that al Qaeda and the Taliban are taking credit for this deplorable act.

As Pakistan's Minorities Minister, Mr. Bhatti was a tireless campaigner against the unjust blasphemy laws that suppress Pakistan as a nation. I had the opportunity to meet with Mr. Bhatti on numerous occasions, including as recently as a couple of weeks ago here in Ottawa.

He was dedicated to human rights not only in Pakistan but around the world, including in Canada. When he visited Canada last year, he condemned violence against Sikhs in Pakistan and pledged to "stop atrocities" against their community. Only last month, during a visit to Minister Jason Kenney's office, he reiterated his dedication to continue fighting for the oppressed and the marginalized.

As Canadians, we can deeply appreciate his courage to stand up for what he knew was right. Mr. Bhatti was aware there were threats against his life from al Qaeda and the Taliban. Often, he would say, "When I am killed," when we spoke to him, as though he knew it was a certainty. The world is poorer for having lost a courageous man who paid the ultimate price for his beliefs.

If there is one thing Canadians can learn from Shahbaz Bhatti, and one way we can pay tribute for all that he has done for human rights, it is that we should never be intimidated to stand up for what we believe in. Let us hope that others like Shahbaz Bhatti come forward in these dark times to continue his cause.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the visitors in our gallery. It is fortuitous that we have this opportunity, given that the past few weeks have marked Black History Month as well as the anniversary of the death of Martin Luther King. In the gallery are members of the Martin Luther King Coalition and the DreamKEEPERS, including Daniel Stringer, Sarah Onyango, Dr. Peter Stockdale, Vanessa Modeste Doherty and Amyn Keshavjee.

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

Hon. Senators: Hear, hear!

THE HONOURABLE DONALD H. OLIVER

CONGRATULATIONS ON MARTIN LUTHER KING LIFE ACHIEVEMENT AWARD

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to congratulate my friend and colleague, Senator Donald Oliver. This is a week of celebrating Senator Oliver's work. On January 15, 2011, Senator Oliver received the Martin Luther King Life Achievement Award from DreamKEEPERS.

Senator Oliver was appointed to the Senate of Canada over 20 years ago. During his time in the Red Chamber, he has fought tirelessly for the rights and interests of minority groups in Canada, and has been an active member of over a dozen Senate committees. Prior to his appointment to the Senate, he was a barrister, teacher, entrepreneur, advocate and statesman.

Throughout his career, he has demonstrated, and continues to demonstrate, his commitment to guaranteeing equality for all Canadians. Most recently, Senator Oliver raised \$500,000 to lead the first national study conducted in Canada that proves the business case for diversity. It is because of the great work that Senator Oliver has accomplished, and that he continues to accomplish, both inside and outside this chamber that he has received this great honour.

Unfortunately, Senator Oliver was unable to receive this award in person as he was in the Middle East on an official visit as a member of the Canadian parliamentary delegation with His Honour, Speaker Kinsella. However, I had the honour of receiving this award on his behalf.

• (1340)

After spending the evening hearing about all the wonderful work Senator Oliver has done for both his province of Nova Scotia and the nation at large, I felt that he deserved to receive this honour in person. Earlier this afternoon, honourable senators had the pleasure of being present at a ceremony held in the Speaker's office, where His Honour formally presented this prestigious award to Senator Oliver.

It was a touching ceremony and I am pleased that Senator Oliver has received the recognition that he so rightly deserves. In his acceptance speech, which I had the pleasure of delivering, Senator Oliver quoted Martin Luther King, who once said:

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

Senator Oliver, I am certain all honourable senators will join me in saluting you for the diligent work you do to ensure that Dr. King's dream becomes a reality.

Honourable senators, please join me in congratulating Senator Oliver for receiving the Martin Luther King Life Achievement Award.

Hon. Senators: Hear, hear!

[*Translation*]

NEW BRUNSWICK

2010 IAAF WORLD JUNIOR CHAMPIONSHIPS

Hon. Percy Mockler: Honourable senators, I cannot go without highlighting a major event that took place at the Université de Moncton stadium. I would like to congratulate the organizing committee of the IAAF World Junior Championships that were held there in July 2010.

[*English*]

Honourable senators, this world stage event was indeed a great success. With an economic impact of \$127.5 million, these international junior games were very beneficial to the economies of both New Brunswick and Atlantic Canada.

[*Translation*]

Over 2,000 participants from around the world had a chance to visit Moncton and the region during the World Junior Championships. This high-level sporting event put Moncton and New Brunswick on the radar of media from around the world.

I would like to thank all of the volunteers and organizers who helped make this event a huge success. The president of the organizing committee, Larry Nelson, can be proud of the work done by all these dedicated individuals.

[*English*]

Honourable senators, Mr. Lamine Diack, president of the International Association of Athletics Foundation, was very proud of the success of what he referred to in his report as the wonderful celebration of the world junior championships that took place in July in Moncton, an event which was attended by Canada's Prime Minister, the Right Honourable Stephen Harper.

[*Translation*]

One thing is certain: New Brunswick, Acadia and Moncton will remember these World Junior Championships for a long time to come. Honourable senators, let us hope that the success of these games will inspire new projects.

On behalf of all the senators from New Brunswick, thank you, Moncton, for a job well done.

We tip our hats to you. Congratulations.

[*English*]

CANADIAN VOLUNTEER SERVICE MEDAL

Hon. Pamela Wallin: Honourable senators, I rise today to pay tribute to Joyce Dann Robertson, who grew up on a farm just outside of Wadena, Saskatchewan, my hometown. I also want to pay tribute to the efforts of so many who harnessed today's technology to bring together four generations to celebrate a war hero. This is a story of a series of serendipitous moments and encounters.

I was attending a ceremony last fall to honour those fallen soldiers from Saskatchewan who had served in Afghanistan. While there, a local military historian approached and asked if I knew that a woman from my hometown was one of the seven marching figures — representing the women and men of the army, air force, navy and nursing service — engraved on the face of the Canadian Volunteer Service Medal. This medal is presented to all who serve.

I was not sure of her name; he was not sure of her name; but we set about using the Internet and mining the memories of our Second World War veterans in Wadena. It was 90-year-old veteran Mike Sowa who remembered a young beautiful neighbour girl named Joyce Dann.

Joyce spent her adult life in British Columbia and now lives in Stoney Creek, Ontario, with her son, Wayne, and daughter-in-law, Linda. Just before Christmas, we traced her there and I went out to meet her. It was a great moment for both of us.

Shy and humble and still a beautiful woman, Joyce shunned the moniker "hero," and says she was just at the right place at the right time to be chosen for a place on the medal. Again, serendipity.

Honourable senators, it turns out that in many moves, though, she had lost her own medal. Veterans Affairs agreed to strike a new medal for her and we conspired to have a presentation ceremony. Royal Canadian Legion Branch 622 in Stoney Creek stepped up, as did my alma mater, the Wadena Composite High School and, of course, Royal Canadian Wadena Branch 62.

Through the magic of Skype and a little tutoring from my young niece, Courtney, we connected Joyce with her hometown. The high school kids were enthralled with the story of their hometown hero and soon were asking the local veterans to show their medals and tell their stories. Using 21st century technology, four generations came together. It was a powerful connection between today's students and yesterday's warriors.

There was not a dry eye in the place, as veteran Mike touched the medal on his heart and said to Joyce that he had worn her so close to his heart for 68 years without ever knowing it was his childhood friend. Then he looked at the computer screen to her thousands of miles away and said "you are still as beautiful."

Serendipity, technology, and the compelling story of our war heroes all merged for a moment of history in the making.

THE LATE HONOURABLE SHAHBAZ BHATTI

Hon. Don Meredith: Honourable senators, I rise today to also declare my support for Mr. Shahbaz Bhatti. I was saddened to hear this morning of the assassination of Pakistani Minority Minister Shahbaz Bhatti.

I had the occasion, along with Immigration Minister Jason Kenney and others, to meet with Minister Bhatti on February 7 during his recent visit to Ottawa. In his cabinet capacity, Minister Bhatti brought leadership in his nation to the daunting task of protecting the human rights of Christians and other minorities. As the only Christian in the largely Islamic cabinet of the ruling Pakistan Peoples Party, he had received death threats for urging reform to the blasphemy laws.

As a Christian pastor and community leader who has worked with leaders of many faiths in Toronto on issues related to violence prior to my appointment to the Senate, I can identify with Minister Bhatti's deep commitment to helping people of diverse faiths and groups to work together.

Honourable senators, as a senator in the Parliament of Canada and with my experience working with the outcomes of youth violence in Canada's largest cities, I want to support in the strongest possible terms a motion in the other place. In particular, the motion calls for the government of Pakistan to take immediate action against those who would harm and threaten defenders of religious freedom and human rights and repeal its blasphemy laws.

Honourable senators, I ask you to join me today in lending your voices to this cause.

DIVERSITY, PLURALISM AND MULTICULTURALISM

Hon. Donald H. Oliver: Honourable senators, I rise to call your attention to Canada's success in matters of diversity, pluralism and multiculturalism.

Honourable senators may ask why are so many of Europe's most influential leaders publicly criticizing multiculturalism?

In October of 2010, German Chancellor Angela Merkel said:

... the idea of people from different cultural backgrounds living happily side by side did not work. This multicultural approach has failed, utterly failed.

Last month, British Prime Minister David Cameron said:

Under the doctrine of state multiculturalism, we have encouraged different cultures to live separate lives, apart from each other and the mainstream. We have failed to provide a vision of society to which they feel they want to belong.

[Translation]

Even the French President, Nicolas Sarkozy, spoke on this topic during a recent interview. When asked whether multiculturalism had failed, he said, "My answer is clearly yes, it is a failure."

[English]

Even the Council of Europe agrees. Secretary General Jagland believes:

... multiculturalism allows parallel societies to develop within states and this must be stopped.

• (1350)

Honourable senators, the current Aga Khan, the spiritual leader of the Ismaili sect, once noted:

People mix and mingle, side by side, to an extent unimaginable. . . the world is becoming more diverse and pluralistic in fact — but it is not keeping pace in spirit.

This view is consistent with what Nobel economist Amartya Sen calls "plural monoculturalism — groups that live together side by side but do not touch, fostering resentments based on historical grievances."

Chancellor Merkel, Prime Minister Cameron, President Sarkozy and other European politicians argue that having diverse communities living side by side damages national identity.

In Canada, as Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism, believes, we have been more successful generally than the Western European countries. Prime Minister Harper once said: "Canada's diversity, properly nurtured, is our greatest strength."

Multiculturalism is indeed one of our country's many success stories. We have established such laws as the Canadian Multiculturalism Act, which celebrated its fortieth anniversary this year, to help us to advance diversity, equality and integration, and to prevent racism and discrimination. Things are not perfect, and never will be so, but Canada's achievements in this respect are laudable.

Last week the British Council and the Migration Policy Group published its Migrant Integration Policy Index. International researchers ranked Canada third in its efforts to help newcomers integrate both economically and culturally into our society. One of the noteworthy observations was that our new citizenship guide introduced by Minister Kenney in 2010 was described as "the most professional" in all countries.

Honourable senators, these encouraging results show us that multiculturalism is working at home. However, we must continue to execute Canada's diversity agenda, welcome skilled immigrants to our country, and embrace the benefits of diversity and immigration as much-needed agents of positive change in our country. Long-term sustainability of Canada's diversity policies is reliant upon commitment by all Canadians.

[Translation]

ROUTINE PROCEEDINGS

LABOUR

CANADIAN POSITION WITH RESPECT TO
CONVENTIONS AND RECOMMENDATIONS ADOPTED
AT THE JUNE 2003, 2004, 2006 AND 2007 SESSIONS OF
THE INTERNATIONAL LABOUR
CONFERENCE—REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to article 19 of the International Labour Organization Constitution, I have the honour to table, in both official languages, a document entitled: *Canadian Position with Respect to Conventions and Recommendations adopted at the 91st (June 2003), 92nd (June 2004), 95th (June 2006) and 96th (June 2007) sessions of the International Labour Conference held in Geneva, Switzerland.*

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTEENTH REPORT OF COMMITTEE PRESENTED

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

Wednesday, March 2, 2011

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

THIRTEENTH REPORT

Your Committee has approved the Senate Main Estimates for the fiscal year 2011-2012 and recommends their adoption. (Annex A)

Your Committee notes that the proposed total budget is \$93,956,182.

An overview of the 2011-2012 budget will be forwarded to every Senator's office.

Respectfully submitted,

DAVID TKACHUK
Chair

(For text of report, see today's Journals of the Senate, Appendix, p. 1255.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

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

CANADA-AFRICA PARLIAMENTARY ASSOCIATION

BILATERAL VISIT, JANUARY 16-22, 2011—
REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Africa Parliamentary Association respecting its bilateral visit to Nigeria, Ghana, and Togo, held in Abuja, Nigeria, Accra, Ghana, and Lomé, Togo, from January 16 to 22, 2011.

THE SENATE

NOTICE OF MOTION TO RECOGNIZE
THE ONE HUNDREDTH ANNIVERSARY
OF INTERNATIONAL WOMEN'S DAY

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

That the Senate recognize the 100th anniversary of International Women's Day and reconfirm its commitment to the Charter's principles of equality and fairness for women and girls in Canada.

QUESTION PERIOD

FOREIGN AFFAIRS

CONVENTION ON CLUSTER MUNITIONS

Hon. Elizabeth Hubley: Honourable senators, my question is for the Leader of the Government in the Senate. Twelve years ago yesterday, the Convention on the Prohibition on the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, also known as the Ottawa Convention, came into force as a binding international law. Back then, Canada was known around the world as a leader in land mine awareness and action. Today, we are a silent shadow of the force we once were.

While 51 other countries have ratified the United Nations Convention on Cluster Munitions, Canada has not. Last March in this chamber, when I asked why Canada had not ratified this convention, Senator LeBreton assured me that preparations for ratification were under way. In November when I rose again to ask the leader about the timeline for this ratification, she responded with the same placating assurances.

Canadians are tired of empty promises. When will we finally ratify the UN Convention on Cluster Munitions? Why have we not ratified the convention yet?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. My answer is much the same as the one I gave before.

The government was extremely active in the negotiation of the UN Convention on Cluster Munitions in 2008. We were pleased to be among the first countries that signed the convention in Oslo in December 2008.

I reported to the honourable senator previously that preparations and negotiations have been under way, and are ongoing, to seek ratification of this treaty. We believe, as the honourable senator believes, that cluster munitions pose a grave humanitarian threat to civilians and a serious obstacle to sustainable development.

As a signatory to the UN convention, Canada supports a total ban on all cluster munitions as defined in the convention. As the honourable senator is aware, Canada has never produced or used cluster munitions, and is in the process of destroying its complete stockpile of these munitions.

Hon. Roméo Antonius Dallaire: Honourable senators, if that is the case, what actions does the leader think the government should take, given that Canada has allies using such munitions in operations, and even against civilians? For example, those weapons are in the inventory of the Israeli Army and were used in Gaza.

Senator LeBreton: I will answer the honourable senator's question but I will not repeat my response to Senator Hubley. Canada's position is clear. As Leader of the Government in the Senate, I will not wade into the affairs of other nations.

• (1400)

PRIVY COUNCIL OFFICE

USE OF THE PRIME MINISTER'S OFFICE

Hon. Terry M. Mercer: Honourable senators, over the past few weeks, many of us have noticed a large number of Government of Canada advertisements on television. Some of them are the ones on the last budget, while others are paid political advertisements on behalf of the Conservative Party.

Of special interest to me is one that features the Right Honourable Stephen Harper having a cup of coffee. He seems to be working on files, walking down the hall, and enjoying life. The advertisement is supposed to make us all feel good.

I think Canadians will feel a little better if the answer to my question is "yes."

Will the honourable Leader of the Government in the Senate tell us whether the Conservative Party of Canada paid the Government of Canada for the use of the Prime Minister's Office on the third floor of the Centre Block of the House of Commons?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am happy to report to Senator Mercer that those advertisements do make me feel good. They are paid for by the Conservative Party of Canada. I think there is a subtle message in that advertisement that the Prime Minister is a Beatles fan. He is drinking out of a mug with the faces of the Beatles on it.

[Senator LeBreton]

The Parliament buildings are public buildings. I would be careful if I were Senator Mercer, because he was the national director of the Liberal Party. I can remember at least five occasions when the Liberal Party of Canada launched its campaign on the steps of Parliament Hill.

Senator Mercer: Is it not interesting that our honourable Leader of the Government brought up that point? It is purely by accident that I asked this question.

Honourable senators, in the days when I was national director of the Liberal Party and Mr. Chrétien was Prime Minister of Canada, the Liberal Party shot two television advertisements on property owned by the Government of Canada. The first featured Mr. Chrétien and Mr. Martin at Harrington Lake. It was a nice advertisement that made Canadians feel good. The second was filmed at 24 Sussex Drive.

The Liberal Party of Canada reimbursed the people of the country for the use of Harrington Lake and 24 Sussex Drive for those advertisements. I know that because I signed the cheque.

Can the Leader of the Government in the Senate tell us that the Conservative Party of Canada paid for the use of the Prime Minister's Office and the hall on the third floor of the House of Commons to film a partisan advertisement on behalf of the Conservative Party of Canada?

Senator LeBreton: Perhaps Senator Mercer should ask his people where the \$40 million is that still has not been reimbursed from the sponsorship scandal.

Senator Mercer: It speaks volumes that the leader has ignored the question. Has the Conservative Party once again ripped off the Canadian people by using the office of the Prime Minister and the hall of the third floor of the House of Commons for partisan purposes by filming partisan political advertisements, and not reimbursing Canadians for the use of those facilities?

Senator LeBreton: Honourable senators, the difference between the party that I am honoured to be part of, and the party that Senator Mercer was the national director of, is that our responsibilities are taken seriously. Our party's funds are spent diligently and carefully. Cash is not put in brown envelopes and fed out the back door to our friends.

Senator Mercer: I am sorry, did the Leader of the Government say, "brown envelopes"? Honourable senators, I am beside myself to know that the leader would mention those two words in this place. Her good friend is the former Prime Minister and king of the brown envelopes, Brian Mulroney, who took hundreds of thousands of dollars from Karlheinz Schreiber. That statement baffles me.

The fact is that partisan political advertisements were filmed in the parliamentary precincts at the office of the Prime Minister on the third floor of the House of Commons and in the corridor — he was walking down the corridor. I have no objection to him having filmed the advertisement there. What I object to, and what the Canadian people would object to, is that he did not pay for the use of the facility to film those advertisements.

When we made those two particular advertisements to which I referred, the one with Mr. Martin and Mr. Chrétien at Harrington Lake and the one at 24 Sussex, we did not wait for a question in the Senate or House of Commons; we assumed our responsibility. We were using this government facility for partisan purposes so we paid for that use.

Did the Conservative Party pay for this facility or did they not?

Senator LeBreton: Honourable senators, speaking as the Leader of the Government in the Senate, everything that the Conservative Party does is done legally. It is above board and openly reported.

[Translation]

INDIAN AND NORTHERN AFFAIRS

NUTRITION NORTH CANADA

Hon. Lucie Pépin: My question is for the Leader of the Government in the Senate. The first phase of the Nutrition North Canada program began on October 3, 2010. This new program no longer subsidizes the cost of sending canned goods, rice, pasta, coffee and soap to communities in the North. As a result, the cost of those basic consumer goods has become excessive.

According to the government's backgrounder, even without a subsidy, these categories would remain affordable because sealift and winter ice roads cost significantly less.

Despite two and half years of consultations to design the program, something is definitely wrong. Why is it that the burden on northern communities is being increased, rather than lessened?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, that is a good question and it is well intended.

We are implementing changes to improve the effectiveness of the food subsidy program in the North. Under Nutrition North Canada, our government will ensure that Canadians living in isolated northern communities have access to nutritious, quality foods. This program is based on an extensive engagement with northerners. Various groups have participated in the development of the program. There are a few growing pains in the implementation of the policy. If changes are needed, the government will make them to correct the situation.

[Translation]

Senator Pépin: We know that the program ends on April 1, 2011. During Prime Minister Harper's visit to Val-d'Or last Friday, he said he was open to making changes in the program, and the minister, John Duncan, reiterated the same willingness.

Since the program expires on April 1, what solutions does the government plan to put in place in the short term, until the negative impact of the program can be properly assessed?

• (1410)

[English]

Senator LeBreton: Honourable senators, first, the program that was in place for many years was incredibly expensive and inefficient. We listened to our northern advisers.

When one changes a program that has been in place for 40 years and switches to a program which has been praised widely, there are a few logistical problems. There are concerns about delivery, as the Prime Minister said on Friday, and I thank Senator Pépin for pointing that out.

As Minister Duncan said, we are aware of these logistical challenges. We know the switchover is taking place at the beginning of April and we will do everything possible to address these concerns.

STATUS OF WOMEN

NATIONAL VIOLENCE PREVENTION STRATEGY

Hon. Catherine S. Callbeck: Honourable senators, my question is directed to the Leader of the Government in the Senate. In November 2008, roughly two and half years ago, the other place unanimously adopted a motion for the federal government to develop a national violence prevention strategy to deal with the growing number of victims of violence against women.

We all know that this continues to be a serious problem in the country. In fact, according to Statistics Canada, over half of Canadian women — 51 per cent — have been victims of at least one act of violence since the age of 16.

Why has the government not developed a comprehensive strategy that would help prevent violence against women?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the senator for the question. The Government is well aware of the seriousness of this situation.

Since 2007, honourable senators, Status of Women Canada has invested more than \$30 million in funding for projects to end violence against women and girls. With the \$10 million investment announced last year, we are taking concrete steps to address the disturbingly high number of missing and murdered Aboriginal women.

Of course, we have worked very closely with our partners in making improvements in the justice system, victims' services and community safety programs.

Senator Callbeck: Honourable senators, the leader says that she is aware of violence against women, and she has given a few examples of things that the government has done. However, I am asking about a comprehensive plan that addresses the issue as a whole and helps to combat this terrible problem.

The most recent report from Statistics Canada on family violence states that in 2009 more than 600,000 Canadian women reported being physically or sexually victimized by their partner

or spouse in the previous five years. That is totally unacceptable. It has been roughly two and a half years since the other place unanimously passed a motion for the government to develop a strategy.

Does the government have any plans to bring forward a detailed plan to prevent violence against women? If so, when can we expect it?

Senator LeBreton: Honourable senators, Senator Callbeck is quite wrong to suggest that the government is not dealing with this serious issue. I will be very happy to provide her with a long list of initiatives the government has taken. For example, one of the things that the government did was end the house arrest component for those offences.

As Senator Callbeck knows, every department has programs, whether it is Status of Women, Citizenship and Immigration, Justice, Public Safety, or Indian and Northern Affairs.

One department that played a role is the Department of Citizenship and Immigration. When we rewrote the citizenship guidebook for people coming to Canada, we put very explicit words in that text regarding what would not be tolerated in Canada when it comes to violence against women.

Senator Callbeck: Honourable senators, I am glad that the government has taken some initiatives. However, does the government have any plans to bring in a detailed plan to prevent violence against women? If so, when is that expected?

Senator LeBreton: Honourable senators, I just responded to that question. This is a serious criminal offence. Many departments, including the Departments of Justice and Public Safety, have laws and plans in place to deal with this serious issue.

This is a serious crime. It is a criminal offence. This is why the government is taking measures to get tough on these criminals to ensure that they pay properly for these crimes.

Obviously, one part of our plan is the tougher sentencing for people who commit these acts of violence.

It has been a serious problem for years. To suggest, as Senator Callbeck is trying to do — and of course it will end up being in an article in *The Guardian* in Prince Edward Island — that this government does not take this issue seriously is an insult not only to Canadians, but to all people on this side of the chamber, including the women.

HERITAGE

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

Hon. Pierre De Bané: Honourable senators, my question is addressed to the Leader of the Government in the Senate. I asked her over a week ago for the date when Mr. Pentefountas met with the committee of four people who interviewed him for the position of Vice-Chairperson. Is the leader in a position today to give us the date that meeting was held?

[Senator Callbeck]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the senator for the question. I am amazed that he is so obsessed with the appointment of Mr. Pentefountas. I will only state the facts of the matter.

Mr. Tom Pentefountas went through an independent, open selection process through the Department of Canadian Heritage. He is an outstanding citizen; he is a qualified individual; and he will make a positive contribution to the board. The government is both glad and proud we made the appointment.

As far as providing Senator De Bané with details of when meetings took place, I am not sure that information is readily available and I will not commit to giving a definitive answer. However, if such an answer is possible, I will do my best to provide it.

Senator De Bané: Honourable senators, the leader says she is amazed at my interest in that issue. May I remind her of one of the 38 competencies enumerated in the notice for the position, which was published in the *Canada Gazette*.

• (1420)

It reads as follows:

. . . as well as the sectors under the CRTC's responsibilities is necessary. The selected candidate should also be knowledgeable of the regulatory environment in which the broadcasting and telecommunications industries operate in Canada . . .

Those two sectors make up \$60 billion in the Canadian economy. If I may continue, an earlier paragraph of that notice reads as follows:

Reporting to the Chairperson of the CRTC, the Vice-Chairperson . . . assuming responsibility for broadcasting issues . . .

This is the responsibility of the person who deals with the broadcasting issues of this country and, when someone tells me that an independent committee has selected him to be the best, that is beyond belief.

Senator LeBreton: Honourable senators, what is beyond belief is Senator De Bané's refusal to acknowledge that Mr. Pentefountas has qualifications. I think it is quite improper for anyone to suggest that an individual who has gone through a selection process somehow or other is not in a position to be knowledgeable about the position he has just been appointed to. That is quite a stretch.

Senator De Bané: Is the leader suggesting that Mr. Pentefountas has an understanding of the relevant global, societal and economic trends, shareholders' concerns and the government's agenda? Does she really think that someone who is a competent criminal lawyer can overnight become an instant expert in one of the most complex industries around? She should read the 38 criteria for those who apply.

I again tell the leader that I have never seen anything like this.

Just to make things clearer for her understanding, let me read to her from the appointment provisions of the Royal Canadian Mint, which manufactures pennies and other coins. It reads as follows:

Each director . . . must have experience in the field of metal fabrication or production, industrial relations or a related field.

Damn it, if to produce currency and pennies they need at least that many qualifications, then, for a matter like broadcasting, I submit that the candidate selected should have more qualifications than just being remotely controlled by the PMO.

Senator LeBreton: The honourable senator asked if I was suggesting that this gentleman had the proper qualifications for this position. That is exactly what I am suggesting and that is exactly what the government is suggesting. That is exactly why this individual went through an independent, open selection process through the Department of Canadian Heritage.

I have every confidence, as do my colleagues in the government, that he will be a strong member of the board and make a great contribution in his public service to the country.

Senator De Bané: I will tell the leader something that she should know, although I am sure she already knows it. Members of the industry — knowing that he is just a mouthpiece for the PMO — cannot speak, but they are furious.

Some Hon. Senators: Oh, oh.

An Hon. Senator: Shame!

Senator De Bané: They are absolutely furious, so much so that on November 25 in Calgary, when they heard that he might be appointed, there was an absolute uproar with phone calls to the minister, who excused himself by saying he had nothing to do with it.

That being said, let me tell the leader what I have been told by the CRTC. They consider that appointment as being offensive. That is what it is.

Some Hon. Senators: Oh, oh.

Senator Tkachuk: Who told you that?

Senator LeBreton: I think the comments Senator De Bané made in this intervention are most unfortunate, most unbecoming of the Senate and most unbecoming in judging a fellow Canadian who went through a selection process. To suggest these things, as the honourable senator has — and I will not even repeat what he suggested — I think really lowers the level of discourse in this place to a new low.

Senator De Bané: Honourable senators, does the leader have the audacity to say that a criminal lawyer could apply to a large legal firm and say, “I would like to be part of your group that deals with broadcasting and telecommunications,” and that he would even be considered for that position?

Senator LeBreton: Honourable senators, I absolutely would have the audacity to say such a thing, just as I, who was raised on a dairy farm, milked cows, went to 4-H clubs and started off as a secretary, find myself very qualified to serve in the Senate of Canada.

Some Hon. Senators: Hear, hear!

Senator De Bané: Honourable senators, I just want to say one thing. The fact that we appoint someone —

The Hon. the Speaker: Order. I regret to advise the house that the time for Question Period has expired.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I wish to inform the Senate that, when we proceed to Government Business, the Senate will address the items in the following order: third reading of Bill C-22, second reading of Bill S-8, second reading of Bill C-59, second reading of Bill C-30, second reading of Bill C-21, Motion No. 32, Motion No. 33, consideration of the sixth report of the Standing Senate Committee on National Security and Defence, Bill S-13, and third reading of Bill C-14.

I would like to take this opportunity to ask leave of the Senate to move to Motion No. 95, under Motions on the *Order Paper and Notice Paper*, so that we can consider it now.

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING AND ADJOURNMENT OF THE SENATE

Leave having been given to proceed to Motions, Item No. 95:

Hon. Joan Fraser, pursuant to notice of March 1, 2011, moved:

That, until March 24, 2011, for the purposes of its consideration of government bills, the Standing Senate Committee on Legal and Constitutional Affairs:

- a) have power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto; and
- b) be authorized, pursuant to rule 95(3)(a), to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week.

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

Hon. Lowell Murray: Honourable senators, I just noticed this motion. I wanted to ask the Chair of the Legal Committee whether she would indicate which government bills are at issue here and whether all of them have already been referred to the committee.

Senator Fraser: There are, as Senator Murray is aware, quite a number of government bills lining up for the Standing Senate Committee on Legal and Constitutional Affairs. This motion takes into account the bill that we will begin study of this evening and the likelihood that other bills will be arriving in very short order before the committee.

• (1430)

Honourable senators, it seemed easier to put one motion rather than present one motion for extended sitting hours tonight, which we need for the bill now before us, which is Bill C-48, and then come back with another motion to do the same thing for other bills. One motion would cover our extended hearings this evening on Bill C-48 and, as necessary, extend hearings on other bills that are coming at us at the speed of a freight train.

Senator Murray: Honourable senators, I appreciate the chair's response. I find it extraordinary that this permission should be given in respect of bills that have not yet left the chamber or been referred. I would like the honourable senator to explain the urgency concerning these bills and the reason for the date of March 24. If the honourable senator is unable to give an explanation, perhaps she can tell us who can give us one. I assume that the committee will not be sitting during the March break.

Senator Fraser: Honourable senators, there are no plans to sit during the March break, but we need to address the rule about sitting when the Senate is suspended, not sitting for a period of more than one week. We need to have permission if we wish to sit even briefly, for example, on Friday of the week preceding the break or on Monday or Tuesday morning of the week after the break. There are no plans to sit during the break week.

Honourable senators, the bills in question are Bill C-21, Bill C-59 and Bill C-30. Some of these bills are very small and straightforward, and some are less straightforward.

Senator Murray: Honourable senators, I thank the chair. I will accept that explanation, of course, having no choice, and remark simply that as an independent senator I am always suspicious about the appearance of collusion between the major parties.

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

Some Hon. Senators: On division.

(Motion agreed to, on division.)

BILL PROTECTING CHILDREN FROM ONLINE SEXUAL EXPLOITATION

THIRD READING DEBATE ADJOURNED

Hon. Bob Runciman moved third reading of Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

He said: Honourable senators, I rise today to speak at third reading of Bill C-22, An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service.

As we all know, the Internet has brought us many benefits, as it connects the world, provides access to information, expands knowledge and enriches lives. In recent weeks, we have seen its power harnessed in pursuit of freedom in repressive corners of the world. It is equally powerful when put to work by darker forces, such as those individuals who abuse children in the most disgusting ways, for their own pleasure and profit.

Honourable senators, child pornography is a worldwide problem. It is a multi-billion dollar industry that preys on society's most vulnerable members, our children and grandchildren. It is also a Canadian problem. An analysis of websites in a 2009 report by the Canadian Centre for Child Protection found Canada in the top five of countries hosting websites containing child pornography.

Calling it child pornography does not do it justice. It implies that it is an image, a photograph, or video only, rather than reality. These images are of real children, real victims — many of them Canadians. In addition to being pornography, this is child abuse of the most heinous kind.

As members of the Standing Senate Committee on Legal and Constitutional Affairs studying this bill, we were spared the horror of these images, but we were given clear indications of the alarming scope of this problem.

Honourable senators, there are more than 5 million distinct images of child abuse on the Internet at any given time. Worldwide, there are 500,000 individuals involved in the traffic of child sexual abuse images with 83 per cent of the victims 12 years of age or younger. Honourable senators, nearly 1 in 4 of those victims is aged 3 to 5 years. We heard of an arrest last summer involving a 4-year-old victim from the Ottawa area. More than 80 per cent of these images involve significant abuse.

The trafficking of child sexual abuse images is a growing problem, aided and abetted by the growth of the Internet, which allows proliferation and the sharing of these ghastly images among rings of pedophiles and profiteers.

Bill C-22 aims to address this problem, in at least one specific way, by placing an obligation on the providers of Internet services to report child pornography when they discover it or are tipped off about it, or are made aware of it. It does not authorize or require them to seek out child pornography, nor does it require them to monitor their customers. It merely requires the providers

to report it when it comes to their attention. It is a moral duty that, with the passage of Bill C-22, will become a legal responsibility.

Honourable senators, I think it is fair to say all committee members were shocked by the magnitude of this problem, and I want to compliment all senators who participated in consideration of this bill. They did so with no agenda other than stemming this scourge and making the legislation more effective.

The testimony from law enforcement and other experts was clear: Bill C-22 is a significant step forward. The bill is properly drafted to deal with the specific situations it is intended to address. All agreed: It will help.

As Paul Gillespie of the Kids Internet Safety Alliance told our committee:

. . . I absolutely think this legislation is good. I echo the sentiments of most others here in thinking that there should be a responsibility placed upon service providers . . . I think most service providers are doing the right things for the right reasons. I believe that they will call, but let us ensure they do. That inherent responsibility needs to be placed on them.

Honourable senators, we heard that this is only one small step in dealing with this problem. Experts told us that this problem is big, pervasive and difficult to address because of the global nature of the Internet and the technical expertise of the abusers and pornographers. They told us that we could vastly increase the number of police working on Internet child pornography cases and still not win this battle.

Inspector Scott Naylor of the Child Sexual Exploitation Section of the Ontario Provincial Police told the committee:

If I had 100 people in my unit, I would need 200. We will not catch up to this.

Paul Gillespie said:

This scourge and this deluge of awful we are in the middle of is bigger than anyone could have ever imagined. The numbers are shocking. Someday, the only way we will get rid of it will be through a technical solution . . . It will certainly never be solved by human eyes.

Honourable senators, Mr. Gillespie went on to tell the committee that he believes that the technology exists now to block millions of images of child pornography. That closing declaration by Mr. Gillespie inspired the committee to attach an observation to its report on Bill C-22, urging the Minister of Justice to inquire into the technologies available to combat child pornography on the Internet and how they might be put to use to battle this problem.

• (1440)

Bill C-22 is good legislation and it will help. I urge all honourable senators to support this bill. Along with other members of the committee, I urge the government to investigate

expeditiously every technological solution that may be available to slow the onslaught of this depraved material, to catch the perpetrators and to rescue the victims.

Hon. Jim Munson: I wish to say a few words about this bill, but I want to speak on it tomorrow. I want to adjourn the debate in my name for the rest of my time. I think I have a three- or four-minute speech on this bill.

(On motion of Senator Munson, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

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. Marie-P. Poulin: Honourable senators, after carefully examining Bill C-21, I was left with that empty feeling: Is that all there is? This attempt to tighten the noose on white-collar crime by amending the Criminal Code's sentencing provisions amounts to little more than that: an attempt.

The bill lacks substance; it lacks elements that would make it a fairer, more comprehensive law. In other words, the bill does not go far enough in some instances, like allocating money to ensure the legislation can be implemented properly. On the other hand, sometimes it goes too far in reducing judicial discretion in sentencing.

Are the provisions in Bill C-21 the best our government can come up with to protect people from the likes of Earl Jones and Vincent Lacroix in Canada, and the titans of deception, Madoff, Enron, Fannie Mae, and their ilk? Alas, their duplicitous ways proved more widespread than anyone might have thought possible in the days before the 2008 economic meltdown when greed, manipulation and incompetence permeated some of our most respected institutions. Individuals and institutions once deemed reputable bled the vulnerable, ravaged savings and plunged millions of ordinary investors into a lifetime of financial uncertainty.

Now along comes Bill C-21, some four years after the Liberals called for the government to act on white-collar crime — four years — and it is clear that the government failed to make changes commensurate with the scope of the problem.

First, let us examine the contents of the bill, which the Liberals support in general but have certain reservations. The linchpin of the new legislation is a provision for a mandatory minimum sentence of two years in jail for fraud valued at more than \$1 million.

Removing judicial discretion has detractors within and without the legal community, including the Canadian Bar Association, because it would “increase pressures on an already taxed criminal justice system and not improve on what is already available in the Criminal Code.”

As well, the mandatory minimum is linked to fraud of more than \$1 million, but this amount is arbitrary and the committee to which Bill C-21 will be referred may wish to examine it more carefully.

Another key requirement calls for aggravating factors to be considered in sentencing: such things as the psychological and financial impact on victims, and their age and health; and indeed the impact on a community, such as a church or community group that has been victimized.

As well, judges will be obligated to consider restitution to victims whenever possible. Indeed, the court must inquire whether the Crown has taken reasonable steps to provide victims with the opportunity to seek the repayment of misappropriated funds. The sentencing provision will allow victims to address the harm done to them — financial, psychological, emotional and social.

Because of a Liberal amendment in the other place, supported by all opposition parties, if the court declines a fraud victim's request for restitution, the presiding judge will be required to issue an explanation for the court's reasoning. As an aside, this technical amendment addressed the concerns of the Canadian Bar Association over the pressures already inherent in the criminal justice system.

However, as a chamber of sober second thought, we now need to consider Bill C-21's impact most carefully.

Bill C-21 lacks the financial commitment to bolster the manpower resources of law enforcement agencies so that they can more vigorously pursue white-collar fraud. Unfortunately, the mantra of "Where's the money?" is becoming a recurring question.

How much will the bill cost, and where is the money coming from? Words must be backed up with action. Indeed, assessing financial losses through fraudulent activities puts a huge burden on the criminal justice system. To put this burden into perspective, investigations are time-consuming, taking tens of thousands of person hours.

Honourable senators, in view of the economic events of the past few years and the seemingly growing incidence of white-collar crime, it is time to send a clearer message that these types of offences are dealt with strongly. We must be determined to send a more stern warning to those who commit fraud that white-collar crime will not be tolerated.

I trust that in committee, Bill C-21 will be examined carefully in terms of the various sentencing provisions that can be found in other sections of the Criminal Code, and in terms of the role of regulatory acts and securities commissions across the country.

White-collar crime imposes great economic hardship on the victims. It is local, and it is global. It comes in many forms, ranging from mass marketing and payment card frauds to identity theft. There are capital market frauds, insider trading and money-laundering, as well as crimes committed by sole individuals sitting at a basement computer.

The words of an RCMP witness speaking before the House of Commons Standing Committee on Justice and Human Rights summed up the impact of white-collar crime in this way:

Whether it is local or global, white-collar crime has devastating effects on individuals and communities. When businesses and individuals are victims of fraud, we see an increase in personal and corporate bankruptcies. With the loss of investments, homes, and life savings, the social damage can be severe and can undermine the trust people have in their society.

In a 2009 economic crime survey, PricewaterhouseCoopers reported that 56 per cent of Canadian companies said they had been victims of fraud in the previous 12 months. Of those companies, 24 per cent indicated that their direct fraud losses were greater than \$500,000.

• (1450)

Identity theft alone is a major problem. A McMaster University study showed that in 2008, 1.76 million Canadians who were victims of identity theft spent 20 million hours and \$150 million clearing their names. Yet, the study reported that roughly 81 per cent of all identity frauds went unreported.

Those, honourable senators, are just a few examples of the enormous consequence of rampant fraud that spares no one — not big companies and not people on fixed incomes. Without adequate financial resources, the effectiveness of law enforcement agencies is hindered and the law itself is emasculated. Where, for instance, is the financial commitment to the National Sex Offender Registry or to a more aggressive pursuit of white-collar crime?

The Liberal Party was the first to put forward a comprehensive, gold-standard proposal to deal with white-collar crime more than 18 months ago. I am afraid what we have under this government's tough-on-crime obsession is a judicial system that has been placed under considerable strain while we are facing a multi-billion-dollar tab for new jails to house more people. Without the means to conduct vigorous investigations, legislative pronouncements that promise much will amount to window dressing.

Honourable senators, let us look at some of the other elements of Bill C-21.

First, there is the introduction of a mandatory minimum sentence of two years for fraud involving more than \$1 million, regardless of the number of victims. Under the general fraud provisions of subsection 380(1) of the Criminal Code, the maximum penalty is 14 years. Do we need a new law stipulating a minimum sentence of two years, when the penalty for most convictions is triple that or more? Case study said so and shows so.

Furthermore, one of the reasons I was given for justifying a "floor" or "starting point" two-year minimum sentence was that it would prevent some marginal fraud offenders from being jailed so long, as in the case of a plea bargain. Again, if judges retain discretion, individual circumstances could be taken into account and Bill C-21 would not be needed.

It is difficult to determine how many convictions for fraud over \$1 million are handed down each year. We have been told five or ten. Are we really creating a law for so few people who, in all likelihood, will get more than two years anyway?

The introduction of the \$1-million trigger carries with it an entirely new nest of problems. Prosecutors will now have to spend considerable energies determining the value of the fraud, which can be expensive and time-consuming. Also, one is left wondering what is magical about the \$1-million provision. Why not \$500,000? It is essential that in providing this act that fraud involving the public market, described in subsection 380(2), be subject to the mandatory jail term.

My second point deals with restitution, where the judges will have to consider repayment to victims. This is central to Bill C-21 because, as written, the bill addresses the concern of the victim — that is, recovering losses is more important than the sentence an offender receives. Nevertheless, identifying and substantiating the exact amount involved in a fraud in order for a specific charge to be laid is a daunting task that threatens to overtax the criminal justice system. Not coincidentally, the ability to seek restitution is contained in section 738 of the Criminal Code. The difference is that section 738 is a discretionary provision, whereas Bill C-21 has a mandatory requirement for loss replacement. Nevertheless, what we are seeing amounts to duplication.

Third, Bill C-21 permits the court to prohibit an offender from assuming any position involving handling other people's money or property. Bill C-21 does not put forward any mechanism for monitoring that order. While a professional accreditation body may establish ethical standards for its members, there is no provision for any organization to ensure that a fraudster abides by the terms of the court order. There is an assumption that if the individual ignores the order, he or she will be eventually found out. Honourable senators, this is a shallow premise on which to establish law, namely, an expectation that someone will be "found out" at some point in the future, after more damage has been done.

Honourable senators, this bill sounds grand, but it is flawed. Is its real purpose to mislead people into believing the government's slogan, "tough on crime"?

Most assuredly, there is no sympathy for fraudsters. Society abhors identity theft, market manipulation, false prize scams, mass-marketing fraud, cooking the books and all the other activities associated with twisting out of people what is rightfully theirs, what they have worked for, and what they relied upon for their very future.

Bill C-21 smacks of artificiality, illusion and window dressing. It is fine to say, yes, we have a law proclaiming a two-year mandatory jail sentence for fraud over \$1 million, but, in practical terms, what does it mean? It means that judges lose their discretionary powers. It means that mandatory sentences of two years are out of sync with routine, longer sentences. There is duplication of restitution provisions and there are unforeseen legal costs in determining the \$1-million threshold. There will be no monitoring of individuals banned from handling other people's money.

Jail costs will climb. Consider 10 individuals convicted at varying levels of involvement in a single \$1-million scam. Some might warrant less than two years, but a conviction will put them behind bars for two years anyway.

Honourable senators, on the surface, Bill C-21 is a straightforward piece of legislation highlighted by the mandatory two-year sentence for fraud of \$1 million or more. However, under scrutiny, Bill C-21's premise of tough justice amounts to tinkering with the Criminal Code under the guise of a tired slogan. Canadians deserve better.

Some Hon. Senators: Hear, hear!

[*Translation*]

Hon. Pierre Claude Nolin: Would the Honourable Senator Poulin take a question?

Senator Poulin: Yes.

Senator Nolin: Senator Poulin has done the research for her speech, in which she mentioned that judges always give more than a two-year sentence for fraud involving more than \$1 million.

Could the honourable senator speak more about what she learned while researching her speech? Are there many such cases? In any of these cases, did the judges hand down sentences of less than two years?

Senator Poulin: I thank Senator Nolin for his excellent question. In fact, that was one of the questions I asked when I met with the experts at Justice Canada.

We talked for a good two hours. I very much appreciated the fact that the meeting was attended by representatives from the Department of Justice, the office of the Leader of the Government, the minister's office and that of the Leader of the Opposition. There was a frank discussion.

The representatives of the Department of Justice to whom I posed the question answered that they had reviewed cases from the past five years. They were unable to provide me with the exact number but, according to their studies, sentences of more than two years were handed down in every fraud case they examined.

Senator Nolin: Was the honourable senator, by speaking to the Department of Justice officials, able to determine what the average sentence was for these fraudsters?

• (1500)

Senator Poulin: I am looking at the notes I made during the meeting when I asked this question and I cannot find the exact number. If I remember it correctly, it was about 15, but I am not sure about that.

Senator Nolin: It is definitely not 15 because I believe that the maximum sentence is 14 years, but it must be at least 10.

Senator Poulin: Yes, it may be 10. I am sorry that I do not have the exact figure.

[English]

Hon. Hugh Segal: Will the honourable senator take another question?

Senator Poulin: Yes.

Senator Segal: I noticed Senator Poulin's reference and the concern she expressed with respect to limiting judicial discretion. We have had this discussion in this place on other bills, to be fair to both sides.

I think Senator Baker said that while governments can pass laws and attempt to limit judicial discretion by imposing minimum sentences, the courts themselves will pronounce upon how appropriate or fair any such limitation of discretion is. In some cases, some of those judicial limitations have been struck down by the courts, to be appealed by the Crown as the case may be. I do not, for one moment, want to prejudge how any such provision in this bill might be treated.

I ask about the issue of deterrence, however. It strikes me that the rationale of the government in having a minimum sentence for this kind of financial crime is to send a constructive message to those who might think that this kind of inappropriate manipulation is essentially without serious risk.

Can the senator give us her sense of the value of sending that kind of message, and whether that kind of message and its value may have broader impact beyond the legitimate critical issues that she has raised in her presentation?

Senator Poulin: It is interesting that the honourable senator should raise that question, and I thank him for it.

That is my worry. I feel that we are using this legislation to send an important message. As we know, there are various strategies to send important messages. I do not think it is appropriate to use the legislative system to send that important message while affecting such an important value that has been so close to the judicial system of Canada. It is respecting the ability that we have here in Canada, through the judicial system, to look at each case per se.

My worry is that we would establish rules that apply to everyone uniformly. There must be other ways to send that message, honourable senators, which is an important message. I said in my speech that we see the serious impact of fraud on individuals, organizations and communities. We know the impact is serious. We have been going through it and reading about it for many years. That is why I said that the Liberals agree with the intent of the bill but we ask the committee to look at its impact.

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

An Hon. Senator: Question.

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

[Translation]

THE ESTIMATES, 2011-12

NATIONAL FINANCE COMMITTEE AUTHORIZED
TO STUDY MAIN ESTIMATES

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of March 1, 2011, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2012, with the exception of Parliament Vote 10.

(Motion agreed to.)

JOINT COMMITTEE ON THE LIBRARY
OF PARLIAMENT AUTHORIZED TO STUDY VOTE 10
OF THE MAIN ESTIMATES

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of March 1, 2011, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Parliament Vote 10 of the Main Estimates for the fiscal year ending March 31, 2012; and

That a message be sent to the House of Commons to acquaint that House accordingly.

(Motion agreed to.)

[English]

KEEPING CANADIANS SAFE BILL

SIXTH REPORT OF NATIONAL SECURITY
AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on National Security and Defence (Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, with amendments), presented in the Senate on March 1, 2011.

Hon. Pamela Wallin moved the adoption of the report.

She said: Honourable senators, Bill S-13 is an act that will implement a treaty between Canada and the United States. Specifically, it will implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States.

This bill is about ensuring that the two countries cooperate where our borders are made of water. This treaty permits the so-called Canada-U.S. Shiprider operations, whereby Canadian and American law enforcement officers will be enabled to work together aboard vessels of either country, moving back and forth across our joint maritime border — to pursue and apprehend lawbreakers.

Designated Shiprider officers of either country, who must undergo specialized training for their role, will then be authorized to act as peace officers in the other country when involved in cross-border maritime operations. This authorization will be an improvement over the way things are at present because Canadian and American peace officers will not have to stop their respective boats at the water border when a suspect flees into the other jurisdiction.

Let me give you a brief history of Shiprider. The concept was introduced as a pilot project by the previous government, and has been tested in two pilot projects, with successful and positive results. For example, during a two-month pilot in the Cornwall area on the St. Lawrence Seaway, six direct arrests were made, operations contributed to 41 other arrests, and an abducted child was recovered. There were also major seizures, which netted 1.4 million illegal cigarettes, 215 pounds of marijuana worth some U.S. \$330,000, 176 grams of cocaine, and vessels, vehicles and equipment worth more than C\$75,000.

The bill in clause 4 respects the sovereignty of both Canada and the United States, ensures that operations will be conducted in accordance with the rule of law, and that, in Canada, operations will be carried out in ways that respect the rights and freedoms guaranteed under the Canadian Charter of Rights and Freedoms.

Honourable senators, at committee the government proposed technical amendments to Bill S-13 so that the policy intent of the legislation would be consistent with the current provisions for oversight of all police operations in Canada. It is these technical amendments I wish to speak briefly about now.

For example, as it was written, clause 22 of the bill did not explicitly give authority to the Commission for Public Complaints Against the RCMP to participate in joint investigations with other public oversight bodies of the designated Shiprider officers who are members of municipal, provincial or even United States law enforcement agencies. Clause 22, as amended, now explicitly gives the Commission for Public Complaints Against the RCMP the authority to participate in joint investigations with other public oversight bodies when Shiprider officers are members of municipal, provincial or United States law enforcement agencies.

• (1510)

Similarly, the intention of clauses 17, 22 and 23 as originally drafted was to exempt U.S. designated officers from being compelled to appear as witnesses at a Canadian inquest or

hearing. Bill S-13, however, was inadvertently broad in that it could have been interpreted as exempting Canadian designated officers from being compelled to appear. The amendments to clauses 17, 22 and 23 now ensure that the RCMP, provincial and municipal designated officers taking part in Shiprider operations will in fact be subject to summary offence for failure to appear before the Commission for Public Complaints Against the RCMP.

Honourable senators, I conclude by respectfully asking for your support of the adoption of the sixth report of the Standing Senate Committee on National Security and Defence.

(On motion of Senator Dallaire, debate adjourned).

ELECTRICITY AND GAS INSPECTION ACT WEIGHTS AND MEASURES ACT

BILL TO AMEND—THIRD READING— MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator MacDonald for the third reading of Bill C-14, An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act;

And on the motion in amendment of the Honourable Senator Harb, seconded by the Honourable Senator Merchant, that the bill be not now read a third time, but that it be amended by replacing the short title with the following:

“Fairness in Weights and Measures Act”.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, we understand that some honourable senators in this chamber may not like the short title not only of this bill but possibly of other bills. I am fairly certain that I understand Senator Harb, who served many years in the House of Commons where such kinds of descriptive titles were not commonplace. I remember those days as well. This is a fairly new way of describing bills and some of the traditionalists in this chamber, and possibly in the other chamber, may take issue with such descriptive language.

Honourable senators, the bill did make it through the other place and they saw fit to send it here with the description or short title as it was. This side of the chamber does not see any major reason to send this bill back to the other place to rehash the short title of the bill. Therefore, for these many reasons, I think we should pass the bill as is.

At some point in time, Senator Harb might raise this as a point of inquiry or a motion if he has a problem with such descriptions, but in the meantime, I urge all senators to reject this amendment. Let us pass the bill today. I am asking the Senate to deal with this matter now, and I urge senators to vote against the amendment.

[*Translation*]

Hon. Céline Hervieux-Payette: Honourable senators, as deputy chair of the committee, I have heard the testimony and evidence. I am currently preparing arguments to convince my honourable colleagues. I am planning to speak tomorrow in order to prove that this title is totally unfair to the industry.

Accordingly, I am asking the honourable senator to please hear my arguments before trying to convince us that the House of Commons should revise the bill. We have our duties to perform and the House of Commons has its own duties. I believe it is important to get to the heart of the matter. Senator Harb has made some good arguments and I would like to do the same.

I therefore move adjournment of the debate and I will deliver my speech on the issue tomorrow.

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

[*English*]

BILL RESPECTING THE REORGANIZATION AND PRIVATIZATION OF ATOMIC ENERGY OF CANADA LIMITED

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-225, An Act respecting the reorganization and privatization of Atomic Energy of Canada Limited.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I know we are at day 14 on this item and I can assure honourable senators that we have every intention of proceeding with this bill. In fact, I have been speaking to colleagues on the other side and we have indicated we would deal with this bill on Tuesday of next week. Therefore, I look forward to hearing a great speech from Senator Runciman, on that day. I therefore adjourn for the balance of my time.

(On motion of Senator Comeau, debate adjourned).

NATIONAL VOLUNTEER EMERGENCY RESPONSE SERVICE BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Eggleton, P.C., for the second reading of Bill S-224, An Act to establish a national volunteer emergency response service.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have not finished preparing my notes and I will move the adjournment for the balance of my time.

(On motion of Senator Comeau, debate adjourned).

ITALIAN-CANADIAN RECOGNITION AND RESTITUTION BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill C-302, An Act to recognize the injustice that was done to persons of Italian origin through their “enemy alien” designation and internment during the Second World War, and to provide for restitution and promote education on Italian-Canadian history.

Hon. Joan Fraser: Honourable senators, I would like to ask Senator Comeau when he intends to speak to this bill. This bill has been with us for over nine months.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I am still working on my notes. However, I might have the same question of the other side as to when they intend to speak on the methamphetamine bill, which is an extremely important bill in terms of importance. Bill C-475 deals with taking dangerous methamphetamine products off our streets and protecting our children.

Senator Fraser: Honourable senators, I bear no responsibility for that bill, but I am the sponsor in the Senate of the bill about which I asked my question. I wonder if we may have an answer.

Senator Comeau: Honourable senators, since the senator sits on the caucus that has something to do with the methamphetamine bill, she might be able to use her good offices to help us in that regard. All honourable senators are aware of the extreme respect Honourable Senator Fraser’s comments receive in that caucus.

On the issue of Bill C-302, I will be speaking to my colleagues and I will try to get back with a response next week.

(Order Stands.)

• (1520)

GOVERNMENT PROMISES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling 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.

Hon. Pana Merchant: Honourable senators, with the kind leave of Senator Cordy, I rise to speak to Senator Cowan’s inquiry.

Honourable senators, the instances of deception of which I will speak affected Saskatchewan particularly, but the lack of honesty in government affects the very core of our democracy.

Truth in leadership is fundamental. This inquiry is about a prime minister giving his word and breaking his word, a pattern of behaviour which has sadly become the hallmark of the Conservative government. The issues of which I will speak are important to Canada as well as Saskatchewan.

The most significant failure of honesty in dollar value concerned resource revenue to Saskatchewan. Mr. Harper gave his word to remove non-renewable natural resources from the equalization formula, a move that would have reaped Saskatchewan over \$800 million annually from the federal government. Astoundingly, when confronted about not keeping his word, Prime Minister Harper answered that a good deal was given to Saskatchewan.

Honourable senators, the fundamental issue is failing to be honest, and the deception by Mr. Harper and his members of Parliament was unequivocal. They were clear. There was no mention of a cap regarding Saskatchewan resource revenues, and there was no mention of a clawback. The Conservative Party and Stephen Harper repeatedly gave their word in letters, campaign promises and the House of Commons.

An excerpt from Mr. Harper's letter to Saskatchewan Premier Calvert dated June 10, 2004 stated:

The Conservative Party of Canada will alter the equalization program to remove all non-renewable resources from the formula.

An excerpt from the 2004 Conservative platform stated:

A Conservative government will also revisit the equalization formula. We will move toward a ten-province standard that excludes non-renewable resource revenues from the equalization formula.

In 2006, the Conservative platform stated:

. . . work to achieve with the provinces permanent changes to the equalization formula which would ensure that non-renewable natural resource revenue is removed from the equalization formula.

Honourable senators, it was not only Mr. Harper who gave his word; almost every Conservative member of Parliament from Saskatchewan echoed with their own guarantees. Mr. Trost, Saskatchewan Conservative MP, stated:

The matter of equalization has to do with Saskatchewan's natural resources which by right of the Constitution should have complete access to, we should have total and complete benefit of.

Mr. Komarnicki, Saskatchewan Conservative MP, stated:

It is our position that non-renewable resources such as oil and gas should not be in the formula.

Mr. Lukiwski, Saskatchewan Conservative MP, asked:

Will the minister stand in this House today and do what is right, do what is fair, and simply commit to the elimination of the clawback provisions?

Mr. Anderson, Saskatchewan Conservative MP, said:

It was interesting to hear him say that equalization is not really about equality. We know that the current equalization formula is flawed. This change should be a slam dunk.

Ms. Yelich, Saskatchewan Conservative MP, said the following:

Representatives of the people of Saskatchewan are obliged to speak out against an equalization system that penalizes our province with an over-emphasis on non-renewable resources.

Mr. Batters, Saskatchewan Conservative MP, said:

To put it into perspective, a new equalization deal would have meant an additional \$750 million for Saskatchewan, my province, this year alone.

Mr. Vellacott, Saskatchewan Conservative MP, said:

It is estimated that Saskatchewan, had it received that same deal a decade ago, would have received an additional \$8 billion for the province from non-renewable resource revenues.

He continued, saying:

In regard to the equalization, Saskatchewan is being treated very unfairly.

When he realized that his leader Prime Minister Harper had broken his word, Brian Fitzpatrick, the then long-serving and respected Saskatchewan Conservative caucus chair, wrote to the Prime Minister demanding "compliance with our commitment." One wonders if he retired in disgust with his honour preserved.

A mailing to Newfoundland and Labrador residents in Stephen Harper's name, as Leader of the Opposition, stated clearly:

The Conservative Party of Canada believes that. . . oil and gas revenues are the key to real economic growth. That is why we would leave you with 100 per cent of your oil and gas revenues. No small print. No excuses. No caps.

A letter dated January 4, 2006, to Premier Danny Williams from Prime Minister Harper during the last election campaign guaranteed:

We will remove non-renewable natural resource revenue from the equalization formula to encourage the development of economic growth in the non-renewable resource sectors across Canada.

In breaking their word, Prime Minister Harper and his cabinet have imposed the very caps on payments to provinces that he, Stephen Harper, guaranteed would not be used.

Honourable senators, if you give your word, you keep your word. It is not a matter of “we almost did as we promised,” or “you are still being treated better than you were before.”

That is what Prime Minister Harper said of Saskatchewan equalization. That is like saying, “the lie is partially true.” It is not a matter of saying, “I have another good deal for you.”

Honourable senators, prior to the 2004 election, Mr. Harper gave his word again, this time specifically regarding the Metis residential schools, such as Île-à-la-Crosse, Timber Bay, Montreal Lake, and the other similar Metis schools in Saskatchewan and the West.

Metis schools are of particular importance to Saskatchewan and the West because of our large Aboriginal population. Prime Minister Harper specifically guaranteed that they would all be included in the residential school settlement.

There is no dispute about what was said. Taped records of these promises in Mr. Harper’s own voice were aired in Saskatchewan. After the election, Mr. Harper barefacedly refused to keep his commitment to the Metis people.

Honourable senators, it is not a matter of “now, in power, we will not do the fair thing about the Metis people.” In essence, that is what they say of Île-à-la-Crosse and the Metis residential schools.

It is not about “now, in power, we will break our words, but I have another good deal for you.” That is what they say of equalization regarding non-renewable natural resources.

It is not a matter of “my word costs too much.” That is what they say when breaking their word over income trusts. People keep their word or they do not.

Honourable senators, I began by saying that truth is fundamental to honest leadership and good government. These and the other broken Conservative pledges have hurt many Canadians. This pattern of deception has become the sorry template of the Harper government.

• (1530)

[*Translation*]

Hon. Percy Mockler: Honourable senators, I would be remiss if I did not recognize certain facts that affect Canadians and the leadership of Prime Minister Stephen Harper.

I still feel extremely honoured to speak in the Canadian Senate and highlight our government’s achievements. This inquiry, which was proposed by the Leader of the Opposition, Senator Cowan, today gives us the opportunity to consider the governance of our country under the leadership of our Prime Minister.

Honourable senators, although the time factor prevents me from providing a full report on our administration from 2006 to 2011, I would still like to speak about some important sectors that have had a positive impact on Canadians in the Atlantic region and across the country.

[Senator Merchant]

I have no doubt in my mind that certain honourable senators are eager to talk about our government’s achievements, as we saw yesterday with Senator Eaton’s speech. We have a very positive track record.

[*English*]

Honourable senators, we must take time to remind ourselves and remind Canadians, regardless of what a few detractors say, that the Conservative government of Prime Minister Stephen Harper is listening and has listened to Canadians, and that we have delivered results in enhancing the quality of life of Canadians in every walk of life.

It is a fact that since 2006 the world has been looking at Canada because they know that, as Canadians, we all strive to ensure a better quality of life within our social net. As Canadians, we all want economic security for our families. As Canadians, we look forward to attaining our ultimate goal with democratic values. We want the right and the ability to determine how we will live our lives in this great country that we call Canada.

Honourable senators, our government has an impressive record of accomplishments. There is no doubt in my mind, from the beginning of Confederation with Sir John A. Macdonald, that all prime ministers, regardless of their political colours, have strived to better the lives of all Canadians during their time in office. However, as we look at history, some prime ministers outshine others.

Since 2006, with a minority government, the government of Prime Minister Harper has set the tone to give Canadians the opportunities to realize their hopes and dreams, and we will continue under his leadership because we stand up for Canada.

Honourable senators, let us remind ourselves that the tone was set on January 13, 2006, when Prime Minister Harper said:

I have believed from the outset that this election would be about a choice. A choice between a government in power so long that it is now interested only in what it can take, and a new team that must focus on gaining public office for what we can give. Integrity, family, respect for work, achievement and a Canada strong and free. We have delivered.

[*Translation*]

We will continue in that direction, honourable senators. Even though the Liberal Party is trying to reinvent itself, Canadians remember and will not soon forget the sponsorship scandal and the Liberal party’s obsession with power and glory.

Our team, honourable senators, along with Prime Minister Harper, continues and will continue to make job creation, the economy and family values our priorities for people everywhere across Canada.

[*English*]

Honourable senators, we have delivered and I want to look at the balance sheet. We have delivered cleaning up government and weeding out corruption —

An Hon Senator: Oh, oh.

Senator Mockler: The honourable senator can laugh, but the facts are there for Canadians to see. We have delivered cleaning up government and weeding out corruption due to the sponsorship scandal by enacting and enforcing the Federal Accountability Act, which became law in December 2006.

We have also delivered on lowering taxes for working Canadians, starting with the reduction of the GST, reduced to 6 per cent in 2006 and 5 per cent in 2007, because we believe that money in the pockets of Canadians is better than being on the opposition side. Canadians can decide what they want and what they do with their money.

In fact, we have reduced taxes 120 times since 2006, in our five years in government. Today, Canadians are proud to stand up, regardless of where they live, because a family of four is saving nearly \$3,000 per year as a result of the tax cuts.

Another great initiative that we can all be proud of, regardless of where we live, is pension splitting. We have delivered.

We have delivered protecting Canadian families and communities by strengthening the justice system. Our government has passed 12 bills into law since 2006 to tackle crime, including the Tackling Violent Crime Act and the Truth in Sentencing Act — protecting victims and protecting children, women and seniors.

[Translation]

Honourable senators, we have also kept our word and we will continue to keep our word by offering child care options to parents through direct funding for daycare spaces.

As well, our government, under the leadership of Prime Minister Harper, is the first to have given parents \$100 a month for each child under the age of six. We kept our promises to Canadian families by offering Canadians the health care they need when they need it. That is significant.

We also achieved greater fiscal balance by working with the provinces and territories to establish a wait times guarantee for patients across Canada, the significance of which was not lost on Atlantic Canadians.

Honourable senators, the 2007 budget effectively restored the fiscal balance with the provinces and territories under our government. We are confident that the people of every province, territory and region are benefiting from this guarantee, no matter which part of the country they live in.

Yes, honourable senators, since 2006, Canadians have clearly seen that we are getting concrete results for Canadians, and we will maintain our course, with family values, for Canadians.

[English]

Honourable senators, when the Liberal opposition, with their friends the Bloc Québécois and the NDP were in doubt, we delivered in creating jobs and protecting our economy. In 2009, when we entered the worst recession since the Great Depression, we stood up for Canadians.

• (1540)

Honourable senators, let us remember that Canada was the last country to enter the recession and is the first country to recover because of sound leadership and good management.

Canada's Economic Action Plan, under the leadership of Prime Minister Harper, has proven to be ambitious, dynamic and reliable. Since the economic meltdown, Prime Minister Harper has put forward a successful strategy to respond to an unprecedented global crisis. Regardless of what the honourable senators think sitting on the left side of His Honour, we will always stand on the right side, working for Canadians.

I remind honourable senators that two years after introducing the economic action plan, Canada emerged from the global darkness in the strongest fiscal position of the G8 countries. Canada is on track to return to balanced budgets over the medium term before any other countries in the G8.

Honourable senators, we will continue to focus on the long-term priority for Canadian families — job creation and the economy.

The Prime Minister's stellar leadership is appreciated by all Canadians in responding to the needs of First Nations communities by investing in housing, infrastructure and social housing. I take this opportunity to thank Senator Brazeau for bringing to the table the needs of First Nations.

It is noteworthy that all regions of Canada appreciate that our government extended the deadline for infrastructure construction funding under four funds of the economic action plan from March 31, 2011, to October 31, 2011, to encourage construction activity and economic spinoffs for our communities and families.

Honourable senators, another unprecedented initiative under the leadership of our Prime Minister is that Canada leads the G8 countries with the lowest overall tax rate on new business investment. Canadians can count on benefiting from tax relief that is broad-based and fiscally sustainable.

Also unprecedented is that, as a result, Canada will be the first tariff-free zone for industrial manufacturers in the entire G20. I can assure honourable senators that Atlantic Canada will benefit.

Honourable senators, Conservatives believe sincerely that the best social program for Canadians is job creation. This is why Canadians have every reason to be confident about what lies ahead with our leadership.

Honourable senators, we are here for Canada; we are not only visiting. We will always stand up for all Canadians.

[*Translation*]

Honourable senators, I would like to talk about another subject that is important to New Brunswick, and that is the Prime Minister's leadership on official languages. As you know, our country was built on respect and understanding between the two main official language communities. Yes, our history shows that, since Confederation in 1867, beginning with Prime Minister Sir John A. Macdonald, the strength of our federation has been based on parallel, developing these two main language communities in parallel, while still respecting their unique characteristics. It is a fact: each community is able to flourish independently.

Since 2006, Prime Minister Stephen Harper's government has not been shy about developing a cooperative working relationship between the two communities.

Honourable senators, in November 2006, Prime Minister Harper moved a motion that was passed by the House of Commons and then by the Senate to recognize the Quebec nation.

Prime Minister Harper has always said, and I quote —

The Hon. the Speaker: The honourable senator's time has expired. Could the honourable senator have five more minutes?

Hon. Senators: Agreed.

Senator Mockler: Thank you, honourable senators. First, the Prime Minister has always said — he has not been shy, he has always been upfront, no matter where he was across the country — that Quebecers form a nation within a united Canada. I will quote him:

The answer is clear, because the Québécois have always played an historic role in advancing Canada with solidarity, courage and vision, and building a Quebec that is confident, self-reliant, united and proud within a Canada that is strong and united, independent and free.

Second, I would also be remiss if I did not call attention to his commitment, unprecedented in the history of Canada, of \$1.1 billion for the *Roadmap for Canada's Linguistic Duality*, which was established in 2008 and will end in 2013. Its oversight was entrusted to former New Brunswick premier Bernard Lord. The Prime Minister had a vision and he delivered on it. The Roadmap — one of Prime Minister's Harper's visions — is firmly committed to five areas of action: emphasizing the value of linguistic duality among all Canadians; building the future by investing in young people; improving access to services for official language minority communities; capitalizing on economic benefits; and ensuring efficient governance to better serve Canadians.

The Roadmap also involved creation of the Cultural Development Fund, funding for the translation of literary works written by Canadians in French and English and the commitment of \$24 million for "Santé en français." Just ask the people of New Brunswick and Atlantic Canada how important "Santé en français" is to the Université de Moncton. Some \$280 million was allocated for education in the minority language

[Senator Mockler]

and for second-language learning. All of Atlantic Canada, all minority regions, anglophone and francophone, benefited from that, honourable senators.

One need only think of New Brunswick, of Samuel de Champlain, of Saint John, Sainte-Anne, of Fredericton or the Carrefour Beausoleil in Miramichi. I could also remember *L'Évangéline*. We have many examples of people with imagination who care about the development of these communities, no matter where we live.

[*English*]

I remind honourable senators of an article in *The Globe and Mail* in 2010 entitled, "The world would love to be Canadian." It is unprecedented. More than half the people around the world say that, if they could, they would abandon their homelands and move to Canada. Honourable senators should be proud that 53 per cent of adults in the world's 24 leading economies said that they would immigrate to Canada.

• (1550)

Honourable senators, this is quite an honourable testimony vis-à-vis Canada and who we are. This is all about affirmative leadership, unwavering leadership, stable leadership, trust and integrity. Honourable senators on the left-hand side of His Honour can laugh, however, the fact of the matter is that Canadians know whom they can trust.

Some Hon. Senators: Hear, hear!

Senator Mockler: In conclusion, honourable senators, leadership is all about fairness, respect and compassion, and that is exactly the leadership we have in Canada today.

Some Hon. Senators: Hear, hear!

(On motion of Senator Cordy, debate adjourned.)

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. Pamela Wallin: Honourable senators, I will begin my remarks today and see how far I get; then I will be happy to continue them tomorrow.

I will take a few minutes to respond to the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the need to support new mothers and fathers, and I want to ensure the honourable senator and all those opposite that we do just that. Our government has always put families first and continues to do so.

Senator Callbeck also called for the elimination of the two-week waiting period for maternity and parental benefits. Let me first note that women's access to special benefits, including 15 weeks of maternity benefits and 35 weeks of parental benefits, is high. Ninety-seven per cent of women working full-time qualify for special benefits. Clearly, the system is working and it is widely accessible.

This government not only fully supports new parents and families, but we have also moved to answer a real need by including the self-employed in the ranks of those eligible for Employment Insurance. Now some 2.6 million self-employed workers will also be able to access the special benefits and they, too, can take time off now to care for a newborn or a gravely ill relative. Our government believes self-employed Canadians should not have to choose between their family and business responsibilities.

I will have more to say on Employment Insurance for self-employed women and men in a moment, but let me return to the issue raised by Senator Callbeck: the elimination of the two-week waiting period for maternity and parental benefits. Honestly, I wonder why, after their last 13 years in office, her party did not take up this cause, but that matter, I suppose, is for internal debate for members opposite.

A waiting period has been part of the EI program since its inception in 1940 and has been set at two weeks since 1971. Many Liberal governments have come and gone without implementing any change, without eliminating the two-week waiting period. I can only assume the reason they did not act is there was no demand, no political imperative, because most people in Canada, as well as those in countries right around the world, think it is very reasonable.

The two-week waiting period follows the same best practices of other insurance programs and is similar to the deductible portion of private insurance plans. By the way, when a waiting period has already been served in respect of a child or children by one parent, in fact the waiting period is deferred for the second.

The two-week waiting period plays an important function. It ensures that EI resources are focused on people dealing with significant gaps in employment, including those on maternity leave. It ensures that they have sufficient resources to draw on. This period also allows for the time needed to verify and establish a claim. It serves an important administrative purpose inasmuch as it allows for the proper processing and verification of claims and eliminates the short claims that would be, relatively speaking, very costly to administer. Given all the waits we have in the rest of our world today, two short weeks does not seem unreasonable.

The waiting period also takes into account the relative proportion of the program costs funded by both employers and employees. Therefore, stepping up for the first two weeks to share the burden seems reasonable, given that employees pay a lower premium rate than their employers. Employers pay 1.4 times that of the employee rate.

As I noted earlier, although a two-week waiting period applies to all types of EI benefits, including maternity and parental leave, parents who share benefits serve only one waiting period. This is

the same case as it is with other combinations of mixed claims, for example, one waiting period for individuals claiming sickness and maternity benefits in succession.

Furthermore, recipients of EI parental benefits are able to work while they are on claim and increase their income by the greater of \$50 per week or 25 per cent of their weekly benefit without a reduction in their overall benefits. Even given the waiting periods, Canadians still receive similar or greater overall maternity and parental benefits when compared to other countries.

In light of these considerations and that Canada continues to be highly ranked in terms of overall value and duration of its program, the government believes Canadians continue to be well served under the current provisions.

Honourable senators, I have a few more comments to make about our plan to expand EI benefits to the self-employed. Again, let me note that for 13 years the Liberal government ignored these 2.6 million Canadians whose work is an integral part of our economy. Our government has listened to them and taken action, and this commitment to the self-employed, who make up a crucial part of our economy, is widely supported. For example, Ross Creber, President and Secretary of the Direct Sellers Association of Canada, said:

Our industry welcomes the government's undertaking to extend Employment Insurance — maternity and parental benefits — to the self-employed. It removes a barrier to self-employment.

Catherine Swift, President of the CFIB, said:

The initiative fills a glaring gap for people running their own business, especially women. . . . They'd like to have a child and yet abandoning your business is not (an option).

Richard Phillips, Executive Director of the Grain Growers of Canada, stated:

For a lot of young farm families, this could be the difference whether they stay on the farm or leave the farms. . . .

This has huge potential for quality of life in rural Canada.

Philip Hochstein, President of the Independent Contractors and Businesses Association, stated:

Many independent contractors work as owner operators, from truckers to drywallers to painters, and with these challenging economic times, the extra security offered with extending the EI special benefits is welcome.

Pierre Beauchamp, CEO of the Canadian Real Estate Association, stated:

By creating a level playing field with the EI program, many of our members will no longer have to worry about taking time away from their careers to have a baby or care for a family member who is gravely ill.

Kevin Carroll, Past President of the Canadian Bar Association, stated:

The new program will enhance the contribution of women professionals and entrepreneurs to the Canadian economy.

No one should have to choose between having a family and having a career. The legislation is a good step towards the creation of a system of maternity and parental leave benefits that responds to the needs of all working parents.

Again, the only novel idea from the party opposite recently was their plan to support, along with the NDP and the separatists, a new EI plan that would create a 45-day work year that would cost \$7 billion per year and result in permanent 35 per cent increases in EI premiums.

By contrast, our government is committing to helping the unemployed, and Canada's Economic Action Plan is helping workers and their families to get through this global economic downturn.

An extra five weeks of regular benefits has helped over 365,000 Canadians while they search for new employment.

An enhanced work-sharing program is protecting the jobs of over 165,000 Canadians.

Unprecedented investments in training are helping Canadians receive the skills they need to enter or try a new career.

The freezing of EI premiums for two years helped employers to maintain and create jobs and let workers keep most of their hard-earned money where they need it most.

An additional \$60-million investment in the Targeted Initiative for Older Workers helps those who have invaluable knowledge and mentoring potential as they transition to a new job.

These are all investments to ensure that Canadians get benefits in a very timely manner.

I will have more to say if there is time tomorrow, honourable senators, but we have achieved significant progress in helping improve life for women and children in this country, around the world and even in places such as Afghanistan. Canada will continue to place an important focus on women everywhere. While I am glad that senators opposite are concerned for women, we are actually doing something about it.

(On motion of Senator Wallin, debate adjourned.)

(The Senate adjourned until Thursday, March 3, 2011, at 1:30 p.m.)

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		Hon. Percy Mockler	1908
Italian-Canadian Recognition and Restitution Bill (Bill C-302)		Employment Insurance	
Second Reading—Order Stands.		Maternity and Parental Benefits—Inquiry—Debate Continued.	
Hon. Joan Fraser	1906	Hon. Pamela Wallin	1910
Hon. Gerald J. Comeau	1906		



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