



CANADA

Debates of the Senate

3rd SESSION

• 40th PARLIAMENT

• VOLUME 147

• NUMBER 93

OFFICIAL REPORT
(HANSARD)

Wednesday, March 9, 2011



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, March 9, 2011

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

Prayers.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Lieutenant-Colonel Gisèle Fontaine, the Commanding Officer of the Canadian Forces Health Services Centre Ottawa; Lieutenant-Colonel Michel Deilgat, the National Capital Region Surgeon; and Chief Petty Officer 2nd class Mario Richard, the Clinic Sergeant-Major of the Canadian Forces Health Services Centre Ottawa. They are guests of the Honourable Senator Boisvenu.

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

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

UNIVERSITY OF LETHBRIDGE

SUPPORT PROGRAM FOR ABORIGINAL NURSING STUDENTS

Hon. Grant Mitchell: Honourable senators, today I have the pleasure of speaking about an excellent program at the University of Lethbridge, the Support Program for Aboriginal Nursing Students, known as SPANS.

The primary objective of SPANS is to recruit Aboriginal students who have the abilities and interests suitable to a nursing career. SPANS gives them the support they need to complete their studies and obtain a bachelor's degree in nursing from the University of Lethbridge.

This program is unique in many ways. It includes a one-year transition program to help students meet the entrance requirements for the nursing program. This program also gives Blackfoot elders a place in discussions with students about nursing and health care.

Aboriginal students can also take advantage of a mentorship program with registered nurses who work in the Blackfoot Confederacy.

Furthermore, students have access to infrastructure and designated staff, including an academic coordinator and an administrative assistant.

The program has recently expanded and is now open to students enrolled in the public health and addictions counselling programs.

The success of the program is also based on the opportunity for students to complete their clinical placements in their communities, on reserves, and thus become role models for other members of their communities.

Honourable senators, I encourage you to join me in congratulating the students and staff of the Support Program for Aboriginal Nursing Students at the University of Lethbridge. They are participating in an innovative and visionary project that will benefit Inuit, Metis and First Nations communities across Canada for a long time to come.

[*English*]

RESULTS CANADA

Hon. Jim Munson: Honourable senators, for a week in late February, I visited Ethiopia with a parliamentary delegation hosted by RESULTS Canada, a grassroots advocacy, organization working to generate public and political action to end hunger and the worst aspects of poverty. The honourable members of Parliament, Dean Allison — who is a good friend when one is on the road — and Bernard Patry participated in this profound educational journey.

Ethiopia is the second most populous nation in Africa, and one of the poorest. Those living in such extreme poverty lack adequate food, clean water and medicine. UNICEF estimates that one out of every 20 children born in Ethiopia dies in the first month of life, while one out of six Ethiopian children dies before the age of five.

It is one thing to hear such disturbing statistics, but quite another to look into the faces of the human beings behind the data.

I have lived in Asia and Europe; I have covered news events in many parts of the world and seen tragedy close up. However, this trip was different. Our delegation saw the utter absence of sanitation. We saw people in villages and urban clinics dying of tuberculosis, HIV/AIDS and malaria. Incredibly, though, out of this bleakness, hope shone through.

● (1340)

Everywhere, Ethiopians were helping Ethiopians. We met villagers who proudly showed us a latrine and rudimentary shower stall they had built, and their plastic water bottle for hand washing. We met women running businesses with the support of micro-financing and banking. We met women who had given money to women in other neighbourhoods to start businesses. . We met surrogate Ethiopian mothers who were feeding and caring for orphans. We met health extension workers providing services in their own villages. There are 35,000 health workers in Ethiopia. One Ethiopian doctor said to me, "We always have to try."

I believe the situation we saw in the Gandhi Hospital in Addis Ababa sums up the necessary perspective. In one room, a premature baby in an incubator lay dying, yet other babies throughout the hospital would become strong and survive.

Honourable senators, RESULTS Canada has given me a new appreciation of how real advocacy works. The organization lobbies, conducts letter-writing campaigns, meets, argues and cajoles to ensure that Canada spends its money on the right projects. It does not matter if the projects are implemented through CIDA, UNICEF or any other organization; it is about the strength and appropriateness of the projects.

Honourable senators, it was a privilege to take this journey. The delegation travelled a long way, but what a gift it was to witness hope and betterment in such a context. I have returned home inspired.

WORLD GLAUCOMA WEEK

Hon. Elizabeth (Beth) Marshall: Honourable senators, this week marks World Glaucoma Week. Known as the “silent blinding disease” or the “sneak thief of sight,” glaucoma robs people’s eyesight gradually as it worsens over prolonged periods of time. Glaucoma is the second leading cause of blindness in the world, next to cataracts.

Glaucoma progressively damages the optic nerve until eventually the eye is unable to carry visual information to our brains. It is caused by increased intraocular pressure, also known as IOP. This pressure will either cause a malformation or malfunction of the eye’s drainage structure.

Some forms of glaucoma can be congenital, forming at birth or in childhood, but most cases develop during an individual’s forties. The occurrence of this form of blindness increases with age. In the early stages of disease, there may be no symptoms. Experts estimate that one-half of the people affected by glaucoma may not know they have it. When symptoms such as tunnel vision, blurriness or loss of reading vision are experienced, it may already be too late.

Honourable senators, there are almost 5 million people who are afflicted with this degenerative disease globally, but it is expected that over 11 million people will be afflicted by 2020. This means the number will more than double in less than a decade. In Canada today, about 250,000 people have glaucoma. Glaucoma affects 1 in 200 people aged 50 and younger and 1 in 10 people over the age of 80.

Honourable senators, we take for granted our sense of sight. Only when we lose it or it worsens do we realize how crucial sight is in leading independent lives. Fortunately, there have been breakthrough medical advances in recent years. Improved screening procedures, surgery and laser treatment options, as well as medication, have all helped to halt or slow the degenerative process of glaucoma.

Honourable senators, glaucoma is not a selective disease, as it does not differentiate between male and female — both are susceptible. Early detection is vital since this disease is

irreversible; once our sight is gone, it is gone. With the forecasted numbers and with glaucoma going undetected and untreated, we may be in for a rude awakening in the years to come.

I urge honourable senators to pay attention to your eyes during World Glaucoma Week and I urge you to have regular eye exams.

INTER-PARLIAMENTARY UNION

PARLIAMENTARY CONFERENCE ON THE WORLD TRADE ORGANIZATION

Hon. Donald H. Oliver: Honourable senators, I rise today to call your attention to the upcoming 2011 session of the Parliamentary Conference on the World Trade Organization. The WTO remains the cornerstone of the multilateral trading system through which trade rules are negotiated and enforced.

The Inter-Parliamentary Union and the European Parliament have been jointly organizing and hosting this annual conference since 2001. The principal objective of the conference is to strengthen democracy at the international level by bringing a parliamentary dimension to multilateral cooperation on trade issues.

Parliamentarians from around the world who specialize in matters of international trade will converge in Geneva on March 21 for the two-day conference. It is the first time in 10 years that the conference will take place at the WTO headquarters. I am honoured to have been appointed by Inter-Parliamentary Union President Theo-Ben Gurirab to chair the IPU delegation at the Parliamentary Conference on the WTO. As President Gurirab writes:

The conference has amply proven its worth as a global forum on trade and development where parliamentarians from industrialized and developed countries can dialogue on an equal footing.

Honourable senators, the March WTO program includes three discussion panels that will deal with the following themes: Multilateralism in the midst of the rising tide of bilateral and regional trade pacts, rebalancing the rules of the multilateral trading system in favour of the poor, and trade and sustainable development from collision to cohesion. The conference will also provide parliamentarians with an opportunity to obtain firsthand information from the ambassadors who are the key negotiators on recent developments in the Doha Round.

The Doha Development Agenda was developed in November 2001 at the WTO Ministerial Conference in Doha, Qatar. The aim is to lower trade barriers around the world and increase global trade between countries. In recent years, trade negotiations have been stalled over a divide on major issues such as agricultural subsidies. The upcoming WTO conference will enable parliamentarians to provide advice to the WTO on ways to revitalize the Doha negotiations.

Honourable senators, one of the highlights of the conference will be an address by WTO Director-General Pascal Lamy. According to Mr. Lamy, the central priority of the WTO remains

the conclusion of the Doha Round. In a speech delivered in October 2010, Mr. Lamy said:

Bringing the Doha Round to a successful conclusion would send the strongest possible signal that the WTO is relevant to today's new world economy, that it remains the focal point for global trade negotiations, and that it will be a key forum for international economic cooperation into the future.

Honourable senators, as the new chair of the Inter-Parliamentary Union delegation to the steering committee, I remain fully committed to pursuing both Canada's and the Inter-Parliamentary Union's agenda on matters of trade and development.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of the Honourable Roger Fitzgerald, the Speaker of the House of Assembly of Newfoundland and Labrador.

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

Hon. Senators: Hear, hear.

NATIONAL BALLET OF CANADA

CONGRATULATIONS ON SIXTIETH ANNIVERSARY

Hon. Nicole Eaton: Honourable senators, it is with great pride that I rise today to speak about the sixtieth anniversary of the National Ballet of Canada.

[*Translation*]

Founded as a classical ballet company by Celia Franca in 1951, the National Ballet of Canada has over 60 dancers and its own symphony orchestra. It is the only Canadian ballet company to present a full season of ballet classics in their entirety throughout the autumn, winter and spring — in addition, of course, to the ever-popular *Nutcracker*.

[*English*]

Canada's premier dance company has performed for over 10 million people. The company has toured Canada, the United States and throughout the world, including performances in Germany, the Netherlands, Israel, Hong Kong, Japan, Italy and Mexico, and has been invited to perform in China next year.

The National Ballet of Canada has worked closely with major companies around the world, such as the American Ballet Theatre in New York, the Houston Ballet, the San Francisco Ballet and most recently with the Royal Ballet in London in an extremely successful co-production of Christopher Wheeldon's *Alice's Adventures in Wonderland*. *Alice's Adventures in Wonderland* is having its North American premiere this June in Toronto.

Honourable senators, the National Ballet of Canada is artistically vibrant, confident and forward-looking under the extraordinary leadership of Karen Kain. Ms. Kain's consummate artistry and passionate advocacy for the arts has strengthened the cultural life of many Canadians.

[*Translation*]

In honour of this important anniversary, the company is inviting the entire community to celebrations to be held throughout the year and has a six-city tour planned for Western Canada, from Winnipeg to Victoria.

• (1350)

[*English*]

The world premiere of *Romeo and Juliet*, choreographed by the acclaimed Alexei Ratmansky, opens the sixtieth anniversary season in November and will be the highlight of the season.

[*Translation*]

The Tutu Project will feature 60 tutus from great moments in the company's history and new tutus created by the community. This exhibition will be displayed throughout the entire season at the Four Seasons Centre for the Performing Arts and at some of Toronto's most popular events and festivals.

[*English*]

The sixtieth anniversary will be capped off with the annual Mad Hot Wonderland on June 21. The annual gala of the National Ballet of Canada is always one of the hottest tickets in town, and raises \$1 million in an evening of ballet, dinner and dancing — money, I might add, that is applied directly to the bottom line and is much needed.

Honourable senators, I know you join me in congratulating the National Ballet of Canada on its 60 successful years. I encourage honourable senators to take in the festivities when you are in Toronto or if the ballet comes to your city.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of Mr. Salah Dashti, Head Advisor of Hail Economic City holding company and board member and advisor with Al Kharafi Group worldwide. He is the guest of the Honourable Senator Zimmer.

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

Hon. Senators: Hear, hear!

THE KHARAFI GROUP OF KUWAIT

Hon. Rod A.A. Zimmer: Honourable senators, I draw your attention to Mr. Salah Dashti, who is the head advisor of the Hail Economic City holding company, and is a board member and advisor with Al Kharafi Group worldwide.

The Al Kharafi Group is a private Kuwaiti-based group with diverse interests and activities worldwide. Established as a trading company more than 100 years ago, it has since developed into a large multinational company.

Honourable senators, the company has been awarded a number of important projects in Kuwait, the Gulf States, Africa, the Caribbean, Asia and Eastern Europe. With an annual turnover exceeding US\$5 billion, the Kharafi Group now operates in more than 25 countries around the world, has more than 120,000 employees, and continues to march ahead with firm commitments to development, growth and progress.

The company is being established by a Saudi royal decree to develop the Hail Economic City, a new city that covers over 156 million square kilometres in size, and is being developed in the northern region of the Kingdom of Saudi Arabia. The city is set to be the largest and most modern transportation and logistics hub in the Middle East and North Africa, driving agro-industrial agriculture and food processing, mining and industry, green construction material and other green energy technologies.

The Middle East and North Africa have been going through serious challenges in opening up to the world, succeeding initially, before the current economic crisis, to grab most of the worldwide capital market.

Honourable senators, these challenges have led us to envision that a private sector company can adopt and implement a free market model without — and I stress “without” — governmental restrictions. By using and utilizing tools available in the modern Western market, which can be adapted to the Middle East and North Africa, MENA, we will have a city that allows the free market to flourish and that encourages other cities to take the same steps.

Today, the MENA region is the most attractive region in the world for the underdeveloped but rich. These two elements are the basic ingredients for the establishment of a new free economy city that creates a healthy living environment for millions of people. It is intended to position this company among the leading business and industrial cities in the world, paying special attention to the environment by adopting the highest standards and abiding by strict urban development rules and regulations.

Honourable senators, I am pleased to play host to my dear friend, Mr. Salah Dahshi, in this great adventure we call Canada.

ROUTINE PROCEEDINGS

STUDY ON APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

FOURTH REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. Maria Chaput: Honourable senators, I have the honour to table, in both official languages, the fourth report, an interim report, of the Standing Senate Committee on Official Languages, entitled: *The Vitality of Quebec's English-Speaking Communities: from Myth to Reality*.

[Senator Zimmer]

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

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE PRESENTED

Hon. David P. Smith: Honourable senators, I have the honour to present the fourth report of the Standing Committee on Rules, Procedures and the Rights of Parliament, which deals with the restructuring of Senate standing committees.

(For text of report, see today's Journals of the Senate, p. 1288.)

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

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

[Translation]

INCOME TAX ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-470, An Act to amend the Income Tax Act (disclosure of compensation — registered charities).

(Bill read first time.)

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

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

CANADIAN NATO PARLIAMENTARY ASSOCIATION

VISIT OF THE DEFENCE AND SECURITY COMMITTEE, OCTOBER 24-27, 2010—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association concerning its participation in the visit of the Defence and Security Committee, from October 24 to 27, 2010, in Afghanistan.

• (1400)

[English]

ANNUAL SESSION, NOVEMBER 12-16, 2010—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Fifty-sixth Annual Session, held in Warsaw, Poland, from November 12 to 16, 2010.

[Translation]

TRANSATLANTIC FORUM,
DECEMBER 6-7, 2010—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Transatlantic Parliamentary Forum, held in Washington, D.C., United States, on December 6 and 7, 2010.

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF ACCESSIBILITY OF POST-SECONDARY EDUCATION

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

That notwithstanding the orders of the Senate adopted on March 18, 2010 and December 2, 2010, the date for the presentation of the final report by the Standing Senate Committee on Social Affairs, Science and Technology on access to post-secondary education in Canada be extended from March 31, 2011 to June 30, 2011 and that the date until which the committee retains powers to allow it to publicize its findings be extended from September 30, 2011 to December 31, 2011.

[Translation]

**NEED FOR GENDER-BASED APPROACH TO
BUDGETARY AND FISCAL PROCESSES
OF FEDERAL GOVERNMENT**

NOTICE OF INQUIRY

Hon. Rose-Marie Losier-Cool: Honourable senators, pursuant to rules 56 and 57(2), I give notice that on Tuesday, March 22, 2011:

I will call the attention of the Senate to the need for the Canadian federal government to adopt a gender-based approach to its budgetary and fiscal processes.

QUESTION PERIOD

STATUS OF WOMEN

GENDER-BASED ANALYSIS

Hon. Rose-Marie Losier-Cool: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, I asked her whether her government had conducted or was going to conduct a gender-based analysis of the impacts of

the March 22 budget on the female half of the Canadian population. I carefully reread the leader's response this morning. I still do not know whether the government has conducted or will conduct this analysis. I look forward to reading the delayed answer promised by the leader, including the result of this analysis.

The leader told us yesterday that it was her government that implemented gender-based analyses of federal programs. However, in its own response in 2006 to the second report of the Standing Committee on the Status of Women of the other House, the Harper government indicated that departments had started integrating gender-based analyses into their programs in 1995, under the government of Mr. Chrétien, who had made this commitment. Could the leader explain this contradiction between her response and the one provided by the minister, Bev Oda, in 2006?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I believe that our government made a commitment to gender-based analysis across all government departments and agencies. The Auditor General stated in her spring 2009 report that gender-based analysis of programs rightly rests with the departments and agencies, even though she acknowledged that government policy was not applied across the board.

[Translation]

Senator Losier-Cool: Honourable senators, I would like to thank the leader for having mentioned the Auditor General of Canada's report. In her spring 2009 report, the Auditor General of Canada had this to say about gender-based analysis:

... there is no government-wide policy requiring that departments and agencies perform it.

The Auditor General studied gender-based analysis practices in seven departments and found that it was rarely used and not often taken into consideration as departmental policies were being created. Can the leader explain this second contradiction between the answer we were given and that of the Auditor General?

[English]

Senator LeBreton: In my view there is no contradiction. The Auditor General drew attention to the application of the gender-based analysis, and pointed out that the responsibility for the analysis rightly rests with the departments and agencies. Status of Women Canada urges the departments and agencies to follow government policy of conducting gender-based analysis on all policies.

[Translation]

Senator Losier-Cool: Honourable senators, yesterday the leader said that Status of Women Canada is working with every department and agency to develop the use of gender-based analysis. I remembered the substantial cuts made to Status of Women Canada by the Harper government a few years ago, and

I took a look at the Status of Women directory. I found that there are only seven people working in the Gender-based Analysis and Strategic Policy unit. Does the leader believe that seven people are enough to help the entire federal public service?

[English]

Senator LeBreton: Honourable senators, I reported yesterday that Status of Women Canada assists in providing the template for departments and agencies to conduct gender-based analysis. I must take exception to the honourable senator's comments that the government made cuts to Status of Women Canada. The honourable senator knows that is not true. The government has increased funding for Status of Women Canada programs to the highest level ever. It is false to say that we have cut funding to Status of Women Canada.

[Translation]

HUMAN RESOURCES AND SKILLS DEVELOPMENT

ACCESS TO SERVICE CANADA IN BOTH OFFICIAL LANGUAGES

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. Last month, I asked whether the government had considered its obligations under the Official Languages Act and Regulations before closing numerous Service Canada offices in Nova Scotia and Newfoundland and Labrador.

I also asked whether a study had been done on the impact that these changes would have on official language minority communities and whether that study was available for consultation. This morning, I learned that, when the Associate Deputy Minister from Service Canada appeared yesterday before the Standing Committee on Official Languages in the other place, she confirmed that, from now on, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador would be considered to be part of the Atlantic region and designated unilingual under the Official Languages Act.

If I understand correctly, that means that Acadians and other francophones in the Atlantic region have just lost their right to receive federal services in their official language, French. I would like to remind honourable senators that 20 to 25 per cent of people living in the Atlantic region are francophone and that New Brunswick is the only officially bilingual province in Canada. Designating the Atlantic region as a unilingual anglophone region therefore seems to be a clear violation of the constitutional rights of Acadians and francophones in that area.

• (1410)

My question then is: who decided to designate this area unilingual and what was the basis for that decision? Does this government truly see Acadia as a unilingual anglophone region?

[Senator Losier-Cool]

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, staff are not prevented from speaking to clients in the other official language in a unilingual office if they are able to do so. It is the choice of the employee.

All Canadians have the option to speak to someone in the official language of their choice, regardless of which Service Canada office they enter. That is the law. The government supports Canada's Official Languages Act and we follow all legislative requirements to provide quality service in the language of people's choice.

[Translation]

Senator Chaput: Honourable senators, a decision of such magnitude, namely, the decision to designate the Atlantic region as unilingual, requires a certain amount of forethought.

Did the government conduct any type of study on the impact that this change would have on official language minority communities? If so, can the leader obtain a copy of any study, analysis or other documents that may have been produced in this regard, particularly by Service Canada?

[English]

Senator LeBreton: The honourable senator made reference to testimony given before a committee in the other place. I would have to read that testimony and the questions that were asked in their context.

I reiterate that the government follows all legislative requirements to provide quality service to their clients in the official language of their choice.

With regard to Service Canada operations in various locales, as I said before, these community offices did not have government employees and residents could not apply for OAS, CPP or other government programs.

The government adheres to our Official Languages Act. We are serious about that and we follow the law with regard to providing services to people in the official language of their choice.

[Translation]

Senator Chaput: I thank the leader for her reply and I appreciate the fact that she will seek additional information. However, with all the respect that I have for the people working in our federal institutions and for those who will try to continue providing services in French to Acadians, the fact remains that, if the Atlantic region has been designated unilingual, I have serious concerns about what may happen.

I personally experienced the same situation in Manitoba when we lost a service because it was relocated to what is called a "unilingual region". Now, when I try to access this service, if it is not provided in French, I cannot ask for it. And I have no recourse to the Commissioner of Official Languages, because the area is designated unilingual. My great concern is whether, after the Atlantic region, western Canada will be next.

[English]

Senator LeBreton: The honourable senator asked that exact question previously, and I took it as notice, which is all that I can do.

[Translation]

REORGANIZATION OF SERVICE CANADA

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I have a supplementary question. How can the leader say that the decision to reorganize Service Canada — which will violate the rights of 500,000 francophones — is permitted under Part VI of the Official Languages Act, which governs the language of work, and Part VII, which deals with positive measures?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I responded clearly with regard to Service Canada in my first response to Senator Chaput. To repeat, staff are not prevented from speaking to clients in the other official language in a unilingual office if they are able to do so. That is the choice of the employee.

All Canadians have the option to speak to someone in the official language of their choice, regardless of the Service Canada office they enter. We will follow all legislative requirements to provide quality service in the language of an individual's choice to clients who come into Service Canada offices.

Senator Tardif: Honourable senators, I have trouble understanding this. Who will a client speak to if no one is in the office who can understand them? The word should not be “prevent,” but rather “encourage.”

Senator LeBreton: Honourable senators, I have made it clear that Service Canada will follow all legislative requirements to provide quality service in the language of the client. It only makes sense that in any office in the country people should be encouraged to speak both official languages.

As we know, there are both francophone and anglophone areas of the country where that is not possible. However, that does not take away from the policy of the government. We adhere to the Official Languages Act. We take all the recommendations of the Official Languages Commissioner seriously and we always respond to them.

We believe that under the Official Languages Act Canadians have the right to receive services in the language of their choice.

Hon. Joan Fraser: Honourable senators, I do not question the personal good faith of the Leader of the Government in the Senate when she gives her answers. I have sat here long enough putting questions to her to have no doubt about her personal commitment on these matters. However, I think we do have a serious institutional problem.

It is all very well for the leader to give us the assurance that the Government of Canada abides by the legislative requirements to provide service. However, an entire region of the country has had its entitlements under those legislative requirements removed because, if a region is not designated bilingual, then there is no legislative requirement to provide service in both languages. As we have heard, it then becomes a matter of whether or not there happens to be someone in that office who can provide service in the minority language in question.

In areas where there is a large minority population, it is likely that there will be an employee somewhere who can speak the other language. The real problem will be not so much in the heart of L'Acadie in New Brunswick, but for Acadians in Prince Edward Island and Nova Scotia, and for those poor francophones in Newfoundland and Labrador who have hung on so tenaciously for all these hundreds of years and where we cannot be sure that there will be federal employees who, out of the goodness of their hearts, can provide the service in their second language.

Can the leader please bring back to this chamber, rapidly, an explanation of exactly what has happened, why it has happened, and what will be done to restore the rights of francophones in an entire region, four provinces of this country?

Senator LeBreton: I thank the honourable senator for the question. I believe the basis of these questions is a result of some testimony that was given yesterday in the other place. I absolutely will endeavour to obtain the information, determine if it is misinformation and, absolutely, respond to the honourable senator by written response.

• (1420)

HERITAGE CANADA

MAPLE LEAF TARTAN

Hon Elizabeth Hubley: Honourable senators, my question is for the Leader of the Government in the Senate. I was delighted this morning to see the Maple Leaf Tartan declared an official symbol of Canada. Clearly, the government has been playing close attention to my efforts in the Senate to recognize the Maple Leaf Tartan as the national tartan of Canada.

The wording of this morning's press release, in particular, seemed eerily similar to the speech I gave in this place last week, on Thursday, March 3. Alas, a press release alone does not an official symbol make.

Official symbols of Canada are created either through an Act of Parliament, a resolution in both houses, or by proclamation. Since my Bill S-226 has not yet been passed and we have seen no such resolution, I can only assume that a proclamation has been issued.

First, can the leader confirm that a proclamation was indeed approved by cabinet? Second, as proclamations always appear in the *Canada Gazette*, can the leader tell us when we should expect to see it?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question, which I will take as notice.

As Senator Hubley knows, I am not in a position to divulge discussions of cabinet, nor would I ever divulge them.

I well understand the honourable senator's commitment to the Maple Leaf Tartan. I actually remember that when the Maple Leaf Tartan was introduced, everyone ran around buying Maple Leaf Tartan vests, skirts, kilts, scarves, tams and so forth.

I will take Senator Hubley's question as notice and ask for an explanation of exactly what was the intent of the press release.

Senator Hubley: I thank the leader and I do appreciate it. However, I have a short supplementary.

At the same time, could she ascertain when the Canadian Heritage website will be updated?

Senator LeBreton: I will be happy to do that, honourable senators. Updating websites seems to be a situation that all governments face.

INDUSTRY

2011 CENSUS

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. Manitoba's Chief Statistician fears too few Canadians may fill out the voluntary National Household Survey in 2011, which replaced the mandatory long-form census. He recently stated:

We could get a misleading picture. . . . If 50 per cent or lower . . .

Fill out the forms,

. . . what have we got? There is the potential here for a statistical catastrophe.

The fear is that the National Household Survey could produce misleading information about things such as population growth, which is used to determine the size of federal transfer payments. As a result, the Province of Manitoba plans to spend up to \$400,000 over the next five months to persuade Manitobans to fill out next spring's National Household Survey.

In its initial planning, Statistics Canada assumed a response rate of 94 per cent for the 2011 mandatory long-form census, identical to that achieved for the 2006 census. Statistics Canada is now assuming a response rate of 50 per cent for the voluntary National Household Survey though it could turn out to be much lower.

On October 5, 2010, in answer to my question regarding the federal government's decision to abolish the long-form census, the Leader of the Government in the Senate explained that,

because the National Household Survey will have even wider distribution, the data should be even more valuable. It appears that the National Household Survey in 2011 will be a much more expensive undertaking than the trusted mandatory long-form census would have been. The provinces will have to spend a great deal of money just to ensure they receive their rightful share of federal transfer payments.

My question is the following: How much will all this cost? How much will be spent by the provinces to persuade Canadians to fill out the voluntary National Household Survey? What is the federal government's strategy and financial contribution in this regard?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, again, to say "would have," "could have" or "might have," anticipating a doomsday scenario, is not helpful. There is no proof that is exactly what will happen. Many people, myself included, believe just the opposite.

The fact is, the questions that will be asked in the new National Household Survey are identical to the questions that would have been asked in the mandatory long-form census. It will be sent to 4.5 million households, which is a much larger sample than those which received the old long-form census.

As I have pointed out many times, the "long-form census" was really a misnomer. A census is a census and everyone has to answer a census. It should never have been called that in the first place. In any event, it is now properly named as the National Household Survey. We believe this survey will be filled out by Canadians.

I regret the views of the Chief Statistician of the Province of Manitoba, which the honourable senator has put on the record. I can only report to the honourable senator what the Chief Statistician of Statistics Canada said in a committee in the other place. He appeared before the committee and he stated that the 2011 National Household Survey will produce useful and usable data. The 2011 census is under way, and we encourage all Canadians to participate.

Hon. Sharon Carstairs: Honourable senators, I have a supplementary question. My understanding of the government's position was that they felt that this census was too invasive and yet the Leader of the Government in the Senate has just responded to a question to say that all of the questions will be identical. What is the rationale?

Senator LeBreton: Honourable senators, the rationale is that under the previous system it was demanded of people to fill in the long-form census under threat of penalty. Our government believes that with a wider distribution of the same questions, rather than demanding and telling Canadians that they must do this, we are asking Canadians to participate in this survey. We have every reason to believe that Canadians will accommodate us.

[Translation]

ORDERS OF THE DAY

KEEPING CANADIANS SAFE BILL

THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino, for the third reading of Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, as amended;

And on the motion in amendment of the Honourable Senator Manning, seconded by the Honourable Senator Smith (*Saurel*), that Bill S-13 be not now read a third time but that it be amended in clause 17, on page 8, by replacing line 15 with the following:

“45.48 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the *Keeping Canadians Safe (Protecting Borders) Act*.”

Hon. Roméo Antonius Dallaire: Honourable senators, with your permission, before I speak to third reading of Bill S-13, I would like to propose an amendment.

MOTION IN AMENDMENT

Hon. Roméo Antonius Dallaire: Honourable senators, I move:

That Bill S-13 be not now read a third time but that it be amended on page 6, by adding after line 16 the following:

“15.1 (1) Within one year after this Act receives royal assent, the Minister of Public Safety and Emergency Preparedness shall prepare a report that sets out all government expenditures associated with the implementation of this Act and shall cause the report to be laid before each House of Parliament.

• (1430)

(2) The report may be referred to the standing committee of each House that normally considers matters relating to national security and defence or, in the event that there is no such standing committee, to any other committee that the Senate or House of Commons may designate or establish for the purposes of this section.”

He said: Honourable senators, I am pleased to speak today to 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.

This is a positive bill, although it does need a little help. As honourable senators are aware, Bill S-13 would implement an international treaty reached between Canada and the United States in May 2009. As my colleague Senator Manning indicated, the United States has already implemented this treaty.

This treaty is 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.

The objectives of the framework agreement are to provide additional means to prevent, detect and suppress criminal offences and violations of the law in undisputed areas of the sea or internal waters along the boundary between Canada and the United States and to facilitate the investigation and prosecution of such offences and violations.

[English]

Why is this proposed legislation necessary? Not only is it to follow the application of the treaty already signed, but in the specifics, nearly one half of the Canadian-American border consists of maritime or water milieu, on both sides of the border. The geographic vulnerabilities of this maritime setting are exploited by criminal organizations to the detriment of the security and safety of both Canada and the United States of America.

The Canadian government, since 2001, has invested over \$1 billion in projects to enhance the marine security of the border, and to ameliorate the on-water presence and coordination of law enforcement.

A key element of Canada's National Security Policy of 2004 is the enhancement of maritime security and safety. As delineated in the North America Security and Prosperity Partnership of 2005, the Government of Canada at the time was also committed to cooperating with the United States to pursue a strategy to improve maritime port protection and transportation, and to combat transnational threats, which include organized criminal activities, migrant smuggling and contraband trafficking. It is within this environment of increased border cooperation and greater focus on maritime security that the pilot program Shiprider was conceived. The genesis of this proposed legislation dates back to the Shiprider pilot program of 2005, created and implemented under the previous government.

The four operational goals of the Shiprider program, as outlined in the RCMP-U.S. Coast Guard Shiprider 2007 impact evaluation final report, are as follows: first, to enhance cooperation between Canada and the United States in law enforcement agencies, chiefly the RCMP and the U.S. Coast Guard, but not singularly; second, to enhance the operational effectiveness of the interdiction and enforcement of Canadian and American laws by our respective law enforcement agencies; third, to enhance international border integrity via an increased presence of law enforcement; and, finally, to promote and demonstrate safe boating techniques.

The Shiprider program was largely a success and this bill, amended, would allow those successes to continue into the future. Nonetheless, it is important that the Department of Public Safety,

the RCMP and other relevant law enforcement agencies ensure that in implementing this bill, the governmental responsibility to consult, and accommodate, Canada's First Nations peoples is fulfilled consistently and in good faith.

As was stated by the leaders of the Mohawk government from the communities of Akwesasne and St. Régis, which are right on the border and have waterways, in their testimony before the Standing Senate Committee on National Security and Defence, Aboriginal peoples in this region are keen to participate in this government initiative. They told our committee that the purpose of this initiative is largely welcomed by their communities. They understand that cross-border criminal activity in the region will undermine the national security and economic interests of both the United States and Canada.

However, they want to be a meaningful and respected partner in the implementation of this bill to ensure their interests in the region are also protected. They want to know how this initiative might affect their traditional fishing, hunting and trapping activities in the Akwesasne and St. Régis area, and how it might affect their use of the river system in this area. They want to ensure, in the words of Brian David, Acting Grand Chief of the Mohawk Council of Akwesasne, when he appeared before the committee, that "the police distinguish the good people in Akwesasne from the not-too-good people in Akwesasne."

The Aboriginal communities also want to know how this legislation might affect their hard-fought rights of self-governance and other Aboriginal treaty rights. These are significant, legitimate and sensible concerns that the government has an ethical, moral and legal responsibility to address in the implementation of this proposed legislation.

If this bill does become law, I call upon the government to engage the Aboriginal communities in the geographic areas affected by this bill and to implement the legislation in a manner that fully respects their concerns as well as their Aboriginal and treaty rights.

I have another point for your attention, honourable senators, about this particular bill. The coming into force of large sections of this bill are dependent on what happens to Bill C-38, the Ensuring the Effective Review of RCMP Civilian Complaints Act, and Bill C-43, the Royal Canadian Mounted Police Modernization Act, which are currently before the other place.

Clause 24 of Bill S-13 before us, the clause concerning the coming into force of the proposed legislation before the other house, reads as follows:

The provisions of this Act, other than sections 22 and 23, come into force on a day or days to be fixed by order of the Governor-in-Council.

• (1440)

What are we to make of sections 22 and 23? Bill C-38 and Bill C-43 may be passed with amendments, and these sections refer directly to those two bills. It is one thing for proposed legislation in this chamber to refer to a law that is currently in

effect in Canada. It is completely different for a bill to have particular effects that are entirely determined by what occurs to multiple other bills that are currently under study by Parliament and what they ultimately will bring to our bill.

Honourable senators, we must be vigilant of what effects and provisions will be determined by the events, which are outside the control of this chamber and may affect those two bills in the other place and, by extension, Bill S-13.

The imperative for clear legislation is especially present when dealing with a bill that has implications for Canadian sovereignty and the potential rights and freedoms of those apprehended during these cross-border operations. The complexity, if not ambiguity of the legalese in trying to cover two other bills still in full action in the other place, and trying to cover those bases in one bill, is not an effective way of going about passing a bill when we are looking for a simple solution to what is an effective means to achieve our security.

Also, let us not forget that the RCMP-U.S. Coast Guard Shiprider 2007 impact evaluation final report states:

The RCMP will have to make a considerable investment in time, money and human resources to effectively put into place full-time operational Shiprider units. This will be a significant undertaking for the force and a departure from its focus on land-based activities.

Clearly, the implementation of this bill will require substantial government expenditure.

Honourable senators, several members of the Standing Senate Committee on National Security and Defence requested further details on the cost of implementing this proposed legislation. We have not received answers from the minister, or from senior members of the department who are involved in the actual implementation process of this bill. We were told that this information will be available in future budgets and that we should not worry about the cost for the moment.

Honourable senators, imagine, for example, your son or daughter wanting to buy a car with your money. He or she might indeed need a vehicle to get to school or to work. However, before approving the purchase, you would be well within your rights to want to know which car they wanted to buy and the cost of the car. This government wants us to give them permission to buy a car with taxpayers' money and only inform us, after the fact, about how much they spent to do the job.

Honourable senators, it is fiscally irresponsible for us to endorse a bill without an iota of information as to its cost. It is well within the purview of this chamber to expect the executive branch of government and the bureaucracy to inform us of the implementation costs associated with implementing this bill. They bring others to us, yet we see similar inaction in regard to wanting to provide us with costing. They want to endorse these bills with comments such as "We think we can absorb it; it is not significant;" and "We are getting a good deal on the Americans' back."

Honourable senators, Canadian taxpayers do not want members of Parliament to rubber stamp pieces of legislation. They expect us to understand fully how proposed legislation will be implemented and how much it will cost.

May I have five minutes?

Senator Comeau: Five minutes.

Senator Dallaire: Thank you.

This bill will do us well, for sure. However, for the reasons I have raised and introduced in the amendment of Bill S-13, I believe it is essential that these bills increase the transparency, accountability and fiscal responsibility with which this bill should be implemented.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Would the Honourable Senator Dallaire entertain a question?

[*Translation*]

Senator Dallaire: With pleasure.

[*English*]

Senator Comeau: Honourable senators, I listened carefully to Senator Dallaire's speech; however, I missed the initial moments and I missed the amendment. Generally, we hear the amendments at the end of the speech; in this case, the honourable senator introduced the amendment at the beginning of his time and I admit to having missed the nuance of the amendment.

I wonder if the honourable senator would be kind enough to explain the amendment to this chamber. In addition, could the honourable senator explain why this amendment was not raised at committee, which is generally, where such amendments are made.

[*Translation*]

Senator Dallaire: Your question is completely relevant. I am happy that you did not ask me to re-read the amendment because I gave it back to the page.

The issue was brought up in committee. The bill will create additional expenses for the department or for the government as a whole. We asked how much it would cost and no one was able to tell us. Will we purchase 15 boats, or should we buy two? What other equipment will be needed? How will this bill be implemented?

In my experience, it has always been unthinkable to propose a bill to a minister without having first drawn up cost estimates for the department itself. If the funds are not available, the minister would have to consult other cabinet ministers and try to sell them on the bill.

We have heard only vague assertions to the effect that things will fall into place and that the costs will likely be absorbed. However, the bill is based on a report indicating that even more money will have to be spent and that more human resources will be needed. I only bring that up as an observation. In my mind, it is essential that we know how much all this will cost. This point was debated in committee and the majority felt this observation

would not be part of the report concerning the bill. Then a little birdie told me that if I wanted to raise this point again, I could do so at third reading.

Honourable senators, that is my proposal.

Hon. Fernand Robichaud: If I understood correctly, witnesses told the committee that this bill would incur additional expenses and that the details of these expenses would be set out in an upcoming budget.

Senator Dallaire: The witnesses told us that we would see how much all of this is going to cost when it comes time to review the budget estimates—I hope that is the right term. We will also see if the department is able to absorb these costs or if it will have to seek funding from the central agencies in order to implement this bill. We could not get any details beyond that.

[*English*]

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

Senator Comeau: No.

Hon. Pamela Wallin: Honourable senators, I must say that I am a little surprised by the senator's comments. All of the issues Senator Dallaire has raised were discussed fully at committee. The Department of Justice answered our questions. It was discussed at great length. I think it is completely disingenuous for the senator to suggest that we did not hear any answers.

Honourable senators, this is implementing legislation of a treaty between two countries. There is no specific program spelled out. Therefore, there is no specific funding attached. It is a piece of legislation that allows both countries to go ahead and propose programs such as Shiprider, a program that the honourable senator himself and other members of his party allege they liked. It was their legislation initially, after all, with which they now disagree or have problems. This is legislation that would allow two governments to carry on. There is no cost involved that can be spelled out until the programs are agreed to by the two countries. One needs the legislation in order to allow the two countries to agree to the programs.

• (1450)

The honourable senator is putting the cart before the horse. He knows full well why the discussion was there, and amendments were brought forward by the government to contemplate and to anticipate changes being considered by the House of Commons to the RCMP Complaints Commission. They put it in there, and the Department of Justice officials explained repeatedly that the amendments were being proposed to contemplate that, so that we would not have to go back to the drawing board. On both sides, we all agreed it was a reasonable proposition.

The honourable senator raises the question about the concerns of the First Nations people. They clearly said they were consulted and they were talked to about this. This treaty involves Canada and the United States and a program that the two have worked out on a trial basis on three different occasions.

I am stunned — I guess that would be the appropriate way to put it — that the honourable senator is now putting all of this forward. We discussed this. I know Senator Day thinks it is funny, but we did have an agreement and we did, as adults and two consenting parties, agree that it was a good thing for the security of this nation to have this kind of a relationship with our biggest and most important trading and security partner.

Therefore, I am puzzled about what it is that Senator Dallaire is trying to accomplish.

Senator Dallaire: To the chair of the committee, what she has stated essentially is right inasmuch as we have debated in committee. With respect to her sort of schoolboyish reaction, this is not Grade 3 and she should wait for the full argument.

Honourable senators should remember that this debate was held in camera, interestingly, or at least not broadcast, which is an interesting angle. We did raise the amendments and we were told that if we wanted to raise these points again that we should go ahead and do so at third reading. We agreed with a number of the points.

Therefore, at third reading, as my side's critic, I felt it worthy of bringing to the attention of the chamber some of these discussion points that they did not hear because, in fact, it was not even broadcast. I thought it would be useful to provide background.

For example, the Department of Justice people appeared and spent a lot of time explaining these modifications because we are fiddling with two other pieces of legislation. We said we agreed that their modifications would meet that requirement, except that nobody mentioned what would happen if Bill C-38 and Bill C-43 were amended. Would that bring amendments to what we have done? We are not too sure.

However, there is an agreement that it was complicated. In fact, I never really heard an answer to the question about why this bill is in the Senate. If the two other bills are in the House of Commons and we are pushing legislation for a treaty, why are we starting a government bill in the Senate? We really did not push the angle and the dimension of finances too far, I agree, because maybe there is another perspective to that.

Are we allowed to introduce bills that someday might require money to be spent by the government? It may be cute or appropriate to move it through without giving us any direct answers and by telling us that it is being absorbed and that the programs have not been worked out. Maybe that is okay. However, I raised it in committee — and I did not use this term there but I will bring it forth here — that I am not sure it is ethical that we are fiddling around with it this way.

That is why I felt I should raise these points today.

The amendment is essentially saying that I may not want to wait until the actual estimates come out next year and that perhaps a promissory note could be attached to the estimates as to what this will cost when they build the program. That is the methodology of this sort of framework legislation.

[Senator Wallin]

Framework legislation must be questioned. I cannot believe that we continuously bring in legislation when we do not have a clue how much it will cost once it has been passed. Then we are held accountable afterwards for having passed it. People ask, "How did they pass this thing? Did they not know it would put us in debt and skew the funding of the government?"

With this amendment, I hope to raise a dimension that, if legislation is brought forward, there will possibly be some expenditures. If we cannot get the results of the program when we pass it, then we should ask in six months' or a year's time, subsequent to it being passed and implemented, what the cost might be. I consider that a fair request to be submitted with the implementation of a bill.

Hon. Tommy Banks: Honourable senators, in speaking to Senator Dallaire's amendment — and I know Senator Day also wishes to speak to it — in respect of what Senator Wallin has said, none of us should ever be surprised if an honourable senator brings in an amendment at third reading. It is perfectly in order. We all do so all the time, so it is entirely in order.

In respect of clause 22, for example, that Senator Dallaire raises, I hope that honourable senators will look at it. Clause 22 is 16 pages long. Clause 22, which will not be brought into force with the rest of this bill and which is conditional upon other things happening, is 16 pages long. It is not an insignificant consideration.

Honourable senators, I will ask, under rule 47, since the amendment that Senator Dallaire proposed was not fully translated by the simultaneous interpretation, that it be read again and slowly. I know His Honour was interrupted, but I think we can ask for this under rule 47 so that we all will know exactly what it is.

The Hon. the Speaker: Honourable senators, it has been moved by the Honourable Senator Dallaire, seconded by the Honourable Senator Day — as Senator Banks indicated, I began to read the amendment in English, and the house indicated that I should dispense.

[*Translation*]

I will now read the complete motion in amendment proposed by Senator Dallaire and seconded by Senator Day, first in French:

« RAPPORT

15.1 (1) Dans l'année suivant la sanction de la présente loi, le ministre de la Sécurité publique et de la Protection civile prépare un rapport faisant état des dépenses publiques associées à la mise en œuvre de la présente loi et fait déposer le rapport devant chaque chambre du Parlement.

[*English*]

May we verify our translation from English to French?

Senator Downe: The interpreters just stated that they do not have the text and so they could not translate.

The Hon. the Speaker: That is why I was intending to read it in both English and French. I shall continue reading the French version at subsection 15.1(2).

[*Translation*]

(2) Le rapport peut être renvoyé au comité permanent de chaque chambre du Parlement habituellement chargé des questions liées à la sécurité nationale et à la défense ou, en l'absence d'un tel comité, à tout autre comité désigné ou établi par le Sénat ou la Chambre des communes aux fins de l'application du présent article. ».

• (1500)

[*English*]

And in English, it is moved by the Honourable Senator Dallaire, seconded by the Honourable Senator Day:

That Bill S-13 be not now read a third time but that it be amended on page 6, by adding after line 16 the following:

“REPORT

15.1 (1) Within one year after this Act receives royal assent, the Minister of Public Safety and Emergency Preparedness shall prepare a report that sets out all government expenditures associated with the implementation of this Act and shall cause the report to be laid before each House of Parliament.

(2) The report may be referred to the standing committee of each House that normally considers matters relating to national security and defence or, in the event that there is no such standing committee, to any other committee that the Senate or House of Commons may designate or establish for the purposes of this section.”.

Continuing debate, Senator Day.

Hon. Joseph A. Day: Honourable senators, I have a few comments and observations to make with respect to this particular piece of legislation. It is my intention to talk about the amendments so that we all understand what amendments are outstanding and have been implemented, or were passed at committee. I will talk briefly about the issue of this bill starting in this chamber rather than the other chamber, relating to the money bill issue. Finally, I will talk about the title, the short title in particular, which I think honourable senators at least should be aware of.

Let me start, honourable senators, by agreeing with my colleague Senator Dallaire that this legislation, in principle, attempts to cover a concept that we support. The Shiprider concept will improve security at our maritime borders. As honourable senators heard yesterday from one of the questions I posed to Senator Manning, this bill deals with maritime borders only: the Great Lakes, anywhere else that we may have a river — the St. Lawrence River, the St. Croix River, Milk River and Columbia River — and the East and West Coast, the borderlines

there. Many rivers form borders, and this legislation relates to those rivers and only those rivers. It is important that we understand that point.

Honourable senators, we heard an amendment proposed yesterday. We have had another amendment today by Senator Dallaire. Senator Manning proposed an amendment yesterday that we have to keep in mind. Three amendments were made at committee and have been incorporated into this bill. We will have for voting, the two amendments that have been proposed and any other amendments that might be proposed during third reading.

I will go over the transcript briefly from the Standing Senate Committee on National Security and Defence from February 28, 2011, to give you some of the highlights so that honourable senators can understand my concern with respect to the amendment that was proposed yesterday. We were moving along nicely in clause-by-clause consideration until we reached clause 17:

Senator Manning: I have a problem with clause 17. I move:

Senator Manning then proposed that the clause be amended. The important point, if honourable senators look at yesterday's amendment, is that the wording is almost identical to what we passed previously, except for the numbers. The numbers are critical here. The amendment begins “45.88.” It is either 45.88 or 45.48. In this amendment, 45.88 is the number that they wish to use.

The Chair: This amendment is in reference to a situation in which people might be designated or appointed maritime law enforcement officers under the subsection?

Senator Manning: Yes.

Senator Dallaire: Are you adding these lines?

The Chair: It is replacing line 15.

Then I go on:

Are you sure you want section 45.88 in your amendment when it is section 45.48 in the act? Some confusion is being caused by all these different numbers, and we should have an explanation of what this amendment is intended to achieve and why it is necessary. There are two different points.

The Chair: Senator Day is asking whether 45.88 is the right number.

Senator Day: I think it should be 45.48.

The Chair: Yes, and that is on a different page. I think we have them mixed up. Is that correct?

Senator Day: Let us not be confused about what is coming. Let us talk only about this amendment. Should it be section 45.48?

The Chair: Can a departmental official join us?

The department officials are joining us, but, in the meantime, Senator Nolin says:

In French, it is perfectly okay.

The Chair: It is section 45.48. On this page, it is section 45.88.

Senator Day: Luckily I read the English version and found this mistake.

The Chair: Ms. Beecher and Mr. MacKillop have been here before. Do you see the problem in the English version?

Barry MacKillop, Director General, Law Enforcement and Border Strategies Directorate, Public Safety Canada: There is a difference in the English and the French. I believe it should read “45.88” in both versions. . . .

Senator Day: Look at line 15 on page 8. You are adding words after that section, as I understand, from this amendment. It should be section 45.48.

Honourable senators, you have to understand this discussion to know the frustration of those that were required to vote on this amendment at the end.

The Chair: We will do that. Can we clarify this amendment first so that we are all on the same piece of paper? Can we have the words that you want added read aloud so we can settle that part?

Senator Day: I am not sure we have settled it.

The Chair: It is the same wording.

Ms. Beecher: It has 45.48 on one.

The Chair: It has 45.88 on the other.

Mr. MacKillop: It should read 45.88.

Ms. Beecher: I think so.

Senator Day: Maybe we need another amendment.

Senator Manning: It amends section 45.88. . . .

Mr. MacKillop: It should read 45.88; and section 45.48 contains the definitions in Bill S-13. . . .

We had to clarify that definition within the auspices of the public complaints area, which is section 45.88. I apologize if the French version reference is section 45.48; it should be section 45.88 in both versions.

The Chair: You have the right number on the French copy.

Then we go on. We are still talking about this thing as we go on and on. I may have to ask for a little more time here.

Senator Manning: Chair, I need to extend my amendment to include section 45.88 to make sure everything is right.

Senator Nolin: You have to read it in French now. . . .

Ms. Beecher: It would be more practical to have a copy of the bill. . . .

Senator Day: This meeting would have been much easier if we had had time to review and consider the amendments before the meeting. We might not have had to ask these questions now.

The Chair: I think it is good that we have an opportunity to do this.

Senator Dallaire: The point that my colleague raises is that if we had received the amendments a couple of days ago instead of two minutes before we walked into the building, we could have reviewed them ahead of the meeting.

• (1510)

Then there was a bit of a debate on that, which is a good point.

Mr. MacKillop: The actual amendment will be inserted in proposed section 17 of Bill S-13. . . .

Senator Day: This is the best way that lawyers drafting this could do; that is, by taking us through all these various sections to achieve that?

Mr. MacKillop: We had to make a certain amendment in order to address the policy intent, which was to keep it as broad as possible and to cover all Canadian police officers. Given that Bill C-38 is not passed, we simply could not make a reference to Bill C-38 being amended consequentially.

That is part of the problem that has been raised here. We are trying to play with two different pieces of legislation, and we are going all over the place.

The Chair: This was some of the complication that we had in testimony. I am also told that we will have to now have a sub-amendment because the French version says “45.88.”

Senator Nolin: No, it is the reverse.

The Chair: I am sorry, I am just getting instruction here; I am not sure

An Hon. Senator: Is that what the chair said?

Senator Day: I am reading a transcript.

Senator Day: No. It has to be changed. . . .

Senator Nolin: Yes, and it should be 48. . . .

Mr. MacKillop: It is actually 45.88. The English version is correct; the French version inadvertently refers to 45.48 and it should be point 45.88.

The Chair: All right. Does everyone see this now?

Senator Manning then reintroduces it as 45.88, and the chair ends off this part of the transcript by saying, “That is a miracle,” and it is agreed.

Honourable senators, we went through this with respect to the 45.88, 45.48. At committee, we finally passed 45.88. The motion yesterday was to change it to 45.48. The exact same line, the exact same amendment that we have dealt with and spent 17 pages of transcript and an hour and a half on, that is the amendment, without explanation. I am afraid to look at the French section. I will refer to my good friend Senator Nolin to look at that aspect.

Honourable senators, perhaps the difficulty here is that we are dealing with new legislation. We normally do sober second thought on legislation. This legislation was dealt with at first blush. When we receive the legislation, particularly the first time, it is critically important to understand the amendments and all the different sections that are being excluded and included. These are government amendments. It would have been helpful if they would have shared the amendments with us and had offered the committee an explanation.

The second point I want to make is with respect to a money bill. If one looks at this particular piece of legislation, it is very clear that it requires certain things to be done. The purpose of the act is clear. It states:

The purpose of the Act is to implement the Agreement, the objectives of which are to provide additional means to prevent, detect and suppress criminal offences and violations in undisputed areas of the sea or internal waters. . . .

There is the appointment of individuals as peace officers.

An individual may be appointed under subsection (1) only if they have substantially completed the required training, . . .

There is money directed to the departments to spend. The comment that we heard at committee was not to talk about money because that would raise the issue of a money bill. It is clear that we are not entitled to introduce bills that require the disbursement of public funds or to collect public funds. That is not the role of the Senate.

Honourable senators, in my respectful submission, this bill requires the disbursement of funds in order to achieve the objectives outlined. A Royal Recommendation should appear, and the bill should commence in the House of Commons and not in the Senate.

The third point is with respect to title. I would like to make this point before I run out of time. I join Senator Harb in a comment he made in this chamber on March 1. While discussing another

piece of legislation concerning fairness at the pumps Senator Harb said:

By making this choice, the minister and his government have delivered a grave disservice to these hard-working departmental officials and industry stakeholders. The government has chosen to play politics, selecting an inflammatory and misleading short title that diminishes and takes away from what otherwise is legitimate and well-intentioned legislation.

Could I have five minutes? I am in my third point now.

Senator Comeau: Five minutes.

Senator Day: I want to point out to honourable senators there is a tendency to deal with short titles in a non-professional manner.

Yesterday, we talked about Dr. Driedger at the University of Ottawa. He was a professional; he taught a course on legislative drafting. He would be disappointed to see that the hard work of legislative drafts people is being interfered with for political purposes. That is the point that Senator Harb was making.

Honourable senators, if you look at some of the recent pieces of legislation and the short titles: Bill S-2, Protecting Victims from Sex Offenders Act; Bill S-6, Serious Time for the Most Serious Crime Act. Does that sound like a piece of legislation drawn up by a legislative drafts person?

These are just a few of the ones I took from the Order Paper: Keeping Canadians Safe; International Transfer of Offenders Act; Standing up for Victims of White-collar Crime Act; Cracking Down on Crooked Consultants Act. The short title of this piece of legislation is Keeping Canadians Safe (Protecting Borders).

The amendment that I proposed at committee was because “Protecting Borders” was misleading, because this bill refers to maritime borders. I asked for a friendly amendment to add the word “maritime,” and there was no agreement.

I do not believe, honourable senators, that “keeping Canadians safe” is something that we need to add to any piece of legislation. I think that is why we are here.

We are not trying to make Canadians less safe so it is implicit in all of our legislation that we are trying to do the best thing. When you go looking for this legislation in a table of contents or you are doing research, you will be looking for maritime borders. That is why I have suggested the amendment, honourable senators. Unfortunately, the majority was not with me. However, I think some of them were close.

• (1520)

I have decided to give it another try.

MOTION IN AMENDMENT

Hon. Joseph A. Day: Honourable senators, I move:

That Bill S-13 be not now read a third time, but that it be amended,

(a) in clause 1, on page 1, by replacing lines 4 and 5 with the following:

“1. This Act may be cited as the *Protecting Maritime Borders Act*.”; and

(b) by replacing every reference to the *Keeping Canadians Safe (Protecting Borders) Act* with the *Protecting Maritime Borders Act*, wherever it occurs in the bill.

I have the amendment in both French and English, honourable senators.

The Hon. the Speaker: It was moved by the Honourable Senator Day, seconded by the Honourable Senator Moore:

That Bill S-13 be not now read a third time, but that it be amended,

(a) in clause 1, on page 1, by replacing lines 4 and 5 with the following:

“1. This Act may be cited as the *Protecting Maritime Borders Act*.”; and

(b) by replacing every reference to the *Keeping Canadians Safe (Protecting Borders) Act* with the *Protecting Maritime Borders Act*, wherever it occurs in the bill.

[Translation]

I will repeat in French what was proposed by Senator Day, seconded by the Honourable Senator Moore:

Que le projet de loi S-13 ne soit pas maintenant lu une troisième fois, mais qu'il soit modifié:

a) à l'article 1, à la page 1, par substitution, aux lignes 4 et 5, de ce qui suit:

« 1. Loi visant à assurer la protection des frontières maritimes. »;

b) par remplacement de la mention « Loi visant à assurer la sécurité des Canadiens (protection des frontières) » par « Loi visant à assurer la protection des frontières maritimes » dans les dispositions où elle figure.

(On motion of Senator Comeau, debate adjourned).

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) moved third reading of Bill C-21, An Act to amend the Criminal Code (sentencing for fraud).

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

Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to and bill read third time and passed.)

[English]

AERONAUTICS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Greene, for the second reading of Bill C-42, An Act to amend the Aeronautics Act.

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak to Bill C-42, An Act to Amend the Aeronautics Act, which seeks to create an exemption under the Personal Information Protection and Electronic Documents Act so that airlines are enabled to provide information to the United States of America when flying over its airspace in compliance with the U.S. Secure Flight Program's oversight provisions.

We are dealing with the right of the United States to defend its soil and citizens in the wake of the terrorist attacks of September 11, 2001. The events of that day completely and irrevocably changed relations between the United States and the rest of the world and, yes, Canada's relations with our neighbours to the south have been altered forever as well.

From that day on, security has played a major role across the board in the relations between our two nations. From border issues, to trade and to travel, security will play a role in any negotiation that takes place between our two countries. Bill C-42 is not a surprise in that regard.

In fact, cooperation in civil aviation between Canada and the United States dates back much further. Canada is a signatory to the Convention on International Civil Aviation, which came into being on April 4, 1947. Article 1 of the convention states:

... every State has complete and exclusive sovereignty over airspace above its territory.

Canada has recognized the sovereignty of the United States over its airspace since 1947. That has been a fact for a long time. Part of that recognition of sovereignty is the right of the United States to ask for information regarding the people who are flying to the United States or through its airspace to arrive in another country. For reasons of security and in light of the events of 2001, this is completely understandable.

However, personal privacy has become a major issue with the rise of new technology and the inevitable globalization which has resulted. Canadians expect full protection of the privacy of their personal information.

In light of the massive shift towards security in the recent past, the balance between these two issues of privacy and security is a real issue. How does one strike a healthy balance?

Civil liberties groups state that personal privacy has primacy over the security issue and their points are valid. At the other end of the spectrum, Canadian airlines believe that closing American airspace to Canadian civil aircraft is not a very balanced business solution, to say the least.

In the committee hearings in the other place, the Privacy Commissioner of Canada, Jennifer Stoddart, expressed her concern with Bill C-42, but she did not feel the legislation would break Canada's privacy laws. She expressed her belief that, with the passing of Bill C-42, the Canadian Government has a responsibility to work with the Government of the United States and the airline operators to "minimize the impact," and pointed out four areas of concern.

First, ensure that the minimal amount of personal information is disclosed to American authorities. The U.S. Secure Flight Program requires only three pieces of information: the passenger's full name, date of birth and gender. In particular, Transport Canada should work with the airlines to avoid excessive disclosure of personal information. On this point, we note that our Aeronautics Act currently allows the Governor-in-Council to make regulations respecting the type or class of information that may be provided to a foreign state.

Second, question the retention periods of seven full days for no match, and seven years for potential matches, to fulfill the commitment from the U.S. to collect personal information only as necessary for airline security.

Third, negotiate robust and accessible redress mechanisms with the U.S. Department of Homeland Security for Canadians who are prevented from flying as a result of the U.S. Secure Flight Program.

Fourth, make Canadians aware of the Secure Flight Program and Canada's Passenger Protect Program to minimize the confusion that may result from the operation of the two programs.

Of course, the Liberal Party has great concerns with this bill as well. That is why an effort was made to strike that balance between privacy and security. The result was several amendments which have strengthened this bill and made it more effective. The Liberal members in the other place amended this bill in three ways.

First, airlines and travel agencies will be required by law to inform passengers that data about them will be transferred before they purchase their airline ticket.

Second, in the original version of the bill, other countries could be added to the legislation by order-in-council. The legislation now restricts the data transfer to the United States only.

Third, the legislation is now subject to oversight by the members of the committee of the House of Commons responsible for transport matters. The measures will be reviewed two years after coming into force, and each subsequent five years.

These changes were critical to finding agreement on this legislation in the other place. Awareness by the airline passenger as to the transfer of personal information provides transparency. The restriction on adding further countries to the law in the future will require that separate agreements will need to be entered into between Canada and these other countries.

The oversight provision will allow the members of the committee responsible for transport matters of the other place to review the manner in which this legislation is functioning and thus provide some oversight by Canadians on a matter of such delicate balance. I do not know why the oversight provision does not include the Senate of Canada, it being the other legislative body in our bicameral Parliament, particularly on matters of such high importance as dealing with the privacy and security of all Canadians.

• (1530)

The Standing Senate Committee on Transport and Communications should also be an oversight body. As an aside, I wish to add my own thoughts to Commissioner Stoddart's point that the Governments of Canada and the United States must work together to minimize the effects of Bill C-42 and other security matters between Canada and the United States.

From my experience, communication is key. We are living in a world where information can be disseminated, read and become "a fact," regardless of its truth, in a matter of moments. Ensuring this information is accurate and honest should be one of the issues we deal with seriously.

As recently as two years ago, the Secretary of the Department of Homeland Security of the United States was repeating the myth that the 2001 terrorists entered the United States from Canada. We know this is not true, but the upper echelons of the United States government, indeed the agency with which we would deal on matters of security between our two nations, was unaware of the facts. That falsehood was repeated last week by senior Senator John McCain of Arizona.

This complete failure of communication results in Americans' distrust of Canadians and our diligence in maintaining security along our mutual borders at a level acceptable to the United States. We need to be just as diligent in maintaining the level of communication between our two nations, at least at the same level as our security efforts. We try to do this in a non-partisan way through our Canada-United States Inter-Parliamentary Group. We have had success in explaining to our American counterparts Canada's position on various issues, but our efforts need to be continuously built upon every day. We saw that during our visit last week to Washington with the many new members of Congress who had little or no knowledge of Canada's important relationship with their country.

I believe my thoughts are most appropriate in view of the declaration made between the President of the United States and the Prime Minister of Canada on February 4, 2011,

regarding a shared vision for perimeter security and economic competitiveness. As this declaration is explored and advanced, I expect the same issues of privacy and security will be paramount. In all of these discussions and negotiations, Canada must insist upon reciprocity from our American counterparts as well as full respect for the sovereignty of our territory.

In closing, I would like to salute the efforts of my colleagues in the other place for their efforts at cooperation and for the responsibility they have shown in striking the balance between security and privacy. It is not an easy feat to achieve.

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

Senator Di Nino: Question.

The Hon. the Speaker: It is moved by the Honourable Senator MacDonald, seconded by the Honourable Senator Greene, that Bill C-42, An Act to amend the Aeronautics Act, be read a second time.

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

Senator Tardif: On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

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

(On motion of Senator Macdonald, bill referred to the Standing Senate Committee on Transport and Communications.)

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

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

Hon. Daniel Lang: Honourable senators, I would like to ask the Honourable Senator Carstairs when she would like to speak to this item, Bill C-475. This bill has gone through the House of Commons twice, unanimously. It was introduced here in September 2010 and spoken to. Senator Campbell spoke eloquently and passionately, was well informed, and supports the bill.

It is not a controversial bill. If we do not deal with it shortly, it could well die on the Order Paper and we may have to start again.

I would like to urge Senator Carstairs to speak to it as soon as she possibly can.

[Senator Moore]

Hon. Sharon Carstairs: Honourable senators, I addressed this matter while the honourable senator was travelling last week with the Energy Committee, I believe. I will speak to it as soon as I am ready.

(Order stands.)

STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY

FIRST REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the first report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *Canada and Russia: Building on today's successes for tomorrow's potential*, tabled in the Senate on March 31, 2010.

Hon. Consiglio Di Nino: Honourable senators, I rise to speak about the Standing Senate Committee on Foreign Affairs and International Trade's study on the emerging economies, but specifically the one dealing with Russia and our report on that.

First, I wish to acknowledge the warm and accommodating welcome our Russian hosts displayed everywhere we went. Our special thanks go to His Excellency Ralph Lysyshyn, Canadian Ambassador to the Russian Federation, and his staff; as well as to Mikhail Margelov, Chair of the Committee for Foreign Affairs of the Council of Federation; and Konstantin Kosachev, Chair of the State Duma Committee on Foreign Affairs.

Of particular note was the exceptional welcome we received in the energy-rich Siberian region of Khanty-Mansiysk by Senator Gennady Dmitrievich Oleynik and Governor Alexandr Vasilievich Filipenko, who not only warmly welcomed us but also embraced our mission with courtesy, openness and genuine hospitality.

Honourable senators, in Khanty-Mansiysk we witnessed what the benefits of a strong economy can provide its citizens when the state invests dividends from successful economic growth in its people. The educational, cultural and recreational facilities available to the citizens of this region are second to none, contributing to a high standard of living.

[Translation]

In today's global economy, it is becoming increasingly important for nations to identify key strategic trading partners, so as to ensure their long-term economic viability. This is particularly the case for trading nations such as Canada.

As the recent global recession has shown, gone are the days when Canada can be overly reliant upon the United States as its major trading partner.

While the United States will likely continue to be our largest trading partner for many years to come, it is imperative that Canada recognize the importance of emerging markets and the role they will play in the world economies of the 21st century and beyond. It was for this reason that the Standing Senate Committee on Foreign Affairs and International Trade undertook this study. Our goal was to better understand and assess the potential business and investment opportunities available to Canadian businesses.

As for Canada-Russia business relations, it is apparent we are doing something right. Between 2000 and 2009, Canada's total trade with Russia increased by 357 per cent. Canadian exports to Russia grew by an average of 22.5 per cent annually, while imports from Russia grew by 27 per cent annually.

There is no question that Russia has evolved from a socialist, state-controlled economy to a free market economy.

• (1540)

We heard evidence from many witnesses, in a variety of industries, regarding the success they have experienced in Russia, including from SNC Lavalin; Bombardier; Semex, a Guelph, Ontario bovine genetics firm; and Kinross Gold Corporation; all of which extol the profitable opportunities available in Russia.

However, it must be noted that trade with Russia is not without its challenges. In fact, Russia's President, Dmitry Medvedev, in his September 10, 2009, article entitled, "Go Russia," went as far as phrases like "a primitive economy," "endemic corruption," "backwardness," "humiliating dependence on raw materials," "paternalistic attitudes" and "social ills" to describe the current state of Russia.

[English]

Honourable senators, our report does not ignore the realities of Russia's problems, which to some degree, although different, exist in all global markets. I am particularly unsympathetic to those who self-righteously criticize other countries, including Russia, of corrupt or unethical behaviour.

The recent global economic crisis, the worst since the Second World War, was, in my opinion, the result of abdication of regulatory responsibilities, greed and corrupt practices, largely by our neighbour to the south. I recommend all honourable senators view the film *Inside Job*. It will depress you.

Of note, Canada does not escape the cancer of corruption and fraud. Over the years, there have been numerous examples, including the latest updates on Cinar, where \$120 million was swindled, and the Norbourn Asset Management case where 9,200 clients lost an estimated \$130 million.

The point I am making is that no one, no country, has exclusive rights to honesty or dishonesty. As well, let us remind ourselves that today's Russia, the new Russia, is barely 20 years old and old habits are hard to break.

[Translation]

Honourable senators, it is obvious that challenges exist for trade and investment in Russia, however, like everywhere else in the world, where there are no risks, there are no rewards.

What Canadian business needs to accept is that Russia is not Canada. They have different ways of doing things, different structures, if you will. Therefore, in order to be successful in Russia, an investor must be willing to be patient, learn and focus on the long-term benefits rather than the short-term challenges.

As Kinross Gold's President and CEO, Tye Burt, stated in his commentary in *The Globe and Mail* on May 21, 2010:

The senators' conclusion, and their "recipe for success" in Russia, square closely with Kinross's experience. As Canada's largest single investor in Russia, we have learned the critical importance of having a committed local partner; of understanding the mechanics of various Russian government agencies and knowing where decision-making power lies; of clearly demonstrating the benefits that our investment brings to the local population; and, above all, of being patient — and persistent — in pursuing our goals.

Honourable senators, the trade and investment opportunities in Russia are vast and varied. The committee heard numerous times from many witnesses that Russians like Canadians, and like doing business with Canadians. This attitude should open the doors to many new markets for Canadian businesses.

For instance, Russia presents a viable and lucrative partner for the Canadian agricultural industry. Canadian business would also be welcomed in the development of Russia's infrastructure and rail system, which is one of the largest and most intensely operated rail systems in the world. Opportunities also exist in the energy and extraction sectors and green technology.

[English]

Honourable senators, as the committee's report indicates, Bombardier, Kinross Gold, Semex and SNC-Lavalin and others all show that Canada and Canadian businesses can and do succeed in Russia. These and other companies have all made the case for future trade with Russia. They have demonstrated that Canadians can succeed in the Russian marketplace, as well as establish themselves as leaders in their respective industries.

Russia presents a promising market for Canadian goods and services, as well as Canadian investment. It boasts an emerging free market economy, a growing free press and a dedication to improving the lives of its populace, as shown by Governor Filipenko.

I urge all honourable senators to read the complete report for a better appreciation of our study, which makes a strong case for trade and investment with Russia. I believe our committee's mandate was timely and important. The development of emerging economies is now a major factor in the global economic reality that Canada cannot ignore.

In a July 12, 2010 article in *The Globe and Mail* entitled "Canadian CEOs are getting the BRIC message," Gwyn Morgan, retired founding CEO of Encana Corporation states:

A recent Historica-Dominion Institute survey found that Canada's brand resonates in these high-growth countries: A strong majority of those polled in Brazil, Russia, India and

China see Canada as a world economic power. Meanwhile, Americans ranked Canada below average and respondents from our traditional European allies ranked our country near the bottom.

Honourable senators, I am confident that the data gathered and the recommendations made by our committee will help to bring better focus to both the Government of Canada and the business community for the task at hand.

Hon. Pierre De Bané: May I put a question to my honourable colleague?

The Hon. the Speaker *pro tempore*: Senator Di Nino, will you accept a question?

Senator Di Nino: Yes, please.

[*Translation*]

Senator De Bané: First, I would like to thank my dear colleague for giving much of his speech in such elegant French, which shows his talent and mastery of the French language, and offer him my congratulations.

[*English*]

As the honourable senator knows, one of the major factors in deciding to make an investment in a foreign country is if there is a consistent, predictable respect for the rule of law. As honourable senators know, some Canadian businesses have had some unfortunate experiences in Russia; in the end, they preferred to cut their losses and return to Canada.

The honourable senator has given us many examples of Canadian companies that have succeeded. What would he say to those Canadian companies that are still very much concerned about whether they can do business in Russia with the rules that govern the running of businesses in our own country?

The Hon. the Speaker *pro tempore*: Senator Di Nino, before you begin your reply, I should advise you that your time for speaking has expired. Are you prepared to ask for more time?

Senator Di Nino: May I?

Some Hon. Senators: Five minutes.

Senator Di Nino: Thank you, I appreciate it.

I thank the honourable senator for his comments. We are trying; hopefully we will get better as we practice.

• (1550)

The honourable senator's question is very important. There is no doubt that when Canadians travel abroad for investment or trade purposes, and for personal reasons such as tourism, they want to know that laws exist to protect their interests. We must understand that Russia is not Canada and we have different ways of doing things. Challenges will differ from one country to another and certainly that is the case between Russia and Canada.

[Senator Di Nino]

However, it is an encouraging sign when the president of that nation talks about the problems in his country, such as corruption, bad habits and other negative components of their society. Mr. Tye Burt of Kinross Gold gave the answer better than I could give. He said, in effect, that we have to know that not all will succeed, but we should not focus on the failures. Rather, we should know the failures and learn from them. At the same time, he said that we should then move on because there have been many more successes than failures.

Russia does not help itself when it deals with some of these issues, in particular the way in which they treated Mr. Khodorkovsky. The general view of the world was that the state influenced the legal process, which was totally unacceptable. We know that there are risks and we must calculate those risks and keep our eyes open. I gave examples of five or six companies that we talked with in Russia. They said that opportunities exist and it is not a bad place to do business. They welcomed us to join them in making profits for our company and creating jobs for our country.

(On motion of Senator Andreychuk, debate adjourned.)

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

SIXTH REPORT OF FISHERIES AND OCEANS
COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Tardif, for the adoption of the sixth report (interim) of the Standing Senate Committee on Fisheries and Oceans, entitled: *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and British Columbia*, deposited with the Clerk of the Senate on December 20, 2010.

Hon. Nancy Greene Raine: Honourable senators, I rise to comment on the motion of the Honourable Senator Rompkey for the adoption of the report entitled, *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and British Columbia*. This item stands in the name of Senator Patterson, and I would like it to be understood that when I conclude my speech, the item will remain adjourned in his name.

Honourable senators, de-staffing Canadian lighthouses by the Canadian Coast Guard has been an ongoing plan since the 1970s, as new technology has made it possible to automate functions such as radio communication and radar. More recently, GPS systems have become standard navigational aids.

During the 1990s, the Coast Guard began to phase out all remaining staffed lighthouses and by the mid-1990s, all the lighthouses on our inland lakes, the St. Lawrence River and throughout the Maritime provinces had been de-staffed. The

exception is the lighthouse at Machias Seal Island off the coast of New Brunswick for sovereignty reasons because it is claimed by both Canada and the United States.

Our committee had the opportunity to visit some lighthouses that had been de-staffed in the Atlantic provinces. We were shocked to see the disrepair of some of Canada's most historic lighthouses. In the 1990s in both British Columbia and Newfoundland and Labrador, there was widespread public opposition to the de-staffing initiatives, so the practice was effectively stopped in 1998. Today, only 27 light stations in B.C. and 23 in Newfoundland are still staffed. When the last round of de-staffing was stopped, \$24.5 million in capital funding brought these light stations up to standard. In recent years, various departmental reviews have reaffirmed the decision to keep staff at the lighthouses. In spite of this, senior management of the Coast Guard has continued to press for de-staffing. As well, they have systematically reduced the effectiveness of the light station personnel.

In 2009, the Canadian Coast Guard advanced a plan to de-staff the remaining light stations. Reaction was extremely negative as no formal review or consultation had taken place. In September 2009, the Minister of Fisheries and Oceans put the de-staffing plan on hold pending a review by the Coast Guard of the additional services that lighthouses provide. In March 2010, she asked the Standing Senate Committee on Fisheries and Oceans to undertake the review.

Honourable senators, I am a skier from the mountains. To tell you the truth, before last summer I had never visited a light station. I must admit, I was a bit skeptical that they needed to be staffed. I am now convinced that it would be a huge mistake to de-staff.

I should explain that there are different kinds of lighthouses. Most of us think of the typical white tower with a beacon at the top. Out west, they are real stations in that they are a combination of buildings where the lightkeepers live, outbuildings that house the systems that operate the station, and the towers.

Times have changed and with modern navigational aids, the Coast Guard believes that they need only a light on a stick as an aid to navigation. Do we need to keep people at the lighthouses? Last summer when I visited the working light stations, I met some of the lightkeepers who were kind enough to give me an education. I realized quickly that no two light stations are the same; but all are staffed with dedicated keepers who are the ultimate multi-taskers. In B.C. the lightkeepers not only keep the light shining but also provide other marine and aviation services. I cannot imagine how they could be replaced efficiently.

I have heard from many of the lightkeepers. One of them said that although the public input that took place for the Senate study should have been educational, there continues to be a lack of understanding in Ottawa about the work that lightkeepers do on the British Columbia coast. They are placed in strategic locations along the coast, and it is a very good thing they are. As an example, the Trial Island Lighthouse, which is at the top of the list for de-staffing, marks the eastern entrance to the Strait of Juan de

Fuca. The vantage point of the light station and its personnel provides ample opportunity for assistance to the public. In 2009, because they were there, a group of 12 kayakers were rescued, two of whom had dislocated shoulders and five of whom were sufficiently hypothermic to require hospitalization. In another incident, a lightkeeper spotted at a distance of three miles three people clinging to the hull of an overturned vessel that had not had the opportunity to put out a distress call. The lightkeeper knew the weather was changing and that the seas were dangerous, so she went up the tower and watched. No doubt she saved their lives.

Up and down our coast, light stations provide essential services. They do search and rescue; provide aviation and marine weather reports; relay weak radio signals and distress calls from radio blind spots to Marine Communications and Traffic Services, which monitors all traffic up and down the coast; work with DFO to assist in monitoring fishing fleets; provide assistance to scientific endeavours, such as their records that are used to forecast which way the salmon will migrate; form part of the RCMP coast watch program; provide environmental response and pollution control, such as being first to report the oil spill off Vancouver Island in 1989; provide natural resources data collection; at times, reset equipment for tsunamis, seismic and GPS plate shifting monitoring; and work with Parks Canada. There are three lighthouses along the West Coast Trail and they regularly provide assistance to hikers and other recreationalists.

This effective and economical multi-tasking by lightkeepers cannot be replicated by parcelling out to various agencies. If there is a thought that doing without lightkeepers will save money, Ottawa should think again. Much of the work done by lightkeepers is preventive and we all know that an ounce of prevention is worth a whole lot of cure. Lightkeepers feel it is incumbent on them to assist in ensuring that the safety net on the West Coast is not picked apart by people who do not understand the needs of coastal communities.

Honourable senators, last fall the committee travelled to Prince Rupert on a fact-finding mission. Flying back we could see the dramatic coastal mountains rising thousands of feet out of the ocean. There are only three roads through those mountains to the coast. All communities up and down our coast between the southern border and Alaska rely on services provided by West Coast lighthouses as they monitor the marine highway. The lighthouses are the 911 system for safety on our coast.

Marine traffic is increasing all the time. Lightkeepers assist everything from big tankers to cruise ships to fishing boats to kayakers, and the list could go on and on. The traffic will not decrease. The need for lighthouses will always exist. The people on the lights are truly resourceful. Light stations should not be thrown away without a great deal of thought. The lightkeepers are valuable. They are there. Let us use them.

(On motion of Senator Raine, for Senator Patterson, debate adjourned.)

(The Senate adjourned until Thursday, March 10, 2011, at 1:30 p.m.)

CONTENTS

Wednesday, March 9, 2011

	PAGE		PAGE
Visitors in the Gallery		QUESTION PERIOD	
The Hon. the Speaker	1971	Status of Women	
<hr/>		Gender-Based Analysis.	
SENATORS' STATEMENTS		Hon. Rose-Marie Losier-Cool	1975
University of Lethbridge		Hon. Marjory LeBreton	1975
Support Program for Aboriginal Nursing Students.		Human Resources and Skills Development	
Hon. Grant Mitchell	1971	Access to Service Canada in Both Official Languages.	
RESULTS Canada		Hon. Maria Chaput	1976
Hon. Jim Munson	1971	Hon. Marjory LeBreton	1976
World Glaucoma Week		Reorganization of Service Canada.	
Hon. Elizabeth (Beth) Marshall	1972	Hon. Claudette Tardif	1977
Inter-Parliamentary Union		Hon. Marjory LeBreton	1977
Parliamentary Conference on the World Trade Organization.		Hon. Joan Fraser	1977
Hon. Donald H. Oliver	1972	Heritage Canada	
Visitor in the Gallery		Maple Leaf Tartan.	
The Hon. the Speaker	1973	Hon. Elizabeth Hubley	1977
National Ballet of Canada		Hon. Marjory LeBreton	1978
Congratulations on Sixtieth Anniversary.		Industry	
Hon. Nicole Eaton	1973	2011 Census.	
Visitor in the Gallery		Hon. Maria Chaput	1978
The Hon. the Speaker	1973	Hon. Marjory LeBreton	1978
The Kharafi Group of Kuwait		Hon. Sharon Carstairs	1978
Hon. Rod A.A. Zimmer	1973	<hr/>	
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
Study on Application of Official Languages Act and Relevant Regulations, Directives and Reports		Keeping Canadians Safe Bill (Bill S-13)	
Fourth Report of Official Languages Committee Tabled.		Third Reading—Motion in Amendment—Debate Continued.	
Hon. Maria Chaput	1974	Hon. Roméo Antonius Dallaire	1979
Rules, Procedures and the Rights of Parliament		Motion in Amendment.	
Fourth Report of Committee Presented.		Hon. Roméo Antonius Dallaire	1979
Hon. David P. Smith	1974	Hon. Gerald J. Comeau	1981
Income Tax Act (Bill C-470)		Hon. Fernand Robichaud	1981
Bill to Amend—First Reading	1974	Hon. Pamela Wallin	1981
Canadian NATO Parliamentary Association		Hon. Tommy Banks	1982
Visit of the Defence and Security Committee, October 24-27, 2010—Report Tabled.		Hon. Joseph A. Day	1983
Hon. Joseph A. Day	1974	Motion in Amendment.	
Annual Session, November 12-16, 2010—Report Tabled.		Hon. Joseph A. Day	1986
Hon. Joseph A. Day	1974	Criminal Code (Bill C-21)	
Transatlantic Forum, December 6-7, 2010—Report Tabled.		Bill to Amend—Third Reading.	
Hon. Joseph A. Day	1975	Hon. Gerald J. Comeau	1986
Social Affairs, Science and Technology		Aeronautics Act (Bill C-42)	
Notice of Motion to Authorize Committee to Extend Date of Final Report on Study of Accessibility of Post-Secondary Education.		Bill to Amend—Second Reading.	
Hon. Art Eggleton	1975	Hon. Wilfred P. Moore	1986
Need for Gender-Based Approach to Budgetary and Fiscal Processes of Federal Government		Referred to Committee	1988
Notice of Inquiry.		Controlled Drugs and Substances Act (Bill C-475)	
Hon. Rose-Marie Losier-Cool	1975	Bill to Amend—Second Reading—Order Stands.	
<hr/>		Hon. Daniel Lang	1988
		Hon. Sharon Carstairs	1988
		Study on Rise of China, India and Russia in the Global Economy and the Implications for Canadian Policy	
		First Report of Foreign Affairs and International Trade Committee—Debate Continued.	
		Hon. Consiglio Di Nino	1988
		Hon. Pierre De Bané	1990
		Study on Issues Relating to Federal Government's Current and Evolving Policy Framework for Managing Fisheries and Oceans	
		Sixth Report of Fisheries and Oceans Committee— Debate Continued.	
		Hon. Nancy Greene Raine	1990



If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5