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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, March 10, 2011

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

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE GORDON CAMPBELL

Hon. Richard Neufeld: Honourable senators, I rise today to pay tribute to a great British Columbian and a great Canadian.

Premier Gordon Campbell has dedicated 26 years of his life to public service, including 10 years as premier. He is the thirty-fourth Premier of British Columbia, and has been elected as premier in three successful elections; only the fourth instance of this political occurrence in British Columbia. In fact, in the 2001 election, the B.C. Liberals took 77 out of 79 seats, the largest majority of seats and the second largest majority of the popular vote in British Columbia's history.

In 2001, Premier Campbell inherited a province that was in complete disarray from the previous NDP government. British Columbia had gone from a "have" to a "have not" province. Debt had doubled, with little to show for it. Public services were in disarray with no direction, and tax rates for personal, corporate and small businesses were among the highest in the country. The economic climate was driving people out of British Columbia to other provinces looking for work.

Honourable senators, within days of taking office, Premier Campbell reduced personal income tax by 25 per cent. Over time, corporate tax was reduced and small business tax was eliminated; the public service received a new direction and British Columbians began returning home to their beloved province.

Premier Campbell has been honoured as one of British Columbia's great builders. He saw to the building of hospitals, roads, bridges, mass transit, and had universities built or repaired. He built a cooperative relationship with the federal government, which proved very beneficial for both the province and the federal government.

Premier Campbell assembled a climate action team and British Columbia became the Canadian leader for tackling the thorny issue of climate change. His government also moved forward with a new relationship with First Nations, which I believe has been very successful.

Honourable senators, under Premier Campbell's provincial leadership, one of most successful and memorable Winter Olympic Games was held in Vancouver and Whistler in 2010. For his dedication to the Olympic movement, the Canadian Olympic Committee bestowed upon Mr. Campbell the Canadian Olympic Order.

Premier Campbell's list of achievements is too lengthy to mention in such little time.

Premier Campbell had a vision that British Columbia could be the best place on earth — and he pursued his vision to his fullest capability.

Gordon's two sons, their families, and his wonderful wife, Nancy, supported Gordon in his active career, which enabled him to devote a considerable part of his life to public service.

In their early lives, Gordon and Nancy, who are voracious readers, taught in Nigeria under the auspices of CUSO and, while premier, he and his family climbed Mount Kilimanjaro. That climb helped raise \$130,000 for the Alzheimer Society. Gordon Campbell is truly an amazing person.

Honourable senators, I had the pleasure of serving in Premier Campbell's cabinet from 2001 to 2009, until I was called to the Senate. There was never a dull moment during those years. Mr. Campbell often told his cabinet ministers to "be bold, not to be afraid to do what is right." It was a heck of a ride for me, one I will never forget, and one I am very grateful to have had.

To Premier Campbell and his family, I take off my hat. Thanks, premier, for all you have done. Your leadership will be missed not only in British Columbia, but also in Canada.

I leave honourable senators with one of the premier's favourite closing remarks:

Whatever you can do or dream you can do, begin it.
Boldness has genius, power and magic in it.

Thank you again for your great leadership, Premier Campbell, and I sincerely wish you well in the future.

THE LATE MR. ARNIE PATTERSON

Hon. Terry M. Mercer: Honourable senators, we have lost another great Nova Scotian and another great Liberal. Mr. Arnie Patterson passed away Tuesday night after a long fight with cancer. He was 82 years of age.

A proud graduate of Saint Mary's University in Halifax, Arnie was known for his great media savvy and dedication to his province and especially to Dartmouth. If something was good for Dartmouth, Arnie was for it.

Honourable senators, Arnie was known for many things: he ran twice for the Liberal Party in Dartmouth—Halifax East, in 1968 and 1974; he was a reporter for several newspapers, including *The Chronicle-Herald* in Halifax; and he was Prime Minister Trudeau's press secretary.

He started a number of radio stations, particularly CFDR in Metropolitan Halifax, which was the first radio station that was not located in downtown Halifax, but in Dartmouth. He was also the general manager of Moosehead Breweries in Dartmouth.

Honourable senators, Arnie was a great advocate for his community, a great supporter of the Liberal Party and a great friend to many. I extend my condolences to his wife Glorena, his children and grandchildren, family and friends. Dartmouth will be a poorer place without him.

NATIONAL ABORIGINAL ACHIEVEMENT AWARDS

Hon. Gerry St. Germain: Honourable senators, the eighteenth annual National Aboriginal Achievement Awards will be held tomorrow night in Edmonton. Once again, I will have the privilege to attend.

With each passing year, the National Aboriginal Achievement Foundation continues to advance their cause. They continue to reach out and provide Aboriginal youth the opportunity of a higher education; they continue to raise larger funding amounts for bursaries and scholarships; they continue to promote the importance of an equal opportunity education for all Aboriginal people; and they continue to change lives for the better.

Honourable senators, I must commend the hard work and leadership of the foundation's CEO, Ms. Roberta Jamieson who continues to guide the foundation's work along the path of success.

Last fall, the National Aboriginal Achievement Foundation held a working summit to improve Aboriginal education across Canada. During the summit, a commitment was made by the Association of Canadian Colleges and Universities to implement an Aboriginal Achievement Institute, designed to increase high school graduation rates. Weeks later, the National Aboriginal Achievement Foundation accepted \$525,000 from Vale Industries Canada to launch a mining education module aimed at attracting Aboriginal youth into Canada's lucrative mining sectors.

Honourable senators, Aboriginal education continues to be a policy area where successive governments have failed to create meaningful change. However, it is refreshing to know that there are some positive developments taking place.

I believe the federal government should take note of these successes and act to emulate them on the national stage. The time is now for the government to fulfill its long promised obligations on providing good-quality, accessible and equitable education to Aboriginal people.

Honourable senators, tomorrow night, the National Aboriginal Achievement Awards will offer an opportunity for our country to take note of the vast amount of talent, drive and accomplishment embodied by Aboriginal people. This is a moment for our country to celebrate their achievements. However, let us, as a government, build upon that moment. I am sure we will. Let us ensure that

every Aboriginal person in Canada has the chance to succeed to the same degree as those who will receive the awards tomorrow night.

• (1340)

Honourable senators, in closing, I repeat what I have always said: Canada must seek out, and commit to making, appropriate investments in education so the future hopes, aspirations and opportunities of young Aboriginal people are equitable to non-Aboriginals. Their future relies on our actions today.

[Translation]

MRS. FLORA THIBODEAU

CONGRATULATIONS ON ONE HUNDRED AND TENTH BIRTHDAY

Hon. Rose-May Poirier: Honourable senators, on March 20, 2011, Flora Thibodeau, from Rogersville, New Brunswick, who comes from a family of six children, will celebrate her 110th birthday. Since she turned 100, I have had the privilege and honour of seeing this wonderful woman every year, and she recognizes me as soon as I arrive at her door.

Despite her age, Mrs. Thibodeau is in great shape. She always has a smile on her face, and she loves welcoming visitors to her home and answering questions about topics including history, religion and politics.

[English]

To quote from an article in the *Moncton Times & Transcript* from February 14, 2011:

She remembers the outbreak of the First World War in 1914, the first time something called an automobile went rumbling down the street in Rogersville, and she recalls the news in 1912 when the *Titanic* went down in the North Atlantic.

When asked about her first encounter with an automobile, Flora remembers it as if it was yesterday. "I remember it was a Ford, Model T I think it was called," Flora said. "We saw that thing going up the road and we did not know what it was — we all ran over to the road to see what was happening, and it was quite the thing."

Continuing from the *Times & Transcript* article:

When she was born on March 20, 1901, Sir Wilfrid Laurier was Prime Minister of Canada. William McKinley was the president of the United States, and his vice-president was a young upstart by the name of Theodore Roosevelt, and she was nearly two when the Trappist Monks arrived in her community.

But perhaps what is most remarkable about Flora is that the soon to be 110-year-old still defiantly lives at home, is healthier than many people half her age, can eat whatever she wants, is still relatively mobile, and has impeccable hearing.

[Translation]

When I visited Mrs. Thibodeau last year, she was curious to know whether she was the oldest person in Canada still living at home. Unfortunately, I have yet to find the answer to that question. So, honourable senators, if you have any information on that subject or can point me in the right direction in my search, I would be very grateful.

[English]

Mrs. Thibodeau had 7 children, is a grandmother to 17, is a great-grandmother to 27 and a great-great-grandmother to 5.

The article in the *Times & Transcript* continues:

Flora says that when you're 109 years old, life becomes a day-by-day process and that's exactly how she plans on taking it from here-on out.

She's thankful for her health, for her family, and for being able to live out her years in the comfort of her immaculately kept Rogersville bungalow, sitting in her comfy easy chair and listening to the radio.

Flora was a dedicated career woman, working hard to put food on the table. Aside from being a schoolteacher for six years, Flora was also the first woman manager of the local Caisse Populaire branch and a telephone operator. She also worked at the local Co-op location for many years.

[Translation]

In conclusion, Flora Thibodeau spent her life in the community of Rogersville. On March 20, she will celebrate her 110th birthday, a record that makes her the oldest Acadian in the province. I invite all honourable senators to wish Mrs. Thibodeau a happy birthday.

VIOLENCE IN HOCKEY

Hon. Jacques Demers: Honourable senators, I rise today to talk about the incident that took place on Tuesday night involving players from the National Hockey League.

After spending 1,500 games behind a professional hockey bench, I thought I had seen it all, but I see that that is not the case. I do not want to speak about the decision made by the National Hockey League regarding Zdeno Chara; however, I feel that the league sometimes has a hard time policing itself.

I am thinking in particular of our young people who play hockey for fun — or supposedly for fun, because there is sometimes a lot of pressure on these young people — and those who aspire to a career in the National Hockey League. Many of these young people idolize hockey players. It could just as easily be football, baseball or soccer players.

With an incident such as the one that occurred the other evening, I am convinced that some parents have decided that their son or daughter will no longer play hockey. Some young players would like to have the opportunity to move from the Quebec Midget AAA Hockey League to play in the Quebec Major Junior Hockey League and then go on to the National Hockey

League. I can imagine parents telling their child, "Well, son, no more hockey. You will play soccer or golf, but after what I saw, that is unacceptable. I do not want you to get hurt."

In my career, I saw some big and also some small hockey players: Denis Savard, Steve Yzerman, Vincent Lecavalier and Doug Gilmour, to name but a few. All but Vincent Lecavalier were small players. However, I never saw hits that were as vicious as the ones nowadays. Today especially, as the father of four children, including one boy, I am thinking of the image being projected with the violence that has been rampant in professional hockey for many years.

Some Hon. Senators: Bravo!

Senator Demers: I was discussing this earlier with some colleagues, including Senator Cowan. Everyone is talking to me about it. For those trying to find an explanation for such an action, I can tell you that there is none. Professional coaches and minor hockey coaches always tell their players to finish the check. If you give a good check, you come back to the bench, are tapped on the shoulder and told, "Good check. Good job."

Now we have a major problem: we must not be too emotional.

Now more than ever, the National Hockey League must set an example for youth. There are fewer Canadian and Quebec players in the National League. Playing in North America is more difficult for the players who come from all over Europe.

In Detroit, I coached Börje Salming, a Swedish player who paid a high price because he was not accepted. He was a talented player who loved to control the puck and play hockey as it should be played.

Yes, hockey is a physical sport. It is a sport that sometimes calls for checks, but not like the one I saw on Tuesday night.

[English]

WORLD PLUMBING DAY

Hon. Donald Neil Plett: Honourable senators, I have been waiting most of my life to be able to make the following statement.

Each and every year, we recognize worthy organizations, groups and causes by specifically dedicating a day to them. I happily rise today to recognize World Plumbing Day, which is celebrated around the world on March 11, 2011.

Plumbers of the world take heart; we are finally being given the recognition we so richly deserve. After all the cruel plumber jokes we have endured, we finally are being recognized for all we do for society.

Honourable senators, every single person on this planet is affected by the availability of clean drinking water and basic sanitation. In its second celebrated year, World Plumbing Day aims to help the general public better understand the vital role the plumbing industry plays in protecting both the public's health and safety in both developed and developing nations.

[Senator Poirier]

Currently, it is estimated that 3.1 million children die each year as a result of water-related diseases. The World Plumbing Association strives to end these unnecessary deaths by underscoring the vital role the plumbing industry plays in the provision of clean drinking water and basic sanitation in developing nations.

World Plumbing Day was established in 2010 by the World Plumbing Association. There are currently two Canadian organizations that are members of the World Plumbing Association: The Mechanical Contractors Association of Canada and the Canadian Institute of Plumbing and Heating. As two of Canada's leading national trade associations, these organizations are committed to environmental protection, particularly with regard to constructing energy-efficient buildings, sustainability, safe drinking water and the development of codes and industry standards that help safeguard Canadian consumers.

• (1350)

Honourable senators, please join me tomorrow in celebrating World Plumbing Day and congratulating the World Plumbing Council and its Canadian member organizations, the Mechanical Contractors Association of Canada and the Canadian Institute of Plumbing and Heating, on the crucial role they play in promoting the importance of the plumbing industry, both in developed countries like Canada and in developing countries where good plumbing helps to save lives.

[Translation]

ACCESSIBILITY FOR PEOPLE WITH DISABILITIES

Hon. Suzanne Fortin-Duplessis: Honourable senators, on March 4, 2011, I was very pleased to take part in an announcement regarding accessibility for people with disabilities at the Carrefour communautaire de Rosemont, l'Entre-Gens, an organization in Montreal.

This announcement demonstrates that we recognize the abilities of all Canadians, and it celebrates the progress we have made as a society towards the full inclusion of people with disabilities. Our government is investing \$14.2 million in 297 projects to improve access to facilities, activities and services and to help Canadians participate fully in their communities. Furthermore, building on this program's success, in Budget 2010, we granted an additional \$45 million over three years in order to remove barriers for people with disabilities.

The building in which the announcement was made was an excellent example of what our government is trying to achieve. Through the Enabling Accessibility Fund in 2007, we invested \$75,000 in a renovation project for that very place.

Honourable senators, I am particularly proud of the Enabling Accessibility Fund, which supports community-based projects across Canada that improve accessibility and enable Canadians, regardless of physical ability, to participate in their communities and contribute to the economy.

At the same time, these activities contribute to local job creation, which is very important in this period of economic recovery. Thus, it is clear that our government is giving priority to jobs and growth at the same time.

But that is not all. Financial stability is another factor that influences well-being. We fully understand that and we continue to support Canadians with disabilities and their families through programs and initiatives such as the Registered Disability Savings Plan, the Disability component of the Social Development Partnerships Program, the Disability component of the Canada Pension Plan, the Opportunities Fund for Persons with Disabilities and post-secondary education assistance measures for students with disabilities.

[English]

Being a person with a disability should not be an obstacle to enjoying life or contributing to society. In the course of *Canada's Economic Action Plan*, the government invested in communities across Canada to ensure that no one has to stop participating in society because of a physical obstacle. When those who are physically disabled can more easily access a service or building, they feel freer, and this feeling is strong.

[Translation]

Through this initiative, thousands of people now have access to services and organizations that they were unable to access in the past, and more and more people will benefit from the fund in the future.

In closing, I am tremendously pleased that, by eliminating barriers in this way, our government is helping communities come together to become even more solid and strong.

[English]

PUBLIC SERVICE ALLIANCE OF CANADA

ALLEGATIONS OF RACISM

Hon. Donald H. Oliver: Honourable senators, I rise today to call your attention to an article that was published in the March 3 edition of *The Gazette* in Montreal. The article discusses a race-motivated incident that took place on Monday, February 21, at the Montreal office of the Public Service Alliance of Canada.

Two Black union organizers received racially charged letters in their office mail slots. *The Gazette* writes:

The hate mail has brought to light troubling allegations of racism in the public-sector union's Quebec division.

The letter begins with:

SPEAK NEGER BLACK.

It goes on to say:

It's well-paid we have all the jobs that pay. Where and when we want. Incompetence included.

One of the two employees received a second letter. The [Translation]
anonymous four-sentence bilingual message reads as follows:

Speak Black it's better.

[Translation]

You work when you want to. You have the big job and the big money. No one asks anything of you. Every day is a weekend.

[English]

Two days after the incident, Regional PSAC Coordinator Bertrand Lavoie called a staff meeting to explore ways to improve the atmosphere at work. PSAC President John Gordon said that he is "very disturbed" by the hate mail and is steadfast in getting to the bottom of it.

Earlier today, I was told that PSAC has hired two independent external professionals to investigate these allegations of racism.

As reported by *The Gazette*, both employees believe the letters are linked to a controversial incident that took place in December 2009 at a national conference in Ottawa. At that time, PSAC Quebec staffers read the notorious poem "Speak White," written by Michèle Lalonde in 1968. They also showed a six-minute film inspired by the poem which featured images of the Ku Klux Klan.

Honourable senators, PSAC is one of Canada's largest unions. It represents more than 170,000 people, the majority of whom are federal government employees. The PSAC constitution states:

...every member is entitled to be free from discrimination and harassment, both in the union and at the workplace.

Yet, these incidents have taken place in the workplace.

Honourable senators, it is both upsetting and worrisome to know that the union that defends thousands of public servants and fights for a racism-free work environment is at the heart of a racism scandal. It shows us that no group, individual or workplace is sheltered from racial discrimination.

I am relieved to know that PSAC is not taking this matter lightly. It is taking the necessary measures to look into this incident and find ways to make its workplace more inclusive and tolerant.

We, in the Senate, have a moral obligation to raise these issues of racism and discrimination in the workplace. We must strive to make our society a zero-tolerance environment.

[Senator Oliver]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

SPECIAL REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to section 39 of the Access to Information Act, I have the honour to table, in both official languages, a special report entitled *Open Outlook, Open Access — 2009-2010 Report Cards*.

CRIMINAL CODE

BILL TO AMEND—EIGHTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Joan Fraser, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, March 10, 2011

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

EIGHTEENTH REPORT

Your committee, to which was referred Bill C-30, An Act to amend the Criminal Code, has, in obedience to the order of reference of Thursday, March 3, 2011, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER
Chair

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

(On motion of Senator Angus, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[English]

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SIXTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, March 10, 2011 [English]

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SIXTEENTH REPORT

Your committee, which was referred Bill C-35, An Act to amend the Immigration and Refugee Protection Act, has, in obedience to the order of reference of Tuesday, March 1, 2011, examined the said bill and now reports the same without amendment.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

ART EGGLETON,
Chair

(For text of observations, see today's Journals of the Senate, p. 1293.)

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

(On motion of Senator Eaton, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

• (1400)

[Translation]

AERONAUTICS ACT

BILL TO AMEND—SEVENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. Dennis Dawson, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, March 10, 2011

The Standing Senate Committee on Transport and Communications has the honour to present its

SEVENTH REPORT

Your committee, to which was referred Bill C-42, An Act to amend the Aeronautics Act, has, in obedience to the order of reference of Wednesday, March 9, 2011, examined the said bill and now reports the same without amendment.

Respectfully submitted,

DENNIS DAWSON
Chair

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

(On motion of Senator MacDonald, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

FREEZING ASSETS OF CORRUPT FOREIGN OFFICIALS BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-61, An Act to provide for the taking of restrictive measures in respect of the property of officials and former officials of foreign states and of their family members.

(Bill read first time.)

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be read the second time later this day.

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

Hon. Senators: Agreed.

(On motion of Senator Comeau, bill placed on the Orders of the Day for second reading later this day.)

PATENT 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-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

(Bill read first time.)

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

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

PROTECTION OF INSIGNIA OF MILITARY ORDERS AND MILITARY DECORATIONS AND MEDALS BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-473, An Act to protect insignia of military orders and military decorations and medals that are of cultural significance for future generations.

(Bill read first time.)

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

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

CANADA POST CORPORATION 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-509, An Act to amend the Canada Post Corporation Act (library materials).

(Bill read first time.)

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

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

[Translation]

INTER-PARLIAMENTARY FORUM OF THE AMERICAS

REGIONAL TRADE KNOWLEDGE WORKSHOP FOR PARLIAMENTARIANS OF THE AMERICAS, CONGRESS OF THE UNITED MEXICAN STATES, MAY 20 TO 22, 2010—REPORT TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian Section of the Inter-Parliamentary Forum of the Americas, respecting its participation at the Regional Trade Knowledge Workshop for Parliamentarians of the Americas, Congress of the United Mexican States, held in Mexico City, Mexico, from May 20 to 22, 2010.

EXECUTIVE COMMITTEE MEETING, JUNE 5, 2010—REPORT TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian Section of the Inter-Parliamentary Forum of the Americas, respecting its participation at the 22nd Executive Committee Meeting of the Inter-Parliamentary Forum of the Americas, held in Asuncion, Paraguay, on June 5, 2010.

MEETING OF THE GROUP OF WOMEN PARLIAMENTARIANS OF THE AMERICAS, NATIONAL ASSEMBLY OF ECUADOR, AUGUST 11-12, 2010—REPORT TABLED

Hon. Céline Hervieux-Payette: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian Section of the Inter-Parliamentary Forum of the Americas, respecting its

participation at the Meeting of the Group of Women Parliamentarians of the Americas, National Assembly of Ecuador, held in Quito, Ecuador, August 11-12, 2010.

THE SENATE

NOTICE OF MOTION TO REQUEST FISHERIES AND OCEANS COMMITTEE TO STUDY SPECIFIC MEASURES TO SUPPORT INUIT AND ABORIGINAL SEALERS

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

That the Senate request that the Standing Committee on Fisheries and Oceans investigate specific measures to support the Inuit/Aboriginal sealers given their designated exemption included in the European Union ban on commercial seal products.

• (1410)

[English]

VOLUNTEERISM

NOTICE OF INQUIRY

Hon. Terry M. Mercer: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to Canada's current level of volunteerism, the impact it has on society, and the future of volunteerism in Canada.

CANADA BORDER SERVICES AGENCY

NOTICE OF INQUIRY

Hon. Wilfred P. Moore: Honourable senators, I give notice that, on Tuesday, March 22, 2011:

I will call the attention of the Senate of Canada to the Canada Border Services Agency, its operation and oversight.

MULTIPLE SCLEROSIS AND CHRONIC CEREBROSPINAL VENOUS INSUFFICIENCY

NOTICE OF INQUIRY

Hon. Jane Cordy: Honourable senators, I give notice that, two days hence:

I will draw the attention of Senate to those Canadians living with multiple sclerosis (MS) and chronic cerebrospinal venous insufficiency (CCSVI), who lack access to the "liberation" procedure.

QUESTION PERIOD

TREASURY BOARD

OFFICIAL REFERENCES TO GOVERNMENT OF CANADA

Hon. Tommy Banks: Honourable senators, my question is to the Leader of the Government in the Senate.

Minister, I had planned to ask last Tuesday about the relatively new practice of heading government announcements with “Harper Government” as opposed to “Government of Canada.” I eschewed asking the question then because a letter to the editor appeared in *The Globe and Mail* on Tuesday from the Prime Minister’s office in which the point was made that the heading is common practice, has always been a practice and previous governments used it. Before I spoke, I decided to look into whether that is true. I have been unable to find any instance during the administrations of previous prime ministers before the year 2000 in which an announcement was headed by anything other than “Government of Canada.”

I have looked assiduously. I have seen many instances in which news reports refer to the “Mulroney government,” the “Chrétien government,” the “Martin government,” and even the “Campbell government;” but I have been unable to find an example that has said anything other than “Government of Canada” in a heading that emanated from a Government of Canada office.

I downloaded a list of announcements during the last few days, each of which is headed “Harper Government” right beside the Canadian flag on government letterhead. In every other case, right beside the flag on government letterhead when announcements were made by prior governments it said, “Government of Canada.” I have a long list; but I will not bore honourable senators by reading it. Each of the announcements by the government begins with “Harper Government announces . . .”.

This is a matter of good taste and convention. However, since this matter no doubt has been called to the attention of the government, will it reconsider that practice?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Minister Day, President of the Treasury Board, stated in the other place when asked a similar question that the government will continue to use the word mark “Government of Canada,” which is well known. It is not uncommon at all to use various terms. It has been a long-standing practice.

For many years through the 1970s and the 1980s, the government was referred to as the “Trudeau government.” When I had the pleasure and honour of working for Mr. Mulroney in the Prime Minister’s Office, the government was often referred to as the “Mulroney government.” The practice continued with the many references to the “Chrétien government” and the “Martin government.” These references are common practice. The term “Harper government” is used widely by journalists and by the public, in particular by the Liberal Party.

Senator Banks: I thank the minister for her answer. However, I am talking about the headings that appear on announcements made by the Government of Canada. I am hopeful that the leader will be able to show us an example of a government announcement made under the governments of Mr. Trudeau, Mr. Martin, Mr. Chrétien or Mr. Mulroney that has anything in its heading other than “Government of Canada.” I am not talking about the body of the announcement but about its heading. The leader said that government announcements made during a prior administration were headed by “Trudeau government.” I was unable to find any such thing, as hard as I looked; and I had the assistance of researchers from the Library of Parliament who could not find any such thing.

If there is such an example, I would still regard it as wrong. It does not matter under whose leadership the government is; it is the Government of Canada. This government is not any one person’s government; it is the Government of Canada. I hope that the leader will be able to show an example of that practice in the past and, if not, that she will undertake to ask whether her government will eschew that practice. It is wrong to say, under the flag of Canada in a heading of a government policy announcement, the “Harper Government” or anyone else’s government. If Liberal governments used the practice in the past, I am ashamed. I ask the leader to show examples of such a practice.

Senator LeBreton: Honourable senators, we have many issues facing the country. The government is concentrating on jobs and the economy. These process questions that tie up the good folks around Parliament Hill are interesting, but they do not exactly impact on the day-to-day lives of Canadians. I wish to state again that the government will continue to use the term “Government of Canada” in its announcements.

CITIZENSHIP AND IMMIGRATION

IMMIGRANT SETTLEMENT SERVICES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it was learned earlier this week that the federal government will cut funding to a highly successful immigration settlement program in Ontario, the province that welcomes the highest number of newcomers in Canada.

The Settlement Workers in Schools program is a no-cost, school-based settlement service that helps immigrant students adapt to a new life in Canada and connect their parents with community resources. Ms. Catherine Fife, President of the Ontario Public School Boards’ Association, has expressed publicly her worries about the \$43 million funding reduction in Ontario, citing that some school boards will have to close their community welcome centres, eliminate teachers and settlement workers, and reduce the operating costs of their settlement programs in the summer, which is a peak time when newcomers visit these facilities to enrol their children.

• (1420)

This is a question of justice and equity. The Minister of Citizenship and Immigration has no problem spending taxpayers’ dollars to woo ethnic voters. In fact, spending in the minister’s

office has increased by 35 per cent since he has held that portfolio. However, when it comes to giving newcomers the tools they need to adapt and settle into our country, the minister is prepared to cut the necessary funding.

Why are settlement services not a priority for this Harper government?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, let me correct the statement that the honourable senator made that the budget was increased by 35 per cent. That amount consisted of moving over a significant portion from the Minister of Canadian Heritage to Minister Kenney. This was the result of taking on more responsibilities and, obviously, the funding that went along with that moved with it.

With regard to settlement funding in Ontario, upon coming to office in 2006, our government cut the Right of Landing Fee in half, saving newcomers to Ontario approximately \$200 million. We also tripled funding for settlement services for newcomers across Canada, after it had been frozen by the previous government for over a decade.

I have answered this question before, honourable senators. I was interested to see an article in the paper a couple of days ago about the Premier of Nova Scotia lauding the Province of Manitoba for their successful campaign in attracting new immigrants to that province.

However, because there is a shift in where newcomers are settling, realigning funding across the country was the responsible thing to do. Of course, the government seeks out and values newcomers in Ontario and across Canada. These actions are simply a reflection of moving the funding and the dollars to where the immigrants are actually settling.

Senator Tardif: No matter if there has been a transfer of funds, it is still one department.

[Translation]

The immigrant population is very vulnerable. Educators across Ontario fear that these cuts will make children of immigrants fall even further behind their Canadian counterparts. Did the Minister of Citizenship and Immigration produce an impact study before making the decision to cut the program? If not, on what data and on what factors did he base his decision?

[English]

Senator LeBreton: First, honourable senators, a significant portion from the Department of Canadian Heritage was moved to Citizenship and Immigration under Minister Kenney. Therefore, the funding required to administer that program moved to him as well. It is incorrect to say that the budget was increased. Minister Kenney's responsibilities were increased and the funding that was previously with Canadian Heritage simply moved over to Citizenship and Immigration.

As much as the honourable senator tries to disseminate the story that we cut funding, the fact is that we did nothing of the sort. I answered this question the first time around. We tripled the amount of money for immigrant placement and we

have simply moved the funds to accommodate the immigrants where they are actually settling. Just as in the situation where an office in one part of the country was funded because immigrants were there and now immigrants are no longer there, we have moved the funding to where immigrants are actually settling.

I want to ensure the record is clear. We have not cut the funding. We have tripled the amount of funding.

Some Hon. Senators: Hear, hear!

Senator Tardif: Honourable senators, I am puzzled, because the district school boards in Ontario are saying that their demands continue to grow. The fact is that the government is cutting there because it is giving money elsewhere. How can one explain to these school boards that the demand is not there, when the demand keeps growing in these areas? I cannot believe that Toronto's demand is not increasing. Is the leader saying that the government is not cutting interpretation and language services, community centres or teachers in these areas?

Senator LeBreton: Honourable senators, I am saying that the money that has been set aside, which we have tripled, is being targeted in the areas where the immigrants are now settling.

Programs are set up to deal with a specific situation. If the recipients of the programs are no longer in a position where they require these services, but the services are required 100 miles down the road, where immigrants are now settling, obviously that is where the money should be expended.

Is the honourable senator suggesting that when immigrants settle in Hamilton, the outskirts of Toronto, Nova Scotia or Manitoba, just because some organization in Toronto has received money since the beginning of a program, that somehow or other they should keep receiving money, even though the need is not there and other areas are denied funding? That is what the honourable senator is suggesting.

INFRASTRUCTURE

IMPROVED ELECTRICAL TRANSMISSION BETWEEN PRINCE EDWARD ISLAND AND NEW BRUNSWICK

Hon. Elizabeth Hubley: Honourable senators, my question is for the Leader of the Government in the Senate. Monday night was a dark night for Prince Edward Islanders. One of the province's two power cables to the mainland failed, leaving 23,000 households without power and others subjected to rolling blackouts. These power cables are rapidly aging, and the inevitability of further failures is of great concern to Islanders.

In February, Senator Callbeck asked the government about the status of P.E.I.'s funding application for a new cable under the Green Infrastructure Fund. When can we expect to hear an update about the status of that application? In light of the urgency of the situation, what is the government doing to ensure that Prince Edward Islanders do not have to live in fear of a catastrophic power cable failure?

Hon. Marjory LeBreton (Leader of the Government): I will take the honourable senator's question as notice and obtain the information she asks for.

[Senator Tardif]

Senator Hubley: I thank the leader for that and have a supplementary question. Considering that funding for a third power cable is a major priority for Prince Edward Island, can we expect to see it included in the government's upcoming budget?

Senator LeBreton: The short answer to that is, wait until the budget on March 22.

[Translation]

FOREIGN AFFAIRS

EVACUATION OF CANADIAN CITIZENS FROM LIBYA— FOREIGN SERVICE PERSONNEL

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government and brings us back a bit to a previous question, but I will ask it in order to elaborate on the matter.

[English]

I wish to raise the question of the evacuation of Canadians out of Libya. We have learned from previous experience that, for example, we should not entertain the possibility of instilling a no-fly zone on a country that is in conflict and imploding until we are sure that our own people have been evacuated for a series of obvious reasons. We have witnessed the length of time it has taken to move Canadians out of Libya and, as of today, we are still not sure whether or not they have been completely evacuated.

From previous experience, we know that embassies are to hold registers of all Canadians in the country, which are continuously updated by their staff; a network of wardens for communications purposes, for fanouts and so on; and an active evacuation plan that can be exercised in a moment of crisis.

Can the leader tell us whether or not those three fundamental requirements were established and functioning at the embassy in Libya?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the embassy in Libya had more people working for it under our government than under the previous government. If people were to remove themselves from the minutiae around this place and read the daily reports, they would know that over the last week, the Canadian government has sent in Hercules aircraft and removed more Canadians and foreign nationals from other countries.

• (1430)

Our diplomatic and military personnel have done a magnificent job in Libya, working around the clock to evacuate Canadian citizens and the citizens of our allies. To date we have facilitated the evacuation of a large number of Canadians. As the honourable senator is aware, a number of Canadians were not registered with the embassy. However, as I just pointed out, the evacuation effort is ongoing. We continue to cooperate and share resources with our allies to get all our citizens home safely. For their own safety, we evacuated the Canadian personnel working at the embassy in Libya. They are working out of Malta with our allies, officials from the Department of Foreign Affairs and

International Trade and the Department of National Defence. Staff members from the embassy in Libya have been on each Canadian aircraft to leave that country with Canadian citizens on board. We owe a great deal of gratitude to our hard-working Foreign Affairs workers, who have been working under chaotic and difficult conditions in Libya.

Honourable senators, Canada is not unique in this situation, as I believe I have pointed out to Senator Dallaire. If one watches the American news channels, one can see that the American government is having great difficulty evacuating its citizens as well. It is a chaotic situation, but we believe that we have dealt with the situation in the best way possible. Canada was among the first group of countries to call for a referral to the International Criminal Court.

Honourable senators, the situation in Libya is still very tenuous, very dangerous. The situation changes by the hour, if not by the minute. Our officials in Foreign Affairs and National Defence have done great work. They have been working around the clock. They deserve nothing but our thanks and praise.

Senator Dallaire: Honourable senators, I do not know why my query on the technical aspects of the duties of the people who are deployed, who are responsible for reacting in crises — and that is why they are trained; that is their job, namely, to ensure that they do the best possible work within a crisis, which is normal — seems to leave the leader with the impression that I am criticizing the work that they are doing. I have no inclination to raise such an issue.

Honourable senators, I am asking the leader whether the procedures that were in place in Libya were up to date according to previous experiences. I am asking the leader this question because the delays in getting our personnel out of Libya is preventing us from performing more significant actions to help the Libyans, which ultimately is the game. I refer to instituting a no-fly zone. In addition, there are other imploding nations coming online.

Honourable senators, I should like to know whether we have learned from the past, whether we can apply it here, in Libya, and whether the procedures are adequate and we are prepared for the next round that will be coming probably in weeks.

Senator LeBreton: Honourable senators, I will answer very simply — in fact, I think I have already answered the honourable senator's question. Our people working out of our embassy in Tripoli were well prepared and stayed there and worked diligently to identify Canadians residing in Libya. As the honourable senator is aware, the companies that were in Libya had certain responsibilities for their employees also. I would say absolutely our personnel were prepared, as much as possible.

Honourable senators, other than some industries, Libya was not a country that many people visited. The fact is that we have Foreign Service personnel in all of these countries. I would only say to the honourable senator that, in this ever-changing world, we can do all the planning and do our very best — and that is what they do — but sometimes circumstances arise that are totally beyond our control. No one could have anticipated the extent of the situation that occurred in Tripoli.

Senator Dallaire: Honourable senators, imploding nations and nations that fall into civil war are not a new phenomenon. There are circumstances that are, maybe, specific to the actual country. However, the experienced diplomatic corps, with the locals that they hire, are in a position to apply procedures that have been established in order to ensure that, should a state start to go down that route, certain procedures are launched and actions are taken. In the past, we have had reason to be concerned whether those procedures and actions have been properly executed. We have had reason to be concerned whether the lessons learned in the past are being applied properly. We are concerned that people are being evacuated in the most effective way; and whether, in fact, the companies that are in Libya are informing the embassy as they should be and, in so doing, preventing potential loss of life.

Honourable senators, the report of the Standing Senate Committee on National Security and Defence recommended some time ago that the government undertake a study regarding the experience in Lebanon. Has that study ever been done? Have those lessons learned been applied in Libya? Are they ready and have they been disseminated throughout the diplomatic corps in the different missions where they could be used in imploding nations?

Senator LeBreton: I am quite certain, honourable senators, that in all of these circumstances, after our officials, whether at Foreign Affairs or National Defence, are confronted with situations most people could not anticipate in advance, a post-mortem is done and they work on best practices and apply these practices in anticipation of future uprisings of this nature.

Senator Dallaire: The leader's assurances are positive. As I am not getting a response from the leader that she will query Foreign Affairs about their procedures, I must accept the response of the leader that they are doing it to the best of their ability. However, that usually stands until people get killed and are forgotten. All of a sudden, people then turn around and ask, "Why was the situation not handled more effectively?" We then discover that maybe the lessons were not passed on. Maybe it is not part of the program that the diplomatic corps and the apprentices in the diplomatic corps are learning.

Mr. Mustafa Gheriani, spokesperson for the National Libyan Council, said recently:

We know Canada's history and tradition favouring human rights and human dignity. And we are saying we need you now. Not tomorrow. This is the moment where it can really count.

This is with regard to Canadian involvement in this crisis.

Honourable senators, to follow from our diplomatic corps, and to get the people out in time, have we started to do contingency planning to move F-18s to a no-fly zone? Have we put any of our forces on any state of alert to be out there and establishing protection for the internally displaced camps that are under threat at this moment?

• (1440)

Senator LeBreton: I will address the no-fly zone issue in a moment. Honourable senators, Libya is approximately the size of the province of Quebec with a population of 6 million people, as well as many foreign nationals from many countries.

I saw people on the CBC saying, "Do something. Why aren't you going in and rescuing my family members?" In many cases, the person in question had not even registered. It is as if, with a snap of the fingers, the Canadian government and our diplomatic and Department of National Defence people could drop into the desert like Spider-Man and pick up two or three people. Any reasonable person would say that is not possible.

Every effort was made by the Canadian government. I have previously sent the honourable senator a note about the number that had been evacuated from Libya at that time. If we were not all caught up with the minutiae here this past week, we would have noticed there have been releases from the government on the number of Canadians that have been evacuated on the Hercules. The Hercules has more options for landing.

With regard to the no-fly zone, the honourable senator knows that our government is working with like-minded partners and the United Nations to address the unacceptable situation and the bloodshed that is happening in Libya. As the Minister of National Defence, the Minister of Foreign Affairs and the Prime Minister have said, no options are off the table. However, the honourable senator is asking if we will ship the CF-18s to Libya. If we followed the policy that the honourable senator's party is advocating, we would not have any aircraft anywhere to participate in any exercise.

ORDERS OF THE DAY

CANADA PENSION PLAN

BILL TO AMEND—SECOND READING— SPEAKER'S RULING—ORDER WITHDRAWN

On the Order:

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

The Hon. the Speaker: Honourable senators, I am prepared to rule on the point of order that was recently brought up with respect to Bill S-223, An Act to amend the Canada Pension Plan (retroactivity of retirement and survivor's pensions).

On March 1, Senator Comeau raised a point of order challenging the proceedings on Bill S-223. He argued that the bill creates new expenditures which require a Royal Recommendation. Consequently, the Senator contended that the bill cannot originate in the Senate under rule 81.

[Translation]

Neither Senator Tardif nor Senator Callbeck, who introduced the bill, agreed with this position. They noted that the monies that would go to the recipients identified in the bill are already

available in the Canada Pension Plan (CPP) fund. They also referred to a legal opinion obtained by Senator Calbeck. According to this opinion, the payments from the CPP are not part of the Consolidated Revenue Fund (CRF), and therefore Bill S-223 does not meet the test of a money bill under the terms of the Constitution Act, 1867.

[English]

Questions about the Royal Recommendation, what it is, and how it can be identified, frequently lead to points of order in the Senate like this one. Honourable senators will remember a series of rulings on this topic in February 2009.

The *House of Commons Procedure and Practice* identifies the Royal Recommendation as an instrument by which the Crown advises Parliament of its approval of a legislative measure involving the expenditure of public funds. The Royal Recommendation can only be secured by a Minister and bills that require a Royal Recommendation cannot originate here in the Senate. Since 1976 the text of the Royal Recommendation is in the following words: “His/Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in a measure entitled [long title of the bill] . . .”

[Translation]

The question raised by this point of order must be resolved in accordance with the forms and practices that are currently in place. The language of Bill S-223 clearly states that a CPP benefit will be extended to certain individuals who are not receiving it now. The bill states that “This enactment amends the *Canada Pension Plan* so that a person who applies for a retirement pension after reaching 70 years of age or who applies for a survivor’s pension would be eligible to receive retroactive payments for a maximum of five years instead of the current maximum of 12 months.”

[English]

On its face, the language of Bill S-223 certainly entails a requirement for the Royal Recommendation that also necessitates its initial consideration by the other place before coming to the Senate. However, the sponsor of the bill denies that this is the case on the basis that the bill is not properly a money bill since the funds of the CPP are not really part of the CRF.

The original Act that created the CPP dates from 1965. Its objective then was to “establish a comprehensive program of old age pensions and supplementary benefits in Canada payable to and in respect of contributors.” The bill implementing the CPP was introduced in the House of Commons and was accompanied by a Royal Recommendation.

The funds that finance the CPP are public money. Although the Canada Pension Plan account is a separate account recording the financial elements of the plan, section 108 of the CPP provides that it is established within the CRF. While it is not used as a source of general revenue by the government, this does not mean that it is not public money for the purposes of rule 81. This rule states that “The Senate shall not proceed upon a bill

appropriating public money that has not within the knowledge of the Senate been recommended by the Queen’s representative.”

[Translation]

Parliamentary practice stipulates that any new or additional legislative authorization for spending from the CRF must be accompanied by a Royal Recommendation. Bill S-223 seeks to alter the conditions that are attached to the CPP by increasing the period of retroactivity to five years from the current 12 months. Although spending from the CPP is derived from its own separate account, it is made through the CRF. As such, any changes to the CPP which would entail increased spending require a Royal Recommendation.

[English]

In conclusion, it is my ruling that the provisions of Bill S-223 require a Royal Recommendation and that, as a consequence, it cannot originate in the Senate. The point of order is well founded; proceedings on the bill must cease and Bill S-223 will be discharged from the Order Paper.

BUSINESS OF THE SENATE

Hon. Marjory LeBreton (Leader of the Government): As a point of clarification, I will correct the reference that was made during Question Period.

This correction is in answer to a question by Senator Banks, who indicated the use of the term the “Harper Government” was unprecedented. I want to read into the record something from the Privy Council Office, dated March 23, 2004:

Paul Martin government announces prudent and ambitious budget

Budget 2004 announced today by the Paul Martin government is a focussed plan of responsible financial management and fiscal prudence. . . .

• (1450)

I am only saying this, Your Honour, because I want it to be on the record that Senator Banks ought to find a new search engine.

[Translation]

THE ESTIMATES, 2010-11

SUPPLEMENTARY ESTIMATES (C)—TENTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, March 10, 2011

The Standing Senate Committee on National Finance has the honour to present its

TENTH REPORT

Your committee, to which were referred the Supplementary Estimates (C), 2010-2011, has, in obedience to the order of reference of Wednesday, February 9, 2011, examined the said Estimates and herewith presents its report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of report, see today's Journals of the Senate, Appendix p. 1304.)

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

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

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I wish to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: second reading of Bill C-59; second reading of Bill C-61; third reading of Bill S-13; and finally, second reading of Bill S-8.

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Smith (*Saurel*), seconded by the Honourable Senator Marshall, for the second reading of Bill C-59, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts.

Hon. Céline Hervieux-Payette: Honourable senators, I rise today to speak against Bill C-59 based on fundamental principles. I was inspired by a letter that was sent to Prime Minister Stephen Harper on December 17, 2010.

The Church Council on Justice & Corrections condemned the Conservative government for its handling of criminal justice issues, saying that it is not serving victims, offenders or Canadian society. I share that opinion.

I would like to read to you several paragraphs of this letter that Christian bishops of various denominations sent to the Prime Minister. I do not intend to read the entire letter, just the paragraphs that are relevant to Bill C-59:

The Church Council on Justice and Corrections (CCJC) is most concerned that in this time of financial cuts to important services you and the government of Canada are prepared to significantly increase investment in the building of new prisons.

Proposed new federal laws will ensure that more Canadians are sent to prison for longer periods, a strategy that has been repeatedly proven neither to reduce crime nor to assist victims. Your policy is applying a costly prison response to people involved in the courts who are non-violent offenders, or to repeat offenders who are mentally ill and/or addicted, the majority of whom are not classified as high risk. These offenders are disproportionately poor, ill-equipped to learn, from the most disadvantaged and marginalized groups. They require treatment, health services, educational, employment and housing interventions, all less expensive and more humane than incarceration.

Bill C-59 will require costly measures. I have been given figures, but not by the government. We are still waiting for the official figures. However, at the very least, we have learned from government reports that the estimated average annual cost per offender is \$88,000.

If the person remains in jail for the entire term of his sentence, the annual cost will increase by \$130 million, not to mention the cost of additional facilities because we will have to keep an additional 1,500 people in prison per year.

The letter continues:

The Canadian government has regretfully embraced a belief in punishment-for-crime that first requires us to isolate and separate the offender from the rest of us, in our minds as well as in our prisons. That separation makes what happens later easier to ignore: by increasing the number of people in jail for lengthier sentences you are decreasing their chance of success upon release into the community.

I will skip the next paragraph and continue:

Increasing levels of incarceration of marginalized people is counter-productive and undermines human dignity in our society. By contrast, well supervised probation or release, bail options, reporting centres, practical assistance, supportive housing, programs that promote accountability, respect and reparation: these measures have all been well-established, but they are underfunded.

We are spending \$130 million to jail people who should be starting their rehabilitation.

Their outcomes have proven to be the same or better in terms of re-offence rates, at a fraction of the cost and with much less human damage.

Public safety is enhanced through healthy communities that support individuals and families. We, therefore, respectfully ask you to modify your government's policy

taking into consideration the impact it will have on the most disadvantaged, its lack of effectiveness, and its serious budgetary implications.

The bill was introduced on February 9, 2011, whereas this letter is dated December 17, 2010. Either the Prime Minister does not read his mail or he does not listen to people whom I consider to be completely objective and very knowledgeable about the issue.

I think this approach in Bill C-59 has already been proposed, but for high-stakes white-collar crime. We are not talking about misappropriating \$50 from a bank account. We are talking about crimes involving \$100,000 or more. Our party had already agreed to delaying permission for those prisoners to begin their rehabilitation.

This proposal was made by the Liberal Party 18 months ago, but it was ignored. Mr. Lacroix has been released in the meantime; now he is in a halfway house. This is someone who defrauded and robbed good people of several million dollars. If the bill had passed at the time, Mr. Lacroix would still be incarcerated and reflecting on all the harm he caused to those whose savings he stole.

Let me tell you about the people who will be affected by Bill C-59. Some 61 per cent of the people who will be affected are women, one-third of whom are Aboriginal, and often they have addiction problems. That is a far cry from criminals like Earl Jones and Vincent Lacroix.

• (1500)

Therefore, 1,500 people will end up behind bars without a chance of receiving rehabilitation services or addiction treatment and all at the taxpayers' expense at a time of budgetary cuts. I find this approach completely reactionary and even backward. We are going back 50 years, as though no studies had been done. Studies justifying this bill will have to be tabled in the committee charged with examining this issue. To my knowledge, no serious sociological or psychological study has been done by human behaviour professionals proving that this approach works. We saw what happened in the United States when a similar system was put in place. The Supreme Court ordered the State of California to release 40,000 prisoners because there was so much confusion and such great expense that today the state is practically bankrupt.

I do not believe that the government should focus its priorities on keeping individuals who are already victims of society in prison. I am talking about people other than women, many of them Aboriginal, and youth in particular. Do we really want to leave these youth, who are just starting out, in prison longer? I suppose that is how they will learn to commit more serious offences, since it is often said that prison is a school for crime.

The John Howard Society does not support this bill, which specifically targets people who have committed serious crimes, such as white collar crime of \$100,000 or more. It would also abolish accelerated parole review. We are talking about 1,500 cases. Once the criteria for automatic parole after one sixth of the sentence have been looked at, it will be nothing but red tape and administrative delays. However, I thought the Conservative Party was against all that. There again, they need to explain why they would create all this bureaucracy and why they would leave people behind bars for an indeterminate period.

The Elizabeth Fry Society does not support this legislation either. In two cases in Quebec, more than 500 women will be penalized. These women already have problems. They most likely have children waiting for them at home. These women have nothing to do with the white collar crime the government is trying to deal with.

The Barreau du Québec also opposes this bill and has serious concerns about the fact that the law would be retroactive. I have similar concerns. We have a Constitution. Usually, that means that when someone is sentenced, the rules of the game cannot be changed after the sentence has been handed down. I am quite convinced that, in terms of the people targeted by this retroactive law, this issue will not pass the legal test in the courts.

It is clear that groups of lawyers and criminal lawyers in Canada and in Quebec are strongly opposed to this legislation because it would apply retroactively, it would create red tape and it does nothing to improve justice in Canada. These people are highly qualified and deal with these issues on a daily basis.

Therefore, I would ask the honourable senators on the other side of the chamber to think seriously about the bill's objectives. I am talking about the Policy, with a capital "P," of a civilized government that will one day have to release these offenders. How will that happen? What method will be used?

We have halfway houses in Canada and they work wonderfully. Instead of costing \$88,000 per year, per offender, we are talking about \$23,000 per year. Offenders can take courses as part of their rehabilitation and have access to the services of health professionals. They are followed by social services. This is how individuals should be released into society if we want to prevent them from returning to a life of crime. What Bill C-59 proposes is that we train more criminals, since these individuals will spend more time in contact with offenders who have committed serious crimes, in a place where they do not start rehabilitation.

[English]

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read the third time?

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

FREEZING ASSETS OF CORRUPT FOREIGN OFFICIALS BILL

SECOND READING

Hon. A. Raynell Andreychuk moved second reading of Bill C-61, An Act to provide for the taking of restrictive measures in respect of the property of officials and former officials of foreign states and of their family members.

She said: Honourable senators, I rise today to speak briefly to Bill C-61, the Freezing Assets of Corrupt Foreign Officials Bill.

In the last weeks and months, North Africa and the Middle East have been undergoing changes that will have far-reaching and transformative results for the entire region, its people and the world.

Canada, as well as other countries, is adapting to these new, evolving situations and is well aware of the importance of putting mechanisms in place that will allow for a quick and effective response to some of these changing circumstances.

Canada stands ready today to support those who seek a peaceful and legitimate process toward democracy and justice. The Government of Canada encourages political, economic and social reforms, which are the cornerstones of a modern and open society.

Tyranny and corruption need to be challenged and defeated. With its like-minded partners, Canada is struggling to work to foster democracy and freedom in this region.

Within the authoritarian regimes, it is all too easy for their leaders, as well as their families and close associates, to use their positions and professional connections to amass inordinate, even outrageous, amounts of personal wealth. When these leaders leave office, their countries quite often must struggle to establish democratic reforms even as they cope with greatly diminished funds.

That is why it is vital that, to provide concrete help to a nation seeking to implement democratic reform, Canada must be able to ensure that misappropriated property may be frozen to allow for its return to the new authorities and the people of the state.

It is essential to assist that nation in its efforts to hold accountable foreign officials who have misappropriated state funds or inappropriately acquired property as a result of their public office, family, business or personal connections.

Bill C-61 will create a new mechanism to respond to requests from foreign states to freeze the assets of corrupt foreign officials. The draft legislation, and the legislation that passed through the house as amended, is essentially about the conduct of international relations. It would allow the government to freeze the assets or restrain the property of politically exposed foreign persons, upon receipt of a written request from a state where the Governor-in-Council has determined that the state is in a state of political uncertainty or turmoil.

• (1510)

The bill also requires an assessment by the government that it is in the interests of international relations to agree to such a request. Assets would be frozen for a five-year period, providing the foreign state with an opportunity to begin the necessary proceedings to allow for seizure and forfeiture of assets located in Canada. This time could be renewed.

In terms of international relations, it is clearly in our interest to support new governments, these burgeoning new democracies one would hope, and to acquiesce to requests of this nature when made by foreign nations that will one day become our partners.

Honourable senators, one might ask why we are creating new legislation instead of imposing sanctions under existing Canadian law, or simply proceeding with existing criminal law instruments. The existing instruments have been found to be wanting in this type of situation, and in evolving, new situations. I will explore the mechanism we have to date in a short overview.

The first instrument is sanctions. Sanctions against repressive regimes can certainly be effective, but if the state in question is in the process of democratic transformation, such measures can be unhelpful and perhaps even punitive.

Honourable senators, the fact remains that sanctions are a blunt instrument in the world of international relations and send a clear message to the state against which they are imposed. Clearly, this is not the message in some of these emerging democracies.

If the UN Security Council has not itself imposed sanctions, the Special Economic Measures Act requires a high trigger threshold to be met: namely, that there has been a grave breach of international peace and security, leading to a serious international crisis.

We would not want to put a deposed foreign dictator in a position to be able to challenge an asset freeze order on the basis that the trigger was not met.

Honourable senators, as things stand, proceedings under the Mutual Legal Assistance in Criminal Matters Act require a foreign state to produce evidence of criminal activity, the existence of legal proceedings or a court order in order for Canadian authorities to be able to act on assets situated in Canada.

In the case of a newly emerging governing authority, it may be difficult to come by such evidence on short notice. The time required to meet the procedural steps under the existing criminal-law-based framework, in situations where speed is of the essence, could allow the foreign national to conceal or deplete the assets. There is certainly a time and place for both sanctions and criminal-law-based proceedings, and these measures will remain available for use in appropriate circumstances. Bill C-61 provides a necessary and useful middle ground between the two, filling in a gap and providing a solution to the problem, which has become evident as a result of recent events.

However, it is equally obvious that a flexible legislative regime is needed, one that will permit asset freezes in circumstances where our existing tools are still inadequate. The new legislation includes a number of procedural and substantive safeguards. It provides a time limit on the imposition of freezes, which automatically expires after five years, if not renewed. It provides authority to the Minister of Foreign Affairs to recommend the revocation or repeal of an order or regulation if a person does not meet the definition of “politically exposed foreign person.”

It also provides authority to the Minister of Foreign Affairs to issue permits for dealings with certain property to exempt certain persons and property, as well as to issue certificates in cases of mistaken identity and to provide exemptions for reasonable expenses.

It is important to note that, in the context of this bill, it is about asset preservation, not forfeiture. The bill allows the government to help a foreign state without circumventing ordinary due process with regard to asset restraint or forfeiture.

As I said in the beginning, this bill advances Canada’s ability to conduct foreign relations, both in the context of bilateral relations between Canada and another state, and in respect of the support of the international community for a newly emerging democracy.

Honourable senators, this bill was amended in two points: one in the title — it is now shorter than in the original bill, which I think will be of some interest to members opposite. In addition, an amendment in the house would allow for a mandatory review by the House of Commons and the Senate in five years. That would allow for the continual looking at this bill to ensure that we are covering these new emerging situations and that we are found to be on the side of those who are promoting democracy, freedoms, human rights and rule of law, and not those who are trying to escape with assets.

I hope that the house has dealt with it and has passed it rather quickly, but I believe the review mechanism put in place, and the ability for us to track their progress and discussions, will be helpful for expeditious movement of this bill through the Senate.

Thank you, honourable senators.

[Translation]

Hon. Fernand Robichaud: Is the honourable senator willing to answer a question?

Senator Andreychuk: Yes.

Senator Robichaud: I know that this bill has come to us even though we do not have complete information. I am referring to clause 4. I wonder how this clause could be applied with respect to what is currently going on in North Africa, in a situation where a foreign state asserts in writing to the Government of Canada that an individual has misappropriated property. In the case of Libya, for example, it is still the colonel who is the head of state, correct? I would like to know when we can consider a request and what this foreign state becomes. I am mentioning this so that when witnesses come to testify in committee, they can explain

who has the authority to send such a request to the Canadian government when the existing government has not yet truly been replaced.

[English]

Senator Andreychuk: Honourable senators, I am not privy to the government’s conversations and actions concerning any foreign state. Obviously, those conversations are within the purview of the government. Some of these are sensitive issues, and I am exercising my previous experience to know that I am not sure. I should not be standing here saying whether this bill will actually apply or is contemplated to apply to particular countries.

I believe the ministers who come before the committee should and would be prepared to indicate whether it can apply to the Libya situation, Tunisia, et cetera.

What I do know is that the bill is an answer to those situations. We have had the situation where a government is overthrown, and it is clearly no longer the government. A new government comes into place and there are mechanisms for recognizing new governments. That is why this bill has come under international relations, as opposed to any other rubric.

• (1520)

There is discretion; you can recognize a state or not recognize a state. We do it differently; there are rules, conventions and previous practices.

This bill does not apply to situations where there is a military coup, and what do we do. It could, perhaps, because that flexibility now is built into the legislation, but that situation was not what drove this bill. The bill was driven by the concern in Canada — in the community, by opposition members, by government members and by the Department of Foreign Affairs and International Trade — of how to deal with those situations where a new government comes into place and seems to be recognized in a universal way, but the assets are going somewhere else.

This bill is to try to make sure we do not have a cold trail when we recognize a new government, because assets can move so quickly in today’s technology, in today’s global world. This bill is not for forfeiture of assets or to determine who owns the assets; it is simply to freeze assets so that a new government coming in that we recognize has the opportunity to conduct the investigations and to look into the records.

One understands that they would not have had the access fully, nor is that their only concern at this point. Their main concern is putting the government in place and responding to the people on the ground. However, it is of great concern also to ensure the assets are still there.

We have other cases in recent times where, by the time they deal with assets, there is not much left. This bill is a new, immediate way of dealing with assets. That is why I think the review is such a good idea. We are breaking new ground, as are other countries; we are not the only ones. Other countries have been struggling with this issue. Some have put legislation in place and some are contemplating it.

We are moving as quickly as we can in offering a solution for those new emerging democracies that are saying, freeze the assets; do not say they belong to the new government; freeze them while we can build a case. Otherwise, in the old way, they would have to build the case first. By the time they build the case, they may have a hot case but a cold trail, as they say.

This is where we are going with the bill. I hope that once the bill goes to the committee and we explore all the procedures and how they come into place, we will then use our own imaginations to see which countries the bill may apply to now, and we may develop a better understanding of how it could apply more readily to other cases.

[Translation]

Senator Robichaud: Honourable senators, I have no intention of delaying the process. I simply want to ensure that we have the means to freeze assets before the people in question have time to misappropriate them, and also that we can do so as quickly as possible.

[English]

Hon. Joseph A. Day: Would the honourable senator accept a couple of other comments?

Senator Andreychuk: Certainly, I will take comments and questions.

Senator Day: Perhaps I can put one of my comments into a question.

First, I thank the honourable senator for giving us a clear background and understanding of Bill C-61, which arrived in this chamber today. I have had only a short time to look at the bill, but I wanted to comment on two or three points, and the honourable senator may wish to comment on them as well, in terms of the work she will do at committee.

The first is with respect to the short title that Senator Andreychuk mentioned in section 1. The word “Corrupt” appears. I understand the bill is to freeze the assets of foreign officials. Then, after the short title, the bill describes the circumstances under which the assets of foreign officials may be frozen. I wonder why the adjective “Corrupt” is included in the short title, especially since it does not appear anywhere in the bill itself that I could find in my quick reading.

I will make these comments because I have had only a quick first glance at this bill. The “politically exposed foreign person” is as close as I could come to an understanding of what “Corrupt” is.

The second point is with respect to each house having the opportunity to participate. That point is one that we have to watch, and I appreciate that it is there with respect to the five-year review.

[Senator Andreychuk]

Honourable senators will note that at clause 7, there is also a role for each house of Parliament. It may be that the second sentence in the French version is clearer, but clause 7 states:

A copy of each order or regulation made under section 4 must be tabled in each House of Parliament within 15 days after it is made. It may be sent to the Clerk of the House if the House is not sitting.

That second sentence sounds to me like it probably should have been amended at the same time as the first portion was amended to include both houses.

The French version might be clearer, but I will make the comment that the clause perhaps could be made a little clearer.

Finally, with respect to clause 8, “Duty to Determine,” as I read it, that clause is to help the government understand where the assets might be. Therefore, all the financial institutions where assets might be are required to report so that the government can determine where the funds are that they may wish to freeze. However, I could not find Schedule I banks in that list, which is the obvious one; that is the first one I was looking for. I am wondering if that list is tucked away in some of the wording here.

Those are my comments. If the honourable senator wishes that comment in the form of a question: What do you think about those comments?

Senator Andreychuk: I thank the honourable senator for the comments. I think they will be helpful to the committee.

I think the word “Corrupt” is there — and it will follow through the “Orders and Regulations” and we can follow that trail particularly — to indicate that not everyone in every government is corrupt; and their assets should not be seized if the assets are their own independent assets, duly obtained. It is here where they have taken and misappropriated money and where one cannot tell the difference between the individual and the state. They are intertwined.

The word “Corrupt” is just that; they have corrupted the assets. We are not talking about the individual, in that sense. They have corrupted the assets, as I see it. However, we will raise that issue in the committee.

Regarding the honourable senator’s comments on the banks, I will have to look at that issue. My understanding is that the duty to determine will be in the order and it will define those entities. We will make sure that honourable senator’s comment is addressed in the committee. What was the next comment?

Senator Day: It was on clause 7, the second part.

Senator Andreychuk: No doubt it is intended. I have seen in other bills that if the house is not sitting, what do we do? I think we have our own procedures.

Is the provision properly addressed? I am inclined to agree that it reads better in French; it makes more sense to me than the way it is worded in English. We will pursue that wording to ensure it covers both houses in an appropriate manner.

• (1530)

Hon. Percy E. Downe: Honourable senators, I would like to say a few words about Bill C-61.

Although sparked by recent events in the Middle East and North Africa, this bill does not focus on specific persons or countries. It allows the government, acting through an order-in-council, to declare a person's property to be misappropriated and, in the words of the bill:

. . . by order, cause to be seized . . . in the manner set out in the order any of the person's property situated in Canada.

The subject of these measures is anyone deemed to be a "politically exposed foreign person," essentially any high-ranking government official, be they members of the executive, legislature, judiciary, military, civil service, senate or whatever. However, this definition also includes:

. . . any person who, for personal or business reasons, is or was closely associated with such a person, including a family member.

This definition is very wide and may include Canadian citizens under this label, whether through family or business ties, or the case of a Canadian citizen employed as an official of a foreign government.

This bill constitutes a significant expansion of government power to seize property, including the property of Canadians, and it warrants careful review.

Honourable senators, as we know, good intentions do not guarantee good law. At this time, I cannot help but think of another bill that we were urged to pass quickly. Those of us who were here in 2005 remember Bill C-45, which we now call the New Veterans Charter. It went through Parliament with great speed. It went through first, second and third reading in the House of Commons in the time it takes me to read this sentence.

Here, in the Senate, second reading debate took three quarters of an hour, whereupon it was rushed to, of all places, the Standing Senate Committee on National Finance, only because that was the next committee that was meeting, where it was studied at only one meeting and reported back and passed the next day.

No one acted with bad intent. Everyone wanted what was best for our veterans and no one wanted to be seen to be blocking such an important bill. This is not the time for analysis of the many problems of the New Veterans Charter, but the fact that we are currently awaiting Bill C-55, which is designed to correct some of the problems with Bill C-45, is testament to the fact that good intentions and speed rarely produce the desired results. Indeed, veterans at that time and since have wondered if the Senate lived up to its responsibility to provide sober second thought or if we actually failed veterans in a rush to help them.

Now, some have said time is of the essence with this bill and we must act to prevent these assets being liquidated and sent to some other offshore financial centre beyond the reach of any government. While that is a concern, let us remember that the revolution in Egypt occurred weeks ago and the Tunisian revolution almost two months ago. Indeed, for several weeks

the Canadian Tunisian community has been calling for action to be taken against assets held in Canada. No matter how quickly the government wants us to act now, it cannot reverse the passage of time.

Any deposed official capable of amassing multi-million-dollar fortunes, through legitimate means or illegitimate, has the wherewithal to monitor that fortune and act to keep it from falling into the wrong or, in this case, the right hands. In an age where millions of dollars can be moved around the world with a keystroke or a phone call, any assets that might be moved in advance of this bill passing are already long gone and anything left will probably still be there regardless of how quickly or slowly we pass this legislation.

Honourable senators, I support the intent of this bill, but the careful study of bills is not the right of the Senate; it is our duty. As we have seen in the past, the rush to legislate is no solution. It merely exchanges one set of problems for another and I urge that this bill be given the examination such an important piece of legislation deserves.

In fact, I would suggest that, if the chamber approves this bill after only one committee meeting, then the Standing Senate Committee on Foreign Affairs and International Trade should be tasked to undertake a proper study of the bill with any additional meetings, witnesses and, above all, the time required to give it the due consideration. Any required amendments could be proposed to the government at a later date. In this way, the government will get its bill at the earliest opportunity, we can satisfy ourselves that we have performed our duty, and Canadians will get a law that has passed the test of meaningful parliamentary oversight. I am sure the government would welcome any amendments that would improve the legislation.

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

An Hon. Senator: Question.

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Andreychuk, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw your attention to the presence in the gallery of Reverend Benjamin H. Yoon, Founder and Chairman of the Citizens' Alliance for North Korean Human Rights and Ms. Asma Jahangir who is represented by her brother. They are the recipients of the John Diefenbaker Defender of Human Rights and Freedom Award.

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

Hon. Senators: Hear, hear!

KEEPING CANADIANS SAFE BILL

THIRD READING

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*.”;

And on the motion in amendment of 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.”;

And on the motion in amendment of 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.

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

Hon. Senators: Question.

The Hon. the Speaker pro tempore: The question is on the motion in amendment of 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.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: All those in favour will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those opposed will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the “nays” have it.

(Motion in amendment negated.)

The Hon. the Speaker pro tempore: Honourable senators, on the motion in amendment of 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.”;

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

• (1540)

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those opposed to the motion will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the “nays” have it.

(Motion in amendment negated.)

The Hon. the Speaker *pro tempore*: Honourable senators, the next question is 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.”;

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: All those in favour will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those opposed will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the “yeas” have it.

(Motion in amendment agreed to, on division.)

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino, that this bill, as amended, be read the third time.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Speaker *pro tempore*: It is adopted on division.

(Motion agreed to and bill, as amended, read third time and passed, on division.)

SENATORIAL SELECTION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Brown, seconded by the Honourable Senator Runciman, for the second reading of Bill S-8, An Act respecting the selection of senators.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am pleased to speak in second reading debate on Bill S-8.

I have had the privilege of sitting in Canada’s Senate since June 1993. I use the word “privilege” advisedly, because those of us who serve here must not take that position of privilege for granted. I also fully understand how I got here, although this fact seems to have escaped many.

Over the years, I have seen all sides of this place: the good, the bad and sometimes the downright ridiculous. Having said that, a great deal of good and valuable work takes place in the Senate.

It is true that the Senate has a stellar reputation for correcting errors in legislative drafting or making amendments to clarify statutes before they become law. It is important to keep in mind that these functions of research and inquiry and technical revisions are not the fundamental purposes of the Senate. The Senate is supposed to stand as a co-equal body to the House of Commons in parliamentary decision making, a key part of the legislative process.

On paper, the Senate enjoys almost all the powers of the House of Commons. However, when and if the Senate chooses to exercise its power to defeat legislation coming from the house, the legitimacy of the Senate is immediately called into question and leads to the present situation of not being able to fulfill properly its intended primary role. The Senate is then put in the position of justifying its existence by work it generates on its own.

Honourable senators, the reason the Senate cannot play its intended primary role as a legislative decision making body is that, quite simply, we do not have the democratic legitimacy to do so. This is not an accident. In fact, this is one of the primary

design features of the Senate. The Senate exists precisely in order to exercise what Sir John A. Macdonald called the “power of check” against the “democratic excesses” of the House of Commons. Think of that in the context of 2011. What was deemed appropriate in 1867 is foreign to our modern society in 2011.

The Senate as originally established also exists to represent particular sectional interests in society, that being to represent regions to provide a counterweight against pure representation by population in the House of Commons. This, I believe, continues to be a valuable feature, although the regions of the country are vastly different now from what they were in 1867.

The ability of the Senate to act as an effective regional voice is limited because the Senate no longer has democratic legitimacy in some regions of the country, which, as I said a moment ago, are quite different than they were 144 years ago. One only has to look at the growth of the population in the western part of the country for proof of that.

Honourable senators, the other interest the Senate is supposed to represent is minorities, which we define in modern-day terms. However, the definition of “minorities” insofar as the Senate is concerned is no longer relevant. As Sir John A. Macdonald put it, “The rights of the minority must be protected, and the rich are always fewer in number than the poor.” Therefore, it is not appropriate to argue that the protection of regions and minorities is a time-honoured tradition of the Senate.

The Senate, in other words, was designed according to a 19th century theory of mixed government in which a democratic popular element was to be balanced by an aristocratic appointed element, and what was feared as mob rule was to be avoided. The very notion of mob rule in the modern Canadian political context is unrealistic.

As I have said many times, we cannot function with a 19th century Senate in a 21st century Canada. Surely, we can all agree on that.

Honourable senators, there have been wide-ranging views on Senate reform. Some suggest a piecemeal approach starting with legislative measures and others want major constitutional change. Our government has been very clear. We would prefer to start with modest, doable incremental changes to the Senate. We have put forward reasonable and responsible legislation to take the first step toward Senate reform. This is a reasonable approach because, as many of you are aware, after attempts at comprehensive constitutional reform in the 1980s and the 1990s failed, the national debate on the future of the Senate ended right there.

Honourable senators, we all have read about, heard of and participated in decades of consultation and analysis on what needs to be done to reform the Senate. More study and analysis is not the answer. Rather, let us build upon the excellent work done in the past.

Critics of the government’s two Senate reform bills can be divided into two main camps, that of the constitutional perfectionists and that of the constitutional traditionalists. The

perfectionists are wary of any Senate reform that is not wholesale constitutional reform. In other words, the perfectionists want to do it all in one shot. However, past experience in Canada has taught us that the all-for-nothing Senate reform proposals of the past have inevitably yielded nothing. Roger Gibbins captured this perfectly in his comments before Senator Hays’ Special Senate Committee on Senate Reform when he said, “The perfect has become the enemy of the good.”

That said, honourable senators, it is my pleasure to participate in this debate and make a few comments about the bill before us.

A year ago, here in this chamber, the Governor General read the Speech from the Throne, which outlined our government’s commitments to Canadians. Once again, our government committed to make every effort to modernize Canada’s democratic institutions. In particular, we reaffirmed our dedication to make the Senate more democratic, effective and accountable. Of course, this was not our first attempt at Senate reform. We tabled legislation shortly after forming government in 2006. In fact, in September of 2006, Prime Minister Stephen Harper became the first sitting prime minister in Canadian history to appear as a witness before a Senate committee. As we all know, that was the special committee chaired by our former colleague Senator Dan Hays.

This underscored the importance our government places on the issue of Senate reform. At his appearance, the Prime Minister interestingly quoted from Robert MacKay’s book, *The Unreformed Senate of Canada*, as follows:

Probably on no other public question in Canada has there been such unanimity of opinion as on that of the necessity for Senate reform.

Mr. MacKay wrote that in 1926, 85 years ago.

Honourable senators, obviously change is long overdue. I am proud to report that our government is moving forward on that commitment with the introduction of the bill before us, the senatorial selection act, and with the Senate term limits bill in the other place. These steps are the important first steps to enhance the public legitimacy of the Senate.

• (1550)

Honourable senators, with regard to Bill S-8, our government wants to give Canadians a say in who represents them in the Senate, and judging from the most recent public opinion polls, this desire of Canadians is stronger than ever. The senatorial selection act would provide Canadians with this very opportunity by encouraging provinces and territories to establish a democratic process where Senate nominees are chosen directly by the voters of the relevant province or territory.

This bill contains a voluntary framework for provinces and territories to use as a foundation for implementing a process to consult voters on Senate appointments.

To be clear, this bill does not require provinces to establish a consultation process. Rather, it strongly encourages them to do so. Following a democratic selection process, a province or

territory would submit a list of Senate nominees to the Prime Minister who, under the act, would be required to consider the names of the nominees put forward when making recommendations to the Governor General on Senate appointments.

This bill does not bind the Prime Minister or the Governor General when making Senate appointments, nor does it change how senators are selected. It simply proposes a method to give voters a say about who should be selected to hold a position in the Senate of Canada. It should be noted, however, that the Prime Minister is on record as saying that he would appoint from the list of recommendations submitted by the relevant province or territory.

Honourable senators, let me explain some of the details in the voluntary framework we have suggested in the bill. The bill provides a framework for the provinces. The provinces would be free to create their own selection process as long as it adheres to a democratic process. This framework is based on Alberta's Senatorial Selection Act, which has been in place for more than 20 years. The precedent is there, and it is solid. As stated earlier, it provides the senators to be appointed for a province or a territory from a list of Senate nominees chosen by the voters.

Under this framework, the provinces will determine when to hold their consultation process. For example, it could be at the same time as a provincial general election or held in conjunction with municipal elections, or it could be a stand-alone process.

While Senate nominee elections could be managed by provincial electoral agencies, a number of details concerning the administration of selection processes are also set out in the framework. These details include the requirements people must meet to be eligible to be a Senate nominee, and the procedure to become nominated to be a candidate in the selection process.

Another important point described in the framework is the type of electoral system that may be used. The framework suggests the use of the plurality-at-large voting system, which is the first-past-the-post electoral system applied to multi-member districts. Senate nominees would be selected from a province-wide constituency and voters could vote for as many candidates as there are Senate nominees to be elected.

In preparing this bill, we did our best to provide enough details to facilitate the development of legislation. However, it must be remembered that we did not dot all the i's and cross all the t's. We were careful to ensure that the provinces have enough latitude to make the process their own.

In a number of cases, such as in the area of political financing, the framework specifically states that the laws of the province are to apply, with any modifications necessary, to the selection of Senate nominees. As mentioned earlier, it must also be kept in mind that the framework in this bill is only suggested. Provinces would be free to design the selection process that best meets their unique circumstances as long as selection is done democratically.

By suggesting a framework, we are simply offering a helping hand to provinces and territories that want to play a role in enhancing the democratic legitimacy of our Senate while, at the same time, ensuring that this assistance respects provincial autonomy.

In the end, what is important is that the selection of senators be based on a democratic process that reflects the wishes of the voters in each distinct province or territory.

For those who might suggest that this bill is a radical change, I will illustrate that this bill is anything but that. The Prime Minister has always been clear that his preference, when making recommendations to the Governor General on Senate appointments, is to recommend the names of individuals who have been chosen by Canadians through a democratic process.

As part of this objective, our government has invited provinces to develop and implement a democratic selection process of candidates for senators. The senatorial selection act would simply codify this approach.

This act is consistent with our government's incremental approach to reform and our desire to implement a process to consult voters on their choice for Senate appointments. Moreover, it reaffirms our government's preference for considering appointing senators who have been democratically selected by Canadians.

Honourable senators, we have precedents with regard to the provincial experience. To some honourable senators, the approach and outline in the senatorial selection act may sound familiar. Nearly 25 years ago, the idea of the provinces establishing a list of Senate nominees was proposed as an interim measure until further, more fundamental reforms could be achieved.

In 1987, through the Meech Lake Accord process, the premiers agreed that any person appointed to the Senate should be chosen from a list of names submitted by the province. Indeed, the Right Honourable Brian Mulroney, in the spirit of this agreement, named several senators to fill vacancies from the province of Quebec from a list submitted by Premier Robert Bourassa — Solange Chaput-Rolland, Roch Bolduc, Gérald Beaudoin and Jean-Marie Poitras — all excellent names from a list submitted by a province, and all served the Senate with great distinction.

Unfortunately, other than the efforts of Mr. Mulroney, Senate reform has not been realized, and we continue to wait. Surely, Canadians will not have to wait another 25 years before change can be achieved.

Thankfully, honourable senators, the spirit of the reform stayed strong, thanks to the province of Alberta. Alberta passed the Senatorial Selection Act in 1989 and held its first consultation with Albertans later that year. The victor in that process was Stan Waters. He became Senator Stan Waters in 1990, after his name was recommended for appointment by Prime Minister Mulroney, who respected the Alberta process.

Since the initial 1990 consultation process, Alberta has gone back to its residents on two other occasions to ask them whom they would like to represent them in the Senate. The next consultation process was held in 1998, and though I was not surprised at the time, sadly, the Liberal government of the day chose not to respect the wishes of the residents of Alberta, and the winner of that process was not appointed to the Senate.

However, even with that disappointment, the winner of the 1998 process was not discouraged. He continued with his commitment to reform the Senate, and his campaign was not diminished. Instead, in 2004, he decided to run again in Alberta's third consultation. For the second time, he was declared a winner and for the second time, the Liberal government of the day decided to ignore the wishes of the Alberta electorate.

Sadly, it looked like the person Albertans chose to represent them on two separate occasions would be shut out of the Senate, but there is a positive ending to this saga. In 2006, our government was elected — a government that had been crystal clear about our goals for Senate reform, clear about our preference for giving Canadians a say in who represents them in the Senate.

Honourable senators, at the first opportunity, when a Senate seat became vacant for the province of Alberta, Prime Minister Stephen Harper respected the wishes of Alberta and recommended the winner of the second and third Alberta consultation process, and, of course, I am speaking about our colleague the Honourable Bert Brown.

Some Hon. Senators: Hear, hear.

Senator LeBreton: Today, I and, I know, my colleagues are pleased to be able to call Bert Brown our Senate colleague.

While Alberta is the only province that can point to having senators chosen by its voters, it is not the only province that has enacted legislation that allows consultation with its citizens. British Columbia previously enacted legislation that would have allowed voters to have a say on who should represent their province. This legislation could easily be revived by the province.

In 2009, Saskatchewan passed the Senate Nominee Election Act. When this bill was introduced, Saskatchewan's justice minister noted that their government was taking this step so that Saskatchewan senators could be chosen democratically. He also referenced the Prime Minister's commitment to recommending for appointment, democratically selected senators.

• (1600)

Saskatchewan has yet to hold a consultation process. While I have the utmost respect for the honourable senators from Saskatchewan and their dedication, it is my hope that the citizens of Saskatchewan will see their choices for Senate nominees reflected in the Senate. Of course, honourable senators, this opportunity will present itself within the next two years with the retirement of our colleague opposite.

There is little need to repeat all the recommendations for reform and to outline all the reasons that reform is necessary. However, there is an important reason worth mentioning again: Canadians want to see changes in our Senate. Over the years, polls have consistently shown that Canadians favour a reformed Senate. As recently as last month, a poll indicated that over two thirds of Canadians support the direct election of senators.

Senator Banks: Direct.

Senator LeBreton: Canadians are having difficulty accepting an institution that has not changed significantly since Confederation.

Honourable senators, the Senate is a valuable institution. We are a group of proud Canadians committed to doing work that makes our country a better place to live. Sadly, our many important contributions are overshadowed by the intense focus on how we got here. Unfortunately, there is little talk of our considerable contributions, drowned out as they are by criticism of our outdated system and our unwillingness to take steps to improve the institution.

Changes are crucial and necessary if we want to maintain our relevance. If we want to be seen as credible, the Senate must catch up with the times and make the changes necessary to become a modern democratic institution. Supporting the kind of change our government presents here today is an avenue to achieve this important goal.

Honourable senators, the proposed Senatorial Selection Act does not bind the Prime Minister or the Governor General in their powers to appoint senators. It does not require that provinces adopt the framework established by our government. Senators will continue to be summoned to the Senate by the Governor General, on the advice of the prime minister, pursuant to the Constitution. What this bill does, however, is to encourage provinces to conduct a democratic selection process whereby a list would be provided to the Prime Minister to consider. As I mentioned earlier, our Prime Minister is on public record as saying he would appoint from that list.

Although it may not be a radical change, it is an important change. It is a necessary first step. It illustrates our government's determination to listen to Canadians, to enhance the legitimacy of our democratic institutions and to improve the quality of governance in our country. Most importantly, the approach set out in the proposed Senatorial Selection Act has precedence. The only appointment to the Senate that has reflected the views of voters was as the direct result of a provincial process: the Honourable Bert Brown. He deserves a great deal of thanks for the drafting and carriage of this bill.

By introducing Bill S-8, our government is committing to uphold its end of the bargain. It is our hope that other provinces will follow in the example that has been set.

Honourable senators, Bill S-8 has been with us in the Senate for almost one year. The time has come to seek the support of honourable senators for our efforts to send Bill S-8 to committee.

Our government believes in the idea of a chamber of sober second thought. We believe in an upper house that gives a stronger voice to the regions of our great country. This is why we also believe in moving forward with Senate reform. We realize that we must take the necessary steps to make the Senate a democratically legitimate institution.

With the introduction of this bill, our government has taken the first step in following through on its commitment to Canadians to bring enhanced legitimacy to our democratic institutions. The next step, honourable senators, is in our hands.

[Senator LeBreton]

I sincerely hope that all members of this chamber will support this bill so we can move forward to give Canadians the Senate they want and rightfully deserve.

The Hon. the Speaker *pro tempore*: Will the honourable senator accept a question?

Senator LeBreton: Certainly.

Hon. Joan Fraser: Honourable senators, I have a couple of questions, but I know that the honourable leader has unlimited time, so I do not feel that I will be damaging other honourable senators' chances.

As an observation, when I am talking to groups of people and the subject of an elected Senate comes up, I ask them whether they would like the Senate to be more like the House of Commons and the reaction is not one of, shall I say, unbridled enthusiasm.

Upon reading this bill, I do not understand what will happen in Quebec, should it pass into law. We all know about the Quebec districts, which are in the Constitution and were a key part of winning the support of the representatives of Quebec who negotiated the British North America Act, 1867.

The bill talks about province-wide elections. It is odd to think of province-wide elections to elect people who are supposed to represent specific districts. However, if elections were held in specific districts, another democratic problem would arise. The districts were likely fairly drawn up some 140 years ago. I believe that Senator Angus' district today probably includes about 2 million people, by my rough count, whereas my own district includes about 35,000. One could argue that people in both districts might feel there was some imbalance if each of those districts had one representative. What would the situation be for Quebec under this bill?

Senator LeBreton: Senator Brown and I and others have made it clear that the proposed Senatorial Selection Act provides a vehicle for provinces to participate in the senatorial selection process, should they choose to do so.

The Province of Quebec is already on record as saying it does not support the bill. When the bill gets to committee, I am sure that many witnesses will be heard from who deal with the original formula used to set up the Senate.

The fact is that this bill, if passed, will not impose any requirement on any province to participate. The bill provides a framework for those provinces and territories wishing to have their senators chosen through a democratic Senate election process and encourages them to do so.

Personally speaking, if two, three or four provinces or more decide to participate, then the Senate will be all the better for it. It will be the decision of the provinces to participate or not. As we talk about small incremental steps, it is more important to start the process and have some success than to have no success at all.

Senator Fraser: As a Quebecer, I find it kind of odd to be asked to vote for a bill that would create a democratic travesty in my province. It is one thing to have a bill that sets up a system in

which the provinces may choose to participate or not; but to set up a system that would be unworkable for one quarter of the country, is something else.

Honourable senators, my second question is by way of asking whether the leader would agree to a little elaboration and clarification on one small point of her address. She quoted Roger Gibbins in one of the earlier iterations of this process. I was at both committee hearings when Mr. Gibbins testified, first at the Hays committee, the Special Senate Committee on Senate Reform, and then at the Standing Senate Committee on Legal and Constitutional Affairs.

Everybody knows where Mr. Gibbins' heart is on the matter of change in the Senate — he is in favour of it. He testified wholeheartedly before the Special Senate Committee on Senate Reform in favour of change, for some of the reasons the leader suggested; and I believe he was preparing to do so again when he appeared before the Senate Legal Committee.

• (1610)

Just before he came forward, legal experts testified that the legislative package that the government was proposing — the two bills that were then before Parliament, one in each house, which were the forerunners of today's bills, one in each house — that the combination of those bills, taken together, unquestionably constituted a package that required provincial participation in formal constitutional change. Having heard that, Mr. Gibbins came forward as a witness and said, "I have had to change my mind, and I cannot support this bill."

I have not spoken to Mr. Gibbins with regard to his view about this bill; I am talking only about what happened then. Would the honourable senator accept that clarification of how events unfolded in that context, at that time?

Senator LeBreton: What the honourable senator says concerning comments that Roger Gibbins made is interesting. I thought that the quote of his that I chose applies to many of the things that the government tries to do, in that the perfect has become the enemy of the good.

However, we are not talking about bills that were before the Standing Senate Committee on Legal and Constitutional Affairs at the time of which the honourable senator speaks. We are talking about the Senatorial Selection Act.

With regard to this bill and the Senate term limits bill that is in the other place, we went back to the drawing board and indicated in the Speech from the Throne that we would pursue this legislation again. Thanks to the hard work of Bert Brown and the experience of Alberta, we have now brought before Parliament a bill that involves incremental first steps, and in no way requires opening up the Constitution.

This process is voluntary. The honourable senator talks about how she, as a senator from Quebec, participated in this process. If Alberta, Manitoba, British Columbia and a couple of the Atlantic provinces decide to enter into this kind of agreement and have their senators elected, that agreement in no way takes away from whatever the position of the Province of Quebec may be at the

time. This bill would mean simply that there would be a certain number of senators in this place that were, in fact, appointed to the Senate as a result of a Senate selection process in the various provinces.

I will not comment on what Roger Gibbins may have said. Let us bring this bill to committee, call him as a witness, and hear what he has to say.

[Translation]

Hon. Roméo Antonius Dallaire: Honourable senators, in my home province, a democratic election process is not needed to confirm a senator's legitimacy and to allow him or her to sit in the Senate in good faith.

On the leader's side, the Senate will be made up of elected and appointed senators. Would the Leader of the Government in the Senate look on these senators differently, depending on how they came to office?

[English]

Senator LeBreton: Of course not. There are other examples, including in the United Kingdom, where there is now a mix of both. Whether a person is named to the Senate through a Senate selection process or under the existing set of circumstances means absolutely nothing, other than that your seatmate might have arrived through the appointment route and the person two seats down might have been selected. However, in no way would that route diminish the individual's work here in the Senate, their role as a senator, or their participation in committees; of course not.

[Translation]

Senator Dallaire: Then why do it? If we trust in the Prime Minister's ability to make good choices in appointing senators, then why not allow him to continue to do so? Why not just maintain this system of trust in the Prime Minister? Has he not demonstrated to the other provinces that seem to be interested in an election process that he is worthy of that trust? Why create such an uproar? Why not carry on with the good people we have here representing Canadians in the Senate?

[English]

Senator LeBreton: The honourable senator is saying: Trust the Prime Minister. We are saying: Trust the people to make the right choices.

[Translation]

Senator Dallaire: Honourable senators, unless I am mistaken, is it not the people of Canada who elected the Prime Minister? Unless we lost our democracy somewhere along the way, why would the Prime Minister we elected all of a sudden become less democratic just because he is making appointments? I would need a more detailed explanation to understand this. Is the honourable senator saying that the Prime Minister does not have Canadians' interests at heart when he makes choices and decisions?

[Senator LeBreton]

[English]

Senator LeBreton: I must have missed something in my history class. Prime ministers are elected. Throughout most of the years I have been around this place, prime ministers have not been from my party but from another party. Prime ministers are the leaders of the party that win the most seats in the election. I do not understand the point of Senator Dallaire's question.

The Prime Minister here is offering the provinces, through this bill, an opportunity to participate directly in the selection of senators, and is therefore giving up the power of appointment for those seats.

Hon. Wilfred P. Moore: One of the hard-earned principles of responsible government is that those who are elected by the public also have access to, and accountability for, the public purse. In the scheme that the honourable senator suggests here today, would she agree that those elected would have that same responsibility and authority?

Senator LeBreton: The honourable senator is asking about a technicality here, but I would say that whether one is elected or appointed, we all have responsibility for the public purse.

Senator Moore: Whether it is a school board, a municipality or a provincial government, those who are elected also have access to, and responsibility and accountability for, the public purse. Does the honourable senator see that happening in the scheme that she suggests here today?

Senator LeBreton: Is the honourable senator suggesting that because we are appointed, we do not have to be accountable for the public purse? Is that the genesis of his question?

With regard to this bill, which is an easily read and understood bill, I think the intent of the government — in the other place with Senate term limits, and in this place with Senate selection — is to make the first few incremental steps in reforming the Senate.

Many people will have questions and concerns, and perhaps will want to consult constitutional experts. I would encourage that consultation. I hope we can have agreement to move this government bill through the Senate and into committee so that some of these technicalities and arguments can be debated on both sides.

Senator Moore: I would like an answer to my question. Does the honourable senator agree that those who are elected under this scheme will have access to the public purse, as is consistent with responsible government, which is hard-earned and which began in my province of Nova Scotia?

• (1620)

Senator LeBreton: Honourable senators, I do not understand the meaning of the honourable senator's question. Obviously, anyone who is elected has a certain responsibility, as does the person who is appointed. He or she has certain responsibilities for the public purse, too.

In terms of access, I am sure Senator Brown will speak to this issue. The honourable senator has dealt with this in much more detail than I have. However, I think people who are elected are accountable. In terms of direct access to the public purse, I actually do not know what would change or why that would be a concern.

Senator Moore: Honourable senators, it is not a concern. However, if someone stands for public election as, for example, in the other place, once elected, he or she has access to and can spend the public purse. He or she must account to the electorate for that responsibility. I am asking the leader if persons elected under this scheme would have the same access and responsibility.

Senator LeBreton: Honourable senators, I do not think Senator Moore has used the correct interpretation. I do not think it changes.

As my colleague pointed out, this bill does not change the Constitution. I believe the honourable senator's question is not relevant to this debate.

Senator Moore: I believe it is very relevant, honourable senators. Is the leader suggesting that an elected person does not have access to the public purse? Simply answer "yes" or "no."

Hon. Andrée Champagne: Honourable senators, I would like to follow up on Senator Fraser's questions and return to an issue that I discussed when I participated in this debate.

We all know that Quebec never does things the same way as everyone else. At this time, our premier says he will leave to the Prime Minister of Canada the privilege and the duty to continue to name people to the Senate of Canada. Should there be a change of government, however, would the new premier share the same opinion?

Some people say that the Senate is becoming too partisan. Can you imagine some separatists being named to the Senate if a separatist premier became the leader of the government of Quebec? When I said that his or her name could be on the list, I was told that if the person were a separatist that the Prime Minister does not want in the Senate, then someone else on the list would be chosen. My feeling is that if we have an election, the person who has the most number of votes wins the election.

Honourable senators, how will we deal with such a problem? Will we be elected province wide, or will we have to run for election in our districts? I am quite worried about this possibility for our Senate.

Senator LeBreton: Honourable senators, I think we are getting ahead of ourselves. This bill is the very first step. It provides a vehicle for provinces and territories that wish to conduct a senatorial selection process in order to fill vacancies for the Senate in their province or territory. It in no way forces provinces that do not wish to participate in the Senate selection process to do so.

We would be getting ahead of ourselves by dealing with a hypothetical situation concerning the Province of Quebec where the Quebec government has already indicated that it is not

interested in this process. I do point out, however, that the bill does not take away from the Prime Minister and the Governor General the power of appointment to the Senate.

Honourable senators, I return to my quote of Roger Gibbins that the good is lost because we are looking for perfection. Honourable senators, the intent of this bill is to provide the framework for provinces and territories. They may choose to use the framework but are not obligated to use it. As we know, and as we can probably foresee for some time, the Government of Quebec and the Province of Quebec are not interested in pursuing this proposal.

Hon. Tommy Banks: Honourable senators, I have a very mundane question for the leader.

When Senator Brown speaks to this, I guess he will be the only senator who actually has personal experience regarding it. I have a grazing idea of how much it costs to run an election campaign in a constituency. It varies widely.

This may not be of interest to many people in this place because there are many here, I think, who would not stand for elected office. That is not how we got here. Many of us never contemplated ever getting here by any means, and it was not in our nature to run in an election campaign. It would not be in my nature to run for elected office. However, I am curious as to whether any thought has been given to the cost of running a campaign in a province as opposed to a campaign in a constituency of a province.

In my province, there are 27 constituencies. I know about how much is spent minimally and maximally in them. What multiple of one of those would be the cost of running a campaign in the province of Alberta, or in the province of Ontario, or in the province of Quebec, if that could be worked out; or in any other province?

Senator LeBreton: Honourable senators, there has been discussion in terms of the actual running of the elections in the various provinces and territories that might decide to follow that process. Senator Brown, having run twice in the provincial Senate selection process, could probably answer this question. However, these questions require both study and answers. That is why I think that if we could get the bill to committee, many of these questions could be answered after careful study.

I do not think there is a definitive answer because it depends, first, on the province; and, second, on those who participate. For instance, if it is a territory, it is not multiple ridings. If it is a smaller province, there are four ridings. It is intended that the selection be province wide.

Honourable senators, I think these questions should be debated in committee.

Senator Banks: Honourable senators, I hope that they will be and I hope that when we are considering these things, we will remember that, with respect to the Alberta election process by which Senator Brown won twice and worked assiduously were elections where political parties, in the normal sense of the word, did not take part. Senator Brown deserves a great amount of praise for his hard work.

Does the process contemplate any contribution by the public purse to the election process?

Senator LeBreton: Again, honourable senators, all the more reason to get this bill to committee so that these questions can be addressed. They are legitimate questions and they do vary from province to province. If we get the bill to committee, these questions can be fully aired and explained.

• (1630)

Hon. Doug Finley: Honourable senators, it was my original intention not to speak on this bill, but to promote it in other arenas by speaking directly to voters and audiences. I knew such esteemed and practised senators such as Senator LeBreton, Senator Carignan, Senator Brown, and Senator Tkachuk, would make cohesive and well-deliberated arguments largely based in law and history. I found the presentations most edifying from all sides. I would not dream of trying to add to or bend any of these fine arguments that have been made.

While all of these distinguished points of view were made, I felt that something personal was missing. I will speak from a personal point of view forged largely by my upbringing and honed in the trenches of our democratic system.

I will share the part of my life that causes me to believe so passionately that every Canadian should have the right to run for any public office in this country. I will discuss the concept that the Senate will somehow be a less competent, less well-rounded, and narrower constituency than it is now.

I was born in an idyllic corner of England, Devonshire. My birth certificate discloses the exact location as Stork's Nest. After many years of pubescent confusion, I eventually discovered that Stork's Nest was, in fact, a nursing home. It was immediate post-war Britain. My mother, a fervent daughter of Albion with a major mistrust of all things English, immediately transported me north to South Lennoxshire in Scotland, a place dominated by hardscrabble farming, steel mills and coal miners.

This area, with the shipyards of close-by Glasgow, has been called the cradle of trade unionism. Since the early 1900s, it has been the home and stomping ground of great union activists like Keir Hardie. My grandfather, a brave coal miner who was later disabled in a mine collapse, participated in the famous General Strike in 1926 and walked 400 miles in a protest march from Glasgow to the London Parliament in 1927.

I was a happy recipient of an excellent Scottish education. It was rated at that time as perhaps the best public education system in the world. My mother would frequently and passionately speak of the Sunday evenings when my grandfather would take her to an open air meeting place on the banks of River Clyde. Here she absorbed the magnificent and persuasive oratory of such prominent labour leaders as Aneurin Bevan, Jennie Lee and John Robertson. She was also exposed to such prominent humanitarian leaders as the great Eric Liddell, the sprinting missionary who was featured in the Oscar-winning movie *Chariots of Fire*.

All of this exposure she orally injected into me. I was not always the most willing recipient. However, certain things did stick with me from the miners, the steelworkers, my grandfather, and my

mother, such as a deep respect and patience — although I do not always show it — with all people, a complete abhorrence of any form of bias or bigotry, an abiding faith in the results of hard work and, most importantly, a belief that any person should be able to aspire without reasonable constraint to hold any public office in the land.

Some Hon. Senators: Hear, hear.

Senator Finley: My mother, by the way, at that time, particularly included the Westminster House of Lords. Incidentally, my great-grandfather, a completely untutored miner, won the right to present a case directly to the House of Lords. My mother and father came to Canada several years before I did. My mother brought her views with her. She died a few years ago.

My mother thought Pierre Elliott Trudeau was a right-wing radical, Brian Mulroney was the devil incarnate and Jean Chrétien was an anarchist. Unfortunately, or perhaps fortunately, I never got to hear her opinion of my good friend, Stephen Harper.

When I was first appointed to the Senate, I chatted with my brother about this view. I opined that my mother would likely be spinning in her grave. He said to me, Doug, not as long as are you on the inside trying to change it.

She gave us both a somewhat rebellious and clandestine nature. God bless her. That is the first reason I rise to speak on this particular piece of legislation.

Honourable senators, I have an unshakable belief that this Senate should be open to any person who properly seeks and wins by election the right to stand in this august chamber. What gives anyone the absolute right in this free and democratic federation to say that this office is closed to someone because we do not know them? I have heard a number of people, both within and without this chamber, say that an unelected, appointed Senate ensures there will be a cross balance of considered opinion, and that many senators would not be in the Senate if they had to be elected. There are other variations on this argument, and I am sure that all my fellow honourable senators have heard them.

With all due respect to those who espouse those opinions, I say poppycock. For hundreds of years, elected chambers, both upper and lower, have steered and led democracies through growth, change, turbulence and difficulty. It has not always been pretty. I will not quote the words of Winston Churchill on the subject of democracy. I doubt that there is an honourable senator in this chamber who does not have them emblazoned in their psyche.

Let people run. Let others decide. There will be good; there will be bad. However, on balance, it will always work. It always has. To those who say that having an appointed Senate guarantees that minorities and other groups will be represented when they might not be in an election environment, I say balderdash.

Given the mountains of media attention that I try to avoid, I doubt that it is any secret that I have been the Director of Political Operations and National Campaign Director for the

Conservative Party for a number of years. Honourable senators can imagine my delight this afternoon when I saw the latest assessment of public opinion polling from Ipsos-Reid showing the Conservatives at 39 and the Liberals at an all-time low of 23.

During my time with the Conservative Party, I and my colleagues worked assiduously to elect women, new Canadians and Canadians of all backgrounds and ages to represent us in Parliament. I have seen many fine Canadians and Aboriginals represented by Rob Clarke, Shelley Glover, Rod Bruinooog, and Leona Aglukkaq. I have seen new Canadians represented by Tim Uppal, Devinder Shory and Alice Wong, and young Canadians like Pierre Poilievre, Patrick Brown, and Andrew Scheer be elected. We worked to recruit and elect a whole host of brilliant women such as Diane Finley, Rona Ambrose, Candice Hoepfner and many others.

We are not alone in this work. Honourable Senator David Smith and his colleagues have been working equally hard to broaden the tent. My good friends on the other side have been successful in increasing the participation of women, new Canadians, Aboriginals and people of all age groups. More power to Senator David Smith and his colleagues.

• (1640)

The point I am trying to make is that this is Canada. We have a different political and social environment than any other country in the world. All the doors that are open should be open to everyone in a way that they never were before. Have we got to where we should be? I think Senator Smith would agree with me when I say “no,” but I also feel he would agree that we are getting ever closer.

To have an appointed Senate to guarantee so-called minorities is, in my view, a fallacious and out-of-date, elitist argument. In my view, women, First Nations, new Canadians and, indeed, all Canadians are perfectly more than capable of stepping up to the plate.

I have heard it said by some opponents of an elected Senate that elections are mere popularity contests, applying elements of “Canadian Idol” and “Miss Universe.” Baloney.

What is the problem with popularity? The word has its roots in the Latin term *populus*, as in *vox populi*. Again, I will address a point to Senator Smith. He, like I, has presented as candidates some very popular, media-recognizable, famous people, and they have crashed and burned. One has to be more than a pretty face with friends in the media. In my experience, Canadians overwhelmingly tend to vote for substance. To say otherwise is to denigrate the 308 members of the other place and, I might add, a number of current senators who have been elected to the other place. I repeat: The Canadian voter will always be right.

The final argument I will make is that some opponents say that an elected Senate could end up being a less powerful echo chamber of the other place. For the first time, I sense a kind of resonance. I can really understand that. As an obviously proven partisan member of this chamber, I thought on this at some length.

When I am in this chamber, I try to listen to everything that is said, from all sides. It is not always possible, but I do my best. I have been struck by many points made from across the aisle. I have often applauded a speech from the other side. It is not that I necessarily agreed with the entire content, but I appreciate a finely crafted position and the manner in which it is delivered.

Honourable senators, I believe this place can and should define itself. Elected or unelected, powers should not change. We are what we are and right now there is only one elected senator. The rest of us have been appointed.

I will allow a little leeway to the independents in what I am about to say, but where we sit and listen to arguments — and perhaps agree with them, even if they come from across the aisle — at the time of vote, the crux of this process is that we stand and inevitably vote with “those that bring us.” Is this not true? Let me challenge any senator here: Has an honourable senator present ever voted for or against a bill or motion that they did not fundamentally completely agree with?

My view might be simplistic, for I believe that no candidate for Senate election should carry a party banner or party colours. In my view, coupled with a complete dislocation from the party appointment process, this will in time lead to an independent chamber of second thought, basically with the same powers it has today.

Honourable senators, I might not have provided a legal or constitutional argument today on Senate reform, but I have tried to explain my belief that every Canadian should have the right to run for public office, and whence these beliefs originated.

I believe that Canada is a very special place; we truly are the land of opportunity for all Canadians. As an immigrant myself who never imagined becoming a senator, I believe that Canadians do not vote based on race, creed, colour or gender; they vote based on who will best represent them.

The Hon. the Speaker *pro tempore*: I must advise honourable senators that Senator Brown speaking now will have the effect of ending the debate.

Hon. James S. Cowan (Leader of the Opposition): Unless any honourable senators have any questions for Senator Finley, I will move the adjournment of the debate.

(On motion of Senator Cowan, debate adjourned.)

THE SENATE

MOTION TO URGE GOVERNMENT TO REVERSE ITS DECISION TO REPLACE THE NATIONAL LONG-FORM CENSUS—DEBATE CONTINUED

Leave having been given to proceed to Other Business, Inquiry No. 72:

On the Order:

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

That the Senate, recognizing that the National Long Form Census is an irreplaceable tool for governments and organizations that develop policies to improve the well-being of all Canadians, urge the Government of Canada to reverse its decision to replace the long form census with a more costly and less useful national household survey.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, the government's decision to abandon the mandatory long-form census and replace it with a survey — the so-called National Household Survey — is misguided and indefensible.

The history of the census is inextricably intertwined with the history of human civilization, and that is no accident or mere happenstance. The concept of a census is so fundamental to civil society that they have been conducted throughout the millennia and across the globe.

Some honourable senators might recall that, during an earlier debate, I pointed to Moses arguing with God as one of the earliest sources of our much-venerated right of freedom of expression. Moses conducted one of the earliest censuses, as well. When the Israelites were wandering in the Sinai Desert after the exodus from Egypt, the Book of Numbers tells us that God commanded Moses to “conduct the adult men”; in effect, to conduct a census. That book describes several censuses conducted by Moses.

The great civilization of ancient Egypt conducted a periodic census; the first one apparently took place in 3340 B.C. A census was recorded in China over 4,000 years ago.

The word “census” comes from the Latin *censere*, meaning “to assess.” Our practice of conducting a census every five years seems to have come from the Roman Empire, where Servius Tullius ordered the first one in the 6th century B.C. According to the New Testament, it was due to a Roman census that Mary and Joseph travelled from Galilee to Bethlehem where Jesus was born.

In the Islamic world, the Rashidun Caliphate in the 6th century began a tradition of conducting a regular census.

In the United Kingdom, the first census was conducted in the 7th Century. Four centuries later, in 1086, William the Conqueror ordered that a comprehensive and very detailed census be taken of his new realm. That census resulted in the creation of a document known as the Domesday Book, so called because of the clarity and finality that resulted, like the Day of Judgment.

Honourable senators, it is no accident that the world's great civilizations each conducted a census. Greatness emerges when there is a strong connection between the government and its citizens, and when the laws and policies respond to the real needs and ambitions of the people. However, to do that, one needs first to know what those real needs and ambitions are. That comes from knowing clear, basic facts about one's fellow citizens.

However, if a government does not fundamentally believe in a role for government — if it believes the best thing it can do is to get out of the way — then an accurate census is a nuisance. If no one has the facts about how many people can find work, how many newcomers to Canada cannot access language training, or

how many of our Aboriginal families are living in housing that is falling apart, then no one can call you to account for your failure to take action or for the consequences of funding cuts. How much nicer it is to tell people that you are not asking the questions because you do not want to intrude on their privacy, rather than admitting you are not asking the questions because then you would be expected to do something about the problems that are exposed.

• (1650)

Honourable senators, it is often said that information is power. Traditionally, what is gleaned from the census is public information that is available to all Canadians who can then use it to come to their own conclusions about whether their country is on the right track and whether their government is focusing on the correct priorities. The government of Prime Minister Harper has decided that the citizens of Canada will no longer have that information and power.

Let me recall how this unfortunate episode with the long-form census began.

On Saturday, June 26, 2010, an order-in-council appeared in the *Canada Gazette*, setting out the questions that would appear in the 2011 census. Honourable senators, for the first time, the questions that are asked in the so-called companion long-form census were missing.

After members of the other place had left Ottawa to return to their constituencies, the quiet publication of the order-in-council in the *Canada Gazette* seemed calculated to avoid notice and public comment. What a miscalculation that turned out to be.

Extraordinary stories began to appear in the newspapers. A column on July 16 by Dan Gardner of Canwest listed some of the organizations that had written “to formally protest the government's misguided decision” to scrap the mandatory long-form census. They included the Statistical Society of Canada, the Federation of Canadian Municipalities, the Canadian Marketing Association, and the Canadian Association for Business Economics.

A few days later, on July 19, more than 20 signatories representing a broad range of organizations wrote to Minister Clement to request a meeting. They expressed their “great concern” about the government's decision, saying the loss of the long-form information “will cause considerable economic and social costs.”

The signatories included Roger Martin, the Dean of the Rotman School of Management; Don Drummond, former chief economist of the TD Bank and former Assistant Deputy Minister of Finance here in Ottawa; Mel Cappe, former Clerk of the Privy Council; Ken Georgetti of the Canadian Labour Congress; Dr. Cordell Neudorf, the Chair of the Board of Directors of the Canadian Public Health Association; Roger Gibbins of the Canada West Foundation; and Marni Cappe of the Canadian Institute of Planners. Their request for a meeting with Minister Clement was not granted.

Honourable senators, the media also expressed their concerns with the Harper government's decision. *The Globe and Mail* has written so many critical editorials that I cannot keep track of

them. Even the *National Post* has come out against the move. And there has been much international criticism. The British magazine *Nature* published several pieces, including an editorial headed “Save the census: The Canadian government should rethink its decision to change the way census data are collected.” This leading international scientific journal wrote:

The incident comes amid a growing sense of unease about the right-leaning Canadian federal government’s apparent disregard for science-based policy . . . Now the government is threatening to undermine the system that collects the data needed for a multitude of other evidence-based decisions.

Stephen Fienberg of Carnegie Mellon University, and Kenneth Prewitt of Columbia University, in an article entitled “Save Your Census,” wrote:

Government statistics are no less vital to a nation’s scientific infrastructure than is an observatory or particle accelerator, and need stable funding and protection. Detailed, reliable, demographic data are used in a vast array of policy decisions and research studies, from determining how many hospitals are needed to tracking whether the ongoing poverty of a group can be linked to health or education. Census data provide the gold standard against which all other studies on such issues can be corrected and judged.

Petitions to reinstate the “gold standard” census have been signed by thousands of Canadians who understand the importance of serious evidence in which to ground serious public policy.

Two former Chief Statisticians of Canada spoke out publicly against the decision: Dr. Ivan Fellegi and Dr. Sylvia Ostry. Dr. Ostry also served as the chair of the Economic Council of Canada, Deputy Minister of International Trade, and senior adviser for Prime Minister Brian Mulroney at international summits. She used the words “shocking” and “ridiculous” to describe the Harper government’s decision on the census.

A third Chief Statistician, Dr. Munir Sheikh, resigned because of this decision.

On September 9, an extraordinary letter was sent to Prime Minister Stephen Harper. It was signed by the former Governor of the Bank of Canada, David Dodge, two former clerks of the Privy Council — Mel Cappe and Alex Himelfarb — and by Dr. Fellegi. The signatories pointed out the indispensable role that official statistics fulfill in democratic societies. It urged the Prime Minister to allow the Chief Statistician to decide how the census should be conducted. They warned, in stark terms, that the government’s decision “put the well-earned credibility and respected international standing of Statistics Canada at risk.”

Honourable senators, can any of you recall when four such senior public servants — two former clerks of the Privy Council, a former Governor of the Bank of Canada and a former Chief Statistician of Canada — publicly expressed their disagreement with a government decision? These are individuals who understand what governments need in order to best serve Canadians.

In their view, the decision of the government on the census was so misguided and potentially damaging to Canada that it warranted taking the unprecedented step that they took.

That letter alone should have given the government reason to pause.

Provincial governments joined in the ever-growing list of those dismayed by the decision. On September 27, the Government of Ontario and the Government of Quebec took the unusual step of writing to Minister Clement to express their “serious concerns.” The governments described how reliable data from the long-form census is essential in supporting post-secondary education and training programs. It provides critical information about groups such as recent immigrants, Aboriginal people, unemployed youth, and adults with low skills.

The letter stated,

Good public policy must be based on good information . . .

The letter concluded as follows:

We believe that the decision by the federal government to eliminate the Census long-form was a mistake and that it will impact negatively on the provision of services to the people of our provinces. We would therefore urge you to reverse this course of action as soon as possible.

The Harper government responded with its usual reflexive mode: divide and attack.

This is how *The Globe and Mail* reported on the government’s response to the letter from Canada’s two largest provinces:

Mr. Clement . . . briskly dismissed the missives from the provinces. It’s the same tune that they’ve had,” he said. “They’re users of the data, they like having the data. They like having the Government of Canada enforcing, through criminal penalties, fines and imprisonment.”

Honourable senators, the federal government conducts the national census. All levels of government, as well as thousands of Canadians outside of government, use the results to benefit all.

This is not an issue of freeloading. It is a very efficient use of taxpayer dollars. As we all know, it is the same taxpayer.

Instead of multiple payments by different governments and organizations to collect the same information, Canadian taxpayers pool their money through Statistics Canada, and the resulting information is available to us all.

That is how the system has worked and how it should work.

Honourable senators, Canadians across the country should be able to know their provinces and cities can access the quality information they need in the most cost-effective manner possible. Firewalls have no place in our federation, no matter who may wish to erect them.

To add to the controversy, the Harper government has acknowledged that its new National Household Survey will be more expensive to administer than the mandatory long-form census. Here the government does not seem to have a clear plan.

Industry Minister Clement told a committee in the other place:

There is an additional \$30 million cost for a public campaign launched to convince Canadians to fill out the questionnaire.

Senator LeBreton has referred to this campaign here many times.

• (1700)

Now we learn, from an interview that the new Chief Statistician of Canada gave to *The Globe and Mail*, that the purpose of the extra money is not for advertising or communication of the new National Household Survey. In fact, the chief statistician could not say how much is earmarked to advertise the new survey, except to say, "It's not a large amount."

He continued:

I don't even know if we've got an estimate right at the moment about what the precise amount is.

On December 14 *The Canadian Press* reported that the total cost of the 2011 census could reach \$660 million. This figure was confirmed by the chief statistician during that recent interview. That cost is in stark contrast to the cost of the 2006 Census, which came in at \$573 million. That \$573 million included a one-time purchase for software and equipment of \$43 million.

Honourable senators, a decision by a prime minister who describes himself as a trained economist to spend more money to obtain something of lesser value is a bizarre approach to take with taxpayers' hard-earned dollars.

Of course, the \$660 million would not include the extra costs to the municipal and provincial governments, and others who have relied upon that information and are now being thrown to their own devices by the Harper Government. Indeed, the chief statistician revealed that the government's plan includes hoping that municipal governments, provincial governments, Canadian businesses and "ethnic organizations" will use their "methods of communicating" to get the word out and encourage Canadians to complete the survey. It seems rich to expect other governments and organizations to promote something they know will yield inferior results for them.

It is not this cavalier attitude toward the public purse alone that has so upset so many professional organizations and other levels of government. The information collected in the mandatory long-form census is absolutely critical to basic decision making — to deciding where to build what kinds of roads and how to time the traffic lights, to where to build schools and hospitals, how big should they be and with what specialities. Where should a children's hospital be located? Does a community need a geriatric facility? Where should it be located and what services should it provide?

[Senator Cowan]

The other day the *Winnipeg Free Press* — and Senator Chaput referred to this report yesterday — reported that the Manitoba government anticipates spending up to \$400,000 to persuade Manitobans to fill out the survey. The Manitoba Chief Statistician recently said the government could face everything from reduced federal transfer payments to a shortage of accurate information on which to base critical health and policy spending decisions if not enough Manitobans fill out the forms. He said:

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.

Those are the words of the Chief Statistician of Manitoba.

The census is used by health officials in pandemic planning, something that all of us can improve, given the experience last year with H1N1. In September, 15 top health officials and researchers held coordinated news conferences in Toronto, Ottawa, Sudbury, Edmonton and Winnipeg to criticize the decision. We heard the Toronto Medical Officer of Health say that the health of Torontonians will suffer without access to the crucial long-form census data.

He said that the city's most vulnerable citizens — immigrants, the poor and those in marginalized communities — are at greatest risk.

Paul Hébert, editor-in-chief of the *Canadian Medical Association Journal*, has been clear:

The census is a very specific tool that helps all health sectors. . . . We're able to work at the level of a community to better understand how to tailor and adjust programs. It's the only instrument of its kind in our country . . . For the health and well-being of Canadians, we need this instrument.

The census is also used by Canadian businesses in deciding, for example, where to locate a store or build an apartment building. The Dean of the Rotman School of Management, Roger Martin, told *The Globe and Mail* that the government's abandonment of the mandatory long-form census will hurt the ability of Canadian companies to compete globally and boost productivity, while preventing Canadians from having what he called a "sophisticated economy that uses information to its best."

John Pliniussen, a business professor at Queen's, called the decision "a huge business blunder" that will result in lost jobs and more bankruptcies, as businesses will not have the solid information they require to make decisions.

Mark Carney, the current Governor of the Bank of Canada, told *The Globe and Mail* editorial board that the bank no longer may be able to rely on data from Statistics Canada because of the change from the mandatory long form to the proposed National Household Survey.

The Bank of Canada, as the article describes, “has long focused on productivity, labour and households as a means of assessing the country’s economy and steering it toward a better footing.”

Mr. Carney told *The Globe and Mail* editorial board that the changes to the census could have an impact on the quality of research in these important areas, and force the bank to supplement the information with its own research. He said, “there’s a non-trivial range of data that could be affected.”

Honourable senators, the Harper Government keeps warning Canadians that our emergence from the economic recession is by no means assured, that Canada faces an uncertain economic future. Then our economist/Prime Minister decides this is the ideal time to deprive the Bank of Canada of important information on which it has relied to fulfill its role on working to strengthen our economy.

Is the irony of this situation really lost on the government? The irony is compounded by the fact that the Prime Minister, who has made the decision, earlier in his own life made use of the census data information when writing his master’s thesis. Now that he is in charge, he decides other students will not have the same opportunity that he was afforded while at university — how thoughtful.

Even the Canadian Association of Police Boards called on the government to restore the mandatory long-form census. They said in a statement:

... police agencies throughout Canada depend on reliable, comprehensive demographic statistical information provided by Statistics Canada to establish policing priorities and to determine policing services for their communities.

So much for helping our police forces to be tough or smart on crime. It looks more like the government is determined that police forces across the line will join its “dumb on crime” approach.

The Canadian Women’s Foundation wrote to Minister Clement to express their concern over the impact of the cancellation of the mandatory long-form census on programs and policies that help women. They wrote:

Our funding programs focus on women who are most in need, including low-income women, Aboriginal women, newcomer women, young women, disabled women, and visible minority women. These are the very groups who will be underrepresented in the census data if the mandatory long-form is discontinued; this will reduce their access to government services and severely constrain our ability to develop an effective funding response.

Indeed, questions have been raised that the drafting of the new proposed National Household Survey has notably omitted a crucial question — so-called question 33 — a three-part question that, according to a report in the *Toronto Star*:

... has been in place since Canada made commitments at the 1995 UN Conference on Women in Beijing. The question gathered data on how much time people spent on unpaid work: domestic chores, child care and attending to the needs of elderly relatives and friends.

The Harper Government is not interested in finding out how many hours Canadians spend looking after their own and other children, or providing unpaid care to seniors. This government has no interest in the challenges facing Canadian families squeezed between the conflicting demands on their time, taking care of children, parents and paid work. That question is gone. For Canadian taxpayers and Canadian families, corporate tax cuts will solve everything.

Honourable senators, I could go on listing the many ways in which Canadians have said that this census information is critical to their work and well-being.

A voluntary survey simply is not an adequate substitute.

• (1710)

Ivan Fellegi, the former Chief Statistician of Canada, explained that “any voluntary survey is intrinsically biased” and that “bias, unlike sampling error, cannot be estimated from survey data themselves.” He described how:

... most users ... are interested in how things have changed since the last time they were measured. And if the last time they were measured they were measured in an unbiased manner, and next time they are measured in a biased manner, the results become basically not usable for that purpose. ... they really become unusable for purposes of making comparisons ...

Don Drummond, the former chief economist of the TD Bank, and now chair of the Advisory Panel on Labour Market Information, has described how with a voluntary survey:

... you would get an over-weighting of — let’s face it — White middle-class Canadians and a dramatic under-weighting of some other groups, particularly the poor and the very wealthy, particularly some recent immigrants, and certainly First Nations.

Over time you could probably sort that out, but it would probably take three or four cycles of a survey to understand what the weights are. In the meantime, I think that the data could actually be worse than not having anything. It could be misleading.

Bank governors, bank economists, chief statisticians, former Clerks of the Privy Council, business leaders and health officials have all expressed their concerns. Senator LeBreton’s response has been, “Don’t worry; be happy. It will all work out.”

We are to rely on her great confidence that, when Canadians receive this household survey, they will fill it out honestly and fairly. The problem is that her own actions and those of some of her own colleagues prove that this is not true.

The government leader herself has told this chamber on several occasions how intrusive she found the questions in the 2006 long-form census, and how she absolutely did not want to answer them and only did so because she knew she had to. Honourable

senators, these were questions in a census being conducted by her own government, of which she was cabinet minister. She told us that she would not have answered them voluntarily.

Her colleague, Senator Greene, told this chamber in great detail and with surprising pride how he let the form sit for many weeks, only to fill it out because it was mandatory. He tried to send it in partially completed and ultimately asked his teenage daughter to fill it out, in his words “as a kind of game,” making up the answers as she went along.

These are individuals who support the Conservative government that was conducting the census. Senator LeBreton was and remains a member of the executive branch of this government, yet she was very clear that she completed the census not because she is a fine, upstanding citizen who recognizes her civic duty, but because it was mandatory — in other words, because it was coercive.

Senator Greene not only did not complete it himself, he told his teenage daughter to make up the answers, to treat it as a game.

What sort of examples are these for Canadians who will receive the voluntary household survey?

If Senator LeBreton is chosen to receive the new household survey, will she now answer the intrusive questions because the coercive element has been removed? She has already told us that it was only because there was a coercive element that she filled it out the last time. Where is the logic in any of this?

In my opinion, it is not that this government cares whether or not there is a census, or whether or not the census is a burden on Canadians; rather it is that, fundamentally, this government really does not care about the real burdens that weigh upon Canadians.

It does not care whether parents are able to access affordable child care. It does not care how hard Canadians are struggling to meet the needs of aging parents while caring for their young children, all the while balancing the demands of paid work. It does not care how long Canadians are spending commuting to and from work, or what methods of transportation they are using for those commutes. It does not care what level of education Canadians are achieving or what kind of work they are able to find upon graduation. It does not want to know whether or not our immigrants are successfully integrating into our society or finding work in their field. The concerns of single parents do not worry the members of the Harper government. They really do not care very much about whether or not child support is being paid.

Members of the Harper government have sought to justify their position by pointing to the questions that they consider to be too intrusive. Let us talk a bit about some of these so-called intrusive questions.

For example, some ministers have asked, apparently rhetorically, what business is it of the government to ask how many bedrooms there are in a house?

Well, the Mayor of Iqaluit, a board member of the Tapiriit Kanatami, has spoken to this question, and this is what she said:

You have to remember that in the long form there are questions such as how many bedrooms are in the house. In Arctic communities it is too cold to be homeless. There's hidden homelessness. We'll never get that data if that long form is not filled out.

This government evidently does not care if 15 people are crammed into a two-bedroom apartment in an isolated Northern community.

Is this an issue, as some people have suggested, for the famous Conservative political base — a bone to be tossed by the Harper government to mollify the right wing, increasingly fed up with unprecedented deficits and reckless spending on fake lakes and photo ops?

Let me read honourable senators a passage from an article in the *Ottawa Citizen* on August 5, quoting Mr. Gibbins, head of the right-wing Canada West Foundation:

I live in a hardcore Conservative constituency in the heart of Calgary. There are probably more people worried about flying saucers landing in their backyard than there are worried about the long-form census.

Instilling worry and fear has become the hallmark of this government. As my leader, Mr. Ignatieff, noted recently, the Prime Minister “tried to make Canadians afraid of something they had never been afraid of once in their lives, which was the census taker. . . . All across the country, people turn to me and they said, you know, I've got things I do worry about, but the census taker?”

What has occurred with this issue has reinforced a concern I have held for a long time. The Harper government cares less about facts than it does about its ideology. One commentator, an economist, wrote that with this decision, we have officially moved from evidence-based decision-making to decision-based evidence-making.

Tom Flanagan, the former close adviser to Prime Minister Harper, once said, “It does not have to be true. It just has to be plausible.”

Perhaps we should start using that word coined by the American satirist Stephen Colbert during the era of former President George W. Bush: “truthiness.”

Indeed, in an apparent further imitation of President Bush, Prime Minister Harper reportedly encouraged his party loyalists to trust their guts, not experts or evidence. Frighteningly, he was reportedly speaking about his party's law and order agenda.

Honourable senators, Canadians deserve better. They deserve serious public policy, formulated on the basis of real facts, not “truthy factoids” carefully selected and shaped to support an ideologically driven agenda.

As Mr. Ignatieff said, “Wouldn’t it be better to run the government on the basis of evidence and facts and statistics, than ideology, dogmatism and fear?”

I am troubled when I see the government suppressing the truth, when political staffers prevent the release of information to Canadians and when government scientists are not free to speak out on the issues on which they have extraordinary expertise. I am troubled when we have a law and order agenda driven in wilful blindness of the facts.

We have people with deep, serious knowledge of issues denied access to decision-makers, ignored or actually dismissed from their jobs. We have seen the depths to which this government will sink, smearing the reputations of Canadians who have devoted their lives to public service for Canadians.

Now, with this decision to scrap the mandatory long-form census, the government is trying to prevent even the collection of facts, trying to control what Canadians know about what is really happening in their country and their communities.

There is a head-in-the-sand saying, which goes “What you do not know cannot hurt you.” The Harper government has taken it a step further; for them it is: “What you do not know cannot hurt it, so out with the census.”

To make matters worse, there are rumblings that this government may be planning to go even further. Recently we saw a release from the Macdonald-Laurier Institute of a so-called policy study that challenged the methodology and even the objectivity of Statistics Canada’s work on crime statistics.

• (1720)

We subsequently learned that the author of the study used to work as a Conservative political staffer to then Public Safety Minister Stockwell Day. Yes, that is the same minister who told Canadians that we need more prisons to lock up all the criminals who committed crimes that were never reported to police, so of course these “criminals” were never charged or convicted. Small wonder that this former staffer now writes a paper deriding Statistics Canada for not reporting unreported crimes.

This study, by the way, has been roundly criticized since its release as deeply flawed in its methodology.

We recently learned again from the newspapers that the government is contemplating further changes to the census for 2016, using a register-based model that would mine data from health files and education files, to name a few.

Honourable senators, I think many Canadians would be concerned to think that their government could access all their personal files like that. I suspect many would choose the old form of mandatory long-form census over that kind of Big Brother intrusion.

I mentioned *The Globe and Mail*’s recent long interview of Wayne Smith, the new Chief Statistician of Canada. Mr. Smith, a good public servant, attempted to show how the government’s target response rate for the new National Household Survey, in fact, may be okay. What is the new target response rate? The

government would be satisfied with a 50-per-cent response rate — 50 per cent — instead of the 94-per-cent response rate that we had for the mandatory long-form census.

You will remember the statement I quoted a few minutes ago from the Manitoba Chief Statistician. I will repeat it. He said: “If 50 per cent or lower” fill out the forms, “what have we got? There is a potential here for a statistical catastrophe.” Yet that is the Harper government’s target; a statistical catastrophe indeed.

I hope my friends from Manitoba on the other side are taking note. The Manitoba government is concerned that the survey will lead to misleading information about things like population growth, which of course is used to determine the size of federal transfer payments, to say nothing of the many other policy decisions that depend on the responses.

The Globe and Mail concluded the interview with Mr. Smith, the new Chief Statistician, with the simple question: “Would you prefer the old system to this one?” His response: “Obviously.”

Honourable senators, we had the “gold standard” with the mandatory long-form census. That is what has worked to provide the serious evidence needed by public and private decision-makers throughout Canada, and it worked while respecting and protecting Canadians’ privacy. I am troubled to think that the Conservatives are so intent on promoting their own ideological policies that they will not shrink from depriving Canadians, today and for years to come, of the critical information they need to make good decisions. With studies like the one from the Macdonald-Laurier Institute, evidently they will not shrink from undermining the credibility of an institution like Statistics Canada, an institution respected not only in Canada but throughout the world for its meticulous methodology.

The Canadian people understand what is going on, and they have said, loudly and clearly, that they understand the reason for a mandatory long-form census and are prepared and proud to do their civic duty to complete it.

Honourable senators, it is up to us today to say loudly and clearly, by voting in favour of this motion, that the government must reverse its regrettable decision on the census so the concerns of Canadians truly can be heard by those who govern.

Some Hon. Senators: Hear, hear.

Hon. Marjory LeBreton (Leader of the Government): Will Senator Cowan take a question?

I believe Senator Cowan misrepresented statements that I made about my own personal experience with filling out census forms, and if it is on the record, the record is incorrect. I do not believe that I ever said that I did not fill out the 2006 long-form census.

I was not sent the mandatory long-form census in 2006 and, therefore, I would never have said I did not fill it out. I was referring to a long-form census several years ago that I objected to filling out, and was harassed vigorously by the census people, but it was certainly not in 2006. I resent very much that Senator Cowan would suggest that I broke the law, as a member of the government.

Hon. Stephen Greene: Honourable senators, I have the exact same complaint. I did not fill out the census in 2006. It was an earlier one under the Martin or Chrétien governments, and I behaved the way I did because I was threatened by jail time. I think I did what any Canadian citizen would do when confronted by a bureaucrat and threatened with jail time, and that is to thumb my nose.

(On motion of Senator Di Nino, debate adjourned.)

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

FOURTH REPORT OF OFFICIAL LANGUAGES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Senate Committee on Official Languages, entitled: *The Vitality of Quebec's English-speaking Communities: From Myth to Reality*, tabled in the Senate on March 9, 2011.

Hon. Andrée Champagne moved the adoption of the report.

She said: Honourable senators, our colleague, Senator Chaput, is not in the chamber at the moment; she had to step out. She asked me to move this motion.

[Translation]

Honourable senators, I move:

That, the fourth report of the Standing Senate Committee on Official Languages entitled *The Vitality of Quebec's English-speaking Communities: From Myth to Reality*, tabled in the Senate on March 9, 2011, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Canadian Heritage and Official Languages being identified as the minister responsible for responding to the report.

Honourable senators, Senator Chaput and I, and all members of the committee, are very proud. Our report has given a voice to a community we seldom hear about. Too many people believe that the anglophone population of Quebec forms a homogeneous, affluent elite. That is a myth. We wanted to set the record straight.

After meeting with these communities around Montreal, Quebec City and the Eastern Townships, after speaking with people from the Gaspé and the Lower North Shore, we believe we understand them better. Through our recommendations, we hope to encourage our government to continue supporting their development and enhancing their vitality. A gain by the anglophone community does not constitute a loss or threat to the majority francophone population. Only together do they make that Quebec great.

(On motion of Senator Champagne, for Senator Chaput, debate adjourned.)

• (1730)

AGRICULTURE AND FORESTRY

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

Hon. Percy Mockler, pursuant to notice of March 8, 2011, moved:

That, notwithstanding the Orders of the Senate adopted on Thursday, March 11, 2010, and on Wednesday, November 24, 2010, the Standing Senate Committee on Agriculture and Forestry, which was authorized to undertake a study on the current state and future of Canada's forest sector, be empowered to extend the date of presenting its final report from March 31, 2011 to December 31, 2011.

(Motion agreed to.)

[English]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday, March 21, 2011 at 2 p.m.;

And that the Standing Senate Committee on Foreign Affairs and International Trade and the committees of the Senate scheduled to meet on Monday, March 21, 2011, be authorized to sit even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Roméo Antonius Dallaire: Honourable senators, I wish a clarification. The motion is to give leave to the committees to sit at their normal times on Monday. However, I have been advised that the Defence Committee will sit at 6 p.m. on Monday while it normally sits at 4 p.m.

Senator Comeau: May I respond to Senator Dallaire?

If the committee wishes to sit at 6 p.m., it may do so. That is a decision to be made by agreement of the whips.

We do not change the hours of sitting through the adjournment motion, as it would be much too complicated to do.

Honourable senators, this motion empowers the committees to sit even though the Senate may then be sitting. The time at which they wish to sit is based on the decision of the committee in consultation with the whips.

Senator Dallaire: I thank the Deputy Leader of the Opposition for that clarification. Although I am on the steering committee, I did not know we had a change of time until I was informed. I will follow up on that new information.

The Hon. the Speaker *pro tempore*: Honourable senator, before the chamber is the motion of Senator Comeau.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Monday, March 21, 2011, at 2 p.m.)

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