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Thursday, March 24, 2011

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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

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THE SENATE

Thursday, March 24, 2011

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of some of the distinguished members of the Parliamentary Spouses Association. In particular, I wish to recognize Mrs. Carolyn Rompkey and Mrs. Shelagh Cowan.

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

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

GLOBAL DAY OF EPILEPSY AWARENESS

Hon. Yonah Martin: Honourable senators, I wish to acknowledge Global Day of Epilepsy Awareness. Member of Parliament Ed Fast has given us these purple ribbons to help us remember those who are facing and addressing this important challenge in their lives.

THE LATE DR. NAIRN KNOTT

Hon. Yonah Martin: Honourable senators, this is an opportunity for me to finish the important tribute I began yesterday. This part is much shorter.

In 1950, when war broke out on the Korean peninsula, Dr. Knott volunteered to attend the Naval Air Training Command at Pensacola, Florida, where he qualified as a naval aviator and flight surgeon, volunteering for active duty aboard the aircraft carrier USS *Boxer*. He was decorated with battle stars for his role in the Battle of Pusan and the Battle of Chosin Reservoir.

He is not only a decorated hero, but also a hero beyond measure in the hearts of millions, and in my heart. It is beyond measure and comprehension, the sacrifices that nearly 30,000 Canadians made for a foreign people across a vast ocean, in a Third World country that people hardly knew of, until the hostilities intensified and captured the attention of the world.

Some Canadians went looking for adventure, some for greater meaning in their lives and for many, as Dr. Knott stated, "It was the right thing to do." The right thing for a devoted husband and father, who had a successful medical practice in Vancouver and was awaiting the arrival of his third child, may have been to ignore the call to action, but Dr. Knott volunteered to serve in Korea. His loving wife let him go, knowing he might never return, and his son, Lyall, was born in his father's absence.

Dr. Knott left his home, his practice and his family for the people of Korea, for my parents and for me. With sincere gratitude and the deepest of respect to the Knott family, I make this tribute in memory of Dr. Nairn Knott, beloved husband, father, grandfather, great grandfather and veteran — a true Canadian hero.

SAFE DIGGING MONTH

Hon. Rod A. A. Zimmer: Honourable senators, I rise today to make you aware that April is Safe Digging Month. All Canadians are urged to, "Call Before You Dig," to prevent damage to buried facilities, in the interests of worker safety, public safety, protection of the environment and the preservation of the integrity of the underground infrastructure that provides goods and services essential to society.

April is the traditional start of the annual digging season in Canada. Homeowners are planning their outside projects and contractors are gearing up.

Honourable senators, the Canadian Common Ground Alliance has proclaimed April as Safe Digging Month to increase public awareness of the need to call before you dig. The Canadian Common Ground Alliance, chaired by my friend, Mr. Mike Sullivan, who is in the gallery today, is the voice of Canada's regional partner CGAs, dedicated to working towards damage prevention solutions that will benefit all Canadians. Through shared responsibility amongst all stakeholders, the CCGA works to reduce damage to underground infrastructure, ensuring public safety, environmental protection, and the integrity of services by promoting effective damage prevention practices.

• (1340)

The surface of Canada, both urban and rural, is underlain with an extensive but hidden underground network of pipes and cables that provides goods and services essential to today's society. Buried facilities include communications, electrical, gas distribution, sewer, water, storm drainage, irrigation, oil and gas production lines, and hydrocarbon transmission pipelines.

In Alberta alone, the extent of the underground infrastructure is estimated at more than 1.5 million kilometres and includes some 400,000 kilometres of high-pressure pipelines.

Honourable senators, each year there are numerous instances where the integrity of this infrastructure is jeopardized by improperly conducted ground disturbances. Failure to call before you dig to have buried facilities identified and their locations marked prior to disturbing the ground is the most frequent cause of buried facility damage. The consequences of damage to buried facilities can include disruption of essential

services, property damage, environmental contamination, personal injury and even death. A disruption of our parliamentary services happened right here on Parliament Hill last fall.

All ground disturbers, including contractors, homeowners and landowners, can save time and money and keep themselves and our provinces safe and connected by following ground disturbance and buried facility damage prevention best practices. These include making that simple call to one's provincial one-call system in advance of any ground disturbance project, waiting for the buried facility locates to be done by the facility owners, respecting the locate marks, exposing any conflicting buried facilities, and digging with care.

Honourable senators, in the interest of the safety of all Canadians, please remember to call before you dig, so that we continue to live in a safe country in this great adventure we call Canada.

BLADDER CANCER

Hon. Irving Gerstein: Honourable senators, I rise today to address an extremely important issue, probably as important as I have ever spoken about in this place.

The other week, my friend Senator Finley made a moving and informative statement about colorectal cancer. Today I would like to draw your attention to a nearby area of the body. Honourable colleagues, I was recently diagnosed and treated for bladder cancer.

It is not in my nature to make public speeches about personal issues. Most people would consider me a rather private man. However, I believe that the honour of occupying a public office, such as a seat in Parliament, comes with the solemn obligation to use it for the public good, whenever and however the opportunity arises. It is my hope that my words today will raise public awareness of bladder cancer and, in so doing, will call up some much-needed reinforcements in the battle against this disease, spurring on the forces of medicine a little closer to victory.

When I was informed, last November, that I had bladder cancer, I knew nothing about this particular form of cancer. However, I learned quickly. There is nothing like hearing the word "cancer" from the lips of a physician to focus one's mind. I learned that bladder cancer is a common disease, smoking being the main risk factor. I learned that in Canada alone there are nearly 7,000 new cases diagnosed each year, and that more than one quarter of those are fatal. I also learned that in about 70 per cent of cases, bladder cancer is diagnosed at an often curable, non-invasive stage. Unfortunately, in the other 30 per cent of cases, treatment options are few and radical — and come with no guarantees.

Part of the challenge in combatting bladder cancer is the lack of screening tools. One usually does not know one has it until one shows symptoms, by which time it may be too late. I was fortunate that my illness produced symptoms early.

I was also very fortunate to be treated by the medical staff of the Mount Sinai Hospital in Toronto, led by Dr. Alexandre Zlotta, Director of Uro-Oncology.

Dr. Zlotta and his team rank among the world's leading experts in the detection and treatment of bladder cancer. They are doing cutting-edge research into ways to improve current treatments, make prognoses more accurate, and deliver personalized medicine to bladder cancer patients.

Honourable senators, I also count myself very lucky in one more way. Throughout my life, and particularly throughout my recent illness, I have enjoyed the love and support of a close family. I want to especially pay tribute to my wonderful wife, Gail, who is possessed of an uncanny sense of when to simply tolerate my ways and when to press me on a particularly important matter.

Like Senator Finley, I have also been moved by the gracious sentiments expressed to me by many of my Senate colleagues, including many of you on the other side. I cannot begin to describe how much your encouragement has meant to me.

If I can leave honourable senators with one clear message today, it is this: Bladder cancer is a common, serious and little-understood disease. It is also a difficult and expensive illness to treat. I applaud those, like Dr. Zlotta and the entire team in the Bladder Cancer Research Program at the Samuel Lunenfeld Research Institute at Mount Sinai Hospital, together with the Princess Margaret Hospital University Health Network, who are working to address these challenges, and I encourage honourable senators and all Canadians to support their efforts.

THE HONOURABLE BILL ROMPKEY, P.C.

EXPRESSION OF THANKS

Hon. Bill Rompkey: Honourable senators, Ecclesiastes tells us that there is a time for everything — a time to come and a time to go. I saw a friend of mine in the lower corridor the other night whom I had not seen for 25 years, and she asked, "Are you still here?" I knew it was time to go, and it is time to go, but I have some people I want to thank.

As an aside, John Crosbie wore his mukluks during the budget he delivered in 1979. We defeated the budget, but not John Crosbie. Next week, in St. John's, he will be hosting a ceremony that recognizes the fifth anniversary of the signing of the Labrador Inuit Land Claims Agreement in Northern Labrador and the creation of Nunatsiavut. Those people returned me to the House of Commons seven times in succession. I want to thank them and tell them, through you, honourable senators, that it has been a privilege to work with them. I want to thank the people all over Labrador.

My first riding was Grand Falls—White Bay—Labrador, which was about 130,000 square miles, including people on the Great Northern Peninsula, in Central Newfoundland, and in the Grand Falls—Windsor area, as Senator Marshall will know. It has been a privilege and an honour for me to serve them. I always remember the words of Mike Forrestall, who said that elected office is like having a love affair with your constituents. Those of

us who serve know how important that bond is. It is a privilege that is not given to everyone, but it is a privilege that I value, and I am sure honourable senators do as well.

That riding was big, and I was away from home quite a lot. I had two small children. My daughter was five when I came to Ottawa and my son was a year old. One night, as he was getting ready for bed and his mother was reading to him, he said, "Mom, have I been in politics all my life?" Sure enough, he had.

Carolyn minded the house. Those of you who have experienced this, as I have, know that one cannot do it alone; one must have that support. Carolyn has been a strong support, and not just at home; she has also been a terrific campaigner. As a matter of fact, some say that Carolyn is the real politician in the family. I want to thank her.

I know that other members of the staff who have worked for me over the years are in the gallery, but I know they will understand if I say that I owe so much to Janice Marshall, who has been with me for over 20 years. I would go to the riding, and people would say, "Thanks very much for what you did for us." I would not have a clue what it was that I had done, because Janice had looked after it. She has been there for me and has been very loyal. You need that kind of support when you do this job. I want to give her my thanks, too.

I want to thank honourable senators for the relationship we have had here. I sit in awe of the talent around me in this chamber. This is a terrific chamber of people, from all walks of life, who contribute so much to Canada. It is a privilege to have worked with you, and I encourage you to keep up the good work. I think that the people of Canada do not really know what they have in this chamber. The irony is that the essence of the chamber is so high, yet the opinion of the Canadian people, through the media, is not as high as it should be. However, we soldier on. We do good work. I want to encourage you to keep it up. I will miss you.

• (1350)

I will miss my seatmate. We sat here and reviewed the passing parade each day. All of you are in the parade; you did not even know it. However, we made no notes and it will be kept in confidence. I will miss the people; I will miss the Hill, which has been my life for 40 years. I will miss it all and I appreciate the opportunity that I was given and it will be a memory for me always.

Bonne chance! À demain!

Hon. Senators: Hear, hear!

TRIBUTE ON RETIREMENT

Hon. Lowell Murray: Honourable senators, the rule is that the time set aside for Senators' Statements must not be used for debate. I do not intend to debate anything that Senator Rompkey has said. However, there are a number of matters that occur to me immediately that, out of modesty, Senator Rompkey has left unsaid, and I trust you will permit me to invoke my senior status to complete the record in some fashion.

Senator Rompkey, as he told us, has been in Parliament since 1972. That makes almost 40 years — from 1972 until 1995 in the House of Commons, and since that time in the Senate. He had been parliamentary secretary in several departments to several ministers. When Mr. Trudeau formed his final administration in 1980, Mr. Rompkey, as he was then, became Minister of National Revenue; later Minister of State with responsibility for Small Business and Tourism; still later Minister of State with responsibility for Mines; and later Minister of State with responsibility for Transport.

Senator Rompkey came to the Senate on the recommendation of Prime Minister Chrétien in 1995. He has been, for his sins, Chair of the Standing Committee on Internal Economy, Budgets and Administration and lived to tell the tale. He was Government Whip in the Senate when the Liberals were in office and Deputy Leader of the Government in the Senate, from 2004 to 2006. I may say, as one who is without party, that all of us who are in that status here appreciated very much the courtesy and consideration that Senator Rompkey always extended to us when he was a member of the government leadership.

Senator Rompkey's most recent triumph, which is prominent in the media of yesterday and today, was as Chair of the Standing Senate Committee on Fisheries and Oceans, which tabled a report a while ago on the de-staffing of lighthouses. As recently as yesterday, Minister Shea announced that the government accepted the recommendations of the committee and those lighthouses in Newfoundland and Labrador and in British Columbia would remain staffed. When Senator Rompkey told me that the government had accepted all the committee's recommendations, he said, "I think that is rather rare." I said, "I think it is unique." So hats off to Senator Rompkey for the leadership that he gave that committee during those studies. Although I was not a member of the committee, I travelled with the committee and followed its good work.

Honourable senators, I think it also needs to be said, for those of you who are not fully aware of it, that Senator Rompkey has published two books on Labrador: *The Story of Labrador*, which is a comprehensive history; and *From the Coast to Far Inland*, a collection of writings on Labrador. He has collaborated on the publication of *Your Daughter Fanny*, the wartime letters of Fanny Cluett. Some of us attended the launch of his most recent book, *St. John's and the Battle of the Atlantic*, which examines the service of that city to one of the most famous battles in military history and the effect that battle had on the people of St. John's, Newfoundland.

Senator Rompkey, early in his days here, chaired the Special Senate Committee on the Cape Breton Development Corporation that dealt with the coal industry, a matter of interest to some of us here in the Senate. His leadership in that matter was greatly appreciated.

Honourable senators, I was pleased that some years later, I was able to reciprocate when, as Chair of the Standing Senate Committee on National Finance, Senator Rompkey asked me to do a study on the Goose Bay, Labrador air force base. These little acts of mutual consideration can sometimes go a long way in the Senate.

Again, honourable senators, I guess I have lost my bet on the election. We appear to be heading for the polls. With the dissolution of Parliament in mind, Senator Rompkey will not be here in May, on the date of his retirement. Therefore, I join with all honourable senators in saluting his exemplary service to this place, to the other place, to Canada, and especially to Newfoundland and Labrador over the years, and to wishing him every good fortune in the years ahead.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

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

SEVENTH REPORT OF FISHERIES AND OCEANS COMMITTEE TABLED

Hon. Bill Rompkey: Honourable senators, I have the honour to table, in both official languages, the seventh report, interim, of the Standing Senate Committee on Fisheries and Oceans, entitled: *Report on the Implementation of the Heritage Lighthouse Protection Act*.

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

NATIONAL HOLOCAUST MONUMENT BILL

SEVENTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, March 24, 2011

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

SEVENTEENTH REPORT

Your committee, to which was referred Bill C-442, An Act to establish a National Holocaust Monument, has, in obedience to the order of reference of Tuesday, March 22, 2011, examined the said bill and now reports the same without amendment.

Respectfully submitted,

ART EGGLETON
Chair

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

(On motion of Senator Martin, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on the Orders of the Day for third reading later this day.)

[*Translation*]

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—TWENTIETH 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 24, 2011

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

TWENTIETH REPORT

Your Committee, to which was referred Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy), in obedience to the Order of Reference of Monday, March 21, 2011, has 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 Lang, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on Orders of the Day for consideration later this day.)

• (1400)

[*English*]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE—COMMITTEE ON ECONOMIC AFFAIRS AND FIRST PART OF ORDINARY SESSION, JANUARY 20-28, 20011—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association, regarding its participation at the Committee on Economic Affairs and Development of the Parliamentary Assembly of the Council of Europe and the First Part of the 2011 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held in London, United Kingdom and Strasbourg, France, from January 20 to 28, 2011.

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

BILATERAL MEETING WITH JAPAN-CANADA DIET FRIENDSHIP LEAGUE, JANUARY 3-7, 2011—REPORT TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Japan Inter-Parliamentary Group on the Seventeenth Bilateral Meeting with the Japan-Canada Diet Friendship League, held in Vancouver, Squamish and Whistler, British Columbia, Canada, from January 3 to 7, 2011.

CO-CHAIRS' ANNUAL VISIT TO JAPAN, FEBRUARY 13-18, 2010—REPORT TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Japan Inter-Parliamentary Group on the Co-Chairs' Annual Visit to Japan, held in Tokyo, Japan, from February 13 to 18, 2010.

QUESTION PERIOD

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

SAFE DRINKING WATER FOR FIRST NATIONS BILL

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate.

Bill S-11, a bill to provide safe drinking water on First Nations lands, was a major priority of this government, and then within the last few weeks the bill was dropped. What happened? Is clean drinking water on reserves no longer a priority for the government, did the government decide that the legislation it put forward was the wrong way to go, or did something else happen?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. Before answering the question, I will take this opportunity to bid farewell to Senator Rompkey, since we will be into an election if the coalition parties are determined to take down our government.

Senator Rompkey has been a great colleague in the Senate. At one time, he held the position of whip. I have some experience with that, and it is not one of the easiest jobs. In fact, it is probably one of the toughest jobs in the Senate.

I am sure Senator Rompkey was pleased to note the budget commitment to Mealy Mountains National Park.

I wish to congratulate you and your committee for the great work you did on the lighthouse issue. I equally congratulate my colleagues in the government, particularly the Minister of Fisheries and Oceans, Gail Shea, for the decision she announced yesterday.

Senator Murray spoke about the report being unique. There have been many occasions on which this government has heeded reports of the Senate, although I am not so sure there was a very good record of that when he was the Leader of the Government in the Senate, but that is a debate for another day.

Senator Rompkey, I want you to know that you have made a great contribution to your province and to the country and that you have been a great credit to the institution of the Senate. I bid you farewell.

Some Hon. Senators: Hear, hear!

Senator LeBreton: With regard to Senator Cowan's question on Bill S-11, that bill is still a priority of the government. Although I am not completely up to date on this, I understand that when the bill was in committee there were discussions among committee members. I am not familiar with the final decisions that were made. The chair, Senator St. Germain, is away at the moment due to health issues.

I want to assure Senator Cowan that it is very much a priority of the government and that we would expect the opposition to come to their senses and not defeat the government so that we can get on with these important bills.

Senator Cowan: The Leader of the Government will understand that I am much more in agreement with the first part of her comments with respect to my colleague Senator Rompkey than with the latter part.

OFFICE OF THE LEADER OF THE GOVERNMENT IN THE SENATE

BRUCE CARSON

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, we have been reading media reports about a company referred to as H2O and its interest in water issues on First Nations reserves. Could the leader advise this chamber whether she or anyone in her office met or spoke with Bruce Carson about Bill S-11 specifically or about fresh water on First Nations reserves generally?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, there is no indication that the gentleman to whom Senator Cowan refers has obtained any contracts or had any dealings with the government. I have not spoken to Bruce Carson about any issue for quite some time, water or otherwise.

Senator Cowan: I accept that the leader has not personally spoken to him. Can she tell us whether any member of her staff may have spoken with him?

Senator LeBreton: Honourable senators, I cannot imagine why any member of my staff would have spoken to him. The fact is that, as I have already said, there is no evidence that Mr. Carson obtained any contract or did any work for the government. We were the ones who introduced the Accountability Act —

Senator Mercer: How is that working for you?

Senator LeBreton: It is working a lot better for us than it did for you.

The fact is that the Prime Minister's Office did the right thing. The Accountability Act is the law and anyone who breaks that law has to face the full consequences of it.

Senator Cowan: Honourable senators, my question was whether any member of the leader's staff had any dealings with Mr. Carson. Press reports are that Mr. Carson was interested, himself and through friends, in issues of fresh water on First Nations reserves, and that issue was the subject of legislation before the Senate.

I am simply asking the leader whether any member of her staff had any contact with Mr. Carson in relation to these issues. The answer is "yes" or "no."

Senator LeBreton: My answer is that I do not believe there would be any reason for any member of my staff to do so. The honourable senator is asking a hypothetical question.

• (1410)

Why would I be interested in talking to Bruce Carson about water on reserves? I am not even sure who on my staff would know Bruce Carson.

Senator Cowan: Would the leader undertake to consult with members of her staff and advise me in writing if any member had such contact?

Senator LeBreton: Since the honourable senator is on a witch hunt for members of my staff, I will be happy to ask them. I have great faith in my staff. It is not the first time they have been attacked by members opposite. My staff would have no reason to be involved in any of this.

Senator Cowan: I am not attacking the leader or any member of her staff. I am asking a question, and the answer is a "yes" or "no."

Since Mr. Carson left the employ of the Prime Minister's Office, has the leader allowed him to use her offices or any offices under her control in Centre Block during his visits to Parliament Hill?

Senator LeBreton: Honourable senators, I am the Leader of the Government in the Senate. I am responsible for my own office. I do not know what the intent of this question is.

The last time I saw Mr. Carson was about a year ago when I ran into him on the street and I asked him to come up and have a cup of coffee with me.

Senator Cowan: And did he?

Senator LeBreton: Yes, he did.

INDUSTRY

NATIONAL RESEARCH COUNCIL— SCIENCE AND TECHNOLOGY

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate. We know that she does not like *The Globe and Mail* or CTV's "Question Period," but on Saturday, in the *Ottawa Citizen*, we learned that a radical change in mandate and governance was being implemented with the National Research Council, Canada's largest and most renowned scientific institute.

The organization's Conservative-appointed president, Calgary engineer and businessman John McDougall, alerted staff by an email sent on March 2 that he wants research that is ". . . successfully deployed and used to benefit our customers and partners in industry and government," ordering all resources to focus on research leading to economic development and technology, with less emphasis on pure science and basic research — something which Senator Keon taught me is important. The memo stated that the NRC will, from now on, ". . . reward good performance and find ways to deal with weak performance."

These statements have echoed the fears of departmental scientists. Since the arrival of this government, their work has been politically directed and their findings kept secret.

In light of these revelations, I ask: Are the scientists at the National Research Council about to suffer the same fate as many of their counterparts in the public service?

Hon. Marjory LeBreton (Leader of the Government): The National Research Council is operating with a new president. The government has science and technology policies that are not the same as those of the previous government. That is their right and our right. That is what governments do. I will simply take the rest of the honourable senator's question as notice.

Senator Munson: In addition to a possible muzzling of the scientists and their findings, the new leadership at NRC has dramatically revised the way funds are allocated within the organization. Starting this spring, 20 per cent of the research budgets will be redirected to the priorities of the president and the vice-presidents. Management made it clear that 80 per cent of funds will be allocated that way down the road. This revised structure will force existing staff to apply for their current jobs and be at the mercy of a management that insists on pleasing Canadian industry.

The scientists are not faring well under the new system. Mr. McDougall stated that the staff has suggested more than 70 research areas, but that it was quite difficult to identify the market driver behind the work or the direction and leadership for the majority of the activities.

Is the NRC not compromising its mandate and the fundamental purpose of basic research and pure science, as Senator Keon talked about, by jeopardizing the academic freedom of scientists to focus on the short-term goals of Canadian big businesses?

Senator LeBreton: As I mentioned, I will take Senator Munson's question as notice with regard to the operation of the National Research Council.

Clearly, there are new policies and directions, which is the right of any government. There is new leadership. Many organizations have set these policies.

This government has a terrific record on science and technology issues. The next phase of Canada's Economic Action Plan invests in R&D, higher education, and new technologies. It provides for $80 million in new funding over three years through the Industrial Research Assistance Program to help small- and medium-sized businesses accelerate adoption of key information and communications technologies through collaborative projects with colleges.

The budget invests an additional $37 million per year to support the three federal research granting councils, an additional $65 million for Genome Canada, and up to $100 million to help establish a Canada Brain Research Fund. I was glad to see one of the newspapers point out this morning that it was a terrific announcement of a budget that did not get a lot of attention. I read into the record yesterday what the Association of Universities and Colleges of Canada thought about this.

Since taking office, we have created programs such as the Canada Excellence Research Chairs, the Vanier Canada Graduate Scholarships Program, and the Banting Postdoctoral Fellowships. The recent budget, which the opposition coalition clearly intends not to support, establishes ten new Canada Excellence Research Chairs, some of whom will be active in fields related to Canada's digital economic strategy.

As I said before, our science and technology strategy that was launched in 2007 means that Canada is ranked number one in the G7 countries in support of basic, discovery-oriented university research.

The former Liberal government, that Senator Munson was such an integral part of, cut $442 million from the science and technology budget in the mid-1990s.

Senator Munson: I have a supplementary question. The leader should be very careful in using the word "coalition." Think back and remember 2005 when Mr. Harper sought a coalition with partners in the opposition. The Harper coalition was with "those separatists," I think they called them. I would be careful with the word "coalition."

The leader is in the habit of reading her own cue cards and she does it quite well. I happen to have a few cue cards in front of me, as well.

As most scientists would agree, one of the main challenges of operating a research institute in this manner lies in the evaluation of the work produced by scientists who have been given short-term economic development objectives.

There is an influential voice from the scientific community in my cue cards — Henry van Driel, the President of the Canadian Association of Physicists. The article in the *Ottawa Citizen* quotes Professor van Driel as saying:

> "And it's very hard to anticipate what the next breakthrough will be." Thirty years ago no one "sat at a table and said, 'I want to invent an Internet, I want to invent a BlackBerry (or) a flat-screen TV based on liquid crystal displays,'" he said. "A lot of that comes from people . . . discovering properties of matter, discovering properties of materials" for others to apply later.

He went on to say:

> I hope it doesn't come at the expense of the significant capability they have in basic research. Without basic science, there's no science to apply.

The Chair of the Canadian Consortium for Research also said a few other things in the same article.

Can the leader tell this chamber how exactly the NRC will adequately evaluate its science's performance if it fails to take into account long-term positive impacts of their fundamental research?

• (1420)

Senator LeBreton: As honourable senators are aware, the government has invested considerable effort and money in our scientific community and in the area of science and technology. Quite clearly, there is a new policy direction for the National Research Council.

The honourable senator will have to accept the offer, which I have made twice, to seek out specific information about the mandate of the National Research Council and provide it by written response.

Senator Munson: Honourable senators, I will accept the leader's offer, and I would be pleased to answer her offer on the other side of the chamber after the election.

Hon. Wilfred P. Moore: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate. The driving factor in terms of the change in the operation of the National Research Council seems to be this new research policy. Could the leader tell us what that is and, if she cannot do so today, could she please bring that answer to the house or table it with the clerk?

Senator LeBreton: Honourable senators, I have already made that commitment three times, and I will make it again a fourth time. Honourable senators are having a hard time understanding the meaning of the word "yes." I indicated that I would get information on the policy and mandate of the National Research Council, and I will be happy to table a written response.

OFFICIAL LANGUAGES

FRENCH LANGUAGE TRAINING IN BRITISH COLUMBIA

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate on French training in British Columbia.

[*Translation*]

My question is for the Leader of the Government in the Senate and has to do with teaching Canada's official languages. The B.C. Ministry of Education recently proposed a new curriculum for language teaching in the province that I have the honour of representing here.

Unfortunately, in the draft curriculum, French is no longer presented as one of Canada's official languages, but rather it is included in the "other languages" category.

[*English*]

Dr. Réal Roy, the president of La Fédération des francophones de la Colombie Britannique, stated:

> We are very pleased by the solid anchoring of the new IRP in the Common European Framework of Reference for Languages and its aims to develop pluralingualism among B.C.'s elementary and secondary schools students.
>
> In this context, we would like to enthusiastically support, in any way possible, the implementation of a French language curriculum with the Common European Framework of Reference for Languages.

Madame Claire Trépanier, the Director of the Office of Francophone and Francophiles Affairs at Simon Fraser University adds:

> The introduction of this curriculum places French on an equal footing with other languages, regardless of its stature as an official language in Canada, and gives school districts wide options in choosing which language they can offer.

This could seriously erode the presence of French in the B.C. school system. My question to the leader is:

[*Translation*]

The federal government has a duty to ensure that children in British Columbia have the right to be educated in their first official language. Would the Leader of the Government agree that the federal government has a role to play in promoting and developing the Francophonie in British Columbia?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. Obviously, Senator Jaffer is referring to a situation that has something to do with the Government of British Columbia. I support training in both official languages. The Minister of Heritage, the Honourable James Moore, is fluently bilingual as a result of his attendance in school in British Columbia where he learned to speak the other official language. The government's support of official languages is clearly demonstrated, and we fully support Canada's linguistic duality and the Official Languages Act. Our support is underscored by the fact that we have invested an unprecedented amount of money in the Official Languages Program and made a five-year commitment known as the *Roadmap for Canada's Linguistic Duality*. Today, over 71 per cent of the commitments we made in that roadmap have been confirmed and funded to the tune of over $792 million.

Honourable senators, in answer to Senator Jaffer's question, the government fully supports and our actions prove that we fully support Canada's linguistic duality and the Official Languages Act.

Senator Jaffer: Honourable senators, I thank the leader for her response. I am from British Columbia and proud of the achievements of the Minister of Heritage. However, we need many more ministers from that province who speak both official languages. We must ensure that French is offered as a very strong language in my province.

Honourable senators, I ask the leader what role she sees the federal government playing in ensuring that French is not part of all the languages that are offered but is offered as a very important part. English and French should be offered to every child. That should be our aim, and then we should offer other languages.

Senator LeBreton: I thank the honourable senator for the question. I believe I have made our commitment to Canada's official languages and linguistic duality very clear. I must confess that I am not aware of the particular report that the honourable senator cites. I could be wrong, but it sounds like it is something that was generated by the Government of British Columbia.

Honourable senators, my son lives in British Columbia, and I am fully aware that many languages are being taught in schools to reflect the demographic of British Columbia writ large, and also the demographic of the city of Vancouver and environs.

The government is fully committed to our linguistic duality and the Official Languages Act. I will, though, refer the honourable senator's comments and questions to my colleague Minister Moore and ask that he enlighten me further on the topic to which the honourable senator referred. I will be happy to table a written response when we return next week.

FOREIGN AFFAIRS

PASSPORT APPLICATIONS IN PRINCE EDWARD ISLAND—SERVICE CANADA

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. Recently, Minister Shea announced expanded passport services in my province of Prince Edward Island, and certainly, I welcome that announcement. However, the only change is that the staff at some Service Canada locations will be able to review and validate that the applicant has provided acceptable proof of Canadian

citizenship. That means that the applicant no longer has to include his or her birth certificate or previous passport along with the application.

Honourable senators, I am happy that the government has made this improvement, but it has not corrected the major problem of passports in Prince Edward Island, which is that we have to travel to Halifax or to Fredericton to obtain an urgent or express passport. We have to travel outside of the province to obtain a passport.

I ask the leader why does the government not go one step further and train some staff at some of the Service Canada centres to provide urgent or express passport service in our province?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, one of our government's many successes has been resolving the passport issue. You will recall the border thickening with the United States and the need for passports, and there were huge line-ups. The government stepped in and took proper measures and changed some of the requirements for renewing passports. It is easier now to renew a passport as Canadians with a passport no longer have to go through the guarantor process.

I am aware of my colleague's announcement, honourable senators. There are instances when people, hopefully not many, are in need of an emergency passport.

• (1430)

The honourable senator posed more of a suggestion than a question. I will be very happy to pass on the suggestion that Service Canada people be in a position to provide the service that she suggests.

Senator Callbeck: I thank the leader. All Islanders welcome any improvements that are made to the passport service. However, it seems to me that if staff at Service Canada are now authorized to validate the proof of citizenship and to review the applications to ensure that they have been completed properly, then the government should be able to train some people at the service centre so that they can accept emergency or urgent passport applications.

The leader said that she would look into it. Would she find out whether or not the government has investigated any ways to provide this passport service so we can obtain emergency and urgent passports and people do not have to go outside the province to get them?

I was involved in getting an emergency passport for someone whose husband had an accident in the United States and was in the hospital on life support. I can tell honourable senators about the hoops that we had to go through to try to get that passport. That is one of the reasons I would like to see this service on Prince Edward Island.

Senator LeBreton: I thank the honourable senator for the question. Coincidentally, she is asking her question on the very day we will table a long response to the previous question she posed. We did, in fact, expand passport services at Summerside, O'Leary, Montague, and Souris, Prince Edward Island Service Canada centres. It is a long answer. I will not read it into the record because it will be delivered to the honourable senator shortly.

As I said in my earlier response, I will bring her concerns about emergency passports to the attention of the minister.

Hon. Percy E. Downe: Honourable senators, I am sure the minister did not want to leave the impression in the answer she gave to Senator Callbeck that passport services are now available in those communities she named. In Prince Edward Island, once every nine or ten months, there is a half-day session in those areas for people who can go to where the sessions are to get that service. However, as Senator Callbeck indicated, for most Islanders, there is a cost to go to Halifax because, unlike other Canadians, we have to pay $47.25 to go across the bridge just to leave the province, and then there are additional costs for travel and so on.

A woman called me recently. Her daughter won a regional swimming meet, and they were then going to a competition in the United States. The daughter had no passport. The mother asked me whether that meant she had to go to Halifax, drop the documents off, return home, make another trip back to Halifax to pick up the documents, and incur that additional cost that no other Canadian has to assume.

Could the minister advise whether that is fair for Prince Edward Islanders?

Senator LeBreton: I do not know whether it is proper to read this answer into the record, so I will let my colleague table the answer to the question under Delayed Answers.

It does not matter how good a service is and no matter what part of the country it is in. A situation will always develop where someone will need a service that is not readily available. We do everything we can to accommodate people.

As I have said to Senator Callbeck, I will be very happy to take the honourable senator's concerns expressed on behalf of Islanders to my colleague and, when Parliament returns next week, I hope to have an answer.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to present delayed answers to two oral questions: the first was raised by Senator Callbeck on February 15, 2011, concerning Foreign Affairs and International Trade, Passport Canada — access to passports in Prince Edward Island; and the second was raised by Senator Downe on February 15, 2011, concerning Foreign Affairs — the validity period of the passport.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

PASSPORT CANADA—ACCESS TO PASSPORTS IN PRINCE EDWARD ISLAND

(Response to question raised by Hon. Catherine S. Callbeck on February 15, 2011)

Passport Canada is a special operating agency that functions on a 100 per cent cost-recovery basis; financed by the fees paid by Canadian passport applicants and not by federal tax revenues.

Passport Canada prudently manages its funds to deliver services as cost-effectively as possible, while maintaining our excellent turnaround times and preserving the integrity and international reputation of the Canadian passport.

While we aim to provide access to passport services across Canada and to keep the cost of passports as low as possible, it is not cost effective to open Passport Canada offices in regions where demand for service cannot sustain the operating costs. This is the case for Prince Edward Island, where there is a small demand for urgent passport services.

A key element to Passport Canada's service strategy is the delivery of passport application services through partnerships with receiving agents, which gives Canadians access to a much broader network of service points in urban, rural and northern areas. There are over 230 passport service points across Canada, including 144 Service Canada offices, 56 designated Canada Post outlets and 34 Passport Canada issuing offices.

As of January 17, 2011, residents of Prince Edward Island have access to expanded passport services at the Summerside, O'Leary, Montague and Souris Service Canada centres. In addition to receiving standard passport applications, Service Canada personnel in PEI are able to review and validate that the applicant has provided an acceptable proof of Canadian citizenship document to support the passport application. This validation will enable the applicant to retain his/her original proof of citizenship document.

Canadians in other areas face similar situations to PEI residents of having to travel some distance to access urgent and express passport service. For this reason, Passport Canada encourages those who anticipate future travel to retain a valid passport and recommends that Canadians initiate the passport application process as soon as they intend to travel to ensure that the proper documentation is obtained in time for a trip abroad.

PASSPORT CANADA— THE VALIDITY PERIOD OF THE PASSPORT

(Response to question raised by Hon. Percy E. Downe on February 15, 2011)

In its 2008 budget, the Government of Canada announced that electronic passports, or ePassports, would be introduced to comply with the latest international norms established for secure travel documents and to help fight passport fraud and forgery. The ePassport will provide even greater protection against fraudulent use and tampering than the current generation of machine-readable passports. It will also reduce the risk of illegal migration and identity fraud.

The ePassport will have an electronic chip embedded in the book on which the passport holder's identifying information and photograph from page two are repeated. The government also announced that, with the adoption of the ePassport, Passport Canada will start offering adult applicants the option of a 10-year validity period as well as the current 5-year validity period. The validity period of children's passports, however, will never exceed five years. The adoption of the 10-year ePassport is scheduled for late 2012.

[*English*]

CANADIAN HUMAN RIGHTS COMMISSION

2010 ANNUAL REPORT TABLED

Leave having been given to revert to Tabling of Documents:

The Hon. the Speaker: Honourable senators, I have the honour to table the 2010 annual report from the Canadian Human Rights Commission, pursuant to section 61 of the Canadian Human Rights Act, and section 32 of the Employment Equity Act.

ORDERS OF THE DAY

CANADIAN FORCES MEMBERS AND VETERANS RE-ESTABLISHMENT AND COMPENSATION ACT PENSION ACT

BILL TO AMEND—THIRD READING

Hon. Donald Neil Plett moved third reading of Bill C-55, An Act to amend the Canadian Forces Members and Veterans Re-establishment and Compensation Act and the Pension Act.

The Hon. the Speaker: Is there further debate at third reading on Bill C-55?

Hon. Grant Mitchell: Honourable senators, it is with a good deal of pleasure, but not entirely, that I stand to speak to Bill C-55. It is a pleasure in that at least something is being done on this very important file, but a disappointment in that it has taken an awfully long time to get something done and because so much more needs to be done.

It is not simply me, as a senator, saying that.

There was a great deal of witness testimony and input from veterans and others, and veterans' representatives, witnesses whom we heard yesterday, who made those points over and over again. It is a step, it is a start, but it is not enough, and it is was too long in coming.

The question of delay emerges from that statement, that it was too long in coming. I want to make a point, for the record, that it is interesting that the minister would have commenced his contact with the committee on this issue with a letter that somehow blamed senators, and it said Liberal senators, for delaying this bill.

First, let me just point out that this bill was announced in September 2010 by the minister. It was presented to the House of Commons two months later, in November 2010. It did not reach committee in the House of Commons until March 7, 2011. It got to us on March 21. That was Monday. Today is Thursday, this year, the same week, and we are going to pass it — I think I can say that and I am certainly voting for it — this afternoon. Who exactly delayed this bill?

It is interesting and unfortunate that this government continues to use issues like this and groups like the veterans, who deserve far better, for political leverage to make points that are nothing but spin and, of course, are — I am not going to use the L-word — incorrect, misleading and unnecessary spin.

• (1440)

[*Translation*]

Government representatives have said that they wanted to see the bill passed without delay, today if possible, and would skip the in-depth study and closer second look. Since the government seems to be anticipating an election shortly, I can understand the urgency. Nonetheless, the way this bill had been managed in Parliament makes me think of a student who waits until the night before his project is due to start working on it and then has to work like crazy to produce a result that will get him a C+, if he is lucky.

Honourable senators, I cannot help but wonder whether the services we are providing our veterans are living up to the service they have provided us.

[*English*]

The fact of the matter is that this government is quick to buy the jets and has been slow to help the vets. This kind of initiative did not become a priority for the government until two things happened. One, Colonel Stogran became vocal about his dismay. He was the former Veterans Ombudsman. He said, among other things, "It is beyond my comprehension how the system could knowingly deny so many of our veterans the services and benefits that the people and the Government of Canada recognized a long, long time ago as being their obligation to provide."

Imagine this, honourable senators. Canadian veterans had to demonstrate in the streets of this country, in front of the offices of Conservative members of Parliament, to attract the attention of this government to do something at this late date.

It brings me to the first substantive point in this bill, that the government made much of this change to the Earnings Loss Benefit:

> The government tabled legislation in November 2010 to increase the benefit to ensure a minimum annual pre-tax income of approximately $40,000.

These are their words. That was, of course, wonderful news, and I think many of us were happy that the government was finally addressing these shortcomings in a system that chains certain veterans to a bleak financial existence.

I was happy until I read the bill and began to think about it. Honourable senators, this bill, that statement about bringing the Earnings Loss Benefit up to $40,000 minimum per year and having to have this legislation to do it is more hype.

The government, the minister and officials yesterday on his behalf admitted specifically that the minister had the power to increase that minimum from 75 per cent of whatever it was that the military personnel had been earning to a minimum of $40,000. He had the power to increase that minimum under the regulations, the legislation already in place.

The minister could have increased the minimum five years ago. This government took five years and wasted time while they were spending millions of dollars to evaluate, commit to and sell the purchase of $30 billion worth of jets. The government waited five years to increase a basic minimum for our veterans who have been grievously wounded and damaged in many ways, psychologically and physically. It took the government five years to increase the minimum, and to add insult to injury, they said that they could not do it until they passed this piece of legislation. Of course, they could have done it before they had this piece of legislation.

The second disappointment on this particular feature was pointed out by General Sharpe and we found that family life was almost always negatively affected by an injured parent's symptoms of anger and depression towards others. General Sharpe is an adamant spokesperson for veterans and has had a distinguished military career on behalf of Canada and Canadians. He said that rather than have this minimum be the lesser of 75 per cent of earnings or $40,000, it should be the greater of 100 per cent of earnings or $40,000. This is a fundamentally important difference.

Why should someone who has been hurt in service of Canada and Canadians take a 25-per-cent pay cut? Any of us in this house would find this pay cut, if not catastrophic — I know Senator Smith had a catastrophic pay cut — difficult to accept. However, we did that under this program to our injured, wounded soldiers and other military personnel, such as air people and the like.

Another implication of this Earnings Loss Benefit that General Sharpe and others noted was that a military career would be cut short by grievous injury that ultimately would see that individual leaving the military and leaving the future opportunities for promotion, progression and for the increased earnings that come.

Here is an example of how significant that impact can be. Let us say a soldier was earning $80,000 and was grievously injured. The soldier receives 75 per cent of their earnings. That would be $60,000, or a 20-per-cent reduction. The soldier was 28 or 30 years

old and would have been in the military for another 20 years. Even if that soldier had not received a single promotion, even if that soldier had not received a single increase of any kind, that soldier would have earned $20,000 a year more for 20 years, which is $400,000. That soldier who lost two limbs, perhaps three limbs, lost $400,000 because of this funding formula.

Let us assume that the soldier would have remained in the military, became a lieutenant or captain at age 28 or 30 earning $80,000, and by the time that person retired, was a senior officer earning $120,000. The average over that 20-year period would be $100,000, which would be $40,000 a year more than the soldier would have received under this particular program. Over 20 years, that amount becomes $800,000. This program has cost that person $800,000 that they would otherwise have had. This program has cost this military personnel — this person that we hear the minister, the Prime Minister and all of us speak so highly of, for the dedication, service and sacrifice they have made for Canada, for Canadians, for other people, for freedom around the world and for that lofty, important, ideal freedom — $800,000 that they would otherwise have had.

I know you are smiling, but it is a serious matter if you are the one that loses two legs doing what your country has asked you to do, senator.

The second question is —

An Hon. Senator: Oh, oh.

Senator Mitchell: I think you should watch that because it is a very serious matter.

A third point on this benefit is whether it should be retroactive. The honourable senator vaunts his government's commitment to veterans over and over again with words, and does not back it up where it counts. Those people suffered grievously because the government did not fulfill its promise and did not fulfill its spin. It is spin to the government and it is their life to them.

Then there is the question of whether this legislation should be retroactive because, of course, military personnel have begun to receive this benefit at lower levels than $40,000 in the past. We have been in Afghanistan for a long time. The question is, should the benefit be retroactive? Of course it should be retroactive. Personnel should not be disadvantaged in the receipt of these funds only because of date of injury.

An Hon Senator: Oh, oh.

Senator Mitchell: More spin.

The government's official news release for Bill C-55 also informs the public that the bill will increase the permanent impairment allowance, which is a yearly benefit between $12,000 to $18,000 now, payable for life to compensate for lost job opportunities as a result of permanent and severe impairment. That allowance will increase by $1,000 per month, so an injured person could receive as much as $30,000 a year. That increase would be helpful, honourable senators can imagine.

However, the problem is while the government hypes this allowance to say it will benefit 3,500 personnel, right now only 20 people receive it. How do we get from 20 to 3,500? Not very easily, honourable senators, because it is very, very difficult to qualify for this money. The government is hyping this, raising people's expectations, many of whom are in desperate psychological straits because of their injuries, and they will read this and then find out that it is not so simple to get that money.

• (1450)

Honourable senators, the question of 3,500 is interesting. If there really are 3,500 people already injured, why are they not on this? Have they been languishing for five years while this government has taken all that time not fulfilling its responsibility to these people, even though it takes credit over and over again for being great supporters of veterans — verbally, but not with their actions or their money — or are they anticipating far more injuries in the future? We hope that is not the case.

Honourable senators, perhaps it is that they have allowed 3,500 people, or as many as, to languish for five years because they have not gotten around to increasing this because they say they did not have legislation. They could have brought in legislation five years ago, but they did not have to because they had the power to regulate anyway.

Sometimes one asks the question, what does the emperor look like with no clothes? Honourable senators, just look at this government and you can tell.

An Hon. Senator: Not very pretty.

[*Translation*]

Senator Mitchell: In press releases and public speeches, government representatives have also boasted about the monetary advantages for veterans stemming from these changes. Our veterans would be receiving an additional $2 billion.

[*English*]

This is another hype and spin that raises expectations that simply cannot be fulfilled or met by anything like what is found in this bill.

Honourable senators, the government says that this program will give an additional $2 billion to veterans, a fine sum of money, a significant sum of money that would probably genuinely, if it were true, enhance the livelihood or the quality of life of many, many veterans who have suffered injury.

Of course, let us look at that number. The minister yesterday pointed out that over the next five years it will result in an extra $200 million. If it takes five years to spend $200 million in this program, it takes 50 years to spend $2 billion in this program. They are hyping a $2 billion commitment over 50 years. Do honourable senators know what the present value of $2 billion is over 50 years? Honourable senators, it is a heck of a lot less than $2 billion. Again, this is a betrayal of the good faith and the sensitivities of our wounded veterans. This is hype that this program cannot fulfill and it builds hype upon hype, upon hype. The only people who might significantly benefit from that hype are Conservatives running for office, benefiting from political hype at the expense of veterans.

An Hon. Senator: It is embarrassing.

Senator Mitchell: It is embarrassing, it absolutely is embarrassing.

Finally, this bill is not as remarkable for what it contains as for what it does not contain. We have heard many veterans, veterans' representatives and witnesses speak of what is not in the bill and what this bill needs.

Honourable senators, I would like to acknowledge the work of Senator Pépin, our colleague — who, very unfortunately, may be sitting in this Senate for the last two days of her tenure here in the Senate.

Some Hon. Senators: Hear, hear!

Senator Mitchell: Most particularly, I want to acknowledge Senator Pépin in this context, for her work in support of military families. There is still so much work to be done, however. The families of injured veterans have a great deal of very special needs that are not being adequately met. They are not addressed or met in any way, shape or form in this piece of legislation.

I want to underline that we have heard from many people the idea of increasing the minimum under the Earnings Loss Benefits from 75 per cent to 100 per cent of what the veteran was earning. It is very important that they receive a proper, equitable payment that reflects what they had been earning and what the progression of their earnings might otherwise have been. There is also another issue, and that is the comparison between what our military personnel get for an injury of a certain kind and what a public servant in Ottawa would get for the same or lesser injury.

Honourable senators, there is evidence that a public servant working in Ottawa on the job who rolls a government vehicle and loses a leg is entitled to about $350,000 in lump sum grant. However, military personnel driving in a truck in Afghanistan who loses two legs and an arm would get a maximum of $270,000. That is a difference of $80,000.

An Hon. Senator: Shame.

Senator Mitchell: It is a shame. One can only question why that is.

There is also evidence — and we are having it documented from witnesses, before the Subcommittee on Veterans Affairs — of, for example, other countries like Australia that give considerably more for these kinds of injuries than our soldiers receive. Testimony yesterday underlined the fact that the program that the soldiers are on excludes them from the possibility of doing what you can do in private life in Canada, and that is suing for a settlement that is consistently in the order of $350,000 in the courts for these kinds of injuries where liability is incurred and at stake.

I would like to emphasize input that I have received — and many of us have — from Sean Bruyea, who is a journalist and advocate for disabled veterans and their families. He has suffered a great deal in his own life as a result of injuries incurred during his service in the Canadian Forces.

Mr. Bruyea makes the points that I want to accord to him, and I honour his efforts by mentioning them on the record. He thinks the Earnings Loss Benefits should be calculated to match current National Defence pay scales, which is, in effect, saying go from 75 per cent to 100 per cent of earnings. The Earnings Loss Benefits should be calculated to increase with normal career progression for each veteran who is unable to work.

Honourable senators, this emphasizes a point made by a number of presenters, including General Sharpe who wants the Pensioners Training Regulations to be amended to include all CF veterans, and amounts of benefits to be updated to reflect modern costs. General Sharpe would like to look at the kinds of post-secondary — college, university, undergraduate and post-graduate — program supports that World War II veterans received, and that American GI veterans receive now, but which the veterans of our Canadian Forces simply do not. General Sharpe laments the fact that, as in previous cases of rushed legislation, veterans feel that they have not had due process. He feels that veterans have not had a chance to present before our committee, for example, in the kind of detail that they feel that they deserve, and any reasonable person observing the process would feel they deserve as well.

Honourable senators, again we were driven by the minister, who would not give us even four days to take this bill through our processes, without accusing us of delay, after five years when he could have done something. Six months or seven months after it was presented to the public as an initiative that would be presented by government to the House of Commons, and here we are being pressed again to rush this through when it is a start but it is not adequate. It is not enough. It is filled with gaps. It does not meet the needs of these veterans and their families.

Honourable senators, perhaps the greatest indignity is that they have not had due process before these institutions, which reflect the very freedom that they fought for and were injured for, and have much of the rest of their life diminished because of, and this government has waited all this time. They have let them down in a way that is unforgivable.

The Hon. the Speaker *pro tempore***:** Further debate?

Hon. Joseph A. Day: Honourable senators, I would like to add a few words to those already spoken with respect to Bill C-55.

To begin, let me confess that I did not attend the clause-by-clause or hearings yesterday with respect to this bill. The reason for that was we were meeting out of our normal time and I had other responsibilities, trying to ensure that the supply bills and the reports leading up to them for government fiscal operations for the coming year were properly in order, along with Deputy Chair Senator Gerstein.

• (1500)

First, honourable senators, this situation points out one of the difficulties in dealing with committee work when we change the allotted times for committees. Honourable senators plan their time and their work around the allotted times, and when those time slots are changed, it is not always possible to meet at those other times. That was my situation yesterday, and I regret not being able to participate in Bill C-55 deliberations.

Since my arrival here several years ago, I have followed, supported and tried to stay on top of veterans issues, and I think we have had some success on a number of matters I have been involved with. To see this piece of legislation being dealt with in this matter, without having the opportunity to participate, is a matter of considerable disappointment to me.

The other matter with respect to the meeting yesterday that I will point out, from a process point of view, is that if the meeting had gone on for more than one day, obviously I would have been able to participate; however, it did not.

Second, we have a tradition in this place and in our committees that when we have witnesses on a matter, we give honourable senators an opportunity to consider the evidence that was given by those witnesses, and we do not proceed in an unseemly fashion to clause-by-clause consideration immediately after hearing from the witnesses. That act tells the witnesses that we do not give a damn about what they had to say. That is, in effect, what was going on, honourable senators. I find it disappointing that clause-by-clause consideration proceeded so quickly, without even a break after hearing from the witnesses.

I will talk about the witnesses in a minute. First, let me talk about some of the issues I am able to talk about, even though I did not participate.

One issue is with respect to the title. Honourable senators, as pointed out by Senator Dallaire during second reading, the short title, in clause 1, reads: "This Act may be cited as the Enhanced New Veterans Charter Act." The phrase "Enhanced New Veterans Charter Act" is, at the least, misleading, because the act makes only a few adjustments to the New Veterans Charter. I suggest, honourable senators, that the word "Enhanced" should not be there. These amendments are to the New Veterans Charter; there are not nearly enough amendments, but they are amendments to the New Veterans Charter. However, the New Veterans Charter is hardly enhanced in the way this bill suggests.

That is my suggestion with respect to the short title. I have made comments with respect to other short titles in the last while. I find it disappointing to see the way short titles are being used in a manner other than for descriptive purposes.

Honourable senators, the next point I wish to make is with respect to another issue that was raised by the Honourable Senator Dallaire. This issue is an oversight by all of us, and I was involved with the New Veterans Charter when it came through. We should have had more emphasis on families in the New Veterans Charter.

I bring to the attention of honourable senators that only today, a report was released by University of New Brunswick researchers, which finds that teens from military families face unique stressors during deployments. This study was done at CFB Gagetown in Oromocto. Virtually all the parents of the high school students in Oromocto are involved in the Armed Forces, and many have deployed. This study suggests that we need to do a lot more work with respect to families and to the bigger family, the children of deployed personnel and military personnel who come back with operational stress injuries.

The study found that students from Oromocto High School who recently had a parent deployed to Afghanistan worried that the parent would either not return home or would return home "different." This is the stress they are going through. They expressed isolation in trying to cope with their problem if the parent remaining at home was stressed or preoccupied with deployment of a spouse.

The researchers found that the psychological stresses continued even after the parent returned, if that parent who had been deployed suffered from any post-traumatic stress.

Deborah Harrison, one of the researchers, stated: "We found that family life was almost always negatively affected by an injured parent's symptoms of anger and depression."

Honourable senators, this whole area is not touched upon by any amendments in Bill C-55. This area needs to be addressed through amendments to the New Veterans Charter to ensure that the charter includes family, spouses, and children. I am disappointed that Bill C-55 does not help us at all in this regard. However, I am pleased with Dr. Harrison's new study, which was released today and will provide more information for all of us in dealing with this matter in the future.

The next point, honourable senators, is somewhat of a procedural matter, and it is with respect to coming into force and the mandatory review in Bill C-55. At first blush, one thinks, that is great; there is a mandatory review by committees after two years.

However, honourable senators, the mandatory review is with respect to this legislation. It is with respect to Bill C-55. It is not with respect to the broader New Veterans Charter. One amendment I would have proposed is to have a broader mandatory review within two years of the New Veterans Charter, not only review of the amendments in Bill C-55. That mandatory review is far too narrow for what needs to be done.

Honourable senators, the next point I want to make reiterates a point made by the Honourable Senator Mitchell. I have a letter of March 23, and goodness knows how broadly it was circulated. It was circulated to every sir and madam in Canada, and there are several. This letter is under the Ministry of Veterans Affairs letterhead, with the Great Seal of Canada on the letterhead, and it is signed by Jean-Pierre Blackburn, P.C., M.P.

The second paragraph reads:

> The bill could have been adopted in a day —

This is Bill C-55 he is talking about.

> — but following the refusal by Liberal senators to give their unanimous consent to an acceleration of procedure, the committee stage will happen this afternoon. Of course, this delay creates stress for our veterans and their families who are waiting for these measures.

One day. Stress, stress, stress.

Honourable senators, I quickly looked at the history of this particular bill. This bill sat in the House of Commons for 115 days. When the minister wrote this letter and circulated it around Canada, the bill had been in the Senate for two days. Now, honourable senators, that would be almost enough for me to refuse to proceed with this bill immediately. However, I do not want to stress anyone.

• (1510)

The next point that I would make, honourable senators, is on the selection of witnesses. The selection of witnesses is always important to create a balance. However, in this particular instance, the Royal Canadian Legion wrote a letter two weeks before the hearing to say they were supportive of the bill. Mr. Parent, the Veterans Ombudsman, wrote to all of us saying, "Pass this bill." The minister, and his staff who were there, obviously wanted the bill passed.

The only other person who was in any way independent was Brigadier-General Sharpe. We were pleased that he was there, but he was the only other person who attended as a witness who had any sort of objectivity that would help us in assessing this legislation.

Mr. Sean Bruyea, who has been following the issues and has been before our committees on many occasions, has put this in a nutshell. He has followed the procedure so well that it is worth going on the record. Senator Mitchell has, in part, given him credit for his points, but I wanted to do the same. It is important.

I do not want to suggest that the Royal Canadian Legion does not have a role to play here, but the Royal Canadian Legion is only one of a number of advocacy groups. There are many others, such as the Canadian Association of Veterans in United Nations Peacekeeping, the Great War Veterans' Association, and the Canadian Peacekeeping Veterans Association. None of those groups, who are well known to all of us, were invited to come and give their opinion on this particular legislation.

What did Mr. Bruyea say? He said that veterans are saddened that, like Bill C-45 back in 2005, the New Veterans Charter, Bill C-55, will not receive full due parliamentary process. He made some recommendations, however I will not get into the details on them because Senator Mitchell has already made that point.

It is, however, an extremely sad legacy that the Canadian Forces members and veterans are constantly and repeatedly denied full parliamentary due process. I think that, in a nutshell, is what concerns me about the haste with which we dealt with this legislation.

Honourable senators, veterans deserve more. Our veterans deserve to have due process in this place. Our veterans deserve to have the Senate do the job that we are appointed here to do.

Some Hon. Senators: Hear, hear!

Senator Day: Had I been at the meeting, I would have raised the point with the minister that in Supplementary Estimates (C) there is a major request for additional money, which is an acknowledgement that they are not handling the requests for disability pension of veterans now. Even without this legislation, there is an acknowledgement in Supplementary Estimates (C) that they are way behind and that veterans are frustrated because they are not getting their cases heard. There was a major request for more money, a greater appropriation, to handle the backlog in existence now, before Bill C-55 is passed.

What do we know about additional funding for this particular matter? How many veterans will be further frustrated as a result of new legislation that just aggravates the problem already in existence?

Those, honourable senators, are my comments. I will support this legislation because a good number of veterans have indicated that this is a first step. It is a poor step, but it is a step. Therefore, I will support the legislation. However, I am not doing so happily.

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Bill read third time and passed, on division.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Marshall, for the second reading of Bill C-54, An Act to amend the Criminal Code (sexual offences against children)

Hon. Larry W. Campbell: Honourable senators, I rise today to speak to Bill C-54, An Act to amend the Criminal Code (sexual offences against children). This bill, known as the Protecting Children from Sexual Predators Act, seeks to amend the Criminal Code.

Does this bill actually protect children from sexual predators? If so, does it do so in a balanced manner?

Honourable senators, I have to admit to you that I have not had time to properly digest the speeches and all the committee transcripts from the other place, given that we only received the bill on Monday. However, from what I have read, and from my quick reading of the bill, I have the following concerns and questions.

First, this bill seeks to increase or impose mandatory minimum penalties for certain sexual offences with respect to children.

Honourable senators, it seems as though mandatory minimum sentences are the government's only solution to crime in general. It is a one-size-fits-all solution for the Harper government. I have not seen any research that shows that the mandatory minimums imposed in 2005, those that we now propose to increase with Bill C-54, have been effective or not. So what is the government relying on to request these increases? Our committee should hear evidence from the minister and his officials regarding the effectiveness of the current mandatory minimum sentences before agreeing to them.

By way of history, I have some knowledge regarding the investigation and prosecution of crimes as described in this bill. Quite frankly, like you, I am sure, I have no sympathy for those who commit these crimes against one of the most vulnerable populations, our children.

The problem I have is with the idea of mandatory sentencing. If one really believed that mandatory sentences was a deterrent, then the minimum for these offences would be measured in multi-years, not single years. By law, offenders would be put into the general prison population and not protected from others. There would be no glass house. By way of explanation, the term "glass house" refers to the area where those who commit crimes against children are held. They spend their time with informants, rapists and other child molesters, and those who face grave danger in the prison population. If this was built into law, those committing the crime would not only be facing a long time in jail, but they would be serving their time with those who consider them less than desirable.

It would be less than true for me not to admit to you that on many occasions an eye for an eye has seemed the proper course for an offender who commits these types of offences. Of course, this is not something suggested in the bill nor, I suspect, would it gain any support from Canadians.

In the course of my work, I have also met with victims and victims' families. I, unfortunately, had some involvement with Clifford Olson. Through that tragic process, I met Gary and Sharon Rosenfeldt. Through their hard work, the concerns and feelings of victims finally came onto the radar screen. Now it is considered a normal course of events, but at the time this was not a consideration. Senator Boisvenu most certainly knows of what I speak. He has dedicated his life to this very important issue, and I applaud him for that dedication. There is an absolute need to understand the pain and the level of injury perpetrated not only upon the victims but also upon the victims' families.

• (1520)

Honourable senators, there is a further issue pertaining to the mandatory minimum sentences. Senator Runciman referred to statistics concerning charges involving sexual assaults on children. To understand this, I refer you to the speech in the House of Commons by Bob Dechert, Parliamentary Secretary to the Minister of Justice, who said:

> In 2008, 80% of all sexual assaults of children reported to police were charged under the general sexual assault offence in section 271 of the Criminal Code, sometimes referred to as a level one sexual assault; 19% were charged under one of the child specific or other sexual offences, such as for example section 151, sexual interference; and the remaining 1% were charged under the two most serious general sexual assault offences, levels two and three sexual assault, namely sexual assault with a weapon, threats to a third party or causing bodily harm under section 272, and aggravated sexual assault under section 273.
>
> From a sentencing perspective, this means in 81% of all sexual assault cases involving child victims in 2008, there was no mandatory minimum sentence.

Why is that? Why are 80 per cent of offenders not being charged under the existing child-specific sections of the Criminal Code that have mandatory minimums attached?

Honourable senators, let me suggest a few possibilities. While it has been many years since I appeared in court — as a witness — there was a theme developing then when it came to prosecutions. We always referred to it as "Let's make a deal" or, in some cases, GOMERing. GOMER is a term used in a book called *The House of God*. It is a novel about a hospital in the United States, and GOMER is an acronym used in the emergency room that stands for "Get Out of My Emergency Room." When a patient came into emergency, you would GOMER the patient. You would GOMER them to neuro, to cardiology or to some other department, but you would get them out of your emergency room. In the case of a prosecution, a plea to a lesser charge would be accepted to make the case go away without trial.

I recognize, possibly as much as most senators, that this is necessary in some cases, for a variety of reasons. Surely, it is not acceptable that 80 per cent of the cases involving child offenders are GOMERed. The prosecutor ultimately makes the decision. That decision also means that the judge hearing the case gets a much-sanitized version of the facts, which again can minimize the severity of the offence.

Honourable senators, the second possibility is that in many cases the police are not trained to deal with cases that are very difficult, heart-rending and sensitive to investigate. How do you question a child? How do you test the information that you receive from a child? How are you able to treat the investigation in a neutral manner given the sometimes horrendous nature of the offence?

Whenever possible, I tried to have a Crown involved from the outset. This led to a clear and concise investigation that gave the Crown all the evidence they would need, or would give me the direction that I would have to take in my investigation to try to determine whether there was such evidence.

Honourable senators, this bill should not and must not be given short shrift in committee. Like all honourable senators, I understand the fragility of this session. It would, quite frankly, be wrong to rush this bill through committee without full consideration. This appears, on the face of it, to be a serious problem. What is at the root of this 80 per cent phenomenon? Are these provisions not properly drafted? The committee should make it a point to call upon seasoned police officers and Crown and defence attorneys to try to come up with the reason behind this.

Finally, Bill C-54 was not on the list of bills on which the Liberals in the House of Commons asked for costing details. From my point of view, the cost to deal with this issue is a side issue and is not important. However, it is one that must be considered in the overall costing when dealing with the penal system, the justice system and policing costs. I sincerely hope that given recent developments, once asked, the answers will be forthcoming.

Honourable senators, there can be no question that the safety of our children is first and foremost in our minds. Bill C-54 needs to be properly studied in order to ensure that the children are being protected and that the bill is effective in achieving what is set out within it.

I look forward to the findings of the Standing Senate Committee on Legal and Constitutional Affairs.

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

An Hon. Senator: Question.

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

(Motion agreed to and bill read second time.)

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, at the next sitting.

Hon. James S. Cowan (Leader of the Opposition): Your Honour, the normal practice is that a bill is referred to a committee. Did I mishear Senator Comeau, or was he suggesting that we will not proceed to send this bill to committee?

Senator Comeau: Your Honour, this is not debatable, and we will have to proceed to the vote quite soon, but if the chamber will give me permission, it is my understanding that there will be an election called tomorrow.

An Hon. Senator: Tomorrow?

Senator Comeau: Yes, as I understand it, the coalition will be calling an election tomorrow. Therefore, we would like to do everything possible to get this bill through in order to protect Canadian children from sexual predators.

Senator Cowan: Was Senator Comeau listening to Senator Campbell? The honourable senator raised some serious questions and asked that the committee consider the matter. Surely that is a reasonable thing to do. That is our practice.

Honourable senators, I think it is astounding that the Deputy Leader of the Government would suggest that we make this kind of a change to our criminal justice system without giving our committee an opportunity to hold hearings on it.

Senator Comeau: Honourable senators, during a discussion I had with my counterparts this morning, I asked that we give permission to the Standing Senate Committee on Legal and Constitutional Affairs to deal with this issue at committee later this day while the Senate was sitting. I was told that this was not possible. Without permission from the other side of the chamber, the bill must be held off until tomorrow, and the committee does not have the right to sit on Friday. Therefore, this bill would die after being referred to committee.

Unless the honourable leader on the other side wishes to offer that we refer this matter to committee today and ask the committee to report tomorrow at the latest —

An Hon. Senator: No.

Senator Comeau: There you go. You are saying "no" again. How can that be?

Honourable senators, we are willing to send this bill to committee today with the provision that a report be submitted to this chamber tomorrow, which would give this bill the chance to get through. If we proceed to send this bill to committee with no chance whatsoever of it going anywhere, the bill will die. Under my proposal, there is at least a chance of getting this bill through.

Although we are currently speaking on this matter, I understand that this motion is not debateable and not amendable.

• (1530)

Hon. Lowell Murray: Honourable senators, first of all, in my observation, negotiations on house business between the parties almost never succeed when they are conducted on the floor of the house. Sometimes, negotiations have a chance of success if they are conducted privately and the results are reported to us later. As an independent senator, I almost always would go along with any arrangement that is agreed to by the two parties.

Secondly, however, I want to be clear as to the position of a possible dissolution. We are told there will be a vote of confidence voted on in the other place tomorrow at 1:30 p.m. My friend talks about an election call tomorrow. He probably knows more of the Prime Minister's intention than I do. However, the vote does not dissolve Parliament. The vote does not issue a writ for an election. The vote is held and we can continue to meet, as can the House of Commons, until such time as the writs of dissolution and election are issued from Rideau Hall after a visit by the Prime Minister. Regardless of the vote tomorrow, we could continue until our normal adjournment hour; so could the committee, if we so desired.

My final statement is with regard to proceeding with this bill. I do not have a strong opinion as to what the procedure should be. I simply want to say to the two leaders that, if we are making arrangements to fast-track a bill, please note that there is at least one other bill that is close to the heart of a number of us in this place. We believe that bill can and should be fast-tracked before any dissolution.

Senator Comeau: I always enjoy listening to Senator Murray provide advice on how we should conduct our business on this side. I assume that he had a much better way of doing it. I accept that.

However, I think Senator Murray will remember a time when he was sitting on this side of the chamber some years ago. He made a great distinction between government bills and private members' bills. I do not want to pontificate. However, under our competent system of government, the government of the day goes back to the electorate and accounts for the bills that it proposed as a government. Private members' bills are an entirely different matter. Therefore, we attach, on this side of the chamber, a huge amount of significance to the difference between a private bill brought in by private members and those brought in by the government because who will be held responsible if a majority house, made up of the losing parties, starts passing bills that the government has to go to the electorate to defend? The government cannot defend the bills because they are not their bills. This morning at the meeting, I was not able to arrange how we would proceed with this bill expeditiously. We did not receive permission for the Standing Senate Committee on Legal and Constitutional Affairs to sit. Therefore, the bill was effectively dead.

Senator Cowan: The Deputy Leader of the Government started his comments by saying that the motion is neither debatable nor adjournable. Then, he proceeds to debate it. It is important to recognize that this bill was introduced in the other place in November. If it was so important to this government that we absolutely had to get it out of the way, why has it been on the other side for 50 sitting days? It arrived in the Senate on Monday of this week. Now, they are complaining about this matter being delayed. That is unconscionable. This is not a case where we need to abrogate our well-established procedures. We passed this bill in principle. We are not obstructing. However, we have to insist that a bill of this magnitude, with the kinds of concerns that my colleague Senator Campbell has expressed, must be referred to committee for an opportunity to give it due consideration. To suggest that, on this kind of short notice, the committee could cobble together any kind of objective or balanced consideration is simply unrealistic.

This is not the opposition's doing. This is the government's doing, or lack of doing.

Senator Campbell: Honourable senators, I cannot agree with what is going on here. I did not have to speak today. I did not have the opportunity to gather all the documentation together. I received this bill on Tuesday. However, I chose to speak today because I thought it was the right thing to do. I thought that it would help us send this bill to committee tomorrow, or whenever.

We do the right thing. When we try to do things in a proper manner, we find ourselves up against the wall. I simply could have not shown up today and had someone take the adjournment in my name. I could show up tomorrow or not show up. However, I chose not to do that. I find the manner in which we are dealing with a tremendously important bill is unseemly. It is not in keeping with the traditions that we should have in this place. I truly regret that.

Hon. Joan Fraser: I will add my voice to that of Senator Cowan and Senator Campbell. We are witnessing a parliamentary outrage, Your Honour. This is an important bill, with serious ramifications for real human beings. Yesterday, after Senator Runciman's address on this bill at second reading, I raised only two of those questions that occurred to me: Would two 15 year-olds who had sex with each other be sent, under a mandatory minimum, to jail? Or, would someone who got drunk and stole a kiss at a Christmas party face a mandatory minimum term of imprisonment?

Senator Campbell, who has vast and unhappy experience in this area, has raised profoundly serious questions. The Standing Senate Committee on Legal and Constitutional Affairs could not possibly have prepared for this bill by doing pre-study because that committee has been working overtime to deal with other criminal justice bills.

We have produced four of those bills for third reading in the Senate after detailed study of each of them. Most of them are complicated. There has been more than ample evidence of that committee's willingness to do its work. However, there is no way that the committee or the Senate as a whole could possibly understand the full consequences and ramifications of this bill on the travesty of a timetable laid out by the Deputy Leader of the Government.

We know they have the numbers. However, if they adopt this outrageous suggestion, why have Parliament? Why bother? It will be a scandal and a shame upon all of us.

• (1540)

Hon. Jane Cordy: Your Honour, in yesterday's *Debates of the Senate*, Senator Fraser asked Senator Runciman a question and the answer to her question was:

> That is an interesting question and I am sure we will pursue it at committee.

Those of us on this side took Senator Runciman at his word that this is what would happen and that the bill would go to committee, where questions such as the ones raised by Senator Fraser yesterday and the ones raised by Senator Campbell today would be discussed openly and honestly at the committee level.

Senator Campbell stood and gave his speech today. We assumed that the bill would go to committee; and to hear that the other side, which has the numbers and can do whatever they please, are set to obstruct justice within the chamber is truly unfortunate.

Hon. A. Raynell Andreychuk: Honourable senators, I am rising not to deal particularly with this piece of legislation, but since Senator Murray stood up, I find it disappointing that some of the mood of the other place is coming into the Senate.

We have been put under pressure. I have been here 18 years and we have always been put under pressure on bills that languished in the House of Commons and are brought here at the eleventh hour because of deals on the other side. I sat 13 years in the opposition, in the same position that the opposition is in now, when leaders told me that this bill is important, children's lives are at stake, pass it today.

The rebuttal was, let us study the bill to be sure there are no unintended consequences, that we do due diligence and we act like a Senate should. However, I was told it was so important that I should pass it and I was outnumbered.

I have sat on both sides. Surely the tone in this place should be that we understand that the pressure comes from the other side. When we say that we are being placed outrageously in this position, I made those same comments, Senator Fraser, when I sat on your side. With respect, it is difficult; we have to make judgment calls as to whether this bill should be passed in haste — and hopefully it serves the purposes the government wants — or we take the time and the chance that it may fail and it may prejudice some children.

I think if we say that it is due to the actions of either our side or your side, it will be difficult to manage affairs here. We know where the pressure comes from. We do the best we can. I have every respect for all the senators on the other side, as I am sure senators on the other side have for this side, so I hope we follow our procedures because that is all we have.

There is an adjournment motion. His Honour can rule the motion out of order or we can proceed with the adjournment, which there should have been no debate on.

The Hon. the Speaker: Honourable senators, the Speaker is responsible only for proper procedure in the chamber and makes no comment on the substance of a bill. Should I wish to make a comment on the substance of a bill, fortunately, in the Senate of Canada, the Speaker has a desk to which he or she could go to express substantive views.

The motion is perfectly in order. I have no alternative but to put the question. I hesitate to go beyond that responsibility in making suggestions for things like the Committee of the Whole or anything like that.

I will put the question. It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Andreychuk, that this bill be given third reading at the next sitting of the Senate.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Will those in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. Do the chief whips have advice? If there is no agreement, it is a one-hour bell. The vote will take place at 4:40 p.m.

Do I have permission to leave the chair?

Hon. Senators: Agreed.

• (1640)

Motion agreed to, bill read third time and passed on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	MacDonald
Ataullahjan	Manning
Boisvenu	Marshall
Braley	Martin
Brazeau	Meredith
Brown	Mockler
Carignan	Nancy Ruth
Champagne	Neufeld
Cochrane	Nolin
Comeau	Ogilvie
Cools	Oliver
Demers	Patterson
Di Nino	Plett
Duffy	Raine
Eaton	Rivard
Finley	Runciman
Fortin-Duplessis	Segal
Gerstein	Seidman
Greene	Stewart Olsen
Housakos	Tkachuk
Lang	Wallace
LeBreton	Wallin—44

NAYS
THE HONOURABLE SENATORS

Banks	Joyal
Callbeck	Losier-Cool
Campbell	Lovelace Nicholas
Chaput	Mercer
Cordy	Mitchell
Cowan	Moore
Dallaire	Munson
Day	Murray
De Bané	Pépin
Downe	Peterson
Dyck	Poulin
Eggleton	Robichaud
Fraser	Rompkey
Hubley	Smith (*Cobourg*)
Jaffer	Tardif—30

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1650)

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

March 24, 2011

Mr. Speaker,

I have the honour to inform you that the Honourable Rosalie Silberman Abella, Puisne Judge of the Supreme Court of Canada, in her capacity as Deputy of the Governor General, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 24th day of March, 2011, at 4:02 p.m.

Yours sincerely,

Stephen Wallace

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Thursday, March 24, 2011:

An Act to amend the Canadian Forces Members and Veterans Re-establishment and Compensation Act and the Pension Act (*Bill C-55, Chapter 12, 2011*)

[*English*]

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-227, An Act to amend the Canada Elections Act (election expenses).

Hon. Irving Gerstein: Honourable senators, it is my honour to speak today on Bill S-227, An Act to amend the Canada Elections Act in relation to election expenses.

First, I want to express my respect and personal admiration for Senator Dawson, the sponsor of this bill. As a long-standing Liberal Party organizer and strategist who was once an elected member of the other place representing the riding of Louis-Hébert, Senator Dawson brings a particular perspective to issues of party financing.

On the other hand, I believe I can bring to this debate a perspective that is somewhat different from that of my honourable colleague.

I came to the Senate with more than four decades of experience volunteering as a Conservative bagman, a role of which I am very proud. As I stated in my maiden speech in the Senate on January 27, 2009:

> Well, I want to tell you that I do not admit to being a bagman; I proclaim it.
>
> I believe that the job of raising funds for the Conservative Party or, for that matter, any party, is both necessary and honourable. Parties require money to operate.

I feel very privileged to follow in the great tradition of other notable party bagmen who have been appointed to this place, including my caucus colleague and dear friend Senator David Angus; my friend, former Liberal Senator Leo Kolber; and the late Liberal Senators John Aird and Jack Godfrey.

I recall fondly that Senator Godfrey and I used to make joint calls to a number of large Canadian corporations, urging them to support the party system that undergirds Canada's parliamentary democracy. Together, we would push the number as high as we could, always with the understanding between ourselves and the donor that 60 per cent would go to the party in power and 40 per cent would go to the party in opposition.

That was a long time ago, honourable senators. In the years since, both of our parties have seen their share of financial ups and downs.

In 1975, the year after Robert Stanfield lost the general election to Pierre Trudeau, the PC Party managed to raise the princely sum of $1.1 million. The party was on the verge of bankruptcy, and some senior Conservatives suggested this was our only way out.

Honourable senators, no party is immune to such difficulty. The Liberals have survived similar circumstances. I am currently reading a book by former Liberal staffer Brooke Jeffrey, entitled *Divided Loyalties: The Liberal Party of Canada, 1984-2008*.

Page 132 of that book reads as follows, referring to the Liberal Party President Michel Robert:

> By 1987, Robert said, the Liberal Party was for all intents and purposes "insolvent." Some believed it was only a matter of time before the party was obliged to close down its national office. . . . By late 1987 there was a serious concern that the party would not be able to finance a national election campaign.

Honourable senators, I can relate to this situation. In 1998, when I returned as Chair of the PC Canada Fund, we owed more than $10 million. Believe me, honourable senators, it was no fun.

Honourable senators, you may ask what the reminiscences of a bagman like me have to do with Bill S-227. The answer is simple: Bill S-227 is really all about fundraising.

Bill S-227 would include expenditures by political parties during the three months prior to a writ period within each party's election spending limit or cap, even though it is impossible in a minority parliament for any party to know three months in advance when an election will be called. For example, there was no way to predict, on Christmas Eve last year, three months ago today, that the opposition parties would unite to force an election that now seems very likely.

Although Senator Dawson emphasized advertising expenses in his remarks yesterday, it must be noted, honourable senators, that Bill S-227 would in fact apply to a very wide range of activities. Its wording includes all expenses incurred, and I quote:

> . . . to directly promote or oppose a registered party, its leader or a candidate . . .

This description could apply not only to paid advertising, but to virtually every activity of every party.

Indeed, honourable senators, these are exactly the same words used in subsection 407(1) of the Canada Elections Act to define the term "election expenses." So this bill would apply to far more than just advertising.

Although expenses incurred within three months before the writ is dropped would count towards a party's spending limit, such expenses would not be eligible for any reimbursement. This, of course, would lead to a drastic reduction in the activities of parties and candidates at any time outside the actual writ period.

Honourable senators, in reality, Bill S-227 would benefit the Liberal Party of Canada by stifling the ability of its rivals to use their money as they see fit between writ periods. Bill S-227 seeks to punish success and reward failure. Yes, honourable senators, as I said before, Bill S-227 is all about party fundraising.

The impetus of this bill becomes obvious when we look at the fundraising numbers for each party. Allow me to provide you with some of those numbers, and not meaning to be presumptuous, I do it just in case any honourable senators may have forgotten the numbers, which are as follows: The NDP raised $10.1 million. The Conservatives raised $11 million. The Liberals raised $17.1 million.

Honourable senators, I am sure you all remember. For those numbers are the total amounts raised by each party — for the year ending December 31, 2003.

Let me emphasize that, for the year ending December 31, 2003, eight years ago, it was the year the Liberals raised their largest amount ever.

• (1700)

Do you think we would be debating Bill S-227 if those fundraising numbers for December were the numbers for December 31, 2010? Of course not.

I can only assume, were this bill a matter of some high principle dearly held by the Liberal Party, they would surely have introduced it when they were in government, perhaps as part of the new Canada Elections Act they enacted in the year 2000, or maybe as part of the new political financing guidelines contained in Bill C-24 in 2003. For 10 years the Liberals had the parliamentary majority to do what they wanted, but they did not enact the measures proposed in Bill S-227 because the fundraising of the Liberal Party exceeded that of the Conservative Party and its predecessor legacy parties, so it was not to their own partisan advantage at the time.

Now, honourable senators, let me review what has changed since 2003 to provoke the introduction of Bill S-227. The most significant change was Bill C-24, an Act to amend the Canada Elections Act and the Income Tax Act in relation to election financing passed in 2003. Through Bill C-24, the Liberal government of Jean Chrétien banned corporations and unions from donating to registered parties and limited corporate and union donations to candidates to $1,000. Personal donations to both parties and candidates were limited to $5,000.

Mr. Chrétien's successor as Liberal leader and Prime Minister, Paul Martin, in his 2009 memoire entitled *Hell or High Water: My Life in and out of Politics*, stated at page 245 that these new fundraising rules "seemed designed to hobble the Liberal Party." Mr. Martin continued on page 246 by saying that Bill C-24 "might reasonably be interpreted as having been aimed to get at me."

Now, honourable senators, it is difficult for me to assess someone else's motivation, but I sincerely doubt very much that Mr. Chrétien deliberately deprived his own party of future revenues simply to spite his successor.

Honourable senators on the other side surely know far more about this than I, but I surmise Mr. Chrétien may have seen the writing on the wall. He surely knew that as the sponsorship scandal grew, big corporate donations to political parties would be ill regarded by a cynical public, so the Liberal Party's wellspring of big money was about to dry up.

Honourable senators, it appears to me, as a keenly interested but admittedly outside observer, that Mr. Chrétien engineered a fundraising framework that would serve two purposes. First, it would ensure that if the Liberals could not receive big corporate money, no one else could either. Second, it would replace corporate money with another source of funds that also favoured the governing party, namely, a taxpayer-funded subsidy for political parties based on the number of votes each party received in the previous election.

By replacing corporate donations with a per-vote subsidy, Mr. Chrétien cut out the middleman and channelled public money directly to political parties in a way that, at the time, heavily favoured the Liberal Party.

In debate on Bill C-24 in the other place on February 11, 2003, Mr. Chrétien declared that "the direct subsidy to the party will make up for the loss of corporate and trade union contributions." I for one believe that Mr. Chrétien was very sincere. In my view,

he clearly believed that taxpayer money under the new system would make up for the elimination of corporate donations, leaving the Liberal Party no worse off.

Furthermore, it stands to reason that Mr. Chrétien also expected the new system to favour the Liberal Party, as the per-vote subsidy always favours the party in power. That is why, in testifying on April 30, 2003, before the Standing Committee on Procedure and House Affairs of the other place in my capacity as Chair of PC Canada Fund, along with my colleague Senator Mercer, and Mr. Eddie Goldenberg, who I believe was there, I referred to the legislation that created this subsidy, Bill C-24, as the "incumbent protection act."

Honourable senators, the formula for the per-vote subsidy is fundamentally flawed. Each year, each registered federal political party receives a subsidy based on the number of votes it received in the last general election. This is simply not fair. It is not fair because it goes too far toward defining the financial future of a party by looking to its past.

Honourable senators, funding a party's next campaign according to the results of the last election is like getting a mortgage on your next house that is based on the value of your last house. I also told the Procedure and House Affairs Committee of the other place that I believed the per-vote subsidy would crowd out voluntary donations. I believed many Canadians would be less motivated to donate directly to political parties if they were already donating through the tax system. I predicted that the per-vote subsidy would not be an add-on to each party's revenue base but would constitute 85 per cent to 90 per cent of each party's total revenue, hence, in my view, at that time, further guaranteeing the incumbent party an unfair advantage over the opposition parties.

Honourable senators, I must admit that time has proven me totally wrong. The Conservative Party overcame the unfair obstacle that the Liberals placed in our path. Today, the Conservative Party receives the majority of its funding from personal donations, not from the per-vote subsidy. In fact, we have consistently raised enough funds from our own supporters to prove that political parties do not need direct subsidies from the taxpayers of Canada in order to conduct their operations effectively.

I should add, honourable senators, that even though the Conservative Party of Canada is now the greatest beneficiary of the per-vote subsidy, we remain vehemently opposed to it on principle. The principle is Canadians should not be forced to subsidize political parties unequally; Canadians should not be forced to donate to parties that do not even run candidates where they live; and, finally, Canadian taxpayers should not be forced to donate to political parties whose practices and policies they do not support.

Some Hon. Senators: Hear, hear.

Senator Gerstein: Indeed, as honourable senators are aware, the Conservative government proposed to eliminate the costly and undemocratic per-vote subsidy, and regrettably, the Liberal Party reacted by forming a coalition with the other opposition parties to bring down the government and save the subsidy.

As the current leader of the Liberal Party, Michael Ignatieff, said in a CBC Radio One interview on December 12, 2008:

> Without the coalition agreement, we would not have been able to force the Prime Minister and the Conservative government to back down on crucial issues. For example, we got them to abandon this wildly partisan and absolutely unacceptable set of proposals about stopping public financing of political parties.

Therefore, as I said earlier, the per-vote subsidy persists for now.

Meanwhile, honourable senators, frankly, the Liberal Party has been hoisted on its own petard. Whatever Mr. Chrétien's true motive may been in introducing Bill C-24, Mr. Martin is quite right to observe that its effect has been to seriously damage the finances of the Liberal Party.

• (1710)

After losing the election of 2006, the Liberal Party established what it called the Red Ribbon Task Force to come up with recommendations for the renewal of the party. On page 9 of its August 2006 report, the task force stated:

> Ironically, while C-24 was initiated by the Liberal government, the party continues to be in a period of painful readjustment to the new fundraising climate the bill helped shape. Liberals across the country must realize that failing to fully adjust to this "new normal" will permanently damage the party.

Page 10 elaborated further:

> Our party's structure has left us disconnected from members and small-donation supporters, thus greatly impeding our ability to raise money. It's no secret that, for years, we have been hard-wired as a party to rely on large donations from corporate donors. C-24 removed that funding source but we have not yet made the structural changes, or fully effected the cultural change, to a member-focused donation base. . . . Our donor base must grow and be able to challenge the base of other political parties or we will forever fall short on our ability to undertake the hard work of a modern political party.

As I am sure honourable senators remember, the same year the Liberals produced that report lamenting their own party's financing reforms, the newly elected Conservative government was going even further towards removing big money from Canadian politics.

Thanks to the Federal Accountability Act, passed in 2006, corporations and unions are now prohibited from donating not only to registered federal parties but also to candidates, riding associations or leadership candidates, and individual donations are now limited to $1,100.

Honourable senators, we should all take comfort in knowing that today it is impossible for a small group of extremely wealthy organizations or individuals to exert inordinate influence on Canadian politics. However, as their own internal report admitted, this means the Liberal Party can no longer operate the way it used to.

In the words of a Canadian Press report published in the *Toronto Star* on November 12, 2010, under the headline "Cash-strapped Liberals turn to professional fundraisers":

> Having traditionally relied heavily on corporate cash and big donations from the wealthy elite, the Liberal Party has been slow to adjust to the broad based, popular fundraising approach demanded by the new rules of the game.

In a conference call with all Liberal riding associations on May 27, 2009, the President of the Liberal Party, Alfred Apps, announced a bold plan to reverse the precipitous decline in Liberal fundraising fortunes. The goal was to quintuple — yes, honourable senators, I said quintuple — the amount of funds raised by the Liberals. That goal meant raising over $25 million in the calendar year 2010. The effort would be overseen by the National Director of the Liberal Party, a formidable fundraiser by the name of Rocco Rossi. Perhaps, honourable senators, that name rings a bell as he has been in the news recently.

Honourable senators, the Liberal Party fell far short of its $25 million target. According to information published by the Chief Electoral Officer, the Liberals raised $6.6 million in 2010, one quarter of their target. Looking more deeply at the 2010 fundraising results, it is evident that the Liberal Party has still, I suggest, to this very day, failed to adapt to the reduced role of big money and political financing.

Again, referring to the report of the Chief Electoral Officer, less than half the funds raised by the Liberal Party in 2010 came from donations of $200 or less. In contrast, two thirds of the money raised by the Conservative Party came from such small donations. At the other end of the spectrum, more than a quarter of the funds raised by the Liberals came from donations greater than $1,000, while only one tenth of the funds raised by the Conservative Party came from such large donations.

Yes, honourable senators, much has changed from 2003, but the Liberal reliance on big money has not changed. That leads me back to my earlier crucial question: Would Bill S-227 be before us today had the Liberals maintained their 2003 fundraising level of $17.1 million? Clearly, honourable senators, the answer is no.

In the same vein I ask: Would Bill S-227 ever have seen the light of day had the Liberals been successful in raising the $25 million per year they set as their target two years ago? Of course not.

You see, honourable senators, the day of the bagman is over. Today, political fundraising is a business, a business that requires extreme focus and attention to detail, strict adherence to the execution of fundraising programs and, at the same time, great efficiency. To raise money, a political party must appeal to a large number of Canadians of ordinary means. That is why some parties are lagging behind.

Given the Liberal Party's admitted difficulties in adapting to the elimination of big money in politics, it is no surprise that we have before us today Liberal Bill S-227 that I suggest seeks to stifle the impact of a multitude of small donations voluntarily given by ordinary Canadians to political parties of their choice.

Bill S-227 is really an anti-democratic bill to address a purely partisan concern, the current financial difficulties of the Liberal Party of Canada. I repeat, honourable senators: Bill S-227 seeks to restrict political expression for no other reason than to protect the interests of the Liberal Party.

Honourable senators, every party has an equal right and an equal opportunity to attract voluntary donations from Canadians and to spend those donations to communicate their ideas and agendas to the Canadian people. So it must remain, for, without freedom of political expression, there can be no democracy.

After he first introduced this bill as Bill S-236 in the last session of Parliament, Senator Dawson said in debate on May 28, 2009:

> . . . the outcome of elections should not and must not depend on the size of any party's coffers. The outcome of our elections should depend on who Canadians think have the best ideas for their country.

Yesterday, he said words very much to the same effect:

> I believe that elections should be decided through a fair contest of ideas, not through a contest of who can spend the most.

Let me be absolutely clear: I totally agree with Senator Dawson on this point. He is absolutely right. However, I suggest to you, honourable senators, that money and ideas are not opposing forces — far from it. In fact, they are directly and inextricably linked. Now that massive donations from corporations and the wealthy have been removed from the equation, the relative size of each party's coffers is a direct function of which party Canadians think has the best ideas for their country. Given a level playing field, honourable senators, the size of a party's war chest is determined by the quality of its message.

One thing I have learned in raising money for the Tory Party since the 1960s is the timeless truth of the maxim known to fundraisers everywhere, and many honourable senators, including Senator LeBreton, have heard me say it many times: "Message creates momentum creates money." It is never the other way around.

• (1720)

That being the case, at any given time one party may attract more freely given donations from more individual Canadians than any other party. Today, perhaps to the chagrin of honourable senators opposite, that party is the Conservative Party of Canada.

Let me be absolutely clear: I do not dwell on this point to rub salt in the wounds of the Liberal Party. As I have mentioned, I have been a bagman for a long time, and I know what it is like

when donations are slow. I can assure honourable senators that the tide always turns, but the fundraising tide, unlike the ocean tide with which my friends from the Maritimes are acquainted, is unpredictable. There are no tables or almanacs to tell us when the flood may lead to fortune or when we are sailing into shallows and miseries.

As I said before, a party's fundraising success depends only on the effectiveness of its message. I repeat, honourable senators, "Message creates momentum creates money."

We Conservatives are confident in the strength of our message and we have great trust in our own leader, The Right Honourable Stephen Harper, to convey that message to Canadians and to translate it into action. That is why the Conservative Party so welcomes the free political discourse that Liberals fear and seek to suppress under Bill S-227.

It is neither possible nor desirable to change the fact that money facilitates that discourse. Paid advertising is not only a legitimate form of political expression; it is in fact an extremely vital form of political expression. It is the only way for parties to communicate directly with citizens en masse without going through the filter of the mainstream media.

That being said, Senator Dawson overestimates, or I suggest perhaps misunderstands, the role of money influencing electoral outcomes. During his speech on this bill in the last session, and again yesterday, Senator Dawson referred repeatedly to the peril of parties "buying elections."

If this was a real danger, honourable senators, surely Kim Campbell would have been elected Prime Minister in a landslide after the Progressive Conservative Party spent a record $22 million on its 1993 campaign. Talk of buying elections implies that political advertising is somehow a threat to democracy, akin to vote buying and tantamount to corruption. Nothing could be further from the truth. In fact, as I have already indicated, political advertising contributes greatly to democracy. Furthermore, such talk does not give Canadian voters the credit they are due.

Honourable senators, the people of Canada are a discerning and skeptical audience. No party will ever increase its vote count by spending massive amounts of money to advertise a bad policy or a position that lacks credibility. No amount of money spent on advertising can win an election unless voters are receptive to the message being advertised. Freedom of political expression always benefits democracy, but does not always benefit the party expressing itself.

Senator Dawson admitted as much when he spoke on this bill in the last session. In response to a question from Senator Eaton, Senator Dawson said that the Conservative Party had received fewer votes in 2008 than in 2006, and I quote, "because of your negative ads." I believe he mentioned this again in his comments yesterday. In response to a question from Senator Segal, Senator Dawson stated, "because of your ads we are probably raising money that we could not have raised if you were not acting so badly." A moment later Senator Downe suggested the Conservative Party had fallen in the polls in Quebec after running ads in that province.

If these statements were true, surely the Liberals would want the Conservative Party to advertise more and not less. However, while I dispute the specific examples cited by Senator Dawson and Senator Downe, I do believe wholeheartedly that it is the quality of the message and not the amount spent to advertise it that moves both votes and donations.

Honourable senators, the essential point here is that no amount of money spent on advertising can win an election if the message is wrong. Therefore, honourable senators, one can only conclude that what the sponsor of this bill and his Liberal colleagues are really afraid of is not the impact of Conservative money. No, honourable senators, what has them so rightly worried on the other side is the impact of the Conservative message.

For they know that, with the money it receives from its supporters, the Conservative Party can and will communicate its message. That is why the Liberals are trying to restrict party advertising expenditures. They would not be doing this if they thought for one minute that Canadians would turn away from the Conservative message.

In sum, honourable senators, as long as the rules for raising money are fair and equitable, then surely it is fair for each party to spend the money it raises as it sees fit.

It is true that the Conservative Party is able to spend more money on advertising than the Liberals, but is this the result of any unfairness in the current rules? No, honourable senators, the playing field is level.

Let me assure you the same fundraising techniques and technologies employed by any party may be equally employed by all. Honourable senators, there is no proprietary formula, there is no magic potion, there is no secret sauce. It is hard work, and that is all.

In this context, should fundraising success and free political expression be suppressed by legislation just to protect parties that attract fewer donations? Absolutely not, senators. I admit there is one source of funding for political parties that is both unequal and undemocratic. That is, as I mentioned before, the per-vote subsidy created by the Liberals to replace donations from big business. The per-vote subsidy is the only source of funding for federal political parties that does not depend on the willingness of Canadians to donate.

There are other forms of indirect public funding for parties, such as the tax credit for political donations, but such funding flows from the decisions of individual Canadians to donate to the parties of his or her own choice.

Honourable senators, if you are truly concerned about ensuring fairness in political financing, Bill S-227 is not the answer. The starting point of any genuine political financing reform must be the abolition of the inequitable and undemocratic per-vote subsidy. Bill S-227 ignores this very real problem with the party financing system and imposes an unfair remedy to a situation that needs no remedy.

Honourable senators, in addition to the broad principles I have addressed, there are many details of the wording of Bill S-227 that also raise serious concern. My colleague, Senator Di Nino, ably

articulated those concerns when this bill first came before us during the last session. I have not focused on those issues because I am not here to tell you that Bill S-227 is flawed. I am here to declare, with the greatest respect to Senator Dawson, that Bill S-227 is an affront to democracy.

To criticize this bill for its choice of words would be like criticizing a mugger for his choice of dark alleys. If implemented, Bill S-227 would not promote fairness or democracy. On the contrary, it would bash fairness over the head and steal democracy's purse.

Honourable senators, Bill S-227 would do nothing to curtail the influence of big money in Canadian politics. As many Liberals have long acknowledged, the era of big money is already behind us, and that is the very reason for the financial challenges facing the Liberal Party. Rather, Bill S-227 seeks to curtail the influence of the large number of Canadians who donate their own hard-earned money in small amounts to the political parties of their choice. That, honourable senators, is why the Conservative Party cannot support Bill S-227.

• (1730)

We on this side of the Senate believe in freedom of political expression, a level playing field for all political parties, and fairness for all Canadians who nourish our democracy by contributing to parties of their choice.

In conclusion, honourable senators, while Conservatives and Liberals may not always like each other's messages, we can surely agree that both parties — indeed, all parties — must remain free to communicate their messages to the Canadian people as they see fit, not only during elections but also between elections.

I know many honourable senators on the other side will agree. After all, it was none other than the Right Honourable Pierre Elliott Trudeau who wrote:

> Certain political rights are inseparable from the very essence of democracy: freedom of thought, speech, expression (in the press, on the radio, etc.) assembly, and association.

I urge all honourable senators to safeguard those political rights and defend our democracy by rejecting Bill S-227.

The Hon. the Speaker *pro tempore***:** Is there further debate? There are three senators with questions. I will recognize Senator Duffy first.

Hon. Michael Duffy: I thank the honourable senator for that learned exposition of the history. However, in his remarks he left out one particular gem that I think resonates to this day with our friends across the way, and those were the learned words of the then president of the Liberal Party of Canada, a great man, Stephen LeDrew, who used the vernacular to describe Mr. Chrétien's proposals. Does the honourable senator have any comments on Mr. LeDrew's comments about a bag of hammers?

Senator Gerstein: Of course, I remember the statement well. I must say that I concurred with it. I will add that the honourable senator brings back great memories for me as well. I had written an editorial piece on the issue of Bill C-24 in *The Globe and Mail*. The following week I saw an article in *The Globe and Mail*, responding to me, saying, "my good friend Irving Gerstein," and "I concur with him, as you well know," and I had never met the gentleman. I visited with him on one occasion and made his acquaintance, and I must say that he had great insights, I assume, for the Liberal Party, and anticipated what was to unfold.

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

Senator Gerstein: With pleasure.

Senator Segal: I appreciated the breadth of the presentation the honourable senator made, and I am delighted to associate myself with his opposition to the bill. However, as I look across the aisle at Senator Murray and as I look at Senator LeBreton, I remember when our distinguished colleague Senator Gerstein stood there, between total bankruptcy and the day-to-day, penny-by-penny survival of the party, and how remarkably he served the broad public interest in that process.

The honourable senator will remember that the entire process of reform of our electoral expense system began when Pierre Trudeau was in minority, and the Honourable — subsequently the Right Honourable — Robert L. Stanfield campaigned for changes in terms of disclosure, openness, limits on donations and limits on spending. The way in which that process went forward was by a parliamentary committee, chaired by the Member of Parliament for St. Paul's, the Honourable Ron Atkey. That process was one in which all the political parties participated. There was no imposition by party A upon party B; there was a joint process.

I take seriously the policy position that the honourable senator has advanced on behalf of the party we both support, about doing away with aspects of the present structure of subsidies in the system.

Can I ask the honourable senator to give his best judgment on the kind of process by which that change might transpire in the future so that those parties that are doing well as well as those parties that are not doing so well — and we have all been in both places — are allowed to participate in a way that is frank, creative and in the broad national interest?

Senator Gerstein: I thank the honourable senator for that question. I will back up on one point, though. I think Canadians should be proud of the system as it is today. I am leaving the per-vote subsidy out. The three biggest issues in political funding of any country have to be the amount, the transparency, and the timeliness in which one knows it. Canadians should all applaud the fact that with regard to those three criteria, we stand far ahead of any other country, including the United States, the United Kingdom, and anywhere else that I have had the opportunity of looking at their system.

With regard to the specific question the honourable senator asked, I dealt with the situation only in principle. I have no idea as to how it might be implemented.

The Hon. the Speaker *pro tempore***:** Is there further debate? Honourable Senator Mercer.

Hon. Terry M. Mercer: Honourable senators, perhaps on occasion Senator Oliver confuses us. I am the tall, good-looking one. He is the short, erudite one. I have no hair; he has little hair.

Honourable senators, I will adjourn the debate momentarily, but I could not refrain from complimenting the speech writers that it appears Senator Gerstein employs from Yuk Yuk's every time he delivers his speeches, because they are always entertaining, humorous and well-researched. It is also always nice to be mentioned in his speeches.

The honourable senator knows that he and I agree on one thing. He said that the day of the bagman is gone. He spoke about the fact that it is not about the professional bagman now; it is about the professional fundraiser. He and I agree on that. However, someone made a mistake when they referred to Rocco Rossi as a professional fundraiser. He is a professional promoter, not a professional fundraiser.

Senator Tkachuk: That is not what you used to call him.

Senator Mercer: This, senator, is my first public statement. The honourable senator has never heard my private statements on our former national director.

My good friend Senator Duffy mentioned former party president Stephen LeDrew, who said that he was the honourable senator's good friend. I am upset about that. I think I can lay claim to being the honourable senator's friend, but Mr. LeDrew cannot claim to be his friend. Mr. LeDrew is not the friend of many people, particularly members of the Liberal Party, because he is no longer a member of the Liberal Party, and we are better for it. I wanted to put that on the record.

Honourable senators, I adjourn the debate in my name for the balance of my time.

(On motion of Senator Mercer, debate adjourned.)

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Mahovlich, for the second reading of Bill S-220, An Act to amend the Official Languages Act (communications with and services to the public).

Hon. Elizabeth (Beth) Marshall: Honourable senators, I rise today to speak to Bill S-220. I have listened with interest to the senators who have spoken previously on this bill. Senator Chaput spoke eloquently about her background and her heritage. She spoke of the progress made over the past 40 years since the Official Languages Act was passed, but she also spoke of the pressures on some communities and people to assimilate. She spoke of the obligations of the Canadian Charter of Rights and Freedoms, specifically section 20, as well as Part IV of the Official Languages Act.

I do agree with Senator Chaput in that legislation needs to be reviewed regularly. Things change and legislation must be reviewed to ensure it has met its initial objectives, and assessed to determine if new objectives should be established or whether amendments are required. However, I feel that Bill S-220 goes too far, especially as it will affect the private sector, provincial and municipal governments and the RCMP. The bill needs to be reviewed thoroughly so that we will know, before it is enacted, exactly what its impact will be on all these organizations.

• (1740)

Senator Chaput spoke positively about developments in a number of provinces. She spoke about my home province of Newfoundland and Labrador, where there is a minister responsible for francophone affairs. We have a francophone school board. The education system in Newfoundland and Labrador offers to students the opportunity to study in French. Many students in Newfoundland and Labrador, including my own three children, have graduated from high school fully bilingual.

Newfoundland and Labrador has a francophonie community on the West Coast of the province, and the province maintains a close relationship with the French colonies of St. Pierre and Miquelon, about 20 kilometres off our South Coast. Students from St. Pierre and Miquelon visit Newfoundland and Labrador often to participate in sports such as swimming and alternatively, many students from Newfoundland and Labrador visit St. Pierre and Miquelon. We also have a small francophonie population in Labrador.

Senator Champagne, when she spoke on this bill, could obviously relate to Senator Chaput's experiences. Like Senator Champagne, I feel Bill S-220 goes too far. While Air Canada has existing legal obligations — and this is one of the issues raised during debate — under the Official Languages Act, of course it should comply with those obligations.

When Senator Comeau spoke, he raised an issue with which I agree, and it relates to the costs of these amendments. Private members' bills cannot authorize new government expenditures. The question that must be answered is how will the costs of these amendments be funded? Also, since private members' bills cannot authorize new federal government expenditures, can these bills commit the private sector, as well as provincial and municipal governments, to new expenditures?

Honourable senators, Bill S-220 will have an impact all across this country, as it will affect private sector companies, provincial and municipal governments, and the RCMP. Who knows exactly how these institutions will be affected? Who will pay the additional costs?

The first clause of Bill S-220 amends section 3 of the Official Languages Act by adding to the organizations subject to the Official Languages Act. Right now, the act applies to federal Crown corporations, federal government departments, and other federal institutions such as the Senate and the House of Commons.

Specifically, Bill S-220 as it reads now is proposing to expand these organizations to include "designated carriers," which provide rail, maritime and air transportation and related services. The definition is so broad it will pick up private sector carriers. For example, in Newfoundland and Labrador this would include some small airlines. To impose the Official Languages Act on private sector organizations without consultation would be, in my opinion, quite historic. We do not know the implications of the proposed bill, but it will probably add costs to those companies. Will these companies survive once additional expenditures are added to their operations?

In addition to the impact on the private sector, Bill S-220 also extends into the jurisdiction of the provincial and municipal governments. Specifically, section 1 of Bill S-220 expands the institutions covered by the Official Languages Act to "provincial or territorial institutions." That would include, among other things, provincial and territorial government departments, provincial and territorial Crown corporations, and municipal institutions.

Honourable senators, I could not support any bill which expands the Official Languages Act to include the provinces, territories or municipalities within Canada without consultations or discussions with the concerned parties.

In Newfoundland and Labrador, we also have about 15 intraprovincial ferry services operated by the provincial government. What will be the impact on these services?

Section 22(2) as it relates to the RCMP is especially problematic. Section 22(2) is a new section that will now require the RCMP to communicate with and provide services to the public in either official language "on those portions of the Trans-Canada Highway served by its detachments." Before this section is passed into law, we need to know the implications for the RCMP, especially in terms of staffing and costs. For example, in Newfoundland and Labrador the RCMP patrols most sections of the Trans-Canada Highway. Will bilingual officers be required, for example, as in Clarenville, which is primarily an anglophone area? Do the signs on the highways need to be bilingual?

I looked up some information on the RCMP while I was researching this bill. The information that I obtained on the RCMP in Newfoundland and Labrador is that there are over 500 members and 69 per cent of the RCMP officers serving in the province of Newfoundland were born in Newfoundland and Labrador. Given the fact that we are primarily an anglophone community, I would say that the majority of those members are not bilingual. If this bill is enacted, this will be especially problematic for the RCMP.

Of special concern is the fact that the cost of services provided by the RCMP is cost shared by the federal and provincial governments. My recollection is that the bulk of the cost is borne by the provincial government; I think my memory serves me right. This will have a major impact on the expenditures of the provincial government. That is another area of concern.

Honourable senators, the last sections I want to talk about are proposed sections 24(1)(*a*)(i) and (*a*)(ii). Proposed subsection 24(1) states:

> Every federal institution or designated carrier has the duty to ensure that any member of the public can communicate in either official language with, and obtain available services in either official language from, any of its offices or facilities in Canada or elsewhere.

It then goes on to state:

> (*a*)(i) in any circumstances prescribed by regulation of the Governor in Council where the services in question significantly affect or benefit the English or French linguistic minority population in a given geographic area;

That is the new section. It seems that, at any point in time now, the Governor-in-Council can come out with regulations that would have a significant impact. They do not even have to put it in legislation; it will just be in regulations. If this bill goes through, new regulations may come out next year that would really open things up. The following proposed paragraph 24(1)(*a*)(ii) states:

> (*a*)(ii) in any circumstances prescribed by regulation of the Governor in Council, relating to the loss of the language or linguistic assimilation, where the application of this subsection is likely to lead to the revitalization or advancement of the use of the language of the English or French linguistic minority population;

That is quite a big area that would open up and the Governor-in-Council would probably be prescribing some major change. That is also of concern to me.

Honourable senators, those were some of my concerns. Being a new senator, I found that in my research I spent a bit of time going through the Official Languages Act, the proposed bill and many other issues. I was very interested in it. I do look forward to when this bill goes to committee because of some of the issues that concern me. I am looking forward to hearing what witnesses have to say about the proposed amendments.

The Hon. the Speaker *pro tempore***:** Further debate?

[*Translation*]

Hon. Maria Chaput: Would the honourable senator agree to answer a question?

Senator Marshall: Yes.

Senator Chaput: Honourable senators, I truly appreciated the presentation given by Senator Marshall. I must say that I have the utmost respect for her, for who she is and for her integrity. I truly appreciate her participation in the debate on Bill S-220.

The Honourable Senator Marshall said that the bill goes too far and that it must be thoroughly reviewed.

• (1750)

She made several points that show that she did her research. She said, at the very end, that she would be interested in listening to the debate that could take place during a meeting of the Standing Senate Committee on Official Languages.

If I understand Senator Marshall correctly, she would be prepared to vote in favour of sending Bill S-220 to a Senate committee. Is that correct?

[*English*]

Senator Marshall: Yes, I would support that, but I would not like to deny other senators the opportunity to participate in the debate.

[*Translation*]

Senator Chaput: That is a very good idea. The senator understands that the view we take in Canada is that of "equal status, equal rights" under the Official Languages Act.

Senator Marshall spoke about cost, and I understand her concern. However, does the honourable senator not believe that there are innovative ways of providing services and that, during a debate in committee, we could find ways of providing better services that would not necessarily cost more?

Does Senator Marshall, who has been an accountant, believe that this would be possible?

[*English*]

Senator Marshall: Yes, I think that most witnesses who appear before the committee would come up with other options.

I have concerns in two areas. First, it seems to be putting a lot onto the private sector without hearing from them. For example, off the top of my head, I can think of two provincial airlines in Newfoundland and Labrador. Their websites are bilingual, but being covered by the Official Languages Act might have an impact on their cost of operations, and that is of concern to me. I would not want to drive a private sector company out of business.

The other area that concerns me is the RCMP. That service costs the provincial government a significant amount of money. I am concerned about the cost the provincial government would have to pick up, as well as about the impact on human resources. If 70 per cent of the members of the RCMP in Newfoundland and Labrador are from the province, I would confidently say that the majority of them are not bilingual. I am concerned about how a change such as this would be implemented and affect those members.

[*Translation*]

Senator Chaput: Does Senator Marshall recognize that, under the Official Languages Act, the federal government has a responsibility to support the growth and development of minority francophone and Acadian communities?

[*English*]

Senator Marshall: I was aware of that.

As honourable senators know, Newfoundland is primarily anglophone. I am aware of the term "significant demand," which I believe is defined in regulations. The Trans-Canada Highway in Newfoundland and Labrador goes primarily through anglophone communities. Therefore, does that fulfil the requirement of "significant demand," and does this bill take "significant demand" into consideration?

[*Translation*]

Hon. Percy Mockler: Honourable senators, in order to continue this discussion, and in a spirit of innovation and cooperation, I move the adjournment of the debate.

(On motion of Senator Mockler, debate adjourned.)

[*English*]

NATIONAL HOLOCAUST MONUMENT BILL

THIRD READING

Hon. Yonah Martin moved third reading of Bill C-442, An Act to establish a National Holocaust Monument.

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

Hon. Senators: Agreed.

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

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—THIRD READING

Hon. Daniel Lang moved third reading of Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

He said: Honourable senators, I wish to make a few comments at third reading stage of Bill C-475. The bill is entitled An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

I want to recognize Member of Parliament John Weston, who is here this afternoon. He has worked very hard to get this private member's bill through the House of Commons and the Senate.

This bill was initiated in 2007 and it is now 2011. That illustrates how difficult it is sometimes to get a bill through the House of Commons and into the Senate. I am not here to criticize any one place at any given time, but it has been a long road for this bill. It was unanimously passed in the House of Commons and I hope it will be unanimously passed here at third reading.

Honourable senators, this morning we had a very good hearing on the ramifications of this bill. As Senator Campbell said a number of weeks ago, if this bill is passed into law, it will provide another tool in the toolbox of the authorities to aid them in dealing with individuals who conspire to make chemical drugs

and provide them, for the most part, to our young people. We know how hard it is for the people who enforce our laws to get those individuals off the street so that they cannot affect the lives of Canadians.

Honourable senators, I want to thank everyone for their cooperation on this, and I hope that the bill will be given speedy passage.

Hon. Joseph A. Day: Honourable senators, I wish to thank Senator Lang for explaining the bill at third reading. That should be done so that at least we know what we are voting on when we are called upon to vote.

Hon. Serge Joyal: Honourable senators, I would like to thank Honourable Senator Lang and recognize the efforts made for the adoption of this bill by the honourable member in the other place. This bill is very short. There are only three clauses to it.

• (1800)

The point I want to make this afternoon is with regard to clause 2 of the bill. The honourable senator was at the committee meeting this morning when we heard from a representative of the Department of Justice. As the honourable senator will remember, this bill referred to Bill C-15, which was introduced in the Second Session of the Fortieth Parliament. This bill died with the Fortieth Parliament. It was replaced by Bill S-10. Our house adopted Bill S-10. However, Bill S-10 is still standing on the Order Paper of the other place.

According to the information brought to our attention, the honourable Minister of Justice seems to be of the opinion that this bill will not be adopted soon. In other words, clause 2 of the bill is problematic. If Bill S-10 is not adopted, the bill will be partially effective. Honourable senators will remember that it will not cover the ecstasy being transferred from Schedule III of the Controlled Drugs and Substances Act to Schedule I, which was to be effected by Bill S-10.

As long as no bill is adopted to implement the changes in the two schedules of the Controlled Drugs and Substances Act, this bill would be partially effective. It is fair for the honourable senators today who will vote on this bill to be informed about that situation.

Hon. Joan Fraser: Senator Joyal raised an interesting and important question. We have the benefit of advice from a legal representative from the Department of Justice and from the Senate law clerk. It was clear that clause 2 of the bill, which is a coordinating amendment, is pointless and dead on arrival because it refers to things that should happen if Bill C-15 is passed.

The Hon. the Speaker *pro tempore***:** I regret to interrupt; however, it is approaching six o'clock. I must ask honourable senators if they would like me to see the clock.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, there has been discussion between the two sides. We are in agreement. I ask all honourable senators on the two sides to agree that we not see the clock.

The Hon. the Speaker *pro tempore***:** Is it agreed, honourable senators, that I not see the clock?

Hon. Senators: Agreed.

Senator Fraser: Clause 2 of this bill is dead on arrival because it refers to schedules of legislation that would be adjusted if Bill C-15 passed. Bill C-15 died. Therefore, this particular clause is an embarrassment. We know that Bill C-15 is dead.

We contemplated what would be an appropriate way to address this anomaly. The committee decided that it was worthwhile to pass the bill as is on the theory that no damage would be done. The options before us were to pass the bill unamended, to pass the bill having amended it to delete clause 2 or to pass the bill having amended clause 2 to refer to Bill S-10 instead of Bill C-15. The committee decided for the parliamentary timetable, reasons of which we are all aware, that they would go the road of adopting the bill as is.

It was my view, as chair of the committee, that while it would have been desirable to fix the bill, it was not essential to do so. No legal damage was being done. We were doing something legislatively embarrassing, but not, in fact, creating harm.

Since I am on my feet, honourable senators, let me say once again how much I object to the growing use of these coordinating clauses, which I think of as "After you, Alphonse" clauses. They take the form of saying, If Bill *A* passes before Bill *B*, then sections such-and-such of Bill *B* will be amended. If Bill *B* passes before Bill *A*, then sections such-and-such of Bill *A* will be amended.

They are difficult to understand. The only people I can see who are helped by them are parliamentarians who do not want to go through the business of addressing the substance of the bills before them in the order they are received. These bills can lead to the kind of swamps in which the Standing Senate Committee on Legal and Constitutional Affairs found itself this morning. They are becoming more common. Bill C-59, which we adopted yesterday, has pages of these clauses.

Since I was given this opportunity, I will say that this is not an appropriate parliamentary way to go. It is not illegal; however, it is also not appropriate.

Hon. John D. Wallace: Being the Deputy Chair of the Standing Senate Committee on Legal and Constitutional Affairs, I was part of the discussion that took place today. I agree with Senator Fraser's conclusion that the committee is supportive of this bill. However, I differ with the honourable senator. We had this debate during our session today. I do not view the inclusion of clause 2 as being an embarrassment.

Clause 2 simply provided a contingency that, if certain circumstances should occur, it could affect the actual clause 7.1(1) that would be enacted. It was a contingency. However, those circumstances were not met. It does not affect the bill and that is the key point.

If, in the future, circumstances change, as with any legislation, and amendments are needed, then that process happens in the normal course. I believe that is the circumstance we have here. I believe Senator Fraser and I have come to the same conclusion in

support of bill. However, I do not believe that there was anything close to a consensus on the effect of clause 2. I did not feel it to be an embarrassment. However, I appreciate her point. She made it effectively today in committee.

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

Some Hon. Senators: Question!

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

Hon. Senators: Agreed.

(Bill read third time and passed.)

PATENT ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the second reading of Bill C-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

Hon. Roméo Antonius Dallaire: Honourable senators, having spoken to this bill, I am seeking from Senator Carignan whether he will speak expeditiously to this bill, or will it be left to die on the branch because we did not take decisive action while the chance was still there?

[*Translation*]

Hon. Claude Carignan: Honourable senators, yesterday I moved the adjournment on behalf of Senator Smith, who wishes to speak to this bill. I know that Senator Smith is not present today. So, unless another senator wishes to speak, I would like to move adjournment of the debate on behalf of Senator Smith until the next sitting.

• (1810)

[*English*]

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Carignan, seconded by the Honourable Senator Greene, that further debate in this matter be adjourned until the next sitting of the Senate, in the name of Senator Smith.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

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 "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: Call in the senators. Do the whips have a recommendation for the bell?

Hon. Jim Munson: Half an hour.

The Hon. the Speaker *pro tempore*: Is it agreed it will be 30 minutes?

Hon. Consiglio Di Nino: Yes.

The Hon. the Speaker *pro tempore*: I therefore wish to inform honourable senators that the vote will take place at 6:40 p.m.

Do I have permission to leave the chair?

Hon. Senators: Agreed.

• (1840)

Motion agreed to and debate adjourned on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	LeBreton
Ataullahjan	MacDonald
Boisvenu	Marshall
Braley	Martin
Brazeau	Meredith
Brown	Mockler
Carignan	Neufeld
Champagne	Nolin
Cochrane	Oliver
Comeau	Patterson
Demers	Plett
Di Nino	Raine
Duffy	Rivard
Eaton	Runciman
Finley	Seidman
Gerstein	Stewart Olsen
Greene	Tkachuk
Housakos	Wallace
Lang	Wallin—38

NAYS
THE HONOURABLE SENATORS

Banks	Jaffer
Callbeck	Joyal
Chaput	Lovelace Nicholas
Cordy	Mercer
Cowan	Mitchell
Dallaire	Munson
Day	Murray
De Bané	Pépin
Downe	Poulin
Dyck	Robichaud
Eggleton	Rompkey
Fraser	Tardif —25
Hubley	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil.

CANADA POST CORPORATION ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Donald Neil Plett moved second reading of Bill C-509, An Act to amend the Canada Post Corporation Act (library materials).

He said: Honourable senators, I rise today to speak to Bill C-509, An Act to amend the Canada Post Corporation Act. This legislation seeks to amend the act to include the library book rate, allowing Canada Post the ability to regulate the rate charged to libraries to ship materials, as well as allowing Canada Post to enter into an agreement with the Department of Canadian Heritage to continue this library book rate.

This legislation also includes a definition of library materials into the Canada Post Corporation Act, allowing it to expand to include modern-day technology.

The library book rate plays an important role in the Canadian library system, allowing for the seamless sharing of books between communities. Coming from rural Manitoba, I share the frustration of not always having access to larger city centres. With the library book rate, libraries can easily participate in inter-library loans, allowing urban and rural libraries alike to have access to the vast library collections across Canada.

It also enables libraries across Canada to ship books to those who do not necessarily have access to a library. It is estimated that approximately 1 million Canadians benefit from this library book rate annually.

Canada Post has been offering a highly discounted postage rate for library books for over 70 years. The rate is significantly discounted, up to 95 per cent of regular parcel rates available to Canadians at Canada Post counters. As public institutions, libraries seek to minimize their costs while maintaining a high level of service to Canadians. Saving on postage rates allows libraries to increase their investment in educational programs and expand their collections.

For the past couple of decades, the library community has been calling for the library book rate to be expanded beyond books to include technological media that are an increasingly important part of their collection.

• (1850)

As it is currently offered, the library book rate is only available for books. When this rate was first established many years ago, it was not envisioned that there would one day be such technologies as CDs. By including a definition of "library materials" in the Canada Post Corporation Act, the library book rate will be available to modern-day materials such as CDs, DVDs and books on tape.

This legislation received unanimous support in the other place and received generous support from groups all across Canada, including the largest national library group in Canada, the Canadian Library Association. Thousands of Canadians from coast to coast have also signed petitions in support of this bill.

I applaud the Member of Parliament from Brandon-Souris, Merv Tweed, for bringing forward this comprehensive bill. I ask all honourable senators to lend support to this excellent piece of legislation.

(On motion of Senator Tardif, debate adjourned.)

QUEEN'S UNIVERSITY AT KINGSTON

PRIVATE BILL TO AMEND CONSTITUTION
OF CORPORATION—SECOND READING

Hon. Lowell Murray moved second reading of Bill S-1001, An Act respecting Queen's University at Kingston.

He said: Honourable senators, I will impose upon your patience at this relatively late hour only to the extent of providing the shortest possible statement as to the background of the bill and to provide as succinct a description as I can of its provisions.

The purpose of the bill is to amend the charter of Queen's University at Kingston. Queen's University was incorporated by a royal charter issued by Queen Victoria in 1841. Legislation had been passed through the Parliament of the United Province of Canada a year earlier. Fast-forward to Confederation and the post-Confederation years, and the question became: What government — what legislature — had the authority to enact amendments to the Queen's University charter?

After some debate, some trial and error, and some litigation that was deemed to apply to Queen's, the conclusion was that the Queen's University charter could be amended not by the Legislature of Ontario acting alone, or by that of Quebec acting alone, or by the two of them together, but only by the Parliament of Canada. That is the situation we are in.

Accordingly, Queen's University has come to Parliament eight times since Confederation to have its charter amended. The first time was in 1882, when the amendments were brought

forward by the then-MP for Kingston, Sir John A. Macdonald. After that, the charter was amended by Parliament in 1889, 1906, 1912, 1914, 1916, 1961 and, most recently, in 1996 when I had the honour of piloting amendments to the charter through Parliament, through this place.

What I have just offered, in a telescoped way, represents extremely detailed legal and constitutional history that I placed on the record in what I thought was an absolutely arresting, compelling and gripping speech in 1996. It is all there. For those honourable senators who were present and liked the speech so much that they would like to reread it, and for those here who were not present but would like to study this legal and constitutional history for ease of reference, honourable senators may find my speech in the *Debates of the Senate* of June 10, 1996, a mere 15 years ago.

I am ready if any honourable senator is so interested as to ask questions. I brought with me various legal briefs on the subject to which I can refer.

This bill will amend the Queen's charter first through amendments affecting sections 7, 10 and 11 of the 1912 act in order to reduce the membership of the board of trustees of the university from 44 to a more workable 25 members; and to empower the board of trustees to make bylaws with regard to the governance of the board of trustees. Second, this bill would amend the charter, through amendments affecting sections 14, 15 and 17 of the 1912 act, so as to continue the university council, which is basically an advisory body; and to empower the council to enact bylaws in regard to their own composition and governance, and with regard to the appointment and the manner of appointment of various officers, including the chancellor and rector of the university.

If this bill passes, the good news is that we will be "patriating" — to use a term familiar to most of us — parts of the charter and providing back to Queen's a partial amending formula so that their petitions to Parliament to have their charter amended will be even less frequent in the future than they have been in the past.

If this bill receives second reading, I will move that it be referred to the Standing Senate Committee on Legal and Constitutional Affairs, as previous bills of this kind have been.

Once it goes to the House of Commons, if it does, I have every reason to hope, at least in the present circumstances, that it would find expeditious treatment. The present Speaker of the House of Commons is the Member of Parliament for Kingston and the Islands, and the present Government House Leader, Mr. Baird, is a graduate of Queen's University. If those two together cannot expedite this bill, then that place is in even worse shape than I thought it was.

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

Some Hon. Senators: 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.)

[Senator Murray]

REFERRED TO COMMITTEE

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

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

STUDY ON NATIONAL SECURITY AND DEFENCE POLICIES

SEVENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report (interim) of the Standing Senate Committee on National Security and Defence, entitled: *Sovereignty & Security In Canada's Arctic*, tabled in the Senate on March 22, 2011.

Hon. Pamela Wallin moved the adoption of the report.

She said: Honourable senators, I would like to say a few words tonight, as might the Deputy Chair of the Standing Senate Committee on National Security and Defence. I know that our time is short and there is a lot I would like to say about this. However, let me give honourable senators a brief highlight of what we have discussed at length in our committee.

This report is about Arctic sovereignty and security, and it is an interim report. It is not intended to be exhaustive on the subject, and it is not necessarily our final word. There are pressing defence and security issues today, exigencies of Canadian politics, and we do not know when the next report will come forward.

• (1900)

It is the intention of your committee to produce reports that are clear, concise, on topic, and based on witness testimony and whose recommendations are doable in a climate of fiscal austerity.

Something that one of our witnesses said helped shape our discussion and was very formative. He said:

> In the end, the battle for the Arctic will be fought by scientists and lawyers. The weapons will be information and scientific data, and the battleground will be conference rooms and courtrooms.

Honourable senators, that is the nature of the discussion we are having. After the post-Cold War period, the Arctic has re-emerged into the public consciousness because the climate is changing, the Arctic ice is shrinking, and it is revealing the bonanza of oil and gas and minerals and fish and marine life. We all know the world is resource hungry. At the same time, people are looking for short and less costly sea routes for transportation. These are raising a series of issues.

These waters will be open to other kinds of marine traffic. It will allow resource development offshore, and it will clear the way for tourists to cruise through the Arctic.

Resource and transportation routes have long been points of contention among nations and a leading cause of conflict. Access to the resources and transportation routes is now an issue of national security everywhere. Nations everywhere, especially Arctic nations, are thinking about how we handle these issues, and Canada remains a leading Arctic player. The government of the day has taken a particular interest in the Arctic. It reflects the region's growing importance in world affairs and our national life.

The Canada First Defence Strategy speaks to the defence of the Arctic and includes plans for six to eight Arctic Offshore Patrol Ships. Canada's Northern Strategy outlines measures for exercising sovereignty in the Arctic, including design and construction of new polar class icebreakers, and an expansion of the Canadian Forces' facilities and capabilities. Recently, the government outlined a Canadian Arctic foreign policy. The Prime Minister takes a great personal interest in this subject, and as Canada's Foreign Affairs Minister told us, the importance of the Arctic and Canada's interest in the North has never been greater.

We do have our disputes with Denmark and the United States, and the long-standing dispute over the Northwest Passage. Beyond all of these, there is the broader international picture, and there are other players that want to be part of this debate, even though they are not Arctic nations.

Honourable senators, we looked at the following questions: Are we sufficiently aware of what goes on in this sparsely settled place? Is Canada keeping pace with the developments unfolding because of climate change? Is the region again in danger of becoming militarized, as it was in the Cold War? What are the military threats, if any, and what are the non-military threats? What is Canada doing? What needs to be done to secure our territory in the North?

We made recommendations. I will recount those quickly. At some future point, I will speak at greater length about this. We have recommended that the government make speedy acquisition of new fixed-wing, search-and-rescue aircraft, and to make that the top of military procurement priorities, and that target dates be published for that particular program.

We have asked that the government keep the Canadian Rangers Modernization Program on track with consideration being given to expanding the rangers' role in the marine environment. That program should go forward sooner rather than later.

We have asked that the government ensure procurement of the polar icebreaker *John D. Diefenbaker* by the end of 2017, which is the year the Canadian Coast Guard expects the ship to enter service.

The government should consider reallocating existing Canadian hydrographic service funds. It took the committee by surprise that more work needs to be done on a high-priority basis to upgrade marine navigational charts and create new ones. It turns out that we do not know what is under that water and ice in that vast area.

Honourable senators, we have asked the government to take steps to create an Arctic pilotage authority, whose purpose would be to require that commercial marine vessels in the Arctic carry pilots for the narrow passages. In other words, we need people who know what they are doing when they negotiate through this area.

In order to reduce search-and-rescue response times in the Arctic, we have asked the government to position some of the Canadian Forces SAR assets at a central location in the North so there is always an aircraft on standby, as there are in the South. Most of our assets are here.

We have already received some response to this report. It is all very positive. We are encouraged by that. We will continue to look at this issue, but I know that my colleague would like to say a few words as well.

[*Translation*]

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to say a few words about this excellent interim report from the Standing Committee on National Security and Defence, whose recommendations can be reasonably applied.

[*English*]

I wish to raise one dimension of it to clarify the background and to prepare the way for the continued study of the Arctic sovereignty and security.

We have Minister Cannon's report, and he says:

> The first and most critical pillar of the Northern Strategy is exercising Canadian Arctic sovereignty.

In 1987, during the Mulroney years and the Cold War era, we produced a white paper that articulated essentiality under the Cold War context the building a major base in the North and the deploying up to a thousand troops permanently in the northern area, being rotated every three months. The paper articulated that we would have the air force in permanent deployment and the navy would acquire nuclear powered submarines.

That was very much a security dimension during the Cold War, and although it was in the 1987 white paper that was approved on June 5, 1987, by June of 1989, that white paper was nearly destroyed and those projects disappeared.

Mr. Wilson had influenced the Prime Minister to say that the white paper was unaffordable resulting in massive cuts. Ultimately, all the investments, including acquiring vehicles like the BV206s, which we invented in the 1950s, sold to the Norwegians and the Swedes and they are selling them back to us. All the equipment for the North was cancelled and those projects were for naught.

Honourable senators, here we are 20-odd years later, and we are back there. I think we are back there under the context of not a Cold War, but under the context of Canada and its priorities and what it sees as its role within the Arctic region, in the circumpolar scenario.

I would like to raise the question of whether we have sovereignty and security.

I want to quote from Alan Kessel, who is a legal adviser to the Department of Foreign Affairs and International Trade. He took issue with those who say Canada claims sovereignty. Mr. Kessel said, "This is a misnomer; you do not claim something that you own."

That is a fundamental argument in this report, namely, that we own it. It is not a matter of whether we should exercise our sovereignty and prove it. We own it. It is a given. Someone has to prove to us that it is not ours.

• (1910)

In that context, Mr. Kessel then highlighted the difference between sovereignty and security, and the danger of confusing the two. One may have it sovereign, but it may not be secure. I will read this short excerpt:

> If you have a house and someone runs through your backyard in the middle of the night, you do not lose sovereignty of your house. You still own it. You may question the security of your backyard, and you may want to look into that, but you do not lose ownership of something just because you question whether it is secure enough. That is key in understanding this particular issue because once you start falling into the realm of "If it is not secure, it is not mine,'' I think you have lost much of your argument. It is always yours.

Canada, therefore, as the report says, does not claim sovereignty of the Arctic region; it owns it.

With that, the chair of the committee read out the recommendations, and I will spend a few moments amplifying recommendation number 2, which states the following:

> The Government keep the Canadian Rangers modernization program on track, with consideration given to expanding the Rangers' role in the marine environment. The program should be completed sooner than later.

We have in the North an incredible capability that has never been used or developed in exercising our security and fully engaging the people of the North in that responsibility. I will read from a study I was involved with regarding the Canadian Rangers and putting them on the water. Right now, their role is land-based. The extension of the Canadian Rangers on the waters, in my opinion, is a significant advancement towards maximizing the security of the people of the North and rendering the security far more effective. I speak of security in the generic sense, that is, security from oil spills, rogue ships or whatever other potential threats there are. If I may read from the study:

> To secure our North, and to consequently support our position that the waters of the Northwest Passage are internal, Canada needs to mobilize local assets effectively — as quickly as possible. One well-established asset for local surveillance is the Ranger Program, which operates across Canada but is of particular importance in the Arctic. These lightly-armed, land-based custodians are part-time and trained by the Canadian Forces. Not only would the Canadian Ranger Patrol Groups of the Arctic, who are largely Inuit, bring an unquestionable credibility to the Canadian claim of Arctic waters, but an expansion of their role can be done quickly and at relatively low cost. Administered properly, enhanced employment and training can also raise the quality of life for Northern communities, which face unique challenges.

I am arguing for acquiring the small vessels, providing training and expanding the Ranger capability from a 17- to 19-day-a-year operation to a semi-part-time operation, particularly when the waters are open, which is at least four months of the year, and might be more. Rangers would be deployed on the waters and conduct the surveillance.

I will make two arguments, one on efficiency and the other one on credibility. Regarding the efficiency of using the Aboriginal people of the North in this role, the advantages of employing local Aboriginal people to patrol Northern waters rather than Southern people runs far deeper than savings on relocation and training costs, which are in themselves substantial. Local Aboriginal peoples can offer rich, contextual knowledge and years of experience, which cannot be matched by even the best-trained Southern personnel. Furthermore, those with a personal connection to the area are likely to stay in the Ranger Program and with their particular detachments for much longer periods. That stability is particularly important, given the steep learning curve and the costliness of errors made in the Arctic.

As for the credibility of using the Aboriginal peoples and the advantages that accrue from this approach, the international community would find it more difficult to criticize the Aboriginals for protecting their traditional harvesting grounds. There is a little nuance here about their way of life and how they sustain it. Aboriginals worldwide have an inherent credibility when it comes to their traditional interests. This credibility would further strengthen their position on the matter of the internal waters and sovereignty. The Aboriginal inhabitants of the Canadian Arctic provide the most compelling arguments to support Canada's position that the waters of the Arctic archipelago are internal waters.

Work has been done on expanding that role to the waters where the Rangers would be on the waters for up to five months, up to 25 days a month, patrolling in these smaller vessels and providing an asset that no one from the South could imitate nor do as effectively.

The estimate to build that capacity — the small boats, the training and even salaries — is an initial cost of about $4 million, and then an annual cost of about $1 million to $1.5 million. It is peanuts compared to what we invested with the border services when we armed them and it cost us $1 billion for them to carry pistols. They are dangerous, just looking at them and the training levels that I have seen so far. We invested $1 billion to arm our Southern border people, and in the North, we are questioning whether we can expand the role of the people who live there to a better one, which would cost us peanuts in comparison.

In the future study, I hope that we significantly and aggressively pursue maximizing the roles of the Northern people in the security of the North and the footprint for us there, not only at an

effective cost but also to give the people of the North a sense of belonging and partnership, and a sense that this nation is engaged with all people for its security and its future.

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

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

THE SENATE

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

On the Order:

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

Hon. Tommy Banks: Honourable senators, I will not bore you by recounting my reservations about this motion, as I referred to them yesterday. They are along the same lines. Senator Di Nino and I had an exchange yesterday about this question. My reservation is to remind honourable senators that governments ought to deal with governments and that legislatures, this legislature in particular, ought not to deal with governments.

• (1920)

Looking at Motion No. 50, the first two paragraphs cause me no concern. "That the Senate condemns . . . barbaric attacks . . ." We can certainly do that. "That it expresses its condolences . . ." We can certainly do that as well.

While we have the right, as Senator Di Nino said, I think, to do the third thing, it is the third thing that causes me pause. "That it" — being the Senate — "urges the Pakistani authorities to ensure equal rights . . ." et cetera. I think it is appropriate that we should ask the Government of Canada to urge the Pakistani authorities.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Are we on the same motion? We are on No. 50.

Senator Banks: Yes.

Senator Comeau: I believe the honourable senator is referring to Senator Di Nino's Motion No. 84.

Senator Banks: No. What I said was that the reservations that I have about this motion are the same as the ones that I was discussing with Senator Di Nino yesterday and that yesterday, in that discussion with Senator Di Nino, I referred to Motion No. 50. We are now dealing with Motion No. 50.

My reservation is the same, that it ought to be government to government. In order to give effect to that, and without taking any more time, honourable senators, I propose a motion that I hope Senator Finley will find to be a friendly one. It is intended to be friendly.

MOTION IN AMENDMENT

Hon. Tommy Banks: Therefore, honourable senators, I move:

> That the motion, as amended, be further amended in the third paragraph, by replacing all the words after "That it", with the words:
>
> "asks the Government of Canada to urge the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice."

The Hon. the Speaker *pro tempore*: It has been moved by the Honourable Senator Banks, seconded by Honourable Senator Day, that Motion No. 50, as amended, be amended as follows:

> That the motion, as amended, be further amended in the third paragraph, by replacing all the words after the words "That it", with the words:
>
> "asks the Government of Canada to urge the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice."

Hon. Doug Finley: Honourable senators, I guess I am quite in agreement with Senator Banks. I have no problem with the motion as amended and would certainly encourage everyone to support it.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Are honourable senators now ready for the question on the motion as amended?

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion, as amended, agreed to.)

SENATE ONLINE

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the online presence and website of the Senate.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak to Senator Mitchell's inquiry that draws attention to the importance of having an online presence.

Canadians are fundamentally unaware of the tremendously valuable work that is conducted within the upper chamber and committees we all operate within. The lack of effective, intelligent online integration and the synergistic development of a robust digital online presence for the Senate of Canada can only be viewed as a tremendous detriment to the important work we conduct on behalf of Canadians.

Honourable senators, we live in a rapidly changing world, one in which time is no longer measured in years and months, but minutes and seconds. The age of this establishment's traditional industrial media's highly editorialized content publication and controlled syndication has arguably run its course. The traditional push messaging model of one-to-many has changed dramatically to a widely adopted individualistic pull model, in which anyone with access to an Internet connection can decide for themselves what content they choose to consume and when to consume it.

In addition to this fundamental shift in human behaviour, each individual now has the ability to be location- and time-independent, as compared with being bound to a television to view a specific broadcast at a specific time, which seems somewhat archaic.

For clarification, "push" often refers to messaging that is splashed to people, whether or not the person wants to receive the information now, such as television commercials. A "pull" is when people actively seek out information or content. For example, searching for something on Google is pull marketing. Push marketing is television commercials and far less targeted or efficient.

The shift from desktop computing has transcended quickly to a more quickly adopted mobile computing platform, for our mobile phones are no longer simply viewed as a telephone in the same way that our BlackBerry devices are no longer for simple email alone. These devices have become a fundamental part of the vast majority of everyday Canadian lives, for they truly are personal communication devices, devices that enable an individual instant access to an endless amount of information on demand and without limitations.

It is critically important to acknowledge this is certainly not only a Canadian phenomenon, for in less than half a decade, a substantial proportion of the world's population has gained relatively inexpensive and reliable access to information and communication technology.

While barely scratching the most basic of surfaces, I am sure the importance and acceptance of my previous statements are undeniably obvious, and so I enter an issue that affects all 105 senators of this upper chamber.

It is absolutely unacceptable that an institution as important as the Senate of Canada has an arguably antiquated online presence. The value of directly engaging with Canadians, while in the constructs of a less intimidating social online ecosystem, will only help Canadians to understand the work we all conduct. To some degree, these matters have been discussed previously, but what has always been missing is true organic long-tail integration.

What I mean is the ability to create and foster issues that truly matter. Issue-based optimization is a more advanced aspect of true online integration and digital development, but a profoundly imperative one. It is the ability to target issues and map them to actual user data, such as keyword evaluation and query string GeoIP. The IP stands for "Internet protocol," which every device that connects to the Internet has. It is like a phone number for computers so they can talk to each other. IP analysis provides actionable real-time information to those to whom our work will matter the most. GeoIP is the location of a personal computer by its IP address and geographic location. It can be thought of as an area code for a phone number.

The Social Web 2.0 phase of the Internet and online generation is quickly coming to a close and manifesting into a much more efficient and systematically integrated Semantic Web, which many industry professionals have referred to as Web 3.0. Web 3.0 is called the fully interconnected or Semantic Web. This is like the next stage of the Internet and it is starting to take shape.

The importance of developing and allowing Canadians to appreciate the value of our work has perhaps never been so important.

• (1930)

In a time of information overwhelm, the clarity of a well-planned and strategic online presence should be at the forefront of what we offer to Canadians. The utilization of powerful tools, analytical data sets and user metrics can provide tremendous value to the work of this chamber.

The effective development of a powerful online presence for the Senate, in a rapidly evolving digital space, allows for substantial opportunity with the utilization of highly targeted search engine optimization, social media optimization and community-driven interaction and development.

Honourable senators, we have a lot to share with Canadians. Let us get the information to them through a medium to which they are now accustomed.

The Hon. the Speaker *pro tempore***:** Further debate?

(On motion of Senator Banks, debate adjourned.)

[*Translation*]

THE SENATE

MOTION TO CALL UPON CHINESE GOVERNMENT TO RELEASE LIU XIAOBO FROM PRISON— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stewart Olsen:
>
> That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

Hon. Percy Mockler: Honourable senators, today we all have a common goal, to make our region a better place to live, to work and to ensure that democracy is recognized around the world.

[*English*]

Honourable senators, this motion is very important. I applaud the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stewart Olsen, that the Senate of Canada call upon the Chinese government to release from prison Liu Xiaobo, the 2010 Nobel Peace Prize winner.

Honourable senators, I rise to add my voice to those of Senator Munson, Senator Di Nino, Senator Stewart Olsen and others who believe the Senate of Canada should call on the Chinese government to release the Nobel Peace Prize winner, Liu Xiaobo.

[*Translation*]

This is something we must do to show people and countries around the world, once again, that democracy and respect for human beings are important.

[*English*]

Honourable senators, we have had this important issue on our Order Paper for weeks. We should not delay dealing with this any longer.

[*Translation*]

I believe that today, in this august chamber, we must show the entire world, and particularly the Chinese government, that we respect human rights. We must take action now.

As Senator Munson said so well in this chamber, together, we must urge the Chinese government to release Liu Xiaobo.

[*English*]

Honourable senators, every day we see news stories from countries where oppressed peoples are fighting for freedom. In Canada we know what freedom is all about. Brave people in Egypt, Tunisia, and now Libya, have had the courage to stand up to their oppressors and fight for what we have every day: freedom. As Canadians we rightly applaud those freedom fighters, but, when it comes to Liu Xiaobo, we are strangely silent.

It is time to do the right thing. Honourable senators, we must do it for peace, for good order and for good government.

Experts on China report that, instead of learning from these nascent democracy movements in Egypt and elsewhere, they report the political climate in China has become more tense and repressive. It is an outrage that since Liu Xiaobo was awarded the Noble Peace Prize last October, the conditions of his captivity have not gotten better, but have actually worsened. I find it incredible that the Chinese government is so insensitive. The right thing to do is collectively and together, we ask the Chinese government to move immediately.

Although the Chinese Premier, Wen Jiabao, has repeatedly said in public that China needs political reform to sustain its economic growth, journalists report the Chinese leadership has, on the contrary, become far more sensitive to any signs of political instability in their country.

Honourable senators will remember the Chinese government condemned the Nobel Committee's presentation of the Nobel Peace Prize to Liu Xiaobo as interference in China's internal affairs, on the grounds that he is a convicted criminal. We know better, as Canadians, when we look at freedom.

Liu Xiaobo was arrested in late 2008 for drafting Charter 08, which calls for democratic reforms in China. For doing so, Liu Xiaobo is now serving an 11-year sentence.

It is time for the Senate of Canada, honourable senators, to stand up collectively and tell the Chinese government the truth. China's persecution of Liu Xiaobo and other so-called dissidents is an affront to decency, to democracy and to the respect of human rights. It blackens the name of their otherwise great nation.

Honourable senators, let us add our voices to those of democrats everywhere in the world and tell China to let Liu Xiaobo out of prison now.

Hon. Tommy Banks: I wonder if Senator Mockler will accept a question.

Senator Mockler: Yes.

Senator Banks: One is never supposed to ask a question unless one knows the answer, but I cannot know the answer to this because I do not yet know the mind of Senator Mockler.

What would the senator's reaction be if the Senate of Italy — not the government but the Senate of Italy — sent a note to the Government of Canada demanding that it seek the repatriation of Omar Khadr?

Senator Mockler: Honourable senators, let us look at the facts that we are dealing with in the circumstances of Liu Xiaobo. Let us deal right now with the issue of freedom, democracy and making this a better world. Thank you.

Hon. Consiglio Di Nino: Honourable senators, I would like to ask a question and then make a motion.

• (1940)

The question is this: Do we have the authority as a constitutional body? Does the Senate need to go to big daddy and say, "Please, may I do this?" That is the question. We have had a ruling from the Speaker that we have the authority, we are able to do this, and on these issues we should not be concerned about having to ask permission from the other House of Parliament.

Is the honourable senator aware of that ruling that we received about two years ago from the Speaker?

Senator Mockler: I could not have said it better than how it was presented by my colleague Honourable Senator Di Nino. This is why we need to ask the Government of China to act now, because of democracy and because of the freedom we have. We have seen good governance and we work together to demonstrate to the world that Canada is a country that can lead by example. Let us continue to lead by example.

Senator Di Nino: I move the question.

The Hon. the Speaker *pro tempore***:** There are other honourable senators who wish to pose questions.

Senator Di Nino: As long as I can move the question, that is fine.

The Hon. the Speaker *pro tempore***:** The Honourable Senator Banks.

Senator Banks: With respect to what Senator Di Nino has said and the question he asked of the honourable senator, does the honourable senator have the impression that Senator Di Nino meant that the Government of Canada and the House of Commons are one and the same?

Senator Mockler: I am not a constitutionalist, nor do I claim to be a constitutionalist. However, I will rely on the wisdom of the senators here in this august chamber, and I do support what my colleague Senator Di Nino mentioned earlier.

The Hon. the Speaker *pro tempore***:** Does Senator Day have a question?

Hon. Joseph A. Day: I have a statement on a matter of procedure. Senator Di Nino has indicated that he wants to speak again, and that will close the debate. This matter was reserved in my name.

Normally, I would have expected the courtesy from Senator Mockler of saying, "May I speak?" when the matter is reserved in my name. The honourable senator is a colleague. I said nothing when he was speaking. However, I would have expected him to say that when he finishes speaking, the matter be returned to the adjournment, which is already in my name.

The Hon. the Speaker *pro tempore***:** Does the honourable senator wish to put a question to Senator Mockler now?

Senator Day: I made my point. I wish the matter to revert to my name in adjournment.

Hon. Anne C. Cools: Honourable senators, I have a question. I thank Senator Mockler for his impassioned statement. I would also say that I have respect for Senator Di Nino. I want to put that on the record, honourable senators. However, the motion says:

> That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

Honourable senators, how can the Senate call on the Government of China? What is the mechanism by which the Senate of Canada calls upon the Government of China? Do we have a diplomatic representative there who will deliver the message? How does a calling happen? What is it and how does that work?

[*Translation*]

Senator Mockler: Honourable senators, in the spirit of Motion No. 84 moved by Senator Di Nino and seconded by Senator Stewart Olsen, I think that Canada has a role to play. The role Canada has to play, as a democracy — a democracy envied by hundreds of countries around the world — is that it has to make a gesture. Senators on both sides of the chamber, both Senator Munson and senators on this side of the chamber, want to make a gesture to send a message to the Chinese government.

Why? Because we are a democratic country envied by hundreds of countries around the world and, as such, we must send a clear message.

[*English*]

Senator Cools: If that is what the honourable senator is trying to do, the motion does not say so. The motion is quite clear that the Senate of Canada ". . . call upon the Chinese Government." It does not say what the honourable senator thinks it is saying.

The words of the motion are very explicit, that the Senate of Canada call upon the Chinese government. Since that is what the motion is asking the Senate to vote on, we should know what we are voting on and how that action of calling is supposed to take place.

Senator Banks: Send him a fax.

Senator Cools: I am serious. I do not believe that Senator Di Nino intends to be difficult or vague; however, the fact of the matter is that there is no mechanism for the Senate to do what it is being asked by vote to do.

Senator Mockler: Honourable senators, there is no doubt in my mind that the honourable senator opposite is not trying to be difficult.

Some Hon. Senators: Oh, oh!

Senator Mockler: However, I do agree that there is a statement to be made. Honourable senators, let us show that Canada, with the democracy we have, will make that statement.

The Hon. the Speaker *pro tempore***:** Honourable senators, Senator Mockler's time for questions has expired.

Honourable senators, the *Rules of the Senate of Canada* provide that if Senator Di Nino is to speak now, it will have the effect of bringing the debate to an end. The matter stands in the name of Senator Day, and Senator Day has indicated that he wishes to speak. If Senator Day wishes to speak, he has a right to speak, because the matter has been adjourned in his name prior to Senator Di Nino speaking. If Senator Di Nino speaks, it will bring the debate on this matter to an end.

Senator Day: Honourable senators, indeed I wish to speak. I have been doing a lot of work to get ready to speak. I am not ready to speak this evening, and that is why I would like to have the matter adjourned in my name.

The Hon. the Speaker *pro tempore***:** The motion is in the name of Senator Day, but today we have had debate. Senator Mockler spoke, and there were questions and an exchange from both sides. That being the case, after that debate has taken place, there must be a motion to adjourn.

It has been moved by Honourable Senator Day, seconded by Honourable Senator Banks, that the matter be adjourned in the name of Senator Day. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yea.

Some Hon. Senators: Nay.

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.

Senator Day: Who has it?

The Hon. the Speaker *pro tempore***:** The "nays."

And two honourable senators having risen:

Hon. Jim Munson: Fifteen minutes.

Hon. Terry Stratton: Fifteen minutes.

Hon. Lowell Murray: No. I do believe, if I may say so, that it would take something more than an agreement by the whips to do this in 15 minutes. I have objected on numerous occasions to 15-minute bells for reasons that I think most of us understand, that is, the location of the offices of senators in other parts of town and of the parliamentary precinct. I do not think it is fair to have a bell of any less than 30 minutes.

The Hon. the Speaker *pro tempore***:** Honourable senators, the *Rules of the Senate of Canada* provide that if there is not unanimous consent to have less than a one-hour bell — and Senator Murray has indicated that he is opposed to a 15-minute bell — it will be a one-hour bell.

Senator Munson: Your Honour, the whips agree to 30 minutes.

The Hon. the Speaker *pro tempore***:** Honourable senators, the whips are now saying 30 minutes. Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore***:** The vote will be at 20 minutes after 8, honourable senators.

• (2020)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Banks	Fraser
Callbeck	Hubley
Chaput	Lovelace Nicholas
Cools	Mercer
Cordy	Mitchell
Cowan	Munson
Day	Murray
De Bané	Pépin
Downe	Poulin
Dyck	Robichaud
Eggleton	Tardif—22

NAYS
THE HONOURABLE SENATORS

Andreychuk	Lang
Ataullahjan	Marshall
Boisvenu	Martin
Braley	Meredith
Brazeau	Mockler
Brown	Nancy Ruth
Carignan	Neufeld
Champagne	Oliver
Cochrane	Patterson
Comeau	Plett
Demers	Raine
Di Nino	Rivard
Duffy	Runciman

Eaton	Segal
Finley	Seidman
Gerstein	Stewart Olsen
Greene	Tkachuk
Housakos	Wallace
Jaffer	Wallin—38

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

Hon. Joseph A. Day: Honourable senators, thank you for your support of my request to properly prepare for this matter. I have been working diligently on what I believe to be an important subject for the government, namely, supply. We have been working in the Standing Senate Committee on National Finance extensively over the past two weeks. That is why I have not had the time to draw my thoughts together in the manner that I would normally and in the manner you would expect me to.

Second, I will propose a compromise and what I believe to be a friendly amendment that I hope will be accepted in this matter. Preliminary to that proposal, however, I want to say as well that the process in this chamber that I have seen in the years that I have been here has been that when a senator has taken an adjournment and then he or she is not asked to yield by the person who typically takes the matter and speaks on it, the resolution then reverts to the person who had the adjournment. It is a yield-and-revert type of system.

That, honourable senators, is a process His Honour did not follow in this particular instance. In fact, I was not even consulted with respect to the speaker, the Honourable Senator Mockler, who stood up and started speaking. However, I know Senator Mockler and, out of courtesy, I allowed him to continue rather than standing up and saying, "This is in my name: Why is he speaking?" I am disappointed in that process as well.

Honourable senators, that being said and that being put on the record, the friendly amendment I propose flows from Motion No. 84. It is the second paragraph that is the resolution. This is how it reads now:

> That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

What I suggest as a friendly amendment to my honourable colleague begins after the words "call upon." The first part would continue to read "That the Senate of Canada call upon," but then add the words "the Government of Canada to discuss with the Chinese Government the welfare of Mr. Liu Xiaobo," and then delete the balance of the paragraph.

Honourable senators, this is the friendly amendment I propose. If I have some indication that it is likely to be accepted, then I will not go through the points that I have prepared roughly to give you some background in relation to this particular matter and why, in my view, this resolution is highly inappropriate: namely, to ask that someone be released from prison without any background as to whether it is believed that there is no due process or whether we are saying that the person should be released from prison because he has received the Nobel Peace Prize, thus replacing the judges with the judges of the Nobel Peace Prize.

Was the purpose to have him released from jail so that he could go to Oslo to receive his Nobel Peace Prize, which was the debate at the front end? However, that has long since passed. This chamber should not accept this resolution as it is currently worded, as we should not accept any resolution that is unclear and could be interpreted in several different ways. That is one of my concerns, honourable senators.

• (2030)

I wish to make a point about timing. Some have said that it is very important that we pass this immediately. We often hear that we must pass things immediately, for various reasons. This motion was filed in this chamber on December 7, 2010.The Nobel Peace Prize was awarded on December 10, three days later. However, the announcement that Mr. Liu was the winner was made on October 8. If we wanted him to be released in order that he could receive his Nobel Prize, why was the motion not introduced shortly after October 8 rather than only three days before the ceremony was to take place? The fact is that he had been in prison for a considerable period of time before that. He was arrested on January 23, 2009.

Mr. Liu himself said that he has no enemies and has no hatred. He said that none of the police who arrested him, none of the interrogators who interrogated him, none of the prosecutors who prosecuted and indicted him, and none of the judges who judged him are his enemies. That tells you something about the man. It is absolutely wonderful that the man would say those things but, more important, it tells you about the process. There is no argument that there was not due process, and that, to us, is an important point.

Honourable senators, this man is not Mr. Khadr. Mr. Khadr is being held in Guantanamo Bay prison without due process year after year. This is a person who has gone through due process, and the judicial system is being developed as a result of much work that the Canadian International Development Agency has been doing in the People's Republic of China. We have also helped them in setting up their civil service. We have been doing that for a good number of years. The judiciary is a reflection of the work that we have done with them. Now, in a motion from one of the instruments of the Canadian government, this institution, we say that the Chinese government should release this man because he received the Nobel Peace Prize. What kind of nonsense is that? That is what this motion says.

Honourable senators, we must either change this motion so that it is acceptable to everyone or we embarrass ourselves by passing the motion. That is my major concern.

I accept Senator Poy's comment that this kind of motion will do nothing for relations that we have been trying to build for a good number of years with the People's Republic of China. I accept the arguments and statements made by Senator Banks with respect to government-to-government. I have been to China on many occasions and have met with people who work in human

rights and are human rights advisers. I have had discussions on human rights in these Parliament Buildings with the Chinese ambassador and a number of members of the National People's Congress. They are never reticent to talk about human rights issues. I can tell that you that what goes on in Tiananmen Square today is nothing like what went on in Tiananmen Square 20 years ago. That area has changed tremendously. They are trying to improve. They ask what they can do to improve, and we provide them with as much advice as we can in that regard. They will take more.

Honourable senators, I hope that my proposed amendment has been prepared and circulated for honourable senators to see.

MOTION IN AMENDMENT

Hon. Joseph A. Day: Therefore, honourable senators, I move:

> That the motion be amended by replacing all the words after "call upon" with the words:
>
> "the Government of Canada to discuss with the Chinese Government the welfare of Mr. Liu Xiaobo."

I am hopeful honourable senators will accept this amendment, as it is intended as a compromise to try to reach a resolution on this matter.

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

Hon. Jim Munson: Debate.

The Hon. the Speaker *pro tempore***:** The Honourable Senator Munson on debate.

Senator Munson: Honourable senators, I will keep my comments brief on this very important issue. I respect the right to speak in our Parliament, and I beg to differ from my fellow Liberal senator. Senator Day has his points of view. You have heard me speak in this chamber. Tiananmen Square may look good on the surface today with people going about their business. I would be more accepting of a motion that is government-to-government, although I do not like that either.

Honourable senators, let us look at our very recent history. This motion is not before us because Liu Xiaobo is a Nobel Peace Prize winner. This motion is before us because the man stood up for human rights. This man stood up for democracy and many other things. I met this man in 1989. We know what the welfare of Liu Xiaobo is right now; he is languishing in a prison. He will be there for the next 11 years, and if the world stays silent, he could be there even longer.

I respect the arguments of Senator Day and Senator Poy. However, when the European Parliament speaks, it speaks as a bipartisan parliament; when the U.S. Congress speaks, it speaks as a bipartisan group; when members of the House of Commons speak, they speak as individuals. We are empowered to speak that way.

This statement shows that in this constitutionally empowered body we have every right to make a statement about how we feel. I learned after living in China for five years that we are not criticizing anyone. We are simply saying that this gentleman has spoken in the way that we all speak in this country each and every day, and we take it for granted. For the words that he has spoken, he has been put into a Chinese prison for 11 years. I have visited Chinese prisons; they are not nice. He cannot speak to anyone now.

Who will speak for Mr. Liu except us?

• (2040)

Hon. Percy E. Downe: I will not repeat the comments of Senator Munson because he summed up the issue very well. Senator Day is not only a colleague, but also a friend. We have worked together on many committees. However, on this area, we have to part company. I wonder if Senator Day would consider changing his amendment to the Government of Canada. Rather than the word "welfare," use the words "release of." That might be an even friendlier motion that might have more enthusiastic support from many members of the chamber.

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

IMPORTANCE OF CANADA'S OIL SANDS

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Doug Finley: Honourable senators, I rise today to speak to Senator Eaton's timely inquiry on the benefits of Canada's oil sands. I applaud her for bringing this topic forward.

Senator Eaton is a fine Canadian. Given her enviable and extensive volunteer record with charitable and arts groups, she may well be regarded as a great Canadian. I am sure I speak for everyone in the Senate when I say that she has been a fantastic addition to this chamber. Her recent speech eloquently detailed why Canadian oil is the most ethical oil in the world.

Today, I will discuss it from a general economic and geo-political angle, including the recent situation in the Middle East and the effect on gasoline prices. I will also counter the arguments of certain disingenuous opponents of Canada's oil sands.

We Canadians do not like to brag. However, I believe that our ethical oil is a topic that we have every right to boast about. To quote former Prime Minister Jean Chrétien, "Syncrude is a great success story." Syncrude is the largest oil producer in Canada. It is a project that Mr. Chrétien approved in 1976. It showed tremendous foresight. The oil sands are a great Canadian success story. By referencing Jean Chrétien, I wish to demonstrate that this issue is not about being a Liberal or a Conservative, but about being Canadian. The oil sands is an inordinately successful project that all Canadians can take pride in.

We have the second largest oil reserves in the world, next to Saudi Arabia. The majority of our oil is located in the oil sands.

Whether we like it or not, the world still needs oil to function. While it is critically important to look at alternative fuels and green energy, there is no known immediate quick-fix solution. Our government has invested significant money in biofuels and renewable energy. We have mandated that gasoline and diesel fuels meet a minimum of 5 per cent biofuel content by 2012. However, realistically, we will need to use oil well into the foreseeable future.

It is important to ask ourselves, do we want Canada to be dependent on dictatorships in Venezuela and the Middle East? We have seen what happened to our economy after the oil embargo in the 1970s. I am old enough to remember the sudden economic devastation wrought by the Organization of Petroleum Exporting Countries on the West. Why should Canada rely on countries with poor human rights records and virtually no environmental standards for a commodity that we can produce here in an ethical fashion?

In this regard, I mention Saudi Arabia, who, along with Iran, Libya and others in the Middle East, is a major current source of the world's oil. The problem is that, not only do these countries have a terrible record on human rights, but also the area is under constant and unpredictable turmoil. I do not consider them a secure, dependable and ethical supply of oil.

Recently, incidents of violence and uprising, even within non-OPEC countries in the Middle East, have led to a dramatic climb in the price of oil. This has led to rising gas prices, which financially hurts Canadians at the pump, with likely future concomitant price increases throughout almost the entire supply chain.

Canadians are now becoming closely acquainted with Libya, an OPEC nation currently undergoing a civil war. Colonel Gadhafi is a man who has slaughtered, and is slaughtering, thousands of innocent people. He is a terrorist financier and supporter, and has a disturbingly long history of anti-Semitism.

Oil is a major industry in Libya. Less than two weeks ago, Colonel Gadhafi began bombing oil wells in a salt-the-earth strategy to hurt the Libyan people who are rebelling against his rule of tyranny. However, it is not only hurting the Libyan people, but it is also an environmental disaster contributing to rapidly escalating oil prices.

We do not have to depend on such unethical oil. Canada has oil and the industry is advancing significantly, both economically and environmentally.

To put things in perspective, the town of Fort McMurray grew from a town of less than 35,000 people in 1991 to a town of approximately 90,000 people today. Alberta has strict rules when it comes to the oil sands. The oil sands are located below approximately 142,000 square kilometres of land in Alberta. However, the surface mining area is limited to a mere 4,800 square kilometres, of which only 602 square kilometres have been used.

Not only has the surface been restricted to a small portion of the oil sands, but also all of that land must be reclaimed afterwards. The industry is totally committed to this and, thus, has been investing a great deal of money in reclamation projects.

One shining example is Suncor Pond 1, which was a tailings pond for 30 years. Suncor brought in about 65,000 truckloads of soil to create a 50-centimetre layer of soil. They have planted native species of grass in the area. Only last year, Suncor planted 630,000 shrubs and trees. Suncor will monitor the water, soil and vegetation at what is now known as Wapisiw Lookout for the next 20 years to ensure successful reclamation.

Canada employs the highest environmental standards. The workers are paid well and protected under Canadian labour laws. Our country has a proud reputation on human rights. In my view, these things entitle me to proclaim that Canada produces the most ethical oil in the world.

Ethical oil is becoming a household term amongst Canadians. It is about time. For too long, people like David Suzuki have done their best to slander Canada with regard to its oil sands. In my opinion, the media have given Mr. Suzuki and like-minded company a free pass, no matter how outrageous they become. David Suzuki has advocated that the people who disagree with him should be arrested and thrown in jail, as if Canada was a tinpot dictatorship. Typically, countries run that way have proven to have the worst of environmental track records.

• (2050)

When Suzuki compared the government's climate change policy to slavery in an interview on the CBC in 2009, he was barely called out on it. That comparison was disgusting, inappropriate and diminishes the terrible atrocity that slavery was — and in many countries, still is. The CBC did not even bother to put the fruit fly biologist on a seven-second delay, like they have done with certain other so-called controversial commentators.

Furthermore, it was rather interesting to read that James Cameron, the "Canadian director," said that Canada should not be using our ethical oil, but instead be building wind turbines. Sounds great, but he must be living in a three-dimensional *Avatar* dream world if he think that overnight this would be able to power our cars and heat our homes. I will cut Mr. Cameron some slack as he has been living out of Canada for about 40 years, which could, in fact, qualify him for the leadership of certain political parties in Canada, but I digress.

Maybe he has forgotten what it is like in Canada during the winter. Perhaps he insists that his hugely powerful cameras and computers work off wind power only; but in the real world, Canadians need to use oil. We can either use ethical Canadian oil while we rapidly and economically develop alternative energy sources, or we can volunteer to be dependent on unethical oil from unreliable foreign dictatorships.

Many of these dictatorships, such as Iran, use the profits from oil to sponsor terrorism. This is a fact that many of our friends to the south tend to forget. It is disappointing to see some U.S. companies boycott ethical clean Canadian oil, yet they would appear to be more than happy to use the oil from terrorist-supporting dictatorships.

Criticism has not only come from misguided companies, but from high levels of the U.S. government. One notable critic of our oil sands has been former speaker of the House of Representatives, Nancy Pelosi. Ms. Pelosi has promised for years to reduce America's dependence on foreign oil. It is a little rich for Nancy Pelosi to want to reduce dependence on foreign oil, yet call the ethical Canadian alternative to foreign oil "dirty."

I might also suggest that it is also extremely difficult to reduce one's dependence on foreign oil when one uses air force jets to gallivant across 90,000 miles, with over 43 flights in the first nine months of 2010. Those jets do not fly on hope and change, Nancy.

Although the people who oppose the oil sands have been given free rein in the media, it is nice to finally see the term "ethical oil" making headway. People such as Ezra Levant, Senator Eaton and others are informing Canadians and people all around the world with facts about this Canadian success story. These facts counter the baseless rhetoric of the duplicitous opponents of Canadian oil.

Their efforts at advocacy have not gone unnoticed. We have seen a dramatic shift, in particular with the United States, in regard to their views on Canadian oil. In 2008, then Senator Obama called Canadian oil "dirty, dwindling and dangerously expensive." That was, first, untrue on all three counts. Second, it was obviously not something that we needed or wanted to hear from a potential president of a friendly ally.

In October of 2010, the very month that this inquiry opened, Secretary of State Hillary Clinton stated she preferred our oil to Persian Gulf oil, demonstrating a clear change of direction and hope for the Obama Administration. Unfortunately, she still labelled Canadian oil as "dirty."

This month, however, during hearings held in the United States Senate, when Secretary of State Clinton was asked about supporting a pipeline of Canadian oil to the United States, she responded that she was generally supportive of receiving more Canadian oil.

This is good news for Canada, and I applaud Ministers Kent and Van Loan and the Prime Minister for continuing to push Canadian oil. Prime Minister Stephen Harper defined the United States situation quite clearly in February:

> The question facing the United States, is whether to increase its capacity to accept such energy from the most secure, most stable and friendliest location they can possibly get that energy, which is Canada, or from other places that are not secure, stable or friendly to the values of the United States.

Honourable senators, in conclusion, the Canadian oil sands are a great bipartisan success story. They provide enormous economic benefits and the oil is produced with the environment, human rights and labour laws in mind. Canadian oil is produced in a stable, secure and democratic atmosphere, with no possibility of oil profits sponsoring terrorism.

Despite the fact that opponents have waged a smear campaign against Canadian ethical oil, the facts are finally coming to light. We are seeing a shift in American policy in regard to the oil sands and this is great news for Canada.

Naturally, I rejoice in this and would sincerely hope that all members of this Senate, indeed all Canadians, would rise in proud support for Canadian ethical oil.

The Hon. the Speaker *pro tempore***:** Will Senator Finley accept a question?

Senator Finley: Yes.

Hon. Romeo Antonius Dallaire: Honourable senators, I lived for many years in a town called Montreal East. Montreal East was the fourth-largest petrochemical town in North America for many decades. It had seven refineries in it. That is where the Canadian government put wartime housing for the veterans, in the middle of all that petrochemical mess.

However, still today, the oil that is refined in the one remaining refinery is oil that is not coming from our ethical source out West, but it is coming from Venezuela. What does the honourable senator think of us buying oil from a country like Venezuela, where the president is in bed with people like Gadhafi?

The Hon. the Speaker *pro tempore***:** Before the honourable senator speaks, I must remind him that his time for speaking has expired. Is the honourable senator going to ask for more time?

Senator Finley: I would ask for five minutes.

The Hon. the Speaker *pro tempore***:** Is it agreed?

Hon. Senators: Agreed.

Senator Cools: We agree happily.

Senator Finley: I thank you Senator Cools.

Obviously, based on what I just said with regard to Venezuela and with regard to imported oil, I realize that there are certain economic reasons why corporations may continue to do this, transportation costs being a considerable characteristic here.

If I were able to cure the problem immediately in the short term, as many environmentalists would like to do, I would say, absolutely, I am opposed to the importation of such oil. I recognize that these things cannot happen overnight and that there will be transition. I would hope that all of us would do everything in our power to allow for commercial enterprises to allow that transition to take place.

However, in principle, I absolutely agree with Senator Dallaire. If we can produce the oil, then that is the oil that we should be using, with absolutely nothing coming from Venezuela.

Senator Dallaire: I am not sure we are allowed to have it both ways, honourable senators. One cannot say that we are producing ethical oil, that we have to sell it to the United States, that it is

good business and that it is helping the economy of Canada, which is all very positive, and then also argue that because it is not economically or business wise, we will import oil from an outfit like Venezuela.

It is not as if we have only been importing that oil over the last three years. We have been importing that oil for the last 60 years.

• (2100)

Can the honourable senator tell me why it is not possible to move that ethical oil from out West to the East and have it refined here? In so doing, we could meet the same standards the honourable senator wishes to impose on our nation of not being engaged in unethical oil. We could pursue our own ethical oil and have Eastern Canadians take advantage of it as well. It might even override the business sense that seems to override ethical decisions. In a facile way, it seems to override the moral decisions upon which the honourable senator is basing his argument of ethical oil.

Senator Finley: Honourable senators, the points made by Senator Dallaire are extremely good, as usual. I am not prepared to give the honourable senator a facile answer, which would be to say, "stop it," in an ideal decision. These decisions are not mine. Quite clearly I would prefer that the oil extracted from the oil sands be used universally in Canada. I am not as expert as some in this chamber in all of the economic issues of the oil industry, so I would have to say that while I agree in principle with Senator Dallaire, I cannot necessarily give him a factual economic argument for that.

Again, I will go back to the fact that while I believe very strongly in the development of alternate fuels technology energy production, I am realistic enough to know it cannot happen overnight. Venezuela has not always been a terrorist-sponsoring nation; that is a relatively recent development in their history. I used to spend a lot of time in Venezuela working around Lake Maracaibo, where a lot of this oil is produced. It certainly was not being produced by a terrorist-supporting government. However, I agree with the honourable senator in principle.

Senator Dallaire: Honourable senators, last spring, we voted to support using foodstuffs, or land that can produce foodstuffs, as an alternative energy to supplement the use of carbon-based oil or ethanol. I believe that was presented by Senator Brown. All senators voted in favour except me. I ethically felt that one could not use land or resources that produce food to produce fuel when we know that people are without food. The price of food is rising in the world. We could not do that simply to have an alternative to using carbon to keep our trucks going.

I was told not to worry about it. However, the price of food has drastically increased. The Americans are producing corn and —

Hon. Senators: Order, order!

The Hon. the Speaker *pro tempore***:** Senator Dallaire asked whether he had time. I regret to inform him that his time has expired.

Senator Dallaire: I gathered that. Thank you.

(On motion of Senator Comeau, debate adjourned.)

THE SENATE

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

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. Catherine S. Callbeck: Honourable senators, this item stands in the name of Senator Di Nino, but I have spoken to him and he has agreed I might speak on this item and that it would then be adjourned in his name.

Honourable senators, I am certainly pleased to rise tonight and support the motion put forward by Senator Cowan that calls for the reversal of the Government of Canada's decision to abandon the long-form census. Sadly, it is now too late for the government to do the right thing this year and reverse the decision. Earlier this month, Chief Statistician Wayne Smith noted to a committee in the other place that preparation for the 2011 National Household Survey is past the point of no return; they do not have time to go back to the full and reliable long-form census.

The government's decision to do away with the long-form census was done without consultation and input. It flies in the face of many hundreds of Canadian businesses, organizations and professional and charitable groups that rely on the data provided by a reliable census. It also runs counter to the many hundreds of thousands of Canadians who oppose the elimination of a long-form census.

Honourable senators, for decades Statistics Canada has been a highly trusted, reliable and objective source of vital information about the lives of Canadians. Since its introduction in 1971, the long-form census has provided objective, reliable data. The elimination of this long-form census threatens to undermine the long recognized, respected reputation Statistics Canada maintains, both in this country and internationally.

The financial aspect is also difficult to comprehend. It will cost considerably more to administer this new survey. As Senator Cowan pointed out in his remarks, *The Canadian Press* on December 14 reported that the total cost of 2011 census could reach $660 million, which was confirmed by the Chief Statistician during an interview with *The Globe and Mail*. On the other hand, the 2006 census cost $573 million, including $43 million for software and equipment. That is a lot of extra money for data that will be less reliable.

A long-form census is a basic source of information for the country and society as a whole. It provides invaluable data and information that affect the lives of all Canadians. Governments use the long-form census to determine housing needs, calculate transfers and offer services. Non-governmental and community organizations use the data to focus their efforts to determine who needs help the most.

We all need this information to be as reliable as possible. However, it is expected that this new voluntary survey will not be able to provide adequate or reliable data. We have to worry about whether the results can be trusted. If that is the case, all Canadians will lose a vital source of information.

Honourable senators, whether you are a business planning expansion; a municipal government concerned with urban development; a university or school board projecting enrolment; or a social, cultural or economic group advancing policies; you might no longer be able to rely fully on the data provided by Statistics Canada.

There is a crucial need for detailed, reliable data. Elizabeth Beale, President of the Atlantic Provinces Economic Council, said her organization, along with business development groups in Atlantic Canada, rely heavily on the long-form census results. She has said that the voluntary survey will not provide the same level of reliability.

The reasons for the elimination of the long-form census have no foundations.

The Hon. the Speaker *pro tempore***:** Order! Could I ask that the conversation happening do so outside of the chamber? Senator Callbeck has the floor and it is difficult to hear.

Senator Callbeck: The reasons for the elimination of this long-form census form have no foundation. Those who proposed the elimination of the long-form census have said it is too great an intrusion on privacy. Yet, in the entire history of the census, there have actually been very few complaints. After the 2006 Census, Statistics Canada received no complaints at all about the long-form census being mandatory. There were only 138 complaints across the country about the questions themselves.

Not many other government programs can claim that level of satisfaction.

If the government was really concerned —

Hon. Jane Cordy: Order.

Senator Munson: Honourable senators, I cannot hear. I know we are all talking about the polls and that there might be an election, but I cannot hear the honourable senator.

• (2110)

Senator Callbeck: If the government were really concerned that people can face prison terms for failure to comply, there is a simple remedy, one that has already been proposed: Change the law.

There are a number of other issues associated with the elimination of the long-form census. In addition to providing a reliable snapshot of the state of Canadian society at a given point in time, the long-form census serves as the basis for other important surveys, such as the Labour Force Survey, which is used to measure levels of employment and other key aspects of the labour force. The elimination of the long-form census undermines the capacity to evaluate our entire system of social and economic statistics.

In addition, the new voluntary methodology of collecting census data will make it impossible to make comparisons with the past and future data. Simply put, we cannot compare apples to oranges. There will be growing controversies about the reliability of the data.

The proposed voluntary form is not an acceptable replacement for the mandatory long-form census. This measure by the Government of Canada does a gross disservice to Canadians.

Some Hon. Senators: Hear, hear.

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

EMPLOYMENT INSURANCE

MATERNITY AND PARENTAL BENEFITS—INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Jane Cordy: Honourable senators, I spoke with Senator Wallin yesterday as a courtesy and notified her that I would be speaking on the inquiry today, so I ask that the debate be adjourned in her name when I finish speaking.

The Hon. the Speaker *pro tempore***:** Is that agreed, honourable senators?

Hon. Senators: Agreed.

Senator Cordy: Honourable senators, I would like to speak today in support of Senator Callbeck's inquiry into the elimination of the Employment Insurance two-week waiting period for maternity and paternal benefits.

It is no secret that women have faced barriers and limitations in contributing to, and benefiting from, our economy. As women's participation in the labour force has increased, so too have maternity and parental benefits been expanded to provide better economic security to parents and families.

In 2001, the Liberal government increased the maternity and parental benefits to 50 weeks. That increase was a huge benefit to families. Not only do maternity and parental benefits provide a

vehicle for women and families to maintain some financial security following the birth of a child, research shows that allowing parents to spend more time with young children also has beneficial long-term effects on the children themselves.

Another important change to the Employment Insurance program to benefit new parents was that, as of January of this year, self-employed Canadians now can opt voluntarily into the Employment Insurance program. Those who choose to pay into the EI program will be entitled to the same maternity and parental benefits that all paid employees have access to. That change has not only provided financial security to new parents but it has also removed a major barrier for women entrepreneurs and, hopefully, it will help promote more women entrepreneurs in the Canadian economy.

Our current national program of maternity and parental benefits provided through the EI program provides up to 55 per cent of a parent's employment income after the birth of a child. A total of 50 weeks are available for support. The proposed elimination of the two-week waiting period would not extend the 50 weeks of benefits; it would just allow the parent to apply for their benefits two weeks earlier. This change would not increase the amount in benefits that the parent would receive.

It was argued that two short weeks of wait time without income does not seem unreasonable. For most new parents, that may be the case. However, honourable senators, sadly, too many Canadians live in a low-income situation. Single-parent families are four times more likely to live in a low-income situation than two-parent families, and 80 per cent of single-parent families are headed by women.

These Canadians will benefit the most from this change, where a gap of two weeks, unfortunately, can be financially stressful for low-income new parents, and especially single mothers.

I would like to reiterate my support for Senator Callbeck's inquiry. This change requires no additional funding and can be easily accomplished through an administrative change. The removal of the two-week waiting period for maternity and parental benefits will help to assist those Canadians who need it the most. Low-wage workers do not have savings to rely on, and allowing those expecting a new baby to start maternity or parental benefits without waiting for two weeks makes sense.

The Hon. the Speaker *pro tempore***:** Will the Honourable Senator Cordy accept a question?

Senator Cordy: Yes, I will.

Hon. Catherine S. Callbeck: I listened with great interest to the honourable senator's comments on this important topic, and I agree with what she has said. If that two-week waiting period for parental benefits was done away with, it would be helpful for families, especially low-income families.

Senator Wallin spoke in this chamber regarding this inquiry, and here is what she had to say about this two-week period.

She said:

> This period also allows for the time needed to verify and establish a claim. It serves an important administrative purpose inasmuch as it allows for the proper processing and verification of claims and eliminates the short claims that would be, relatively speaking, very costly to administer.

I cannot understand why the elimination of this two-week period has any bearing on following proper procedure for processing claims. On the other point she made about short claims, my understanding is that short-term claims are three to four weeks, and maternity and parental benefits are not short term. That is my understanding. I would like to hear the honourable senator's comment.

Senator Cordy: I thank the honourable senator for the questions. I will start with the first question about the comment that the administration would be held up if the two-week waiting period were done away with. I cannot imagine that it would cost any more administratively, whether there is a two-week waiting period or none. I have confidence that the competent officials working at Service Canada would be able to administer the program in a timely way.

I know people currently are waiting up to 28 days to receive their first cheque. That is a long time for low-income people to wait. Surely, if a woman goes to the Service Canada office to start her claim and she is eight months pregnant, the claim could be started early. If someone walks in and they are eight months pregnant, they would know that this would not be a scam and that the person will be applying for, in the first case, maternity benefits for the 15 weeks that are allowed, and in addition to that, the parental leave. I cannot see that as an argument for not doing away with the two-week wait time to allow people to collect benefits immediately. They may not receive benefits immediately, but at least when they start to receive them, the benefits would be retroactive to the first day off. I do not see that the administrative costs will grow because the two-week period would be done away with. The administrative costs would be the same whether there was a two-week waiting period or not, so I cannot see that argument at all.

The honourable senator talked about the short-term claims. I believe she said that Senator Wallin said short-term claims would be more costly. If there is any claim that we know would be lengthy, it would be maternity or parental leave. Maternity leave would be 15 weeks, or the remainder of 35 weeks, which can be taken by the mother or the father and would be a continuation of that claim. To me, 50 weeks would certainly not be a short-term claim. In fact, my guess is that would be one of the longer claims under the EI provisions.

• (2120)

The Hon. the Speaker *pro tempore***:** Honourable senators, by agreement, this matter stands adjourned in the name of Senator Wallin.

(On motion of Senator Wallin, debate adjourned.)

EROSION OF FREEDOM OF SPEECH

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Finley calling the attention of the Senate to the issue of the erosion of Freedom of Speech in our country.

Hon. Mobina S. B. Jaffer: Honourable senators, Inquiry No. 8 is in Senator Comeau's name. I have spoken to him, as a courtesy, and he said I could speak on it today. It would then go back under his name.

Honourable senators, I rise today to speak with regard to the inquiry on the erosion of freedom of speech in Canada. This matter was brought to the Senate last year by the Honourable Senator Doug Finley and has been commented on by many honourable senators since. I believe all our discussions have been truly productive and much needed. In a democracy, we have an obligation to extensively discuss matters as such and listen to the varying viewpoints.

I believe, here in Canada, the issue at hand is not so much with the concept of freedom of speech itself, but rather its precise definition and limitations. This is where the point of disagreement emerges.

During the course of the debate in the Senate, I have noticed two prevalent schools of thought in relation to the matter of freedom of speech. The first one interprets freedom of speech as allowing a person to say anything they want without fear of limitations or repercussion. If there are any, they are minimal at best. In the second, an individual still has the right to say what they want, but within a certain structural framework.

Under this structural framework, one has the right to their freedom of speech, but must be cautious and aware that their exercise of said freedom does not infringe upon or impede upon another Canadian's fundamental rights and freedoms. This is not to say that one is being restrictive in terms of expressing themselves, but rather, that one works within a framework of caution so as to protect Canadians at large.

Specifically, I believe this framework of caution to be with regard to defamation and hate speech. An individual should be allowed to speak, but they should be cautious that their words neither not incite nor are seen as defamation or hate speech. I believe all honourable senators can agree that the effects of words in a negative light can have great impact on individuals, groups and society at large.

Recently I returned from Kenya and I witnessed firsthand the terrible destruction of lives and property as a result of hate speech. Even today, many innocent Kenyans are sitting in internally displaced persons camps, or IDP camps. The inmates have been referred to the International Criminal Court, but the Kenyan government is resisting this referral.

Honourable senators, yes, hate words can kill. Having just returned from Kenya, I witnessed the pain of families who lost family members, killed because of words of hate by some of their leaders.

I want to highlight here the 1990 Supreme Court case of *R. v. Keegstra*, which deals with the restrictions of free speech under certain situations. I will cite University of Windsor Law Professor Richard Moon's analysis of the case.

For 10 years, James Keegstra, a high school teacher from Alberta, taught his students that Jews are "treacherous, subversive, sadistic, money-loving, power hungry and child killers."

When Mr. Keestra's statements were made public, he was dismissed from his post and a year later charged under subsection 319(2) of the Criminal Code with wilfully promoting hatred. Keegstra challenged the constitutionality of subsection 319(2), suggesting it violated his freedom of expression under the Charter of Rights and Freedoms.

Chief Justice Dickson, writing for the majority of the Supreme Court of Canada, accepted that subsection 319(2) of the Criminal Code restricted expression and thus the provision violated freedom of expression under section 2(*b*) of the Charter. However, he found that the restriction was justified under section 1, the Charter's limitation provision, because, first, it limited "a special category of expression which strays some distance from the spirit of section 2(*b*) "; second, it advanced the important goal of preventing the spread of racist ideas; and, third, it advanced this goal rationally and with minimal impairment to freedom.

This landmark Supreme Court decision emphasized that the right to free speech in Canada is not an open-ended right, but one that should operate within a certain framework of caution. Such a system protects and promotes the rights of not only a few individual Canadians, rather all Canadians. Honourable senators, I agree that the rights of all Canadians should be protected.

After Senator Finley first spoke on the matter of freedom of speech last year in the Senate, Senator Chaput asked Senator Finley:

> . . . at what point does freedom of expression go too far and can it go too far?
>
> For example, is it not an abuse of the freedom of expression to incite hatred in others, or cause feelings of rejection or destruction?

Senator Finley agreed that it was a very thin line indeed. He suggested that:

> If the line is crossed to the extent that it is clearly a hate crime, in other words, if someone counsels or encourages some kind of unrest or malice towards someone based on gender, creed, race or religion, then I agree that line has been crossed.

He further went on to state:

> However, this is why I would like to see a debate to define our view as to what is appropriate or not. That should be part of the debate.

I agree with Senator Finley in that, within the current framework, there may be instances of uncertainty with regard to what defines the "line." Because of this, in some situations we disallow individuals from practising their right to freedom of speech or punish them for doing so when, in fact, we should not. Thus, for certain circumstances, we need to clearly define our views as to what is appropriate and what is not.

In the debates we have had thus far, two particular issues have repeatedly been discussed, the first being the improper actions of both human rights commissions and tribunals in relation to freedom of speech in Canada, while the second relates to the matter of the redefinition of subsection 13.1 of the Canadian Human Rights Act.

With regard to the commissions and tribunals, while there have been a number of negative references made in terms of specific freedom of speech issues these institutions have undertaken and/or judgments they have delivered, the general mandate and operations of such institutions are invaluable to the human rights framework within Canada.

I want to highlight a specific example here. In his October 2008 report to the Canadian Human Rights Commission concerning section 13 of the Canadian Human Rights Act, Professor Richard Moon refers to the 1996 complaint brought against Ernst Zundel, a Canadian resident who oversaw the operation of a U.S.-based website that promoted hatred against Jews.

In 1996, section 13 of the Human Rights Act prohibited hate messages that were communicated "telephonically." However, at that time, the term did not specifically apply to the Internet. It was the Canadian Human Rights Tribunal, through their work on this matter, that determined that section 13 did in fact apply to the Internet because it operated through the telephone system. Professor Moon wrote:

> According to the tribunal, the term "telephonically" should not be understood as limiting the application of the section to "the precise sensory format" or to "the particular device used for communication."

In 2001, the federal government amended section 13 of the Canadian Human Rights Act by adding subsection (2), which prohibits hate speech on the Internet.

Honourable senators, it was because of the tribunal's particular actions then that the Canadian Human Rights Act is able to provide a greater level of protection to all Canadians now.

Human rights commissions and tribunals may have shortcomings, but they have played and continue to play a crucial role in the development of human rights in this country. We need them.

In terms of the second point, Senator Finley has proposed that he wants to re-define subsection 13.1 of the Canadian Human Rights Act.

• (2130)

As Senator Nancy Ruth has stated, this section:

> . . . prohibits the repeated electronic transmission of messages that are likely to expose an individual or a group of individuals to hatred or contempt based on a prohibited ground of discrimination.

This includes:

> . . . race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for which a pardon has been granted.

Honourable senators, section 13(1) of the Human Rights Act is essential to Canadian society. It was constructed in a precise way so as to protect the rights and freedoms of all Canadians by establishing a general environment that prohibits the spread of hatred or contempt.

I believe all honourable senators would agree that these ideals are detrimental to Canadian society. In addition, as Senator Nancy Ruth has highlighted, the definition of "prohibited ground" under section 13(1) of the Human Rights Act is very comprehensive so as to protect the largest number of Canadians.

If a redefinition were to occur, then section 318 and 319 of the Criminal Code would be the only other legal mechanism providing definitions of prohibited grounds. These limited provisions only protect on the basis of race, religion, ethnic origin and sexual orientation. This lack of a comprehensive definition is truly counterproductive and must not be used under any circumstances.

Honourable senators, freedom of speech is one of the vital pillars that has allowed this great country of ours to develop to such a great extent. This freedom, in partnership with other fundamental rights, has allowed Canada to be a leader of human rights in the world. We have worked hard to create federal and provincial frameworks that operate succinctly with one another, so as to provide the greatest level of protection for Canadians. The Charter of Rights and Freedoms is one of these frameworks. Human rights commissions and tribunals are one of these frameworks, and every carefully written section of the Human Rights Act is also one of these frameworks.

I accept that there are shortcomings in some of these structures and, due to this, Canadians may not be receiving the utmost protection possible. This needs to be fixed. We must work to improve upon the already existing human rights structures we have by making appropriate reforms as we see necessary. What we should not do is break down or get rid of the institutions others have worked so hard to build. Doing so would be a step backwards for human rights in this country.

Honourable senators, we all agree that Canadians should have the right to freedom of speech, but it is the limits to which this freedom can be practiced with which we have issues. I hope that, through our work on this matter, we can move closer toward a conclusion where not only we, but all Canadians, are not impacted by words used to demean them.

All Canadians are deserving of respect. That is a Canadian core value, a value we are all proud of.

Freedom of expression, yes, absolutely, but this does not include the freedom to spread hate. The spreading of hate is not a Canadian value. Respect for our diversity is a value we are proud of.

The Hon. the Speaker *pro tempore***:** Is it agreed, honourable senators, that the matter revert to the name of Senator Comeau?

Hon. Senators: Agreed.

(On motion of Senator Comeau, debate adjourned.)

OLD AGE SECURITY ALLOWANCE

INQUIRY—DEBATE ADJOURNED

Hon. Catherine S. Callbeck rose pursuant to notice of February 8, 2011:

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

She said: Honourable senators, I rise today to speak about an inequity in the Old Age Security program that I believe should be corrected.

Here is the problem: A low-income senior aged 60 to 64 can receive an allowance if their spouse is receiving the old age pension and the Guaranteed Income Supplement. A low-income senior aged 60 to 64 can receive the allowance for the survivor if they are widowed, but a low-income senior aged 60 to 64 who has never been married or is divorced or separated is not eligible to apply.

This policy does not seem fair, because some seniors between 60 and 64 are eligible for an allowance and some are not. We should not treat some differently from others, especially when low-income seniors need all the help they can get.

Let me explain these benefits. The allowance and the allowance for the survivor are two components of the Old Age Security Program.

The allowance was introduced in 1975. It is targeted to individuals 60 to 64 whose spouse is a recipient of the basic OAS pension, plus the Guaranteed Income Supplement. Together, the couple are considered "low income." The OAS allowance can be worth up to a maximum of $961.18 per month.

The allowance for the survivor was introduced in 1985. It is designated to help widows and widowers, 60 to 64, who have a low income. The current maximum allowance for the survivor monthly benefit is $1,065.45.

There is no doubt that we have made great strides with the introduction of these two benefits. They help countless individuals, aged 60 to 64, reach a level of income that makes them a bit more comfortable, but we should include those low-income seniors who are 60 to 64 and unattached. I believe these individuals are being treated unfairly and that the federal government should make changes to ensure that all low-income Canadians aged 60 to 64 who qualify are eligible for the allowance.

We read over and over again that unattached seniors, especially women, are the most likely to be poor. In its first interim report the Special Senate Committee on Aging, which was chaired by Senator Carstairs, noted that single seniors over 65 are 10 times more likely to be living in poverty than seniors living in families — 16 per cent of single seniors compared to just 1.6 per cent living in families. The report also indicated that single senior women are twice as likely to have a low income as men.

A few months ago, new statistics on seniors and poverty were released by Campaign 2000. These figures show that the number of seniors over 65 living below the poverty line increased from 204,000 seniors to 250,000 between 2007 and 2008. The report also shows that women were the hardest hit. Senior women represented 80 per cent of the increase of those living below the poverty line.

While these figures are for seniors over the age of 65, we know that many Canadians face challenges in the years leading to official retirement. CARP, the national advocacy organization, noted in its pre-budget submission that older women can and do face retirement with less income. Their wages may be lower when or if they worked. They live longer than men and therefore may outlive their financial savings. Many women spend some of their working years providing informal care-giving services that limit their ability to accrue sufficient retirement income.

CARP also notes that the problem is made even worse because the OAS allowance for people aged 60 to 64 does not include individuals who are single, divorced or separated. As such, the organization has recommended that the federal government do more to reduce poverty rates among older and retired Canadian women by providing low-income, single, divorced or separated women between the ages of 60 to 64 with supplementary income. The government could easily implement this recommendation by expanding the OAS allowance for all low-income, unattached seniors.

CARP is not the only national organization that raises this issue. The Canadian Association of Social Workers included the following in its submission to the federal government:

> Since the CPP retirement pension is available at age 60, it would make sense to eliminate the marital status limitation in the Allowance of the Old Age Security system and make benefits available to all low-income persons aged 60 to 64, regardless of marital status.

• (2140)

I agree with the Canadian Association of Social Workers. It is unacceptable that the federal government is excluding one group of people for much-needed assistance based on marital status. This policy creates two classes of senior. It penalizes those who have never married or who have been divorced or separated.

All low-income individuals in the age group 60 to 64, regardless of marital status, should be eligible to receive this added income. I urge the federal government to expand the criteria so that all low-income people aged 60 to 64 are treated fairly.

(On motion of Senator Robichaud, debate adjourned.)

VOLUNTEERISM

INQUIRY—DEBATE ADJOURNED

Hon. Terry M. Mercer rose pursuant to notice of March 10, 2011:

> That he 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.

He said: Honourable senators, it is a pleasure for me to speak this evening on my inquiry on volunteerism. It is spurred on by my sitting on the Special Senate Committee on Aging and our travels across the country, meeting with people in every province and territory to talk about the problems of people who are aging; as well as in our travels with the Standing Senate Committee on Agriculture and Forestry, in our study on rural poverty, at which meeting the issue of volunteers came up; as well as my 35 years of working with volunteers and my over 40 years of being a volunteer.

Honourable senators, this matter is very close to my heart and is probably close to the hearts of many here. Volunteering is an integral part of Canadian culture. As parliamentarians, we understand there are always economic, cultural and social changes within Canada, but how does this affect the volunteer community? I want to take this opportunity to review the sector and provide some insight into how it works and what we can do to improve it.

In understanding the changing patterns in who is volunteering and what they are volunteering for, we would have a greater understanding of the causes and issues that are important to Canadians. Ultimately, anything we can do to increase volunteerism would definitely contribute to a better Canada.

There have been several studies on volunteering in Canada over the past decade. The studies focus more often than not on the relationship between a person's age and the likelihood of their participation in volunteer activities. There are, of course, a variety of factors such as an individual's marital status, income, and the participation in religious activities, education, and even previous experiences that affect why and how people volunteer.

What is really important to note is that, in spite of the significant number of volunteers, the majority of the work is still done by very few people. In 2004, there were 11.8 million volunteers who contributed approximately 2 billion hours of volunteer service. In terms of what that would mean in jobs, honourable senators, that is approximately 1 million jobs in this country. In 2007, the number of volunteers in Canada rose to 12.5 million people.

What is interesting is that as individuals age the amount of people volunteering declines. At the same time, as volunteers age the average amount of volunteer hours contributed increases. Put another way, as the amount of people who can volunteer ages, they are less likely to volunteer, but those who continue to or begin volunteering do it more often.

Young Canadians under 30 usually have the largest volunteer participation. However, they also contribute the least amount of hours on average. The second age group to have the highest level of participation are individuals between the ages of 30 and 44. Their participation is usually dependent on their marital status or whether or not they have children. Finally, there are the elderly, people over the age of 65, who contribute the greatest quantity of hours but the least amount of volunteers.

Generally, it seems the more education and higher income an individual has, the more likely they are to volunteer. However, on average, the people with lower incomes, even though they represent a smaller portion of the volunteer population, actually contribute a greater percentage of the volunteer activity.

Honourable senators, there are a many areas in which a person can volunteer. People can volunteer for organizations that help religious groups, recreational activities such as sports and political campaigns, to name a few. These volunteers are an integral part of our communities and without them our society could not function as well as it does. If events happen, as we predict tomorrow in the other place, we are all going to be interacting with tens of thousands of volunteers across this country for our political parties. We should remember that they are volunteers and to thank them for their participation. It is a very important service that they offer to all of us and to all of our political parties.

Some Hon. Senators: Hear, hear!

Senator Mercer: Given that the volunteer sector is entirely dependent on the participation of Canadians, it is not surprising that the most important issue facing the sector is demographic change. Canada is aging. As we learned from our study undertaken by the Special Senate Committee on Aging, the number of people aged 100 or older, for example, increased 50 per cent between 1996 and 2006, and is set to triple to more than 14,000 by 2031.

The proportion of persons aged 65 or over in Canada was 8 per cent in 1971, and it is 13 per cent today. It is projected that by 2031, 1 in 4 Canadians will be 65 years of age or over. Meanwhile, Canadians are also having fewer babies.

Since my career has relied heavily on the volunteer sector, testimony about the need for a strong voluntary sector during the hearings of the Aging Committee was very important. Seniors benefit from a strong volunteer sector, both as contributors and as beneficiaries. Volunteers provide a sense of service for seniors, but volunteering also allows society to tap into the skills and knowledge of older Canadians. Even so, to help the volunteer sector grow, we need to encourage volunteerism throughout all age groups and remove barriers to volunteering, not only for our aging population but everyone in Canada.

During the committee, we examined numerous ways to increase volunteerism and encourage the federal government to show leadership by promoting volunteerism within the federal public service. We also recommended working with the volunteer sector to identify mechanisms to recognize and reimburse out-of-pocket expenses incurred by volunteers.

Honourable senators, volunteers have several reasons for participating in their activities. The most common reasons why people volunteer are to gain skills and knowledge, or that they are personally affected by an issue or know someone who is personally affected by an issue. Also, people want to give back to their communities by volunteering.

Canada's volunteer sector is in need of a comprehensive review. As parliamentarians and Canadians, we need to increase our understanding and encourage more people to volunteer. We need to help the sector enhance its capacity to provide such needed services to our families and to our communities.

As stated in Volunteer Canada's recent report, the lives of Canadians from coast to coast are touched by volunteering every day. It is an enriching experience both for the volunteers as well as the beneficiaries of the contribution of volunteers. We would do well to take notice.

I know honourable senators will join me in thanking every volunteer who makes a difference in our communities. I encourage all honourable senators to take part in this inquiry either as we continue or when we come back after the election.

(On motion of Senator Jaffer, debate adjourned.)

• (2150)

THE SENATE

MOTION TO URGE GOVERNMENT TO ASK THE UNITED NATIONS TO END THE IVORY COAST CONFLICT—DEBATE ADJOURNED

Hon. Roméo Antonius Dallaire, pursuant to notice of March 8, 2010, moved:

> That the Senate of Canada call upon the Government of Canada to increase its support for the United Nations in resolving the ongoing political conflict in the Ivory Coast and that the Government also recognize and implement the doctrine of Responsibility to Protect in order to mitigate the potential for a catastrophic humanitarian disaster in that country.

He said: Honourable senators, I will simply make introductory remarks on my motion and continue with the remainder of my time at a later date. I had originally planned to speak longer, being influenced by the hockey game between Boston and Montreal — which has ended with Montreal losing 7-0 to Boston — I was irritated enough to do the long version, but I will refrain from that and make only a few points.

My motion is to the effect that the Senate of Canada call upon the government to implement the doctrine of responsibility to protect by increasing its support for the United Nations in resolving the ongoing political crisis in the Ivory Coast.

I will not touch on responsibility to protect this evening, because I want to speak in more depth on that. As a member of the Secretary-General of the United Nation's Advisory Board on Genocide Prevention and Responsibility to Protect, I want to follow up on Senator Andreychuk's intervention in support of her leader. I will save that for the next time and concentrate specifically on the conflict.

[*Translation*]

Last week, in a demonstration of prompt and immediate action we have never seen before, the United Nations Security Council adopted Resolution 1973 authorizing a no-fly zone over Libya, as well as all other measures needed to protect the civilian population, whom Colonel Gadhafi has sworn to kill.

Prime Minister Harper demonstrated Canada's commitment to helping the Libyan people by announcing the deployment of six CF-18 fighter jets to support allied efforts to enforce the no-fly zone over Libyan airspace. This has already proven successful.

When making the announcement, the Prime Minister concluded — and I quote:

> One either believes in freedom, or one just says one believes in freedom. The Libyan people have shown by their sacrifice that they believe in it. Assisting them is a moral obligation upon those of us who profess this great ideal.

I would add that we also have a strategic, national interest in helping any imperilled populations that are peacefully demanding the same basic human rights enjoyed by everyone in all democratic societies.

[*English*]

To that end, I wish to draw the attention of honourable senators to the deteriorating situation in the Ivory Coast. While we meet, the situation evolves ever closer to civil war. Daily attacks on civilians, including reports of forced disappearances, rapes and torture, continue and the death toll far exceeds the UN confirmed count of 462. Fighting between the forces loyal to the incumbent president Laurent Gbagbo and those allied to the internationally recognized legitimately elected president Alassane Ouattara has increased. The use of heavy weapons, including attack helicopters and rocket launchers, and widespread population displacement paralleled by hate speech and incitement to violence are worrying indicators of a deepening crisis with the potential for ethnic cleansing and other mass atrocities.

Our tolerance to Gbagbo's defiance is a slap to the face of the international community. If we cannot defend democratically certified election results in countries where such uncertainties pose grave risk to the civilian population and, likewise, present enormous opportunities for tyrants and autocrats to hold on to power at any cost, what message does that send to the same people who place their greatest hopes in the empty rhetoric of democracy?

The future Gbagbo proposes for his country is war, anarchy and violence, with ethnic, religious and xenophobic dimensions. He must go, and we must demonstrate our willingness to remove him, even by the use of force through UN Security Council mandate and resolutions if he will not go willingly. The massive

investment that the international community has made in peace and security in West Africa for nearly two decades is under severe threat. This situation goes beyond the borders of the Ivory Coast. Meanwhile, innocents are paying the price.

As a leading middle power, we must use our capabilities to reinforce the UN forces already on the ground. We must also use diplomatic efforts, political efforts, and certainly security efforts in order to put an end to the destruction of massive numbers of human lives in Ivory Coast.

Why are we in Libya and not in Ivory Coast? Why do we hear day in and day out about Libya and Japan and forget the Ivory Coast? Why can we not handle more than one problem at a time?

I move the adjournment of the debate, retaining the remainder of my time, until the next sitting of the Senate.

(On motion of Senator Dallaire, debate adjourned.)

(The Senate adjourned until tomorrow at 9 a.m.)

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