



DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 68

OFFICIAL REPORT
(HANSARD)

Wednesday, April 4, 2012

THE HONOURABLE PIERRE CLAUDE NOLIN
ACTING SPEAKER

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

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Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

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

THE SENATE

Wednesday, April 4, 2012

The Senate met at 1:30 p.m., the Honourable Pierre Claude Nolin, Acting Speaker, in the Chair. [English]

Prayers.

[Translation]

SENATORS' STATEMENTS

INTERNATIONAL DAY OF MINE AWARENESS AND ASSISTANCE IN MINE ACTION

Hon. Suzanne Fortin-Duplessis: Honourable senators, the International Day of Mine Awareness and Assistance in Mine Action is a timely reminder that clearing land of explosive remnants of war saves lives and protects livelihoods.

Around the world, between 15,000 and 30,000 people are maimed or killed every year by anti-personnel mines and other explosive remnants of war. That is an average of 500 victims every week or one person every 20 minutes.

Over the past 25 years, anti-personnel mines may have killed or maimed over a million people. It would take 1,000 years to rid the planet of existing land mines, and that is only if people stop deploying them.

Over 40 countries and territories are still littered with mines. In addition to the terrible suffering that mines inflict on victims, this scourge is a major obstacle to countries' socio-economic development because mines prevent the agricultural use of land and restrict the movement of people and goods long after conflicts end.

Canada played a crucial part in creating the treaty known as the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. The purpose of this international agreement is to address the appalling situation facing people who have survived armed conflict only to become victims of land mines that remain buried after the conflict. By signing the treaty, Canada declared its intention to help reduce the number of land mine victims, pursue disarmament, work toward achieving the millennium development goals, and strengthen international and humanitarian law.

The fight against land mines is a deeply personal one for me. My family suffered terribly in January 2003 when my son, Claude, who was on contract in Algeria, stepped on an anti-personnel mine. One of his legs was amputated, and the other was saved, but barely. That is why I empathize with the sorrow endured by victims' families and understand the courage and determination they need to survive the ordeal. Claude was 39 when the accident happened. He is married with three children, one of whom was a nine-month-old baby at the time.

In closing, on this International Day of Mine Awareness and Assistance in Mine Action, the Government of Canada is reaffirming its commitment to the fight against anti-personnel mines and other explosive remnants of war.

TARTAN DAY

Hon. Elizabeth Hubley: Honourable senators, on April 6, Canada will celebrate Tartan Day, and I encourage all Canadians to participate by wearing Canada's official national tartan, the Maple Leaf Tartan.

The Maple Leaf Tartan is a symbol of Canadian identity that we can all embrace and wear with pride. It was designed by David Weiser in 1964 in anticipation of Canada's upcoming centenary in 1967, and its patriotic pattern takes its inspiration from the seasonal colours of the maple leaf. The tartan's green shades represent the summer foliage: the gold early autumn, the red the coming of the first frost and the brown the fallen leaves. The colours combine to make a beautiful tartan that is neither brash nor boring but perfectly Canadian.

This will be our second national Tartan Day since its declaration in October 2010. The sixth of April is significant because it was on this day in the year 1320 that the Scottish people declared their independence through the Declaration of Arbroath. For the almost five million Canadians who claim Scottish descent, Tartan Day is an opportunity to celebrate their heritage by wearing their tartan of choice. I am so pleased that that choice now includes the option to wear the national tartan of Canada.

I wish everyone a happy Tartan Day and hope to see plenty of Canadians out wearing the Maple Leaf Tartan with pride.

CANADIAN HOSPICE PALLIATIVE CARE ASSOCIATION

Hon. Michael L. MacDonald: Honourable senators, I rise today to acknowledge the important issue of advanced care planning. I am a member of the Champion's Council of the Canadian Hospice Palliative Care Association, the national voice for hospice palliative care in Canada. Established in 1991, the CHPCA provides direction in advancing and advocating for quality end-of-life hospice palliative care. The work of the association's volunteer board of directors, which is composed of hospice palliative care workers and volunteers from Canadian provinces and territories, as well as members at large, focuses on public policy education and awareness.

• (1340)

As a member of the Champion's Council, I support the CHPCA's goal to ensure that those Canadians who have a progressive, life-limiting illness and their families have access to high-quality, compassionate and cost-effective care from a variety of professionals.

Honourable senators may be wondering: What does "advance care planning" really mean, or what exactly does it entail? It is a process of reflection and communication — a time for you to

reflect on your values and wishes and to let others know of your future health and personal care preferences in the event that you become incapable of consenting to or refusing treatment or other care. Advance care planning means having discussions with family and friends, especially your substitute decision maker — the person who will speak for you if you cannot. It could also include writing down your wishes and may even involve talking with health care providers and financial and legal professionals.

I am committed to helping the Canadian Hospice Palliative Care Association succeed in its pursuit of excellence and care for persons approaching end of life, so that the burden of suffering, loneliness and grief is lessened. To this end, I wholeheartedly support the CHPCA's mission to declare April 16 as Canada's national advance care planning day — a date that would be shared with the U.S. National Healthcare Decisions Day.

In support of this undertaking, I would like to give the following proclamation:

WHEREAS more than 235,000 Canadians die every year and the rate of death is projected to increase 33 per cent by the year 2020, and

WHEREAS an increasing demand for services at the end of life is placing additional pressure on health care cost budgets, and

WHEREAS Advance Care Planning is a process of thinking about and communicating wishes for end of life care, and involves communicating end of life care wishes with family, friends, and health professionals, as well as naming a Substitute Decision Maker, and

WHEREAS Canadians with Advance Care Plans and their caregivers report greater satisfaction with end of life care and are more likely to take advantage of hospice palliative care resources or die at home, and

WHEREAS I, Senator MacDonald, wish to raise awareness of the options available to citizens and encourage conversations about planning for end of life, and

NOW KNOW YE THAT I do by these presents support the proclamation and declaration that April 16, 2012, shall be known as “**Advance Care Planning Day**” in Canada.

I hope that honourable senators will join me in supporting the Canadian Hospice Palliative Care Association in this pursuit.

MR. PATRICK CHAN

2012 WORLD FIGURE SKATING CHAMPION

Hon. Vivienne Poy: Honourable senators, I rise today to congratulate Patrick Chan, an extraordinary Canadian and a Torontonion, on successfully defending his title and winning the world championship in men's free skating last Saturday in Nice, France. He is the first Canadian to win back-to-back world gold medals in 16 years. This accomplishment caps an unbeaten season

for Patrick. He also won Skate Canada; the Trophée Bompard, in Paris; the Four Continents; and the Grand Prix Final. He collected eight Athlete of the Year awards in Canada, including the Lionel Conacher Award as *The Canadian Press* male athlete of 2011.

Patrick Chan is only 21 years old. Over the last few years, he has honed his skills in preparation for the 2014 Winter Olympics in Sochi, Russia. He is a tremendous athlete who combines the grace of dance with speed, agility, strength and tremendous discipline. Patrick's achievements and his humility are an inspiration to all Canadians, but particularly those of Asian heritage, who see that anything is possible in Canada if they persevere.

Honourable senators, as we approach the month of May, which Canada recognizes as Asian Heritage Month, please join me in celebrating the achievements of one of Canada's greatest athletes, Patrick Chan.

**MS. JILLIAN KEILEY
MS. JENNIFER MONG**

Hon. Ethel Cochrane: Honourable senators, I rise today to highlight and to celebrate the recent accomplishments of two outstanding Newfoundlanders. Jillian Keiley, a native of St. John's, has been named the National Arts Centre's new Artistic Director of English Theatre. A veteran stage director and founder of the St. John's theatre company Artistic Fraud, she will begin her four-year term this summer in Ottawa. In announcing the appointment, NAC President and CEO, Peter Herrndorf, said:

Jillian Keiley is a brilliant theatrical artist who is rooted in Newfoundland, but also has a wonderful sense of the country. She's worked with artists and theatre organizations in every part of Canada, and we're thrilled she's chosen our national stage for the next chapter of her extraordinary career.

Honourable senators may recall that Ms. Keiley collaborated with Newfoundland playwright Robert Chafe to create *Tempting Providence*. This outstanding production explored the courage and strength of a famous outport nurse, Myra Bennett, who was one of the first British settlers in Newfoundland.

An award-winning director, Ms. Keiley has also been a regular instructor with the National Theatre School as well as at universities across the country. She has created productions in St. John's, Calgary, Toronto, Regina, Ireland, Australia and Italy. Her work has been praised for its originality and imagination. I applaud her outstanding talent and congratulate her on this very exciting new role.

Honourable senators, I would also like to congratulate Jennifer Mong, a 12-year-old from St. John's, who recently won the 2012 Postmedia Canspell National Spelling Bee. Jennifer, who is a

student at MacDonald Drive Junior High, won the Canadian title by correctly spelling the word “vindaloo.” She was awarded the prize of \$7,500, which, amazingly, this aspiring veterinarian plans to save for her education; and she is only 12. Jennifer is also expected to compete at the long-running Scripps National Spelling Bee in Washington next month.

I invite all honourable senators to join me in congratulating these two impressive Newfoundlanders on their exceptional accomplishments; and I wish them continued success.

PARKINSON'S AWARENESS MONTH

Hon. Terry M. Mercer: Honourable senators, April is Parkinson's Awareness Month. In Canada, over 100,000 people live with Parkinson's disease. In fact, it is one of the most common brain conditions in the world, second only to Alzheimer's disease. Parkinson's is a chronic and progressive disease that results in increasing disability. It impacts the lives of not only those who suffer from it but also their families and friends in every community across the country.

This year's theme is Get Ready, Get Set, Get Moving. As Parkinson's disease is a movement disorder, one of the best things one who suffers from it can do is to keep moving and striving to walk, dance or ride a bike. Research shows that physical activity improves strength, flexibility, balance and overall health. While this is true for all of us, it is especially true for those who suffer from the disease.

Honourable senators, there is hope. Over the past 30 years, Parkinson Society Canada has funded more than \$19.5 million in Parkinson's research, granting over 385 fellowships, grants and investigator awards. Also, they have adopted the World Health Organization's World Charter on Parkinson's disease. It states that people with Parkinson's have the right to be referred to a doctor with a special interest in Parkinson's, receive an accurate diagnosis, have access to support services, and receive continuous care and take part in managing the illness. I believe honourable senators will all agree with those principles, and not just for those with Parkinson's but for any type of disorder.

• (1350)

The aim of this month is to bring awareness of the disease to the forefront. Many honourable senators know that famous Canadians such as Michael J. Fox and Knowlton Nash suffer from Parkinson's. Yesterday, at a speech I attended in Vancouver, Wayne Gretzky announced that his father, Walter, was diagnosed with Parkinson's disease.

I encourage every honourable senator to think about every patient, their constituents who live with Parkinson's disease, and all the doctors, scientists, and volunteers who help to make the lives of those suffering with this disease much better. We must ensure that we, as parliamentarians, create and debate policies that help the sufferers, the helpers and, indeed, all Canadians to live the highest quality and most productive lives possible.

[Senator Cochrane]

MS. AUNG SAN SUU KYI

CONGRATULATIONS ON ELECTION VICTORY IN BURMA

Hon. Consiglio Di Nino: Honourable senators, this past Sunday democracy got a shot in the arm in Burma or, as the generals who run the country like to call it, Myanmar.

Aung San Suu Kyi, an honorary Canadian citizen, and her party won a resounding victory in the April 1, 2012 by-elections. Forty-five by-elections were held across the country and some 40 were won by “the Lady,” as she is sometimes called, and her colleagues from the National League for Democracy. Her landslide victory was loudly and happily celebrated across Burma. This stunning victory was truly meaningful, because the by-elections were called to fill vacancies created by the appointment of elected ruling party members to cabinet and other senior government posts. Their resignation is required under their constitution.

Parliamentary Secretary Deepak Obhrai and I, accompanied by First Secretary Amy Galigan from our Bangkok embassy, witnessed this historic event. This unexpected turn of events is at least in part due to President Thein Sein and the Speaker of Parliament joined by some of their colleagues in cabinet and Parliament. Their support for democratic change and constitutional amendments made it possible for Ms. Suu Kyi and her party to participate in these by-elections. Their victory gives them approximately 6 per cent of the seats in Parliament, but symbolically it represents a giant step toward restoring rights and freedoms in Burma.

The people of Burma are responding with guarded optimism. They well remember 1990 and the great victory won by Aung San Suu Kyi and her team. What followed is a sad reminder that not all respect the democratic voice of the people. The generals, who unleashed more than two decades of repression and denials of fundamental freedoms and inflicted much bloodshed on this beautiful land, are still there and they still have the guns. The hope is that yesterday will not be repeated.

Honourable senators, the signs indicate that this hope may be well founded. As we extend our warmest best wishes to all the people of Burma, let us also extend our friendship and solidarity.

ROUTINE PROCEEDINGS

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL— STUDY ON LOBSTER FISHERY IN ATLANTIC CANADA AND QUEBEC—SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Fabian Manning, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Wednesday, April 4, 2012

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on Thursday, March 8, 2012 to examine and report on the lobster fishery in Atlantic Canada and Quebec, respectfully requests funds for the fiscal year ending March 31, 2013, and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary;
- (b) to adjourn from place to place within Canada; and
- (c) to travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

FABIAN MANNING
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 1148.)

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

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

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

FIRST PART, 2012 ORDINARY SESSION OF
THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL
OF EUROPE, JANUARY 23-27, 2012—REPORT TABLED

Hon. Consiglio Di Nino: 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 on the First Part of the 2012 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, from January 23 to 27, 2012.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

PARLIAMENTARY CONFERENCE,
JULY 21-28, 2011—REPORT TABLED

Hon. David P. Smith: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary

Association to the Fifty-seventh Commonwealth Parliamentary Conference, held in London, United Kingdom, from July 21 to 28, 2011.

INTERNATIONAL PARLIAMENTARY CONFERENCE
ON THE MILLENNIUM DEVELOPMENT GOALS,
NOVEMBER 28-DECEMBER 2, 2011—REPORT TABLED

Hon. David P. Smith: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the International Parliamentary Conference on the Millennium Development Goals, held in London, United Kingdom, from November 28 to December 2, 2011.

ANNUAL INTERNATIONAL SEMINAR,
NOVEMBER 19-24, 2011—REPORT TABLED

Hon. David P. Smith: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association regarding its Annual International Seminar, held in Delhi, Republic of India, from November 19 to 24, 2011.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

NATIONAL CONFERENCE OF STATE LEGISLATURES,
JULY 25-28, 2010—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-United States Inter-Parliamentary Group respecting its participation at the National Conference of State Legislatures, held in Louisville, Kentucky, United States of America, from July 25 to 28, 2010.

• (1400)

ANNUAL CONFERENCE OF NEW ENGLAND
GOVERNORS AND EASTERN CANADIAN PREMIERS,
JULY 10-12, 2011—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-United States Inter-Parliamentary Group respecting its participation at the Thirty-fifth Annual Conference of New England Governors and Eastern Canadian Premiers, held in Halifax, Nova Scotia, Canada, from July 10 to 12, 2011.

ANNUAL SUMMIT OF PACIFIC NORTHWEST
ECONOMIC REGION, JULY 19-22, 2011—
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-United States Inter-Parliamentary Group respecting its participation at the Twenty-first Annual Summit of the Pacific Northwest Economic Region, held in Portland, Oregon, United States of America, from July 19 to 22, 2011.

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT
TO MAKE SPORTING FACILITIES AVAILABLE
ONE DAY ANNUALLY AT A REDUCED
OR COMPLIMENTARY RATE

Hon. Nancy Greene Raine: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada urge the Government of Canada to encourage local governments from coast to coast to coast to collaborate in choosing one day annually to make their health, recreational sports, and fitness facilities available to citizens at a reduced or complimentary rate, with the goals of promoting the use of those facilities and improving the overall health and well-being of Canadians for the reasons that:

- (a) although Canada's mountains, oceans, lakes forests, and parks offer abundant opportunities for physical activities outdoors, an equally effective alternative opportunities to take part in physical activities is offered by indoor health, recreational sports, and fitness facilities
- (b) despite its capacity to be a healthy and fit nation, Canada is experiencing a decline in participation rates in physical activities, with this decline having a direct consequence to health and fitness;
- (c) local governments operate many public facilities that promote health and fitness, and those facilities could be better utilized by their citizenry;
- (d) there is a growing concern in Canada over the rise in chronic diseases, which are attributable, in part, to inactivity and in turn can cause other impediments to achieving and maintaining a healthy lifestyle;
- (e) health and fitness should be promoted and encouraged by all levels of government, to Canadians of all ages and abilities; and
- (f) we aspire to increase participation by Canadians in activities that promote health, recreational sports, and fitness.

ISSUE OF SUPPORT FOR THE VISUALLY IMPAIRED

NOTICE OF INQUIRY

Hon. Asha Seth: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the issue of support for the visually impaired.

QUESTION PERIOD

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my questions will be for the Leader of the Government in the Senate. From time to time, she accuses us on this side of putting words in her mouth or in the mouths of other people, so I want to be very careful and precise when giving certain quotations.

On Thursday, April 7, 2011, during the election campaign, Prime Minister Harper said that the reports of increased development costs for the fighter jet did not trouble him because "... the contract we've signed shelters us from any increase in those kinds of costs." He said "the contract we've signed." Yesterday, in the other place, he said, "... the government has not yet purchased this airplane. It has not signed a contract."

On April 7 he said "the contract we've signed." Yesterday he said, "It has not signed a contract."

My question is very simple: When did Prime Minister Harper find out that the Harper government had not, in fact, signed a contract?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I mentioned yesterday that the Prime Minister did address this matter in answer to the question from the leader of the third party in the House of Commons. He made it very clear that he was referring to a memorandum of understanding.

It has not been a secret that the government has not signed a contract. The fact is our country does not pay any increase on the development cost. That is the arrangement. It is also a fact that we have provisioned in our budget funds for future aircraft and we are prepared to live within that budget.

That is basically what I have been saying all along. The Prime Minister made that very clear to the leader of the third party in the House of Commons on March 14.

Senator Cowan: The story now is that when the Prime Minister — this is the Prime Minister of Canada, the Prime Minister of the self-styled "Harper Government," his government — said "the contract we've signed," what he meant was a memorandum of understanding; is that what the leader is saying?

Senator LeBreton: We all know that this agreement was started 15 years ago. When we came into government in 2006, we were working with a process that was already in place, and it was a memorandum of understanding.

Senator Cowan: Just so I get this straight — I do not want to misrepresent what the leader is saying — the contract that Prime Minister Harper referred to on April 7 is the contract that led to the development of the aircraft in the early 2000s. Is that the contract that the leader is referring to?

Senator LeBreton: The Prime Minister made it very clear and I am making it very clear today, as I have in the past, that he was referring to a memorandum of understanding.

Senator Cowan: The leader agrees with me, then, that the Prime Minister misspoke, that he misled the Canadian people when he said that there was a contract.

The honourable leader is a senior member of this government and has been since its very beginning. She has been at the table, presumably, for all or most of the cabinet discussions with respect to this. When did she find out that what the Prime Minister said on April 7 was not true?

Senator LeBreton: Honourable senators, I never had any difficulty understanding what we were talking about. I always understood it to be an agreement that started 15 years ago, under the previous government. I think it is very clear that we were always dealing with the development of an aircraft that was well in progress when we formed the government.

Senator Cowan is quite right that I have been at the cabinet table for most of these discussions. It is very clear to me that we were always talking about a memorandum of understanding. It was always clear that we were dealing with an aircraft, the development of which had been entered into under the previous government. It was very clear to me, and I was not troubled by it.

Senator Cowan: The honourable senator knows full well that the consortium arrangement entered into in the early part of the last decade was not a commitment to purchase aircraft. It was a commitment to participate in the development of the aircraft. As the former deputy minister has made clear, the Government of Canada made an investment of \$100 million in that consortium. By mid-decade, by the time her government took over, that participation had resulted in a four-fold or five-fold return on investment in terms of the participation by Canadian defence contractors in the development of that airplane.

Without that investment made by the previous government — not made by this government — Canadian contractors would have been shut out of those development costs. The leader knew full well and I suggest that the government knew full well that when the Prime Minister was talking about “the contract we’ve signed,” any reasonable person would not say that he was really talking about a memorandum of understanding dealing with the development of an aircraft some 10 years earlier. That is too much to believe.

Senator LeBreton: Honourable senators, Senator Cowan is entitled to his opinion. I am entitled to disagree with him vehemently. Industry Canada, through the F-35 Secretariat announced yesterday, will continue identifying opportunities for Canadian industry to participate in the F-35 Joint Strike Fighter Global Supply Chain, as well as other potential benefits to Canada. Of course, this involves sustainment, testing and training, and we will provide updates to Parliament explaining the benefits.

• (1410)

However, at the end of the day, Canada will not sign a contract to purchase new aircraft until these steps are completed and development work is sufficiently advanced. As I said yesterday, Canada remains completely committed to ensuring that the Royal Canadian Air Force has the aircraft it needs to do the jobs we ask of them.

Senator Cowan: Does the leader know when the government received a draft copy of the Auditor General’s report?

Senator LeBreton: No, I do not.

Senator Cowan: Would the leader undertake to find out and report back as to when it was received? I ask the question because I understand it is common practice — and I am not suggesting anything wrong with this — for the Auditor General to provide to government, and perhaps to other officials, a copy of a draft report so that any factual errors can be corrected.

I would ask the leader to find out when it was that the government received a copy of the draft Auditor General’s report.

Senator LeBreton: Honourable senators, of course I will not divulge cabinet confidences. I can tell the honourable senator that I was briefed personally by the Auditor General the day before, as is always the case. I was briefed by him on Monday about the contents of the report and the Auditor General made his report public on Tuesday. This is standard practice. It has always been the case that the Auditor General briefs the Leader of the Government in the Senate, as I am sure he does other officials.

Again, honourable senators, I point out that I believe the Auditor General made a thorough assessment of the situation. The Auditor General has done exactly what the Auditor General is supposed to do, that is, point this out to government as they have a chance to look at all departments. I think the Auditor General has done an outstanding job here. We thank him very much and appreciate the work he has done. We fully accept all of his recommendations.

Senator Cowan: Honourable senators, my question was not when the leader received a briefing on the Auditor General’s report. My question was when the government received a copy of the Auditor General’s report. That is the question I asked.

Senator LeBreton: Honourable senators, I answered that question. There are certain provisions and certain confidences of cabinet, so I cannot make a commitment to the Honourable Senator Cowan. I do not believe it is a proper request, but I will take note of the request.

Senator Cowan: Honourable senators, whether the government received a copy of the report and when it received a copy of that report, I cannot understand what the cabinet confidence would be there. In any event, I will leave that to the leader.

Some months ago, honourable senators, the Parliamentary Budget Officer came up with his own estimate of the cost of this program. Of course, as is the practice of the government, they immediately attacked the messenger rather than the message. I ask

the leader again, as a senior member of the government, if it ever occurred to her, when she read the report of the Parliamentary Budget Officer, that perhaps he might be right and that the information that had been received from the officials — who are now going to wear this, apparently, on behalf of the government — might not be the full facts?

Did that ever occur to the leader? Did the penny ever drop? Did the light ever go on?

Senator LeBreton: Is that the penny that we are about to get rid of?

Honourable senators, there has been all kinds of speculation about the F-35. There have been reports from people who support it, from people who are against it, and from people who made claims about its sustainability. The fact of the matter is, when I heard the Parliamentary Budget Officer's report, I just added it to all the other voices that we have heard on both sides of the issue. Of course, I was always cognizant of the fact — and a study was done on this in *The Globe and Mail* — that the Parliamentary Budget Officer has been wrong more than he has been right.

Senator Cowan: The fact of the matter is — to use the leader's term — that he was right and you were wrong. His estimate has now been validated by the Auditor General.

Did it ever occur to the leader that she might not be getting the straight goods here and that the information that the Parliamentary Budget Officer had provided — and he had no axe to grind and no particular skin in the game on this situation; he was doing the best job he could with the information he had — might be right, as he has been proven to be right this time, that time and all the other times?

Senator LeBreton: Honourable senators, I answered that a few moments ago. When I saw what the Parliamentary Budget Officer had to say, I tended to discount it because he has a record of being wrong more often than he has been right.

Senator Cowan: When the leader read the reports of the congressional budget office that there were vast overruns in the U.S., honourable senators, did she put that in the same category?

Senator LeBreton: Honourable senators, I do not think that it is any of Senator Cowan's business what my inner most thoughts are.

Hon. Wilfred P. Moore: Honourable senators, I have been asking questions about this F-35 issue for probably a year. Members of the Liberal Party in the other place have been asking similar questions. We have not been getting answers. That is the reason why, in the other place, the government was found to be in contempt of Parliament: it did not provide answers on the F-35 and on other important economic issues of this country.

Today we just heard the answer from the Leader of the Government in the Senate. Our job here is to be Her Majesty's Loyal Opposition. We are entitled to ask these questions and we are entitled to get answers from the government. As far as I am

concerned, the leader and her colleagues in the other place are continuing that contempt. It is absolutely embarrassing, as a Canadian, not to be able to get answers from the people who are put in office.

Some Hon. Senators: Hear, hear!

Senator Moore: Honourable senators, let me tell you that on November 18 —

An Hon. Senator: Question.

Senator Moore: You will get the question — you, from the eight-year club, will get your question.

Honourable senators, on November 18, 2010, the Honourable Rona Ambrose, Minister of Public Works and Government Services, said:

I bring up the subject of the Canadian Forces decision because it is important to bear in mind the requirements that drive the procurement process. The procurement process does not drive the requirements. The Department of National Defence is the expert in what a modern armed force needs.

Under the Defence Production Act, I as Minister of Public Works and Government Services, have the authority to purchase defence supplies on its behalf. My department's role is to validate the identified requirement and ensure that the procurement is conducted according to the rules with the fairness and transparency Canadians demand, while maximizing value for money.

We have done that.

Honourable senators, we now know, from the Auditor General's report yesterday, whose numbers bore up the numbers reported earlier by the Parliamentary Budget Officer, as Senator Cowan has reported, that the minister did no such thing. There was no validation of requirement. There was no following of procurement rules. There was certainly no transparency — that is why we had this whole contempt issue in the other place. There was no maximizing of Canadian taxpayers' dollars or value for Canadian taxpayers' dollars.

Honourable senators, this is a complete and utter fabrication designed to mislead Parliament and the people of Canada. When will the Harper government do the right thing and fire this Minister of Public Works and Government Services?

Senator LeBreton: Honourable senators, first, I take great offence to the fact that Senator Moore believes that I do not answer the questions, because I do answer them. I think it is the answers that the honourable senator does not like.

The fact of the matter is the Auditor General, as is the responsibility of the Auditor General, has looked at this file and has brought to light some difficulties in the whole F-35 program. The government appreciates the Auditor General's work. The

government is acting immediately. As I pointed out yesterday, we have frozen funding and are establishing a separate secretariat. We are doing all the right things. We want this to be done properly. The fact of the matter is that all of this information that is being put on the record is a result the good work of the Auditor General and the government is now responding to it.

• (1420)

Senator Moore: I must say, honourable senators, I think about the question that Senator Cowan just put to the leader. Did the light not go on when the Parliamentary Budget Officer looked at it? We are talking about \$25 billion to \$30 billion dollars here. We are way over the estimated cost to purchase these airplanes. If I were the leader, I probably would have said, "Gee, that's a lot." Even if he is 50 per cent right, that is still \$12.5 billion to \$15 billion.

When thinking about budgeting and the budget for the country, do honourable senators opposite think about the fact that maybe Canadians were misled by government and we have to sort this out? The Prime Minister — not only supervising — was holding this information. Do not forget that he is the chief officer of this government. He does not get off the hook here. It is not Minister Ambrose; it is the top gun. He is responsible for misleading Canadians. He and his colleagues were found in contempt. That has not gone away.

Honourable senators, we have asked on many occasions to try to get answers from the Leader of the Government in the Senate and we are not getting them. Anything that happens now with regard to setting up a secretariat has come because of the pressure of the opposition in the other place and in this place. It is not something that the government thought of a month ago, saying "We have to fix this." You did not do that. You did what you were forced to do by members of the opposition.

We know that the Prime Minister deliberately misled Canadians with regard to the contract and the purchase. That was done.

Honourable senators, I will repeat my question: Does the Leader of the Government in the Senate not think that the government is still in contempt of Parliament, both here and in the other place?

Senator LeBreton: I absolutely do not. The fact is that this was not the opposition. This was not the Parliamentary Budget Officer. This was a result of the report of the Auditor General doing the job of the Auditor General. We thank him for it.

The Auditor General is right; there was obviously some difficulty between Industry, National Defence and Public Works. We appreciate the Auditor General's work in this regard. We agree with what the Auditor General said. We have frozen this program.

There has not been an excess of dollars expended on this program, because the contracts have not been signed. The government is doing what one would expect it to do, which is responding to the Auditor General.

I again point out that the funds are frozen, this program is frozen and there is a secretariat overseeing it all. This has not caused a huge sum of money to be expended. Taxpayers are not out money on this. We appreciate the Auditor General pulling all these facts together. The government is taking the appropriate action and we absolutely did not do one thing to mislead Parliament on this.

Hon. Jane Cordy: Honourable senators, I have some difficulties with this. It is like saying that someone is a little bit pregnant. There were major, major, major problems. Canadians were misled by this government.

As Senator Moore said, at a photo op in 2010 with the Minister of Defence and the Minister of Industry, Minister Ambrose said that only the F-35s met the requirements, and "our job" is to "validate" that and "we did." The validation was a one-page document from DND. Is it the norm that validation is determined by a one-page document?

Senator LeBreton: I can assure the honourable senator that I am not a little bit pregnant.

The fact is, and I think it is very clear, that the Auditor General did what the Auditor General is supposed to do. He looked at this program and identified some serious concerns. Perhaps I should have used the words "serious concerns" because there were serious concerns. He has laid them out and indicated where the problems are.

The government listened and thanked the Auditor General. We agree that the information he has provided is valid. We have frozen the funds. The Auditor General just made his report on Tuesday. The fact is that the government is acting appropriately. I think people actually get it, even though the opposition does not.

Senator Cordy: The Auditor General said that the decision-making process was flawed, key analysis was wrong, the documents were prepared out of sequence and financial information was incomplete. Where were the ministers?

Senator LeBreton: I think the honourable senator is now putting words in the mouth of the Auditor General. I beg her to read his report. He started off with Industry and National Defence and then talked about the procurement process under Public Works. The Auditor General has pointed out some flaws in this whole process. We agree with the Auditor General, and that is why we, as government, are determined to fix it.

Hon. Grant Mitchell: Honourable senators, it is becoming increasingly clear that it does not really matter whether the Prime Minister says it, signs it, shakes hands on it, swears it on a stack of Bibles, one just cannot believe what the Prime Minister of Canada says.

I am actually reading the Auditor General's report. There is a chart that says "National Defence's estimates used for decision making June 2010." This is the number that they used to make the decisions behind closed doors, and the leader cannot tell me that the Prime Minister of Canada did not know about the \$25 billion number that they used.

Nine months later, the next column right here in the Auditor General's report, the number that they gave to Parliament for the cost was not \$25 billion but \$14 billion. Give or take \$10 billion, the Prime Minister was out. Was the Prime Minister consciously misleading us, or was this proof that he is absolutely and fundamentally incompetent?

Senator LeBreton: The Auditor General pointed out in this report — which I think was also very clear — that the figures National Defence was using were not the figures that Parliament had. That is a given. The Auditor General pointed that out. We are about to address this.

I again point out that this program has been frozen. The government will sort this out in the interests of the Canadian taxpayers. We will not have, as we did with the previous government, a \$50 billion of boondoggle at HRSDC. We will not have \$50 million shovelled out the back door to our friends in the sponsorship scandal and —

Some Hon. Senators: Oh, oh!

The Hon. the Acting Speaker: Order.

Senator LeBreton: — we will not have a \$2 billion gun registry.

Senator Mitchell: Honourable senators, we have a Prime Minister, and I use that phrase lightly, who actually requests special reports on the number of signs that are stuck up in front of Canada Action Plan projects. He gets that kind of minutia and that kind of detail, but at the same time he lets \$10 billion just slip through his hands; just missed it. "I saw \$25 billion last June and I see \$14 billion today, and I will give that number to the public." What is it about this Prime Minister that he is so hung up on minutia that he cannot catch \$10 billion as it slips through the cracks?

Senator LeBreton: Senator Mitchell, that is outrageous.

I do not know where he gets his figures. All I know is that the Auditor General reported to Parliament, as is his responsibility. He pointed out some serious concerns with regard to the F-35 program. The Auditor General was right to point them out — that is his job — and we are right as a government to listen to the Auditor General. In this case, unlike previous governments, which always used to question the Auditor General, we accept his recommendations. We thank him for his work, and we will act on his recommendations.

• (1430)

Senator Mitchell: Honourable senators, I think the leader of the government has been saying we can cancel this — whatever it is — contract or memorandum. We can cancel it and not lose any money; it will not cost us a cent. Yet, the Minister of National Defence recently — oh, it was on February 25, 2011, so it was a year ago.

They could easily have forgotten. A year is a long time and \$10 billion can slip through the cracks in nine months. What can happen in a year?

[Senator Mitchell]

Regardless, a year ago, the Minister of National Defence said it would cost taxpayers \$1 billion if we cancel this procurement initiative.

Could the leader please tell us: Who the heck are we to believe? We cannot believe the Prime Minister. We cannot believe the Minister of National Defence. Why would we believe anyone over there about anything they say about \$25 billion?

Senator LeBreton: Honourable senators, asking the honourable senator to believe anything not Liberal red would be an almost impossible thing to do. Furthermore, as I pointed out earlier, through the F-35 secretariat, Industry Canada will continue to identify opportunities for Canadians in the development of the F-35.

I will repeat: The Auditor General did his job. We listened, we acted, and —

Senator Mercer: We are not complaining about the Auditor General, but about you.

Senator LeBreton: I am actually saying the Auditor General — who, by the way, you did not want to support.

Senator Mercer: Red-handed.

Senator LeBreton: We are saying the Auditor General did a good job, and we are acting on it.

Senator Mitchell: Honourable senators, even the estimates the government released the second time — the low estimates — did not include full life cycle costs. They based their estimate on a 20-year life cycle cost rather than the 36 years that they will need these jets for, if they ever get them.

Why would it be that this government cannot even get the facts right? It is not 20 years that those costs should have been based on, but it should have been 36 years, and it is not just \$10 billion they were under, but that they were under by probably another \$5 billion or \$6 billion. When will it ever end?

Senator LeBreton: Honourable senators, I noticed in the newspaper today that there is some debate about the life cycle and different things that were factored into it, including the salaries of our Air Force personnel.

I will repeat myself again for the honourable senator, in a calm voice, unlike his: We will accept and have accepted the work of the Auditor General. We think the Auditor General has done an outstanding job. We are glad that we have this new Auditor General, unlike some other people who at the time did not want this Auditor General. Having said that, we appreciate the Auditor General's work. We will act, as we indicated yesterday and as I have stated many times in this chamber.

[Translation]

BUSINESS OF THE SENATE

The Hon. the Acting Speaker: Honourable senators, I would like to revisit something from yesterday's debate. After the conclusion of the debate at third reading of Bill C-19, before 8 p.m. but after the debate concluded, Senator Carignan asked whether it would be appropriate to seek permission to not see the clock.

My interpretation yesterday was that it was unnecessary, because the *Rules of the Senate* already provided that we did not see the clock. I later re-examined the rules to determine whether Senator Carignan was right, and I must admit that he was right to ask the question.

Now, if anyone is wondering whether anything that was decided between the end of the debate and 8 p.m. is valid, the answer is yes, because, in order to ensure that yesterday's session was valid, I asked your permission to not see the clock and you granted it.

I thought it was important to set the record straight.

[English]

ORDERS OF THE DAY

INCOME TAX ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Banks, for the second reading of Bill S-205, An Act to amend the Income Tax Act (carbon offset tax credit).

Hon. Bert Brown: Honourable senators, I rise today to provide some quotes from respected international scientists on the climate change debate and the Intergovernmental Panel on Climate Change, or IPCC.

The following quotes were compiled by Dr. John Happs of Australia. Unfortunately, I have little time to share most of them. Dr. Happs has said that scientific positions are not reached by consensus. If this were the case, then science would still embrace the belief the Earth is at the centre of the universe and the world is, in fact, flat. Much of what I have heard on the climate change debate is consensus and not fact.

What we do know with certainty is that carbon dioxide is not an atmospheric pollutant. It is a colourless, odourless gas that is as essential to life on Earth as is oxygen. Human activity worldwide produces a mere 3 per cent of the carbon dioxide that enters the atmosphere each year. If all human carbon dioxide production stopped tomorrow, it would have no impact on carbon dioxide levels or global temperature.

Carbon dioxide levels, though currently climbing slowly, are among the lowest they have been in a million years. When carbon dioxide levels were 10 times higher than today's levels, the Earth was in the depth of an Ice Age.

Despite government spending over \$30 billion on climate research, there is still no empirical evidence to show that carbon dioxide has any effect on global climate. Curiously, the IPCC has been unable to provide such evidence.

Tens of thousands of scientists — a distinct majority — now seriously question the integrity of the IPCC and its findings. Here are quotes from but a few of them.

Dr. Robert Balling of Arizona State University stated:

The IPCC notes that there is no significant acceleration in the rate of sea level rise during the 20th century.

Strangely, this did not appear in the IPCC report.

Dr. John Christy of the University of Alabama in Huntsville said:

Little known to the public is the fact that most of the scientists involved with IPCC do not agree that global warming is occurring. Its findings have been consistently misrepresented and/or politicized with each succeeding report.

• (1440)

Dr. Rosa Compagnucci of the University of Buenos Aires said:

Humans have only contributed a few tenths of a degree to warming on Earth. Solar activity is a key driver of climate.

Dr. Robert Davis of the University of Virginia said:

Not a single mention of satellite temperature observations appears in the (IPCC) Summary.

Dr. Chris de Freitas of the University of Auckland, New Zealand, said:

Government decision-makers should have heard by now that the basis for the longstanding claim that carbon dioxide is a major driver of global climate is being questioned. If they have not heard, it is because of the din of global warming hysteria that relies on the logical fallacy of "argument from ignorance" and predictions of computer models.

Dr. Eigil Friis-Christensen, Director of the Danish National Space Centre, said:

The IPCC refused to consider the sun's effect on the Earth's climate as a topic worthy of investigation. The IPCC conceived its task only as investigating potential human causes of climate change.

Dr. Yuri Izrael, former vice-chair of the IPCC and senior scientific adviser to Vladimir Putin, said:

There is no proven link between human activity and global warming. I think the panic over global warming is totally unjustified.

Dr. Richard Lindzen of MIT said:

The IPCC process is driven by politics rather than science. It uses summaries to misrepresent what scientists say and exploits public ignorance.

Dr. Stephen McIntyre, retired Canadian mining consultant and former Chairman of the Board of Trelawney Mining and Exploration, said:

The many references in the popular media to a “consensus of thousands of scientists” are both a great exaggeration and also misleading.

Dr. Nils-Axel Mörner of Stockholm University said:

If you go around the globe, you find no sea level rise anywhere.

Dr. Paul Reiter of the Pasteur Institute in Paris, France:

As far as the science being “settled,” I think that is an obscenity. The fact is the science is being distorted by people who are not scientists.

Dr. Frederick Seitz, President of Rockefeller University and President of the United States National Academy of Sciences, said:

In my more than 60 years as a member of the American scientific community, including service as president of both the National Academy of Sciences and the American Physical Society, I have never witnessed a more disturbing corruption of the peer review than the events that led to this IPCC report.

Dr. Paul Reiter of the Pasteur Institute in Paris, France, said:

For the 2001 report, I was a contributory author. And we had these meetings that were absolute bullshit. I mean they had an agenda, and that was it.

Dr. David Deming of the University of Oklahoma said:

In 1999, Michael Mann and his colleagues produced a 1,000-year reconstruction of past temperature in which the MWP simply vanished.

The infamous “hockey stick” became the centrepiece for IPCC propaganda for Al Gore’s silly movie, *An Inconvenient Truth*.

Honourable senators, the IPCC is not really about climate science.

Ottmar Edenhofer is a leading member of the UN’s IPC. He was co-chair of the IPCC’s working group, and a lead author of the IPCC’s Fourth Assessment Report released in 2007. He made clear the United Nations position:

The climate summit in Cancun . . . is not a climate conference, but one of the largest economic conferences since the Second World War.

He described the UN intentions:

We redistribute de facto the world’s wealth by climate policy.

Dr. Harold Lewis, department chairman at the University of California, Santa Barbara, said:

Climategate was a fraud on a scale I have never seen.

Dr. William Gray of Colorado State University:

I am of the opinion that (global warming) is one of the greatest hoaxes ever perpetrated on the American people.

Honourable senators, I have one last quote to share with you. It comes from investigative journalist Donna Laframboise:

The IPCC was established by politicians, its experts are selected by politicians, and its conclusions are negotiated by politicians. A predetermined political agenda has been part of the landscape for the past 20 years.

Honourable senators, I urge you to think carefully about the quotes I have shared with you today. If you would like a copy of the full 22-page document, which includes many more quotes from scientists around the world, please contact my office for a copy. We would be happy to provide it to you.

Honourable senators, the following are a number of items that have appeared in the media in the last few weeks.

The continent of Europe has spent \$333 billion dollars — a third of a trillion dollars — with no measurable change in the atmosphere.

The Ontario government has had to raise all electricity rates to levels that are driving factories out of the province due to the cost of windmills and solar panels.

Just yesterday a new study was released showing the world’s oceans began warming 135 years ago — more than twice as long as previously thought. They have warmed 0.59 degrees Fahrenheit or 0.33 degrees Celsius over that period, 135 years.

Alberta is spending \$2 billion for CO₂ sequestration. At least Alberta wants to pump CO₂ down low-performing oil wells to increase oil production. Cap and trade was sold to companies paying no-till farmers in Alberta \$13 to \$14 per acre. Today, those trades are asking \$3 to \$4 an acre and there are no companies willing to buy trades.

Let us stop this expensive nonsense. The energy the Earth gets is from the sun. That was true when the dinosaurs roamed the Earth. It was also true when the ice age covered North America

with miles-thick ice that melted and gave us the Great Lakes. It is still true that the sun gives us hurricanes, tornadoes, wind changes, temperature changes and the food we grow. Last but not least, the sun gives the world the food we eat.

Hon. Grant Mitchell: A lot of that was directed at me. While I was sitting there listening to it, I felt like I had been bit by a sheep.

• (1450)

The fact is that these arguments are not particularly strong, and I appreciate that the honourable senator is sincere about them.

On the question of IPCC conspiracy, could the honourable senator please indicate to us how it is possible that thousands upon thousands of scientists all over the world, not just currently but literally since the early 1800s, have established over and over again, independently in many cases, in an infinite number of cases independent of one another, that climate change is occurring and that human beings are causing it, our activity is causing it? How is it that a conspiracy of that magnitude could ever be organized, mustered and sustained for all these decades, which would be absolutely essential to establish and sustain the arguments that the honourable senator is trying to make?

Senator Brown: If the honourable senator had bothered to read the 22 pages that he asked for from John Happs, he would know that, in fact, over a thousand of the scientists who originally believed in the IPCC are now very much afraid that their authorship has been changed by the IPCC chairman. They have been misused, and some of them have even had to sue the IPCC in order to get their documents removed because they were falsified and changed, and some of them actually had lawsuits against them. They are saying that a thousand of those scientists are now very much misrepresented by the IPCC, and they are proving by science that it never was anything that was real.

Senator Mitchell: If the science is so unreliable, if we accept the honourable senator's argument, then can he answer me on this: Why is it that the government is putting money into carbon capture and storage — not enough — but the government says it wants to do something in that regard? Why is it that the Minister of the Environment said clearly that the science of climate change is true and that people are causing it? Why is it that Mr. Harper has said on two occasions, at least, internationally that he wanted to ensure that the climate warming did not exceed two degrees? Why is it that he would have signed the Copenhagen agreement, which was premised upon the fundamental scientifically established idea that human activity is creating climate change? Is this another case where the Prime Minister is lying or incompetent or just cannot get the facts right?

Senator Brown: I gave Prime Minister Harper a copy of the honourable senator's 22-page letter that he asked for and got. I also gave one to the environment minister and one to the energy minister. I am sure the honourable senator will find different opinions from a lot of people across the world because they were brought into something that sounded like it was going to help climate, and they finally realized that it is not any help at all.

Senator Mitchell: When the honourable senator disputes the qualifications of IPCC scientists, is he saying that his government, which appointed Andrew Weaver — who is one of the top climate

scientists in the world, who has received some of the top climate science awards in the world, who was appointed by this government — is actually appointing people who are incompetent to do what they are asked to do when they are appointed by this government to an international body? Is he saying that the Prime Minister has actually appointed an incompetent to the IPCC?

Senator Brown: I think Mr. Weaver, whom the honourable senator is talking about, was in a program with the committee on energy a week ago when I was unable to be here, although I do have all the pages from that. I also have the 12 diagrams. I have never seen diagrams before that could actually predict 300 years of change into the future. I have never seen a diagram that, instead of using a 0 and a period, when it estimates something, like 0.50, actually left the zero off, so it appears that the periods are so small that they actually referred to five degrees, when it was half a degree to begin with.

The Hon. the Acting Speaker: The honourable senator's time for speaking has expired. Does he want more time? Five minutes.

Senator Brown: One of the other diagrams that they used to show what wonderful scientists they were is a diagram that says rain falls, freezes, then melts and makes water. Is that supposed to be a scientific diagram, that water freezes, then melts and then rain comes? Was that one of their 12? I have one here with me, if the honourable senator would like to see it. Their diagrams are beyond anything one could believe means anything at all. They even showed a globe of the world — one big globe. That is all it was. It did not say anything about what the globe was doing. It just showed a great big diagram of the globe.

Does the honourable senator have any more questions? I have 22 pages of the honourable senator's questions that he asked for, and I will give them to him one by one until he has all 25 of them.

Senator Mitchell: Do you believe in gravity?

One of the points the senator made was that the sea, the ocean, water has been warming for 135 years, as though that is some way to dispute the fact that it is evidence of climate change caused by human activity. The fact of the matter is that the reason that climate change is occurring is because of the increase in carbon dioxide, largely since the inception of the industrial revolution.

I remind the honourable senator, or I ask him: Does he not realize that the industrial revolution probably started about 170 years ago, so it took the first 35 years to begin building up some carbon dioxide in significant amounts so that warming would occur, and sure enough — proof positive — the sea started to warm 135 years ago? It just underlines the point we are making, that human endeavour has created the kinds of emissions that have caused global warming, and there is a time when one has to put down one's slide rule and come into the 21st century and understand that there is tremendous urgency about this. We cannot wait any longer, and there is tremendous opportunity if we do something about it and tremendous risk and danger if we do not.

Senator Brown: The honourable senator's idea about carbon and the ocean was good until 5:15 last night, when I received this from Washington, D.C. They said that the oceans began warming

135 years ago, that they have warmed from 0.53 degrees Fahrenheit, which is a little over half a degree, in 135 years, or 0.33, which is one third of a Celsius degree. That is how much they have changed.

This stuff comes day by day now. These scientists have had all they want. They have watched most of Europe spend \$333 billion, with no change in the climate at all. They have scientists now who have discovered there is absolutely no expansion of the ocean that Mr. Gore said would have 15 feet of water on Manhattan Island, and it has expanded only half an inch in the last 20 years because of the half-inch increase in temperature in the ocean going down 2,300 feet or 700 metres.

Does the honourable senator have any more questions?

(On motion of Senator Mockler, debate adjourned.)

[Translation]

INTERPRETATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Watt, seconded by the Honourable Senator Lovelace Nicholas, for the second reading of Bill S-207, An Act to amend the Interpretation Act (non-derogation of aboriginal treaty rights).

Hon. Jean-Guy Dagenais: Honourable senators, I am very pleased to rise here today to speak to Bill S-207. Senator Watt introduced this bill on December 13, 2011, and moved second reading on February 8, 2012.

Bill S-207 amends the Interpretation Act by adding a non-derogation provision that states that no enactment shall be construed so as to abrogate or derogate from the Aboriginal and treaty rights recognized and affirmed by section 35 of the Constitution Act, 1982.

The Standing Senate Committee on Legal and Constitutional Affairs conducted a study on the issue of including a non-derogation provision in federal legislation. In 2007, the committee produced a report entitled: *Taking Section 35 Rights Seriously: Non-derogation Clauses relating to Aboriginal and treaty rights*.

• (1500)

One of the recommendations was to add a non-derogation clause to the Interpretation Act. Although the wording of the clause in Bill S-207 is slightly different, it essentially follows this recommendation.

Naturally, it is extremely important to ensure that federal legislative measures are compatible with the protection of Aboriginal and treaty rights under section 35 of the Constitution Act, 1982. Adding non-derogation clauses to federal statutes would achieve this objective.

[Senator Brown]

However, it is important to consider whether including a non-derogation clause in the Interpretation Act is the appropriate solution for standardizing the way in which Aboriginal and treaty rights are considered by federal legislation.

Aboriginal and treaty rights are expressly recognized and affirmed by section 35 of the Constitution Act, 1982. In many of its rulings, the Supreme Court of Canada has confirmed that section 35 provides important protection for these rights from the potential negative effects of federal legislation. At the same time, the court has confirmed that it is possible for governments to regulate and even limit the exercise of Aboriginal and treaty rights when circumstances require. The protection of Aboriginal rights must be balanced and reconciled with the rights and interests of non-Aboriginal Canadians.

This level of constitutional protection afforded to Aboriginal rights is similar to the protection of Charter rights of all Canadians. With respect to the Charter, section 1 provides for limits prescribed by law on the rights guaranteed by the Charter, when such limits are reasonable and can be demonstrably justified in a free and democratic society.

Honourable senators, it is important to point out that the protection of rights under the Charter and of Aboriginal and treaty rights applies automatically to all federal statutes. There is absolutely no need for legislation to refer to the Charter or section 35 for these protections to apply.

With regard to the Charter, it was not deemed necessary to include an additional provision in a specific statute or the Interpretation Act in order to ensure that it does not derogate from the Charter. With regard to Aboriginal and treaty rights, Bill S-207 would adopt a standardized approach in order to establish the relationship between these rights and federal statutes as a whole.

[English]

I question whether such an approach is the best way to ensure that legislation properly respects the constitutional protection given to Aboriginal and treaty rights by section 35. I also question whether this approach is the best way to address the concerns Aboriginal people may have with respect to the impact of particular legislation on their rights or interests.

[Translation]

It is the Constitution that protects the Aboriginal and treaty rights and it is section 35 that requires these rights to be balanced against the rights and interests of non-Aboriginal Canadians. The government's ability to weigh these opposing rights and interests is essential in achieving what the Supreme Court indicated to be the fundamental purpose of section 35, which is to reconcile the rights and interests of Aboriginal and non-Aboriginal Canadians.

It has been suggested that adding a non-derogation clause to a specific legislative measure might change the way this balance works. If that were the case, then it might change the normal functioning of section 35 and could compromise the government's ability to weigh opposing rights and interests in accordance with section 35.

Senator Watt proposes to add a non-derogation clause to the Interpretation Act. This would mean that the provision could apply to all federal legislative measures. Federal legislation applies to a large number of varied subjects and could have an impact on Aboriginal and treaty rights in a number of ways. Trying to standardize the way in which federal legislation and Aboriginal or treaty rights interact through the Interpretation Act is not an effective way of handling the sometimes very complex relationship between federal legislation and Aboriginal and treaty rights.

Equally or even more importantly, I think that requests to add a non-derogation clause to federal legislation are not always the best way to respond to allegations that the proposed legislative measure has a prejudicial effect on Aboriginal and treaty rights.

Rather than wonder whether a non-derogation clause should be added to a legislative measure, we should instead take time at the preliminary stage to examine Aboriginal peoples' specific concerns with regard to that legislative measure.

This approach provides the necessary flexibility to respond to the concerns of Aboriginal peoples about the impact of the legislative measure on their Aboriginal and treaty rights. Adding a non-derogation clause to the Interpretation Act might give the impression that the situation of Aboriginals with regard to all legislative measures has been resolved and that there is no longer any need to take interest in it. This assumption and this approach do not serve the interests of either the government or Aboriginal peoples.

In conclusion, what may seem to be a simple issue is actually fairly complex. What may initially have been considered a legal issue related to the wording of a specific legislative provision in fact raises important questions about the best way to ensure that legislative measures comply with section 35 and the best way to take into account the concerns raised by Aboriginal people with respect to the negative impact a specific federal law may have on their rights and interests.

I urge all honourable senators to consider these important issues very carefully before supporting Bill S-207.

[English]

Attempting to standardize how legislation and Aboriginal treaty rights relate to each other by adding a non-derogation clause in the Interpretation Act is not necessary to ensure that legislation is consistent with the Constitution. It is also not the best way to take account of the concerns Aboriginal people may have regarding the impact of legislation on their rights and interests.

[Translation]

In my opinion, it is better to adopt an approach that will make it possible to take into account the specific concerns Aboriginal people may have regarding the impact of particular legislation than to add a non-derogation clause to the Interpretation Act to try to resolve the problem.

The Hon. the Acting Speaker: Will Senator Dagenais accept questions?

Senator Dagenais: Yes, Your Honour.

Hon. Serge Joyal: I listened to Senator Dagenais's remarks, but I am not sure I understood him correctly. Is he saying that section 1 of the Charter applies to the interpretation of section 35, which establishes the non-derogation clause to which he referred?

Senator Dagenais: With your permission, Your Honour, that is in fact what I said.

Senator Joyal: Honourable senators, I have a problem with that interpretation, because section 35 is not part of the Canadian Charter of Rights and Freedoms; rather, it is part of the repatriated Constitution. I have the Charter here in front of me.

The text of the Charter is found in Part I of the Constitution Act: the Canadian Charter of Rights and Freedoms. Part II of the Constitution Act contains the Rights of the Aboriginal Peoples of Canada.

• (1510)

That is another section of the Constitution. Part III, for example, is entitled "Equalization and Regional Disparities."

In other words, there were several parts to the repatriated Constitution. The first part was the Canadian Charter of Rights and Freedoms, which the senator referred to, emphasizing that there is a provision setting reasonable limits to which the rights listed in the Charter are subject.

I submit that this section of the Charter does not apply to the interpretation of section 35 because section 35 is in a totally independent part outside the Charter, just like equalization payments and the other parts of the Constitution.

I was wondering if I heard you correctly. Because we do not know whether we will have a chance to debate this bill in committee and hear from other experts, my initial reaction to your remarks is that what you are saying about the Charter does not apply to section 35. At least, that is what we have always been told. That is the position that the Department of Justice has taken on several occasions before the Standing Senate Committee on Legal and Constitutional Affairs.

Senator Dagenais: Senator Joyal, given that your question is fairly complex, I will look into it and provide you with a clear answer.

[English]

Hon. Lillian Eva Dyck: Honourable senators, I believe that Senator Dagenais said we should be balancing the rights of First Nations with other Canadians. That surprised me, because that is not my understanding of section 35 of the Constitution Act. I will read from a decision from the Supreme Court of Canada:

... when Europeans arrived in North America, aboriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they had

done for centuries. It is this fact . . . above all others, which separates aboriginal peoples from all other minority groups in Canadian society and which mandates their special legal, and now constitutional, status.

To me, that does not mean balance; that means a separate, constitutional, legal status. I do not understand the concept of it being a balance.

[Translation]

Senator Dagenais: For the same reasons I gave Senator Joyal, I will look into it and get back to you with a clear and simple answer.

(On motion of Senator Fraser, debate adjourned.)

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Bob Runciman moved second reading of Bill S-209, An Act to amend the Criminal Code (prize fights).

He said: Honourable senators, I rise today to speak to Bill S-209, An Act to amend the Criminal Code.

This is a relatively simple bill. It updates the definition of prizefighting in a way that reflects today's reality. For the most part, this bill is similar to the provisions of the former Bill C-31 from the second session of the Fortieth Parliament, which died when that session was prorogued. Members in the other place all spoke in favour of these particular changes at second reading of that bill.

Under the Criminal Code, prizefighting is a summary conviction offence, with participants, promoters and organizers all subject to prosecution. The code defines a prizefight as:

. . . an encounter or fight with fists or hands between two persons . . .

Boxing matches are the only combative sports specifically exempted from criminal prosecution if they are held under the jurisdiction of a provincial athletic board. Under such a definition, even amateur sports on the Olympic program, such as judo, are operating in a grey area, since they involve the use of feet.

Bill S-209 updates the definition of a prizefight to include an encounter with fists, hands or feet, and it expands the list of exceptions to the offence to include amateur combative sports that are on the program of the International Olympic Committee and other amateur sports, as designated or approved by the province, as well as boxing contests and mixed martial arts contests held under the authority of a provincial athletic board, commission or similar body.

[Senator Dyck]

The exemptions for amateur contests that were proposed in Bill C-31 that carry over into this bill were the result of consultations between the federal government, the provinces and national sports organizations.

The only difference between this bill and the previous Bill C-31 is the addition of the words "mixed martial arts." This is a change that attracts attention, due in part to the growing interest in this sport.

Honourable senators, in my view this change is no more than a recognition of reality. The primary organization for professional mixed martial arts is the Ultimate Fighting Championship, better known as the UFC, which just announced it will host an event in Calgary in July.

UFC welterweight champion Georges St-Pierre of Montreal is perhaps the sport's most famous athlete, but there are a number of other Canadians among the sport's elite. The UFC's Director of Canadian Operations, Tom Wright, is a former commissioner of the Canadian Football League.

The event in Calgary will be the ninth in Canada, and Alberta will be the fourth province to host. Previous events in Montreal, Toronto and Vancouver attracted more than 200,000 fans in total, with gate receipts of more than \$40 million. Six of UFC's top eight box office records were Canadian events, with the top four all held in Canada. The Toronto event one year ago at the Rogers Centre has the distinction of the largest crowd ever for one of these events, with 55,000 fans attending and a gate of more than \$12 million.

The direct economic activity — and I stress that this is direct spending — connected with this one event was \$22.4 million, with the total economic impact estimated at \$35 million. Several million dollars were spent by international and U.S. visitors attending that event. Honourable senators, this is big business.

It is good for tourism and particularly good for the hospitality industry. Canadians account for over 25 per cent of the worldwide commercial closed-circuit television purchases of UFC events.

These numbers tell the story. Canadians have made their decision on this, and that is the primary reason I am introducing this bill.

Considering that events have already been held in three provinces, honourable senators may wonder why we need this amendment. That is a good question. This really relates to a lack of clarity that requires provinces that wish to host such events to turn a blind eye to the Criminal Code. My province of Ontario resisted for a while, but eventually made changes just before the last election through the Athletics Control Act to put in place regulations governing mixed martial arts.

I would like to address another concern that honourable senators may have. Some may be aware that the Canadian Medical Association has come out against the UFC event in Calgary. The CMA also wants an outright ban on boxing.

Before considering sponsoring this bill, I wanted to satisfy my own concerns about the safety of this sport because, let us face it, it is not pretty. The reality is that there are other legal sports that result in more serious injuries than mixed martial arts.

A 2006 study by the Johns Hopkins University School of Medicine, published in the *Journal of Sports Science & Medicine*, noted that the overall injury rate in mixed martial arts competitions is compatible with other combat sports involving striking. The Johns Hopkins study noted that the rules governing these events have changed dramatically in order to protect the combatants. Fights can end with the traditional knockout or a technical knockout and decision, as in boxing, but also with what is known as a “tap out,” where an opponent taps the mat or his opponent or verbally indicates that he wants the match to end. This is an important innovation to protect fighter safety.

In addition, the Unified Rules of mixed martial arts require weight divisions, rounds and time limits, safety rules for the ring, and safety equipment such as gloves, hand wraps, mouth guards and groin protectors. Matches are supervised by referees and judges. Doctors and other medical personnel must be on hand. There are more than two dozen criteria for fouls.

On top of this, events will be subject to stringent provincial or local regulations.

• (1520)

Even if very few honourable senators are fans of mixed martial arts, millions of Canadians are, and the sport has the potential to provide a significant boost to cities across the country.

Mixed martial arts and other combative sports are a fact of life in Canada today, and it is time we updated the Criminal Code to reflect that. I urge all honourable senators to support Bill S-209.

(On motion of Senator Munson, for Senator Campbell, debate adjourned.)

[Translation]

INDUSTRIAL ALLIANCE PACIFIC INSURANCE AND FINANCIAL SERVICES INC.

PRIVATE BILL—SECOND READING— DEBATE ADJOURNED

Hon. Gerald J. Comeau moved second reading of Bill S-1003, An Act to authorize Industrial Alliance Pacific Insurance and Financial Services Inc. to apply to be continued as a body corporate under the laws of Quebec.

He said: Honourable senators, I am pleased to move second reading of Bill S-1003, An Act to authorize Industrial Alliance Pacific Insurance and Financial Services Inc. to apply to be continued as a body corporate under the laws of Quebec.

This bill is not controversial. It is simply a private bill requested by a private company to allow it to apply to change from being a federally regulated insurance company to being a Quebec-regulated insurance company.

Industrial Alliance Pacific General Insurance Corporation (IAP) is a subsidiary of Industrial Alliance Insurance and Financial Services Inc. (IA), a life and health insurance company incorporated under the laws of Quebec. IA is the fourth-largest life and health insurance company in Canada, and it contributes to the financial well-being of over three million Canadians. It has more than 4,100 employees, a network of more than 17,500 agents, and approximately \$73.4 billion in assets under management.

[English]

To take a company from a federal charter to a provincial charter, federal legislation in the form of a private bill is required, as there are no provisions within the Insurance Companies Act of Canada to continue the company from a federal charter to a provincial charter.

IAP is amalgamating with its parent company, IA, for economic, regulatory and efficiency purposes. This is similar to an initiative that was affected by the company last December in order to continue another subsidiary, Industrial Alliance Pacific General Insurance Corporation under a Quebec charter. As in that case, the move to amalgamate IAP and IA is primarily an administrative measure that will allow the two corporations to streamline processes by easing red tape and administrative and legal duplication, while allowing for greater internal capitalization flows.

Specifically, the amalgamation will reduce unit cost, provide flexibility for investment, help mitigate the effects of decreasing long-term interest rates, reduce regulatory and filing requirements by consolidating with a single regulator and bring economies of scale for various lines of businesses. This regulatory reorganization will allow the Industrial Alliance Group of Companies to face today's economy in a better organizational structure and continue to create jobs for Canadians.

IAP has undergone all the required prerequisites for the introduction of this private bill, including the publication of a notice in the *Gazette* and certification of the petition by the Senate's examiner of petitions.

[Translation]

It should be noted that the Office of the Superintendent of Financial Institutions in Ottawa, which currently governs IAP, and Quebec's Autorité des marchés financiers, which will be the new regulatory body once the bill is passed and the company receives its Quebec charter, have confirmed that they do not oppose the process.

[English]

In order to complete the process, the AMF must approve the transaction to grant a Quebec charter. This approval will be contingent upon the approval of the Quebec Minister of Finance, who will not formally consider the issue until the private bill has been passed by the federal government.

I should add that this bill does not create a precedent and that indeed, since 1994, four such initiatives have been undertaken by life insurance companies, moving from federal charters to provincial charters in the province of Quebec.

The first bill was Bill S-3, in 1994; the second was Bill S-27; and the third was Bill S-28, both having been passed in 2001; and the fourth bill was the one initiated by this company, Bill S-1002, passed in December 2011.

Honourable senators, I respectfully submit that Bill S-1003 constitutes, as mentioned previously, legal recognition of a situation that already exists and that consequently should be submitted as soon as possible to the Standing Senate Committee on Legal and Constitutional Affairs for review and speedy approval.

I might add, though, and this point was in fact made by several honourable senators when Industrial Alliance last appeared before the Standing Senate Committee on Legal and Constitutional Affairs with the previous initiative, that this esteemed chamber may wish to recommend to the Government of Canada that amendments be made to the Insurance Companies Act of Canada so that the valuable time of this chamber and of its committees may not necessarily be required to process such matters of a strictly administrative nature in the future.

Again, this is one of the last remaining situations that requires a private bill, a legislative avenue that has been phased out over the decades for other kinds of ordinary transactions. In the absence of such amendments, however, in dealing with the present private bills at hand, I again urge honourable senators to agree to this second reading so that it may be further considered in an expeditious manner.

I believe that Senator Dawson would like to speak to this matter when he returns to the chamber. In the meantime, I understand it will be adjourned, and we are perfectly content with that.

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

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NINTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Stratton, for the adoption of the ninth report of the Standing Committee on Internal Economy, Budgets and Administration (committee budgets—legislation), presented in the Senate on March 29, 2012.

Hon. David Tkachuk: Honourable senators, yesterday I was not quite sure about the information that was required by the house leader, but I have found out since, and there are four items in my report. They are legislative items. That is why, as Chair of the Internal Economy Committee, it is for the study of legislation as

well as an amount of \$50,000 for the Standing Committee on Conflict of Interest for Senators, which in my understanding has never been spent. It is put there every year so that if there are needs, the chair does not have to specifically come to the Senate, ask for money and make something public that should really be private.

With that, I would like to call the question.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (1530)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON STATE OF DEFENCE AND SECURITY RELATIONS WITH THE UNITED STATES— FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on National Security and Defence, (budget—study on Canada's defence and security relationships with the United States—power to travel), presented in the Senate on April 3, 2012.

Hon. Daniel Lang moved the adoption of the report.

He said: Honourable senators, the report was discussed at great length in the house a number of weeks ago in respect of the committee's request to the Internal Economy Committee. All members of the committee agreed to the request and the Internal Economy Committee has been presented with it and has given their authorization.

The Defence Committee is asking to travel to Washington to discuss the question of homeland security, Canada-U.S. defence and Canada's agreements with the U.S. That, of course, covers a great deal of ground, depending on whom we can meet with to evaluate how both governments are doing in respect of their various responsibilities. A number of issues are outstanding. The one that will be most pressing for the committee is the question of security between the two countries, what changes will take place over the next coming year and what Parliament will be asked to do.

I hope that honourable senators will agree that these trips are probably the most important ones we can make for Canada. The United States is Canada's most important trading partner and our best friend as Canadians and Americans travel across the border. I impress upon honourable senators that it is important for the

Defence Committee to travel at least once a year to Washington to discuss all the issues, which are always changing as we move through the years.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, is the budget request for one trip or several trips? What is the total amount requested?

Senator Lang: The committee is asking to make one visit this year. I should point out that the final number in the document I have is \$137,000.

Senator Tardif: Did the honourable senator say “\$137,000” for one trip? Is that correct?

Senator Lang: Honourable senators, the document I am looking for indicates \$37,000 for the trip.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BUDGET—STUDY ON SERVICES AND BENEFITS
FOR MEMBERS AND VETERANS OF ARMED FORCES
AND CURRENT AND FORMER MEMBERS
OF THE RCMP, COMMEMORATIVE ACTIVITIES
AND CHARTER—SIXTH REPORT
OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on National Security and Defence, (budget—study on Veterans Affairs), presented in the Senate on April 3, 2012.

Hon. Donald Neil Plett moved the adoption of the report.

He said: Honourable senators, the report consists of two fact-finding trips for the Subcommittee on Veterans Affairs. The committee is doing a study on the transition of veterans into civilian life. Travel includes one trip to Valcartier and one to Sainte-Anne-de-Bellvue. The total amount requested for travel is \$23,365.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

OVERSEAS TAX EVASION

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Downe calling the attention of the Senate to:

- (a) the problem of Canadians evading taxes by hiding assets in overseas tax havens;
- (b) the harm this does to Canada, both in terms of lost revenue and its effect on those Canadians who obey the law and pay their fair share of taxes;
- (c) the pathetic efforts of the Canada Revenue Agency to discover, halt and deter overseas tax evasion, and how, in comparison to those similar agencies in other countries, CRA falls short;
- (d) the fact that this, plus recent scandals involving the CRA could lead one to conclude that there are serious problems at the Agency; and
- (e) concerns that this situation amounts to a lack of leadership on the part of the Government of Canada.

Hon. Jim Munson: Honourable senators, I would like to say a few words about Senator Downe's inquiry dealing with overseas tax evasion. I thank our colleague Senator Downe for recognizing the serious problem of overseas tax evasion and for working so hard to see that it gets addressed. For years, the senator has been gathering information about this crime and has been relentless in pushing for stronger appropriate action by the Canada Revenue Agency. The evidence and arguments raised in his inquiry make it clear that something is askew in our tax system; and it is time for the CRA to set it right.

When one lines up the facts about overseas tax evasion by Canadians, as Senator Downe did when he addressed the house last month, it is impossible to avoid being frustrated and not to wonder why the Canada Revenue Agency seems so unconcerned about this crime. More than once in the past five years, other countries have handed the agency information on secret accounts held by Canadians in banks overseas. How has the CRA responded? In the four years since being notified of 106 such accounts in a bank in Liechtenstein, the CRA has recovered only \$6 million in back taxes, interest and penalties. It has not imposed any fines or laid a single charge.

Meanwhile, other countries that were also notified of their citizens' hidden accounts have taken real action. There have been hearings, raids and criminal charges; so why not Canada?

• (1540)

The secret account Senator Downe has highlighted involved only two banks, one in Liechtenstein, as I mentioned, and one in Switzerland. The nearly 1,800 Swiss accounts held by Canadians each require a minimum deposit of half a million dollars. We are talking about extremely wealthy Canadians. There are certainly many other banks with secret accounts in many other countries. We are talking about huge amounts of money owed to Canada and to us, the people of Canada.

Personal and corporate income tax is a major source of tax revenue in this country. I believe that in 2010 the taxes added up to more than \$143 billion. That amount would be higher, of course, if all Canadians simply paid their taxes.

Tax evasion reduces revenues. It deprives this country of necessary services, and it erodes the trust on which our system is based. The integrity of this system requires taxpayers to report and pay taxes on domestic and foreign income, with the Canada Revenue Agency there to ensure compliance.

I am pleased that Senator Downe's good work has prompted this media interest. Just last week on CTV, there was a story, including an interview with the Minister of National Revenue. Her statements were all about defending the agency's track record, saying that the current government is dealing with this crime so much more effectively than previous governments. There you go.

I doubt most of us watching her were particularly moved by her use of camera time to take a few political jabs. Are we not all just looking for assurances that fairness in our tax system is a priority and that the Government of Canada will get tough on overseas tax evasion?

Senator Downe has talked about the importance of a tax system that appears to be, and is, in fact, fair. How can there be any semblance of fairness when very rich Canadians are avoiding paying their share of taxes? This year, next year and the year after, many of them will continue to do so, confident that the Canada Revenue Agency will never come knocking on their doors.

Meanwhile, how do we explain the unfairness of our tax system — the appearance of a double standard — to all of the law-abiding people of this country, people who must maintain their financial obligations even though their wages have been frozen, people like the hard-working moms and dads keeping a careful tally of their weekly grocery expenses, or people like those new entrants to the workforce watching the rise and fall of gas prices as though their lives depended on it? We see that every day. I would be interested to know how many people just like these will receive audit notices from the Canada Revenue Agency this spring and how many investigations of suspected overseas tax evasion the agency will conduct.

The cost to Canadians of overseas tax evasion is about money, billions of dollars. It is also about whether or not we can respect and trust our tax system. There is life; there is death, and there are taxes. This should be true for all Canadians, no exclusions. Not even the rich can get out of this alive.

Once again, my thanks go to Senator Downe for bringing to light a serious problem with serious implications for all of us. Taxes are an unsavoury topic, particularly at this time of the year, and even more so in the wake of a new federal budget. I am grateful for the senator's determination and for his telling Canadians what they have a right to hear about overseas tax evasion. I hope this initiative will give the Canada Revenue Agency a much-needed push to investigate and treat Canadians who hide their money in overseas accounts like the criminals they are.

(On motion of Senator Carignan, debate adjourned.)

RECOGNITION OF SERVICE OF BOMBER COMMAND DURING WORLD WAR II

INQUIRY—DEBATE SUSPENDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Meighen, calling the attention of the Senate to the unconscionable delay, despite the resolution of this Chamber passed unanimously on June 18, 2008, of the awarding of an appropriate theatre decoration for the brave Canadian flyers and crew who served in Bomber Command during World War II, without whose efforts, courage and sacrifice the war and its destruction would have continued for many more years.

Hon. Joseph A. Day: Honourable senators, I would like to join in the debate on this inquiry by our former colleague, Senator Meighen. It relates to Bomber Command appreciation and recognition.

I speak today about remembrance and about how we remember. I speak today about service, courage, sacrifice, selflessness, honour and recognition. I speak today about one of our national historic military treasures: Canadian Bomber Command.

Many senators, perhaps most, come from small communities or are no more than a single generation removed from neighbourhood railway stations, grain elevators and fishing trawlers. I know that the real nature of our Canada, beyond urban sprawl, is never far from the consciousness of honourable senators.

In terms of population, Canada is a small country with thin ribbons of settlement from sea to sea to sea. When Canadian service personnel perish in battle, small communities across our nation inevitably lose a father, a brother, a sister, a son or a daughter.

Knowing someone or being related to someone who places himself or herself in harm's way is the reality when a large percentage of citizens are dressed in uniform. Both world wars were tough on Canadian families.

In 1944, honourable senators, on the nights of March 30 and 31 alone, more than 700 Canadian aircrew lost their lives. In the Second World War, in total, more than 50 per cent of the 18,000 Canadians in Bomber Command did not return home, that is 1 in 2 of the 18,000 who served.

As all honourable senators know, it is a time-honoured practice to sew badges and pin medals on those who serve in uniform, both because of service and because of exemplary deeds. Medals are often posthumously awarded as well. No one can demean those expressions of acknowledgment of service. Sometimes, such recognition serves to commemorate a specific milestone or event. Other times, it serves to recall service that occurred in a series of events — what we call a theatre of engagement — such as the liberation of a country or the defeat of an enemy after a series of important battles at a particular stage of military conflict.

The awarding and presentation of medals and badges are memorable, both for those who are honoured recipients and for their families and communities. Let us take nothing away from this important fact. Indeed, each of those who served in Bomber Command was entitled to five or six medals, but no one medal was awarded specifically for Bomber Command personnel.

Let me be perfectly clear, honourable senators, that those of us who strive for recognition of Canadian Bomber Command are certainly not opposed to the striking of a commemorative medal.

There are, however, majestic feats of valour that deserve and require larger expressions of remembrance. I refer to the practice of erecting memorials, constructing superior designs of bricks and mortar, and crafting sculptures that become revered and ageless, often because of their size and their designated permanent location.

As we prepare to celebrate the April 9, 1917 victory by Canadian forces at Vimy Ridge, we are reminded of that wonderful monument that we have created to mark that occasion. It is clear to me that the extraordinary service of Canadian Bomber Command merits the scope and breadth of a spectacular and thoughtful physical memorial similar to the Vimy monument. Such memorials are larger-than-life public statements declaring that an event or series of events demand a physical and evocative reminder that expresses a mixture of public gratitude, public honour and public remembrance. They are grand gestures of permanent and durable recognition of actions that went far beyond the norm. They promote a collective feeling of universal recognition on the part of citizens everywhere. They motivate students of history to learn more about our collective heritage. They inspire all of us to pause and to reflect about courage, sacrifice, honour and shared respect.

• (1550)

Permanent memorials evoke the great intangibles of citizenship, sending our thoughts beyond our daily routines. Of course, we mark many important aspects of our history through scholarship, parliamentary resolutions, anniversary activities, a commemorative day or week or month, plaques at churches and plaques inside and outside public buildings. These are all good and important and significant but, honourable senators, there are some events, some noble deeds of significance and sacrifice that extend beyond these levels of recognition, however worthy they may be. The collective bravery and sacrifice of Bomber Command is very much in the larger category of recognition.

Hence in a few weeks, the Queen herself will lead the Commonwealth in commemoration of the collective valour of Bomber Command when she unveils, in London, a memorial to those who played a key role in changing the course of the Second World War. This begs the question of why Canada should not do the same officially, majestically, thoughtfully and permanently. I strongly support the efforts of Canadians to realize this wish to honour Canadian Bomber Command appropriately and now.

Honourable senators, war is horrible. Freedom is precious. Destruction and killing do not evoke pride, but in this context, the sacrifice and dedication of Canadians fighting for our values

deserve the very highest recognition. This is what the supporters of an appropriate physical memorial for Bomber Command are seeking.

Honourable senators, almost four years ago this chamber unanimously supported a resolution in favour of Bomber Command recognition. Former and current colleagues in the Senate and some current ministers of the Crown have spoken eloquently in favour of recognition of Bomber Command. The time has come to move this file forward.

Honourable senators, we recall the controversy surrounding Bomber Command, and I hope those controversies have now been dispatched. We here in this chamber were involved in helping to correct the Bomber Command display at the Canadian War Museum. That is now firmly in the past. I do not believe that it serves any purpose to rekindle that debate, which is a revisionist swamp that seeks to rewrite history through particular perspectives and which denies the overwhelming need at the time to stop the war. The fact is that there is widespread support in Canada for meaningful recognition of Bomber Command in keeping with the magnitude and importance of the aircrew sacrifices.

The timing for achieving a place for the remembrance of sacrifices of a Bomber Command memorial is critical. Remaining aircrew veterans are aging. Surely the meaningful recognition of Bomber Command merits priority action from both houses of Parliament, from Government House, which is responsible for the oversight of Canadian Chancellery of Honours, from the Privy Council Office and from the officials at the Department of Canadian Heritage. Let us hope that now, following the example of the Queen's recognition of Bomber Command this year in London, Canadian authorities will respond positively to the wishes of so many Canadians to do the right thing, now.

The Hon. the Acting Speaker: Senator Duffy, is it on debate or a question for the senator?

Hon. Michael Duffy: On debate, Your Honour.

Honourable senators, I want to begin by congratulating our colleague Senator Day for his wonderful exposition of the historical aspects of this and for his hard work on a bipartisan, non-partisan basis to make sure that these great Canadian heroes have been properly recognized.

As is due to these heroes, his committee and previous senators who are not with us today worked very hard to make sure that the historical record and the record at the museum were set straight so that future generations will know how well they were served by young men and women who worked to save us from the tyrannies of Naziism.

I also want to specifically single out Senator Segal, who is unfortunately unable to be with us today, and another truly great parliamentarian who has since retired from this chamber, the Honourable Michael Meighen. Both have worked long and hard with Senator Day and others to make sure that this important remembrance has been made.

As I began I was going to say that your wish is our command, but I would not want to go too far. I just want to say in response to hard work from people on all sides that tomorrow morning at the RCAF mess — notice it is the Royal Canadian Air Force mess — there will be an announcement made that I think will please everyone in this chamber about those who served so valiantly in Bomber Command.

To some people who look at history, Bomber Command seems to be some archaic thing that comes from 50 or 60 years ago, but for many of us here it is a very personal thing. My late father-in-law, Robert K. Mann of Halifax, was a navigator in Bomber Command. Tom Tonner, my first boss in private broadcasting in Moncton and in Amherst, was also a navigator in Bomber Command. We forget they were not flying jets but prop aircraft for great distances over Germany. Tom Tonner told me as a young reporter in the early 1960s about how they kept the crew — who were wondering whether this was going to be their last flight — amused by recreating broadcasts of NHL hockey games. They got the results of the game from the night before on the wire. They kept it secret, and he would recreate over the intercom the hockey games of the NHL so that the bomber crew would be distracted as they faced their possible death.

Senator Day gave us the statistics, but every one of those statistics is a person and every one of those was a family. In addition, a tail gunner in one of those bombers was a man named Clyde Fife. I found out long after the war that Clyde Fife from northern Ontario had a son who is with us still, and who makes his presence felt still: Bob Fife. That was his father, bunched up in the back of that bomber in a little confined space, and I do not have to tell the honourable senator for a minute what the casualty rate was.

These people were true heroes who were maligned by a broadcaster years later, who made them all out to be monsters, and it was through the hard work of the Senate and these senators — Senator Day, Senator Meighen, Senator Segal, Senator Downe and many others here — who set the record straight. These are true Canadian heroes, and tomorrow we will give them their just reward.

Hon. Jim Munson: Honourable senators, I have a lot of empathy for the feelings of Senator Duffy. In the early going, my uncle, James Lloyd Munson, whom I am named after — uncle Lloyd — was part of Bomber Command. I understand his feeling, and what I am sure many others here are feeling.

• (1600)

Later my uncle was posted with the Royal Canadian Air Force in what was then Ceylon. In 1943, a young man from Alma, New Brunswick, my father's home town, was shot down by the Japanese. He, too, was a tail gunner.

I just want to tell Senator Duffy and Senator Day that those of us of a very thankful generation will never forget.

Hon. Terry M. Mercer: Honourable senators, I would like to follow on from the remarks of Senator Munson, Senator Duffy and Senator Day. I was not planning to speak, but as they were telling the stories, it reminded me of something I wish to relate.

[Senator Duffy]

A few weeks ago, on a Commonwealth Parliamentary Association trip I made to India, my friend Peter Stoffer, the Member of Parliament for Sackville-Eastern Shore, had organized a visit by the delegation to a Commonwealth war grave site in Delhi, India. The high commission in Delhi provided us with a briefing on which Canadians were buried there. There were not many. It was a large cemetery. Most of us have seen these absolutely marvelous graveyards that are extremely well kept. In a country that is quite unkempt, this was an "island of neatness" that we went to visit.

I cannot recall the numbers of Canadian airmen, but most of the Canadian dead in this Commonwealth war grave site were airmen. In the briefing, they told us one story of a bomber crew — I assumed it was a bomber because of the size — that had flown a group of paratroopers over Burma. They had dropped the paratroopers over Burma and, on the way home, they ran out of gas. What a way to go. However, they found them and buried them in that graveyard.

(Debate suspended.)

[Translation]

BUSINESS OF THE SENATE

The Hon. the Acting Speaker: Honourable senators, unfortunately, Senator Mercer, I have to read the order of this house. It is 4 p.m.

[English]

Pursuant to the order of the Senate of October 18, 2011, the sitting is suspended. The bells will ring at 5:15 p.m. for the deferred standing vote that will be held at 5:30 p.m.

• (1730)

CRIMINAL CODE FIREARMS ACT

BILL TO AMEND—THIRD READING

The Hon. the Acting Speaker: The question is as follows: It was moved by the Honourable Senator Lang, seconded by the Honourable Senator Tkachuk:

That Bill C-19, An Act to amend the Criminal Code and the Firearms Act, be read the third time.

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

YEAS THE HONOURABLE SENATORS

Angus
Boisvenu
Braley
Brazeau
Brown
Buth
Carignan
Cochrane

Maltais
Manning
Marshall
Martin
Meredith
Mockler
Ogilvie
Patterson

Comeau
Cools
Dagenais
Demers
Di Nino
Doyle
Duffy
Dyck
Eaton
Fortin-Duplessis
Frum
Gerstein
Greene
Housakos
Lang
LeBreton
MacDonald

Plett
Raine
Rivard
Runciman
Seidman
Seth
Sibbeston
Smith (*Saurel*)
St. Germain
Stewart Olsen
Stratton
Tkachuk
Unger
Verner
Wallace
Watt
White—50

Downe
Eggleton
Fairbairn
Fraser
Harb
Hervieux-Payette
Hubley
Losier-Cool
Mahovich

Munson
Poulin
Poy
Ringuette
Robichaud
Smith (*Cobourg*)
Tardif
Zimmer—27

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1740)

[*Translation*]

NAYS
THE HONOURABLE SENATORS

Callbeck
Chaput
Cordy
Cowan
Day

Massicotte
McCoy
Mercer
Mitchell
Moore

The Hon. the Acting Speaker: By order of the Senate of October 18, 2011, I declare the Senate adjourned until Thursday, April 5, 2012, at 1:30 p.m.

(The Senate adjourned until Thursday, April 5, 2012, at 1:30 p.m.)

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