SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 83

OFFICIAL REPORT
(HANSARD)

Wednesday, May 30, 2012

The Honourable NOËL A. KINSELLA
Speaker

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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, May 30, 2012

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

Prayers.

SENATORS' STATEMENTS

UNITED NATIONS

Hon. Nicole Eaton: Honourable senators, a couple of weeks ago, a UN Special Rapporteur on the Right to Food, Olivier De Schutter, finished an 11-day visit to Canada, his first to a developed country. Unbelievably, he handed our government a laundry list of recommendations on very serious concerns about food safety. One has to wonder if perhaps he booked a flight to the wrong continent from where he really intended to go.

Clearly the time has come for a serious global examination of the role and viability of the UN. The United Nations was created in the post-world-war reality. Today, the organization has lost its focus, influence and authority.

The UN has demonstrated a remarkable powerlessness in Iraq, in Lebanon, in Africa, in Syria, in Egypt and in North Korea — need I go on — to say nothing of its role in combatting terrorism. The last thing we need is the very expensive empty platitudes and banal diplomatic posturing that we are witnessing with alarming regularity from this organization.

Sadly, the UN has become a repository for inept and bungling senior bureaucrats from every member nation. Even the choice of Secretary-General is based not on merit and competence but on some bizarre politically correct rotation that no one but senior UN bureaucrats understands.

First the United Nations accepts as member countries with atrocious human rights records and anti-democratic, autocratic regimes. Then the United Nations takes unsupportable stands against democratic nations, like their 79 resolutions directly critical of Israel since 2010 or their complete lack of control or influence over the situation in Syria. As recently as yesterday, in a statement condemning Syria for the Houla massacre, the UN Security Council issued a "non-binding" condemnation.

However, the prize has to go to Robert Mugabe, President of Zimbabwe and accused of ethnic cleansing, who has reportedly been asked by the United Nations to champion tourism. Mugabe has been honoured as the "leader for tourism" by the UN's World Tourism Organization. No, honourable senators, I am not making this up. The list goes on and on.

With the dawning of a new century, we are witnessing a new era in international associations. The world is dividing into multi-dimensional segments on geographic and ideological lines: a European Union growing weaker by the day, an Asia growing increasingly stronger economically, a Middle East struggling with the Arab Spring and religious tensions that know no borders.

The alliances that the UN represents have become irrelevant. It is time to put an end to the trillions of dollars —

WAR OF 1812

TWO-HUNDREDTH ANNIVERSARY

Hon. Francis William Mahovlich: Honourable senators, 2012 is an important year for Canada. Not only is it the year that we celebrate our Queen's sixtieth anniversary on the throne, but it is also the year we mark the two-hundredth anniversary of the start of the War of 1812.

While it would be another 55 years from the start of this war before Canada would become a sovereign country, I feel it is important to note the significant impact it had on the shape of our history.

[*Translation*]

The War of 1812 was the last military conflict between British North America and the United States.

[*English*]

It was a moment in history that shaped the country we have today, as well as the strong friendship we currently enjoy between two former foes, Canada and the United States.

The war also saw the emergence of some key figures that have since become legends in Canadian history, including Major General Isaac Brock, Chief Tecumseh, Charles de Salaberry and Laura Secord.

To commemorate this important time in our country's history, numerous events are taking place throughout Central and Eastern Canada, where the battles were fought. Some of the major battle sites can be found along the St. Lawrence River and Lake Ontario, from Cornwall right down to Windsor. Many of the events taking place throughout this summer will be re-enactments of everything from daily life in the era to some of the key battles.

August in Amherstburg will have women in period costumes cooking historical fare on the open hearth, as well as actors dressed as Chief Tecumseh and Major General Brock to tell their historic tales.

This coming weekend, there will be a re-enactment of the Battle of Stoney Creek, one of the most important battles during the war. During the Canada Day weekend, there will be a commemoration of the largest warship on Lake Ontario, the HMS *Royal George*, when dozens of ships gather in Bath and in Kingston. There will also be tall ships at Colchester Harbour on July 20 where people can experience re-enactments of ship to gun shore battles, as well as deck tours and public cruises.

Honourable senators, the two-hundredth anniversary of the start of the War of 1812 is a great way for Canadians of all backgrounds to experience and understand a part of our history

that may still be in the shadows to many. At the same time, they can experience the rich beauty that we find in these historical towns of our country.

• (1340)

I encourage all honourable senators, and indeed all Canadians, to find out more about the many commemorative events taking place this summer and participate in any that they can. I am sure these events will excite and perhaps even educate both the young and old.

WHYTE MUSEUM OF THE CANADIAN ROCKIES

Hon. Elaine McCoy: Honourable senators, it gives me great pleasure today to talk about the legacy of a love story. Almost 85 years ago, one of our outstanding young artists from the Rocky Mountains — Banff, in particular — took himself to Boston to go to art school. There he met Catharine Robb. Catharine Robb was a debutante and, I am told, she was dating John D. Rockefeller. However, she met Peter Whyte and they fell in love.

Three years later, they were married, and they came back to Banff, where he built her a log cabin. They lived happily ever after, making wonderful art and promoting community relations with all those who settled there, as well as the First Nations, who had settled there tens of thousands of years before.

As a result, our wonderful legacy is the Peter and Catharine Whyte Museum of the Canadian Rockies.

I am telling honourable senators about this today because this year the museum launched a new permanent exhibit called "Gateway to the Rockies." It celebrates all of those who have lived, worked and loved in the Rocky Mountains. It starts with the story of First Nations. It goes through the explorers, like David Thompson, who was also looking for a way to get resources across to the Pacific Ocean. It moves on to the surveyors who followed him, and then to the great railway, which brought people from all over the world to lay the tracks through the mountains.

The exhibit also talks about the mountaineers. Honourable senators might know that the Canadian Pacific Railway was built to add British Columbia to our wonderful nation. Also, the first president of the CPR, Mr. Van Horne, said, "I need more traffic. I cannot take this beautiful scenery to the public. I will have to bring the public to the Rockies," and so he did. Therefore, Banff became our very first national park, only the third one in the whole world, and many followed.

Unfortunately, some of the mountaineers were a little careless as they were climbing up the mountains. By the way, we have pictures of women, in long skirts and high heels, roped up and climbing mountains. Some early climbers fell to their deaths because they did not know how to do it, though no women did.

The CPR said enough, and they hired two professional mountaineers from Switzerland. They kept that up right until 1951. One of the last to be hired stayed on. His name was Hans Gmoser and he was known as the "father of heli-skiing." In part of this exhibit is one of those little helicopters that takes people up for wonderful, virgin snow skiing. Perhaps honourable senators have done that themselves.

All of this and much more is told in this legacy — this wonderful legacy of a love story — and I do invite all honourable senators to come and see our beautiful "Gateway to the Rockies."

WORLD CONFEDERATION OF INSTITUTES AND LIBRARIES IN CHINESE OVERSEAS STUDIES

Hon. Lillian Eva Dyck: Honourable senators, from May 16 to 19 I was invited to offer opening remarks and give a panel presentation at the fifth WCILCOS International Conference of Institutes and Libraries for Chinese Overseas Studies in Vancouver.

The goal of WCILCOS is to pool institutional and individual resources and to advance Chinese overseas studies. This year's theme was "Chinese through the Americas." This is the first time UBC has been invited to host the conference, and it was the first time it has been hosted in Canada.

The conference was jointly organized by Jeffrey Ferrier, Curator of the Center for International Collections at Ohio University Libraries, in collaboration with Eleanor Yuen, Head of the Asian Library at the University of British Columbia.

I gave a presentation at the conference entitled "Intermarriage between the Early Chinese Immigrants and First Nations Women" in which I outlined some of the discriminatory laws that targeted Chinese and First Nations/Indian peoples but which may have promoted intermarriage between them. The Chinese Immigration Act from 1923 to 1947 prevented Chinese men from bringing their families to Canada, and this brought about second marriages in Canada. Racial prejudice towards the Chinese made marriage to a white woman unlikely.

The Saskatchewan Labour Act of 1912 prohibited Chinese men from even hiring a white woman, but created employment opportunities for Aboriginal women. I speculated that Indian women, such as my mother, consciously chose to work for and marry Chinese bachelors as a way to get away from the reserve life of abject poverty and abuse. By marrying out, Indian women lost their Indian status, but status gave them few, if any, benefits. Marrying a Chinese bachelor, however, gave them economic benefits and an escape from the reserve. Moreover, marrying a Chinese man gave them and their children a way to hide their "Indianness" and thus be protected from racial discrimination. It was better to be Chinese than to be Indian.

The conference turned out to be a big success; more than 150 delegates from around the world gathered in Vancouver to present and discuss research topics and findings.

Honourable senators, history was made at the conference when two Chinese Canadian senators, Senator Poy and I, presented papers on the same panel. May 2012 was the most appropriate time for this conference because it coincided with the tenth anniversary of Asian Heritage Month, for which we can thank the Honourable Senator Vivienne Poy who initiated this annual

event. It was also the sixty-fifth anniversary of the repeal of the Chinese Immigration Act and the one hundredth anniversary of my dad's arrival in Canada from China.

Congratulations to the organizers of the conference for hosting such a successful event.

[*Translation*]

C2-MTL

Hon. Jean-Guy Dagenais: Honourable senators, last week I had the great pleasure of attending the first C2-MTL international conference, which was held in the New City Gas complex, built in 1848 in the heart of Griffintown, the neighbourhood where I was born. Griffintown is known as the first industrial hub of the city of Montreal, and it long embodied all the creative and innovative potential of the past. Today, Griffintown, which is steps away from downtown Montreal and which you may have heard of, is set to carve out an important place in Montreal's modern history.

I was sent on behalf of the Government of Canada and Minister Denis Lebel to announce a non-refundable contribution of $750,000 for C2-MTL, for hosting an event that will help turn Montreal into an international centre for creativity and innovation.

This three-day C2-MTL conference was a unique networking opportunity for all the country's creators, innovators, researchers, developers, thinkers and business leaders. I need not remind you of all the wonderful innovations that have been developed by Canadians, innovations that have gone beyond our borders and showcase Canadian creativity in major international projects. Just look at Hollywood or Las Vegas to see the success we have had there for the past few years.

From what I saw, the future looks bright. Among the conference attendees were surely some of our country's future financial stars.

It was particularly interesting to see seasoned business people and leading influential minds from around the world bring their experience and their passion to this new event.

[*English*]

In Canada, the Harper government is doing everything possible to create an environment to foster creativity and innovation, key factors in keeping Canadian businesses competitive in times of economic uncertainty. As all honourable senators are aware, innovative companies help to drive a strong economy.

[*Translation*]

We must not forget that Canadian companies face ongoing competition from emerging nations with rapidly growing economies, and their challenge is to never be outmatched.

Luckily, our government is approaching this challenge with programs in its 2012 economic action plan to help innovators drive a strong economy that is the envy of many industrialized nations. When people have ideas, they need encouragement and help getting a foothold in the market.

These measures are designed to enhance conditions that support the long-term growth of the regions and the small and medium-sized businesses that create jobs for people.

These measures will help businesses perform better and be more competitive.

• (1350)

Our participation last week in Griffintown is an excellent example of that.

Thanks to funding provided through the Business and Regional Growth program administered by Canada Economic Development, C2-MTL stands out through its innovative model, fresh approach, interactive exhibits, cutting-edge presentations, theatre performances and collaborative workshops.

Unfortunately, because of the turmoil in Montreal, this excellent event did not get as much media coverage as it deserved, which is a shame.

All the same, the Government of Canada is giving a boost to innovation because it believes more than ever in our ability to come up with new ideas and create jobs for future generations.

[*English*]

DUKE OF EDINBURGH'S AWARD

Hon. Catherine S. Callbeck: Honourable senators, the Duke of Edinburgh's Award was founded in 1956 by His Royal Highness, Prince Philip, the Duke of Edinburgh. Participants, who are between the ages of 14 and 25, are meant to challenge themselves in a variety of ways. They pursue volunteer activities, skills development, physical activity and outdoor experiences. The program is meant to encourage personal discovery, growth, self-reliance, perseverance and responsibility.

The award program currently runs in 130 countries worldwide, and about 7 million young people have challenged themselves by taking this program. Here at home, the program has about 37,000 participants. Organizers project that the number of participants will continue to grow to 40,000 within the next two to three years.

Last week I had the pleasure to participate in the awards ceremony for the Duke of Edinburgh Bronze level ceremony in my home province of Prince Edward Island. Fifty-eight active and involved young people across the Island were recognized for their hard work and commitment to completing this program.

They set their own challenges and then worked with great enthusiasm until they accomplished their goals. In all, they performed community service, adventured in the outdoors, learned new skills and pursued physical activity.

The Native Council of Prince Edward Island along with other partners set up the P.E.I. Aboriginal Duke of Edinburgh Award program for Aboriginal youth on the Island. In 2010, 13 Aboriginal youth were recognized with their Bronze level award after a year of activities, which included service to elders

and community and cultural teachings, as well as personal skill and leadership development. The Aboriginal program is currently recruiting new participants for the bronze level, with a number of others working on their silver and gold levels.

Honourable senators, we can clearly see the benefits that come with participation: young people making a difference for themselves, for their communities, and for the world at large. I would like to congratulate all the young people, past and present, from my province and across the country who have successfully completed this challenge. I also want to commend all the youth who are currently undertaking this program. The rewards and benefits will last a lifetime.

Finally, I want to thank all the parents, the volunteers, the board and the organizers who put so much into this very worthwhile program. Through youth programs like this one, we can be sure that Canadian youth are becoming the responsible and productive citizens of tomorrow.

ONTARIO LOTTERY AND GAMING CORPORATION

SLOTS AT RACETRACKS PROGRAM

Hon. Bob Runciman: Honourable senators, as a senator representing the province of Ontario, I rise today to express personal concerns regarding a policy being implemented in my province that will result in thousands of job losses, primarily in rural Ontario, and devastate an industry that is key to the economic well-being of many smaller communities.

I am referring to the provincial government's decision through its gambling arm, the Ontario Lottery and Gaming Corporation, to cancel the Slots at Racetracks program, a highly successful partnership that has allowed the horse racing industry to sustain itself while providing significant economic benefits to rural economies and earning the provincial government more than $1.3 billion in revenue every year.

This modest program, which provided the horse racing industry 20 per cent of its revenues from slots located at racetracks, cost the province very little, but managed to save a struggling industry.

The revenue generated from slots at racetracks led to larger purses and rejuvenated the horse business. Track operators, trainers and horse breeders all invested heavily in their businesses thanks to the stability provided by slots at racetracks.

This successful program is being ended because the province wants to concentrate casinos in city centres in what I believe is a blinkered effort to maximize revenue. My primary concern centres on the job losses that will result from this policy. Of the 60,000 jobs in the Ontario horse racing industry, it is estimated that at least 30,000 will be lost. These are good paying jobs, comparable on average to wages paid in the manufacturing sector. Many of those who will lose jobs have worked in the industry all their lives. Some are second and third generation racetrack workers who would be unlikely to find jobs outside this highly specialized industry.

It is not just the horse business, but the broader economy, particularly in small town and rural Ontario, that will be hit. Blacksmiths, veterinarians, truck dealers, crop growers and hardware stores will all lose with the program's cancellations. Thousands of jobs outside the horse business itself will disappear. Contrast that with the government's promise of 2,300 new jobs and an estimated 4,000 service sector jobs generated by the OLG initiative to concentrate gambling at big city locations.

In a province staggering from the loss of manufacturing jobs, this initiative may achieve some short-term revenue gains, but its long-term, negative impacts on individuals, families, rural and small town Ontario, cannot be underestimated. I encourage the Ontario government to step back, enter into negotiations to preserve the existing Slots at Racetracks program, perhaps with amendments, and ensure that Ontario's horse racing industry remains economically sound.

ROUTINE PROCEEDINGS

RESTORING RAIL SERVICE BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-39, An Act to provide for the continuation and resumption of rail service operations.

(Bill read first time.)

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

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate, at the next sitting.

(On motion of Senator Carignan, notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

[*English*]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

NATIONAL GOVERNORS ASSOCIATION WINTER MEETING, FEBRUARY 24-27, 2012—REPORT TABLED

Hon. Janis G. Johnson: 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 Governors Association Winter Meeting, held in Washington, D.C., United States of America, from February 24 to 27, 2012.

• (1400)

[*Translation*]

QUESTION PERIOD

NATURAL RESOURCES

SHALE GAS PRODUCTION

Hon. Pierre De Bané: Honourable senators, my question is for the Leader of the Government in the Senate. A Natural Resources Canada working group recently concluded that the federal government should better regulate the shale gas industry. This group states that the public is not well informed and that the current regulations are based on old practices that do not consider the impact of shale gas production on groundwater.

I also note that the United States unveiled draft national regulations earlier this year on treatment of wastewater produced by hydraulic fracturing, the process used to extract shale gas.

My question for the leader is as follows: in light of the working group's conclusions and the frequent statements by the Canadian government about the importance of having the same rules as our southern neighbours, does the government plan to review these rules to better regulate shale gas extraction through hydraulic fracturing?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. As he stated in the question, and it is a fact, the Minister of Natural Resources is reviewing all of the rules and regulations regarding resource development.

As to the specific question on shale gas, I am not familiar with the recommendations from the group the honourable senator cited in the question. I will have to seek further information for a response to that particular industry.

[*Translation*]

Senator De Bané: I thank the leader. I take it that the government does not believe that it is necessary to better regulate shale gas production in Canada. However, the fact remains that Environment Canada currently has certain regulatory powers to govern the gas industry. According to the working group, the government must take an active role in raising public awareness of this industry, which has raised many concerns. The working group stated, and I quote:

> The group believes that the public is not well informed, that there is an overwhelming need for more specific information. The public is concerned about these activities, especially hydraulic fracturing, and it is the government's mandate to find and communicate answers. Research will help reassure the public.

In light of the recommendations of the government-mandated working group, why is the government refusing to call for greater transparency from the companies that use hydraulic fracturing to produce shale gas?

[*English*]

Senator LeBreton: I thank Senator De Bané. He talks about a working group. The group that the government had mandated to look into the issue of shale gas and fracking is the Council of Canadian Academies. It was asked to undertake an independent expert assessment of the shale gas industry and the whole issue of fracking.

As I mentioned in my earlier response, I am not sure whether Senator De Bané refers to another group or whether in fact it is this group, but I will seek to get further information as to whether this group has reported or whether there is another group independent of this group.

HUMAN RESOURCES AND SKILLS DEVELOPMENT HEALTH

CHILD POVERTY

Hon. Jim Munson: Honourable senators, Canada has a failing grade, and this question to the Leader of the Government in the Senate deals with child poverty. Just recently the United Nations children's fund, UNICEF, released a report stating that with a rate of 13.3 per cent we sit twenty-fourth out of 35 developed countries with regard to children in poverty.

It notes that we fare better than our neighbours to the south, but we rank behind the United Kingdom, Australia, New Zealand and most of northern Europe. Disappointingly, our child poverty rate is almost two full percentage points higher than Canada's overall poverty rate of 11.4 per cent. I think we can do better than that. Take our support of senior citizens, for example. The federal government invests upwards of $40 billion in benefits for seniors but only a third of that amount, $13.2 billion, in our children. It seems that we sometimes forget the old cliché that children are the future, but the report states that because children have only one opportunity to develop normally in mind and body, the commitment to protection from poverty must be upheld in good times and in bad. I could not agree more.

Does the leader agree with this?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I am aware of the UNICEF report. I am also aware that Canada does significantly better than many countries in the world. As we have all acknowledged many times, we do in Canada have unique circumstances with regard to child poverty. We have unique circumstances with regard to families living in rural and remote areas. We as a government have taken many steps to alleviate the burden on Canadian families, and I will put them on the record.

We increased the amount that families in the two lowest personal income tax brackets can earn before paying taxes. We have removed the tax burden on low-income Canadians, due to this action. A typical family now has $3,000 more in its pockets instead of in the files at Canada Revenue Agency.

We enhanced the National Child Benefit and Child Tax Benefit. We brought in the Universal Child Care Benefit, $100 a month per child to children under six, helping 2 million children. Budget 2010 allowed single-parent families to keep more of this benefit after tax. The child tax credit is available for every child under 18, which provides more money to over 3 million children and removes 180,000 low-income families from paying income tax.

The Working Income Tax Benefit, better known at WITB, helps low-income Canadians over the welfare wall. When WITB was created in Budget 2007, it helped 900,000 Canadians in the first year.

Of course, I hasten to point out to honourable senators that, unfortunately, all of these measures that we have brought in to alleviate child and family poverty were voted against by the opposition in the other place.

Senator Munson: We are still twenty-fourth out of 35 developed countries. I know that the leader is reading from the statistics presented before her. I used to do that in my job way back when for our side. I understand that she has to enunciate a litany of things that the government has done, but surely to goodness she can accept the fact that this government can do better.

Among the specific recommendations from UNICEF was an increase in the Child Tax Benefit to at least $5,000 per year from its current level of about $3,500, and index that amount to inflation. From my perspective, this would have a substantial and immediate impact on Canada's child poverty rate.

Is this a measure the leader's government will consider? If not, what action can we expect to improve the well-being of Canada's children, aside from the work that the leader spoke about moments ago?

• (1410)

Senator LeBreton: Honourable senators, as I pointed out, there are areas in this country where there are some unique circumstances, but I also think that it is obvious that anyone who is involved in government, in elected politics or in politics as we are would seek to do everything they can to alleviate the problem of child poverty. I know members of my own party and my national caucus are regularly meeting with these groups and seeking ways to improve their lot in life.

As honourable senators would understand, we just received the UNICEF report a few days ago. I did notice the recommendation to increase the tax credit. It would have been nice to give us credit for setting it up in the first place, but I am sure officials in the government, the Minister of Health particularly and the Minister of Human Resources and Skills Development, are looking at these recommendations very seriously.

Senator Munson: Does the leader think that we can do better?

Senator LeBreton: Obviously, in a host of areas, all of us can. Not only on the issue of child poverty but also probably on a lot of issues we can strive to do better, and I think it is in the interest of all Canadians that all of us strive to do better, whether on issues of poverty or health. We are striving to do better, as honourable senators know, on the issue of mental health. I would support any effort to strive to do better, and I am sure we are all the same, honourable senators.

ENVIRONMENT

GIANT MINE

Hon. Nick G. Sibbeston: Honourable senators, my question to the Leader of the Government is about the Giant Mine cleanup in Yellowknife. I was in Yellowknife last week or so and heard a number of concerns about this issue. The recent report from the Commissioner of the Environment and Sustainable Development focused on federal contaminated sites and their impact. One of the largest of these is the Giant Mine site in Yellowknife, where over 237,000 tonnes of arsenic trioxide are being stored in underground chambers. The plan is to freeze material in place. Monitoring and maintenance of the site will extend hundreds of years into the future and cost untold millions of dollars. Work on the site is currently in stage 7 of 10, development of a remedial strategy. This work is being carried out by Aboriginal Affairs and Northern Development Canada. Involvement of local communities and citizens in this process is critical if northerners are to be satisfied that they are being protected from these contaminants.

Will the government provide resources to the community of Yellowknife and to the nearby smaller Aboriginal communities of N'Dilo and Dettah and their citizens to fully participate in the process of developing a final remedial strategy? How and when will these resources be provided, and what will they consist of?

Hon. Marjory LeBreton (Leader of the Government): I believe Senator Sibbeston has asked about this issue before. The commissioner, I believe, has stated publicly that the government is making good progress on the Giant Mine project, but I will seek to get more information for the honourable senator. I do recall seeing a report where there was a comment that significant progress to improve the situation has been made, but I will get further details.

ORDERS OF THE DAY

PROHIBITING CLUSTER MUNITIONS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Demers, for the second reading of Bill S-10, An Act to implement the Convention on Cluster Munitions.

Hon. Elizabeth Hubley: Honourable senators, five years ago I met a young woman from Cambodia named Vanna Minn. She was only 17 years old but was one of those special individuals who, though you know them only a short time, leave a lasting impression on you. Vanna told me that when she was a small

child, she was tending to her family's chickens when she inadvertently stepped on a land mine. The explosion claimed her right leg below the knee, and she has since had to wear a prosthesis. Before the accident, Vanna was a typical six-year-old. She was happy, full of life and dreamed of becoming a dancer. After, although she kept her upbeat spirit, she underwent many painful surgeries and, in the end, lost her ability to dance. Tragically, Vanna's story is like so many others. Land mine victims endure unspeakable pain and suffering. They are often left unable to work and become a burden to their families. After listening to Vanna's story, I was struck by the terrible realization that that land mine stole not only her leg that day but also her dreams for the future, a terrible loss for such a bright, young girl.

Honourable senators, as I speak today about Bill S-10, an Act to implement the Convention on Cluster Munitions, Vanna Minn and her tragic story will not be far from my mind, for although it was a land mine that took Vanna's right leg, it could just as easily have been a cluster bomb. Like land mines, cluster munitions are an indiscriminate and inhumane weapon. They have for too long destroyed the lives and livelihoods of innocent civilians, and for that they deserve to be forever banned. A majority of countries around the world agree and have supported the Convention on Cluster Munitions. Canada, too, pledged its support to this worthy cause and was one of the first countries to sign the convention on December 3, 2008, in Oslo, Norway. The convention was negotiated over a period of two years and was adopted by 107 states in Dublin, Ireland, on May 30, 2008. This was followed up, in December of 2008, with the signing of the convention. To date, 40 countries have signed the convention and another 71 have ratified it.

As honourable senators are aware, I have been following Canada's participation in the international campaign to ban land mines and cluster munitions for well over a decade. It is an issue I feel passionately about, as I know my colleague Senator Fortin-Duplessis does too. In her speech moving second reading of this bill, Senator Fortin-Duplessis highlighted some of the important facts about the use of cluster munitions and their consequences. As she said, 98 per cent of all cluster bomb victims are civilians, and many of these are children. An encounter with a cluster bomb is usually fatal, but sometimes it just ruins a life without taking it. Unexploded cluster bombs become like de facto land mines and will explode if disturbed, killing a person or damaging limbs and leaving victims with permanent scars and disabilities. Children are particularly vulnerable as they often mistake the small and brightly coloured bombs for toys.

• (1420)

Furthermore, as cluster bombs are imprecise and designed to cover large areas, they can wreak havoc on a community's economic livelihood. Unexploded cluster bombs can instantly turn what was once a productive orchard into no-man's land and render roads impassable, stifling trade and commerce. They are also an impediment to post-conflict rehabilitation and reconstruction, as they can prevent the return of refugees and can undermine peace building and humanitarian assistance programs. Ultimately, cluster bombs cause horrendous human suffering and, in the age of modern warfare, are becoming increasingly obsolete.

This is why Canada has never used or produced cluster munitions and why we are here today discussing this important legislation. Canada signed the convention and wants to become party to it because we believe cluster munitions should be banned; or as the convention states, we are "determined to put an end for all time to the suffering and casualties caused by cluster munitions." In ratifying this convention, we are undertaking, as Article 1 of the convention says, to "never under any circumstances use cluster munitions, develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions; assist, encourage or induce anyone to engage in any activity prohibited to a State Party of this Convention."

Honourable senators, the language used in the convention is clear and unambiguous: "never, under any circumstances" means no exceptions, no excuses, no loopholes. It means an absolute ban. This is the intent of the convention — to eliminate the use of cluster munitions and thereby prevent the human suffering they cause.

With the introduction of Bill S-10, Canada is one step closer to final ratification of the treaty. The bill is comprised of 24 clauses.

Clauses 1 to 5 define the key terms and outline the purpose of the act.

Clause 6 prohibits Canadians from using cluster bombs, from developing, acquiring or possessing cluster bombs, from moving them from one state to another, from importing or exporting them, and from attempting, aiding, abetting or conspiring to do any of these actions. These reflect the prohibitions defined in Article 1 of the Convention on Cluster Munitions.

Clauses 7 to 12 then describe the exemptions and exceptions to the prohibitions specified in clause 6, while the remaining clauses focus on enforcement, penalties and regulations.

Honourable senators, it has been three and a half years since Canada signed the Convention on Cluster Munitions, so I am very happy to finally see ratification legislation. I think it is about time, and I thoroughly support Canada's move toward full participation as a state party to the convention.

Let me make myself clear: While I support ratification legislation, I cannot in good faith support this legislation as it stands before us. In fact, I am extremely disappointed with clause 11 in Bill S-10 and its interpretation of Article 21 of the convention. This extreme interpretation is so far from the original intent of Article 21 and the spirit of the treaty itself that it calls Canada's credibility as a signatory to the convention into question. If we are committed to banning cluster munitions, as this government has reassured this house time and again, then we must give serious consideration to the exceptions listed in clause 11 and their consequences for our military and for innocent civilians around the world. Moreover, I believe this proposed legislation could be strengthened by adding explicit prohibitions against investment in cluster munitions manufacturing and in the transit of cluster munitions through Canadian territory and on Canadian carriers. Canada will be setting an international precedent with this legislation and, therefore, it is essential that we craft a bill that truly reflects our values and sets a high standard for humanitarian protection.

With Bill S-10, the government should be committing itself and all Canadians to upholding the principles of this convention, both in spirit and in practice at home and abroad. We should be

agreeing in no uncertain terms to never use cluster bombs and to never help or encourage anyone else to use them either. Sadly, that is just not the case, for while the exemptions and exceptions listed in clauses 7, 8, 10, and 12 are legitimate, as they are allowed under Article 3 of the convention, those listed in clause 11 are another matter, as I will explain in a moment.

The purpose of clauses 7, 8, 10, and 12 is to allow Canadian Forces and peace officers to engage with cluster munitions in a way that furthers the aims of the convention — for example, to allow Canadian Forces to possess cluster bombs in order to be trained in detection and destruction techniques. Similarly, clause 12 is a practical exception that would ensure that a police officer who, during the course of his or her duties, comes in contact with a cluster bomb would not be held liable for taking possession of that bomb for the purpose of its safe disposal.

Honourable senators, while these exceptions make practical sense, the exceptions listed in clause 11 should give us all cause for serious concern. As it now stands, clause 11 allows Canadian Forces to do things during a combined operation that they would not be allowed to do at home or on a Canadian mission. Among other things, it would allow a Canadian commander in charge of American troops to authorize the use of cluster munitions; or, if that Canadian commander is in charge of American troops but does not have exclusive control as to the choice of munitions, he or she may expressly request the use of cluster munitions. Furthermore, a Canadian pilot on exchange or secondment with American Forces would be allowed to use, acquire, posses and transfer cluster munitions. This means he or she could be responsible for actively dropping cluster bombs while on a mission. Finally, subclause 11(3) even goes so far as to allow Canadian Forces to aid, abet or counsel troops of states not party to the convention to use or acquire cluster munitions and to conspire with them in pursuit of those ends.

Unlike the other exceptions listed in clauses 7, 8, 10, and 12, the exceptions contained in clause 11 are not only prohibited under the convention but also a violation of the purpose and spirit of the convention. If we allow this bill to pass without amending clause 11, we could be putting our Canadian Forces in a position where they could be directly involved in the use of cluster munitions and, consequently, the suffering of innocent civilians. I believe that putting such a burden on the men and women of our military is both unconscionable and unnecessary. While Canada must be able to engage in combined operations with states not party to the convention, this does not mean that we must sacrifice our principles or our responsibilities under the convention.

While military interoperability between states party to the convention and those not party is clearly allowed under Article 21 of the convention, which is known as the "interoperability clause," the exceptions listed in clause 11 of Bill S-10 go above and beyond the provisions of Article 21. They are an extreme interpretation and are not in keeping with the spirit of the treaty. Article 21 was included in the Convention on Cluster Munitions because Canada and a few other like-minded countries, such as Australia and the United Kingdom, recognized the need for a clause that would ensure that states party to the convention could not be held liable for the actions of a state not party to the convention while the two were engaged in a combined military operation. As our modern military endeavors are multilateral in nature, Canada recognized that our forces would need guidance in working with allies who have not signed the convention and who may continue to use cluster munitions, such as the United States and some NATO allies including Estonia, Poland and Turkey.

• (1430)

However, while Article 21 allows state party to the convention to engage in military cooperation with states not party to the convention, it still does not allow a state party to the convention to itself use or request the use of cluster munitions. According to the analysis of Human Rights Watch, in conjunction with the Harvard Law School International Human Rights Clinic, Article 21 should be interpreted as follows:

> . . . to allow participation in combined military operations only when it does not amount to assistance with acts prohibited by the convention.

In other words, Article 21 permits military interoperability, but it is not an excuse for a state party to the convention to ignore its obligations and participate in activities that are banned by the convention. Article 21 should therefore be interpreted as narrowly as possible.

Frustratingly, however, Bill S-10 interprets Article 21 as a loophole so large you could drive a tank through it. According to clause 11, Canadian forces are not only permitted to use cluster munitions while participating in a combined operation, but may also freely support and encourage their use. This is clearly in contradiction to clauses 1, 2, and 4 of Article 21, for not only does Article 21 contain strict prohibitions on the development, transfer and use of cluster munitions, but it also contains two provisions for positive obligations: encouraging states not party to the convention to "ratify, accept, approve or accede to the Convention with the goal of attracting the adherence of all States to the Convention" and notifying the governments of all states not party to the convention of our obligations under the convention. This is to say that when engaging in combined operations, a state party to the convention not only has a responsibility to inform its allies that it will not under any circumstances use cluster munitions, but it should also encourage those allies not to use cluster munitions.

Whenever we talk about Article 21, it is essential that we never lose sight of the ultimate purpose and goal of this convention: to universally ban cluster munitions and eliminate the suffering they cause. As Human Rights Watch argues:

> Allowing an exception to the prohibition on assistance could seriously undermine this aim. Cluster munitions and the harm they cause will never be eliminated if Article 21 is understood to permit parties to the convention to assist with acts prohibited under the convention. Thus, the prohibition on assistance must apply at all times, including during combined military operations.

Honourable senators, Article 21 exists to ensure the continued viability of combined military operations between states party to the convention and those not party to the convention; it was never intended to be a loophole that would allow a state to ratify both the Convention on Cluster Munitions and, at the same time, use cluster bombs either directly or by proxy.

When comparing Canada's proposed legislation with other countries' ratification legislation, it becomes clear that Bill S-10 contains an extreme interpretation of Article 21. Although Canada was one of several countries that worked together to ensure Article 21's inclusion in the treaty, Canada is the only country to interpret Article 21 in a way that would permit its soldiers to use cluster munitions. Other countries, including Australia, New Zealand, Belgium, and France allow combined operations, but do not, under any circumstances, allow their forces to actively use or request or encourage the use of cluster munitions. New Zealand's legislation, for example, states:

> A member of the Armed Forces does not commit an offence merely by engaging, in the course of his or her duties, in operations, exercises, or other military activities with the armed forces of a State that is not party to the Convention.

They use the term "merely by engaging" because they interpret Article 21 as remaining subject to Article 1 of the convention and all of the prohibitions it contains. This is to say that a member of New Zealand's armed forces would never be allowed to do anything during a combined operation that is prohibited by Article 1 of the convention. However, if during that combined operation the armed forces of a state not party to the convention were to itself use a cluster bomb, New Zealand's armed forces could not be held liable for that action.

Moreover, France also interprets Article 21 in a way that allows combined operations with states not party to the convention, while at the same time expressly prohibiting any French soldier from using, requesting or transporting cluster munitions while participating in a combined mission. Further to this, France has also followed through with the positive obligations contained in clauses 1 and 2 of Article 21, most recently prior to the NATO mission in Libya, when it informed its allies of its obligations as a state party to the convention and encouraged all states not party to join the treaty.

Belgium, too, has been clear on its interpretation of Article 21. In October of 2009, the Belgian Minister of Foreign Affairs stated:

> Military cooperation with third countries is possible, particularly international military operations, but the responsibilities are clearly delineated. In the case of Belgium and for other signatories, the rule is that we will not use cluster munitions and we will not assist States with a view to use them.

Australia's ratification legislation, however, has been stalled in their Senate for over a year due to public outrage and lengthy debate. Although their legislation clearly does not permit Australian forces to use or request the use of cluster munitions during combined operations, it does include a clause that would allow states not party to the convention to stockpile cluster munitions on Australian territory. This exception triggered significant controversy and debate when the bill was referred to the Australian Senate Committee on Foreign Affairs, Defense and Trade and led international organizations and civil society groups to label Australia's legislation as the worst in the world. Unfortunately, Australia has now lost that title to Canada and our Bill S-10, which is today considered the weakest legislation yet.

For a country that once led the world in the campaign to ban landmines, setting a new standard in international cooperation and humanitarian achievement, this is a terrible blow. What happened? Where did we lose our way? In her speech moving second reading of this bill, Senator Fortin-Duplessis argued that in crafting this implementation legislation the government wanted to "achieve the objective of banning cluster munitions" but was also concerned with striking "a fair balance between humanitarian and security considerations."

Honourable senators, make no mistake, I, too, support Canada's absolute right to defend itself and to participate in combined military operations that are essential to domestic and international security, but I am unwilling to accept the suggestion that this requires a watering down of our treaty obligations and a lowering of our national standards. It seems to me that this notion of balance has been blown way out of proportion and has obscured our view of the real humanitarian issues at stake.

Article 21 is in and of itself the balance between humanitarian goals and international security that the government is looking for. Article 21 allows Canada to continue to participate in combined military operations with the United States and NATO just as we have always done. It protects our Armed Forces from any liability for prohibited activities states not party to the convention may undertake, even if Canada is closely involved in those activities.

• (1440)

For example, if while on a combined mission with the United States our Canadian Forces were to find themselves under heavy enemy fire and then call in American troops for air support, Canada would not be liable if the Americans were to respond by choosing to drop cluster munitions. In that instance, Article 21 would still prohibit Canada from specifically requesting that the United States use cluster bombs, but at the same time, it would also protect Canadians from liability if the Americans used cluster bombs of their own volition. We cannot be responsible for what others do while on a combined mission; we can only be responsible for ourselves, and that is exactly what Article 21 carefully underscores.

Our Armed Forces should be clear on their terms of engagement whenever they participate in a combined mission. They need to know that Canada does not support the use of cluster munitions under any circumstances and that they are never to knowingly request or participate in their use.

Our men and women of the Canadian Forces are principled people. They perform their duties according to the highest possible standards and with great integrity. It would therefore be incredibly unfair to them on the one hand to tell them that Canada does not use cluster munitions because we believe cluster munitions to be an inhumane weapon of war, while on the other hand advise them that it is okay for them to aid and abet American forces to use the cluster bombs. This is an incredibly morally dubious position for Canada to take and would be unfair to our soldiers. Our Canadian Forces should not have to ever be complicit in the use of cluster munitions or responsible for the suffering they cause. If we believe that cluster munitions are a

terrible weapon that should be universally banned, then we should not burden our military with having to use them while on a combined operation.

Senator Fortin-Duplessis spoke earlier about how "it is important that our men and women in uniform not have to accept unnecessary responsibility when carrying out their duties." I do not believe for a minute that asking our military personnel not to do something abroad that they would never be allowed to do at home amounts to "unnecessary responsibility." Rather, I think it would be more burdensome on them if we required them to give in to peer pressure and knowingly be involved in the use of a weapon that causes terrible pain and suffering.

Moreover, I am concerned about Senator Fortin-Duplessis' comments about the government's intentions to put policies in place that would prohibit Canadian Forces on exchange or secondment from using or training with cluster munitions. I do not accept the notion that official policies will be adequate, when clause 11 of Bill S-10 clearly allows Canadian Forces on exchange or secondment to use cluster munitions. Having an official policy within the Department of National Defence that negates this exception is not good enough, as policies are always subject to change.

If the government is serious about not allowing Canadians on exchange or secondment to use cluster munitions, as I believe it should be, then that prohibition should be clearly stated in Bill S-10.

Honourable senators, we should not be sending mixed messages to our soldiers and our civilians. If our government and our military think that in some circumstances we may need to keep our options open or be able to use or request the use of cluster munitions during a combined operation, then we should never have signed the convention in the first place and we should not be pursuing this implementation legislation now. There is no room for flexibility here. Either we believe cluster munitions are inhumane and we therefore accept the terms of the treaty, or, very simply, we do not and consequently should not ratify the convention.

Ultimately, though, I believe this government does support the goals of this treaty, and that is why I think we must be very careful with how we interpret Article 21. Article 21 allows our Armed Forces to continue to engage in combined military operations, but it was never meant to be a backdoor escape clause, and we should not interpret it that way.

For an example of a successful treaty that has almost universalized the ban on a terrible weapon without compromising military interoperability, we need to look no further than the Ottawa treaty banning land mines. In the 15 years since this treaty was first signed, 159 countries have ratified or acceded to the convention, over 44 million land mines have been destroyed, and casualties have decreased.

At the same time, Canada and our allies have not had any difficulties in working together with the United States on combined military operations, despite the fact that the United States is not party to the land mines convention. What is more, we have done so even though the mine ban treaty does not contain an interoperability clause equivalent to Article 21.

Land mines are no longer widely used, and the few countries that still do use them face global condemnation. We have successfully stigmatized this weapon, and that is precisely what we hope will eventually happen with cluster munitions.

However, in order to do so, I believe we need to do our part and further strengthen Bill S-10. In addition to modifying clause 11, we should include an explicit prohibition on the direct and indirect investment in the manufacturing of cluster munitions. Five states — Belgium, Ireland, Luxembourg, New Zealand and Italy — have already enacted this type of legislation, and Canada should too. The convention prohibits states party from developing, producing, or assisting to develop or produce cluster munitions. Nineteen states, including Australia, Croatia and the Netherlands, have interpreted investment as a form of assistance and therefore consider it to be prohibited under the convention.

Explicitly prohibiting investment in cluster munitions manufacturing would set clear guidelines for Canadian financial institutions. In fact, during a meeting on this subject with Mines Action Canada in February of 2010, Canadian financial institutions welcomed the idea of clear legislation that would help them to craft their policies. Our financial institutions have recognized the problem of cluster munitions and are moving towards disinvestment. By including a strict prohibition on investment in clause 6 of Bill S-10, we can ease this process.

Moreover, I believe we can also further strengthen Bill S-10 by including a clear prohibition on the transfer of cluster munitions on Canadian carriers and through or within Canadian territory. As it stands, clause 11(2) of the bill would allow American forces to move cluster munitions through Canadian territory by land, sea or air. It also allows Canadian-owned vehicles to be used to transport cluster munitions.

Once again, this undermines the purpose and spirit of the treaty. Other countries, such as Austria and Germany, have recognized this and have enacted ratification legislation that specifically prohibits these transportation scenarios. Canada, too, must make it absolutely clear that we will not provide any assistance in the use of cluster munitions and, as such, will not be involved in their transportation. These two changes would be in keeping with the spirit of the convention and would certainly have a positive impact on reducing the global proliferation of cluster munitions.

Honourable senators, let us not forget that this is the purpose of the convention and this legislation we are debating now, to ban the use of cluster munitions and forever eliminate the harm they cause. I am disappointed that Bill S-10 does not reflect this to the extent that it could and that it should. Bill S-10 should be an ironclad commitment from Canada to uphold the convention on cluster munitions in its entirety and according to its highest standards and principles, but as it stands now, this is not the case. Bill S-10 contains so many exceptions to the convention's prohibitions that it really begs the question as to why we are bothering with ratification legislation at all.

• (1450)

If we are determined to never use cluster munitions and to work toward their eventual elimination, then we certainly should not be allowing our Canadian Forces to use them while on a combined mission.

Article 21 is not a loophole. We should not be interpreting it to mean that, while participating in a combined mission, Canada can abandon its commitments to the convention and actively aid and abet the use of cluster munitions. If we did so, we would be contributing to the proliferation of cluster munitions, which is the exact opposite of what we have been trying to do for the past four years with this international treaty.

With so many countries currently debating differing interpretations of Article 21 and its implications for their ratification legislation, it is imperative that Canada set a high standard and create a strong international precedent. The world's eyes are upon us. In order for this convention to be as successful as the land mine treaty, which is something we can be proud of, we again have to take on a leadership role and prove to the world that it is possible to both uphold the principles of the convention and continue to participate in combined military operations.

As such, this bill requires further debate and deep deliberation. The Standing Senate Committee on Foreign Affairs and International Trade should take its time with this legislation and hear from a variety of expert witnesses. Clause 11, especially, should be carefully scrutinized and amended. Moreover, specific prohibitions against investment in cluster munitions manufacturing and the transportation of cluster munitions through Canadian territory and on Canadian carriers must be considered.

Cluster munitions are recognized by a majority of countries around the world as an inhumane and obsolete weapon, an outdated relic of the Cold War. They should be safely gathering dust in a museum somewhere, alongside landmines and mustard gas, and not littering farmers' fields, primed to kill or maim unsuspecting children.

With the Convention on Cluster Munitions, we have an incredible opportunity to forever eliminate these weapons and the terrible harm and suffering they cause. That is why this convention is so important and why we must make Bill S-10 the strongest legislation it can be.

Children like Vanna Minn should never again have their dreams violently torn from them by a landmine or a cluster bomb.

Hon. Roméo Antonius Dallaire: Honourable senators, this bill is so rife with ethical, moral and legal dilemmas for Canadian field commanders that it must be reviewed.

(On motion of Senator Dallaire, debate adjourned.)

BUDGET 2012

INQUIRY—DEBATE ADJOURNED

On Inquiry No. 3, by the Hon. Claude Carignan (Deputy Leader of the Government):

> That he will call the attention of the Senate to the budget entitled, *Economic Action Plan 2012: Jobs, Growth, and Long-Term Prosperity*, tabled in the House of Commons on March 29, 2012, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on April 2, 2012.

Hon. Don Meredith: Honourable senators, it is my pleasure today to rise and speak on Canada's Economic Action Plan for 2012. The future of our country is laid out in the blueprints of this master plan. Jobs, growth and long-term prosperity are where we are continuing to head.

Globally, the last few years have not been as kind as earlier years. Many countries around the world have been negatively affected by the global downturn, but somehow Canada has fared quite well, considering the circumstances it has faced.

How has this happened, and how have we been able to avert what other countries have fallen victim to? The answer is by considerable restraint and hard work by all Canadians. We have avoided many pitfalls that other countries could not avoid. In March, the Prime Minister laid out a firm plan in our most recent budget and crafted a solid and pragmatic approach to our country's future. This is no easy task, since there are so many variables involved in creating a fiscally sound budget and shielding our country from being devastated as we have seen happen to other countries.

Our Conservative government has been steadily building a Canada that will be good for our future, protecting us from many dangers of instability. When we compare Canada with the countries that were affected by the global recession, we can see that we have fared much better than anyone else.

The 2012 Economic Action Plan, along with our previous plans, is one of the main reasons why we are doing much better than most countries. Our focus on the economy and jobs has positioned us in such a way that we are shielded from many other potential problems.

Honourable senators, Canada has emerged as one of the world's top-performing industrialized countries, with the best rate of job growth in the entire G7 since 2006. This has not come about by fluke or luck. We have done this through calculated risks, hard work and measured discipline.

We have been able to tap resources that other countries may not have at their disposal. One of our major strengths is our people. Canada has a population that is very diverse. We may have only one-tenth of the population of the United States, but we have an educated, experienced and adaptive populous.

Honourable senators, the Toronto area is a vibrant community that attests to this diversity. With people from around the world living in this wonderful city, counting at 5.5 million and growing, we realize that all of our different outlooks on life contribute to making our communities as successful as they are. When it comes to solving any problem, we always have more than one solution. We have formed our Canadian communities from every country around the world. Our perspectives are all different, yet we are all working together for the betterment of Canada.

One example of improving our situation is by fixing our labour concerns with the Temporary Foreign Worker Program. The Conservative government will first focus on our in-house expertise before searching abroad.

We will ensure that the best candidates come to work and live in Canada, too. To help potential immigrants come to Canada, we are also working to improve the Foreign Credential Recognition Program to allow people who want to work in their field of expertise the opportunity to do so.

The Conservative government also believes in innovating, investing and helping Canadians to be better. That is why we have invested over $1.1 billion for world-class research and development, and have encouraged entrepreneurship. Can I get an "amen"?

An Hon. Senator: Hear, hear.

Senator Meredith: On top of that, we have invested $500 million for venture capital, leading to increased public and private research collaboration. We aim to continue to invest in training and local community infrastructure, and giving Canadians more opportunities for their future.

We realize that one sure way to keep the economy going strong is by keeping our taxes low. That is why our government has cut taxes over 140 times since 2006 and reduced our overall tax burden to levels we have not seen in over five decades. We have been able to completely remove over 1 million low-income families, individuals and seniors from the tax rolls. This is greatly appreciated by many people in the Toronto area.

Honourable senators, by lowering our taxes, we have provided over $3,100 in tax savings for a typical Canadian family. This means that, with all the tax cuts and other incentives, whether through personal consumption, excise or business tax, we have been able to put more money into more Canadian pockets.

If we take a look at business investment, our country has the lowest tax rate in the G7. In fact, *Forbes* magazine has ranked Canada as number one in the world for businesses to grow and create jobs, partly due to our low tax plan. By lowering our business taxes to 15 per cent back in 2007, we have seen Canada as a powerhouse, advancing by leaps and bounds compared to other countries.

We have not stood by and been complacent; we have been competitive. We have also ensured that small businesses continue to flourish by reducing the tax rate from 12 to 11 per cent. In Toronto, with so many families who run establishments, this means the difference between thriving and barely staying open. We prefer to see flourishing and crime-free communities within the GTA.

• (1500)

Honourable senators, the World Economic Forum also ranked Canada's banking system as the soundest in the world for the fourth year running, and those on the Standing Senate Committee on National Finance can certainly attest to that. This is also part of what keeps our economy robust: a strong and secure banking system.

Canada has a unique approach when it comes to thriving amid global economic hardships. We really have come out unscathed when we look at what has happened to other countries in the last few years and what continues to be the case for many today.

Honourable senators, Toronto is one of the largest cities in Canada. We have the largest airport in the country, outnumbering the next biggest airport — that being Vancouver International Airport — with nearly two times the number of passengers. According to last year's numbers, over 33.4 million passengers passed through Pearson. This means we have a flurry of activity in our own Toronto airport. It is a welcoming gateway to the world, welcoming people to see our country, as well as a portal to allow residents of Canada to see what the world has to offer.

This is not just about travel, but about trade. We see this as a way for Canada to intensify new and deeper relationships, particularly with dynamic and fast-growing economies. We will also offer support to Canadian exporters by extending the provision of the domestic financing through Export Development Canada.

Honourable senators, as we see, Toronto is not just a random tourist hub for Canada. People who are starting their new lives as immigrants realize that their freedom to live and prosper can be found in this country, especially in Toronto. I am a little biased.

Residents in Canada realize what the government is doing for them, and for this they are grateful, grateful for the opportunities and for the protection that is offered. This is reflected in the numerous ethnic communities found throughout the GTA. We have Chinatown, Koreatown, Greektown, Little India, and do not forgot Little Jamaica. I will not name the other countless communities since there are so many vibrant enclaves representing this place that so many of us call home.

Each little centre reflects the strength of Toronto. These people from the GTA bring the best from their home countries and transplant their unique way of life here. People live in harmony here and solve problems together. This is how I see Canada.

All of us have a fresh outlook on problem solving and how to live our lives. With help from the Conservative government, our country will remain energetic and prosperous. We believe in having a strong foundation for continued job creation and economic growth. We are doing this by extending the hiring credit for small businesses for one year. What the Economic Action Plan proposes is to invest $205 million to help up to 536,000 small business employers, and also an additional $50 million over two years for the Youth Employment Strategy. Currently, the government invests over $330 million for the Youth Employment Strategy. Last year alone, the strategy nearly helped 70,000 youth build on their experience and work skills.

Honourable senators, I believe they are the future of this country. We must always find ways to engage, encourage and empower our youth.

We are also investing over $30 million over three years to help Canadians with disabilities and creating a panel for labour market opportunities for persons with disabilities. On top of the job creation, honourable senators, we are also ensuring that vital social programs and services will be there for our next generation. We are responsibly adjusting our programs and services such as health care, education and other services so they are predictable, fair and sustainable for all Canadians. This is much appreciated by all of us.

Honourable senators, in conclusion — and in clergy terminology — I am coming down. I would like to reiterate that the Conservative government is ensuring that Canada's economic advantage remains strong today as well as into our future. We will continue to encourage entrepreneurship, innovation and world-class research. We will continue to expand trade to open new markets, thus further improve our conditions for business investments, and we will continue to provide proper training, better infrastructure and more opportunities to Canadians. We will also continue to improve our social programs and services for Canadians, making sure that they run even more efficiently and effectively. Our lively communities across the GTA and across the country will continue to benefit from our approach to the Economic Action Plan of 2012.

Honourable senators, let us put aside our differences and put the interests of Canadians first by fully supporting the Economic Action Plan.

(On motion of Senator Carignan, debate adjourned.)

[*Translation*]

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

SELECT COMMITTEES AUTHORIZED TO REFER PAPERS AND EVIDENCE ON STUDY OF SUBJECT MATTER OF BILL C-38 TO NATIONAL FINANCE COMMITTEE

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of May 29, 2012, moved:

> That the papers and evidence that have been or will be received and taken, and work that has been or will be accomplished, by the committees to which were referred on May 3, 2012, the subject-matter of certain elements of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, except documents and other material relating to in camera meetings of these committees, be referred to the Standing Senate Committee on National Finance for the purposes of its concurrent study on the subject matter of all of the said Bill.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I would like to ask a question. How will all of the information gathered be sent to the Finance Committee? Will every committee that reviewed certain parts of the bill have to prepare a report? Will a summary analysis be done? Or will the Finance Committee have to sort out all of the information and spend more time going over everything and all of the evidence that was heard by the five committees that examined various parts of the bill?

Senator Carignan: Honourable senators, my understanding of the motion to refer the matter to committee is that each committee must present a report on the part it examined, but with this motion, the evidence heard by the various committees will also be referred to the Finance Committee so that it can take that evidence into consideration and identify any points that it would like to explore further.

Hon. Fernand Robichaud: Are you are saying that every committee that was given the mandate to study certain parts of the bill will have to report to the Finance Committee?

Senator Carignan: Honourable senators, I misspoke. Upon completion of its study, every committee will report to the Senate, but the transcripts of all the testimony and the evidence submitted to each of the committees will be referred to the Finance Committee.

Senator Robichaud: That is not what I understood. Thank you. The committees will therefore report to this chamber.

Hon. Roméo Antonius Dallaire: Honourable senators, the motion indicates that some information will be provided in camera, but if the proceedings were public, can we assume that the information will be available?

Senator Carignan: Honourable senators, the motion excludes documents and other material relating to in camera meetings. Thus, all papers received and evidence taken at public meetings will be referred to the committee.

(Motion agreed to.)

• (1510)

CRIMINAL CODE CANADA EVIDENCE ACT SECURITY OF INFORMATION ACT

BILL TO AMEND—SECOND REPORT OF SPECIAL COMMITTEE ON ANTI-TERRORISM ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Brown, for the adoption of the second report of the Special Senate Committee on Anti-terrorism (Bill S-7, An Act to amend the Criminal Code, the Canada Evidence Act and the Security of Information Act, with amendments and observations), presented in the Senate on May 16, 2012.

Hon. Roméo Antonius Dallaire: Honourable senators, about this committee's report, I would like to say that I expect this bill to be approved in the very near future.

[*English*]

Honourable senators, before we adopt the report of the Special Senate Committee on Anti-terrorism on Bill S-7, I want to add a few words in support, for the public record.

The Anti-terrorism Committee, under the commendable leadership of Senator Segal and Senator Joyal, worked expeditiously, yet thoughtfully, on the bill before us. This report captures well the various areas of concern raised in the testimony, especially regarding the recruitment and possible employ of youth under the terrorism rubric.

I feel, however, as others do, that our full capability of meeting the requirements of reviewing this bill remain hampered in the security area by the fact that we do not have access to classified material. Not having access to that classified material limits our ability to assess where this fits in the overall security envelope. More and more, it is becoming evident that in this time of complex security scenarios, parliamentary access to security material is essential in order for us to meet some of these very demanding, even ambiguous at times, and complex bills for our security.

Should this report pass now, which I hope it will, tomorrow I shall be making more in-depth remarks at third reading of the bill.

I thank my fellow committee members and the committee's staff for the work they did on this bill. I thank Senator Peterson, in particular, for sitting in on my behalf occasionally.

I, too, encourage honourable senators to read the observations appended to this bill, which are of significance to its interpretation and evolution surely in the other place. I do encourage honourable senators to support this report at this time.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

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

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

[*Translation*]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING—DEBATE SUSPENDED

Hon. Maria Chaput moved the second reading of Bill S-211, An Act to amend the Official Languages Act (communications with and services to the public).

She said: Honourable senators, I am proud to rise today to speak to Bill S-211, An Act to amend the Official Languages Act, Part IV, communications with and services to the public. This bill is truly the result of many years of work.

I previously introduced Bill S-220, which, after being debated in the Senate several times, died on the Order Paper when the May 2011 federal election was called.

During the debates on this bill, I listened carefully to my colleagues' comments and questions. Today, I present to you a well thought-out bill that maintains the essential sections of Bill S-220.

At our office we conducted quite a bit of research and analysis that confirm the merits of this bill for all official language minority communities. The Fédération des communautés francophones et acadienne and the Quebec Community Groups Network support this bill.

The content of this bill was in fact greatly enhanced by contributions from the many local and national organizations that I consulted and have had direct contact with over the past few years. Since last May, I have also maintained regular contact with the office of the President of the Treasury Board, which is of the opinion that this bill addresses a serious problem and a number of its own concerns.

I know that this bill, despite its importance and the urgency of the situation, is subject to the political process. All I can say today is that I have been open and honest, my discussions have been respectful and I am presenting to you today a document that has been worked and reworked in good faith with a view to making a much-needed amendment to Part IV of the Official Languages Act.

Before I go over the main points of Bill S-211, I would like to pay tribute to the late Senator Jean-Robert Gauthier. Thanks to his hard work, Part VII of the Official Languages Act was amended in 2005 in order to give communities an indispensable tool for their development.

Part VII of the act is recognized by official language minority communities as having played a major role in the recognition of their vitality. The communities have become major players in the development and implementation of these positive measures.

Bill S-211, which I am speaking to today, is the natural next step in the evolution of the Official Languages Act because it updates Part IV of the act, which governs the provision of services in both official languages by federal institutions. This update is needed because the context in which official language minority communities exist has changed since the regulations that give effect to Part IV were made in 1991. It is high time the act reflected the new demographic, social, legislative and legal context in order to protect what official language communities have achieved and ensure their long-term viability. This is urgent because of the looming threat of assimilation.

The current Part IV of the Official Languages Act states that federal institutions must ensure that the public can communicate with their head offices and receive services where the use of the language creates significant demand. This is the basic mechanism under which official language communities have the right to receive services in their language. They must demonstrate that significant demand exists. The regulations made under Part IV list 18 different circumstances under which significant demand is deemed to exist in a given region. Under each circumstance, either the linguistic minority population must reach a certain numeric threshold or a certain percentage of the demand for services must be in the minority official language. No other possibility is contemplated.

This regulation is out of date and, as I will explain shortly, hurts official language minority communities. Following the 2001 census, this method of calculation resulted in a reduction in French-language services in 100 federal offices across Canada. In Manitoba, for example, the francophone community lost seven federal offices after the last decennial census, while Saskatchewan lost three offices and Newfoundland and Labrador lost four.

Many of the affected communities were thriving. They had well-attended schools, active associations and a vibrant culture. The closure of offices and the elimination or reduction of services in the language of the francophone or anglophone minority are not necessarily indicative of the region's demographic trends. Rather, this is a sign that the government's method for determining significant demand is not working.

• (1520)

Despite its good intentions, the government is undermining official language communities instead of enhancing their vitality.

It is not difficult to understand why the legislation is inadequate. The current Part IV does not address the main factors that have redefined the image of official language communities in the past 30 years. The legislation does not take into account exogamy, immigration, or even the vitality of communities. Federal institutions decide whether or not to provide services in the minority official language without taking into consideration the main factors that characterize the region and the communities.

Bill S-211 proposes two changes in that regard. First, the bill seeks to broaden the criteria definition used to determine the size of the francophone or anglophone minority in a given region. At present, the calculation of population figures is based primarily on the criterion of "first official language spoken" by the inhabitants of the region. This bill proposes that it be based instead on the number of people capable of communicating in the official language in this same region.

The current definition is restrictive because it does not take into account the vast majority of children of exogamous marriages who have the majority language as their first official language spoken. For example, if a child speaks both official languages, but uses English more often at home because one parent does not speak French, the child will be considered an anglophone even if he or she attends French school and regularly speaks French. Exogamous marriages are part of the reality of official language communities. We must ensure that the legislation reflects this reality.

The Supreme Court understood this reality in *Beaulac*, in which it explained, and I quote:

> A simple approach, such as maternal language or language used in the home, is inappropriate inter alia because it does not provide a solution for many situations encountered in a multicultural society and does not respond to the fact that language is not a static characteristic.

If the federal government refuses to understand this reality and adapt its regulations accordingly, I am convinced that this will have a devastating effect on those communities.

In my province of Manitoba, 105,450 people speak French, but in the government's calculations to determine significant demand, it recognizes only 43,120.

Not everyone who speaks the minority official language will demand services in that language. I would argue, however, that the real demand lies somewhere between those two poles and that some flexibility is needed in order to leave the choice up to the members of a community. The legislation and regulations, as they are currently worded, do not allow for any consideration under any circumstances of whether part of the population can communicate in the minority official language, even though that is not their first official language.

Basically, this bill suggests that where an official language minority community exists, many people might belong to it, but they do not necessarily meet the very restrictive and outdated criteria of the current system. The current act and regulations paint an unclear and inaccurate picture of the real size of the community. The legislation needs to recognize this reality so that the government can then make regulations that take this into account.

Secondly, under the current regulations, the government is not required to take into account the particular characteristics of the francophone or anglophone minority in a given region before determining whether services should be offered in that community's language. This bill makes this consideration mandatory by stipulating that the government is to take into account the particular characteristics, including the institutional vitality, of the linguistic minority of the area served.

This change is necessary because the current calculation method, based largely on the relative size of the francophone or anglophone population, places an unfair burden on official language communities.

It should be noted that many members of these communities leave rural regions to go to larger urban areas. This urbanization phenomenon is observed in the general population of Canada, but it has a different and very significant impact on official language communities. In fact, in the rural municipalities where they are traditionally found, official language communities usually form a significant portion of the total population. Through urbanization, these communities lose the advantage of their relative weight.

We also know that immigration reduces the relative weight of the official language minority population. For example, if the francophone population of a mostly anglophone province like mine is 10 per cent, then 10 per cent of the immigrants welcomed by that province would need to have French as their first official language in order to maintain the balance. But that is not the case. Not only does the community have to deal with other assimilative pressures, but it also has to grow at a higher than average rate in order to offset the effects of immigration and simply keep its relative size in a given region. As the Commissioner of Official Languages explained, we use the vitality of the majority to qualify the vitality of the minority. This is totally unfair, and that is why the bill makes it mandatory to consider the particular characteristics and institutional vitality of affected communities. That is much more important than a relative percentage over which communities have no control.

In addition, the omission of the principle of the community's particular characteristics does not respect the spirit of the Official Languages Act. According to section 32 of the Official Languages Act, aside from statistics, the government can take into account the particular characteristics of the communities when making regulations to give effect to Part IV. For reasons that we do not know, the government chose not to include this criterion. The result is that decisions are made based purely on statistics with no consideration of the context. I am telling you today that we know from 20 years of experience that this omission was a mistake that we can and must correct. Bill S-211 takes this shortcoming into account.

Honourable senators, the amendment of Part IV of the Official Languages Act is also a matter of common sense. The communities have worked hard to build institutions that ensure their vitality and that of their language. It is impossible to describe official language communities without mentioning the vitality of these institutions, and it is therefore impossible to determine whether they are in need of services.

By recognizing the importance of institutional vitality in Canadian communities, the Official Languages Act will make it possible to reconcile the existing approach, which is purely statistical, with the reality of official language communities.

[*English*]

I have come to learn through my years at the Senate, and particularly as a member of the Standing Senate Committee on Official Languages, that the anglophone communities in Quebec have their own set of challenges. I have aimed to propose a bill that addresses the preoccupations of all official language minority groups in Canada.

In Quebec, the anglophone community does not face the same linguistic threat that francophone communities face, yet the same regulations, with the same statistical formula devoid of context, is expected to apply to both official language communities. Bill S-211 introduces a more flexible vocabulary. By focusing on communities and their needs instead of statistics that are arbitrarily analyzed, the government would be able to truly assess the needs of each community and to deliver adequate services.

[*Translation*]

Finally, these two amendments are necessary because Part IV's current approach is incompatible with and contradicts Part VII of the act. Under Part VII, federal institutions have an obligation to take positive measures to support the development and enhance the vitality of official language minority communities. However the implementing regulations for Part IV of the act require the government to stop providing services to an official language minority community in its language if that community falls below the 5 per cent threshold for reasons beyond its control. This can happen even if the community has grown but at a slower pace than the majority. It is difficult to reconcile this approach with the obligation to take positive measures to support the development of these communities.

We need an act and regulations that recognize the role of institutional vitality and the fact that the communities affected are often larger than how they have been defined.

• (1530)

Such legislation is consistent with the spirit of the law.

I will now go over some of what is involved in implementing these two amendments. Again, implementation will be done through the adoption and subsequent application of regulations. The bill lists two criteria that the government will have to take into account in drafting new implementing regulations or amendments to the current regulations.

First, institutional vitality has to be defined. This definition will have to be made in consultation with the official language communities. I personally believe that education has a significant place in the assessment of the institutional vitality of a community, because the presence of a school is the most important indicator that a community is vital and viable in the long term. I also believe that culture, health, social services and economic development are important factors. The different indicators will have to be weighed in committee and in consultation with the affected communities.

It should be noted that the concept of institutional vitality is not entirely new and its definition is far from abstract. In addition to being recognized as an important factor in Canadian jurisprudence, it has already been the subject of various regulations within the government.

We know, for example, that Canadian Heritage is developing its own definition of this principle and a list of indicators. This initiative is at the validation stage.

Even more concretely, the implementation of the last Roadmap for Canada's Linguistic Duality required active collaboration with many community organizations working in a number of fields. These same organizations are now being invited by the federal government to take part in consultations in preparation for the next roadmap.

In addition, federal institutions have had to develop criteria to identify positive measures to take under Part VII of the act. To fulfill their obligations under Part VII, and there are many examples of this being done successfully, federal institutions need to have a good knowledge of the official language communities they serve. This knowledge should be put to good use in terms of Part IV of the act as well. This would enable the government to make better, more informed choices, not only about the communities it serves, but also about services that would be more useful in one region than in another. All of this goes to show that developing regulations that define and establish criteria for institutional vitality is not only highly desirable, but also quite feasible.

Official language minority communities can be effective and important partners for the federal government in implementing such regulations.

I would like to quote from the Commissioner of Official Languages' report, *A Sharper View*, on this subject:

> Federal institutions have supported the organizations created by these minority communities and, more recently, they have begun to be receptive to shared governance in

concert with the communities. The OLMCs have gradually organized themselves and asserted their legitimacy within the framework of linguistic duality. For more than 30 years, the communities in every geographical region have been represented in every sphere of activity by associations that stand guard over their rights and attempt to find ways and means of enhancing their vitality.

Within the communities themselves, all of the necessary information about institutional vitality is available to us. Why not work with these organizations to understand the need for and usefulness of federal services in a given region? These communities need a true partnership with federal institutions. The federal government also needs this partnership to make more informed decisions that, in many cases, will be less costly.

The bill also proposes consideration of the population that can communicate in the minority language instead of the population with this language as the first official language spoken. Implementing this definition would not be problematic because the pertinent data are compiled by Statistics Canada and are already available.

In addition, the new definition of the minority official language population proposed in Bill S-211 will increase the number of these populations, but much of the increase will be felt in regions that already have services in the minority official language, and the risk of creating artificial demand is therefore greatly tempered.

It is up to the government, and also the Senate committee that I hope will be tasked with studying this bill, to present an appropriate regulatory framework that will properly target the regions where services are truly needed. In the meantime, claims that this bill will result in artificial demand are premature and baseless. Until new implementing regulations are adopted, the demand cannot be quantified.

Therefore, I do not believe that the premise that the criteria will be difficult to apply is a valid argument against this bill. The current regulations are notoriously difficult to apply and do not even achieve satisfactory results. We have been told by Treasury Board officials that they start preparing for new decennial census data two years in advance and that it takes an additional year to apply them. We believe that this three-year period provides ample time for consulting official language minority communities in order to chart the institutional vitality of these communities in each of our provinces and territories.

Not only is this rule harmful to communities, but it is also difficult to enforce. It is time for this government to come up with flexible, simple regulations that will really benefit the communities that the act is supposed to protect.

In addition to those two points, Bill S-211 contains four other supplementary points. The first states that all federal institutions have a duty to take every reasonable measure to ensure that the communications and services they provide to the public are of equal quality in both official languages. This duty to ensure the equality of services is only natural, in accordance with the Charter and the Official Languages Act, and it is recognized in Supreme Court case law.

In *Desrochers*, in fact, the Supreme Court explained the need for substantive equality, as opposed to formal equality, in the provision of services. To my way of thinking, this means active offer, regular consultation, an integrated approach and adapted services. This amendment does not introduce any new obligations for the government; it merely confirms those recognized by the Supreme Court.

In order to facilitate the assessment of quality, under this bill, federal institutions are required to consult communities on the quality of the communications and services they provide to the public. This partnership between federal institutions and communities can only improve service delivery and reduce the costs associated with quality control.

The second point provides that the government has a duty to inform Parliament and the communities in question before it can relieve a federal institution of its duty to communicate with or offer services to the public in either official language. This provision truly reflects the essence of Bill S-211, which is to protect the gains that have been made by official language minority communities.

The communities depend on these institutions and deserve to be officially informed. A mechanism must be implemented to ensure that reasons are given for the decision and that there is a review process. This will replace the existing model wherein communities are informed that a service has been cut only after the fact and the government often has to reverse its decisions.

Why not open the channels of communication and come to a compromise with the communities affected? The government could make more informed decisions by listening to the testimony and presentations given by official language minority communities. Advance notice would allow these communities to assess their own situations and help make the decisions that affect them.

The third point stipulates that the regulations be reviewed every 10 years. By ensuring a decennial review, this bill will prevent future generations from finding themselves in a situation like the one we are in now with antiquated regulations that do not take major demographic, social and legal changes into account.

Finally, one last aspect of Bill S-211 is designed to ensure that members of the public have access to services in the official language of their choice in major transportation centres. This includes federal railway stations and airports serving metropolitan regions and federal, provincial and territorial capitals.

Canada's main transit points must reflect the country's linguistic duality. When I discuss the importance of this aspect of the bill with members of my community, I cannot help but think of the appearance of the Honourable James Moore, Minister of Canadian Heritage, before the Standing Senate Committee on Official Languages last fall. The minister testified about the experience he had at the Vancouver airport just before the 2010 Olympics.

• (1540)

He decided to come to Vancouver as a unilingual francophone and noticed that it was important to receive the required services in French.

The situation was corrected in time for the Olympic Games. Should we not be able to travel to our largest hubs in both official languages?

I also want to note that in that regard, this bill creates nothing new but underscores and solidifies a positive trend we are seeing in Canada.

The relevant information is available on the Treasury Board website on the 20 of the 24 airports that would be affected by this bill. Fifteen of those 24 airports already provide services to the public in both official languages. This is far from a major restructuring of Canada's airports.

Imagine for a moment the message that such a change sends about linguistic duality from coast to coast.

[*English*]

Honourable senators, this bill, first and foremost, is born of my own experiences and the experience of my community. As many of you know, I come from a small francophone village in Manitoba. My ancestors have lived in Manitoba for over 125 years and have transmitted to me the same values of identity and community that have sustained them through adversity. It is these values that I have brought with me to the Senate and that have guided my actions in this chamber.

Of course, our communities have changed over the years. I was raised in what was then a typical francophone family as the eldest of eleven children. I went to school in a convent run by the Soeurs Grises, the Grey Nuns, in a French community called Sainte-Anne-des-Chênes in southwestern Manitoba. When the provincial inspector would arrive, we had to hide our French manuals. French schools had been abolished in 1916, and French education was thus forbidden by law in Manitoba.

Senator Munson: What a shame.

Senator Chaput: Such policies were inspired by the same irrational beliefs that led, 200 years earlier, to the deportation of the Acadians who were told that they could never return to their country. It was thought, indeed, that a federation like Canada could have only one culture and one language.

We have come a long way since. I have transmitted my forefathers' values of identity and community to my three daughters and four granddaughters who live in a francophone reality that is entirely different from the one that I have known. They live in a francophonie that is modern and dynamic, where "native" French-Canadians live side by side with the Metis, recently arrived francophone Canadians, bilingual Canadians and francophiles. It is a francophonie that is increasingly open to the anglophone majority, which, in turn, is increasingly open to and accepting of it.

However, these tremendous advancements and achievements were no accident and certainly no gift from above. They were earned through hard work and through important efforts to affirm and defend our communities' rights.

Let us make no mistake about it. Had French-Canadian communities in anglophone-majority provinces not maintained, through thick and thin, the will to preserve their language and identity, they would not be around today.

Government efforts to support our communities, when they took place, often arrived as concessions after prolonged community efforts or as a way of complying with various judicial decisions — including many from the highest Court of the country — affirming our rights.

Even when relevant and useful legislation has been passed, its afferent regulations and application have often been incomplete and necessitated further judicial action. Part IV of the Official Languages Act, I believe, is one such example. For all the reasons I have listed above, its wording and application do not reflect the current challenges facing official language communities living in minority settings. While its stated objective is undoubtedly to promote the use of both official languages, its actual application often plays against this very objective.

This is the problem that Bill S-211 addresses. I am not, as some would like to claim, attempting to fundamentally redefine language relations in Canada. It must be noted here that many provinces and territories have, in fact, introduced legislation that is far more progressive than Part IV of the Official Languages Act.

Bill S-211 does not call upon the federal government to become a trailblazer in redefining services to the official language communities in minority settings. In fact, it actually calls upon the federal government to catch up to the reality and to the efforts of community groups and provincial and territorial governments.

I also question how some have already expressed concerns that this bill would create what they call an "artificial demand" in certain regions. As the relevant regulation can only be drafted after the bill has passed, such claims have absolutely no evidentiary basis and are a way of misleading the discussion.

Honourable senators, the real question is the following: In light of the government's obligation and stated desire to encourage the development of official language communities in minority settings and to promote the use of both official languages, should federal institutions consider the vitality and specificity of these communities before deciding whether they shall deliver appropriate services for the next 10 years?

This is the question that Bill S-211 addresses. It proposes rethinking the application — and not the intention — of a section of the Official Languages Act that, for 20 years now, has not adequately fulfilled its obligations towards Canada's official language minority communities. It proposes a forward-looking, flexible and effective solution to address the problem.

Bill S-211 is admittedly not the most newsworthy piece of legislation that you will see this year, but it is one that addresses a serious concern for minority groups in Canada and will require careful scrutiny in committee prior to its passage. For all

these reasons, I believe that tabling this specific bill for your consideration is fully in line with my responsibilities as a French-speaking senator from Manitoba and the traditions of the Senate.

[*Translation*]

As you all know, honourable senators, the Senate has a constitutional mandate to protect, defend and promote minority rights and to represent the regions.

I am asking you to support this bill and allow a Senate committee to study it.

Hon. Pierre De Bané: Honourable senators, this bill is sponsored by my colleague, Senator Chaput. This is the first time in a quarter of a century that we have a bill that makes such significant changes since the bill introduced by our late colleague, the Honourable Jean-Robert Gauthier, in 2005.

Senator Chaput's bill is about the real, everyday lives of people in both official language minority communities.

This bill goes a step beyond what was already in Part IV of the act, which deals with communications with and services to the public. This part has not been amended since it was first enacted over 20 years ago.

The Official Languages (Communications with and Services to the Public) Regulations came into effect in 1992. No major changes have been made since then, except for one change following the 2006 Federal Court ruling in *Doucet v. Canada*.

This section has often been described as very complex and difficult to interpret. Typically, stakeholders criticize the fact that Part IV of the Official Languages Act does not take change into account.

• (1550)

Hon. Gerald J. Comeau: I would like to verify whether Senator De Bané is making a speech or asking a question. I would like to be sure. The senator who makes a speech after the bill's sponsor is usually from the opposite side of the chamber. I wanted to check whether he is asking a question or making a speech.

The Hon. the Speaker: I understood that Senator De Bané was making a comment. We are still within Senator Chaput's 45 minutes of speaking time.

When Senator Chaput's time has expired, generally, a senator on the other side of the chamber is given the opportunity to speak. I am told that Senator Boisvenu will be that critic. Senator De Bané is simply making a comment.

Senator De Bané: Honourable senators, I wanted to ensure that I clearly understood the meaning of this bill. I am providing my comments in the hope that my colleague, Senator Chaput, can then tell me whether my observations are in keeping with the direction she wants to take.

I believe that this bill ensures that we take into account changes to Canada's sociological context. Under the existing regulations, services are provided only where there is significant demand, but the regulations fail to take into consideration new variables — for example, immigration or exogamy — that affect the day-to-day life of official language minority communities. The existing regulations do not recognize members of the public who have a knowledge of both languages and who want to receive services in the language of the minority.

Honourable senators, that is why, for example, the Ministerial Conference on the Canadian Francophonie, which is made up of provincial and territorial ministers, recently published a list of Canadians who speak both official languages. This is a list of Canadians whose mother tongue is French; Canadians whose mother tongue is English and who learned French, such as the Honourable Minister of Canadian Heritage; and people who came to Canada from Europe, the Middle East, Africa and Asia and who learned French. The Ministerial Conference says that according to the official statistics, this group includes approximately 10 million people.

Thus, we need to go further than simply asking, "Who are the people whose mother tongue, which they still speak, is one of those two languages?"

Recent case law in the area of official languages highlights the importance of equal quality in the provision of services. The principle of substantive equality recognized in Canadian law supposes that we can provide services with different content or using different delivery channels while still ensuring that the minority receives services that are of the same quality as the majority.

The bill guarantees both French-speaking and English-speaking Canadians the right to receive services of equal quality from all federal institutions. It establishes a new partnership between federal institutions and official language minority communities regarding the quality of services provided. This takes the form of a duty to consult these communities in order to facilitate the assessment of service provision and to ensure quality.

As Senator Chaput pointed out, the current variables used in calculating significant demand are only quantitative: the amount of planning, the relative size of the population in a given region, the percentage of demand for services in the minority language.

The bill provides for the consideration of other, more qualitative variables, such as institutional vitality, the presence of French schools, health care facilities and so on.

The bill also defines the notion of official language minority population, taking into account anyone who is capable of communicating in the minority language — people who can speak the language, even if it is not their mother tongue.

Lastly, certain shortcomings were noted regarding services provided in both official languages at Canadian airports and to the traveling public. The bill guarantees the public access to services in the official language of their choice in major transportation hubs. It targets railway stations and airports, as well as the federal, provincial and territorial capitals. Lastly, this bill stipulates that Parliament and the public must be informed of any elimination or reduction of services.

Honourable senators, for these reasons it is now time to study and quickly pass this bill, which will truly respond to the aspirations of English-language and French-language minority communities.

I would like to thank and congratulate my colleague, the Honourable Maria Chaput, for introducing this bill.

Senator Carignan: Honourable senators, we were expecting a question, but I realize that Senator De Bané has used a portion of his 15 minutes' speaking time to speak about the bill. I wanted to ensure that the 45-minute speaking time of the second person has not elapsed, as Senator Comeau pointed out.

The Hon. the Speaker: As Senator Comeau mentioned, the government does have the 45-minute period. As there is one minute remaining in Senator Chaput's 45-minute speaking time, are there any other comments?

Hon. Gerald J. Comeau: Honourable senators, we will certainly examine all the senator's proposals in depth.

At one point near the end of her speech, she said:

[*English*]

> There are those who have claimed that this bill would create an artificial demand. . . .

[*Translation*]

Could you tell us who said that?

Senator Chaput: Honourable senators, during the innumerable discussions I have had in recent years, I have been asked in general by various groups, not a Senate colleague, if there is the risk of creating an artificial demand. This was discussed when I met with Treasury Board representatives.

• (1600)

We wanted to be sure that the bill's intention was not to create artificial demand. We did the necessary research at my office to demonstrate, with concrete examples, that that was not the case and that by balancing the two new criteria, no artificial demand would be created. That is where the discussions took place.

Senator Comeau: If I understand correctly, according to the senator, they are pleased that this does not create artificial demand. You said this without indicating whether the government officials were fully satisfied with the response you gave them.

Senator Chaput: Honourable senators, I can never say whether people are fully satisfied with the response they are given, because I cannot guess everything that is going on in their heads.

I gave them the explanation and I gave some examples to reassure them that this would not create significant demand. That is my answer.

Senator Comeau: Could the senator tell us the names of the people, so that we can ask them about the comments they made?

(Debate suspended.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, coincidentally, two things have happened at once: it is 4 p.m., and the 45 minutes allotted to Senator Chaput have expired. Therefore, pursuant to the order adopted by the Senate on October 18, 2011, I must declare the Senate adjourned until Thursday, May 31, 2012, at 1:30 p.m.

(The Senate adjourned until Thursday, May 31, 2012, at 1:30 p.m.)

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