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The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, June 20, 2012

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE W. DAVID ANGUS, Q.C.

The Hon. the Speaker *pro tempore*: Honourable senators, I have received a notice from the Leader of the Government who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Angus, who will be retiring from the Senate on July 21, 2012.

I remind senators that, pursuant to our rules, each senator will be allowed only three minutes and may speak only once.

However, it is agreed that we continue our tributes to Senator Angus under Senators' Statements. We will therefore have the balance of the 30 minutes for tributes, not including the time allocated for Senator Angus's response. Any time remaining after tributes would be used for other statements.

Is that agreed, honourable senators?

Hon. Senators: Agreed.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I would like to call to your attention that Honourable Tommy Banks, the former senator, is in the gallery.

On behalf of all honourable senators, I would like to extend to you a warm welcome back.

Hon. Senators: Hear, hear!

TRIBUTES

THE HONOURABLE W. DAVID ANGUS, Q.C.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, today we pay tribute to our colleague Senator David Angus, who retires from the Senate of Canada in mid-July. Through many, many years of dedicated service to the people of Canada and on behalf of his fellow Quebecers, Senator Angus has made a solid and lasting contribution to the work of the Senate of Canada that will not be soon forgotten.

Honourable senators, I have known David Angus for a very long time, and I can say without reservation that there is no one else quite like him. They obviously threw away the mold after David was born. He is an eternal optimist, open and generous, with a seemingly unlimited supply of energy and enthusiasm. David, or "Goose," as he is known by his closest friends in the Conservative Party, is a lawyer by trade, and I must confess, honourable senators, I never asked what the "Goose" meant. I was afraid of what I might hear, so I never got an explanation for why they call him "Goose." Maybe he will tell us today.

David is known for many talents, but he is particularly known for one talent that he possesses. He is one of the best — if not the best — fundraiser that ever laced on a pair of shoes, and his skills in this field have benefited every organization that has had his help. Certainly, the Conservative Party is proof positive of that, as are all the various health-related organizations he has supported, including mental health.

As a proud senator for the province of Quebec, Senator Angus also cherishes his Scottish heritage and was named "Scotsman of the Year" by the Quebec Thistle Council in 2008.

Nineteen years and two days ago this month, in June of 1993, Senator Angus was appointed to this chamber by his good friend, the Right Honourable Martin Brian Mulroney. Since that time, his work here in the Senate has been exemplary, both in the chamber and in committees. He is the current chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, and for well over a decade he served as deputy chair and chair of the Standing Senate Committee on Banking, Trade and Commerce. The workings of these committees depended heavily on his expertise and wisdom, and I know he is justifiably proud of his efforts on these two committees in particular, although he served on many others as well.

I would do a great disservice to Senator Angus if I did not include a special mention of his lifetime advocacy on behalf of a very important but often overlooked issue, and that is mental health and mental illness. His work in this regard was borne from personal family experience, and through many of his efforts he has contributed to a greater understanding and emphasis placed on mental health issues in Canada.

Senator Angus has made this advocacy one of the greatest priorities of his life, although he did not do so for accolades or praise or awards. I am proud to say, as was mentioned in this chamber a few weeks ago, that he was given a very prestigious honour for his work on mental health by the Canadian Alliance on Mental Illness and Mental Health. The nomination for "Champion of Mental Health," which was awarded to David and was described in the Senate at the time, describes his dedication very well, and I will quote a small portion of this citation to give context:

As Chairman of the Board of the McGill University Health Centre he was instrumental in the expansion and advancement of Mental Health facilities, services and research at the MUHC.

David has demonstrated his personal leadership by contributing over \$1 million to establish new, modern advanced psychiatric care facilities at the MUHC.

He has also established a major endowed fund at the Montreal General Hospital Foundation — the Senator W. David Angus Award for Research in Major Psychiatric Diseases.

• (1340)

The Canadian Alliance on Mental Illness and Mental Health nomination went on to say that, due to his “continuing leadership, mental health in Canada has been greatly advanced” by the efforts of David Angus.

I know I speak for all honourable senators in saying we are sorry to see Senator Angus leave. I cannot say that he is retiring, though, because that word just does not suit David Angus at all; he is moving on to new challenges and new opportunities. I know that whatever he does in the future, he will devote himself completely to it and with great dedication, as always. As the Prime Minister said earlier today, even though Senator Angus is taking leave of the Senate, he will continue to be an active participant and will be heavily involved in the Conservative Party of Canada.

David, on behalf of the Conservative caucus and our honourable senators here in the chamber, I extend my best, personal wishes to you and to your wife, Louise, for continued good health and happiness. I also wish the best to your mother. How lucky you are to still have your mom.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, before calling on the Leader of the Opposition, I would like to call to your attention that in the North Gallery we have the family, friends and personal staff of our colleague Senator Angus; namely, his mother, Ada; his sister, Elizabeth; and his niece, Stéphanie Côté.

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

Hon. Senators: Hear, hear!

TRIBUTES

THE HONOURABLE W. DAVID ANGUS, Q.C.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I, too, rise to pay tribute to our colleague and friend David Angus as he prepares to leave the chamber after 19 years of service.

Adlai Stevenson once said, “I am not a politician, I am a citizen.” While I suspect that Senator Angus may not agree with many of Adlai Stevenson’s political views, I think he understands that one very well because that is the spirit he has exemplified throughout his life.

He combined a highly distinguished career as a lawyer — he was one of Canada’s leading specialists in maritime law — with an equally dedicated commitment to public service, both to his community and in the world of party politics. To him, and to me, political engagement is simply part of being a citizen.

However, before we get too carried away by the dignity of his chosen life path, let me add one little fact to add some perspective. Senator Angus, our eminent colleague here in this place, began his career by running off to sea at the age of 15. He had applied to Princeton and was accepted — at 15 — but his father refused to allow him to go because of his age. Not to be held down, David promptly turned around and joined the British Merchant Marine.

He did eventually go to Princeton, where he attended the Woodrow Wilson School of Public and International Affairs in the late 1950s. Probably many Princeton graduates feel their experience there has had a lasting effect on their lives, but in Senator Angus’s case, it was arguably his graduation from Princeton, more than any classes he might have attended, that had the greatest impact, for the speaker at his commencement ceremony was none other than then-Prime Minister John Diefenbaker.

David met Mr. Diefenbaker at an event around the graduation. Here is what Senator Angus said happened on that occasion:

As one of a handful of Canadian graduating students, I was invited to dinner with Dief at the University President’s home the night before graduation! He asked me my politics — I waffled. He then nailed me, “You must join the Young Progressive Conservatives as soon as you get home. Here, phone Miss Flora MacDonald at my office and she will fix you up!” That was it.

That is not a bad recruitment pitch, honourable senators.

Senator Angus has been a very loyal and, as Senator LeBreton said, very successful Conservative Party member ever since, from his involvement in working to elect Mr. Mulroney, to rebuilding the Conservative Party after its defeat in 1993, to raising money for all sorts of political campaigns, which is something Senator Angus — or “the Goose,” as he is sometimes known — has been especially good at. Like Senator LeBreton, I did not want to go further into finding out where he might have gotten that nickname.

When Senator Angus was summoned to our chamber in 1993, I am told that his first seat was actually on the Liberal side — the “overflow” was the official reason. However, as a red Tory, I think he felt fairly comfortable bridging that divide.

Senator Angus was interviewed back in 2008 by Senator McCoy’s office and asked what accomplishment he was most proud of. His reply: Getting to age 71 without having compromised his ideals.

I cannot conclude without speaking about Senator Angus’s active community work, including serving as Chairman of the Board of the McGill University Health Centre. While he can proudly point to many accomplishments for health care in general, I know that an area of particular concern for him is

mental health for Canadians. He has spoken in this chamber of his family's experience in dealing with mental illness — challenges faced by literally millions of Canadians and their families.

Just last month, as Senator LeBreton mentioned, the Canadian Alliance on Mental Illness and Mental Health recognized Senator Angus as one of their 2012 Champions of Mental Health. Many of us were proud to be present on that occasion. Ron Collett, President of the MUHC, wrote the letter of nomination. He spoke of Senator Angus's work both as a caregiver and as an advocate for better client care, teaching and research, and of his work to build modern, advanced mental health care facilities. He concluded: "Because of his continuing leadership, mental health in Canada has been greatly advanced." That is quite a testimony, honourable senators.

Senator Angus is also justifiably proud of his Scottish heritage, so I will close with some words from that great Scot, Robbie Burns:

A price can mak a belted knight,
A marquise, duke, an' a' that;
But an honest man's aboon his might,
Gude faith, he maunna fa' that!

David, my best wishes to you for a long, healthy and happy retirement.

Hon. David Tkachuk: Honourable senators, this is kind of a sad day, but there are some good things happening. I met Senator Prud'homme yesterday and could not help but note how well he looked. Then I see Senator Banks here, and he looks five years younger than when he left. Senator Angus has something to look forward to. I think that when he leaves this place, he will be fairly relaxed and have energy to do all the things that he likes to do in his community, and hopefully in politics as well.

Beyond our first names, David and I have in common our respect and love for Brian Mulroney, John Diefenbaker and our party. When we were appointed to the Senate, we did not know each other. I do not think he had heard of me, but I had heard of him.

We were appointed in 1993, a couple of days from each other, along with a number of other stellar senators here. We were assigned offices on the sixth floor of the Victoria Building and across the hall from each other, where we were able to drop by each other's offices with all of a 10-second stroll.

We were assigned seats right over there where Senator White and others are right now. However, after that devastating defeat, we are right here. We are actually in the same place 19 years later as we were all those years ago, so we have come full circle.

There will be quite a few speakers, but I want to talk today about the Banking Committee, because I think that is where Senator Angus made his mark. I served with him on the Banking Committee; we were both assigned there. Over the years, he participated as a member, a deputy chair and a chair. He provided guidance that was significant and gave terrific insight from his

formidable experience in business, law and corporate governance. Just when you thought you knew him, you were always surprised at another field of expertise that he had within that great brain of his.

• (1350)

He served as the chair of the Banking Committee between 2007 and 2008, and during his tenure as deputy chair between 2004 and 2007 the committee completed important studies into productivity, charitable giving, the Western Hemisphere Travel Initiative, a five-year review of money laundering and the anti-terrorist legislation, the demographic time bomb, and consumer protection in the financial services sector.

He served as deputy chair between 1996 and 1997, when Senator Kirby was the chair, when the committee completed studies into barriers to foreign bank entry, corporate governance and Crown financial institutions. I replaced him as deputy chair in 1997. David was not amused, though I was more than enthusiastic about his continued contribution as we worked on a detailed review of the governance of the Canada Pension Plan Investment Board, the financial system, taxation of capital gains, our shared border, the growth of small and medium-sized businesses, bankruptcy and safeguards to restore confidence.

We always looked forward to the Governor of the Bank of Canada's semi-annual visits, and Senator Angus's behind-the-scenes imitation of Governor Dodge's distinct voice was priceless.

Senator Angus left the Banking Committee in the last Parliament to lend his expertise to the Energy, Environment and Natural Resources Committee, where I know in its next report he will leave his mark with a major study into the current and future state of Canada's energy sector.

Senator Angus, the Banking Committee and all the committees of the Senate will miss you greatly. If anyone is enjoying lesser capital gains today, I have to thank not only Prime Minister Chrétien but also the fact that the Banking Committee worked very hard during David's tenure to make this happen, and I think our lobbying efforts had a great effect. Thank you very much, David. It has been a pleasure. The Senate will miss you.

Hon. David P. Smith: Honourable senators, I am rising to pay tribute to Senator David Angus, who is a friend and a parliamentary colleague. We do have some things in common. He and I were both born in Toronto, and I know he is very proud of having been born in Toronto. To soften that a little bit, we both love Montreal, too, but both were born in Toronto, both lawyers, both QCs, and I might point out that my QC came from Brian Mulroney, and I am sure Senator Angus recommended it. I did not even ask for it.

He practised at Stikeman Elliott, which is a Bay Street-type firm, although based in Montreal. I know many of his partners and colleagues.

The Diefenbaker connection: I have a Diefenbaker connection, too. Diefenbaker's mother's maiden name was Bannerman, and my father's name was Campbell Bannerman Smith; he was

named after his great-uncle who was Prime Minister of Britain. Diefenbaker spent a lifetime trying to prove that he was related to Sir Henry, who became Prime Minister in 1905.

One time after Diefenbaker had been over to London and went up to Edinburgh see the Lord Lyon King of Arms, they could not quite make the connection, but he asked that they find Sir Henry's closest relative in Canada. They came up with me because my father had passed away, and what did I do? I worked for Lester Pearson.

Diefenbaker called me in a few times and we had these great sessions. I will never forget that at the end of one he said, "Young man, I know you are working with Mr. Pearson, but I want you to remember as long as the light shines forth the greatest sinner may return."

I said, "Well, Mr. Diefenbaker, I do not know why you use that word 'return.' I do have to point out Sir Henry was a Liberal."

In any event, Mr. Diefenbaker was very kind to me. I have Presbyterian roots, too.

What both Senator Angus and I have done is to help make democracy work. Sometimes people do not appreciate when you do the heavy lifting to have a strong party in a democracy. He has done it for the Conservatives. I have done it for the Liberals. He has done fundraising. I have run a few campaigns, some that went well and a couple that did not go all that well. In any event, you have to have people who will do the heavy lifting and make parties work in a democracy, and Senator Angus has done that. I think, particularly because of his Red Tory roots, he has given sound business advice.

Another thing I want to say: You are never snippy in the house. That is an old joke between us, which he gets.

Here is something else you do not know, Senator Angus. I was hanging out with your mom today. We were both in the dining room and came down together in the elevator. She invited me to hang out with her in Westmount next time I go to Montreal, so she is a great lady. Nice to see you, Mom.

I will miss Senator Angus. I think we will all miss him. I want to pay tribute to him.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, our friend and colleague, William David Angus, will reach retirement age in a few weeks. Some of us have decided to share our memories of him to give you a full appreciation of this remarkable man.

As some have just mentioned, Senator Angus is originally from Toronto, but for more than 65 years he has lived in Montreal, where he has become a pillar of his community. This descendant of a famous and proud line of Scots attended one of the most prestigious universities in Montreal. In 1962, he graduated from McGill University's Faculty of Law with first class honours.

[Senator Smith]

He joined Stikeman Elliott as a young lawyer and became a senior partner until he retired — sadly I am sure — in July 2009. Senator Angus is an active member of the Montreal, Quebec and Canadian bar associations and because of his extensive experience in all facets of maritime law, he is an Honorary Life Member of the Canadian Maritime Law Association.

His peers at the Barreau du Québec recognized him as a professionally superior colleague and a citizen whose social involvement marked his generation. In May 2009, they gave him the rare honour of being designated *Advocatus Emeritus*.

Outside his demanding law practice, he threw himself into a number of community causes with enthusiasm and determination. However, to me, his role in bringing about the McGill University Health Centre, which is currently under construction, first as chairman of the board and then as president of the centre's foundation, remains the most spectacular of all his roles.

In addition to his career, Senator Angus became involved in democratic life in Canada. He joined the Progressive Conservative Party of Canada in Quebec during his university days and was an active member. Through his friendship with the man who would become the 18th Prime Minister of Canada, the Right Honourable Brian Mulroney, he would influence the course of Canada's political history.

As senators have mentioned a couple of times in the last few minutes, many refer to Senator Angus as "The Goose." The nickname is not particularly mysterious, but it is difficult to translate into French because it is an English idiomatic expression. It befits the character of the man we are honouring today. I will leave it up to him to explain where it came from.

As a fundraiser, Senator Angus is unrivalled. He revolutionized the methods and processes associated with an activity that is often misunderstood but indispensable to the survival of political parties and certainly very honourable.

That is how our paths crossed. We were both involved in party activities when Mr. Mulroney decided to run for the leadership in 1982. Ever since then, people have joked that, as president of the Progressive Conservative Party of Canada in Quebec, I spent the money that he raised. They might be joking, but they are right. And we succeeded.

• (1400)

We were both appointed to the Senate of Canada in June 1993. Our party was in power and our Senate caucus had a majority. Nineteen years on, our party is once again in power and our caucus has another majority. But appearances can be deceiving. Despite the vicissitudes of our party's political fortunes, Senator Angus has always given his dignified and effective best. The same can be said with respect to his professional and community work.

My wife, Camille, sends her regards, and we want to thank you for what you have done for Quebec, Montreal of course, your community and Canada. I wish you all of the success you deserve as you pursue your current endeavours and in any new challenges you undertake in the future. Good luck.

[English]

Hon. Grant Mitchell: Honourable senators, I knew David Angus long before I came here and ever met him. I do not know for what reason I knew that he was a very significant person amongst very significant people, prime ministers and many senior people and the like. In retrospect, I wondered why it was I knew him for so long before I came here when I was a Liberal in Alberta and had very little to do with national-level politics and nothing to do with national-level Conservative politics.

Then I arrived and met him, and it was very clear that there were a couple of reasons. One was that he has this huge, compelling, engaging personality that you cannot miss no matter where you are in the country, it would seem. Second, it is true he has that old school view of public service as being one of the highest callings of any of us in this country, and he spent most of his adult life operating to prove that principle at the highest levels of this country and his community.

I had the wonderful opportunity and experience to work with him as deputy chair to his chair of the Standing Senate Committee on Energy, the Environment and Natural Resources. In a place where we have many wonderful opportunities, this would rank as one of my best and I am grateful for it. I have some specific impressions as a result of that.

First of all, he is hyper smart. He makes it look effortless to grab and understand a range of issues that seem to move at the speed of light. One can see his nimbleness and quickness in running that committee. I think one of the most admirable things, and one of the things I like best about him, is that he loves the Senate and respects deeply and profoundly the parliamentary process and public policy debate. One has only to see how he conducted his leadership of our committee to know what I mean.

He is impeccably fair every moment. He is impeccably respectful of all members, all sides, every turn, and it is not though this is an easy committee. This is a committee with tough issues, and there are no sissies on this committee; there are driven, passionate, determined people, and some of them — I guess me, maybe — are difficult people. He was inspired by these people. It is a testimony to his personal strength that he is not in the least bit cowed by strong people; he seeks them out. In fact, every once in a while he pokes and provokes them for the fun and challenge of it. It says a great deal about his personal strength.

I want to mention something as well, and that is that his courage. David Angus has had a year or two that we would not wish on anyone. It is clear that he has been profoundly courageous in the way he has confronted these challenges and never lost his sight of his ability to do his job. He has never faltered at committee and always provides the leadership to bring us together and get us there. I think it is profoundly impressive that he would be able to do that. I think, in part, he sustains that because of this wonderful sense of humour that we all know he has. I have had immense fun working with him, apart from all the other benefits I have received.

The only problem I have working with David is that I sit beside him as deputy chair. I just fight to maintain my composure and professional decorum through this onslaught of play by play of

what is going on in the committee through whispered comments and small notes. It is all I can do to control myself sometimes because he is exceptionally funny.

I will close by saying that David Angus is a remarkable person and I know that he is going to miss this place because he cared so much about it and has given it so much. I will miss him greatly and I know the Senate will miss him greatly as well.

David, I wish you all the best for your life in the future.

Hon. Daniel Lang: Honourable senators, it seems like yesterday when the group of 18 senators took our places here in 2009. As was stated last night by Senator Raine, we all remember how David took many of us under his wing and made us feel so welcome.

When I first met the good senator, little did I realize that I was in the company of an icon, a Canadian who definitely lives life to the fullest and makes the most of opportunities that come his way. When you look back on David's life, you truly have to marvel at how he managed to stickhandle his way through the various stops and starts along the way.

I think you can say that David — and I am sure his mother would verify this — comes from humble beginnings. He skated his way to a hockey scholarship in Princeton and along the way served as a junior officer at sea, and also as a journalist.

His honorary academic achievements are legend, and I have no doubt his social life at university was just as legendary. If a degree were granted for social life, he would have passed that, as well, with honours.

His tenure at sea helped him, as mentioned earlier. It directed him into maritime law, where, according to our good friend Senator Baker he excelled and became a cause célèbre before the Supreme Court of Canada. All the while he found time to be involved in the body politic, always wore his blue jersey with pride through the good times and bad times, and loyalty was always there.

He is a good political friend you could always count on, and the kind of guy you wanted by your side if you found yourself in a donnybrook. His reputation as a fundraiser for the party, as mentioned earlier, was renowned. I, for one, feel fortunate that I had not made his acquaintance during that period of his life because I have no doubt that every phone call would have cost a minimum of \$1,000, and he would have made me feel very good as he picked my pocket for the cause.

I also want to commend the good senator for his work with Canadian Mental Health, and I want to say: David, a job well done.

From the hockey arena to the world of business and law, to the political arena and then 19 years ago to the bench in the Senate, David has always taken his responsibilities with commitment and honour. I also have to echo Senator Mitchell's words about the good senator about the example he set as chairman of our Standing Senate Committee on Energy, the Environment and Natural Resources and his unwavering commitment to consensus building and keeping everybody inside the tent. That was

recognized the other day by our friend Senator Mahovlich, “the Big M,” who described our committee as a real winner when he said, “I feel like I just joined the Los Angeles Kings.”

Before I conclude, I want to share some thoughts from some of Senator Angus’s friends and colleagues who have moved on from Parliament Hill, and I am so pleased to see Senator Banks here today.

He sent this note to be read:

There was a point a few years ago at which both of our sides had been involved in a series of procedural manoeuvres that, it is fair to say, pushed the limits a bit. For my part in this series, Senator Angus became furious with me. But it is a mark of a good man, that when the dust has settled a bit, he can forgive, if not forget. And when Senator Angus graciously did that, we entered into a much longer, happier, and more productive time of cooperation, and sometimes of avoid cooperation.

I also want to share with you, from your good friend Senator Meighen, this thought:

Life is never dull in David’s company! It is fast-paced, stimulating and certainly full of laughs. As we salute you on this day, I know I speak for your legion of friends and admirers when I express our thanks for your outstanding contribution to your city, your province and, through this Chamber and elsewhere, to your country. May you enjoy good health and much happiness in the years ahead.

I want to say, David, Senator Meighen and Senator Banks both assured me that there is life after Parliament.

Senator Angus’s commitment to loyalty cannot be overstated. Last night it finally came out. He actually confessed that he is a Toronto Maple Leafs fan. If that is not loyalty, I do not know what is.

• (1410)

Senator Angus, now that you are entering free agency, who knows, maybe the Leafs will call, and God knows they need the help.

Senator Angus, on behalf of the people of Canada, we bid you farewell, and we will miss you.

Hon. Paul J. Massicotte: Honourable senators, I would like to add my voice to that of my colleagues to honour Senator Angus’s impressive work inside and outside the Senate. I have known Senator Angus for many years, but professionally mostly through our committee work, starting with the Standing Senate Committee on Banking, Trade and Commerce and then the Standing Senate Committee on Energy, the Environment and Natural Resources.

I particularly enjoyed our experience of Senator Angus chairing these committees. He chaired them in a totally open and non-partisan manner, making every effort to include and

hear every opinion of witnesses and senators. It was refreshing. Sincerest congratulations on that, Senator Angus. We were able to have interesting, honest and open discussions about many of the most important and difficult challenges of our time.

Please allow me to note particularly Senator Angus’s leadership on our forthcoming report, which will come out shortly after three years in the making, on how to best achieve a sustainable energy and environmental strategy in Canada.

Opinions on the subject vary greatly, as you know, and are sometimes quite contradictory, even among us senators. Yet, Senator Angus listened patiently to all witnesses and senators, generating a balanced conclusion. He spent hours and sleepless nights on this report to best represent our conclusions without any serious dissension, in order to contribute to a better Canada. That is a big achievement that few could deliver. However, Senator Angus did.

[Translation]

I also have the good fortune to know Senator Angus personally, because we are both members of the Mount Bruno Country Club on Montreal’s South Shore. As we all know, Senator Angus is very good at telling jokes and can imitate an impressive number of accents.

I have often had the privilege of hearing his most scandalous jokes, just between the boys. He has made us laugh a lot. I will say no more. But I would like to pay him this compliment: Senator Angus is an excellent golfer. You know, I wonder sometimes if he wears his kilt on the course just to distract us.

[English]

As for his work outside the Senate, the list is impressive. His expertise in maritime insurance and commercial law is extensive and well known and has merited many titles, including *Advocatus Emeritus* and Honorary Life Member of the Canadian Maritime Law Association. As a senior partner of the Stikeman Elliott firm, Senator Angus was one of the best lawyers in our country for over 45 years.

He also devoted an incredible amount of energy, time and funds as chair of the board of the McGill University Health Centre. We can only admire the crucial role he played in leading the efforts to a new consolidated super hospital now under construction in Montreal. Although it was not always easy, the benefits of this achievement for Quebecers will be substantial for decades to come. Thank you, Senator Angus, for your immense contribution.

After 19 years in the Senate and a professional career marked with success, David, I wish you a retirement filled with happiness, but mostly filled with good health. You have an important heart surgery coming up. Be assured that our thoughts will be with you. You are an excellent senator and a truly accomplished man, multi-faceted in all sectors. You have made our province of Quebec and Canada very proud.

Thank you, David.

[Senator Lang]

[Translation]

Hon. Jean-Guy Dagenais: Honourable senators, I now understand the reason for the strong bond that was quickly formed between Senator Angus and me: my mother was of Scottish origin.

Although I have only been in this chamber for a few months, I would like to pay tribute to the Honourable David Angus, who will soon be leaving us. I cannot say that I know him well or that I have known him for a long time, but I can say without hesitation that he will be leaving a great void.

As soon as I arrived in this chamber, I had the pleasure of working with him, mainly on the Legal and Constitutional Affairs Committee, where I was able to appreciate his qualities as lawyer and a citizen. I quickly understood that he took his duties very seriously, but he remained very human and even made us laugh on occasion. I am convinced that that is how he conducted himself throughout his 19-year tenure.

Senator Angus has been a Conservative since the Diefenbaker days. Although born in Toronto, he chose to make his home in Quebec, as was mentioned, and he represented Quebecers very well in all of the duties assigned to him. Canadians will remember him for the important contribution he made to the work that resulted in significant changes to the code of ethics governing potential conflicts of interest among senators. These new measures will lead to greater transparency on the part of all senators, which is what taxpayers want.

The Honourable David Angus is leaving us, although not by choice. As he has told anyone who will listen, he does not feel the weight of his 75 years — I apologize for revealing your age — the only thing forcing him to retire from the Senate. As we know, for he often tells us, he is still in excellent health and he would have loved to have been an exception in order to continue his work with us.

My understanding is that he left his important role as a partner in a large law firm in Montreal because he loved politics and parliamentary life, and he brought honour to his duties in this place.

I also understand that he cannot imagine being a full-time retiree, someone who gets up every morning without any real tasks to accomplish or obligations to fulfill, although I am sure his wife would be more than happy to give him a list. I would even say that his current situation will force him to accept his pension. I bet he is already looking for new things to do. It is precisely because of this strong desire to always achieve a little bit more that I wish to pay tribute to him here today. Our friend David — I believe he will let us call him that — is one of those people who never really stop working, because to him, work is not a burden, it is a pleasure.

Enjoy your retirement, Senator Angus!

[English]

Hon. Irving Gerstein: Honourable senators, it is with the greatest of pleasure that I pay tribute to our great friend the Honourable William David Angus. David has been one of the

true stars of Canadian life and has successfully combined the career of a leading lawyer with that of a committed campaigner on mental health issues. Today we mark David's retirement from the Senate after nearly 20 years.

As I look back on my friendship with David, I can say to you that his nickname "The Goose" was well chosen. You may think I say this because David is renowned for spending a lot of time on golf courses. His obsession with the royal and ancient game is, of course, entirely fitting for one of Canada's great Scotsmen. After all, as the saying goes, the Scots are the people who gave us golf and called it a game and also gave us the bagpipes and called it music.

Rather, my friends, the Canada goose is known for its loyalty to the team and for never standing alone. It is this quality that best describes David. He has always understood that by working together we can achieve far more than by working alone. David has indeed illustrated Lord Kilmuir's famous maxim that loyalty is the Tory's secret weapon, and he has achieved this without having to follow Disraeli's injunction to a parliamentary colleague, "Damn your principles, stick to your party."

As I look back over many years of working as a party bagman, I do not have to tell you that the Conservative cause has had its ups and downs. Today the Conservative Party of Canada is in good health, but it was not ever thus. In some of the darkest hours of our party, when lesser men would have thought of deserting a sinking ship, David provided a steadfast support. Friends, without David's generous support during the sometimes difficult history of our party, we would not be where we are today.

I thank David not just as a fellow Tory bagman; I wish to recognize something far more important. Those who care about this country know that the democratic process and the freedom of the Canadian people to choose their government is the lifeblood of Canada, and so, whatever our political viewpoint, we should salute a man who has worked so tirelessly and so successfully for so many years to support the democratic life of this country.

Honourable senators, over his extraordinary career David has been a pre-eminent lawyer, political activist, campaigner, philanthropist and parliamentarian, but those of us who are fortunate enough to number among his friends know David most of all for his fundamental decency and loyalty and for his great capacity for friendship.

• (1420)

It is said that King George V was advised by his private secretary in preparation for his role in public life to "never stand when you could sit, and never miss a chance to relieve yourself." I am sure honourable senators will agree that this was very sound advice.

Now, David has his own set of rules for life in the Senate, which he was kind enough to share with me and which I now share with honourable senators: First, do not take yourself too seriously; second, keep a sense of humour; third, watch how much booze you drink; and fourth, keep in mind that someone is always watching you.

I have always endeavored to follow these rules, but I must say not always successfully; and I can think of some of our colleagues in the Senate who might have been well advised to do the same.

David, for this and for so much more, thank you.

Hon. Anne C. Cools: Honourable senators, I rise to join colleagues in paying tribute to the one and only Senator David Angus. Today is a phenomenal day, in a way, because it seems to me it was just yesterday that David arrived. The fact is that today marks for David a rite of passage, and for all of us as well, as he completes this portion of his life's journey. You like that, do you not, David?

It is well known, honourable senators, that I believe that life is a pilgrimage and that it is a collection of rites of passages that we must negotiate as we navigate our way from one stage of life to the other. I am using language of the sea because Senator David Angus is one of the specialists in this country on the law of the sea — the law of the admiralty. It is a great thing and a great credit to him.

Honourable senators, David and I share a few interests. One of them, especially, is his interest in McGill University. I thank him for that and his work, because McGill University is my alma mater as well. In addition, David and I shared a very special friend — a very dear and fine friend, who was the late Chief Justice of the Federal Court of Canada, the Honourable Julius Isaac, a special man who recently passed away.

Honourable senators, David Angus has a very gentle side. There are many who have seen him as a ruthless parliamentarian or a dedicated Conservative, but there is a very gentle side to David. I have seen that side on many occasions, particularly on one of my very rare trips as part of a Canada-United States Inter-Parliamentary Group meeting in May 2006, when David and I were in Charleston, South Carolina. Honourable senators would not know that Charleston is a very important city to me and a very important place in my life. Charleston was founded, as was South Carolina, by people from Barbados. I think all senators know that I was born in Barbados in the British West Indies. The first three governors of South Carolina were from Barbados. The city of Charleston is laid out pretty much like Barbados and Charleston's parishes have names just like those in Barbados.

Honourable senators, it was a marvelous trip. I know a lot about Charleston and I loved being there as I had been there before. However, David could not understand why I ended up with one of the nicest hotel rooms of all the members of the delegation. David inquired as to why I got this room. I explained that the previous night there had been some defect in the room and the hotel upgraded my room. I told David, "You must remember, many of the hotel staff here are Black and in the United States of America, a Black senator is a rare creature; and a Black female senator is even more rare." I had to point out to David that silent messages were going through the hotel staff that there was a Black senator from Canada. Many of them wanted a peek at me or to say hello. David and I found that very amusing.

Honourable senators, there was another amusing moment. It is marvelous to see the comic in David. A special dinner was held for the delegation at Boone Hall Plantation, which was used in the

film *Gone with the Wind*. Of course, I was happy as I walked around. I said, "I am a plantation girl." However, no one could understand my happiness. I explained to David that I had grown up on my mother's plantation.

David, I wish you well in your upcoming health challenges. I wish you well in all the endeavors that you will move on to. I thank you from the bottom of my heart for your spirit of public service. I shall read a scripture for you. I shall read from the New Testament Book of Mark, chapter 10 verses 42 and 43 in *The New Jerusalem Bible*:

Jesus called them to him and said to them, "You know that among the gentiles those they call their rulers lord it over them, and their great men make their authority felt.

Among you this is not to happen. No; anyone who wants to become great among you must be your servant. . . .

David Angus, in the name of Julius Isaac and in the name of all your supporters and admirers, I thank you for your wonderful spirit, your wonderful sense of public service and your willingness to give.

[Translation]

Hon. Pierre-Hugues Boisvenu: Honourable senators, it is an honour for me to pay tribute to Senator David Angus and to tell the story of how we are connected.

I met Senator Angus before I came to the Senate, when I was the founding president of the Association of Families of Persons Assassinated or Disappeared. Our organization contacted all of the political parties, and the Conservative Party was the only one that agreed to meet with us. Senator Verner was the first to meet with me in her Montreal office, in 2005, and she introduced me to Senator Angus.

In September 2005, Senator Angus met with the four founding fathers, Mr. Bolduc, Mr. Surprenant, Mr. Caretta and me, at his office. Beneath his somewhat gruff exterior, I discovered a very warm man who cared about the needs of victims of crime, and more importantly, I discovered a man who had decided, at that point, to take our cause and bring it to the caucus of the Conservative Party of Quebec.

Twice, between 2007 and 2008, we had the honour of meeting members of the caucus, to share with them our needs as victims' groups and also to share our expectations for justice and public safety. At these meetings, we shared a dozen expectations with the caucus, and today, it has followed through on these 12 expectations with reforms and laws.

When Prime Minister Harper invited me to sit in the Senate in 2010, it was no accident that when I had to choose a sponsor, the first person who came to mind was Senator Angus. I had the honour of serving with him on the Standing Senate Committee on Legal and Constitutional Affairs for two years. Senator Angus, like Senator Baker, was truly an emeritus professor for me in terms of law and justice.

I learned a lot from Senator Angus over the past two years, whether it was from his humour every day or the seriousness with which he listened to witnesses and sought to understand the bills before us.

No doubt Senator Angus was among those who advised the Prime Minister to invite me to sit in this august chamber, and I would like to thank him for that. Senator Angus, as I serve my term in the Senate, I will make it my duty and obligation to live up to the ideals of this institution, as you did.

I will not wish you a happy retirement, for I think that you are too young to retire. Instead, I wish you good health and I wish Ms. Angus a lot of patience. Senator Angus, you are an active person and I am certain you will stay that way.

• (1430)

Today, the Senate is losing a distinguished man, but Quebec — particularly Montreal — and Canada are gaining a vital asset.

Senator Angus, I wish you a very long life.

[English]

Hon. Elaine McCoy: Senator Angus, I want to add a very quick thank you, to that which has been spoken by others in the chamber, to say how much I have been entertained working with you, in particular on the Standing Senate Committee on Energy, the Environment and Natural Resources.

I have been very much struck since I first came here that you reflect our traditional Senate. When I was scouting about for profiles to put on my website so that Canadians could get to know the brilliance of this institution — which I dubbed many years ago “Canada’s best think tank” — you were one who came to mind instantly.

In my experience and observation, you have striven very hard to uphold the best traditions of this wonderful institution. As you said in response to a question in that interview, you thought that the value of the Senate is to be unlike that other place. Therefore you have, in fact, worked very hard to walk your talk in that regard. For that, I honour you.

I also honour you for your generosity and your wit, as others have mentioned. You are a wickedly funny man, but you are also very generous. In regard to our energy study, which you inherited when you took over the chair from Senator Banks, you always acknowledged my part and called me the godmother of the energy study. I will say that Canada and Alberta have much to thank you for regarding your dedication to that study over the past three years. We are looking forward to the final report. As we look forward, it will be a contribution to our future in the energy and environmental challenges that we will continue to face over the decades.

I thank you very much for all you have done and I wish you all the best, very much good health, and may you always be amused and entertained as life carries you on its way in the future. Thank you, Senator Angus.

Hon. Joan Fraser: Honourable senators, this senator from *The Gazette* wishes to extend tributes and best wishes to that senator from *The Gazette*. Many of you may not realize, although Senator Lang alluded to it briefly, that in his misspent youth Senator Angus was a reporter for *The Gazette*. I am personally convinced that that is where he first perfected the interview technique that I have had occasion to admire more than once in the Standing Senate Committee on Legal and Constitutional Affairs. It is what I refer to as the “simple country boy” technique of interviewing, much favoured by ferociously effective investigative reporters. It consists of being very nice and saying, “Now I just want to be sure I understand this, because this is really complicated. Can you really make sure that I am going to understand this?” The person who is being flattered just opens up like a sunflower and frequently convicts themselves immediately following thereupon.

David, I share, of course, all the good things that have been said and I will not repeat them. I just want to say this: In July you will be typing “- 30 -” at the bottom of your senatorial career, but, as all journalists know, you type “- 30 -” at the end of one day and the next morning there is a new assignment, frequently at least as interesting and maybe even more fun than the one you have just finished. I hope that all your next assignments will be fascinating and stimulating and, above all, fun.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before calling upon the next senator to take the floor, I want to draw your attention to a very special person in the Governor General’s gallery, and her presence might modify what we hear next. I introduce Mrs. Ada Angus, David’s mother.

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

Hon. Senators: Hear, hear!

THE HONOURABLE W. DAVID ANGUS, Q.C.

EXPRESSION OF THANKS

Hon. W. David Angus: Honourable senators, dear colleagues, what can I really say? I am so deeply moved by your kind and generous remarks in all quarters.

[Translation]

Dear friends, your remarks have been too kind and too generous. Thank you all from the bottom of my heart.

[English]

Thank you all so very much.

It is great my mom is here. She is quite an old Scottish matriarch and she has had a lot to do with maybe some of the things — as you all rewrote history — through the wishes she had for her son. I wish my late dad were here, too, because he established for me a moral compass, which has helped in battling the demons.

As I am sure you can tell, honourable senators, I really love the Senate. I love the people in it and I love everything about it. This is the Red Chamber.

When we were young guys in Quebec, there were only four Conservatives whom I knew: One was Brian Mulroney, one was Brian Gallie, one was Michael Meighen, and one was your humble servant. There was a Conservative senator here, who was 74 and a half years old. Her name was Josie Quart and she was a handicapped lady in a wheelchair. However, the four of us had a code. Whenever we were out politicking, we would gesture to each other about which one of us was going to get that seat. Of course, Guy Charbonneau got the seat, and we did not know who the hell he was.

I have always loved this place, as I say.

[Translation]

Honourable senators, I repeat: I love the Senate. That is why I am finding it so difficult to retire. Perhaps this is the time to reveal where my nickname, "The Goose," comes from, as Senator Nolin requested.

[English]

I actually was born in Toronto and I got out of there pretty fast. A small conflagration broke out in Europe and we beetled down to Nova Scotia, where more of my ancestors from Scotland were. We settled down in Halifax and in Chester. My mother had this little Toronto Maple Leafs sweater. In all the pictures I see of myself as a little guy in Chester and in Halifax, I had this Toronto Maple Leafs sweater on. Why am I not a Toronto Maple Leafs fan? It is because loyalty is necessary. Anyway, I was soon called Gus or Gussy for Angus.

Then in 1946, after the war, we moved to Montreal and two things happened. First, when I would be sent out, my mother would get these two baked potatoes, heat them up in the oven and put them in the toes of my skates so my poor little feet would not freeze. She would send me down the hill in Chester to skate with the big guys. They would pull me along on their hockey sticks, all through these little brooks and streams. It was incredible. I can remember like it was yesterday.

• (1440)

I got pretty good ankles and I got pretty good at skating, so when I came to Montreal, I got on the hockey team at my school, and for some reason was given No. 12. I wish Jacques Demers was here. At the time, on the Montreal Canadiens, there was a guy named Goose McCormick. He was No. 12 and he had this long, long stick, I do not know how many inches, but he was renowned as the best poke checker in the NHL. Frankie might well remember. That plus the fact that a lot of my friends were francophones and could not say "Gus" but instead "Goose."

I am really grateful, and I mean this from the bottom of my heart, for having had the opportunity to serve here for the past 19 years and 10 days. During this period, I have been able to see our institution in all its aspects: the good, the bad and the ugly. I have seen the Senate while my party has been in government and while it has been in opposition. I have been here

[Senator Angus]

while Conservatives have been in the majority with well over 60 senators — and I see my good friend Marjory looking down. We can remember being here when we had far fewer senators; 18 was our low, I think.

I have seen the Senate at its best, performing well in our nation's service, but I have also seen it not doing so well. There has always been one overriding constant: the high quality of the senators themselves, always a group of competent, focused and dedicated men and women from all across this great nation of Canada representing every province and every territory together in an ongoing collective endeavour. I think we all sincerely want to make Canada a better place, very often at substantial inconvenience and sacrifice, both personal and financial. I know many senators who have to come every week from places like Whitehorse in the Yukon Territory, or anywhere from the far West, as well as the people from Newfoundland and Labrador and Atlantic Canada. We have it easy in la Belle Province de Québec, Montreal and Toronto; we recognize that. We are all here, we are all doing it, and each and every one of us is giving up something to be here. I only wish, as I say, that Canadians understand what we do here and what we are giving up to do it because we love this country and we want to make it better.

[Translation]

I often wonder why Canadians are not aware of what we do here and all the efforts made by their senators in this chamber and in committee. In my opinion, it is a matter of communication.

[English]

My good friend David Tkachuk and my good friend George Furey have spent long hours in our internal management committee, called "Internal," and they have spent a lot of money, our money, the money, taxpayers' money, on communications of the Senate.

This communications business is a tricky business. Senator Fraser, you and I were in sort of the communicating business. However, they are not getting it right. God knows, I do not know why. I do not think we have yet found the solution, but I can show you a file of letters, a file of diskettes, where witnesses who have come before committees — one I served on — have written and said, "Wow, I had always heard of the Senate, but today we were here and the senators were really prepared, they had done their homework, they knew what the issues were, what our issues were, and they asked us questions that made sense." Those comments are sincere, and it happens day after day. I am sure all of us have had that experience. Why do we not get the message out?

In terms of Senate reform, in my view, that would be a very good place to start.

I could go on quite a bit about that, just on Senate reform. Of course, any institution of the age that we are requires reform. It is a no-brainer. The House of Commons needs more reform than the Senate does.

What does "reform" mean? There are all kinds of spinning of the term out there in Canada about the Senate. I think there is a report — I know there is a report because it is right here. It was put together by Senator Daniel Hays and myself when he chaired

and I was almost like a deputy chair in this case, a very special committee that was set up to look at the substance of Bill S-4, which was the first Senate reform proposed legislation about term limits.

What I am trying to get at here is that it is really amazing how few of us have actually maybe read all the stuff there is out there to read about the Senate, but all of us on that committee that summer, the summer of 2006, were given a huge box of references, tracts, reports, stuff to read. I can remember going down to Magog with my box of stuff and reading right back to the Fathers of Confederation, their debates and discussion.

In any event, we came up with this report, which is like many others, with dust on it on the shelves of Carleton University. I commend it to you, and I commend the references that are in it. I have a letter at home from the Prime Minister saying, "Wow, I did not expect this. This is a great report. I could not have asked for more."

What we basically were saying was, sure, there is a need for reform. There are hundreds of things that could be done to improve the Senate, but do we need to go to the very fundamentals and change the nature of the beast, which is a fundamental part of our Constitution, without doing it by amending the Constitution? This is a rhetorical question that I keep asking whoever will listen. Someone mentioned it in their very generous remarks. I do not want us to make the Senate the same as the House of Commons, the other place. I think it would be folly to do that.

I only ask, again rhetorically —

Some Hon. Senators: Hear, hear.

Senator Angus: I am very loyal to my government. I support the party and its platform, and I am grateful to everyone who seems to have actually recognized that fact. I seriously question, however, whether electing senators is the right way to make us accountable to the people. We need to find a way to make us accountable. It is 2012; I think that is a no-brainer. However, I question whether we can maintain the quality and the high standard of 105 people from various backgrounds, with various degrees of expertise, who are here to provide sober second thought and careful consideration of legislation from the Commons that is drafted by people for whom that is their day job, their full-time job, whereas we are people with our own little outside expertise that we bring to the party. That is the beauty of the Senate. That is what the Fathers of Confederation would have wanted. Those are my comments.

Incremental tinkering is a risky business, whatever you are doing. Of course we have to fix up the Senate. We have to modernize it, and we have to find a way to select senators who will pass all of the smell tests. There is no question about that. I will be available at any time to help in that endeavour because I do not want to see the Senate abolished, and I do not want to see it transmogrified into a mini House of Commons.

I especially today want to thank our party, my party, and the other party, both sides of the chamber, for all they do behind the scenes. I am talking about the leadership.

First, in my case as a loyal and lifelong Conservative, my sincere thanks go out to Prime Minister Stephen Harper for his enlightened vision and inspiring leadership. What I like best about Prime Minister Harper is his great integrity. In my view, he is the right person, in the right place, at the right time to lead Canada.

[Translation]

That is what the Fathers of Confederation wanted to see.

• (1450)

As we say in Quebec, he is "un très bon père de famille."

[English]

He is a good father of the family.

[Translation]

He certainly has the right qualities to lead our magnificent country and to make Canadians' lives better and give them a better future.

[English]

In closing, I wish to thank our other party leaders that I have had the privilege, in my case as a Conservative, to serve, namely, the Right Honourable Joe Clark, the Honourable Jean Charest and Peter MacKay.

To my current leader in the Senate, the Honourable Marjory LeBreton, first, thank you for those lovely remarks earlier. I want to thank you and your excellent team of leadership for your guidance and your camaraderie. Your job is not always as straightforward and simple as it seems. We appreciate that. We carp around the back and it ticks you all off, but we know that it is a tough job and we are lucky to have you all. You do it tremendously well.

Marjory, you are our able and supportive den mother. Thank you for entrusting me over the past 10 years with the chairmanship of the Banking Committee and the Energy Committee, two duties that I have really enjoyed a lot.

You may wonder about that other leader that I left out. I find that it is a household name with me and I am never embarrassed to talk about my friend Brian Mulroney. Martin Brian Mulroney appointed me and many people in this room to this place. I will be eternally grateful to him for that. He also appointed me to the board of Air Canada, where I had the pleasure to survive privatization and to carry on for 19 years on that board. Brian Mulroney taught me about Canada. He gave me the opportunity to learn about the compassion, about the diversity and about the pluralism that exists in this country. He used to talk about the golden wheat fields, the majestic Rockies, the sparkling waters of the Great Lakes, the mighty St. Lawrence River and the beautiful, pastoral fishing villages of Atlantic Canada. I went with him on many occasions, from sea to sea to sea, and I learned a bit about Canada. I have learned oh so much more since I have been in this place. That is the great, great thing that I take away with me.

Senator Losier-Cool said last Thursday that she feels like a much better person. You just have to ask those folks. This kid is a much better person after being here. There are a lot of us out there. We are all different. We all have our own issues and we really care about our issues. In this place, we learn about how important it is to help other people deal with their issues. We develop an element of softness and compassion that Brian Mulroney often talked about: a kinder and gentler place. Another Prime Minister before him had his own words for it, but the reality of it is that all of us have the occasion to go south. I love the U.S.; I am a great Americaphile. We are a kinder, gentler society, and it is our trust not to deviate from that path.

Speaking of trust, there is one other thing I would like to put on the record. How many Canadians know what a magnificent precinct their Parliament occupies — these buildings, the architecture and the library over in the other place, with the Churchill portrait? I could go on and on.

As parliamentarians, MPs and senators, it is in our trust to preserve these great national treasures. Think of how easy it would be to be derelict in our duty. I walked around here today. I was showing my mom upstairs, going to the parliamentary restaurant, which is not in the Victoria Building and, therefore, not in my daily routine. What a magnificent restaurant. My mother said, “Do you stay in this hotel often?” I said, “No, mom, but I work there.” Never let it escape what a magnificent array of treasures we have here on Parliament Hill, and let us never let them go to ruin. It is very inconvenient to see all this construction going on, but you can see the results slowly as different parts of precinct are finished.

[Translation]

“Don’t give up,” as they say. We have to keep our house in order, do we not?

[English]

I am getting near the end — I know we have a busy agenda for today. I think I have said the main things that I wanted to put on the record.

[Translation]

I want to thank the Clerk of the Senate, Gary O’Brien, and his entire extraordinary team.

[English]

Gary runs a really fine operation — a much bigger and much more complex one than people realize. He makes it look easy, and it runs like clockwork. My thanks go out to all the Senate officers, the staff and the committee clerks. I want to make a special mention to my clerk on the Energy Committee, Lynn Gordon, with whom I have worked a lot lately. It is hard, long work and she gives us a lot of advice. She tries to keep the enthusiasm down. All of our committee clerks are very professional.

Senator Day, I was highly impressed observing your Finance Committee in operation and the lady who is your clerk. Again, these are stellar people. Never let us forget that we are very fortunate to have people like that here.

[Senator Angus]

Your Honour, we have become great friends. I am not sure we knew each other before our time in the Red Chamber, but I have deep and abiding respect for the balance that you bring to your very important office and the wisdom that you demonstrate on a daily basis in fulfilling your functions. You are “Mr. Senator,” and we thank you for all the great things that you do.

[Translation]

Our most sincere thanks to you.

[English]

On a personal note, I owe much to my loyal staff, who pretty well succeeded in keeping me out of trouble, out of the slammer and on the straight and narrow over the past 19 years.

[Translation]

In the early days there was Lorraine Matte and Robert Poirier.

[English]

He did a great job in easing me into the place, making me comfortable and adjusted and adapting to life in the Senate. Thanks as well to Erin Filliter, from New Brunswick, who now works with Minister Ashfield. I think, Your Honour, thanks to you, I was able to benefit from Erin’s enthusiasm and youthful brilliance in the job. France Lépine was my chief policy adviser for many years and is working now in the Auditor General’s office. These ladies worked under the watchful eye of my wise, wily, white-haired and steady Chief of Staff, Jim Williams. He was an inspiration that I had because he was my stockbroker. He had a long, distinguished career at Wood Gundy. After 9/11, he and his wife decided, “Life is short; we have potentially a great pension, so let us retire and enjoy life.” We were having lunch in the market and I said, “You are going to go out of your mind. As much as I love your wife, you are in big trouble.” He said, “What are you saying?” I said, “Monday morning you are starting your new job. You are coming to my office.” The rest is history.

I do not know if honourable senators have read *Renegade in Power* by Peter C. Newman, but he talked about executive assistants; that is, this group of young people like David Smith, David Angus and Brian Mulroney, as they then were on the hill, and one old guy, Mel Jack, who was the dean of the political staff. This is my Mel Jack.

I want to thank you, Jimmy, for all you did.

Lastly, I have been brilliantly supported by two wonderful ladies, Monique Roy and Sheila Rafter. I can see them up there with nice smiles on their faces.

To you all, my grateful and eternal thanks for putting up with me and getting me to this stage safe and sound and in one piece.

As far as my family is concerned, it is a complicated story and we will not go into too many details.

• (1500)

I can tell honourable senators that I would never be here and feeling so frisky as you have all made me feel today without the wonderful family I am blessed to have.

There is my wonderful mom who will be 97 on September 16, my guiding light. She said to me, “Are you my son?” I said, “Absolutely, mom,” and she said, “How many do I have?” She is terrific and always keeping an eye out for little David.

Beside her you will see a beautiful blonde lady, my sister. She has not quite reached retirement age from the Senate, but you would never know it. She is blessed, as George Baker suggested I might be, with a youthful personality. My sister Bizzy is here, and she is my buddy, my soulmate, my conscience and my friend. She is just great. I call her Hazel.

My wife Louise Hébert could not be here today, nor could my son Gregor, who is now living in London, England with his wife and my two little grandchildren, but he has been emailing me to death saying, “Are they saying nice things, Dad? When is your operation? I do not think I can come over for it.”

My daughter Jacquie who, as I think many of you know, is my main interest in mental health. Jacquie is 47 years old. She is just great. She is a beautiful, bright young woman and has had many challenges. This has made me dedicate much time, and I will continue so after the Senate, following this mission started by Michael Kirby of bringing mental health and the stigmatization that goes with it out of the closet, out of the shadows, and we have to provide them with the resources.

Hon. Senators: Hear, hear!

Senator Angus: There is another thing I wanted to say. My late father Mel, was absolutely my best friend and moral compass, as I say — and I will not go into all the stuff I had written down. He loved to pick up little phrases and called them pearls of wisdom. He would summon Bizzy and me and our friends onto our sun porch in Magog to wax philosophical. We would sit there on a Friday night and have a wee beverage — sometimes several — while he imparted these pearls of wisdom. They were things like this.

“You know, young folks, there is no free lunch, and you better learn that you have to have a full day’s work if you want a full day’s pay.” These are trite phrases, right, but are they ever important. Just look around and read the newspapers about what is going on where I live in Montreal.

Second, he said people talk about credit and that Mr. *A* or Mrs. *B* has a nice long line of credit at the bank, and Mr. *C* and Mrs. *D* had no credit, and yet they seem on the surface to be the same kind of people. Father used to say, “Credit is an intangible thing. It is like integrity, and you have it when you are born. If you do not have it anymore, there is only one person to blame; look in the mirror. So do not ever lose it, because it is fundamental to have those intangibles intact.

Pearl of wisdom number three: “Success goes to those people who recognize opportunities and then seize them and act upon them and capitalize.” He said that life is like a circular tray going around in front of your eyes with opportunities on it. He said the gal or the guy who gets ahead suddenly recognizes an opportunity and grabs it. He was not dumb.

“Friends are valuable. Never abuse them and never take them for granted.”

This one came up in one of your speeches today, honourable senators: “Public service is next to godliness.” It is a direct quote from the old man, and he probably cribbed it from somewhere else.

The last one is this: “Never forget or lose your Scottish heritage.”

Some Hon. Senators: Hear, hear.

Senator Angus: I was standing in my kilt not long ago with all the regalia. I had been named Quebec Scotsman of the Year, and I thought that if the old man could have seen me, he would have loved it. If he could have been here today, he would have loved all the lovely things that you have said and by which I was so moved. I will treasure today’s Hansard for the rest of my life. Thank you so much. I have had a fabulous time.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

PARLIAMENTARY LIBRARIAN

SECOND REPORT OF JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT PRESENTED

Hon. Marie-P. Charette-Poulin, Joint Chair of the Standing Joint Committee on the Library of Parliament, presented the following report:

Wednesday, June 20, 2012

The Standing Joint Committee on the Library of Parliament has the honour to present its

SECOND REPORT

Pursuant to the order of reference from the Senate on Monday, June 18, 2012, House of Commons Standing Order 111.1(1), and the Order of Reference from the Commons on Monday, June 18, 2012, the Committee has considered the certificate of nomination of Ms. Sonia L’Heureux to the office of Parliamentary Librarian.

The Committee approves the appointment of Ms. L’Heureux to the office of Parliamentary Librarian.

A copy of the relevant Minutes of Proceedings (*Meeting No. 3*) is tabled in the House of Commons.

Respectfully submitted,

MARIE-P. CHARETTE-POULIN
Joint Chair

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

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

[Translation]

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING
SITTINGS OF THE SENATE FOR THE PURPOSE
OF ITS CONSIDERATION OF BILL C-38

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That, for the purposes of its consideration of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, should this bill be referred to the committee, the Standing Senate Committee on National Finance have the power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

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

Hon. Senators: Agreed.

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

(Motion agreed to.)

• (1510)

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF THE PROCEEDS OF CRIME (MONEY LAUNDERING)
AND TERRORIST FINANCING ACT

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

That, notwithstanding the orders of the Senate adopted on Tuesday, January 31, 2012, Tuesday, May 15, 2012 and Tuesday, June 19, 2012, the date for the final report of the Standing Senate Committee on Banking, Trade and

Commerce in relation to its review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (S.C. 2000, c. 17) be further extended from June 29, 2012, to December 31, 2012.

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF MANAGEMENT OF GREY SEAL POPULATION
OFF CANADA'S EAST COAST

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

That, notwithstanding the order of the Senate adopted on October 20, 2011, the date for the final report of the Standing Senate Committee on Fisheries and Oceans in relation to its study on the management of the grey seal population off Canada's East Coast be extended from June 30, 2012 to December 15, 2012.

[Translation]

QUESTION PERIOD

INTERNATIONAL TRADE

TRANS-PACIFIC PARTNERSHIP—
SAFETY OF IMPORTED FOOD PRODUCTS

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. The announcement that the Government of Canada will be participating in free trade negotiations with the Pacific Rim countries raises not just the issue of protecting our supply management system, but also the issues of environmental dumping and social dumping, which could plague Canada even more.

Dumping occurs when goods are imported at a price lower than their value because production standards in the country of origin are lower than those for goods produced in Canada. Some countries sell competitive goods on the Canadian market because their minimum wage, if it exists, is lower than ours, their labour rights provide less protection for workers than what is afforded to our workers, and their health and environmental standards are lower than Canada's. Thus, not only does our agri-food industry face unfair competition, but our societal model and food safety are also threatened.

Can the leader tell us if, as a member of the Trans-Pacific Partnership, Canada would strongly oppose imports of products that could erode the working conditions of Canadian workers and lower the quality of the products they produce?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I believe that most Canadians were very pleased with the news that Canada will be participating in the TPP.

As with any negotiation, nothing is agreed to until everything is agreed to by every party. Opening new markets and creating new business opportunities leads to jobs, growth and long-term and short-term prosperity for all Canadians. Of course, we all know the numbers, and we all know the shift to the Asia-Pacific region. This agreement will enhance trade in the Asia-Pacific region and will provide greater economic opportunity for Canadians and Canadian businesses all across our country.

Senator Hervieux-Payette: That answer is well read, but it does not answer my question. I will try another one.

As usual, we know that groups such as the *L'Institut économique de Montréal*, the Fraser Institute, some journalists from the *National Post*, and the Canadian Restaurant and Foodservices Association mobilized to demand that the federal government scrap supply management in the name of free market economics. These groups have been shut down every time by successive federal governments who have signed 11 free trade agreements since 1986. We understand that they were not successful, and we praise the government for that.

The Trans-Pacific Partnership raises serious questions about food safety, considering that the Conservative government has cut the number of food inspectors and conducts a minimal amount of inspections for imported food products. When will the government increase the frequency and thoroughness of the safety inspections of imported food products and guarantee that the food Canadians buy from other countries conforms to the same health standards that the federal government imposes on food producers in Canada?

Senator LeBreton: First of all, the honourable senator is quite incorrect when she says that we have cut food inspectors. The opposite is true. We have hired over 700 food inspectors since 2006. Budget 2012 included an additional \$15 million over two years to enhance food safety; so, quite clearly, wherever she is getting her information on how we are doing on food safety is wrong.

With regard to supply management, as I pointed out yesterday in answer to one of her colleagues, we have participated in many trade agreements with many countries around the world. Since we came into office, we have preserved Canada's supply management system. In any negotiations that the country is involved with, we will obviously go to the table and will not agree to anything unless all aspects of our economy are taken into consideration.

Senator Hervieux-Payette: I think we want to have a fair and level playing field for competition. I think all Canadians expect us to, but not at the cost of the quality of the product. Right now, we know that the Americans and the Europeans are heavily subsidizing their agriculture while, in Canada, we are managing some sectors. These sectors are doing very well, and we have some farmers who are making a decent living.

I want to know whether, in conducting these discussions, we will ensure that all of the standards applied to food products in Canada apply to imports. For strawberries that come from California, for instance, pesticides that are forbidden in Canada are used, and we still import them.

My question from the beginning was: Will we maintain the high quality of food that we produce in Canada and apply it to any product that might be listed in discussions regarding a free trade agreement?

Senator LeBreton: I have put on the record what the government has done in the food safety area. We have negotiated free trade agreements with other countries. We have maintained our supply management system. As I said to the honourable senator in answer to her second question, as in all international trade negotiations, our government will promote Canadian interests in all sectors of the Canadian economy.

Senator Hervieux-Payette: Perhaps we will end up agreeing. That would not be a bad thing, for once, for something that we share some interest in, which is the health of Canadians. Our farmers are bound to very high standards, with which they happily comply. They provide the best quality of food for Canadians.

I am asking the leader, will her government maintain that standard? Will it ensure, in the new policy, that these standards will be applied?

Senator LeBreton: All governments, I would hope, would approach any trade negotiation with the goal in mind of maintaining very high standards of food safety for all products coming into our country.

• (1520)

As I mentioned a moment ago, and I will hold to this statement as it happens to be true, our negotiators and our government will not enter into any agreement without factoring in all sectors of our economy.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD

Hon. Donald Neil Plett: My question is for my leader, who also happens to be the Leader of the Government in the Senate.

In December of last year, our government set the Western Canadian farmers free by passing some great legislation called Bill C-18, the Wheat Board bill.

After that, Allen Oberg and many of his directors decided to challenge what we were doing and went to court to get injunctions. On December 7 of last year, Justice Douglas Campbell ruled that Minister Ritz had done some wrong by our freeing Western Canadian farmers, much to the glee and joy of some members opposite who had opposed this legislation.

Our government, again wishing to stand up and protect the rights of the Western Canadian farmers, rightfully appealed this decision.

Just a few days ago a panel of three judges from the Federal Court of Appeal reached a decision in this matter.

Would the leader be able to tell honourable senators what that decision was?

Hon. Marjory LeBreton (Leader of the Government): That was a very good question.

Honourable senators, I will start off by saying that the success of the government on this particular file is due in large part to the efforts of Senator Plett in the Senate chamber, so he can take a great deal of credit.

Honourable senators, we are very pleased that the court overturned the order. The panel of judges unanimously agreed with our government. The Marketing Freedom for Grain Farmers Act is in force, and farmers are contracting their wheat and barley with suppliers of their choice, including a voluntary Wheat Board, for delivery beginning August 1 of this year. Marketing freedom is already building a stronger economy by attracting investment, encouraging innovation and creating value-added jobs. We are very pleased with the decision, and we thank Senator Plett for his efforts in this area.

Senator Plett: Could the leader also tell the chamber whether the court awarded costs to our government?

Senator LeBreton: It is a good question with respect to costs. I cannot comment, honourable senators, beyond quoting what the ruling actually said:

For the reasons set out above, I conclude that the scope of section 47.1 of the *CWB Act* does not extend to the *Marketing Freedom for Grain Farmers Act*. I would consequently allow both appeals and set aside the orders of Campbell J of the Federal Court. I would also order costs in favour of the appellants, both in this Court and in the Federal Court.

Beyond the judgment, honourable senators, there has been no further action, although we are now supported by the court, which says that costs can be recovered.

Hon. Percy E. Downe: Could the Leader of the Government in the Senate advise whether that decision will be appealed?

Senator LeBreton: I can tell honourable senators that if it were a Liberal government, the decision would be appealed, but it will not be appealed by this government.

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY— AIRPORT SURVEILLANCE

Hon. Jim Munson: Speaking of a couple of different decisions with this government, my question is to the Leader of the Government in the Senate.

She reads the *Ottawa Citizen*, obviously, because she lives in Ottawa. There were two different headlines this week from one of her favourite newspapers: "Ottawa airport wired with microphones as Border Services prepares to record travellers' conversations."

An Hon. Senator: Big Brother is watching.

Senator Munson: It is bigger than Big Brother.

Then, my goodness, two or three days later: "Toews orders halt to airport eavesdropping."

The *Citizen* reported that the CBSA, the airport and all those people in there looking out for us secretly outfitted the place with microphones to eavesdrop on travellers' and employees' conversations.

Once the recordings began, the travellers would have had to visit the Canada Border Services Agency website or a telephone "help line" to learn how the recordings would be used and how long they would be kept. You are in that line, going through the airport, talking about things, just to make sure that your private conversations were not ones that were going to do something awful at the airport.

Even the union representing the Canada Border Services Agency employees was unaware of the installation of this equipment. It was all happening until the *Ottawa Citizen* began making inquiries about the matter last week.

This is not transparency. Had the *Ottawa Citizen* not broken the story, when would the government have informed Canadians about its intentions to eavesdrop on their conversations at the Ottawa airport and every airport in this country?

Hon. Marjory LeBreton (Leader of the Government): I do not read the *Ottawa Citizen*. I cancelled my subscription some months ago. I have better things to do with my mornings than read the *Ottawa Citizen*.

Obviously, honourable senators, we have great concerns, as do Canadians, regarding the privacy impact of this practice of the Canada Border Services Agency. As Minister Toews said Monday, we welcome the Privacy Commissioner's study of this policy. Minister Toews, as the honourable senator correctly pointed out, has directed the CBSA to halt audio monitoring until a privacy impact assessment can be submitted and recommendations can be reviewed by the government.

Obviously, privacy issues are of great concern to everyone, or should be. This was the proper decision, and we welcome the actions of the Privacy Commissioner.

Senator Munson: Honourable senators, who is on first in the Prime Minister's office? Who is on first in Minister Toews' office? Does a light not go on at the very beginning of the process about this privacy impact assessment, which allows the office of the Privacy Commissioner to review and make recommendations? Had anyone in this government thought about that before these audio devices were being installed?

Why would the government proceed with the installation of this equipment prior to the completion of a privacy impact assessment as required by the Treasury Board? Here we had the minister, after this story broke, standing up in Question Period saying the privacy rights of law-abiding Canadians are respected at all times; then he backtracks. Why does that have to happen?

Senator LeBreton: I do not think he backtracked at all. All agencies of government, especially the Canada Border Services Agency, are tasked with protecting Canadians, and, of course, they obviously have to have the right tools to catch smugglers, other criminals and undesirables we wish to keep out of Canada. It is equally important that these tools do not infringe upon the privacy rights of individual Canadians. As Minister Toews said, privacy issues are of paramount concern, and that is why we welcome the work of the Privacy Commissioner and her looking into this area.

Having said that, I do not think Minister Toews was saying anything other than the truth. Privacy rights are paramount.

Hon. Larry W. Campbell: Having Minister Toews in charge of public safety is like having Irma la Douce in charge of a nunnery.

• (1530)

I have two questions I would like answered. First, I would like to know who authorized the intercepts. Second, I would like an answer from government as to whether they have looked into the legality — forget the privacy rights — of hanging illegal wiretaps.

Senator LeBreton: Honourable senators, I will not comment on the *Irma La Douce* line. The honourable senator is trying to be funny, obviously, and I do not think he did a good job. He did not pull it off very well. I will take his question as notice.

Senator Campbell: I will be waiting for an answer.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the response to an oral question raised by Senator Cowan on May 8, 2012, concerning Philip Halliday.

FOREIGN AFFAIRS

SPAIN—DETENTION OF PHILIP HALLIDAY

(*Response to question raised by Hon. James S. Cowan on May 8, 2012*)

The Government of Canada is actively engaged in Mr. Halliday's case. Officials of the Department of Foreign Affairs and International Trade, including the Ambassador of Canada to Spain, have and will continue to provide Mr. Philip Halliday and his family with consular

assistance and support. The Government of Canada will continue to request that Mr. Halliday be afforded due process within Spanish law until the resolution of his case, and that his medical needs continue to be addressed.

Given the length of time that Mr. Halliday has already spent in detention awaiting his trial, the Minister of State of Foreign Affairs (Americas and Consular Affairs) sent a letter to the Spanish Minister of Foreign Affairs and Cooperation to reiterate our interest in a timely scheduling of Mr. Halliday's trial. The Minister of State of Foreign Affairs (Americas and Consular Affairs) has received a prompt response from the Government of Spain. Since this exchange of letters, the Government of Canada has followed up with Spanish officials in Ottawa and in Madrid.

While Mr. Halliday is ultimately subject to the laws and associated timelines present in Spain, officials from Foreign Affairs and International Trade Canada, including the Ambassador of Canada to Spain, will continue to engage Spanish authorities to register the Government of Canada's expectation for due process, fair treatment, and timely handling of Mr. Halliday's case.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of Professor Wilmer Penner and Ms. Sheila Penner, who are guests of the Honourable Senator Plett.

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

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

JOBS, GROWTH AND LONG-TERM PROSPERITY BILL

SECOND READING—DEBATE ADJOURNED

Hon. JoAnne L. Buth moved second reading of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

She said: Honourable senators, I am proud to introduce today at second reading Bill C-38, the jobs, growth and long-term prosperity bill.

Having received examination by committees in both houses of Parliament, it is time that we expedite the passage of this legislation, a central component of the Government of Canada's Economic Action Plan 2012.

Honourable senators, the Government of Canada's Economic Action Plan is a proactive and pragmatic suite of measures designed to maximize economic growth and job creation without sacrificing fiscal discipline. That said, Bill C-38 and other aspects of Economic Action Plan 2012 should be viewed holistically, with consideration for the global and domestic economic circumstances which confront Canada.

Economic Action Plan 2012, and other efforts by this government to actualize Canada's jobs, growth and prosperity agenda, comes before us amidst the backdrop of the churning economic crisis in the eurozone. We are also considering Bill C-38 during a U.S. presidential election year, coinciding with a sluggish economic recovery, and mounting state and federal government fiscal challenges for our neighbours to the south.

This next phase of the Government of Canada's economic agenda will also be implemented at a time of stunted growth prospects and volatile economic conditions in several major parts of the world. Not to be forgotten is the fact that this Economic Action Plan unfolds in an era when Canadian governments at all levels — federal, provincial and municipal — continue to face pressing challenges of providing services and programs in a fiscally sustainable fashion for a dynamic, yet aging population.

Against this ever-evolving backdrop, Prime Minister Harper and Finance Minister Flaherty are to be commended for their bold economic and political leadership — leadership which is tangibly demonstrated in the jobs, growth and long-term prosperity bill. Considering the global economic circumstances that Canada has faced since 2008, many observers of the Government of Canada's actions could conclude that Canada has been very well-served by the clarity, insight and determination that Prime Minister Harper and Finance Minister Flaherty have brought to the job.

As Standard & Poor's credit rating agency stated in October 2011:

Canadian authorities have a strong track record in managing past economic and financial crises and delivering economic growth.

As CIBC World Markets chief economist Avery Shenfeld recently declared:

Canada's federal government remains the very picture of health, standing head and shoulders above many developed countries in terms of fiscal sustainability.

What these comments serve to illustrate, honourable senators, is that Canada has emerged from the recent global economic turbulence in the best shape of all G7 countries. Since the recession ended in July 2009, more than 750,000 new jobs have been generated by our economy, which represents the strongest job-creation record in the G7. Ninety per cent of these jobs have been full-time and over 80 per cent have been generated by the private sector.

Peering into the future, the OECD and the IMF are projecting that Canada will lead G7 countries in economic growth in the years ahead. *Forbes* magazine has ranked Canada as the best

country in the world in which to do business. As well, the World Economic Forum has concluded that Canada's banking system is the soundest in the world.

The world's major credit rating agencies have also looked positively upon Canada, consistently confirming the federal government's top credit rating. According to Moody's Investors Service, the Government of Canada's

... AAA ratings are based on the country's economic resiliency, very high government financial strength, and a low susceptibility to event risk. ... The economy's very high degree of resiliency is demonstrated by a high per capita income, the large scale of the economy, and its diversity ...

Honourable senators, these accolades and positive trends aside, now is not the time for Canada to put its feet up and take a rest. In the comprehensive plan and measures contemplated in Economic Action Plan 2012 and Bill C-38, the Government of Canada clearly recognizes this reality. Finance Minister Jim Flaherty appeared before the Senate's National Finance Committee and said:

As senators know, and as events in Europe demonstrate, the global economy remains fragile and challenges lie ahead. What is more, Canada is also facing greater and increasing competition from emerging economies. Canada cannot be complacent, and we cannot rest on our laurels. As the Irish poet William Butler Yeats once said: Do not wait until the iron is hot but make it hot by striking. That is exactly what we are doing through Economic Action Plan 2012, responding to challenges and opportunities that present themselves to support a strong economy today and achieve long-term prosperity well into the future. The plan is an unapologetically ambitious and comprehensive response to the equally complex global challenges that Canada faces today and will face in the years ahead.

The need to take the initiative in addressing the challenges that lie ahead has also been a preoccupation of Canada's highly regarded central bank governor, Mark Carney. Simply put, economic developments in other parts of the world have had, and will continue to have, consequences for Canadian workers, companies, households and governments at all levels. While Canada has more than recovered all the jobs lost as a result of the 2008 economic crisis and we have been the first G-7 country to recover to our pre-recession gross domestic product levels, challenges still remain.

According to Mr. Carney, the gravity and global nature of the recent recession has been such that our recovery from it — though more robust than other G7 countries — has been the most difficult since any major economic downturn Canada has faced since World War II. There is also a vital need to address productivity and competitiveness issues.

Honourable senators, having helped to thoroughly scrutinize Bill C-38 and Economic Action Plan 2012 as a member of the Senate's National Finance Committee, I feel that the Government of Canada is acutely aware of the need to address the competitiveness and productivity challenges confronting us.

• (1540)

In many ways, the Government of Canada is setting the table to facilitate our future economic successes. This is a major theme in the Economic Action Plan 2012's provisions for promoting innovation, facilitating environmentally-responsible natural resource development and business investment, and promoting work-friendly labour market conditions through reforms to Canada's systems of Employment Insurance and economic immigration. Combined with this government's ongoing efforts to streamline regulations and reduce business and personal taxes, its ambitious trade agenda and its robust support for infrastructure, many of Bill C-38's initiatives will serve to help us overcome the challenges.

I urge all honourable senators to embrace the proactive approach of Economic Action Plan 2012, for it is this approach that is necessary to address some of this country's most pressing needs. While Canada has recovered well from the recession compared to most developed countries, there are still some storm clouds on our horizon. For instance, Bank of Canada research points out that, measured in terms of various factors impacting on relative unit labour costs, Canadian firms are losing competitiveness vis-à-vis their counterparts in the United States. As well, despite the IMF's glowing projections for Canada's future economic performance, IMF figures show that Canada's share of world exports between 2000 and 2010 trails other G20 countries considerably.

Finally, consider the fact that 85 per cent of Canada's exports from 2000 to 2010 were directed at slow-growing economies, while only 8 per cent of our exports have been directed at rapidly-growing, emerging economies like China, India, Brazil or Korea, which now account for the bulk of global economic growth.

Honourable senators, I lay out these sobering facts and figures to illustrate that, while Canada has been a global leader coming out of the 2008 recession, we still have much work to do. The Government of Canada clearly acknowledges this reality with its jobs, growth and economic prosperity agenda. With their depth and far-reaching scope, Bill C-38 and Economic Action Plan 2012 respect the fact that we cannot yet take our foot off the gas pedal when it comes to growing our economy.

When asked about his approach to playing hockey, The Great One, Wayne Gretzky, asserted, "I skate to where the puck is going to be, not where it has been." Honourable senators, Canada's Economic Action Plan 2012 and Bill C-38 will get Canada skating to where the puck is going to be. They represent a constructive and balanced approach to helping Canada navigate the instability of the global economy.

The fact is that ongoing challenges remain for governments the world over. Populations are aging and financial institutions remain fragile in many countries. Unemployment persists at unacceptably high levels in many advanced economies. The recovery has been weak in the United States and in several areas of the eurozone. In the United States, joblessness stands at 8.3 per cent of the labour force, its 1983 level. In Britain, unemployment is at its worst in 17 years. In Europe, employment trends differ from country to country; joblessness is declining in Germany, but countries like Ireland, Greece and Portugal have unemployment levels not seen since the early 1990s.

Measured by real GDP per capita, a third of the 184 countries the IMF collects data from are poorer than they were in 2007. Countries that make up the European Union have done very badly: 22 of its 27 members have become poorer. Of the G7 group of large economies, only Germany has not backtracked. Countries in Eastern Europe and the Caribbean have also suffered.

Honourable senators, according to the Bank of Canada, the euro area recovery, which was weak to begin with, is effectively over. The Bank has also concluded that rebuilding U.S. wealth, as measured by household net worth to disposable income, will take a long time. Since the United States is Canada's largest trading partner, this is a disconcerting projection, for it may largely influence Canada's growth prospects.

[Translation]

Honourable senators, national debt is still a problem for many countries, and the international market has reacted by increasing borrowing costs significantly for countries with the highest debt levels.

[English]

However, as Prime Minister Harper has recently asserted, presented with these difficulties, some have tried to put forward a false choice — a choice between fiscal discipline and economic growth, between austerity and prosperity.

Honourable senators, with Bill C-38 and Economic Action Plan 2012, the Government of Canada is effectively rejecting this false choice. The central theme behind this government's approach to economic management is that economic growth and fiscal discipline are not mutually exclusive; on the contrary, they go hand in hand.

Bill C-38 and Economic Action Plan 2012 will set our federal government on course to return to a budgetary surplus by 2015-16. This balanced approach to addressing the deficit — a deficit that resulted from the worldwide economic crisis of 2008 — enables our government to make important investments to grow Canada's economy for the benefit of all Canadians. The suite of measures contained in Bill C-38 and the government's economic action plan also promote innovation and entrepreneurship, thereby serving as a foundation for Canada's continuing economic resilience. The priorities addressed in Bill C-38 and Economic Action Plan 2012 give me every confidence that, as a nation, we will continue to thrive in the face of the turbulent circumstances that the global economy will be navigating in the months and years ahead.

On a more personal note, honourable senators, I must say that I have a personal appreciation for the title of Bill C-38 — Jobs, Growth, and Long-Term Prosperity — because that could easily be my family motto, especially my mother's motto. The values and strength that she exemplified and taught to her children are supported by this budget. This budget echoes the values of everyday, hard-working Canadians and builds the structure we need for future prosperity.

A good income is an important goal we all share. We need personal income, corporate income and tax income to provide for our cities, our families, our environment and our health and social

programs. Our shelter, food, clothing, medical care and recreation all depend on income. We all need income. We all need meaningful work. We all need jobs.

I learned the importance of a job at an early age when my mother, who had a grade 8 education and four children out of five still at home, needed to support our family. Her first job was at a nursing home as a cleaner; her second was as a nurse's aide in a hospital. Her supervisor told her that she was smart enough to be a nurse, so at the age of 47 she went back to school to get her licensed practical nurse certificate. We went on social assistance for a year. She became a nurse. She loved what she did and did not stop working until she was 70 years old. She was still working with those she called "the elderly" when she retired, often helping people younger than she was.

She instilled this work ethic in all her children. I started work at age 15 in Eaton's department store in downtown Winnipeg and I have worked ever since, putting myself through university and moving through different industries before arriving at a most unexpected and honoured position as a Canadian senator.

As a senator who resides in the province of Manitoba, I think it must also be emphasized that Economic Action Plan 2012 continues with Prime Minister Harper's government's tradition of being sensitive to, and building upon, the unique needs and aspirations of individual provinces of Canada.

I have lived in both Winnipeg and in a farming community southwest of Winnipeg, so I am aware of the needs of urban and rural residents. Whether one resides in rural or urban Canada, people across our vast country can be assured that this budget does not cut major transfers for health care, education and other social programs. In fact, honourable senators, with the enactment of Part 3, Division 7 of Bill C-38, Economic Action Plan 2012 will deliver record federal transfer payments for hospitals, schools, universities, colleges and other critical services.

• (1550)

Honourable senators, I am also particularly pleased to see that the budget continues with this government's constructive agenda to nurture and expand Canada's agriculture and agri-food industry.

Agriculture and agri-food is a vital and thriving sector of our economy, one that generates roughly 8 per cent of Canada's economic annual output and approximately 2 million jobs. Although I was born in Vernon, B.C., and raised in the west end of Winnipeg, the Prairies are in my blood. I have worked in the agriculture industry in the Prairies for just over 30 years, and it has changed remarkably.

Trade and the free flow of goods and services are integral to the success of agriculture in Canada. I am pleased to see that the plan reiterates the Government of Canada's commitment to continue to aggressively pursue international trade agreements and more liberalized trade arrangements with other countries, including countries that make up the European Union and the Mercosur countries of South America. I was especially pleased at yesterday's announcement that Canada will join the Trans-Pacific Partnership discussion.

Proposals in Budget 2012 to streamline agriculture-related government bodies and agencies also emphasize the priority of this federal government that public spending on agriculture should focus on helping producers.

As Minister Ritz often says, Canadian farmers want to earn their living from the marketplace, not the mailbox.

Honourable senators, promoting economic growth and creating value-added jobs is integral to Economic Action Plan 2012. Take, for example, the measures with respect to responsible resource development in Part 3 of Bill C-38. In putting forward these provisions, the Government of Canada is advancing the view that Canada's review process for major economic projects does not serve the cause of environmental protection as well as it should, and this must change.

For instance, there is currently no direct enforcement mechanism in place under the Canadian Environmental Assessment Act to ensure major economic projects, such as energy and mining projects, comply with mitigation measures required by environmental assessments, measures that are necessary to protect the environment. Federally, accountability for these environmental assessments rests with many different departments and agencies, with each organization having its own mandate, processes, information needs and timelines. This creates confusion, delay and duplication. Energy, time and taxpayer dollars are wasted, as resources are spread too thin on many low-risk routine projects at the expense of major projects that may have great potential to affect the environment. Bill C-38 corrects this situation.

Consider when the Vancouver Fraser Port Authority had to conduct an environmental assessment to build additional office space in a pre-existing building at Canada Place. Even though most of the work was done on the interior of the building, rigid guidelines of current legislation stipulated that an environmental assessment had to occur.

Another example is a project in East Glassville, New Brunswick, to expand a maple syrup operation. The Atlantic Canada Opportunities Agency, as a federal agency, was required to carry out an environmental assessment because it was considering possible financial assistance to the project.

Honourable senators, if both of these cases did not involve federal government departments or agencies, environmental assessments would not have been required. These examples highlight the costs and resources that are expended with no meaningful protection of the environment.

Bill C-38 will change this. Its responsible resource development provisions will ensure resources are allocated and focused where they can do the most good, that is, on those major projects that may actually pose a risk to the environment. Bill C-38 will also ensure public participation and involvement, accountability for decisions, and stronger environmental enforcement and compliance tools.

Through improved environmental protection, Canada will also be better placed to address the concerns raised by Aboriginal Canadians.

The responsible resource development provisions of Bill C-38 increase the budget of the Canadian Environmental Assessment Agency so that it can conduct and complete high-quality environmental assessments in a much more timely and predictable way. This promotes efficiency, and anything that promotes efficiency is good for the economy and for job creation. However, there is balance in this government's responsible resource development agenda — a careful balance — that is sensitive to the long-term health of Canada's environment.

Honourable senators, in a similar vein, new initiatives surrounding Employment Insurance, as set out in Division 43 of Part 4 of Bill C-38, very much serve to fortify the jobs, growth, and long-term prosperity agenda.

In keeping with the Wayne Gretzky analogy of going to where the puck is headed, these initiatives are essential to allow Canada's economy to deal with significant labour market challenges in the years ahead. Specifically, as we all know, Canada's aging population will eventually lead to more labour and skills shortages that will impede our economic growth and competitiveness.

That is why we need to ensure the Employment Insurance program is geared to contribute to economic growth by helping Canadians get back to work and by equipping them with the skill sets employers are looking for.

[Translation]

That is why we have to make sure that the employment insurance program contributes to economic growth by helping Canadians go back to work and by ensuring they have the skills employers are looking for.

[English]

Bill C-38 will ensure EI claimants have the incentives to accept available work in their local community and ensure that they have the tools and information they need to successfully transition back into the workforce.

Bill C-38 will focus EI on promoting job creation, removing disincentives to work, supporting unemployed Canadians and quickly connecting people to available jobs.

At the same time, it will guarantee stable, predictable EI premium rates by restraining premium rate increases to 5 cents each year until the EI operating account is in balance, before transitioning to a seven-year break-even rate.

The Canadian Restaurant and Foodservices Association supported these reforms when it stated that the EI changes will:

... better connect workers to available jobs and will address Employment Insurance policies that limit the availability of workers.

The restaurant industry is already experiencing a serious shortage of workers in many parts of the country and demographics tell us that labour shortages — for both skilled and unskilled workers — will only worsen over time.

The Canadian Federation of Independent Business added:

We believe the changes to defining suitable employment, based on how frequently EI is claimed, will help to remove disincentives to work and hopefully make it easier for small firms to find the people they need.

... [Bill C-38's] changes are a small step to return some balance to the system.

Honourable senators, I would also like to draw your attention to the changes to the Fisheries Act included in Bill C-38, specifically in Division 5 of Part 3.

Once enacted, the modernized Fisheries Act will recognize the fact that we are in the 21st century and that Canada's fisheries protection regime must promote real, tangible strides toward dealing with threats to Canada's recreational, commercial and Aboriginal fisheries to benefit Canadians from across the country.

The changes reflect the view that it is not sensible or practical to treat all bodies of water — from farmer's drainage ditches to the Great Lakes — the same way and that long-overdue changes to the Fisheries Act are needed to focus on what is important to Canadians.

By making choices now, the government is taking the necessary steps to reinforce the fundamental strength and promise of the Canadian economy in order to sustain economic growth, create the high-quality jobs of tomorrow, preserve social programs and sound public finances, and deliver continued prosperity for generations to come.

In a similar vein, Part 1(b) of Bill C-38 introduces a significant modification to the Registered Disability Savings Plan.

With the passage of this piece of legislation, family members will now be permitted to open an RDSP for an adult individual who might not be able to enter into a contract.

• (1600)

Honourable senators, the Canadian Association for Community Living has responded positively to this initiative, saying:

We are very pleased to see the Government of Canada heard the message of people with disabilities and their families across the country. These changes mean that people will no longer be pushed to undergo a guardianship in order to access this plan ... The changes to the RDSP go some way to addressing the poverty faced by Canadians with intellectual and other disabilities by providing incentives and grants to save for future income security ...

[Translation]

Honourable senators, I would also like to draw to your attention the measures in Division 24 of Part 4 of Bill C-38, which will help maintain the viability of Canadian income support programs for seniors.

The Old Age Security program is the Government of Canada's largest program.

As our society ages, the cost of the Old Age Security program will increase from \$38 billion in 2011 to \$108 billion in 2030.

[English]

For this reason, with the passage of Bill C-38, the age of eligibility for OAS and GIS will be gradually increased from 65 to 67, starting April 2013, with full implementation by January 2029.

In advancing this policy, the Government of Canada has drawn attention to the view that the OAS modification is in keeping with the international best practices, as many OECD member countries have recently planned or announced increases to the eligibility ages for their public pensions and social security programs.

Honourable senators, let me emphasize that these changes will not affect anyone who is 54 or older as of March 31, 2012. To improve flexibility and choice for those wishing to work longer, our government will also allow for the voluntary deferral of the OAS pension, for up to five years, starting on July 1, 2013.

As recent census figures show, Canada is changing and Old Age Security must change with it if it is to serve the purpose for which it was intended while remaining sustainable and reflecting evolving demographic realities.

In the Senate we are sensitized to the impact that demographic change will have on society and government programs. In 2006 the Standing Senate Committee on Banking, Trade and Commerce, which was then chaired by former Senator Jerry Grafstein and deputy chaired by Senator David Angus, released a landmark report called *The Demographic Time Bomb: Mitigating the Effects of Demographic Change in Canada*. Honourable senators, reflecting the spirit of the Senate report and many of the proposed measures in Economic Action Plan 2012, we must continue to be vigilant in ensuring that government programs respond to society's needs, that they reflect the fact that people are living longer and healthier lives, and that demographic shifts will continue to have far-reaching impacts for people and governments across the country and well into the future.

Allow me to conclude by saying that, throughout the recent global recession, this government has never forgotten that our economy is not just about numbers but about people. We have secured our recovery by ensuring that our economic policies reflect the values and principles we share with Canadian families: delivering high-quality jobs, supporting economic growth and living within our means.

I am proud to have had this opportunity to be Bill C-38's sponsor in the Senate and to speak to this government's economic record. The firm direction and resolve that Prime Minister Harper and Finance Minister Flaherty are demonstrating — as evidenced by the pragmatic and measured tenor of Economic Action Plan 2012 — offer Canadians reassurance at a time when many of the world's economies and governments are facing stressful uncertainty. I believe that this constructive and forward-thinking

approach will continue to be conducive to job creation, yielding economic and social dividends for all citizens of this country, now and in the future.

Honourable senators, the budget and Bill C-38 are focused on jobs, growth and long-term prosperity. This is what my mother wanted for her family. This is what I want for my family, and I know that all Canadians want this for themselves and their families.

I would therefore urge all honourable senators to support Bill C-38.

Hon. Hugh Segal: Would Honourable Senator Buth take a question?

Senator Buth: Yes.

Senator Segal: May I, first, congratulate the honourable senator on an excellent speech and associate myself with her strong support for this excellent piece of budgetary policy.

In her speech the honourable senator made reference to the changes that are going to take place some time from now with respect to Old Age Security. I think she made the case quite eloquently that that is a rational response to demographic changes and reflects best practise. As honourable senators may know, now when individuals reach the age of 65, if their income is beneath a certain threshold there is something called the Guaranteed Income Supplement that tops them up. If their income is not sufficient, it gets topped up at that point. With an extension of the start of benefits to the age of 67, we face the prospect that some people who would have normally reached the age of 65 and have low income would not have access to the Guaranteed Income Supplement until they have access to the OAS itself, which is two years hence when the program begins.

Due to the government's careful and thoughtful planning, there is a long time between now and when this change will come into effect. Would my honourable colleague inquire as to what might be done when the program changes for those who turn 65 and are beneath the poverty line but not eligible for gains because one must be receiving the OAS before you can access the GIS? We have lots of time to sort this out, but I am sure the honourable senator's inquiry, as the sponsor of the bill, would have huge impact on what might be the plans of the government going forward.

Senator Buth: I thank the honourable senator for the question. Senator Segal is correct that the Guaranteed Income Supplement has given seniors additional income security. Since 2006, this government has increased the Guaranteed Income Supplement, including other things we have done such as income splitting and increasing the age credit. In some of the discussions that we had at pre-study of the bill, several issues were raised in terms of how the program would go forward. I think Senator Segal stated clearly, as I stated in my speech, that this needs to be done for the long-term security of the program and it is essential.

When and if this bill is passed, I would be pleased to start an inquiry that would take a look at how seniors will adapt to this measure and how, essentially, this program will roll out in the long term.

[Senator Buth]

Hon. Jim Munson: I have a supplementary question to that of Senator Segal, which was a good question. I would support any inquiry that would deal with that gap between the ages of 65 and 67 for those with disabilities. I will speak about that tomorrow. For those now under the age of 54, if they are living on disability pensions and a bit of work, that amount is not very much and they will find themselves in a tough spot.

My question is to add to that thinking of Senator Segal's and an inquiry to support, perhaps, an amendment down the line that could come from the Senate to enhance the lives of those who are now aged 53 and under. Time travels quickly and it will not become easier at the age of 65 to 67.

Senator Buth: I thank the honourable senator for his comment. I think there was as a question in there.

As I mentioned in my speech, the government has made changes to the RDSP in this bill. This government is taking a look at what we can do in terms of people with disabilities. I see no reason why that also could not be added to an inquiry and I would embrace the honourable senator's participation in an inquiry in the future.

• (1610)

Hon. Joseph A. Day: Honourable senators, I am pleased to rise in the debate on Bill C-38. First, let me join Senator Segal and the rest of our colleagues in congratulating Senator Buth as the sponsor of Bill C-38, this being the first omnibus bill that she has sponsored. I think that that is quite a major challenge for a new senator to take on, and I congratulate her on handling that in her speech.

Having said that, I remind honourable senators that there is an inquiry with respect to the budget itself, and that appears as Item No. 3 under inquiries. What we have before us today is not a discussion about the budget but a discussion of 700 clauses in Bill C-38, the implementation of the budget. We will try, on this side, to focus our remarks on the bill that we are being asked to consider and pass and to avoid entering into a general debate on the budget and its pros and cons.

Honourable senators, the size of this bill is horrendous, and that is part of the problem. I would like to talk a little bit about the process that we elected to follow so that honourable senators will understand where we have been in relation to this particular matter, within the Standing Senate Committee on National Finance, and just how we decided on the best way to handle this particular bill, with 425 pages of extensive amendments.

At the outset, I wish to thank the committee members. The committee members for this bill, when we were doing a study of the subject matter, were exemplary in their attendance on a regular basis. We met day after day after day, outside of our normal time, for five or six hours per day. The committee members on both sides were there and went through the work that we had to go through on this. There were 20 meetings and 114 witnesses on the Finance Committee side of things, honourable senators.

Later, I will provide for honourable senators the overall number of witnesses brought before various committees and the number of meetings of the various committees that took place to try to do the job that, at first blush, seemed insurmountable. The subject matter study that we undertook allowed us to proceed with the bill with haste when it arrived. The bill arrived on Monday evening, and here we are on Wednesday dealing with second reading of the bill.

Second reading, honourable senators, typically looks at the bill in principle because we really have not had an opportunity to look at it.

I suggest that we will have the opportunity to delve into some of the issues and policy matters that appear, and it is important that we do so. Then the bill will, after second reading, be referred to the Finance Committee, which is in a position to deal with the bill on a clause-by-clause basis, having had the opportunity to study it. That is a somewhat different procedure than we normally follow, honourable senators. This is a finance bill about budget implementation, in large part. This is also a bill to implement certain other measures, and that causes us some concern. It would have been easier for us if we had had the opportunity to deal only with the financial and fiscal aspects of the bill. Typically, when we deal with fiscal matters, especially in the Senate, we show some respect to the government, knowing that we are not a chamber of confidence that can result in the government falling by virtue of changes to the bill. We recognize that budget implementation is a fundamental policy statement of the governing party and the executive. Therefore, it is critical that we deal with this from a respect point of view, bearing that in mind.

In this instance, honourable senators, it would have been nice if the executive had shown the same respect to us as parliamentarians, both in the House of Commons and in the Senate, in giving us a bill that could be dealt with as a budget implementation bill as opposed to a bill. As is stated in the preamble to and description of the bill, this is Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012, and other measures.

It is the "and other measures" that we spent countless hours on, honourable senators, and it is the "and other measures" that caused us to deviate from the traditional way of dealing with fiscal measures in a budget implementation bill. That is one of the concerns that we had.

What were we to do, honourable senators? There were a number of things that we could have done and a number of manoeuvres that took place in the House of Commons because they had the same concerns that we expressed here. I would like to compliment and thank the leadership on both sides for showing some foresight and understanding in this matter and for knowing that there is no way that, if we received this bill on June 18, we would ever finish doing anything other than rubber stamping it, even if we worked all summer on it.

We have worked for several weeks on this, through the pre-study, and we also, honourable senators, referred certain aspects of Bill C-38 to other Senate committees that have expertise through time and the work that they have done in the past, and we asked them to look into those aspects.

Honourable senators, the Standing Senate Committee on Energy, the Environment and Natural Resources looked into Part III. There are four parts. One entire part dealt with environmental aspects, and we asked that particular committee to look into Part III.

Next honourable senators, the Standing Senate Committee on Banking, Trade and Commerce was asked to look into five or six different divisions that relate primarily to the types of areas in which they have developed an internal expertise.

The Standing Senate Committee on National Security and Defence looked into Division 12 of Part IV, which dealt with a bill in itself. It created a bill that had been twice before Parliament as a stand-alone bill. The same stand-alone bill was picked up and stuck into Bill C-38. It did not get through the last two times because of prorogation. That was through no fault of Parliament but was an executive decision. Now, they put it in a bill about budget implementation and say, "We will get it in this way because we will just say that this is budget implementation and has to be passed." That is the cynical part of putting that kind of subject matter into budget implementation. It dealt with Shiprider legislation, legislation that allowed for policing on nautical borders between Canada and the U.S. and policing across those borders, which are not evident when you are on, for example, the Great Lakes or the St. Lawrence River. It is reasonable legislation; it is unreasonable to ask a committee to deal with this as part of a budget implementation bill. The Standing Senate Committee on Transport and Communications dealt with another aspect of the bill, and the Standing Senate Committee on Social Affairs, Science and Technology looked into another aspect. Five different committees in addition to the Finance Committee were requested to study Bill C-38.

• (1620)

This is the first time we have followed this procedure. Perhaps it was an oversight, and we will know for next time, but in the order of this chamber to send different parts of the bill to different committees, there was no requirement to report back. It became evident a few weeks ago that the Finance Committee, which had the subject matter of the entire bill referred to it, knowing that the entire bill would be referred to it for clause-by-clause consideration, would not have an opportunity to study those other sections and would know nothing about them but would be expected to vote on them. We would be sitting there reading piles of transcripts wondering why the other committees went with this witness and not with that witness and why this question or that question was not answered. We would have been going for another two months on those sections that had been referred to the more expert committees.

Honourable senators, we requested that the chair and deputy chair of each committee that had studied a portion of Bill C-38 come before the Finance Committee and highlight for us their work, the challenges and any areas where there was a lot of discussion that we might want to look at. That flowed extremely well. I would like to thank all the chairs and deputy chairs of the committees for coming, some with written reports that they left with us and others with their lists of witnesses to show us the work they had done.

That is how the process unfolded, honourable senators, and the Finance Committee will be in a position, after second reading when this bill is referred to the committee for clause-by-clause

consideration, to deal with the matter fairly expeditiously, thanks to all the work done by many different committees in respect of government policy on fiscal matters.

Honourable senators, the various people who worked with us are deserving of thanks and mention at this time. In particular, the Clerk of the Finance Committee, Jodi Turner, did so much work to draw all of this together. When we get a bill of 425 pages with 700 clauses, tremendous pressure is put on the transcribing staff, the interpreters, and everyone because the committees meet five to six hours a day, day after day. It is important that we recognize that we cause extra work, and so we thank all the staff for their work, including Sylvain Fleury and Édison Roy-César, from the Library of Parliament, in handling this heavy load.

Honourable senators, I encourage each committee that studied a different aspect of this bill to participate in the debate at second or third reading and tell the entire chamber what transpired in their meetings.

A number of members of the Finance Committee will speak. Honourable senators have heard from Senator Buth, who is a wonderful addition to the Finance Committee and the sponsor of the bill. I hope that others will participate as well. I would propose that we proceed to deal with some of the various policy aspects, because I cannot deal with all of them — Part 4 alone has 56 divisions. In the time allocated to me, I will not be able to review each item. I will try to highlight some points that honourable senators seemed to be more concerned about or found to be unclear. Perhaps we can develop a discussion based on that.

With permission of honourable senators, I move to adjourn the debate to the next sitting of the Senate in my name for the remainder of my time.

The Hon. the Speaker: Honourable senators, it is moved by Senator Day, seconded by Senator Mitchell, that further debate on this matter be continued at the next sitting of the Senate in the name of Senator Day for the remainder of his time.

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

Hon. Senators: Agreed.

(On motion of Senator Day, debate adjourned.)

[Translation]

ALLOTMENT OF TIME FOR DEBATE— NOTICE OF MOTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, in my opinion, this bill is ready to be sent to committee at second reading stage. We tried to come to an agreement with the opposition regarding a process or a time to be allotted for debate at second reading, but we were unable to do so. I was unable to reach an agreement with the Deputy Leader of the Opposition regarding the time provided for second reading of Bill C-38.

[Senator Day]

Honourable senators, I give notice that, at the next sitting, I will move:

That, pursuant to rule 39, not more than a further six hours of debate be allocated for consideration at second reading stage of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the second reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

[English]

COPYRIGHT ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Stephen Greene moved second reading of Bill C-11, An Act to amend the Copyright Act.

He said: Honourable senators, I have the pleasure of rising today to begin second reading in support of the proposed copyright modernization act, Bill C-11. This bill seeks to update Canada's copyright regime so that it better addresses the challenges and opportunities presented by the digital age. This bill is the product of considerable consultation over many years. Much work has been done to get to this point. I believe that it represents the best way forward to modernize Canada's copyright regime in a balanced manner.

Copyright affects the lives of most Canadians. It affects the student doing research for class, the video game designer coming up with his or her newest creation, and the consumer recording his or her favourite television show for later viewing. Copyright touches all segments of our society. Copyright also affects numerous sectors of the economy, directly or indirectly. These sectors include cultural industries, architecture, engineering, retail, telecommunications, information technology, educational institutions, and the list continues.

Honourable senators, copyright is a complex subject matter with many diverse interests and considerations. This bill represents a balance between respecting the everyday activities of Canadians in the digital era and the need to foster innovation with the need to help creators and rights holders to protect their works, combat ubiquitous online piracy, and flourish in the digital economy.

I believe the government has achieved this balance with Bill C-11. Bill C-11 will provide creators and copyright owners with the tools they need to protect their works and ensure they are fairly compensated.

• (1630)

At the same time, it will enable everyday consumers to make use of copyrighted material and allow them to participate fully in the digital age.

Before I elaborate on this, I would like to take a moment to talk about the long journey this bill has been on.

This is not the first attempt at copyright modernization. However, if passed, it will be the first successful attempt since 1997. The journey of this particular bill began in 2009. That summer, the government held national consultations to obtain Canadians' views on copyright reform. The response to these consultations was astounding. Thousands of Canadians actively participated in them, either in person or virtually. Over 30,000 individuals visited the interactive Copyright Consultations website, more than 8,000 written briefs were submitted by organizations and individuals and more than 1,000 Canadians participated in one of the live events held across the country.

Throughout all of these discussions and submissions, amid the diverse views on the way forward, one message rang clear: our copyright law is woefully out-of-date. We need to act. We must act. Three years later, we are almost at the end of this process.

In June 2010, the government tabled the copyright modernization bill in the last Parliament, where a special legislative committee began reviewing it. That work carried over to this Parliament, where a new legislative committee picked up where the last one left off before last year's glorious election.

Over these two years, the copyright modernization bill, in its two incarnations, has been debated in the House of Commons for over 30 hours. It has twice been studied by a legislative committee. Over 100 witnesses have testified before the committee, and many more individuals and organizations have submitted written briefs for consideration.

At the end of this process, as a result of the in-depth committee work, the bill was carefully amended to clarify the intent of certain provisions.

Honourable colleagues, the result of this process is a bill that will deliver, for both creators and consumers, a number of key improvements. It will create a clear and predictable legal framework that will foster innovation and economic growth. It will bring Canada in line with international standards, and it will give investors confidence when they invest in Canada.

Importantly, honourable senators, this bill will put Canada in a position to finally ratify the 1996 World Intellectual Property Organization Internet Treaties.

Think about that for a minute. The last significant update to our copyright regime was in 1997 — 15 years ago. How much has technology changed since that time? Let us go back before 1997.

Indeed, the legal challenges of the digital age are apparent when we look at the origins of copyright law. Copyright came about as a direct result of the very beginning of the information revolution, namely Gutenberg's printing press. Copyright was tied directly to that machine and grew as a result of the printing press's enormous

proliferation. As information travelled exclusively by way of typeset over the centuries, copyright was the ideal instrument through which writers could carve out a professional career and could do away with their previous source of income, which was royal favour by patronage. Music and movies later adopted the legal arrangement of copyright to grow their own industries. We are now in the digital age, and things are a bit different.

From the time of Gutenberg when the first form of information exchange as words on papers and in books mass-produced by a machine all the way to YouTube, the mediums over which information is exchanged have shown extraordinary growth and diversification. We live in an historic era as to what constitutes a method of information exchange, and the life of every senator in this chamber has been witness to these enormous changes. I am not suggesting by this that some of us remember Gutenberg personally.

In our lifetimes, we have used 8-track, 8mm film, 16 mm film, records — including 78s, 45s, and LPs on wax and on vinyl — all manner of tapes, CDs, DVDs, mp3s, Blu-ray, FLV files, Polaroids, Morse code, telegrams, telexes, fax machines, party-line phones, dialed phones, push button phones, car phones, cordless phones, cellphones and now smartphones, and so on. This is a remarkably fast evolution.

A way to consider this evolution in a legal context is to understand that as the printing press lost its prime position among mediums of information exchange, copyright's legal order and structure began to show signs of strain in adapting to the new mediums of information exchange.

The inability of the law in keeping pace with technology can be summarized with the following statement: Pirated material — with profit for the person copying and selling stolen intellectual property — abounds in markets around the world. It is a massive industry by any estimation and it is also a growing industry by any estimation. The digital age provides for far more pirating opportunities than the age of Gutenberg, with its very real pirates of yore, ever did.

Pirating is a massive illegal industry, and governments around the world must move against it. This aspect of the bill is crystal clear to many and is a policy issue with a very simple answer: government must adapt our nation's copyright legislation so that the creative portion of our economy can continue to be protected in the world's marketplace of ideas. In other words, the law should clearly favour the creator over the pirate in the production and delivery of a consumable item.

The vast majority of people on all sides of the debate around this bill agree with this. In that way, any bill that aims to modernize our copyright law must have, as a goal, the protection of the creative portion of our economy.

This bill aims to do just that. It takes important steps to give Canadian creators and rights holders a range of new rights that will help them thrive in the digital age.

Bill C-11 will allow authors, performers and music producers to control the “making available” of their works on the Internet. This will help creators fight online piracy.

It will also give copyright owners “distribution rights,” which will enable them to control the first sale or other transfer of ownership of every physical copy of their work.

Performers will be given “moral rights,” which will give them control over the integrity of their work and its association with other works.

Notably, this bill will finally give photographers the authorship rights that are already enjoyed by other creators. Photographers will become the first owner of copyright of the photographs they have taken.

Honourable senators, these rights for creators are given life through several new tools in the bill to enable them to better protect their works.

A notable aspect of the bill that works to protect the creative portion of our economy is the legal strength it gives to something called “technological protection measures,” otherwise known as “digital locks.” Digital locks are programs and codes that lock digital content to the consumer's device or devices. There are many kinds of digital locks, but their defining characteristic is by means of encrypting intellectual digital property so that it cannot be copied except under special and designated circumstances. This could include regional coding on DVDs or access controls on e-books. These digital locks exist to safeguard the products of intellectual property and to keep incentives in place for the production of more of them. This bill, with regard to digital locks, adopts internationally accepted measures to protect and promote innovation and creativity in digital products.

I am a firm believer that strong legal protection of intellectual property is necessary to promote excellence and genius. These aspects of the creative economy are sacrosanct and must have the full weight of government behind them in order that they remain in the driver's seat of our economy. I believe this without reservation. As I said previously, government must favour the creative link in the production chain, as it is vital to our success as a society, over a pirated distribution chain that provides little benefit to anyone other than the pirate.

However, it is important to remember that there is nothing in Bill C-11 that requires the use of digital locks. Owners of copyright can choose whether or not it makes sense for them to make use of such technology. At the same time, consumers can choose whether or not to purchase content that has a digital lock. That is how any marketplace should work.

Quite frankly, I know of no consumer, including myself, who is actually in favour of digital locks. Why? They limit my behavior and, in an ideal world, how can one be in favour of that? However, we have locks on our house, our car, our office, our briefcase, our luggage — in fact, on all of the possessions we care about or that have value. Many digital devices and websites that we use every day are password protected, unless unlocked, including our bank accounts. We have such locks to protect us from criminals or unwanted visitors. Ultimately, digital locks for copyright purposes also protect us because, without them, we would not have the range of new educational and entertainment products year after year after year that we enjoy. Thus, since creators benefit from digital locks, so do consumers.

• (1640)

In addition to the provisions with respect to digital locks, the bill also contains other measures that will help rights holders combat piracy. Online piracy steals significant sources of revenue from creators and copyright owners, which reduces the incentive to create. By giving copyright owners the tools to go after enablers of infringement, we can send a strong message that enabling online copyright infringement is not acceptable.

That said, we cannot end the conversation on digital locks right here. More needs to be said about them as the issue is more complicated than simply favouring the creative economy over digital piracy. This is because of the legal space digital locks exist within; more precisely, the legal powers that Bill C-11 gives digital locks pushes up against legal rights that are in fact much older than copyright law. These digital locks push up against the boundaries of property law.

Digital locks are on digital copies of books, music and movies that are purchased and owned by consumers. Consumers who have bought and legally obtained a movie on DVD, for example, enjoy ownership rights that have been agreed upon for millennia. Consumers own the copy of whatever it is they have bought. Preventing that consumer from using what they have paid for on the device of their choosing would be an unacceptable violation of private property rights.

To reiterate, digital locks are at the point of contact between copyright law and property law. The Internet, with the ease through which information is passed, is singularly efficient at bringing these two areas of law into very frequent contact and conflict.

That is where we find Bill C-11 and digital locks. They are together in the middle of two vital and important areas of property, each protected by law. This bill admits that this contact or conflict exists and seeks to balance these rights in the digital world. This is a complex task indeed. That is why we have heard from so many witnesses over many incarnations of this bill. That is why we have taken many opinions into account.

However, with a bill like this, everyone on every side must stand prepared to work together to find a compromise and the correct balance. The method of compromise that this bill uses is one of exceptions; in other words, the digital locks have a confirmed legal power in a general sense but cede their power to consumers in other specific areas.

The government has designed these provisions in such a way as to ensure that the average Canadian does not face unreasonable penalties for copyright violations that have not been carried out for commercial advantage or private gain. Specifically, Bill C-11 will limit statutory damages for copyright violations for non-commercial purposes and gives the courts the flexibility to consider proportionality when awarding damages.

Honourable senators, in addition to limiting statutory damages, this bill addresses directly some of these behaviours and realities that are commonplace for consumers, innovative companies, students and teachers in the digital age.

This bill reflects the interests of consumers. This can be seen in provisions that legitimize everyday activities of Canadians, that recognize that innovation in the digital age may require specific provisions to enable them to create, and that enrich the educational experience of students in every corner of the country.

With respect to everyday activities, I believe that Canadians should be able to continue to use the material they have legally acquired in a manner that is both convenient and practical. That is why the bill includes a format shifting exemption, which will allow Canadians to legally transfer the copyrighted material they have purchased to a device of their choice, for example, from a CD to an MP3 player, so long as the transfer is not protected by a digital lock preventing that. Similarly, the bill includes a new exception that would allow consumers, businesses and institutions to make and access backup copies of legally acquired content to protect against damage or loss.

To ensure that innovative software designers or technology companies are able to engage in the kind of market-changing, innovation-driven work that defines the digital economy, we have included in the bill specific provisions that will ensure that they are not impeded in their work. Specifically, the bill includes provisions that will give companies a clearer framework in which to conduct encryption research and security testing.

Finally, with respect to educators and students, this bill will enable them to make full use of new technologies and copyrighted material. Specifically, the bill extends the scope of fair dealing so that it now includes education. Fair dealing is not a new concept in copyrighted law. It permits individuals and businesses to make certain uses of copyrighted material in ways that do not unduly threaten the interests of copyright owners but which could have significant social benefits.

The changes proposed in this bill will expand the ability of teachers and students to make use of new digital technologies and products that enhance the traditional classroom experience and facilitate new models for education outside of the classroom.

It also includes measures that will allow libraries, archives and museums to take advantage of new technologies and provide electronic desktop delivery of inter-library loan materials. Bill C-11 also includes a measure that will allow libraries, archives and museums to make copies of copyrighted material in an alternative format if there is a concern that the original format is in danger of becoming obsolete, ensuring that we do not lose valuable cultural heritage.

These are all admittedly important exceptions and they are all protected in this bill. This is how balance is being sought. Digital locks need to have some new legal powers, but it is not a legal superpower that trumps all other rights. Moreover, our bill is consistent with emerging international law.

Honourable senators, up to now, I have described all of the new provisions in this bill that will help creators and users in the digital age, but we must also recognize that in the digital age, one of the most important parts of the equation is the intermediaries, such as Internet service providers, which are the ones that enable today's fast-paced, dynamic online exchange of ideas and

information. In this respect, this bill will make important changes to the law to ensure that intermediaries not only are protected but also are partners in protecting copyright.

In particular, this bill will formalize the voluntary “notice and notice” regime currently used by Canadian Internet service providers. Under this system, when an Internet service provider receives a notice from the copyright holder that a subscriber might be infringing copyright, it will be required to forward a notice to the subscriber in question.

This “notice and notice” regime recognizes the special role that Internet service providers play in the enforcement of copyright in the digital world. This approach provides copyright owners with the tools to enforce their rights while respecting the interests of users.

Furthermore, the bill respects the intermediary role of these services and introduces measures that ensure that Internet service providers will not be held liable for the copyright infringement of their users. The bill establishes safe harbours for Internet service providers when they act merely as intermediaries in the use of copyrighted material by third parties on their networks. Providing clear limitations on the liability of Internet service providers will ensure that they can continue to provide users with open access to the dynamic online environment.

This is how it has been arranged: a general legal power for digital locks, with exceptions to allow for the exercise of many property rights. This bill respects everyday activities and limits statutory damages, so we will not see the kind of absurd results that we have seen in some U.S. courts. It also considers the position of the Internet service providers. I think this is an appropriate way to address the critical issues this bill is designed to resolve.

For my own sense of why this arrangement was chosen as the best option, we will need once again to discuss the printing press.

For the years where the printing press was the dominant means of information exchange, the fixed cost of the printing press itself was incredibly high. It would have been difficult for anyone to profit from pirating distribution, as the cost of getting into business and buying a printing press would have been very high.

If we look at today, we can see that the fixed-cost situation has altered a great deal. The Internet provides for near zero fixed costs when it comes to the copying and distribution of information. In the movie industry, for example, we can see this clearly. Movies are made with creative budgets in the hundreds of millions. These movies aim to recoup their creative investment through a profitable distribution chain. These investments and innovations have led to artists who now dazzle us with their computer graphics, spawning a new frontier for young artists and thousands of wonderful jobs.

However, the Internet potentially sends this business model into a nosedive by letting new movies be copied by online pirates and then distributed according to their own distribution networks and their own profit. In other words, copyright once benefited from the protection of a high fixed cost of distribution, allowing

companies to grow their investments in the creative economy. This protection through high fixed cost has been erased by the Internet, and it threatens the creative economy.

The government must adapt that so that copyright enjoys protections that are necessary to ensure investments in the creative economy. If we fail to do so, these investments will dry up, and then innovation would cease. I would not bet on Western society as having a high chance of success if that were to be the case.

Honourable senators, the copyright modernization act must be adopted. What we have before us is a modern, flexible, forward-looking and balanced piece of legislation. Moreover, there is a provision in the bill that requires a parliamentary review after five years so that the bill can keep pace with changing digital technology.

It is imperative that we support the swift passage of Bill C-11. For these reasons, I urge all senators to vote for the adoption of this act.

(On motion of Senator Tardif, debate adjourned.)

• (1650)

SAFE FOOD FOR CANADIANS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Seidman, for the second reading of Bill S-11, An Act respecting food commodities, including their inspection, their safety, their labelling and advertising, their import, export and interprovincial trade, the establishment of standards for them, the registration or licensing of persons who perform certain activities related to them, the establishment of standards governing establishments where those activities are performed and the registration of establishments where those activities are performed.

Hon. Robert W. Peterson: Honourable senators, I rise before you today to speak to Bill S-11, the safe food for Canadians bill. When questioned about this bill, the government has avoided any links to the budget. However, the success of the provisions requires adequate funding to enforce them. Investment is a key measure of safety in any industry. Less investment equals less safety. It is that simple.

While I agree with many of the amendments in this bill, I am concerned that a lack of funding will cause this bill to be a bone with no meat. I am concerned that Canada's food safety watchdog, the CFIA, will be even weaker than it was just prior to Canada's worst outbreak of food-borne illness in our country's history.

Food safety depends on the responsible management of both the budget and the bill together. The government should recognize this and act accordingly.

Let me begin by giving honourable senators two numbers that will put my argument into context.

In 2008, at the time of the listeriosis outbreak which killed 23 Canadians, the CFIA had a budget of \$738 million. By 2015, it will have a budget of \$677 million. Accounting for inflation, this is an overall decrease of \$61 million. Where will all these cuts come from? So far the government has been unconvincing in its argument that cuts will not affect front-line food safety.

Shortly after the tragedy, the government commissioned the Weatherill Report to identify weaknesses in food safety regulation. A number of findings were established and 57 recommendations were proposed. It was discovered that an inadequate number of inspectors were using an inspection system that was fatally flawed. One of the central recommendations, therefore, was that the government align food inspection tasks with available resources.

During the outbreak, Minister Ritz continued to maintain that meat inspectors were spending half of their time inspecting products, and that the other half of their time was spent reviewing reports. Minister Ritz could not determine the level of resources available or the resources needed to conduct compliance verification activities. Investigators were also unable to come to a conclusion concerning the adequacy of the program design, implementation plan, training and supervision of inspectors, as well as oversight and performance monitoring. The government had no idea how, why, and where resources were being allocated, especially when it came to front-line workers.

I should also note that neither the CFIA nor the minister were able to tell Sheila Weatherill how many inspectors were on the job immediately prior to the Maple Leaf Foods disaster. The minister then assured the special committee in the other place that dozens of food inspectors had been hired. It was later revealed that not a single new hire — zero — was actually doing food inspection. That is a far cry from the initial 700 that were claimed to have been added.

The government continues to claim that it has increased inspection staff at the front lines. Yet, front-line inspectors report no such increase. In fact, the government's 2012 budget will cut more than 100 front-line inspectors from the ranks of the CFIA.

We now know that when it comes to the size of the food safety inspectorate, the government covered up the truth and continues to do so. I highlight these points because the success of this bill rests on the premise that there were adequate front-line inspectors to actually enforce the provisions set out in the bill. However, I am not convinced of this.

Again, many of the provisions in the bill are positive. Provisions contained within previous acts conflicted with each other, and many of the definitions and compliance mechanisms were outdated.

Bill S-11 consolidates existing food safety statutes, including the Meat Inspection Act and others, into one act. It also includes provisions for closer government control of imports, the unification of enforcement powers, and the creation of new

authorities for food safety regulation. The bill also aligns Canada's food safety laws more closely with those introduced in the U.S. last year. This will hopefully promote the free flow of goods between both countries.

However, honourable senators should be aware that a fundamental overhaul of food inspection is in the planning stages. Driven by the inspection deficit that I mentioned earlier, one CFIA executive has described this change as "radical," as it could strip commodity expertise as inspectors for programs such that fish and meat become combined into a single class of systems inspectors. Changes could also hand off a big role to industry associations in enforcement of food safety requirements. For the record, this industry self-policing model is reminiscent of the conditions in place just prior to the listeriosis outbreak.

At this stage, staff shortages and confusion arising from the introduction of the new inspection system are rampant and we are once again seeing the effects of the cuts to food inspection contained in the government's 2012 budget.

An example of this is the dedicated program to clear and track shipments of meat imported into Canada. The program has been killed. The program was originally set up in recognition of the high-risk nature of meat products. This CFIA unit cleared 50,000 meat import shipments every year. It also carefully tracked key safety metrics, such as compliance rates, nature of violations and who the repeat offenders were. There will now be less inspection security of this high-risk imported product. Key intelligence that enables the tracking of products will also likely be lost when this program is cut because of the shortage of resources.

One of the primary goals of this bill is improved food safety oversight. One way the government intends to protect consumers is by introducing the "self-monitoring" of food labels.

This will theoretically allow concerned citizens to be involved in the feedback loop by notifying authorities of suspect food labels. There is also a label verification measure, an online tool to be included on the CFIA's website. This will allow consumers to take their complaints directly to the company.

These both sounds like great tools. However, before anything can be done, complaints need to be scientifically validated. We can only assume that a parent feeding their child cold cuts also happens to have a laboratory set which can render the fat content, sugar levels and sodium content of sandwich meats.

How are consumers supposed to see anything suspicious by just looking at a product? Most illnesses are unnoticeable, both by sight and touch. The reality is that without adequate resources, self-monitoring is a crafty way to avoid a very serious responsibility to protect citizens from harm.

The government also plans to protect the safety of food for Canadians by downloading service delivery onto the provinces. In the provinces of B.C., Saskatchewan, and Manitoba, the federal government plans to cut 40 federal inspectors and return service delivery back to the provincial government. While this is not in and of itself a bad thing, the immediacy of the cuts is

alarming. These cuts are estimated to have a quadrupling effect on those provinces' budgets. As a result, the provinces will be unable to deliver anywhere near the same level of quality protection.

Under the current system, a highly trained CFIA federal inspector visits the plants in these provinces whenever animals are being slaughtered. According to Bob Kingston, head of the inspectors' union and a former front-line inspector, this could be as often as once per week. Due to cutbacks, provinces such as B.C. are now considering a no-inspection option. This means the plants receive an annual visit from a representative of the Ministry of Health. Based on that representative's limited expertise, the plant could receive its relicensing approval. In these cases the health and safety of a food product will most likely fall squarely on the plants themselves.

• (1700)

In the case of all three provinces, there is no doubt that industry will be expected to bear the brunt of safety verification and reviews. This is problematic for several reasons.

First, people are people. Without an adequate oversight mechanism, people will be inclined to forget or cut corners.

Second, although companies like Maple Leaf Foods have taken extensive steps to safeguard against listeria, the fact remains that the government is relying on market mechanisms to handle a health and safety issue. Market mechanisms are acceptable where they belong — in the free market. In the case of food safety, it took the deaths of 23 people for the market to correct itself. This is unacceptable. The government cannot expect industry to deliver the consistent quality food protection that trained and experienced CFIA professionals can deliver.

The government will also point to the bill's deterrence mechanism. Fines will be increased from a maximum of \$250,000 to a maximum of \$5 million — even though a food safety fine has never exceeded \$100,000 and most complaints are not enforced. The fines are, according to Minister of Agriculture Gerry Ritz, intended to address people who would knowingly tamper with food safety, but it is not people who intentionally tamper with food whom we need to address. Instead, we should be worried about the large-scale companies operating on razor-thin profit margins who cut safety corners. While I can appreciate that the \$5 million is supposed to be a deterrent mechanism,

deterrent mechanisms only work if they are enforced. Cutting back front-line workers negates any impact of such a hefty fine. It is like having inadequate numbers of police officers to enforce a hefty drinking-and-driving fine.

Honourable senators, I would like to reiterate the fact that I support the basic premises of many of the measures in this bill. However, I do not believe that they will accomplish their objectives without adequate funding. I urge the government to provide the adequate resources to enforce the many positive provisions contained within this bill. Neither industry nor the consumer should bear the responsibility of having to protect themselves against a fatal disease — the last time I checked, that was still the government's job.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Plett, bill referred to the Standing Senate Committee on Agriculture and Forestry).

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being past 4 p.m., and the Senate having come to the end of Government Business, pursuant to the order adopted on October 18, 2011, I declare the Senate continued until Thursday, June 21, 2012, at 1:30 p.m., the Senate so decreeing.

(The Senate adjourned until Thursday, June 21, 2012, at 1:30 p.m.)

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