



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Thursday, February 7, 2013

The Honourable NOËL A. KINSELLA  
Speaker

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

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## THE SENATE

Thursday, February 7, 2013

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

Prayers.

### SENATORS' STATEMENTS

#### THE LATE GORDON ROBERTSON, P.C., C.C.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, I rise to pay tribute to Gordon Robertson, who passed away on January 15.

Gordon Robertson devoted his life to public service. He was a close adviser to four prime ministers — King, St. Laurent, Pearson and Trudeau. He rose to become Clerk of the Privy Council under Prime Minister Pearson, a position he held for 12 years, one of the longest tenures of that office.

Gordon Robertson's years in the public service have been called "the golden age." When he joined External Affairs in 1941, he was joining a group that included such Canadian luminaries as Hume Wrong, Lester Pearson, H.L. Keenleyside, Norman Robertson, Jack Pickersgill, Escott Reid, Saul Rae and Charles Ritchie.

We often say that service to the Canadian public is the highest calling of a Canadian citizen. To Gordon Robertson and so many others in the Canadian public service throughout the years, this was not simply an expression — this was their life. Public service attracted truly the best and the brightest young Canadians, and they gave their all, with passion, creativity, intellectual rigour and a determination to produce the best public policies for this country.

In his memoirs, Gordon Robertson acknowledged that the public impression of life in the civil service "is that life is pedestrian, bureaucratic and dull." However, he continued:

The senior federal public service of the war-time and post-war period was, in fact, one of the most innovative, challenging and intellectually stimulating places to work in all of Canada.

The results have endured, many now viewed as national symbols or defining institutions. Robertson's years in the public service saw the adoption of the Canadian flag, medicare, social security, the Canada Pension Plan and the Guaranteed Income Supplement, to name just a few. He was deeply involved in the constitutional discussions of the time and, indeed, served as Secretary to the Cabinet for Federal-Provincial Relations in the late 1970s, after he left the position of Clerk.

Perhaps it was bred in the bone. Born and raised in Saskatchewan, Robertson saw first-hand the impact of drought and the Depression. As he wrote in his memoirs, "The 1930s were

a heartbreaking time to live in Saskatchewan." At that time, of course, there was no social safety net, no system of federal-provincial transfers to help the province through those terrible times. As Robertson put it:

"equalization" for governments was as unheard of as social security for individuals.... For the 1930s it was a matter of hesitant and makeshift response as the collapse spread.

Robertson went on to study at Regina College, the University of Saskatchewan and then at Oxford on a Rhodes scholarship, but I suspect some of the most powerful education he received was watching the effects of the drought and the Depression on his fellow Canadians.

When he left the public service, he served as President of the Institute for Research on Public Policy, from 1980 to 1994, even longer than he served as Clerk of the Privy Council. I served on the IRPP board at that time, and I recall his great patience and, of course, his unparalleled knowledge of the public policy process. He was unfailingly courteous. He was never one to tell war stories or talk about his own role in public affairs — all in all, the quintessential public servant.

As Gordon Robertson's lifetime of work makes clear, Canada is the great country it is today in no small part thanks to the tireless, quiet, behind-the-scenes work of men and women in the Canadian public service.

Robertson's daughter, Kerrie Hale, gave an interview to Postmedia shortly after her father died. She said, "He wasn't just a public servant. He was a passionate Canadian." I suspect that for Gordon Robertson the two were actually indistinguishable. He was a passionate Canadian, and so he was, as he titled his memoirs, "a Very Civil Servant."

### BLACK HISTORY MONTH

**Hon. Donald H. Oliver:** Honourable senators, on the first day of February, to kick off Black History Month, I announced a \$75,000 grant in support of a local War of 1812 project that highlights a very important chapter in the history of Blacks in Canada. The announcement was made at the Africville Museum in Halifax, Nova Scotia.

Prime Minister Harper and the Conservative government believe in acknowledging and celebrating the legacy of Black Canadians past and present.

• (1340)

The funds allocated will be used by the Africville Heritage Trust Society, in partnership with Eastern Front Theatre, to create a play that tells the story of the group historically known as the "Black Refugees."

Between 1813 and 1816, 4,000 enslaved African-Americans seized the opportunity to escape slavery and fled the U.S. during the war. About 2,000 sailed to Nova Scotia, including Adeline and Moses Oliver, my great, great grandparents, as did some of the descendants of the founders of Africville.

The play will be presented at the 2014 SuperNova Theatre Festival and, throughout the summer of 2014, at the Africville Church Museum. The production will give Canadians a deeper understanding of the history of Africville, the courageous stories of our ancestors and their contribution in shaping our country's history.

Honourable senators, as you know, the War of 1812 is a pivotal moment in our history. It laid the foundation for Confederation and the cornerstones of many of our political institutions. However, most Canadians are unaware of the fact that an all-Black militia known as the "Coloured Corps" played an important role in defeating the American invasion. One of its heroes is Richard Pierpoint, a former American slave who found freedom in Canada.

Pierpoint offered to "raise a Corps of Men of Colour on the Niagara Frontier." The Coloured Corps defended the Niagara region during the war and built Fort Mississauga. This allowed the Canadian and British forces to prevent American vessels from sailing down the Niagara River. The Coloured Corps defended Canada honourably and set the precedent for the formation of other African-Canadian military units throughout our history.

Honourable senators, Black History Month, which has been celebrated since 1926, is a month-long celebration that serves to remind Canadians of the important role African-Canadians have played in shaping our history and their history-making achievements — people like Richard Pierpoint.

This year, in particular, we are paying special tribute to the achievements of Black Canadians in the area of law enforcement. For instance, this month we honour incredible Canadians like Devon Clunis, who was appointed as Canada's first Black police chief in Winnipeg earlier last year; Alton Parker, Canada's first Black police detective in 1951; and Rose Fortune, who became Canada's first female police officer from Annapolis Valley, Nova Scotia, in the 1820s.

Honourable senators, I join Prime Minister Harper in encouraging all Canadians to participate in events this month that celebrate Black history and to "gain insight into the vital role that we have played in building Canada and shaping our shared national identity."

[*Translation*]

#### THE LATE HONOURABLE DIANE MARLEAU, P.C.

**Hon. Marie-P. Charette-Poulin:** Honourable senators, I rise to pay tribute to the Honourable Diane Marleau, who passed away on January 30. Diane represented the riding of Sudbury in the House of Commons for 20 years, from 1988 to 2008.

Last Saturday, many people came together in Sudbury to celebrate her life, which she dedicated to serving others. Her family, her community and her professional responsibilities were always her top priorities. Her approach to politics was very entrepreneurial; she always focused on achieving results.

In 2009, the Business and Professional Women's Club of Greater Sudbury recognized her outstanding contribution to her community by presenting her with the Bernardine Yackman Award.

A volunteer who worked alongside her, André Bisson, said, "Diane accomplished a great deal, and for the right reasons." I could list her many achievements, but I believe she will be best remembered for her work as Minister of Health and for being such a staunch advocate of our public health care system.

Her unwavering faith in the five main principles of the Canada Health Act — portability, accessibility, universality, comprehensiveness and public administration — stemmed from her experiences working in a doctor's office before medicare was created. Her job at the time involved collecting payments from patients, some of whom did not always have the means to pay.

She also served as Minister of Public Works and Government Services. My brother, André Charette, reminded me that Diane was responsible for stopping Canada Post's distribution of unwanted, unaddressed flyers to Canadian households.

She was then appointed Minister of International Cooperation and Minister responsible for the Francophonie. She was able to build bonds of friendship throughout the entire world, bonds that served Canada.

In Sudbury, Diane and her husband Paul were known as a generous and welcoming couple, so much so that their home was affectionately dubbed "Hotel Marleau."

Honourable senators, today I would like to extend my sincere condolences to the family of Diane Marleau, to her husband, Paul, her children, Brigitte, Donald and Stéphane, and her grandson, Julian.

#### L'ÉDIFICE DES PINS

##### ACCESSIBLE HOUSING IN VICTORIAVILLE, QUEBEC

**Hon. Suzanne Fortin-Duplessis:** Honourable senators, on January 28, on behalf of the Honourable Diane Finley, I attended the opening of a new affordable housing complex, L'Édifice des Pins, which is located in Victoriaville. This project is a local initiative and makes 38 good, safe and affordable housing units available to people who can no longer live independently and are in a precarious financial situation.

This project, which is the only one of its kind in Quebec, includes 19 adapted rooms and will provide a full range of services to help and support clients, 24 hours a day, seven days a week, thanks to the organization Aide et support aux Aînés. In addition, there are two palliative care rooms and a convalescent room that have been equipped for special care.

I would like to talk about this project because I believe that our government is providing vital support to people in need. Seniors who are losing their independence must have access to these services. I was able to see for myself the benefits of this initiative, and I can tell you how touched I was by the residents' zest for life. More than \$1.9 million in federal stimulus money from Canada's Economic Action Plan went into this housing complex.

This investment gives hope to people looking for good, affordable housing that meets their needs. To give you an idea of the scope of federal investments, this year alone the Government of Canada will invest nearly \$2 billion in housing. For the province of Quebec, that means that almost 130,000 households can access social housing.

Our government is providing this support because we think it is essential for Canadian families — regardless of their financial situation — to have access to safe housing that meets their needs in their communities. This project shows what we can achieve when we work together. Our government is committed to supporting Canadian families and communities, but it takes the efforts of many and partnerships at all levels to get real results.

That is why I want to congratulate and thank everyone involved directly or indirectly with this project, particularly the folks at the Office municipal d'habitation Victoriaville-Warwick, the City of Victoriaville, the Agence de la santé et des services sociaux de la Mauricie et du Centre-du-Québec and the Province of Quebec. This was a success because we all worked together.

[English]

#### CANADA FOUNDATION FOR INNOVATION

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, research and innovation drive the development of our economy and our health and social welfare. Canadian research plays an important role in our success as a nation. Through sustained investment in federal research funding agencies and the introduction of initiatives such as the Canada Excellence in Research Chairs, the Vanier Postgraduate Fellowships and the Business-led Networks of Centers of Excellence, the Government of Canada has demonstrated its commitment to research and the role it plays in growing the country's economy.

• (1350)

However, there has been a call, from all sectors, for our country to do a better job commercializing the knowledge created at Canadian universities and research institutions.

Every day, researchers at universities, colleges, hospitals and non-profit institutions across the country work side by side with Canadian business. The result is that new and innovative products, services and technologies are entering the global market place and helping to maintain and create jobs in Canada.

For over 15 years, the Canada Foundation for Innovation has striven to build our nation's capacity to undertake world-class research and technology development that benefits Canadians and the global community. Their vision is to enhance Canada's competitiveness, prosperity and quality of life through world-class infrastructure support.

[ Senator Fortin-Duplessis ]

On Monday, February 11, I will have the pleasure of co-hosting a kiosk-style event with the Canada Foundation for Innovation, better known as CFI. This event, appropriately called "From Research to Innovation to Enterprise," will give parliamentarians the opportunity to meet five leading researchers and their industry partners and to learn how their perseverance has directly contributed to the economy and job creation. We will be able to hear firsthand how research has led to commercial ventures in areas as diverse as innovative linings for municipal landfills, hearing aids sold around the world, biotech cod for aquaculture, new mushroom products and more productive wineries. Honourable senators, these are only a few examples of how research and innovation are contributing to the success of our great country.

I invite honourable senators to join me in room 256-S Centre Block, on Monday, February 11, between 4 and 7 p.m., for what promises to be an event filled with innovative products and technologies, entrepreneurship and fascinating success stories.

#### IDLE NO MORE MOVEMENT

**Hon. Dennis Glen Patterson:** Honourable senators, I have been observing with concern the Idle No More movement, in particular protests — some of which involve unlawful obstruction and blockades — over the impacts of Bill C-45 as perceived by some Aboriginal leader and misinformed media reports. Amongst the more inflammatory claims made by the Idle No More movement is that Bill C-45 has ensured an easier path to the selling off of First Nation lands.

In the December 12 edition of the *Yukon News*, Assembly of First Nations Regional Chief Mike Smith stated:

We are the people of this land, and what we have to say to the governments of Canada and the Yukon is this land is not for sale.

Further to that, according to a December 14 CBC report, protesters in P.E.I. stated that Bill C-45 proposes significant changes to land management on reserves that make it easier for the federal government to control reserved land.

Honourable senators, this is simply not the case. Bill C-45 makes two amendments with regard to First Nation lands. It replaces approval by Order in Council with the simpler process of approval by the Minister of Aboriginal Affairs, and it replaces the requirement for a majority of band members with simple majority rule, the same way that chiefs of First Nations are elected.

These amendments accomplish the streamlining of the democratic process that enables Aboriginals to lease their own lands, drastically cutting the duration of the process from two to four years to as little as six months. This will save tens of thousands of dollars in administration costs and, in turn, enable bands to capitalize on economic opportunities.

**The Hon. the Speaker:** Honourable senators, Senators' Statements is not the time to refer to matters on the Order Paper.

[English]

[Translation]

## ROUTINE PROCEEDINGS

### AGRICULTURE AND AGRI-FOOD

CANADIAN GRAIN COMMISSION—PROPOSAL TO PARLIAMENT FOR USER FEES AND SERVICE STANDARDS—REPORT TABLED AND REFERRED TO AGRICULTURE AND FORESTRY COMMITTEE

**Hon. Gerald J. Comeau (Acting Deputy Leader of the Government):** Honourable senators, pursuant to subsection 4(2) of the User Fees Act, I have the honour to present, in both official languages, the Canadian Grain Commission's proposal to Parliament for user fees and service standards.

After consultation with the leadership of the opposition, it was decided that the Standing Senate Committee on Agriculture and Forestry would study this proposal.

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

### JUSTICE

STATUTES REPEAL ACT—  
2013 ANNUAL REPORT TABLED

**Hon. Gerald J. Comeau (Acting Deputy Leader of the Government):** Honourable senators, I have the honour to present, in both official languages, the 2013 annual report on the Statutes Repeal Act.

### IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-43, An Act to amend the Immigration and Refugee Protection Act.

(Bill read first time.)

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

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

## CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

PACIFIC NORTHWEST ECONOMIC REGION ANNUAL  
SUMMIT, JULY 15-19, 2012—REPORT TABLED

**Hon. Janis G. Johnson:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Pacific Northwest Economic Region (PNWER) Twenty-second Annual Summit, held in Saskatoon, Saskatchewan, from July 15 to 19, 2012.

ANNUAL MEETING OF THE SOUTHERN LEGISLATIVE  
CONFERENCE OF THE COUNCIL OF STATE  
GOVERNMENTS, JULY 28-AUGUST 1, 2012—  
REPORT TABLED

**Hon. Janis G. Johnson:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Sixty-sixth Annual Meeting of the Southern Legislative Conference (SLC) of the Council of State Governments, held in Charleston, West Virginia, United States of America, from July 28 to August 1, 2012.

## QUESTION PERIOD

### LIBRARY OF PARLIAMENT

PARLIAMENTARY BUDGET OFFICER—  
SELECTION PROCESS

**Hon. Marie-P. Charette-Poulin:** Honourable senators, my question is for the Leader of the Government in the Senate. I am seeking clarification regarding the selection of the next Parliamentary Budget Officer.

Yesterday, the honourable senator indicated that Parliament would be involved in the selection process. Could the leader provide us with further details regarding the process itself and when and how Parliament will be involved?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for her question. After her question yesterday, I went to inform myself further on this subject.

As honourable senators know, the Parliamentary Budget Officer is an officer of the Library of Parliament. I understand that the Chief Librarian is retaining a search firm and will be conducting a search for a candidate for this position going forward.

**Senator Charette-Poulin:** I have a supplementary question. Thank you, that is actually extremely good news, and I thank the leader for that confirmation.

Yesterday, the leader indicated that the government had created this particular position, that it supported this position and office and that the Speakers of both chambers are involved. While the leader was following up on her answer from yesterday, I was following up as well. I went back to the Parliament of Canada Act. Subsection 79.1(3) of the Parliament of Canada Act states that the Governor-in-Council may select the Parliamentary Budget Officer, but there is no mention of the responsibility of either Parliament or of the Speakers. Could the leader further clarify what she meant yesterday?

• (1400)

**Senator LeBreton:** Honourable senators, I was referring to the fact that the Parliamentary Budget Officer falls within the realm of the Library of Parliament. The parliamentary library seeks the advice of the Speakers of both houses. I spoke in that context, namely in the context of Parliament, the Speaker of the Senate and the Speaker of the House of Commons and the role in Parliament of the Standing Joint Committee on the Library of Parliament.

The way I read the Parliament of Canada Act, although I am not a lawyer like the honourable senator, the Library of Parliament is a section of Parliament, as are the Senate and the House of Commons, and the Parliamentary Librarian seeks the advice of the Speakers of both chambers. This is probably something His Honour is in a better position to answer than I, but obviously the Parliamentary Librarian advises Speakers or reports to the Speakers and also to members of the joint committee on the processes that they are following in terms of responsibilities that fall under the purview of the Parliamentary Librarian.

**Hon. Terry M. Mercer:** Honourable senators, I will address my supplementary question to the Chair of Standing Joint Committee on the Library of Parliament. If I recall, as a member of the parliamentary library committee, at the last meeting when the Parliamentary Librarian was asked about the process of hiring a new Parliamentary Budget Officer, she seemed to indicate that it might not be her responsibility. She did not at that time say there was a search committee. When queried by two members of the committee about it, myself included, she said that she had no plans to do this and was waiting for direction.

I am a bit confused. Was the steering committee of the Standing Joint Committee on the Library of Parliament informed of this process or is it just a revelation that we are now learning from the Leader of the Government in the Senate?

**Senator Charette-Poulin:** Honourable senators, this is really an interesting situation in Question Period. Do I have to cross the floor to answer the question of my colleague on this side?

**The Hon. the Speaker:** If the honourable senator is asking me, as Speaker, for an explication of the rules, then I have liberty of tongue. The rules indeed do provide that, during Question Period, questions can be asked of either the Leader of the Government in the Senate, a minister, if there is another minister in the Senate, or the chair of any committee.

**Senator Charette-Poulin:** I think it is important for the exact text in our next *Journals of the Senate*.

Honourable senators, I am happy to learn today that a selection process has been set up by the Parliamentary Librarian — and, yes, I just heard.

I do have another question for the Leader of the Government in the Senate. Coming back to the process, I referred earlier to the Parliament of Canada Act, which states:

79.1(3)The Governor in Council may select the Parliamentary Budget Officer from a list of three names submitted in confidence, through the Leader of the Government in the House of Commons, by a committee formed and chaired by the Parliamentary Librarian.

The honourable leader has confirmed today that the Parliamentary Librarian has formed a committee and has begun the process. Once they do identify three credible and non-partisan candidates, as the leader said yesterday, would the next step be to submit those three names to the Leader of the Government in the House of Commons?

**Senator LeBreton:** I again confirm that the Parliamentary Librarian is retaining a search firm to seek out candidates for this position.

With regard to the process going forward once the short list has been established, I will have to take the question as notice. Obviously, the honourable senator is reading from the Parliament of Canada Act. I will seek clarification on the whole process, because I am learning. I know she will find this hard to believe, but I do not pay a lot of attention to this particular position, so I will seek clarification.

**Hon. Joan Fraser:** On a supplementary question, I have two points. First, I am sure that the leader will agree, but I would like it placed on the record that she misspoke ever so slightly when she said that the parliamentary library is a branch of Parliament like the Senate. It is not, right? Let the record show that the leader is agreeing that she ran away with herself a bit there.

The substantive question has to do with the line of questioning from my colleague Senator Charette-Poulin. The Parliamentary Budget Officer, as the title would indicate, exists to serve Parliament. Indeed, the legislation says that he or she is supposed to provide analysis to the Senate and to the House of Commons.



For full-scale officers of Parliament it is normally the case, as I understand it, that the government will consult with both sides in Parliament. Obviously the government can consult the government, but it will also consult with the opposition party or parties, as the case may be, because you are talking about someone who is supposed to serve all of Parliament. Can the leader tell us whether that will be done in the case of the next Parliamentary Budget Officer?

**Senator LeBreton:** First, I thank Professor Fraser for correcting me. In all the years that I have been around Parliament Hill, there have been distinct elements in Parliament Hill. There has been the Library of Parliament, the Parliamentary Press Gallery, the House of Commons and the Senate. It was in that context that I was replying.

With regard to the question, yes, it is true that for officers of Parliament the views are sought of the leaders of the official opposition parties and of me, as the Leader of the Government in the Senate. This specific position falls within the purview of the Library of Parliament and therefore those conditions do not apply to this position.

## VETERANS AFFAIRS

### LAST POST FUND—FUNERAL AND BURIAL PROGRAM

**Hon. Wilfred P. Moore:** Honourable senators, my question is also directed to the Leader of the Government in the Senate. Prior to Remembrance Day last year I asked numerous questions of the government regarding the Last Post Fund and the curious lack of support for Canadian veterans. At that time the head of the Last Post Fund stated that an extra \$10 million per year in funding would cover the cost of giving all our veterans a decent burial for their service to our country. However, the government has failed to respond to date. Let me tell you about a recent case. I will quote from the February 1, 2013 edition of *The Chronicle Herald* newspaper from Halifax:

• (1410)

Edward Ledwos served as a gunner on a Canadian corvette in the icy waters of the North Atlantic for three years during the Second World War and came home partially deaf.

Too proud, or perhaps too embarrassed, to fight the government for a full disability pension, the 87-year-old passed away on October 14, 2012, and was buried near his home in Selkirk, Manitoba.

His widow, Helen, worked well into her 80s as a real estate agent to supplement his meagre pension from a local rolling mill.

It was a matter of survival, especially when her husband developed Alzheimer's before passing away.

Helen Ledwos' application to have some of his funeral and burial costs covered by an arm's length veterans' agency was turned down on November 29, 2012, making hers the latest of more than 20,000 applications to be rejected by the Last Post Fund.

Ms. Ledwos said: "I feel he should have been entitled to something.... He was called, so he went. He did it for everybody."

I think of that poor lady's situation and other veterans' families in the same situation. This week we discovered the huge amount of money spent by the government on advertising — \$130 million — however, included in that was \$10 million spent by Veterans Affairs.

Does the leader not agree that this ad money would have been better spent and better allocated to fund proper burials for our veterans? I think she would agree that that would surely be what Canadians want to see happen.

**Some Hon. Senators:** Hear, hear.

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. He has raised a specific case. I will have to seek guidance from the Department of Veterans Affairs as to what the circumstances were with regard to the case he referred to.

As the honourable senator knows, funeral and burial support is provided to those veterans who need it most. Since forming the government, we have provided this assistance to over 10,000 veterans and their families. We provide assistance for funeral costs and pay for all burial costs, which together provide, on average, between \$7,000 and \$10,000 for those veterans who could not otherwise afford it.

Of course, as with all cases, and particularly with regard to cases concerning our veterans, we continuously review the programs we have in place in support of our veterans. Again, I would have to specifically inquire of the department about the circumstances around the particular case that the honourable senator mentioned.

**Senator Moore:** On a supplementary question, I appreciate what the leader said with regard to efforts the government is making. However, as I mentioned last fall, the funds are only available to people who served in the Korean War or the Second World War or veterans who are on full pension. That leaves a lot of people who need financial help uncovered.

I have to comment on this. I see the government running television ads during the Super Bowl, announcing things they did two or three years ago; and I look at the situation involving Ms. Ledwos, and we know there are 20,000 others who were turned down. I have not seen anyone stand up for these veterans for the Last Post Fund. I have not seen the Minister of Veterans Affairs do it; I have not seen the leader do it; and I have not seen anyone in the cabinet do it. I think that is wrong. Someone should be standing up for these people and at least publicly saying that they will try to do something, either reviewing the Last Post Fund rules or doing something to provide funding.

I ask the leader to please give us a commitment that she will do that.

**Senator LeBreton:** If the honourable senator were to be fair, he would have to acknowledge that the support and services we have been providing for veterans — and increasingly providing — is unprecedented.

With regard to the issue of funeral and burial services, I indicated what has been done thus far. I also indicated that Veterans Affairs are always reviewing and looking at these programs with a view to assisting our veterans. Obviously, this will continue.

With regard to the individual case, I will make inquiries about the circumstances surrounding it.

The Department of Veterans Affairs has a very large spending envelope. Other departments of government have spending envelopes. The government, as all governments do, advertises to inform Canadians of services that are available. With regard to the cost of advertising, it is significantly less than what was spent in the last year of the Liberal government.

**Senator Moore:** I appreciate the fact that the leader will look into the individual case. More than that, I would like her, as a minister, to commit that she will look into the Last Post Fund and try to enhance the funding available through that fund in order that the veterans and their families who are in need of funding receive proper burials. Will she commit to do that and report back to this chamber?

**Senator LeBreton:** Honourable senators, first, we have a Minister of Veterans Affairs, in the person of Minister Blaney, who works tirelessly, day in and day out, in support of our veterans. Of course, recently he has been working with our colleague on issues related to Korean War veterans.

We have enhanced and increased programs in support of our veterans. Obviously, individual cases are brought to the attention of the Senate and to me, as the Leader of the Government in the Senate. I will commit to make inquiries as to what happened in that particular case.

**Senator Moore:** Honourable senators, the leader will not commit to look into the operations of the fund and try to advance the cause. It is clear to me that this is the entity that needs to be fixed. That is why monies are not flowing. Maybe the leader could talk to her cabinet colleague, the Minister of Veterans Affairs, and impress upon him that perhaps he should be looking at this.

If \$10 million is the sum to do this, maybe it cannot all be done in year one. However, let me suggest that it should be done, that the government could look at it and that she should urge the minister to do that.

**Senator LeBreton:** I indicated to the honourable senator that we have a Minister of Veterans Affairs who has done an outstanding job in support of and in service to our veterans. I also indicated

that programs for veterans are not stagnant; there is always an ongoing review of various programs to enhance programs in support of our veterans. I am the Government Leader in the Senate; I am not the Minister of Veterans Affairs. However, I will be happy to bring the concerns of Senator Moore to the attention of the Minister of Veterans Affairs.

## ENVIRONMENT

### CLIMATE CHANGE STRATEGY

**Hon. Grant Mitchell:** I should say, Your Honour, now that you have clarified that there are all kinds of people in this Senate to whom we can actually pose questions, I am always happy to be able to pose my questions to the Leader of the Government in the Senate. I always enjoy our exchanges.

**Senator Mercer:** Happy New Year.

**Senator Mitchell:** President Obama said the following in his recent inaugural speech:

We will respond to the threat of climate change, knowing that the failure to do so would betray our children...

The president of the International Monetary Fund recently said essentially that the single greatest challenge to world economies is climate change.

• (1420)

If ever there was an issue facing this country, Canada, that requires concerted, rigorous, true national leadership, it is the issue of climate change.

Why, then, is it that this Prime Minister seems not to be able to understand that this country needs real, rigorous leadership on climate change? He could at least call together the premiers of this country to talk about a concerted, coordinated strategy to deal with the problem and even, in fact, to provide some leadership to the world.

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, it is the same question so I will give the same answer. Senator Mitchell is wrong in his statement about what the government is doing on the issue of climate change. Canada is very encouraged by the progress made in Doha towards a new global agreement with commitments from all major emitters. Our government is balancing the need to lower emissions with job creation and economic growth, and our plan is working.

Canada's emissions in 2010 were 6.5 per cent below 2005 levels, while Canada's economy grew by 6.3 per cent over the same period. According to *Canada's Emissions Trends* report, we are now halfway to our Copenhagen target of reducing total greenhouse gas emissions by 17 per cent from 2005 levels by 2020.

**Some Hon. Senators:** Hear, hear.

**Senator LeBreton:** We are implementing new emission regulations for the coal-fired electricity sector, and working with our friends in the United States, for heavy duty vehicles, cars and light trucks. Compared to 2008 models, vehicles rolling off the line in 2025 will produce almost 50 per cent fewer greenhouse gas emissions and consume up to 50 per cent less fuel. We will continue to work with our partners to reduce emissions from other sectors, including oil and gas.

**Senator Mitchell:** Honourable senators, of course any group, any individual, any scientist, any expert who could give independent verification of those figures has been fired summarily by this government, so why would we believe them at all?

Even the leaders in Canada's oil industry are calling for a carbon tax as the best way to provide market certainty. They need market certainty. Send a message of credibility to the nation, to B.C., to the world, that we deserve the social licence to build the projects and sell our products, as so many have realized we have to do, but we must do it properly.

Where does the Prime Minister get off trying to protect the oil industry from the very carbon tax that they themselves want to have implemented? They are the ones who are demanding this now. Why can he not at least listen to those people?

**Senator LeBreton:** First, honourable senators, the senator is wrong again about the Prime Minister. I do not know who Senator Mitchell is talking about, but I do not know of anyone who has been fired. The National Round Table on the Environment and the Economy, as I pointed out in the past, was established many years ago. There are now many other groups that can provide the advice and the science that the government requires. That was well understood.

The fact is, and I will state it once again, this government has said many times in the past, and will say many times in the future, that we will not be imposing any carbon tax on Canadians.

**Senator Mitchell:** President Obama said in his inaugural speech that "... none can avoid the devastating impact of raging fires, and crippling drought, and more powerful storms." Those are related to climate change.

Is there any chance at all, amongst all the other spin, all the messaging, all the things that the leader and her government say, that the Prime Minister will ever admit that the economic cost of not dealing with climate change will infinitely outweigh any cost involved in dealing with climate change?

**Senator LeBreton:** The government absolutely knows full well the importance, as we develop our resources, to also be on environmentally sound footing. This has been acknowledged. The Prime Minister and the government obviously are working towards goals where we can have responsible resource development but at the same time respect the science and also our environment.

**Senator Mitchell:** Honourable senators, almost every OECD nation has a renewable energy standard target. Even China has a renewable energy standard target. They have just established that 15 per cent of all their power needs to be renewable by 2020.

Is there any chance that this government will understand that, in addition to our electricity production, we need to establish an alternative renewable energy strategy? Why can the government not just set a target, set a number and try to rally and inspire Canadians to achieve something different, and stimulate our economy while doing that?

**Senator LeBreton:** Honourable senators, I can only repeat what I have said. We have a regulatory plan to meet our Copenhagen reduction targets. In my response to the senator's first question, if that was a question, I indicated that obviously these targets set in Copenhagen are working.

Senator Mitchell talks about President Obama. We are working very closely, and will continue to do so, on our bilateral work with President Obama. Their goals and our goals are the same: to ensure long-term growth and prosperity while at the same time respecting the environment and taking the advice of the science as we go forward on these projects.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Acting Deputy Leader of the Government):** Honourable senators, I have the honour to table a delayed answer to an oral question raised by Senator Sibbeston on November 23, 2011, concerning hydraulic fracturing; a delayed answer to an oral question raised by Senator Sibbeston on February 16, 2012, concerning ozone layer monitoring; a delayed answer to an oral question raised by Senator Callbeck on September 25, 2012, concerning fees for businesses located near national parks; a delayed answer to an oral question raised by Senator Tardif on March 28, 2012, concerning the Polar Environment Atmospheric Research Laboratory (PEARL); a delayed answer to an oral question raised by Senator Tardif on June 5, 2012, regarding access to safe drinking water and sanitation; and finally, a delayed answer to an oral question raised by Senator Tardif on November 29, 2012, concerning the Rocky Mountain House Historic Site.

## ENVIRONMENT

### ENVIRONMENTAL REGULATORY REFORM

*(Response to question raised by Hon. Nick G. Sibbeston on November 23, 2011)*

Generally speaking, petroleum drilling production falls under provincial or territorial jurisdiction except on federal land. For most provinces, the environment and natural resources ministries share responsibility for regulating oil

and gas exploration and production. On federal lands, the National Energy Board (NEB) is responsible for regulating the exploration, development and production of oil and gas, enhancing worker safety, and protecting the environment. In the Mackenzie Valley of the Northwest Territories, the NEB works with the Land and Water Board and Environmental Impact Review Board in ensuring environmental assessments are complete and oil and gas projects are appropriately regulated in combination with Aboriginal Affairs and Northern Development Canada.

For its part, Environment Canada's role and authorities in relation to pollution prevention and habitat protection are provided for in a number of statutes, in particular the *Canadian Environmental Protection Act, 1999* (CEPA 1999) and the *Fisheries Act*. Environment Canada, along with other federal and territorial government agencies, provides its expert advice in mandated areas to the boards through the EA and regulatory processes. The NEB in turn uses those processes to fulfill its lead regulatory role for oil and gas projects.

Environment Canada has asked the Council of Canadian Academies (CCA) to assess what is known about the potential environmental impacts from shale gas production and what technical options there are to mitigate those impacts. The CCA has accepted this proposal and will perform an independent assessment (starting in May 2012), titled *Harnessing science and technology to understand the environmental impacts of shale gas extraction*, which will be made public upon its completion in 18 to 24 months. This science assessment will yield critical information on the state of knowledge of potential environmental impacts from the exploration, extraction, and development of Canada's shale gas resources, and information on the state of knowledge of associated mitigation options.

The information gathered will inform Environment Canada's policies on shale gas with respect to these environmental impacts.

#### OZONE LAYER MONITORING

*(Response to question raised by Hon. Nick G. Sibbeston on February 16, 2012)*

Environment Canada continues to monitor ozone in the Arctic at three Nunavut sites, specifically Resolute Bay, Alert and Eureka. Measurements of ozone have been conducted at Resolute Bay since 1966, making the Canadian record associated with this site the longest in the world. Greenhouse gas measurements conducted at Alert date back to 1975, short-lived climate forcers, such as aerosols (including black carbon) and methane, have been measured since the 1980s, and persistent organic pollutants and mercury since the 1990s. At Eureka, Environment Canada continues to conduct ozone monitoring.

Environment Canada is not aware of any website(s) focused on Arctic air pollution measurements that has been taken down. Although not an exhaustive list, air pollution information and measurements in the Arctic can be found at these websites:

- Environment Canada — Air Quality Data:

<http://ec.gc.ca/air-sc-r/default.asp?lang=En&n=07CD1FDA-1>

- Environment Canada — World Ozone and Ultraviolet Radiation Data Centre:

<http://www.woudc.org/>

- Environment Canada — National Atmospheric Chemistry Database:

<http://ec.gc.ca/natchem/default.asp?lang=En&n=90EDB4BC-1>

- Polar Data Catalogue: <http://polardata.ca/>

- Arctic Monitoring and Assessment Programme: <http://www.amap.no/>

Note: Environment Canada data contributes to AMAP's assessments.

#### PARKS CANADA

##### FEES FOR BUSINESSES LOCATED NEAR NATIONAL PARKS

*(Response to question raised by Hon. Catherine S. Callbeck on September 25, 2012)*

Canada's national parks, national historic sites, national marine conservation areas, and historic canals offer a unique way to experience this country. The Parks Canada Agency recognizes the importance of these treasured places for the tourism industry and the many communities that rely on them.

The Agency is not considering charging fees to individuals living near, or businesses operating near, national parks, national historic sites, national marine conservation areas or along the historic canals.

Parks Canada has not conducted any research regarding the potential cost to small businesses as it is not considering charging such fees.

#### ENVIRONMENT

##### POLAR ENVIRONMENT ATMOSPHERIC RESEARCH LABORATORY

*(Response to question raised by Hon. Claudette Tardif on March 28, 2012)*

Our government has an exceptional record on climate change mitigation, science-based policy development, research investment and stewardship of Canada's environment.

Whether our sector-by-sector regulation of greenhouse gas emissions (we are just over halfway to our 2020 Copenhagen reduction target), the recently-announced national wastewater management regulations, or the doubling of the protected natural spaces under Parks Canada, our record is clear.

Over the past five years, our government has provided nearly \$8 billion in new investments in Canadian scientific talent, world-class research excellence and linkages between knowledge and innovation in the global economy. In the past year alone, our government provided over \$11 billion in investments in support of science and technology. These investments are leading to jobs, economic growth and long-term prosperity for Canadians.

On Polar Environment Atmospheric Research Laboratory (PEARL), where the previous Liberal government did mothball PEARL, Environment Canada continues to fund and maintain the facility, awaiting researchers who might again win funding through the grant competition administered by the independent National Centres of Excellence competition.

Environment Canada has two facilities at Eureka that are just 15 kilometres apart. One facility has been and continues to be used year-round for Environment Canada weather and ozone monitoring. The second facility, known as PEARL (Polar Environment Atmosphere Research Laboratory) has been used by academic researchers including the Canadian Association for the Detection of Atmospheric Change (CANDAC) — CANDAC is an informal organization of university researchers.

Canada's most northerly research and monitoring site, is the Alert Global Atmosphere Watch (GAW) Observatory, located on the north-eastern tip of Ellesmere Island in Nunavut. It serves as an official World Meteorological Organization (WMO) Global Atmosphere Watch greenhouse gas inter-comparison site, and contributes to the broader WMO Global Observing System. Alert is also the site of a military station (CFS Alert) and an Environment Canada Upper Air Weather Station.

Environment Canada's research/monitoring activities at the Observatory provide atmospheric measurements for climate, air toxics, stratospheric ozone and air quality for scientific assessments and other research on the atmosphere. Research has led to improved understanding of Arctic haze, important chemical interactions of pollutants with snow surfaces (surface depletions of mercury and ozone), emerging air toxics (flame retardant chemicals), changing greenhouse gas global emissions and the magnitude of long range transport of pollutants from the Northern hemisphere (e.g., metals). Currently, a team of Canadian scientists, working in partnership with international researchers, maintains the extensive measurement program at Alert.

#### ACCESS TO SAFE DRINKING WATER AND SANITATION

*(Response to question raised by Hon. Claudette Tardif on June 5, 2012)*

Canada was pleased to join the consensus on the outcome document of the United Nations Conference on Sustainable Development (Rio + 20). In joining this consensus, Canada formally provided the United Nations with an explanation of our understanding of the reference to the right to safe drinking water and basic sanitation in the outcome document.

Canada recognizes the human right of everyone to safe drinking water and basic sanitation as essential to the right to an adequate standard of living, and therefore, implicit under article 11 of the International Covenant on Economic, Social and Cultural Rights. Canada interprets the right to safe drinking water and basic sanitation as the right to a sufficient quantity and safe quality of reasonably affordable and accessible water for personal and domestic uses (i.e., for drinking, cooking and for personal and household hygiene), and to basic sanitation that is safe and hygienic. Water and sanitation services should be physically and economically accessible on an equal and non-discriminatory basis.

Canada further recognizes that the right to safe drinking water and basic sanitation does not encompass transboundary water issues, including bulk water trade, nor any mandatory allocation of international development assistance.

Canada undertakes to continue efforts towards the progressive realization domestically of the human right to safe drinking water and basic sanitation through national and subnational actions, with a particular emphasis on people living in vulnerable situations.

#### CANADIAN HERITAGE

##### PARKS CANADA—ROCKY MOUNTAIN HOUSE HISTORIC SITE

*(Response to question raised by Hon. Claudette Tardif on November 29, 2012)*

Parks Canada classified some national historic sites, including Rocky Mountain House, as self-guided seasonal sites. This classification, based on patterns of visitation at national historic sites across the country, better aligns the season, hours of operation and interpretation with demand.

The new schedule at Rocky Mountain House National Historic Site will reflect patterns of use, and schools will continue to have access to guided programs at the Site. To help respond to the needs of school groups, the Site will be open May 15 to June 30, Monday through Friday. During the peak summer season, from July 1 to Labour Day, the

Site will greet visitors seven days per week. From the day after Labour Day to September 30, the Site will be open Thursday through Sunday. Finally, the Site will be closed during the off-season from October 1 to April 30, when visitation has historically been low. These changes will not affect the delivery of special events, such as the annual pow-wow.

Parks Canada will also be introducing self-guided activities in combination with partner-based programs. Visitors will continue to have the opportunity to explore the newly refurbished Visitor Centre exhibits and films in the theatre. The Agency is also looking at opportunities to enhance the Site with mobile applications and digital media tools.

The story of the fur trade in Western Canada is an important one, and the history of Rocky Mountain House is a vital part of that story. We are confident that the Site will continue to flourish as a hub for community activity and be a place of exploration for young and old. Parks Canada will continue to work closely with partners and the community to ensure these changes are communicated and implemented in the best way possible.

language minority community to which I belong, as do Senator Seidman and Senator Larry Smith, and which we represent here.

I really want to commend Senator Chaput for the fact that she has worked painstakingly to include our community's needs and concerns in her bill. She is a model of what a senator should be in this field and in so many others.

In this context and the context of English Quebec, honourable senators, I would like to read from a letter sent to Senator Chaput from the Quebec Community Groups Network, a federation of organizations that represents a huge majority of English Quebecers and, in particular, that represents them when dealing with the federal and, indeed, the provincial governments in connection with the things that are the subject of this bill — services.

The letter is signed by Mr. Dan Lamoureux, President of the QCGN. It offers what he calls unequivocal support for this bill.

He says:

... Canada's English linguistic minority communities, collectively referred to as the English-speaking Community of Quebec, would benefit from the amendments to the Official Languages Act proposed in Bill S-211.

Bill S-211 enhances the right of Canadians to choose an official language to access government services, correctly expanding the notion of significant demand in way that is reasonable, and which reflects an increasingly bilingual population. Our community will also benefit from the expanded consultative requirements of federal institutions, and all Canadians will gain from official language guarantees in major transportation centres. Finally, the Bill will ensure that the Act is forward looking and flexible, and able to evolve with our ever changing linguistic landscape.

Senator —

— he is addressing Senator Chaput —

— you have consulted with our community extensively during the drafting of this Bill and its predecessor. Our concerns have been addressed, and suggestions reflected in Bill S-211. The QCGN thanks you for the care and attention you and your staff have demonstrated to the opinions of the English-speaking Community of Quebec.

Bill S-211 is an important and necessary modernization of the Official Languages Act.

As honourable senators will gather from that letter, English Quebec, although this is frequently unrecognized by anybody else, does have its own very real problems, as indeed the Senate Committee on Official Languages discovered when it studied that community.

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## ORDERS OF THE DAY

### OFFICIAL LANGUAGES ACT

#### BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Hubley, for the second reading of Bill S-211, An Act to amend the Official Languages Act (communications with and services to the public).

**Hon. Joan Fraser:** Honourable senators, I have spoken with Senator Comeau because, as you know, this bill was adjourned in his name. He agreed to allow me to speak today as long as the debate remains adjourned in his name, and he reserves the 45 minutes allocated for the second speaker.

Honourable senators, I must say that it is both a pleasure and a privilege for me to support this bill. The purpose of this wonderful bill is to modernize the federal official languages regime and to make these regimes more effective in light of the realities facing linguistic minorities in 2013.

• (1430)

[English]

Honourable senators, a great many people tend to think that the Official Languages Act is all about francophones, and goodness knows it is of very nearly supreme importance for francophones. However, the Official Languages Act is about more than that. It is also about anglophones, and it is particularly precious for anglophone Quebecers, members of the official

[ Senator Comeau ]

The problems of English Quebec are in some ways the same as the problems of francophone communities outside Quebec, but in other ways are very different. Clearly the overriding, overwhelming difference is that our language is English, and the English language is not in any danger of disappearing in North America now or for many centuries to come. This cannot be said, obviously, for the French language in North America and particularly in Canada, and that fundamental fact affects many other elements of the way in which our country has evolved its treatment of official languages minorities.

In English-speaking Quebec, our communities, as distinct from our language, are in many cases increasingly fragile. This is complicated by the fact of our almost-unique situation as a minority within a minority. The majority in Quebec is itself a minority in North America and its approach to linguistic matters is obviously heavily governed by that fact.

The provincial government's priority is, and this is entirely understandable, indeed necessary, above all to protect and enhance French — French language, culture, institutions and communities. There is nothing wrong with that, but the fact is that in practice what gets done with a laudable goal too often has the effect of hurting the anglophone community. I am not talking now about the kind of zealots that exist in every community who really want to squelch the minority in their community. I am talking about well-meaning policies designed for good reasons that can have unintended and sometimes unpleasant consequences.

It is because of that effect on communities that I am so pleased to see the provision in Senator Chaput's bill that, when the federal government is determining whether to offer services in the minority language, it would have to consider the institutional vitality of the community in question and not just its numbers.

Institutional vitality is a polysyllabic way of talking about the capacity of a community to continue to thrive, to live, to serve its members, to reflect its members and to be a true community for its members. It goes way beyond the simple question of how many members of a minority language group there are in any given geographical region or community.

This is not to say that numbers are not also important; they are. However, the fact is that numbers can be misleading. We are all familiar with the lovely phrase "lies, damned lies and statistics." It is frequently applicable when looking at the question in Canada of official language minorities and how, when one gets down to practical brass tacks, decisions are made about whether or not to provide services to those official language minorities.

Let me give one example of how the statistics could be misleading. The present regulations say, among other things, that they will provide federal services where 5 per cent of the population belongs to the official language minority. Imagine, honourable senators, a pleasant community of 100,000 people of whom 5,000 belong to the official language minority. For the

purposes of the example, let us say the majority is English-speaking and the minority is French-speaking. Then there is a resource boom in that community, the community grows and prospers, and the number of francophones doubles over the next 20 years. Suddenly there are 10,000 francophones where there were previously only 5,000, and that is a wonderful thing, but the number of anglophones grows even more. Let us say that at the end of 20 years we have 250,000 anglophones and 10,000 francophones. Both communities have grown; this is a good thing. However, if one uses that statistical yard stick, suddenly francophones are not 5 per cent of the population any longer and will not have the right to services, even though, by any normal understanding, the fact that there are now 10,000 of them should guarantee that they get services. This is one way numbers can be misleading.

Another interesting fact is that all over French Canada outside Quebec, but also in English Quebec — and this is not so well known — exogamous marriages are increasingly common. That is a \$50 word to talk about marrying somebody who does not belong to the same language group — "marrying out," as they used to say in some other contexts. Even if children are brought up bilingual, maybe there will be a little bit of an edge for those kids to lean toward the majority language. However, quite possibly their mother tongue will be the minority language.

• (1440)

At the moment, regulations basically say that the first official language spoken is the one that determines how many bona fide members of the minority there are in a given place. Senator Chaput has observed that the arbitrary rule has misleading and quite often unfair consequences. Therefore, I welcome her proposal to include not only the number of people whose first official language spoken is the relevant minority language but also the number of people in that area who can communicate in the relevant official minority language.

Honourable senators could argue with some technical details of this, but the thrust of her proposal is good, sound and made for good reason.

I gather that this idea has alarmed some federal officials who feared that if we adopted this criterion it would lead, in some magical way, to some sort of artificial demand for service in the minority language. I find that argument ludicrous. A demand is a demand; it exists or it does not. It is not artificial.

Furthermore, in practice, we are talking about access to the services of the Government of Canada. Who among us would willingly choose to seek services about their income tax return, their Canada Pension Plan requirement or their Employment Insurance requirement in their less-than-prime language? If that prime language is the local official minority language, they should be able to get services in that language. However, they will not ask for those services unless the minority language is their real preferred language.

There are other important elements of this bill. Let me mention just two because time is short. One is the provision to guarantee that services provided in the minority language shall be of equal quality to services provided in the majority language. No guarantees are perfect — no human activity is perfect — but that principle is so important. It addresses the tendency so often found in bureaucracies to pay lip service to a requirement but not really to provide the service as it should be provided. It is an important principle.

Another point that I really welcome in this bill is that it would make major transportation centres bilingual. Honourable senators, I shall never forget some years ago being in the Toronto airport, waiting to fly home to Montreal after a business trip. It was a flight to Montreal and there were many French-speaking passengers. The announcement came over the loudspeaker system in English only that the flight was delayed for who knows what reason. I went up to the woman I had seen making the announcement and said, “This is a flight to Montreal. Why do you not make the announcement in French?” She looked at me with fury and said, “I do not have to speak French.” In my view, she or whoever is delegated to make those announcements should have to speak French, and if it takes a law to make that happen, then let us pass the law.

**The Hon. the Speaker pro tempore:** I regret to inform the honourable senator that her time has expired.

Is additional time granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Fraser:** Thank you.

I urge honourable senators to approve this bill at second reading and to send it on to committee. There may be some technical errors that the committee would find and could fix. Parts of this bill are quite technical and need expert study, I expect, although I bow to no one in my respect for Senator Chaput's ability to have checked all those elements already.

The principle of this bill is important; it is precious. It absolutely merits our support, and I urge all honourable senators to give it that support.

**Hon. Gerald J. Comeau (Acting Deputy Leader of the Government):** I would like to ask a question, if I could. Would it be possible for us to get a copy of the letter the honourable senator referred to from the anglophone group in Quebec? She made a lengthy reference with quotes, so I wonder if it would be possible for us to get a copy of that letter.

**Senator Fraser:** I have that letter courtesy of Senator Chaput. It was addressed to her, and she said I could quote from it. I quoted almost the entire thing except for the date, which was October 11, 2012. I will consult with Senator Chaput to see whether she is willing to give permission to have it circulated. She is nodding, so I am sure it can be done. If so, would you like me to seek leave to table it in the Senate or simply circulate it to honourable senators?

[ Senator Fraser ]

**Senator Comeau:** I do not know whether any other honourable senator would like to see it, but I would like to get a copy if I could. I understand it was from October 11, 2012. I would not mind getting a copy.

**Senator Fraser:** The honourable senator will have it before the day is out.

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

Is it agreed that this matter stand adjourned in the name of Senator Comeau?

(On motion of Senator Comeau, debate adjourned.)

[Translation]

## CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator McInnis, for the second reading of Bill C-350, An Act to amend the Corrections and Conditional Release Act (accountability of offenders).

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I see that this bill is at day 14 on the Order Paper. I know that Senator Baker wants to speak to this bill, and I move the adjournment in his name.

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

[English]

## STUDY ON POTENTIAL REASONS FOR PRICE DISCREPANCIES OF CERTAIN GOODS BETWEEN CANADA AND UNITED STATES

SIXTEENTH REPORT OF NATIONAL FINANCE  
COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on National Finance, entitled: *The Canada-USA Price Gap*, tabled in the Senate on February 6, 2013.

**Hon. Joseph A. Day** moved the adoption of the report.

He said: Honourable senators, perhaps I will say a few words to give an outline and the background of this particular report that was filed yesterday. It is the result of approximately one year's work by the National Finance Committee. I would like to thank all those who participated; their names appear in the report. In



particular, I would like to thank Senator L. Smith, the deputy chair, and Senator Buth, the other member of our steering committee who participated in the press conference and release of this yesterday.

• (1450)

There has been good, positive coverage of the work by the Senate in relation to this particular report, honourable senators. I am pleased that we have been able to garner that type of positive support for the work of the Senate and, in particular, the Finance Committee, which is always looking for new recruits, for anyone who would like to join that particular committee.

Honourable senators, there are really two parts to this report. One deals with what the government can do to help reduce the difference in price between certain goods in Canada and the same goods in the United States. There are a number of items. We have four recommendations in the report in that regard. We have also a recommendation with respect to what the individual can do, in the form of an observation.

Honourable senators will know that there is a lot of cross-border shopping going on and a lot of activity back and forth. Approximately 3 million Canadians are travelling to the United States every month on outings of less than a full day in duration.

Honourable senators know that there is a lot of product being purchased and brought back that is not being stopped at the border. Even though the changes in the rules still require at least 24 hours outside Canada before you can bring back \$200 worth of goods without declaring it, there is a lot of activity going on. We should try to avoid regulations that result in the law being broken.

However, after consideration and in view of the economic situation in the country, we did not recommend that the first 24 hours should be like the United States, with a limit that would allow Canadians to cross the border for an hour and then come back with \$200.

If one shops by the Internet and orders a product that is shipped by post to you and it is more than \$20, it is necessary to declare the value; it is necessary to pay for a border broker to clear the product across the border. If there is an excise tax on that product, that will have to be paid; if there is a harmonized sales tax or a sales tax, federal and provincial, those will have to be paid. Sometimes a product that is \$20 can end up costing much more than that.

One of the recommendations we made is that if you can be over the border for 24 hours and bring back \$200, why not have the same limit for product that you order on the Internet and have shipped to you? It is a \$200 suggestion rather than the \$20 amount that now exists. That would allow for the expansion of an industry that is already expanding and that is the ordering product on the Internet through various portals outside of Canada. That was one of the recommendations we made.

We pointed out that there are many tariffs that are no longer applicable. Tariffs are put on a product to protect the local industry. Local industry would have an advantage in that any product made outside of Canada coming in would automatically cost more. In addition to production and transportation costs, a tariff would keep the product price up so that the lower price would be a Canadian manufacturer. When there is no longer a Canadian manufacturer for that particular product, why do we still have the tariff? There are many of them still there because we have not reviewed the base.

There are \$2.6 billion per year in tariffs on imported products. In most of those cases we are not protecting a national industry any longer. What the minister says is, "This is a source of revenue for the government." While it is a source of revenue for the government, if that is the way we look at it and not as a political decision to protect the local industry, it is in effect a hidden tax. If we are to have taxes, let us have them out front; let us understand what they are and we will pay them for being Canadian.

One example that I can provide is with respect to hockey equipment. We used to have an industry in Canada that we wanted to protect. I will not name names but most of us know the names of companies that made hockey equipment. Hockey pants made in China and imported into Canada have an 18 per cent tariff; into the United States, it is 3 per cent. A parent trying to outfit the daughter or son playing hockey is paying 18 per cent more on the import. Then you talk about wholesaling and distribution; each of them has a percentage markup so that 18 per cent suddenly becomes 25 per cent and that 25 per cent becomes 35 per cent. A figure of 35 per cent more for a pair of hockey pants or hockey gloves for your child, over what you could get across the border, will result in people wanting to go across the border to go shopping. Tariffs are an area we should be looking at.

I talked about the *de minimis* threshold with respect to postal shipments, and that is the second recommendation we had.

The third recommendation is under the Copyright Act. That is the automatic 10 per cent add-on for books that come in from the United States. That is why one will see these different numbers on books and magazines, the American price and the Canadian price. Part of the reason for that is that we have built in an additional amount to allow for exclusive distributors in Canada. We brought the exclusive distributors to our committee to talk to us and they said that that additional money helps them to become, over time, an exclusive publisher of the books in Canada.

We are saying that the student attending university is subsidizing the publishing industry so that it can grow and become exclusive publishers. Is that what we want to be doing indirectly? If that is part of the reason why student loans are so high, because students are paying so much more for books than they would pay if they were in the United States, that is something that should be looked at. We have recommended that that be done.

The final recommendation that helps push up the cost of a car — and not just cars, but cars is one of the areas we looked into — is the safety standard. We have in certain areas different safety standards. We have different safety standards for toys, for helmets for kids playing sports. We should compare those safety standards with the United States' safety standards. The more we can harmonize, the more we can have a North American market. It is an advantage to any manufacturer to segment the Canadian market from the U.S. market, and by segmenting the market, they can charge a different price. It is very easy to charge a different price when you have a segmented market. If competition throughout North America for a particular product was wide open, it would be much tougher to do that.

We found evidence of automobiles manufactured in Cambridge, Ontario, that could be purchased for less in Hawaii than they could be in Cambridge, Ontario, down the street from the plant where they are manufactured.

• (1500)

There is no tariff problem with a product manufactured in North America. Tariffs with respect to automobiles are only on those imported from outside North America. On automobile parts in Canada, there is a tariff of 6 per cent, and in the United States, it is 2 per cent. One built-in difference is the tariff on parts from outside. Within the North American free trade zone there is no obstacle, but the manufacturer will charge what the market will bear. We heard that from many different witnesses; and we heard from 53 witnesses over the course of a year. Automobile manufacturers will charge what the market will bear. That is the only explanation we can find as to why a bottle of low-dose Aspirin, which is taken on a daily basis, costs \$21 in Canada and \$10 in the United States. Ketchup, a basic product, costs \$3.92 in the United States and \$6.90 in Canada for the same product. Why is that? It is because the market will bear the price.

Honourable senators, that leads us to the final aspect of this report: It is important for consumers to be aware because the more consumers are aware, the more they can demand a reduction. They can ask: Why can I not buy this for the same price here as I can buy it across the border 100 kilometres from here? Consumers can be informed by using many of the new apps and Internet programs for price comparisons. We encourage people to use those programs. We also encourage people to realize that subject to certain items that the government can deal with, and I hope they will, such as tariffs and safety standards, which apply only on certain goods, we have a smaller market and the U.S. manufacturers and distributors are trying to keep us as a segregated market so they can keep the price higher here to subsidize whatever else they might want to subsidize.

Honourable senators, those are the highlights of the report, which deals with certain goods only. It does not deal with supply management, which falls under another set of socio-economic rules; and it does not deal with airports because another committee studied that issue. That report is out and I would commend it to honourable senators. It deals with the service sector, which is also important. Many Canadians complain that they are being ripped off flying from a Canadian airport because they can fly from a U.S. airport at half the price.

[ Senator Day ]

I would commend the reading of the sixteenth report to honourable senators. It contains some good recommendations for the government to act on, which I hope they will do.

**Hon. Terry M. Mercer:** Honourable senators, I have a question for Senator Day. The Finance Committee did not study supply management. Those of us on the Standing Senate Committee on Agriculture and Forestry appreciate that and will deal with it if it comes up. Did the Finance Committee address the issue of farm subsidies in the United States? We continue to hear about the differences in food prices between a border town in Canada and a border town in the United States. We know from our work on the Agriculture Committee that the most important piece of equipment on an American farm is the mailbox, because that is where the cheque from Washington arrives. Did the committee address farming subsidies in its study?

**The Hon. the Speaker pro tempore:** Senator Day's time has expired.

**Senator Day:** Honourable senators, may I have more time?

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

**Hon. Senators:** Agreed.

**Senator Day:** The committee did not look into farm subsidies. The whole issue of subsidies is better dealt with in terms of supply management because it is a broader supply issue. We looked at certain goods and the price discrepancies in cross-border shopping, excluding the items mentioned by Senator Mercer.

**Hon. Jim Munson:** Honourable senators, there is nothing more irritating than walking into Chapters or any independent bookstore in this country, seeing a book, opening it up and looking at the two prices: \$27.95 in Canada and \$16.50 in the United States. Why is that? How can that be stopped? What kind of legislative or other action can the government take to stop that massive discrepancy? In my view it is a "discrimination tax" that Canadians have to pay because Americans can read it for a lower price.

**Senator Day:** Honourable senators, as I mentioned during my comments, under the Copyright Act there is an artificially created monopoly for book distributors in Canada that allows those distributors to add 10 per cent to any book they bring in from the United States. If the book is brought into Canada from outside the United States, they add 15 per cent. The government, through law, will protect that exclusive distributorship. We should be looking at that again to determine whether we want this practice to continue. It is a bit of an experiment that places an extra financial burden on students, in particular, and it is irritating for everyone.

Worth mentioning again is that distributors say that the extra money is important to them so they can grow and maybe become publishers as opposed to just distributors, which means that consumers buying the books are subsidizing the growth of a monopolistic industry. Is that what we want? If that is what we want, then let us do it outright so that everyone understands it as opposed to hiding it away on labels and in product costs.

We found that virtually every one of these is affected only partially by government regulations. The rest of it goes back to a very important point: They will charge what the market will bear. If they can make a higher profit in Canada to cover a much more competitive market and therefore lower margin in the United States, then that is exactly what will happen unless we become more sophisticated in our buying.

**Hon. Richard Neufeld:** Senator Day, were you able to get the big three automakers to testify before your committee? I started out on the committee but left mid-term. I would like to know whether they finally came to testify, because when I was there they did not want to come.

**Senator Day:** I did not mention that today but it is mentioned in the report. We tried very hard to get the manufacturers to come. On the advice of their lawyers, they decided not to participate and not to accept our invitation, because they are involved in lawsuits that deal with part of the same issue that we are dealing with here. They felt it would be inappropriate to comment on something that they will have to defend, that is, the gap in price for no obvious reason. They did not attend.

• (1510)

However, we did have a representative of importers of foreign cars and foreign parts, and he was able to give us a lot of information. It was not the same level of internal information that the manufacturers' representatives might have been able to give us, but it was good information. We learned about the 6-per-cent tariff for foreign products coming into Canada, which is 2 per cent in the United States and which creates a small divergence.

**The Hon. the Speaker pro tempore:** I regret to inform the Honourable Senator Day that his time is expired.

**Senator Day:** I am sorry to hear that.

**Hon. Larry W. Smith:** Honourable senators, I want to add a couple of other points.

Senator Day did a great job as our chair. There was a great team effort by everyone involved.

Honourable senators, to put some parameters around the study, we were asked about 10 months ago by Minister Flaherty to look at tariffs. The focus for us in our study was to look at tariffs and price discrepancy between the two countries.

I have some facts. We had 53 witnesses and 8 months of testimony. At present there are 8,192 tariffs in our country, of which 90 per cent are approximately zero. Of the remaining 10 per cent, approximately 70 per cent of those deliver \$3.6 billion into the coffers of our country. There are five categories — textiles, clothes, shoes, autos and auto parts — which are the main areas that deliver tariff money. In our study we tried to focus on the areas where we could get the biggest return for our analysis.

Of the four recommendations that came from our study, number one was for the government to look at tariffs in more detail.

Number two was on the regulations. In looking at the example of automobiles, if the difference in the price of a Camaro in Ontario and the United States is \$6,000 to \$8,000 depending on the car, is the difference because there are significant structural differences, or are there significant security or safety standards? Can these safety standards that exist between the two countries be harmonized? What is the issue? Is the issue safety, or is the issue some other point? Therefore, we are going to look at the regulation side.

The third area, of course, as Senator Day said, was the whole area of books. To be specific, the legislation was brought in to give exclusive distributors the opportunity to save the industry of manufacturing books in Canada. That is my understanding. The point is whether the 10-per-cent to 15-per-cent increase suddenly becomes the base price, because, as we know, there can be manipulations by business people in terms of pricing. Therefore, we want to look at that particular point.

The other point is the idea of this *de minimis* threshold when buying things through the mail and bringing them in from the United States. That \$20-minimum price point really does not cover the opportunity of increasing the price point to \$100 or \$200 so we could stimulate business, stimulate industry and protect the consumer from exorbitant transport prices. If one buys a good for \$21 and brings it into our country, one may end up paying \$40 in brokerage fees and the total price is the price of the product plus the brokerage fees.

We wanted to focus on these four points so we could get some return.

Honourable senators, that is the gist of the parameters. Of course, Senator Day did a great job explaining the guts of the study and I think everyone did a great job.

From a Senate perspective, all honourable senators should be pleased with the fact that we delivered a good report but, more important, it got out to all parts of our country. Senator Day and I are very fortunate to have national interviews that continue into this afternoon and probably into tomorrow. Honourable senators should be very pleased with the work that both sides have accomplished in a nonpartisan way.

I would ask that we adjourn debate for the balance of my time.

**Hon. Senators:** Hear, hear.

(On motion of Senator L. Smith, debate adjourned.)

## EMPLOYMENT INSURANCE

### INQUIRY—DEBATE CONCLUDED

On the Order:

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

**The Hon. the Speaker pro tempore:** Honourable senators will note that this matter stands in the name of Senator Fraser and

now Senator Callbeck is exercising her right of reply. If the honourable senator speaks now it will close the debate.

Are there any other honourable senators who wish to debate this matter? There being none, the Honourable Senator Callbeck.

**Hon. Catherine S. Callbeck:** Honourable senators, this inquiry is with regard to eliminating the two-week waiting period before a claimant can receive maternity or parental leave benefits.

First, I want to thank the honourable senators who participated in this debate. I was pleased with the amount of discussion that developed.

Employment Insurance has a two-week waiting period before a claimant can begin to receive either regular benefits, such as when a person becomes unemployed, or special benefits, such as maternity and parental leave. I believe that these maternity and parental benefits are unique and that the government should eliminate the two-week waiting period for these types of benefits.

Maternity benefits have been in place in this country since 1971, with parental leave being added to the program in 1990. Right now, benefits can be received for up to 50 weeks. That is 15 weeks of maternity benefit and 35 weeks parental benefit, which are available to either parent — biological or adoptive — and can be shared.

Honourable senators, there is no doubt that these benefits are being used. In 2010-2011 almost 169,000 new mothers claimed maternity benefits, receiving an average weekly income replacement of \$371. In addition, nearly 190,000 biological and adoptive parents registered for parental benefits, for an average of about \$400 a week.

Every new claim must wait for two weeks before benefits begin. We really need to consider the financial impact that this waiting period places on families. When a family welcomes a new member, parents experience a reduction in income as well as an increase in expenses. Less income and additional expenses put a tremendous squeeze on new parents under the best of circumstances. Losing two weeks of income can increase the financial burden and strain, especially for single parents and, in particular, for low-income mothers. Many of these mothers never receive an income supplement from their employers. It is difficult enough to support new babies on just 55 per cent of their regular income, without also waiting for two extra weeks for the benefits to start. This waiting period imposes an unfair hardship.

There has been considerable debate and discussion about this issue through the years. The House of Commons Standing Committee on the Status of Women, which is made up of members of Parliament from all parties, made this recommendation in June 2009. In this all-party committee, there was no dissenting commentary.

• (1520)

In addition, eliminating the two-week period has been advocated by the National Association of Women and the Law, the Canadian Federation of Business and Professional Women, the Liberal Women's Caucus and, in my own province, the Women's Network of Prince Edward Island.

[ The Hon. the Speaker ]

One argument against making this claim is that it eliminates short claims. First, maternity and parental benefits are not short-term claims. They are very predictable in their start and duration. The average maternity benefit claim is roughly 14.6 weeks long, just a few days short of the 15-week maximum. There has been an average duration of maternity benefit claims every year since 2007.

Now, I would like to point out that the change that I am talking about, eliminating this two-week period, does not increase the cost of administering the program. It would not extend the benefit period beyond the current 50 weeks. No additional employees are needed and applicants would not start receiving their benefits any faster. I am simply suggesting that these payments be retroactive to the first day of the claim.

All in all, maternity and parental benefits should be easier and they are probably the easiest of all EI benefits to administer. I do not think that it is necessary to have a waiting period for people who are applying for these benefits. I would like to point out that, in Quebec, the Quebec Parental Insurance Plan does not impose this two-week period for maternal and parental benefits.

Honourable senators, I believe that doing away with the two-week waiting period is a straightforward and easy change that would provide immediate support to Canadian families when they need it. As I have pointed out in the past, it is simply good public policy. It helps new mothers and fathers bond with their children without so much financial worry, and it would not cost the taxpayer anything.

Once again, I thank my colleagues for their interest in this inquiry, and I am hopeful that the federal government will reconsider and decide to eliminate this two-week waiting period for Employment Insurance maternity and parental benefits.

(Debate concluded.)

## FOOD BANKS

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Robichaud, P.C., calling the attention of the Senate to the importance of food banks to families and the working poor.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, this is day 15. I know Senator Hubley wishes to speak on this matter for the remainder of her time, so I would like to ask for the adjournment in Senator Hubley's name for the remainder of her time.

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

[*Translation*]

**ADJOURNMENT**  
MOTION ADOPTED

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

**Hon. Gerald J. Comeau (Acting Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 12, 2013, at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, February 12, 2013, at 2 p.m.)

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