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(HANSARD)

**Wednesday, February 13, 2008**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Wednesday, February 13, 2008

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

Prayers.

### SENATORS' STATEMENTS

#### CONFLICT IN KENYA

**Hon. A. Raynell Andreychuk:** Honourable senators, I rise today to bring to your attention the distressing situation in Kenya. Kenya has been an important hope for democratic development in Africa, but due to the disputed results of the December 27 elections, the country's hard-earned peace and stability has quickly deteriorated.

Over 1,000 people have been killed and over 600,000 people have been displaced in an alarming outbreak of post-election violence. The conflict has escalated from political disagreements to violence.

I am encouraged by Kofi Annan's efforts to facilitate negotiations between the party leaders, President Mwai Kibaki and Mr. Raila Odinga. Mr. Annan announced last Friday that the leaders have agreed to negotiate a power-sharing agreement, and the tension has subsided somewhat since then.

I am hopeful that Mr. Annan's commitment to the mediation process between the Kenyan political leaders will prove fruitful. It is vital for all of the leaders involved to lay aside their opinions on the election results in order to come together and make the restoration of peace in Kenya a top priority.

The Canada-Africa Parliamentary Association, of which I am a co-Chair, along with Mr. Mauril Bélanger from the other place, have been closely following the Kenya situation. We sent a letter to the Kenyan leadership and to Canadian representatives expressing our concerns and hopes. The letter states:

• (1335)

The Canada-Africa Parliamentary Association is deeply concerned by the events in Kenya since the general election of December 27, 2007. We are troubled that election observers reported that the election fell short of international standards. We are shocked and saddened by the subsequent violence and the humanitarian crisis, and note the deaths of Members of Parliament.

The association joins the international community in calling for all parties in Kenya to take all steps necessary to end the violence quickly and to strive for peace and compromise in addressing the situation. We also urge Kenyans to respect the internationally accepted standards of human rights and democracy.

Our letter concluded by urging Kenyan parliamentarians to:

... exercise the necessary leadership to bring pressure to bear on the parties involved to stop the violence and help reach a peaceful, democratic and long-lasting solution. . .

The letter went on to suggest that Kenyan parliamentarians:

... use all means at their disposal to help resolve the crisis.

I encourage honourable senators to stand with our association in our concerns for the Kenyan situation and to support efforts to bring peace and restoration to the Kenyan people.

We in the association will continue to follow this progress.

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

#### ANNE OF GREEN GABLES

##### ONE HUNDREDTH ANNIVERSARY OF PUBLICATION

**Hon. Elizabeth Hubley:** Honourable senators, 2008 marks the one hundredth anniversary of the publication of *Anne of Green Gables*. This classic Canadian novel by Prince Edward Islander Lucy Maud Montgomery was first published in Boston in 1908. It has been translated into over 36 languages and has sold more than 50 million copies worldwide. It has inspired television series, movies and theatre productions. Each year, hundreds of thousands of visitors from around the world visit the site which inspired L.M. Montgomery, Green Gables House in Prince Edward Island.

A celebrated and prolific author, Lucy Maud Montgomery produced 20 novels, 500 short stories and 500 poems. However, Lucy Maud Montgomery is best known for her story of *Anne of Green Gables*, about a little red-haired orphan girl named Anne Shirley who comes to live on Prince Edward Island.

This inspiring story remains a testament to the powers of hope, friendship and imagination all over the world.

#### REDUCTION OF TAXES

**Hon. Donald H. Oliver:** Honourable senators, as Canadians rang in the new year, they rang in the Conservative government's second cut to the GST in as many years. We promised to reduce the GST by two percentage points and we have delivered two percentage points. Fifteen years ago, the Liberals promised to "axe the tax" and delivered nothing.

In the weeks ahead, Canadian families can look forward to even more tax relief as income tax cuts announced in last fall's Economic and Fiscal Update take effect. Indeed, Prime Minister Stephen Harper cut income taxes retroactively. As a result, Canadian families will have a smaller tax bill for the 2007 year, which will mean larger tax refunds this spring.

Retroactive to January 2007, the lowest personal income tax rate was cut to 15 per cent from 15.5 per cent. In addition, the amount that all Canadians can earn without paying federal income tax was increased to \$9,600 for 2007 and 2008 and will increase to \$10,100 next year.

Together, these two measures will reduce personal income taxes for 2007 by almost \$225 for a single worker earning \$40,000. A two-income family of four, earning \$80,000, will save more than \$400 on their 2007 tax bill.

Thanks to the leadership of the Conservative government, Canadian families will have more money refunded for last year, more money after taxes this year and more money for years to come.

While Stéphane Dion spends his time musing about the kinds of higher taxes he would like to impose, Prime Minister Stephen Harper continues to show real leadership by lowering taxes and allowing hard-working Canadian families to keep more of what they earn.

**Senator Segal:** Hear. hear.

[*Translation*]

#### HON. MARCEL PRUD'HOMME, P.C.

##### CONGRATULATIONS ON FORTY-FOURTH ANNIVERSARY AS MEMBER OF PARLIAMENT

**Hon. Francis Fox:** Honourable senators, I would like to add my voice to the tributes to Senator Prud'homme, who this year is celebrating his forty-fourth anniversary as a member of Parliament. I cannot tell you how happy I am to be taking part in this celebration as one of Senator Prud'homme's colleagues.

• (1340)

I have known Senator Prud'homme since 1960, when we were both students in the faculty of law at the Université de Montréal. I think he was there less than I was.

He came from the University of Ottawa, where he had made his mark and caught the attention of the authorities. Known as a Liberal, he was a leader in student and provincial politics. If you ever want to know the brief history, and the real history, of the Liberal Party of Canada over the past 44 years, you should sit down with Marcel Prud'homme.

At university, he was already a firm believer in the importance of political involvement. He was already a standard-bearer for federalism and his love for his country, his province and his city. Throughout his career, he refused to take the easy way of consensus. He embraced causes before it was politically correct to do so, and in doing so, he promoted dialogue, understanding and solidarity. He was often ahead of his time, and he paid the price in terms of his personal advancement.

Marcel, this is a day, a week and a year of celebration for you. It gives us all immense pleasure to share in the anniversary of a man who has always had a passion for politics, which means a passion for serving others.

[ Senator Oliver ]

Senator Prud'homme once told me that we have to be present at times of great sadness and great joy, to share and experience these feelings with our fellow Canadians. This is something he has always done in Montreal and Quebec.

His talents as a communicator and his warm personality won him the trust of his constituents in nine consecutive elections. Today I tip my hat to the dean of Parliament for his outstanding contribution to Canadian politics, knowing full well that he will continue to enrich political debate in this country for many years to come. Bravo!

[*English*]

**Hon. Joyce Fairbairn:** Honourable senators, it is with a great sense of awe and pride that I offer my warmest good wishes to a long-time friend and colleague. Senator Prud'homme has recently celebrated his forty-fourth year in Parliament, first as a member of the House of Commons to which he was first elected in 1963 as the member for the riding of St-Denis and, since 1993, as the senator from LaSalle.

It would be putting it mildly to say we have had a long-time friendship. I had already been ensconced in the Parliament Press Gallery for one year when Marcel was first elected to the House of Commons.

From the beginning, the honourable senator has been tremendously respected as a representative of and friend in his area in Montreal. For Senator Prud'homme, the whole purpose of entering politics is to help the people, the community and the province that sent him here. Also, as a young Liberal, he made a point of traveling all across Canada, building friendships among young people in our party and learning more about the country he loves, as they learned about Quebec from him.

During one of these Western tours in his early days in politics, Marcel made a stop at my hometown of Lethbridge, Alberta. I was not there, but he decided he should go and have a chat with my shy mother. He cheerfully knocked on the door at 630 15th Street South in Lethbridge. He bowed over her hand and he kissed it. That was the first time Mother had ever received such a welcome. She was left speechless and never forgot the graciousness of the young man from Montreal.

Over the years, the honourable senator's good spirit and passion for his province and his country was helpful in bringing Canadians from many backgrounds together as full citizens of this country. His work within the Liberal Party led him to be Chair of the Quebec Liberal Caucus, as well as our Chair of the National Liberal Caucus when I was the co-Chair.

• (1345)

In 1992, he was appointed to the Queen's Privy Council, and he entered this chamber a year later, when he was appointed to the Senate by Prime Minister Mulroney. Throughout his years in this chamber, he has chosen to sit as an independent, in good spirits and as a friend to us all.

Throughout his public life, he has given friendship and support to people in several countries far away from Canada. In return, he has been awarded the Hero of the Revolution medal by the government of the Republic of Hungary, as well as the Order of Friendship of Russia.

All in all, his life is here on Parliament Hill. Senator Prud'homme has been controversial from time to time —

**Some Hon. Senators:** No! No!

**Senator Fairbairn:** — but always kind and loyal to his friends and to his colleagues.

I offer him all good wishes for more time ahead with us, and also for all of the support he has given his friends in this chamber.

[*Translation*]

### PROJECT RWANDA

**Hon. Grant Mitchell:** I would like to recognize the exceptional work being done by Project Rwanda, a non-profit organization dedicated to economic development in Rwanda. Its initiatives focus on the bicycle. In fact, the project is relying on the bicycle to help revive the Rwandan economy. Tom Ritchey founded the project out of his passion for cycling and the stories of hope he heard from the Rwandan people when he visited Rwanda in 2005. He imagined that bicycles could play an important role in rebuilding the country and in rebuilding national pride.

He founded Ritchey Cycling, an internationally renowned business. His good friend, Alex Stieda, a Canadian from Edmonton, worked closely with him on this project. Mr. Stieda was the very first North American to wear the yellow jersey in the Tour de France.

There are four main parts to Project Rwanda. First, its mission is to design and develop bicycles adapted to the specific needs of the country. Bicycles are still beyond the reach of the majority of Rwandans. Wooden bicycles can be found all over. They are used to transport vegetables, wood and coffee cherries. The coffee bike was designed by Project Rwanda. These bikes enable coffee producers to manage their transportation infrastructure.

The second part aims to increase awareness for Rwanda as a cycling destination. Thanks to its developing ecotourism industry, Rwanda hosts the Wooden Bike Classic every year. This is a multi-day event attended by cyclists from all over the world.

The third part of the project is to train and sponsor a national cycling team, which competes internationally.

The final part is to distribute bikes to needy organizations. This program is based on a micro-financing mechanism. The bike is an affordable, practical, environmentally friendly solution to local transportation and hauling needs worldwide.

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## ROUTINE PROCEEDINGS

### CONFLICT OF INTEREST FOR SENATORS

#### BUDGET AND REQUEST TO ENGAGE SERVICES— SECOND REPORT OF COMMITTEE PRESENTED

**Hon. Serge Joyal,** Chair of the Standing Committee on Conflict of Interest for Senators, presented the following report:

Wednesday, February 13, 2008

The Standing Committee on Conflict of Interest for Senators has the honour to present its:

### SECOND REPORT

Your Committee, which is authorized on its own initiative, pursuant to rule 86(1)(t), (i) to exercise general direction over the Senate Ethics Officer; and (ii) to be responsible for all matters relating to the *Conflict of Interest Code for Senators*, including all forms involving senators that are used in its administration, subject to the general jurisdiction of the Senate, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such matters as are referred to it by the Senate, or which come before it as per the *Conflict of Interest Code for Senators*.

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

Respectfully submitted,

SERGE JOYAL  
*Chair*

(*For text of report, see today's Journals of the Senate, Appendix, p. 552.*)

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

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

• (1350)

## CRIMINAL CODE

#### BILL TO AMEND—MESSAGE FROM COMMONS— REQUEST FOR PASSAGE—NOTICE OF MOTION— RESPONSE OF SENATE

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I give notice that, two days hence, I will move:

That a message be sent to the House of Commons to acquaint that House that:

Whereas Canadians deserve streets that are safe from violent criminals, impaired drivers and sexual predators, the Senate intends to pass *Bill C-2, An Act to amend the Criminal Code and to make consequential amendments to other Acts* by March 1, 2008.

### CANADIAN WHEAT BOARD ACT

#### BILL TO AMEND—FIRST READING

**Hon. Grant Mitchell:** Honourable senators, I have the honour to introduce Bill S-228, An Act to amend the Canadian Wheat Board Act (board of directors).

Bill read first time.

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

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

[English]

### CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

#### PACIFIC NORTHWEST ECONOMIC REGION LEADERSHIP FORUM, NOVEMBER 15-17, 2007—REPORT TABLED

**Hon. Jeremiah S. Grafstein:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation to the Pacific NorthWest Economic Region (PNWER) Economic Leadership Forum, held in Whistler, British Columbia, Canada, from November 15 to 17, 2007.

#### MEETING OF COUNCIL OF STATE GOVERNMENTS— WEST, SEPTEMBER 16-19, 2007—REPORT TABLED

**Hon. Jeremiah S. Grafstein:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation to the Council of State Governments — West: Sixtieth Annual Meeting, held in Jackson Hole, Wyoming, United States of America, from September 16 to 19, 2007.

### AGING

#### NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO EXTEND DATE OF FINAL REPORT

**Hon. Sharon Carstairs:** 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 November 1, 2007, the date for the presentation of the final report by the Senate Special Committee on Aging on the

implications of an aging society in Canada be extended from March 31, 2008, to September 30, 2008, and that the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

[Translation]

### STUDY ON INCLUDING IN LEGISLATION NON-DEROGATION CLAUSES RELATING TO ABORIGINAL AND TREATY RIGHTS

#### NOTICE OF MOTION REQUESTING GOVERNMENT RESPONSE

**Hon. Joan Fraser:** Honourable senators, I give notice that, two days hence, I will move:

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government to the fifth report of the Standing Senate Committee on Legal and Constitutional Affairs adopted by the Senate on February 12, 2008, with the Minister of Justice and Attorney General of Canada having been identified as Minister responsible for responding to the report.

• (1355)

[English]

### THE SENATE

#### MESSAGE TO COMMONS—NOTICE OF MOTION TO REMIND THE HOUSE OF THE BICAMERAL NATURE OF PARLIAMENT

**Hon. Elaine McCoy:** Honourable senators, pursuant to rule 58(1)(i), I give notice that one day hence I will move:

That a message be sent to the House of Commons to remind that House that the Parliament of Canada is bicameral in its composition and in the words of Lord James Bryce, echoing John Stuart Mill: “The chief advantage of dividing a legislature into two branches is that one may check the haste and correct the mistakes of the other”; and to further remind the House that one of the fundamental privileges of both houses, as conferred on them by the *Parliament of Canada Act*, is to prevent any interference with its deliberations and proceedings.

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

#### MESSAGE TO COMMONS—NOTICE OF MOTION TO REMIND THE HOUSE OF INDEPENDENCE OF UPPER CHAMBER

**Hon. Céline Hervieux-Payette (Leader of the Opposition):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That a message be sent to the House of Commons calling on the House of Commons to:

[ Senator Comeau ]

respect Part IV (sections 17 and 18) of the *Constitution Act, 1867* and acknowledge that Parliament, pursuant to section 91, operates only “by and with the Advice and Consent of the Senate and House of Commons”;

recognize that the Fathers of Confederation created a Parliament which was designed to “preserve the independence of the Upper House and make it, in reality, a separate and distinct chamber, having a legitimate . . . influence in the legislation of the country”. (John A. Macdonald, Feb.6, 1865); and

refrain from attempting to control the deliberations of the Senate by sending constitutionally inappropriate and factually inaccurate messages concerning its activities.

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

#### NOTICE OF MOTION TO RECOGNIZE CONTRIBUTIONS OF BLACK CANADIANS AND FEBRUARY AS BLACK HISTORY MONTH

**Hon. Donald H. Oliver:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate take note of the important contribution of black Canadians to the settlement, growth and development of Canada by diversity of the black community in Canada and its importance to the history of this country, and recognize February as Black History Month.

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

[Translation]

## QUESTION PERIOD

### PUBLIC WORKS AND GOVERNMENT SERVICES

#### ROYAL CANADIAN MOUNTED POLICE— EXPENSE OF CONSTRUCTING SECURITY FENCE

**Hon. Céline Hervieux-Payette (Leader of the Opposition):** Honourable senators, yesterday, given the absence of our colleague who is responsible for all matters concerning public works, I had to put my question to the Leader of the Government in the Senate. Today I think the minister can help us resolve the dilemma of the enrichment of certain companies from the Ottawa region at the expense of Canadian citizens.

I would like to remind him that in the Civil Code of Quebec, there is an item called “Unjust Enrichment,” which refers to an individual receiving money that he or she should not receive.

According to the assessments received by contractors working in the fencing business, the security fence installed at Montebello cost \$875,000, while according to the highest bidder it could have cost approximately \$250,000.

Can the Minister of Public Works and Government Services please tell us what measures will be taken on behalf of Canadians to pay back the Government of Canada the amount that was overpaid, since that amount in no way corresponds to the market value of the fence in question?

• (1400)

**Hon. Michael Fortier (Minister of Public Works and Government Services):** I thank Senator Hervieux-Payette for the course on unjust enrichment. That reminds me that \$40 million is still missing — the sponsorship money — that I would calculate as well. I mention this in passing.

Having said that, I will answer her question regarding whether the Government of Canada paid too much for that fence. I believe that is what she was getting at.

The honourable senator knows very well that a certain level of security is required for this type of summit. The Royal Canadian Mounted Police was responsible for security at this summit and established the criteria for security, fencing and other matters. A particular type of fence was needed and it was purchased from a manufacturer that met the RCMP criteria. The fence was erected by an installer authorized by the manufacturer.

I can assure Senator Hervieux-Payette that all Treasury Board rules regarding contracts were followed when the contract was awarded.

**Senator Hervieux-Payette:** Honourable senators, the more we learn, the less we understand how a government that boasted about transparency, honesty and integrity uses the rules that suit it, however it pleases.

The Minister of Public Works must use a tendering process, obtain from the RCMP a description of the goods being ordered and then ask Quebec or Canadian suppliers if they can supply the fence in question.

All the suppliers contacted — and I suppose there would be more if the tender were to be issued tomorrow — had access to this type of fence manufactured in Alabama. We are talking about erecting a fence, which does not entail a great deal of expenses. I saw the fence because I passed by Château Montebello while it was being erected and I did not see anything special.

Why did Public Works and Government Services Canada not put out a call for tenders? Why did the department not receive the specifications for this type of fence? Why was this done through the Treasury Board? Was it simply to avoid having to ask other suppliers? Or was there a hidden agenda?

My question is quite simple: Why were basic Public Works rules broken when it came to supplying goods and services to the Government of Canada?

**Senator Fortier:** I must correct the honourable senator because the rules were followed. She must not have been listening to my response. The rules were followed.

The honourable senator — or perhaps her staff — is trying to make a mountain out of a molehill. There are no molehills here.

The RCMP told us that a specific type of fence was required for this event.

The honourable senator claims to be a great expert in fencing. Now she is telling us she was in front of Château Montebello and watched the security fence being installed. My goodness, her schedule is quite impressive.

That said, as far as the people installing these fences are concerned, if someone really does not know much about this type of fence, they might think that all it takes is a hammer, a few taps in three or four spots and the fence is installed. An installer certified by the company from which we bought the fence was chosen to install it. Everything was done according to the rules established by the Treasury Board.

I hope that answers the honourable senator's question.

**Senator Hervieux-Payette:** No, the minister has not answered my question. First, I did not spend the day at Montebello; I merely passed by the Château Montebello. I have other things to do than to spend the day at Château Montebello to find out how a fence is installed. I simply said that I saw the fence being installed.

The minister is saying that the Treasury Board rules were followed. However, my question was: Why were the Department of Public Works rules not followed? That was the first part of my question.

The second part was: How is it possible to assess a fence that is worth \$250,000 at values of \$600,000, \$700,000 and \$800,000? That is what the RCMP employee supposedly did.

What kind of qualifications does this RCMP employee have regarding fences that would explain how there could be a \$200,000 difference that in no way represents the reality of the market of all the other suppliers in Canada?

• (1405)

**Senator Fortier:** The Leader of the Opposition is comparing bananas and oranges. We are talking about a fence that meets specific criteria, available from this American supplier. The RCMP was responsible for this event.

Honourable Senator Hervieux-Payette knows very well that, when the Government of Canada hosts these types of summits, security is a very important concern, especially in recent years.

The RCMP wanted to use this type of fence. I do not know why the Leader of the Opposition is referring to contracts awarded to people in Ottawa. The contract was awarded to a company that is not in Ottawa. The certified installer is from Ottawa, but the fence was not purchased from an Ottawa company; it was from a non-Canadian company.

**Senator Hervieux-Payette:** Honourable senators, my question is very simple. Can the minister give us the cost per linear foot or metre of the fence and its installation next week or within two weeks? We can then compare the \$250,000 amount with the \$850,000. How can the security costs have been \$650,000 if the fence is worth only \$250,000?

**Senator Fortier:** The Honourable Leader of the Opposition began her question by talking about unjust enrichment, so I will not repeat my answer. The honourable senator talked about unjust enrichment; I did not. She is the one who suggested that people got rich unjustly.

As for the details of the contract, I am not sure that the contracts can be publicly disclosed. If they can, we will be pleased to disclose the details in due time. However, I cannot at this time guarantee that they will be disclosed. The contracts may include non-disclosure clauses.

I know that the Leader of the Opposition is coming at this from a partisan perspective. However, one should not believe that the government would go out of its way to pay a higher price than necessary. That is not our usual practice.

**Senator Hervieux-Payette:** That may be, but I would like us to understand each other. If an RCMP employee was involved, I would like to know that person's qualifications in that area, and I would like to know how he or she arrived at a figure \$200,000 higher. Articles that appeared in various newspapers mentioned \$600,000, \$700,000 and \$800,000.

I have worked in engineering consulting. When people issue a call for tenders, they already know the unit prices. I can assure the minister that if he does not give us the prices, we will help him find them. The Birmingham, Alabama, company surely has a price list for that kind of fence. We can also contact construction workers to find out the labour cost of installing such a fence.

It is our duty to obtain clarification on this issue for Quebecers. If the government wants to help us escape from this impasse, it must provide the numbers. If the government does not want to acknowledge that unjust enrichment occurred, so be it. When we find out the truth about the costs, we will have a better understanding of what really happened. If there was no unjust enrichment, I will be glad to apologize to the minister.

**Senator Fortier:** The Leader of the Opposition should apologize not to me, but to the company whose services were engaged. I am not personally hurt by her words. However, the Leader of the Opposition is taking advantage of her immunity to make in this chamber indirect accusations that she would be unable to make outside. Furthermore, I am surprised that the honourable senator is suggesting unjust enrichment in this matter.

With regard to RCMP's qualifications in this area, I invite the Leader of the Opposition to address her questions to the RCMP. As the leader of the Opposition knows, there are procurement officers in every department. The criteria are fixed. They consult with the central procurement agency, which is Public Works. I cannot mention the name of the specific person who issued the tender, as that is going into the details.

That type of fence was required and it was purchased. I would like to remind the Senate that the summit was a success. Security was provided for Mr. Harper and the two other heads of state who were present.



[English]

#### AWARDING OF SUBMARINE MAINTENANCE CONTRACT

**Hon. Terry M. Mercer:** Honourable senators, perhaps the information that Senator Hervieux-Payette is looking for is on those one hundred CDs that the minister still has not found, which I asked about during Question Period yesterday.

My question is for the Minister of Public Works.

• (1410)

Last year, Irving Shipbuilding Inc., an East Coast company centred in Halifax, filed a lawsuit against the federal government after it was revealed that the first phase of the \$1.5 billion submarine maintenance contract had been informally awarded to Canadian Submarine Management Group in British Columbia. Irving claims that Weir Canada, Inc. helped to create the initial plans for the contract statement of work. The Irving group further states that Weir Canada is in conflict of interest because it is one of the partners of the B.C. consortium that eventually won the contract. Bidders were also apparently told that if they objected to the process, they would be disqualified.

Can the Minister of Public Works tell me why the department seems to be awarding contracts based on coercion and by playing favourites to what they see as a political advantage to having the submarine contract stay in British Columbia?

**Hon. Michael Fortier (Minister of Public Works and Government Services):** Honourable senators, I will not comment on a matter before the courts. As the honourable senator knows, one of the potential bidders is contesting the procurement process. We are continuing our negotiations with another group, and when we have successfully reached an agreement with them, I will let the honourable senator know.

**Senator Mercer:** It seems that regional political issues are at play here. I do agree that any delay and uncertainty is bad for the navy and for the industry, but the taxpayers of this country have a right to know that their money is being spent in the most effective way possible. Three of the navy's four submarines are based in Halifax. To be fixed at any time, would they not have to take the long way around the continent, through the Panama Canal and then to British Columbia? Does the minister see that as a waste of time and money, and, if so, does this not point to the fact that there is some sort of political manipulation at work here?

**Senator Fortier:** I would suggest to the honourable senator, with respect, that we wait until there is an agreement, which, when it is reached, will be disclosed, and then I think parts of his questions will be answered. At this point, I believe he is just speculating about the outcome, which I understand, because he does not know how the negotiations are being conducted and where they stand. We are continuing our negotiations with another group, and when we have concluded an agreement, we will so state and provide salient details of the contract.

**Senator Mercer:** I do not doubt that the Minister of Public Works would finally be someone in this government who not only talks about transparency and integrity but also gives us some transparency and integrity.

#### HEALTH

##### NATIONAL STRATEGY FOR AUTISM

**Hon. Gerry St. Germain:** Honourable senators, my question today, I believe, transcends partisanship and politics.

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

**Some Hon. Senators:** Oh, oh.

**Senator Germain:** It is a first.

Yesterday, Senator Munson asked a question of the Leader of the Government in the Senate in regard to autism. Autism is a disease of our children, and the information that was given to me is that 80 per cent of families with autistic children break down as a result of the stress. I do not know how accurate that figure is, but that is the information I have been given.

The Leader of the Government in the Senate said yesterday that the responsibility for frontline providers for treatment and assistance rests with the provinces. Could the minister tell the Senate whether there is any initiative underway that would encourage other provinces to take the lead of the Province of Alberta? The Province of Alberta is in quite a unique situation because of the amount of wealth that exists there, but there are other provinces that are fairly wealthy, such as British Columbia and Saskatchewan. Senator Peterson knows how wealthy his province is becoming.

• (1415)

I think there should be an initiative that reminds these people of the great responsibility that exists in regard to dealing with this horrific situation that plagues so many families in our country.

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, I know exactly what the honourable senator speaks about because a member of my own family has an autistic son.

There is a problem with the various theories that speculate as to the cause of autism. We have all read about theories that suggest that autism is caused from vaccines administered to children when they are young, to genetics, to stressful environmental issues. Some people say autism is a form of mental illness. There are people with autistic children who do not like that definition because they think there is a stigma attached to the term.

Former Senator Michael Kirby was named as the head of the Mental Health Commission. Autism fell under the rubric of mental illness in one of the studies completed by the Social Affairs Committee. The Minister of Health, Mr. Clement, has taken measures on the federal side.

However, the honourable senator is right; the delivery of health in this country is a provincial responsibility. He is also quite right that Alberta is one of the jurisdictions that is leading the way. Perhaps provincial ministers of health, when trying to collectively deal with this, could share information at a future health ministers' meeting.

In the honourable senator's own province, on October 20 of last year, \$1 million was invested towards the creation of a new national chair in autism research intervention. The research happens to be located in the honourable senator's province, at Simon Fraser University, but the mandate is national in scope. Hopefully, through research and knowledge such as that, researchers will work with the provinces and territories to share best practices.

That is really what must happen here. Different jurisdictions should share best practices. Senator Munson used the example of cancer, and I think the other example used was with respect to the heart. Defining autism is unfortunately not an easy task because of the various theories in regard to what causes autism.

As a result of questions yesterday, I spoke to the Minister of Health about this issue, and he told me he could understand the concern because people in this situation are in desperate need.

The federal government is taking concrete actions to continue to work with the various stakeholders, provinces and territories to try to alleviate a situation that is causing such a desperate need for families with autistic children.

## FINANCE

### FUNDRAISING EVENT AND INVITATION TO MEET MINISTER

**Hon. Dennis Dawson:** Honourable senators, my question will be of a more partisan nature, but I know it is an important issue, though I would have gladly given my place to someone else.

• (1420)

I do not normally advertise Tory events, but since this one was held last night, I will read the invitation sent to Conservatives here in the Ottawa region:

I have the honour and pleasure of hosting a small Reception. . . with the Honourable Jim Flaherty. . . .

I will go directly to the invitation because I know many honourable senators want to ask other questions. This invitation is from the Conservative candidate Brian McGarry. The invitation says:

Minister Flaherty has generously given us his time to discuss directly the Government's outlook on the economy, —

It sounds like a budget speech.

— its plans for our financial future and the fiscal direction the Government will be taking over the course of its mandate.

Is this the speech he will make in two weeks? We will hear it for free, but he charged \$500 for that event last night.

As you are aware, this is a very busy time for the Minister as Budget Day approaches so his offer to join with us is even that much more appreciated.

I will go directly to the question. I could give honourable senators the phone number, but since the event was held last night they cannot buy tickets. Honourable senators could probably sell them to the person who built the fence. They could probably sell him two tickets.

How can this government accept that one of their candidates sells access to the Minister of Finance, saying they can help the minister prepare his budget? I do not understand it.

**Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)):** Honourable senators, first, I have not seen the invitation. This candidate is simply inviting people to meet the Minister of Finance in a legitimate fundraising activity. We have all heard speeches by the Minister of Finance on the state of the economy, and we had the budget update.

I am delighted the Honourable Senator Dawson raised the issue of fundraising. Tonight there is a fundraising event for the Liberals where the sky is the limit. They are inviting people to a fundraising event and then they will auction off to the highest bidder the chance to play tennis with Bob Rae.

It is a flyer advertising tonight's event at Ottawa's Congress Centre and this is what the invitation says:

Proceeds will be shared among the eight Ottawa area Federal Liberal ridings.

Party leader Stéphane Dion will attend and tickets are \$150 each. They are urging individuals and corporations to "bid as high as they want" at a party fundraiser for a round of golf with former Prime Minister Martin, an outing with Ken Dryden to an NHL hockey game or a tennis match with Bob Rae and his brother John, who, as we know, is a big wheeler-dealer in the Liberal Party.

The invitation goes on to say:

The sky is your limit. . . . Your successful bid will not affect your annual political contribution limit of \$1100.

How can that be?

We all know of course that donations from corporations are illegal. Can you imagine, honourable senators, what would happen if Senator Fortier or myself ever suggested to people that they can have lunch with the highest bidder or if we sold the Minister of Finance or the Minister of Health to the highest bidder? Of course, I must admit that this fundraiser sure beats — at least they put it on paper — \$40 million in brown envelopes.

**Senator Dawson:** Honourable senators, as you might know, I would certainly rather play tennis with Bob Rae or golf with Paul Martin than go to a budget speech given by the minister.

We wrote the law and we have every intention of respecting the law. The reality is, we are not selling access to government. I can imagine it is much more interesting to meet the opposition than to meet the government minister.

I quote again from the invitation:

... discuss directly the Government's outlook on our economy, its plans for our financial future and the fiscal direction the Government will be taking over the course of its mandate.

I am sorry; we are not selling government possibilities or offers to influence government policy.

• (1425)

The Liberal Party has not been told by the Chief Electoral Officer three times in one year that we have not respected the law. The Conservative Party has been told time and again that it has not respected the law, so we have no lessons to take from the Leader of the Government in the Senate on this subject.

**Senator LeBreton:** Honourable senators, this is a completely legitimate event. This is a riding fundraiser and is entirely within the law. We all hold events at which we talk about our hopes for the development of the country under this great government of which we are part. There is absolutely nothing wrong with that. We are within the parameters of the new Federal Accountability Act.

For this type of event, to which corporations are invited, the sky is the limit. We hold very good fundraising events. Perhaps the honourable senator's problem is that our party raised \$17.9 million from individual donors in the last year while Senator Dawson's party could only raise \$4.7 million.

[Translation]

**Senator Dawson:** I would like to point out again to the Leader of the Government that the Chief Electoral Officer has criticized her government three times since the last election for overstepping its powers. During the last election campaign, her government paid candidates to let someone else replace them in their riding. The Chief Electoral Officer told the party they had no right to do that. We are certainly not prepared to take any lessons from her government. The Liberal Party complied with the Elections Act. Never in 25 years has the Chief Electoral Officer had occasion to tell the Liberal Party of Canada that it was wrong, but he has told Senator LeBreton's government once, twice, three times.

[English]

**Senator LeBreton:** Honourable senators, Senator Dawson had better get his facts straight. This latest issue has been before a committee in the other place. The fact is that we followed the law in the election. The other two parties followed the same law. Furthermore, the matter is before the courts because we challenged Elections Canada, and because the matter is before the courts, we cannot discuss the exact case. As has been stated many times, including in the other place, the exact same rules were followed by all political parties. In the committee of the other place we simply want the same rules to apply to the NDP and the Liberals as they want applied to us.

## NATIONAL BLOOD DONOR WEEK BILL

### MESSAGE FROM COMMONS

**The Hon. the Speaker** informed the Senate that a message has been received from the House of Commons returning Bill S-220,

An Act Respecting a National Blood Donor Week, and acquainting the Senate that they have passed this bill without amendment.

• (1430)

## ORDERS OF THE DAY

### CRIMINAL CODE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-210, An Act to amend the Criminal Code (suicide bombings).  
—(Honourable Senator Andreychuk)

**Hon. A. Raynell Andreychuk:** Honourable senators, I rise today to address Bill S-210, introduced by our colleague Senator Grafstein, to amend the Criminal Code.

This is not the first time that this bill has been introduced, and I have personally spoken to this bill on a previous occasion. I will not restate Senator Grafstein's clear reasons for articulating the objectives of Bill S-210. Simply put, the bill, in Senator Grafstein's words, would give greater certainty to the definition of what is considered terrorist activity under section 83.01 of the Criminal Code. It purports to do this by explicitly identifying suicide bombings as a terrorist activity.

Honourable senators, I add my voice to those who condemn suicide bombings. There can be no justification of utilizing suicide bombings which target innocent victims, often children. It is just because these are such random acts of violence intended to instil fear in a population, that they can neither be condoned nor justified for whatever purpose.

Indeed, it is increasingly noted that the suicide bombers are often not the instigators of their own actions. One only needs to recall the two recent suicide bombings when two young women, mentally disabled, were sent into markets to wreak havoc. I do not side with anyone who would attempt to explain or justify the use of suicide bombings in any way.

Honourable senators, make no mistake, a suicide bombing today, under present law, is a crime. Bill S-210 will in no way change the law, the procedures, practices, policies and actions taken by the criminal justice system. At best, it would have an educative value.

I will also put on record that the Criminal Code of Canada is not static. It is continually evolving to take into account social changes and various technological advances in society. The Criminal Code also serves as a denunciation of what society believes to be inappropriate and unacceptable and codifies this behaviour.

Honourable senators, Senator Grafstein has said that the current definition of terrorist activity in the Criminal Code of Canada is complicated and unclear. The concern is that the definition of “terrorist activity” in the Criminal Code continues to be such and that needs clarifying, particularly if we are to give voice to the fact that we do not tolerate suicide bombings in any form. Senator Grafstein believes that specifically identifying suicide bombings would be helpful.

Honourable senators, the Government of Canada is also concerned about this issue. However, the Government of Canada is concerned that an unintended consequence of a further clarification, such as suggested in Bill S-210, might lead to further confusion regarding the laws concerning terrorism.

For example, it is possible for a suicide bombing not to be an act of terrorism and we would then be expanding the issue of terrorism and the use of that term to acts which clearly would not be the intent of Senator Grafstein’s bill, particularly when suicide bombing is, in fact, within the existing definition, in my opinion. Another unintended consequence might arise as it is impossible to list every possible act of terrorism in any definition. Terrorist acts are broadly defined, and some say too broadly, in the already existing Criminal Code, the anti-terrorism legislation, and in fact in our Immigration Act. The more this definition is broadened, the more uncertainty will be created about the meaning of terrorist activity, and therefore, there will be a tendency to add to the list.

The Special Senate Committee on the Anti-terrorism Act in its February 2007 report has already pointed out the dilemma of definitions, and these are receiving further study by the government and by our own Senate standing committee.

We should consider whether the Criminal Code takes sufficient care of the issue of suicide bombings today, or whether we should concentrate our efforts on other appropriate mechanisms, policies and actions to reinforce our abhorrence and denunciation of suicide bombings.

Therefore, while I sympathize with the objectives of Senator Grafstein, I believe that the matter warrants considerable investigation to determine whether an addition or a change to the Criminal Code as contemplated by the proposed legislation would be helpful or would, potentially, lead to more confusion. However, I do agree that the issue is important and laudable for this Senate to consider and I believe that further investigation is warranted.

**Hon. Hugh Segal:** Would the senator take a question?

**Senator Andreychuk:** Certainly.

**Senator Segal:** In view of the focus of her helpful and thoughtful comments relative to this proposed legislation — the need for more investigation — would the honourable senator agree that moving this piece of legislation into committee for detailed study would be as good a way as any to have that kind of investigation transpire?

**Senator Andreychuk:** I could certainly answer yes. The government has indicated that it is very concerned about the issue of terrorism and that it will continue to investigate it. We had the discussion in this chamber yesterday, so we know no issue is ever closed and warrants continued examination.

I simply wanted to put on the record that there has been an exhaustive, year-in and year-out, look at this issue of terrorist activities in the Special Senate Committee on Anti-terrorism ably chaired in the past by Senator Fairbairn and now by Senator Smith. There are legal implications and issues of security, safety and the balance of human rights to be considered, I think, in whichever committee the bill goes to.

Therefore, yes, more study is appropriate.

**Hon. Jeremiah S. Grafstein:** Honourable senators, I would like to conclude this portion of the debate by commending Senator Andreychuk.

**Hon. Marcel Prud’homme:** Honourable senators, if Senator Grafstein takes the floor now, unless I am wrong, we close the debate.

**The Hon. the Speaker:** The honourable senator is quite correct because the motion was moved by the Honourable Senator Grafstein and seconded by Senator Callbeck. Senator Grafstein initiated the debate and, therefore, if he speaks now that will have the effect of concluding the debate.

**Senator Prud’homme:** I fully agree with what Senator Andreychuk said. However, in view of the facts she raised, it reminds me of the discussion on a similar issue with the former Minister of Justice, Irwin Cotler.

I would just like to say that I am not killing the bill. However, if Senator Grafstein speaks, that is the end of second reading. I wish to take the adjournment. If I am not ready to speak when we return, I will be more than happy to listen to Senator Grafstein’s views.

• (1440)

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

**Hon. Senators:** Question!

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

**An. Hon. Senator:** On division.

On motion of Senator Prud’homme, debate adjourned, on division.

[Translation]

## NATIONAL PHILANTHROPY DAY BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Dallaire, for the second reading of Bill S-204, An Act respecting a National Philanthropy Day.—(*Honourable Senator Champagne, P.C.*)

**Hon. Andrée Champagne:** Honourable senators, I am speaking today at second reading stage of Bill S-204, respecting a National Philanthropy Day. I think we all agree with the spirit in which this bill was presented. In today's society, as individuals or representatives of companies or governments, we all want to unite our efforts to build a country we can all be proud to be part of.

I personally agree with the proposed general intention, but I have a problem with the bill itself. Let me explain my reasoning.

As many of you know, the idea of having a national philanthropy day is not new. The suggestion was first made in 1986. Ronald Reagan, then President of the United States, proclaimed the recognition of such a day. It should be noted however that the U.S. Congress never warmed to the idea; it never recognized an official national philanthropy day. In fact, no other government has ever permanently recognized this day. That leads to the question: Why should our government do so?

The 2004 National Survey of Giving, Volunteering and Participating showed that Canadians were very generous. More than 22 million of them had donated money to charity or not-for-profit agencies over the course of the previous year. That represents 85 per cent of the population aged 15 or older. Canadians donated a total of \$8.9 billion. They gave an average donation of \$400.

Generosity is a quality that can be seen in Canadians of all ages. The same survey tells us that people aged 15 to 24 gave an average of \$129. Even though they were just starting out in life, they found a way to donate money to help their fellow citizens in need. We also note that the amount of money donated increases with age, reaching its peak at \$572 among people aged 65 and older.

Expressions of generosity were just as frequent in all other income categories. Higher-income Canadian households tended to donate more money, specifically, an average of \$700. However, households with an income under \$20,000 gave the most, proportionally speaking.

Honourable senators, time and time again, our citizens have proven their generosity. In every community, we have seen Canadians lending a hand to those in need. We have watched them create trust funds for neighbours who lost everything in a fire. We have seen them help others whose homes or businesses were destroyed by floods.

When the residents of other countries are put to the test by catastrophes or famine, Canadians do not sit idly by. Honourable senators, Canadians are very generous.

I remind honourable senators of this in order to demonstrate that there is really no urgent need to introduce a national philanthropy day, at least for the purpose of encouraging Canadians to donate more to charitable organizations.

We must bear in mind that Canadians already celebrate a number of days that have been designated by agencies and organizations other than the Government of Canada.

Every year, Volunteer Canada observes National Volunteer Week. The federal government did nothing to prompt them to do so. They celebrate that week because it affords them the opportunity to promote volunteering, which is their *raison d'être*.

Other major Canadian charitable organizations also organize their own day, week or month, and do so on their own initiative. Their ability to reach Canadians across the country is constantly increasing. In that respect, the best example is undoubtedly the Terry Fox Run, which is held in cities and towns, large and small, throughout Canada.

The Canada-wide Association of Fundraising Professionals created the first national philanthropy day on November 15, 1986, to recognize philanthropists. Events are held in each province and territory on this special day, and thousands of people take part. Since this day is already celebrated, the bill is superfluous.

In addition, while I recognize that the Association of Fundraising Professionals makes a positive contribution to Canada, I feel that a government proclamation might be seen as promoting the activities of an industry association.

In conclusion, I would like to mention some of the other stumbling blocks we might come up against if this bill were adopted.

First, as you can well imagine, the government receives many similar requests from various groups. These requests are all equally valid, but if the government were to agree to a national day every time one was requested, these days, which are already considered special, would eventually lose much of their importance.

Second, if an official day were created, requests for funding could be expected, and the government might be forced to agree to such requests.

Honourable senators, as you can see, this bill would create a number of problems. Although the government certainly believes in celebrating philanthropy, as its tax incentives attest, Bill S-204 is not an appropriate way to encourage Canadians to be even more generous.

For all these reasons, I urge all honourable senators to join with me in opposing Bill S-204.

[English]

**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?

Motion agreed to and bill read second time.

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

[Translation]

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** I move that this bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

• (1450)

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, to which committee shall Bill S-204 be referred? I believe we discussed referring it to the Standing Senate Committee on Social Affairs, Science and Technology.

[English]

**Hon. Art Eggleton:** I do not want it in the Standing Senate Committee on Social Affairs, Science and Technology. How do I stop it? I am saying no.

**Hon. A. Raynell Andreychuk:** I think we should adjourn debate to discuss it.

**Senator Comeau:** I want to adjourn the debate, with leave, and come back to it prior to posing the question. The Deputy Leader of the Opposition and I will discuss it further and we will come back with a joint recommendation to this chamber.

**The Hon. the Speaker:** Honourable senators, the bill has had second reading. We are now on a procedural matter. The request is that we suspend treating this bill until the two deputy leaders can consult, and then we will continue with the procedural part of the motion. Agreed?

**Hon. Senators:** Agreed.

Debate suspended.

## PHTHALATE CONTROL BILL

### SECOND READING—ORDER RESET

On Commons Public Bills, Item No. 5:

Second reading of Bill C-307, An Act respecting bis(2-ethylhexyl)phthalate, benzyl butyl phthalate and dibutyl phthalate.—(*Honourable Senator Comeau*)

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, this bill has reached day 13. With leave of the Senate, notwithstanding rule 27(3), I ask, with your

indulgence, that we reset the time on this one to day one, if I could, because we still need to do some work on this in order to arrive at who may be the mover of it.

With that in mind, I ask leave that we revert to day one.

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

**Hon Senators:** Agreed.

On motion of Senator Comeau, debate adjourned.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Internal Economy, Budgets and Administration (committee budgets—legislation), presented in the Senate on February 7, 2008.—(*Honourable Senator Furey*)

**Hon. George J. Furey** moved the adoption of the report.

Motion agreed to and report adopted.

## ARTHRITIS

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Comeau, calling the attention of the Senate to the debilitating nature of arthritis and its effect on all Canadians.—(*Honourable Senator Stratton*)

**Hon. Elaine McCoy:** Honourable senators, I asked Senator Stratton to yield to me so I could speak today. The adjournment will be taken in his name.

I am pleased to address this worthy inquiry on the question of arthritis, which, as has been said by the speakers before me, is endured by some 4.5 million Canadians who live with the disease.

I want to address the research aspect. Research on the subject of arthritis in Canada receives only about 2 per cent of the federal health research funding. In 2005, the Canadian Institutes of Health Research — which, as you all know, are something like NSERC and SSHRC — spent \$42 million on AIDS, \$118 million on cancer, but only \$3.7 million on arthritis and bone research.

Honourable senators, on a per capita basis, that amount works out to \$731 in research for every Canadian living with HIV. It is \$14.16 for every person living with cancer; but it is only 94 cents for every Canadian living with arthritis.

We must take account of the fact that this amount of funding is low. In fact, the Arthritis Society of Canada itself, through private donations, raised almost twice that amount last year, \$6.3 million, to help the cause of research. This amount is not enough when

you consider that the annual burden of the disease on the health care system is \$18 billion a year. Arthritis is one of the chief drivers of the escalating costs of the health system in our country.

Honourable senators may ask why are we not paying attention to this disease, or these diseases, more properly, which affect 4.5 million people or one out of every six Canadians.

Many have suggested, and we know, the disease is chronic. Therefore, we are used to all sorts of people stumbling along and stoically putting up with the pain of arthritis in one of its many forms. The disease is not dramatic enough.

However, arthritis — which is a generic term for over 100 different maladies — has had its dramatic moments and it has changed the course of history. I will relate one such example because, no doubt, it will be of particular interest to parliamentarians; that is a case involving gout, which is one of the many forms of arthritis.

This particular case happened in the 18th century. It involved William Pitt the Elder, who, because he had a gross attack of gout one day, was prevented from stopping the tax on tea. As honourable senators know, that event led to the Boston Tea Party, which was one of the causes of, and led eventually to, the American Revolution.

Honourable senators can well imagine what would have happened here in Canada. This same man, William Pitt the Elder, was a key negotiator of the Treaty of Paris in 1763. It was the Treaty of Paris that gave Canada such a strong foundation by ensuring the free practice of religion throughout our colonies. That treaty laid the foundation for our Confederation, which honours the French and the English founding nations — as well as the First Nations, of course, that we acknowledge were here before any of us.

Gout, arthritis and absence from work can have stunning effects. Yet, two and a half centuries later, we still do not have a cure for gout. We sort of know what happens, but we do not really know why it happens, and there is no cure for it.

Let me look at another disease — lupus. Lupus is arthritis as well. Lupus is yet another one of these diseases, all of which have something to do with the immune system, about which we know little. It is still a mystery. Lupus affects more women because it has a particular association with hormones, but the scientists do not know for certain. The low amount of research has flummoxed the scientists and doctors and left thousands without any prospect of relief. Fibromyalgia is another form of arthritis that remains a mystery and affects more women than men. In total, about 900,000 Canadians suffer from fibromyalgia.

• (1500)

Osteoporosis is on some lists as a related disease and on other lists as a form of arthritis because they are closely linked. Osteoporosis affects 3.4 million people in Canada, two out of three of whom are women. I have done some gender analysis on this issue. Although we know what osteoporosis is, we do not know how to cure it and we do not know what causes it, although we think it has something to do with the immune system. We simply do not know enough about arthritis in its many different forms. It causes not only pain and suffering but also huge inefficiencies and lack of productivity in our workplaces. As well, it creates stress on the families of those living in chronic pain.

I commend Senator Comeau for bringing forward this inquiry to help raise the awareness of honourable senators. I support his suggestion that the Senate show greater leadership in these matters and so I would suggest that the Senate refer this inquiry to committee for study. Perhaps the Senate will be able to add to the leadership that we have seen on the issue across the country in the private sector. For example, Bud McCaig, from Alberta, donated \$10 million in one year to the Alberta Bone and Joint Health Institute at the University of Calgary. That kind of leadership is ahead of what the Government of Canada has shown. I recommend that this inquiry be referred to committee for further study.

**Hon. Pierre Claude Nolin:** Will the honourable senator accept a question?

**Senator McCoy:** Yes.

**Senator Nolin:** I sense from the honourable senator's words that although we do not know how to cure these ailments, we can try to diminish the pain that is associated with them. Does the honourable senator think that enough is being done in Canada to try to understand the pain and to find ways to reduce people's suffering from those conditions?

**Senator McCoy:** The short answer is no, I do not think enough is being done. I am more familiar with the research in Alberta, where they have found that the body produces a substance that is a form of cannabis. There is some hope that the substance might be able to generate some pain relief and leading-edge scientists at both the University of Alberta and the University of Calgary are working on this. The subject is elusive and it costs a great deal of money to do such research. We simply are not supporting the research process.

The other research area relevant to this issue is joint replacement. The field of joint replacement is far more advanced and treatment is becoming increasingly more common. As well, there are advances in biotechnology research. However, we are far from actually understanding these diseases so we must continue to look for ways to prevent and eradicate them. We could cure these diseases if we knew more about them.

On motion of Senator Oliver, for Senator Stratton, debate adjourned.

## THE SENATE

### MOTION TO URGE PRIME MINISTER TO CONVENE FIRST MINISTERS' CONFERENCE ON FUTURE OF INSTITUTIONS OF PARLIAMENT ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Day:

That the Senate urges the Prime Minister to convene forthwith a public meeting of the First Ministers of the Provinces and Territories of Canada, for the specific purpose of considering the future of the institutions of the Parliament of Canada.—(*Honourable Senator Comeau*)

**Hon. Tommy Banks:** Honourable senators, this item is standing at the thirtieth day and because I do not want it to disappear from the Order Paper, I would ask Senator Comeau when he plans to speak to the motion.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have no problem dealing with it now. Let us put the question.

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

Motion agreed to, on division.

## POST-SECONDARY EDUCATION

### INQUIRY—DEBATE ADJOURNED

**Hon. Elizabeth Hubley** rose pursuant to notice of December 13, 2007:

That she will call the attention of the Senate to questions concerning post-secondary education in Canada.

She said: Honourable senators, it has been just over a decade since the Special Senate Committee on Post-secondary Education made its final report. What is striking about that report is how many of the issues the committee addressed are still pressing today. That important study was the culmination of extensive work undertaken by our former colleague, the late Honourable Lorne Bonnell of my province, Prince Edward Island.

Senator Bonnell began his endeavour with an inquiry into the serious state of post-secondary education in April 1996. The following June, on Senator Bonnell's motion, the Senate referred the matter to the Social Affairs Committee, which established a subcommittee for the study chaired by Senator Bonnell. The subcommittee travelled across the country to hear from stakeholders. The interim report of the subcommittee was brought in just before the 1997 election in April. Following the election, the Senate established a special committee, again chaired by Senator Bonnell, to complete the work. The final report contained 27 recommendations and was tabled on December 16, 1997.

Two members of that committee are still members of the Senate today: Senator Andreychuk and Senator Losier-Cool. In addition, eight more of our current colleagues participated in the deliberations of the committee at one time or another, which demonstrates the level of concern in this chamber in regard to post-secondary education.

• (1510)

Honourable senators, the Bonnell report spelled out the vision of the committee for post-secondary education in Canada. I think it continues to be a fair statement of what Canada needs. The vision statement contained four major elements.

First, that research and development be conducted at the highest standard, making original contributions to the global understanding of ourselves and others, of the world around us and to innovations that can improve the lives of people and their environment.

Second, that programs of education and training beyond secondary school be undertaken to ensure the quality of which rivals the best of those available elsewhere that collectively encompass all disciplines and levels of post-secondary study and that serve the many purposes of learning — for democratic citizenship, for personal development, for employment and for sheer enjoyment and enrichment.

Third, that a strong post-secondary sector be developed to be able to absorb demand for education and accessibility regardless of financial capacity, place of residence or any of the factors covered by human rights legislation.

Finally, that extension of talents, services and facilities as an available resource to be tapped into for the resolution of problems, the development of policies and the improvement of living conditions not only in local communities across the country, but at the provincial, national and international levels as well.

Honourable senators, that vision is still very much relevant today as universities struggle to meet the evolving needs of our society and economy and the requirements of students. On all four fronts, the post-secondary sector is still facing serious challenges, particularly when it comes to funding these important priorities.

I was struck by Senator Bonnell's observation in his 1996 inquiry that the serious state of post-secondary education was significantly worse than it had ever been. While acknowledging that concerns about tuition fees and access were not new, he pointed out that an accumulation of unresolved problems had brought the system to the verge of crisis. He cited the 1991 Smith commission which had reported only five years earlier that universities were "fundamentally healthy and serving the country well."

By 1996, in the context of fiscal austerity at every level of government, things had taken a dramatic turn for the worse. This near-crisis situation was the impetus for taking on the special study in the Senate.

From reading Senator Bonnell's speech, it seems we have never returned to those relatively secure days of the Smith commission, despite the best efforts of university administrators, student organizations and governments of all levels. My concern is our post-secondary education system does not have the secure funding necessary to meet the vision articulated by the Bonnell committee. In particular, I am concerned that financial and other considerations continue to be barriers to access for many Canadians.

When I think of issues raised by the Bonnell report, the single greatest disappointment is the failure, 10 years later, to eliminate or even significantly reduce barriers to access. Our failure as a country to guarantee access is fundamentally self-defeating. From the competitiveness of our economy, to the dignity of work that is more likely to come from higher education, to the research and innovations that improve the lives of Canadians and indeed of people all over the world, post-secondary education is an investment that pays returns many times over.



We have a tremendous interest in maximizing the potential of all Canadians not only for their benefit but for the benefit of the country as a whole, yet high student debt remains a barrier to access. A recent survey of university graduates, released by the Maritime Provinces Higher Education Committee, found that student debt had increased 10 per cent from 2003 to 2007. The percentage of students with debt loads over \$40,000 increased from 16 per cent to 30 per cent in the same period. Among those surveyed, of those with a debt of \$40,000 or more, only 29 per cent planned to continue studies next year versus 43 per cent of those with no debt who intended to continue their studies.

When it comes to access, I do not believe financial considerations should be a barrier at all. Post-secondary education has become as essential as a high school diploma once was. As a society, we long ago decided to provide free education through high school because that was the bare minimum needed to function in a modern economy. Things have changed. A high school diploma is no longer enough. If the bare minimum now is a post-secondary education, it should also be tuition-free.

When Senator Bonnell concluded his inquiry, he said:

If Canada is to continue competing on the international stage and if our citizens are to continue creating and innovating, then relevant and responsive post-secondary education and training is absolutely necessary. . . . The success of our economy will depend on them, just as our success will depend on their ability to participate fully in all that the economy has to offer.

Honourable senators, I agree completely with that sentiment. We are one of the wealthiest societies on Earth. We have experienced a decade and a half of sustained economic growth. The fiscal austerity of the 1990s, made necessary by economic recession and excessive government deficits, is gone. For several years we had large fiscal surpluses both at the federal and provincial levels. However, the political will to reinvest in post-secondary education — one of the guarantees of continued prosperity — appears to be lacking.

Honourable senators, I have briefly shared my particular areas of concern: Accessibility and funding. However, let me touch on some other aspects that were dealt with in the Bonnell report.

The special committee made too many observations and recommendations for me to discuss them all in the time I have today. Let me highlight a few of the other aspects that I think remain relevant 10 years later.

The Bonnell report recommended federal-provincial cooperation on the important issue of deferred maintenance costs, something I know Senator Moore has pursued over the years. Unfortunately, the committee's recommendations in this area have also gone largely unanswered. The committee was very concerned about the state of student debt. This is not so much an access issue as it is an issue of helping Canadians cope with unsustainable debt, particularly in the era when university education seemed less and less to be a guarantee of a good-paying job.

I recall that Senator Bonnell welcomed Mr. Chrétien's announcement of the Millennium Scholarship Fund as it was designed to address alarming increases in the levels of student debt. The fund was announced just before the Bonnell committee presented its final report. At the time, Senator Bonnell was concerned that the competing priority — rewarding excellence — might be losing out to the equally important priority of need.

Incidentally, the Millennium Scholarship Fund is approaching the end of its 10-year mandate. I hope the government will extend its life. It has made an important difference in the lives of students by providing relief of very high levels of debt.

The Bonnell committee also called for a number of financial changes to reduce the burden on students and recommended improved mobility of students. For example, it recommended greater transferability of credits from one institution to another. It called for the federal government to make strategic and long-term commitments to research. Time does not permit me to cover these important aspects in detail, and there are many others I have not even mentioned.

• (1520)

I know that many honourable senators are as concerned as I am about the state of our post-secondary education system. I commend to your attention the Bonnell report. Ten years after its tabling, it remains a useful policy document and serves as a resource as we consider how we may confront the challenges that still plague the system today.

I conclude by quoting another honourable senator, for whom I have a great deal of respect. Ten years ago, speaking in the debate on the Bonnell report, Senator Callbeck said:

There is an expression that says: One of the great tests of a nation is the kind of world it leaves to its children; yet the opposite is just as true. The great test of a nation is the kind of children it leaves to the world. Surely we want our youth of today to be the best educated generation that we have ever produced. We cannot settle for less.

Honourable senators, the challenge remains; the only question is whether we will find the will and the means to answer it.

**Hon. Hugh Segal:** Would the honourable senator accept a question?

**Senator Hubley:** Yes.

**Senator Segal:** I appreciate the thoughtfulness and the depth of Senator Hubley's comments. I would like to ask her about the Millennium Scholarship Fund to which she made specific reference in her comments.

As the honourable senator will know, provincial governments across Canada were deeply troubled by the way in which the Millennium Scholarship Foundation came into being and the fact that its provisions were not in any way dovetailed with existing provincial legislation to provide for student financial assistance. In some provinces, when the recipients, who were no doubt meritorious, received their \$2,000, under existing provincial law they had to add that to their income, thereby reducing their provincial grants, which had a countervailing effect. This was not because the provinces were being small-minded; they had to observe the law.

In the continuation of the foundation, which Senator Hubley has suggested would be a good thing, does she have any advice for this chamber or the government as to how the operation of the Millennium Scholarship Foundation might be changed in order to obviate that problem in the future?

**Senator Hubley:** I thank the senator for the question. I am delighted that he brought up the Millennium Scholarship Foundation because, as I have heard from student bodies and university organizations, students very much appreciate those scholarships, and I believe they were well used, although, as the honourable senator indicated, there may have been some difficulty provincially in that regard.

In the most recent visits we had from the two major university organizations, they specifically asked that the Millennium Scholarship Foundation, albeit perhaps through a successor organization, be continued.

I have no answer as to how best to implement the process, but I can say that it seemed to be an indication to students that governments of all stripes were listening to their needs and were recognizing the serious problem that indebtedness has become for them.

**Senator Segal:** Honourable senators, I would like to get Senator Hubley's reaction to the representations made by the Canadian Federation of Students to many of us on both sides of this chamber. They were concerned that aspects of the current operation of the Millennium Scholarship Foundation, such as the funding of large research projects, was getting away from the core premise of flowing cash to students in order to reduce their post-secondary educational debt.

Does the honourable senator have any thoughts in that regard to share with us?

**Senator Hubley:** One suggestion made to me by representatives of those organizations was that the funding must go directly to the students. In any other way, it would not be working to the best of its ability.

I thank the honourable senator for his question. As a governing body, we should be cognizant of that and watch the hoped for future implementation of the Millennium Scholarship Foundation.

**The Hon. the Speaker *pro tempore*:** Honourable senators, I wish to advise that Senator Hubley's time has expired. Is she asking for an extension of time?

**Senator Hubley:** Yes, I would appreciate that.

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

**Hon. Senators:** Agreed.

**Hon. Yoine Goldstein:** Honourable senators, in a little more than half an hour the Canadian Federation of Students will be testifying before the Standing Senate Committee on Banking, Trade and Commerce in connection with the Bankruptcy Act provision precluding, for all practical intents and purposes, the discharge, on favourable terms, of student loan debt when a student is unable to pay the debt.

Senator Hubley cited some rather disturbing statistics with respect to students who are unable to continue their education because of the burden of student debt. They cannot rid themselves of those debts under the existing law, including the recently amended bankruptcy legislation.

Could the honourable senator share her thoughts about the desirability of helping students by making the provisions of the Bankruptcy Act more liberal in dealing with the discharge of student loans? She is aware that there is currently pending before this chamber a private member's bill with respect to that subject. Modesty prevents me from mentioning the name of the sponsor.

**Senator Hubley:** I thank Senator Goldstein for his question. He has brought a great deal of expertise on that subject matter to the Senate. I had the pleasure of speaking to that bill as well and tried to explain my feelings at the time.

The huge debt loads that some students are currently carrying are a great impediment to their continuing education. I try to put myself in their position of having such a debt load with no opportunity for a job because they have not completed their education.

It is not fair to put young people in such a position. I would support any efforts that the Senate could make to suggest better ways of handling the debt loads our students are experiencing. While I do not have the magic answer, I do appreciate the question highlighting that problem.

**Hon. Wilfred P. Moore:** Honourable senators, further to the question of Senator Segal, did Senator Hubley have an opportunity to speak with the administrative staff at the Millennium Scholarship Foundation to determine where the money is being spent? There has been a suggestion that large sums are being spent on research and other matters that are not their core mandate.

**Senator Hubley:** Honourable senators, I did not have an opportunity to speak directly with the administrative staff of the Millennium Scholarship Foundation. However, I listened carefully to what I heard from the students who represent our university organizations, and that was not something they mentioned. I would be disappointed if the funds were not being directed to the students. The questions that have been asked here today have opened another avenue for my study.

On motion of Senator Andreychuk, debate adjourned.

• (1530)

[Translation]

## PRIVACY COMMISSIONER

### EXAMINATION OF RCMP EXEMPT DATA BANKS— REPORT TABLED

Leave having been given to revert to Routine Proceedings, Tabling of Documents:

**The Hon. the Speaker *pro tempore*:** Honourable senators, I have the honour to table, in both official languages, a special Audit Report on the Examination of the RCMP Exempt Data Banks pursuant to section 39 of the Privacy Act.

[ Senator Segal ]

**NATIONAL PHILANTHROPY DAY BILL**

## REFERRED TO COMMITTEE

Leave having been granted to revert to Other Business, Senate Public Bills, Item No. 18:

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I move that Bill S-204, An Act respecting a National Philanthropy Day, be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

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

On motion of Senator Comeau, bill referred to Standing Senate Committee on Social Affairs, Science and Technology.

The Senate adjourned until Thursday, February 14, 2008, at 1:30 p.m.

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