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(HANSARD)

**Tuesday, February 24, 2009**



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

Tuesday, February 24, 2009

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I would like to draw your attention to the presence in the gallery of Ken Bowering, National Vice-President of the Navy League of Canada. Mr. Bowering is visiting Parliament for Navy Appreciation Day activities and is the guest of the Honourable Senator Rompkey, P.C.

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

## SENATORS' STATEMENTS

### CANADA-UNITED STATES RELATIONS

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, it was a great honour — to use the Prime Minister's words — to welcome President Obama to Canada last Thursday. The two leaders discussed the most pressing issues facing our countries, including restoring economic growth and creating jobs; tackling climate change and energy security; and responding to international security challenges.

The President and the Prime Minister agreed that the United States and Canada will vigorously pursue economic recovery measures to strengthen the international financial system, take steps to strengthen our energy and environmental ties, and commit to continued international security cooperation.

At a time when the global economic downturn is hurting communities throughout North America, President Obama and Prime Minister Harper agreed to work together to ensure that the G20 Summit in April contributes to restoring confidence in the world's financial markets.

President Obama and Prime Minister Harper discussed common challenges such as restructuring the auto sector. They agreed on the need to take immediate action to restore economic growth by cutting taxes, ensuring access to credit and providing timely investments to create jobs and give our countries the modern infrastructure we will need in the years to come.

Equally important, President Obama and Prime Minister Harper talked about practical ways our countries could encourage the development of clean energy technologies to reduce greenhouse gases. The leaders established a senior level U.S.-Canada Clean Energy Dialogue that will focus on expanding

clean energy research and development; developing and deploying clean energy technology; and building a more efficient electricity grid based on clean and renewable power generation.

• (1405)

The President and the Prime Minister agreed that Canada and the United States need to cooperate closely on a number of key international priorities as well, with a particular focus on Afghanistan. The leaders will work closely on the subject of the Americas, including effective discussion and meaningful results at the Summit of the Americas in April.

Honourable senators, by working with our great friends in the United States of America, our government is committed to protecting and creating jobs for Canadians, to building and providing a cleaner and healthier environment for future generations and to continuing cooperation on international and security issues.

### CANADIAN JUNIOR MEN'S CURLING CHAMPIONS

**Hon. Catherine S. Callbeck:** Honourable senators, I rise to offer warm congratulations to my fellow Islanders: Skip Brett Gallant, lead Jamie Danbrook, second Anson Carmody, third Adam Casey, and coach Peter Gallant for their exciting victory at the 2009 Canadian Junior Men's Curling Championship. Theirs is the first rink from our province to have won this title since 1976, and only the second to do so in the championship's history.

From a thrilling 7-6 victory in the final over their opponents from Northern Ontario, these young Islanders from the Charlottetown Curling Club will soon be on their way to Vancouver to represent Canada in the World Junior Curling Championships beginning March 5.

These young men have made our province proud with their hard work and dedication to the game they love. This is the fifth time that the Brett Gallant rink has gone to the Canadian Juniors and finally, the team's perseverance was rewarded. One can only imagine the excitement of winning a national championship and the privilege of representing Canada at the world level.

In addition to winning the championship, all four team members were named to all-star teams at the end of the weekend.

It is fair to say that curling is one of Canada's most popular winter pastimes, both to play and to watch. Along with Canadians from across the country, I look forward to watching the Brett Gallant rink as they compete against the world. It is a tremendous honour and privilege to wear the maple leaf and to represent our country, and I know that this team will make us all proud.

I invite all honourable senators to join me in wishing Brett and his team, Team Canada, good luck in the World Junior Championship.

## JUNIOR ACHIEVEMENT MONTH

**Hon. Donald H. Oliver:** Honourable senators, February is Junior Achievement Month, a time to celebrate the good works of Junior Achievement, an international organization that has operated in Canada since 1955. Former British Prime Minister, Benjamin Disraeli, said: "Almost anything great has been done by youth." He described youth as "the trustees of prosperity." It would seem that Disraeli had a true appreciation of the value of youth and the contributions that young people can make to our society.

For more than 50 years, Junior Achievement has reached out to young Canadians to help them become members of high standing in our domestic and global communities by teaching them about business and economics. Since 1955, some three million Canadian youth have taken part in its business and entrepreneurial education programs. Each year, 15,000 business volunteers in 400 communities reach out to 250,000 students. We all benefit as business-savvy youth with tested leadership skills embark on their future.

I thank Junior Achievement and its volunteers for all the work that has been done for our youth. I have worked as a director of Junior Achievement in Halifax, Nova Scotia for years.

I also want to take a moment to highlight a few initiatives our Conservative government is taking to help Canada's youth. At a time when many communities are feeling the effects of the global recession, we are creating opportunities for young Canadians by providing \$55 million through Canada Summer Jobs 2009 to help companies hire students this summer; dedicated \$10 million for 2009-10 to the Canadian Youth Business Foundation; strengthened registered education savings plans and provided \$350 million for a new Canada student grants program.

Honourable senators, Benjamin Disraeli had it right. Great things are being done by young people. Ensuring that they are properly prepared for the challenges ahead is the right thing to do.

## ONE HUNDREDTH ANNIVERSARY OF AVIATION IN CANADA

**Hon. Joseph A. Day:** Honourable senators, two important anniversaries occurred recently relating to aviation in Canada. One hundred years ago yesterday, on February 23, 1909, the *Silver Dart* took to the skies over Nova Scotia and launched aviation in Canada. However, the history of Canadian aviation has not always proceeded entirely progressively. Certainly, the flight of the *Silver Dart* at Baddeck, Nova Scotia, was an incredible achievement.

• (1410)

Four years after the Wright brothers achieved the first power-sustained controlled airplane flight, Alexander Graham Bell, J.A.D. McCurdy — whom Senator MacDonald spoke about two weeks ago — Frederick Baldwin, Lieutenant Thomas Selfridge and Glenn Curtis, with financial backing from Bell's wife Mabel, founded the Aerial Experiment Association. The AEA began conducting experimental flights with Bell's first idea — a large tetrahedral kite called the *Cygnets*. Subsequently, Bell devised plans for airplanes, or aerodromes as he called them. The *Silver Dart* was their fourth flying machine, after some success with the *Red Wing*, the *White Wing* and the *June Bug*.

On February 23, 1909, the *Silver Dart*, piloted by Douglas McCurdy, helped by volunteers on skates, many of whom were students given the day off for this momentous occasion, was pushed onto the ice at Baddeck Bay, a sub-basin of Bras d'Or Lake. After gliding along the ice, the *Silver Dart* lifted off, rose nine metres and flew for one and a half kilometres at 65 kilometres per hour. The flight represented unprecedented success in Canadian aviation as the result of hard work, determination and innovation.

As I mentioned, Canada's history of aviation is not totally progressive because 50 years after the flight of the *Silver Dart*, we hit a setback. On February 20, 2009, we observed the fiftieth anniversary of the cancellation of the Avro Arrow program, 50 years after the first flight in Canada. The Avro Arrow was designed and built as a delta-winged interceptor aircraft for use by the Royal Canadian Air Force. It was built in Malton, Ontario. The Avro Arrow would have been able to reach altitudes of 15,000 metres and fly at speeds up to Mach 2 — twice the speed of sound — had it not been shut down less than one year after its flight test program began. Immediately upon its cancellation, 40,000 people lost their jobs. Jim Chamberlin, the former chief aerodynamicist, and a team of 25 engineers left Canada to work on NASA's Space Task Group and contributed to the Gemini and Apollo moon programs.

Honourable senators, despite that setback, last night the Canadian Aviation Museum launched a year-long exhibit entitled, "Canadian Wings: A Remarkable Century of Flight." In Nova Scotia last Saturday, a *Silver Dart* replica flew over Baddeck Bay during its four-day celebration of the birth of flight in Canada.

I invite all honourable senators to recognize and celebrate Canada's achievements in aviation throughout this year's one hundredth anniversary celebrations.

## CANADIAN NAVY

**Hon. Hugh Segal:** Honourable senators, later this week members from all sides of both chambers will pay tribute on Navy Day to the men and women who serve on and under the seas in the defence of Canada, her values, interests and obligations off our coasts and around the world.

In a world where open sea lanes are vital to trade and prosperity, our navy is on the job. In times of global instability and terrorism, our navy is on the job. From the coast of Africa to the Gulf of Arabia and from the Caribbean to the Indian Ocean and the shores of Asia, its high-tech presence uses technology to keep Canada's coasts safe, our fishery protected, sovereignty articulated and established.

Last year, the HMCS *Iroquois*, *Calgary* and *Protecteur* conducted the navy's most significant deployment in support of the global campaign against terrorism since Operation APOLLO. This deployment saw Canadian Commander Bob Davidson take command of the international Combined Task Force 150, during which he directed a maritime coalition of some one dozen nations over a vast area spanning the northwest Indian Ocean.

• (1415)

HMCS *Ville de Québec*, meanwhile, was assigned to operate in the Mediterranean with Standing NATO Maritime Group One. Her deployment was changed in response to a direct request to our Prime Minister from the United Nations World Food Programme, and *Ville de Québec* was redirected toward Somalia to provide armed escort to ships chartered by the World Food Programme to deliver aid to Mogadishu.

HMCS *St. John's* conducted counter-drug surveillance operations with the Joint Interagency Task Force South, an American “whole of government” organization dedicated to the interdiction of drugs throughout the Caribbean Basin and Eastern Pacific. The ship’s involvement in these counter-drug operations was cut short in the wake of four devastating hurricanes that struck Haiti in August and early September. Responding again to a request from the United Nations World Food Programme, HMCS *St. John's* was dispatched to lead Canada’s relief effort.

This year, HMCS *Winnipeg* deployed two weeks ago to rendezvous in the Arabian Sea with Standing NATO Maritime Group One, where she will join this high-readiness force for NATO’s historic first deployment to the Asia-Pacific.

In doing these tasks, men and women engage with allies and friends, and those not so charmingly disposed, to assert Canadian presence and our legitimate geopolitical interests. As competently as these men and women project the force that can act in Her Majesty’s name when called upon, so too do they produce diplomatic benefits as they cooperate, extend port visits and do joint training and exercises with friends and others as appropriate.

Honourable senators, this is a week to reflect on those who serve so selflessly in harm’s way and who make this a better world for what they do. In all of that, the Canadian Navy ensures that Canada’s interests and coasts are protected, our values projected and our enemies and risks detected in defence of us all.

## BATHURST HIGH SCHOOL BOYS BASKETBALL TEAM

**Hon. Jim Munson:** Honourable senators, a little over a year ago, I stood in this chamber to talk about the tragic highway accident that took the lives of seven high school basketball players and the wife of the coach in the community of Bathurst, New Brunswick, an area of the country which I call home. That was a tragedy of unspeakable proportions.

Today I want to talk about a triumph. It happened this past weekend in Fredericton, when this team, the Bathurst Phantoms, after suffering such a terrible loss, went on to victory and captured the provincial championship.

These boys, who have lived through such pain and loss, came together and played like the champions they are. Teenage boys being teenage boys, they may not have talked a lot to each other about the friends and teammates they lost just one year ago, but with each clever pass, layup, dunk, jump shot and three pointer, they showed themselves, their community and, indeed, the country exactly what having heart is all about.

They showed us all that we can find healing in teamwork and in playing hard. The most valuable player of the game said it best afterwards, as he spoke wearing a championship medal and the net from a basketball hoop around his neck: “It shows that there’s still hope.”

[Translation]

Their remarkable triumph says a lot about the boys, their coach, their parents, and the community of Bathurst. As many of you know, I represent the senatorial division of Ottawa-Rideau Canal, but northern New Brunswick will always be home to me. I have very deep roots there.

[English]

I am not surprised by this victory. A community where there is love and faith can conquer tragedy and misfortune. If there is any doubt, just look at the Bathurst Phantoms and find your inspiration.

Those honourable senators who have had the good fortune to visit the North Shore of New Brunswick will know that there is no shore like the North Shore — and that is for sure. The Bathurst High School boys basketball team brings those words to life.

Go Phantoms!

[Translation]

## ROUTINE PROCEEDINGS

### PUBLIC SAFETY

#### OFFICE OF THE CORRECTIONAL INVESTIGATOR—2007-08 ANNUAL REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2007-08 annual report of the Office of the Correctional Investigator, pursuant to section 192 of the Corrections and Conditional Release Act.

#### RCMP’S USE OF THE LAW ENFORCEMENT JUSTIFICATION PROVISIONS— 2007 ANNUAL REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the annual report on RCMP’s use of the law enforcement justification provisions for the 2007 calendar year.

### CANADIAN WHEAT BOARD

#### 2007-08 FINANCIAL STATEMENTS—REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2007-08 financial statements of the Canadian Wheat Board, pursuant to the Canadian Wheat Board Act, R.S. 1985, c. C-24, sbs. 9(2).

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### GWICH'IN COMPREHENSIVE LAND CLAIM AGREEMENT IMPLEMENTATION COMMITTEE— 2004-05 ANNUAL REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2004-05 annual report of the Gwich'in Comprehensive Land Claim Agreement Implementation Committee.

### NUNATSIAVUT FINAL AGREEMENT IMPLEMENTATION COORDINATING COMMITTEE—2005-07 ANNUAL REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2005-07 annual report of the Nunatsiavut Final Agreement Implementation Coordinating Committee.

• (1420)

[English]

## ABORIGINAL PEOPLES

### REPORT PURSUANT TO RULE 104(2) TABLED

**Hon. Gerry St. Germain:** Honourable senators, pursuant to rule 104(2) of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Aboriginal Peoples, which deals with the expenses incurred by the committee during the Second Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 117.)

## RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

### REPORT PURSUANT TO RULE 104(2) TABLED

**Hon. Donald H. Oliver:** Honourable senators, pursuant to rule 104(2) of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament, which deals with the expenses incurred by the committee during the Second Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 118.)

[Translation]

## OFFICIAL LANGUAGES

### REPORT PURSUANT TO RULE 104(2) TABLED

**Hon. Maria Chaput:** Honourable senators, pursuant to rule 104(2) of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on

Official Languages, which outlines the expenses incurred by the committee during the Second Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 119)

[English]

## HUMAN RIGHTS

### REPORT PURSUANT TO RULE 104(2) TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, pursuant to rule 104(2) of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Human Rights, which deals with the expenses incurred by the committee during the Second Session of the Thirty-ninth Parliament.

(For text of report, see today's Journals of the Senate, p. 120.)

[Translation]

## CANADA-JAPAN INTER-PARLIAMENTARY GROUP

### ANNUAL BILATERAL MEETING WITH JAPAN-CANADA DIET FRIENDSHIP LEAGUE, JULY 16-23, 2008— REPORT TABLED

**Hon. Fernand Robichaud:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canada-Japan Inter-Parliamentary Group following the Sixteenth Annual Bilateral Meeting with the Japan-Canada Diet Friendship League, held in Tokyo and Hokkaido, Japan, from February 16 to 23, 2008.

## CANADA-CHINA LEGISLATIVE ASSOCIATION

### ANNUAL CO-CHAIRS VISIT, MARCH 17-21, 2008—REPORT TABLED

**Hon. Joseph A. Day:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association respecting its participation in the Annual Co-Chairs Visit to Beijing, the Guangxi Zhuang Autonomous Region (Nanning, Guilin), and Hong Kong, China, from March 17 to 21, 2008.

### GENERAL ASSEMBLY OF ASEAN INTER-PARLIAMENTARY ASSEMBLY, AUGUST 18-22, 2008—REPORT TABLED

**Hon. Joseph A. Day:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canada-China Legislative Association respecting its participation in the 29th General Assembly of the ASEAN Inter-Parliamentary Assembly, held in Singapore, from August 18 to 22, 2008.

[English]

PARLIAMENTARIANS WORKSHOP  
OF ASIA PACIFIC PARLIAMENTARIANS CONFERENCE  
ON ENVIRONMENT AND DEVELOPMENT,  
NOVEMBER 1-2, 2008—REPORT TABLED

**Hon. Joseph A. Day:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association, respecting its participation in the Second Parliamentarians Workshop of the Asia Pacific Parliamentarians Conference on Environment and Development, held in Seoul, Korea, from November 1 to 2, 2008.

• (1425)

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

ANNUAL VISIT BY CO-CHAIR,  
APRIL 21-25, 2008—REPORT TABLED

**Hon. David Tkachuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Japan Inter-Parliamentary Group concerning the annual visit by the co-chair held in Tokyo, Japan, from April 21 to 25, 2008.

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY APPLICATION OF OFFICIAL LANGUAGES  
ACT AND REFER PAPERS AND EVIDENCE SINCE THE  
FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

**Hon. Maria Chaput:** Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Official Languages be authorized to study and to report from time to time on the application of the Official Languages Act and of the regulations and directives made under it, within those institutions subject to the Act;

That the committee be authorized to study the reports and papers produced by the Minister of Official Languages, the President of the Treasury Board, the Minister of Canadian Heritage and the Commissioner of Official Languages as well as any other material concerning official languages;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-ninth Parliament be referred to the committee;

That the committee report from time to time to the Senate but no later than June 30, 2010, and that the Committee retain all powers necessary to publicize its findings until December 31, 2010.

[English]

THE SENATE

NOTICE OF MOTION TO REQUEST GOVERNMENT  
RESPONSE TO REPORT OF ABORIGINAL PEOPLES  
COMMITTEE ENTITLED: *HONOURING THE SPIRIT  
OF MODERN TREATIES: CLOSING THE LOOPHOLES*  
ADOPTED DURING SECOND SESSION  
OF THIRTY-NINTH PARLIAMENT

**Hon. Gerry St. Germain:** 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 Aboriginal Peoples, entitled *Honouring the Spirit of Modern Treaties: Closing the Loopholes*, tabled in the Senate on May 15, 2008 and adopted by the Senate on May 27, 2008, with the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians, and the Minister of Intergovernmental Affairs and President of the Queen's Privy Council for Canada being identified as Ministers responsible for responding.

[Translation]

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
STUDY FEDERAL GOVERNMENT'S RESPONSIBILITIES  
TO FIRST NATIONS, INUIT AND METIS PEOPLES

**Hon. Gerry St. Germain:** Honourable senators, I give notice that, two days hence, I will move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples and on other matters generally relating to the Aboriginal Peoples of Canada.

That the Committee submit its final report to the Senate no later than March 31, 2010.

[English]

QUESTION PERIOD

FINANCE

BUDGET 2009

**Hon. Lorna Milne:** Honourable senators, I recently questioned the Leader of the Government in the Senate about the Conservative government's inability to get infrastructure money out the door in a time of economic crisis.



In Budget 2007, the Harper government allocated \$4.335 billion to infrastructure for the 2007-08 year. However, Infrastructure Canada's departmental performance report for 2007-08 notes that only \$1.9 billion in infrastructure funding actually made it out the door that year and only did so via previously committed funding through Liberal-created programs.

Why is this Conservative government, after three years in power, having such a difficult time getting communities the funding they need to improve Canada's crumbling infrastructure?

You have shown us the money, but where are the jobs?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, before the break, I undertook to get a detailed answer for my honourable friend relating to any infrastructure money that flowed to the provinces and municipalities. We are currently dealing with extraordinarily difficult circumstances, and the government is making every effort to speed up delivery of money to provinces and municipalities.

• (1430)

As the honourable senator knows, we are trying to eliminate a lot of the red tape, and the money is there. Projects are waiting for the budget to pass, so let us all work together to pass Bill C-10, the proposed budget implementation act. The bill will allow the government to work expeditiously with the provinces and the municipalities to get these projects underway that are now ready to proceed and need only the passage of the budget to do so.

**Senator Milne:** I thank the Leader of the Government in the Senate for that response, but I suspect it is cold comfort to the 213,000 Canadians who have lost their jobs since October.

Since the answer is still not forthcoming, the honourable senator might listen to this list of effective Liberal-created programs that were actually delivered to Canada's cities and communities in 2007-08: Gas Tax Fund, \$778 million; Canada Strategic Infrastructure Fund, \$922 million; Municipal Rural Infrastructure Fund, \$143 million; and the Border Infrastructure Fund, \$70 million. I congratulate the Conservative Government for carrying out those programs.

However, here is a list of how well the Conservative programs performed in 2007-08, according to the same report: Planned spending for the Building Canada Fund, \$572 million; actual expenditure, zero.

**Some Hon. Senators:** Shame.

**Senator Milne:** Planned spending for the Gateways and Border Crossings Fund, \$137 million; actual expenditure, zero.

**Some Hon. Senators:** Shame.

**Senator Mercer:** Now that is imbalance.

**Senator Milne:** Planned spending for the fund for P3 projects, \$82 million; actual expenditure, zero.

**Some Hon. Senators:** Shame.

**Senator Mercer:** At least it is consistent.

**Senator Milne:** Planned spending for the Equal per Jurisdiction program, \$325 million; actual expenditure, zero.

**Some Hon. Senators:** Shame.

**Senator Milne:** If it were not for the programs put in place before the January 2006 election, communities would have had access to almost no infrastructure money over the past three years. If this government cannot come up with effective programs when times are good, how on earth can we expect them to come up with a program that will work when times are bad?

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

**Senator LeBreton:** I am not certain of the source of the honourable senator's information.

A considerable amount of money has been sent to the various communities and spent on various programs by the government, a list of which I undertook to provide to the honourable senator.

However, we face an unprecedented economic crisis in the world that is seriously affecting Canada. This impact was demonstrated in the job figures for December and January. The budget lays out a clear path for distributing this money quickly. Part of the budget was to eliminate many of the hurdles and much of the red tape. As my colleague Senator Segal said that is why they call it red tape and not blue tape; we are trying to eliminate the procedures that waste a lot of time.

**Senator Milne:** We were able to spend the money.

**Senator LeBreton:** It is clearly laid out in the budget. I suggest to the honourable senator that she and her colleagues pass Bill C-10 as quickly as possible, as they did in the other place, and then watch carefully, as we have committed to do, to provide —

**Senator Mercer:** Some track record!

**Senator LeBreton:** — a periodic update. That commitment was made in the budget. It was also requested by the official opposition in the other place. We intend to live up to that budget commitment and honour the request of the opposition. In order for all of this to happen, we should get to it and pass Bill C-10 as quickly as possible.

• (1435)

**Senator Carstairs:** We do not even have it yet.

**Senator LeBreton:** Bill C-10 passed through the house committee today, so we should have it quickly. Hopefully the Minister of Finance will appear before the National Finance Committee and we will work as expeditiously as they have in the other place to pass this measure so that we can get this money to the municipalities and provinces as quickly as possible to get people working again.

Having said that, other measures in the budget are proving to be very successful. The ecoENERGY Retrofit Program and the Home Renovation Tax Credit program require passage of the

budget so that people can take advantage of those measures. Already there is hard, anecdotal evidence that many people are contacting small businesses across the country to take advantage of these budget provisions when they come into effect.

**Senator Milne:** I would point out to the Leader of the Government that red tape appeared to work; blue tape appears to cut off the flow.

I am concerned about my province of Ontario. The percentage increase in December of people receiving EI in London was 75.5 per cent over the previous year. In Windsor, the figure grew by 61.3 per cent. Kitchener saw a jump of almost 51 per cent. This issue is of grave concern to the citizens of Ontario, and I sincerely hope that this government will remove the blue tape — not the red tape — and get the money flowing.

**Senator LeBreton:** Honourable senators, everyone is extremely concerned about those who have lost their jobs or fear losing their jobs. The problem is obvious when one looks at the situation in the United States and the lack of market for our products.

Having said that, we are taking many measures. After budget consultations, we responded to the request that five weeks be added to the Employment Insurance time benefit and that a significant job retraining program be included. As a matter of fact, people are contacting Employment Insurance offices to enquire about this program, but until the budget passes, this job retraining program and the five-week extension will not apply, which is why it is so important not to waste time. Of course, we study the budget bill carefully, but we can all work hard and get this done in the interests of our fellow Canadians, most particularly those who have lost their jobs.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, the leader is urging us to move quickly to pass the budget bill, saying that none of the money can flow until it does, which I understand. I have not had the benefit of reading this bill, but I understand it is a fairly thick document.

• (1440)

Will the leader assure us that other matters are not buried in this bill that have nothing to do with the budget implementation and are not required to ensure that the monies flow to the projects that we all agree they should flow to? If there are such measures, will the leader assure us that we will have an opportunity to set those aside and move quickly on the items that we all agree should happen?

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

**Senator LeBreton:** It is not for me to assure the honourable senator; it is for the leadership of his own party. Obviously, the budget bill is before the House of Commons. It has now passed through committee, and therefore it is incumbent upon everyone to understand what is in the budget implementation bill. It is well understood by the people who have studied it in the other place.

Once the bill is passed in the House of Commons and is sent to the Senate, Canadians — whether they be individual Canadians, unemployed Canadians, or Canadians who are small business owners — will want to take advantage of the measures. Home owners will want to take advantage of the home renovation

program and will not want to see a budget implementation bill held up, especially when we have to meet what we indicated in the budget as a reporting timeline. It would be odd for us to meet a deadline in the budget if the budget has not passed. For that reason, it is important that we all work together to pass the bill as quickly as possible.

**Senator Cowan:** With respect, perhaps I will try that question another way.

This government has followed the practice of lumping together within a budget implementation bill many things that have absolutely nothing to do with the budget. By way of example, in the last session, amendments were made to the Immigration Act, as I recall. The amendments had nothing to do with the budget but we were told these amendments had to be made and, as is usual in these cases, there were a variety of unintended consequences — consequences that were not intended by the government and clearly not intended by the parliamentarians who looked at the measures.

My question is simple. We all agree there are monies that need to flow quickly for the kinds of projects my honourable colleague Senator Milne has spoken about. We will be as anxious as the leader is to approve that part of the budget implementation bill so money can flow out the door. I ask for the leader's assurance on other matters that may or may not be there. If there are other matters that have nothing to do with those agreed objectives, will the leader agree now that, in this house — never mind what they do in the other place — we will have the ability to set those items aside because they are not time sensitive? Will she agree that we will have the time to give those items the kind of careful consideration we need to give them without in any way impeding the progress of the main objectives of the budget implementation bill?

**Senator LeBreton:** I believe that the expectation for the budget implementation bill is that the bill will meet the expectations of parliamentarians. I do not believe it is in the interest of anyone to parse parts of any bill, especially one as important as this bill. If there were parts of the bill that — and I will not deal with hypothetical situations — one group or another felt they could not support, those parts would have been brought to the attention of the government and they would be in the public venue already.

I have every confidence that the budget implementation bill is a solid bill, and it deserves our immediate attention. I do not anticipate a situation where we cut the bill up and spend a lot of time returning parts of the bill. That is not the intent of the bill. The budget implementation bill is what it says it is; it is a budget implementation bill. It is our expectation that it will be passed as quickly as possible so these funds can flow to individual Canadians, unemployed Canadians, and Canadian small businesses so they can assist in the auto industry and other areas, for example, the forestry and mining industry with the portions that deal with single industry towns.

There are many items in the budget, of course, as honourable senators will remember. It is a thick document. I hope that most people by now have a good understanding of what the government is trying to do, and I am happy to say that the budget is receiving

widespread support, not only from the official opposition in the other place but also from business people, community leaders and even some labour organizations across the country.

• (1445)

**Senator Cowan:** Is the minister suggesting that honourable senators do anything less than give careful consideration to the bill when it comes before us next week?

**Senator LeBreton:** I am not suggesting that at all, Senator Cowan.

The honourable senator asked me to make commitments to some hypothetical part of the budget. The bill is a budget implementation bill and I will not commit to any hypothetical changes to it.

## NATIONAL FINANCE COMMITTEE

### FUTURE BUSINESS

**Hon. Lowell Murray:** Honourable senators, my question is for the Chair of the Standing Senate Committee on National Finance, which I assume will have Bill C-10 before them in due course.

Will the chair undertake to do all he can to ensure that people who are concerned about amendments to the Competition Act, the Investment Canada Act, the Navigable Waters Protection Act and other statutes that have nothing to do with immediate economic recovery have full opportunity to be heard by that committee? Further, will the chair undertake that those seriously concerned about certain amendments to the Federal-Provincial Fiscal Arrangements Act and changes being made to the Canada Health Transfer will have full opportunity to be heard by his committee?

**Hon. Joseph A. Day:** Honourable senators, Bill C-10 is not before us at this time; we have not received it in this chamber; it has not been referred to our committee. All I can speak to is what I have learned thus far.

Bill C-10, the budget implementation bill, is over 500 pages long. It amends 42 existing statutes. There are major changes to the Competition Act in this bill that have absolutely nothing to do with the budget and have nothing to do with the stimulus package. Many other aspects of this bill have nothing to do with the stimulus package.

Maybe the House of Commons will see the light and remove those items from the bill and send it to us so we can deal expeditiously with what we want to address, which is getting funds in the stimulus package out to the people of Canada.

**Senator Mercer:** We will do it for them!

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

## FINANCE

### BUDGET 2008—GOVERNMENT EXPENDITURES

**Hon. Jane Cordy:** Honourable senators, my question is for the Leader of the Government in the Senate.

We are all very concerned about people who are losing their jobs. I would think that even the Leader of the Government in the Senate would agree that we have passed from what she termed a technical recession in late November and December into what is now a full-fledged recession.

Perhaps the minister can tell us what percentage of the infrastructure money in Budget 2008 has been distributed to communities across the country.

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I committed to do that the week before last in answer to a question from Senator Milne.

I think, honourable senators —

**Senator Mercer:** And the answer is?

**Senator LeBreton:** The situation in the worldwide economic crisis is such that one could go back to last summer when economists were predicting that the problem would be inflation. No one of any political stripe could have foreseen the almost daily changes taking place in the economy. When President Obama was here last week, he made it clear that the United States is facing a very serious economic situation.

**Senator Mercer:** So how much?

**Senator LeBreton:** This situation has had a severe impact on Canada. We took many measures that helped forestall some of the impact of the downturn in the U.S. economy.

**Senator Mercer:** Too embarrassed to say a number. Shame!

• (1450)

**Senator LeBreton:** Our country did not enter a recession until very late last year. The government is bringing in this budget —

**Senator Cordy:** What about the last budget?

**Senator LeBreton:** — to introduce expenditures to help deal with this serious situation that started, as honourable senators know, in the United States with the subprime issue. It then morphed into a much bigger problem.

With regard to the various measures that we introduced in 2006, 2007 and 2008, I will be happy to provide the honourable senator with a long list of expenditures that the government has made in many areas that were of direct benefit to Canadians.

## ACCESS TO CREDIT

**Hon. Gerry St. Germain:** Honourable senators, my question is for the Leader of the Government in the Senate. To reinforce what she has said about the collapsing economy, I was advised yesterday that a house in San Francisco that sold for \$600,000 was up for sale in a foreclosure for less than \$300,000. That is just one example.

There is absolutely nothing happening in the forestry sector. That sector in British Columbia and other parts of Canada has been feeling the effects of this economic recession for a

considerable period of time. In my province, small- and medium-sized forestry companies find themselves in financial straits. These companies are based in small, one-industry towns where employees will be left in the streets should these businesses be forced to close.

Some of these companies hold liens with the Business Development Bank of Canada and can no longer keep up the regularly-scheduled payments. BDC's response has been to call their loans without further negotiation. That is the information I have been given.

**Senator Baker:** Shame.

**Senator St. Germain:** I have asked this question on behalf of a small community in the interior of British Columbia. This heavy-handed response by BDC in tough economic times leaves companies with little choice and employees without work.

Would the Leader of the Government in the Senate be prepared to approach the government about relaxing policies in certain areas as far as the BDC is concerned so that the forestry sector and other similar industries can weather this economic storm and keep their workers employed?

This is no reflection on any government. I say that because the Obama government is doing everything it can to revitalize the U.S. economy, but it is not working as of yet.

We have asked the chartered banks to be more considerate. Would the minister approach her cabinet colleagues or the cabinet colleague responsible for this particular lending facility to re-evaluate the situation?

**Senator Fox:** Or do their job.

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, with regard to the Business Development Bank of Canada, Budget 2009 — the implementation bill will be coming to the Senate very soon — proposes to enhance resources and the scope of action available to the Export Development Corporation and the BDC so they can extend additional financing to Canadian businesses.

With respect to credit or access to credit, the top concern of businesses across the country is dealing with the chartered banks. We have discussed this matter. They have not had a great deal of success. That was one of the reasons the government is enhancing the financial institutions that are directly answerable to the government; institutions such as the Business Development Bank of Canada and the Export Development Corporation.

Government intervention under the Extraordinary Financing Framework will aim to provide financing on a commercial basis, protect the taxpayer by controlling risk, encourage partnership with the private sector and create a catalytic effect on the provision of financing.

With regard to the specific case Senator St. Germain has raised, we are hearing similar stories and worries; namely, once the budget is implemented and the Business Development Bank has better lending capacity, will it have the capacity to deal with the increased workload?

The Minister of Finance is aware of all of these matters. Through the Business Development Bank, Export Development Canada and Farm Credit Canada we are endeavouring to allow greater access to credit.

• (1455)

If the honourable senator has concerns about a specific town or industry facing such difficulties, I would be happy to forward by letter the information that he has provided to me since we cannot make it public if it is in relation to an individual company. I am quite certain that the Minister of Finance would look into the matter and respond to the honourable senator directly.

#### PAY EQUITY

**Hon. Joan Fraser:** Honourable senators, speaking of things that are tucked away in the budget, Professor Tom Flanagan, a long-time intimate and influential collaborator of the Prime Minister, commented in *The Globe and Mail* this morning on equal pay for work of equal value — the pay equity question. He said:

Equal value was one of those really bad ideas of the 1970s, like big hair, polyester leisure suits, wage and price controls, Petro-Canada.

He also writes, approvingly:

Finance Minister Jim Flaherty estimates that \$4-billion has been wasted in this way.

Does this government really believe that pay equity is a waste of money?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** The next time I read a comment by someone perceived to have access to the Liberal Party, I will rise and ask the honourable senator if that is representative of her party's policy. I am here to answer for the government, not for any professor of whatever political stripe who happens to write in a newspaper.

**Senator Fraser:** The question was referring to a statement made by Mr. Flaherty.

I understand that the position of the Government of Canada is that pay equity is best handled by collective bargaining. However, the whole reason we needed special pay equity provisions and rules was that collective bargaining never did provide pay equity. What has changed?

**Senator LeBreton:** I do not believe that I heard the honourable senator say "Mr. Flaherty."

**Senator Fraser:** I did say it.

**Senator LeBreton:** I heard the honourable senator say "Mr. Flanagan."

In any event, it is clear that the actions of a Liberal government in Quebec, an NDP government in Manitoba and a Liberal government in Ontario are proper by dealing with the whole issue of pay equity at the same time as collective bargaining; and that is

what we are doing. It is the proper approach. Women who work under these unions should not have to wait 10 or 15 years for their cases to be resolved in the courts. These issues should be dealt with immediately during collective bargaining.

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table four delayed answers to oral questions raised in the Senate. The first response is to a question raised by Senator Downe on February 4, 2009, concerning industry, the National Do Not Call List; the second is in response to a question raised by Senator Mercer on February 4, 2009, also concerning industry, the National Do Not Call List; the third is in response to a question by Senator Banks on February 5, 2009, concerning the operations of icebreakers in the Arctic and the status of the new polar icebreakers; and the fourth is in response to a question by Senator Chapat on February 10, 2009, concerning the Treasury Board Secretariat, Part VII of the Official Languages Act.

### INDUSTRY

#### NATIONAL DO NOT CALL LIST

*(Response to question raised by Hon. Percy E. Downe on February 4, 2009)*

The Do Not Call List was put in place to help Canadians reduce the number of unsolicited calls they receive from telemarketers. To date, over 6.1 million Canadians have registered their phone numbers on the list to prevent this type of phone call. The Government is aware that some persons may be accessing the list for non-commercial or illegal purposes.

The Do Not Call List is administered by the Canadian Radio-television and Telecommunications Commission (CRTC). The CRTC has informed the Government that it is taking these complaints of abuse of the Do Not Call list very seriously and that it intends to aggressively pursue anyone found abusing the list. Significant penalties of up to \$15 000 per illegal call to a number on the list can be levied against guilty parties.

*(Response to question raised by Hon. Terry M. Mercer on February 4, 2009)*

Bill C-37, tabled in December 2004, proposed amendments to the *Telecommunications Act*, which came into force on May 3, 2006. These amendments granted the Canadian Radio-television and Telecommunications Commission (CRTC) the power and authority to administer databases and/or operational systems for a National 'Do Not Call List' (DNCL). During the committee stage, various groups successfully argued that they should be exempted from the requirement to be part of the National DNCL. Consequently, Section 41.7 (1) of the Act provides exemptions for a number of groups including registered charities, newspapers, political parties and companies with existing business relationships established

in the previous 18 months. While these entities are exempt from the requirement to participate in the National DNCL, the legislation requires that they maintain and respect their own DNCL, and they are subject to penalties for failure to do so.

Bill C-37 also amended Section 41 of the *Telecommunications Act* to strengthen the administration of all aspects of the CRTC's Unsolicited Telecommunications Rules framework. The Unsolicited Telecommunications Rules apply to all persons who make calls or send faxes to sell or promote a product or service, or to request donations, including calls made by entities, such as registered charities, that are exempted from the requirement to participate in the National DNCL. At some point registered charities, and other telemarketers, may have to pay fees in respect of the cost of investigation of complaints of violations of the Unsolicited Telecommunications Rules, but the payment of these fees has currently been suspended.

### NATIONAL DEFENCE

#### ARCTIC PATROL SHIPS

*(Response to question raised by Hon. Tommy Banks on February 5, 2009)*

Currently, the Canadian Coast Guard deploys two heavy, four medium and one light icebreaker to the Arctic each year, from late June to early November. These icebreakers operate in a harsh climate and some of the most challenging ice conditions in the world.

The icebreakers operate over a wide range. Depending on operational needs, they can be found throughout the Arctic Archipelago, including the waters of the Northwest Passage. Often a Coast Guard icebreaker is the only Government of Canada asset in a vast area.

In October 2007, the government confirmed its commitment to the Arctic and the Government's *Northern Strategy* initiative, which undertakes to affirm Canadian presence and sovereignty in the Arctic. Coast Guard's acquisition of a Polar Icebreaker is a key component of Canada's Arctic Action Plan and is a critical requirement for the successful implementation of Canada's *Northern Strategy* initiative.

Budget 2008 announced accrual funding, in the amount of \$720 million, for the acquisition of a Polar Icebreaker to replace the Coast Guard's largest, most capable icebreaker, the CCGS *LOUIS S. ST-LAURENT*.

The new Polar Icebreaker, CCGS *JOHN G. DÍEFENBAKER*, is scheduled to enter service in 2017. Currently, the project is in its early stages. A Preliminary Project Approval submission to the Treasury Board is now being prepared by the Coast Guard, for authority to expend funds in support of project definition work. This will allow Coast Guard to identify and validate the critical operational requirements for the new icebreaker, conduct initial vessel concept development work, allow for the identification, assessment and evaluation of procurement strategy options and permit the establishment of a firm design, contracting, construction and delivery schedule.

## TREASURY BOARD SECRETARIAT

### OFFICIAL LANGUAGE TRAINING

(Response to question raised by Hon. Maria Chaput on February 10, 2009)

On February 6, the Prime Minister announced the creation of the new Office of the Chief Human Resources Officer (OCHRO) that will be part of the Treasury Board Secretariat. This office will be created on March 2, 2009, and will consolidate the current Canada Public Service Agency and those parts of the Treasury Board Secretariat that deal with compensation and human resources issues.

The OCHRO will continue to assume the responsibilities currently delegated to the Canada Public Service Agency in relation to Parts IV, V and VI of the *Official Languages Act* (the Act), namely the general direction and coordination of the policies and programs relating to services to the public (Part IV), language of work (Part V) and equitable participation of both French and English-speaking Canadians (Part VI) in institutions subject to the Act.

Current policy instruments include provisions on bilingualism when recruiting and access to language training. However, it is departments and agencies that are responsible for recruiting and for offering language training to their employees.

As in the past, the OCHRO will continue to work with its various partners, including the Canada School of Public Service.

The Canada School of Public Service will work collaboratively with the newly created Chief Human Resources Officer as it has worked to date with the Canada Public Service Agency in areas of official languages.

In keeping with Deputy Ministers' accountability for determining learning needs within their organizations, and to ensure an appropriate balance of responsibility between the employer, departments and employees, the role of the Canada School of Public Service in official languages learning is focused on quality assurance, maintenance of official languages proficiency and better integration of bilingualism in the workplace.

The Canada School monitors and reports on suppliers' service accessed through pre-qualified service providers. Support to departments and agencies is also provided by facilitating and offering access to language training, developing learning assessment tools and training trainers.

The development of new and innovative learning tools, methods and services for official languages learning and retention is a priority of the Canada School. New technologies and methodologies are tested through pilot classes.

Key to these efforts are on-line learning and proficiency maintenance tools. Most recently, a new on-line tool, the *Linguistic Maintenance and Acquisition Cycle*, has been developed to support investments already made in official language learning and is now available through *Campusdirect* for use by all public servants.

To support official languages learning in the workplace, the Canada School provides departments with access to on-site teachers who provide customized services and can become change agents within the organizations. This service provides continuous bilingual exposure and helps departments and agencies achieve their bilingualism goals.

[English]

## ORDERS OF THE DAY

### ENERGY EFFICIENCY ACT

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Cochrane, seconded by the Honourable Senator Rivard, for the second reading of Bill S-3, An Act to amend the Energy Efficiency Act.

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

(Motion agreed to and bill read second time.)

#### REFERRED TO COMMITTEE

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

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

• (1500)

### CUSTOMS ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Raine, for the second reading of Bill S-2, An Act to amend the Customs Act.

**Hon. Joseph A. Day:** Honourable senators, Senator Tkachuk has already moved second reading of Bill S-2, which is an Act to amend the Customs Act. I will speak briefly on the bill, providing honourable senators with my perspective.

We are at the early stages of this bill. At second reading, it is my understanding that we look at the bill in principle, as opposed to reviewing it in detail. Senator Tkachuk made that point when he

was asked certain questions following his presentation. Essentially, honourable senators, I will recommend that we accept this bill in principle and send it to committee for study in detail.

The bill consists of 18 clauses, which can be divided into four principal parts. One group of clauses amends the Customs Act, honourable senators, with respect to creating a customs controlled area. It will be important for us to understand how that customs controlled area can be properly administered and communicated to individuals, particularly in airport areas.

Honourable senators will know that the Standing Senate Committee on National Security and Defence dealt with the importance of customs officers being able, in certain areas, to perform their work. As the law currently stands, when a product or individual comes into Canada, they can be assessed only as they proceed out of the protected area; the protected area being the customs controlled area.

In the investigation we conducted, we looked at ports in particular. Imagine a product being unloaded from the ship in the port area. The product is dealt with by a lot of individuals working in the port before it passes through the gate, where the customs officers can interdict and ask what is going on.

This bill is an attempt to deal with some recommendations of the Standing Senate Committee on National Security and Defence, and also the Auditor General, in relation to the customs controlled areas. We support that concept and these improvements.

Senator Stollery pointed out the difficulty at certain border crossings with respect to individuals when the customs controlled area is not clearly and well defined. We will question the customs officers in that regard when they appear before the committee.

The second general area, honourable senators, is the advance passenger information. New provisions require that the information come more quickly. Honourable senators will recall extensive discussion on this particular issue — because this program will be implemented over a number of years — when we dealt with the anti-terrorism legislation and the clauses on the information obtained by Canadian agencies and how the information is shared with others. This bill is all part of that package, but this part of the bill relates to the information that is required.

The number of individuals and organizations required to report the information has been expanded to include all the different people who are involved in product shipment on a transnational basis — not only the owners, but the shippers, forwarders and handlers as well. All those groups will be required to provide the information electronically so it can be dealt with.

Before the product ever arrives in Canada, the customs officers will have the information and can look for something that looks a little bit different. For example, if oranges are coming from Colombia, when oranges do not normally come from Colombia, should that shipment be looked at more closely for the possibility of illicit products being in the shipment rather than, say, auto parts coming from Detroit to Canada, of which there are 50 shipments in a day, which are standard type shipments?

When customs officers see the same driver and the same type of shipment that regularly comes forward, then they and the border security people can concentrate on other items. The risk assessment aspect is what is reflected in these provisions, which both we and the Auditor General have talked about previously.

Other clauses in Bill S-2 help us to comply more fully with valuation of product coming across the border — in this case, coming into Canada — so that we comply with our obligations under the rules of the World Trade Organization. We have no difficulty with those provisions.

Finally, several clauses might be called “housekeeping” clauses. They deal with making sure that the English and French versions reflect the same intent and policy.

A question about a clause at the end was raised by Senator Banks, and I think is important for us to keep an eye on that question. In committee, we will try to obtain an answer for honourable senators in that regard. Clause 17, which amends section 164, states :

Material that is incorporated by reference in a regulation is not a statutory instrument for the purposes of the Statutory Instruments Act.

The question that Senator Banks raised is, “Why is the Statutory Instruments Act excluded in this particular instance, and what other protection is there?” They are talking about regulations made under the act, which may incorporate by reference any material regardless of its source. If a regulation incorporates a document, that document should be open for scrutiny so we know what is incorporated in the regulation. However, if it is excluded, we do not have that opportunity. We want to know what other manner there is for ensuring that there is not some unexpected result of a regulation incorporating other documents but not having those documents open to normal parliamentary scrutiny.

Honourable senators, with those brief comments, I join with Senator Tkachuk in recommending that this bill be sent to committee for study in detail.

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

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

## APPROPRIATION BILL NO. 4, 2008-09

### SECOND READING

**Hon. Irving Gerstein** moved second reading of Bill C-12, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009.

He said: Honourable senators, I am honoured once again to stand before you to speak to this bill, the Appropriation Act No. 4, 2008-09. This bill provides for the release of supply for Supplementary Estimates (B), 2008-09. It frees up the essential funding that government programs require to proceed.

Supplementary Estimates (B), 2008-09 were initially tabled in Parliament on November 24, 2008. Because Parliament was prorogued at the end of last year, they were retabled in the Senate on January 29, 2009.

• (1510)

These Supplementary Estimates (B) represent the second request in 2008-09 for Parliament's approval. The first, Supplementary Estimates (A), were approved in June 2008. The timing is worthy of note. Supplementary Estimates (A) were provided to parliamentarians earlier than in years past, giving them an opportunity to review and comment in detail on the supply process.

Supplementary Estimates (B), 2008-09 seek Parliament's approval to spend a total of \$2.8 billion on items that were not sufficiently developed or known at the time of tabling the 2008-09 Main Estimates or the tabling of Supplementary Estimates (A), 2008-09. They also provide information on decreases to projected statutory spending totalling \$500 million. This leaves a net supplementary estimates requirement of \$2.3 billion.

Through the Supplementary Estimates (B), the government continues to move forward with priorities and policy initiatives announced in Budget 2008 and related cabinet decisions in such areas as defence and infrastructure. The government is acting responsibly and decisively for the benefit of all Canadians.

These estimates are fully consistent with the overall planned spending of \$239.6 billion for 2008-09, as set out in Budget 2008.

Honourable senators, please note that these estimates do not reflect the government's decisions on the realignment of departmental spending, which are a result of the recently conducted reviews. These realignments of departmental spending will be reflected in future estimates documents.

Supplementary Estimates (B), 2008-09 provide budgetary authorization for a number of important areas of government policy and action. They include \$331.1 million to the Department of National Defence for Canada's vital military mission in Afghanistan; \$326.7 million to the Office of Infrastructure Canada for the Provincial-Territorial Infrastructure Base Funding Program to provide long-term, predictable and flexible funding to provinces and territories for infrastructure; and \$234.4 million to the Department of Finance for a payment to the Government of Nova Scotia. This item concerns the Crown Share Adjustment Payments regarding amounts relating to previous years up to March 31, 2008. The Supplementary Estimates (B) authorize \$170.7 million to the Treasury Board Secretariat for compensation for public service salary adjustments; \$156.2 million for the operations of the Canadian Air Transport Security Authority; \$90.4 million to increase pay and allowances for the men and women who serve with such distinction in our Canadian Forces; \$73.4 million for the Royal Canadian Mounted Police for multi-year real property projects — the acquisition or replacement of air, land and marine assets, and information technology projects; and \$68.9 million to the Department of Foreign Affairs and International Trade to conduct activities under the Global Partnership Program Phase III. This program includes destroying chemical weapons, dismantling decommissioned nuclear submarines, improving

nuclear and radiological security, re-employing former weapons scientists in peaceful research, and promoting biological non-proliferation. The Supplementary Estimates (B) authorize \$64.1 million to the Department of Public Works and Government Services to cover for volume and inflationary pressures on non-discretionary charges for the Real Property Program; \$58.4 million to support the implementation and operations of the Indian Residential Schools Truth and Reconciliation Commission Secretariat; \$56.2 million to the Office of Infrastructure for the Border Infrastructure Fund, which aims to reduce border congestion through investments in infrastructure; and finally, \$54.6 million to the Department of National Defence for the implementation phase of the Halifax Class frigate modernization and life extension project.

These supplementary estimates also include a decrease of \$500 million in budgetary statutory spending previously authorized by Parliament. These adjustments to projected statutory spending are provided in the estimates for senators' information only. They include \$1.22 billion due to the revised forecast by the Department of Finance of transfer payments to provincial and territorial governments; \$419 million to the provinces under the Softwood Lumber Products Export Charge Act; and a decrease of \$2.17 billion due to the revised forecast by the Department of Finance of public debt charges brought on by a significant downward revision in forecasted interest rates.

Accordingly, I now introduce this bill, which seeks Parliament's approval to spend \$2.8 billion in voted expenditures. Should honourable senators require additional information on the bill or the items in it, I would be pleased to try to provide it.

Honourable senators, I said earlier that the government is taking decisive and responsible action for all Canadians. This action is essential in the context of the current economic crisis, and I have been pleased to see the support from across the political divide for the 2009-10 budget, which will be presented here soon.

It is a tribute to our parliamentary democracy that when a crisis demands urgent measures, our political parties can leave aside their differences and work together to put into place the action that is required.

I know that senators from the Conservative Party stand ready to do what it takes to get these urgent budgetary measures passed into law as soon as possible. I trust that our colleagues from the other side of the chamber will understand the urgency of the economic crisis and work with us to get these measures through, as their counterparts have done in the other place.

**Hon. Joseph A. Day:** Honourable senators, first I would like to congratulate Senator Gerstein on his first speech as the new deputy chair of the Standing Senate Committee on National Finance.

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

**Senator Day:** I look forward to many other speeches from the honourable senator with respect to various documents.

Honourable senators, Bill C-12 is before you now. This is an appropriation bill, sometimes referred to as a supply bill. Senator Gerstein referred mainly to the Supplementary Estimates (B)



because that is what this supply bill is all about. Bill C-12 is supported by Supplementary Estimates (B), which were initially delivered to all of us who were here in November of last year. Then, because of prorogation, we did not get to deal with Supplementary Estimates (B). They were re-filed and referred by this Senate chamber to our committee, and our committee has been studying these supplementary estimates for the past two weeks.

Typically, under our procedure in the Senate, honourable senators, when we finish our study of the supplementary estimates, a report will be forthcoming from the committee and that report will then be dealt with in this chamber. I am anticipating, based on what transpired earlier today and the discussions that our committee has had, that we should see the report on Thursday morning. I am hopeful that honourable senators will agree that we can deal with the report immediately at that time. Honourable senators will understand the importance of dealing with the report so that we can understand the scope and importance of the bill.

The report, in effect, is our study of the bill. The bill will not be referred. This bill, after this second reading, will not go to a committee. It will sit here and wait for the report to be dealt with. Once we adopt the report, hopefully on Thursday, we can proceed to third reading of this bill and provide appropriation of funds to the government.

• (1520)

Honourable senators, I indicated that Supplementary Estimates (B) was first made available in both houses of Parliament back in November of 2008. That was before the economic update by the Minister of Finance. That was before any of the discussion about the current fiscal state. In fact, honourable senators will recall that Mr. Flaherty's position in November was that everything was fine and that we would have surpluses for the next five years. To try to tie Supplementary Estimates (B) and this appropriation bill, Bill C-12, to the current fiscal state is disingenuous. It is not borne out by the facts. This was all prepared and put before us before the most recent budget.

Honourable senators, we heard cries for urgency earlier today in relation to this particular bill. It is obviously another supply bill. It is important for the government to have the \$2.79 billion in Supplementary Estimates (B) for which the government is seeking approval. I am not denying that. I am saying, however, that we should not tie it to the budget and the budget implementation, Bill C-10, which we have not seen yet.

We do not know what form Bill C-10 will take when it comes from the House of Commons. Many people are anticipating that it will contain clauses about navigable waters and extensive amendments to the Competition Act, which should be dealt with, like the Immigration Act last year, as a separate item so we can study the subject matter properly and thoroughly, as we pride ourselves in doing.

This bill deals with the Supplementary Estimates (B) that were prepared back in the summer and the early fall. That is what we have in Bill C-12. Supplementary Estimates (B) is the second supplementary estimate that has been filed. Back in March of last year, we received Main Estimates, and then we did interim

supply. However, immediately following the start of the fiscal year, April 1 of last year, the government had already filed its budget. It knew that there were shortfalls in the Main Estimates, so Supplementary Estimates (A) was filed, and we dealt with that before adjourning at the end of June. That was unusual. Typically, we just have interim supply, and then Supplementary Estimates (A) would come to us in the fall. In the normal course, this Supplementary Estimates (B) would have been Supplementary Estimates (A), but because (A) was dealt with in May and June of last year, this is Supplementary Estimates (B).

Supplementary Estimates (C) has already been brought out and referred by this chamber to the Standing Senate Committee on National Finance, and we are beginning our study on that tomorrow. Supplementary Estimates (C) will close out the government's need for supply until the end of the fiscal year, which is the end of March. We will deal with Supplementary Estimates (C), I would anticipate, over the next three or four meetings of the National Finance Committee and then report back here next week, and a supply bill will follow in relation to that bill.

Those, honourable senators, are the important highlights that I wanted to note with respect to Bill C-12. Once it passes second reading, it will wait for the report from our National Finance Committee in relation to Supplementary Estimates (B).

**Hon. George Baker:** Honourable senators, I have a few words to say concerning this Royal Recommendation and the prospect of a great many other bills, very shortly, with a Royal Recommendation and concerning what the Speaker will do with the suggested amendments that will come forward.

I have a serious problem with the actions of the federal government as they relate to a particular province. The financial measures announced under the stimulus package meant that some \$1.7 billion would be lost to the province of Newfoundland and Labrador. I suppose one can say that the word "stimulus" means to give energy to, to move something, and it could be to either give it energy up or give it energy down. I suppose the minister is correct in saying it is a stimulus package in which \$1.7 billion over the next three years is being taken away from the province of Newfoundland and Labrador. I have a problem with that. I do not know what can be done about it, given our rules and procedures, but I might suggest a solution.

Some honourable senators have served in provincial legislatures. I was the chief law clerk of a provincial legislature, albeit it was the Smallwood administration in Newfoundland, which was not ordinary, in any sense. However, those of us who have served in a provincial legislature would know that the vast majority of a provincial budget is fixed. It is not discretionary. Expenditures on health and education eat up some 80 per cent of a typical provincial budget, and then there is the public service and keeping the potholes filled — the normal operations of government. A very small amount is discretionary spending.

A typical budget in Atlantic Canada is \$5 billion today. When a budget is announced that takes away such a huge sum of money, \$1.7 billion over three years, without warning, one then must ask, "Where has fairness gone in the system?" The reason does not matter. Some people say it was because of the premier or that the Prime Minister does not like the premier. I cannot find grounds

beyond a reasonable doubt to say that. I do not think that is the case beyond a reasonable doubt. However, I suppose if one were dealing with circumstantial facts on a balance of probabilities, one could say that — civilly, but not criminally. There is quite a difference.

A senator is faced with the question of what to do. The senator wonders: Where has the doctrine of legitimate expectations gone? Where has the doctrine of natural justice gone? Where has the principle of procedural fairness gone? They are all now encapsulated, as Senator Oliver told us one day, into section 7 of the Charter, fundamental justice. Where has it gone in these situations? What do we do about it? This is a problem. The premier could take the federal government to court. I hope he does. However, what can we do as a Senate? It is a very difficult problem.

I suppose there are only two options. One option is that we could defeat the bill, but that is not likely because the government and the official opposition want the package passed. The other option is to find some way to correct this unfairness

• (1530)

This morning I asked the Library of Parliament to provide me with examples of bills on which there was a Royal Recommendation where the Senate, in its committee and in the chamber, debated amendments and, in some cases, reached a conclusion on them.

A few moments ago, they sent me the proceedings on a budget implementation bill of June 13, 2003. I glanced at it and discovered that at that time the Senate was faced with a problem of unfairness to school boards in Canada. The school boards were claiming the excise tax back under the GST legislation. They had gone to the Tax Court and then appealed their case to the Federal Court.

We all felt the situation was unfair. The lawyers from the Department of Justice asked the lawyers for the school board to hold back on their court claims and wait for a judgment from the Federal Court of Appeal, saying that they would all abide by it.

It takes time to get through to the Federal Court of Appeal. Everything is done by affidavit and it is a complicated process.

In the meantime, in the government's wisdom, it decided to make a retroactive law to cancel all of those claims. That was perfectly legal. There's nothing wrong with it, but it was unfair on its face.

The committee, chaired by Senator Murray, allowed an amendment to that bill, which had a Royal Recommendation, to be debated in the committee. Good for Senator Murray.

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

**Senator Baker:** The bill then came to the floor of the Senate where the amendment was moved again by Senator Beaudoin, a constitutional expert of great renown in this country who expressed his views on it, and the Senate debated the question. It was not ruled out of order pursuant to paragraph 599 on

page 184 of *Beauchesne's Parliamentary Rules & Forms*, which says that when an amendment is made to a bill to which is attached a Royal Recommendation, the Speaker must not put the question.

However, in the case to which I have referred the question was put and all the senators who are now on the government side of the house stood in defence of that amendment being heard and being voted on.

Our present Speaker spoke in that debate. The Honourable Noël A. Kinsella was the Deputy Leader of the Opposition at the time. He has never been shy about making an adjudication. He is a man of great principle who headed the Human Rights Commission in the province of New Brunswick. His decisions have been bandied about the courts and he has stood by them. He is not afraid to make a decision.

With regard to making amendments to a bill with a Royal Recommendation, Senator Kinsella said:

The Senate has the full right to examine any aspect of that bill that has been sent to it from the other place. If we see flaws in that bill, we are to act upon those flaws. We are the house of review. To try to hide behind a flaw that we have identified and are attempting to remedy, because the remedy that we would propose in and of itself does not have a Royal Recommendation, is faulty on several grounds. It is faulty on the grounds of species and genus. The Royal Recommendation applies to the genus of the bill; therefore, it is the umbrella under which any aspect of that bill that has been referred to this house is totally subject to review.

What wonderful words, and they were given off the cuff. What a marvellous direction for this house to follow.

**Senator Dallaire:** And good Latin.

**Senator Baker:** Yes, and good Latin.

When drafters of legislation define a word such as "person," they say such things as, "person includes an individual, a corporate body, an organization," and those words are known by the drafters as the genus. Those terms are so general as to cover all sorts of other subjects, and those are the species. Senator Kinsella transplanted that analysis into Senate procedure. It was marvellous of the person who is now the Speaker of this chamber to use the words "species" and "genus." I hope he does not regard my words as being "specious," and I hope he will use his "genius" to do the right thing.

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

(Motion agreed to and bill read second time.)

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

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

[Translation]

## 2009 BUDGET

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Comeau calling the attention of the Senate to the budget entitled *Canada's Economic Action Plan*, tabled in the House of Commons on January 27, 2009 by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on January 28, 2009.

**Hon. Percy Mockler:** Honourable senators, with the indulgence of the Senate, and on behalf of the citizens and the senators of New Brunswick, I would like to welcome my niece, Manon Lafrance, and her friend, Daniel Laforge, both from the Grand-Sault area, who are in the visitor's gallery.

[English]

Honourable senators, I am greatly honoured and humbled to rise today on behalf of the people of my province, New Brunswick, in order to participate in the debate on the budget tabled on January 27, 2009.

[Translation]

Honourable senators, it is with a great deal of emotion that I take the floor today in this august chamber that represents for each of us, no matter where we live, a beacon of our Canadian democracy.

Allow me to thank you today, and share with you my humble experience. Together we will look at the budget initiatives for New Brunswick that will protect the future of our citizens and our children, under the leadership of Prime Minister Stephen Harper.

• (1540)

[English]

Honourable senators, without a doubt, New Brunswickers are respectful of the leadership provided in this Senate by His Honour, one of our own, the Honourable Senator Noël Kinsella.

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

**Senator Mockler:** Honourable senators, for us in New Brunswick, Speaker Kinsella has always been an icon of fairness, respect, vision, respect for tradition and a great defender of human rights.

I also want to recognize and thank the leadership of our Senate caucus, namely Senator LeBreton; Senator Comeau; my sponsor, Senator Tkachuk; and Senator Stratton. There is no doubt in my mind, honourable senators, that they are collectively determined to improve how government works for the betterment and for the future of Canada.

[Translation]

Honourable senators, I would be remiss if I did not recognize Mr. Bélisle, the Clerk of the Senate, and his team, who wasted no time in welcoming us, the 18 new senators, when we arrived in Ottawa. I would also like to thank the Usher of the Black Rod and his team for the consummate professionalism with which they carry out their duties in the chamber.

Honourable senators, I must mention how very dedicated and welcoming the Senate staff at all levels have been in performing their duties and helping all of us feel at home in the Senate of Canada. I want to thank each one of them, regardless of their responsibilities.

I want to assure my fellow senators from New Brunswick that even though we are not of the same political stripe, I will work with them to defend issues that concern our province in order to protect the future of a united Canada that respects the people of New Brunswick.

[English]

Honourable senators, as a newly appointed senator, I express my great gratitude to the Honourable Senator Bert Brown for his tireless devotion and determination to reform and modernize the Canadian Senate. My dear colleague, Senator Brown, is on the right track, and Canadians in all walks of life deserve no less than an elected Senate. I also believe we should be elected with a specific mandate of 4 to 10 years.

Honourable senators, I want to recognize the wisdom, the vision and the political courage of our Prime Minister, Stephen Harper, to continue to advance the cause of modernizing this institution in order to democratize the upper chamber, the Senate of Canada.

Honourable senators, I firmly believe that we will see a day when senators are elected. Canadians tell me, regardless of where they come from, that it is time to do so. It is the right thing to do.

**Senator Comeau:** Yes, we can.

**Senator Munson:** Yes, we will.

**Senator Cowan:** No, you cannot.

**Senator Mockler:** To my sponsor, honourable senators, yes we can and we will.

**Senator Comeau:** Right on!

**Senator Mockler:** Your Honour, the Prime Minister, prior to his appearance before a special Senate committee, said that Canada needs an upper house that provides sober and effective second thought. He also said that Canada needs an upper house that gives voice to the diverse regions of our country, and that Canada needs an upper house with democratic legitimacy.

There is no doubt in my mind that my province, New Brunswick, would benefit because it would balance the interests and concerns of all regions of this great country.

Honourable senators, as the son of a single mother, born on welfare, I never thought, let alone dreamed, that I would see the day when a prime minister of my country would ask me to come and serve in this august chamber. With honour, this past December, I accepted the call of my Prime Minister. I will always remember that conversation, honourable senators.

I accepted because, like the Prime Minister, we must never shy away from our responsibility toward our province and our country in order to make it a better place to live, to make it a better place to raise our children, to make it a better place to work and to make it a better place to reach out to the most vulnerable.

Honourable senators, I told the Prime Minister that I would do my best under Divine Providence to uphold the respect of this great institution, the democracy of Canada, the best country in the world.

**Senator Segal:** Hear, hear!

**Senator Munson:** Jean Chrétien said that.

**Senator Mockler:** Let me share with honourable senators a comment made by my mother, grandmother and grandfather to both my sister and me. They told us constantly: "People do not care who you are until they know what you care for." Honourable senators, we must become involved in our communities. They also told us that in order to leave poverty, we must obtain a university degree. There again, they said only Divine Providence can take away what you put between your ears.

I embarked on a journey to serve my community after graduating with an MBA. Yes, from business to politics, today I deliver my first speech on the budget in the Canadian Senate. What a journey.

**Senator Segal:** Hear, hear!

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

**Senator Mockler:** It has been a journey I am proud of. I chose a political party — the Conservative Party.

**Senator Segal:** Bravo!

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

**Senator Comeau:** Good choice.

**Senator Mockler:** I was first elected to the Assembly of New Brunswick in 1982. I stand before you acknowledging with great respect the six out of seven campaigns I lost to my friend, Senator Ringuette, for whom I have a great deal of respect.

**Senator Ringuette:** I love you, anyway.

**Senator Mockler:** What a dynamic duo we made in 1987. I take this opportunity to thank the people of the ridings that I served in Madawaska Sud, Madawaska-la-Vallée and Restigouche-la-Vallée. Together, we made history.

[Translation]

From the bottom of my heart, I say thank you to the people in these ridings. Without their support, I would not be here today. I will always be grateful to them.

[ Senator Mockler ]

To my family, my wife Suzanne and our four children, I say thank you for your constant support, which enables me to do the work I love, which is being a senator.

Honourable senators, I will now introduce you to the New Brunswick of today, a dynamic province full of cultural, social and economic wealth.

My friend and colleague, Senator Wallace, outlined the many economic projects, especially the Energy Centre in the Saint John area that is having a positive impact on northern New Brunswick.

We, the people of New Brunswick, are proud of our province. We say so all the time. Forestry and agriculture are as important to us as the automotive and aerospace industries are to Ontario. Yes, we are proud of New Brunswick; proud because we are the only officially bilingual province; proud because in 2009 New Brunswick is celebrating the fortieth anniversary of the passage of the Official Languages Act. We are proud that our province has been a member of the Organisation internationale de la Francophonie since 1977. Our government sits at the table alongside Quebec and Canada. We are proud that in 1981 we passed the Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick.

• (1550)

Honourable senators, the Acadian people are a proud people. On behalf of Acadians, New Brunswick's francophones, I would like to say thank you. I would like to say thank you to Prime Minister Stephen Harper for once again funding our Acadian communities project, the World Acadian Congress. Vive l'Acadie! I would like to invite you to come and celebrate with us in our beautiful Acadian peninsula community from August 7 to 23, 2009.

Honourable senators, I am extending the invitation to come celebrate the modern Acadia of today. Senator Comeau has said so often, our people have no borders. You could also come to Saint-Quentin, New Brunswick, for the western festival that, with its rodeo, could compete with the major western festivals such as the Calgary Stampede and the one in St-Tite, Quebec.

Yes, we are proud of our approach to socio-economic development, but we know that we cannot develop all on our own. We will continue to work together with the Aboriginal peoples, with Acadians and with the New Brunswick Loyalists.

We are developing our communities, no matter where we live. As New Brunswickers, we carry the Acadian torch, the torch of our province, with pride. Yes, we are proud of the premiers who, through their leadership, modernized our province. I would be remiss not to mention Louis Robichaud, Richard Hatfield and Bernard Lord.

[English]

Honourable senators, right now, Canada, along with the rest of the world, is facing the worst economic meltdown ever seen in our history, and it touches us all. Prime Minister Harper, however,

has resolved with Budget 2009 to move forward with a made-in-Canada action plan after a vigorous, historically unprecedented consultation with the people of New Brunswick and Canada to help weather the storm. It is about upholding the legacy of our forebears.

Honourable senators, I am proud to support our government's 2009 action plan for the province of New Brunswick. For New Brunswickers, it means being focused. The action plan means infrastructure — building badly needed roads, bridges, water and sewer system upgrades. Budget 2009 means an action plan for New Brunswickers to stimulate housing construction for the most needy and to enhance energy efficiency, creating jobs and better public housing. It means an action plan for New Brunswickers to provide access to financing for businesses in order to obtain resources of which we are in dire need, regardless of where we live in Canada.

The Prime Minister's action plan means that New Brunswickers faced with having to access Employment Insurance will benefit from an additional five weeks. There is no doubt in my mind that New Brunswickers and Canadians, will emerge from this period of instability part of a stronger and more united Canada. It is a plan with more funding for skills and training programs, education that will reduce poverty.

[Translation]

**The Hon. the Speaker:** I regret to inform Senator Mockler that his time has expired. Honourable senators, do you wish to grant him another five minutes?

**Some Hon. Senators:** Agreed.

[English]

**Senator Mockler:** Last but not least is an economic plan for New Brunswick to fund support for forestry, agriculture and manufacturing in the hardest-hit communities.

Honourable senators, let us move to support our budget plan of 2009 for the people of New Brunswick and for the people of Canada: a commitment to communities, devotion to our families and children, a love for our province and a country of which we are all proud.

Honourable senators, make no mistake that turbulent times are ahead. We must get through this together and we must, for our children and grandchildren, emerge stronger than ever before. Our story of Canada is about people from all walks of life joining together, working toward common goals. There is no doubt in my mind that the Prime Minister's action plan is about protecting Canada's future.

[Translation]

Let us protect the future of Canadians, no matter where we live.

[English]

I congratulate the Prime Minister for his leadership. We saw him at his best last week with President Obama and in the meetings he had in New York just yesterday. In his own way,

the Prime Minister was calm, cool and collected. He demonstrated his firmness as a world leader by pointing out Canada's strengths, representing Canada's interests and ensuring that any agreements will protect the future of Canadians, regardless of where we live.

Honourable senators, Conservatives have a rich and proud heritage. We must not, and I will not, shy away from it. Let us never forget that we are the party that has been there for Canada since the beginning and founded the Canadian federation in 1867. Let us remember ourselves. I am proud of our legacy under Conservative prime ministers. Let us be reminded that women and Aboriginals got the right to vote for the first time.

**Senator Comeau:** Hear, hear!

**Senator Mockler:** Let us remind ourselves that we are the party of the first Chinese Canadian MP, the first Black Canadian MP, the first Japanese Canadian MP, the first Muslim Canadian MP and the first Hindu Canadian MP. We are also the party of the first female cabinet minister and the first Aboriginal senator.

**Senator Comeau:** More, more!

**Senator Mockler:** We are the party of Canada's first Bill of Rights.

[Translation]

And furthermore, the Conservative Party is the only party that believes in a strong Quebec nation within a united and respectful Canada!

[English]

Honourable senators, there is no doubt in my mind that with the leadership of our government, Budget 2009 will protect the incomes of New Brunswickers. With our leadership, we will protect the savings of New Brunswickers and the future of our children and grandchildren.

**Hon. John G. Bryden:** I wonder if the honourable senator would entertain a question.

**Senator Mockler:** I have been known to take questions.

**Senator Bryden:** First, I would congratulate the honourable senator on his speech and on becoming a member of the Senate. This is my first opportunity to welcome and congratulate all new senators.

• (1600)

I base my question on a newspaper article that indicated that Minister Fletcher intends to introduce legislation that would limit the recent 18 appointees to the Senate to eight-year non-renewable terms. I believe that legislation would include my honourable friend from my province and other future appointees to the Senate.

I wonder if the honourable senator has an opinion. Most honourable senators, including myself, were appointed until age 75 or until such time as certain things happen. Our appointments

mean we cannot be fired or lose our Senate seat unless we fall into bankruptcy or moral turpitude. We would end up with senators with various levels of tenure, in that a good number of senators would have varying terms.

**The Hon. the Speaker:** Hopefully the honourable senator has heard the pith and substance of the question. The time is running short for Senator Mockler's speech. Perhaps Senator Mockler would like to answer.

**Senator Bryden:** Does the honourable senator see a problem with that situation? For example, we have one elected senator. Does Senator Brown have a different status from the 18 new senators?

**Senator Mockler:** Honourable senators, I have a great deal of respect for Minister Fletcher and I support what he said.

**Hon. Leo Housakos:** Honourable senators, Senator Percy Mockler is a tough act to follow.

A long time ago, a prescient and a wise old philosopher from my country of origin said, "Man is a political animal." The philosopher was none other than Aristotle, and although he lived in ancient Athens some 2,500 years ago, that maxim holds true today. For me that brief statement is an introduction to understanding the political process and underscores why politics, with all its flaws, is critical to civil and democratic society.

All my life, I have lived and breathed politics in the Aristotelian sense in the belief that civic duty is the ultimate responsibility as well as the definition of the citizen. For me, the road to this august chamber has been long and not infrequently strewn with disappointment and adversity.

I decided a long time ago to follow the fortunes of the Conservative Party of Canada, which, considering my ethnicity, was an unusual course. Most Canadians of Greek origin, so far, cast their conscience and support to the Liberal Party of Canada almost automatically, more out of habit than conviction.

[Translation]

My mere presence in this chamber is proof that the Greek community and other cultural communities in Canada are discreetly but surely reassessing their political affiliations. In fact, for cultural and historical reasons, many Canadians from various ethnic backgrounds lean towards conservative values and a traditional approach to fiscal affairs.

[English]

For example, my parents come from a place called Mani, in the Peloponnese of Greece. The people of this region are noted for their fierce independence, their intense loyalty and their complete self-reliance. My ancestors maintained their independence during the Ottoman occupation of Greece and afterwards gave a bloody nose to the soldiers of Greece's Bavarian king when they came to collect taxes unconstitutionally.

I am proud to have such cultural and ethnic ties with such wonderful people, and particularly my parents, who summoned the courage to leave their country of origin in the midst of civil war and economic devastation and chose Canada for their home.

[ Senator Bryden ]

It was hard for them to overcome prejudice, language and fear of the unknown to make the journey and transplant themselves into a new world. My parents arrived in Canada in 1956, with a deep belief that even those from humble beginnings can rise to great achievements and great rewards.

For my parents, as for millions of other immigrants who came to this country, their dream of Canada came to fulfillment. They came here with very little and worked very hard for many years to establish a new life for themselves and for their families. They taught me to believe in Canada but not to forget where I came from; that being Greek was less a nationality than a state of mind; that all new Canadians can enrich the Canadian mosaic by bringing fresh ideas and new approaches to the challenges that we face today and in our future.

I recognized early on the immense privilege of Canadian citizenship, as well as the great responsibility that comes with it. I always feel a deep sense of duty to my country, province and community. I call upon and compel my generation of Canadians, who at times have displayed apathy and cynicism, to engage in our democracy and, through our great institutions, contribute to maintaining Canada's greatness.

I have no doubt that my parents are proud of me, but it is only a measure of how deeply grateful and beholden I am to them for giving me the upbringing and wisdom that brought me to where I am today.

My presence here today is not so much the result of political patronage. I believe it represents many years of public service and working for the Conservative movement in all its manifestations, while devoting the major part of my youth to the Canadian political process. However, without a network of friends, politics and business would have been a greater mountain to climb. I am indebted to my friends and associates for their help and for their faith in me.

I had the good fortune to grow up in Montreal, Quebec, and came to appreciate the intensity and the beauty of our political system under periods of considerable tension. In this respect, I was doubly fortunate in that from an early age I lived the cultural integrity and the hospitality of Quebec's society and learned politics from some of Canada's masters.

Politics is my life, and through the exercise of the political system, fortune smiled at me and, while organizing a municipal campaign in Montreal in 1990, I saw her waiting in line to vote. It had to be love at first sight: She had a vote and I wanted it. To this day I am not sure if she voted for my candidate, but at that moment she stole my heart. This was the greatest gift my political activism ever gave me — a partner for life. I want to thank my wife and children for their unwavering support, recognizing that all my failures and successes are a family affair.

My generation is just starting to play a role in the decision-making process of the Conservative Party, and through that institution in the Government of Canada. This opportunity is a profound honour and a profound responsibility that I will execute with pride and cherish for the rest of my life.

However, it is to the Prime Minister, the Right Honourable Stephen Harper, that I owe my place amongst you. This Canadian leader has made considerable inroads in facilitating the participation of young Canadians of diverse backgrounds and ethnicities in the political process and we all owe him a great debt of gratitude.

Honourable senators, I would like to add my support for the 2009 Budget, which is a historic budget for these unprecedented and difficult economic times.

[Translation]

This global recession is a challenge for all economies worldwide, and Canada has to do its part to ensure that our nation emerges stronger than ever. I know that Canada and Quebec have never been in a better position to face these challenges. We are positive and realistic. I will first discuss the importance of the budget and our position of strength as we face this crisis.

[English]

This budget responds to the gravity of the situation. Budget 2009 is a reasonable and an effective blueprint for economic recovery.

First, the budget calls for major investments in infrastructure, to the tune of \$4.5 billion over two years. This will get shovels in the ground quickly and create jobs immediately. Improvements to highways and to water and sewage systems are by no means a luxury for my home province of Quebec, which is in dire need of such investments.

It is all well and good to talk about fast-tracking infrastructure work, but what does this mean in concrete terms?

• (1610)

Here are a few concrete projects that will benefit my province of Quebec: \$212 million for the Champlain Bridge, one of Canada's busiest; \$407 million to improve the Quebec City-Windsor corridor — we will have two new rapid trains, so the Quebec City-Windsor trip will be 30 minutes shorter than before; and \$3.6 million for three ports in Gaspésie, namely Étang-du-Nord, Grosse-Île and Port-Daniel-Ouest. Those are only a few of the upcoming investments.

Second, the budget also provides for \$170 million in forestry sector assistance. The sector will definitely benefit from this direct assistance during these tough economic times.

However, that is not all. This budget contains bold measures to stimulate home building, including a major \$8.4-billion investment to build quality housing units and improve energy efficiency.

The measures also include a tax credit of as high as \$1,350 for Canadian homeowners, as well as a provision allowing Canadians to withdraw more funds from their RRSP to build or purchase their first home.

These measures will create favourable conditions for the wood industry, which has been struggling mightily in recent years. This indirect aid package is substantial and will be very effective in

reviving this industry. To further stimulate home building, new assistance totalling \$750 will be available for first-time home buyers. This measure will be especially welcomed by young families who are still receiving the child care benefit, which the Conservative government instituted in 2006. This universal benefit, so essential to Canada's young families, was increased in the last budget. Our party — the Conservative Party — will continue to fight for families in the middle class as it has for decades.

[Translation]

Our budget speaks volumes about that. We have provided significant tax reductions totaling \$4.2 billion.

The increase in the basic personal exemption, the reduction of personal income tax rates for the two lowest tax brackets, and the expansion of the working income tax benefit are all ways to involve the middle class in our economic stimulus package.

We are proud to support families and the middle class. We are the only ones to do so. The middle class is strongly supported and protected by the Conservative government, and it is not just the middle class that benefits from this budget.

Seniors and workers also benefit. For seniors, we have increased the age credit amount by an additional \$1,000, providing \$150 a year in direct support for low- and modest-income seniors. That is not peanuts. This assistance is essential to help seniors through this financial crisis.

[English]

As for Canada's workers, they will benefit first and foremost from a freeze on Employment Insurance premiums. In these difficult times, it is important to monitor labour market developments to ensure that as many people as possible can rejoin the workforce in the event of layoffs. The government has extended by five weeks the period in which workers can obtain Employment Insurance benefits, giving them more time to find another job. If they still cannot find work, the government boosted funding for training and skills upgrading, allowing these workers to pursue employment opportunities in new future-oriented fields.

[Translation]

Speaking of the future, we have also increased funding for research and development in universities to promote leading edge technologies. We have increased the budgets for culture, agriculture, tourism, small- and medium-sized businesses and many more. This budget proposes a very significant number of measures to help us make it through the crisis.

In conclusion, it is important to point out that Canada and Quebec are in a better position than all other G20 countries to face this crisis. Thanks to its sound management of public affairs, Canada entered the recession much later than other countries.

We have a sound financial structure, a competitive tax environment and a better financial position than many other countries, including the United States. With the decentralization of power and the restoration of fiscal balance, Quebec will be in a much better position to deal with the crisis.

Since we took office, we have increased equalization payments by \$3.5 billion, which is a 74 per cent increase.

[English]

Federal health transfers will rise by 6 per cent, which is not bad when compared with Liberal cuts during the race to wipe out the deficit. Previous Liberal governments cut the deficit at the expense of the poor and the downtrodden.

These cuts to the provinces spelled disaster for public finances, but especially for Quebec's health system — cuts, I might add, that the Bloc Québécois could not do anything about. Still, it is ironic when one thinks that it was sovereignists in Quebec who had to drive nurses into retirement due to financial problems caused by Liberal cuts and that another sovereignist party — this one in Ottawa — was powerless to stop these cuts.

We have also increased provincial transfers for social programs by \$373 million since coming to power, for an increase of 17.4 per cent.

[Translation]

We are the party of nationalists. We want Quebec to be in a strong position, just like Canada, to come out of this crisis stronger than ever. In spite of everything, we will continue to promote greater financial independence for Quebec, because we believe that Canada becomes stronger whenever the regions increase their autonomy and are able to develop to their full potential.

[English]

For the reasons outlined, I strongly support Budget 2009 and encourage all senators in this place to do the same. I also stand before you today pledging to defend the ideas and values that I believe in. As well, I look forward to working with you and challenging you as I make my contribution to this place and the country I love.

(On motion of Senator Comeau, debate adjourned.)

[Translation]

### SPEECH FROM THE THRONE

#### MOTION FOR ADOPTION OF ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Gerstein:

That the following Address be presented to Her Excellency the Governor General of Canada:

[ Senator Housakos ]

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I rise today to take part in the debate on the Speech from the Throne and Budget 2009.

Canadians are looking to us to help them weather the effects of this tumultuous period of tremendous uncertainty. We are facing serious economic problems, many of which were created by the government.

I have a number of concerns about where this government plans to take Canadian public policy. Unfortunately, because of time constraints, I will have to focus on just a few of those concerns.

[English]

I will begin with a matter that is very close to me personally, namely, education. The last Parliament saw several inquiries in this chamber into the state of post-secondary education in this country. We are all here, aware of the difficult financial constraints affecting post-secondary education in our country.

The Council of Ministers of Education, an organization that brings together ministers of education from all provinces and territories across Canada, said in March 2007 that post-secondary education is at a critical juncture. We are all familiar with the statistics on the growing burden of debt that students are forced to carry in order to pursue post-secondary education. Indeed, Senator Goldstein spoke eloquently about this on February 5 when moving second reading of his bill to help those students for whom the burden becomes overwhelming.

We do not yet know the full impact of the economic crisis on our post-secondary education institutions. No one is suggesting that the crisis is over or that we have hit bottom yet. However, a few things have already become clear.

Canadian universities have lost hundreds of millions of dollars from their endowment funds because of the stock market meltdown. These losses have been compounded by the reluctance of donors to donate because the donors themselves have suffered terrible losses. For instance, the University of Alberta — my alma mater — had to increase tuition fees by 4.1 per cent and residence rates by 8 per cent this year as the endowments and interest accounts were damaged by the crippling economy. These latest increases unfortunately come on top of residence bills and rates that have increased nearly 30 per cent in the last three years.



The results of these devastating losses in endowment funds may well be cuts to student aid, scholarships and funding for programs, leaving students in the dire position of having to pay more for their education and livelihoods, with less funding.

• (1620)

[Translation]

How are students supposed to pay for the post-secondary education they need when scholarships and loans are disappearing before our very eyes? The budget does not do enough in terms of student loans, student debt and student jobs. According to statistics compiled by the Association of Universities and Colleges of Canada, the university sector is a \$26-billion business in Canada, up greatly from \$16 billion in 2001.

Universities serve over 1.5 million full-time, part-time and continuing education students and employ more than 150,000 teaching and support staff.

[English]

According to the Association of Universities and Colleges of Canada:

The university sector is larger than the pulp and paper industry, the oil and gas extraction industry, the utilities sector, the combined arts, entertainment and recreation industries and such prominent manufacturing industries as aerospace, motor vehicle, and plastic products.

Honourable senators, more than one third of research conducted in Canada takes place at Canadian universities. In other words, this is a critical sector, fundamental to maintaining and building the Canada we all want — a Canada that is at the forefront of innovation, creativity and productivity in the world.

Let me quote someone who is quite well known, especially to the honourable senators opposite. Preston Manning recently said that governments need to be reminded that post-secondary education is even more important in tough economic times. Speaking at the recent fall convocation at the University of Alberta, he said:

It was Premier Aberhart, then also Minister of Education, who went to the wall for supporting higher education, as he put it, “No matter what.” He threatened to dissolve the legislature if the financial appropriation for higher education was not approved, arguing that a better educated populace was essential to the future economic recovery and prosperity, and not an option to be abandoned just because times were tough.

Yet, honourable senators, post-secondary education is not mentioned once in the entire Speech from the Throne. Perhaps this was due to its brevity. Nor was it mentioned in the Speech from the Throne from the last session.

While the allocation of \$2 billion in infrastructure spending for universities and colleges is worthy of praise, this sum is for bricks and mortar, not to increase access to post-secondary education or reduce student debt.

The budget indicates no increased funding for three major research councils: the Natural Sciences and Engineering Research Council of Canada, the Canadian Institutes of Health Research and the Social Sciences and Humanities Research Council of Canada. They are all involved in cutting-edge research and development. If we do not invest adequately in research and development now, not only will we lose our competitiveness on the world scene, but our research and development field will become as crippled as our economy.

The Polar Environment Atmospheric Research Laboratory in Nunavut, known as PEARL, is seeing its two key sources of federal money dry up despite this government's stated commitment to Arctic science. That is \$200,000 a year in operating funds from the Natural Sciences and Engineering Research Council of Canada ending on March 31, and the final instalment of a \$5.5 million five-year grant from the Canadian Foundation for Climate and Atmospheric Sciences whose funding was not renewed.

The government did announce money to maintain and upgrade existing Arctic research stations in the amount of \$85 million, to be precise. However, that \$85 million cannot be used to pay for operating costs or science. What good is a renovated lab when there are no funds to pay for the research, power, experiments and communications that are supposed to occur in the lab?

Honourable senators, the same applies to the Drought Research Initiative, a project funded by the Canadian Foundation for Climate and Atmospheric Sciences and which aims at preparing for the country's next water crisis. The last drought, from 1999 to 2004, cost an estimated \$6 billion — not million — and 41,000 jobs. Are we ready to spend billions of dollars on the next water crisis which could be prevented with much lower-cost projects such as the Drought Research Initiative?

The Canadian Association of University Teachers warned us recently that “scientific research in Canada is being undermined through underfunding and by attempts to specify what scientists study.” Indeed, the government has placed a condition on temporary funding increases for graduate studies in the arts and social sciences in Budget 2009. While NSRC, the science wing, and CIHR, the health wing, receive about 80 per cent of these temporary funds, SSHRC, the main funding body for graduate studies in arts, humanity and social sciences, receives the remainder — a mere 20 per cent. That might be understandable given the higher cost of research in science and health. However, the additional SSHRC funding is to be made available only for “business-related degrees,” a directive that is highly unusual for any government to give.

Honourable senators, times are dreadful when our scientists and our graduate students are being undermined. As I stated in an inquiry on post-secondary education last year, we are in the midst of what economist Richard Florida calls “the creative era” — an era where knowledge is not just king, it is everything.

Honourable senators, I would like to reiterate that the social and economic well-being of our nation depends on our ability to transform ideas into knowledge, technologies and innovations. To neglect the institutions that foster and incubate these ideas — universities, colleges, research centres and labs — is to invite disaster.

On another subject, as honourable senators may know, questions dealing with official languages, linguistic duality and official language minority communities are also very dear to my heart. There was no discussion of official languages anywhere in the Speech from the Throne of each of the last two parliamentary sessions. The Speech from the Throne for the Second Session of the Fortieth Parliament was absolutely devoid of any reference whatsoever to any plan to support, resource and advance Canada's official languages. There is clearly a lack of leadership with regard to the defence and promotion of official languages with this government.

[Translation]

Like so many honourable senators here today, I am an ardent defender of our commitment to Canada's official languages. However, I am sorry to say that our commitment does not appear to match that of the government. During the last session my colleague, the honourable Senator Chaput, gave an eloquent speech in which she outlined the needs of francophone minority communities, as well as the government's duty to respect and commit itself to those communities.

Some honourable senators will remember the extraordinary statement made by our Commissioner of Official Languages in May 2008 when he released the annual report, dated May 29, 2008, and I quote:

The government continues to support Canada's linguistic duality in principle; however, this support has not led to a global vision in terms of government policies and the public service.

This lack of leadership has resulted in a plateau being reached and, in some cases, a deterioration in the application of the official languages policy. I have noted that, yet again this year, very little progress has been made in several areas of activity. . . . A clear vision and strong leadership are nevertheless necessary if federal institutions are to meet some of the challenges related to official languages.

• (1630)

The federal budget, for instance, makes absolutely no mention of the Roadmap for Linguistic Duality. Although \$1.1 billion over five years was announced in June 2008 when the Roadmap was released, we have yet to see any of those funds distributed to help the development of minority language communities. The implementation of the Roadmap, the application of Part VII of the Official Languages Act and the promotion of minority language communities are unfortunately all abstract notions at this point.

[English]

Perhaps we should not be surprised in view of how this government deals with other areas in our society. In this budget, Minister Flaherty announced that his government intends to

address the "lengthy, costly and adversarial process" that is the "existing complaint-based pay equity regime" so that "It will ensure that the employer and bargaining agents are jointly responsible and accountable for negotiating salaries that are fair and equitable to all employees."

Honourable senators, pay equity is an issue of wage discrimination and of voicing one's opinion. By making the employee responsible and accountable for negotiating salaries that are fair and equitable, the government closes its eyes to the reality that over half the population have not learned to negotiate a salary; over half the population do not even know that a salary can be negotiated; and over half the population might be afraid of discussing a salary for fear of being fired.

**The Hon. the Speaker:** The honourable senator's time has expired.

**Senator Tardif:** I seek permission for five more minutes.

**Senator Comeau:** Yes.

**Hon. Senators:** Agreed.

**Senator Tardif:** Holding the employee responsible does not protect the employee's right to a fair and equitable salary.

Another important topic stirs much controversy in the government's budget: the issue of Employment Insurance. As Senator Mitchell reminded us during Question Period a few weeks ago, women who lose their jobs in Canada are about half as likely to receive regular Employment Insurance benefits as men who lose their jobs. This comparison is particularly startling when it comes to single mothers.

Honourable senators, I find it most regrettable and appalling that the government did not take advantage of the new budget to improve EI accessibility criteria to facilitate women's struggles with Employment Insurance and to offer over half the population a flexible means to obtain EI benefits. Women's work and salaries are not only the backbone of our economy but also, increasingly, the bread and butter of Canadian families. Women's unemployment in this day and age is to be taken seriously and not as a second-class-citizen issue as reflected in the current budget.

[Translation]

The Speech from the Throne was also notable for its silence on child care. Any parent can tell you that a working parent needs access to affordable, quality child care. A recent Environics poll revealed that 83 per cent of Canadians surveyed believe that governments have an important role to play in supporting parents by addressing parents' child care needs. The same poll indicated that the lack of affordable care is an important issue for 77 per cent of Canadians.

The Speech from the Throne is silent on this matter, and that silence resounds like the government's paltry proposal of the last session to increase the Universal Child Care Benefit, certainly a welcome financial measure but one that does not take the place of real child care.

[ Senator Tardif ]

[English]

Honourable senators, Canadians are facing grave challenges. They look to their government to provide an honest, thoughtful and serious plan to steer the nation through these turbulent times. We need leadership; we need innovation; we need vision. Our fellow Canadians deserve nothing less.

[Translation]

**Hon. Andrée Champagne:** Honourable senators, I would like to thank Senator Tardif for her very interesting and well-prepared speech. She will understand that I perhaps was most engaged by what she had to say about official languages. She may wish to read the 2006-07 report published just two days ago on official languages. I would point out to her that the minister responsible only recently took up the position and has already done a great deal of work. I think she saw yesterday, in our committee, how he wants us to help him advance official languages, especially in education.

I simply want to determine that she will continue to lend her support and that, together, we can give the minister the assistance he has clearly requested in order to continue the work. The budget has allocated \$1.2 billion over five years for official languages. I believe we will see rather extraordinary things over the course of the coming weeks and months.

(On motion of Senator Andreychuk, debate adjourned.)

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### COMMITTEE AUTHORIZED TO STUDY 2008 LEGISLATIVE REVIEW OF EXPORT DEVELOPMENT CANADA

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of February 12, 2009, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be empowered to review and report on the 2008 Legislative Review of Export Development Canada, tabled in the Senate on Tuesday, February 10, 2009.

(Motion agreed to.)

## THE ESTIMATES, 2008-09

### NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (C)

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of February 12, 2009, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in Supplementary Estimates (C) for the fiscal year ending March 31, 2009, with the exception of Parliament Vote 15.

(Motion agreed to.)

## MOTION TO REFER VOTE 15 TO THE STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT ADOPTED

**Hon. Gerald J. Comeau (Deputy Leader of the Government),** pursuant to notice of February 12, 2009, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Parliament Vote 15 of Supplementary Estimates (C) for the fiscal year ending March 31, 2009; and

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

(Motion agreed to.)

[English]

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, in recent weeks four Senate bills were challenged through separate points of order. A possible need for a Royal Recommendation was a fundamental procedural objection in each case. I am prepared to rule on all four.

[Translation]

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, following consultations, I believe you will find agreement that, notwithstanding rule 18(4), all appeals regarding Speaker's rulings on points of order already raised concerning Bills S-201, S-203, S-204 and S-207 shall be made at the beginning of Orders of the Day for the sitting following the day on which the rulings were made.

**The Hon. the Speaker:** Is it agreed, honourable senators?

**Some Hon. Senators:** Agreed.

• (1640)

[English]

**The Hon. the Speaker:** Honourable senators, I will proceed on these four separate decisions ad seriatim. The seriatim is based on the logic of the argument as it develops. Therefore, I will commence with my decision on the point of order raised concerning Bill S-204, the Gatineau Park bill.

The second one, which I will give separately, is on Bill S-201, the Portrait Gallery bill; third is a separate decision on Bill S-203, the Business Development Bank; and fourth is the decision on Bill S-207, the Employment Insurance amendment.

## SPEAKER'S RULING—BILL S-204

**The Hon. the Speaker:** Honourable senators, on February 3, after Senator Spivak had spoken to her motion for the second reading of Bill S-204, An Act to amend the National Capital Act (establishment and protection of Gatineau Park), Senator Nolin

rose on a point of order. Referring to the Constitution Act, 1867, he asserted that the bill requires a Royal Recommendation. As a consequence, he maintained the bill cannot continue before the Senate.

Senators Fraser and Spivak both urged that the bill does not require a Royal Recommendation. Senator Banks, for his part, referred to Senator Spivak's speech and noted that the National Capital Commission already acquires and sells property and this bill would simply set up the park. The commission could, he maintained, act without new appropriation.

This question is one that has come up in the Senate on a number of recent occasions. It may therefore be helpful to consider some of the fundamental points at issue. As noted in Marleau and Montpetit at page 709, the financial prerogative of the Crown means that "Under the Canadian system of government, the Crown alone initiates all public expenditure and Parliament may only authorize spending which has been recommended by the Governor General."

[Translation]

This principle is reflected in Senate rule 81, which states that: "The Senate shall not proceed upon a bill appropriating public money that has not within the knowledge of the Senate been recommended by the Queen's representative." The rule itself embodies some of the obligations imposed by sections 53 and 54 of the *Constitution Act, 1867*.

The Royal Recommendation is the concrete expression of the financial initiative of the Crown and is signalled to the House of Commons. Since the 1970s, the Recommendation has followed a standard form: "Her Excellency the Governor General recommends to the House of Commons the appropriation of public revenue under the circumstances, in the manner and for the purposes set out in a measure entitled. . .", followed by the bill's title. In February 1990, the Standing Senate Committee on National Finance raised questions about this general wording, noting: "that the form of the royal recommendation now used does not serve to make clear what, if any, appropriation(s) the ministers are seeking by bills to which royal recommendations are appended."

[English]

The procedural authorities, including Speaker's rulings, Marleau and Montpetit, Beauchesne and Erskine May, indicate that a number of criteria must be considered when seeking to ascertain whether a bill requires a Royal Recommendation. First, a basic question is whether the bill contains a clause that directly appropriates money. Second, a provision allowing a novel expenditure not already authorized in law would typically require a Royal Recommendation. A third and similar criterion is that a bill to broaden the purpose of an expenditure already authorized will in most cases need a Royal Recommendation. Finally, a measure extending benefits or relaxing qualifying conditions to receive a benefit would usually bring the Royal Recommendation into play.

On the other hand, a bill simply structuring how a department or agency will perform functions already authorized under law without adding new duties would most likely not require a

recommendation. In the same way, a bill that would only impose minor administrative expenses on a department or agency would probably not trigger this requirement.

[Translation]

The list of factors enumerated here is not exhaustive, and each bill must be evaluated in light of these points and any others at play. It certainly is not the case that every bill having any monetary implication whatsoever automatically requires a Royal Recommendation. When dealing with such issues, the Speaker's role is to examine the text of the bill itself, sometimes within the context of its parent act. Of course, the Speaker, in making this assessment, seeks to avoid interpreting constitutional issues or questions of law.

The senator raising a point of order has a responsibility to present evidence and explain to the Senate why a Royal Recommendation is required, linking it to what the text before the Senate would actually require, not optional decisions that may or may not be made at some point after a bill is passed. Given the nature of the legislative process, senators may sometimes wish to delay raising a point of order until later stages, since committee hearings will often provide greater clarity on what a bill's provisions will entail and how they will have to operate.

[English]

In situations where the analysis is ambiguous, several Senate Speakers have expressed a preference for presuming a matter to be in order unless and until the contrary position is established. This bias in favour of allowing debate, except where a matter is clearly out of order, is fundamental to maintaining the Senate's role as a chamber of discussion and reflection.

To be clear, however, a bill appropriating public money cannot be initiated in the Senate. To repeat, rule 81 establishes that "the Senate shall not proceed upon" such a bill. Thus once it is determined that a Senate bill does infringe rule 81, it is not possible to make amendments that could correct the situation since the bill cannot be dealt with further. The Royal Recommendation is, therefore, quite different from the Royal Consent, which relates to the requirement for the Governor General to signal agreement to Parliament considering a bill that would affect the prerogative powers of the Crown. As previous rulings have stated, in most instances the Royal Consent can be signalled up to the time a bill receives third reading.

[Translation]

To turn to the specific provisions of the bill before the Senate, the National Capital Commission already has considerable discretion when it comes to acquiring and selling land. As has been noted in some Senate committee hearings in recent years, the commission can buy and sell land in the National Capital Region largely at its own discretion. This power exists in the *National Capital Act*, specifically in subsection 10(2). That act also indicates that one of the commission's goals is to plan and assist in the development and conservation of the National Capital Region.

A reading of Bill S-204 shows that it would establish Gatineau Park and set its boundaries. The bill also allows for the expansion, but not the contraction, of the park. Of basic importance, the

[ The Hon. the Speaker ]

National Capital Commission would also have a right of first refusal on any land sold within the park, but is not compelled to purchase such land.

[English]

In relation to the management of the park, clause 4 of the bill states that the “Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Commission.” Such legislative direction appears to be generally in keeping with the commission’s existing goals.

Overall the bill does not appear to involve any evident novel expenses. Instead, what it does do is establish Gatineau Park direct priorities in its management, and allow, but not compel, the commission to purchase land if it comes up for sale, as it can already do. When viewed in the context of existing powers, none of these initiatives seem to involve new funding. Instead, Parliament would be guiding how the commission should exercise the discretionary authority it currently has. In particular, nothing in the bill indicates that the commission would be obliged to purchase land in the park. Its discretion in this regard would remain unfettered.

• (1650)

While it is true that the bill does prohibit the sale of public lands within the park, this limitation is not an expenditure, and certainly not an appropriation.

This analysis of Bill S-204 suggests that it does not require expenditures, whether new or distinct, since the direction the bill would give the commission fits within its existing larger powers. Accordingly, the ruling is that this bill does not require a Royal Recommendation, and debate at second reading on this bill can continue.

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

#### SPEAKER’S RULING—BILL S-201

**The Hon. the Speaker:** Honourable senators, on February 3, after Senator Grafstein had spoken to his motion for the second reading of Bill S-201, An Act to amend the Library and Archives of Canada Act (National Portrait Gallery), Senator Comeau rose on a point of order. While refraining from commenting on the merits of the bill, he suggested that it incurs increased government spending and should be ruled out of order since it lacks the Royal Recommendation. In making his argument, he referred to the *Constitution Act, 1867*, Bourinot, Erskine May, Senate rule 81, as well as a previous Speaker’s ruling.

Senator Grafstein challenged this interpretation, as did Senators Tardif and Fraser. They noted the need for caution in rejecting any bill so early in the legislative process. Reference was also made to the February 20, 2007 ruling on Bill S-221 when asserting that the fact that a bill has some monetary implications does not automatically mean it needs a Royal Recommendation or that it must be introduced in the other place. Finally, Senator Nolin drew the Senate’s attention to specific provisions of the bill, which he saw as requiring expenditures of public funds.

[Translation]

As was noted in the cited ruling on Bill S-221, a bill should be examined in terms of what it declares itself to be, that is to say in terms of its actual wording. The text of Bill S-201 appears quite limited: a property already owned by the government must be used by the Library and Archives of Canada to display portraits and other artistic works, and the public must have access to this exhibit. This display is to be called the “National Portrait Gallery.”

Nothing in the bill indicates how large this gallery is to be, or how many portraits are to be displayed. The text of the bill itself does not seem to require a large project of the type envisioned in previous iterations. A major undertaking would be an option, but is not mandated by this bill.

No part of Bill S-201 discusses an appropriation of the public revenue, or the levying of any tax or impost. Are expenditures involved in the actions required by the bill? Almost certainly. Whether these expenditures are new, however, is less clear. Under the Library and Archives of Canada Act, that organization can put on exhibitions that make known the documentary heritage of Canada. In doing this, it can access its rich art collection. The bill thus appears to guide or structure how part of an existing role of the Library and Archives of Canada is to be performed. Consequently, it is far from certain that this bill would incur novel expenditures, as opposed to possibly reallocating existing funds.

[English]

During his second reading speech, Senator Grafstein indicated that some expenditures had already been made for the portrait gallery project. To better understand this situation, estimates and supply bills for recent years were reviewed. This confirmed that money was in fact allocated for the purpose of developing a portrait gallery as a program activity of Library and Archives of Canada. Thus, it would seem, these funds were assigned under the ongoing authority of the current *Library and Archives of Canada Act*. The portrait gallery was encompassed in Library and Archives of Canada’s existing mandate and objects and has not been conceived of as a separate, stand-alone public institution.

While one might suspect that there will be expenses as the bill is implemented, the bill itself does not require or authorize them. Whether they are incurred would depend on separate decisions as to how the measure is implemented. If new monies are deemed necessary as the project advances, they would be provided by the normal funding process.

Preferring to err on the side of allowing senators the opportunity to consider matters when they are not clearly out of order, the ruling is that this bill is in order, and debate at second reading can continue.

#### SPEAKER’S RULING—BILL S-203

**The Hon. the Speaker:** Honourable senators, on February 4, during questions following Senator Grafstein’s speech on his motion for the second reading of Bill S-203, An Act to amend the

Business Development Bank of Canada Act (municipal infrastructure bonds) and to make consequential amendments to another Act, Senator Nolin rose on a point of order. He claimed that the bill appropriates funds from the Consolidated Revenue Fund and is therefore out of order because it does not have a Royal Recommendation.

A number of senators, including Senators Comeau, Tardif and Fraser, spoke to the matter. It became apparent that two distinct issues could be involved. Senator Nolin's basic concern was that a tax exemption and consequent reduction in government revenue, which the bill provides for, is actually the equivalent of an appropriation of public funds. A second issue, to which mention was also made, although not extensively explored, was that the bill would appear to change the mandate of the Business Development Bank of Canada.

[Translation]

On the first point, as to whether a reduction in a tax is an appropriation, authorities and precedents are clear. Marleau and Montpetit states, at page 711: "A royal recommendation is not required for an amendment whose effect is to reduce taxes otherwise payable." Beauchesne, at citation 603, also notes that tax measures do not require a Royal Recommendation. As the first quote makes clear, this includes reductions in the incidence of a tax. Likewise, Erskine May indicates that "Provisions for the alleviation of taxation are not subject to the rules of financial procedure," at page 901 of the 23rd edition.

In the Senate, the May 11, 2006, decision on Bill S-212, to which Senator Tardif referred, made clear that a measure to reduce taxes is in order. Although that particular bill was finally determined to be out of order, this was because of other provisions, not the proposal to reduce tax rates. It may also be noted that, since tax relief is clearly not a tax imposition, the issue of the bill having to originate in the House of Commons, under section 53 of the Constitution Act, 1867, does not arise.

• (1700)

From this, it is evident that the first concern in the point of order, that a measure to reduce taxes is an appropriation, is not valid.

[English]

The second concern relates to the fact that Bill S-203, in clause 2, expands the purposes of the Business Development Bank of Canada. Be that as it may, the bill does not contain any provisions appropriating money; indeed it is not immediately evident how often the bank receives appropriations. Although the bill may impose some administrative burdens, arguments did not establish that the new responsibilities would automatically incur new public expenditures or could not be accommodated by reallocating existing resources.

On this point, it is helpful to refer to Erskine May and what it says about "minor administrative expenses," which do not need a Royal Recommendation. This is at page 888 of the 23rd edition. As already noted, the actual text of Bill S-203 does not make clear that anything more would be required.

[The Hon. the Speaker]

As has been noted in previous rulings by several Senate Speakers, matters should be presumed to be in order unless the opposite is established. In light of the available information, the ruling is that the point of order has not been established, and debate on the motion for second reading of Bill S-203 can continue.

#### SPEAKER'S RULING—BILL S-207

**The Hon. the Speaker:** Honourable senators, on January 29, after Senator Carstairs had spoken to her motion for the second reading of Bill S-207, An Act to amend the Employment Insurance Act (foreign postings), Senator Comeau rose on a point of order. He argued that the bill needs a Royal Recommendation. While recognizing that the bill may have merits, he cited Beauchesne and rulings from the other place, stating that it could incur expenses not currently authorized by law. This issue arises because the bill would extend access to Employment Insurance to some individuals who do not now qualify. In keeping with rule 81, Senator Comeau asserted that the bill cannot be considered by the Senate.

By way of response, Senator Carstairs expressed concern that a restrictive approach could hamper senators' ability to introduce bills in the future. She also noted that the bill had been brought forward in several previous sessions without objection. Senator Fraser took up some of these points and suggested that, because this is not a supply bill, it should be given the benefit of the doubt. If amendments are required, she proposed that they could be made before the bill leaves the Senate. Senators Kenny and Tardif also spoke in favour of keeping the bill on the Order Paper. Finally, Senator Nolin drew the Senate's attention to sections 53 and 54 of the Constitution Act, 1867, arguing that the bill does not respect their provisions and is out of order.

[Translation]

Before addressing the merits of the specific case, the matter of when a point of order can be raised requires some clarification. A ruling of February 26, 2008, noted that "A point of order . . . can be raised at any point during debate." Unlike a question of privilege under rule 43, timing is not always a critical issue. Although it is preferable that a point of order be brought to the Senate's attention as soon as a senator becomes aware of the issue, it is not an absolute requirement that the matter be raised at the first possible instance. This said, the matter must be raised before the question has passed to a stage at which the objection would be out of place — for a bill this would be before a decision at third reading. A point of order certainly can be raised on a bill reintroduced in a new session.

[English]

As to the concern that senators could be impeded in bringing in legislation, this must be balanced against the need for a scrupulous respect for the financial prerogative of the Crown, which is reflected in our own rules and cannot be ignored. As the recent rulings demonstrate, each time a point of order like this one is raised, the bill is examined in terms of its potential monetary implications. As senators know, such concerns do not always prove to be valid. The actual merit of a particular bill, however, is not the issue when faced with the possible need for a Royal Recommendation.

As was noted in the ruling a few moments ago on Bill S-204, measures to extend the purposes of payments already authorized by statute or to relax conditions to be met typically require the Royal Recommendation. Marleau and Montpetit, at page 711, states that “An amendment which either increases the amount of an appropriation, or extends its objects, purposes, conditions and qualifications is inadmissible on the grounds that it infringes on the Crown’s financial initiative.” A similar point is made at citation 596 of Beauchesne, to which Senator Comeau referred, and in the 23rd edition of Erskine May, at page 857. This obligation to respect the Royal Recommendation applies not just to amendments, but also to amending bills.

None of the arguments raised challenged the basic point that Bill S-207 would extend Employment Insurance benefits to some individuals who do not currently qualify for them. The bill would relax the conditions that must be met in order to receive Employment Insurance benefits for certain individuals who accompany their spouse or common law partner when posted abroad, by allowing them to extend their qualifying period up to a limit set in the bill. Such individuals cannot now have this period overseas discounted when determining whether they qualify for benefits. The proposal in Bill S-207 to extend access to a benefit enlarges the scheme of entitlements in the Employment Insurance Act, and, consequently, it requires a Royal Recommendation.

The ruling is, therefore, that this bill is out of order. Debate at second reading cannot continue, and the bill shall be withdrawn from the Order Paper.

**Hon. Sharon Carstairs:** Your Honour, it would be appropriate at this particular point in time, if I were going to do so, to say that, with the greatest respect, I appeal your ruling. However, I have followed the logic of your discussion through these four pieces of legislation and, as a result, I will not be appealing the ruling.

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Second reading of Bill S-226, An Act to amend the Criminal Code (lottery schemes.—(*Honourable Senator Lapointe*)

**The Hon. the Speaker:** Honourable senators, Senator Massicotte has made a written declaration of private interest regarding Bill S-226 and, in accordance with rule 32.1, the declaration shall be recorded in the *Journals of the Senate*.

(Order stands.)

• (1710)

## VICTIMS OF HUMAN TRAFFICKING PROTECTION BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Gerard A. Phalen** moved second reading of Bill S-223, An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures in order to provide assistance and protection to victims of human trafficking.

He said: Honourable senators, in 2005 the government introduced in this chamber, and passed, Bill C-49, an Act to amend the Criminal Code (trafficking in persons). That legislation was a necessary first step in Canada’s efforts to meet its obligations under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This international protocol was adopted by the UN General Assembly in 2000 and ratified by 117 countries, including Canada, who signed on in May 2002.

One of the protocol’s primary goals is to maintain a careful balance between law enforcement and victim protection. Accordingly, it specified that any individual exploited through trafficking is to be considered a victim of trafficking and not a criminal.

Article 6 of the protocol ensures that domestic, legal and administrative systems provide victims with physical and psychological recovery, including housing, counselling, legal, medical and material assistance, as well as employment, education and training opportunities.

Article 7 of the protocol deals with immigration and holds that signatory countries must consider laws that would allow trafficking victims to remain in the country either temporarily or permanently.

Unfortunately, Canada has taken only that first step, and in the seven years since we signed the protocol we have done little at the federal level to provide a safe and secure environment for victims. In Canada, there are virtually no reliable statistics on the problem. The estimates vary from 800 people annually that the RCMP believe are trafficked into Canada to as high as 16,000 people from non-governmental organizations.

Regardless of the numbers, human trafficking starts in countries where people are desperate for economic opportunities. We, as Canadians, find it almost impossible to understand the vulnerability of people in poor and desperate countries. For instance, up to 400,000 Ukrainian women have been trafficked for sexual exploitation in the past decade. In the Ivory Coast, a girl allegedly can be bought as a slave for \$7. Up to 90 per cent of the girls in rural Albania do not go to school for fear of being abducted and sold into sexual servitude.

Criminal organizations charge these desperate people thousands of dollars to bring them into countries like Canada, often with promises of jobs that are not there. Instead, they are turned over to pimps and massage parlours where they are expected to work off their debt. The methods employed by these traffickers to force victims into compliance range from confinement and beatings to threats to their families.

A recently published study on human trafficking by The Future Group, a Canada-based non-governmental organization dedicated to combating human trafficking and the child sex trade, gave Canada an F for its abysmal record of treating victims.

Eight countries were rated by The Future Group. Their results ran from a B-plus for the United States to a B for each of Australia, Norway and Sweden; a B-minus for Germany and

Italy; and a D for the United Kingdom. Canada was the only country of the eight to receive an F. The Future Group study report said:

Canada's record of dealing with trafficking victims is an international embarrassment. . . .

Canada has ignored calls for reform and continues to re-traumatize trafficking victims, with few exceptions, by subjecting them to routine deportation and fails to provide even basic support services.

For these reasons, I believe that the next step we need to take is Bill S-223. This bill was developed after looking at the practices in other developed countries such as Australia, Germany, Italy, Norway, Sweden and the United States. Each of these countries has a system in place to provide for temporary or permanent residency for victims; to provide support for physical, psychological and social recovery of victims; and to enable the investigation of trafficking.

After looking at a variety of systems in other developed countries, I decided to base this bill along the same lines as the T visa program in the United States, which is designed to ensure that victims of trafficking who are able and willing to assist law enforcement with the prosecution of their slave traders are able to access the assistance they need in order to break away from their traffickers.

Since the passage of Bill C-49, which criminalized trafficking in persons, the government has made a number of positive changes in respect of victims of trafficking, including lengthening the period of reflection given to victims and introducing legislation eliminating the infamous stripper visas. I commend the government on these actions, but I continue to believe that a more comprehensive victim-centred approach is necessary.

For that reason, in October 2007, I tabled Bill S-218, which is now before honourable senators as Bill S-223. This legislation has four basic sections. The first section deals with short-term visas. This part of the legislation is very much in line with the current system. It allows victims a 180-day period of reflection during which time they receive, at no cost, health and psychological counselling under the Interim Federal Health Program. This 180-day reflection period is similar to the system in most G8 countries. It also allows law enforcement time to investigate the case. Bill S-223 also gives victims the right to work or study in Canada during this period. I believe that working and studying will help victims to begin the healing process.

The next section of this legislation deals with what we call the victim protection permit. This is a three-year temporary residency permit. I believe that this section is one of the most important ones in this legislation because victims would move automatically from the 100-day short-term visa to a three-year permit. The current system of short-term visas and ministerial special permits that might or might not be granted or lengthened, and that require victims to apply time and again, simply re-victimizes the victims. The last thing these victims need at this point is to have to go regularly to bureaucrats asking to be allowed to remain in the country.

Honourable senators also need to know that this proposed three-year victim protection permit gives victims the status of a permanent resident for the purpose of health and social

programs. If victims remain in Canada under the three-year permit, they will need more than basic health care. They would need legal aid, social housing, language training, et cetera.

In Canada, these programs are administered primarily by the provinces, and the most common qualifier is that a person must be a permanent resident. This permit allows victims to work and/or study during the three-year period as well as making victims eligible to apply to become permanent residents and eventually citizens if they so choose, and, of course, this permit is on a no-fee basis.

How does a victim qualify for a victim protection permit? They qualify if they or their family — and let me stress “their family” — would suffer hardship, retribution or harm if they returned to their home country. They qualify if they choose — and let me emphasize “if they choose” — to comply with any reasonable request to assist the investigation or prosecution of their traffickers. Finally, they qualify if immigration officials believe it is otherwise justified in the circumstances. This provision allows officials the leeway to deal with special circumstances, should that be necessary.

In all my discussions on this legislation, the option of testifying is always the most contentious, and it has been necessary to point out clearly that testifying is optional. I believe that it is nearly impossible for law enforcement to prosecute traffickers without the testimony of the victims and that victims receive a certain amount of closure by testifying. That is why I have included cooperation with law enforcement as an option.

Why did I choose to make the victim protection permit for a three-year period? The most recent statistics in Canada show that the length of time it takes for trials of crimes against persons to be completed in superior court is, on average, 367 days. That is only the time necessary for the court proceedings. We must also consider the time it takes for the criminal investigations, et cetera.

• (1720)

I would also like to point out that three years is the term the United States uses for their temporary visa system.

The next section I would like to discuss is the requirement of the Minister of Health to establish a hotline for victims. Because victims often come from countries where law enforcement is suspect, they are therefore hesitant to approach the police, and they often have difficulty with the language. It is also necessary because victims will need counselling and referral services that local law enforcement may be ill-equipped to provide. Hotlines have proven successful in other countries. For instance, a U.S. hotline took 2,670 calls in 2006, and 20 per cent of those calls were in foreign languages.

The last section I would like to deal with is the requirement of the Minister of Health to provide specialized employees within the department who will act as intermediaries for victims concerning immigration, health, legal aid, law enforcement, et cetera. This section of the bill also requires the minister to provide a public awareness campaign to ensure that community-based people are aware of the rights of the victims and the services available to them.



Honourable senators, if this legislation was implemented, how would I see a situation of a victim ideally unfolding? I believe a victim would initially approach someone in the community, perhaps at a women's shelter. These workers would be aware of the hotline and the rights and services available to victims, and they would encourage the victim to contact the hotline. The victim would call the hotline and be put in contact with a specialized worker who would help her navigate the system to obtain her 180-day temporary visa and access to the interim health program. During this time, law enforcement would investigate the victim, and the victim would begin the healing process. After the 180-day temporary visa, the victim would move to a three-year visa.

During these three years, the victim would learn the language, find employment or training and continue to heal, both physically and psychologically. It is also my hope that many victims would choose to participate in the prosecution of their traffickers to ensure that these criminals are punished. At the end of the three-year visa period, I would hope the victim would be a contributing member of Canadian society and looking forward to becoming a citizen.

I would like to take a few minutes to talk about why I believe legislation versus ministerial guidelines is needed in respect of victims of human trafficking.

Victims of trafficking usually come from countries where the authorities and the legal systems are suspect at best and these victims have been abused and taken advantage of. They need assistance, and it is imperative that such assistance be enshrined in law.

It is not sufficient to leave the rights of victims to the discretion of non-legislated systems like ministerial guidelines that are best suited to handling interpretations of the law or short-term gaps in the system. I believe the rights of victims of trafficking, like the human rights we so enjoy here in Canada, must be enacted in legislation and therefore have the certainty of the rule of law.

In May 2002, Canada signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Article 6 of that protocol ensures that domestic, legal and administrative systems provide victims with physical and psychological recovery, including housing, counselling, legal, medical and material assistance, as well as employment, education and training opportunities.

To address this obligation, the current government has provided victims of trafficking with help and psychological assistance under the Interim Federal Health Programs. I congratulate them for that, and now it is time to take the next step to ensure other legal, financial and educational systems are available to victims. I believe Bill S-223 will do that.

When I first began to look at the situation of victims of trafficking, it was not hard to find examples of situations where victims had been treated more as criminals than as victims. Thankfully, we continue to see improvements, and I believe enacting this legislation will demonstrate in a loud and clear voice our commitment to ensure that in Canada victims are treated as victims.

I would like to leave you, honourable senators, with a quote from Victor Malarek's now famous book, *The Natashas: Inside the New Global Sex Trade*, on the subject of human trafficking. He said:

Breaking this atrocious form of sexual exploitation must be a moral, legal and political imperative. . . . Trafficking of women for sexual exploitation is a crime against humanity. It shames us all.

Victor Malarek is right, honourable senators, and I believe that passing this legislation will be another step in Canada's protection of victims of trafficking and the prosecution of their human traffickers.

(On motion of Senator Comeau, for Senator Dickson, debate adjourned.)

## NATIONAL CAPITAL ACT

### BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Wallace, for the second reading of Bill S-204, An Act to amend the National Capital Act (establishment and protection of Gatineau Park).

**Hon. Tommy Banks:** Honourable senators, Senator Comeau and Senator Tardif, I am about to ask for something that is quite unusual, and I am asking it in the absence of the author of the bill for reasons of pure practicality. I want to ask if it would be possible to send this bill to the Standing Senate Committee on Energy, the Environment and Natural Resources now, which will be formed under the chairmanship of Senator Angus on Thursday morning.

Honourable senators, this bill has been passed by this place in substantially this form — I think maybe exactly this form — on three previous occasions. It would be a good idea for the Energy Committee to be able to report to this place on this bill with some alacrity. The practical reason I am asking for this is that there are 12 bills that will likely go to that committee, two in the House of Commons and 10 on the Senate's Order Paper.

It would be a practical thing, since we have dealt with the bill before, albeit in a different Parliament with different members. We have heard His Honour's ruling on its propriety today.

As a purely practical matter, I wonder if we can take the unusual step today of a motion referring this bill to that committee forthwith.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, as much as I would like to speed up all bills in the Senate, I do not think what the honourable senator is suggesting is a very practical approach. Senator Banks said it himself; we are into a brand new session. There may be differing

views. We are facing a new economy and environment, and I suggest that the honourable senator, like all other senators, wait for the critics of this bill to provide their comments. I suggest we wait.

**The Hon. the Speaker *pro tempore*:** Senator Comeau, is there a motion to adjourn on the motion of Senator Banks?

**Senator Comeau:** If Her Honour moves the motion, yes, I do wish to move the adjournment of the motion that this bill be sent to committee.

**Senator Banks:** We can make it much less complicated. I did not move a motion. I asked whether it could be considered, so I think it would be simpler if we just stand the bill.

(Order stands.)

• (1730)

[Translation]

#### LEGAL AND CONSTITUTIONAL AFFAIRS

##### COMMITTEE AUTHORIZED TO STUDY PROVISIONS AND OPERATIONS OF THE NATIONAL DEFENCE ACT

**Hon. Joan Fraser,** pursuant to notice of February 12, 2009, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the provisions and operation of An Act to amend the National Defence Act (court martial) and to make a consequential amendment to another Act (S.C. 2008, c. 29); and

That the committee submit its final report no later than June 30, 2009.

(Motion agreed to.)

[English]

#### FOREIGN AFFAIRS AND INTERNATIONAL TRADE

##### COMMITTEE AUTHORIZED TO STUDY ISSUES RELATED TO FOREIGN AFFAIRS AND INTERNATIONAL TRADE GENERALLY

**Hon. Consiglio Di Nino,** pursuant to notice of February 12, 2009, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade, in accordance with rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to foreign relations and international trade generally; and

That the committee report to the Senate no later than June 30, 2010.

(Motion agreed to.)

[ Senator Comeau ]

##### COMMITTEE AUTHORIZED TO STUDY RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY AND REFER PAPERS AND EVIDENCE FROM SECOND SESSION OF THIRTY-NINTH PARLIAMENT

**Hon. Consiglio Di Nino,** pursuant to notice of February 12, 2009, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on the rise of China, India and Russia in the global economy and the implications for Canadian policy;

That the papers and evidence received and taken and the work accomplished by the committee on this subject during the Second Session of the Thirty-ninth Parliament be referred to the committee; and

That the committee present its final report no later than June 30, 2010, and retain all powers necessary to publicize its findings until September 30, 2010.

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, would it be possible to ask our friend the honourable senator if he intends to ask the Senate about other orders of reference, or does he intend to focus only on this study?

[English]

**Senator Di Nino:** Honourable senators, this study was undertaken during the last Parliament. We have accumulated a certain volume of testimony. Members of the Foreign Affairs Committee will be discussing how we continue to do this, whether we do a quick wrap-up or draft a report. The issue is that the world has changed greatly from where we were six, seven, eight months ago when we undertook this study. It is my intention to put this issue on the Order Paper so that the committee can be entrusted to discuss it and to take it to the next step, whatever that may be. I do not want to preclude an honest discussion at the committee.

**Senator Prud'homme:** That is a very satisfying answer.

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

(Motion agreed to.)

#### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

##### COMMITTEE AUTHORIZED TO STUDY STATE OF EARLY LEARNING AND CHILD CARE AND REFER PAPERS AND EVIDENCE FROM PREVIOUS PARLIAMENT

**Hon. Art Eggleton,** pursuant to notice of February 12, 2009, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the state of early learning and child care in Canada in view of

the OECD report *Starting Strong II*, released on September 21-22, 2006 and rating Canada last among 14 countries on spending on early learning and child care programs, which stated “. . . national and provincial policy for the early education and care of young children in Canada is still in its initial stages. . . and coverage is low compared to other OECD countries”;

That the committee study and report on the OECD challenge that “. . . significant energies and funding will need to be invested in the field to create a universal system in tune with the needs of a full employment economy, with gender equity and with new understandings of how young children develop and learn”;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-Ninth Parliament be referred to the committee; and

That the committee submit its final report no later than June 30, 2009, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO STUDY CURRENT  
SOCIAL ISSUES OF LARGE CITIES AND REFER PAPERS  
AND EVIDENCE FROM PREVIOUS PARLIAMENT

**Hon. Art Eggleton**, pursuant to notice of February 12, 2009, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on current social issues pertaining to Canada's largest cities. In particular, the Committee shall be authorized to examine:

- (a) poverty, housing and homelessness;
- (b) social inclusion and cohesion;
- (c) urban economies;
- (d) models for collaboration and co-operation among governments;

That the study be national in scope, and include a focus on the largest urban community in each of the provinces;

That the study report include proposed solutions, with an emphasis on collaborative strategies involving federal, provincial and municipal governments;

That the papers and evidence received and taken and work accomplished by the Committee on this subject since the beginning of the First Session of the Thirty-Ninth Parliament be referred to the Committee; and

That the Committee submit its final report no later than October 30, 2011, and that the Committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO STUDY IMPACT  
AND EFFECTS OF DETERMINANTS  
OF HEALTH AND REFER PAPERS AND EVIDENCE  
FROM PREVIOUS PARLIAMENT

**Hon. Art Eggleton**, for Senator Keon, pursuant to notice of February 12, 2009, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the impact of the multiple factors and conditions that contribute to the health of Canada's population — known collectively as the determinants of health — including the effects of these determinants on the disparities and inequities in health outcomes that continue to be experienced by identifiable groups or categories of people within the Canadian population;

That the committee examine government policies, programs and practices that regulate or influence the impact of the determinants of health on health outcomes across the different segments of the Canadian population, and that the committee investigate ways in which governments could better coordinate their activities in order to improve these health outcomes, whether these activities involve the different levels of government or various departments and agencies within a single level of government;

That the committee be authorized to study international examples of population health initiatives undertaken either by individual countries, or by multilateral international bodies such as (but not limited to) the World Health Organization;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-Ninth Parliament be referred to the committee; and

That the committee submit its final report no later than June 30, 2009, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

(Motion agreed to.)

(The Senate adjourned until Wednesday, February 25, 2009, at 1:30 p.m.)

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