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**Thursday, April 2, 2009**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Thursday, April 2, 2009

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

Prayers.

### SENATORS' STATEMENTS

#### CANCER AWARENESS

**Hon. Fred J. Dickson:** Honourable senators, Daffodil Month, known to some as the month of April, has become an important time for those who are involved in the battle against cancer. This is the month the Canadian Cancer Society conducts its door-to-door campaign to raise funds in support of its valuable work. This work includes support for research, providing for people with cancer, as well as their families, and generally raising awareness around issues related to cancer.

The Canadian Cancer Society has contributed a great deal in the fight against cancer over the years, and I cannot commend them enough for their efforts.

I am proud to say that in my province of Nova Scotia, on the eve of Daffodil Month, another important activity took place to aid the fight against cancer. On March 30 and 31, policy experts from across the country gathered in Halifax at an event jointly held by the Canadian Partnership Against Cancer and Cancer Care Nova Scotia. The focus was on preventing not only cancer but also chronic diseases such as heart disease and diabetes.

A report released in February by the World Cancer Research Fund and the American Institute for Cancer Research found that one quarter to one third of cancers can be prevented through diet, physical activity and weight management.

I am very pleased that, according to the report of the Honourable Senators Kirby and LeBreton entitled *The Health of Canadians*, chapter six, recommendation 13 creates a federal strategy for disease prevention. In 2005, the Government of Canada invested \$300 million over five years and \$7.4 million per year in ongoing funding for the Integrated Strategy on Healthy Living and Chronic Disease. This is an important step in health promotion and disease prevention.

Canada now joins other countries with this investment in innovative and integrated approaches to combat major, preventable chronic diseases. This strategy is balanced by complementary disease-specific investments including cancer, cardiovascular disease and diabetes. Prevention being exceedingly important in all these cases, it is a wonder why more is not spent on these excellent strategies.

Unfortunately, most Canadians are not aware of the importance of prevention when it comes to cancer and other diseases. When polled, only one in ten Canadians said that eating

healthier food could reduce their risk of cancer and less than one third knew there was a link between being overweight and developing cancer.

These figures must change. Meetings like the one in Halifax are an important way of spreading what is known about cancer prevention and translating it into action that will reduce the risk of cancer and save lives.

Honourable senators, we have not yet won our struggle against cancer, but I am hopeful that one day we may. Of this much I am sure: Supporting efforts that prevent this terrible disease are vitally important in that struggle.

#### RWANDAN GENOCIDE

**Hon. Yoine Goldstein:** Honourable senators, this April 7 will mark the fifteenth anniversary of the Rwandan genocide. Normally, we have the privilege of having with us and hearing from Senator Dallaire, a man who bore witness to this devil's plan and who fought with every ounce of his being to stand in its way. Unfortunately, he suffered an accident. I am pleased to tell honourable senators that he is recovering well, and I have the privilege to speak in his place.

I wish to take a moment to recognize this tragic event and to pay tribute by remembering those who suffered the unspeakable pain and distress of this genocide. I would like to reflect on what we have done and what more we can do to ensure that we learn all that we can learn and do all that we can do to prevent this kind of genocide from ever happening again.

• (1340)

Honourable senators will recall that on April 7, 1994, the morning after Rwanda's President Juvenal Habyarimana was shot down by rocket fire, events were set in motion that would result, in 100 days, in the systematic killing of nearly one million Tutsi and moderate Hutu.

In the aftermath of the Rwandan genocide, the world united to chant in unison that genocide would never again be permitted to occur. Honourable senators will recall that chant has been repeated countless times, and genocides have been repeated countless times.

In this regard, Canada, while it cannot claim to have an unblemished record, has been a leader on the world stage. We played a pivotal role in the establishment of the International Criminal Court that labours to put to an end the impunity of those who perpetrate genocide and other crimes against humanity.

There is also the concept of Responsibility to Protect, R2P, according to which a sovereign state cannot hide behind the concept of sovereignty to murder its own citizens; and that all states have the responsibility to protect their own and to intervene when other states do not protect their residents.

R2P gained worldwide support, in no small measure, due to Canadian efforts of which we may be justly proud. R2P has met many challenges, not the least of which is the ongoing genocide in Darfur. Many admirable individuals, including some of our honourable senators and members from the other place, continue to work and to bring to the concept the legitimacy and support that it needs to be effective. R2P should be supported and should be actively spoken to.

This brings me to my last issue. While we commemorate the 15 years since the genocide in Rwanda, we should remember that genocide has been unfolding in Darfur for seven years now. It is likely to worsen.

I express my sincere admiration for all who survive. I know not where they find the courage to continue to live in search of peace.

[Translation]

#### MS. MANON FEUBEL AND MS. MICHÈLE LOSIER

**Hon. Andrée Champagne:** Honourable senators, I recently told you about a soprano from the Saguenay who was about to debut at La Scala in Milan. Last week, Milan's leading daily, the *Corriere della Sera*, had nothing but praise for Manon Feubel. The spinto soprano sang the role of Lucrezia in Verdi's *I Due Foscari* alongside renowned baritone Leo Nucci.

A few days ago, our colleague, Senator Losier-Cool, pointed out an article in *Acadie Nouvelle* to me. It announced the debut of mezzo-soprano Michèle Losier in Sydney, Australia. After a marvellous performance at the Queen Elisabeth of Belgium International Music Competition, 30-year-old Michèle Losier's career is taking her to the world's greatest stages.

After performing at the Met in New York with Plácido Domingo and at the Boston Lyric Opera, this native of St. Isidore, New Brunswick has just sung the role of Charlotte, the lead female role in Jules Massenet's *Werther* in Sydney.

Our colleague, Senator Losier-Cool, is very proud of her first cousin once removed, and I can assure her that everyone in Canada is delighted with Michèle Losier's success. Let us rejoice together that two of our own are receiving such high praise for their work around the world. Bravo, Manon Feubel! Bravo, Michèle Losier!

[English]

#### INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

**Hon. Gerry St. Germain:** Honourable senators, yesterday marked the tenth anniversary of Nunavut becoming Canada's newest territory. An initiative that former Prime Minister Brian Mulroney recognized as the right thing to do, he thereby acknowledged a founding people's contribution to strengthening Canada economically and culturally.

Last Tuesday morning, all Canadians were witness to a rare event in this place. They heard Canada's Auditor General praise the recent good work of some agencies of government. The Auditor General praised the Department of Indian and Northern Affairs for increasing transfers of treaty lands owed to First

Nations communities in Manitoba and Saskatchewan. The Auditor General also mentioned improved drinking water standards.

These issues were two of the important subject matters that the Standing Senate Committee on Aboriginal Peoples examined and reported on over the past two and a half years. I wish to thank honourable senators for their cooperation and non-partisanship.

• (1345)

On the matters of specific claims and water quality, the government listened to and acted quickly on the Senate's recommendations. While credit should be given where it is due, it is only right to point out that there is a great deal of room for further improvement, even in the area of land claim transfers.

In the province of Manitoba, the legal obligation to return close to one million acres of treaty entitlement land to First Nations peoples in Manitoba remains outstanding. A few years ago, the Department of National Defence determined certain lands in Winnipeg to be surplus to their needs. Treaty 1 territory encompasses these lands, so it only follows that when these lands became surplus to the Crown's needs, Treaty 1 First Nations would be given consideration to possess these parcels of land.

Honourable senators, the Governments of Canada and Manitoba agreed to return surplus treaty lands to First Nations. The government and the Department of Indian Affairs have made tremendous strides in settling land claims, and I congratulate the government and the ministers. There is great honour in settling one's accounts while respecting the rights and responsibilities of the agreements entered into with First Nations and the Crown.

Honourable senators, we must do all within our legislative power to ensure that these processes are carried out with the greatest of expedience.

#### VIMY RIDGE DAY

**Hon. Joseph A. Day:** Honourable senators, the Battle of Vimy Ridge is recognized annually on April 9 as Vimy Ridge Day. Since we will be back in our regions on April 9, it seems appropriate that we remember that nation-building event today.

The Battle of Vimy Ridge marked a profound turning point in the First World War. For the first time, four Canadian divisions, which had traditionally been used to supplement the ranks of the British and the French, fought together as a single unit as a Canadian Force toward the objective of capturing Vimy Ridge, held by the Germans. Military control of the ridge was not only important strategically but also symbolically. For 18 months the Allied Forces had attempted unsuccessfully to take the ridge. The Canadians were still recovering from devastating losses suffered at the Battle of the Somme.

In order to capture Vimy Ridge, Canadian success depended on inventiveness and creativity. The extensive use of tunnels was a major innovation that made it possible to safely transport men and equipment, to store ammunition in proximity to where it was to be used, and to bring electricity and telecommunications to

forward positions, all of which contributed to the success in the battlefield. Digging trenches and tunnels and building miles of underground railway were not glamorous duties, but they were chores for which soldiers from the young nation of Canada were well-suited, and they were vital components of the Canadian victory at Vimy Ridge.

We marked this major victory with the Canadian National Memorial that was originally completed in 1936 under the direction of Toronto sculptor Walter Allward. It is an important symbol by which we are able to remember the 619,000 Canadians who fought in the First World War to ensure freedom and security in the world.

In the Battle of Vimy Ridge, 3,598 Canadians gave their lives and another 7,000 were wounded. That is almost 11,000 people killed or wounded at Vimy Ridge alone in 1917 when Canada's population was only 8 million.

When the memorial was first completed, there was no public transportation available for visitors, but Canadian visitors could always count on Mr. Georges Devloo, known as the "grand-père of Vimy" by many Canadian tour guides. Mr. Devloo offered car rides at no charge to Canadians visiting the memorial. This was his way of paying tribute to Canadians who fought at Vimy and helped to liberate his homeland, his beloved France.

Mr. Devloo was born after the war. He did not live through the occupation but, when asked why he devoted his time and energy to helping Canadians, he said he knew how much Canadians gave; he knew that Canada was one of the few countries that gave without asking for anything in return. It was not just about the war; it was about rebuilding after the war. After many years of helping Canadians, Mr. Devloo died this past February at the age of 85.

• (1350)

This year honours the ninety-second anniversary of the Battle of Vimy Ridge. The bravery of all Canadians who fought at Vimy has resonated through the generations, not only in Canada but abroad.

Very few Canadian veterans of the Great War are still alive. It is our obligation to remember their sacrifices, understand their tremendous contributions to the world and honour their memory.

In the going down of the sun and in the morning, we will remember them.

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

#### WORLD AUTISM AWARENESS DAY

**Hon. Jim Munson:** Honourable senators, today is World Autism Awareness Day, a day recognized by 192 members of the United Nations.

A number of senators joined us in the West Block yesterday as we brought groups working on behalf of autistic people together with parliamentarians and their staff, and it was a good

day. These groups had been working separately, but now they are united as the Canadian ASD Alliance. Our goal yesterday was to raise awareness and create links between decision makers and the people working hard every day on behalf of people with autism.

Today, the Minister of Health announced that Canada recognizes World Autism Awareness Day. That is an important step and I am happy she took it; but there is no force of law behind this declaration.

My bill, S-210, now before the Standing Senate Committee on Social Affairs, Science and Technology, which has been endorsed by Senators Keon and Oliver, includes in its preamble two very important points. First, it states that Canada has no national strategy for autism; and, second, it reminds us that Canada is a signatory to the United Nations Convention on the Rights of the Child and the United Nations Convention on the Rights of Persons with Disabilities.

These elements of the bill, so important to the groups who were with us yesterday, are fundamental to improving the lives of people with autism in Canada. Without a national strategy, efforts to address this disorder will remain disparate and ad hoc. Without recognizing the rights of people with autism, we fail to show them respect.

[Translation]

As I have already said here, recognizing April 2 as World Autism Awareness Day will not cure autism. It will not guarantee that children who need treatment, those who wait far too long for care and therapy, will get what they need. It will not provide financial assistance to families who are breaking the bank to pay for these treatments themselves.

[English]

I hope that honourable senators will continue to support my bill by making S-210 law. We are expressing compassion, caring and respect. We are saying to people with autism, "We will take action and we want to include you." This shows what Canadian values are.

#### CANADA GAIRDNER INTERNATIONAL AWARDS

**Hon. Wilbert J. Keon:** Honourable senators, on Tuesday, I had the great honour of attending the announcement of this year's prestigious 2009 Canada Gairdner International Awards for medical research. The awards were founded by Toronto businessman James Gairdner in 1959 to recognize the breakthroughs of the world's leading medical scientists. The awards, known as the "Baby Nobels" because so many Gairdner winners have also become Nobel laureates, will be presented in October.

• (1355)

In a clear sign of support for research in this country, last year our Conservative government announced a \$20 million endowment for the Gairdner Foundation. Hence, the name was changed to the Canada Gairdner International Awards, and Canada is officially linked to one of the world's most prestigious awards for medical science.

[ Senator Day ]

The recipients of the Canada Gairdner International Awards for discoveries in medical science are Dr. Shinya Yamanaka of Kyoto University, for his work in reprogramming adult cells so they act as stem cells; Dr. Richard Losick of Harvard University and Dr. Lucy Shapiro of Stanford University, for their discovery of mechanisms that define cell polarity and asymmetric cell division; and Dr. Kazutoshi Mori of Kyoto University and Dr. Peter Walter of the University of California, for their dissection and elucidation of a key pathway in the unfolded protein response.

The recipient of the Canada Gairdner Wightman Award for leadership in Canadian medicine is Dr. David Sackett of McMaster University for his leadership in the fields of clinical epidemiology and evidence-based medicine, which have had major impacts internationally in applied clinical research and in the practice of medicine.

The recipient of the Canadian Gairdner Global Health Award for scientific advances relevant to the developing world is Dr. Nubia Munoz, Emeritus Professor of the National Cancer Institute in Colombia, for her epidemiological studies that defined the essential role of the human papilloma virus in the etiology of cervical cancer on a global level, which led to the development of successful prophylactic vaccines.

Honourable senators, please join me in honouring these outstanding global scientists.

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

## ROUTINE PROCEEDINGS

### FEDERAL SUSTAINABLE DEVELOPMENT ACT AND THE AUDITOR GENERAL ACT

#### BILL TO AMEND—FIFTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE PRESENTED

**Hon. W. David Angus**, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, April 2, 2009

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

#### FIFTH REPORT

Your committee, to which was referred Bill S-216, An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament), has,

in obedience to the order of reference of Wednesday, March 11, 2009, examined the said bill and now reports the same without amendment.

Respectfully submitted,

W. DAVID ANGUS  
*Chair*

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

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

### NATIONAL CEMETERY OF CANADA BILL

#### SECOND REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

**Hon. Art Eggleton**, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, April 2, 2009

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### SECOND REPORT

Your committee, to which was referred Bill C-17, An Act to recognize Beechwood Cemetery as the national cemetery of Canada, has, in obedience to its order of reference of March 12, 2009, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

ART EGGLETON  
*Chair*

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

**Senator Eggleton:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(b), I move that the bill be placed on the Orders of the Day for third reading later this day.

**The Hon. the Speaker:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

(On motion of Senator Eggleton, with leave of the Senate and notwithstanding rule 58(1)(b), bill placed on the Orders of the Day for third reading later this day.)

[Translation]

### ADJOURNMENT

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 21, 2009, at 2 p.m.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

• (1400)

[English]

## THE SENATE

### NOTICE OF MOTION TO RECOGNIZE APRIL 25 AS WORLD MALARIA DAY

Leave having been given to revert to Notices of Motions:

**Hon. Mobina S. B. Jaffer:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate recognize and endorse April 25th annually as World Malaria Day.

## COMMERCIAL SEAL HUNTERS

### NOTICE OF INQUIRY

Leave having been given to revert to Notices of Inquiries:

**Hon. Mac Harb:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the need for the Government of Canada to use its resources to transition those Canadians currently involved in the commercial seal hunt into new and viable industries for the benefit of these individuals, their communities and all Canadians.

## FISHERIES ACT

### CESSATION OF COMMERCIAL SEAL HUNT— PRESENTATION OF PETITION

**Hon. Mac Harb:** Honourable senators, I have the honour to present a petition signed by residents from the province of British Columbia calling on the Government of Canada to amend the Fisheries Act to end the commercial seal hunt.

## QUESTION PERIOD

### FINANCE

#### ECONOMIC STIMULUS PACKAGE

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, Canada is facing its greatest economic crisis in 50 years. People across the country are losing their jobs or are being forced to take on reduced working schedules; families are struggling to make ends meet. In my province of Nova Scotia, people are losing their jobs every day. Recently, Comeau Lumber, 60 jobs; American Express, 87 jobs; Little Narrows Gypsum, 66 jobs; Crossley Carpet Mills in Senator Dickson's home town, 40 jobs; ACA Co-operative, 302 jobs; KLJ Field Services, 90 jobs; Acadian Zinc Mine, 67 jobs, and the list goes on. Thousands of jobs have been lost in the last few months.

In December 2008, business bankruptcies were up 60 per cent, year over year. Nova Scotians, indeed all Canadians, are being battered by this recession. They need the help of their federal government and they need it now.

Can the minister guarantee that her government will actually spend all the stimulus money in the budget that we approved so quickly a couple of weeks ago and that it will immediately start getting Canadians back to work?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, as we just witnessed in London, all of the G20 leaders came together with substantive action to deal with the unprecedented global economic recession. It was pointed out by many of the world leaders that while each country will do everything they can within their own country, the solution to this problem is a global solution and not necessarily actions by one country or another.

The honourable senator knows that the government has committed to do everything possible to move the stimulus funds as quickly as possible. April 1 was the date that the stimulus kicked in.

• (1405)

There is no joy in the unemployment numbers that we hear from across the country. We heard bad news from Bombardier this morning.

I can assure honourable senators that the government, the cabinet and public servants are working responsibly to move these funds to the regions of the country as quickly as possible. Being mindful that the funds are taxpayers' dollars, we will be careful that the money goes to where it is intended.

I can give the honourable senator only the assurance that the government intends to do everything possible to assist fellow Canadians in these difficult economic conditions as a result of the global recession.

**Senator Cowan:** Honourable senators, I thank the minister for her answer. However, over the past three years, more than \$3 billion of approved money for infrastructure has not been spent.



If the government has not been able to move the money out the door in the last three years, what assurance do we have that it will be able to do so in the coming year?

**Senator LeBreton:** As the honourable senator knows, one reason we urged quick passage of the Budget Implementation Act was to move the money quickly. There was concern about one part of the bill. A lot of red tape was built into the system whereby the federal government announced the money, with the provinces, and then, due to environmental protection requirements in the Navigable Waters Act, projects were delayed. For that reason, a measure was included in the Budget Implementation Act.

Having said that, a few weeks ago the government reported on where we intend to move the money in the stimulus package. There has been a great deal of cooperation with the provinces and the municipalities. They have submitted projects that are ready to go, and I have every confidence that we will move as quickly as possible to deliver this money and make a difference in getting people back to work.

There is already evidence in the construction and home renovation industries that the eco-energy retrofit and Home Renovation Tax Credit provisions in the budget plan are having positive effects on small businesses. It is hoped that more people will take advantage of the tax incentives to hire people in their communities to perform this work.

**Hon. Pierrette Ringuette:** The honourable leader keeps repeating that the Home Renovation Tax Credit in the budget implementation bill will help Canadians. It will not help Canadians, because it was not in Bill C-10.

**Senator LeBreton:** Honourable senators, I saw Senator Ringuette make an accusation to the Minister of Finance that a certain element was not in the budget. He turned to the page and proved the honourable senator wrong.

As part of our incentive to put Canadians back to work, the Home Renovation Tax Credit is very much part of the budget. As a matter of fact, there has been considerable uptake on this incentive. One can open any newspaper and read about how businesses are using this tax credit program to encourage people to have their homes renovated while participating in this incentive.

• (1410)

[Translation]

**Senator Ringuette:** Honourable senators, I am very pleased that the Leader of the Government in the Senate takes the time to tune in to CPAC, to stay up to date on what is happening in committee. I would have liked her to see the broadcast of Tuesday's meeting of the National Finance Committee, in which the Department of Finance's official representative again confirmed that the tax credits for home renovation were not included in Bill C-10. They might be in the next budget.

Let us be honest. I hope the government will stop spending millions of taxpayers' dollars on a program that does not yet even exist, and that cannot exist, because it was not in Bill C-10.

[English]

**Senator LeBreton:** Honourable senators, the program does exist. There is a one-year window for people to take advantage of the incentive and that is between February 2009 and February 2010. Many people are taking advantage of the tax credit program.

This definitely is a government program. I did not watch CPAC last night; I was busy with other things. The honourable senator clearly has information that is not in line with what the government is doing in terms of the Home Renovation Tax Credit.

## FOREIGN AFFAIRS

### GOVERNMENT ACTION ON HUMAN RIGHTS IN AFGHANISTAN

**Hon. Terry M. Mercer:** Honourable senators, all Canadians were distressed and disgusted with the news from Afghanistan that President Karzai has signed a law stripping women of rights that are common in this country and throughout the civilized world.

In the other place yesterday, in response to a question, Minister Stockwell Day, the Minister of International Trade, gave the following answer:

... our Prime Minister has expressed serious concerns with this Afghanistan law. Our Minister of Foreign Affairs has done that also and continues to do that.

My question to the Leader of the Government in the Senate is: When did the Minister of Foreign Affairs express serious concerns? How did he convey that message? How often did he convey the message? What is in the message that he conveyed to the Afghan government?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I thank the honourable senator for the question. I would like to reiterate that this is not a political issue but a very serious human rights issue. Parliamentarians on both sides of the house have expressed shock and concern in regard to this grave issue.

To whoever is laughing over there, this is no laughing matter. This is a very serious matter pertaining to the rights of women and children in Afghanistan. Our Canadian soldiers are over there losing their lives to try and make a better life for Afghans. This is no laughing matter. It is not a political matter but a serious international matter.

Obviously, the Government of Canada, on behalf of the people of Canada, is very upset and concerned about this situation. We have made our position very clear. The Prime Minister is in London this morning. Immediately after being made aware of the Shia family law issue, the Minister of Foreign Affairs met with the Afghan Minister of Foreign Affairs and the Minister of the Interior at the UN conference in The Hague.

From London yesterday and again today, the Prime Minister has expressed how deeply troubled he is by this issue.

The Government of Canada calls on the Afghan government in the strongest terms to honour its human rights treaty obligations under international law, including respect for the equality of women before the law. Canada and our like-minded NATO partners and other countries in the world strongly conveyed this message to the Afghan authorities.

• (1415)

The promotion and protection of human rights for all people of Afghanistan, and particularly women and children, is of paramount concern to the government, as it should be.

**Senator Mercer:** I thank the minister for that response.

On Tuesday in the other place, in response to a question, Minister Day talked about serious consequences, and indeed in response to another question yesterday by the member for Toronto Centre, Bob Rae, he said, “We have sent a message that is very clear.”

Mr. Day has talked about consequences several times in his response in the other place. He has talked about a clear message. What is the message? What are those consequences? When did he send the message and when can we expect compliance by the Afghan government?

**Senator LeBreton:** As Minister Day, Minister MacKay and Minister Kenney said this morning — as everyone has said — we are in Afghanistan operating on many fronts to improve conditions in Afghanistan and especially to ensure that we can continue with our aid programs, and continue to give assistance to the Afghan people, particularly women and children going to school.

With regard to the honourable senator’s specific question, we have partners in Afghanistan. I will not speculate on what measures Canada, the United States and our other partners intend to take. I do not know that answer at this moment. However, I can assure honourable senators that the government intends to work with our partners to do everything possible to deal with this unfortunate situation that has developed in Afghanistan.

**Senator Mercer:** I want to remind the minister and all honourable senators about the Rights in Practice — Women’s Rights and Family Law Reform, which is part of the Afghani project and our mission in Afghanistan. The current phase of this program is running from 2007 to 2011 and will cost \$5 million.

The program has three main objectives. The first objective is to support Afghan civil society, to advocate for the progressive reform of family law and the implementation and use of new national marriage contracts. The second objective is to promote greater respect for women’s rights at the community level. The third objective is to support Afghan civil society organizations to become effective defenders of women’s rights.

I think this government needs to ask the question that all Canadians are asking: What value are we receiving for our \$5 million? It seems to me that we need to be more serious than we have been on this issue, and quicker. I respect the fact that the

government has said some of the right things and I support that step. However, I do not think that Canadians are willing to wait. I know that Afghani women and girls are not willing to and, indeed, cannot, wait.

**Senator LeBreton:** Honourable senators, we are talking about the Afghan government and the Karzai government. I am sure the honourable senator does not suggest that the Government of Canada should stop funding programs like these ones. I am sure the honourable senator wants us to continue with our efforts. These programs are important. I am confident the government will take every possible step to deal with this serious issue with our partners, and I believe that the government will remain completely committed to our programs in Afghanistan to further the human rights of the Afghan population, and to further the opportunities for Afghan women and children.

**Senator Mercer:** I should clarify that point. The minister likes to twist the words. I certainly was not suggesting that we not continue with the project of trying to help Afghani women and that we do not spend the \$5 million. I do think that we need to talk about whether this program is working, and if the program is not working, what we do to fix it and help Afghani women and girls.

• (1420)

Honourable senators, this situation is intolerable both to Canadians and to people around the civilized world. It is repugnant to see the sights on the television news last evening and those we continue to hear about today. It is beyond the pale. It is something none of us can stand. I am not suggesting for one moment that we not continue with our efforts. I simply want to know that the government is keeping the pressure on the Afghani government to bring Afghani women and girls into the 21st century and to allow them to share the rights that all women should have throughout the civilized world.

**Senator LeBreton:** Surely, in view of the situation, any reasonable person in this country would know that the government will take every measure possible to assist the Afghan people. We have soldiers over there, as well as aid workers and civilians. Obviously, the government will do everything it can to protect and strengthen those programs and ensure that this law the Karzai government has instituted is dealt with by NATO and our international partners. As the honourable senator says, the situation is not acceptable, and the government will do everything possible.

The statements of the Prime Minister, Minister Kenney and others this morning are proof of that. It is not an issue of the government versus anyone else. This is a Canadian issue. We are all in this together. When the previous government committed our troops to Afghanistan, and to Kandahar, in particular, almost 10 years ago, all of us did it for the right reasons. Obviously, we will continue to act in that manner.

**Hon. Mobina S.B. Jaffer:** Honourable senators, I have a supplementary question. Yesterday we heard the Afghan measures were against women and I am a woman. Today I hear they are against the Shia community and I am a Shia. Today I ask the minister to give a very strong message to President Karzai.

Canadians value the diversity of our population. We respect the diversity of our population. In very strong terms, President Karzai should know that we will not accept harassment or unfair laws against women and also against Shia minorities in Afghanistan.

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

**Senator LeBreton:** I can assure the honourable senator that our government will be sending a very strong message to the Karzai government such as she suggests.

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### EMPLOYMENT INSURANCE

**Hon. Grant Mitchell:** Honourable senators, Liberal senators passed the budget bill and its EI provisions in about six days. On the other hand, six months after Mr. Harper announced his intentions to extend the EI benefits to the self-employed in Canada, he still has not got it done. It is the Liberal senators that Mr. Harper continually blames for delaying government legislation. Why is it that Mr. Harper is so quick to lay blame and so slow to take responsibility?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, this is really interesting. There is a pattern of constant attacks on our Prime Minister.

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

**Senator LeBreton:** I take that as a positive signal. It means we are getting somewhere.

• (1425)

With regard to the honourable senator's question, we listened to Canadians on the budget consultation with regard to Employment Insurance. That is why the additional five weeks were added. The honourable senator is also correct: We made a platform commitment in October 2008 to look into extending the EI maternity benefits for small businesses. As I reported in a question several weeks ago, we intend to keep this commitment.

We made that commitment in the campaign. Obviously, a lot of work needs to be done by various agencies of government to formulate a policy and it is in the works.

**Senator Mitchell:** Income trust holders and, Atlantic Canadians in this country, have to ask exactly how much worth they can place on the intentions of this government.

How is it that the Conservatives can somehow assemble a stimulus package in two months but they cannot seem to formulate this relatively straightforward EI provision in six months? Is it incompetence or indifference?

**An Hon. Senator:** Or both.

**Senator LeBreton:** If you are talking about the commitment that was made in the election campaign to make EI maternity and parental benefits accessible to the self-employed, I believe I answered that question.

We intend to implement this policy. We only announced it in the election campaign and we will have an expert panel formulating a policy as to how it can be implemented. The honourable senator will have to wait to see the end result of that.

**Hon. Jane Cordy:** Honourable senators, this Conservative government is continuing to fail Canadians.

We heard statistics earlier from Senator Cowan about what is happening in Nova Scotia in March and April. However, in January alone, 129,000 Canadians lost their jobs, yet there were only 23,700 new claimants to EI.

I know that Minister Finley does not want to make EI benefits, in her words, "too lucrative," but there are thousands of Canadians who have contributed to the EI program and who are not receiving benefits.

Will this government change the eligibility requirements to help the Canadians who lost their jobs through no fault of their own and who are not eligible to receive benefits?

**Senator LeBreton:** Honourable senators, obviously there are job losses in this country as a result of the worldwide economic recession. The government is working hard to provide EI to Canadians who have lost their jobs.

A week or so ago, Minister Finley announced an additional \$60 million to help expedite EI claimants, to hire extra people and to improve processing in plants and businesses that are expecting to be laying off employees.

We are doing everything we can. As the honourable senator knows, a regional EI system has been in place for some time. Over time, this system has proved to be a good system and the government is doing everything it can to place EI monies into the hands of those who need it.

During the budget consultation process, when we talked to people involved in EI areas, they most of all wanted provisions in EI to allow for job retraining and that was why the extra five weeks were added. Job sharing provisions were also added.

• (1430)

Many things are being done. Obviously, Senator Cordy, the situation is more acute in some regions in the country. The manufacturing, forestry and mining sectors are affected more drastically because of the lack of markets. The government, Minister Finley and her officials are working extremely hard to address this serious issue. As I said, there is no joy in hearing that people have lost their jobs. We are doing everything we possibly can to help.

**Senator Cordy:** Perhaps if the Prime Minister and the Minister of Finance had realized the seriousness of this recession when they gave their economic update, then Minister Finley could have begun at that time to ensure that sufficient staff were in place to process EI benefits for those who need them.

The leader mentioned retraining. There is \$500 million in the budget for retraining. What national strategy and plan will this government implement to train those who are unemployed so they will be ready for good paying jobs and, as I heard someone say in committee this morning, not for “rinky-dink” jobs?

**Senator LeBreton:** I do not know who would use the term, “rinky-dink” jobs. There is \$500 million for retraining, including funding for older workers. This situation is serious and people are participating in the program.

When the honourable senator listens to world leaders today, she will note that this worldwide situation is serious. There are job losses. This is not something to be taken lightly. The government is working hard to overcome this problem. We are working closely with industry in job retraining in certain regions of the country. The government is implementing a specific plan. I will be happy to provide those details to the honourable senator by delayed answer.

**Senator Cordy:** The Leader of the Government suggested that she would not know who would make the comment about a “rinky-dink” program. The person who made the comment about the “rinky-dink” program was a woman from Toronto who is on social assistance and who was trying to retrain for a job for which she would receive a decent income.

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

[Translation]

## ANSWER TO ORDER PAPER QUESTION TABLED

### FOREIGN AFFAIRS—ELIMINATION OF THE SUBSIDY TO THE ROYAL COMMONWEALTH SOCIETY

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** tabled the answer to Question No. 3 on the Order Paper—by Senator Downe.

[English]

## ORDERS OF THE DAY

### NATIONAL CEMETERY OF CANADA BILL

#### THIRD READING

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** moved third reading of Bill C-17, An Act to recognize Beechwood Cemetery as the national cemetery of Canada.

He said: Question!

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

(Motion agreed to and bill read third time and passed.)

[ Senator Cordy ]

• (1435)

## TRANSPORTATION OF DANGEROUS GOODS ACT, 1992

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

On the Order:

Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator Rivard, for the second reading of Bill C-9, An Act to amend the Transportation of Dangerous Goods Act, 1992.

**Senator Comeau:** Question!

**The Hon. the Speaker:** It was moved by the Honourable Senator Wallace, seconded by the Honourable Senator Rivard, that Bill C-9, An Act to amend the Transportation of Dangerous Goods Act, 1992, be read the second time.

(On motion of Senator Tardif, debate adjourned.)

## CANADA-EFTA FREE TRADE AGREEMENT IMPLEMENTATION BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. A. Raynell Andreychuk** moved second reading of Bill C-2, An Act to implement the Free Trade Agreement between Canada and the States of the European Free Trade Association (Iceland, Liechtenstein, Norway, Switzerland), the Agreement on Agriculture between Canada and the Republic of Iceland, the Agreement on Agriculture between Canada and the Kingdom of Norway and the Agreement on Agriculture between Canada and the Swiss Confederation.

She said: Honourable senators, it is my great pleasure to rise in the chamber to speak about Canada-EFTA, Canada's new free trade agreement with the European Free Trade Association, our first free trade agreement since 2001.

For many reasons, the European Free Trade Association, made up of Iceland, Norway, Switzerland and Liechtenstein, is an important market for Canada. Before I explain why, I would like to say that our businesses, investors and producers need access to markets like this today more than ever.

Like all nations, Canada is facing what is perhaps the gravest economic challenge in generations. Our response to this crisis depends on keeping the doors open to international trade and investment.

Honourable senators, protectionism is not the answer. Closing doors to new opportunities is not the answer either. Rather, we should be embracing global opportunities. For a trading nation like Canada, this is absolutely critical. Today in Canada, one in five jobs depends on trade. The work Canadians have done over the years to create a strong, competitive and cooperative North American economy, combined with our efforts to create

opportunities in countless other markets around the world, are important accomplishments that will determine our future success in the global economy.

The bill before us today is yet another building block in a global trading system that supports the liberalized trade that is so essential for Canada and Canadians.

Honourable senators, EFTA is a good match for Canada. In fact, we already enjoy a strong commercial partnership with the four EFTA nations. This group of nations, with a combined population of 12.4 million people, is Canada's fifth largest merchandise export destination, with exports reaching \$4.2 billion in 2008. During that year, our bilateral merchandise trade with EFTA countries totalled \$13.1 billion in 2008.

The EFTA group is also a key investment partner for Canada, with almost \$28.4 billion in two-way investment at the end of 2007. In fact, the Swiss are the fifth largest investor in our country, with a significant presence in biotech and pharmaceuticals, a further signal of our close cooperation in innovative sectors of our economy.

EFTA countries are sophisticated, modern and secure economies and are weathering the economic crisis now, as we are, but they offer great potential for Canadian firms.

This agreement — Canada's first ever free trade agreement with European countries — will help us build on these successes.

• (1440)

The agreement is good news for those working in a number of Canadian sectors. It will eliminate duties on non-agricultural goods, most of them immediately. It will eliminate or reduce duties for a range of agricultural products. From auto parts to forestry products, to agriculture, fish and seafood, the agreement will give Canadian producers and exporters the kind of preferential market access to EFTA countries that the EU now enjoys.

Canadian workers in all of these sectors stand to benefit. Our importers will have better and more affordable access to goods from EFTA countries. Canadian manufacturers will benefit from lower-priced manufacturing inputs, better access to innovative technologies and of course, new export opportunities.

Canadian companies currently operating in EFTA countries will benefit from the new trade ties forged by this agreement, which will allow them to move goods more readily between their operations at home and treaty countries.

Taking a step back, we can also see that the Canada-EFTA FTA will help to establish a new link to the broader European market, a market of immense importance to the global economy. Just a few weeks ago, the Minister of International Trade took an important step toward creating stronger economic ties with the European Union when he announced that Canada and the EU had agreed on the areas to be negotiated in a possible comprehensive economic agreement.

The government will now prepare its negotiating mandate with a view to formally launching negotiations as soon as possible. The agreement with the EFTA nations is an important first step. It

will help our firms and investors tap into well-established European supply and value chains and it will help to lay the groundwork for the deeper economic engagement with Europe in the near future. In other words, this new free trade agreement will help Canada forge even more transatlantic commercial ties that will benefit Canadian companies, consumers and investors directly at a time when they need new opportunities more than ever.

I am also happy to say that the FTA progress has been a collaborative effort. Provinces, territories and a wide range of Canadian businesses were consulted fully on this in the lead-up to and during the course of the negotiations. This kind of close engagement is important and as a result, the final agreement not only secures competitive terms and access for our businesses but also includes key provisions that Canadian businesses have been asking for from the outset.

As honourable senators know, opposition to the bill has focused on the shipbuilding industry. Some are suggesting that Canada's shipbuilding industry is not strong enough to compete against our EFTA partners. Honourable senators, I disagree. The Government of Canada recognizes that the shipbuilding industry faces challenges, and that is why the Government of Canada built provisions into the Canada-EFTA to help it adjust to changing market conditions. For example, while all other non-agricultural tariffs drop to zero on implementation, Canada obtained a generous 15-year phase-out of tariffs on our most sensitive shipbuilding products and a 10-year phase-out schedule for other sensitive products. Both of these begin with a three-year bridging period without any tariff reductions at all. The 10 year and 15 year tariff phase-out periods will help to give the industry a significant period of time to adapt and take steps to remain competitive. In fact, honourable senators, 15 years is Canada's longest industrial tariff phase-out in its FTA history.

On rules of origin, the provisions under the Canada-EFTA FTA are those sought by the Canadian industry and are consistent with those in Canada's other free trade agreements.

The FTA also contains specific provisions for the collection of customs duties in accordance with the tariff phase-out schedule on repairs or alterations to ships that are exported temporarily from Canada to EFTA countries. Moreover, we have ensured that this agreement does not introduce any new obligations for Canada in the area of government procurement, whether for ships or any other products. These provisions respond directly to concerns expressed by the industry. Separately, the Conservative Government of Canada has announced some \$43 billion for the procurement of Canadian-built ships over the next 30 years.

Honourable senators, the time for debating this issue is over. The EFTA agreement is simply too important to continue delaying its passage any longer. The federal election in 2008 and the prorogation of Parliament last December did indeed delay its passage. The fact is: Our EFTA partners are ready to implement the free trade agreement today. Our businesses and investors are waiting to reap the benefits of this agreement.

I urge all honourable senators to support Bill C-2 so that we can implement it without delay and ensure that Canadian industry, producers, workers and investors can begin creating the opportunities our nation needs. We must position ourselves

for success now. It is imperative that in the current economic climate Canada pursue an aggressive trade and investment agenda. By doing so, we will not only move through the current crisis but also establish new opportunities for economic growth and prosperity in the future and strengthen our nation's proud heritage as a trading nation.

**Hon. Lowell Murray:** Honourable senators, I would like to ask a couple of questions to the sponsor of the bill, if I may.

**The Hon. the Speaker *pro tempore*:** Will Senator Andreychuk accept questions?

**Senator Andreychuk:** Yes.

**Senator Murray:** First, I have no objection to this bill, although I cannot forbear to say that I find it rather offensive in opening debate at second reading that the honourable senator would tell us that the time for debate is over. I would say that it is has only begun.

Second, I draw the attention of the honourable senator to clause 4(d), under Purpose, which states:

(d) establish a framework for further co-operation between Canada and the EFTA states in the light of developments in international economic relations, in particular with the aim of liberalizing trade in services and increasing investment opportunities;

I understand from that clause that services and investment are not included in this agreement.

**Senator Andreychuk:** Honourable senators, perhaps it is the use of my English. I did not intend to thwart the debate at second reading. I recall when people from the EFTA countries came here 10 years or 15 years ago, when I was already a senator, it was because they were interested in pursuing this agreement. The issue has been the subject of debate and comment by respective governments and businesses both in the EFTA countries and in Canada for some time. Due to some of the difficulties posed, it was set aside. Since it was renewed, there have been extensive negotiations, and the best deal possible has been struck. Therefore, the time is now to move toward the trade agreement, but that is not to say that senators should not study the bill. That is my first point.

Bill C-2 does not touch upon investments and services, it addresses goods.

**Senator Murray:** After 15 years, the best they can do is establish a framework with regard to investment and services, which does not suggest that we have come too far with this agreement.

• (1450)

I do not want to point fingers but a layman like me would consider perhaps one or two of the countries involved to be tax havens. I ask the honourable senator whether the agreement that is proposed has taken into account the current serious concerns

on the part of the international community, including some members of the Group of 20, G20, with regard to tax havens.

**Senator Andreychuk:** The agreement touches goods, not investments and other services.

In the Organisation for Economic Co-operation and Development and in the European Union, there have been new movements for transparency and openness with respect to some countries that may have restrictions and, as the honourable senator calls them, tax havens. They have undertaken to move toward reducing those restrictions. I do not have all the details here at the table, but I will pass those on to you.

**Senator Murray:** Again, without pointing fingers, are any of those countries among those mentioned in Bill C-2?

**Senator Andreychuk:** Two of them are mentioned.

**Senator Murray:** That is progress.

Honourable senators, this question is my final one. After 15 years, I noticed in proposed section 71.4 a reference to bilateral emergency measures dealing with two countries in the European Free Trade Association, Switzerland and Liechtenstein. Without reading the whole thing, it appears that the government apprehends that, "as a result of an inquiry made by the Canadian International Trade Tribunal . . . or further to a complaint filed under" the Canadian International Trade Tribunal Act:

. . . that goods entitled to the Switzerland-Liechtenstein Tariff are . . . being imported in such increased quantities and under such conditions that they alone constitute a principal cause of serious injury, or a threat of serious injury, to domestic producers of like or directly competitive goods, if the Governor-in-Council, on the recommendation of the Minister by order . . .

I will not bother repeating all the remedies that appear to be at the disposal of the Governor-in-Council under those circumstances.

It occurs to me that after 15 years, if we are still apprehending that this kind of problem will arise with two of our putative trade partners, we are not making much progress. It is not a transparent or efficient free trade agreement.

Does the honourable senator have a comment or will she insist I attend at the committee to ask the appropriate minister?

**Senator Andreychuk:** I will always ask for the assistance of Senator Murray in any committee, especially on issues of this type.

I think the agreement was an evolving agreement and some of the new measures that the two countries have agreed to move toward are recent developments. This agreement has been in the works for a long time, and the Canadian negotiators have assured me — and, I believe, the Government of Canada — that they have struck the best deal possible, anticipated the problems and ensured that we had all the levers possible to deal with the problems.

**The Hon. the Speaker *pro tempore*:** Do you have a question, Senator Harb, or do you wish to speak?

**Hon. Mac Harb:** I want to take adjournment if there are no further questions.

**Hon. Joseph A. Day:** I wonder if the honourable senator will entertain another short question.

**Senator Andreychuk:** Yes.

**Senator Day:** I have the bill before me and I have been looking through it, knowing that one of the major problems with the North American Free Trade Agreement is the failure to have an effective dispute resolution mechanism. Can the honourable senator help me with respect to a dispute resolution mechanism in relation to this particular proposed arrangement?

**Senator Andreychuk:** With the papers I have in front of me, I can assure you there is a dispute mechanism. This agreement has taken into account the methodology of all our dispute resolution mechanisms and attempted to bring the methodology forward in a more efficient way.

I will be pleased to pursue that matter in further detail, if I can refresh my memory on those sections, perhaps again in debate later.

**Senator Day:** I am pleased to support this bill in principle. However, I look forward to further discussion on that particular issue.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** I wanted to clarify that for this bill, Bill C-2, I wish to reserve the time as second speaker for the critic, Senator Grafstein.

**The Hon. the Speaker *pro tempore*:** Are you moving adjournment of the debate, Senator Tardif?

**Senator Tardif:** Senator Harb has moved the adjournment of the debate. I am indicating that if Senator Harb speaks, the time is to be reserved for the second speaker, the bill's critic, Senator Grafstein.

**Senator Harb:** I agree.

**The Hon. the Speaker *pro tempore*:** Senator Harb, are you moving adjournment of the debate?

**Senator Harb:** That is correct. However, if Senator Grafstein wants to speak next, I will defer to him.

(On motion of Senator Harb, debate adjourned.)

## CRIMINAL CODE

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

**Hon. John D. Wallace** moved second reading of Bill S-4, An Act to amend the Criminal Code (identity theft and related misconduct).

He said: Honourable senators, I am pleased to rise today to speak to Bill S-4, An Act to amend the Criminal Code (identity theft and related misconduct).

The bill addresses the growing problem of identity theft. As honourable senators may recall, the government introduced Bill C-27 on this issue in the last Parliament. Bill C-27 passed second reading in the House of Commons with the support of all parties, but died on the Order Paper.

This bill is virtually identical to Bill C-27. I know that the Minister of Justice looks forward to a meaningful debate about the problem of identity theft. I hope that all honourable senators will agree that the measures in this bill will provide crucial tools to aid the police in combating all manner of identity-related crime.

I will now speak about the problem of identity crime. There are several reasons why criminals use the identifying information of other people. In most cases, the primary objective of impersonating someone else is to obtain something of value — money or other property. This reason is easily seen in cases such as credit card or debit card fraud, where someone pretends to be the account holder in a transaction, and uses the true account holder's identity to access their credit or their actual funds.

There are also more sophisticated frauds, such as real estate title fraud or mortgage fraud. While these cases are less frequent in comparison to debit card and credit card fraud, they are significantly more damaging. Innocent homeowners can have their property stolen literally out from under their feet or wind up on the hook for a mortgage they did not take out. Meanwhile, the criminal is long gone with the proceeds.

Identity crime, for the most part, is a tool used by criminals to steal property. However, there are other equally sinister ways in which identities of innocent people can be exploited by criminals. Another person's identity is not only a key to access property; it can also act as a camouflage for other crimes. In this way, using someone else's identity can allow a criminal to conceal their own identity.

For instance, some criminals acquire, maintain and use the identities of others to carry out run-of-the-mill transactions that are part of a larger criminal scheme. They may use an innocent person's identity to rent an apartment, in which they plan to manufacture drugs or from which they intend to sell illegal contraband, or they may pose as another person to purchase a cellphone to call their criminal contacts. If their crimes are detected, the trail leads back to the innocent person who was unlucky enough to have had their personal information stolen and abused in this way. There may be little in the way of a paper trail leading to the guilty person. Clearly, this frustrates the administration of justice and provides an upper hand to criminals, much to the detriment of innocent Canadians.

Identity concealment is known to be part of the typical mode of operation of organized criminals and terrorists. It allows them to conduct their criminal operations in such a way as to avoid raising suspicion or being detected by authorities, especially in cases where their true identities are known to law enforcement or other agencies.

• (1500)

Identity theft is not a novel phenomenon. However, it certainly appears to have seen a large-scale increase over the past decade. Our society has been transformed into a technological and information society. We are now living in the information age. Information is a commodity that is bought and sold. It is available from everywhere in the world, transferable instantaneously to anywhere else, aided by new technologies.

Identity information is a class of information that has special value. Our identities distinguish each of us from all others and give us individuality. Our identities are built up from unique bundles of information which, taken together, single each of us out from everyone else.

Long ago, when our communities were smaller, our identities were verified by human observation matched against remembered experience. In this new world, by contrast, our communities are much larger, people are highly mobile and commercial transactions frequently take place not in person but, rather, via technological means.

While we do not have any comprehensive statistics on the cost of identity theft in Canada, it was estimated several years ago that it costs Canadians over \$2 billion annually. Victims include private sector businesses and industries, governments, and, most importantly, individuals.

With respect to the victimization of individuals, aside from the financial losses they suffer, those who discover that their identities have been stolen experience distress and anxiety and feelings of violation. They also face the expenditure of time and money to rehabilitate their reputations and credit histories and recover lost property.

Although rare, in some cases an innocent person's identity is used by someone apprehended by the police. The result can be that innocent Canadians appear to be implicated in crime and must then battle to demonstrate their lack of involvement to protect themselves from suspicion of criminal behaviour.

In short, honourable senators, identity theft is both a crime in itself and a tool for the facilitation of other crimes. It has the potential for high reward, coupled with a low risk of detection. Over the last decade or so, it has grown in complexity, scale and seriousness. We have allowed the criminals to get the upper hand. I believe this bill will arm our justice system with new and better tools so that we can protect Canadians and their identities from abuse.

I will now focus on the problems involved in fashioning appropriate and effective criminal law in this area. First, honourable senators should understand that there are significant terminology challenges.

As a starting point, it is important to note that there is no universally accepted definition of "identity theft." The term "identity theft" is commonly used interchangeably with "identity fraud" and "identity crime," and sometimes each of those terms is used to mean different things. However, generally speaking, the term "identity theft" is understood to cover a large range of

conduct consisting of either or both of the acquisition and use of identifying information of another person to perpetuate fraud or another related crime.

Part of the reason why there are no clear and commonly accepted meanings for these terms either in Canada or in many other countries, is because there are no, or very few, offences that directly describe and define the wrongful conduct. This vacuum has led to somewhat different understandings of key terms being used by the financial community, the police and the media, among others.

One of the most important things Bill S-4 does is to provide an opportunity to bring some clarity to these terms in the context of the criminal law.

In particular, the bill distinguishes between identity theft and identity fraud. To make sense of the full range of conduct that can come under the headings of "identity theft" or "identity crime," it is crucial to understand what can be called the "life cycle" of identity crime. Simply put, identity crime begins with the collection of crucial identification information. This information can then be manipulated, combined with other information, and incorporated into false identification documents. Finally, the false information and documents are actually used deceptively in connection with a crime, such as travel-related crime or fraud.

The most serious stages of identity crime are already criminalized in Canada. Our criminal law does adequately address most of the situations where people actually fraudulently use another person's identity or some of their identifying information. I believe it is helpful to characterize this end stage of conduct as identity fraud, which would be contrasted to identity theft, the focus being on the actual fraudulent use of an identity.

The crime of "personation," for instance, directly targets the fraudulent impersonation of a real person under certain circumstances. Specifically, a person commits the crime of personation where they pretend to be someone else, with intent to obtain property, to gain an economic benefit, to gain an advantage that is non-economic in nature, or to cause a disadvantage to any person. This is an infrequently used offence, but there are signs that with the spread of identity theft, personation charges are increasing. It is a broadly defined offence as well, which means that it can, and should, capture a very wide range of conduct.

The Criminal Code also contains offences that target the middle stages of identity crime, such as offences in relation to forged documents. There are also specific offences in relation to the misuse or misappropriation of credit or debit cards and even the unlawful possession of credit or debit card data. All of these offences are punishable by up to 10 years in prison.

The crime of fraud is also critically important in identity crime cases. Fraud involves a deception that leads to the deprivation or the risk of deprivation of property. Where the value of the fraud is over \$5,000, the offence carries a maximum term of imprisonment of 14 years.



Clearly, the fraudulent use of an identity is designed to lead people to believe in a situation that is not true, for instance, that a criminal is a genuine homeowner, and thus lead them to be unwitting victims of a fraudulent transaction.

However, our law has limitations. Where our laws, and indeed the criminal laws of most other nations, fall short is in relation to the earliest stages of identity crime operations. In the early stages, criminals acquire and transfer legitimate identity information for manipulation and later fraudulent use. Unless a person commits some other existing crime in the course of acquiring that information — such as theft of a wallet or misuse of a computer system — they may not be committing a criminal offence when they gather or trade in sensitive personal information for criminal purposes. It is these preparatory steps that we refer to as “identity theft.”

Honourable senators, this particular bill will directly target that gap. It will create three new offences that specifically target the various early stages of a criminal operation: one offence, called “identity theft,” to target the acquisition and possession of identity information with a criminal intent; a second offence targeting information trafficking; and a third offence aimed at the unlawful possession of government-issued identity documents. Let me speak briefly about each of these proposed new offences.

The first offence, called “identity theft,” would make it a crime to acquire, obtain or possess another person’s identity information in circumstances giving rise to a reasonable inference that the information was intended to be used deceptively or fraudulently in the commission of another crime. This offence directly attacks those people who are tasked with the first step of complex identity crime operations. The offence is not limited to any particular method used to acquire sensitive identity information. Some people are specifically concerned about certain methods of gathering information, such as pretexting, which is pretending to be someone else and calling up their utility companies or credit card companies to get information concerning their accounts. Of course, pretexting is malicious, but is only one method of harvesting information. The new offence of identity theft is not dependent on any particular method having been used. The offence instead is focused on the intent that the information be used for subsequent criminal purposes. This offence would therefore cover acquisition by, for instance, hacking into a person’s computer systems to steal customer information, mass transmissions of phoney emails to fool people into providing their personal information, or rooting around in someone’s trash can to find discarded bills and mail. It also would make a criminal out of a person who receives identity information from someone else for later use to commit a crime.

• (1510)

A complementary offence would be created for those people who set up businesses as information traffickers. These middlemen, or middle persons, may be uninvolved in the ultimate criminal use of the information, yet they provide the tools necessary for the criminals to engage in their crimes. This bill will therefore make it a crime to transfer or otherwise provide to another person the identity information of a third person, where the trafficker knows, or is reckless, as to the future criminal use of the information.

A broad definition of “identity information” would apply to both of these offences. The definition covers all the types of information that can be used for criminal purposes. The definition includes a name, date of birth, address, biometric information, various forms of alpha-numeric identifiers such as driver’s licence numbers, passport numbers and financial account numbers, and other information capable of being used in this way.

A crucial feature of these offences is that they are directed at unlawful actions in relation to identity information. In other words, the offences are not limited to handling identity documents. It is the information itself, a valuable resource in and of itself in this information age, which will now receive the protection of the criminal law.

The third new offence will directly target the unlawful handling of government-issued identity documents. These documents are crucial tools for authenticating identity in the course of a wide range of interactions between citizens, the government and the private sector. They are the most fundamental verifiers of our identity, and therefore their abuse is a matter of serious concern and potential serious consequences.

Police sometimes come across an individual in possession of numerous identity documents bearing the names of other people, like drivers’ licences, health cards, and social insurance cards. It may be obvious that these documents were intended for criminal use, yet there is currently no offence that can be charged unless it can be proven that the documents were stolen or forged.

To remedy the situation, this bill would create a new offence for unlawfully procuring, possessing or trafficking in specified government-issued identification documents belonging to or containing information of other people, or even containing fictitious identity information.

All the new offences targeting the early stages of identity crime will be punishable by up to five years in prison. Clearly, the subsequent offences involving the use of false identities are more serious, and these offences carry much heavier penalties.

This bill will also amend existing provisions in the Criminal Code to improve and expand upon current offences which touch on, or are useful in, prosecuting identity crime cases. For instance, the bill will add complementary offences to existing forgery offences, by adding new provisions for trafficking in forged documents and possessing forged documents with the intent to use them or traffick in them.

We know that theft of mail continues to be a frequently employed technique of identity thieves. Therefore, the bill will add new offences for fraudulently redirecting or causing the redirection of a person’s mail and also possessing a counterfeit Canada Post mail key. In addition, it will clarify the law in relation to certain credit and debit card offences by making it clear that the theft of PIN numbers is criminal, and by more clearly prohibiting actions in respect of skimming devices — that is, those devices that are used to capture information off a card.

The bill will also clarify the personation offence, which I have already spoken of, and, in particular, will rename it “identity fraud” in order to highlight its importance and applicability to these cases and to contrast it with the preparatory stages of “identity theft.”

One new feature of this bill, which was not in Bill C-27, is the addition of the new offences and some existing offences to the list of offences for which a wiretap authorization can be sought. The addition of key offences to that list means that police can use this important investigative technique to crack these operations and bring people to justice. To further assist law enforcement, the bill also specifies that neither peace officers who use false identities in undercover operations nor those who make identity documents for them to use for such purposes will be found guilty of any forgery-related offences.

The bill also contains a measure aimed at helping the victims of identity theft. A new power will be added to allow a court, upon sentencing an offender, to order restitution to the victims for reasonable costs associated with the rehabilitation of the victim’s credit rating and identity. These sorts of costs are presently outside the scope of the Criminal Code’s restitution provisions.

I know from the reaction to the predecessor to this bill, Bill C-27, and from the number of significant private member’s bills tabled over the past few years, that members of both houses are deeply concerned about the problem of identity theft. The past experience on these bills leaves me confident that the honourable senators of this chamber will continue to work collaboratively in order to pass this effective piece of legislation. I am confident that all of my fellow senators will support the approach proposed in this bill.

The main goal of this bill is to target the early stages of identity theft, before the more costly and devastating crimes are committed such as large-scale fraud and illegal entry into Canada. By giving the police the tools that they need to apprehend criminals at an early stage of their operations, the police will be able to minimize the more serious consequences of crime involving the fraudulent abuse of identities.

I urge all honourable senators to support this bill and respectfully request that it be referred, as soon as possible, to the Standing Senate Committee on Legal and Constitutional Affairs, for more in-depth review and consideration.

**Hon. Percy E. Downe:** Would Senator Wallace take a question?

**Senator Wallace:** Yes.

**Senator Downe:** I am wondering if the honourable senator can use his legal background to educate me. I am looking at the bill, on page 5, clause 7, which reads:

7. Section 366 of the Act is amended by adding the following after subsection (4):

Can you explain what the following words mean?

**Senator Wallace:** That would refer to proposed subsection (5). I thank the honourable senator for the question.

[ Senator Wallace ]

The point of that is that there are those who will be asked by police officials to assist them in investigations. In doing so, they may be required to use identities that may be considered to be forged documents in other situations and they could be liable under the provisions that we are now presenting. The overriding purpose of the legislation is to ensure that we give the police, who are there to protect each and every one of us, the tools they need to do the job. Those types of techniques are required sometimes to do the job.

• (1520)

**Senator Downe:** Thank you for that answer. I fully support that initiative.

I am concerned by the latter part of the sentence; that is, in addition to the police force and the Canadian Forces, it reads “a department or agency of the federal government or of a provincial government.”

As the bill now stands, someone could forge documents at Agriculture Canada or a provincial highways department, if so requested, and be exempted from the bill. That is a power they do not need. I see it being extended to the police and the Canadian Forces, but the others are unnecessary in my opinion.

**Senator Wallace:** Some laws are purely criminal and some are quasi-criminal. Some quasi-criminal activity could involve others who are in law enforcement, and that is probably the case here. The bill is trying to create flexibility. The goal of us all is to provide protection to the public. We want to enable our law enforcement system to move forward and do this effectively.

In those quasi-criminal situations, there may be times when that type of technique is appropriate.

**Senator Downe:** Thank you for that answer. I am sure this will be explored more at committee.

Is any provision being considered for companies that do not store information correctly and lose it into the hands of criminals, thus creating identity problems for others? Will they be fined under any provisions of this bill?

**Senator Wallace:** My understanding is that such a scenario would not be captured in this bill. The bill focuses on the possession of someone else’s identity and the trafficking in that identity information. I do not believe it goes as far as what the honourable senator has asked about.

(On motion of Senator Tardif, debate adjourned.)

## CUSTOMS ACT

### BILL TO AMEND—SECOND REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Downe, for the adoption of the second report of the Standing Senate Committee on National Security and Defence (Bill S-2, An Act to amend the Customs Act, with an amendment), presented in the Senate on March 31, 2009.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, it was asked yesterday whether the government supported the amendment in this report. I want to put on the record that the government supports the amendment that was proposed.

With that, if honourable senators are agreeable, we could adopt the report.

**The Hon. the Speaker:** Shall debate continue?

(On motion of Senator Moore, debate adjourned).

## ANTI-SPAM BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Fraser, for the second reading of Bill S-220, An Act respecting commercial electronic messages.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, we have heard Senator Goldstein's appeal to support his anti-spam legislation, which aims to address unsolicited and unwelcome commercial electronic messages and online threats.

I will begin by saying that I support the goal of protecting the Internet, the online economy and individual Canadians from threats such as spam. The Internet has emerged as a significant medium for the conduct of commerce, communications and increasing competitiveness, and is generally great for the Canadian marketplace. There is little doubt that spam and related threats are jeopardizing the future of this platform as a catalyst for economic growth, and in these times we do need to be mindful of economic growth. If we are to continue on this path of growth, we must keep the Internet and online marketplace safe for businesses and consumers alike. Consumer confidence must be restored.

Spam has become the primary vehicle for the spread of threats to the Internet, such as spyware, malware and other computer viruses, and the proliferation of "botnets." Collectively, these threats disrupt online commerce and reduce business and consumer confidence in the online marketplace. Spam congests networks, imposing heavy costs on network operators and users. Spam also undermines personal privacy and threatens network reliability and security.

I commend Senator Goldstein for his attempt to address this complex issue and this bill for attempting to address the recommendations made by the Task Force on Spam. We should bear in mind, however, that this is a complex and complicated issue, both technically and legally. As Senator Goldstein has so eloquently pointed out, trying to deal with spam generates a host of problems, not the least of which is the complexity of pursuing spammers who use telecommunications networks to hide their activities and escape prosecution.

Although the intentions behind the senator's bill are shared by the Government of Canada, the proposed bill has some serious shortcomings. For example, the international dimension warrants our attention. Senator Goldstein has pointed out that "Much spam is generated extra-territorially; that is, outside of Canada." I concur with my colleague; much spam is sent to Canadians from beyond our borders. However, I would argue that Bill S-220 has no tangible international component to address this. Although the senator's bill attempts to create a scheme where the financial beneficiaries at the end of the spam messages are held liable, it lacks a Canadian link allowing this clause to be enforced.

As many of these investigations will undoubtedly lead us offshore, the question that needs to be raised is whether the pursuit of these violators ends at the Canadian border. With no specific mechanisms for pursuing spammers outside our borders, the effectiveness of this bill may come into question. In order to address spam and computer-related threats, we need powers to enable the sharing of information internationally and to cooperate with other countries to find and penalize spammers.

While Senator Goldstein has made a valiant effort at tackling an extremely complex subject, we want to be sure that the bill is fully compliant with the Canadian Charter of Rights and Freedoms and even with the division of powers under the Constitution.

The bill presents a criminal law approach to what is essentially a question of trade regulation. Therefore, a number of areas in this bill deserve careful study and consideration in this chamber.

Bill S-220 lacks a clear enforcement approach. We need to be mindful of the operational and resource implications, especially if a criminal enforcement scheme is envisaged. The sheer complexity of investigations into spamming-related offences would require huge technical expertise and demand new resources for enforcement.

Honourable senators should note that some hurried legislative attempts made by other countries have proven to be somewhat ineffective, as Senator Goldstein himself pointed out.

• (1530)

Honourable senators, as Senator Goldstein pointed out; some attempts by other countries have been ineffective. I will refer to the U.S. CAN-SPAM Act as an example of good intentions gone wrong.

In September, a Virginia court overturned a judgment against Jeremy Jaynes, a notorious spammer, due to Virginia's poorly crafted anti-spam state legislation and its unconstitutionality.

I urge honourable senators to consider this. The complexity of technology-based legislation requires a comprehensive, technologically neutral, multi-faceted approach with clear enforcement responsibilities. I do not want to say that sentence too fast because it might turn into diction problems.

I contend that a regulatory scheme more closely based on that which was developed by our counterparts in Australia to be much more appropriate. Furthermore, it has been recognized globally as a best practice.

After the Australian Spam Act came into effect in 2003, the proportion of global spam originating from Australia was greatly reduced. Major spammers, particularly pornographic spammers, closed their Australian operations altogether.

This government fully understands the significance of spam as a threat to the economy and the dangers it poses to Canadian consumers, businesses and networks. Although the government has yet to table legislation, it has implemented, in partnership with the private sector, a number of recommendations made by the task force on spam, such as best practices for ISPs and email marketers.

This government has not ignored the issue. In fact, the Prime Minister made a commitment on September 25 to protect consumers online by introducing anti-spam legislation. The government has been studying successful legislative models and best practices in other countries, and based on these experiences, it is developing comprehensive legislative proposals and a focused plan to address spam and related online threats. In addition, the government has signed a number of anti-spam bilateral agreements with other nations, including the European Union, Australia, the United Kingdom, Japan and Chinese Taipei to cooperate in addressing Internet threats.

I believe the government is taking the right approach in carefully studying the issues in order to develop the best possible way forward. Minister Clement assures me we are developing legislative options based on successful models developed in other countries such as Australia.

Conservative senators have not necessarily been delaying passage of this bill, as has been suggested by Senator Goldstein. It would not be in our political interests to do so. We are attempting to work with the government and Senator Goldstein to ensure that we, as legislators, do our job. We must act in a responsible manner in order to ensure that the policy challenges of the country are addressed in the best possible way and that we do not create unintended detrimental consequences. We cannot rush through legislation, even if we agree with its intent, just because it happens to have been introduced by one of our colleagues who is soon approaching his retirement date.

Given the government's support for the intent of this bill, Minister Clement, through his offices, has been attempting to work with Senator Goldstein on the file to arrange a mutually agreeable approach to dealing with spam. Despite these conversations, and the government's cooperation, Senator Goldstein has indicated that he is prepared to get into a procedural fight in this chamber today in order to force the bill to committee.

It is neither reasonable nor rational for Senator Goldstein to hold the Senate hostage over a question on which there is general agreement. If Senator Goldstein is serious about addressing this issue, he will continue working with us and with the government on this file. Equally, it does not serve the interests of the Senate for the two sides to escalate tensions when there is no political dispute.

While Senator Goldstein is itching for a fight, we will take the high road. We will allow the bill to go to committee today, but we will ask the committee to take a very serious look at it. The

committee must take the time needed to address the concerns that I have in fact raised today. If it does not, I can assure honourable senators that we will do everything in our power to ensure that the legislation does not make it over to the House of Commons.

I also hope Senator Goldstein will show that he is serious about dealing with spam and that he will continue to work with Minister Clement on this very important subject.

**Hon. Joan Fraser:** Would Senator Comeau take a question?

**Senator Comeau:** Yes.

**Senator Fraser:** I am extremely interested in the honourable senator's assurances that the government is committed to moving forward. Some honourable senators will recall a few years ago, when the preceding government was in office and Senator Oliver had a bill to control spam, I, the trusting soul I was, listened to the assurances of the government of the day that it was actively concerned and planning to move forward on this issue. That was well over three years ago, so I am wondering if Senator Comeau has any timelines that he can offer us on this issue.

I am not quarrelling at all with the sincerity of the assurance, but honourable senators know what it is like when you hang around here long enough and you hear the same thing from more than one government, you begin to wonder.

**Senator Comeau:** Honourable senators, legislation should take time. I think we all have to be mindful of that. You cannot send two bureaucrats into a corner somewhere and tell them to prepare a document. We have a very professional civil service, of which we should be proud. We asked our civil service experts to find the best practices. We asked them to find the downside. Their findings let us to the best practice of a trade relations based way of dealing with the issue, unlike Senator Goldstein's solution. These are rather complex questions and we sought the advice of our experts and that, honourable senators, takes time.

Spam and Internet threats are evolving quickly with new problems and issues accumulating each day. Our experts are dealing with an ongoing problem. My impression is that they are very close to accomplishing it.

As legislators, our first responsibility is to look at what government does and proposes. Some of us have taken it upon ourselves to start producing legislation. We want to become governments and produce legislation. In my view, we do not have the same resources as legislators; most of us have only one or two assistants to help us in our daily endeavours; we do not have the resources that governments have at their disposal in order to call on their departments to look at things.

We may think we have a good idea, and after having spoken to our legal drafters, we ask them to prepare a draft based on our requirements. When we receive the draft we think we have the greatest bill in the world. Sometimes there are great intentions and the objectives may be great, but we may be causing, in my view, more harm than good.

Why do we not depend on our solid public service to draft us legislation, and then if we do not like it, we will scrap it or we will change it. We should depend on those people to prepare the basis on which legislation is completed.

I do not think it is a great secret. I imagine the minister himself rarely drafts legislation. He will call upon his department to do so, and then most likely the minister will put his own stamp on it. However, the department includes the people who do all that hard slugging to arrive at what is finally a good piece of legislation.

• (1540)

In my view, parliamentarians are not the ones who should prepare these kinds of bills because we see what we have today, a bill that is not the bill that Canadians deserve to deal with spam.

**Hon. Yoine Goldstein:** Honourable senators, I do not propose to deal with the observations by Honourable Senator Comeau on the merits of the bill. However, I should let him know that all the stakeholders without exception —

**Some Hon. Senators:** Order.

**The Hon. the Speaker:** I want to be clear. We are still on questions and comments on Senator Comeau's time. Is the honourable senator asking a question, making a comment or participating in the debate?

**Senator Goldstein:** We agreed, Your Honour, that the bill will be referred to committee on my motion in a moment. I wanted to explain the motion, if I may.

**The Hon. the Speaker:** If the honourable senator is commenting on Senator Comeau's speech, he may stand up and do so; but if he is speaking a second time, I must advise the house. The Honourable Senator Goldstein will comment on Senator Comeau's speech.

**Senator Goldstein:** As I said, I do not propose to comment on the merits, except to indicate that the principles contained in the bill have been approved previously by all the relevant Canadian stakeholders. That having been said, I have no pride of authorship, and I do not want in any way to suggest or pretend that this bill is the best thing since apple pie and motherhood. It may not be. That is why we have committees.

However, I should confirm what the honourable senator told us. I have been in communication with the office of the minister, and we have agreed that this bill will be referred to committee and hopefully his legislation will be ready on time for the committee to deal with both; take the best of both and give Canadians the law they deserve. I seek nothing more, and surely the honourable senator seeks nothing more and nothing less.

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

**Some Hon. Senators:** Question.

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

(Motion agreed to and bill read second time.)

## REFERRED TO COMMITTEE

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

(On motion of Senator Goldstein, bill referred to the Standing Senate Committee on Transport and Communications.)

## INVESTMENT CANADA ACT

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

**Hon. Yoine Goldstein** moved second reading of Bill S-231, An Act to amend the Investment Canada Act (human rights violations).

He said: Honourable senators, last September, Prime Minister Harper stated that:

... a government needs to know when to be able to draw the line when any foreign takeover would jeopardize our national security."

I will argue today, briefly, having regard to the time, that we have to go further.

In its current form, the Investment Canada Act gives the government the right to decline the approval of foreign investments above a threshold amount when the proposed investment does not constitute a "net benefit" for Canada. The criteria for determining net benefit for Canada are entirely economic. I am presenting this bill because I believe that the determination of a net benefit for Canada should include more than dollars and cents. Indeed, it should include consideration of human life and dignity, which should count as well.

Many legislatures, universities, religious groups and cities have recognized the value of divesting from companies whose operations support genocide or other crimes against humanity. They have shown that this type of policy is both wise, in that it changes behaviours for the better, and profitable because it reduces risks for investors.

There are many problems with limiting our assessment of the value of an investment to the economic benefits that one can expect to derive from it. Some would say that our economy is currently in a fair bit of trouble because institutions south of the border created a regime of investment without considering the morality of their actions. This time, it has cost hundreds of thousands of Canadians their jobs, their pensions and their homes, but for many people the price of ignoring the morality of business is much greater. I speak of course of the victims of genocide or other crimes against humanity who suffer because some companies investing in foreign countries provide goods and services in support of regimes or groups that commit precisely those atrocities.

I will highlight the example of Sudan. I believe that it is a significant demonstration of assigning value beyond the financial benefit to human rights, and I want to point out the benefits that this has yielded.

On March 4, 2009, the International Criminal Court issued an arrest warrant for Omar al-Bashir, the president of Sudan, for crimes against humanity and war crimes for his actions in the frighteningly long horrifying seven years during the beginning of his genocidal campaign.

Years before, the United States recognized the situation in Darfur as an ongoing genocide. Many divestment initiatives followed largely at the instance of civil society. The Bush administration passed the Sudan Accountability and Divestment Act in 2007, prohibiting federal contracts with companies that operate in certain sectors in Sudan and providing protection to asset managers that choose to divest from Sudan. As a result, over 100 universities, 27 states, 23 cities, 18 countries and 11 religious organizations have initiated or adopted divestment policies.

These initiatives have worked. Twelve companies operating in Sudan have ceased their operations there or have significantly changed their behaviour.

Furthermore, divestment is considered beneficial to the asset managers and the funds they direct. A 2006 report by the United States House of Representatives concluded that:

. . . a company's association with sponsors of terrorism and human rights abuses, no matter how large or small, can have a materially adverse effect on a public company's operations, financial condition, earnings, and stock prices, all of which can negatively affect the value of an investment.

From the perspective of financial risk, it makes sense not to invest in companies engaging in practices that support genocide or other crimes against humanity. What this diverse group of individuals has come to realize and value, and what they have had the courage to do about it, was to say that they would not allow companies that support genocide or crimes against humanity to benefit from their resources or from their dollars.

I do not want my comments to be construed as a critique of trade and foreign investment. I believe, as we all do, in the value of free and open commerce and international investment, and God knows we need international investment. Our country is, and must remain, open for business.

Economies are local; we are, to use the usual terminology, part of the global village. However, we must understand that it remains our responsibility to ensure that our wealth is not exploited or sold to the highest bidder without some thought being given to the human impact of their activities.

Canada has a long and proud history of supporting human rights and of speaking up for those who have no voice. While this reputation has lost some of its lustre, unfortunately, in recent years, it remains one that garners honour and respect abroad, and justly so.

The current Investment Canada Act makes certain exceptions from the plain calculation of dollars and cents in the determination of a "net benefit" for Canada. The impact of foreign investment on competition and on Canada's cultural sector must be considered when granting a foreign investor the right to invest in Canada.

• (1550)

This bill suggests the drawing of a line when foreign companies supporting genocide and crimes against humanity want to use Canadian wealth to further their activities. We must not let our resources finance cruel, dispassionate support for senseless violence.

Will we allow Canadian oil to be used to fuel the jets that a foreign government uses to indiscriminately bomb its own people? Will we allow Canadian iron ore to be mined and made into Kalashnikovs for an army officer to shoot, at the order of a dictator, into a crowd of peaceful citizens marching for democratic reform? Will we allow Canadian lumber to be turned into the paper on which hate propaganda is distributed, on which lists are printed of those who will be targeted for beatings, for torture, for rape or for murder? Will we allow foreign investors to establish operations in Canada, where they can draw on Canada's brightest minds to create new computer programs, to develop new drugs, to engineer new machines and new production processes that will be used to help a dictator oppress the people of his own country?

Honourable senators, I believe that no one here would agree to allow such things. Some may say that there is nothing we can do about it, but I say to you, in the now famous words of President Obama, yes, we can; I suggest to you, yes, we should. We have the power and we have the responsibility to make certain that this is stopped. Foreign companies who support genocide and crimes against humanity in the course of their business activities abroad should not be entitled to use and invest in Canadian resources under any circumstances.

Before I stop, I want to recognize some of my honourable colleagues and friends, both in this chamber and in the other place, who have worked so hard to bring forward similar measures.

Colleagues, friends, Canada has a history of advocating for human rights on the international scene. Its record is not unblemished, but it is one that is generally commendable. We have the duty to stand here for Canadians to defend the principle that our resources are simply not available for human rights abusers and that they are not to be sold to genocide perpetrators.

(On motion of Senator Comeau, debate adjourned.)

## THE SENATE

### MOTION TO TELEVISION PROCEEDINGS— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Cochrane:

That the Senate approve in principle the installation of equipment necessary to the broadcast quality audio-visual recording of its proceedings and other approved events in the Senate Chamber and in no fewer than four rooms ordinarily used for meetings by committees of the Senate;

That for the purposes set out in the following paragraph, public proceedings of the Senate and of its Committees be recorded by this equipment, subject to policies, practices and guidelines approved from time to time by the Standing Committee on Internal Economy, Budgets and Administration ("the Committee");

That selected and packaged proceedings categorized according to subjects of interest be prepared and made available for use by any television broadcaster or distributor of audio-visual programmes, subject to the terms specified in any current or future agreements between the Senate and that broadcaster or distributor;

That such selected proceedings also be made available on demand to the public on the Parliamentary Internet;

That the Senate engage by contract a producer who shall, subject only to the direction of that Committee, make the determination of the programme content of the selected and categorized proceedings of the Senate and of its committees;

That equipment and personnel necessary for the expert selection, preparation and categorization of broadcast-quality proceedings be secured for these purposes; and

That the Committee be instructed to take measures necessary to the implementation of this motion.

**Hon. A. Raynell Andreychuk:** Honourable senators, I rise to enter into the debate with respect to Senator Segal's motion, which I have some concerns about. Originally, in 2006, Senator Segal placed a motion before the Senate asking that whenever the Senate is sitting the proceedings of the upper chamber, like those of the lower one, be televised, or otherwise audio-visually recorded, so that those proceedings can be carried live or replayed on CPAC, or any other television station, at times that are convenient for Canadians. This motion was referred to the Rules Committee, which commenced study of the issue of broadcasting and televising.

Initially, my concerns were with respect to the rules of preference of speeches from senators and the ultimate cost of the same. When the Standing Committee on Rules, Procedures and the Rights of Parliament started its study, we heard from CPAC, who gave us their perspectives on their capabilities for broadcasting, and a short history of the background that led to including Senate coverage, as well as that of the House of Commons. Senator Segal also placed his views in detail before the committee, which was extremely helpful.

The most instructive evidence that the Rules Committee received was from the House of Lords committee, which televise, gavel-to-gavel, their proceedings together with some committees. In fact, Barbara Long, Director of Parliamentary Broadcasting, Houses of Parliament, was the person in charge of administering the system and indicated via videoconference that the House of Lords had always been more forthcoming and open to the idea of coverage of their debates. It was through the

experience of the House of Lords, she indicated, that the relaxed rules for coverage were taken up and agreed to by the House of Commons. Lord Graham and Baroness Bonham-Carter also testified.

Suffice it to say, they made a compelling case for gavel-to-gavel, unedited or disturbed in any way, the proceedings of the chamber and committees, subject only to the number of committees that they are able to broadcast due to expenses, logistics and equipment.

Ms. Long, in her testimony, indicated that the arrangements for televising committees are such that committees are televised only at broadcast quality at the request of the broadcasters, who make their decisions on news value for what they perceive to be the public interest. Selection of committee broadcast is also a selection by broadcasters and not the House of Lords.

When questions of whether certain parliamentarians play to the media and may cause contentious issues for the proceedings, I was impressed with the House of Lords' comments that the whips charged with the conduct of proceedings to deal with a whole range of issues, aside from business issues that may come up, attend to these issues. Difficulties as to the procedures, as in all issues, are handled by the whips. Lord Graham went on to say that in his 25 years in the house:

There were very few issues that needed to be resolved beyond the whips, and this is the usual procedural way that these items are handled.

The cost of proceedings was also canvassed.

Honourable senators, the Rules Committee was involved in the study of the fundamental and practical issues of broadcasting that the Senate should consider; for example, the rules of fairness for debate to ensure that all senators have similar and fair access.

While I came to the table of the Rules Committee with some concerns about broadcasting in general and how the Senate might change if broadcasting were emphasized, I came to the conclusion, at least at that point of the study, that I supported broadcasting and was being persuaded that gavel-to-gavel coverage was necessary and appropriate, and that any selection or editing should come from the private broadcasters or distributors on the basis of their assessment of news worthiness and public interest.

When the Senate proceedings were interrupted and the new motion was introduced by Senator Segal, which is the subject matter of our debate now, it was not the same motion; therefore, in the new motion before us today, there are some troubling elements that I wish to address.

First, the previous motion referred the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament. We had started our work on these aspects and it would seem that this work should be completed for the benefit of all senators so that this chamber could make an informed decision on the issue of broadcasting.

Second, the new motion is pre-emptive. If the last study had finished, it would be an up-to-date factual observation of broadcasting, and it would have dealt with how to maximize the positives of broadcasting and recommendations of how to overcome pitfalls, together with a cost estimate.

Third, the first paragraph seems innocuous when it starts:

That the Senate approve in principle the installation of equipment necessary to broadcast quality audio-visual recording of its proceedings and other approved events in the Senate Chamber and in no fewer than four rooms ordinarily used for meetings by committees of the Senate;

• (1600)

However, honourable senators, I am uncertain as to what we are approving in principle. Is it the installation of equipment, or are we obliging ourselves to purchase and continually have equipment that is of broadcast quality, irrespective of the cost? If we approve in principle, it will not be the Senate that decides thereafter but the committee and some hired expert. I say this because this is not a stand-alone paragraph. The text in the motion regarding the broadcast quality of the audio-visual recording of proceedings does not define “broadcast quality” and would seem to infer that it would be the expert or the committee that would decide. The House of Lords in England strongly emphasized that this would not be appropriate and gave some compelling reasons.

Further paragraphs of the motion remove some fundamental privileges and rights from senators. The next issue of concern that I point out — and this is the most worrying — is the third paragraph:

That selected and packaged proceedings categorized according to subjects of interest be prepared and made available for use by any television broadcaster or distributor of audio-visual programmes, subject to the terms specified in any current or future agreements between the Senate and that broadcaster or distributor;

The fifth paragraph reads:

That the Senate engage by contract a producer who shall, subject only to the direction of that Committee, make the determination of the programme content of the selected and categorized proceedings of the Senate and of its committees;

These two paragraphs go to the fundamental heart of the privileges of each and every senator. At present, without enumerating them but pointing out the conventions, practices, rules and the Senate Act — which entitles each and every senator to be able to speak freely and openly from their perspective on any issues before the Senate — would be compromised. That senator’s right to ensure that his or her words and actions can be distributed to the Canadians we serve is a fundamental issue that we should not quickly or easily delegate to a committee, which in turn delegates it to a so-called expert.

The motion then goes on to talk about this producer, who will have the sole and exclusive right to determine the packaging and selection of the proceedings in categories or subjects — subject only to the committee’s supposed review or oversight. That will

take out of the hands of each and every senator his or her right to determine how, what and when the public will receive this information. Once one starts interfering with such dissemination, whether for the purposes of editing directly or readjusting according to categories, one is, in fact, beginning to filter at best and tamper at worst with a senator’s rights to speak, to debate and to disseminate the information as we presently know it, our parliamentary privileges and fundamental democratic rights are infringed.

Honourable senators, my objection is that we should explicitly know who, how, where and when this will be done and that we have an opportunity to state our support or objections to the process and the content.

As honourable senators will recall, the code of conflict was the subject of fierce debate and scrutiny in this chamber. Not only did we first identify which officer would be in charge of conflict of interest, we enumerated that person’s responsibilities in great detail. We also included appeal mechanisms should that process fall short of its objectives. In addition, the oversight committee’s responsibilities were clearly delineated so that each and every senator, when they approved in principle, knew exactly what they were delegating and how they could reclaim it should that become necessary.

In this case, the very fundamental role of senators could be changed without them knowing it. My concern is not that someone will consciously interfere with our parliamentary privilege but that someone, in the fullness of time and with the best intentions, will make choices about our rights within the Senate that will curtail a senator’s parliamentary privileges.

In addition, I worry about freedom of expression; that we would start determining what is in the public interest for broadcasters. This issue is worthy of more study and I would appeal to Senator Segal — and I have in fact discussed this with him — that he revert back to his original motion, or at least allow this motion to be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for further study regarding the full aspects of parliamentary privilege and broadcasting rights. Alternatively, perhaps another committee should study the issue before approval is given.

Therefore, honourable senators, while I believe it is time that the Senate move forward with the issue of broadcasting and communicating, taking the new technologies into account, I am mindful that democracy rests clearly on the freedom for parliamentarians to express themselves and not through others.

While I do not believe Senator Segal’s motion was intended by him to cause the concerns that I have raised, the actual wording leads one to be concerned. I hope that all honourable senators will pause before moving forward with this motion. While I approve of broadcasting and the aim that Senator Segal was originally espousing, the wording of this motion makes it very difficult for me to support it.

**Hon. Joan Fraser:** Honourable senators, I think Senator Andreychuk has raised some of the fundamental questions on this matter that we need to think about carefully. I am particularly interested in one of the points she raised, which is the matter of editing.



I know something about editing. I know that even the most earnest, well-meaning editors carry a set of assumptions about what is interesting and what is not, and who made a good point and who did not. On many days, that judgment will not be affected by ideology or partisan leanings. However, on some other days, when a crunch issue is under discussion, it is very hard to restrain those impulses entirely, no matter how profoundly good a person we are talking about.”

I think it was Voltaire who said, “Donnez-moi un mot de sa plume et je le pendrai.” It means, “Give me one word from his pen, and I will hang him.”

I am grateful to Senator Andreychuk for raising all of those issues, not just the one about editing, and I would like to prepare some remarks following a little more reflection.

(On motion of Senator Fraser, debate adjourned.)

• (1610)

[Translation]

### CBC/RADIO-CANADA

#### INQUIRY—DEBATE ADJOURNED

**Hon. Maria Chaput** rose pursuant to notice of March 31, 2009:

That she will call the attention of the Senate to the Conservative government's inaction on CBC/Radio-Canada's urgent financial needs and the disastrous consequences of this inaction on services to official-language minority communities.

She said: Honourable senators, I have proposed this inquiry so that we could discuss our national public broadcaster, the Canadian Broadcasting Corporation. The most optimistic scenario has the corporation laying off 800 employees. No executive can cut 10 per cent or more of the company's workforce without thinking about the internal consequences, in terms of the impact on institutional morale, and the external consequences, in terms of programming and, in particular, the impact on official-language minority communities. I feel it is my responsibility to draw your attention to this issue and share the serious concerns I have.

The Canadian Broadcasting Corporation is unique among the world's public broadcasters. No public broadcaster anywhere in the world provides as many services to people at home and abroad while covering a geographic area like ours in several languages.

The Canadian Broadcasting Corporation (CBC) is a Canadian Crown corporation and the oldest broadcasting service in the country. It began operations on November 2, 1936. To counter strong influence from our neighbour to the south, the government of the day introduced the concept of a national public broadcaster. A public broadcaster has different constraints from private broadcasters and unique, challenging obligations.

Since its inception, the CBC has broadcast on various platforms from coast to coast. Communities outside Quebec waited many years before getting their radio and television services, because not everything could be put in place right away.

It was not until 1958 that the corporation, as we know it today, became a daily presence in our lives. And since 1958, it has also been present in the most remote parts of the country, Yellowknife and Whitehorse.

Governed by the 1991 Broadcasting Act, the corporation operates at arm's length from government and, through the Department of Canadian Heritage, answers to the Parliament of Canada. All programming decisions must meet very specific criteria for reflecting Canadian values here and abroad.

It must operate in both official languages and in some aboriginal languages. Service must be provided to all markets, whether rural or urban, eastern, western or in the Maritimes. All are unique and they both represent and reflect their communities.

The CBC was the first broadcaster in the world to use a satellite to broadcast television programs from east to west and has continued to innovate. Until the 1970s, it dominated the audiovisual landscape. After years of growth, the lean years set in. Faced with audience fragmentation, it has had to adjust to the increase in specialty channels, video games and the rising popularity of the Internet. It has had to make the adjustment while its funding and flexibility as a public broadcaster continue to shrink.

Its mandate, established by the Broadcasting Act adopted in 1991, states that it must, among other things, “contribute to shared national consciousness and identity”. It is also subject to Part VII of the Official Languages Act requiring it to provide programming of equal quality in French and English.

Over the past 15 to 20 years, cuts to the CBC's budget have forced it to reposition its activities and strategies while seeking to maintain its place in an increasingly competitive communications world.

All sectors of society have been hit hard by the economic crisis in recent months. The loss of 10 per cent of its staff and the \$34 million shortfall in the next fiscal year, 2009-10, will have an impact on its operations throughout the country, with 13.7 per cent of the reduction measures affecting francophones outside Quebec in particular.

Flagship programs will disappear. For example, the daily show *RDI Junior*, the only program in French for young adults, will disappear, leaving this country's young francophone adolescents without news in their mother tongue.

For young francophones outside Quebec who have limited access to other media in their own language and who are courted by media broadcasting in the country's other official language, it is not hard to see where they will go for their news. Services for young people are often meeting places where young creators can get their feet wet and try out their talent. These programs get children used to French-language television. The more relevant French-language television is to these young people, the more likely it is that their interest in the French language and culture will remain relevant to them once they reach adulthood. The loss of *RDI Junior* foreshadows the loss of a significant part of the identity of young francophones outside Quebec.

By giving the CBC a mandate as a public broadcaster, the Act forces it to seek revenue from commercial advertising, which is really in private broadcasting's realm of activity, and increased dependency on advertising revenue is the result. The corporation has to spend time on that instead of on programs for Canadians in both official languages.

Mr. Harper's government likes to talk about the billion dollars it has given to CBC/Radio-Canada, but it has effectively hogtied the corporation because it cannot count on multi-year funding, which is what its senior executives have been asking for for years. By putting the CBC in the position of having to make these latest cuts, the government is basically forcing it to disappear, little by little, from the country's media landscape.

In real numbers, the CBC currently costs \$34 per person, per year, or 9.3 cents per day. For much less than most other public broadcasters, ours provides 28 services in both official languages and programming in nine foreign languages on Radio-Canada International. Thirty-four dollars per person adds up to the government's billion dollars, the same billion that has been allocated to the corporation for the past 20 years.

Canada ranks 15th in funding for its public broadcaster. The Government of Canada would have to double its funding for the CBC to reach France's level, and quadruple it to reach Great Britain's.

On the televised information front, cuts have resulted in the cancellation of *RDI Junior* and *Rendez-vous de Marie-Claude*; the cancellation of live night-time broadcasts on RDI; closure of the Dakar office; cuts to budgets for public affairs programs; and the cancellation of noon news broadcasts in Sherbrooke, Montreal, Quebec City, Moncton and Ottawa. Also, 6:00 p.m. news broadcasts will be shortened to 30 minutes.

On the general television programming front, independent producers who have been working closely with CBC/Radio-Canada to create original productions will have to cut their costs by 10 per cent to 25 per cent. More reruns will be shown, and nobody will know until May which of the programs planned for the fall will actually go ahead.

Programming strategies are so intertwined that the regions are also feeling the pinch. In Western Canada, *Zeste*, a weekly cultural program, is being put on hold. In Ontario, the radio shows *L'Ontario aujourd'hui* and *Les arts et les autres* are being cancelled. The Windsor station will become a production centre. In eastern Quebec and Atlantic Canada, the radio program *360* is being cancelled. The Saturday morning radio shows in Matane, Rimouski and Sept-Îles will be grouped together into a single show, and the Sunday shows are being cancelled altogether. There will no longer be any programs completely produced in Quebec City on Sundays.

Well-known programs like *Un dimanche à Québec*, *Vous êtes ici*, *Macadam tribus* and *Des airs de toi* will no longer be on the air. In terms of Internet services, the Arts and Performances section will no longer publish an arts column. The program *La nuit la vie*, produced in Vancouver and broadcast across the country from Monday to Thursday, has been cancelled. The program *Un certain dimanche*, broadcast in the four western provinces on Sunday afternoons, will no longer air. The program *Plaisirs de la nuit*, produced in Edmonton and broadcast on Fridays, will no longer air.

Regional programs will be replaced by national programs on statutory holidays, while news programs in the West will be broadcast only on some of those holidays. Radio-Canada is reducing the number and frequency of special programs like *Chant'Ouest*. In addition, *Téléjournal de l'Ouest* will be broadcast only on some holidays, and the financial resources dedicated to branding, resources that are still available in Winnipeg and Vancouver, will be reduced.

• (1620)

That branding made it possible to promote specific events in the communities served by regional stations.

A few years ago, those regional stations had introduced the principle of partnerships, which enabled community organizations to give a particular shape and flavour to the programming in their area. Those partnerships are also affected, because from now on the organizations will have to help cover production costs, which will greatly reduce the number of partnerships, as those organizations' own financial resources are declining.

Given the lack of sensitivity that the government has shown to date, the Canadian Broadcasting Corporation is entitled to feel threatened to its very core.

The entire communications and arts industry is affected by these cuts. It is generally said that for every job that is eliminated at the CBC, three jobs will be lost in independent productions. The impact on these companies and artists living outside Quebec will be devastating, because one of their major sources of income and outlets for artistic expression has just been significantly downsized. How can artists continue practising their art if they have no way of becoming known? If the government were to set out to force artists to move to major urban centres, this is the way it would go about it. By forcing these creators and artists to leave their environment, the government is forcing them to pull up their roots and lose contact with their reality. This results in artists and creators who are destabilized and regions that are constantly in search of their identity.

Francophones outside Quebec feel that recent events represent a setback for their already fragile communities, which constantly have to fight to find their rightful place. We must not delude ourselves. In the regions, when a job disappears, the corporation loses someone with not only a voice, but technical skills as well, because journalists and radio announcers often operate their own cameras or act as their own technician. What is happening is taking us back to the late 1960s, and it is reducing information about Canada, its regions and the world. We are witnessing the erosion of information. And a poorly informed population is at the mercy of undemocratic forces and special interests.

What we must remember is that it will be increasingly difficult for francophone minorities outside Quebec to obtain news and cultural programs in their language and in their region. The lifelong struggle for basic rights will be compounded by the struggle for the right to see themselves reflected in the actions of the Canadian public broadcaster. One cannot blame these same minorities for becoming discouraged and outraged at the same time. What is left when basic services are eliminated? And what is

left for francophiles who, day after day, register for courses in French as a second language to learn our beautiful mother tongue? They are left with a programming void caused by arbitrary decisions, which, only imperfectly and in a much diminished manner, reflects all those communities who still believe in the linguistic duality of this country. Do we have to constantly fight to assert our rights and have access to services in French in our country?

I hope that the government will examine the CRTC document released on Monday, March 30, entitled *Report to the Governor in Council on English- and French-language broadcasting services in English and French linguistic minority communities in Canada*.

The last paragraph of the report states:

The Commission considers it important that the CBC have the means to continue serving . . . official-language minority communities.

Honourable senators, since Canada must make investments to get through this period of economic uncertainty, it would be best to invest in a national vision, in a project that could inspire and motivate us and that would create a lasting tribute to the linguistic duality of our country.

The Canadian Broadcasting Corporation has been, from its inception, a chosen part of our society contributing to the shared national consciousness and identity. It is part of Canada's social fabric and history.

Any political body representing the people must show consideration for its founding peoples and their equality of status and rights. Linguistic duality is, after all, one of the fundamental values of Canada.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Would Senator Chaput accept a question?

**The Hon. the Speaker pro tempore:** Senator Chaput's time has run out. Is she requesting an extension?

**Senator Chaput:** Yes

**Senator Comeau:** I remember, back in the 1990s, when Jean Chrétien and Paul Martin were so proud of themselves for making massive cuts to programs that served linguistic minorities and minority communities in Canada.

Back in the Chrétien-Martin days, the government said that the cuts were critical to Canada's economy. I also remember how quiet the other side of this chamber was back then. And now Senator Chaput is trying to tell us what the government should do.

The Liberals have no right to lecture us on language issues. Just remember the 1990s. Remember the Chrétien-Martin years.

**Senator Prud'homme:** The Martin years especially, and maybe the Chrétien years.

**Senator Comeau:** Senator Chaput referred to a series of cuts to CBC/Radio-Canada that could affect programming and, therefore, our communities.

I have two questions for Senator Chaput. First, does the senator think that the government should tell the CBC to put those programs back on the air?

Second, what is the Liberal Party's position on the budget allocation for the CBC?

**Senator Chaput:** Honourable senators, in response to the first question, as I stated in my speech, over the past 15 to 20 years, the Canadian Broadcasting Corporation's budget has been cut repeatedly. All I can say is that if I had been in the Senate then, I would have talked about it, but I was not a senator at the time.

To the second question, I would not presume to lecture the government. As the senator representing Manitoba francophones and francophones in minority communities, I am just trying to show how these cuts will affect people and explain how it feels to lose yet more services, now that we have almost nothing left to lose.

I wanted to illustrate how the loss of these services will affect a community that was assimilated 10 years ago, yet now, 10 years later, finds itself even more assimilated, and needs these French-language services more than ever, right across Canada.

Our children will continue to struggle against assimilation, which is increasingly present around us. As for determining whether the government should become involved, I do not think it is the government's responsibility to do so. Rather, it is because CBC/Radio-Canada is a Crown corporation, because the corporation is our communication link from coast to coast to coast, and represents openness to the world and to all regions of Canada.

The two solitudes would be less alienated from one another if they knew each other a little better. I sincerely hope the government will find a way in its economic plan to fund CBC/Radio-Canada, so that my grandchildren will continue to be able to watch television and listen to the radio in French in our home province of Manitoba.

• (1630)

**Senator Comeau:** Honourable senators, I understand why Senator Chaput did not answer my questions. I am fully aware that she had not yet been appointed to the Senate. In preparing her remarks, Senator Chaput could have perhaps considered the question just as I asked it: is she asking the government to tell CBC/Radio-Canada what its programming should include? That is what we understood from her speech.

First of all, Senator Chaput gave us a list of all the programs that will be cancelled. Second, she talked about the amount of additional funds that should be given to the CBC. Perhaps a member of the opposition could tell us. I have a great deal more I would like to say on the matter. I would therefore ask for adjournment of this debate.

(On motion of Senator Comeau, debate adjourned.)

[English]

**LEGAL AND CONSTITUTIONAL AFFAIRS**

**STUDY ON PROVISIONS AND OPERATION  
OF DNA IDENTIFICATION ACT—COMMITTEE  
AUTHORIZED TO TRAVEL**

**Hon. Joan Fraser**, pursuant to notice of April 1, 2009, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs, which was authorized by the Senate on February 26, 2009 to examine and report on the

provisions and operation of the *DNA Identification Act*, be empowered to travel inside Canada for the purpose of its study.

She said: For those honourable senators who are wondering whether the committee has vastly expensive plans, we would like authorization to travel by bus to visit the National DNA Data Bank, which is located in the National Capital Region.

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

(Motion agreed to.)

(The Senate adjourned to Tuesday, April 21, 2009, at 2 p.m.)

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# THE SENATE OF CANADA

## PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been **completed**)

**(2nd Session, 40th Parliament)**

**Thursday, April 2, 2009**

(\*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

### GOVERNMENT BILLS (SENATE)

| No. | Title   | 1 <sup>st</sup> | 2 <sup>nd</sup> | Committee                                     | Report   | Amend | 3 <sup>rd</sup> | R.A. | Chap. |
|-----|---|-----------------|-----------------|---|----------|-------|-----------------|------|-------|
| S-2 | An Act to amend the Customs Act   | 09/01/29        | 09/03/03        | National Security and Defence                 | 09/03/31 | 1     |                 |      |       |
| S-3 | An Act to amend the Energy Efficiency Act                                 | 09/01/29        | 09/02/24        | Energy, the Environment and Natural Resources | 09/03/11 | 0     | 09/03/12        |      |       |
| S-4 | An Act to amend the Criminal Code (identity theft and related misconduct) | 09/03/31        |                 |   |          |       |                 |      |       |
| S-5 | An Act to amend the Criminal Code and another Act                         | 09/04/01        |                 |   |          |       |                 |      |       |

### GOVERNMENT BILLS (HOUSE OF COMMONS)

| No.  | Title   | 1 <sup>st</sup> | 2 <sup>nd</sup> | Committee        | Report   | Amend | 3 <sup>rd</sup> | R.A.      | Chap. |
|------|---|-----------------|-----------------|------------------|----------|-------|-----------------|-----------|-------|
| C-2  | An Act to implement the Free Trade Agreement between Canada and the States of the European Free Trade Association (Iceland, Liechtenstein, Norway, Switzerland), the Agreement on Agriculture between Canada and the Republic of Iceland, the Agreement on Agriculture between Canada and the Kingdom of Norway and the Agreement on Agriculture between Canada and the Swiss Confederation | 09/03/31        |                 |                  |          |       |                 |           |       |
| C-9  | An Act to amend the Transportation of Dangerous Goods Act, 1992   | 09/03/26        |                 |                  |          |       |                 |           |       |
| C-10 | An Act to implement certain provisions of the budget tabled in Parliament on January 27, 2009 and related fiscal measures.  | 09/03/04        | 09/03/05        | National Finance | 09/03/12 | 0     | 09/03/12        | *09/03/12 | 2/09  |
| 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 ( <i>Appropriation Act No. 4, 2008-2009</i> )   | 09/02/12        | 09/02/24        | —                | —        | —     | 09/02/26        | 09/02/26  | 1/09  |

| No.  | Title   | 1 <sup>st</sup> | 2 <sup>nd</sup> | Committee                              | Report   | Amend | 3 <sup>rd</sup> | R.A.      | Chap. |
|------|---|-----------------|-----------------|--|----------|-------|-----------------|-----------|-------|
| C-17 | An Act to recognize Beechwood Cemetery as the national cemetery of Canada   | 09/03/10        | 09/03/12        | Social Affairs, Science and Technology | 09/04/02 | 0     | 09/04/02        |           |       |
| C-21 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 ( <i>Appropriation Act No. 5, 2008-2009</i> ) | 09/03/24        | 09/03/25        | —                                      | —        | —     | 09/03/26        | *09/03/26 | 3/09  |
| C-22 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 ( <i>Appropriation Act No. 1, 2009-2010</i> ) | 09/03/24        | 09/03/25        | —                                      | —        | —     | 09/03/26        | *09/03/26 | 4/09  |

## COMMONS PUBLIC BILLS

| No. | Title | 1 <sup>st</sup> | 2 <sup>nd</sup> | Committee | Report | Amend | 3 <sup>rd</sup> | R.A. | Chap. |
|-----|-------|-----------------|-----------------|-----------|--------|-------|-----------------|------|-------|
|     |       |                 |                 |           |        |       |                 |      |       |

## SENATE PUBLIC BILLS

| No.   | Title  | 1 <sup>st</sup> | 2 <sup>nd</sup>                                      | Committee                        | Report | Amend | 3 <sup>rd</sup> | R.A. | Chap. |
|-------|--|-----------------|--|----------------------------------|--------|-------|-----------------|------|-------|
| S-201 | An Act to amend the Library and Archives of Canada Act (National Portrait Gallery) (Sen. Grafstein)  | 09/01/27        |  |                                  |        |       |                 |      |       |
| S-202 | An Act to amend the Canada Elections Act (repeal of fixed election dates) (Sen. Murray, P.C.)  | 09/01/27        |  |                                  |        |       |                 |      |       |
| S-203 | An Act to amend the Business Development Bank of Canada Act (municipal infrastructure bonds) and to make a consequential amendment to another Act (Sen. Grafstein) | 09/01/27        |  |                                  |        |       |                 |      |       |
| S-204 | An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)   | 09/01/27        |  |                                  |        |       |                 |      |       |
| S-205 | An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)  | 09/01/27        | 09/03/31   | Legal and Constitutional Affairs |        |       |                 |      |       |
| S-206 | An Act respecting the office of the Commissioner of the Environment and Sustainable Development (Sen. McCoy)   | 09/01/27        |  |                                  |        |       |                 |      |       |
| S-207 | An Act to amend the Employment Insurance Act (foreign postings) (Sen. Carstairs, P.C.)   | 09/01/27        | Bill withdrawn pursuant to Speaker's Ruling 09/02/24 |                                  |        |       |                 |      |       |
| S-208 | An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)   | 09/01/27        |  |                                  |        |       |                 |      |       |

| No.   | Title  | 1 <sup>st</sup> | 2 <sup>nd</sup> | Committee                                     | Report   | Amend | 3 <sup>rd</sup> | R.A. | Chap. |
|-------|--|-----------------|-----------------|---|----------|-------|-----------------|------|-------|
| S-209 | An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)   | 09/01/27        |                 |   |          |       |                 |      |       |
| S-210 | An Act respecting World Autism Awareness Day (Sen. Munson)   | 09/01/27        | 09/03/03        | Social Affairs, Science and Technology        |          |       |                 |      |       |
| S-211 | An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein) | 09/01/27        |                 |   |          |       |                 |      |       |
| S-212 | An Act to amend the Canadian Environmental Protection Act, 1999 (Sen. Banks)   | 09/01/27        |                 |   |          |       |                 |      |       |
| S-213 | An Act to amend the Income Tax Act (carbon offset tax credit) (Sen. Mitchell)  | 09/01/27        |                 |   |          |       |                 |      |       |
| S-214 | An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)  | 09/01/27        |                 |   |          |       |                 |      |       |
| S-215 | An Act to amend the Constitution Act, 1867 (Property qualifications of Senators) (Sen. Banks)  | 09/01/27        | 09/03/24        | Legal and Constitutional Affairs              |          |       |                 |      |       |
| S-216 | An Act to amend the Federal Sustainable Development Act and the Auditor General Act (Involvement of Parliament) (Sen. Banks)   | 09/01/27        | 09/03/11        | Energy, the Environment and Natural Resources | 09/04/02 | 0     |                 |      |       |
| S-217 | An Act respecting a National Philanthropy Day (Sen. Grafstein)   | 09/01/27        |                 |   |          |       |                 |      |       |
| S-218 | An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)  | 09/01/29        |                 |   |          |       |                 |      |       |
| S-219 | An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)   | 09/02/03        |                 |   |          |       |                 |      |       |
| S-220 | An Act respecting commercial electronic messages (Sen. Goldstein)  | 09/02/03        | 09/04/02        | Transport and Communications                  |          |       |                 |      |       |
| S-221 | An Act to amend the Financial Administration Act (borrowing of money) (Sen. Murray, P.C.)  | 09/02/04        |                 |   |          |       |                 |      |       |
| S-222 | An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Murray, P.C.)  | 09/02/04        |                 |   |          |       |                 |      |       |
| 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 (Sen. Phalen)   | 09/02/04        |                 |   |          |       |                 |      |       |





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