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THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

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THE SENATE

Thursday, May 7, 2009

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

Prayers.

VISITORS TO THE SENATE

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw the attention of honourable senators to the presence on the floor, behind the bar, of the following members of the Canadian Paraplegic Association: Mr. Courtney Keenan, Vice President; Mr. Stephen Daniel; Ms. Madelyn Scanlan; Ms. Danielle Leguard-White; and Ms. Danielle Fraser. They are the guests of the Honourable Senators Raine and Campbell.

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

SENATORS' STATEMENTS

SPINAL CORD INJURY AWARENESS MONTH

Hon. Nancy Greene Raine: Honourable senators, it is an honour today to rise and help recognize the month of May as Spinal Cord Injury Awareness Month. As a former athlete, I believe in a Canadian sports system where equal opportunities to excel exist.

Honourable senators, it is a measure of our collective effectiveness if governments can work together and create an environment for Canadians living with disabilities where they can shine and realize their true potential. However, this is still a dream, a hope for a better outcome for over 41,000 Canadians living with spinal cord injury.

We take pride in Canada in being a society that promotes inclusion and full participation, and we enjoy a standard of living that is the envy of many countries. Let us lend a powerful voice to the Canadian Paraplegic Association in support of their work to promote awareness of spinal cord injury.

[Translation]

Our role today allows us to continue working together in a country where life is good. We must do our best to ensure that this true for all Canadians.

[English]

Hon. Larry W. Campbell: Honourable senators, today I also rise to help recognize the month of May as Spinal Cord Injury Awareness Month.

From 8:30 this morning until 2:00 this afternoon, I learned how important cracks in sidewalks can be; what the slope from the East Block up to the Senate is really about; how to find a washroom; and how to open a door if you did not know where the button is that you have to push.

I rise with the knowledge that today alone there will be three new spinal cord injuries in Canada. There are approximately 1,100 new injuries each year. There are over 41,000 Canadians living with spinal cord injuries, the effects of which are felt by family members, friends and colleagues.

Eighty-four per cent of all spinal cord injuries occur to people under the age of 34. I am amazed that in this day and age of employment equity, the unemployment rate for people with spinal cord injuries remains at 62 per cent, well above the national average.

Honourable senators, Canadians take pride in knowing that we enjoy a high standard of living, which is the envy of many countries. However, we also know that our ranking, according to the most recent Conference Board of Canada report card, has dropped us to ninth overall.

It is no coincidence that Senator Raine and I are doing this today. We are from British Columbia and we are well educated in the ways those with spinal cord injuries can participate in society. Many honourable senators will remember former Mayor Sam Sullivan at the Olympics in Turin, proudly waving the flag in his wheelchair. He was the Mayor of Vancouver for three years.

• (1340)

Another former Mayor of Vancouver and former Premier of British Columbia, Mike Harcourt, also knows firsthand what it is like to live with a spinal cord injury. Perhaps best known is Rick Hanson, who suffered a spinal cord injury at the age of 15, from which he did not recover. Although confined to his wheelchair, he continued to participate in many sports and went on to win several international wheelchair marathons. Perhaps best of all, though, after being inspired by his friend Terry Fox, he undertook the Man in Motion World Tour, an around-the-world tour that took him 26 months to complete. He also created the Rick Hanson Foundation, which has generated incredible amounts of money to aid enhanced research and programs for victims of spinal cord injuries. Also highlighting the cause of the disabled is Stephanie Cadieux, the Liberal Party of British Columbia's candidate for the riding of Surrey-Panorama.

Honourable senators, from my experience this morning, I can tell you that my eyes have been opened to the everyday challenges faced by those confined to a wheelchair. I am much more aware and have a huge amount of appreciation for what is happening within their world and how far we must go to ensure that they are equal.

It is my hope that the disabled across Canada will be encouraged and supported by the work of Mr. Sullivan, Mr. Harcourt, Mr. Hanson, Ms. Cadieux and these incredible people here today. We know that, through their dedication and hard work, they have shown Canadians that they are capable of truly great things.

[Translation]

VISITOR IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I would like to draw your attention to the presence in the gallery of Senator Nathalie Meriem Goulet, Senator of France for Orne (Basse-Normandie), a member of the Centrist Union and member of the French Foreign Affairs, Defence and Armed Forces Commission.

She is the guest of Senator Marcel Prud'homme, P.C.

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

TRIBUTES

THE HONOURABLE YOINE GOLDSTEIN

The Hon. the Speaker pro tempore: Honourable senators, pursuant to rule 22(10) of the Rules of the Senate, the Leader of the Opposition has asked that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to our colleague, the Honourable Yoine Goldstein, who will retire on May 11, 2009.

[English]

I remind honourable senators that pursuant to our rules, each senator will be allowed three minutes and may speak only once. However, is it agreed that we continue our tributes to Senator Goldstein under Senators' Statements?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: We will, therefore, have the balance of the 30 minutes for tributes, not including the time allotted for Senator Goldstein's response. Any time remaining after tributes will be used for other statements.

Is it agreed?

Hon. Senators: Agreed.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I confess to a real conflict today. I am obviously delighted to be able to pay tribute to my friend Yoine Goldstein, but, on the other hand, I regret that it is in the context of his leaving the Senate where he has been such an active participant.

While Senator Goldstein's term of office has been relatively short, his contributions here have been impressively long. He stands as proof that one does not always have to be in a place for long to make a lasting and worthwhile contribution.

[Senator Campbell]

• (1345)

A native and lifelong resident of Montreal, Senator Goldstein is a graduate in arts and law from McGill University. For more than 40 years, he led an increasingly distinguished career as a lawyer, specializing in the fields of bankruptcy and insolvency, becoming a fellow of the American College of Trial Lawyers, the American College of Bankruptcy and the Insolvency Institute of Canada — the only Canadian to be so recognized.

His knowledge of insolvency law is recognized throughout Canada and around the world, and he has published extensively on that topic.

Throughout his life, he has been a pillar of the Canadian and Montreal Jewish community, for which he has been honoured on numerous occasions. He was appointed to the Senate in August 2005 and immediately undertook an impressive legislative agenda.

Senator Goldstein has made an indelible impression on us all. Who amongst us has not been moved by his pleas for tolerance, respect and social justice throughout the world, by his warnings never to forget the horrors of the Holocaust or Kristallnacht and by his description of the atrocities in Darfur?

For him, human rights are not abstract concepts but rather basic values that must be promoted and protected everywhere. Senator Goldstein has consistently drawn our attention to the plight of the less fortunate and disadvantaged in our society. Only yesterday, he encouraged all of us to wear pins in support of African grandmothers and their orphans.

He has brought to this chamber and his committee work formidable analytical skills honed during his years as one of Canada's leading lawyers. He has consistently demonstrated an ability to cut to the heart of complex issues and, more importantly, to propose practical and sensible solutions.

In addition to being an active member on the Standing Senate Committee on Banking, Trade and Commerce, the Standing Committee on Internal Economy, Budgets and Administration, the Standing Senate Committee on Human Rights and the Standing Senate Committee on Official Languages, he has represented Canada and the Senate at numerous international gatherings, including the Parliamentary Assembly of the Council of Europe, where he has made important contributions reflecting his passion for human rights and social justice.

In the Senate, he has introduced legislation protecting students caught in the trap of bankruptcy and insolvency and legislation controlling spam email. He also introduced legislation amending the Investment Canada Act to include violations against human rights, genocide, war crimes and crimes against humanity committed by investors or in which investors may have been involved, as factors to be taken into account in determining whether an investment is of net benefit to Canada.

Honourable senators, our colleague Senator Goldstein has made an important contribution to this place and to our society. He has set a high standard for us all, and we will miss his wise

counsel and appeals to our consciences on a daily basis. As we bid him farewell, we know he will remain passionately involved in raising human awareness of human rights and issues of social justice.

Yoine, thank you for your work here, and Elaine, thank you for allowing us to share Yoine with you these past few years.

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, today we bid farewell to Senator Yoine Goldstein, who has served in this place for four years, eight months and thirteen days.

Before his appointment to this chamber by the former Prime Minister, the Right Honourable Paul Martin, Senator Goldstein had a long and successful legal career in the bankruptcy and insolvency field, which he applied to his work in the Senate, perhaps most notably as the Deputy Chair of the Standing Senate Committee on Banking, Trade and Commerce. His words on human rights were profound and are supported by us all.

I must admit, honourable senators, that some of Senator Goldstein's musings were provocative. That is just fine, Senator Goldstein; such is life in politics.

However, having said that, I wish you and your family all the best, and I sincerely hope you will continue to remain active and committed as you head down the next path of your life, and that you will find that path as invigorating and rewarding as your Senate career.

In closing, Senator Goldstein, in the spirit of goodwill, I am sure you will not mind if I return to you something you gave me in March, namely, your duct tape. I am sure you will need it as you pack your many boxes of files from your work here in the Senate and all of your memorabilia.

Farewell and good luck.

• (1350)

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to pay tribute to my friend, seatmate and colleague Senator Yoine Goldstein. In the four years since his appointment to the Senate, his work and accomplishments in this place have become legendary. I have come to know Yoine as one of the most passionate human rights advocates this institution has ever seen. His efforts in this place have utilized every skill in his legal, scholarly and humanitarian arsenal.

He was introduced to this chamber on September 20, 2005, as an active and highly regarded member of the provincial and national legal communities, an esteemed law professor from McGill, and one of Canada's foremost policy experts on Canadian bankruptcy and insolvency. It was not surprising he would immediately press for reform of Canada's bankruptcy and insolvency system, and in doing so became one of the most vocal advocates for post-secondary education of Canada's youth. He has dedicated a great deal of his time in this place to educating others and to introducing legislation that would ensure that

students have the necessary protection and knowledge so that their investment in post-secondary education will not become a crushing financial burden. Canadians and senators will miss his strong and compassionate voice on Parliament Hill on this issue.

I respectfully suggest that Senator Goldstein's legacy is also about Canadian literacy. He has spent his time in this place pushing for better numeracy or mathematical skills for Canadians. He has imparted an understanding that Canadians chronically do not have the skills to improve their financial well-being. This missing level of literacy costs Canada and is a leading cause of financial hardship. It is an underlying principle of concern that has influenced so much of his work in this place.

Senator Goldstein is a human rights advocate. This stands out most profoundly when looking retrospectively over the last four years. I quote Senator Goldstein: "Human rights are indivisible; they are available to all people." This belief is rooted and infused throughout all of the work he has done as a senator.

Senator Goldstein has consistently introduced legislation that will bring affordable medicine to Third World countries and he has worked hard to empower the most vulnerable. He has also pushed for Canada's implementation of its refugee appeal division.

Yoine, you have been a zealous and worthy contributor to the calibre of debate in this place and the exceptional work conducted by Senate committees. I will particularly miss your contributions at our shared committees of Official Languages and Human Rights. Your exceptional work ethic has been something that has resounded for all of us. Your departure from the Senate will leave a huge gap in service to Canada and, more specifically, to Quebec.

I also want to thank Elaine for sharing you with us, as she has waited many long hours for you to come home. You have said: "My sole interest is to have excellent legislation for the excellent people of Canada."

My dear friend, you have certainly made this contribution and so much more. I wish you and Elaine, Doron and Dahna, much happiness as you take a break. Meanwhile, we will all continue to benefit from the work you have done here on behalf of all Canadians.

Thank you.

Hon. Nancy Ruth: Senator Goldstein, three minutes and three cheers!

You know, it is nuts that you are leaving now. You are a bankruptcy and insolvency expert and this is exactly what the government needs!

Let me say that week after week, day after day, statement after statement, motion after motion, inquiry after inquiry, I have listened to you, your eloquence, your fury, your righteousness, your commitment, your sadness, your perseverance, your dedication and your vision. I admire your challenging mind, your sparkling humour, your hands and hugs of friendship. Your dedication to human rights inspires me.

Hey, man, you have not missed a moment, a chance, or even a trick. Each morning, as I grind flax instead of grits, I will be strengthened by the commitment of Elaine and you and by your work. Thanks for taking the time to be here and thank you for you.

[Translation]

Hon. Serge Joyal: Honourable senators, it is a privilege to draw your attention to Senator Goldstein's contribution to the Senate of Canada, as his work in this chamber draws to a close. The length of Senator Goldstein's term here was rather short, just under four years. However, his contribution to our work has been significant and was appreciated immediately, from the moment he was appointed. Indeed, the Senate and its legislative approach have benefited greatly from Senator Goldstein's unique academic expertise.

• (1355)

[English]

One should remember that after having completed his PhD in law at the Université de Lyon in France in 1960, he taught for more than 25 years at the University of Montreal. An expert in the law of bankruptcy, he has published extensively on related issues and is widely recognized by the legal and judicial community as an authority. He is quoted regularly in arbitration and court decisions.

Honourable senators, we in the Senate should appreciate the special professional background of Senator Goldstein and the backgrounds of other colleagues on both sides of this chamber, and recognize that their expertise is essential to our duty in reviewing the legislation adopted by the other place.

[Translation]

According to a study published recently by the Public Policy Forum, the newest members of the 40th Parliament elected on October 14, 2008, are less educated and less experienced than their predecessors in the 39th.

[English]

Moreover, according to that study, the House of Commons has few members experienced in public administration. This fact certainly has an impact on their capacity to do legislative work. The scholarly background of Senator Goldstein has brought solid credentials to the study of banking and financial legislation, in keeping with the fine tradition and practices of the Senate. Indeed, Senator Goldstein's talents were always at par, or even better, than those of the expert witnesses of the Department of Finance or those of the business community.

[Translation]

I cannot over-emphasize the fact that our Senate committees' reputation for credibility is due in large part to the professional experience of colleagues like Senator Goldstein.

[English]

Such colleagues sit on both sides of the chamber.

[Senator Nancy Ruth]

[Translation]

That is what fundamentally distinguishes this chamber from the other.

As we consider changes to the Senate appointment system, we should make it a point to maintain the elements that bring value to this chamber, elements that are critical to the Senate's credibility as a law-making institution, elements such as a high degree of professional qualification, which the system of elected representatives does not necessarily guarantee.

Let us hope that Senator Goldstein continues to take an interest in the work of Senate committees and contribute his academic and practical expertise to help us fulfill our constitutional duty to the best of our ability.

Senator Goldstein, we would be only too grateful.

[English]

Hon. W. David Angus: Honourable senators, I, too, would like to salute our departing colleague. The Honourable Yoine Goldstein, like Senator Fraser and I, is one of those increasingly *rara avis* here in Ottawa, the anglophone Quebecer. More importantly, he is a perfectly bilingual anglophone Quebecer, with a hugely active involvement in the professional, academic and cultural life of Montreal and la belle province de Québec.

As Senator Goldstein is about to leave this place, I suspect it would be inaccurate to say he is retiring, in the true sense of that word. Rather, it is my guess that Senator Goldstein will next week be returning to Montreal to continue his legal career in the scholarly and eleemosynary pursuits to which he is so devoted.

Following the announcement of Yoine's appointment to this place, my old confrère called me in my Montreal office and asked to see me for advice and guidance on various matters germane to membership in the Senate. In preparing for the meeting, I scrutinized his resumé, which detailed his professional and academic career, as well as his involvement as a leader in community service, especially with the Canadian, Quebec and Montreal Jewish community. To my great surprise, I could find no reference whatsoever to membership in or involvement with any political organization or party, so I felt quite at ease as I explained to Yoine how many of us in this place struggle for balance and to be non-partisan in our deliberations.

[Translation]

"Not a problem," he told me, "I am not politically active; I am not a politician in any way. I am more of a philosopher, an academic."

• (1400)

"I taught law and philosophy at the Université de Montréal for 25 years. Some six or nine months later, I came to see just how deeply we could be affected and influenced by our environment."

Shortly after beginning his work in the Liberal caucus, this academic became one of the strongest Liberal supporters in this chamber.

[English]

He went from professor to pit bull, in the wink of an eye. When Senator Goldstein rose in Question Period, as he frequently did to duct-tape our leader, we on this side literally trembled in our boots. No, that is too strong. Let us just say, we soon became acutely aware of the unflattering view he has of the wonderful Harper government, its policies and its practices. It did not take this political neophyte long to learn what partisan opposition is all about.

Honourable senators, Yoine Goldstein gave new meaning to the words "active and engaged senator." It is breathtaking to contemplate what he has accomplished in less than four short years. Quite apart from engaging regularly in Senators' Statements, Question Period, and legislative debate, he has initiated private bills and has traveled far and wide, both within Canada and abroad. He has been a virtual whirling dervish; it is as if he set out in autumn 2005 to squeeze 15 years of Senate work into a mere 45 months. As many honourable senators have suggested, I think he has succeeded.

Honourable senators, make no mistake about it: Senator Yoine Goldstein has been here these past few years, larger than life. Yoine, it is now time for a breather before you pick up the pace again in Montreal.

I wish you Godspeed, good fortune and many happy days with your lovely and supportive wife, Elaine, and the rest of your loving family. God bless you.

Hon. Jane Cordy: Honourable senators, I rise today to pay tribute to my colleague and to my almost-seatmate, Senator Goldstein.

I heard about Yoine and his skills before he came to the Senate. My husband Bob and Yoine served on the federal Personal Insolvency Task Force, which was formed by the Office of the Superintendent of Bankruptcy. The task force was made up of senior trustees, insolvency lawyers, economists and a renowned insolvency judge. Yoine, as honourable senators know, is an internationally recognized expert in insolvency law and he was the chair of this task force. To quote my husband, "With all that firepower, Yoine, with his intelligence and calm demeanour, was able to control the agenda and garner the support and respect of the committee members."

Honourable senators, I was then fortunate to be the second member of my family to work with Yoine when he was appointed to the Senate in 2005. Senator Goldstein's activities are not restricted to the field of law or to his work in the Senate; Yoine also works to improve the lives and well-being of those living in his community and beyond. In many ways, his law expertise and his work in the Senate is dedicated to serving his community.

Whether through the numerous organizations to which he volunteers his time and expertise, or through the introduction of private members' bills here in the Senate, Senator Goldstein continues to strive to support and improve the lives of those less fortunate. His dedication to his community is an inspiration and must be commended.

Yoine, I will remember your passion for your causes and will also remember your frustrations, sometimes, when your well-intentioned questions were not answered. You have been a great asset to this chamber. I know that whatever you choose to do as you begin another stage of your life, it will be a success because it will be done with energy and expertise.

Yoine, we will miss you. My very best to you and to Elaine because, Elaine, we will miss you, as well.

• (1405)

Hon. Michael A. Meighen: Honourable senators, today we salute a scholar, teacher, author, lawyer and politician as well as a committed human rights and community activist. Yoine Goldstein is truly a man for all seasons and one who has been an adornment to the Senate of Canada throughout his all-too-short passage among us.

Honourable senators, I have had the distinct pleasure of knowing Yoine Goldstein for almost 45 years. When I began the practice of law in 1964, Yoine was already a rising star in the Montreal legal community along with Senator Angus and others.

While I greatly admired his knowledge of bankruptcy and insolvency, never did I think that I would have need of his services. How wrong I was! Sometime in the 1970s, I found myself nominated to the board of directors of a uniform manufacturing company by the name of Scott Lasalle. I was to represent the interests of a friend who had purchased a large number of shares in anticipation of a reversal of the company's fortunes. A reversal did indeed occur, but in the wrong direction and the company declared bankruptcy. Not having had the opportunity of attending a single board meeting, imagine my surprise when a bailiff appeared in my office waiving a writ claiming several hundred thousand dollars for unpaid wages and salaries, from me as a director of the company.

Although I was dumbstruck, I had the wit to put my faith in the hands of our esteemed colleague who, you will not be surprised to learn, succeeded in having the claim against me dismissed for which I owe him my eternal thanks, but apparently nothing else. Yoine, I am still waiting for the bill!

[Translation]

More recently, I had another opportunity to appreciate our colleague's legal skills. In 2003, he was the Special Advisor to the Standing Senate Committee on Banking, Trade and Commerce. Since he was appointed to the Senate in 2008 and since he joined that same committee, Yoine has served as Deputy Chair with great distinction. Needless to say, the committee members will miss his depth of knowledge and his extensive experience. As chair, I will especially miss his friendship and wise advice.

[English]

Of one thing we can all be certain, Yoine, as has already been indicated, is not about to retire and Elaine need not fear she will have to put up with him for lunch. As he returns to the practice of law in Montreal, he takes with him our best wishes for good health and continued success.

Hon. Lorna Milne: Honourable senators, we all know that in addition to everything we have heard today, Senator Goldstein is a man of deep convictions and thoughtful insight. However, let me tell you a little about his involvement with the Council of Europe.

We all know that he can occasionally run slightly over time in his profound remarks and at the Council of Europe, time is strictly allocated. There is a large light that goes on and there is a buzzer. Once you are a few seconds over your time, the buzzer rings and your microphone is cut off.

A little over two years ago, Senator Goldstein was on his feet speaking in an urgent debate on the situation in the Middle East. He had 10 extremely important points to make as to precisely how the nations of Europe and the world could begin to solve the ongoing situation. He reached point 7 when the 30-second warning went up. I think he completed point 8 before his time ran out. It is the only time in my entire six years at the Council of Europe that I have ever seen the president hold out his hand and physically prevent the clerk from ringing the buzzer. The president prevented the ringing of the bell so that Yoine could complete his 10 points. When he had finished, the president invited him to take part in writing the final report. I think Senator Goldstein flew to Europe at his own expense to take part in that endeavour.

In 2007, Senator Goldstein also took a very active role working on a report on the humanitarian crisis in Darfur. The report discussed the forcible relocation of civilian populations and the recruitment of children as young as six years of age as soldiers. The report described the situation as a war crime and urged the prosecution of those responsible as war criminals. As I said, he is a man of strong convictions with a passion for human rights.

Senator Goldstein is taking up the cause of providing badly needed affordable drugs to Africa through CAMR, Canada's Access to Medicines Regime. His Bill S-232 is designed to simplify the complex approval process, which is preventing the delivery of drugs to where they are so badly needed.

Senator, this place will miss your insight, your dedication and your generosity of mind and spirit. Personally, I have been delighted to get to know your intelligent, charming and beautiful wife Elaine, too. It has been my privilege.

• (1410)

Hon. Donald H. Oliver: Honourable senators, I am honoured to rise today to pay tribute to Senator Yoine Goldstein for his outstanding career as a leading member of the Canadian legal community and for his service to Canadians as member of the Senate.

We may be members of different parties, but Senator Goldstein and I share several things in common: We are both members of minority communities, and we both promote equality and human rights. During his years in the Senate, Senator Goldstein called our attention to the enormous contribution of the Jewish community to Canada, but at the same time, to continuing problems of anti-Semitism. I recall a statement he gave in this

chamber in November 2006 in honour of the International Day of Tolerance. He said:

The need for citizens to tolerate those who are different from themselves is a basic requirement for societies that wish to avoid open conflict. However, to build that kind of society, the kind of society that we truly desire, the kind in which each person is valued for his or her unique qualities and identities, we must go far beyond the passive act of tolerance and engage in the kind of active learning and understanding that will enable us to celebrate the diversity — and the importance of diversity — of our fellow citizens.

Senator Goldstein recognizes the importance of making our country more inclusive and free from all forms of discrimination. I strongly share his concerns and his views. Yoine and I also share a passion for wine. Many may not know this, but he is an exceptional wine connoisseur. We have often shared and exchanged lists of selected wines, information and articles on viniculture and, on occasion, have had the opportunity to share a bottle or two together.

Even before being summoned to the Senate in August 2005, Senator Goldstein was a familiar face on the Hill. In 2002-03, I was a member of the Standing Senate Committee on Banking, Trade and Commerce and Senator Goldstein served as a special advisor. In one of our committee reports we acknowledged his outstanding contribution. The report states:

Mr. Yoine Goldstein, provided enormous assistance to the committee. . . . It is no exaggeration to say that we could not have completed our work in the time and the way that we have without the benefit of his wisdom, experience and commitment.

Honourable senators, please join me in wishing Senator Goldstein, a champion for human rights, a happy retirement and all the best as he begins a new chapter in his life. His presence will be missed.

Hon. David P. Smith: Honourable senators, I wish to pay tribute to Yoine Goldstein. Our friendship has been too brief because I did not know him before he came to the Senate. I knew of him, because my law firm has a large section of lawyers who practise in that melancholy area of bankruptcy and insolvency, which I found too depressing.

Someone said, "You must know this guy, Yoine; I think he is a Liberal." I thought, "Obviously he is wise, so I should get to know him."

I have come to know Yoine and he is a gentleman. He is knowledgeable in many subjects and he is wise. We could use a few more on the Hill because we can never have too many.

I am co-chair of the group known as the Liberal Parliamentarians for Israel. We have had numerous conversations on the challenges of issues in the Middle East, and I have always found his views balanced, fair and reasonable. I have always enjoyed those conversations.

We enjoy swapping jokes from time to time. They are all polite, of course. He has a sense of humour and that combination of qualities has created a good bond between us. I will miss you, Yoine.

To your wife, Elaine, whom I will call the “better half,” you are great company, too, and I hope our paths will continue to cross. I know that Yoine is already on the straight and narrow but, sister, you keep him there.

• (1415)

Hon. Jeremiah S. Grafstein: Honourable senators, I rise to pay brief tribute to our colleague, Senator Yoine Goldstein, and to deal with a false belief.

There is a false belief in this chamber and other places that each Jew knows every other Jew. Frankly, I did not know Yoine Goldstein before he called me shortly before he was appointed to the Senate. I knew of him, as Senator Smith says, but I did not know him.

He sought my advice and my advice was very simple. I said if you get to the Senate, focus, work hard and you will be immensely satisfied and gratified by the things you do and the work you undertake.

He worked hard and he was rewarded; he was a quick study. He quickly became a member of the Standing Senate Committee on Banking, Trade and Commerce, which I chaired, and he played a very important role in that committee.

Yoine has left a large footprint in a very short period of time, so I will not reiterate what all honourable colleagues have said. I can only wish him and his wife a traditional Jewish salute, that he should live to 120 years.

Jews greet other Jews by this greeting, saying “You should live to 120 years,” because Moses lived to 120 years. There is a symbolic, unconscious message within that message, which is that Moses became a leader and started his first career at the age of 80. A great Rabbi once told me to try to emulate Moses. Do not worry about old age because Moses, our greatest teacher, became a leader at age 80, which he did.

To Yoine, I wish you well. I wish you the other traditional Jewish greeting, which is “from strength to strength”; and I wish you Godspeed. I know you have only started. You have had several careers and you are about to start your greatest career. We do not know what it is; we wait with breathless anticipation.

Hon. Senators: Hear, hear!

Hon. Yoine Goldstein: Honourable senators, friends, colleagues, but mostly friends, the Book of the Bible, Koheleth, which you know as Ecclesiastes, contains one phrase that is particularly significant to me at the moment. The phrase is, “To everything there is a season.” This is the season for me to take leave of this noble and marvellous institution and to take leave of you, my friends — and you are, all of you, my friends.

It leaves me with some moments of sadness, but with many moments of happiness in the knowledge that each of you, as committed and as devoted and as wonderful as you are, will carry on the work of making this Canada of ours the best it can possibly be — all of us, on both sides of the aisle.

Honourable senators, I have a great deal for which to be grateful. This country gave safe haven to my parents before the World War II. Had it not done so, my parents, my siblings and I would have been smoke sometime between 1939 and 1945.

I was privileged to be able to grow up in this country, to be able to take advantage of all that it has to offer: Access to outstanding educational institutions, boundless opportunities for me in the practice of law, and the freedom to say and do and think whatever I wanted to say and do and think, so long as I harmed no one else. If you stop to think about it, we are one of the very rare countries on this globe where that privilege is accorded to us.

• (1420)

During these few years, I have been blessed with the opportunity to serve my country as best I could through this institution from which I now take leave, and to serve with the best minds and the warmest hearts this country has to offer.

Of course, I should say, because it is important, I am grateful to leave in the vertical position.

I have learned a great deal from my experience here. Michelangelo, in his eighty-seventh year, is reputed to have said, “*Ancora imparo*,” I am still learning. He was able to continue learning in his eighty-seventh year. I would like to presume I will be able to continue learning in my seventy-fifth year.

I have learned, honourable senators, through traveling and through hearing all of you — because I have attended this chamber assiduously — that Canada is a beautiful country. I think that Lucy Maude Montgomery said it more eloquently than I possibly could:

... if I go out there and get acquainted with all those trees and flowers, the orchard and the brook I'll not be able to help loving it.

Canada is not only physically beautiful; it is a country that has a soul. That soul is evidenced by our Canadian Charter of Rights and Freedoms and its application. It is evidenced by medicare, by our hallmark of bilingualism. It is evidenced by the ongoing civility of discussion and debate. It is evidenced — and I found this particularly striking — by the fact that when the “yes” faction lost the sensitive referendum in 1995 by much less than a point, no one took to the streets. It is evidenced by our economic safety net, as imperfect as it is, but it is a process and we are reaching the destination. It is evidenced by the sincere desire and intent of all political parties to make Canada better and, indeed, to try to make it the best it can be.

I am grateful to you, my colleagues and my friends, for your patience with my sometimes impatience and for teaching me so much, each of you, because each of you has so much to offer. I was delighted and humbled — but mostly humbled — by the principled stands that you took, the causes you espoused, the sincerity that you brought and bring to your work, and the self-sacrifice your work here requires, which each of you gives so wholeheartedly.

I am grateful for the opportunity I have had to work with a group of brilliant, compassionate, sincere and devoted parliamentarians in this chamber. I am grateful for the friends and friendships I have here.

It is apparently *de rigueur* for a departing senator to express his or her vision of a reformed Senate. I will spare you that vision, except to make two quick points. The first is that an appointed Senate is not a dirty word. Our judges are all appointed. They are not elected. They serve until they reach the age of 75. That is somewhat reminiscent. We have the finest judiciary in the world, a model for other countries. Judges from all over the world come here to learn how to be independent and good judges. There is nothing inherently wrong about an appointed Senate.

Second, before we ask the Canadian people to pronounce themselves on what kind of Senate they want, I think it is essential for them to understand what kind of Senate they have. Before we ask their opinion, it seems to me we have the obligation to ensure they understand this institution, its role, its history and its importance in the parliamentary system. Regrettably, at the moment, they do not have that understanding.

We, in the Senate, are most fortunate to have the remarkably talented staff and superb resources we have: the clerks, the library people, the researchers, the translators, the security people, the Hansard editors, the people who prepare *Quorum* for us in the dead of night so we can have it first thing in the morning, the table people and all the variety of people who work here so assiduously and so sincerely to make this institution function.

• (1425)

Unfortunately, most of them are unnamed, but they are not unnoticed and are no less important for that. Indeed, they are no less essential to the operations of this institution, and I thank each and every one of them not only for their labours but for the excellence of their labours.

In my own office I have been particularly fortunate. My first two researchers, Paul Thomas and Marion Laurence, were wonderfully delightful, enthusiastic and brilliant people, as are my current set of researchers, Marek Krasula and Étienne Grandmaître St-Pierre. I thank them for their commitment, for their enthusiasm and for their flashes of genius.

I want to especially mention Kathleen Ippersiel, my executive assistant. She is highly organized and I am not; she is highly committed; she is efficient; she is creative; she is most tolerant of my very bad habits; and she is absolutely the best executive assistant that anyone could ever hope to have.

There is a Hebrew phrase that I want to use. It speaks to why someone is kept to the last by way of mention of thanks. That Hebrew phrase is *Acharon, Acharon Chaviv* — the last one is the dearest. Elaine was somewhat reluctant initially about my coming here. It meant her leaving a start-up business in which she was very involved and in which she was highly successful. It meant my leaving a rather lucrative law practice, which would mean a significant change in our financial circumstances. Nonetheless, she not only encouraged me but did so with a full heart and with great gusto. She accompanied me on this part of the journey. She was my biblical helpmate throughout. She created a circle of very

good friends of her own in Ottawa, especially spouses of many of my colleagues here. She integrated herself quite seamlessly. She chaired, and has been asked to continue to chair, the group of partners of Liberal parliamentarians and former Liberal parliamentarians, which has been renamed “The Club.” Rather than following me to Ottawa from time to time, I will be following her to Ottawa from time to time, and that is as it should be.

Elaine, this is just a stop at a way station of our journey through life together — a lovely stop but a stop nonetheless — and the beginning of the start of the continuation of our journey. Thank you for being you.

Stay with me; the best is yet to come.

Hon. Senators: Here, here!

[Translation]

GIFT FROM THE NATIONAL LIBRARY OF THE NETHERLANDS

Hon. Pierre Claude Nolin: Honourable senators, last Tuesday, Library and Archives Canada held a ceremony to thank the National Library of the Netherlands for its gift of 35 books commemorating the liberation of the Netherlands by Canadian soldiers on May 5, 1945, during the dying days of the Second World War.

For 64 years, the people of the Netherlands have marked with emotion this part of their history that they share with all Canadians. These 35 new titles include children’s books, guidebooks, history books and commemorative publications, as well as anthologies and collections of posters and postcards.

The works, which are very colourful, illustrate different aspects of the presence of Canadian soldiers in the Netherlands during the Second World War. The ceremony to celebrate this important gift was attended by members of the Embassy of the Netherlands in Canada and veterans who had served in Holland.

• (1430)

Ingrid Parent, Assistant Deputy Minister of Library and Archives Canada, acknowledged that these books and documents are not only invaluable, but will help us better understand our own history.

Certainly, this gift reflects the Dutch people’s sincere gratitude to the Canadian people and especially to the Canadian soldiers. It is tangible evidence of the special connection between Canada and the Netherlands.

These works belong to our common heritage, and together, we can enjoy them. This special collection will enable Library and Archives Canada to pursue its mission to preserve Canada’s documentary heritage and make it accessible to present and future generations of Canadians and to serve as the continuing memory of the Government of Canada and its institutions.

[English]

ROUTINE PROCEEDINGS

STUDY ON FEDERAL GOVERNMENT'S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES

FIFTH REPORT OF ABORIGINAL PEOPLES COMMITTEE TABLED

Hon. Gerry St. Germain: Honourable senators, I have the honour to table the fifth report, an interim report, of the Standing Senate Committee on Aboriginal Peoples entitled: *New Voter Identification Procedures and Related Impacts on Aboriginal Peoples and Communities in Canada*.

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

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS— THIRD REPORT OF COMMITTEE PRESENTED

Hon. Bill Rompkey, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Thursday, May 7, 2009

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

THIRD REPORT

Your Committee which was authorized by the Senate on Thursday, March 12, 2009 to examine and report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans, respectfully requests the approval of funds for fiscal year ending March 31, 2010, and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary;
- (b) to adjourn from place to place within Canada;
- (c) to travel inside Canada; and
- (d) to travel outside Canada.

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

Respectfully submitted,

WILLIAM ROMPKEY
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 591.)

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

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

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET—STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY— SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Consiglio Di Nino, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, May 7, 2009

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Tuesday, February 24, 2009, to examine and report on the rise of China, India and Russia in the global economy and the implications for Canadian policy, respectfully requests funds for the fiscal year ending on March 31, 2010.

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

Respectfully submitted,

CONSIGLIO DI NINO
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 603.)

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

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

BUDGET—STUDY ON ISSUES
RELATED TO FOREIGN AFFAIRS
AND INTERNATIONAL TRADE GENERALLY—
SEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Consiglio Di Nino, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, May 7, 2009

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

SEVENTH REPORT

Your committee, which was authorized by the Senate on Tuesday, February 24, 2009, to examine such issues as may arise from time to time relating to foreign relations and international trade generally, respectfully requests funds for the fiscal year ending on March 31, 2010.

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

Respectfully submitted,

CONSIGLIO DI NINO
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 611.)

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

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

• (1435)

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—STUDY ON CURRENT STATE AND FUTURE
OF FOREST SECTOR—SECOND REPORT
OF COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Deputy Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, May 7, 2009

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Tuesday, March 31, 2009 to examine and report on the current state and future of Canada's forest sector

respectfully requests funds for the fiscal year ending March 31, 2010, and requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study.

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

Respectfully submitted,

JOYCE FAIRBAIRN
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix D, p. 619.)

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

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

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—STUDY ON CURRENT STATE AND FUTURE
OF AGRICULTURE AND AGRI-FOOD—
THIRD REPORT OF COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Deputy Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, May 7, 2009

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on Tuesday, March 31, 2009 to examine and report on the current state and future of agriculture and agri-food in Canada respectfully requests funds for the fiscal year ending March 31, 2010, and requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study

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

Respectfully submitted,

JOYCE FAIRBAIRN
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix E, p. 627.)

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

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

[*Translation*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE TABLED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration presented the following report:

Thursday, May 7, 2009

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIFTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2009-2010.

Agriculture and Forestry (Legislation)

Professional and Other Services	\$ 2,500
Transportation and Communications	\$ 0
All Other Expenditures	\$ 1,350
Total	\$ 3,850

Foreign Affairs and International Trade (Legislation)

Professional and Other Services	\$ 2,857
Transportation and Communications	\$ 4,814
All Other Expenditures	\$ 1,329
Total	\$ 9,000

(includes funds for participation at conferences)

Respectfully submitted,

GEORGE J. FUREY
Chair

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

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

[*English*]

TRANSPORTATION OF DANGEROUS GOODS ACT, 1992

BILL TO AMEND—THIRD REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. John. D. Wallace, for Senator Bacon, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, May 7, 2009

The Standing Senate Committee on Transport and Communications has the honour to present its

THIRD REPORT

Your committee, to which was referred Bill C-9, An Act to amend the Transportation of Dangerous Goods Act, 1992, has, in obedience to the Order of Reference of Tuesday, April 28, 2009, examined the said Bill and now reports the same with the following amendment:

Page 26, clause 29: Add after line 36 the following:

“(4) The Standing Senate Committee on Transport and Communications or, if there is not a Standing Senate Committee on Transport and Communications, the appropriate committee of the Senate may review any regulations made under this Act, either on its own initiative or on receiving a written complaint regarding a specific safety concern. The committee may hold public hearings and may table its report on its review in the Senate.”

Respectfully submitted,

LISE BACON
Chair

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

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

• (1440)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL— STUDY ON NATIONAL SECURITY POLICY— THIRD REPORT OF COMMITTEE PRESENTED

Hon. Pamela Wallin, for Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, May 7, 2009

The Standing Senate Committee on National Security and Defence has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on Thursday March 5, 2009, to examine and report on the national security policy of Canada, respectfully requests

funds for the fiscal year ending March 31, 2010, and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary;
- (b) to travel inside Canada; and
- (c) to travel outside Canada.

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

Respectfully submitted,

PAMELA WALLIN
Deputy chair of the committee
for Colin Kenny, chair of the committee

(For text of budget, see today's Journals of the Senate, Appendix F, p. 635.)

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

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

[Translation]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

NETWORK OF WOMEN PARLIAMENTARIANS
SEMINAR ON ROLE OF WOMEN PARLIAMENTARIANS
IN CONFLICT RESOLUTION IN THE FRANCOPHONIE,
MARCH 30-31, 2009—REPORT TABLED

The Hon. the Speaker pro tempore: Honourable senators, I ask leave to table a report from the Speaker's Chair.

Some Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Honourable senators, with leave of the Senate and pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Assemblée parlementaire de la Francophonie (APF) to the Seminar of the Network of Women Parliamentarians on the Role of Women Parliamentarians in Conflict Resolution in the Francophonie and the Convention on the Elimination of all Forms of Discrimination Against Women, held in Kinshasa, Democratic Republic of the Congo, from March 30 to 31, 2009.

[English]

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 of British Columbia calling on the Government of Canada to amend the Fisheries Act to end Canada's commercial seal hunt.

QUESTION PERIOD

PUBLIC SAFETY

SALE OF CONTRABAND TOBACCO

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. A year ago today, amidst great fanfare, the government announced the RCMP's Contraband Tobacco Enforcement Strategy. Since then, the sale of contraband tobacco has increased significantly to the point where contraband tobacco constitutes over one third of the market across the country and almost one half in Ontario and Quebec. That market share is increasing and is robbing Canadian taxpayers of over \$2.5 billion per year in lost tax revenue, revenue that is going to a large extent directly into the hands of organized crime.

The people of Canada need action from its government, not empty promises. When will the government heed its own advice and implement the RCMP's recommendation to develop a multi-jurisdictional and multi-departmental solution to reduce the ever-growing tide of contraband tobacco?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I thank the honourable senator for the question. Senator Cowan is quite right; this is a very serious issue. We all know that the illicit manufacture and sale of tobacco and cigarette products has a serious impact on our economy.

• (1445)

The honourable senator points out that it was last May when the government launched the enforcement strategy. It is of interest to note that the RCMP has made more seizures of illegal cigarettes in 2008 than in any other year. However, we also know that law enforcement alone cannot solve the problem. The Department of Public Safety and Minister Van Loan are tasked to work with federal partners and their provincial counterparts to explore further policies and programs, regulatory and legislative, to address this serious problem.

This problem is not easy to solve, as honourable senators know. It has plagued our government, the government before us and the government before that. The issue is not an easy one. However, the RCMP and border security officials are working diligently. Even though, as I have mentioned, they have made more arrests

[Senator Wallin]

and recoveries of this contraband material, there is no easy answer to this serious issue. I can assure Senator Cowan that the Minister of Public Safety and members of the RCMP are working hard and, of course, working across the border as well to try to mitigate the seriousness of this matter.

Senator Cowan: I agree with my friend that this issue is complex and one that has plagued not only this government but also previous governments. Can the leader undertake to consult with her colleagues in the various departments and report back to the house in due course as to the steps that have been taken, and that will be taken, to try to stem this tide?

Once in a while we read of major seizures, but I am sure the leader will agree with me that those seizures are only the tip of the iceberg, and that for some reason — for which I do not have an answer, nor does she — the problem is increasing, despite these efforts and despite the seizures that are reported in the press.

If the leader will undertake to ascertain from her colleagues what coordination efforts are being undertaken and what efforts will be taken in the future, I would be grateful.

Senator LeBreton: The honourable senator is right; despite all the work that is done, the problem seems to be even more severe. I will seek out the information Senator Cowan requests including a list of what is being done and what successes, and perhaps even failures, have been encountered. I will provide that information as quickly as possible.

[Translation]

SCIENCE AND TECHNOLOGY

TRAINING AND RETENTION OF SKILLED WORKFORCE

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, according to the latest report from the Science, Technology and Innovation Council, *State of the Nation 2008*, two in five working-age Canadians lack the skills to cope in a knowledge-based economy. The report also says that Canada is behind in commercial technological research and innovation.

One of the council's strongest recommendations is to train, recruit and retain top talent in Canada. Yet the government is letting an AIDS research team head south of the border.

How will the government act on the recommendation to attract and retain highly talented researchers in Canada?

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, with regard to the story that was in *The Globe and Mail* about the AIDS researcher, if *The Globe and Mail* had done their research properly and consulted the Canadian Institutes of Health Research, they would have learned that the gentleman in question had received a significant sum of money. As well, he softened the apparent criticism that appeared on the front pages of *The Globe and Mail*

and indicated that he personally had always received full support from the government. He decided to move to Florida, but he pointed out that a significant part of his research team was staying in Canada.

• (1450)

In answer to Senator Tardif's specific question, the government has undertaken many programs to increase the skill levels of our students as well as to retrain older Canadians, but especially people coming out of our learning institutions, not only in university but also in the trade schools. A significant amount of money has been invested in these areas.

There is a lot of good news as well. If we want to enter the area of competing news coverage, I point to an article in the *Regina Leader-Post* a few days ago about the Vanier Canada Graduate Scholarships offering outstanding doctoral students from both Canada and abroad \$50,000 a year for up to three years to study at a Canadian university. This article points out that physicist Elsayed Ali of Egypt was drawn to Canada because of some of the most distinguished researchers in her field. Anthropologist Noorjehan Johnson, an American student, will study Inuit participation and climate change at McGill University. The students have come to Canada because we offer these wonderful programs.

The president of the Association of Universities and Colleges of Canada, Claire Morris, said, "If you want to attract the best and the brightest, you have to be able to compete with those prestigious international scholarships," which is why the government created the Vanier scholarships; to have our own version of the Rhodes and Fulbright scholarships in other countries.

Senator Tardif: In the comments made in the report I mentioned — I will read some to you — "Our ability to tackle the issues important to Canadians . . . will depend on a strong science base and a capacity to innovate." As well, the report indicates: "The current economic environment has reduced the margin for error, and increased the risk and consequences of poor decisions."

What will the government do to increase our science base, to increase our capacity to innovate and will they support the recommendations put forward in this report?

Senator LeBreton: As a point of clarification, is the honourable senator referring to the Science, Technology and Innovation Council report?

Senator Tardif: Yes, I am.

Senator LeBreton: That organization, of course, was set up and established by our government.

Senator Tardif: That is right.

Senator LeBreton: The report supports what the government has said in our Science and Technology Strategy and our investments in the last four budgets; that it is important to encourage business innovation to improve the competitiveness of our economy.

Senator Tardif neglected to mention that the report states that Canada is number one in the G7 and number two in the Organisation for Economic Co-operation and Development in its support for basic, discovery-oriented university research.

Our government has taken many steps, as I have said, to improve business innovation including improvements to competition policy, support for venture capital, support for public-private research partnerships geared toward university research commercialization, tax support for investment in information and communications technology, machinery and equipment, and improvements to the scientific research and experimental development tax credit. We are increasing Canada's competitive advantage and innovation to create jobs, to improve our quality of life and to strengthen the economy.

We also recognize in the report the areas where Canada needs improvement. We appreciate the findings of the report. That information is exactly why we set up a council like this one. Previously, the government relied on one individual. This body of learned scientists from across the country can properly advise the government. We put a body like that one in place to begin with so as to obtain accurate advice. Also, we accept some of the concerns they expressed, and we will work hard to improve in these areas.

Senator Comeau: The rest of the story.

• (1455)

Senator Tardif: It is all very well to set up an agency that will deliver on a report; however, the recommendations put forward in the report have to be followed and money has to flow through, which has not often been the case on many projects, as we have seen.

Senator LeBreton: Actually, significant monies have been flowing. I just read from an article in a newspaper. Senator Cowan asked a legitimate question about where some of these monies are being expended and what kind of programs we were pursuing. He delivered a speech in the Senate to which I will be responding next Tuesday. After I have had a chance to put on the record what we have been doing in the area of science and technology, perhaps that will clarify the situation and questions like this will no longer be that necessary.

PUBLIC SAFETY

DNA DATA BANK

Hon. Jim Munson: Honourable senators, my question is to the Leader of the Government in the Senate. The federal DNA Data Bank retains the DNA of Canadian youth convicted of crimes as minor as petty theft. For example, a 12-year-old who grabs a baseball bat off a playmate and runs away with it could be found guilty of robbery and be required to surrender his or her DNA to the state.

An Ontario judge has pointed out that even when the data bank destroys DNA profiles from young offenders, it keeps a portion of the original biological material that was seized. The data bank sends DNA profiles to scores of countries upon request as part of a little known INTERPOL exchange arrangement. Will the government arrange to put a halt to this terrible abuse?

[Senator LeBreton]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I do not know the basis for the question. The honourable senator has made reference to an Ontario court judge. I find some of that hard to believe.

I will have to take the question as notice. I am not exactly sure the extent to which information in the DNA Data Bank is used, kept or dispersed. I will be happy to refer Senator Munson's question to the appropriate department for a response.

Senator Munson: Please do not accuse me of reading *The Globe and Mail*, but —

Senator LeBreton: I did not.

Senator Munson: No, but that is part of the answer to most questions in this chamber. That is where the story came from — *The Globe and Mail*. That is what the honourable senator likes to do all the time: the terrible *Globe and Mail*, all the news that is fit to print.

The quote comes from Judge Marion Cohen of the Ontario court. Her other comment is that "This mandatory procedure is unfair and unreasonable." That will help the Leader of the Government in the Senate in her investigation of this terrible abuse.

By way of supplementary question, Isabelle Trudel, a senior data bank official, has stated that only 535 of 21,169 DNA profiles seized from youths have been destroyed because the retention period had ended. The same judge suggested that "these figures are evidence of a failure to comply with the provisions of the DNA Identification Act. . . ." Will this government stop this abuse of young offenders?

Senator LeBreton: I will not personally get into the debate about young offenders. I have had my own personal experience with them. I do not know the basis of the story. Senator Munson was the one who said it was in *The Globe and Mail*.

In terms of young offenders, the honourable senator mentions a youngster stealing a baseball cap. I find that a little bit of a stretch. In any event, I will take the honourable senator's question as notice.

Senator Munson: Honourable senators, facts are very important when we ask questions, so let me provide the quote that I paraphrased:

"Under this legislation, a 12-year-old who grabs a baseball bat off a playmate and runs away with it can be found guilty of robbery and be required, pursuant to a mandatory order, to surrender his or her DNA to the state," Judge Cohen said. "This mandatory procedure is unfair and unreasonable."

• (1500)

I sincerely hope this helps the leader with her investigation and in answering what I believe are fundamental questions. By the way, it is about the human rights of a young offender.

Senator LeBreton: Yes, Senator Munson, and to think nothing of the human rights of the victims of some those young offenders.

I cannot comment on what a judge may have said, but the example of a young person snatching a baseball cap off of someone's head and being charged under the Young Offenders Act, I find to be a real stretch. I cannot imagine that is anything other than a hypothetical case.

I will take Senator Munson's question as notice.

INDUSTRY

PROTECTIONIST MEASURES

Hon. Jeremiah S. Grafstein: Honourable senators, I have a question for the Leader of the Government in the Senate. It is not a new question but it is an important, fundamental question. It is the question of the rising tide of protectionism in the United States. Honourable senators will recall that earlier this year I brought this question forward, both in statements and requests, on several occasions.

Senator Segal: Oh, oh!

Senator Grafstein: Let me deal with the Leader of the Government first and then I will deal with Senator Segal.

By the way, I love you both. This is a house of love.

Honourable senators, this is an important question. I raised this issue with the Leader of the Government in the Senate earlier this year. I raised it not only here but I raised it with the ambassador in Washington at the Canada-U.S. Inter-Parliamentary Group. I have spoken to Minister Clement and Ontario's Minister Bryant about this question, as well as the unions.

The concern now is that Canada is facing, in my view, a tsunami of protectionist measures in the United States, including the administration. I do not criticize the government on this, because I think the government received some assurances when President Obama came here for his very short visit that he would not incite, if you will, protectionist measures.

Now we have perhaps something different. Rather than listening to words, let us look at the legislation. On February 17, President Obama signed the American Recovery and Reinvestment Act of 2009, and in that there is a provision that requires that all iron, steel and manufactured goods used in the project — which is an infrastructure project of some \$90 billion — be produced in the United States. There is a provision in the recovery act for certain waivers.

Then, more dangerously, is the Water Quality Investment Act, which has now passed the House of Representatives and provides \$13.4 billion over the next five years for a topic close to our hearts. The topic is clean water and drinking water improvements in the United States. Section 608 of that bill repeats the buy-American provisions of the recovery act.

It strikes me that this is really an intensification of protectionist measures in the United States that will directly affect jobs in Canada and injures the spirit of NAFTA. I will not go on to tell

you, but industry after industry is now raising questions with the Canadian Manufacturers & Exporters Association for the government and the private sector to intensify their lobbying efforts in the United States with Congress, with their sister organizations, and with the administration.

We on this side are limited in our scope. We can deal with Congress, which we intend to do. Next week we will be meeting with them in Quebec, and this will be a measure on our agenda. The Canada-U.S. Inter-Parliamentary Group will take every step necessary to intensify our efforts.

Has the government intensified its efforts to lobby both the administration and Congress and how, if in any way, can we help in that measure?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, just before I answer the question, my colleague Senator Dickson handed me a note stating that the Standing Senate Committee on Legal and Constitutional Affairs, chaired by Senator Fraser, is studying the issue raised by Senator Munson. That will be very helpful in addressing that issue.

• (1505)

With regard to the question, there is no doubt that there are, despite the assurances of President Obama, serious issues with regard to the protectionist activities of our friends to the south. We saw Minister Clement take a strong stand yesterday in terms of U.S. Steel. We are dealing with the problem of country-of-origin labelling.

I can only assure senators that all of my colleagues and many Canadian officials have stepped up their efforts. Minister Clement, Minister Day, Minister Van Loan and, of course, the Minister of Foreign Affairs, Mr. Cannon, have stepped up their activities and every effort is being made in Washington.

I was rather hoping Senator Mitchell would be here today because that is precisely the reason we are making every effort to create opportunities for the Prime Minister to appear before the American public by means of their more popular media shows. We need to get the message out to Americans on how important Canada is to them and how dangerous protectionist activities are, not only to the world but also to them as well.

I, for one, and my colleagues in the government are most appreciative of the efforts made by Senator Grafstein and the Canada-U.S. Inter-Parliamentary Group. It is vitally important that every single person make the case to the Americans that some of the legislation before Congress, or now passing through Congress, is dangerous to NAFTA, dangerous to the world economic recovery, and certainly very dangerous to jobs not only in Canada but also in the United States. I do not think they fully understand the number of jobs in the northern United States that are dependent on this full, free flow of goods back and forth across the border.

I can give the honourable senator that assurance. At the same time, I can assure him that any efforts he and members of the Canada-United States Inter-Parliamentary Group make are most appreciated by the government.

Senator Grafstein: Honourable senators, I thank the minister for that.

The government might take another track in addition to lobbying, which we all should do. The ambassador has obviously done a superb job, even though he is under fire.

Having said that, has the government, particularly the Minister of Finance, given serious consideration to taking legal measures under NAFTA and the WTO? The minister is being urged by U.S. Treasury Secretary Geithner to stimulate, regulate and do a number of things. There is an action plan. However, the Minister of Finance could also speak to Mr. Geithner — a very powerful person — to see whether the Americans might ease up on these protectionist measures in exchange for what we are doing to help stimulate the economy for the United States.

Senator LeBreton: Honourable senators, I will take that question as notice.

However, on the issue of country-of-origin labelling, Minister Day has already asked for formal consultations with Washington. He has also asked the World Trade Organization to involve itself in this issue.

With regard to specific court challenges or legal action under NAFTA, I will take that question as notice.

AGRICULTURE AND AGRI-FOOD

PORK INDUSTRY

Hon. Robert W. Peterson: Honourable senators, my question is directed to the Leader of the Government in the Senate. The pork industry in Canada has been suffering over the past few years. Even before the current crisis, markets were declining and pork producers were asking the government to show leadership to ensure the long-term viability of the sector.

In January 2009, a study from Statistics Canada reported a 10 per cent decline in the country's hog inventory when compared to the previous year. In my home province of Saskatchewan, losses were the worst in the country, at three times the national average.

• (1510)

With the outbreak of the H1N1 virus, the pork industry has been hit hard again. Prices have dropped between \$10 and \$20 per animal over the past week, resulting in a net loss for the sale of each animal.

I ask the Leader of the Government in the Senate, when and how will the government act to ensure the long-term viability of the pork industry in Canada?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, this issue is serious. Of course, the breakout of the H1N1 flu and the statements yesterday by an individual with the World Health Organization were particularly alarming. Today, Minister Day, along with his counterparts in the United States and Mexico, has put out a joint statement about the safety of the product.

The government, as honourable senators know, intervened to assist the hog industry late last year and the Minister of Agriculture is working extremely hard with the hog producers. They were in Ottawa yesterday. Many people went to the event they held in the courtyard of the East Block. The government and the Minister of Agriculture are working minute by minute and hour by hour to do everything possible: first, to deal with this erroneous belief that, somehow, one herd in Alberta, or any animal with any flu-like symptoms would contaminate the food supply; and, worse, that this country, or any country, would process sick or dying animals. That belief is ludicrous.

The government is on top of the situation; the hog producers have acknowledged that. We are hopeful that we will be able, first, to deal with this erroneous belief, which was not helped yesterday by the World Health Organization, and help this struggling industry. It is struggling even more now than it was, if that is possible. The government is doing everything possible to assist them.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table a delayed response to an oral question raised by Senator Mahovlich on April 21, 2009, concerning agriculture and agri-food, fertilizer and pesticide regulation.

AGRICULTURE AND AGRI-FOOD

FERTILIZER AND PESTICIDE REGULATION

(Response to question raised by Hon. Francis William Mahovlich on April 21, 2009)

Agriculture and Agri-Food Canada (AAFC) is currently in consultations with the Canadian Association of Agri-Retailers (CAAR) on its proposal for a cost-sharing program with the Government. The proposal seeks government assistance for its members to implement a voluntary industry standard to upgrade security at agri-retail facilities across Canada.

In February 2007, CAAR met with the then Minister of Agriculture and Agri-Food, Chuck Strahl. In the past year, CAAR has met with Mr. Pierre Lemieux, Parliamentary Secretary, staff in Minister Ritz's office, as well as senior officials within AAFC.

Considering the significant emphasis placed on safety as a rationale for the proposal, the jurisdiction of the issue does not rest solely with AAFC. As a result, AAFC officials are engaging officials at other departments, including Public Safety, in an attempt to bring together a response that reflects the needs of Canadians and the priorities and concerns of the entire Government of Canada.

ORDERS OF THE DAY

ENERGY EFFICIENCY ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill S-3, An Act to amend the Energy Efficiency Act, and acquainting the Senate that they have passed this bill without amendment.

[English]

ARCTIC WATERS POLLUTION PREVENTION ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Hector Daniel Lang moved second reading of Bill C-3, An Act to amend the Arctic Waters Pollution Prevention Act.

He said: Honourable senators, I am pleased to rise today to speak on Bill C-3, An Act to amend the Arctic Waters Pollution Prevention Act.

As a resident of the North, as someone who grew up in the North, and as someone whose children now raise their families in the North, this bill is personally important to me and to the residents of northern Canada.

It is heartening, as both a citizen of Canada and a resident of the North, to be part of a government that is placing such a high priority on our part of the country.

In the past, northerners have seen federal governments come and go. Far too often, lip service was given to the needs of the North during the course of national elections. When the election was over, we went back to our colonial status, reporting back to Ottawa.

Since the present government assumed office, northern Canada has been experiencing the winds of positive political change. Only once before has our region of Canada been such a high national political priority. Fellow senators, I speak, of course, of the Right Honourable John Diefenbaker.

Our present Prime Minister has made numerous trips to the North, bringing forth his vision for Canada and the Arctic, while at the same time expressing the importance of northern sovereignty.

Honourable senators, while the bill before you is not long, I believe it to be an important and symbolic piece of legislation. It is another historic step by government to recognize the fragility of our Arctic environment and, at the same time, a step in asserting Canada's sovereignty.

The bill before you amends the definition of "Arctic waters" in the Arctic Waters Pollution Prevention Act, extending it from 100 nautical miles to 200 nautical miles. This amendment will have significant impact on our ability to manage Canada's Arctic

marine environment. The extension of our legal jurisdiction will add to the environmental responsibility upon which the North, in the future, will be able to build its economy.

I think it is important to put on the record that during the committee hearings on this bill in the other place, the Minister of Transport, Infrastructure and Communities presented members with facts that I believe should be shared with all senators. He stated the following:

It is estimated that Canada's north possesses 33% of our remaining conventionally recoverable sources of natural gas and 25% of the remaining recoverable light crude oil. The discovered resource in the Arctic basin approaches 31 trillion cubic feet of gas and 1.6 billion barrels of oil.

The minister further added:

The potential for resource extraction in the area is thought to be approximately 14.7 billion barrels of oil and approximately 433 trillion cubic feet of gas.

Honourable senators, this is not to mention the mining potential of this vast land.

In light of the sensitive nature of the Arctic Archipelago, it is especially important for the government to take every step to protect the environment so that the people of the North can develop their resources and participate in the mainstream of Canada's economy.

At the moment, the discharge of waste is permitted beyond 100 nautical miles. Our proposed changes would disallow this practice within the new larger limit and further strengthen our pollution regime in Canada's Arctic region.

We want to assert further our environmental stewardship over this area and send a message to the world that Canada is serious about protecting our Arctic sovereignty and, above all, keeping our northern waters clean.

Honourable senators, this bill should be seen as a key component of the vision of the present Prime Minister and his government for Canada's North. The government has put forth an aggressive northern strategy to help Canada's Arctic realize its full social and economic potential, and to secure its future as a contributing part of Canada.

The strategy is based upon four key pillars: First, northern economic development; second, protecting our fragile northern environment; third, asserting Canada's sovereignty in the Arctic; and, fourth, providing northerners with more control over their own destiny.

• (1520)

The Canadian Arctic has a fragile ecological balance encompassing lands, water and ice. As a result, the region is particularly vulnerable to the effects of pollution. That is of particular concern as this region is seeing an increasing amount of traffic over the summer months. As most northern communities are not linked to the south by roads or rail, many communities rely upon ships for supplies, putting added pressure on marine transport in the regions.

With this increased shipping comes an increase in the potential for pollution. As more people attempt to navigate the Northwest Passage in the summer season, we will see further pressure on the environment. With that in mind, Canada must protect the ecological balance in our North. We must assert our sovereignty over the Arctic to bring us in line with the needs of today and the future.

The way has been paved for this bill for many years under existing and international law. I would remind my colleagues that the basis to establish a 200-mile exclusive zone dates back to 1982, with the United Nations Convention on the Law of the Sea. Twenty-seven years later, the time has come to bring Canada's laws in line with international laws. It is time to close the gap between the provisions of the current Arctic Waters Pollution Prevention Act and the remedies available to us under the UN Convention on the Law of the Sea.

Not only is this an important step to protect our fragile ecosystem, it is another step in exercising Canada's sovereignty in the Arctic. With the amendment contained in the bill, we send a strong signal that Canada intends to keep northern waters clean, and we will assert our environmental stewardship.

Honourable senators, I want to call your attention to the work of our colleagues on the Standing Senate Committee on Fisheries and Oceans and their report this week entitled, *Rising to the Arctic Challenge: Report on the Canadian Coast Guard*. I refer to Recommendation 12:

The Committee recommends that the federal government amend the definition of Arctic waters in the *Arctic Waters Pollution Prevention Act* to include the waters beyond the Arctic Archipelago to the 200-nautical-mile Exclusive Economic Zone, which is the case with other Canadian legislation, such as the *Oceans Act* and the *Canada Shipping Act, 2001*.

This bill addresses this recommendation of the committee. I urge my honourable colleagues to join with me in supporting this legislation, so that Canada can take on its full responsibilities.

Hon. Willie Adams: We have been waiting for this bill for so many years. We settled the land claim agreement in Nunavut, but we did not get very much water with the land. We have a 12-mile limit from the shore. This bill will change the 100-mile limit to a 200-mile limit between Greenland and the border.

When we signed the agreement, the government of the day, in the agreement with the Department of Indian and Northern Affairs, did not improve anything for the future of oil and gas in Nunavut. That part about owning oil and gas in the future, even on some of the islands was not resolved.

If this bill passes, will the government say that the people living up there for thousands of years should own the oil and gas and anything found in the Arctic? We are Canadians, and sometimes it is difficult for those of us who have been there long before anyone else, to deal with people who have never been there before, who are leasing the land and the water. We are not getting anything for those leases, now that the government has found diamonds, gold and ore on our land.

The Government of Nunavut should say that it has up to 100 miles and up to 200 miles, and any oil taken out of our water should be part of our future. I hope we will amend this bill in a way that the government will agree with us.

Senator Lang: Honourable senators, Senator Adams addresses two aspects. First, this bill is separate and apart, extending Canada's environmental responsibilities from 100 nautical miles to 200 nautical miles.

The question of the honourable senator, I would submit, would go under other federal legislation, and it would largely rely, as he stated, on the local government to negotiate with the Government of Canada for offshore rights, not unlike Newfoundland and Labrador and Nova Scotia. That is a separate issue.

I have a great deal of sympathy for the position of Senator Adams from Nunavut. I do believe that the provinces and the territories should have responsibility for their own resources. I do not think we should try to confuse this bill with other federal legislation and also in respect of the fact that this issue will rely on negotiations between the regional government and the Government of Canada.

Senator Adams: We passed Bill C-5 yesterday, and many people in the organizations are not too happy about it because the bill will have government regulations that will affect the way of life of people who have lived in that region for a thousand years. The regulations will say, "You are not part of the negotiation; you are getting money and we need the land." That is what Bill C-5 is saying to the people who live on reserves.

Nunavut is a little different. We live on the water and hunt seals in the wintertime. Now, with the oil and gas that has been found they say, "That is my property. You cannot hunt seals here."

I know you are talking about the environment and everything, but they will just protect their oil. There must be a way to protect the economy for the people in the North. People from the South should not own it 100 per cent, making money from the oil and gas. There should be a way to transfer some of the proceeds of the industry.

Senator Lang: I sympathize with the senator, but I want to reiterate that this is not the bill that would meet the concerns that he is expressing in the house. Let us hope that maybe, down the road one day, we will be discussing a bill of that nature.

Hon. Tommy Banks: I have a question for Senator Lang.

I have the great advantage of being able to understand this bill because it has only two clauses. It is a wonderful thing. We should do this all the time.

The government is very much to be commended on this bill. It is an excellent bill. Its purposes, as Senator Lang described them, are excellent, and he is to be congratulated.

In a bill that sets out what it is supposed to do, in the absence of the second section of this act, called Coming into Force, it would come into force on the day that it passes through Parliament and then receives Royal Assent. It would then be in force; it would become the law.

In this case, the coming into force provision says that the bill will come into force at a date and time to be determined by the Governor-in-Council. That is there for reasons of ensuring that this treaty has been signed, or that undertaking has been taken care of, or that some other event on which the application of this bill, when it becomes an act, would be conditional.

Does the honourable senator know of a reason that this bill would not become an act of Parliament on the day that it receives Royal Assent?

• (1530)

Senator Lang: I will take that question as notice. I am sure we will be discussing it in committee.

(On motion of Senator Rompkey, debate adjourned.)

BANK OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Pépin, for the second reading of Bill S-230, An Act to amend the Bank of Canada Act (credit rating agency).

Hon. Jeremiah S. Grafstein: Honourable senators will recall that earlier this week His Honour referred to the point of order raised by Honourable Senator Nolin and said that the bill was suitable for continuation. I would like to continue second reading debate. I will try to be brief because I gave an extensive speech earlier.

I will conclude my comments on second reading on this very important bill, Bill S-230. I will explain the urgency attached to this bill.

To reiterate, the bill gives the Bank of Canada a new instrument of direct financial surveillance to credit rate closely and cost-effectively financial instruments and financial entities providing greater transparency to the investing public and to implement the Bank of Canada's proposed macro prudential approach to regulation. Mr. Carney, Governor of the Bank of Canada, has been a vociferous advocate of more power and more oversight for our financial system. Yesterday, at the meeting of our Banking Committee, he reiterated his concerns.

There are gaps in our financial oversight as well as weaknesses in the credit rating mechanisms available to the government, to regulatory agencies, and obviously to the financial sector itself. Many experts believe that one of the paramount and fundamental problems in our financial system, as well as others, that has cost both investors and taxpayers, has been the failure to appropriately apply risk analysis as well as transparency to so-called toxic financial instruments, financial organizations, business organizations, and most certainly to derivatives.

Tony Fell is an outstanding banker, a former chief executive of RBC Capital Markets and one of Canada's most outstanding bankers. I will quote from a statement that appeared on January 28, 2009, in the *National Post*. The article states that he, Tony Fell:

... is no great fan of financial engineering and innovation — a “disastrous” problem area. “The financial industry should get out of complex structured products,” he declared, adding if a “security has more than two bells and one whistle, just say no.” He railed against credit rating agencies — whose model is “broken” — and said central banks should “target, and rein in, overheated and speculative industry and market bubbles. . . .”

So said Tony Fell, one of Canada's greatest leaders of the banking community.

Under my chairmanship, together with my deputy chair, Senator Angus, who is here, the Senate Banking Committee agreed that it should launch a study on hedge funds and the related problems of leverage and opaque financial instruments. That study was never completed.

However, during the course of that study, I attended personally, with the assent and knowledge of Senator Angus, on each of the presidents of our chartered banks and asked them, in the summer of 2006, whether there is anything that the Banking Committee should be concerned about, having heard testimony in our committee from all the banks' risk managers — and I see Senator Angus nodding in affirmation — that there were no problems in the spring of 2006.

Senator Angus will again recall that we also heard from OSFI, which set off no alarm bells to the Banking Committee. By the fall of 2006, the Banking Committee was not alerted to any substantive problem in our financial sector. That evidence was wrong and, in retrospect, somewhat misleading.

Earlier, the Senate Banking Committee heard Warren Buffett, one of the world's leading investors, in private testimony before the committee, who opined on all these matters. He said the problems were undue leverage given by banks to hedge funds, unregulated hedge funds, and the failure to properly assess risk to complicated financial instruments that no one could understand or assess.

In retrospect, the finance ministers of the G20 at their summit on April 2, 2009, issued a declaration that I have tabled in the Senate for further debate. That will give honourable senators a greater context as to the importance of this bill.

I will draw a conclusion by quoting from the statement, indicating why time is of the essence. That statement was tabled this week. Senators can read it carefully. I have put it down as an inquiry.

I want to quote from the end of that statement. Remember, I am speaking of the finance ministers who, on April 2 in London, declared that 47 action plans had been put in place to solve the financial situation and to provide oversight; yet there has been no discussion about this in Parliament. The first time

that this was drawn to the committee's attention — any committee's attention — was yesterday when Mr. Carney appeared before the Banking Committee. We have one report, the only one I could find, from the *Lethbridge Herald* today — you will find it in your press clippings — and it reads:

The government is currently examining options for reform, including formation of a committee involving the central bank and other regulators, such as the Office of Superintendent of Financial Institutions.

That is the first notice given to a committee of Parliament that substantive reforms are being done to our financial system without parliamentary oversight.

I should like to quote from the important commitment made by the Minister of Finance on behalf of Canada. This was the last statement. Senators can read it in Hansard, but I want to quote it for the purpose of this record. The statement is from all finance ministers and reads:

We have agreed on more effective oversight of the activities of Credit Rating Agencies, as they are essential market participants. In particular, we have agreed that:

All Credit Rating Agencies whose ratings are used for regulatory purposes should be subject to a regulatory oversight regime that includes registration. The regulatory oversight regime should be established by the end of 2009 —

— I repeat, by the end of 2009 —

— and should be consistent with the IOSCO Code of Conduct Fundamentals. IOSCO should coordinate full compliance.

The statement continues:

National authorities will enforce compliance and require changes to a rating agency's practices and procedures. . . .

I will not repeat the rest.

Honourable senators, we are left in a state of suspended animation. We know the government is forging ahead. We know that there are major reforms to our financial system, yet Parliament has been functus. The problem is intensified when we refer — and thank you to Senator Day for reminding us about this — to the budget implementation bill we passed so quickly in this place without any scrutiny of substance, which we are now doing retrospectively in some of the committees.

In that legislation, Division 6, entitled "Legislation Governing Financial Institutions," we have an extraordinary provision. I am referring to page 258 of Bill C-10 and proposed subsection 14 of section 973.2, "Orders to Exempt or Adapt." It states:

The *Statutory Instruments Act* does not apply to an order made under this section.

Honourable senators, this bill is riddled with exemption after exemption after exemption for the Bank of Canada, the result being that the regulations and regulatory regime they will be putting in place will not be given any oversight by the joint committee of regulatory oversight. Those senators who serve on that very important committee will have no parliamentary oversight — none.

What to do? What to do, honourable senators, is for you to support this measure.

• (1540)

I am not sure — nor can anyone in Parliament be sure, except the government and representatives of the government — what regulatory actions the federal government has taken with respect to credit rating agencies, even though they have committed to complete them by the end of this year and to report at the next meeting of ministers of finance.

We are not here to impede reform on this side; we are just here to fulfill our responsibilities to provide parliamentary oversight and a check and balance against the executive. Maybe they are wrong or maybe they are right; we just do not know.

The Government of Canada has agreed to submit a progress report at the next meeting of the ministers of finance and the central banks. We knew nothing about this until Mr. Carney appeared yesterday before the committee, despite the legislation, which did not receive adequate scrutiny.

Hopefully, this bill will be referred quickly to a committee — preferably the Banking Committee; if not, to Committee of the Whole — so that we can hear from the government and so that Parliament can have at least a glimpse of oversight on what is going on behind the scenes with respect to major measures of reform affecting our financial system.

All government leaders, ministers of finance and central bank governors have called for greater transparency in regulation oversight. In every speech, every prime minister, every leader and every minister has called for greater transparency. That is true, except as it applies to Parliament.

This bill, hopefully, will be a small measure to ensure there is debate and greater transparency in order to avoid future economic meltdowns such as we have witnessed in the last two years. I urge the Senate to refer it quickly to a committee. Time is of the essence. This is very important. Failing a committee being able to deal with this bill, we might refer it to Committee of the Whole because it has wide ramifications.

On the other side are experts, such as lawyers, people who have skilled knowledge of these matters. It is important for all senators to have an opportunity to opine on these matters and hopefully to facilitate what we all wish for, which is to have an improved, efficient, transparent, fair-minded economic and regulatory system, particularly in our financial sector, so it does not cost our investors and taxpayers more money. We are here to help. I hope we will urgently deal with this bill and refer it to committee.

Hon. Hugh Segal: Would Senator Grafstein take a question?

Senator Grafstein: Yes.

Senator Segal: I noticed, as I listened carefully to the honourable senator's comments, a reference to the consultations that took place between him and bank presidents in 2006, and OSFI and others who were part of the mix. I think the honourable senator left the impression that either they did not know how bad the situation was, or they may have given testimony which ended up, wittingly or unwittingly, being misleading.

It strikes me that if they said the Canadian banking system was not in difficulty, facts have proven them right, not wrong. In anticipation of those problems, the honourable senator may have asked them about Lehman Brothers, or he may have asked American banking questions. However, it is not my sense that it was the honourable senator's intent to leave the impression that the Canadian bankers with whom he consulted either misled him or were themselves unaware of the actual financial system context. The bankers ended up being quite correct with respect to the Canadian banks, which are now a pillar around the world of the right kinds of balances; they are not perfect, but they have been pillars of strength during this crisis. Certainly, OSFI, to the extent they had a range of regulatory issues, was not incorrect with respect to the balances and ratios within our own banking system.

If the honourable senator did ask them questions about the American system or the banking system writ large, and they were not sensitive to that, then that strikes me as not only helpful information for the honourable senator to have shared with us today but to in fact have on the record. I just wanted to give Senator Grafstein a chance to be specific in that respect.

Senator Grafstein: I thank Senator Segal very much for that question.

Senator Angus was present at the hearings. I do not want to reiterate what is on the transcript of those hearings. The only evidence that was not before the hearings was the testimony I encapsulated from Warren Buffett; we had a very special interview with him.

The point I am trying to make is that we were not really focusing on foreign banks. We were focusing on the impact of hedge funds in Canada, the relationship to excessive leverage and the complexity of derivatives.

We did have a problem in Canada, which was addressed. The problem was that \$65 billion to \$75 billion were full of toxic derivatives, for which the taxpayer ultimately will pay the larger share. They almost sunk our banks. When I say "almost sunk," the banks were in serious disarray. Shares of the banks went down in Canada. Much of this had to do with the uncertainty and the lack of knowledge that investors in the market had with respect to the extent of these toxic assets that were acquired by Canadian banks — not just Canadian banks, mind you, but by pension funds — for which there was no oversight, and the Canadian taxpayer was required to fix it. The Canadian taxpayer had to pay for the mistakes of financial institutions and pension funds, for which there was no oversight from the federal government at all. Federal taxpayers paid taxes to repair that damage.

Honourable senators, it is rather simplistic to say that we are in great shape. I am not suggesting that we are in bad shape relatively, but I think we need further investigation. Parliament

cannot rely on statements made by regulated entities. Our responsibility is to do independent research and to come to our own conclusions, which is what the Banking Committee tried to do. We were getting there, but unfortunately our study was interrupted and the government chose to move in a different direction. I am not criticizing the government about that, but there are unanswered questions. The unanswered questions lie in the fact that we have not had any scrutiny of the Bank of Canada's powers, which is the greatest extension of the Bank of Canada's powers since it was established in the 1930s. There has been no oversight. We are here to act as a check and balance on government and government agencies. We have not done that here, and that is what I hope this bill will open the door to do.

Hon. Wilfred P. Moore: Senator Angus may correct me, but I think it was in May 2007, not 2006, that we interviewed Mr. Buffett. If my memory serves me correctly, he mentioned at that time that he had had a hedge fund and that he closed it down; it cost him, but he said they are a dangerous facility.

In terms of credit agencies and oversight, we were advocating that there be a requirement to issue a prospectus so that at least investors would know what they are getting into. Recently, the Canadian authority in charge of that said they do not have to provide a prospectus. I would like to have the honourable senator's comments in that regard.

Second, in the last week of March, the U.S. Congress agreed that its chief auditor did not have to require banks to mark the value of their assets on their financial statements down to the actual market price; they could keep them at these toxic or inflated, doubtful values, which, of course, is what led to this whole situation. I think this will be a continuation of that. I would like to hear the honourable senator's comments, please.

Senator Grafstein: Honourable senators, those are complex and good questions. Obviously, what happened here — and every critic in every major country observed this fact — is that credit agencies were a major part of the problem. They did not properly assess. They had conflicts of interest. Now the bankers have said they will try to fix it, along with ministers of finance, yet we have had no debate about how we will improve the system.

My bill is a small approach, though perhaps not the perfect one, that will allow Parliament to deal with these matters in a substantive way.

Indeed, there was the question of a rating agent for the new IPOs.

There is no question — Summers and Geithner have both said this, as have banking chairmen in the United States and the governors of every bank in the Western world — that the credit agencies did not apply a proper risk component to these derivatives, which they did not understand. It runs right through the system.

• (1550)

This small but potent measure allows us to open up the system and see if we can improve it. We are here to improve the system and not repeat the mistakes. We made serious mistakes in Canada. We lost \$75 billion, maybe even more. Bank stocks went

down. Everyone who has bank stocks in their portfolio took a look at their bank stocks. Senator Di Nino, a former banker, will understand that. All of us with stocks in our portfolios will understand they took a real dive. Let us not repeat our mistakes. I hope that question will be considered more carefully in committee.

(On motion of Senator Oliver, debate adjourned.)

FINANCIAL ADMINISTRATION ACT BANK OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Hugh Segal moved second reading of Bill S-228, An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports).

He said: Honourable senators, I will not take the chamber's time on this bill, which we have all seen many times before. I want to share with honourable senators the intense work of the civil service in slowing the return of this bill and its movement, despite the government's commitment in its Throne Speech and platform to move forward this very measure, but I move with your understanding that further debate be adjourned in my name to the next sitting of the Senate for the balance of my time.

(On motion of Senator Segal, debate adjourned.)

STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FOR MANAGING FISHERIES AND OCEANS

SECOND REPORT OF FISHERIES AND OCEANS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Fraser, that the second report of the Standing Senate Committee on Fisheries and Oceans entitled *Rising to the Arctic Challenge: Report on the Canadian Coast Guard*, deposited with the Clerk of the Senate on May 4, 2009, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Fisheries and Oceans, the Minister of Transport, the Minister of Foreign Affairs and International Trade, the Minister of Indian and Northern Affairs, and the Minister of National Defence being identified as ministers responsible for responding to the report.

Hon. Bill Rompkey: Honourable senators, I know that Senator Comeau has the adjournment on this motion and he indicated that I would probably make some remarks and I was probably remiss in not making some remarks. If he permits me, I will make comments today and if he agrees, he can respond to the comments at a later time.

I do not want to take up too much time, but I think previously I moved that the report be adopted. Can I simply continue for a few moments? Running through the recommendations is the best way to approach the report.

Our first recommendation clearly says that Canada must assert its sovereignty in Arctic waters. We heard Senator Lang speak to that recommendation today, and I agree with Senator Banks that this bill is an important move. I have some "buts" and "however's," but the bill is important, even if, as Senator Lang said, it is symbolic. We have to make sovereignty more than symbolic but the bill is a good symbol.

Second, we must have a stronger year-round national presence and enforcement capability in the Arctic. The key word is "control." Who is controlling the Northwest Passage? At the present time, no one controls the Northwest Passage. We have to be there with people and equipment. We have six icebreakers operating in the Arctic right now: two large ones and four small ones. They are all reaching the end of their useful life. It takes about 10 years to build an icebreaker. The government has announced it will replace the *St. Laurent* with a better ship called the *Diefenbaker*, which is welcome. It is a good start, but we need to do more than that. We need strong, polar-capable ships in the Arctic year-round to enforce our presence there.

If the Canadian presence is not there, it will signal that we are not serious about sovereignty. If we do not control it, someone else will. If we do not control it, there will be chaos. I will not go through all the things happening in the Arctic right now — the receding of the icecaps, and Senator Lang referred to the resources there. People will not go up there only to see the icebergs and wonderful scenery. Many countries will go to the North after the resources, and we will be among them, but we have to exercise control. To do that, we have to be there and show a strong presence.

Our third recommendation is dear to my heart; that Goose Bay be considered a sub-Arctic staging area for the coordination and support of the Coast Guard. Goose Bay is the only port in the Arctic or sub-Arctic that is connected by road to mainland Canada. In that sense, it is much like Vancouver and the Canadian Pacific Railway. The CPR was built and suddenly a new life opened up for British Columbia. I make the comparison because that port on the eastern end of Canada could serve the same sort of useful purpose; as a staging area for the Arctic. Goods and materials come over the road and they are shipped. Goose Bay could be a search and rescue port. It could be there for marine surveillance. It could serve a number of functions. The infrastructure is there; we built it. Goose Bay has the resources, the capability and the history.

We recommend further that Canada assume a leadership role in promoting international cooperation. We are part of the Arctic Council, but our intent is to assert ourselves and to provide leadership in the Arctic Council, particularly with the United States. The Northwest Passage begins, from west to east, in the United States. It comes past Alaska. There is every argument to be made for sitting down with the U.S. and working out some sort of cooperative effort in the Arctic. We should not relinquish sovereignty but should point out that we are residents of North

America and we have a history of working together. We have a history in North American Aerospace Defense Command, NORAD, in the Great Lakes and the North Atlantic Treaty Organization, NATO. It makes sense to us to sit down with the United States and ask how we can cooperate in enforcing our presence in the Arctic. One recommendation is that we re-establish for the purpose of negotiations and consultations the position of ambassador for circumpolar affairs, which we used to have but do not have at the present time.

Our seventh recommendation is that the Canadian Rangers be made an integral part of the reserves of Canada, and that they be equipped with a marine capability. The Rangers are there. They are Arctic people. They are Inuit people. They live in the Arctic. They know the Arctic. As a matter of fact, we can make the argument that people who grew up in the South could not survive and function in the Arctic if it were not for the Rangers. We believe they should be made an integral part of the Canadian Reserves and continue to function, that the function be enhanced and that they be provided with a marine capability. We need a strategy in the Arctic not only for oil spills but for search and rescue as well.

When we were in the Arctic, we talked to John Amagoalik who is known as the "Father of Nunavut." He was in an air crash in Nunavut and the plane went down in the middle of winter. The Aurora was able to locate him. I do not know where the Aurora took off from, but I do know he was not rescued until the helicopter arrived, and the helicopter had to come from Trenton, Ontario.

• (1600)

Our position is that one really cannot manage the Arctic from the south. One must have a presence in the North, and that applies not only to helicopters but to other issues, as well.

We believe the Canadian Rangers can be part of that presence; they can be used for search and rescues as they are now. However, in addition to a land capability they must have a marine capability. The reason we want to bring them into the reserves, too, is that we heard testimony that, sometimes, they feel at risk. For example, if a man goes out and uses his own skidoo or boat, he is not insured as a regular reservist is and, if something happens to him, what happens to his family?

There must be consideration for examining the status of the Rangers at the present time and considering bringing them into the reserves for their own protection and for the further enhancement of their function.

We believe the Canadian Coast Guard needs a long-term strategic vision and it is our position that the Coast Guard, and not the navy, be the sharp end of Canadian sovereignty in the North.

We believe that NORDREG, the shipping regulations in the Arctic, should be made mandatory. There are shipping regulations on the Atlantic coast, Pacific coast and in the Arctic.

If you sit in Halifax at the dockyard and look at the screens, you will see the RCMP, the navy, the Coast Guard and, sometimes, the Americans. They know what ship is out there. If a ship comes into Canadian waters, 90 hours before she enters

Canadian waters, she has to identify herself. They know what flag it flies, they know what cargo she carries and they know where she is going. They track that boat. It is mandatory — she has to do that. The same thing is true of the Pacific coast, but it is not true of the Arctic coast.

To give the government its due, it has said it will make NORDREG compulsory. However, it has not yet happened and our recommendation is that this is important and it should happen. We have to know what ships are operating up there in order to enforce our sovereignty.

As Senator Lang indicated today, we recommended that the Arctic Waters Pollution Prevention Act be extended to 200 miles. We obviously think it is a good idea and the government is acting on that now. I would like to say more on that at a future time. I have already mentioned the acquisition of heavy icebreakers.

To summarize our position, the Coast Guard needs a long-term vision; it needs to be the sharp end and protector of Canadian sovereignty in the North. We need those ships, we need them built in Canada, which would in fact, provide a lot of work for shipyards across the country at a time when we need to put people to work. If these things are done, Canada can preserve its sovereignty and protect it in the Arctic.

Honourable senators, those are our recommendations.

Hon. Tommy Banks: Honourable senators, I have a question for Senator Rompkey.

The Hon. the Speaker *pro tempore*: Will the honourable senator accept a question?

Senator Rompkey: Yes, I will.

Senator Banks: My question concerns the Coast Guard, which I think you called sharp end of the stick in the Arctic. That is supremely logical, since they are the only people who can be there in the winter time because the navy does not have, and is not likely to obtain, the capacity to actually be present in the Arctic in winter.

At the moment, in respect to enforcing anything, I think most Canadians may be unaware that the Coast Guard cannot actually guard our coasts. It does the things it does very well: Aids to navigation, search and rescues, et cetera.

However, it has no capacity in terms of enforcement of law, let alone protection of sovereignty. The Coast Guard does not even have constabulary capacity. If you were smuggling drugs to the West Coast, for example, and you saw a white ship with orange stripes coming at you — the United States Coast Guard — you would be in trouble because they will stop you, if you have a deck loaded with drugs. However, if you see an orange ship with white stripes coming after you, and you have bails on your deck marked "heroin," there is nothing the Canadian Coast Guard can do, unless there is a Mountie on board; they cannot stop anyone.

This leads to the question of giving constabulary, if not additional enforcement capacity and powers, to the Coast Guard.

In your report, and when you were discussing these questions with the Coast Guard, did the honourable senator address that question?

Senator Rompkey: Yes, we did and it is our recommendation that the Coast Guard be a constabulary force.

As I said, the Canadian Coast Guard should be the sharp end, which is the front end, of guarding Canadian sovereignty in the North. If we are to do that, they need to be armed. That is not new. There is nothing new in Canadian ships being armed.

As a matter of fact, if you think back to the *Estai* incident off the East Coast when Brian Tobin was Minister of Fisheries and Oceans, and Jean Chrétien was Prime Minister of Canada, a Spanish ship was caught fishing illegally. That ship was seized and brought to port, the cargo was impounded and the captain was charged. However, before that ship could be brought to port, a shot had to be fired across the bow of that offending ship. The shot was fired and it came from a Canadian Coast Guard vessel. Therefore, vessels have been armed in the past. That is nothing new. We simply think it should be a little more widespread, the Coast Guard should be given a constabulary role, and that those ships should be armed.

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Rompkey has delivered an excellent speech. He has given me a few good ideas for my own speech. With that, I move adjournment of the debate.

(On motion of Senator Comeau, debate adjourned.)

[English]

AGING

THIRD REPORT OF SPECIAL COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Tardif, that the third report of the Special Senate Committee on Aging entitled *Canada's Aging Population: Seizing the Opportunity*, tabled in the Senate on April 21, 2009, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of State (Seniors), Minister of Veterans Affairs, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Minister of Human Resources and Skills Development, Minister of Citizenship, Immigration and Multiculturalism, Minister of Health, Minister of State (Status of Women), and the Minister of Canadian Heritage and Official Languages being identified as ministers responsible for responding to the report.

Hon. Wilbert J. Keon: Honourable senators, I am sorry to take your time on a Thursday afternoon, but I have committed to speaking to this today. I am rising to speak to the final report of the Special Senate Committee on Aging, entitled *Canada's Aging Population: Seizing the Opportunity*.

[Senator Banks]

I would like to begin by thanking our chair, Senator Carstairs, for the long hours she put into the study and her devotion to the task. I must also thank the members of the committee for their dedication and hard work as we travelled across the country to meet with seniors.

I would also like to thank by name our clerk, Keli Hogan, and her assistant, Monique Régimbald; the special adviser to the committee, Michelle Macdonald; and the analysts from the Library of Parliament, Julie Cool, Havi Echenberg, Nancy Miller Chenier, Michael Toye and Karin Phillips; as well as the staff of senators who are involved with the committee. This study could not have been completed without the professionalism, knowledge and talent of these men and women. I apologize if I have left anyone out.

I am sure that I share with all who worked on the study a sense of accomplishment in what we did. Furthermore, I am also pleased with what our government has done for seniors and I will ask to speak more about that in just a moment. I am also humbled by the knowledge and experience of seniors and professionals who met with the committee and made us aware of the gaps that remain and the difficult circumstances that confront far too many older Canadians.

Above all, there is hope that out of the growing challenges we face as Canada's population ages, is an opportunity to be seized; that we can institute a change that will not only benefit older Canadians but all Canadians. This report articulates the vision of that change.

However, during the course of our study, we learned that a large gap remains through which too many people are falling. We learned that population aging is a success story, but that success masks the wide range of disparities in health that exist among older Canadians. For example, those with good health can expect to live long lives. However, many Canadians experience ill health which, to a large extent, is avoidable. Furthermore, a disproportionate number of those who suffer with ill health are Aboriginal or have low incomes.

In Canada, we must adopt a life course to population health, something honourable senators have heard me speak about before. We must ensure that the personal, social, economic and environmental determinants of health are adequately addressed for all Canadians at all stages of their lives. We must also ensure that our health and social care system works efficiently and that Canadians receive the services they need when they need them.

• (1610)

For these reasons, the committee has recommended the creation of a national integrated care initiative as well as other related proposals, which would enable the federal government to provide needed leadership and coordination.

As part of this initiative, the committee has recommended a seniors' independence program, which is similar to one that many of us are familiar with, the Veterans Independence Program offered through Veterans Affairs Canada. The program provides services including laundry, yard work, housekeeping and home care for veterans.

These supports help veterans stay in their own homes. Extending the supports to all seniors would help them stay in their own homes at a significant savings to both government and society.

We also heard compelling evidence that remaining physically and mentally active is critical to the well-being of seniors and that seniors' health is closely linked to experiences throughout their lives.

The committee made several recommendations that relate to encouraging opportunities for life-long learning, volunteering and activities that can help seniors remain active members of our society. We also learned that seniors are often unjustly stripped of their rights, including control over their finances, choosing where they live, or whether to continue driving or even working. As a society, we have unjustly determined that once a person reaches a certain chronological age, they are no longer competent to make certain decisions.

The existing approach to declaring a person to be incompetent is far too black and white, leaving little room for manoeuvre in what is really a grey area. The challenge is to develop best practices that balance the rights of seniors with the needs to uphold public safety. The committee has recommended further research into mental capacity, competency and capability to ensure that seniors are not unduly stripped of their rights.

We also learned about housing needs. This issue is critical, as the combination of flexible housing designs, home and community support services and assisted living and transportation options can help seniors maximize their independence and quality of life as they age. Unfortunately, adequate housing is lacking, especially among Inuit seniors, Aboriginal seniors in general, seniors with disabilities and seniors who have recently immigrated here.

The committee has made recommendations supporting barrier-free building design for new housing, age-friendly urban and rural planning and adequate affordable housing.

Honourable senators, in total, the final report includes some 32 recommendations. Combined with the discussions, they lay out a comprehensive vision that will require multi-jurisdictional approaches to be fully implemented.

While the Senate committee was busy with its work, the government has also been busy implementing many initiatives to make life better for seniors. To begin, the minister responsible for seniors was created, and this minister, of course, is our Leader of the Government in the Senate, the Honourable Marjory LeBreton. She has done a remarkable job to date. I will point out some of the things that have happened.

An investment of \$13 million was made to fight elder abuse — a troubling issue that mars the lives of many Canadians.

A National Seniors Council was created to give seniors a strong voice in issues that are of concern to them. Its first two priorities are to explore ways to combat elder abuse and to seek ways to support low-income seniors, in particular unattached women.

The Guaranteed Income Supplement was increased by hundreds of dollars per person. The process for applying for benefits was improved so that seniors need to apply only once to receive the supplement and not year after year, as before. Money was put back into the pockets of seniors who want to stay in the workforce by increasing the GIS exemption by seven times its previous amount from \$500 to \$3500.

The pension income credit was doubled to \$2,000, helping some 2.7 million seniors and taking 85,000 Canadians who receive pensions off the tax rolls.

More recently, in Canada's Economic Action Plan, a clear commitment was made to protect older Canadians during these difficult times. An additional investment of \$60 million over three years was made to Targeted Initiatives for Older Workers. An amount of \$400 million has been invested over two years in the Affordable Housing Initiative for construction of housing units for low-income seniors. The minimum requirement withdrawal amount from RRIFs was lowered by 25 per cent in 2008. The age credit was increased to \$1,000 for 2009 and beyond. An expert panel on older workers to monitor Canada's changing labour market is being established.

Honourable senators, it is clear that the universe for seniors is unfolding as it should. Between the efforts of the Senate committee, Canada's aging population and government initiatives, seniors can anticipate better times ahead.

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

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

AGRICULTURE AND FORESTRY

MOTION TO PLACE NINTH REPORT OF COMMITTEE TABLED DURING SECOND SESSION OF THIRTY-NINTH PARLIAMENT ON ORDERS OF THE DAY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fairbairn, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That the Ninth Report of the Standing Senate Committee on Agriculture and Forestry tabled in the Senate on Monday June 16, 2008 during the Second Session of the Thirty-ninth Parliament, entitled: *Beyond Freefall: Halting Rural Poverty*, be placed on the Orders of the Day for consideration at the next sitting.

Hon. Hugh Segal: Honourable senators, I will take 30 seconds to pay tribute to my colleague, Senator Fairbairn, whose championing of the work of the committee on which we all served is exemplary, the recommendations of which I hope we are able to consider in this place in the not-too-distant future.

I understand that my deputy leader, Senator Comeau, has been in consultation with the other side about a way in which this report might be expedited. I will await the path forward that our two leaderships sort out, but I wanted to indicate that I think the senator who sponsored this motion, Senator Fairbairn, has been a tremendous leader on this issue. She has been determined and dogged, and has my total emotional and intellectual support for the outstanding work she has done. I hope we find a way to move this report forward as soon as possible.

(On motion of Senator Comeau, debate adjourned.)

• (1620)

EUROPEAN UNION IMPORTATION OF COMMERCIAL SEAL HUNT PRODUCTS

INQUIRY—DEBATE CONCLUDED

Hon. Mac Harb rose pursuant to notice of May 5, 2009:

That he will call the attention of the Senate to the fact that the European Union has passed a resolution effectively banning the importation of commercial seal hunt products, that the Canadian government should therefore take immediate steps to assist those Inuit communities and Atlantic fishers affected by the ban and that the Canadian government should drop any threats of a taxpayer funded WTO challenge against our second largest trading partner, the European Union.

He said: Even before the vote, the commercial seal hunt was taking its final breath. Most East Coast sealers have stayed home this year, citing poor pelt prices and lack of buyers. According to the Department of Fisheries and Oceans, only 306 sealing enterprises from Newfoundland and Labrador took part in this seal hunt compared with 977 last year. Despite a quota of more than 300,000 seals, hunters have killed fewer than 60,000 seals. The commercial seal hunt, therefore, is already ending. The writing is on the wall, but the government has failed to read it and failed to help these outpost communities.

[Translation]

The government has wasted its time and money harping on about the seal hunt being economically viable and being nothing but the victim of a disinformation campaign. I am still waiting for the government to prove its allegations or rebut what seal hunt opponents have been saying all along, using the government's own data. Obviously, this is a moribund industry.

Fishers contend that the seals are eating their livelihood. If that is the real reason for the government to spend the taxpayers' money to defend the commercial seal hunt, we want to see scientific proof. All of us know that harp seals eat a wide variety of fish and marine invertebrates which, for the most part, have no commercial value. Fisheries and Oceans Canada has acknowledged that there is no proven link between the seal population and the size or health of fish stocks.

The government also came to the aid of the commercial seal hunt so that the hard-hit Atlantic region could generate more revenue. But, if we take the \$7 million brought in by the hunt last

year and divide it by 6,000, the number of active seal hunters, we get an average per hunter of \$1,100 before costs. Add to that the fact that this year's seal cull might bring in a mere \$500,000 for the entire Atlantic region, and we have irrefutable proof that one cannot earn any real livelihood in that industry.

[English]

Given the many months leading to this latest blow to the commercial seal industry and the general wisdom that the European Union would vote in favour of the ban on May 5, it would be expected that the Government of Canada would have a plan in place to work with affected communities, both Inuit and East Coast, to transition them into post-commercial seal hunt work.

Sadly, instead of taking proactive steps, the government is trying to convince its own citizens and the rest of the world that this dying industry and its unnecessary products are worth saving at any cost, and I do mean at any cost. As a 27-country bloc offering a market of approximately 500 million people and a GDP of \$19.5 trillion, the European Union is a major player in the global marketplace. The European Union is Canada's second largest trading partner.

Two days ago, our Prime Minister and members of a Canadian delegation kicked off the EU-Canada Summit in Prague that would begin a process of negotiations toward a comprehensive economic agreement between our country and the European Union. This agreement to negotiate was a product of a giant "scoping exercise" and led to the joint report that notes, "The well-being and prosperity of the EU and Canada depend on healthy international trade and investment relationships. . . ."

A recent study estimated Europe would gain \$18.5 billion per year and Canada \$13 billion by cutting restrictions on services and trade, removing tariffs, reducing non-tariff barriers, providing jobs in Canada and lowering the cost of products imported from the EU.

Jason Langrish, the Executive Director for the Canada Europe Roundtable for Business, has worked to set up these negotiations. He said that this is a significant change of policy for the European Union. It is a significant change for the EU to negotiate an outside trade agreement with an OECD or developed country. He said that Canada is first in line, which is big.

What do we do with this tremendous opportunity? On the eve of the Prime Minister's arrival if Europe to ink the agreement, headlines across the EU shout out that the Government of Canada plans to challenge the ban at the World Trade Organization. This will be a lengthy, laborious, costly — and historically for Canada — an unsuccessful process. The WTO challenge on the ban of asbestos comes to mind.

Besides the fact that a WTO challenge would jeopardize this multi-billion dollar negotiation, we have to stop and consider on what ground a challenge would be based.

Federal Fisheries Minister Gail Shea has publicly chided European politicians for what he she referred to as "... the dangers of pursuing politically motivated bans." This "political

[Senator Segal]

motivation” she referred to is actually the product of overwhelming public sentiment — remarkably spanning the 27 member states — to ban the importation of seal products. The dangers, then, that she refers to are simply in governing according to the will of the people. Honourable senators, this danger may also be called by the name — democracy.

Under the relevant WTO laws that have been referenced by the government as a mechanism to challenge this ban, that voice of democracy has a place. While provisions exist to challenge trade regulations that give more favourable treatment to a nation’s domestic product than it gives to those of other WTO nations, this body of law affords also exemptions, ensuring that nations can hold to one of the most fundamental principles in international law: sovereignty. Environmental concerns, national security, and health and safety — human, plant and animal — are all areas commonly associated with such exemptions.

Generally, if there is not a less trade-restrictive means of achieving the policy objective, a country may implement its own policy. The EU has carved out certain exemptions for Canada, mindful of our Inuit population and the traditional hunt, and even the need for small-scale hunts to manage the seal populations. It is arguable that the EU has tried its best to accommodate us, finding what it felt was the least restrictive method, while at the same time, staying true to the will of its own citizens.

Canada has routinely carved out exemptions from trade agreements to protect our cultural industries. We tell the world that we do this to protect what we hold dear, what we value and our very identity. Should we now tell the 27 EU member states that, while we maintain the right to protect our own values, we deny you your right to protect yours? It may also be worth stating the obvious: The EU is not ordering us to stop the hunt, but rather enforcing the values of their citizens not to have such goods brought into their countries.

• (1630)

Minister Day has stated that there “is no justification for any ban on seal products.” While the 27 members of the European Union have a different view, so do many other countries around the world, and so do a majority of the Canadian public.

Leaving aside, for the moment, the debate over whether the seal hunt is inherently inhumane or not, we should consider in practical terms what, if anything, Canada may gain from a WTO challenge versus what we stand to lose. This is a fight that most Canadians do not want and will involve a lengthy and expensive process at the taxpayers’ expense, at a time of a global economic crisis, and when we are asking the EU for favourable terms in a trade agreement that would benefit all Canadians.

The WTO dispute resolution mechanism, as senators know, is complex, involving multiple steps and requiring substantial resources of the country bringing the complaint. The various stages take time to set up, to decide upon rules and procedures, and decisions from this body can be appealed, further delaying the process and, of course, adding to overall costs.

Even in the event that a WTO decision were to be favourable to Canada, this decision could not be binding in a sense of changing the EU law. It would be up to the EU to implement the decision on its own. Should it choose not to do so, Canada’s only remedy would be to withdraw benefits from the EU — a remedy that would most certainly create substantial problems and hardships for Canadians.

It begs to be asked: Where was the government’s outrage when the United States banned seal products back in 1972? Where was it? A Library of Parliament search of all debates and cabinet records for this period was remarkable for its lack of comment pro or con on the implementation of the U.S. Marine Mammal Protection Act and its resulting ban on the import of seal hunt products. This ban has been in place for almost 27 years with no challenge.

Similarly, when Italy, Austria, Croatia, Slovenia, Germany, Switzerland, Hungary, Mexico and other countries around the world banned the trade in seal products, where was the outcry? There were no challenges to the WTO then. More than 600 million people live in countries where seal products have been banned, and Canada has yet to formally challenge any of these bans in the WTO; but now we are sabre-rattling and full of bluster and ready to do battle to defend an industry that is already dead in the water.

Surely, honourable senators, this sets a double standard. The United States and Mexico can ban our products for reasons identical to those expressed by the members of the European Parliament, but when the EU votes in its ban, we express outrage and threaten to take them to the WTO unless they back down. How will such a contradiction be perceived in the EU? Not well, I can assure you.

As I have already stated in this chamber, for a relatively small amount of money and certainly much less than the onerous costs of a WTO challenge, Canadians involved in the commercial seal hunt can be transitioned into new opportunities to supplement their income during the downtime before the main fishery opens each spring. Licence retirements and buyouts, ecotourism stimulation packages, and the application of the \$1 billion Community Adjustment Fund should have already been in the works to assist these workers. Now these communities will be left high and dry as they wait for government programs to ramp up.

Our Inuit communities have been ill-used by the government as the public relations face of the commercial seal hunt despite the fact that their traditional hunt bears no resemblance or relation to the commercial hunt. These northern communities must now scramble to ensure that the EU’s exemption for their products is not overlooked in the aftermath of the vote. Again, the government knew this day was coming. It owed it to these Canadians to ensure that mechanisms and tools were in place to help market their products and protect their traditional livelihoods. Instead, the government again put its head in the sand.

Honourable senators, we may never agree on the sustainability and the humaneness of the commercial seal hunt in Canada, but we simply must agree that the world has evolved away from this particular industry. Consumers around the world do not want to

trade in products derived from the commercial seal hunt. We can talk and debate until we are blue in the face, but we will not change the fact that for 40 years the campaigns against the commercial seal hunt have been growing in strength and conviction. Tuesday's vote in the EU was a significant victory to end the commercial seal hunt. There is no going back.

To struggle on, mounting lengthy and costly challenges to the WTO, a process that will only enrich international trade lawyers and further damage our international reputation as well as our relationship with a very important trading partner, and which will ultimately do nothing for the individual sealers or their communities — to struggle on in this direction is nothing short of folly.

Canadians are asking their government to end the commercial seal hunt. They are continuing to ask that their tax dollars be used to provide those Canadians affected by the inevitable end of this industry an opportunity to move forward into viable, worthwhile employment opportunities. Canadians have spoken, our international trade partners have spoken, and it is high time that our government listened.

Hon. Bill Rompkey: Honourable senators, some of those comments cannot go unchallenged.

First, Senator Harb says it has been a poor hunt this year. There is trouble in the auto industry; there is trouble in the forestry industry. I do not know if Senator Harb realizes it, but we are in the middle of a recession.

Approximately 10 or 12 years ago, gasoline was a dollar a litre in Labrador. I do not know how much it is now. I know it is 83 cents here, but do not be fooled: People are not going out because of the cost. They are not investing because there is no return on their investment. That is the same for the auto industry, the forest industry and any industry in this country. That is the reason people are not going to hunt seals this year. That is the reason they are not fishing this year. We are in the middle of a recession. I thought everyone understood that.

The honourable senator says the seal hunt is a dying industry. I have been here for almost 37 years and people have been saying that for 37 years. It is not dead yet, and if I have anything to do with it the industry will not die. We are doing what we have been doing for centuries. We are living off the sea. This is one of our largest coastlines in our country, and people live off the sea. That is what we are doing and that is all we want to do.

Honourable senators, we do not want handouts; we do not want to have government programs, and we do not want subsidies. Keep your subsidies. Do not ask the government to give us subsidies; we do not want them. All we want to be able to do is live and make a living for ourselves. We have been doing that both in the North and in the South.

Senator Harb says there is a meagre return of only \$1,100 per person. If he took the time to go down to the East Coast and find out how people fish, he would know that sealing income is an investment in the next fishery. There is a stage of fisheries. You start with seals because that is the earlier one. Then you take the money from that and invest it in capelin or herring, and then you

get into cod, lobster or halibut, but you take that money and reinvest it in the next fishery. That is how it works. You do not live on \$1,100 a year. You do not need much. You build your own house and you have your own garden. You do not need a lot of cash. All you need is cash to invest in the next fishery.

Honourable senators, it has been proven that this is the most humane hunt in the world. We do it openly. It is an open abattoir. You hide the pigs you kill; you hide the chickens you kill; you hide the goose that you strangle for the foie gras. We do it openly. Anybody can come and watch.

I remember people who came to watch. Senator Ryan from the States came to watch and brought with him the star from a program, the name of which I cannot recall at this time. He brought her up and he flew in his jet to St. Anthony, and he brought his lawyer and his public relations person. Then he went to Jonestown and he got killed after that. People have open access to the fishery. We do not impede them. We do not stop them from coming. We welcome them to come and watch how we do it.

Senator Harb says that we must be kind to the EU and we must trade with them and they are a wonderful trading partner. That is not our experience. Do you know who killed the cod? It was the EU.

We are culpable. We take our responsibility for our share of the demise of the cod, but make no mistake: Outside the 200-mile limit — and, we talked about that issue today — people fish. Who are they? They are the EU; they are the Spanish; and they are the Portuguese. They have raped that resource. They are culpable.

• (1640)

The EU is culpable in the demise of the cod. If the cod were here, we would be making a living and we would not be sending people to Fort McMurray. They would not be going to Fort McMurray, or to Toronto, or to Hamilton. They would stay home and make a living from the sea. However, they had to leave. Why; it is because of the demise of the cod. Who killed the cod? The EU must take its responsibility for that.

Honourable senators, this is the reality. Do not stop the hunt. I may be wrong, but I think the European Parliament recommended that the EU take these measures. I thought I heard Senator Harb say that the EU had taken a measure. I do not believe they had; I think it is the European Parliament. Those of us who have been overseas know that the European Parliament is an institution where people go if they cannot be elected in their own country. Besides that, the parties have their lists and they say: You can run in this country but you have to go to the EU. This is a Mickey Mouse organization. Those people do their damndest to be re-elected. They will seize any opportunity at all to be re-elected, and this is one of them. So Gail Shea, you go girl; we are behind you.

Hon. Senators: Hear, hear!

An Hon. Senator: Bravo!

Senator Comeau: More!

[Senator Harb]

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I want to take advantage of this totally unexpected opportunity. Since I do not have a prepared speech with me, I am going to do like Senator Rompkey, my old colleague from the House of Commons, and I will say a few words on this issue.

[English]

At the same time, I will salute Senator Goldstein and his wife because we were at the Council of Europe with a member of their province and Mr. Simms. Senator Goldstein and I participated in a debate at that time. I do not know what took place there. Senator Goldstein was unbelievably outspoken, clear and well ordered, as usual — I hope I was as well ordered in my views — to the point where Mr. Simms — I hope Mr. Simms does not mind me telling this story — was suddenly full of tears. Mr. Simms said that he had never in his life heard anything like this. He was thankful and said that his grandfather would be so happy to hear us, two urban people from Montreal with different backgrounds, with a passion to defend the views that have been expressed by my old colleague, Senator Rompkey.

Since I could not put my name forward earlier, I want to salute Senator Goldstein and his wife, and pay him homage — not for everything he stands for, but especially for that particular item that is clear in my mind. That meeting took place in Paris, at where people did know the difference, including a member of the delegation whose name I prefer not to mention.

[Translation]

We were talking about seals. He would turn around, all excited, and would ask me if we were swearing, if we were using profanity. When we saw some people's reaction, we decided to alternate very quickly from English to French.

But we remained serious. And I remember that I got carried away — as I sometimes do, probably because of what we are celebrating today — and I said that if I had the opportunity to go back to Europe, I would take one of these baby seals in front of 25 young children, who can be very emotional, and I would hold it by the neck and use a stick to stuff it with food to make foie gras. I also said that I would like to see their reaction to such cruelty.

There is a big difference between that and seal hunting. However, I think that those who chose this cause made an ill-advised choice. It is pure exploitation of people who want to make a decent living, and nobody today was better at conveying the feelings of these fishers — who would rather stay home, whether they are from Newfoundland, Prince Edward Island or the Madgalen Islands.

My friendship with Senator Harb is intact, and I respect his right to his opinion, and the right of other senators to their opinions on other issues.

It is okay to have strong emotions when we are dealing with issues that we feel strongly about. I will always be prepared to defend the right of Senator Harb to express views with which we do not agree.

And if we wanted him to change his views, we would not succeed by isolating him. I am a person who will always believe that by extending a hand in difficult situations we may be able to convince people to adopt a different attitude, and that applies to all aspects of human life.

I thank Senator Rompkey for inciting me, without trying, to salute once again Senator Goldstein and his wife, who are both very good companions with whom I have travelled on numerous occasions, and who are also very distinguished people.

Again, I thank Senator Rompkey for reacting with such passion. We often hear that the English lack passion.

[English]

I will try to remain cool to show honourable senators the opposite. They have seen passion in action with Senator Rompkey. I do not like the word “anglophone.”

[Translation]

To those who say that the English are without emotion, I would say that Senator Rompkey has proven here today that quite the opposite is true. I, on the other hand, would like to prove that French Canadians can be a little calmer, even as I share Senator Rompkey's passion. Once again, thanks to him, I was able to speak here today to pay tribute to Senator Goldstein and tell him that my office door will always open for him.

Honourable senators, let us make the most of our time here. Soon it will be my turn to leave this chamber.

[English]

The Hon. the Speaker *pro tempore*: If no other senator wishes to speak, this inquiry is considered concluded and it will drop from the Order Paper.

(Debate concluded.)

[Translation]

THE HONOURABLE YOINE GOLDSTEIN

INQUIRY—DEBATE ADJOURNED

Hon. Claudette Tardif (Deputy Leader of the Opposition) rose pursuant to notice of May 5, 2009:

That she will call the attention of the Senate for the purposes of paying tribute to the Honourable Yoine Goldstein in recognition of his outstanding career as a member of the Senate of Canada and for his many contributions and service to Canadians.

She said: Honourable senators, dear Senator Goldstein, I would like to pay tribute today to the priceless contribution you have made to the Senate, to committee work, to Canadians and to our lives.

• (1650)

Your commitment to promoting and defending human rights is highly commendable. Your determination to see projects through to completion, including your many bills, is exemplary and inspiring.

You carried a heavy workload on three committees, in addition to your responsibilities as a member of the All-Party Parliamentary Group for the Prevention of Genocide and other Crimes against Humanity and the Canada-Israel Friendship Group.

You did not take your responsibilities as a senator lightly. You faced them head-on, rolled up your sleeves and did not stop working for four years.

I am certain that you have not finished championing the cause of human rights and that you will continue protecting the most vulnerable members of society. Your generosity and your dedication to improving the society in which we live make you an outstanding agent of social change.

I especially want to underscore your contribution to the Tolerance Foundation in Quebec, which inspired the Tolerance Caravan against racism and discrimination in Alberta. Thank you from the bottom of my heart for travelling to Brooks in southern Alberta two years ago to replace me as honorary chair, and for braving the terrible winter cold. I am honoured to continue your work to put an end to intolerance and to make people aware of racism and discrimination.

Senator Goldstein, you are without a doubt a man of peace and a great man. You have left your mark on the Canadian Senate, and you have touched every one of us with your diplomacy, your humility, your humour and your generosity.

Here, your great heart beat in time with the battles you waged for human rights, for linguistic minorities and for justice. The walls of this chamber will continue to resound with the beating of your heart during the parliamentary work and the question periods in which you took part with such gusto.

I hope that your heart will keep on beating long and hard in time with the fights you continue to fight and the memories of your life.

[English]

To you and Elaine, I offer my very best wishes.

Hon. Joan Fraser: Honourable senators, two or three years ago, I was having lunch with one of my oldest and dearest friends, who is a lawyer in Montreal. As old friends do, we were catching up on what we were up to, and I was telling my friend about some work I was engaged in here that had some legal implications.

She was not at all sure that she liked what she heard until I said that Yoine Goldstein was doing the work with us. At that point, I wish you could have seen the wave of respect that swept over my old and dear friend's face. She knew that if Yoine Goldstein was involved in this work, it was worth doing, and it would be done seriously, competently and honourably.

[Senator Tardif]

I do not know how many of you are aware of the respect in which Senator Goldstein was held before he came here, all over North America, as we have heard, but, in particular, in his and my hometown of Montreal. Senator Angus pointed out earlier that we English Quebecers are not necessarily growing in number on Parliament Hill, but we are here and we are proud.

I want to recall for senators something that happened nearly 30 years ago. Many in this chamber will recall December 13, 1979. That was the day the Clark government fell.

There are those of us for whom it was an important day for another reason. That was the day when the Supreme Court of Canada gave its decision in the cases of the *Attorney General of Quebec v. Blaikie* and in the case of *Attorney General of Manitoba v. Forest*. Those were the cases in which the Supreme Court said that a provincial government cannot abolish the constitutional rights of language minorities.

It was a moment of supreme importance in this country, and it had taken great courage for those who brought those cases. In Quebec, the plaintiffs in that case were Peter M. Blaikie, Roland Durand and Yoine Goldstein. If he had done nothing else, every member of a minority in this country, including myself, would owe him an eternal debt. Of course, he has done a great deal, apart from that.

He brought to this chamber his personal sense of honour and integrity, his mastery of complex issues, his generosity, his good humour and his sense of charity. He has served here with passion, as so many have said before me this day. He has served the cause of human rights and the cause of Canada, domestically and abroad. He has been an ardent supporter of Israel, in part, because he is Jewish, but in large measure as an extension of his abiding commitment to justice and human rights around the world. Perhaps to his surprise, he has ended up serving the cause of Liberals in Parliament rather more passionately than, I gather, he initially believed he would, but it has been said there are none so zealous as the converts in this world.

He also brought Elaine with him to Ottawa — Elaine of the beautiful face and of the beautiful voice. I always thought there was a cosmic injustice in the fact that anyone can be so chic, elegant and slim and, at the same time, a world-class cook. There is something wrong. We are all delighted that she will continue to come back as head of the Liberal spouses association and she will bring Yoine with her.

Senator Goldstein, for many of us, to be made a member of the Senate adds lustre to us, to our CVs and to our stature in Canada. You brought lustre to the Senate and we shall miss you — I shall miss you — but I thank you very much.

Hon. Hugh Segal: Honourable senators, I want to express a word of sad farewell to Senator Goldstein. There are not many in this place until December 18 who had arrived after I did, and the notion that one gets the chance to say farewell to someone who arrived after you did, long before you have to say farewell, speaks to the oddities of the appointment process.

I forgive Senator Goldstein his partisanship. I am sure he embraced it in the context of his sense of patriotism and duty, in fairness and loyalty to those who were responsible for his appointment.

I like to think that as he continues his work on human rights, justice and fairness, he will not only be liberated from this place but also be liberated from that partisanship. I like to think that he will be able, with the broad breadth of skills that he brought to this place, the immense intellect, sagacity, judgment and sense of humour, to carry forth the work of this place in other ways. I like to think that he will carry forth that work untainted by the burden of Liberal partisanship, which he carried so well, despite the core intellectual and philosophical flaws that weigh it down as a matter of principle.

Bob Rae, who may go down in history as the best Liberal Prime Minister Canada never had, wrote a book entitled, *The Three Questions* — the rabbi's three questions. The first question is: If I do not provide for myself, who shall? The second question is: If I only provide for myself, what do I really have? The third question is: If I do not do it now, when will it get done?

• (1700)

Our colleague is facing, in my view, premature retirement. We should have the ability to pass a resolution, as we do not to see the clock, to say we do not recognize someone's chronological advancement because it is not in the national interest to do so. We should have the right to do that. I refer to the leadership on both sides the opportunity to reflect on that proposition.

The nature of this particular senator's commitment in this place, and the commitment, as Senator Fraser underlined, in so many other ways, has been so compelling that he is, in fact, the answer to those three questions. He is the answer to how people of a common, modest background, children of immigrants — Senator Goldstein proudly made that reference himself — can rise to make an outstanding contribution and strengthen the country through the intensity of that contribution, its integrity, its breadth and its scope; and moreover, in doing that, how one can serve the broader cause beyond oneself, one's family, one's law firm and one's profession in a fashion that brings honour to the very notion of citizenship and provides a model for us all; and the notion of urgency, the urgency that he raised in this place on so many occasions, not only about issues on which he might have felt more strongly than some, as might have related to the Middle East, but on issues that had nothing to do with anything other than the pursuit of justice, decency, fairness and a better world.

Senator Goldstein has graced us with his presence. We are better for the time he spent among us and we wish him great health and immense success in the years ahead.

To Ms. Goldstein, I will offer this, I hope, unprovocative advice: Love, honour and obey does not include lunch. Make sure he is out of the house by 10 and not back until 4:30 for martinis. That is the way to keep the relationship going for a long time indeed. God bless.

[Translation]

Hon. Maria Chaput: Honourable senators, Senator Goldstein, as I say farewell, I extend my most heartfelt wishes to you today for much health and happiness. For a few years I had the honour of being your colleague and I very much appreciated your human values of justice, tolerance and respect for the individual.

The Standing Senate Committee on Official Languages was always able to count on your understanding and your collaboration. As Chair of this committee, I thank you. We will miss you very much.

Senator, you give generously of yourself at every opportunity. Energetic and active, you follow your destiny as a man of vision with strong convictions and are afraid of nothing and no one. The bills you tabled in the Senate are a testament to these qualities and your legacy to Canadians and the world.

Words fail me and so I turn to the following quote to describe your generosity and the exceptional kindness you showed me, Senator Goldstein: "Kindness is the key attribute of intelligence."

I have had the privilege of knowing you and it will be among my most cherished memories. I would like to extend my best wishes and my appreciation, dear colleague.

[English]

My best wishes to you and to your wife, Elaine.

Hon. Jim Munson: Senator Goldstein, it is late in the day. We all need a drink, I think. In keeping with my stature, I will keep this short.

Senator Goldstein, I will never forget that train ride in Europe, and you know what I am talking about. It was so much fun.

Human rights, human rights, human rights; that is what I will remember. Senator Goldstein, it is easy to say we love you. Thank you.

Hon. Bill Rompkey: Honourable senators, I want to say a few words on behalf of the parliamentary spouses. My wife happens to be sitting in the gallery, along with other partners. We cannot call them "spouses" now; they are called "partners."

I happen to live in a house with Carolyn Rompkey, who is on the executive with Elaine Goldstein. From time to time, we receive calls on our answering machine from Elaine, and she tells us where she is and what she is doing, and there is a soft voice with the sound of laughter in it. I know we will not miss those phone calls, because they will keep coming and Elaine will continue to serve.

Elaine has worked extremely hard, and she has earned the devotion and respect of the people who have worked with her. Not only has she been a solid and significant partner for Yoine, she has given yeoman service in her own right. I wish to pay tribute to her on behalf of the partners and I am happy to know that her service will continue.

Hon. Michael Duffy: Honourable senators, those of us who are new here have only had a few weeks to watch Senator Goldstein in action. I had not planned to intervene, because I thought it might be seen as presumptuous. However, he has been so charming, so wise and so generous with his time for the new senators on the block that I could not let this moment pass without saying, on behalf of the “new 18,” we truly appreciate the effort he made to reach out to us in the early days. My big regret today is that he will not be across the way to provide me and the rest of us with his wise counsel.

We have already made plans for lunch in Montreal. We professional “Fressers” know where to go when we want a good lunch.

I wish Senator Goldstein and his family all the best for many healthy and happy years. I think I speak for the rest of my new colleagues, who have been equally impressed in this short time.

Hon. Wilfred P. Moore: Honourable senators, I, too, want to say a few words with regard to Senator Goldstein. I want to be associated with the remarks made earlier today by Senator Oliver, having been a member of the Banking Committee at the time that Yoine provided his expert advice to us. We turned out a fabulous report, and as Senator Oliver mentioned, it could not have been achieved without Senator Goldstein’s input and background. During the meetings we had after the hearings with our then chair, Senator Richard Kroft, Senator Goldstein was candid and gave us great guidance and advice.

Yoine, I thank you for that and for your friendship.

To Elaine, I have worked with you on another committee, and you have been a treat to work with.

I wish you both all the best, and I know that Richard Kroft would want to be associated with these remarks.

(On motion of Senator Tardif, debate adjourned.)

RULES OF THE SENATE

MOTION TO AMEND RULE 86(1)(R)— DEBATE ADJOURNED

Hon. Tommy Banks, for Senator Kenny, pursuant to notice of March 3, 2009, moved:

That Rule 86(1)(r) be amended by replacing the word “nine” with the word “ten”.

He said: Honourable senators, I notice that the word “fifteen” appears above this motion, Motion No. 28, and since I may want to say a few words on this motion, I move the adjournment of the debate in my name for the remainder of my time.

Hon. Gerald J. Comeau (Deputy Leader of the Government): On a point of order, this motion is proposed by Senator Kenny. This point of order is not to question the value of the motion in any way, or the quality of the motion, but is it not up to Senator Kenny to move the motion? I am seeking guidance from Your Honour on this matter, because the motion is proposed by Senator Kenny.

The Hon. the Speaker *pro tempore*: Senator Kenny did not move the motion, so Senator Banks can move it.

• (1710)

Senator Comeau: This motion is proposed by Senator Kenny. Senator Kenny is not here to move it. Is another senator then allowed to move a motion that stands in another’s name before they have moved it?

The Hon. the Speaker *pro tempore*: Yes, Senator Banks can move the motion.

Senator Banks: The whole reason I wish to move it is because I have an interest in it and because the word “fifteen” appears above it; otherwise, I would not do so. In order that it does not disappear from the Order Paper, I move the motion standing in Senator Kenny’s name.

The Hon. the Speaker *pro tempore*: It will be dropped, but an honourable senator can bring it back another time.

Does the honourable senator wish to move the motion now?

Senator Banks: Yes. If it is dropped, I am not sure that it can be brought back, so I will move the motion standing in Senator Kenny’s name, provided that is in order.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Banks, seconded by the Honourable Senator Day:

That Rule 86(1)(r) be amended by replacing the word “nine” with the word “ten”.

Does Senator Banks wish to speak to this motion today?

Senator Banks: I am not prepared to speak today, so I move the adjournment of the debate.

(On motion of Senator Banks, debate adjourned.)

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I wish to comment on the record that I am somewhat surprised that a motion tabled by one senator and not moved by that same person could be moved by another senator. I am not raising it as a point of order, although I did raise a point of order earlier. The response was that it is in order for one senator to move a motion standing in the name of another senator. I leave it to wiser heads than mine to thrash that out.

The Hon. the Speaker *pro tempore*: Maybe it is the time of the day, but debate on the motion has been adjourned and we will come back to that issue.

FOREIGN AFFAIRS

MOTION TO URGE THE GOVERNMENT OF CANADA
TO FACILITATE SETTLEMENT IN CANADA
OF AFGHAN NATIONALS WHO HELPED CANADA—
DEBATE ADJOURNED

Hon. Hugh Segal, pursuant to notice of March 12, 2009, moved:

That,

Whereas Canada's efforts in the diplomatic, military, political and economic reconstruction of Afghanistan have been assisted and served by Afghans who work alongside our military, who staff our embassy, and who work with Canadian firms and non-governmental organizations; and

Whereas there is no better way to express our gratitude to these individuals who are friends of Canada than to welcome them to settle in Canada;

That the Senate urge the Government of Canada to develop and implement a program to facilitate the settlement in Canada of Afghan nationals who have helped Canada during our engagement in Afghanistan; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

He said: Honourable senators, this motion will die in three days. I wanted merely to pay tribute to the Honourable Jason Kenney, Minister of Immigration, who has announced that the government will proceed to set up special procedures so that Afghan nationals who served our forces in theatre as interpreters and drivers and who are locally engaged will be afforded an opportunity to come to Canada if they feel unsafe with respect to what may happen after the battle group leaves Kandahar. I want to put on the record that I wish to pay tribute to the minister for having taken the advice implicit in this motion some time ago. I know that it will fall off the Order Paper in the normal course.

Hon. Pierre Claude Nolin: Senator Segal is moving the motion.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Segal, seconded by the Honourable Senator Nolin:

That,

Whereas Canada's efforts —

Shall I dispense?

Hon. Senators: Dispense.

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

Senator Segal: Honourable senators, I am glad to have moved the motion. My intention was not to move it; my intention was not to bring it to a vote or else I would have sought the approval of my leadership for so doing, which I did not do. I merely wanted to put on the record that the motion may not be necessary because the government has already moved on the matter. I am sharing that information with colleagues, and I will now adjourn the motion.

Am I allowed to withdraw the motion? I am not allowed to withdraw the motion? I will do whatever colleagues more learned than I in the arcane arts of this place say I can do. Meanwhile, I will sit down and continue not to make a fool of myself.

The Hon. the Speaker *pro tempore*: Does the honourable senator wish to adjourn the debate?

Senator Segal: I would be delighted to adjourn the debate in my name, forever, if I possibly can.

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

Some Hon. Senators: Agreed.

An. Hon. Senator: On division.

(On motion of Senator Segal, debate adjourned, on division.)

[Translation]

ADJOURNMENT

Leave having been given to revert to Notices of Motions:

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, May 12, 2009, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned to Tuesday, May 12, 2009, at 2 p.m.)

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, May 7, 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 st	2 nd	Committee	Report	Amend	3 rd	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	09/04/23		
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	09/05/05	Legal and Constitutional Affairs					
S-5	An Act to amend the Criminal Code and another Act	09/04/01							
S-6	An Act to amend the Canada Elections Act (accountability with respect to political loans)	09/04/28							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	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	09/04/22	Foreign Affairs and International Trade	09/04/23	0	09/04/28	*09/04/29	6/09
C-3	An Act to amend the Arctic Waters Pollution Prevention Act	09/05/05							
C-4	An Act respecting not-for-profit corporations and certain other corporations	09/05/05							
C-5	An Act to amend the Indian Oil and Gas Act	09/04/21	09/04/23	Aboriginal Peoples	09/05/05	0	09/05/06		
C-9	An Act to amend the Transportation of Dangerous Goods Act, 1992	09/03/26	09/04/28	Transport and Communications	09/05/07	1			

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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-11	An Act to promote safety and security with respect to human pathogens and toxins	09/05/06							
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
C-14	An Act to amend the Criminal Code (organized crime and protection of justice system participants)	09/04/28							
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	*09/04/23	5/09
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 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	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	09/05/06	Banking, Trade and Commerce					
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					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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	09/04/29	Energy, the Environment and Natural Resources					
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	09/04/23		
S-217	An Act respecting a National Philanthropy Day (Sen. Grafstein)	09/01/27	09/05/05	Social Affairs, Science and Technology					
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	Bill withdrawn pursuant to Speaker's Ruling 09/05/05						
S-220	An Act respecting commercial electronic messages (Sen. Goldstein)	09/02/03	09/04/02	Transport and Communications					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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							
S-224	An Act to amend the Canada Elections Act and the Parliament of Canada Act (vacancies) (Sen. Moore)	09/02/05							
S-225	An Act to amend the Citizenship Act (oath of citizenship) (Sen. Segal)	09/02/10							
S-226	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	09/02/11							
S-227	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	09/02/11							
S-228	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	09/03/03							
S-229	An Act to amend the Fisheries Act (commercial seal fishing) (Sen. Harb)	09/03/03							
S-230	An Act to amend the Bank of Canada Act (credit rating agency) (Sen. Grafstein)	09/03/10							
S-231	An Act to amend the Investment Canada Act (human rights violations) (Sen. Goldstein)	09/03/31							
S-232	An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act (Sen. Goldstein)	09/03/31							
S-233	An Act to amend the State Immunity Act and the Criminal Code (detering terrorism by providing a civil right of action against perpetrators and sponsors of terrorism) (Sen. Tkachuk)	09/04/28							
S-234	An Act to amend the Canada Pension Plan (retroactivity of retirement and survivor's pensions) (Sen. Callbeck)	09/05/06							

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