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(HANSARD)

**Thursday, May 28, 2009**



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

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

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## THE SENATE

Thursday, May 28, 2009

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

Prayers.

### SENATORS' STATEMENTS

#### UNIVERSITY OF GUELPH

**Hon. Lorna Milne:** Honourable senators, a few weeks ago I was able to spend the morning exploring the Bioproducts Discovery and Development Centre of Excellence at the University of Guelph. It is a wonderful new educational research and outreach facility. I was amazed at what can be produced from waste products and from extremely inexpensive plant materials using nanotechnology.

For those senators who do not know as I do, "nano" means extremely small — one billionth of a metre. A human hair is 50,000 nanometres in diameter. This piece of paper is about 100,000 nanometres thick. Nanoscience deals with particles and strands that range only from 0.1 to 100 nanometres in width. At this miniscule range, ordinary substances develop novel and unexpected properties and can be used in many unconventional ways such as to form new plastics and other space-age materials without the need for petrochemicals. These are known as nano-engineered substances.

• (1335)

I was shown bio-plastics formed entirely from plant materials that are suitable for making lightweight car parts that are stronger than steel. I saw bio-materials such as soy oil and corn or hemp stalks that can be used instead of plastic. I saw lighter and stronger building materials from waste products such as lignin or distillers grains and even from cow manure. I saw materials formed from a combination of such things as waste plastic bags and recycled paper that are every bit as good if not better than the original oil-based plastic — plus, they are biodegradable. Everything from building panels, carpets, furniture and packaging materials to lubricants and paints can be made from natural products. It was an eye-opening tour.

Dr. Amar Mohanty, who is heading up this project and his wife, Dr. Manju Misra, through their reputations and expertise, have attracted some of the finest post-doctoral researchers in the area of nanotechnology and bio-research from around the world to take part in this exciting new venture. Use of this new nanotechnology has a potential economic impact of up to \$1 trillion to the world's economy over the next 20 years. Industries using it will need to hire two million nanotech workers. This is the green way of the future.

The facility at the University of Guelph was made possible only through a \$3 million grant from the Province of Ontario that funded the Premier's Research Chair and enabled the university to attract the best research people in the world to this brand

new laboratory that is allowing Canada to lead the world in this technology. The Canada Foundation for Innovation also contributed to the development of the centre that opened in October of last year.

Investing in research such as this is essential to learning how to lower our dependence on non-renewable resources and to building a better future for us all. Governments absolutely must fund such research.

#### TOP 25 CANADIAN IMMIGRANTS 2009

**Hon. Yonah Martin:** Honourable senators, as we near the end of May and Asian Heritage Month, I wish to acknowledge, once again, Senator Vivienne Poy, who has led by example and inspired Canadians of diverse backgrounds to reflect and celebrate the rich array of cultures in Canada.

I thank you, honourable senators, for your willing participation at various events in celebration of Asian Heritage Month.

On May 25, 2009, I had the honour of hosting the *Canadian Immigrant Magazine's* inaugural award ceremony that recognized the top 25 Canadian immigrants. I hosted this event in Vancouver on behalf of Minister Jason Kenney.

The awards ceremony was the fulfillment of a dream of Nick Noorani, publisher of *Canadian Immigrant Magazine*, and his equally formidable spouse, Sabrina. After receiving hundreds of nominations, the list was reduced to 75 nominees; and then a nationwide online survey was held to determine the top 25 Canadian immigrants.

In creating this national award, Nick Noorani asks the question: Who inspires you? Through the engaging process of highlighting these unsung heroes from various cultural communities, we have the opportunity to learn about these top Canadian immigrants and their stories of perseverance and success in Canada. They are proof of Canada's incredible mosaic, bound together by their shared pride in their home Canada.

Congratulations to Nick and Sabrina Noorani and the staff of *Canadian Immigrant Magazine* and to the first recipients of the Top 25 Canadian Immigrants award.

Honourable senators, two very special visionary heroes, and my personal unsung heroes, are here visiting in the gallery today. They are also immigrants to Canada who came here with only a few hundred dollars in their hands and with hearts full of hopes and dreams. Through incredible perseverance, sweat, bloodshed and tears, they have built their respective international companies. Ron Suh is the CEO of Bisco Dental Products Canada and Sandy Lee is the President and CEO of STR Supplies Inc., exclusive supplier to corporations like McDonald's and Starbucks. These men are pioneers of the Korean Canadian community.

Today, I stand to pay tribute to Ron Suh and Sandy Lee; to my parents; and to all immigrants who work tirelessly for their families; who have made tremendous contributions to Canada; and who are fiercely proud to call Canada their home.

• (1340)

[Translation]

### LINGUISTIC DUALITY

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I rise once again here today to defend a cause I care deeply about, namely, Canada's linguistic duality and respect for the Official Languages Act.

Forty years have passed since that act was ratified — 40 years that John Ralston Saul describes as successful, with one reservation. He said, and I quote:

It is as though we have to stand up every day to talk about the fact that bilingualism works, . . . that it is important and that it is normal, and that we must go even further. We must go much, much further, and sooner or later, it is not that we become tired of it, but that it becomes tiring [because] we have to repeat the same arguments over and over, in both French and English.

Forty years of tentative bilingualism and modest progress. As the Commissioner of Official Languages indicated on Tuesday, May 26, 2009, with the release of his annual report, "We planted the seeds . . . but only a few have borne fruit."

Honourable senators, after 40 years under the Official Languages Act, why do we still have to justify the importance and the essential nature of linguistic rights, and the importance of programs to support those rights and linguistic minority communities?

There is still some lingering resistance to bilingualism. According to John Ralston Saul, it is disappointing that Canada has not normalized bilingualism. He even calls this refusal to make bilingualism normal the "Canadian illness."

Until bilingualism is normalized, francophone minority communities and anglophone minority communities, indeed all Canadians who cross the border, travel through airports, train stations and ports, all Canadian students in elementary, secondary and post-secondary schools, all Canadians who go to court, in short, all Canadians will have to fight each and every time to ensure that their right to be served, educated or tried in the official language of their choice is respected.

The Commissioner's report points to serious deficiencies in active offer of service, a lack of framework and weakened governance of official languages by this government. Bilingualism not only reflects the fundamental character of our linguistic duality, but is also enriches our society inestimably. As well, it is the first step toward multilingualism, a valuable asset in meeting the challenges of a competitive world in the 21st century.

In this multilingual world, the Official Languages Act puts Canada in a favourable position and at the forefront of cultural and linguistic integration. But the act must be implemented fully,

[ Senator Martin ]

not minimally. It is high time to cultivate respect for our language rights so that the tree can finally grow unimpeded, blossom and bear abundant fruit.

### FOUR HUNDREDTH ANNIVERSARY OF QUEBEC CITY

**Hon. Michel Rivard:** Honourable senators, 25 years ago, in 1984, to celebrate and commemorate Jacques Cartier's arrival in Quebec, Quebec City and the surrounding area marked the occasion in fitting style, but despite the organizers' talents and memorable events such as the return of the tall ships and the first edition of the Transat Québec Saint-Malo, attendance did not live up to expectations.

With this less-than-successful outcome still fresh in their minds, many people and organizations were reluctant for some time to promote activities that would interest locals and attract visitors.

Quebec City's failed bid for the 2002 Winter Olympics and its failure to be selected for Canada's bid for the 2010 Games contributed to the growing gloom in Quebec City.

But that gloom evaporated in 2008. With generous financial assistance from the governments of Canada and Quebec, Quebec City decided to hold a giant celebration to mark the 400th anniversary of the founding of the city by Samuel de Champlain. The festivities lasted the entire year.

The minister responsible for greater Quebec City, the honourable Josée Verner, accompanied by the Quebec minister, Sam Hamad, and the Mayor of Quebec City, Régis Labeaume, have announced the results and the economic benefits of the festivities, as compiled by experts.

• (1345)

More than 2.4 million people attended various activities such as the Image Mill, the World Hockey Championship, the Quebec City Summer Festival and special concerts featuring Céline Dion, Paul McCartney, Ginette Reno and others.

The study also reported that 93 per cent of Quebec City's citizens attended at least one event. In addition, 8,742 jobs were created by these celebrations. The economic spinoffs were estimated at more than \$438 million, with \$286 million generated by tourists. The direct financial participation by the three levels of government totalled \$85 million, representing a rate of return of 5 to 1.

Promenade Samuel de Champlain, Baie de Beauport, Fontaine de Tourny and Espace 400e will be permanent reminders of this memorable year. I would like to take this opportunity to congratulate the organizers for this well-deserved success.

In spite of the current financial crisis, the Quebec City region has the second lowest rate of unemployment in Canada, after the City of Regina. The region's economic structure and the creative spirit of the community will allow us to emerge more quickly and, above all, stronger from the crisis.

Yes, the gloom has lifted. The Quebec City region is more optimistic than ever!

[English]

### CANADIAN BROADCAST STANDARDS COUNCIL

**Hon. Céline Hervieux-Payette:** Honourable senators, on October 9, 2008, five days before the last general election, Stéphane Dion gave an interview in Halifax to CTV Atlantic news anchor Steve Murphy. Mr. Murphy asked a question that many Canadians said they found confusing and difficult to understand, so Mr. Dion asked Mr. Murphy if they could start the interview again and Mr. Murphy agreed. Mr. Murphy repeated the same confusing question and there were a few more restarts to the interview.

To Mr. Dion's surprise, the whole interview, complete with the stops and retakes, was broadcast on the six o'clock news and later on *Mike Duffy Live Prime Time*. Numerous complaints were lodged with the Canadian Broadcast Standards Council about the two broadcasts. The broadcast council is an independent, non-governmental organization created by the Canadian Association of Broadcasters, and more than 700 private sector radio and television stations across Canada are members.

Yesterday, the council released its decision on the two cases. The Atlantic Regional Panel found that CTV Atlantic violated the industry's Code of Journalistic Ethics. The National Specialty Services Panel found that the broadcast on the *Mike Duffy Live Prime Time* show also violated the code of journalistic ethics.

On the very first question put to Mr. Dion during the interview, the Atlantic panel said:

... the question was unfocussed, unclear and ultimately confusing, even to Anglophones. ... It was neither crisp nor even clear, and it left doubts as to its meaning in the interviewee, the audience, and even this Panel, after viewing and reviewing the logger tape.

The national panel, which considered the case against the Mike Duffy show, quoted the same passage and added:

It would expand on the Atlantic Panel's conclusion that "blame for misapprehension cannot simply be laid at the feet of the interviewee" by observing there were clear attempts by Mike Duffy and Craig Oliver to do exactly that.

• (1350)

The decision of the national panel continued:

The Panel views the broadcaster's actions in the rebroadcast of the outtakes on the Duffy show as an unfair and improper presentation of news, opinion, comment and editorial, contrary to the rule established in Clause 6 of the *CAB Code of Ethics*.

The National Panel also acknowledges that, while the host, Mike Duffy, was entitled to have and manifest an opinion ... he went too far. He was not fair, balanced or even-handed. In addition to the unfairness of

the rebroadcast ... the host significantly misrepresented the view of one of the three members of his Panel, namely, Liberal MP Geoff Regan. ...

The National Specialty Services Panel concludes that the consistent misrepresentation by host Mike Duffy of the MP's point of view constituted an unfair and improper presentation of opinion or comment contrary to Clause 6 of the *CAB Code of Ethics*.

Honourable senators, that is the end of my quotation from yesterday's report, but the report is available for all senators to view.

CTV is required to announce the panel's decisions. I am sure that all honourable senators agree that it is important to ensure that these decisions are publicized as broadly as possible so that such violations do not happen again. Canadians have a right to expect that their journalists, like their parliamentarians, uphold the ethical standards that govern their professions.

### SIDNEY CROSBY

**Hon. Fred Dickson:** Honourable senators, no Canadian teams are left to cheer for in this season's National Hockey League. The playoffs are upon us, but all is not lost for Canada's hockey fame. I urge honourable senators to shift their alliances, if only temporarily, to the eager-beaver Pittsburgh Penguins — right on, Sidney Crosby! — as they travel to Detroit to take on the Red Wings for the Stanley Cup.

I call on honourable senators to support an exceptional Nova Scotian, Sidney Crosby, who destroyed the family's clothes dryer by shooting too many pucks at it. Sid was later a straight-A student at Astral Drive Junior High School in Dartmouth. He was also selected first overall in the Midget draft, scored eight points in Rimouski in his first exhibition game and he, as sure as blazes, has scored many points since then.

In 2007, Sidney became the youngest player in NHL history to win the Art Ross Trophy. That same year, he won the Hart Memorial Trophy and the Lester B. Pearson Award, and became the youngest captain in NHL history.

The season now comes down to the finals. While I am confident that Crosby and the Penguins will beat the Red Wings, I am pleased that the Honourable Senator Campbell supports my prediction, and I feel sure that Mario Lemieux is not shuddering as he looks at whether Crosby may pull an Arlen Specter.

Honourable senators, I do not have to remind you of the leadership skills, community commitment and outstanding hockey talents of Sid, a proud Canadian, who, together with his fellow teammates, downed the Carolina Hurricanes in four straight games.

Please join me and my fellow Nova Scotians, if only in spirit, and raise your voice to cheer on Sidney Crosby and the Pittsburgh Penguins.

### DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, it is with pleasure that I draw your attention to the presence in the gallery of our former colleague, the Honourable Senator Trenholme Counsell.

On behalf of all honourable senators, welcome back to the Senate.

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

### VISITORS IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, I draw your attention to the presence in the gallery of Ron Suh and Sandy Lee, Korean community leaders from the West Coast. They are guests of the Honourable Senator Martin.

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

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

[Translation]

## ROUTINE PROCEEDINGS

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### SIXTH REPORT OF COMMITTEE PRESENTED

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

Thursday, May 28, 2009

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

#### SIXTH REPORT

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

#### Scrutiny of Regulations (Joint)

Professional and Other Services	\$ 1,200
Transportation and Communications	\$ 30,186
All Other Expenditures	\$ 3,300
Total	\$ 34,686

(includes funds for participation at a conference)

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.)

• (1355)

[English]

#### SEVENTH REPORT OF COMMITTEE PRESENTED

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

Thursday, May 28, 2009

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

#### SEVENTH REPORT

Your Committee wishes to inform the Senate that on May 7th, 2009 your Committee adopted revised guidelines for International Travel.

Therefore your Committee requests that the *Senate Administrative Rules* be amended as follows:

(a) in chapter 4:03,

(i) by replacing subsection 5(1) with the following:

“5. (1) One point shall be deducted from a Senator’s travel points for each four-day period, or portion thereof, of a return national trip or of a return trip to Washington, D.C., or New York City, undertaken under section 13.1.”; and

(ii) by replacing subsection 13.1(1) with the following:

“13.1 (1) A Senator is entitled to make, for the purpose of carrying out the Senator’s parliamentary functions, a total of four return trips per fiscal year from anywhere in Canada to Washington, D.C., or, in respect of United Nations-related matters, New York City.”; and

(b) in chapter 6:01, on page 2, in the text before the breakdown of the daily allowance for meal and incidental expenses, by replacing the words “in Washington, D.C., U.S.A.,” with the following:

“in Washington, D.C. or in New York City.”.

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.)

## STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

### SECOND REPORT OF HUMAN RIGHTS COMMITTEE TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, I have the honour to table the second (interim) report of the Standing Senate Committee on Human Rights concerning Canada's Universal Periodic Review before the United Nations Human Rights Council.

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

## ARCTIC WATERS POLLUTION PREVENTION ACT

### BILL TO AMEND—FOURTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

**Hon. Janis G. Johnson,** Deputy Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, May 28, 2009

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

### FOURTH REPORT

Your committee, to which was referred Bill C-3, An Act to amend the Arctic Waters Pollution Prevention Act, has, in obedience to the Order of Reference of Tuesday, May 12, 2009, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JANIS G. JOHNSON  
*Deputy Chair*

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

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

[Translation]

## THE SENATE

### NOTICE OF MOTION FOR CONCURRENCE IN LEGISLATIVE ASSEMBLY OF NUNAVUT'S PASSAGE OF THE OFFICIAL LANGUAGES ACT

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in accordance with section 38 of the Nunavut Act, chapter 28 of the Statutes of Canada, 1993, the Senate concur in the June 4, 2008, passage of the Official Languages Act by the Legislative Assembly of Nunavut.

## CONSTITUTION ACT, 1867

### BILL TO AMEND—FIRST READING

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** presented Bill S-7, An Act to amend the Constitution Act, 1867 (Senate term limits).

(Bill read first time.)

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

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

• (1400)

[English]

## ABORIGINAL LANGUAGES OF CANADA BILL

### FIRST READING

**Hon. Serge Joyal** presented Bill S-237, An Act for the advancement of the aboriginal languages of Canada and to recognize and respect aboriginal language rights.

(Bill read first time.)

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

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

[Translation]

## CANADIAN NATO PARLIAMENTARY ASSOCIATION

### VISIT OF SCIENCE AND TECHNOLOGY COMMITTEE AND ECONOMICS AND SECURITY COMMITTEE SUB-COMMITTEE ON EAST-WEST ECONOMIC COOPERATION AND CONVERGENCE, NOVEMBER 5 TO 6, 2008—REPORT TABLED

**Hon. Pierre Claude Nolin:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian NATO Parliamentary Association concerning its participation in the visit of the Science and Technology Committee and the Economics and Security Committee Sub-committee on East-West Economic Cooperation and Convergence, held in Vilnius, Lithuania, November 5 and 6, 2008.

SEVENTIETH ROSE-ROTH SEMINAR,  
MARCH 19-21, 2009—REPORT TABLED

**Hon. Pierre Claude Nolin:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian NATO Parliamentary Association concerning its participation in the 70th Rose-Roth Seminar, held in Sarajevo, Bosnia and Herzegovina, March 19-21, 2009.

[English]

INTER-PARLIAMENTARY UNION

MEETING OF STEERING COMMITTEE  
OF TWELVE PLUS GROUP, MARCH 7, 2008—  
REPORT TABLED

**Hon. Donald H. Oliver:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union to the Meeting of the Steering Committee of the Twelve Plus Group, held in London, United Kingdom, on March 7, 2008.

MEETING OF STEERING COMMITTEE OF TWELVE  
PLUS GROUP, SEPTEMBER 15, 2008—REPORT TABLED

**Hon. Donald H. Oliver:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union to the Meeting of the Steering Committee of the Twelve Plus Group, held in London, United Kingdom, on September 15, 2008.

MEETING OF STEERING COMMITTEE OF TWELVE  
PLUS GROUP, MARCH 2, 2009—REPORT TABLED

**Hon. Donald H. Oliver:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union to the Meeting of the Steering Committee of the Twelve Plus Group, held in London, United Kingdom, on March 2, 2009.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
STUDY THE PROMOTION OF CANADIAN IDENTITY

**Hon. Nicole Eaton:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology undertake a study examining the promotion of Canadian identity, integration and cohesion with a working title of *Who We Are: Canadian Identity in the 21st Century*.

• (1405)

THE SENATE

NOTICE OF MOTION TO URGE THE PRESERVATION  
OF CANADIAN HERITAGE ARTIFACTS

**Hon. Serge Joyal:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That,

Whereas works of art and historical objects, including silver baskets offered as wedding gifts to the Duke of York (who later became King George V), as well as a porcelain set decorated with war scenes by the Canadian Maritime artist Alice Hagen, kept at the Governor General's residence at Rideau Hall but shelved during the last few years, have recently been sold online through the Department of Public Works;

Whereas there does not seem to be any adequate policy regarding the status and management of works of art and historic objects previously at Rideau Hall;

Whereas there is an urgent need to prevent the scattering of other such items without any regard to their historical character or the protection of Canadian heritage,

It is moved that this chamber:

- deplore that decorative items related to Canada's history, and in the past to Rideau Hall, were sold publicly without any regard to their special importance to Canadian heritage;
- express its surprise that no heritage management policy at Rideau Hall prevents such scatterings;
- demand that the contents of rooms reserved for official functions at Rideau Hall be subsequently managed by an authority at arm's length from the building's occupants in order to preserve their historical character;
- that the National Capital Commission carefully manage the art and artifacts previously in use at Rideau Hall; and
- that surplus moveable art or decorative works of art be offered first to the Canadian Museum of Civilization, Library and Archives Canada or Canadian museums recognized for their role and mandate in preserving and promoting our country's historical heritage.

INDUSTRIAL HEMP INDUSTRY

NOTICE OF INQUIRY

**Hon. Lorna Milne:** Honourable senators, pursuant to rule 57(2), I give notice that, on Tuesday, June 9, 2009:

I will call the attention of the Senate to recent developments concerning the Canadian industrial hemp industry.



## FISHERIES ACT

CESSATION OF COMMERCIAL SEAL HUNT—  
PRESENTATION OF PETITION

**Hon. Mac Harb:** Honourable senators, it is an honour to introduce 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

## FISHERIES AND OCEANS

## STATE OF LOBSTER INDUSTRY

**Hon. Catherine S. Callbeck:** Honourable senators, my question is to the Leader of the Government in the Senate. Yesterday, she mentioned the Minister of Fisheries and Oceans announced \$10 million for market product development and new technologies for the lobster industry.

However, this funding does absolutely nothing for the current situation. I am told that some fishers have tied up their boats and that others will not make it through the current season.

What is the federal government prepared to do right now to ensure the survival of the lobster industry?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, there is no question that the lobster industry has suffered incredible losses in recent months, primarily due to the sharp drop in prices for their product. There is no doubt that the worldwide economic recession and the difficulties in the market, not only in Canada but in the United States, has contributed significantly to this problem.

As I mentioned in answer to another question, one of the reasons it is important to assist the lobster fishers in marketing is because there is still a belief among consumers that lobster is an expensive product. Therefore, consumers do not even consider lobster as an option when purchasing their food.

Senator Callbeck, I mentioned yesterday that the Minister of Fisheries and Oceans allocated the \$10 million last Friday from the Community Adjustment Fund, and the money is directed to assist the lobster fishers in promotion and marketing. I also indicated yesterday, in answer to a question from Senator Robichaud, that I will seek further information from my colleague, the Minister of Fisheries and Oceans, as to what other measures the department and the minister are contemplating to assist this industry, which is undoubtedly facing serious difficulties.

• (1410)

I saw the same news stories on our national news about the owners of the boats and the people they employ. Unfortunately, there is no easy answer to this situation, but the government and the Minister of Fisheries and Oceans are working with the industry to try to alleviate the difficulties they face.

## FINANCE

## FEDERAL DEFICIT

**Hon. Jane Cordy:** Honourable senators, my question is for the Leader of the Government in the Senate. In September 2008, the Conservative government assured us that there would be no recession. Then we had what was called a "technical recession." In October, we were told that there would be no deficits. In November, Canadians were promised a surplus. In January, the government reversed that surplus and turned it into a \$34 billion deficit. This week, we find out that the deficit has ballooned to \$50 billion.

**An Hon. Senator:** How much?

**Senator Cordy:** Fifty billion dollars. Many economists and financial experts feel that this is not even a true indication of where we may end up. All this has occurred in a short six-month period. That is half a year. To date, the government's promises of stimulus money, which promised to save the country, have barely been disbursed.

In light of all this, how are Canadians expected to have confidence in the Minister of Finance and in this Conservative government?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** I thank the honourable senator for the question. The simple answer to this question is the same as I outlined yesterday. If honourable senators refers to last fall, when the government's economic statement was made, the opposition — primarily the official opposition — was demanding massive stimulus for the economy. Their underlying problem, as we all know, was the political fundraising issue, but they used the excuse of stimulus.

The government listened. We moved our budget date to the end of January, the earliest the budget has ever been tabled, I believe, in the history of the country. We spent two months consulting widely with provinces, industry, labour unions and political parties — although, as I pointed out yesterday, the official opposition declined to participate in the process, all the time demanding more stimulus and for the government to do more, do more.

The government came out with a budget at the end of January, projected on the situation that was believed to be the case. As I mentioned yesterday, the projections were based on consultations with independent private-sector economists. The government took into account the private-sector economists — a practice performed by all previous governments.

Since January, the opposition has continued to demand more stimulus — spend more, do more for the unemployed, add to the Employment Insurance system, spend, spend, spend. Meanwhile, the worldwide economic recession has deepened, although there are encouraging signs.

Honourable senators, it is obvious that the Employment Insurance numbers reported by Statistics Canada this week, combined with the difficulties in the auto industry — which

Minister Clement is dealing with in partnership with the Government of the United States and the Government of Ontario — as well as diminishing revenues have all contributed to the Minister of Finance and the government issuing an updated projection. However, a projection is only that; it is not definitive.

• (1415)

I pointed out yesterday that at this time last year economists predicted that the price of oil would be \$200 per barrel and the Canadian dollar would be US\$1.10. No economist in the world, or anyone else for that matter, including members of the opposition, could ever have predicted the extent of this worldwide economic downturn.

I will quote from today's *Toronto Star*. Thomas Walkom wrote:

It's hard to take their outrage seriously. In January, when Flaherty announced the projected 2009 federal deficit would hit \$33.7 billion, both the Liberals and NDP accused him of not doing enough.

In particular, they said Ottawa should pump more money into employment insurance benefits for those thrown out of work.

The Liberals voted for the budget anyway, all the while attacking the Conservative government for (a) spending too much and (b) not spending enough.

The article continued:

Now that the government figures its shortfall will hit \$50 billion, the opposition parties continue with their internally inconsistent attacks.

They want it to spend more. But at the same time, they attack its profligacy.

Honourable senators, as I pointed out yesterday and as the Minister of Finance and the Prime Minister have pointed out, the projected deficit, as a percentage of GDP in the range of 3 per cent, is significantly less than the percentage of GDP of other countries. In the United States that figure is four times as high. The United States and the United Kingdom have both moved their deficit projections upward. I believe that this is a manageable deficit — around 3 per cent of GDP — and is not, as the honourable senator tried to indicate yesterday, the largest deficit in the country's history. That is not the case. The largest deficit in the country's history was 1983, when it was 8.3 per cent of GDP.

It was discouraging last night to watch a couple of leading journalists — one who is the head of his bureau — when another journalist pointed out that this was not the largest deficit in Canada's history. They suggested that they not get into numbers, that it was too confusing.

Honourable senators, the Minister of Finance and the government are doing what has been demanded of them to help the unemployed and to stimulate the economy. The Minister of Finance said at the end of January and in early February when he

was accused of not doing enough that we were prepared to do more; and that is exactly what he has done. There is nothing inconsistent. The International Monetary Fund reported that Canada is still in the best shape in the world to recover from this worldwide economic downturn.

**Senator Cordy:** Honourable senators, the deficit figure that I see is \$50 billion and climbing, when the Minister of Finance said in November that we would have a surplus. The issue is the credibility of the Government of Canada and the credibility of the Minister of Finance. Five weeks ago, the Minister of Finance said, "I'm comfortable with our projections. . . We're on track."

Again, that was five weeks ago. We are on track to where? We are on track to what? Canadians just cannot trust this government with their money.

As well, this minister has promised that the stimulus money must flow within 120 days. We have passed 120 days. Single-digit amounts of the money have gone out in the stimulus spending.

Does the Prime Minister not think that it is important for Canadians to have confidence in their Minister of Finance? Will this Prime Minister ask the Minister of Finance to resign?

• (1420)

**Senator LeBreton:** As much as the opposition is attacking the credibility of the Minister of Finance, this view is not shared by leading economists, and not by people in this government.

With regard to the stimulus, it was the honourable senator's party in official opposition that insisted on a report card. A report will come to Parliament within the next couple of weeks that will lay out concisely all the monies that have been expended and where they have gone, whether the money is in tax incentives or otherwise.

I think it was Douglas Porter I saw last night who talked about the impact of the situation at General Motors. This situation is troubling. However, the alternative is much more troubling.

Some time ago, the Government of the United States under President Bush and then under President Obama, made a clear decision to intervene in General Motors. The Canadian government and the Government of Ontario agreed to partner to save dependent auto manufacturers — an important industry for our country — to conserve our 20 per cent market share.

The honourable senator does not have to take my word for what economists said with regard to the projected deficit. As I mentioned, \$50 billion is about 3 per cent of our GDP. I will quote Derek Holt, Scotiabank economist, who said yesterday on CBC Newsworld:

Compared to every other major industrialized economy out there — the U.S., Japan, much of Europe — we are still in a position where Canada is by far the poster child in terms of government finances and the health of them compared to everyone else.

[ Senator LeBreton ]

Patricia Croft, an economist with the Royal Bank of Canada, said yesterday on CBC Newsworld:

We have to put this in context. The fact is that as a share of Canada's economic activity, it is about 3 per cent. Compare that to the U.S., which is 4 times as large; the United Kingdom is 13 per cent. So it is a deep hole, but it is one that we can actually readily get out of and we can get out of it without having to raise taxes. That is an important message for Canadians.

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### LABOUR MARKET AGREEMENTS

**Hon. Nicole Eaton:** My question is for the Leader of the Government in the Senate. Instead of political posturing, I think Canadians are looking for leadership. Can the minister offer details about the recent agreement on employment and training signed by the Government of Canada and the Government of Ontario?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I hope I will be able to answer with all this background noise behind me.

As the honourable senator knows, Minister Finley signed agreements, on behalf of the government, not only with Ontario but with other provinces as well to help workers hit hardest by the downturn. The government is making new investments of over \$1.5 billion over the next two years into provincial and territorial employment and training programs.

Under the labour market agreements, our government provides provinces and territories with \$1.95 billion annually to serve Employment Insurance clients. Every year, this funding helps about 600,000 Canadians without work to upgrade their skills and acquire on-the-job experience, find a job or become self-employed.

• (1425)

We saw people denigrate the latest self-employment numbers from Statistics Canada, but those are important jobs. Those statistics represent people who were perhaps working in a factory or in an industry where the jobs will never come back, who have decided to go out on their own and start their own businesses.

As a result of the amended agreements, an additional 150,000 workers across Canada are expected to receive training that will help them develop skills for the new economy. Last Friday, Minister Finley was in the honourable senator's city of Toronto to sign an agreement with the Province of Ontario. The agreement provides more than \$627 million in additional funding over the next two years for employment and training programs to help people from Ontario weather the economic downturn. This new funding is in addition to the over \$1.4 billion over two years provided to Ontario under existing agreements.

These investments will help Ontario workers develop new skills for today's labour market and forge new futures for themselves and their families. Of course, not just workers in Ontario will

benefit. The government has amended agreements with nine of the other provinces. There is just one province, Senator Manning, that has not yet signed onto these new agreements.

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### INUIT YOUTH

*[Editor's Note: Senator Watt spoke in Inuktitut.]*

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

Honourable senators, Inuit youth in the Arctic are uniquely situated on Canada's northern frontier. They are the first to feel the consequences of our government's policy on Arctic sovereignty. Today, many of our youth are exhibiting signs of stress from the rapid change in the North. They are frightened by the military manoeuvres of Russia and the United States.

Our Elders say this fear is reminiscent of how they felt during the Cold War. To take action and to ensure the survival of our youth, and to ensure that they are heard, our youth have started a campaign called "Arctic sovereignty includes me."

What is the government doing to ensure the survival of youth and their families in the Arctic? What is the government doing to engage the Inuit of all four land claim regions to ensure that their world view is represented at the policy level?

Does this government have an Arctic policy that involves Inuit youth?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, there are many areas with regard to the Arctic and the government has taken great steps specifically through training. We are working with Aboriginal leaders, not only in the North but across the country, in training Aboriginal youth for the new economy, the new resource industry that we will be making use of in the North.

With regard to the concerns about the Russians, as honourable senators know, there have been several overtures made to the Russians about Canada's claims to its own territory in the North.

With regard to Inuit youth, as the honourable senator knows, we promised in the last election campaign to establish a northern economic development agency, which will work with all of our partners in the North on a host of fronts.

The honourable senator's question is all-encompassing. I would like the opportunity to approach the various departments to ask them to provide me with detailed written responses as to what is being done in National Defence, Indian and Northern Affairs Canada and Human Resources and Skills Development Canada.

• (1430)

I would appreciate it if the Honourable Senator Watt would permit me to refer his question to several of my colleagues for a more detailed answer.

[Translation]

## HEALTH

### OBSTETRICAL SERVICES

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

Canada is proud to have one of the best maternal and infant survival rates in the world. We must ensure that giving birth remains a positive experience. However, the Society of Obstetricians and Gynaecologists of Canada (SOGC) has pointed out a decline in the quality and scope of obstetrical care in Canada. The viability of the maternity care system is threatened by a shortage of doctors and nurses specializing in obstetrical care and also by the increase in multiple births, the older age of expectant mothers, the increase in premature births and regional disparity.

Can the Leader of the Government assure us that our government is aware of this situation and that the necessary measures will be taken so that Canadian women can give birth in safe and healthy conditions?

[English]

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** The honourable senator has expressed concerns in previous weeks with regard to the shortage of nurses. I believe I stated at that time that the government is cognizant of the shortage of nurses and doctors and people in specialized medical services.

Honourable senators, the delivery of health is a provincial and territorial matter. I do not have specifics with regard to the field of obstetrics, but I will take the honourable senator's question as notice.

[Translation]

**Senator Pépin:** The Society of Obstetricians and Gynaecologists of Canada is a proactive organization and has developed a Canadian birthing initiative in collaboration with the College of Physicians, the Canadian Nurses Association, the Canadian Association of Midwives, the Society of Rural Physicians of Canada and the Association of Women's Health, Obstetric and Neonatal Nurses. In addition, the SOGC approached the federal government to obtain support for this initiative. However, despite repeated requests for support over the past two and one half years, there has been no response from the government.

Can the Leader of the Government tell us why the government has been so slow to react and to embrace this initiative? Any delay in implementing this national birthing initiative has serious repercussions for Canadian mothers and their babies.

[English]

**Senator LeBreton:** Honourable senators, through the Health Human Resource Strategy, significant sums of money have been transferred to the provinces for the recruitment and training of health professionals. The honourable senator has raised a specific case, citing an organization that has a laudable goal in improving services in this area. I will take the honourable senator's question as notice and seek further details for her.

## INDUSTRY

### GENERAL MOTORS OF CANADA

**Hon. Pierrette Ringuette:** Honourable senators, a few minutes ago, in the leader's answer to Senator Cordy's question about the \$50 billion deficit, she mentioned a contribution to General Motors. Could the minister clarify what, exactly, is that contribution?

**Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)):** Honourable senators, I did not mention the government's contribution; I was referring to comments made by Douglas Porter. He was suggesting that the government's activity thus far, in partnership with both Ontario and the United States, is probably one of the reasons the deficit projections are what they are. I repeat: I was simply referring to Douglas Porter.

• (1435)

As the honourable senator knows, General Motors is operating on the deadline of May 31 to complete their work. The Governments of Ontario, Canada and the United States, and the industry have been working with GM. Minister Clement and others are involved in this file on an almost hourly basis.

I expect that by Sunday or Monday we will know how much it will cost to keep this industry viable and keep these jobs in Canada. These jobs are extremely important, not only for the auto industry and the people who live in Ontario, but for the entire country. This industry is important and, as I said in my answer, the alternative is something none of us want to contemplate.

## CUSTOMS 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 returning Bill S-2, An Act to amend the Customs Act, and acquainting the Senate that they had passed this bill without amendment.

## ORDERS OF THE DAY

### ROYAL CANADIAN MOUNTED POLICE SUPERANNUATION ACT

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Cochrane, for the second reading of Bill C-18, An Act to amend the Royal Canadian Mounted Police Superannuation Act, to validate certain calculations and to amend other Acts.

**Hon. Catherine S. Callbeck:** Honourable senators, I am pleased to rise to speak at second reading in support of Bill C-18, an Act to amend the Royal Canadian Mounted Police Superannuation Act, to validate certain calculations and to amend other Acts.

Senator Martin has summarized this legislation well, so there is no need for me to go into great detail. It is fitting that this bill was first received in the Senate during National Police Week. I support this legislation, and I applaud the government for improving benefits for all the dedicated men and women across the country who keep us and our municipalities safe.

The RCMP Superannuation Act was first amended in 1999, but unfortunately not all issues were addressed at that time. These new changes in Bill C-18 will bring the act in line with the Public Service Pension Plan and many other Canadian plans to allow previous pensionable service to be recognized by the RCMP pension plan.

Presently, 24,000 RCMP members are under the Royal Canadian Mounted Police Superannuation Act, while 6,300 of their colleagues fall under the Public Service Superannuation Act, so each group does not have the same pension options. Bill C-18 will change this situation, level the playing field and provide each category of employee with similar pension optioning.

Currently, the RCMP regular and civilian members may buy back or transfer only pensions from the public service, Canadian Forces, Senate, House of Commons, and a provincial or municipal police force that has been taken over by the RCMP. This bill will change that situation. It will allow the RCMP to allow buybacks or to enter into formal agreements with other Canadian pension plans for transfers in and out of, the RCMP pension plan.

Members will have a choice: They will determine what the most advantageous plan is for them. It is hoped that these provisions will assist with the recruitment of new members, especially those with previous police training, while keeping costs low for the RCMP.

• (1440)

I have been told it takes 24 weeks to train a new RCMP cadet, while a person already trained as a police officer only requires 5 weeks of RCMP training, designed to expose them to RCMP policies, procedures, protocol, history of the force and training specific to RCMP duties. As such, the cost of training a new RCMP cadet is approximately \$38,000, while the person who has the police experience requires only 5 weeks of training, so the cost is \$12,000.

Finally, Bill C-18 includes a number of housekeeping provisions, including methods of calculation that are already being used, but this bill puts them into legislation. There are also some provisions to repeal from the 1999 legislation that were never brought into force and that are now redundant.

This legislation should help the RCMP attract more men and women, both experienced police officers and civilian members, into the force.

As the Liberal member for Scarborough—Guildwood who spoke on Bill C-18 in the other place said:

It is an important bill and is one which rectifies a number of inequities in our treatment of this very important institution. . . .

I urge all senators to vote in favour of this legislation, and I hope that it will be sent to committee as soon as possible.

**The Hon. the Speaker *pro tempore*:** Are honourable 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 bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Martin, bill referred to the Standing Senate Committee on National Finance.)

## MARINE LIABILITY ACT FEDERAL COURTS ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Leo Housakos** moved second reading of Bill C-7, An Act to amend the Marine Liability Act and the Federal Courts Act and to make consequential amendments to other Acts.

He said: Honourable senators, it is my pleasure to rise today to speak to Bill C-7. I would like to start off by informing this chamber that this bill has received wide support from stakeholders. These changes will have significant benefits for Canadians in protecting them against the impacts of incidents involving marine transport, including, most notably, oil spills.

As a trading nation, Canada depends highly on marine transport for its exports and imports, and it is vital that we have appropriate rules in place in the event that something goes wrong. We have very stringent rules in place, but accidents do happen and we need to be prepared for them. This is why we have brought forward these changes in Bill C-7.

The main goal behind the Bill C-7 is to make key improvements to the liability and compensation regimes in Canada. The amendments proposed in the bill touch on these issues: Increase the amount of compensation available for pollution damage caused by oil spills; ratify two international conventions; implement compulsory insurance for all Canadian passenger ships; and remove an unfair burden from the adventure tourism industry.

First, I would like to touch on the main feature of Bill C-7, oil spills. I am sure all my Senate colleagues have seen on television or read in newspapers about the devastating effects of oil spills around the globe. Modern tankers can carry huge amounts of oil

and, despite all possible efforts to prevent them, accidents sometimes happen. When they do, the impacts can be felt across many sectors of the economy: Fisheries close, tourism suffers and the environment is polluted. I think we can all agree that accidents like these can have devastating effects on the environment and the economy.

The Marine Liability Act follows the government's "polluter pays" principle. This is done in part through the International Oil Pollution Compensation Fund, to which Canada has been a member since 1989. Over the years, the international fund and the regime that governs the fund have significantly improved. The amount of compensation available is now much higher than what it was in 1989, but Canada's laws have not kept up to date with these improvements.

The first of the two international conventions that Bill C-7 would ratify and implement in Canadian law is the 2003 Supplementary Fund Protocol. This was developed by the international community in response to major oil spills in Europe as a means to greatly increase the amount of compensation available to victims of oil spills. This means that the compensation in Canada would triple from about \$500 million to \$1.5 billion for a single incident. This is a huge increase, and Canadians would be better protected. This means that polluters, and not taxpayers, would bear the burden of providing compensation to victims of oil spills. Without the supplementary fund, taxpayers would potentially be on the hook for this compensation.

This is something that our government intends to prevent with these changes with Bill C-7, but oil pollution from ships does not always come from large tankers. In fact, all ships carry what is known as bunker fuel for their propulsion. We are now seeing larger and larger ships docking at Canadian ports, such as Vancouver, Montreal or Halifax, and the bigger the ship, the bigger the amount of bunker fuel. If an accident was to happen involving one of these ships, the effects could also be significant.

In order to protect Canadian waters and deal with these spills, Bill C-7 would implement another international convention in Canada. The 2001 bunkers convention, which has been ratified by some 40 countries, allows victims of bunker spills to make direct claims against the shipowner or insurer, and imposes compulsory insurance on shipowners. This means that all ships that can cause environmental damage from bunker spills, whether they be Canadian or foreign, have to carry insurance to cover their liability. Canadian claimants would then be guaranteed to receive compensation from the shipowner or their insurer. This will ensure that although accidents may be unavoidable, those affected will be properly compensated.

On another note, the marine adventure tourism sector will also benefit from these changes. This industry employs thousands of Canadians from coast to coast, and the majority of these operations are small businesses in rural areas with seasonal jobs — for example, Owl Rafting, a whitewater rafting company in Foresters Falls, Ontario. At present, the Marine Liability Act treats these adventure-seeking activities with the same requirements as a ferry that carries daily commuters. It imposes unaffordable insurance on marine adventure tourism operators, and it would nullify the waivers of liability that the sector relies on for managing risk.

Honourable senators, I think we can all agree that this is not a regular mode of transportation from one point to another, like taking a ferry. In most cases, the participants in marine adventure tourism activities are directly involved in the navigation of the vessel. For example, we see this in whitewater rafting, kayaking and canoeing.

The industry that has been telling governments for many years that we need to fix this act so we do not impose upon them the same insurance that we do on ferries or cruise ships, and allow them to continue to use their waivers of liability. Bill C-7 achieves this and is widely supported by the industry.

Bill C-7 makes further changes to Canadian maritime law. An important one that I wish to mention is the situation of Canadian businesses that supply foreign ships. When these ships call at Canadian ports, they often require many supplies, everything from fuel and water to parts and equipment. The Canadian businesses that provide these services have little recourse in Canadian law if the foreign ships sail away, having failed to pay their bills.

The situation becomes even more problematic for these Canadian businesses if the ship has also been supplied in an American port, which is often the case. Should the ship be detained for unpaid invoices, the Canadian suppliers do not have a maritime lien against the ship. On the other hand, because of United States law, American suppliers have a maritime lien against the ship, which is recognized in Canadian courts. There are many examples of Canadian suppliers not being paid or receiving only a fraction of what they are owed because they are the last in the queue after all other holders of a maritime lien have taken their share. Often, there is nothing left.

• (1450)

The government believes that this situation is not an equitable one, and Bill C-7 will fix this inequality between Canadian and American ship suppliers. The bill creates new maritime lien powers against foreign ships and gives these businesses better protection in law. Let us not forget that these businesses can supply a ship with thousands and even millions of dollars in supplies and equipment.

The government has consulted widely with stakeholders, and their suggestions are reflected in the bill. Clearly, Bill C-7 is a highly technical bill; however, the bill remains an important priority for our government and one that is long overdue. It will better protect Canadians from the adverse effects of marine transport, increase our pollution liability and compensation regimes, keep a vital part of our tourism sector afloat and ensure that Canadian and American suppliers are treated equally.

I urge all honourable senators to support this bill, as the stakeholders have. This government continues to work towards improving our already world-class safety system, and passing Bill C-7 will move us toward that goal.

(On motion of Senator Tardif, debate adjourned.)

## NATIONAL PHILANTHROPY DAY BILL

## THIRD READING—DEBATE ADJOURNED

**Hon. Art Eggleton** moved third reading of Bill S-217, An Act respecting a National Philanthropy Day, as amended.

**Hon. Fernand Robichaud (The Hon. the Acting Speaker):** Senator Eggleton, do you wish to speak on third reading?

**Senator Eggleton:** No.

**The Hon. the Acting Speaker:** Continuing debate?

[Translation]

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I thought that Senator Eggleton might discuss the outcome of the debates. As he did not, I would like to give other senators the opportunity to comment. I am not seeking to delay the bill's progress. I would like to move adjournment of the debate.

[English]

**Senator Eggleton:** Honourable senators, I am happy to do that. I assumed there was not a desire to hear anything further and there was some understanding as to what the changes were about, but I have notes and I am prepared to speak now, if the honourable senator so wishes.

[Translation]

**The Hon. the Acting Speaker:** Is it your pleasure, honourable senators, to give Senator Eggleton the floor?

**Senator Comeau:** Perhaps the honourable senator could speak during the next sitting of the Senate. Senator Eggleton and other senators may make their comments on Tuesday. I would like the motion for adjournment to stand.

**The Hon. the Acting Speaker:** It is moved by the Honourable Senator Comeau, seconded by the Honourable Senator Stratton, that the debate stand until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(On motion of Senator Comeau, debate adjourned.)

## CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Dennis Dawson** moved that Bill S-236, An Act to amend the Canada Elections Act (election expenses), be read the second time.

He said: Honourable senators, I am very pleased today to speak in support of Bill S-236, An Act to amend the Canada Elections Act with respect to election expenses.

This bill is very short, just two and a half pages long.

[English]

The bill is short and sweet, and I am sure it will receive cooperation from both sides of the house.

[Translation]

I think that we all agree on the principle of this bill: that the outcome of our elections should not and must not depend on the size of any party's coffers.

The outcome of our elections should depend on who Canadians think have the best ideas for their country. This is not just the Canadian way. It is also a way to restore people's faith in parliamentarians and their government.

[English]

The present government came to power promising to eliminate the role of big money in politics. The first bill the government presented was the Federal Accountability Act, which honourable senators will recall reduced the contributions that may be made to political parties. Surprisingly, the Federal Accountability Act failed to address the other side of the issue of big money in politics, namely that the money that is spent by political parties must also be controlled. No doubt, this situation was merely an oversight by the Conservative government.

The need for this bill was reinforced when the government brought in its fixed election date legislation. Indeed, one could say this bill before us now is the missing piece of that legislation.

I find myself puzzled as to why Prime Minister Stephen Harper chose not to include these provisions as part of his centrepiece Federal Accountability Act or his Fixed Election Dates Act. I am happy to step up to the plate and fill the significant gap left by those important pieces of legislation.

[Translation]

Bill S-236 simply broadens the definition of "election expenses" to include advertising expenses in the three-month period prior to an election period. The idea behind this bill is very simple. For decades, the Canada Elections Act has imposed limits on the amount parties can spend during election campaigns. The vast majority of Canadians support those limits.

In a poll conducted for Elections Canada in 2000, 93 per cent of respondents said they were in favour of limiting spending by political parties and candidates.

This bill simply says that if a party, candidate or riding association decides to make campaign expenditures shortly before the writs are dropped, those expenditures will be covered by the limits imposed by law. That seems quite reasonable to me, honourable senators.

It should not be possible to circumvent the spending limits prescribed by the Elections Act by carefully choosing when to launch an advertising blitz. That is not how politics should work in our country.

This bill expands the definition of election expenses to include advertising costs and non-monetary contributions incurred by a registered party, electoral association or candidate used directly to promote or oppose a registered party, its leader or a candidate, during the three months before an election, of course.

The bill does not stipulate any advertising spending limit during the pre-election period. A party, association or candidate has the right to spend money. They may spend millions of dollars if they wish. What is different is that they now have to declare it as an expense.

Unlike what the honourable minister said concerning democratic reform, there is no limit whatsoever on freedom of expression. This bill merely includes all expenses incurred by a political party during the three-month period preceding an election as election expenses.

Accordingly, these expenses will be included in the calculation of election spending limits. This bill does not contain any provisions that require public funding. In drafting this bill, we took care to ensure that, although advertising expenses before the issue of a writ are included in the spending limits imposed, they cannot be reimbursed out of public funds. I am pleased to be able to confirm this point.

The bill addresses only the expenses of political parties, riding associations and candidates. It does not affect any third-party advertising.

[English]

The premise is precisely what Prime Minister Harper stated as his party's goal: to take big money out of the equation in politics. He took steps already to address the contribution side of this issue. This bill addresses the other side of the coin; namely, the spending of big money to win elections.

I see some of my colleagues on the other side smiling. I think this matter is serious.

• (1500)

The Supreme Court of Canada has said that spending limits set out in Canadian election law "are necessary to prevent the most affluent from monopolizing election discourse." I am sure Prime Minister Harper is familiar with this situation. In the Supreme Court case, *Harper v. Canada*, Mr. Harpersued the Government of Canada to challenge the spending limits on third parties in an election campaign. Mr. Harper was then Mr. Harper and not the honourable Prime Minister. Mr. Harper lost his case. As the saying goes, Canada, one; Mr. Harper, zero. The spending limits were upheld by Canada's highest court.

[Translation]

Previously, political advertising only occurred after the writ of election was issued. I believe that is generally still the case in the provinces.

[ Senator Dawson ]

We have noted a change on the federal scene in recent years. Consequently, it is clear that the spending limits established by the Canada Elections Act, which apply only to the official election period, no longer reflect the reality of political advertising campaigns.

In 2007, a year when we did not have an election, the Conservative Party of Canada declared advertising expenses of \$4.2 million. And that was not an election year! That amount was 42 per cent of the amount spent by the same party on the 2005-2006 election campaign.

Professor W.T. Stanbury, well known for his work on the Lortie Commission, called this an "extraordinary" level of spending.

Obviously, we find ourselves in a new world in Canadian federal politics!

This new interest in advertising outside election periods is the direct result of the introduction of fixed election dates. Now that all parties know, at least in theory, when the next election will take place, they can begin campaigning months ahead. Therefore, spending limits for the election period are irrelevant if there are no limits placed on the parties in the weeks before the election is called.

[English]

Indeed, our former Chief Electoral Officer, the eminent Jean-Pierre Kingsley, alerted parliamentarians to this potential problem when he appeared in 2006 before the committee in the other place. The committee was studying the then-proposed fixed election date law. Mr. Kingsley suggested to committee members that fixed election dates could carry with them the need to regulate advertising by the government and by political parties before the actual writ period.

At that time, frankly, it appeared that there was no need to provide for such regulation in Canada. It was an American custom to advertise and campaign many months before an election. It simply was not done in Canadian politics. In Canada, in the past, governments focused on governing when they were in power, not on perpetual election campaigning.

To use one of Prime Minister Harper's favourite words, "obviously" times have changed. The argument made by the government in support of its fixed election date law was well expressed by my colleague and friend, Senator Di Nino, in his speech supporting second reading of that bill. Senator Di Nino said:

While there were minor differences on some details of the bill, I was struck by the fact that all parties supported the fundamental rationale of the bill. I believe they all shared a view that elections belonged first and foremost to the people of Canada, the electorate, and that no party should be permitted to exploit the timing of an election to benefit the party's electoral fortunes.



These are great words.

All parties also agreed with the principle that the timing of elections should not be left to the Prime Minister —

Something has happened since then, but that is another issue.

— but should be set in advance so that all Canadians will know when the next election will occur. This knowledge will help erode the scepticism and cynicism Canadians have shown in recent years towards politics and politicians.”

We know what happened with the fixed election issue.

I am sure Senator Di Nino will agree that the same concerns provide support to my bill. No party should be able to exploit the timing of an election to benefit the party's fortunes by engaging in an advertising free-for-all blitz campaign immediately prior to visiting the Governor General or conversely, for the opposition, prior to launching a non-confidence motion. This spending goes against the fundamental premise of campaign spending limits.

At least, as provided in the bill before us now, spending should be counted against the spending limits prescribed in the Canada Elections Act. I hope that just as all parties supported the principle of the fixed election bill, so will all parties support my bill.

Also, honourable senators, in December 2006 Senator Milne asked the then Leader of the Government in the House of Commons and Minister for Democratic Reform, Rob Nicholson, about the comment of former Chief Electoral Officer Jean-Pierre Kingsley when Mr. Nicholson appeared before the Standing Senate Committee on Legal and Constitutional Affairs on the fixed election dates bill. Senator Milne asked whether any consideration had been given to the suggestion of expanding the restrictions on advertising to a period prior to the issuance of the writ.

Mr. Nicholson noted that the fixed election dates bill did not address that issue and took it “as a representation and a matter that perhaps we should look into.” Tell that to the new Minister of State for Democratic Reform.

That exchange took place two and a half years ago, and I am disappointed to say that nothing else was heard from the government. I am confident that the government will now welcome this bill as a response that no doubt they were planning to present to Senator Milne and to Canadians.

[Translation]

Honourable senators, Canadian citizens are becoming increasingly cynical about politics and their politicians. Voter turnout in the last election, one of the lowest ever, is proof of that. We must have elections that are won by ideas and not by money. This is a step we must take to restore the confidence of Canadians in their parliamentary system.

[English]

Many Canadians are shaking their heads; their cynicism is confirmed in light of the attacks on my bill already launched by none other than the Conservative Minister of State for

Democratic Reform. His response to my bill as described by Joan Bryden of the Canadian Press in an article that appeared in numerous newspapers across the country on May 27 was to “slam” this bill as “anti-democratic” and “un-Canadian.”

This response, I am sorry to tell honourable senators, is the level of discourse of our country's Minister of State for Democratic Reform — repeat after me: democratic reform. His response was to reject an outright honest proposal to amend our election act, and to hurl the epithets of “anti-democratic” and “un-Canadian.” I do not need to take lessons or advice on democracy from a minister whose Prime Minister violated his own fixed election law a couple of months ago.

Me, un-Canadian: I am reminded of the words of the English essayist Samuel Johnson who observed that “patriotism is the last refuge of a scoundrel.”

Honourable senators, clearly we have a Minister of State for Democratic Reform who is not seriously interested in democratic reform unless it is his reform. Does he not understand the principles of parliamentary democracy? While I am reluctant to dignify his unworthy attacks with a response, I must say that I believe my bill is as Canadian as maple syrup. The values and principles it reflects are precisely the values and principles of our own Canada Elections Act; that elections are not a free-for-all to be won by whoever throws the most money around. The Canadian way is to respect statutory limits on campaign spending.

My bill simply says political parties cannot evade the statutory limits with a massive advertising blitz immediately before the election period. Advertise all they want, but the spending limits will apply if the ads are bought within three months prior to the election.

I do not often quote Minister John Baird, but today I shall. In introducing the election financing amendments of his government's Accountability Act, then Treasury Board President Baird said: “In a nutshell, Part 1 of the act will significantly reduce the influence of money in politics.”

Canadians have seen that it is not enough to address the contributions to political parties. Both the money that is raised by a party and the money that is spent are equally critical to reduce significantly the role of money in politics.

I hope colleagues on both sides of this chamber will join me in supporting second reading of this bill so we move it into committee, provide Canadians with an opportunity to participate in our debate and maybe educate Minister Fletcher at the same time; and tell us what they think of this proposal. In the words of Minister Baird, “reduce the influence of money in politics.”

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

**Hon. Irving Gerstein:** I am fascinated when the honourable senator talks about big money. We thought we raised a little money, but I could not help but notice that last night Mr. Apps convened a conference call with all Liberal ridings. Let me read to honourable senators the purpose of the meeting. “The Liberals

would seek, within a year, to nearly quintuple — I do not know how high that is — the party's revenues from private donations. . . ."

How much is it? It is \$25 million.

• (1510)

In addition, the Laurier Club is to be expanded to 10,000 members at \$1,000 each — \$10 million. The Victory Fund will have 25,000 members at \$10 each — \$250,000; and, for good measure, they will have a \$10-million fundraising campaign.

Honourable senators, I am coming to the question, which is of great interest to me. Since this comes to \$45.5 million as a target, I must say that even by our standards this is marvellous.

I would like to ask the honourable senator if this is to pay off previous Liberal debts or is it an endowment fund that is being prepared so that the his party can fight the future election?

**Senator Dawson:** I appreciate the honourable senator's question. One of the reasons I am tabling this bill is to protect your party from our party when we are in power. I am hoping for your support although I can see that this bill threatens you and will probably make you sensitive to the issue that this is an important piece of legislation. Canadians do not believe you can buy elections and I certainly believe you do not want us to buy an election. Canadians believe in a level playing field. Canadian history, for the last 30 years, has shown that we can collect money but we have to stop spending it when it is unreasonable.

**Hon. Michael A. Meighen:** Senator Dawson is much younger and probably does not remember that we who worked with Prime Minister Diefenbaker in the Conservative Party many years ago were protected only by game laws against the big money of the Liberal Party. I find it passing strange that we should hear from Senator Dawson that the Liberal Party is now worried about big money. The Liberal Party has always been the party of big money. They always outspent us ten to one.

Now that we have fundraising down to small amounts by many people, thanks to the legislation brought by this government, I have a serious question for the honourable senator. If you are in a minority situation as we are now, and you, as the government, do not know when the opposition parties will vote you down, how do you know when to start calculating the three months?

**Senator Dawson:** First, I must admit I am a little younger than the honourable senator; however, I did have the pleasure of serving in the other place with John Diefenbaker. I was not Mr. Diefenbaker's biggest fan, as Senator Meighen can probably imagine.

The reality is that this bill promotes a level playing field. It is not about the Liberal Party or the Conservative Party; it is about how Canadians perceive politicians and how they spend money. The reality of the past, as the senator will remember, Liberal governments passed most of the laws to which the senator refers. We capped funding much earlier than anyone else in this country, including the provinces. We capped spending on campaigns in the early 1970s. I ran in a few elections, I know the constraints and I certainly believe this is the Canadian way to do it. I do not

believe, like the Honourable Minister for Democratic Reform, that we should be influenced by the American concept of buying elections by spending millions of dollars.

I will get to the precise question, but if you want to take the chance of spending millions of dollars on the eve of a potential defeat in the House of Commons that is your risk to take. The reality is, if that risk is taken and money is spent on ridiculous ads, you must assume the responsibility of having spent that money.

**Hon. Nicole Eaton:** Is the Honourable Senator Dawson saying that the ads are working and this is why he wants to stop them?

**Senator Dawson:** Actually, it is a good opportunity. I do not know who tapes our conversations now. Normally the NDP tape conversations; I did not know you guys did.

When it comes to spending money, we think it has to be controlled by legislation. We are not playing games. Are these as good? In 2008, if you remember, you had 150,000 fewer Conservative votes than you had in 2006. Why? You made Canadians unhappy. Winning is not the only thing. The reality is that because of your negative ads we had the lowest turnout in an election since Confederation.

**Hon. Hugh Segal:** I wish to ask a question of Senator Dawson.

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

**Senator Dawson:** From Senator Segal, it will be easier.

**Senator Segal:** Honourable senators, I too remember when the Liberal government, in a 1972 minority, was forced by a standing committee of the House of Commons chaired by the Honourable Ron Atkey, MP for St. Paul's, by the NDP, Conservatives and thoughtful Liberals, to bring in the initial controls on our spending system.

My question is, if I may say, one that concerns freedom of expression. I happen to believe that every time government acts to limit the freedom of any political party to express its views we are diminishing our democracy.

I agree with Senator Dawson that we have to have rules about how money is collected and in what numbers. I am proud to say that because of people like Senator Gerstein and Senator Eyton we have built in this party a system of small donations, from hundreds of thousands of Canadians, which has increased their influence in this system. I know the Liberal Party, to its credit, is trying to do the same thing. If that transpires, how do we advance democracy by limiting the capacity of political parties?

There may be communications that various parties do not like. There may be communications that educate on policy issues. Why would we want to limit that capacity at a time when democracy needs more encouragement for participation and political parties are key instruments in that process?

**Senator Dawson:** Actually, I have to admit that because of your ads we are probably raising money that we could not have raised if you were not acting so badly. I believe Canadians are embarrassed. The government has a \$50-billion deficit. We are

up to our necks in unemployment and they spend their time on negative political ads. They have two employees from the Prime Minister's Office, on a day off, disguise themselves, claim to be working as volunteers and they describe these ads. Two people who are being paid by the government doing political work but no, they are on their day off. It is shameful.

**Hon. Percy E. Downe:** Would Senator Dawson confirm, as a senator from Quebec, whether the Conservative ads are effective? My understanding is that since they started to run in Quebec, Stephen Harper's party has fallen from third to fourth place behind the NDP.

**Senator Dawson:** That is a very good point. I do not think Quebecers are offended that people can drink cappuccino, espresso or other forms of coffee that are not sold at Tim Horton's.

**Hon. Consiglio Di Nino:** I wish to thank my friend, Senator Dawson, for making debate in the Senate livelier. I feel this will be a most interesting debate. I also want to thank him for the generous comments he made about my recorded statements on the issue of fixed-date elections. Selective though they may be, I appreciate the honourable senator's positive comments.

I am looking forward to debating this in this chamber, certainly there is a lot of interest, and I move the adjournment of the debate.

(On motion of Senator Di Nino, debate adjourned.)

• (1520)

[Translation]

## CRIMINAL CODE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-209, An Act to amend the Criminal Code (protection of children).

**Hon. Céline Hervieux-Payette:** Honourable senators, I must now turn your attention to a rather less exciting matter, but one that, in my opinion, will have a much greater impact on our future as a society, a country, and a world leader.

There are some things that people refuse to see, but later regret having ignored.

As honourable senators know, in 1633, Galileo was condemned by the Catholic Church and forced to recant his scientific belief that the Earth was not the centre of the universe. The scientific community recognized its error a century later. The Catholic Church took somewhat longer and did not acknowledge its error until 1992.

Honourable senators, we have our own Galileos today, those with a scientific conviction that child-rearing violence is the cause of many more ills than we are prepared to believe.

What if the dark side of human nature were the result of standard child-rearing violence?

What if human nature were originally good but was corrupted by totally inappropriate child-rearing techniques?

That is what I will attempt to demonstrate, honourable senators.

[English]

According to Olivier Maurel, author of the book entitled *Oui, la nature humaine est bonne!*, published at the beginning of this year, standard child-rearing violence is a set of violent actions that have been and continue to be used, tolerated and often recommended for raising children and making them obey.

Why do we use child-rearing violence? Parents use violence, although often well-meaning, because they think that little taps, spankings and other blows or punishments will have an impact on children's reasoning, attitude and memory. They believe that children will not misbehave in the same way again because they were punished for their incorrect behaviour.

That is what today's society thinks of our modern Galileos.

Slightly more than 50 years ago, in 1957, many child development experts working in the fields of psychology, paediatrics and neurobiology developed scientific theories that shed new light on old beliefs. These contemporary Galileos believed that standard child-rearing violence causes varying degrees of disruption to a child's personality that has a ripple effect throughout our society.

[Translation]

And how did they reach that conclusion? For some 16 centuries — yes, honourable senators, 16 centuries — it was thought that human nature was inherently evil, that it had to be beaten and tamed, that children had to have evil driven out of them and replaced by good by dint of blows, spankings, whippings and strappings.

That has been our civilization's prevailing paradigm for centuries: the inherent wickedness of human beings, and therefore of children.

To keep things simple, I will focus only on how children are seen in Christianity because that is the faith community to which I belong, but most religions are similar in that regard.

It all starts with a Biblical proverb, "Foolishness is bound in the heart of a child; but the rod of correction shall drive it far from him", and our interpretation of the word "foolishness."

According to scripture, it is said that "Blessed are the poor in spirit" — they were not talking about senators — "for theirs is the kingdom of heaven." That is from Matthew 5:3

The poor in spirit were therefore respected in Scripture, and in the proverb, "foolishness" did not mean dementia or mental illness, but lack of wisdom.

But if it takes violence to instil wisdom, then you will see, honourable senators, that that is contradictory. That would amount to saying that wisdom means submitting to the father's or mother's will, the parent's will.

Originally, child-rearing violence was intended not only to correct the child's misbehaviour, but to remove the child's original sin so that he or she could find wisdom.

In the first three centuries, there was still some uncertainty about the state of human nature before baptism, and this was the case again following Vatican II.

But in the 5th century, based on the interpretation of Holy Scripture, Catholicism invented the doctrine of original sin, according to which:

God, the creator of natures, not vices, created man pure, but man, corrupted by his own will and rightly condemned, begat corrupt children condemned like him.

Saint Augustine later theorized that the proof of original sin lay in a baby's cries when it wanted to be breast-fed. Thus, the most natural possible behaviour became a sign of original sin.

Olivier Maurel writes that all over the world, even in Christian countries, where the cult of Baby Jesus was developed, children have been — and in many countries still are — treated with contempt.

In fact, in contrast to the parable of the prodigal son, where compassion and the son's freedom triumph over punishment, Christian churches have always called for child-rearing violence, which was probably the only method that existed at the time and was passed down from generation to generation. And as a Quebecer, I could talk about how the Duplessis orphans were mistreated.

[English]

This belief in original sin has been resurrected many times over the centuries, either by Christianity, as I have just discussed, Darwinism or psychoanalysis.

The theory of the child-animal grew out of our understanding of Darwinism. This assimilation of the child and the animal gave rise to the idea that human violence is rooted in our animal nature and that children's instincts must therefore be tamed or mastered. Morals must be instilled in them through a form of child rearing that is itself violent.

This, too, is an incorrect interpretation. Darwin says that our moral sense emerges as a consequence of evolution and does not run counter to it. Furthermore, no animal has ever equalled the barbarity of humans. Need we remember that the worst crimes committed in 20th century Europe emerged from the most civilized society on the continent?

[ Senator Hervieux-Payette ]

We do not humiliate and beat children or raise them using violence because of our innate nature or brutishness. No, honourable senators, this is a learned behaviour that is specific to our culture.

[Translation]

I said earlier that psychoanalysis played a significant role in this belief in original sin. I would like to refer to Freud's correspondence, which clearly attests to the fact that his own theory on the Oedipus complex was biased. Unable to incriminate a father who commits incest — as many fathers did at the time — Freud completely distorted Sophocles' tragic play from which he drew his theory.

In Sophocles' tragedy, Oedipus is convinced that his adoptive parents are his real parents and learns of an oracle's curse that he will kill his father and marry his mother. That is what happens.

It is worth noting, however, that in that tragedy, Oedipus does not know that the person he killed is his father or that the person he married is his mother. He is a victim. Remember that Oedipus was abandoned because his father wanted to escape the oracle's curse, after having fallen in love with the son of the king who had welcomed him in his home, abducting the king's son and raping him.

On the other hand, in the Oedipus complex theory, Freud transformed Oedipus into a killer. For Freud, Oedipus is driven to kill his father in order to commit incest. According to Freud, it was a subconscious desire, of which there is no trace in Sophocles' tragedy or in the original myth.

• (1530)

How did such a deformation come about? Freud retold Sophocles' tragedy when he reversed his own position. In January 1886, Freud wrote to a friend about his discovery: the neuroses of his patients could be traced back to the sexual abuse they experienced. But he also talked about the "hostility" engendered by this "truth." In February 1897, in another letter, he stated that the neuroses observed in his brothers and sisters must have resulted from the actions of their father, which he euphemistically termed "seductions." It should be noted that Freud was particularly fond of his father. However, in September 1897, Freud called into question his theory because, in every case examined, the father had to be accused. Freud believed that this recurrent accusation was not intolerable, just simply impossible. It was impossible to generalize to that extent the culpability of fathers, including his own.

Thus the Oedipus complex theory was born and, oddly enough, it became quite possible to generalize the culpability of children. I must add that Freud did not analyse children, even though he is known as the father of psychoanalysis and played an extremely important role in the 20th century.

Hence, as Olivier Maurel wrote:

The more one believes that sin is inherent in a child, the more one believes that it is necessary to expunge it and the less one believes in his innocence, the less one acknowledges and respects him, and the deeper the child is plunged into violence.

[English]

Honourable senators, I have spoken at length about Christianity, Darwin and Freud to demonstrate that the conscious and unconscious way in which we view our children and our child-rearing methods is based on mistaken interpretations and misinformation that has been circulating for centuries. It is only since 1957, with the discovery of the traumatic origins of duromatoma among infants, that our own awareness has grown.

I would remind honourable senators that the world “maltreatment” was coined at the end of the 20th century, not so very long ago.

[Translation]

How can such an error in judgment about human nature have persisted throughout the ages? How can some of us support it even now? Because these practices, honourable senators, which have been passed down both orally and in writing, are considered sacred. Because child-rearing violence has been an accepted part of all societies for as long as humankind has walked the earth. Once we began to believe that children were innately violent, child-rearing methods became secondary. Because, for generations, children have denied what they have been subjected to in order to protect their parents, and sometimes have behaved just as their elders did. Both society and scientists have either denied the facts they observed or interpreted them to their advantage. Parents have always claimed that they are simply exercising their parental rights and that children deserve corporal punishment.

As Olivier Maurel wrote, the custom of beating children led to, then spread and cultivated a negative notion of the child, who then reinforced the belief in the need for violent discipline and even preventive punishment.

Studies have shown that, in addition to manifesting all of the psychological, sexual and learning disorders that can result from standard child-rearing violence, adults may also lack a sense of empathy and compassion and exhibit a certain inclination to submit to authority.

It is worth noting that some of the worst atrocities have taken place in societies with brutal child-rearing methods, such as Germany and Rwanda.

As Maurel pointed out,

The groups of people who have allowed themselves to be seduced by warped and demagogic discourse that led them to catastrophes have almost always been those accustomed to authoritarian, violent child-rearing practices

Obviously, violent child-rearing does not necessarily produce future humanitarians.

If this method worked, given that far more parents have employed child-rearing violence over the past 16 centuries than have not, our societies should be much more peaceful by now. But they are not. On the contrary, the fact that individuals exposed to

repeated violence as children are far more likely to engage in delinquent behaviour, vandalism and sexual abuse proves that child-rearing violence does not create more peaceful societies.

What is more, standard child-rearing violence has negative economic impacts: increased spending on health, school dropouts, and increased spending on prosecutions and arrests.

No, honourable senators, child-rearing violence is not innate. No, it is not programmed into our genes. It is said to have appeared when prehuman communities became more sedentary. But child-rearing violence has been the most commonly used child-rearing practice for thousands of years.

Olivier Maurel asks this question, which I would ask you in turn, “Throughout history and still today, do we know men as they are or as they became after being traumatized in childhood by the upbringing they endured?”

[English]

Honourable senators, it is time for us to listen to our Galileos. It is time to assess the little-known yet devastating effects of the child-rearing practices we have wrongly maintained for centuries.

In Bill S-209, I propose that section 43 of the Criminal Code, which authorizes parents to use force to correct their children, be repealed and replaced with a new section. This new section was passed by the Senate in the previous Parliament, based on events in New Zealand — a Commonwealth country that abolished section 59 of its criminal code in 2007 — and unanimously adopted by our Legal and Constitutional Affairs Committee.

Under this new section of Canada’s Criminal Code, parents would be authorized to use force in only three cases: to prevent harm, to prevent criminal conduct, and to prevent excessively offensive behaviour.

[Translation]

As 25 countries have already done, it is time Canada entered the modern age and carried on its tradition as a peace-loving country that honours human rights.

Honourable senators, it is time we abolished standard child-rearing violence, and above all it is time we enabled Canada to fulfil its responsibilities under the Convention on the Rights of the Child, which Canada ratified a number of years ago but has not implemented.

For the love of our children and future generations, I encourage you to support Bill S-209.

[English]

**Hon. Sharon Carstairs:** I would like to ask the honourable senator a question, please.

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

**Senator Hervieux-Payette:** Yes.

**Senator Carstairs:** In April, honourable senators, I was in Ethiopia attending a meeting of the Inter-Parliamentary Union. I chair its Committee on the Human Rights of Parliamentarians. I was presented with the Constitution of Ethiopia and read it with great interest. The Constitution — the most fundamental law of the country — prohibits the corporal punishment of children.

Would the honourable senator explain to me, because I find it inexplicable, why a country like Ethiopia can ban the corporal punishment of children but we cannot do it in Canada?

**Senator Hervieux-Payette:** There was a motion in the European Union Parliament stipulating that each of the 27 countries modify its laws to prevent any violence toward children, and so far over 20 countries have adopted it.

• (1540)

In Latin American countries like Costa Rica, I have seen signs similar to those one sees for traffic violations; red signs with a cross on them and the hand of a parent, indicating that they should not mistreat their children. In fact, they have campaigns about it. We need to educate people here.

Honourable senators, this is the third time that I have spoken about this subject. That is why I decided to go back to the origin of this question. Historically, we have been programmed to do that, but we have the scientific knowledge that this has created damage to our population and has caused a lot of problems for couples. By teaching harmony and by educating children without violence, we would serve the best interests of Canada. We would certainly be prouder when we meet our colleagues in the rest of the world because we would be abiding by the principles of the United Nations Convention on the Rights of the Child.

**Hon. Percy E. Downe:** Honourable senators, I received correspondence from the Prince Edward Island Teachers' Federation indicating that they are concerned that the loss of section 43 in the Criminal Code, without replacement in the form of some sort of protection for teachers, would put Prince Edward Island teachers at great risk of assault charges for as little as breaking up a fight or for protecting a student from harming herself or himself or others. Can the honourable senator comment on that, please?

**Senator Hervieux-Payette:** My two previous bills purported to repeal the whole section and not replace it with what I have submitted to the chamber now, which we adopted in the last Parliament after very extensive consultations.

First, the judgment of the Supreme Court does not give the right to teachers to correct children. They established many limitations therein; for example, teachers cannot physically touch a child before the age of 2 and after the age of 12. Right now, it is only between the ages of 2 and 12 that a child can be hit.

The study conducted by Statistics Canada shows us that children are violently and physically touched mostly between the ages of three and six. As far as I am concerned, this is when a child's personality, identity and relationship with the rest of the world are forming. This is the worst age to touch a child physically. It is prohibited in this country.

The Supreme Court has interpreted section 43 and I propose to make modifications. These modifications were accepted by Senator Andreychuk and other members of the Standing Senate Committee on Legal and Constitutional Affairs. My hope is that our colleagues here will help us move forward so that Canada will be able to report to the United Nations that we now abide by the Charter of Rights.

**Senator Downe:** I have also received correspondence from the Canadian Teachers' Federation. They outline, as you correctly pointed out, the changes that you are proposing. I would like you to comment on their position.

They state that the impact of the amendment contained in Bill S-209 would create more problems than it would resolve. They believe that the amendment introduces new concepts such as "excessively offensive or disruptive behaviour" and a definition of "reasonable force" that suggests a far greater degree of exposure to prosecution under section 43. They further state that the proposed amendment throws the current defence afforded by section 43 into disarray and removes the essential protection afforded to teachers in Canada. Could you comment on that as well?

**Senator Hervieux-Payette:** That is not the only teachers' federation that has written to us on this question. I think the committee will hear their arguments, but I would like to differ with their opinion.

Honourable senators, when a definition is too broad or when there is no definition, it is important to clarify. That is why I supported modifying the definition. We have the New Zealand experience. We can certainly contact them again, as this is now 2009. When we had these exchanges with our New Zealand colleagues, they brought forward the same amendments and repealed the same section to provide more clarity.

We have other defences. We have the defence of *de minimis*, which means that if, in a gesture of impatience, you push your child because he or she is being too nasty, you will not go before the court; no judge will hear a case like that. Also, if two children are fighting each other and could be harmed, you have to use a certain amount of force. That is covered now, and I think there is a limitation on the kind of violence. The phrase "reasonable force" was too broad.

A case was reported either this week or last week in Alberta. A school bus driver was driving a disabled child who was a bit nasty. The bus driver put one of his stockings into the child's mouth, taped his mouth and then taped him to his seat. The judge said that was reasonable force. As a mother, if I had a disabled child and he was treated like that, I would certainly not think that it was appropriate to react in such a violent manner. The child has already had difficulty adapting to life. Moreover, you are brutalizing that child, which is totally unacceptable.

Honourable senators, I would like to pass along an anecdote. I was celebrating the anniversary of a friend who is a judge. I invited 15 judges to the celebration. Most, who were over 60 years of age, had been spanked when they were younger. That is why I went back into history to explain the origin of this behaviour. It is not because it was done before and has been done

for centuries. We now have scientific evidence that this behaviour traumatizes children and has a bad influence not only on the individual but also on society as a whole in terms of creating a shadow of violence.

Honourable senators, we are not being innovative here. We are 20 years behind Sweden and several years behind most OECD countries.

**Senator Downe:** I appreciate the senator's comments. I am not in any way advocating violence towards children; I am raising the concerns of the Canadian Teachers' Federation and the Prince Edward Island Teachers' Federation as they have been relayed to me.

My understanding is that the Canadian Teachers' Federation is opposed to this bill because they are concerned, as is the P.E.I. Teachers' Federation, that there are more likely to be false accusations and teachers being accused of offences. This will be damaging for the teachers and their families. I hope these issues are fully covered in committee.

**Hon. Joan Fraser:** I was out of the chamber at the beginning of the Honourable Senator Hervieux-Payette's speech, so she may have already answered the first of my questions and perhaps both. For the sake of clarity, I will ask them anyway.

First, can she confirm that this is the same bill, except for dates and whatnot, that was presented to the Senate after it went through the committee the last time?

Second, since I was part of the committee that worked hard on that bill, can she confirm that the fundamental thrust of the amendments that were made was to enable people like teachers to use reasonable force where it is necessary to control a child who needs, for one reason or another, to be controlled, but not to allow the use of force as a punishment? Is that a fair summary of what we did?

**Senator Hervieux-Payette:** We worked with a very good committee and individuals with a lot of expertise. Children who are in school have spent at least five or six years at home. Today, we deplore the fact that there is a lot of bullying and violence in schools. That proves exactly what I have been trying to explain, namely, that when you are treated with violence by your parents, you deduce that it is permissible to do so and that you can do the same. You think, "If an adult is doing it, why can I not do it?"

• (1550)

I would like to have hearings with the teachers' federation.

My bill is the same as the one we adopted. I have not changed one comma in it. The amendments were made to clarify interventions to protect a child from violence. "Reasonable force" was not sufficiently specific and could lead to some abuse. The way it now reads provides protection for both the children and the teachers.

(On motion of Senator Wallace, debate adjourned.)

## VICTIMS OF HUMAN TRAFFICKING PROTECTION BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Phalen, seconded by the Honourable Senator Banks, for the second reading of Bill S-223, An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures in order to provide assistance and protection to victims of human trafficking.

**Hon. Sharon Carstairs:** I would like to put a few words on the record for clarification. I have had discussions with Minister Kenney and his officials, who have indicated that they are in favour of the principle of this bill, but that they have difficulty with some of the wording. We are now working together to find a bill that would be acceptable to Senator Phalen, who was the originator of the bill, as well as to the government of the day. I think we should keep this bill alive and active until such time as we have those clarifications.

**Hon. Fred J. Dickson:** I support the remarks of Senator Carstairs. Likewise, I have had conversations with our deputy leader, and I think this is proceeding down the right road.

(On motion of Senator Dickson, debate adjourned)

## CITIZENSHIP ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Brown, for the second reading of Bill S-225, An Act to amend the Citizenship Act (oath of citizenship).

**Hon. Fred Dickson:** Honourable senators, I have had discussions on this bill with Senator Segal. Hopefully, we can move forward with it next week. It is rather technical, but it will not take a long time to put notes together.

(On motion of Senator Dickson, debate adjourned.)

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Committee on Internal Economy, Budgets and Administration (*committee budgets—legislation*), presented in the Senate on May 7, 2009.

**Hon. Joan Cook** moved the adoption of the report.

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

(Motion agreed to and report adopted.)

## STUDY ON STATE OF EARLY LEARNING AND CHILD CARE

### FIFTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Early Childhood Education and Care: Next Steps*, tabled in the Senate on April 28, 2009.

**Hon. Art Eggleton** moved the adoption of the report.

He said: Honourable senators, I am delighted to speak to the report entitled *Early Childhood Education and Care: Next Steps*, which was tabled in the Senate on April 28 after receiving support at the committee from members on both sides of this chamber.

Honourable senators are aware that this report had its genesis in a study conducted by the OECD in 2006, a study that placed Canada last among 14 countries in terms of spending on child care and early learning.

In a more recent report by UNICEF, Canada again placed last in the ranking of early child care services offered by 25 developed countries. This house understood that record, that performance, was simply not good enough. Therefore, in February of last year, the Standing Senate Committee on Social Affairs, Science and Technology, which I chair, was given two tasks. The first was to examine the state of early learning and child care in Canada. The second was to study and report on the declaration, the challenge, made in the OECD report that said:

... significant energies and funding will need to be invested in the field to create a universal system in tune with the needs of a full employment economy, with greater gender equity and with new understandings of how young children develop and learn.

I want to thank all the members and staff of our committee for their hard work and the long hours that they committed to these issues. In particular, I want to acknowledge former Senator Marilyn Trenholme Counsell, who is with us today in the gallery, whose passion and energy were the driving force behind our efforts.

During the course of our hearings, the committee heard from child care providers and advocates from across the country. We heard from Human Resources and Skills Development Canada as well as from experts in childhood development from both Canada and abroad. We conducted an in depth analysis of the OECD reports as they relate to Canada as well as several other countries whose early learning and child care programs were more developed than our own.

We found that while we claim to understand the importance of early learning and child care and applaud its intentions, we are falling behind, failing our children and our families and jeopardizing our future.

I do not intend to repeat the content of our report — it is over 200 pages — but I will quickly touch on some of the key findings and issues.

The OECD's work was extremely instructive in identifying what successful countries are doing in terms of early learning and child care and where Canada can do better. The best models view early learning as part of the continuum of education, not separate from it. I will repeat that sentence because it is fundamental to the points I want to make today. The best models view early learning as part of the continuum of education, not separate from it.

Many countries, for example, are providing at least two years of kindergarten before children enter compulsory schooling. The goal is to have children arrive in school ready to learn, because children who arrive at school ready to learn become adults prepared to succeed.

Recognizing that early learning is so important, its impact on later life outcome so powerful, the OECD recommends a systematic, integrated approach, including a coordinated policy framework with a lead ministry.

• (1600)

Best practices also point to providing universal access, recognizing that quality of early learning is too often determined by the income of parents. For example, in the United States only 45 per cent of three- to five-year-olds from low income groups are in early childhood programs compared to 75 per cent from wealthier families. In Canada only 20 per cent of single parents and 5 per cent of disadvantaged groups are covered.

The OECD also points out that countries with successful early childhood policies make a substantial investment in services and infrastructure, in training staff and ensuring quality. For example, Australia has a nationwide quality accreditation system that evaluates learning experiences of children and the relationships among children, parents and their careers, as well as the types and quality of programs offered in child care centres nationwide.

Finally, the best programs are systematic in collecting data, monitoring progress and measuring outcomes. This information helps to ensure that progress is made, access is expanded and best practices are adopted.

Honourable senators, our committee was enormously impressed by the testimony we heard about the effect of early learning in child care on the development of young children.

"Give me a child until he is seven, and I will give you the man," is the Jesuit saying. One of the most consistent and compelling messages to come from experts we heard was the critical importance of early childhood development in influencing the kind of adults that children become. What we sow in childhood, we reap in adulthood.

This saying is true of everything from brain development to health and social outcomes. For example, Dr. Fraser Mustard pointed out that brain development in the early years establishes neurological pathways that affect health, learning and behaviour for life.



The remarkable power of quality early learning and child care improves reading and math scores, boosts IQ and improves graduation rates. In terms of value for money, early learning is among the best investments any society can make. As the adviser on Healthy Children and Youth to the Minister of Health, Dr. Kellie Leitch reported recently, every \$1 invested in early childhood development is worth between \$3 and \$18 later in life.

Those numbers are compelling. They include everything from added tax revenue from higher wages to cost savings on social welfare, health and justice systems. It is an outstanding return on investment with solid savings to the taxpayer. It is a good investment in our future.

Seen from this perspective, early learning and child care is about much more than transferring care-giving responsibility from parent to someone else. It is about shaping our future by investing in our children. The quality of nurturing received between birth and age eight has a decisive, long-lasting impact on learning behaviour and health. A productive, fulfilling life is greatly facilitated by seamless support and care during this critical period of child development.

Yet, at the moment, there is a disconnect. An American study found that 85 per cent of brain development takes place by age three. However, only four per cent of educational dollars are spent to that point in time.

Here in Canada, we understand the importance of quality child care, but we do not provide enough of it. We acknowledge the role early learning plays in preparing children for school and intellectual development, but treat it as separate from the overall education policy.

Indeed, while education in Canada is seen as a public entitlement, child care is treated as a private problem. The result is an artificial divide between the critical pre-school years and the child's overall development. The outcome, too often, is that children arrive at school unprepared to learn.

Honourable senators, I know a wide variety of opinions exists on how best to deliver programs when it comes to early learning and child care. However, I think we can all agree on one thing: Parents are the first and most important providers of early learning opportunities and care for their children. There is no substitute for good parenting. Ideally, every child would have a full-time parent at home with them during those first critical years.

However, as responsible policy-makers, we must deal with the world as it is, not with how it was or how we wish it would be. The reality is that today, 70 per cent of families have two parents working, up from 30 per cent in the 1970s.

Moreover, in our mobile society, few people live near relatives who can help out. What is the result? Parents look to their communities and governments to make a greater commitment to providing quality early childhood education and care.

Honourable senators, parents work hard. They are trying to make ends meet. They have demanding work schedules. They are doing the best for their kids, but, too often, not receiving the

support or options they need. For too many of these families, quality child care is unaffordable or unavailable.

We also know that in an ideal world, every child would be born into families where parents have the skills to undertake the responsibilities they face. Again, reality is often different.

Our committee heard compelling evidence of the importance of the first 24 months of life on the "wiring of the brain" and on preparing children for later development, and how critical it is that parenting skills be taught.

Most of our provinces provide some form of training and support for parents, but too often parenting skills, school readiness, child care, pre-school and kindergarten are treated separately. The various parts are working in silos, not in sync.

Similarly, wonderful research is taking place across the country, but it is not being brought together into national evidence on early child development. In some cases, we do not know if we are making progress because we lack the data to make solid assessments. This lack of information is not only an academic issue. It has real consequences for how policy is written or not written in Canada. As Dr. Mustard put it succinctly, "No data, no problem, no policy."

On the federal side, a number of initiatives are aimed at helping families, especially through the tax system. The Universal Child Care Benefit is helpful, although it does not nearly meet the cost of quality early learning and child care outside the home. Also, the Child Tax Credit is not refundable, which means that it does not help low-income parents who do not pay taxes. We need to rethink direct support to parents through federally funded transfers to ensure that funds are provided to families who need them.

In those areas where the federal government has direct responsibility — such as Aboriginal children — the record is not encouraging. Incidents of infant mortality, premature birth, low birth rates, Fetal Alcohol Spectrum Disorder, behaviour challenges as well as cognitive and language delays are all more prevalent in our Aboriginal communities.

Clearly, much more work is to be done by all levels of government to give early learning and child care the importance and profile it deserves. What is needed is a political commitment to policies that shape a child's development and show a nation's priorities.

Our committee has made four specific recommendations to translate good intentions into public policy.

First, appoint a minister of state for children and youth. We have a Minister of State for Seniors — why not one for youth? This appointment would not only send a clear signal that Canada understands the importance of young people for our future, but would provide focus and direction to advance quality early learning, parenting programs, child care and research into human development.

Second, appoint a national advisory council on children to advise that minister of state. Draw on the best minds from across the country. Have parents, experts in child development, Aboriginal and community leaders and parliamentarians all contributing ideas and providing feedback.

Third, call a series of meetings of federal, provincial and territorial ministers responsible for children within one year to establish a pan-Canadian framework to provide policies and programs to support children and their families and establish a federal-provincial-territorial council of ministers responsible for early learning, child care and parental supports. There is no doubt that the provincial responsibility, together with the federal responsibility, requires a lot of collaboration.

Such a framework will recognize and respect that, while federal leadership is essential, it is provincial governments that regulate early learning and make decisions about funding. We need to allow provincial governments the flexibility to respond to local priorities.

Fourth, create a system of data collection, evaluation and research so that we can measure progress. See how we are doing. As the OECD report advised:

A federal secretariat could support . . . the work of the provinces in early education and care, build bridges between certification and training regimes across the country, develop pan-Canadian standards and encourage common data collection. A dedicated federal department could also take the lead in the field of research and public information.

• (1610)

Honourable senators, past governments have responded to the needs of families in their times through, for example, the establishment of the Family Allowance in 1945, The Child Care Expense Deduction in 1971 and the Canada Child Tax Benefit in 1997. It is now time to meet the new demands of our time. We need to respond to the reality of two-income families and lone parents. We need to respond to the inequity of access — to the differences in opportunity between the rich and the poor and between Aboriginal and non-Aboriginal. We need to respond to the variability in quality. We need to prepare our children to compete in an economy driven by ideas, ingenuity and imagination — an economy where our children will compete against highly educated children from around the world.

Honourable senators, why not early learning for our children? Why not unlock the potential inside every child? Why not a minister devoted to making this happen? Why not a country that matches its rhetoric about its children with its resources for those children? Why not make the Government of Canada a champion for families in the 21st century?

(On motion of Senator Keon, debate adjourned.)

[ Senator Eggleton ]

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Committee on Internal Economy, Budgets and Administration (*committee budgets—legislation*), presented in the Senate on April 23, 2009.

**Hon. Joan Cook:** Honourable senators, I move the adoption of the fourth report of the Standing Committee on Internal Economy, Budgets and Administration, standing in the name of Senator George Furey.

(Motion agreed to and report adopted).

## TREATY ON CLUSTER MUNITIONS

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hubley calling the attention of the Senate to the Treaty on Cluster Munitions.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, this item is at day 14 and Senator Wallin has asked me to adjourn the debate in her absence, so that this item does not fall off the Order Paper. Therefore, I move the adjournment for the remainder of Senator Wallin's time.

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

[Translation]

## CONFERENCE ON COMBATING ANTISEMITISM

### MOTION TO SUPPORT LONDON DECLARATION—DEBATE CONTINUED

On the Order:

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

That the Senate endorse the following Declaration, adopted by the Conference on Combating Antisemitism, held at London, United Kingdom, from February 15 to 17, 2009:

### THE LONDON DECLARATION ON COMBATING ANTISEMITISM

#### Preamble

We, Representatives of our respective Parliaments from across the world, convening in London for the founding Conference and Summit of the Inter-parliamentary Coalition for Combating Antisemitism, draw the

democratic world's attention to the resurgence of antisemitism as a potent force in politics, international affairs and society.

We note the dramatic increase in recorded antisemitic hate crimes and attacks targeting Jewish persons and property, and Jewish religious, educational and communal institutions.

We are alarmed at the resurrection of the old language of prejudice and its modern manifestations — in rhetoric and political action — against Jews, Jewish belief and practice and the State of Israel.

We are alarmed by Government-backed antisemitism in general, and state-backed genocidal antisemitism, in particular.

We, as Parliamentarians, affirm our commitment to a comprehensive programme of action to meet this challenge.

We call upon national governments, parliaments, international institutions, political and civic leaders, NGOs, and civil society to affirm democratic and human values, build societies based on respect and citizenship and combat any manifestations of antisemitism and discrimination.

**We today in London resolve that;**

#### **Challenging Antisemitism**

1. **Parliamentarians** shall expose, challenge, and isolate political actors who engage in hate against Jews and target the State of Israel as a Jewish collectivity;
2. **Parliamentarians** should speak out against antisemitism and discrimination directed against any minority, and guard against equivocation, hesitation and justification in the face of expressions of hatred;
3. **Governments** must challenge any foreign leader, politician or public figure who denies, denigrates or trivialises the Holocaust and must encourage civil society to be vigilant to this phenomenon and to openly condemn it;
4. **Parliamentarians** should campaign for their Government to uphold international commitments on combating antisemitism — including the OSCE Berlin Declaration and its eight main principles;
5. **The UN** should reaffirm its call for every member state to commit itself to the principles laid out in the Holocaust Remembrance initiative including specific and targeted policies to eradicate Holocaust denial and trivialisation;

6. **Governments and the UN** should resolve that never again will the institutions of the international community and the dialogue of nation states be abused to try to establish any legitimacy for antisemitism, including the singling out of Israel for discriminatory treatment in the international arena, and we will never witness — or be party to — another gathering like Durban in 2001;
7. **The OSCE** should encourage its member states to fulfil their commitments under the 2004 Berlin Declaration and to fully utilise programmes to combat antisemitism including the Law Enforcement programme LEOP;
8. **The European Union**, inter-state institutions and multilateral fora and religious communities must make a concerted effort to combat antisemitism and lead their member states to adopt proven and best practice methods of countering antisemitism;
9. **Leaders of all religious faiths** should be called upon to use all the means possible to combat antisemitism and all types of discriminatory hostilities among believers and society at large;
10. **The EU Council of Ministers** should convene a session on combating antisemitism relying on the outcomes of the London Conference on Combating Antisemitism and using the London Declaration as a basis.

#### **Prohibitions**

11. **Governments** should take appropriate and necessary action to prevent the broadcast of explicitly antisemitic programmes on satellite television channels, and to apply pressure on the host broadcast nation to take action to prevent the transmission of explicitly antisemitic programmes;
12. **Governments** should fully reaffirm and actively uphold the Genocide Convention, recognising that where there is incitement to genocide signatories automatically have an obligation to act. This may include sanctions against countries involved in or threatening to commit genocide or referral of the matter to the UN Security Council or initiate an inter-state complaint at the International Court of Justice;
13. **Parliamentarians** should legislate effective Hate Crime legislation recognising “hate aggravated crimes” and, where consistent with local legal standards, “incitement to hatred” offences and empower law enforcement agencies to convict;
14. **Governments** that are signatories to the Hate Speech Protocol of the Council of Europe ‘Convention on Cybercrime’ (and the ‘Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems’) should enact domestic enabling legislation;

**Identifying the threat**

15. **Parliamentarians** should return to their legislature, Parliament or Assembly and establish inquiry scrutiny panels that are tasked with determining the existing nature and state of antisemitism in their countries and developing recommendations for government and civil society action;
16. **Parliamentarians** should engage with their governments in order to measure the effectiveness of existing policies and mechanisms in place and to recommend proven and best practice methods of countering antisemitism;
17. **Governments** should ensure they have publicly accessible incident reporting systems, and that statistics collected on antisemitism should be the subject of regular review and action by government and state prosecutors and that an adequate legislative framework is in place to tackle hate crime.
18. **Governments** must expand the use of the EUMC 'working definition' of antisemitism to inform policy of national and international organisations and as a basis for training material for use by Criminal Justice Agencies;
19. **Police services** should record allegations of hate crimes and incidents — including antisemitism — as routine part of reporting crimes;
20. **The OSCE** should work with member states to seek consistent data collection systems for antisemitism and hate crime.

**Education, awareness and training**

21. **Governments** should train Police, prosecutors and judges comprehensively. The training is essential if perpetrators of antisemitic hate crime are to be successfully apprehended, prosecuted, convicted and sentenced. The OSCE's Law enforcement Programme LEOP is a model initiative consisting of an international cadre of expert police officers training police in several countries;
22. **Governments** should develop teaching materials on the subjects of the Holocaust, racism, antisemitism and discrimination which are incorporated into the national school curriculum. All teaching materials ought to be based on values of comprehensiveness, inclusiveness, acceptance and respect and should be designed to assist students to recognise and counter antisemitism and all forms of hate speech;
23. **The OSCE** should encourage their member states to fulfill their commitments under the 2004 Berlin Declaration and to fully utilise programmes to combat antisemitism including the Law Enforcement programme LEOP;

24. **Governments** should include a comprehensive training programme across the Criminal Justice System using programmes such as the LEOP programme;
25. **Education Authorities** should ensure that freedom of speech is upheld within the law and to protect students and staff from illegal antisemitic discourse and a hostile environment in whatever form it takes including calls for boycotts;

**Community Support**

26. **The Criminal Justice System** should publicly notify local communities when antisemitic hate crimes are prosecuted by the courts to build community confidence in reporting and pursuing convictions through the Criminal Justice system;
27. **Parliamentarians** should engage with civil society institutions and leading NGOs to create partnerships that bring about change locally, domestically and globally, and support efforts that encourage Holocaust education, inter-religious dialogue and cultural exchange;

**Media and the Internet**

28. **Governments** should acknowledge the challenge and opportunity of the growing new forms of communication;
29. **Media Regulatory Bodies** should utilise the EUMC 'Working Definition of antisemitism' to inform media standards;
30. **Governments** should take appropriate and necessary action to prevent the broadcast of antisemitic programmes on satellite television channels, and to apply pressure on the host broadcast nation to take action to prevent the transmission of antisemitic programmes;
31. **The OSCE** should seek ways to coordinate the response of member states to combat the use of the internet to promote incitement to hatred;
32. **Law enforcement authorities** should use domestic "hate crime", "incitement to hatred" and other legislation as well as other means to mitigate and, where permissible, to prosecute "Hate on the Internet" where racist and antisemitic content is hosted, published and written;
33. **An international task force** of Internet specialists comprised of parliamentarians and experts should be established to create common metrics to measure antisemitism and other manifestations of hate online and to develop policy recommendations and practical instruments for Governments and international frameworks to tackle these problems.

### Inter-parliamentary Coalition for Combating Antisemitism

34. **Participants** will endeavour to maintain contact with fellow delegates through working group framework; communicating successes or requesting further support where required;
35. **Delegates** should reconvene for the next ICCA Conference in Canada in 2010, become an active member of the Inter-parliamentary Coalition and promote and prioritise the London Declaration on Combating Antisemitism.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I see that this item has been on the Order Paper for fifteen days now. Given the importance of the subject, I would like to move the adjournment of the debate in the name of Senator Grafstein.

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

[English]

### RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

#### COMMITTEE AUTHORIZED TO STUDY SENATE COMMITTEE MEMBERSHIP

**Hon. Sharon Carstairs,** pursuant to notice of May 26, 2009, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament examine the manner in which committee substitutions are made and in particular the need for temporary as well as permanent replacements of committee members.

She said: Honourable senators, several weeks ago I was to give a speech in Manitoba on the committee's report on aging and I knew that I would miss a meeting of the Joint Committee of the Library of Parliament. I did what I have always done during my 15 years as a senator and I found a replacement for myself. Senator Banks graciously agreed that he would replace me on that committee. I informed the whip of the arrangement. Afterward, I received an interesting call from the Clerk of the Standing Joint Committee on the Library of Parliament to say that I should reconsider having a replacement because it could jeopardize my position as joint chair of the committee. I was referred to sections of *Marleau and Montpetit* with respect to committees, which is increasingly becoming our procedural bible.

Honourable senators, I suggest that it is no great honour to be the joint chair of the Standing Joint Committee on the Library of Parliament. Honourable senators, it is no great honour to be the joint chair of this committee as it is the only one so devalued that there is no payment as chair! I thought that perhaps it might be a good way to get out of doing some work. However, I have to put on the record that I never believed in the fact that chairs should be paid to chair committees. I never agreed with that payment but I agree that chairs should receive additional remuneration for

staff. I do this work because I believe in service, and so I presently serve as joint chair of the Joint Committee on the Library of Parliament.

Honourable senators, we do not have a system of temporary replacement. I would ask honourable senators who are interested to look at page 732 of today's *Journals of the Senate* where you will find, under the title, changes in membership in committees, pursuant to rule 85(4). It names a committee and states: "The Honourable Senator A has been replaced by the Honourable Senator B." It is important to take note of the word, "replaced." It does not say "substituted" or "substituted for a particular day" or "temporarily replaced." It simply says "replaced." In order to return as a member of a committee, an honourable senator needs to be replaced.

Therefore, for a period of time, the senator who has been replaced is not serving as a member of that committee. Honourable senators, follow my logic. If you are not serving as a member of that committee, how can you be the chair of that committee because the chair of any committee must be a member of that committee? By the way, the deputy chair must also be a member, because the deputy chair is duly elected by the committee as the chair and deputy chair.

• (1620)

I do not think that the purpose of this particular set of rules is to keep changing the chairs and deputy chairs of committees. I do not think that was ever the intention. However, our rules should not be muddy. There should be clarity in our rules.

What I seek to accomplish by this motion is to ask the Standing Committee on Rules, Procedures and the Rights of Parliament to examine the matter. I ask them to look at the broad ramifications.

Should we, for example, have a system of temporary substitutions, which would mean that if a senator needed to be absent for a day or two, the temporary substitution would in no way impact on the orderly conduct of that committee in terms of the chair or the deputy chair of that committee.

The Rules Committee should also take a look as to whether we might want a permanent replacement under some circumstances. For example, if a senator no longer wants to serve on a committee, can we make a permanent replacement, which we can do now?

What about the situation in which a senator retires and we want to make that replacement? What about a senator who has a debilitating illness and knows they will be absent for a considerable length of time and therefore has agreed to a permanent replacement in their place?

Or perhaps — and this is something that I think, as politicians, we have to deal with — they are a bit of a rogue and their leadership has decided they do not want them on that committee any more because they consistently do not vote with their side.

Honourable senators, I have been in this place for almost 15 years. As the chair of committees, I have had replacements. No one has challenged that replacement and sought to have me replaced on the day when I am not there. However, we should not

leave our rules unclear, mushy or subject to unintentional interpretation. We must always try to ensure that our rules have as much clarity as possible.

Therefore, I ask that this motion, which sends this issue to the committee, be passed as soon as possible.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I congratulate Senator Carstairs for taking the initiative to bring forth this extremely important gap in our rules.

[*Translation*]

It is a gap in our rules that we should fill. There should be no gaps in our rules. This chamber must follow the rules, and each one of us must accept them and know them with as little ambiguity as possible.

The Committee on Rules, Procedure and the Rights of Parliament is conducting a study of the committee system. The point that was raised could be included in that study. The issue is urgent and important, and we should resolve it as soon as possible.

Consequently, I move adoption of this motion.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

#### ADJOURNMENT

Leave having been given to revert to Government 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, June 2, 2009, at 2 p.m.

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

(Motion agreed to.)

(The Senate adjourned until June 2, 2009, at 2 p.m.)

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## THE SENATE OF CANADA PROGRESS OF LEGISLATION

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

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

**Thursday, May 28, 2009**

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

### GOVERNMENT BILLS (SENATE)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Customs Act	09/01/29	09/03/03	National Security and Defence	09/03/31	1	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	*09/05/14	8/09
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							
S-7	An Act to amend the Constitution Act, 1867 (Senate term limits)	09/05/28							

### GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-2	An Act to implement the Free Trade Agreement between Canada and the States of the European Free Trade Association (Iceland, Liechtenstein, Norway, Switzerland), the Agreement on Agriculture between Canada and the Republic of Iceland, the Agreement on Agriculture between Canada and the Kingdom of Norway and the Agreement on Agriculture between Canada and the Swiss Confederation	09/03/31	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	09/05/13	Transport and Communications	09/05/28	0			
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	*09/05/14	7/09

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-7	An Act to amend the Marine Liability Act and the Federal Courts Act and to make consequential amendments to other Acts	09/05/14							
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	09/05/13 Message from Commons-agree with Senate amendment 09/05/14	*09/05/14	9/09
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	09/05/27	Legal and Constitutional Affairs					
C-16	An Act to amend certain Acts that relate to the environment and to enact provisions respecting the enforcement of certain Acts that relate to the environment	09/05/14	09/05/27	Energy, the Environment and Natural Resources					
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-18	An Act to amend the Royal Canadian Mounted Police Superannuation Act, to validate certain calculations and to amend other Acts	09/05/12	09/05/28	National Finance					
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
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C-28	An Act to amend the Cree-Naskapi (of Quebec) Act	09/05/27							
C-29	An Act to increase the availability of agricultural loans and to repeal the Farm Improvement Loans Act	09/05/27							



## COMMONS PUBLIC BILLS

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

## SENATE PUBLIC BILLS

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-201	An Act to amend the Library and Archives of Canada Act (National Portrait Gallery) (Sen. Grafstein)	09/01/27							
S-202	An Act to amend the Canada Elections Act (repeal of fixed election dates) (Sen. Murray, P.C.)	09/01/27							
S-203	An Act to amend the Business Development Bank of Canada Act (municipal infrastructure bonds) and to make a consequential amendment to another Act (Sen. Grafstein)	09/01/27	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					
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	09/05/14	0	09/05/26		
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							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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	09/05/14	2			
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					
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	09/05/14	Legal and Constitutional Affairs					
S-225	An Act to amend the Citizenship Act (oath of citizenship) (Sen. Segal)	09/02/10							
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No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
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No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

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