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**Thursday, June 4, 2009**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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

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## THE SENATE

Thursday, June 4, 2009

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

• (1335)

Prayers.

If we are to help more Canadian inmates succeed once they leave the prison system, the federal government must provide social programs and skills training that will help them become contributing members of society.

### SENATORS' STATEMENTS

#### AGRICULTURAL PRISON FARMS

**Hon. Catherine S. Callbeck:** Honourable senators, more than two months ago, the federal government announced it would cancel the agriculture programs at six prison farms across Canada. The government claimed these programs were "uneconomical," and it was said that agricultural employment training was not useful for today's job market.

I would respectfully disagree. Not all successes can be measured in monetary terms, by costs and savings. The hundreds of inmates across the country who worked in these farm programs learned employment and trade skills, like equipment operation and repair. They also learned about attitudes, such as teamwork, responsibility and pride in a job well done. In addition, it has been shown time and again that working with and caring for plants and animals provides rehabilitation and therapy for inmates. Prison farms also provided nutritious food for inmates and staff in the present system.

The loss of these programs will also impact the communities around the institutions. In a news release, Craig Jones, Executive Director of the John Howard Society of Canada, said:

... prison farms are integrated into the local economies of agricultural producers across the country.

He also noted that the farms have:

... beneficial consequences for the communities in which they are located.

For example, the Partners in Mission Food Bank in Kingston received more than 2,000 dozen eggs every year from the prison farm in the Kingston area.

New Brunswickers have recently launched a province-wide campaign to save the farm at Westmorland Institution at Dorchester. The prison farm there currently employs 62 inmates and produces a number of items including eggs, milk and vegetables. The harvests are provided to the prison inmate population, local food banks and surrounding communities.

I urge the federal government to reconsider its decision and to do a thorough review of the agricultural programs at prison farms. I understand that Minister Van Loan has already pledged to keep the abattoir in Kingston open, citing the employment skills training it provides.

#### THE RIGHT HONOURABLE JOHN NAPIER TURNER, P.C., C.C.

#### CONGRATULATIONS ON EIGHTIETH BIRTHDAY

**Hon. Hugh Segal:** Honourable senators, on June 7, the Right Honourable John Napier Turner will celebrate his eightieth birthday. He is Canada's oldest living prime minister. The Right Honourable John Turner was Canada's seventeenth Prime Minister, and while his tenure was the shortest next only to Charles Tupper, Prime Minister Turner's long and laudable career up to that point included appointments as Minister of Consumer and Corporate Affairs under Lester Pearson, and Minister of Justice and Minister of Finance under Pierre Elliott Trudeau.

Perhaps, however, his most propitious and, for me, most fortunate moment came in the winter of 1965 when young Mr. Turner and his wife were vacationing in our Commonwealth partner country, Barbados. Ms. Turner noticed an older gentleman having trouble navigating the surf and alerted her husband to the situation. John Turner had been a competitive swimmer in university, and he immediately plunged into the ocean, grabbed the gentleman, struggled against the undertow and swam back to shore.

The older gentlemen came round just as John was about to start mouth-to-mouth resuscitation. The man saved that day was the former Progressive Conservative Prime Minister, the Right Honourable John George Diefenbaker, rescued by a future Liberal Prime Minister, John Turner. As Liberals are not known for saving Tories, generically, this speaks to the decency and courage of John Turner.

As Minister of Justice, he improved the judicial appointments process, broadening federal consultations to provincial attorneys general and law societies prior to appointment. He had a difficult role to play during the days of the 1970 War Measures Act, and when he introduced the Public Order Act to extend the legislation, the MP whom I was employed by, David MacDonald, member for Egmont, P.E.I., was opposed to that bill and stood alone in the entire house. However, no one ever doubted for a second that John Turner acted sincerely in what he perceived as the compelling public interest.

He sought the Liberal leadership twice, succeeding once and failing in an earlier bid. However, the 195 supporters who stood with him on the last ballot against Mr. Trudeau in 1968 stayed, and remain loyal to him to this day.

He resigned from cabinet in 1975 on principle rather than accommodate a Liberal reversal under Mr. Trudeau on price and wage controls. He not only danced with Princess Margaret but he also stood on principle. In any Liberal, that is something to celebrate.

Perhaps one of his most salient contributions as a parliamentarian came during the first Gulf War, following the Iraqi invasion of Kuwait, in 1991, when he broke with Mr. Chrétien's position as Leader of the Opposition, that any Canadian troops in the Gulf region should be withdrawn the moment shooting began. The Right Honourable Mr. Turner spoke eloquently about who we all were as Canadians, what we believed in and that we must stand with our allies, as we always have and — please God, always will.

We should honour our former prime ministers, and one who served in opposition and government with distinction, whom we cherish and embrace today. He deserves special mention on the eve of his eightieth birthday.

## THE SENATE

### RONALD G. TREMAINE—TRIBUTE ON RETIREMENT

**Hon. George J. Furey:** Honourable senators, as Chair of the Standing Committee on Internal Economy, Budgets and Administration, it sometimes falls to me to take note of the departure of employees after significant and dedicated service to the Senate of Canada.

On January 16, 2009, Ron Tremaine, Managing Editor of Debates, came in for his last day on the job, before taking his well-earned retirement. He was seen off by his many friends and colleagues and took with him a comprehensive scrapbook of his career — a career that has had an impact on all of us in this chamber.

Ron joined the debates team in 1981 as a parliamentary reporter, following two years in the other place. In 1990, he became the senior reporter and was tasked to work on the development of the real-time transcription system used to capture debate in the chamber and in committee. While initially intended as an efficiency exercise in turning out transcript, Ron foresaw as early as 1992 in an article he wrote for the *Canadian Parliamentary Review* that real-time transcription, as performed by our parliamentary reporters in the middle of the chamber, could be turned to the purpose of providing closed captions in both official languages for televised proceedings.

• (1340)

Closed-captioning is now a common feature of televised Senate committee proceedings. As a result, the full-screen real-time text of chamber debate is made available for viewing on channels 19 and 20 of the Parliamentary Television Network and on monitors in the public galleries.

In addition, our former colleague Senator Gauthier, for one, was able to continue his work in the Senate because of the efforts of Ron and his team, and I know Senator Gauthier was exceedingly grateful for their support.

Using computer-assisted transcription has been judged by external consultants as a cost-effective means of producing our debates. When one adds the fact that live text of the spoken word can be viewed by our visitors in the gallery and broadcast on television, as well as assisting the work of senators, the Debates Services team is not only a highly skilled and professional unit, it is extremely productive as well. It is also worth noting that our chamber is the only one in the world that is able to provide all of these accommodations simultaneously and in both official languages.

[Translation]

Ron has enjoyed a good reputation throughout his career. He was elected by his peers to be the president of the Hansard Association of Canada, and we benefit from his tremendous legacy every day. Ron and his wife Paddy are now the happy grandparents of two grandchildren. The most important things in life being family, friends and the respect of his peers, one can say that Ron Tremaine is truly a wealthy man.

[English]

Thank you, Ron, for your dedication and service to the Senate of Canada and, in turn, to Canadians in general. On behalf of the Senate, I offer best wishes to you and your family on a well-deserved retirement.

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

**Hon. Anne C. Cools:** Honourable senators, I rise to honour Ronald G. Tremaine, who has recently retired from the Senate. He is a fine gentleman who served the Senate for almost 28 years, in several positions, and rose to the post of Managing Editor of Debates Services. He was well known to senators, and ever responsive to those who called upon him, especially those who were working on their blues.

Honourable senators, life's pilgrimage holds several rites of passage marking the transition from one life state to the other. Retirement is that rite of passage which marks the completion of career, and the commencement of one's later years. Today I express appreciation to Ron Tremaine for his exceptional service to this place, and to us senators, public men and women involved in public service. As the Managing Editor of Debates Services, Ron's field of labour was an art, the art of words, senators' words spoken here in debate in the oral tradition of this house. As editor, he fixed the numerous problems in our speeches. However large, however small, however simple, however complex, he fixed them. He rendered our speeches ready for publication in Hansard, the parliamentary record.

Honourable senators, Ron Tremaine has expended endless hours and countless late nights in the arduous task of editing senators' speeches. Editing demands special talent and a vibrant knowledge of both of our languages in their full plenitude. Editing also demands selflessness. Good editors must not trespass on author's privilege or author's style. Ron Tremaine was one of the best, but the Hansard will never reveal him and will never identify him. His work was a work of silent service. For that silent service, I praise Ron Tremaine here today.

Honourable senators, Mahatma Gandhi said it well. In the 1967 book *The Mind of Mahatma Gandhi*, edited by R.K. Prabhu and U.R. Rao, Gandhi said:

The path of service can hardly be trodden by one who is not prepared to renounce self-interest, and to recognize the conditions of his birth. Consciously or unconsciously, every one of us does render some service or other. If we cultivate the habit of doing this service deliberately, our desire for service will steadily grow stronger, and will make not only for our own happiness, but that of the world at large.

• (1345)

Honourable senators, I thank Ron Tremaine for his very faithful service to us, for his love of the language and for many other things. I wish him a happy retirement with his wife Paddy, his two sons, Jerrid and Mark, and his infant grandchildren, Kyla and Jackson, who will soon begin to discover what a nice man he is.

I thank you personally, Ron, for the many exchanges I had with you. Most of all, I thank you for your quiet, patient, gentle and serene manner.

#### SIXTY-FIFTH ANNIVERSARY OF D-DAY

**Hon. Michael A. Meighen:** Honourable senators, this coming Saturday marks the sixty-fifth anniversary of D-Day, that chilly, grey morning in Normandy, June 6, 1944, when we began the gruelling task of liberating Europe from Nazi Germany.

Throughout that night, the allied navies, including principally those of Canada, Britain and the United States, had crossed the channel, steaming toward their objectives, the beaches of Normandy and the rest of the European continent that lay beyond.

The Americans were targeting Utah and Omaha Beaches on the west; the British, Gold Beach in the middle and Sword Beach on the east; while the Canadians had Juno as their objective.

The united force was 155,000 strong. Among the more than 14,000 Canadians were the Royal Winnipeg Rifles, the Canadian Scottish Rifles, the Regina Rifles, the 1st Hussars, the Queen's Own Rifles, the North Shore (New Brunswick) Regiment, for the Fort Garry Horse, le Régiment de la Chaudière, the Stormont, Dundas and Glengarry Highlanders, the North Nova Scotia Highlanders, the Highland Light Infantry and the Sherbrooke Fusiliers.

At 7:30 a.m., the landing craft headed for the beaches. The first Canadian beachhead was established in Courseulles, but many of the other Canadians faced more difficult battles. The North Shore Regiment landed under heavy fire. The Queen's Own Rifles were forced to run across 183 metres of open beach under heavy German artillery, and only a few of the first company survived. Many of le Régiment de la Chaudière were killed when their landing craft hit mines, while others drowned trying to reach land.

At the end of the day, St-Aubin, Courseulles and Bernières were captured. The Highland Regiment later captured Colombier-sur-Seulles, and the Hussars were the only allied unit to reach its objective on D-Day — the Caen-Bayeux Highway intersection.

[ Senator Cools ]

[Translation]

We sustained heavy losses that day, with 340 Canadians killed, 574 wounded and 47 captured, but the allied forces had taken a successful first step toward accomplishing the difficult mission of liberating Europe. This week, honourable senators, let us remember the sacrifice made by those Canadians and their families. Let us also remember the young soldiers who survived the landing and bore their scars through the battles that followed.

[English]

Speaking directly to veterans of D-Day and the Battle of Normandy gathered in this Senate Chamber earlier this week, Canada's Minister of Veterans Affairs, Greg Thompson, stated:

Sixty-five years later, Canada still mourns our losses.

Sixty-five years later, Canadians still want to hear the countless untold human stories that our written history cannot capture or convey. . . .

You have known the great price of freedom, and you have been willing to pay it.

You have known the terrible struggles of nation building, and you have made Canada strong and proud and free.

You have felt sacrifice, and you have made Canada the best country in the world.

We can never repay you. We can only offer two simple words: "Thank you."

#### THE HONOURABLE GERRY ST. GERMAIN, P.C.

**Hon. Tommy Banks:** Honourable senators, I wish to say a few words of compliment.

In the ceremony to which Senator Meighen has just referred, one of our pages, Jonathan Yantzi, was the vocal soloist who sang all of the ceremonial pieces.

Jonathan, you did a fabulous job. Those of us who were there enjoyed it enormously.

• (1350)

Second, I know colleagues will agree with me in saying what a pleasure it is to hear Senator Cools in full flight once again in this chamber. I thank her very much for her lovely words today.

Senators, last Thursday evening in Vancouver the Zajac Foundation, which operates the Zajac Ranch for Children, held an event for fundraising purposes that celebrated the achievements and the standing in that community of Senator Gerry St. Germain. I can tell you that the heavy hitters were out, the place was sold out, and a great deal of money was raised. The speeches in praise of Senator St. Germain and his contributions to that community over these many years, not only in politics but otherwise, were profuse — not as profuse as we heard yesterday for Senator Atkins but profuse nonetheless.

My colleagues and I all join in congratulating Senator St. Germain again on his achievements.

[Translation]

## TWENTIETH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

**Hon. Consiglio Di Nino:** Honourable senators, I am pleased to join Senator Munson, whose comments on this issue were both inspiring and touching, in commemorating the tragic events in Tiananmen Square 20 years ago.

First, I extend my deepest sympathy to the families of the estimated 2,000 mainly young men and women who were brutally murdered by the Chinese army and police. I also wish to praise the spirit of Tiananmen, exemplified by the thousands of courageous young Chinese who dared ask the governing Communist Party for fundamental freedoms and rights, something most of the world takes for granted. Colleagues, that spirit is not dead.

Partly in memory, and partly to honour, the many reform-minded Chinese government officials, including Party Secretary Hu Yaobang, the then Communist Party chief, who were chastised, shunned and punished by their colleagues, the democracy movement in and outside China continues and grows. Inside China, however, the movement is mostly underground. Yet recently, 300 Chinese intellectuals, some of whom have since been detained, signed a document called "Charter '08," demanding democratic changes. I understand the number of signatories now exceeds 8,000.

Many brave and courageous Chinese citizens are still fighting today for their right to freedom of speech, freedom of the press and freedom of religion, and many are regularly jailed by the Chinese police. Today I wish to salute these valiant people for keeping the flame of hope alive. They honour the memory of those whose lives were so brutally snuffed out on June 4, 1989.

The governing Communist Party in China continues to deny, through their propaganda machine, the horrific events of Tiananmen Square. They continue to demonize anyone who criticizes them and recently they have been sending members of their so-called "parliament" around the world to promote their propaganda.

On Sunday, May 31, I spent several hours with members of the Toronto Chinese community who are supporters of democracy in China. It was refreshing and inspiring to hear from many of them that they love China, they love their country, but they do not love the Communist Party and the Chinese government.

I am heartened by the Chinese-Canadian community's understanding of the issues and their criticism of the Chinese government. More than ever, I believe the Chinese people themselves will ultimately succeed in achieving fundamental rights and freedoms in China.

Honourable senators, as we honour those who perished in Tiananmen Square 20 years ago, let us assure those who continue to struggle for rights and freedoms that the world stands in solidarity with them.

## NATIONAL OPTICS INSTITUTE

**Hon. Suzanne Fortin-Duplessis:** Honourable senators, I worked with industry stakeholders to set up the National Optics Institute in the Parc technologique du Québec métropolitain, so I was very pleased to attend a press conference yesterday during which our Prime Minister announced that the Conservative government would provide \$12 million to the Institute.

This major financial support will enable the Institute to keep growing, strengthen its leadership in optics and photonics, and provide even more support to Quebec companies seeking to become more competitive.

I fully agree with our Prime Minister, who said that during the current global economic downturn, it is important to support the activities of an organization like the Institute, because this world-renowned research centre is contributing to the knowledge economy and innovation. This financial support by the Conservative government will help maintain well-paid jobs in Quebec and will also help many companies that benefit from the transfer of technologies developed by the Institute.

• (1355)

This \$12 million in funding represents tangible support that recognizes not only the National Optics Institute's excellence, but also its essential role in the economic vitality and dynamism of Quebec businesses. In the current economic situation, research and innovation are particularly key if Canadian companies are to distinguish themselves and prosper internationally. Our financial support will put the National Optics Institute in an excellent position to create value added, using the properties of light, enabling Canadian companies of all sizes and in all industrial sectors to boost their productivity and competitive position.

The National Optics Institute is making a substantial contribution to know-how developed in the Quebec City region. Its initiatives are enhancing Canada's international influence in numerous high-tech sectors and helping it carve out an impressive niche in the knowledge economy.

Lastly, this support will allow the National Optics Institute to raise its profile and pursue its mission of commercializing scientific research with even greater enthusiasm and determination, to the greater benefit of businesses in Quebec and Canada.

This support is proof of our government's commitment to scientific research and development.

Thank you, honourable senators.

[English]

## ROUTINE PROCEEDINGS

### INFORMATION COMMISSIONER

2008-09 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, pursuant to section 38 of the Access to Information Act, I have the honour to table, in both official languages, the Annual Report of the Information Commissioner, covering the period April 1, 2008 to March 31, 2009.

[Translation]

### STUDY ON APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

THIRD REPORT OF OFFICIAL LANGUAGES  
COMMITTEE TABLED

**Hon. Maria Chaput:** Honourable senators, I have the honour to table, in both official languages, the third report of the Standing Senate Committee on Official Languages entitled *Francophone Arts and Culture: Living Life to its Fullest in Minority Settings*.

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

[English]

### STUDY ON RURAL POVERTY

FOURTH REPORT OF AGRICULTURE  
AND FORESTRY COMMITTEE TABLED

**Hon. Joyce Fairbairn:** Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on Agriculture and Forestry entitled: *Beyond Freefall: Halting Rural Poverty*.

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

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

FOURTH REPORT OF FISHERIES AND OCEANS  
COMMITTEE TABLED

**Hon. Bill Rompkey:** Honourable senators, I have the honour to table the fourth report of the Standing Senate Committee on Fisheries and Oceans entitled: *Nunavut Marine Fisheries: Quotas and Harbours*.

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

## STUDY ON USER FEES PROPOSAL

PUBLIC WORKS AND GOVERNMENT SERVICES—  
FEES FOR ESQUIMALT GRAVING DOCK—  
FIFTH REPORT OF TRANSPORT AND  
COMMUNICATIONS COMMITTEE PRESENTED

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

Thursday, June 4, 2009

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

### FIFTH REPORT

Your Committee, to which was referred the document “*Department of Public Works and Government Services Canada User Fees Amendment Proposal for services relating to the Esquimalt Graving Dock*” has, in obedience to the order of reference of Tuesday, May 26, 2009, examined the proposed new user fee and, in accordance with section 5 of the *User Fees Act*, recommends that it be approved.

Respectfully submitted,

JOHN D. WALLACE

*For the Honourable Lise Bacon, Chair of the committee*

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

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

• (1400)

[Translation]

### CANADA-PERU FREE TRADE AGREEMENT IMPLEMENTATION BILL

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-24, An Act to implement the Free Trade Agreement between Canada and the Republic of Peru, the Agreement on the Environment between Canada and the Republic of Peru and the Agreement on Labour Cooperation between Canada and the Republic of Peru.

(Bill read first time.)

**The Hon. the Speaker:** 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.)



[English]

**WAR VETERANS ALLOWANCE ACT****BILL TO AMEND—FIRST READING**

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-33, An Act to amend the War Veterans Allowance Act.

(Bill read first time.)

**The Hon. the Speaker:** 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.)

[Translation]

**ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE****MEETING OF COOPERATION AND DEVELOPMENT COMMITTEE, APRIL 28-30, 2009—REPORT TABLED**

**Hon. Andrée Champagne:** Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation on the meeting of the Co-operation and Development Committee of the Canadian branch of the Assemblée parlementaire de la Francophonie held in Cotonou, Benin, from April 28 to 30, 2009.

[English]

**SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY****NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE**

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

That, pursuant to Rule 95(3)(a), the Standing Senate Committee on Social Affairs, Science, and Technology be authorized to sit up to and including Tuesday, June 30, 2009, for the purposes of its study on current social issues pertaining to Canada's largest cities, even though the Senate may then be adjourned for a period exceeding one week.

**FISHERIES ACT****CESSATION OF COMMERCIAL SEAL HUNT—PRESENTATION OF PETITION**

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

**Senator Comeau:** Where is Senator Mercer when you need him?

[Translation]

**QUESTION PERIOD**

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, with your leave, I would like to inform the Senate that the Leader of the Government is unavoidably absent for this sitting. The government will therefore not be able to answer any questions today.

**ANSWER TO ORDER PAPER QUESTION TABLED****TREASURY BOARD—BUDGET PLAN 2009**

**Hon. Gerald J. Comeau (Deputy Leader of the Government)** tabled the answer to Question No. 16 on the Order Paper—by the Hon. Senator Mitchell.

[English]

**ORDERS OF THE DAY****CREE-NASKAPI (OF QUEBEC) ACT****BILL TO AMEND—SECOND READING**

On the Order:

Resuming debate on the motion of the Honourable Senator Brazeau, seconded by the Honourable Senator Fortin-Duplessis, for the second reading of Bill C-28, An Act to amend the Cree-Naskapi (of Quebec) Act.

**Hon. Charlie Watt:** Honourable senators, the amendments proposed in this bill are in fact an incremental recognition by the Government of Canada of the Cree rights to govern in their territory. Those amendments result from protracted discussions between the Government of Canada and the Grand Council of the Crees, and they were developed in consultation with the Cree communities. Moreover, the Inuit were consulted through the Makivik Corporation, and the Naskapi Band of Quebec was consulted on them as well. Both organizations agreed that the proposals do not affect their rights or the rights of their citizens. The Government of Quebec was also consulted and accepted the proposed amendments.

In order to understand Bill C-28 in its proper historical context, it is important to remember that it is seen by the Cree leadership to be the modern-day expression of their Aboriginal rights to govern, as they have always done on their traditional lands.

In the James Bay and Northern Quebec Agreement of 1975, the Government of Quebec recognized the Cree Regional Authority. This bill takes the same Cree Regional Authority and brings it

into the federal Cree-Naskapi (of Quebec) Act, originally passed by Parliament in 1984. Canada will therefore recognize the Cree Regional Authority as having a certain power over Category 1A lands, which are under the federal jurisdiction — that is why it is called Category 1A land.

The Cree of James Bay, Quebec, share a common history and a common culture and language. This act recognizes their historic existence as a people. Unlike the Indian Act that has fragmented many of Canada's Aboriginal peoples into community nations, this act recognizes the Cree presence in James Bay and enhances their ability to govern.

The Cree Regional Authority will be empowered by this bill to set regional standards for the Cree communities, and it will provide regional oversight in planning, environmental protection and the protection of the Cree language and culture.

The Cree Regional Authority will also be responsible for the implementation of certain obligations to the Cree people, contracted by Canada in the 1975 treaty. By assuming Canada's obligations to their own people, the Cree will take charge of their community and social development.

• (1410)

In 1975, the Cree and the Makivik Inuit signed the James Bay and Northern Quebec Agreement. I was one of the signatories. In both cases, we opted to have certain services from Quebec and others from Canada. The Cree and the Inuit fought for years for the implementation of the obligations of the Government of Canada and the Government of Quebec in that agreement.

In the case of the Cree, substantial obligations of the Government of Quebec were settled in 2002 with the signing of a Quebec-Cree New Relationship Agreement. In 2008, a similar agreement with Canada settled a court proceeding, as well as a certain issue concerning the community of Oujé-Bougoumou.

The amendments that we have before us will also recognize the Cree of Oujé-Bougoumou as a community under the Cree-Naskapi (of Quebec) Act. This is a fact of great importance to the members of that community, who were moved several times since the 1950s and were eventually scattered along the roads in the Chibougamau region. Their community has won an international award for excellence, a credit to their tenacity. We will honour their effort by the passage of this bill.

The 2008 Canada-Cree New Relationship Agreement called for a new amendment as part of the two-step process in the development of Cree governance. Those amendments are part of phase 1 and empower the Cree Regional Authority to implement the obligations it has assumed from Canada.

The second phase, which has already begun, will involve the Cree, as well as Canada and Quebec. It will seek consensus among the parties on further developments in the governance of the James Bay territory. The federal issues only to be covered in the discussion comprise 27 matters of governance, including a Cree consultation, dispute resolution, representational matters and their own source of revenues, among others. When phase 2 is completed, a comprehensive proposal will be presented to Canada and to Quebec for their consideration.

I recommend the passage of Bill C-28.

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

**Some Hon. Senators:** Question.

**Hon. Jeremiah S. Grafstein:** Will the honourable senator allow a question or two on this far-reaching bill?

**Senator Watt:** Yes.

**Senator Grafstein:** Honourable senators, I apologize but I have been involved in other matters in the last day or so and I have not had an opportunity to look at this bill in a fulsome way.

However, on my first reading, this bill effectively takes the existing governance structure of the Crees and downloads it into a new organization called the Cree Regional Authority. At the same time, this bill provides for downloading of federal services, including water, other infrastructure, health and so on, without any requisite standards. In addition, the bill says nothing about gender equality and talks nothing about the democratic process as to how the regional council will be established.

Honourable senators, how can we satisfy ourselves at this stage, as a question of principle, that these issues of democracy, accountability and responsibility will be addressed in this bill?

**Senator Watt:** Honourable senators, first, the regional authority already exists. It has been in existence since 1975. It came out of the James Bay and Northern Quebec Agreement.

Regarding the concerns that you highlighted in your remarks with relation to water and women, I believe that the Grand Council of the Crees are still in the second phase of negotiations. I imagine they will deal with the concerns you have.

I have been briefed by the Grand Council of the Crees. The particular issues that the honourable senator raises were not raised to me and I do have the ability to ask them about your specific concerns. However, this bill went quickly through the House of Commons and it was not dealt with by the committee so an opportunity has not arisen to answer those concerns.

If this bill is referred to committee, then that would be the place to raise those issues.

**Senator Grafstein:** I do not want to belabour this issue because I have raised the paramount concerns. For example, if I read this bill correctly, what happens here is that the regional council is now given the power of the federal law — in effect, it is now empowered to govern a vast region of Canada that, at this time, is governed partially by treaty and partially by the federal government. The federal government has clear responsibility here under the Constitution.

In this agreement, it provides for the downloading of services from the federal government to the regional council. That downloading will be beyond the purview of Parliament because it will be an agreement of delegation between the agencies of government and this governing council, without any sense of whether the democratic process has been involved at all.

In my view, it is absent constitutional principles. However, I may be wrong. This is my view at first blush; it is a *prima facie* look at the bill. I hope that we can give more consideration to this bill.

This morning, I asked to find out what happened in the other place. I discovered there were two days of debate and it went through committee in a day, as bills like this have done, without ample surveillance or oversight.

Honourable senators, are we to do the same thing here?

**Senator Watt:** If the honourable senator is asking me a question, it is up to the Cree Regional Authority to make that decision. It is beyond my ability to suggest otherwise.

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

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by the Honourable Senator Brazeau, seconded by the Honourable Senator Fortin-Duplessis, that Bill C-28, An Act to amend the Cree-Naskapi (of Quebec) Act, be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

(Bill read second time.)

#### REFERRED TO COMMITTEE

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

(On motion of Senator Brazeau, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

• (1420)

### THE SENATE

#### MOTION FOR CONCURRENCE IN LEGISLATIVE ASSEMBLY OF NUNAVUT'S PASSAGE OF THE OFFICIAL LANGUAGES ACT— REFERRED TO COMMITTEE

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Adams:

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.

**Hon. Serge Joyal:** Honourable senators, I rise today to speak on Motion No. 26 because when it was introduced last week on the Order Paper, it caught my eye when I read that it was dealing with an official languages act. As any one of us in this chamber knows,

the Official Languages Act is at the constitutional core of the duty of the Senate. We praise ourselves that our chamber represents regional authorities and minority rights. However, the motion calls upon the Senate to concur in the Official Languages Act for Nunavut.

I thought: Why are we concurring in that? Should it not be the prerogative of the Nunavut government to adopt the official languages status on its territory?

I found out that section 38 of the Nunavut Act, which this motion references has a “trick” in it. The Parliament of Canada is called to concur when there is a diminishing of rights. Section 38 states in relation to official languages:

... if that repeal, amendment or measure that otherwise renders that law inoperable would have the effect of diminishing the rights and services provided for in that ordinance as enacted on June 28, 1984 and amended on June 26, 1986.

In clear terms, what does it mean? It means that if there is a change of status in relation to language rights that, as an effect, reduce those rights, we are called upon to give our consent. In other words, we are the trustee. We are the fiduciary of language rights in the Nunavut territory as we are in the Northwest Territories because they are federal territories.

I wanted to know more about which rights were reduced, diminished or altered in the Official Languages Act of Nunavut that was submitted to us for concurrence. I found the answer in a backgrounder published by Canadian Heritage in May 2009, a month ago. It is titled “Concurrence of Parliament: Nunavut Official Languages Bill.” Page 3 is entitled “Why Parliamentary Concurrence?” The first bullet states:

Necessary when rights and/or services are diminished . . .

Which rights are diminished?

The *Nunavut Act* (sec. 38) stipulates that the Nunavut *Official Languages Act* cannot be changed without the concurrence of Parliament if the proposed changes diminish the rights and/or services provided for in the Act.

The second bullet states:

Bill 6 includes two “reductions” in rights:

Aboriginal languages not spoken in Nunavut are losing official language status.

Why? The ancient territory has many Aboriginal languages that have status. This act will remove any recognition of those Aboriginal languages. There would be one recognized — Inuktitut.

The second bullet continues and refers to French and English:

Territorial court decisions may be issued in only one of the three official languages (instead of in both English and French currently).

Translation into the other official languages would occur only if a matter is of public interest or if requested by an interested party.

That triggered my attention. If I am called upon in this chamber to concur with a diminution of rights, I want to know the scope of it.

I called upon the Canadian Official Languages Commissioner, Mr. Graham Fraser. Our Official Languages Commissioner is an Officer of Parliament who acts on our behalf in reviewing legislation to ensure any legislation that has an impact on the status of both official languages is called to our attention. In a three-page letter dated May 2007 — two years ago — Mr. Fraser wrote to the Honourable Louis Tapardjuk, Minister of Culture, Language, Elders and Youth, and delivered a lengthy comment about the draft bill that was submitted to him.

There are many comments that he makes with regard to various aspects of the bill, but I want to refer to three for the sake of our reflection today. At the bottom of page 2, the last paragraph states:

I also noted that the draft Inuit language protection bill obligates all territorial municipalities to communicate with and provide services to the public in the Inuit language. Since English is currently the language that is most commonly used by the majority of municipalities and the Inuit language will henceforth enjoy legal protection in this regard, I am concerned about the inequality of status and use of French in municipal services.

He continues on the following page to state:

In light of this concern, it is my opinion that the draft official languages act should require municipalities to provide services in English and French when there is significant demand. This change would have no impact on the special status that the draft Inuit language protection bill grants to the Inuit language.

Honourable senators, I totally subscribe to the idea of making Inuktitut one of the official languages. However, in allowing the municipalities to use Inuktitut extensively, I am concerned about the consequences of our second minority language — French — in terms of numbers.

The commissioner is also preoccupied with something that we have legislated in this chamber. It is what I would call “Senator Gauthier’s amendment.” Do senators remember when we amended Part 7 of the Official Languages Act after lengthy debate? I think the bill was introduced four times by Senator Gauthier and finally it was adopted. Why? It places an obligation on the federal government to promote and not only to say “here is the letter of the law.” You have to be proactive.

What does the Official Languages Commissioner state in relation to the Official Languages Act of Nunavut? I am quoting from the middle of page 2:

... although the preamble of the draft bill states the government’s commitment to protecting the three official languages communities, this commitment has not resulted in explicit obligations for the Minister of Languages.

In other words, I recommend that we “refer explicitly to the obligation to take measures to promote the development and vitality of these communities.” That applies strictly to the community that is smaller — the one drawn into a majority and will be speaking Inuktitut that is now speaking English. There will be a certain dynamic going on, and this is a dynamic to which I subscribe.

However, I do not want to subscribe to a dynamic while at the same time undermining the community that is more at risk, namely, the one that speaks French. That is why the Official Languages Commissioner has requested that the minister has the power to promote.

Honourable senators, the third point of the commissioner’s letter that I want to draw to your attention is the following. It is the second paragraph of page 2, which states:

I would also like to draw attention to subsection 12(6), which requires government departments and agencies to ensure that communication with and services to the public that are offered on their behalf by a third party are offered . . . in the territory’s official languages. However, I believe this clause could be improved in such a way as to make all territorial institutions subject to this obligation.

Honourable senators, it is again referring to the situation that we have known where a provincial government — that is, the New Brunswick government — contracted with the RCMP. The RCMP told them that they are not compelled to implement the Official Languages Act because they are within the territory of a province. That matter ended up in court in New Brunswick and Ontario. Both federal courts ruled that you cannot bypass the obligation you have to provide services in both languages. That is, in fact, what this paragraph covers.

Honourable senators, I am addressing myself to the Deputy Leader of the Government. I understand that our friend Senator Adams is retiring soon. He would like to have this motion concurred with by this house. However, in all senatorial consciousness, we should look into the implication of that motion, not in order to delay the adoption of the bill. Again, our friend Senator Adams is retiring, as I understand, on June 22. Therefore, I would propose that the Standing Senate Committee on Legal and Constitutional Affairs look into the implications of that motion and report no later than June 11, which is in a week’s time.

• (1430)

Honourable senators, this week the committee has just completed its study and report on Bill S-4. Therefore, we have an open agenda. We could hold our two weekly meetings next week on this issue and report to the chamber so that we will know what we are concurring with.

I think it is fair for us to have the Commissioner of Official Languages appear and, of course, a representative from Nunavut. We could easily accomplish that through teleconferencing. We would know the content of this bill and if it indeed needs our

concurrence. As I say, at first sight, I concur with it; but I want to know if there are limitations that we should be concerned about and how to manage those in the future.

#### MOTION IN AMENDMENT

**Hon. Serge Joyal:** Honourable senators, that is essentially why I wish to move:

That the motion be referred to the Standing Senate Committee on Legal and Constitutional Affairs for study and report; and

That the committee report no later than June 11, 2009.

That is in one week's time.

As a matter of fact, the government received a letter from the Nunavut minister with respect to this issue a year ago, on June 17, 2008. It is now June 2009, and we are asking for one week to look into the matter. If the government took a year to look into preparing the motion, we can take a week to perform our constitutional duty in an effort to understand why we should be diminishing rights, in what manner and what kind of measures are needed to ensure that, when we wake up, the fallout from this motion is what we expected.

**The Hon. the Speaker:** Honourable senators, there is a motion in amendment by the Honourable Senator Joyal, seconded by the Honourable Senator Robichaud, that the principal motion be referred to the Standing Senate Committee on Legal and Constitutional Affairs for study and report and that the committee report no later than June 11, 2009.

Are there questions and comments on Senator Joyal's speech?

**Hon. Hugh Segal:** Honourable senators, assurances were given in this chamber that there would be no intended diminution of existing rights for any of the linguistic groups in the territory. I accept that those were given in the best of faith.

Would Senator Joyal be prepared to share the letter that he quoted from the Commissioner of Official Languages, have it tabled so all sides could have a chance to examine it?

**Senator Joyal:** Honourable senators, I wish to table the letter because I think it is important that, as Senator Segal stated, we understand exactly the implications in relation to the official languages minorities that are at stake.

As I said, it is important to make the Commissioner of Official Languages aware that we know that he tried to exercise his duty, inasmuch as we are exercising ours. In his annual report, he could report on various implications and the way linguistic dynamics develop in Nunavut. With great pleasure, I have the letter available in both official languages.

**The Hon. the Speaker:** Honourable senators, is leave granted to table this document?

**Hon. Senators:** Agreed.

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I would like to touch on a few points that were raised by Senator Joyal. First, he refers to a document that is a backgrounder issued by Canadian Heritage called "Concurrence of Parliament: Nunavut Official Languages Act." I noted that he did not in fact refer to the actual bill itself, the consolidation of the Official Languages Act, which was produced by the territory of Nunavut. I think that should have been, in my view, the working document on which Senator Joyal based his comments today. I am not sure if Senator Joyal has read the bill itself.

A second note that I would like to bring forward is the fact that the honourable senator refers to a letter from the Commissioner of Official Languages dated May 2007. That is two years ago. As to whether the concerns raised by the Commissioner of Official Languages were acted upon in the bill that came in a year later, in 2008, at which point the Parliament of Canada started dealing with it, I am quite sure it would be readily apparent in here.

Be that as it may, the bill was referred to the Government of Canada back in June 2008, and we have had it since then. We have all had a year to review this document. The House of Commons did receive it. The comment was made that this issue has been before us for a whole year so let us continue postponing it.

In fact, however, it has been before Parliament. The House of Commons took more time dealing with it than probably we would have liked. However, if we look at the fact that this arrived in June of last year, which was the end of the year on the parliamentary calendar, when Parliament resumed in the fall and then prorogued, it was postponed to February. Therefore, it was not in the House of Commons all that long.

During this time, we have all had the opportunity to review this document and read it thoroughly. We could probably have raised concerns before now.

I found that the francophones of Nunavut do in fact support this bill. They have indicated their public support for the bill, so I believe that, had there been problems with the bill, we would have heard from these groups in a very vocal way.

I would like to return now to the Commissioner of Official Languages. It was either the commissioner that the honourable senator mentioned or someone else, but he referred to Senator Gauthier's bill, Bill S-3, which was passed in 2005, if I recall. It made the Official Languages Act "executoir" rather than just a limp instrument, as it had been before. It was to promote linguistic minorities throughout Canada.

I understand that because this bill is subject to the Official Languages Act, it obliges the Government of Nunavut to do everything it can to promote the minority language. It is, in fact, subject to the Official Languages Act. Therefore, the provision we passed in Bill S-3 in 2005 would apply to this bill.

I really see no great need to delay this any further. I would suggest to all honourable senators here today that we need to get this done. The people of Nunavut have been waiting for a long time.

The most important aspects of this bill are the provisions that allow the Inuit of Nunavut to start promoting, expanding and enhancing the Inuit language in their communities.

The issue of the diminishing of rights is in fact tackled in bullet form in the document that Senator Joyal read. The point is that it eliminated a number of languages that are no longer a part of Nunavut. When Nunavut was part of the Northwest Territories, there were a number of languages that were part of the Northwest Territories but which are no longer there. The three languages now spoken in Nunavut — because it is no longer part of the Northwest Territories — are French, English and Inuktitut.

Yes, it does diminish what were, prior to now, official languages, but because they are no longer part of Nunavut, they have been eliminated.

• (1440)

I suggest we proceed with this motion this afternoon.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, the deputy leader says that we have had a year to look at this. Is it not a fact that this bill was received in the Senate last Thursday?

**Senator Comeau:** Indeed, it was received last Thursday, but that does not mean it was not available to us. This was passed by the Nunavut legislature, which is a consensus. Nunavut has a consensus legislature. It was passed last June and was there for anyone to dig into and study if they wanted to do so.

**Senator Cowan:** I am not speaking against the bill at all. I think Senator Joyal has made some persuasive arguments. I, for one, would like to hear further what the Commissioner of Official Languages has to say.

As I understand the chronology, this bill was passed by the Legislative Assembly of Nunavut in June 2008, one year ago, and it took almost a year to get from there to here. Senator Joyal is suggesting we take a week to get to the bottom of the two issues referred to in the government's own document. I suppose that document was available to all of us from some point in time, but it is only reasonable to expect that we would look at it when the bill arrives here. Perhaps it might not have passed the other place, so why would we look at it before it passed the other place? If it passes in the other place, it comes here, and why would we not take time to look at these serious issues?

**Senator Comeau:** In complete fairness, you cannot include issues in a government document which are not there. Most of Senator Joyal's comments referred to a letter from the Official Languages Commissioner dated May 2007. The government identified in this concurrence of Parliament that a number of languages will be removed by this act. A number of what were official languages are no longer to be part of official languages, and the government said that in the document.

However, the other item he referred to was a letter dated May 2007 by the Official Languages Commissioner, two years ago, so do not ascribe those comments to the government document.

**Senator Cowan:** As I understood Senator Joyal, he was reading from a briefing document issued by your government, which indicated that this concurrence was necessary because certain Aboriginal languages that are currently official languages will no longer be official languages when this bill passes.

Up to now, any court decisions and other official proclamations would have to be produced in both English and French, and now they could be produced in any one of the three: Inuktitut, English or French. Even if they did not look into it in the other place, it would be reasonable to assume that we should take a few days to look at it. What harm can possibly come from taking a week to do the job that we are here to do?

**Hon. Willie Adams:** I have an answer for the Leader of the Opposition in the Senate. In 2008, the bill did not go to the House of Commons; it did not come here to Ottawa. Bill 7, the Inuit Language Protection Act, was here. It was supposed to be passed in Nunavut last year, June 2008. Somehow, francophones were out, and Bill 6 did not pass through the Nunavut legislature.

The Inuit Language Commissioner worked together with the French concerning Nunavut and the language, and that is what happened. However, last Monday, Bill 6 arrived in the House of Commons with a motion. It was not there for one year. It just came from Nunavut. I want to ensure that everyone understands.

The federal government and Nunavut agreed that the bill would not go to the House of Commons committee, that there would just be a motion from the House of Commons to pass Bill 6. It then came to us on Tuesday afternoon. After speaking to Senator Comeau through an Inuktitut interpreter, and according to the agreement between the Nunavut government and the Government of Canada, the bill would receive consensus from the Senate. Somehow the opposition adjourned debate. We could do nothing about it, and that is what is happening right now.

The Nunavut Land Claims Agreement was settled in 1993 between the Government of Canada and the Inuit, subject to section 35 of the Constitution Act, 1982. At that time, Nunavut was recognized.

Section 32 of the Official Languages Act recognizes English and French. It is time for the Inuit language to be recognized so that it can be used in Nunavut in the administration of offices, in the courts or by anyone else.

In 1984, the territorial government recognized seven languages in the Northwest Territories: English and French, Inuktitut, Chipewyan, Cree, Gwich'in and Sahtu. At that time, those languages were being used in the Northwest Territories legislature in Yellowknife.

I was an MLA in 1970 in that legislature. I was not allowed to speak in Inuktitut because we did not have a translator. After 1984, the Northwest Territories legislature passed an act allowing English and French and the other languages I mentioned to be translated in the legislature.

The Nunavut government was created in 1999. Pursuant to section 32 of the Official Languages Act, we started looking to the future to determine how we could govern in other languages in

Nunavut, and that is what happened. According to the land claims agreement, if a person has to go to court, they have their choice of language — English, French or Inuktitut. If you are English-speaking and do not know how to speak Inuktitut, the court will hear your case in your preferred language. It is the same thing for French speakers and those who speak Inuktitut.

If I said that I could not understand English and wanted to have everything I say translated, recorded, in Inuktitut, I could do so. It would be no different than receiving services in English and French. That is what Bill 6 stipulates.

There is nothing to say that we lost something here and that what happened here would have to be passed. If people living outside of Nunavut are concerned and do not understand our language, they can do what they want, too. The bill only concerns Nunavut, not the rest of Canada. If anyone wants to do it differently in Nunavik, Nunatsiavut or the Northwest Territories, they have their own land claims agreements.

• (1450)

It has nothing to do with anyone there; that is for Nunavut only. That is what the language here is for, if it passes today.

We have two languages in the Rules. We are not only concerned about the future. We are concerned that everything comes from the Government of Canada; and that the laws come from the Government of Canada.

Bill 6 says in the future — a lot of times the laws of the Government of Canada do not work for us. We used to have our own law. We do not need to have everything come from Ottawa. Nunavut now, in some ways, can change some of the laws to work for Nunavut. That is the intent of Bill 6. Not everything comes from the government.

Since Nunavut was created, we have 70 per cent Inuit RCMP today. We did not have that before. We now have nurses and judges who understand Inuktitut. We have judges who hear court cases in Nunavut. No one else has that system. We have a Supreme Court in Nunavut.

I will be leaving next Wednesday, not June 22. To me, if I come back next Thursday, I do not want to be here. I think you should understand we have a review in another five years. If anything happens now and the bill passes, it can be changed between when we make mistakes the first time the Inuit did, we can correct it in another five years.

That is why I cannot sleep at night. In the meantime I have a phone call every half an hour, and some calls are from reporters. In another 90 minutes I will be going to CBC to televise what is happening in the Senate with Bill 6.

Since the 1950s Judge Morrow has been up in Nunavut and using Inuktitut in court. They had their own aircraft, a DC-3. To understand how the justice system works in the Northwest Territories, just read Judge Morrow's book on the subject.

We should just pass this bill now.

[Translation]

**Hon. Eymard G. Corbin:** Honourable senators, I began my career in the Parliament of Canada defending the need for an official languages act in this country in 1968.

**An Hon. Senator:** Bravo!

**Senator Corbin:** I was the vice-chair of the committee whose job it was to study the official languages bill. I was rather disappointed that the bill did not go as far as I might have hoped.

I co-chaired, with Senator Murray, the first Joint Committee of the House of Commons and the Senate on Official Languages. Throughout my political career in the Parliament of Canada, I have stood up for a principle I hold very dear, and that is the recognition of both official languages. I went further. I proposed that we allow our Aboriginal colleagues to use their mother tongues in Senate debates and committee proceedings. The committee report did not go as far as I would have liked, but I endorsed it anyway, with the result that last week and earlier this week, our colleagues were able to use their own language.

I would like to tell Senator Adams, whom I consider a good friend, that I am troubled that I do not have enough information to vote in an enlightened and intelligent way on this issue. Senator Joyal argued that the motion should be referred to the Standing Senate Committee on Legal and Constitutional Affairs. I listened to what Senator Comeau had to say. But the more talk I heard, the more confused I became.

There are important principles at stake here. I do not believe it is unreasonable for this chamber to authorize the Standing Senate Committee on Legal and Constitutional Affairs to examine this issue as soon as possible, as Senator Joyal has proposed. I do not believe that will change anything in Nunavut's administrative or judicial decisions for the next six or seven days or the next week or perhaps even the next month. But, as it has been argued, if there is a chance that language laws will be diminished, that concerns me.

For that reason, I support Senator Joyal's motion. I hope that the committee will be able to do a thorough job and get back to us with a recommendation as soon as possible.

**Hon. Andrée Champagne:** Honourable senators, I too feel very troubled after hearing what Senator Joyal had to say, especially because he made some very solid points backed up by a letter from the Commissioner of Official Languages.

I felt real sadness when Senator Adams tried to almost blackmail us — I do not really mean that — by saying that he will not be here next Thursday. Senator Adams, I can assure you that nobody in this chamber is against the idea of you obtaining, when the time is right, the right to express yourself in your language anytime you want to in Nunavut. However, given the battle that francophones have fought over the years to ensure that we truly have two official languages, I am sure you can understand our concern, slight though it may be, that this proposal will result in French losing its place in Canada's North.

• (1500)

Of course, as some have said, French speakers are in the minority, but it is still one of our official languages.

As such, I would be uncomfortable and annoyed with myself for some time if I did not vote for the motion moved by Senator Joyal that is before us now. Beginning next week, we will have to study the motion thoroughly and report on it on the 11th. After that, nothing would prevent us from voting automatically that very day on whatever the committee has to say.

And who knows, Senator Adams, perhaps you can delay your departure for 24 hours. I will support Senator Joyal's motion.

[English]

**Hon. Joan Fraser:** Honourable senators, the terms of this debate, so far, have focused on the implications of the bill that has been passed in Nunavut and to which our concurrence is sought on the implications of that bill for the francophone minority in Nunavut.

However, we are talking about something broader here. We are talking about the duty of this chamber in relation to minority languages, and, ultimately, as the years roll by, our duty extends to all official minority languages: French, English and Inuktitut. The day may come when someone somewhere will ask us to concur in a piece of legislation that diminishes the rights of the Inuit minority in Canada, as the day may come when we are asked to concur with the diminution of minority languages in other circumstances.

I believe that if this chamber has an abiding principle, it is that we do not consent lightly and without examination to the diminution, however slight, of minority languages because that precedent can come back to haunt us, our children or our grandchildren. I do not want to go there.

It is a matter of pride for all Canadians that the people of Nunavut are making such wonderful progress in re-promoting and re-establishing the full richness of their language and, through it, their culture and their society. I can say without fear of contradiction that every member of the Senate not only supports that progress but also rejoices in it. No one here today wants to diminish that wonderful progress. As is so often the case, it is important for us to balance the many principles that we hold dear. One of them, surely, is that we examine matters of this nature before we adopt them.

I do not hear in Senator Joyal's proposal any prejudgment as to what that study would report upon or what the committee would say. I could not support the proposal if he were supporting a prejudgment of what the committee would say on that study. I believe that it is reasonable to propose that, by an early deadline, we conduct that study and tell our colleagues what the committee has found.

[Translation]

**Hon. Marcel Prud'homme:** Honourable senators, I see there are some reservations on both sides. I have to wonder why we are divided on such a fundamental issue. I do not wish to go on at

[ Senator Champagne ]

length after hearing all the sound arguments put forward by Senator Joyal and by those who want the bill to pass today. However, it seems to me that, in positive spirit, perhaps we could allow this bill to follow its course as it was introduced to us, without division or at least without a vote.

Then again, I understand Senator Adams. It must be difficult to operate in a Parliament when your mother tongue is not one of the two that most of us have mastered.

I often feel like Senator Adams. When I was first elected to the House of Commons, I felt uncomfortable. I could not take part in all the debates with the same fervour, just as he would have liked to do since his appointment here. I know he is anxious to see this bill pass here today.

[English]

I am sure that Senator Adams can give our colleagues the assurance that this bill is not pushed too fast but has not been the subject of division.

[Translation]

What is the fair solution when we have, on the one hand, people who want to vote immediately and, on the other hand, people who think the bill should be sent to committee for further study?

This is a fundamental issue for the Senate. Who are we, as senators? Perhaps not for everyone, but for some people, this relates to one of the fundamental questions concerning the creation of the Senate.

Thus, I am in a quandary. I know it; I can feel it, just by listening to our colleagues. On the one hand, I feel that some people in certain circles would prefer that we go ahead with what is written, while on the other hand, an experienced senator submits another proposal, and lastly, another group would prefer to see the motion pass today.

It is clear that the Senate will not rise next week. Still, regardless of how I vote, I would not want to be the one whose decision dismisses something so fundamental.

[English]

I am profoundly convinced that we will sit for at least the next two weeks. If we had the assurance that whoever wants to make a proposal such as the one put forward by the honourable senator, it could be back in time and we would be happy to show that, by give and take, we have come to a happy conclusion. That means that every one of us here today must give a little, which is unusual: those who want the bill right now; those who feel strongly about the issue; and those who wish to have reassurance, at least from our study, that we are doing the right thing.

• (1510)

I will listen to the rest of the debate, but I must admit that I am not at ease. I am a man of feeling, and I feel that people want to be nice to each other. Some are more nervous than others and some want to finish faster than others, but with a bit of patience, I think that we can show that in the Senate we can be different from the other chamber, which I left. I was very happy in the



other place, but I did not like the atmosphere. On this issue, I would not like to see that kind of atmosphere develop in the Senate. That is my contribution for today.

**An Hon. Senator:** Question.

**The Hon. the Speaker:** Are honourable senators ready for the question on the motion in amendment?

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** It was moved by the Honourable Senator Joyal, seconded by the Honourable Senator Robichaud, that the motion be referred to the Standing Senate Committee on Legal and Constitutional Affairs for study and report and that the committee report no later than June 11, 2009.

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**Senator Prud'homme:** A few "noes."

**The Hon. the Speaker:** On division?

**Senator Adams:** I say "no."

**The Hon. the Speaker:** I think we had better have a vote.

Honourable senators, those in favour of the motion in amendment will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed to the motion in amendment will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "yeas" have it.

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

(Motion in amendment agreed to, on division.)

[*Translation*]

## INTERNATIONAL BOUNDARY WATERS TREATY ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins, for the second reading of Bill S-222, An Act to amend the International Boundary Waters Treaty Act (bulk water removal).

**Hon. Lowell Murray:** Honourable senators, the bill before us deals with two of our most important responsibilities: the protection of the rights of Parliament and the preservation of our environmental heritage.

Bill S-222 will correct certain shortcomings in amendments made to the International Boundary Waters Treaty Act in 2001 by the government of the day. The 2001 amendments put in place a licensing system that gives the federal government the final say in the approval or prohibition of projects such as the construction of dams and bridges affecting the level or flow of boundary waters on the other side of the border.

In and of itself, the 2001 legislation, tabled as Bill C-6, was necessary and praiseworthy: necessary because we had to eliminate the ambiguity with respect to the legality of approval orders previously issued by the International Joint Commission and praiseworthy because the objective was improved protection for the ecosystems in boundary waters. However, the gaps in this legislation are serious and obvious.

Some of the definitions are vague. Even worse, crucial definitions that should be in the text of the legislation were placed in the regulations and subject to the sole discretion of cabinet. The legislation also grants cabinet the authority to grant exceptions under the licensing system and even to prohibit bulk water removal. These provisions are counter to the prerogatives of Parliament and pose a risk to the environment.

The bill I am introducing, which I inherited from our former colleague, the Honourable Pat Carney, is meant to correct these flaws in the 2001 act. I am aware that other initiatives designed to protect our water resources have recently been launched at the provincial level and by several neighbouring U.S. states. In addition, in the Speech from the Throne delivered on November 19, 2008, the federal government promised to introduce legislation banning bulk water transfers and exports from our drainage basins.

I know that even though my bill is necessary, it may not have the scope of some of these other initiatives, especially the one planned by the federal government. The federal bill seems to be at the drafting stage. But I believe that referring my bill to committee would create an opportunity to reopen the debate on the many international, constitutional and environmental issues any legislative initiative on this topic involves. That is what I am going to propose.

[*English*]

Honourable senators, when I spoke briefly in opening this debate on April 1, I moved, and obtained, with your permission, the adjournment of the debate because there had been offered to me a briefing session by the Department of Foreign Affairs. That session was held about a week ago. Advisers and officials of the Minister of Foreign Affairs waited on me. I found the meeting to be helpful and informative, at least from my perspective, and I hope from theirs. It clarified some of the issues on my side, and I hope on theirs. I simply say that I appreciate the courtesy of the briefing. The officials and I agreed to stay in touch.

Bill S-222 goes back to legislation brought in by the government of the day in 2001. The bill was called Bill C-6, An Act to amend the International Boundary Waters Treaty Act. I will not take you through all the history of the Boundary Waters

Treaty, which was negotiated in 1909, and with it, the creation of the International Joint Commission, followed by the International Boundary Waters Treaty Act, to give effect to the treaty, passed by Parliament a couple of years later, in 1911.

Bill C-6 established a federal government licensing regime regarding in-basin activities that would affect the levels or flows of boundary waters, and it also purported to establish a prohibition on the removal of waters in bulk from the basins. The federal government licensing regime was added in 2001 to an approval process that hitherto had been complete with the approval, or not, of the International Joint Commission.

The background to this licensing regime set up in 2001 was that the legal status of the IJC's orders had become somewhat shaky.

• (1520)

In a 1976 Federal Court case, *Clifford Burnell v. the IJC*, Mr. Burnell sued the IJC unsuccessfully. The Federal Court found that the IJC had no legal personality and therefore could not be sued. The corollary of that decision is that the IJC could not itself sue or enforce its orders. Its orders are not compellable.

I am indebted to the legal officials at the Department of Foreign Affairs and International Trade for this background information.

Since then, the IJC has been accorded immunities comparable to those enjoyed by international organizations. With the IJC not able to enforce its rulings, the response of the federal government — Bill C-6 in 2001, creating a licensing regime that would have legal enforceability — was appropriate, and none of us disputed that response.

Our quarrel in 2001 with Bill C-6 — and when I speak of “our quarrel,” I am speaking of Senator Carney and myself; Senator Di Nino and Senator Andreychuk, who were also at the time Progressive Conservative members of the Foreign Affairs Committee; and our other colleagues who were then in that caucus and who supported the amendments we tried to make to that bill at that time.

Our concern was that Bill C-6 could prove the law of unintended consequences. To begin with, the definition of “bulk water” was not in the statute but, rather, in the regulations where it can be changed by fiat of the Governor-in-Council.

Second, while the statute requires a licence for any obstruction or diversion, it provides that exceptions to the licensing requirement can be made: how — by regulation.

Third, while there is a prohibition on bulk water removals from boundary waters in section 13(1), a couple of lines later, section 13(4), adds:

Subsection (1) does not apply in respect of the exceptions specified in the regulations.

What are the exceptions? Cabinet will decide; the regulatory authority will decide.

Honourable senators, a prohibition qualified by the unfettered authority of cabinet to make exceptions to it is not much of a prohibition at all. The Governor-in-Council, by regulation, can specify, as I have indicated, what constitutes a use, obstruction, diversion or work. The Governor-in-Council can define any word or expression used in section 11 to section 26 that is not already defined in the act. The Governor-in-Council can specify exceptions to the licensing requirement, and the Governor-in-Council can specify exceptions to the prohibition on the removal of waters from the basin. The scope of the regulation-making authority under this act is extraordinary and, in my view, excessive.

Bill S-222 seeks to remedy those flaws in the statute as amended in 2001. In a nutshell, this bill accomplishes two main objectives. First, it will incorporate in the statute some of the definitions and some of the exceptions that have been placed in the regulations, notably, the exceptions to the prohibition of bulk water removals. These exceptions, as I said, will now be in the statute and there will be no authority for cabinet to make further exceptions by regulations. To make exceptions to the prohibition of bulk water removals, they will have to come to Parliament and have a law passed to enable them to do it.

Second, in respect of certain other regulations, notably other definitions and the making of exceptions to the licensing regime, any new regulations will have to be presented to both houses of Parliament and will take effect if there is no negative vote by one or other of the two houses.

We tried these amendments with Bill C-6 in 2001. When I say “we,” honourable senators know who I am talking about. The amendments were in Senator Carney's Bill S-225 in 2007, which died on the Order Paper; they were in her Bill S-217 later in 2007, which also died on the Order Paper; and they are now before honourable senators in Bill S-222.

Since 2001 and the passage of Bill C-6, there have been several developments that I want to mention in passing, because I think they may be relevant to where we go from here.

First, the Great Lakes Charter amendments were brought in by 10 Great Lakes states. These charter amendments impose some restrictions on diversions outside the basin. Importantly, from the point of view of the legal expert — and, again, I am indebted to the Department of Foreign Affairs officials for this background information — the Great Lakes states brought in these amendments notwithstanding the U.S. Constitution's interstate commerce clause, which, if it were applied, would not permit selective restrictions. Those amendments to the charter are permitted under the United States Constitution. They go to Congress to be ratified, which they were, and then the amendments are signed by the president, which happened late in the presidency of President George W. Bush.

Second, in February 2008, a study sponsored by the Munk Centre for International Studies at Trinity College, University of Toronto, made the obvious point that Bill C-6 applied only to boundary waters. The study went on to sketch out a proposed model Canadian water preservation act that would not apply to boundary waters but to most others, at least at the level of the five largest drainage basins.

Interestingly, they tackled the federal-provincial jurisdictional issue by putting in a provision to the effect that their proposed federal legislation would not apply in any province that had equivalent legislation and regulations and that had signed an equivalency agreement with Ottawa.

Third, the first Speech from the Throne brought in during this Parliament was delivered on November 19, 2008. Not to put too fine a point on it, it was overtaken by events. There was a brief passage in the speech that I will quote. My ears perked up when I heard the Governor General say this:

To ensure protection of our vital resources, our Government will bring in legislation to ban all bulk water transfers or exports from Canadian freshwater basins.

This undertaking was not in the second Speech from the Throne in this Parliament, which was delivered in January. However, I understand the government commitment stands and that they are working on translating it into legislation. This matter is still under consideration by the government.

It is not surprising that it is taking some time to bring in legislation based on that commitment when one considers the many overlapping, and sometimes competing, considerations touching on the environment, on federal-provincial jurisdictions and on international relations, including trade, that need to be canvassed within the government and between the government and its various partners before a bill on this subject is ready to come to Parliament.

I note, and ask honourable senators to note, the use in the Speech from the Throne of the term “exports.” It was at that word that my ears perked up, because successive governments have resisted and indeed rejected calls for a legislated ban on water exports. The concern of many legal experts was that such a ban would be tantamount to a declaration that water was a tradable good and would therefore be subject to our various trade obligations. It remains to be seen whether the present government has had second thoughts or new legal advice on this matter or whether they have a different definition of the word “export.”

• (1530)

I may also bring to your attention the platforms of the present governing party. In 2006, they promised to ensure, and I quote partially, “. . . water quality by addressing environmental issues such as the need for aquifer mapping, protection of the Great Lakes Basin, banning interbasin water transfers, imposing substantial penalties for illegal illegal oil dumping . . .” and so on.

Then, in 2008, their platform says they:

. . . will reaffirm the Government of Canada’s position that NAFTA cannot require Canada to export bulk water to other NAFTA countries.

We will work with the provinces to strengthen the current ban and ensure a clear legislative prohibition on bulk water removals or export from Canadian drainage basins.

Honourable senators, this is interesting stuff. I do not say that these developments have overtaken the amendments in this bill that go back to 2001; however, I acknowledge that Bill S-222, the

bill before you, cannot be considered in isolation given these other developments. I suggest that the reference of this bill to committee, perhaps even before second reading, would provide the opportunity to hear expert witnesses, including government officials, not only on the bill but on the larger issues raised by these other developments. It might serve to provide some assistance and guidance to the government and, ultimately, to Parliament while the government considers the best way to honour the planks in its 2006 and 2008 platforms and to translate into legislative form the commitments in the November 19 Speech from the Throne. This is the proposal that I would ask you to consider.

**The Hon. the Speaker *pro tempore*:** Senator Grafstein has a question. Will Senator Murray accept questions?

**Senator Murray:** Yes.

**Hon. Jeremiah S. Grafstein:** Honourable senators, I congratulate Senator Murray for raising the consciousness of the Senate on the question of water. We heard yesterday from Mary Simon in regard to the disastrous state of drinking water in Aboriginal communities, and we hope to address that subject next week in committee. Senator Angus has told me that my bill on clean drinking water will be dealt with by committee, and I thank him for that.

Having said that, there is a big flaw in this bill that I hope will be explored in committee. I welcome the senator’s comments on the differentiation between boundary waters and intrastate or intraprovincial waters, which is essentially the Great Lakes and the systems that run along the border. They are in part international waters and in part domestic waters. The water does not decide whether it will be international or domestic, it just floats around, to paraphrase our former Prime Minister. While there is a prohibition in this bill for bulk water, what is the difference between bulk water and a commercial company turning a tap on in Toronto or Detroit and just filling bottles full of water and then redistilling it? What is the difference between bulk water and bulk water that comes through the tap on either side of the border, or is there a difference?

**Senator Murray:** Honourable senators, this question raises both technical as well as legal or even constitutional implications. The legislation was passed in 2001. Under the regulations, they talk about 50,000 litres being the definition of bulk water, and they make exceptions for bottled water and that kind of thing.

Intrabasin activities are, to some extent, covered on the American side by the Great Lakes Charter as amended a while back. What I meant to say and did not say was that on the same day that the amendments to the Great Lakes Charter were passed by the Congress and approved by the president, an identical instrument was passed by two Canadian provinces, namely Ontario and Quebec. They addressed, to some extent, the intrabasin issue.

Perhaps more importantly, although I do not know because I have just glanced at it, the bill that the Munk Centre has brought forward purports to apply to all but the boundary waters, and therefore my humble proposal. I realized right away

that, in view of the other things that have happened in the past seven or eight years, we would be better advised to take the opportunity to send this bill to committee and canvass all these other issues at the same time.

My honourable friend talks about raising the consciousness of the Senate about the water issues. I have been on this bill for quite a while, but I think no one in this place has done as much as has Senator Grafstein with his two bills on important water issues that are still under debate here. I congratulate him in return on that.

**Senator Grafstein:** I went to an LCBO store the other day and noticed that I can buy bottled water from glaciers, or glacier water. Is that covered by this bill?

**Senator Murray:** Honourable senators, I am not sure that glacial waters would be within the ambit of this bill. Even the Newfoundland vodka that is supposedly made with ice from glaciers in the vicinity, while it is on my mind to some extent, is not in the bill.

**Senator Grafstein:** I think the honourable senator agrees with me that this bill requires careful examination both from a legal and constitutional view as well as an actual application perspective. I think that the definitions, and I assume he agrees, are rather loose and require much more precision and definition, at least to obtain a public good, which is to cut out the bulk export of water.

**Senator Murray:** Honourable senators, the looseness is in the statute that we are trying to amend with this bill. However, as I say, it might be quite possible or likely that this bill will be overtaken by other initiatives, including perhaps government legislation. I put this forward now so that it may go to committee and provide the opportunity for discussing and considering not just the provisions of this bill but of the wider issues that are imminent.

(On motion of Senator Wallin, debate adjourned.)

• (1540)

[Translation]

## INVESTMENT CANADA ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Goldstein, seconded by the Honourable Senator Lovelace Nicholas, for the second reading of Bill S-231, An Act to amend the Investment Canada Act (human rights violations).

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, we are still looking at the repercussions of this bill, and the analysis is not complete. I would like to adjourn the debate on this bill for the remainder of my time.

[ Senator Murray ]

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

**Hon. Senators:** Agreed.

(On motion of Senator Comeau, debate adjourned.)

## BOARD OF DIRECTORS GENDER PARITY BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Céline Hervieux-Payette** moved the second reading of Bill S-238, An Act to establish gender parity on the board of directors of certain corporations, financial institutions and parent Crown corporations.

She said: Honourable senators, it gives me great pride to speak today at second reading of a bill that is very important to me and that I have been working on for several years.

The purpose of Bill S-238 is to ensure parity for women on the board of directors of publicly traded corporations, financial institutions and federal Crown corporations. Women are active participants in the business community, as business owners, shareholders, officers, managers and employees, and they also play an important role in the market as consumers, so they should have equal representation in the management of business.

A great many women in Canada have the qualifications and experience to act as corporate directors, but the number of women in top corporate positions does not come close to reflecting their economic importance.

A June 2008 Catalyst study based on 2007 data collected from the *Financial Post* 500 companies is unequivocal. I would like to quote from the study, which is entitled *2007 Catalyst Census of Women Board Directors*.

[English]

The report found that women's representation on corporate boards in Canada remains remarkably low. Women held 13 per cent of board seats in the *Financial Post* 500, up only 1 percentage point since 2005. In 2007, just over 40 per cent of *Financial Post* 500 companies in Canada still had no women on their board of directors; and less than one-third of companies had multiple women on their boards.

*Financial Post* 500 companies continue to draw board members from narrow pools. Overall, one in five board seats filled since 2005 were given to individuals, women and men, who were currently sitting on at least one other *Financial Post* 500 board.

[Translation]

It is clear that fine promises and good intentions are not enough to promote equality for women on boards of directors. The Canadian government must intervene.

Bill S-238, which I have introduced, requires the following corporations and financial institutions to achieve parity in the number of women and men serving as directors: every

corporation that is a distributing corporation under the Canada Business Corporations Act; every bank that is listed in Schedule I to the Bank Act; every insurance company and every trust and loan company that is a distributing company; and every cooperative credit association. The requirement for gender parity also applies to the Crown corporations listed in Schedule III to the Financial Administration Act.

Corporations have up to three years to comply with the parity requirement. Bill S-235, which I introduced on May 12, provides that no individual may sit on the board of directors of more than four public corporations. That means that there will be vacancies created that can be filled with women, thanks to Bill S-238.

For all honourable senators who see this as a dangerous precedent on the part of the Canadian Parliament concerning good corporate governance, I would remind them that, in 2006, the Government of Quebec passed similar legislation. Here is what the Quebec finance minister at the time, Michel Audet, said when he announced this reform:

One new element that has been particularly welcome is the increased number of women on boards of directors. Crown corporations have been asked to have equal representation of men and women on all boards of directors within the next five years. With this measure, we are acknowledging the fact that Quebec can count on the expertise of many, highly qualified women who have the required skills and have proven their commitment to society.

As far as we know, no Crown corporations in Quebec have gone bankrupt or had any problems because an equal number of men and women sit on the board of directors. Furthermore, the Premier of Quebec, Jean Charest, has taken the initiative even further by selecting an equal number of women and men to serve on his cabinet. This is an excellent example to be emulated in the federal cabinet and in all the provinces.

Some major industrialized nations in Europe have also decided to take action and have passed legislation to increase women's representation on boards of directors and in publicly traded corporations. For instance, since 2006, Norway has required that women make up 40 per cent of all public enterprises' boards of directors. That measure existed before, on a voluntary basis, and Norway later passed legislation to that effect. Two years ago, Spain adopted identical legislation.

Honourable senators, it should come as no surprise that having equal representation of women and men on boards of directors makes businesses more profitable.

[English]

A recent study, entitled *Groundbreakers*, done by the firm Ernst & Young, is positive, and I quote:

Economic analysis by the World Bank, United Nations, Goldman Sachs and other organizations show a significant statistical correlation between gender equality and the level of development of countries. The evidence is compelling that women can be powerful drivers of economic development.

Several studies from a broad spectrum of organizations — including Catalyst, Columbia University, McKinsey, Goldman Sachs and The Conference Board of Canada — have examined the relationship between corporate financial performance and women in leadership roles. Their undisputed conclusion is that having more women at the top improves financial performance.

There are many reasons that explain this result and here is one of them, says this study: Diversity is strategy; diversity is an equation for success.

Academic research has established that diverse groups of people tend to outperform homogeneous groups if both groups' people have equal abilities.

[Translation]

This was very aptly put by Anne-Marie Hubert, a partner in Ernst & Young, in an article in the May 17, 2009, edition of *La Presse*:

We need board members who can suggest new ways of tackling old problems and who reject the group-think that may have contributed to the global financial challenges we are facing at this time.

Honourable senators, many of you will agree with that statement.

• (1550)

But not everyone agrees. Well-known investor Stephen Jarislowsky undoubtedly said out loud what some people think quietly to themselves when he recently spoke out against Quebec's law on parity. Speaking of women, he said:

They have not lived their whole lives in this type of culture . . .

Speaking about women in organizational culture, he said:

. . . they come from outside. Something is missing and that is industrial competence.

Jarislowsky maintains that, assuming that they raise children, it is much more difficult for women to be good administrators.

I am tempted to quote the comments by Sophie Cousineau, a columnist for *La Presse*:

These inappropriate comments are ridiculous. They merely betray the fact that the venerable Stephen Jarislowsky is 83 years old. They are obviously not in keeping with today's reality.

I would also like to quote an attentive observer of Canadian news, who is known to many members of this chamber. In his report on LCN, the television news channel, Luc Lavoie

commented that Mr. Jarislowsky is a financial wizard and speaks intelligently about economics. However, he added:

But, this time, his sexist remarks are out in left field. He spoke about the little women who could not expect to have the necessary skills to serve as board members. Mr. Jarislowsky, please apologize or your image will be tarnished.

In his comments, which were reported extensively in the Quebec media, Mr. Jarislowsky nevertheless confirmed that he was in favour of parity provided that the members of boards of directors are curious, courageous and competent. I would say that all women agree with him there.

However, Premier Jean Charest was also quick to respond and defend the Quebec law, as reported in the May 28 edition of the *Le Devoir*. The article states that the premier pointed out that the Quebec law has actually forced the government:

... to think outside the box when making appointments. In this way, we were able to discover people who apparently did not exist previously, but who were suddenly brought to our attention.

Because the competence of men versus women is still an issue, here are the latest Statistics Canada data, which were released in March and concern the degrees awarded in 2006 by all Canadian universities.

Of all qualifications, about 60%, or 136,200, were awarded to women, continuing a long-term trend in which female graduates have outnumbered their male counterparts. Women have outnumbered men at every level other than at the doctorate level since 1994.

As for doctorates, the federal agency states:

Universities granted 4,500 doctorate degrees in 2006. Women accounted for 42% of these doctorates, up from 34% a decade earlier.

Now, let us look at the figures for qualifications granted by field of study. In the fields of business, management and public administration, 20,900 university qualifications were awarded to men in 2006, compared to 24,800 for women. In the fields of physical and life sciences and technologies, men received 7,100 qualifications and women, 10,000. As you can see, the figures speak for themselves.

Honourable senators, with this new bill, I am continuing, with you and with the Canadian public, the reform of the financial system and business management that I initiated a few weeks ago with Bill S-235. In view of the moral crisis in the capitalist system, an overhaul of the culture of boards of directors is urgently needed. Gender parity on boards of directors is a part of these absolutely necessary changes.

[English]

There may be no quick fix to the current financial crisis, but a sure-fire, long-term resolution is to advance more women into leadership positions and provide the right environment for new perspectives to be heard.

[ Senator Hervieux-Payette ]

That statement concludes the 2009 study by Ernst & Young, *Groundbreakers*.

[Translation]

Honourable senators, I therefore urge you to study and pass Bill S-238. This is our chance to take up a leadership role with the other industrialized nations working to achieve the economic and social progress that Canada truly needs in the great global village.

(On motion of Senator Comeau, debate adjourned.)

## OFFICIAL LANGUAGES

### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Official Languages (*budget—study on the application of the Official Languages Act—power to hire staff and travel*) presented in the Senate on June 2, 2009.

**Hon. Maria Chaput:** Honourable senators, I move the adoption of the report.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

[English]

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Committee on Internal Economy, Budgets and Administration (*committee budget*), presented in the Senate on May 28, 2009.

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

(Motion agreed to and report adopted.)

### SEVENTH REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Committee on Internal Economy, Budgets and Administration (*amendments to the Senate Administrative Rules*), presented in the Senate on May 28, 2009.

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

**The Hon. the Speaker** *pro tempore*: Debate?

**Hon. Tommy Banks:** Honourable senators, I am unfamiliar with this report, for which I apologize, although I am sure it has been made available to me. Therefore, I move the adjournment of the debate.

(On motion of Senator Banks, debate adjourned.)

## THE HONOURABLE NORMAN K. ATKINS

### INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Comeau calling the attention of the Senate to the career of the Honourable Norman Atkins in the Senate and his many contributions in service to Canadians.

**The Hon. the Speaker:** I remind honourable senators that the agreement of the house yesterday was to proceed under this inquiry pursuant to the rules for Senators' Statements, which is a limit of three minutes.

**Hon. Tommy Banks:** Senator Atkins, I hope that you are not bored by all these speeches lauding you. I have been here only nine years and I have never heard or seen anything like it before. We are all avidly supportive of what is being said about you, and the great compliments. In any other place and about any other person, much of what has been said might have been hyperbole, but in your case, it is not and I hope you know that.

• (1600)

Before I came here, I had only heard of you; I did not know you. I expected a different and much more formidable character than I found, given your herculean achievements in respect of reorganizing Canada's great Progressive Conservative Party. That was a very pleasant surprise.

I wish to take a moment, senator, to thank you for your advice. Everyone in this place has received advice from you, most of us directly. It has always been right, and it has most often been acted upon because it has been most reliable. I, for one, want you to know that I will continue to ask for your advice, and I hope that you will continue to give it.

When you speak in this place, or anywhere else, senator, people listen and we still want to listen to you. We will still pay attention to what you say.

"Retirement" is a word that — at least its adjectival form — I would not attribute to you. You are not a "retiring" person. First, it is a good idea that everyone change jobs every 23 years or so. I congratulate you on looking at what you are going to do next.

I know that in some way or another you will continue your distinguished service, indirectly, to this place and to your country because it is not in you to stop doing that, senator. That is something to which we all look forward.

I want to thank you, Senator Atkins for your irreplaceable help and advice, your unfathomable patience with those of us who are naive and who have come to you for assistance. You have set, in more ways than you know, an extremely high bar to which the rest of us can only aspire. I thank you very much personally and add my voice to all of the others — much more distinguished before me — that you heard yesterday. Thank you, Norm.

**Hon. Marcel Prud'homme:** Last night I had the honour of going to a well-attended dinner in honour of our good friend, Senator Atkins. I was happy to have the opportunity to listen to so many good people who spoke about Senator Atkins. Among the speakers was the former Premier of Ontario, the always popular and outstanding Mr. Davis and the former Chief Justice, Mr. McMurtry, a fabulous traveling companion who reminded me of an extraordinary trip we took to South Korea with our good friend, the former Minister of National Defence, Mr. Bob Coates.

It is good for posterity to know that Bob Coates created — and I was his assistant, with pleasure — the Canada-Korea organization that helped open avenues of communication between Canada and South Korea. That organization was responsible for the first visit of the Right Honourable Brian Mulroney to South Korea.

Senator Atkins' wonderful family attended the dinner last night and although the party was well attended, I wish that more senators had been there to see his magnificent family. I am glad that I have nephews, nieces, grand-nephews and a great-grand-niece, but I do not have children.

I was happy to listen to Senator Atkins' sons as they gave their speeches to their father. They are outstanding young people and were gracious in their remarks. At the same time, I was happy to celebrate with all the others who spoke. They reminded me that the man who is leaving is certainly deserving of all that was said about him last night, as well as yesterday afternoon. He is a man of great integrity who did me the honour of sharing many discussions with me. He has always been highly civilized, as I believe we in the Senate should be always. He made me realize that we neglect the important exchange of ideas that come from having discussions with people from various places in Canada, and from various political backgrounds.

I had an experience at noon — without mentioning names — of having lunch with a member of the Conservative Party of the House of Commons, a former minister. I discovered an unbelievable idea, because we agreed one day to say, "Why do we not have lunch together?"

Thank you very much, senator, for your civility and for the few months that I have left, I will try to spread the same message that you gave us last night: Keep healthy, keep smiling and we will see each other again. Of course, keep in touch, please.

**Hon. Joseph A. Day:** Honourable senators, it is a great honour for me to participate with other colleagues and friends in paying tribute to the Honourable Senator Norman Kempton Atkins.

It has been a wonderful experience, the last two days, listening to the many speeches extolling the attributes of this fine senator.

As we have heard, before his appointment to the Senate, Senator Atkins worked in the field of communications. He also made significant contributions in the volunteer sector, including work with the Canadian Diabetes Association, and the Juvenile Diabetes Research Foundation.

Senator Atkins exemplifies the intent of the Fathers of Confederation when they created the Senate chamber as a chamber of Canadians who had made a significant contribution to society prior to being appointed to the Senate.

Having been involved in politics in the province of New Brunswick, I became aware of the legend known as Senator Atkins. Although we did not get to know one another at that time, I came to know very well, two of his particularly good friends, Dalton Camp and Barney London, both of whom spoke highly of Norman Atkins.

Upon being appointed to the Senate I had the good fortune of working on the Standing Senate Committee on National Security and Defence, of which Senator Atkins was an active member from its inception. We also had the opportunity to work together on the Subcommittee on Veterans Affairs, and for a time as chair and deputy chair.

One of the observations that I made during the many travels that we did together was the keen rapport that Senator Atkins had with the soldiers, sailors, air men and air women with whom we visited on those various trips. There are many stories I would like to be able to share with you, but time does not permit. However, permit me to recount two stories on trips during committee work.

During one of our visits to Washington, Senator Atkins was having a problem with one of his feet. We convinced him that he should use a wheelchair as we moved about from building to building on Capitol Hill. During the transfer between buildings, Senator Atkins took to his wheelchair and I, as his pushing assistant, decided we could take the walkway rather than going on the motorized train with the rest of our delegation.

• (1610)

Then we decided to try and beat them to the other building. As we raced along the walkway, chasing our colleagues who were on the motorized train, the security guards, thinking the worst, chased after us. Luckily, we were not stopped by security at that time, but I am sure they are still looking for that wild man in the wheelchair.

Honourable senators, in conclusion, let me tell you about two items that we worked on in the Subcommittee on Veterans Affairs: One is The Valiants and the other is the bomber command display in the Canadian War Museum, which is now a fairer display. The Valiants are there at our War Memorial because of Senator Atkins' work on our Veterans Affairs Subcommittee.

Senator Atkins has made a contribution through these and many other ways, and he has influenced his country and our country and made it better for all Canadians.

I wish him well, as do honourable senators, in his future endeavours. We thank him sincerely for the contribution he has made to Canada through his service here in the Senate of Canada.

**Hon. W. David Angus:** Honourable senators, I, too, am proud to join the long, long list of colleagues who wish to pay tribute to our great friend, Norman. I want to associate myself with all the laudatory comments that have been made, Norman, not only in this chamber yesterday afternoon but last night at the magnificent testimonial to you in your favourite room in the West Block.

I first met Norman Atkins at a Montreal Expos baseball game, beside the third base line, in the early 1970s. I think Norman was in town, as Senator Meighen said yesterday, to help with the little campaign we were running in Westmount to try to overcome Bud Drury's massive majority.

I met this burly, athletic-looking character who announced that he was from Montclair, New Jersey. We immediately established that we had a common friend there who had attended the same university as me. As Senator Meighen said, our effort probably helped in reducing the margin of defeat to some 11,000 votes. However, the campaign was fun and it established our common love for, and belief in, the principles of Sir John A and the Progressive Conservative Party.

I did not see Norman much for several years after that campaign. Then, in 1983, I received the call from a deep-voiced man with a large chin, Mr. Mulroney, and he asked me if I would do a little job for him.

I said, Well, sir, anything you ask, within reason.

He said, I am considering hiring a campaign chair and one of the people we are looking at is Mr. Norman Atkins of the Big Blue Machine.

Of course, Norman was a legend and I said I had met him once before, a couple of times in Montreal. We arranged to meet at what is now the Sheraton Hotel, in a little back room by the restaurant. I arrived a little late and there was the man: the same burly, athletic fellow with a twinkle in his eye. He was nursing a see-through libation of several proportions, and he ordered one up. He said, you will have one of these, and we both got into those things.

I do not know whether it was for me to get to know him, or for him to get to know me, or what the conditions or parameters were of him becoming the campaign chair but, when I reported back the next day, I was at a loss to give any details at all about what went on; so was Norman, I think. We exchanged telephone calls and agreed that another dinner was in order.

The rest is history. He became our campaign chair. We had two wonderful majority government victories.

**An Hon. Senator:** Hear, hear!

**Senator Angus:** As someone said here yesterday, the greatest political experience I have had to date — unparalleled — were these meetings that Norman held for his campaign teams in the 1984 and 1988 elections, in the Château Laurier.



The theme that I remember, whether it was actual or not, was that, if something is worth doing, it must be done in a “having fun” way. Norman had this remarkable ability to bring people together in common cause, to focus on the target and have fun. Many friendly relationships developed during those meetings and over those years. I will never forget how lucky I am and was to have been part of them, Norman.

For that, I thank you.

Norman, the only other thing I will say is that my son, Gregor, evinced an interest in advertising and communications. You offered to help him. The result is that he is now a senior executive in a major Canadian advertising agency. He maintains a relationship with at least one of your sons. Your boys have been extremely helpful to Gregor and I know you have supported him directly and indirectly over the years.

Norman, you were chair of the caucus when I came here. What is, is. You have remained in your caucus — a small one — but I wish that I had been able to continue, and that you were able to continue, in the same caucus as me, because you enhance every group you take part in. These last few years without you have not been the same for me. I am sure many of my colleagues on this side agree, Norman.

You have your reasons. I do not understand them but I respect them profoundly. I respect you and I have a deep and abiding affection and even love for you. God Bless you. I wish you the very best.

**Hon. Jeremiah S. Grafstein:** Honourable senators, now is the time for true confessions. Senator Norman Atkins, an old friend and worthy adversary, is leaving. I think it is time that we do a *mea culpa*. I have a double *mea culpa* today; it is the first time honourable senators will have heard this confession but I think it is important because it relates to Norman.

I start with my late father-in-law, Harry “What a Man” Sniderman, who was an active Tory bagman for Roland Michener, a good friend of Leslie Frost and his brother, Cecil, and a great friend of Arch MacKenzie. When I came to Toronto to court his daughter, he introduced me to these great Tory gentlemen.

When he learned I was a Liberal —

**Senator Segal:** Shame!

**Senator Grafstein:** — and a true grit at that, he said: “Farmer” — because from then on he called me Farmer — “you see the palm of this hand? Hair will grow from the centre of the palm of that hand before Liberals are elected in Ontario.”

I grieve that Mr. Sniderman passed away, lo, these many years but he would have been turning over in his grave if he had discovered that the Liberals truly had taken over Ontario.

During that time, he also introduced me to some other fabled characters, Red Foster and Allister Grosart, later to become Speaker of the Senate whose picture is hanging in the other room.

He said, “If you want to know about politics, you have to talk to Red Foster and learn from Allister Grosart. They will teach you what politics and machine politics is all about.”

I became curious. I started my own investigation. I discovered that, behind Red Foster and the Red Foster agency, were the two geniuses of the Big Blue Machine, one of whom was Dalton Camp. I met Dalton and we exchanged views from time to time. It was during that period, Norman, that we first met. We then slugged it out. I was on the other side of the Bill Davis campaign — I was supporting Bob Nixon. I remember the great debate well where Bill Davis lashed Bob Nixon. I helped Bob Nixon prepare for that debate and we were beaten by a superior team and superior ideas.

Behind all that preparation was none other than the genius of Norman Atkins, a true architect of modern politics.

Confession number two relates to when Mr. Trudeau asked me to head up the advertising consortium for the Liberal Party, which we called Red Leaf. I became the president and one of my mentors was Keith Davey. Confession number two is that we stole your ideas.

**Senator Segal:** Shame!

**Senator Grafstein:** We stole the idea of a common colour, a common logo, a common handbook and common posters; we stole the idea of doing things collectively, and in an organized and scientific way. In addition to that, we stole some of your polling techniques.

Having said all that, we improved on all of them.

• (1620)

Norman, I want to bid you a fond adieu because you are a true architect of modern politics. You brought modern politics onto the Canadian stage. You were not only a creator of it, but also an expeditor of it. I have only one other regret today and that is your good friend and my mentor, Keith Davey, is not here. If he were here, he would be extolling your friendship and virtues. Then he would whisper to me, “But we can beat him any time.”

By the way, we await your book. When your book is published, I promise that I will steal as many ideas from that book as possible when I write my own. We wish you well.

**Hon. Jane Cordy:** Honourable senators, I am also pleased to rise to pay tribute to Senator Norm Atkins although I cannot believe that it is time for him to retire.

Senator Atkins began his involvement in political campaigns in New Brunswick and Nova Scotia when he was still a student. His website mentions that he was an assistant and gofer in the 1952 and 1956 campaigns. Most of us in the Senate Chamber have been gofers in political campaigns. We all know that being a gofer simply means that you do jobs that you would never dream of doing if they were paid positions. However, Norm, you did go on to become an organizer extraordinaire.

I got to know Norm well when we both served on the Standing Senate Committee on National Security and Defence. Whenever the committee had witnesses discussing stolen goods, Norm would always ask them if they had ever seen a little red truck with

a licence plate “NORMIE,” which had disappeared from his driveway. However, Norm, no one had the heart to tell you that the red truck was now likely painted green or brown and it had someone else’s name on the licence plate.

On a few occasions during our committee travels, Norm and I had the chance to enjoy a martini at dinner. We both agree that a martini must be made with gin. I remember one afternoon in the Senate we were having some serious discussions about waterways in Canada. Many of you have already spoken about the advice that Norm gives. I received a note from Norm saying that we should simply fill all the lakes with martinis — not a bad idea. I guess it would certainly encourage a lot of people to take up swimming and, perhaps, it could be the start of a new ParticipACTION plan.

Having heard your sons speak last night at the tribute to you, I can understand the great pride that you show every time you speak about them. Then again, their speeches also demonstrated the love and pride that they have for you. Norm, it has truly been a pleasure working with you. You are a gentleman and we will miss you in the Senate. My best wishes to you and to Mary for a healthy and happy retirement.

**Hon. Joan Fraser:** Honourable senators, others have said in far better detail, more fully, eloquently and knowledgeably than I, all the things that Senator Atkins has done and accomplished in his life thus far.

I want to relay an anecdote. I think it says a lot about him. When I came here 10-odd years ago, he was one of the senators of whom I stood in awe. I did not know him, but he had a gigantic reputation. I was much too shy ever to speak to him. The first time he spoke to me in a kindly fashion, I suffered from something approaching stage fright. I was practically tongue-tied.

A little while ago, I told him this. It says a lot about Senator Atkins that he immediately concluded that this meant I must have heard terrible things about him and that would be why I was afraid to speak to him. I said, “No, no. I was nervous because you are a great man.” He said “No.” I said “Yes!” He said “No!”

However, he was and is a great man. In the ensuing years, I have watched him with admiration. I have learned lessons about wisdom, grace and courage of many kinds. Recently, I had the opportunity to work with him and to appreciate that dry sense of humour. There are not many people who can combine well-earned cynicism with high principle, integrity and kindness, but he does.

He has been a lesson to me and, as I know, to many senators. I say again, sir: “You are a great man.”

**The Hon. the Speaker:** Honourable senators, I thank all who participated in this inquiry, which is now considered debated.

(Debate concluded.)

[ Senator Cordy ]

## 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. Pamela Wallin:** Honourable senators, it is with mixed emotion that I rise in this place to speak on the issue of cluster bombs. It would be to risk understatement our collective wish that they did not exact such a collateral toll. However, today, I am somewhat optimistic when I look at Canada’s efforts and leadership regarding cluster munitions. It signals that we have begun the process of eradication.

Only this past December, Canada’s Ambassador to Norway, Her Excellency Jillian Stirk signed the Convention on Cluster Munitions on behalf of the Minister of Foreign Affairs. Together with like-minded states, Canada will continue to contribute to global efforts to protect innocent civilians. Stockpiles are being destroyed; the prohibition is taking hold; and more and more nations are signing on to new international treaties to ban the use of cluster bombs.

Human Rights Watch and Landmine Action report what they describe as a “major shift internationally.” Spain became the first country to destroy all stockpiles; Colombia is not far behind; Austria, Belgium and Norway are moving quickly; and Canada, of course, is also taking action and showing leadership.

As Senator Hubley pointed out in her original inquiry in February, it was Canada that led the way with the historic signing of the Mine Ban Treaty in Ottawa in 1997. Canada’s former Minister of Foreign Affairs Lloyd Axworthy has been a leader in the reduction and elimination of weapons that target civilian populations.

As a weapon of war, the cluster bomb is particularly insidious. It does not even truly target an enemy. Ninety-eight per cent of all recorded cluster munitions casualties have been civilian. As Senator Prud’homme has eloquently and passionately highlighted in this chamber on more than one occasion, children are far too often the victims.

With your indulgence, please allow me a few moments for some background because not everyone inside or even outside this chamber understands what we are talking about. Cluster bombs can contain hundreds of deadly sub-munitions that disperse upon impact. Their purpose is to destroy airfields and runways, electric power transmission lines or moving targets such as armoured columns. They can be air dropped or ground launched. Up to 2,000 of these sub-munitions or “bomblets” can be packed together in a single cluster bomb canister. These weapons scatter tiny, but deadly, grenade-like bomblets over a wide area as large as two or three football fields. The idea, like carpet bombing, is to achieve a high level of explosive impact upon the largest possible area.

Therein lies the problem. Part of their punishing power is their unpredictability. Although cluster bombs are designed to fully explode, many of the sub-munitions do not. These bomblets can

remain on the ground as live ammunition for decades after the end of a conflict. Camouflaged by Mother Nature, the rain falls, the wind blows and it all conspires to offer cover and create deadly hiding places.

Long after the tanks have been silenced and the arms have been put down, these hidden killers linger in homes, on roads, in playgrounds threatening communities for years. The curious squat, brown cylinders strewn casually about, seemingly innocent objects, are intriguing discoveries for children who easily mistake them for toys with obvious devastating and disastrous effects — killing and maiming.

• (1630)

That is why I want to be perfectly clear today that our Canadian Forces have never used cluster munitions in operations, and our forces are ridding their arsenal of this weapon.

We have shown leadership with stockpile destruction. The Canadian Forces recently destroyed their entire stockpile of MK20 “Rockeye” air-delivered cluster munitions. The forces currently hold some ground-delivered munitions, but they are diligently working with other government departments to destroy these remaining weapons in a safe and environmentally responsible manner.

We have shown leadership with respect to mine clearance, and we continue to lead with services to rehabilitate victims.

Under this government, the contribution of the Canadian International Development Agency to mine action was \$33 million last year, for a total contribution of approximately \$74 million over the last two years. That is why we also support the Canadian Landmine Fund, the Global Peace and Security Fund and leading partner non-government organizations such as Mines Action Canada.

Through the past action of the Ottawa convention, the Convention on Certain Conventional Weapons and, under this government, the recent signing of the Convention on Cluster Munitions, Canada has always shown, and continues to show, leadership in meeting its obligations.

Even when participating states could not achieve agreement with the traditional disarmament framework of the Convention on Certain Conventional Weapons in February 2007 in Norway, Norway initiated a separate process to negotiate a new convention, and Canada was an early, consistent and important participant.

In our view, the convention on cluster munitions strikes an appropriate balance between humanitarian and military considerations; namely, it establishes a high humanitarian standard with respect to cluster munitions while preserving the Canadian Forces’ capacity to continue to engage effectively with allies who will not be party to this convention. It commits us to risk education, and it commits us to helping others comply.

This convention is seen amongst participating states, UN agencies, international organizations like the Red Cross and civil society organizations from every region of the world as a major success and a huge step forward.

Of course, opinion in the international arena remains divided on the usage of these bombs. Even about the facts, such as how many cluster bombs exist and where have they been used, is all controversial, even right here in this chamber, as demonstrated in the debate between Senator Goldstein and Senator Prud’homme.

As Senator Prud’homme brought to my attention, and this information has been reported in places like *The Guardian* and other publications that “some middle-ranking officials at the Pentagon and the state department have argued that Israel had violated prohibitions on using cluster munitions against civilian areas,” but “others in both departments, thought Israel’s use of weapons was justified on the grounds of self-defence.”

This debate will no doubt continue as we work to convince others to join us.

In times of war, and during the rebuilding process, civilian populations and children need protection. Again, according to Human Rights Watch and the group, Landmine Action, there is the determination of the international community to deal urgently with humanitarian dangers posed by this weapon.

Canada continues to show strong moral leadership globally while pursuing ratification and implementation here at home.

**Hon. Joseph A. Day:** Will the honourable senator entertain one question?

**Senator Wallin:** Yes, to the best of my ability.

**Senator Day:** It was only at the end of Senator Wallin’s well-delivered speech, and I agree with all the points she made, that she mentioned “pursuing ratification.”

It is my understanding that ratification is a two-step process; one step is signing and the second is ratification. In the treaty, there is provision after ratification for disarmament. Therefore, all the points the honourable senator made in relation to disarmament are prior to ratification, and hopefully those points are an indication that we will ratify.

However, if this treaty is not ratified by 30 nations within a year or a year and a half, then it will expire. Is there any indication as to leadership from Canada in relation to ratification?

**Senator Wallin:** Honourable senators, we are and we have been researching this matter. We are told that it is expected that we will ratify this convention soon.

Here is the issue: Authority to ratify the convention can be sought only once the domestic legislation and other measures are put into place. We must do that, our own homework, to ensure our own compliance.

The other problem is that it is proving to be a challenge internationally because the Convention on Certain Conventional Weapons, CCW, has adopted a practice of consensus decision-making, which requires unanimous agreement. That is being worked on.

The good news is, while there were in the 1990s — 1994 and 1996 — original signatures, the number is now over 100. Many states involved are taking unilateral action and moving forward on stockpiles, regardless of whether the final convention has been signed and ratified.

**The Hon. the Speaker:** Is there further debate?

(On motion of Senator Andreychuk, debate adjourned.)

[Translation]

## LEGAL AND CONSTITUTIONAL AFFAIRS

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

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

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit from 12:00 p.m. to 5 p.m. on Wednesday, June 10, 2009, and from 8:30 a.m. on Thursday, June 11, 2009, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[English]

## CRIMINAL CODE

### BILL TO AMEND—SIXTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Joan Fraser,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, June 4, 2009

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

### SIXTH REPORT

Your committee, to which was referred Bill S-205, An Act to amend the Criminal Code (suicide bombings), has, in obedience to the order of reference of Tuesday, March 31, 2009, examined the said Bill and now reports the same with the following amendment:

*Clause 1, page 1:*

(a) Replace lines 8 to 10 with the following:

[ Senator Wallin ]

“bombing is an act that comes within paragraph (a) or (b) of the definition “terrorist activity” in subsection (1) if it satisfies the criteria of that paragraph.”; and

(b) Add after line 10 the following:

**“2. This Act comes into force on the day to be fixed by order of the Governor in Council.”.**

Respectfully submitted,

JOAN FRASER  
*Chair*

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

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

[Translation]

## IRANIAN NUCLEAR CAPACITY AND PREPARATIONS FOR WAR

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Segal calling the attention of the Senate to the government of Iran's imminent nuclear war capacity and its preparations for war in the Middle East, and to the commitment of Canada and its allies, including the USA, Russia, Turkey, the Gulf States, Egypt, Jordan, Saudi Arabia and others, to diplomatic and strategic initiatives that exclude first-use nuclear attack, the ability of Canada to engage with its allies in order to understand, measure and contain this threat, and the capacity of Canada to support allied efforts to prevent a thermonuclear exchange in the Middle East.

**Hon Marcel Prud'homme:** Honourable senators, I said I would address this topic following President Obama's speech. I must say I am studying the speech he made this morning very closely.

[English]

Outstanding, if I may say, in Egypt. It will have some influence on the rest of my debate. Therefore, with permission, I want to adjourn the debate in my name. I am in the position to believe I will do so before the summer adjournment.

**The Hon. the Speaker:** Is it agreed?

**Hon. Senators:** Agreed.

(On motion of Senator Prud'homme, debate adjourned.)

• (1640)

## THE SENATE

### MOTION TO URGE MINISTERS RESPONSIBLE FOR 2010 OLYMPIC AND PARALYMPIC GAMES TO BROADCAST EVENTS ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Champagne, P.C., seconded by the Honourable Senator Eaton:

That the Senate unanimously urge the two Ministers responsible for the Olympic and Paralympic Games to do everything in their power to make VANOC and the Broadcasting Consortium quickly reach an agreement that will ensure the broadcasting of the 2010 Paralympic Games in Vancouver and Whistler.

**Hon. Joyce Fairbairn:** Honourable senators, it is with great appreciation and enthusiasm that I support the motion of Senator Champagne urging the federal government to do everything in its power to have VANOC and the Broadcasting Consortium quickly negotiate an agreement that will ensure the broadcasting of the 2010 Paralympic Winter Games in Vancouver and Whistler.

To say that I am a fan of our Canadian Paralympians is an understatement. I have become a very intense honorary godmother who joins the team in supporting them at Paralympic Games — winter and summer.

In 1998, I was asked to represent the Canadian government on behalf of the then sports minister Sheila Copps at the Winter Paralympic Games in Nagano, Japan. Like almost every citizen in Canada, I knew very little about these games and these extraordinary athletes who bring great pride to this country.

On day one in Nagano I became an instant fan and was introduced to some of the finest people I have ever known. Since then I have enthusiastically attended, from opening to closing, every games, both summer and winter, and I truly wish all Canadians could see our athletes giving their best for this country.

For example, in the last Winter Games in Torino, there was for the first time in Paralympic history an event that filled the arena with enthusiastic fans waving flags of all nations. It was wheelchair curling for the first time. It ended with none other than the Canadian flag being raised as our relatively young wheelchair curling team took home that gold medal. Other countries had promoted curling for some time, but it was the Canadians that startled them when our new team ended up with the last stone of the last game moving them past the British team, which had been well on its way to victory. The place went wild with enthusiasm, but there were no television cameras to show it to Canadians. There was no broadcast.

Games after games, we have cheered and waved the biggest flags possible to carry our athletes to do their finest. Many win medals, approaching the podium with smiles and pride for their country. Chantal Petitclerc, whom Senator Champagne knows

well and spoke about during her speech, the most outstanding female wheelchair racer in the world, was awarded the 2008 Lou Marsh Trophy for Canada's Athlete of the Year. The Lou Marsh Trophy is not for women only, not for disabled athletes, but for Canada's overall top athlete of the year. Her career spans 17 years, during which she has won 21 Paralympic medals and knocked the socks off her competitors in Beijing, China.

Our sledge hockey team, which has taken home many medals in past Paralympic Games, is currently ranked first in the world and is a strong contender for gold in Vancouver next year. We have amazing wheelchair rugby and basketball players, runners and skiers, both alpine and cross-country.

We have the McKeever brothers from the mountains near Banff where the oldest brother, Robin, left the Olympic sports team in order to guide his visually impaired brother Brian as a gold medal pair in Salt Lake City and Torino, and they are now looking forward to Whistler.

Our blind downhill skier Chris Williamson continues to barrel down those slopes with his guide nearby and again has brought the flag home to Canada from Salt Lake and Torino.

Our outstanding downhill skier Lauren Woolstencroft blazes down hills with prosthetic lower legs and one pole and has led the pack to the Paralympic podium time after time and is ready to do it again. Already in the advance competitions leading up to the 2010 games, she has gathered up a number of gold medals around the world and is continuing to get ready for the year ahead at Whistler.

Along with these athletes, many others are working endlessly hard not just for themselves but for their families and their country. They are also well aware that success finds its way into the lives of others with disabilities who want to come forward and do a great deal to encourage others to get physically active.

In order to do so, Canadians in all areas need to have the opportunity to watch these athletes, their skill and their spirit, their pride of each other and of their country. Over the past years, Canadians have had little chance of knowing who the Paralympians are and how they have the courage and goodwill and determination to overcome these disabilities and leave people, young and old, across Canada to know that there is a road ahead on which lives can change and grow.

Along with supporters and friends from across this country, we have tried to follow the courage and generosity of our athletes by creating a Canadian Paralympic Foundation to encourage other Canadians to support this effort. The goal is to open the doors and opportunities to those with physical disabilities and give them a chance to move forward in daily life and in sports.

It is imperative that parents and children across this country have the opportunity to see what can be done. The slogan of our athletes is, "Yes I Can." They want to offer their own efforts to the families in every part of this country. Clearly the way to do it is to give Canadians a chance to see these athletes compete and succeed on the world stage.

Senator Champagne has encouraged the Senate of Canada, and she has worked extremely hard, to persuade our government to promote the 2010 Paralympic Games and its athletes by ensuring that a broadcasting agreement will be made. These games must be televised while the athletes are performing and not weeks after the games are over. Surely, as hosts to the world, our government and our citizens can make sure that what takes place in that beautiful part of our country will be seen here in Canada and beyond our borders.

I encourage honourable senators on both sides of this chamber to stand in line behind our colleague who has taken a great deal of time and effort to make the doors open. I would hope that the Senate of Canada can come together and send a message that says "Yes We Can."

This is like a march, and I urge all of us in whatever way we can to persuade our friends across the building that now is the time to give these folks a fair chance to lift our country. We have never had this kind of opportunity before. Let us make the best of it.

**The Hon. the Speaker:** I must inform the house that if Senator Champagne speaks, it will have the effect of concluding debate.

**Hon. Andrée Champagne:** Honourable senators, I want to thank Senator Fairbairn for her kind words. I know that she has been working with Paralympians for many years. Once you have been with them during one competition, you cannot but love them and want them to win and want them to get all the help they can.

• (1650)

Recently, the Official Languages Committee heard officials from the CTVglobemedia consortium. Even though I was supposed to ask questions on the French part of the broadcast of the Olympics and the Paralympics, I asked whether they were planning to show us our Paralympians — and not at three o'clock in the morning when everyone is in bed — so we can get to know them, to love them, and develop the wish to help them and their cause. I was told that maybe one or two games of the sledge hockey would be shown in prime time.

Honourable senators, this is not enough. With your help in supporting this motion today, I hope to continue to find sponsors. The problem is lack of sponsors because the Paralympic Games are not known well enough by Mr. and Ms. Public. We must convince people, even in these difficult economic times, which may be improved by the winter of 2010, to sponsor our Paralympians.

Honourable senators, the Government of Canada should do its part. I would like to move forward with this resolution in an effort to convince them. I am quite confident that we will get at least a "maybe" before we leave for the summer. I thank you all and I will do my best.

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

(Motion agreed to.)

[ Senator Fairbairn ]

[Translation]

## CBC/RADIO-CANADA

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Chaput calling the attention of the Senate to the Conservative government's inaction on CBC/Radio-Canada's urgent financial needs and the disastrous consequences of this inaction on services to official-language minority communities.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, today I want to continue the inquiry of the Honourable Maria Chaput, who on April 2 called the attention of the Senate to the government's inaction on CBC/Radio-Canada's urgent financial needs and the disastrous consequences of this inaction on services to francophone minority communities.

I would like to begin by reminding you of certain facts. On March 25, CBC/Radio-Canada announced that because of an anticipated shortfall of \$171 million for the 2009-10 fiscal year, it was forced to lay off 800 people and make major changes to its services. These layoffs represent close to 10 per cent of the corporation's employees. Nearly half of all the job cuts are at the French network.

In western Canada, nine full-time and four part-time positions in the French network will be cut. In Manitoba, five employees and one manager will be let go; in Saskatchewan, one person will be laid off; in Alberta, one full-time position and one part-time position will be cut; and in British Columbia, four people will lose their jobs. The local noontime programs have all been cancelled, and Saturday programming will be consolidated for the entire western part of the country.

On March 31, to press the government to act, the Liberal Party introduced a motion in the House of Commons urging the government to give CBC/Radio-Canada an advance on the funding it needs. The motion read as follows:

That this House recognizes the indispensable role of CBC—Radio Canada in providing national, regional, and local programming including news coverage and services to linguistic minorities throughout Canada, and therefore regrets the financial hardship and substantial lay-offs that CBC—Radio Canada currently faces; and urges the government to provide CBC—Radio Canada with the bridge financing it requires to maintain 2008 staffing and service levels.

Unfortunately, Conservative members voted against this motion. The government could have taken measures to limit the damage, but it refused. It is clear that the government is failing CBC/Radio-Canada on three fronts. First, it is cutting \$63 billion from the corporation's funding in the 2009-10 main estimates compared to the 2008-09 estimates; second, it is refusing to provide \$125 million in interim financing; and third, it is delaying the annual supplementary payment of \$60 million.

And yet the government has known about CBC/Radio-Canada's financial problems for some time. It has ignored the recommendations of various parliamentary committees, which recommend providing stable funding to the corporation. In spite of these interventions, the government did nothing to prevent layoffs or the cancellation of regional broadcasts. The government's refusal to advance funding has placed the corporation in a precarious situation. And yet, the government plans to help private broadcasters face the current economic crisis while refusing any financial assistance for CBC/Radio-Canada.

On April 27, Hubert T. Lacroix, President and CEO of CBC/Radio-Canada, appeared before the Standing Committee on Canadian Heritage, where he talked about some serious concerns. He insisted on the fact that the corporation's funding model is no longer adequate for the efficient delivery of services that Canadians expect. He reminded the committee that, under the Broadcasting Act, CBC/Radio-Canada has a unique mandate under which it provides Canadians with programming that is accessible everywhere and at all times, based on their choices and availability, through 29 services and various platforms such as television, radio, the Internet, satellite radio and digital audio across five time zones and in two official languages. It provides a very broad and diversified range of services. In addition, the current economic crisis has accelerated the loss of advertising revenues.

Mr. Lacroix said that \$125 million in transitional funding would have enabled them to balance the budget and reduce the number of jobs affected by the economic downturn. The request for funding was refused, so the corporation is being forced to sell off assets to cover the difference. It is clear from his comments that CBC/Radio-Canada is making an effort. As he said:

... we control costs in the best possible manner and ... we are aware of our obligations to French-speaking and English-speaking communities.

Mr. Lacroix aptly demonstrated that CBC/Radio-Canada is a great deal for Canadians. He referred to the Nordicity Group's study, which showed that CBC/Radio-Canada costs \$34 per year per Canadian. On average, each of the western nations in the study spends \$76 per citizen per year on their public broadcaster. Great Britain spends \$124 per person on the BBC.

• (1700)

The president of the Syndicat des communications de Radio-Canada, Alex Levasseur, commented on the difference between funding for Canada's public broadcaster and that for foreign broadcasters. He suggested that the government is partly responsible for that. He said:

The \$171 million budget shortfall is due in part to lower advertising revenues, but the really big issue is the structural problem of funding. The government is largely, if not entirely, responsible for that. The party's intentions and approach are very ideological.

Honourable senators, funding for CBC/Radio-Canada is critical to helping the broadcaster survive competition and essential to ensuring that the government fulfils its responsibility to linguistic communities.

It is crucial to support CBC/Radio-Canada's local presence, especially in French, because it is already a bare-bones operation. I repeat: the cuts to the French network represent close to half of all the jobs cut by the broadcaster. Is the government meeting its commitments to anglophone and francophone minority communities? By not providing the bridge financing the corporation needs, it is depriving these communities of a service that is vital to their cultural identity and one of their only sources of news in either official language.

The current government also seems to be forgetting that many isolated rural communities depend on CBC/Radio-Canada for access to the news. The cuts are very disappointing and harmful, because if the bridge financing had been approved, some positions could have been saved and, more importantly, CBC/Radio-Canada would have had the stability and flexibility it needs. The government is leaving the corporation in limbo and forcing it to make major decisions that are hurting the regions and having serious consequences.

If CBC/Radio-Canada is not given the means to carry out its mandate, particularly given the current economic climate, the corporation could well fall back onto safe, risk-free programming, which will make it even more like private broadcasters by prompting it to invest less in youth programming and local stations and reducing funding for international news, which should be the corporation's flagship service.

It is too bad that the government does not understand what a pivotal role CBC/Radio-Canada plays with its unique offerings and its high-quality programs that cover topics private broadcasters often ignore. CBC/Radio-Canada must have the resources it needs to carry out its mandate effectively and successfully, to continue to provide the best possible service to all Canadians and, most importantly, to avoid having to face agonizing decisions that affect our communities.

(On motion of Senator Comeau, debate adjourned.)

[English]

## USE OF SEAL PRODUCTS AT 2010 WINTER OLYMPICS

### INQUIRY—DEBATE CONCLUDED

**Hon. Mac Harb** rose pursuant to notice of May 26, 2009:

That he will call the attention of the Senate to the fact that the Canadian government has supported the use of seal products, specifically seal skins, for the uniforms of Canadian athletes at the upcoming Winter Olympics in Vancouver.

He said: Honourable senators, I would like to draw to the attention of the Senate the fact that the Canadian government has supported the use of seal products, specifically, seal skins, for the uniforms of Canadian athletes at the upcoming Winter Olympics in Vancouver.

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

**Senator Harb:** As we all know, on Tuesday, May 5, 2009, the European Parliament passed a ban on the importation of seal products from Canada's commercial seal hunt.

**Some Hon. Senators:** Shame.

**Senator Harb:** The very next day, the Government of Canada, by unanimous consent in the other place, approved a motion to use seal products in the making of Canadian Olympic clothing for the 2010 Vancouver Olympic Games.

There was no vote. The motion was passed by agreement of all members of that place to use seal skins for the official athletic wear of Canada's Olympic team members.

In one fell swoop, the Government of Canada managed to, first, demonstrate an incredible lack of awareness of just how strongly Canadian and international public opinion is set against the commercial seal hunt. Second, the government showed a complete and utter disregard for long-established international Olympic protocol; and third, it damaged, by association, artisans and communities in Canada's North.

That is not bad for a few minutes' work.

I understand it has taken considerably longer to do the necessary damage control to calm down irate International Olympic Committee members and to reassure the Vancouver Olympic Committees. Honourable senators, this is not to mention the Olympic athletes themselves, who were, no doubt, shocked to find out that they would have to parade into the opening ceremonies in seal furs. This is an unnecessary political distraction for these dedicated and committed athletes.

Honourable senators, this latest salvo in the government's efforts to prop up a dying industry would be laughable if it had not been so ill conceived. It was bad politics and extremely poor public relations. It could even be argued that it raised a human rights issue for those individuals potentially forced to wear a product that is banned around the world.

It is time for the government to respond to the dramatic shift of opinion that has occurred on the issue of the commercial seal hunt.

Most Canadians, and in fact, a majority of people west of the mouth of the St. Lawrence River oppose the commercial seal hunt and are tired of the international damage it does to our more lucrative industries. They are also tired of seeing tax dollars washed down the drain trying to convince people around the world that the commercial seal hunt has a future.

The European Union has made very clear how its citizens feel about the commercial hunt and, indeed, about this particular motion. In fact, representatives of the EU Parliament dismissed this frivolous, unanimous motion and its obvious intent to question the independent actions of a foreign political body simply responding to the wishes of its own electorate. The timing of the motion made it clear that it was a knee-jerk reaction to the overwhelming support in the European Union for a ban on commercial seal hunt products and not a serious initiative to support any Canadian enterprise.

Given our role as an Olympic host country, this motion was little more than a disastrous public relations exercise, alienating our guests here and around the globe, essentially saying, "We simply do not care about your views or the views of your citizens."

While attempting to use the Olympic platform to further a political cause is not a new idea, it certainly is not a good one, especially for a national government. Canada has worked very hard to get the 2010 Winter Olympics, committing precious resources and time to its successful bid to bring the international spotlight to Canada, its beauty, its athletes and its bright future.

It is incomprehensible that our elected officials would choose this opportunity to flog an unpopular industry that has already given rise to boycotts, bans and international sanctions.

The Olympics are about excellence in sport, not a forum for revenge on foreign states and their policies. If we stop to explore the claim of the motion's sponsor that we could use the Olympics to "save an industry," we have to question the choice of industry he would have us save.

• (1710)

There is no doubt the Olympics are a mega-marketing stage. Chinese automakers, for example, took advantage of the Beijing Olympics to market their energy-efficient cars of the future, using them as limos to transport athletes and games officials. That is genius. However, here in Canada, our government, along with other members of Parliament, voted unanimously to use the Vancouver Olympics to market the commercial seal hunt, a dying \$500,000 industry that is more about days gone by than about the bright, exciting industries of tomorrow. Are seal products truly the flagship products that we want to market to the world?

[Translation]

But of course, the International Olympic Committee's rules are clear: no political symbols, apart from a national emblem, may be displayed on Olympic uniforms. And the government knew that, but it chose to pass the unanimous motion, instead of accepting the fact that times have changed and that Canada's seal hunters need the government, not to glue some seal fur onto our athletes' clothing, but to invest in retraining and in buying back their permits, in order to ensure a future for the people affected by the end of the commercial seal hunt in Canada.

The government must do more than feign interest in the needs of displaced workers. The government has not yet taken any concrete action to help their families, and they need that kind of action a lot more than meaningless, provocative motions.

[English]

It is important, honourable senators, to note that the backlash to the motion may do more damage than good for those Northern Inuit communities whose seal products are exempted from the European Union ban.

Honourable senators, the Vancouver 2010 Aboriginal Licensing and Merchandising Program marks the first time an Olympic organizing committee has partnered with indigenous people to create an official licensed merchandise program, a program that showcases excellence in Aboriginal arts, culture and enterprise in



Canada and which will raise funds for the Aboriginal Youth Sport Legacy Fund. The program includes an agreement with the Nunavut Development Corporation for the creation of authentic with hand-carved inuksuit by over 1,200 Inuit carvers from across Nunavut. The government's continued policy of misleadingly lumping the traditional Inuit seal hunts in with the large commercial seal hunt to the south may backfire on these artisans and this innovative program.

While sifting through public opinion on the Internet and in the more than 575,000 emails, cards and petitions that my office has received thus far calling for an end to the commercial seal hunt in Canada, I have been overwhelmed by how strongly Canadians feel that the time to end the hunt is upon us.

Just last week, a young 7-year-old Canadian boy named Gabo Bazo visited me at my office. He travelled with his parents all the way from Vancouver, while on crutches, due to a sprained ankle. He shared with me his strong support, and the support of many of his friends and classmates, for an end to the commercial seal hunt.

Gabo had a list of good reasons why the hunt should end, including the fact that, as humans, with access to many other forms of clothing, we really do not need to wear seal fur, unless, he said, we live in the North, where the climate is very harsh. These are smart words from a smart boy and it is important to realize that Gabo's voice is the voice of the future.

Honourable senators, we simply cannot ignore the reality facing the commercial sealers any longer. We need to take immediate action to provide them with training and employment replacement options so they can move forward each spring to the next fishery, even after the commercial seal hunt is closed for good. We need to put mechanisms in place to protect the traditional Aboriginal communities who depend upon the seal, day in and day out, all year long.

The massive cull of young seals for their fur is over. There is no market, no profit, and there is no point to the industry any longer.

The unanimous motion in the other place is a sorry indication of just how out of touch the government is on this important issue and how sadly they are shirking their responsibility to displaced commercial sealers and our Aboriginal hunters. Canadians deserve better.

**The Hon. the Speaker:** Honourable senators, if no other senator wishes to participate in this debate, this inquiry is considered debated.

(Debate concluded.)

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### MOTION TO AUTHORIZE COMMITTEE TO STUDY THE PROMOTION OF CANADIAN IDENTITY— DEBATE ADJOURNED

**Hon. Nicole Eaton,** pursuant to notice of May 28, 2009, moved:

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*.

She said: Honourable senators, on February 11 of this year, I was honoured to give my maiden speech in this chamber. That maiden speech defined me as a senator and as a Canadian. It set the stage for my intervention today.

[Translation]

I said at that time, and my opinion has not changed, that all men and women in this country must fully embrace the unyielding fact that the benefits that come from being Canadian must be a direct result of our willingness to invest ourselves fully in this country.

[English]

Surely we want all Canadians, including new Canadians, to feel both welcome and part of the Canadian experience. Therefore, we must define who we are, and the time to do it is now. Too often, newspaper headlines scream out about our lack of national pride, our ambivalence to civic responsibility and our increasingly troubling voter apathy.

Just last week, for example, I was disheartened to read that today's youth do not consider voting to be a civic duty. Of particular import to this debate is the finding that those most likely to vote believe that citizens have both rights and responsibilities.

Now that two of the major studies that the Standing Senate Committee on Social Affairs, Science and Technology has undertaken are nearing their conclusion, we have a perfect opportunity to focus the committee's work on defining our Canadian identity in the 21st century.

The magnitude and diversity of the subject to be considered lends itself to a stand-alone examination. In order to be relevant, it must be pan-Canadian in scope and inclusive of all interests and points of view.

[Translation]

Honourable senators, allow me to go back in time for a moment. In June 1999, the Standing Senate Committee on Social Affairs, Science and Technology published its final report on social cohesion, which provided a complete analysis of the economic and social factors and their impact on our social fabric.

[English]

However, the scope of the study stopped short of addressing a critical dimension of social cohesion — that of national identity and its role in the social cohesion of a nation. It is this dimension that I encourage the committee to embrace as our next major field of study. It would serve as a logical companion to the committee's previous work and would address a subject that many nations, including Canada, are grappling with today.

This "fourth dimension" — the others being material conditions, social order and networks — is about the extent of social inclusion or integration of people into the mainstream institutions of civil society. It also includes people's sense of belonging and the strength of shared experiences, identities and values between those of different backgrounds.

Sadly, Canada lags far behind other countries in addressing the issue of social cohesion and national identity. For example, New Zealand's official definition of "social cohesion" incorporates national identity, including history, heritage, culture and rights, and entitlements of citizenship. Australia, Germany, the Netherlands and the United States have all revamped their citizenship promotion programs with a greater focus on history and identity.

• (1720)

[Translation]

In addition, in July 2008, the United Kingdom published the results of a study into the relationship between recent immigration and social cohesion in the context of other social and economic transformations affecting the daily lives of the population of the United Kingdom.

[English]

An announcement by the government offers a timely rationale for launching this debate in Canada. In June 2008, cabinet approved a memorandum on Canadian identity in preparation for the bicentennial of the War of 1812 and the Dominion of Canada's one hundred and fiftieth birthday in 2017. It approved a memorandum for events such as the Diamond Jubilee of Queen Elizabeth II in 2012 and the centenary of the First World War in 2014-18. In particular, the War of 1812 is a powerful symbol of the survival of our free institutions involved in today's parliamentary democracy.

Honourable senators, I do not make this motion in isolation. I have spoken with the Leader of the Government in the Senate, with the Minister of Citizenship and Immigration, and with the chair and deputy chair of the committee.

[Translation]

Whenever possible I included their suggestions and I thank them for helping me to define the subject of the study I am proposing.

[English]

The issue of nationhood and identity is extremely topical and one that many nations are beginning to debate. This topic has not yet been addressed in Canada and it is a study that would be much lauded.

The Standing Senate Committee on Social Affairs, Science and Technology has an unprecedented opportunity to seize the initiative and launch a first-ever study of its kind in Canada. We would be setting an example of leadership and innovation.

**Hon. Sharon Carstairs:** Would the honourable senator accept a question?

**Senator Eaton:** Yes.

**Senator Carstairs:** Honourable senators, as I have said in committee, I have become increasingly concerned about references that come to this chamber for committee studies without discussion having taken place in the committee on whether they have time to do the work.

[ Senator Eaton ]

I know that the Standing Senate Committee on Social Affairs, Science and Technology is involved in a major cities study, and I know that they have just accepted a reference from this place to do a study on post-secondary education.

Has the committee said that they have the time to do this study?

**Senator Eaton:** I thank the honourable senator for the question. I discussed this several times with the Honourable Senator Art Eggleton, the chairman of our committee. I copied all the senators on the committee with my proposal, and I am conducting ongoing negotiations. I fully realize that if this study were to be undertaken it might be part of a larger study, or that it would have to wait in line. However, I felt it was important to bring it forward in order to get people thinking about it.

**Senator Carstairs:** I thank the senator for that answer.

Has the honourable senator considered the possibility of doing this study as a special study of the Senate, similar to the one we just completed on aging, where the committee would meet on Mondays when it would not come into conflict with any other studies or any other committees?

**Senator Eaton:** No, I have not, and I fear that is due to ignorance on my part. I would be happy if the Senate would consider doing this as a special study.

**Hon. Art Eggleton:** Honourable senators, Senator Carstairs is quite right to point out something that I was about to point out, that is, that we do have a rather full agenda in terms of major study items.

While we are completing the current segment of the cities study, which deals with poverty, housing and homelessness, we have several other topics to deal with in our terms of reference from the Senate. Interestingly, one of them is social cohesion, which Senator Eaton referenced. That could well be the next segment undertaken sometime in the fall. However, that study is still a fair distance away from its completion, with more segments to come.

While the fabulous work of the Subcommittee on Population Health has now come to a conclusion, with the filing of the report by Senator Keon, the Senate has adopted Senator Callbeck's motion for another major study dealing with education.

We have a full platter and, in addition, must deal with legislation that comes our way. That is about as much as the committee can take.

In the conversations I have had with Senator Eaton, she has expressed a desire to talk to the committee members at a meeting about the subject matter in which she is interested, and I think that is a fair way to proceed as the next step.

With that, I would like to move the adjournment of the debate for the balance of my time.

(On motion of Senator Eggleton, debate adjourned.)

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

### COMMITTEE AUTHORIZED TO STUDY CURRENT STATE AND FUTURE OF ENERGY SECTOR

**Hon. W. David Angus**, pursuant to notice of June 2, 2009, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on the current state and future of Canada's energy sector (including alternative energy). In particular, the committee shall be authorized to:

- (a) Examine the current state of the energy sector across Canada, including production, manufacturing, transportation, distribution, sales, consumption and conservation patterns;
- (b) Examine the federal and provincial/territorial roles in the energy sector and system in Canada;
- (c) Examine current domestic and international trends and anticipated usage patterns and market conditions, including trade and environmental measures and opportunities, likely to influence the sector's and energy system's future sustainability;
- (d) Develop a national vision for the long-term positioning, competitiveness and security of Canada's energy sector; and
- (e) Recommend specific measures by which the federal government could help bring that vision to fruition.

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

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

**Senator Corbin:** Explain.

**Senator Angus:** It would be my pleasure to explain.

First, the motion speaks for itself in its terms, and far be it from me to be more eloquent than that. It reflects two weeks of intense discussions by my colleagues on the Standing Senate Committee on Energy, the Environment and Natural Resources in light of a pressing need, as expressed by the energy sector across Canada, particularly in what is known as the oil patch in Alberta.

The energy industry has concerns in the present context of climate change. A joint dialogue has been announced by President Obama and Prime Minister Harper for working out a program of

clean energy for our two countries in preparation for the important upcoming Copenhagen conference. There are various types of energy, including wind and solar, that are alternatives to the hydro grid. Much information must be coordinated, analyzed and brought together.

It is the view of this committee that this will not be just another study. It will be a baseline study over a two-year period to develop a policy, and the words "national energy policy" do come to mind.

This comprehensive study would render a great service to Canada, its industry and all the related elements in our continuing battle with climate change as it relates to the energy sector, our relationship with the United States, and to our daily comings and goings.

**Hon. Eymard G. Corbin:** Would the honourable senator accept a question?

**Senator Angus:** Absolutely.

**Senator Corbin:** I read with great attention the text of the motion and paragraph (b) elicits questions.

The proposal is to examine the federal, provincial/territorial roles in the energy sector and system in Canada. In my opinion, that is rather loosely worded, and that is probably intentional.

Does the committee propose to call provincial governments before the committee and expect them to divulge their policies, programs and intentions for the future? In the past, some provincial governments have told committees that were putting their noses in provincial affairs to go fly a kite. How do you propose to bring the provincial and territorial governments on board in this study? Will it be only a polite invitation and, if they do not respond, pass and move on with the other measures?

• (1730)

**Senator Angus:** Honourable senators, I do not know how many megawatts we can generate from flying a kite, but I can tell that you we are blessed in our committee by having as a member a former Minister of Natural Resources in the great province of British Columbia. He has brought to our attention how his province, Alberta and Ontario are in the field bringing in cap-and-trade systems and taking measures that overlap. One underlying objective is to bring together and consolidate all the facts available on all the different sources of energy and all the initiatives being undertaken nationally, provincially and territorially so there will not be cross purposes in the future. It is in that sense that the subparagraph is in the motion.

**The Hon. the Speaker:** Is the house ready for the question?

**Hon. Senators:** Question.

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

(Motion agreed to.)

**FOREIGN AFFAIRS AND INTERNATIONAL TRADE**

MOTION TO REFER PAPERS AND EVIDENCE FROM  
STUDY ON ISSUES RELATED TO FOREIGN RELATIONS  
DURING SECOND SESSION OF THIRTY-NINTH  
PARLIAMENT TO STUDY ON RISE OF CHINA, INDIA  
AND RUSSIA IN THE GLOBAL ECONOMY AND THE  
IMPLICATIONS FOR CANADIAN POLICY ADOPTED

**Hon. Consiglio Di Nino**, pursuant to notice of June 3, 2009,  
moved:

That the papers and evidence received and taken and the work accomplished by the Standing Senate Committee on Foreign Affairs and International Trade on its order of reference relating to foreign relations and international trade generally during the Second Session of the Thirty-ninth Parliament be referred to the committee for the purpose of its current study on the rise of China, India and Russia in the global economy and the implications for Canadian policy.

(Motion agreed to.)

[*Translation*]

**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 9, 2009, at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until June 9, 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, June 4, 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	09/06/02		
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	09/06/03	Transport and Communications					
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	09/06/02	Social Affairs, Science and Technology					
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
C-22	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 ( <i>Appropriation Act No. 1, 2009-2010</i> )	09/03/24	09/03/25	—	—	—	09/03/26	*09/03/26	4/09
C-24	An Act to implement the Free Trade Agreement between Canada and the Republic of Peru, the Agreement on the Environment between Canada and the Republic of Peru and the Agreement on Labour Cooperation between Canada and the Republic of Peru,	09/06/04							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-28	An Act to amend the Cree-Naskapi (of Quebec) Act	09/05/27	09/06/04	Aboriginal Peoples					
C-29	An Act to increase the availability of agricultural loans and to repeal the Farm Improvement Loans Act	09/05/27							
C-33	An Act to amend the War Veterans Allowance Act	09/06/04							

## 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	09/06/04	1			
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. Herveux-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		

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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							
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