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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, June 23, 2009

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

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE EYMARD G. CORBIN

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, it is with great regret that I rise today to mark the retirement of an esteemed colleague, Senator Eymard Corbin. His retirement is a loss not only to the Senate but to Parliament as a whole. Although Senator Corbin was adamant that he did not wish his departure to be commemorated, I believe it is my duty to place clearly on the record at least some of the details of what the Parliament of Canada is now losing.

Senators arrive in this chamber with a wide range of experiences. While many of us, myself included, arrive with little, if any, experience in a legislative body, others take their place here following many years of service as elected legislators. Senator Corbin is such an individual.

Senator Corbin was first elected to the other place in 1968 and was subsequently re-elected four times by the people of Madawaska—Victoria. He served as Parliamentary Secretary to the Minister of Fisheries and Forestry and, later, as Parliamentary Secretary to the Minister of the Environment. He was held in high esteem not only by his constituents, who continued to return him to the House of Commons, but also by his colleagues in that chamber who chose him as their Deputy Speaker.

When Senator Corbin was summoned to serve in our chamber on July 9, 1984, he brought with him a wealth of knowledge and experience of Parliament and, in particular, knowledge of legislative procedure. This has served him well as an active participant in the chamber and as a valued member of the Standing Committee on Rules, Procedures and the Rights of Parliament. Given his experience, it is not surprising that he has also served as Chair of the Committee of the Whole in both houses.

To gain a better understanding of what drove my friend to enter political life, I turned to his first speech in Parliament, which he delivered on September 13, 1968, in moving the Address in Reply to the Speech from the Throne.

I was not surprised to find in that speech the core values he has displayed here. In that speech, he clearly showed his dedication for the promotion of both French-speaking and English-speaking people of New Brunswick. He spoke not only of the francophone majority in his riding but made it clear that he also represented his English-speaking constituents and the two Aboriginal bands that are found in Madawaska—Victoria.

His commitment to the equal status of our two official languages has been a constant theme in his political career, and found particular expression in the Senate when he served as chair of the Standing Senate Committee on Official Languages.

Senator Corbin is also a proud patriot. In that first speech, which he gave in the other place more than 30 years ago, he said:

Mr. Speaker, I am Canadian first, and foremost. . . . It is with a very deep sense of concern that I sit in this house with colleagues devoted to the growth and unity of our country.

However, Senator Corbin's concerns extended beyond our national borders. All honourable senators know the instrumental role he played in the Foreign Affairs Committee report on Africa. It was on his urging that the committee embarked on its Africa study. His public remarks about what he and his committee colleagues witnessed during their travels in Africa are sobering and remind us all that, as Canadian parliamentarians, we have a moral obligation when it comes to the terrible suffering of people in other parts of the world.

For over 40 years, Senator Corbin has served both Canada and Canadians. I am certain his wife Yvette, his children Sylvie, Louise and Isabelle, and the rest of his family are very much looking forward to spending more time with him upon his retirement.

Senator Corbin, I thank you on behalf of all honourable senators and all Canadians for your extraordinary service to this country.

[Translation]

THE HONOURABLE LISE BACON

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to pay tribute to the Honourable Lise Bacon. I am going against her wishes, since she asked to not have a tribute in her honour. But I would be remiss if I did not say a few words about her incredible political career.

Senator Bacon has made an invaluable contribution for all Canadians in her work as a member of the Quebec National Assembly and as a senator.

In the Quebec provincial government, she was elected MNA for Bourassa in 1973 and for Chomedey in 1981. She was quickly promoted to cabinet as Secretary of State for Social Affairs, then Minister of Consumers, Cooperatives and Financial Institutions and Minister of Immigration. She continued to climb the ladder and was appointed Deputy Premier of Quebec, Minister of Cultural Affairs and Minister Responsible for the Bureau of Human Resources, the Public Service Commission, and the Application of the Charter of the French Language. She was a

member of the Treasury Board, then Minister of the Environment, Minister of Energy and Resources and Minister of Regional Development.

Since she was first appointed to the Senate in 1994, her presence, expertise and effectiveness have been greatly appreciated in many committees, such as the Senate Committee on Legal and Constitutional Affairs, the Standing Committee on Energy, the Environment and Natural Resources, the Standing Committee on Foreign Affairs, the Standing Committee on Rules, Procedures and the Rights of Parliament, and the Standing Joint Committee on the Scrutiny of Regulations.

In the Senate, she has been Vice-Chair of the Quebec Liberal caucus and Chair of the Standing Committee on Transport and Communications, the Standing Committee on Internal Economy, Budgets and Administration, and the Standing Committee on Legal and Constitutional Affairs.

As a committee chair she had an admirable sense of fairness. Being highly productive in whatever she undertakes, she was an invaluable asset to the Senate. And of course, her boundless love for Quebec, her beautiful home province, and for our country was a great comfort to us all, since she always worked with our best interests at heart.

I would particularly like to highlight Senator Bacon's work as President of the Canada-France Inter-Parliamentary Association. Over her eight years as President, she forged ever stronger bonds between our two countries. The members of both the Canada-France Inter-Parliamentary Association and the Groupe d'amitié France-Canada have nothing but praise for Senator Bacon's remarkable work, and I can attest to that myself, since I was a member of the latter group.

Senator Bacon, it was an honour to work under you and with you. Your presence will be felt in the Senate and in our hearts for a long time to come.

On behalf of all honourable senators, I thank you and wish you well in this next chapter of your life.

[English]

ABORIGINAL WRITING CHALLENGE

Hon. Patrick Brazeau: Honourable senators, on the heels of National Aboriginal Day, held on June 21, it is both apt and timely to celebrate the talent, culture and vibrancy of Canada's Aboriginal youth. Honourable senators, nowhere is this better illustrated than by the Dominion Institute's Canadian Aboriginal Writing Challenge for youth, themed around the notion, Our Story.

For those who are perhaps unfamiliar with the Dominion Institute and its mission, it provides educators and interested Canadians with a variety of educational programs, events and resources that help engage youth and all Canadians in learning about our history, shared citizenship and democratic institutions and values.

Honourable senators, through the Canadian Aboriginal Writing Challenge, First Nations, Inuit and Metis youth are invited by the Dominion Institute to submit their creative writings

around moments in Aboriginal history tied to Canada's past or a moment in their own ancestral history.

I have been privileged enough to be part of the review panel and advisory committee for this initiative, which is comprised of Aboriginal authors and leaders. This project is exactly the type of undertaking Canada needs to enrich its citizens, to engage its Aboriginal youth and to more richly share the wonderful stories brimming from within the Aboriginal community, from sea to sea to sea across this country.

• (1410)

Honourable senators, today I wish to share with you — and indeed with all Canadians — the names of the Aboriginal youth who have placed in the top three spots of their respective age categories, as announced last week by the Dominion Institute.

In the category for those 14 to 18 years of age, we congratulate Trevor Jang, 15, of Telkwa, B.C.; Maynan Robinson, 18, of Winnipeg, Manitoba; and Kigan McGregor, 17, for their winning entries.

In the category for those 19 to 29 years of age, we offer similar congratulations to Howard Adler, 28, of Ottawa, Ontario; Kailee Carr, 27, of Port Alberni, B.C.; and Shawna Louise Snache, 28, from the Rama First Nation in Ontario.

Honourable senators, the names of all 20 of the winning entrants and their remarkable stories may be found online at www.our-story.ca.

I know that many of you share my belief that our Aboriginal community has so many compelling stories to share, if only given the chance to do so. Through the Canadian Aboriginal Writing Challenge, honourable senators, the Dominion Institute and its corporate partners have given our Aboriginal youth the ways and means to effectively share some of those stories, and we are all much richer for it.

[Translation]

PLACE HECTOR PRUD'HOMME

Hon. Pierre Claude Nolin: Honourable senators, yesterday, June 22, 2009, the Mayor of Montreal, Gérald Tremblay, and provincial authorities officially inaugurated Place Hector Prud'homme. Naturally, members of Dr. Prud'homme's family, including our colleague, the Honourable Marcel Prud'homme, attended the ceremony. The new public space is located at the corner of Saint-Hubert and Bellechasse — for those familiar with Montreal's streets — where, inspired by Dr. Prud'homme himself, it will improve the quality of life for residents of La Petite-Patrie and support social and community development.

Who was this man? He was born in 1889 and died in 1978, and in his time, he left his mark on Montreal. In addition to his tireless work as a local doctor in the neighbourhood now known as La Petite-Patrie, where he delivered many thousands of babies, he was also socially and politically involved. He was married in the parish of Saint-Édouard, and he was a founding member and

director of the Saint-Édouard credit union, which is still in operation. He was also very active in the North Montreal businessmen's association. He was the Montreal city councillor for Saint-Édouard from 1944 to 1947, then again from 1950 to 1954.

As I said earlier, Dr. Prud'homme delivered many babies in his neighbourhood, but unlike many other doctors, he did his work not at the hospital but at home. That was commendable indeed.

But Dr. Prud'homme's social involvement went far beyond that. In 1960, he was the chief organizer for the provincial Liberal candidate for Laurier. That candidate was none other than the future Premier of Quebec, René Lévesque. In 1962, with a reputation as a man of integrity, he was appointed returning officer at the age of 73.

I would like to read a passage from Mr. Lévesque's book, in which he referred to our honourable colleague's father. In his *Memoirs*, Mr. Lévesque said that Dr. Prud'homme was a key factor in his decision to run for the Liberal Party of Quebec in the riding of Laurier. He wrote about his old friend tenderly and light-heartedly:

To this day, I believe that what tipped the scales was the treasurer of the local association, the 'Doc', Hector Prud'homme, an old guy who was incredibly vigorous for a 75-year-old. The merry scoundrel boasted that he had delivered all of the women in the riding, and he took advantage of his role as my guide throughout the campaign to go door to door sounding out the most receptive ones with terribly unprofessional exuberance. I was not surprised to hear later on that he had remarried.

Later on, in 1970, I was amazed that the now-fragile old Liberal had come to my office to wish the separatist good luck, as long as nobody heard about it. We had known each other for 10 years, and I was like an adopted son to him.

[English]

FAMILY LITERACY DAY

Hon. Jane Cordy: Honourable senators, today I wish to acknowledge the efforts of the libraries in Cape Breton, Nova Scotia, that participated in the Family Literacy Day world record attempt.

The ABC Canada Literacy Foundation organized a nationwide attempt to set a new Guinness World Record for Most Children Reading with an Adult — Multiple Locations. The event took place over a 24-hour period between January 23 and 24 to promote Family Literacy Day.

The rules were simple. The readings had to be 30 minutes long with at least one adult reading aloud for every 35 kids, and everyone must read the same five Robert Munsch stories in this order: *Pigs*; *Mortimer*; *Purple, Green and Yellow*; *Murmel, Murmel*; and *Something Good*. Anyone who has ever read a Robert Munsch book to a young person knows what fun these books are for both children and adults.

Library branches around Cape Breton participated in the event by hosting reading sessions with media volunteers, police volunteers and other community volunteers who read with the

children. A number of the participating libraries held evening reading sessions, where the kids had fun treating the readings as bedtime stories and wore their pyjamas to the library.

The Cape Breton events had 365 children reading a book with an adult. The Nova Scotia events tallied 2,694.

Although the event was successful in surpassing the old record set in 2006, an organization in the United States set a new world record. Even though a new Guinness World Record was not set in Canada, the event was certainly a success. The idea was to get families reading together, and as evidenced by the 121,268 children participating in Canada, the event was a resounding success.

I congratulate not only the volunteers in Cape Breton and Nova Scotia, but those across Canada who know and understand the value of reading to children. What a fun way to celebrate Family Literacy Day.

NATIONAL DAY OF REMEMBRANCE FOR VICTIMS OF TERRORISM

Hon. Mobina S.B. Jaffer: Honourable senators, today is Canada's National Day of Remembrance for Victims of Terrorism, a day when we reflect as a nation on the scourge of terrorism in all its forms and remember those who had their lives cut short by terrorist violence. It is a day to mourn, a day to extend our empathy to those who have lost loved ones and a day for us to remember why we, as a nation, should remain resolute in opposing terrorism in all its forms.

June 23 also marks the anniversary of the single largest mass murder in Canadian history — the bombing of Air India flight 182. It has been 24 years since the terrible act, but its effects can still be felt in many communities throughout Canada. Children, now adults, who have grown up without parents; husbands and wives who have been forced to live on without their loved ones; parents who lost children — all of them bear the scars of that day every day. I see the scars regularly in the eyes of children, parents and spouses in my province of British Columbia. I can never find the right words to help heal that pain.

I know that honourable senators will join with them in remembering, and hold in your hearts all of those Canadians who have lost their lives or personally felt the devastating effects of terrorism throughout the world.

ROUTINE PROCEEDINGS

CONFLICT OF INTEREST ACT

BILL TO AMEND—FIRST READING

Hon. James S. Cowan (Leader of the Opposition) presented Bill S-239, An Act to amend the Conflict of Interest Act (gifts).

(Bill read first time.)

[Senator Nolin]

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

[English]

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

• (1420)

NATIONAL DAY OF SERVICE BILL

FIRST READING

Hon. David Tkachuk presented Bill S-240, An Act respecting a national day of service to honour the courage and sacrifice of Canadians in the face of terrorism, particularly the events of September 11, 2001.

(Bill read first time.)

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

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

[Translation]

OFFICIAL LANGUAGES

STUDY ON APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS—COMMITTEE AUTHORIZED TO DEPOSIT REPORT WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Maria Chaput: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That notwithstanding the Order of the Senate adopted on February 25, 2009, the Standing Committee on Official Languages, which was authorized to examine and to report on issues relating to the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the Act, be empowered to deposit a report with the Clerk of the Senate between August 4 and 14, 2009 inclusive, if the Senate is not sitting, and that the report be deemed to have been tabled in the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to.)

QUESTION PERIOD

NATURAL RESOURCES

CHALK RIVER NUCLEAR LABORATORIES— MEDICAL RADIOISOTOPE SUPPLY

Hon. Joan Fraser: Honourable senators, my question is for the Leader of the Government in the Senate. This month, the Minister of Natural Resources, the Honourable Lisa Raitt, told members in the other place, numerous times, that the MAPLE reactors had never produced a single medical isotope. On June 15, the Prime Minister, the Right Honourable Stephen Harper, went further. He said that there was “no prospect in sight of the production of a single medical isotope.”

We now know that that statement was — how shall I put it? — at best a half-truth. The MAPLE reactors, MAPLE-1 in particular, had completed, repeatedly as I understand it, all that the reactors could be expected to complete in the production of medical isotopes. They had produced molybdenum-99, but it was not processed into the medical isotopes. We also know that the engineering team was within four months of correcting the technical problem that had prevented the licensing of the reactors.

Why did the Prime Minister and the Minister of Natural Resources not tell Canadians the whole truth?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I saw the report in today's newspaper. Last spring, the Minister of Natural Resources and the Prime Minister were responding to a recommendation from the board of AECL. The information that AECL provided to the government was that the current design of the MAPLE reactors did not produce usable medical isotopes. As we know, they were not approved. The MAPLEs were scheduled to come on stream in 2000. In 2008, AECL reported to the government that the MAPLE reactors were not able to produce usable isotopes, and the project was abandoned after an expense of one-half billion dollars of taxpayers' money.

Honourable senators, I can report only that this decision was taken by the government on the recommendation of AECL.

Senator Fraser: That has been established, but in the past this government has shown its willingness, in the light of evidence from other sources or public need, to override advice from nuclear authorities of one sort or another. Given that everyone from the nuclear physicists in question to independent scientists and the National Academy of Sciences is telling us that at last we were on the home stretch with the MAPLEs, why did the government not tell Canadians the whole truth? Why did it simply say, apparently, “Oh, well, AECL says this, so it must be true”?

Senator LeBreton: First, there has been a lot of information after the fact about the MAPLEs. The incident with regard to the old National Research Universal reactor and the nuclear safety regulating body was a matter of a backup pump, which is quite different from the issue here.

As the honourable senator will know, an expert review panel has been named by Minister Raitt. She announced its members: Peter Goodhand, President and CEO of the Canadian Cancer Society; Dr. Thom Mason, Director of the Oak Ridge National Laboratory in the United States; Richard Drouin, former Chair of the North American Electric Reliability Corporation; and Dr. Eric Turcotte, Head of the Molecular Imaging Centre of Sherbrooke.

They will look at the whole isotope problem and assess all options available in a timely manner, perhaps including the information made available lately about the MAPLEs.

Senator Fraser: I suppose that is encouraging, although I suspect a review panel will have trouble coming up with solid recommendations within the four months outlined as a probable time frame in which the MAPLEs could be commissioned. Meanwhile, what do we tell the people who are diagnosed with cancer who need tests? We all know such people. In my case, I learned of one more friend on Friday. What do we tell them about how long they have to wait?

• (1430)

Senator LeBreton: I believe I answered this question the other day when the honourable senator raised a similar question. She can tell her friend that the minister and the government are taking every possible measure to provide and secure an isotope supply. The minister has been working with the Australians, French, Belgians and South Africans in this effort.

The decision was made not to proceed with the MAPLEs after they were eight years beyond their start-up date and at a cost of half a billion dollars. That was one of the reasons we asked AECL to pursue an extension of the NRU reactor.

I mentioned a few weeks ago, other new test products are now on stream thanks to the approval of Health Canada. Hospitals are producing some of their own isotopes in many circumstances. The supply of medical isotopes is at 70 per cent of the required level. The government also has been working closely with the Australians to use Canadian technology to advance their start-up date.

Senator Fraser: Let the record show that I do not think I was the person who put the question previously, but I am flattered to be mistaken for Senator Carstairs.

WIND ENERGY INDUSTRY

Hon. Jane Cordy: The government's lack of commitment to the wind energy industry is putting Canadian jobs and environmental obligations at risk. The Minister of Natural Resources, Lisa Raitt, admitted in testimony given at an April parliamentary committee meeting that money will run out a year and a half earlier than anticipated. In fact, it will run out this fall.

When will this government step up and ensure ongoing support to the Canadian wind energy industry?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, Minister Raitt is working with the Minister of the Environment. Wind energy is experiencing significant difficulties in Ontario with regard to

placement of turbines. Minister Raitt is working in concert with Minister Prentice on a number of renewable energy resources files. I believe that early in the fall, well before Copenhagen, the government will put forward a comprehensive plan with regard to all forms of energy, including renewable energy.

Senator Cordy: It is interesting that the leader says Minister Raitt is working with the Minister of the Environment, Jim Prentice. In a taped discussion with her aide in January, Minister Raitt stated that she suspected Minister Prentice had taken the money meant for wind farms and put it into the \$1 billion Clean Energy Fund that will go mainly to research and development near his own Calgary riding.

When will this government stop diverting funds from wind energy projects, as Minister Raitt suggests has already happened?

Senator LeBreton: It is not hard to see that the honourable senator and Steve Maher are from the same part of the world. Minister Prentice, when asked about the tape, said he did not hear the name Jim Prentice mentioned on the tape.

JUSTICE

DRUG TRAFFICKING AND ORGANIZED CRIME

Hon. Yonah Martin: Honourable senators, as a citizen and legislator, I am continually bothered by the presence of drugs in our communities and the effects they have, especially on our youth. Those who deal drugs need to be punished, especially those who deal drugs for organized crime purposes, or when a weapon or violence is involved.

My question is to the Leader of the Government in the Senate. Can she tell us what steps our government is taking to crack down on this kind of activity?

Senator Comeau: Excellent question, finally.

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): This issue is serious. Canadians rightfully are concerned, especially in the honourable senator's home province of British Columbia.

I am sure that all honourable senators on either side, and probably all Canadians, want a policy that will stand up to drug dealers and gangs who exploit our most vulnerable citizens — our young people.

Drug trafficking and production is the most significant source of illicit money for organized crime. Drug producers and dealers threaten the safety of our communities and must face tougher penalties. During the course of this Parliament, our government has taken several steps toward strengthening the Criminal Code. Many of the bills we have introduced, and hopefully that will make their way through this place, deal with the ongoing problem of drugs and organized crime.

As honourable senators know, there was a debate in this chamber yesterday on Bill C-15. Bill C-15 will send a clear message to producers, dealers and gangs who threaten our

communities. It is regrettable that this bill will not make it through Parliament before summer although it had great support in the other place by the official opposition. This is an important bill.

This problem is serious. As the Minister of State for Seniors, I am probably asked more questions about safe communities, gangs, drugs and guns than any other issue.

While I am on my feet, I will correct the record. It was reported in the newspaper today that we, on the government side, were the ones responsible for delaying movement on these justice bills. Of course, reporter Elizabeth Thompson would take the words of my colleague opposite, Senator Cowan, as a given and not check if they were actually correct — so much for objective reporting.

An Hon. Senator: Shame.

Senator LeBreton: In any event, Senator Cowan is wrong. Every single piece of justice legislation introduced received first reading and was moved for second reading by members of this side within one sitting day.

FOREIGN AFFAIRS

SRI LANKA—HUMANITARIAN AID

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate. We know a terrible tragedy is taking place in Sri Lanka. Many Tamils are suffering in camps. What is our government doing to help these Tamils?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, the situation is dire in Sri Lanka. Minister Cannon has made representations to Sri Lankan officials. The government is monitoring the situation, as is the case with other partners in the United Nations. As the honourable senator knows, it is difficult for all countries to obtain accurate information from regions experiencing conflict. The government has made its views known to the Sri Lankan government, as it has to the Iranian government with regard to the situation in Iran.

Senator Jaffer: Canada has one of the largest Tamil communities outside of Sri Lanka. Canadian Tamils live amongst us. What is our government doing to ensure their families are brought to Canada as soon as possible, and how many will be brought?

Senator LeBreton: I do not have an answer to that question. There is a large Tamil community in Canada. I am not in a position to respond to the efforts they are making to bring family members here, or what the government's response is.

I think I reported to the honourable senator when she asked an earlier question that the Minister for International Cooperation personally went to Sri Lanka and announced an extra \$3 million for critical and crucial humanitarian aid to assist displaced citizens. That brought our total assistance to displaced citizens to \$7.5 million this year.

• (1440)

Honourable senators, Minister Oda continues to call for the safe and voluntary movement of civilians from the troubled zone. We have all seen the pictures of the refugee camps. There is no doubt that this is a full-blown humanitarian crisis. Minister Lawrence and particularly Minister Oda are working diligently with the delivery of humanitarian aid.

Senator Jaffer: Could the leader make enquiries as to exactly what we are doing to help Canadian Tamils assist their families in Sri Lanka?

Senator LeBreton: I thank the honourable senator for that question, but I do not have an answer. I will take the question as notice.

NATURAL RESOURCES

GOVERNMENT ASSISTANCE FOR PULP AND PAPER INDUSTRY

Hon. Terry M. Mercer: Honourable senators, I have a question for the Leader of the Government in the Senate. Fraser Papers Inc. filed for bankruptcy protection last week in spite of the Conservative government's \$1 billion package to assist pulp mills that use biofuels. The company operates mills in Thurso, Quebec, and in Edmundston, New Brunswick, and employs more than 750 employees.

Black liquor has been the primary source of energy for these plants for a few years; biomass accounts for 75 per cent of the energy that they use. However, the doors are now closed. How does the \$1 billion program that the government announced assist the company, which has in the past used black liquor but cannot afford to produce anything now? Is there any retroactive assistance for companies like Fraser Papers?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I can only paraphrase Mr. Avrim Lazar, President and CEO of the Forest Products Association of Canada. When the announcement was made with regard to black liquor, he expressed FPAC's strong support for the announcement and said that this would greatly assist the pulp and paper industry with green transformation programs. He indicated at that time that it would help save jobs and maintain Canada's edge as the greenest supplier of pulp in the world.

As I said to the honourable senator in earlier responses, there is no doubt that the pulp and paper and forestry industries have suffered because of the global economic slowdown. The market for products has diminished. There is no easy solution. However, the government has taken action, particularly with respect to black liquor. This action has been lauded by Mr. Lazar and the Forest Products Association of Canada.

Senator Mercer: Upon examination of the entire forest industry, it is apparent that black liquor, although an issue, is not the sole contributor to the crisis in the sector. In 2005, when the Liberal Party of Canada was in power, they had the foresight to allocate \$1.5 billion to the forestry sector. However, that plan was scrapped by Stephen Harper's government. A simple look at

any forestry company's TSX portfolio such as Fraser Papers should make it clear that this is an industry in trouble and needs our help. Fraser Papers' portfolio chart and others like it show a steady decline.

Why did this government kill a plan that was in place to bolster the forest industry before this storm hit?

Senator LeBreton: Honourable senators, in the government's Economic Action Plan, \$1 billion was made available through the Community Adjustment Fund and \$170 million for the forestry community to expand markets and develop new technologies. In addition, under Minister Finley and our Employment Insurance plan, significant efforts and money have been put into retraining older workers or workers in single industry towns, which primarily are the forestry industry towns.

Honourable senators, the country and the industry are facing an unprecedented global economic slowdown that has had adverse effects on many of our industries, particularly the forestry industry. The industry is not in isolation, but it has been affected mainly because our largest markets south of the border are still in recovery mode.

Senator Mercer: When the Standing Senate Committee on Agriculture and Forestry continues its study of the forestry sector this fall, committee members will travel to places like Edmundston, New Brunswick. We will ask those 750 people who have lost their jobs if this plan has helped them. I am afraid of the answers that I will hear. I am afraid that those people are in trouble this summer with no prospects of any jobs in the fall.

Senator LeBreton: Honourable senators, it is easy to speculate and spread doom and gloom. There is no question that the forestry workers have faced considerable difficulty. The government, through training for older workers and workers in single industry towns, as well as the money we put into the Community Adjustment Fund, is working hard to assist the industry.

I would hope that when the committee meets in the fall, the honourable senator will not add to these people's difficulties. The committee should meet with them, talk to them and get some positive suggestions as to what they would like to see done. The role of the committee is to listen to them in an effort to come up with reasonable solutions, not pour more doom and gloom over the problem. I have every confidence in the chair of the committee, Senator Mockler. If the committee does travel on a fact-finding mission, I hope that senators will come back with positive suggestions. The government is always open to positive suggestions.

I do not think it is any secret that the government, in the lead-up to the Economic Action Plan, consulted widely, including with many members of the forestry industry.

JUSTICE

CIVIL LEGAL AID

Hon. Catherine S. Callbeck: Honourable senators, my question is to Leader of the Government in the Senate. Chief Justice Beverley McLachlin has said:

Providing legal aid to low-income Canadians is an essential public service. We need to think of it in the same way we think of health care or education. The well-being of our justice system — and the public's confidence in it — depends on it.

Right now, some low-income Canadians are representing themselves in court. Civil Legal Aid funding is simply not at acceptable levels. Provinces and territories are looking for new funding. Has the honourable leader's government given any consideration to dedicated funding for civil Legal Aid?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I do not know the answer. I will refer the question and suggestion to the Minister of Justice.

Senator Callbeck: I will be interested in getting the answer to that question, honourable senators.

Before the election in 2006, the federal Minister of Justice had often discussed civil Legal Aid with his provincial and territorial counterparts. In fact, they had an agreement on funding of civil Legal Aid. According to a press release from the last federal-provincial-territorial meeting of the ministers of justice, the federal minister would not even discuss the subject with his counterparts. All he would say was that he would pass along the information to the Minister of Finance.

Has civil Legal Aid been removed from the portfolio of the Minister of Justice? If so, why?

Senator LeBreton: I will take the question as notice.

• (1450)

PUBLIC WORKS AND GOVERNMENT SERVICES

FEDERAL RENTAL PROPERTIES

Hon. Jim Munson: Honourable senators, my question is to the Leader of the Government in the Senate. My question has to do with the government as a landlord. We know that across the country the federal government owns buildings and acts as a landlord to the many businesses that rent space in its buildings. I also understand that this government, in particular Public Works and Government Services, has made a decision to raise the rent of a very successful local business. The business in question is none other than The Brokerage restaurant. By boosting the rent, Helen Duguay will be forced to close her doors. Ottawans will no longer be able to taste the famous vegetable soup that even makes Brussels sprouts taste delicious.

Since the leader is a patron of this restaurant, there will be no more turkey wraps with cranberries and walnuts and no more healthy salads for her. For 32 years, Ottawans have enjoyed this wonderful food, and I understand a chain will replace this restaurant.

I know this government likes to talk tough and look tough. Why is it saying "tough luck" to a businesswoman who spent thousands over the 32 years she has been in business? On a personal level, where will the leader, herself a devoted patron of The Brokerage, go to lunch from now on?

[Senator Mercer]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): I am happy that the honourable senator pointed out that most of the time I buy my lunch there and carry it back to my office in a brown paper bag to eat at my desk. I just put that on the record.

I have been bemoaning the fact that I have not had a decent lunch for some time, excluding the lunch that the whip provided today, of course.

This is a matter between Public Works and the various businesses in their various facilities. I have no personal knowledge of the negotiations. I do not know all the details, nor would I, as these issues are handled by officials in Public Works. The honourable senator forgot “Juliet’s julienne”; that was my favourite.

The situation is regrettable but this is a decision of Public Works. I have no personal knowledge of the rent they were asking or the negotiations. It is not something I would know about.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table answers to four oral questions. The first was raised by Senator Callbeck on April 23, 2009, concerning the Atlantic Canada Opportunities Agency, federal funding provided to Atlantic Beef Products Inc.; the second by Senator Callbeck on May 14, 2009, concerning Health, national pharmaceuticals strategy; the third by Senator Pépin on May 28, 2009, concerning Health, obstetrical service; and the fourth by Senator Jaffer on June 16, 2009, concerning Foreign Affairs, stabilization of violence in the Democratic Republic of Congo.

AGRICULTURE AND AGRI-FOOD

ATLANTIC BEEF PRODUCTS INC. AGREEMENT

(Response to question raised by Hon. Catherine S. Callbeck on April 23, 2009)

In December 2007, the Federal Government announced a onetime investment of \$6 million to the Atlantic Beef Products (ABP) plant in Albany, PEI. Each of the three Maritime Provinces also contributed \$2 million. The Federal Government’s offer to invest in ABP was conditional on the company meeting certain business criteria that would position the company for long term success such as the provision and adoption of a new business plan, and the hiring of a President and a Director of Marketing. When those criteria were met, ACOA issued a letter of offer for assistance in March 2009 and continues to await ABP’s response.

From the outset, the one-time investment of \$6 million was always offered as a conditionally repayable investment. The Federal Government’s proposed investment to ABP is not secured, is provided at zero interest, and contains

clauses where revenues would have to be substantially increased before the company would be required to begin repayment. This is consistent with ACOA’s mandate of fostering economic growth and helping to attract other investors to companies in our region.

ACOA has a long-standing policy regarding assistance to commercial enterprises. Since 1995, all ACOA investments to commercial clients, such as Atlantic Beef Products, have been provided through either a business loan or a provisionally repayable loan.

The Federal Government’s assistance is designed to support ABP’s long-term business strategy and help make the facility more efficient, competitive and sustainable, by encouraging and financing the development and marketing of new, revenue-generating, specialty beef products.

The investment is intended to fully support ABP’s business plan which targets new product development, marketing, equipment purchases and staff training to help grow and diversify the facility and ensure its long-term sustainability.

HEALTH

NATIONAL PHARMACEUTICALS STRATEGY

(Response to question raised by Hon. Catherine S. Callbeck on May 14, 2009)

Canada’s Government recognizes the importance of affordable access to drugs for a quality health care system that is sustainable and meets the needs of all Canadians. Federally, Health Canada remains committed to improving pharmaceuticals management through modernization of its drug regulatory system.

In terms of drug coverage, prescription drugs provided outside of hospital are not within the scope of the *Canada Health Act* and hence, provincial and territorial governments determine whether, and under what terms and conditions, to publicly finance prescription drugs. Most jurisdictions already offer a form of catastrophic drug coverage to their residents. As well, most jurisdictions have, for persons who are eligible for coverage, exceptional access programs for drugs not listed on their benefit formularies.

Federal, provincial, and territorial First Ministers agreed to work on a National Pharmaceuticals Strategy as part of the 2004 Health Care Accord. The Strategy produced significant analytical work in such areas as catastrophic drug costs and drug formularies, which, in turn, supported policy changes in jurisdictional drug plans.

While some progress can be made within our respective responsibilities, we believe that more can be made through federal-provincial-territorial collaboration. This government continues to welcome opportunities to work with provinces and territories on pharmaceutical issues to realize efficiencies in the health care system and to ensure public resources are used most effectively.

OBSTETRICAL SERVICES

(Response to question raised by Hon. Lucie Pépin on May 28, 2009)

Through the Health Human Resource Strategy (HHRS) (\$20 million per year), and the Internationally Educated Health Professionals Initiative (IEHPI) (\$18 million per year), the Government of Canada supports national efforts designed to ensure an adequate supply of health care providers, including doctors and nurses, as well as focussed efforts to increase health provider supply for specific populations, such as Aboriginal communities (\$100 million between 2004/05 and 2009/10) and official language minority communities (\$170 million between 2008/09 and 2012/13).

This government recognizes that shortages of health care professionals exist, but, the situation is improving. The latest data from the Canadian Institute for Health Information shows that collaborative efforts to increase the supply of health care professionals are working. For example, between 2003 and 2007, the total number of physicians in Canada steadily increased by 7.1 per cent, growing from 56,163 in 1998 to 63,682 in 2007. Medical school enrolments continue to grow; first year undergraduate seats have increased by 31 per cent from 2002 until 2008.

Federal funding provided to provincial and territorial governments for health care through the Canada Health Transfer is significant and growing. The CHT will provide \$24 billion in 2009-10, and as a result of an annual 6 per cent increase, will reach \$30.3 billion in 2013-14. This transfer recognizes that the provinces and territories have primary responsibility for the delivery of health care services. As such they have the flexibility to invest this funding to meet the health care needs of their populations, including support for obstetrical care.

From 2004-2006 the SOGC received \$2M funding the federal government to support the development the *Multidisciplinary Collaborative Primary Maternity Care Project*. The goal of this project was to reduce barriers and facilitate the implementation of national multidisciplinary collaborative primary maternity care strategies as a means of increasing the availability and quality of maternity services for all Canadian women.

In support of the *National Birthing Strategy for Canada*, the Government of Canada invested \$479K in 2006/07 for the Society of Obstetricians and Gynaecologists of Canada to establish a process for the compilation and analysis of quality, timely data on emergency obstetrical care and services in Canada. The final report released in December 2008 contained recommendations related to health human resources and emergency obstetrical care which are being reviewed and analysed by Health Canada staff.

FOREIGN AFFAIRS

STABILIZATION OF VIOLENCE
IN THE DEMOCRATIC REPUBLIC OF CONGO

(Response to question raised by Hon. Mobina S.B. Jaffer on June 16, 2009)

The Government of Canada is very concerned by reports of sexual violence being committed against women and children in the DRC. Canada seizes every opportunity to make its views known to the Congolese government and to the international community. Canada urges the Government of the DRC to take concerted measures to prevent sexual violence, especially in the eastern provinces where it is particularly widespread.

In 2006, Canada contributed \$15 million to the sexual violence project, an ongoing multilateral initiative led by the UN Population Fund. The project helps victims of sexual violence by providing them with medical care, psychological support, as well as access to civilian justice and socio-economic reintegration.

As co-chair of the Group of Friends of the Great Lakes region of Africa, Canada supports the International Conference on the Great Lakes Region (ICGLR) process, the main international forum set up to identify lasting solutions to the region's peace, security, stability and development problems. The ICGLR's 2006 Pact on Security, Stability and Development comprises binding protocols and projects that address, among others, humanitarian issues and sexual violence against women and children. More specifically, the Pact contains the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children and a project that aims at combating sexual violence against women and children. Canada welcomes the DRC's ratification of the Pact and strongly encourages DRC officials to translate without delay these protocols into domestic legislation as they will contribute to improving the situation of the Congolese population.

In addition, Canada deplores situations in which crimes of rape and other forms of sexual violence are committed against women and girls in the DRC, and strongly supports the work of the International Criminal Court (ICC) in seeking accountability. Canada commended the DRC for its ratification of the Rome Statute, which sent a clear signal about its government's commitment to principles of international justice and accountability. To date, the DRC has transferred three high profile rebel leaders to the ICC to face charges, including sexual enslavement. Canada welcomes these positive steps and encourages the DRC's continued collaboration with the ICC.

It is also worth noting that Canada strongly supports the work of the UN Special Rapporteur on violence against women, its causes and consequences. In March 2008, Canada opposed the cancellation of the mandate of the UN Independent Expert on the situation of human rights in the DRC, who also reported on the situation of sexual violence in the country.

The fight against sexual violence in eastern DRC is a priority to Canada. This is why, on December 10, 2008, for the 60th anniversary of the United Nations Universal Declaration of Human Rights, the Department of Foreign Affairs and International Development presented a screening of *The Greatest Silence*, a poignant documentary on sexual violence in the Democratic Republic of the Congo followed by a panel discussion.

On November 28 and December 1, 2008, the UN Human Rights Council held a Special Session on the situation of human rights in eastern DRC. Canada co-sponsored the request for the session and engaged constructively in negotiations towards the adoption of a consensus resolution with agreement from all Member States, including African Group members. In particular, Canada spearheaded the inclusion of a specific condemnation of sexual violence in the resolution.

During the June 2008 UN Security Council debate on sexual violence, Canada raised the situation in the DRC and sponsored the ensuing Security Council's resolution. Unanimously adopted, Resolution 1820 demands the immediate and complete cessation by all parties to armed conflict of all forms of sexual violence against civilians with immediate effect. For the first time, the Security Council recognized that the issue of sexual violence is a theme of importance to be underlined on its agenda.

Canada assists the DRC's reconstruction and transition toward democracy through the programming of the Canadian International Development Agency in the areas of governance, re-establishment of basic social and economic services, including more long-term development assistance, and humanitarian assistance to those most in need. Since April 2006, Canada has provided more than \$80 million for both humanitarian and long-term development assistance in the DRC. In 2008, Canada has provided \$9.9 million in humanitarian assistance, of which \$6.5 million was for food aid. Canada provides humanitarian assistance in the eastern DRC through trusted partners, including United Nations (UN) agencies, the Red Cross Movement, and Canadian non-governmental organizations. The Government of Canada works with partners to provide needed assistance such as water, shelter, food and protection to those most in need.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

MINISTER OF NATIONAL DEFENCE AND THE ATLANTIC GATEWAY— CANADA'S OBLIGATIONS UNDER UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to question No. 24 on the Order Paper—by Senator Mitchell.

MINISTER OF AGRICULTURE AND AGRI-FOOD AND THE CANADIAN WHEAT BOARD— INSPECTION AND GRADING OF PRAIRIE WHEAT

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to question No. 30 on the Order Paper—by Senator Spivak.

[English]

ORDERS OF THE DAY

CANADA NOT-FOR-PROFIT CORPORATIONS BILL

THIRD READING

Hon. Donald H. Oliver moved third reading of Bill C-4, An Act respecting not-for-profit corporations and certain other corporations.

Hon. Joseph A. Day: With respect to observations, will someone be bringing those to our attention?

Senator Oliver: It was not my intention.

Senator Day: Honourable senators, Bill C-4 was passed by the committee but there are, as I understand, observations attached on two issues.

In order for honourable senators to be aware, one of the issues was the question of liability for directors of not-for-profit corporations, which is an important issue on which we made observations.

The other point was with an issue raised by the Certified General Accountants' Association. Honourable senators who participated in this work will know that clause 180 of the bill has the effect of excluding certified general accountants from performing public audits on companies that are incorporated in the province of Ontario. They suggested ways that this might be rectified.

Honourable senators should know that certified general accountants are authorized under federal legislation now to perform public audits under the Bank Act, the Canada Elections Act, the Canada Post Corporations Act, the Investment Canada Act, Cooperative Credit Associations Act, the Trust and Loan Companies Act, the Canada Mortgage and Housing Corporation Act, the Canada Corporations Act, the Federal-Provincial Fiscal Arrangements Act, Pension Benefits Standards Act, the Competition Act, and the Québec Savings Bank Act. All of those pieces of federal legislation allow certified general accountants to perform public accounting anywhere in Canada. The problem is that certified general accountants can also perform public accounting anywhere in Canada except Ontario with respect to this particular legislation. This legislation will prevent certified general accountants from performing public accounting in the province of Ontario.

There was some suggestion that the reason for that was heavy lobbying by another association of accountants that is able to provide public accounting in the province of Ontario. We asked for this to be rectified. I was tempted to move a motion. The rectification would be to remove paragraph 180(1)(b).

However, I will not propose an amendment because I believe if the federal government knows our concerns, and if those concerns are brought to the government's attention through the observations we have attached to the bill, it will work with the administrative body in the province of Ontario and this issue will be solved. The administrative body is the Public Accountants Council, and the certified general accountants have been in negotiations with the council for a protracted period of time. As soon as that is sorted out, there will be no problem.

Rather than move an amendment to delete this paragraph, which I find to be undesirable, I am hopeful that our remarks on the record will convince the federal government to work with this provincial administrative body to resolve the matter.

An interesting side note, honourable senators, is that certified general accountants can perform public audits for not-for-profit corporations incorporated under this act if they do not charge a fee. If they charge a fee, they cannot do it until this issue is resolved.

Hon. Pierrette Ringuette: As a member of the committee, I would also like to express my concerns in regard to this bill and advise that at the committee level I brought forward an amendment to remove paragraph 180(1)(b), for many reasons, including those expressed by my colleague Senator Day.

• (1500)

One is that there was a court ruling a few years ago in Ontario with regard to certified general accountants, CGAs. The court ruled that the Ontario legislation discriminated against CGAs. It follows that if we include such a measure in our legislation, we will contravene the Ontario court ruling on discrimination, therefore supporting discrimination against certified general accounting in Ontario.

Another reason I proposed the amendment in committee is that for many years, both the Standing Senate Committee on Banking, Trade and Commerce and the Standing Senate Committee on National Finance have studied interprovincial trade barriers and what they cost with regard to our gross national product. Every effort should be made to remove trade barriers for services and goods right across the country. We would then act as one unit. This removal of trade barriers would enhance labour mobility in Ontario for certified general accountants, who experience trade barriers with regard to the rest of the country.

For those two main reasons, I proposed an amendment in committee. The amendment did not pass, but I still feel strongly about this issue. I hope that the observations in our report will be taken seriously by both the federal and Ontario governments.

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

Hon. Senators: Question.

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

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

HUMAN PATHOGENS AND TOXINS BILL

THIRD READING

Hon. Nicole Eaton moved third reading of Bill C-11, An Act to promote safety and security with respect to human pathogens and toxins.

Hon. Jeremiah S. Grafstein: Honourable senators, I want to bring to the attention of the Senate, Bill C-11 and the schedules attached thereto. The purpose of this bill, which I support, is to promote safety and security with respect to human pathogens and toxins. In this bill, there are a number of schedules that deal with toxins, bacteria, fungi, viruses and other human pathogens. The purpose of this bill is to provide for public health in that respect.

I also bring to the attention of the Senate that we have finally passed a bill on clean drinking water that supports establishing prophylactics against many of these same toxins and viruses found in our drinking water. We will have shown some consistency in the Senate finally if we pass this bill on human pathogens, having passed on to the other place a bill on clean drinking water.

Hon. Art Eggleton: Honourable senators, I rise, as the chair of the committee that prepared this report, to talk about our observations and our recommendations that flow from those observations.

We held four meetings on this subject. We heard witnesses at three of them and then had a short meeting for clause-by-clause consideration of the bill and to agree to report it back to the Senate.

In that time, we heard from a number of people who were generally supportive of the objects of the bill but had specific concerns, thinking maybe it overreached in some areas or would add an excessive administrative burden. Some were concerned about what they thought was an overuse of the criminal law.

We concluded that the Public Health Agency of Canada and the Minister of Health had made a strong case for legislation that would provide for the scrutiny of all these human pathogens and toxins to ensure the safety of the public. Although amendments were suggested, we decided that it would not be wise to pass amendments at this point but instead to deal with some of the concerns expressed by witnesses, through the development of regulations.

I will go through quickly six of the concerns that were raised. Consultation was one. Some said that although there was consultation technically, they considered it briefing and not an opportunity to have input. They felt that the briefing they received was not sufficient. However, the Public Health Agency made it clear that their intention going forward is to ensure that those who are concerned have every opportunity to participate in discussions.

For added insurance, we have made two recommendations in that regard. We have said that the Public Health Agency of Canada should insure that the provinces, territories and stakeholders are given the opportunity to participate in the development of Bill C-11 regulations in a meaningful way, and consultations should be carried out as expeditiously as possible but not at the expense of a thorough and open discussion.

The recommendations are a bit of a balancing act. We wanted to ensure that there are meaningful consultations but, on the other hand, we heard from the Public Health Agency officials that it will take five years to develop these regulations. Five years for something as important as this legislation is too long. We suggest that the consultations be carried out meaningfully but expeditiously. Balance is required.

Our second recommendation is that the role of the advisory committee, which is referred to in clauses 9(4) and 10(3), be expanded to include advising the minister with respect to the general implementation of the bill.

There is an advisory committee suggested in the bill, but its role is restricted to advising on what should be on the five schedules of human pathogens. We think that an advisory committee, which may well need to be expanded in scope and membership, should be in place to help monitor the development of regulations for the general implementation of the bill.

A number of organizations of people involved in research in the hospital and academic communities thought putting Risk Group 2 into the schedules of the bill was a little overreaching. They pointed out that since 9/11, the United States has been conscious of biosecurity, yet they do not have Risk Group 2 levels in their legislation.

The Public Health Agency said the lists are not all identical, that some of the Risk Group 2 substances could be on U.S. or U.K. lists. They said there was need for flexibility to ensure public safety and security.

• (1510)

At the end of the day, we accepted that and we accepted that those who are involved only in Risk Group 2, the lowest level, would not find themselves overburdened with administrative detail. They will continue on much the same basis as they operate already, so we agreed then to not put any amendment forward in that regard.

The third issue was the use of the criminal law power. When it comes to biosecurity or bioterrorism, there is no doubt the criminal law power needs to be used but we are concerned that when it came to biosafety, it was a bit of an overreach. If an accident occurred, some poor researcher must be concerned that they may be prosecuted under criminal law and end up going to jail. We are told this power would be used only as a last resort. Of course, that is not in the bill but that would be in the regulations and that would be in the intent. We are told it would be only a last resort and for those in the safety category of concern, this is nothing for them to be concerned about.

We agreed again with the minister and the Public Health Agency of Canada that we expected that was the direction the legislation was going in and, again, the regulations will bear that out. We will have a chance to look at the regulations at the end of the day.

The fourth issue was the potential administrative burden. I have commented on that issue. I add only that many laboratories that perform diagnostic testing, blood testing and that kind of thing follow laboratory biosafety guidelines, and Canada's Chief Public Health Officer, Dr. David Butler-Jones, indicated the laboratories will be minimally affected by the bill. It would not be of any concern to anyone's safety as a patient waiting for a blood test to come their way.

The fifth issue is powers of inspectors. There was some concern that provisions of the bill were overly broad with respect to powers of inspectors. Again, we have been assured that the Charter scrutiny would apply here, and that the provisions they looked at were found to be Charter compliant.

We also raised the flag about qualifications and training of inspectors. We have a recommendation in that regard, which says that the Public Health Agency of Canada expand the role of the advisory committee referred to previously, to include providing the minister with advice in relation to the qualifications and training of inspectors to help ensure that we have people who are not going over the top in how they carry out their enforcement function.

Finally, the sixth issue was the disclosure of personal information and confidential business information. Of course, when dealing with these kinds of substances there is a risk that information of a private nature, confidential to business, can go out into the public domain and into competitors' hands. There are provisions for a confidentiality agreement to be entered into by the Public Health Agency of Canada. The only concern was in emergency cases where there would not be enough time to enter into that agreement. In that regard, we have recommendation four, that the Public Health Agency of Canada can ensure the need to enter into a written confidentiality agreement after information has been disclosed under clause 39(1)(b), as addressed in the regulations.

Honourable senators, those four recommendations and various observations under six issue categories go with this report and have been adopted.

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

Are honourable senators ready for the question?

Hon. Senators: Question.

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

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

APPROPRIATION BILL NO. 2, 2009-10

THIRD READING

Hon. Irving Gerstein moved third reading of Bill C-48, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010.

Hon. Joseph A. Day: Honourable senators, I never like to spend a lot of money without having some comment on the record. This bill is for \$58 billion; therefore I will mention a couple of points.

First, Bill C-48 deals with the Main Estimates for the fiscal year and this is the final bill in relation to the Main Estimates. We had an interim supply bill earlier, in March.

The Public Appointments Commission Secretariat has an entry of \$945,000. That position was created under Bill C-2, the Accountability Act. That position and that board have not yet been filled. The government is asking for almost \$1 million for a group that does not exist yet.

Second, honourable senators, there has been some debate between the Senate Ethics Officer and the Conflict of Interest and Ethics Commissioner for Members of the House of Commons. Each office is asking for appropriation. The Senate Ethics Officer is asking for an appropriation of \$704,000. The House of Commons Ethics Commissioner is asking for \$6,000,338, as a comparison of the work being done by those two groups.

The final point I bring to your attention concerns our request of the Treasury Board Secretariat to break out the cost of running the Prime Minister's Office. We have been told that cost is still within the Privy Council appropriation, but we do not have a breakout. We would like to have a breakout. We can have a breakout for the Public Appointments Commission Secretariat but we cannot have a breakout for the Prime Minister's Office. However, the total Privy Council appropriation is \$115 million.

Honourable senators, this is full supply for the fiscal year: \$58 billion.

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

Hon. Senators: Question.

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

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

APPROPRIATION BILL NO. 3, 2009-10

THIRD READING

Hon. Irving Gerstein moved third reading of Bill C-49, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010.

Hon. Joseph A. Day: Honourable senators, this bill is for Supplementary Estimates (A), \$5.3 billion. We have looked at the estimates for Supplementary Estimates (A). We reported back and the report was debated and adopted by this chamber. We then had debate on second reading of this bill, and I believe the issues have been thoroughly canvassed.

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

Hon. Senators: Question.

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

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

• (1520)

CANADA CONSUMER PRODUCT SAFETY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Yonah Martin moved second reading of Bill C-6, An Act respecting the safety of consumer products.

She said: Honourable senators, I am pleased to stand before you today to support the passage at second reading of Bill C-6, An Act respecting the safety of consumer products.

Bill C-6 was tabled in the House of Commons on January 29, 2009, and was analyzed by the Standing Committee on Health in May and June. Bill C-6 was approved by the House of Commons on June 12, 2009, and is now before this chamber for our examination and consideration.

Honourable senators, this proposed legislation addresses the need to modernize and strengthen the current consumer product safety regime — the Hazardous Products Act, an act that has not been updated since its introduction in the late 1960s. The provisions of Bill C-6 will give the government the tools it needs to take rapid and decisive action to help protect Canadians from unsafe consumer products.

Much has changed in the consumer marketplace in the past four decades. Globalization has meant that many of the consumer goods available to Canadians are manufactured outside of Canada. In some cases, these products are manufactured to standards that are lower than those in Canada and, as a result, could pose a danger to human health and safety.

Technology has also had an impact on products available in the marketplace. Many of today's consumer goods contain elements and components unforeseen when the current consumer product safety regime was designed some 40 years ago.

Allow me to detail a few of the gaps that exist in the current Hazardous Products Act. It contains no general prohibition against supplying unsafe consumer products that pose an unreasonable danger to human health or safety. At present, the government must undertake regulatory action to address unsafe products. This process can take up to two years.

There are no provisions within the current act for the government to order the recall of an unsafe consumer product. At present, recalls are conducted by industry on a voluntary basis after negotiation with the government. There is no requirement for mandatory reporting of product safety-related incidents, fines and penalties are outdated and compliance authorities have not been modernized.

The proposed Canada consumer product safety act responds to the need for a modern and proactive safety regime. It will also bring Canada into line with our major international trading partners, such as the European Union and the United States. Both the EU and the U.S. have modernized their consumer product safety regimes.

This proposed consumer product safety legislation seeks to provide improved oversight of a broad range of products, including toys for our children, and aims to fulfill a promise made by the government in last November's Speech from the Throne.

The act will introduce a general prohibition against the manufacture, importation, advertisement or sale of consumer products that pose an unreasonable danger to human health or safety. This provision will clarify that industry has the primary responsibility for ensuring that products available on the Canadian market are safe.

The general prohibition will also allow enforcement actions to be taken even when there are no regulations or prohibitions in place to deal with hazards associated with a particular product.

Under the proposed new act, the government would be able to move quickly and decisively to protect the public when a problem occurs. Bill C-6 would give us the ability to order recalls of unsafe consumer products and require suppliers to maintain accurate records to enable quick tracking of products that need to be pulled off shelves.

Compliance and enforcement would be strengthened through maximum fines of up to \$5 million for some of the worst offences. That is a big step up from the current maximum penalty of \$1 million, and this change would put us in step with our major trading partners.

The proposed act would give the Minister of Health the authority to order a supplier to conduct safety tests and submit results to the minister. This will better allow the government to verify compliance with the act or prevent non-compliance. Bill C-6 would also require suppliers to notify Health Canada of defects or serious product-related incidents, including near-miss incidents where injury has been averted.

It is important to note that provisions such as document retention and the provision of test results would not introduce new or onerous requirements on industry. They are in keeping with good business practices currently undertaken by responsible businesses.

Bill C-6 has undergone broad consultation, both through the outreach of Health Canada and the extensive analysis of the members of the Standing Committee on Health in the House of Commons. During analysis of the bill, members saw fit to make four key amendments to this legislation.

First, some stakeholders expressed concerns about whether Bill C-6 would regulate natural health products. This was never the intention of the government, but in order to make this crystal clear, the act was amended to expressly communicate that natural health products would not be covered by this act.

Second, some members of Parliament raised concerns that parliamentarians might not be given the chance to review key regulations before they are approved by the Governor-in-Council. Consequently, Bill C-6 was amended to ensure that both houses of Parliament would be consulted on foundational regulations that will be created under this act.

In addition, Bill C-6 was amended to explicitly state that the minister may disclose information to the public about a danger to human health or safety that a consumer product poses. This amendment specifically addresses concerns raised by some consumer groups that Bill C-6 should ensure timely information is provided to consumers to inform their purchasing decisions.

Finally, Bill C-6 was amended to include provisions for the creation of an advisory committee, which would support the implementation of the proposed Canada consumer product safety act. The advisory committee will provide a forum for the exchange of informed views from the full range of experts, building on the skills and knowledge that already exists within Health Canada. The forum will provide valuable information on industry trends that may need to be addressed within the legislation or its supporting regulations.

As I conclude, I remind honourable senators that Canada's consumer product legislation is 40 years old and has fallen behind other jurisdictions. The act before us today would put in place the tools necessary for a modern, responsive and effective product safety regime.

I hope honourable senators will join me in supporting second reading of this bill.

(On motion of Senator Carstairs, debate adjourned.)

THE SENATE

MOTION TO GRANT TO HIS HIGHNESS THE AGA KHAN THE HONOURARY TITLE OF CITIZEN OF CANADA ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government),
pursuant to notice of June 22, 2009, moved:

That,

Whereas His Highness the Aga Khan, leader of the worldwide Ismaili Muslim Community, is a beacon of humanitarianism, pluralism and tolerance throughout the world;

Whereas in addition to the spiritual leadership he provides to the worldwide Ismaili community, the Aga Khan is also actively involved in humanitarian and development projects throughout Asia and Africa;

Whereas Canadians are grateful for the Aga Khan's efforts in Afghanistan where today the Aga Khan Development Network is a vital partner in our efforts to secure and improve the lives of Afghan citizens;

Whereas Canada is proud to have partnered with the Aga Khan to build the Global Centre for Pluralism in Ottawa which will promote ethnic, cultural and religious tolerance in Canada and worldwide;

Whereas Canada has previously acknowledged the contributions of other leading champions of human dignity, granting them honorary Canadian citizenship;

Therefore, the Senate of Canada resolves to bestow the title "honorary Canadian citizen" on His Highness the Aga Khan.

Hon. Consiglio Di Nino: Honourable senators, I am delighted to make a few comments on this issue. The Aga Khan is a man I have admired, one of the heroes I have looked up to throughout my life. I rise today to pay tribute to one of the world's outstanding humanitarians, an exceptional human being, and a pillar of strength, compassion, tolerance and understanding.

His Highness the Aga Khan became Imam of the Shia Imami Ismaili Muslims on July 11, 1957, at the age of 20, succeeding his grandfather, Sir Sultan Mahomed Shah Aga Khan.

• (1530)

Since assuming the office of the Imam, he has been instrumental in promoting the well-being of Muslims. During the five decades since the present Aga Khan became Imam, the world has undergone significant economic and social change, and he has been a beacon of hope during this time.

The Aga Khan has emphasized the view of Islam as being a thinking and spiritual faith, one that promotes the dignity of each human being. In a recent speech at the University of Alberta, where the Aga Khan understandably received a standing ovation, he said:

In today's community of nations, a country's standing is no longer recognized simply by what it can achieve for itself but just as much what it can do for others.

This commitment to pluralism has guided him and can be instructive for us as Canadians as we seek to help others at home and abroad.

The spiritual leadership the Aga Khan has provided to the worldwide Ismaili community is complemented by the humanitarian and development work he has spearheaded. The Aga Khan Development Network is a group of institutions working to improve living conditions and opportunities in many regions of the developing world. The network is a steadfast partner with Canada as we work together to enhance the lives of the people of Afghanistan.

Canada is also partnering with the Aga Khan here at home. The Global Centre for Pluralism in Ottawa will be a driving force for the promotion of tolerance in Canada and around the world.

Honourable senators, it is fitting and a testament to our gratitude to the Aga Khan's life-long work that we are bestowing honorary Canadian citizenship upon him. Only four individuals have previously had this honour granted to them, and they include Raoul Wallenberg, Nelson Mandela, the Dalai Lama and Aung San Suu Kyi. I may add that a number of senators have had the privilege of debating and being part of granting these great honours.

Honourable senators, the Aga Khan shall be included in this distinct and meritorious group of individuals, who stand as testament to building a better world and who, through their work, fostered the principles of respect, compassion, tolerance and understanding.

Honourable senators, bestowing honorary Canadian citizenship on His Highness the Aga Khan, is well-deserved recognition of five decades of exceptional service to human kind. He has improved the lives of countless thousands, which will no doubt be of benefit to all the citizens of the world. I urge all honourable senators to support this motion.

The Hon. the Speaker *pro tempore*: On debate?

Hon. Mobina S.B. Jaffer: Honourable senators, I rise also to speak on the motion, but I first want to thank the Prime Minister, Stephen Harper, for suggesting that we bestow the title of honorary Canadian citizenship on His Highness the Aga Khan.

It is an honour and a privilege to rise today in support of the motion to recognize His Highness the Aga Khan, the spiritual leader of the Shia Ismaili Muslims with the title of honorary Canadian citizen. I am proud, as a Canadian and an Ismaili Muslim, that we can bestow this honour on someone who is so richly deserving of it.

I know that some of you in this chamber are familiar with the contributions the Aga Khan and the Ismaili Imam have made in Canada and internationally to advance pluralism and diversity.

It was not that long ago that we celebrated the opening of the Delegation of the Ismaili Imam here in Ottawa, the home of the Aga Khan Development Network. The network is a group of development agencies with mandates ranging from health and education to architecture, culture, micro-finance, rural development, disaster reduction, the promotion of private sector enterprise and the revitalization of historic cities.

The Aga Khan Development Network agencies conduct their programs without regard to faith, origin or gender. As Senator Comeau's motion states, the Aga Khan Development Network is currently with Canadian Forces in Afghanistan to improve the lives of the Afghani people. The Aga Khan Development Network's efforts in Afghanistan include large-scale rural development; health, education and civil society programs; micro-finance services and the rehabilitation of historic neighbourhoods in Kabul and Herat with a rapidly growing mobile phone network. With the support of its donors and partner, more than U.S. \$700 million has been channelled to the network for Afghanistan's reconstruction.

The Global Centre for Pluralism, another initiative of His Highness the Aga Khan, is yet another example of his long-standing partnership with Canada. Dedicated to the creation of successful societies, the centre is founded on the premise that tolerance, openness and understanding towards the cultures, social structures, values and faiths of other people are essential to the very survival of an interdependent world.

The credo of the centre is, and I quote:

Pluralism is no longer simply an asset or a prerequisite for progress and development. It is vital to our existence.

To quote the Aga Khan himself:

We cannot make the world safe for democracy unless we also make the world safe for diversity.

Canada is an ideal place for such a partnership, and I am glad that these are not the only areas to which we have been able to extend that cooperation. Through the Aga Khan University, His Highness has been a champion in promoting education, research and innovation. Canadian institutions have been a benefactor of this partnership as well. Just last week, His Highness received an honorary doctorate from the University of Alberta. During the ceremony, he also signed a memorandum of understanding with the University of Alberta.

Aga Khan University and the University of Alberta will work together to advance mutually held goals for a greater global engagement and social understanding. Canadian students and, ultimately, the global community will benefit from this continued cooperation. This adds to a growing list of partnerships between Aga Khan University and the Canadian universities that already include McMaster University, the University of Waterloo and the University of Toronto.

Aga Khan University President Firoz Rasul said:

This partnership will enable the University of Alberta's expertise to impact parts of the world that would not otherwise benefit from these capabilities. Their innovative approach to research, teaching and service in health care, education and sustainable economic and environmental development in northern Canadian communities could greatly benefit the developing countries in which the Aga Khan University, the University of Central Asia and the Aga Khan Trust for Culture currently work.

As you can see, honourable senators, this is the type of friendship our country wants to keep and on which we can continue to build. As you can also undoubtedly tell, I am personally overjoyed to support this motion.

Honourable senators, I would like to share some personal reflections with you today.

I am very much aware that I enjoy this place, a place of privilege in the Senate amongst you, as a result of the time and resources the Aga Khan has personally spent on me. My Montessori education was paid for by His Highness the Aga Khan. My elementary education was paid for by His Highness the Aga Khan. My secondary education was paid for by His Highness the Aga Khan. I know for a fact that my teachers were personally interviewed and chosen by His Highness the Aga Khan and sent to Uganda from the U.K. in Scotland to educate us. The Aga Khan has always encouraged Ismaili women to play a leadership role in our institutions.

The Aga Khan has gone further; he has worked hard to ensure that women are treated equally in the Ismaili community. In fact, he has enabled them to have leadership experiences in his institutions. I am a product of receiving leadership experience in the Aga Khan's institutions. As a Ugandan refugee, I know I am

in the greatest country in the world — Canada — because of the Aga Khan's hard work in obtaining asylum for Ugandan refugees in Canada.

Today, I ask you to support this motion, as I know that I have achieved all I have because of His Highness the Aga Khan's hard work for me to be able to succeed in Canada.

If this motion goes through, the Aga Khan will become the fifth person to be recognized with the title of honorary citizen. He joins Raoul Wallenberg, Nelson Mandela, the Dalai Lama and the 1991 Nobel Peace Prize winner, Aung San Suu Kyi. This is distinguished company, but there are few more deserving to join this select group than His Highness the Aga Khan.

• (1540)

Honourable senators, I am overjoyed to welcome His Highness, Prince Karim Aga Khan as a fellow Canadian. I hope you will join with me and the Canadian Ismaili community in welcoming him and working toward an even greater partnership to advance our mutual goals. I ask you to support this motion.

Hon. Marcel Prud'homme: Honourable senators, for brevity I will make my intervention in English.

I have no notes, so I will go by memory. I speak especially, as an elder on his way out, to new senators who have joined us, particularly to those who have just recently joined us.

Of course, with great honour, I will join in the good works done by Senator Jaffer, but we still have not solved an immense difficulty. We do not have a process.

I kept standing up. I did it in the House of Commons when, out of a moment of distraction, at five o'clock on Monday afternoon, December 9, 1985, it was decided suddenly that Raoul Wallenberg was to be made an honorary Canadian citizen. He is a fantastic human being, but no one ever told the House of Commons who he was. It was just a debate back and forth.

At one minute to six, some members feeling insulted said, "Look at Marcel Prud'homme; he is speaking too long." I knew how to watch a clock. The declaration recognizing Raoul Wallenberg as a Canadian citizen was eventually passed by the House of Commons and then moved on to the Senate.

Those elders in the Senate will remember that some senators were outraged. They adjourned the Senate and, believe it or not, the Speaker was called back in the name of a national emergency. My friend, Speaker Guy Charbonneau, was called back by Senator Roblin in the name of a national emergency, and we had not seen that since the war. There were two separate sittings that day.

Of course, some senators had gone away between the first and second sittings of the same day, so they were considered absent. I know Senator Corbin raised that question. Senator Watt was there, and other elders here will remember what happened.

I still claim, unfortunately, that Mr. Wallenberg is not really an honorary citizen of Canada because the process was not followed through.

There was a vigorous discussion at that time between Allan MacEachen and Conservative senators. Then we started the second sitting. As you know, we corrected it.

Honourable senators, I was pleased to join Senator Di Nino when the House of Commons recognized the Dalai Lama, as if Parliament consisted only of the House of Commons. We could have said no. We adjourned that night.

Senator Di Nino will remember that I was more than happy to sit down with him and say, "Let us amend this to say the House of Commons and the Senate." However, there is still no process. We do not know how to proceed if we really want to honour someone.

Honourable senators, do you know how many honorary citizens there are in the United States? There are two, one of whom is Raoul Wallenberg. The late Congressman Tom Lantos — a citizen of Hungary of Jewish origin — was saved by Raoul Wallenberg in Hungary. He made it the cause of his life, and he succeeded in having the declaration of honorary citizenship put to a committee. From there, it went to a subcommittee, back to the main committee, then on to both houses, following which it was signed by the President of the United States of America.

This is the kind of process I would like to see develop in the future. People should be able to stand up and suggest whomever they wish. Whatever the merits of each case, we must establish a good process.

I will leave it to others to prepare notes. This summer, I will likely put forward a proposal for the future so that people can reflect on it.

I would say that the example to follow would be that of Mr. Nelson Mandela. His process was a good one. Mr. Mandela's recognition was put to the House of Commons. Senators will remember that one member objected violently because he thought Mr. Mandela was a terrorist. He was on the terrorist list in the old days. The world has changed rapidly. According to the Immigration Act, he should not have been allowed into Canada for his past activities as a terrorist. He was on the terrorist list, but now he is a Canadian citizen.

I am sorry for those who will read this, as more words may be needed for clarification. However, to the best of my memory — having been taken by surprise with this good motion — I suggest that the best process to follow would be what we did with Mr. Mandela. It started with the House of Commons. It was presented like a bill. It came to the Senate and was well appreciated. I personally called the Ambassador of South Africa to ensure he would be in the gallery.

Senator Cools, for those who like history, made a very impassioned and excellent speech. I see Senator Carstairs and Senator Fairbairn acknowledging this fact, so I am not too off the ball today.

Then we had a real royal sanction to make him an honorary Canadian citizen. To me, that is the only way to proceed. We must have a process.

[Senator Prud'homme]

I see that this motion started in the House of Commons. Why are we reacting like this? It is because the motion came suddenly in the House of Commons. The House of Commons suggested what we are suggesting today.

I thank Senator Comeau for his motion and Senator Jaffer for her good work today on behalf of a man I respect and happen to have met once; he is highly deserving of the honour.

It is as if there are two Parliaments. The Senate of Canada is happy to join with the House of Commons to make the Aga Khan an honorary Canadian citizen and then to have the royal sanction. In my view, that would be the only way to honour someone. We need a good process, one in which people can make recommendations through a committee and then both houses will pass a law.

That is for the future. Of course, today I do applaud and join with the resolution put by Senator Comeau and the good words of Senator Jaffer.

Hon. Tommy Banks: Will the honourable senator accept a question?

Senator Prud'homme: Of course.

Senator Banks: Am I right in assuming that the second honorary U.S. citizen that you did not quite get to is Sir Winston Churchill?

Senator Prud'homme: Exactly. I thank you. I did not expect this debate. People think there are many honorary citizens of the United States, but in fact there are only Winston Churchill and Raoul Wallenberg. It is an honour for both well-known people.

On the same day as Raoul Wallenberg was honoured, I thought we could honour Mother Theresa, who was suggested as an honorary Canadian citizen. We did not push further at that time because we wanted to have that kind of process.

An Hon. Senator: Question.

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

(Motion agreed to.)

• (1550)

STUDY ON 2008 LEGISLATIVE REVIEW OF EXPORT DEVELOPMENT CANADA

NINTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *Study on the 2008 Legislative Review of Export Development Canada*, tabled in the Senate on June 9, 2009.

Hon. Consiglio Di Nino moved the adoption of the report.

He said: As honourable senators are aware, Export Development Canada has a legislative requirement that every 10 years it must do a review of its operations. Today, I am pleased to speak to you as we consider the study that the Standing Senate Committee on Foreign Affairs and International Trade took of *The Legislative Review of Export Development Canada*.

The study was conducted according to the terms of the Export Development Act, which requires that this be conducted at these intervals. Such a review is intended to consider how Export Development Canada is evolving and should continue to evolve in order to address the competitive demands of international trade on behalf of its stakeholders and to make recommendations where appropriate.

In compliance with its legislative obligations, our committee examined the report commissioned by the Department of Foreign Affairs and International Trade and carried out by International Financial Consulting Inc., or IFC. This report, entitled *The Legislative Review of Export Development Canada*, was released in December 2008 and tabled in the Senate on February 10, 2009. In considering the IFC report, our committee held six meetings in March 2009 and heard 12 witnesses. We also received several written submissions. On June 9, our report, which included nine recommendations, was tabled.

Honourable senators, our study was carried out under exceptional circumstances. The initial report by IFC was prepared before the economic downturn took hold. Moreover, our meetings were held concurrent with the Government of Canada's introduction of a temporary expansion in EDC's mandate, which was eventually passed as part of the government's budget bill, Bill C-10. As a result, developments directly affecting EDC were unfolding in real time during the course of our consultation, a situation that greatly affects the pertinence of this report.

Honourable senators, to highlight the report's relevance under such circumstances, and to enhance Canadian trade prosperity, I wish to draw your attention to a few of the recommendations contained in the report.

Our report recommends, for instance, that EDC expand its role in the short-term export credit insurance market as demand warrants. We heard from a number of the stakeholders that the private sector component of this type of insurance was drying up and that it was more difficult to obtain this insurance, which is why EDC, in effect, entered the market. We felt that it was important for our manufacturing and export companies to be able to have that particular service available to them. This market is growing in Canada, while the market share held by EDC has actually been shrinking. Moreover, the presence of EDC alongside its private sector competitors creates more competition among service providers, thereby enabling a greater degree of choice for Canadian businesses wishing to access these services. This trend is positive and, in our view, EDC is not crowding out the private sector.

To address concerns that EDC is unduly advantaged over its competitors, the report recommends that the government evaluate and report to Parliament on the continued need for EDC's

presence in the domestic credit market and give Parliament ample time to study the issue before a final decision is made on its extension. As you know, EDC's temporary expansion into the domestic market is legislated to be assessed in two years, and a decision to extend the mandate would be carried out by an order-in-council. By way of this recommendation, the committee, however, wants to ensure Parliament's role in such a decision.

On another matter related to the perception that EDC operates with unfair advantage, the committee also recommends that EDC make publicly available information that is, to the extent possible, consistent with the information that its private sector competitors are required to provide to the Office of the Superintendent of Financial Institutions, OSFI.

In addition, the committee recommends that EDC make better use of Canada's multiculturalism. With so many diaspora communities, Canada has a potential advantage over other global competitors in many foreign markets because of the diverse language skills and knowledge of diverse cultures and vital business contacts found in these communities. We recommend that EDC put these rich resources to better use than it has in the past.

Finally, I want to highlight the committee's recommendation that section 25 of the Export Development Act be amended by specifying that responsibility for the 10-year legislative review be undertaken by Parliament instead of a private sector entity. Accordingly, future legislative reviews, if accepted, would be undertaken by Parliament without the need for the Department of Foreign Affairs and International Trade to hire outside consultants.

In closing, I thank my fellow colleagues on the committee for their dedication to this study and for the insightful questions that they posed throughout our meetings. Because of the interesting times as we were studying this issue, it became much more challenging than it normally would have been. The study reinforced for us the value of EDC in promoting Canada's international business opportunities and, given the importance of trade and exports to Canada's economy, we believe that EDC's mandate is essential. Thank you for your attention.

Hon. A. Raynell Andreychuk: Honourable senators, I want to lend support to the report and the work that the committee undertook in this study. While I support all of the recommendations, I have some concern about the legislative review that will replace an outside review of EDC every 10 years. These are highly specialized reviews, involving the kinds of expertise that the Senate will have to call upon. While there were some concerns in the way the inquiry at this time was conducted, I equally have concerns as to whether both houses in a legislative review will have the time and expertise to carry out such an extensive audit and review of EDC. It would have seemed to me that a policy review of EDC by Parliament would be the best emphasis. However, I yielded to the other members of the committee who felt that the capacity of the Senate would not be unduly strained, nor that of the House of Commons, and that this review could be undertaken. I wait to see what the government, in its wisdom, will do with this recommendation.

Hon. Eymard G. Corbin: Honourable senators, I rise on the comments made just now by my colleague, Senator Andreychuk. I made that recommendation to the committee that the 10-year review be taken out of the legislation and given to both houses or either house.

• (1600)

We were charged with studying the report of the outside firm that performed that 10-year review, which is only the second one in the history of EDC. The first one was performed five years after the establishment of the legislation.

I was struck by the minimal content of the review in terms of its usefulness to the corporation and, indeed, for the enlightenment of parliamentarians themselves. On the basis of the comments in that glossy report, I could not help but say to myself that parliamentarians could have done a better job this time around. The report, by the way, cost over \$1 million to prepare, and that cost does not include the time and travel expenses of a number of federal functionaries who attended meetings at various so-called “strategic points” across the country. However, the points were not so “strategic” in terms of what some of the senators thought.

Regardless, that parliamentarians could have done a better job is what prompted me, with the support of honourable senators, to have that recommendation included in the report that Senator Di Nino spoke to.

Once in ten years misses a lot of opportunities, in my opinion. EDC is a proactive corporation; it operates practically all over the world. However, it is felt that the corporation could be more active in some areas. Questions remain to be answered; questions of the type that a review agency would never ask, but that parliamentarians would. I think those questions are important when we deal with the kind of business they are involved in.

I hope we will give that recommendation a fair opportunity to be tested in Parliament. Either house or both houses can perform that review. It would not cost \$1 million, to begin with, and it would not have to be along exercise.

Parliamentarians generally know which areas deserve attention because they are connected to their constituents and to the business world. They can identify problem areas much sooner than these agencies. These agencies are awarded the contract through the bidding process, which does not necessarily assure us that they are the best qualified people to conduct the review.

Those are my comments. This is my last speech in this house, and I wish to thank all honourable senators for their comradeship. I have enjoyed my 41 years in Parliament to a great extent. I will not miss the place; I think it is time to move on and I would have moved on much sooner if the Constitution had provided for it.

As far as electing senators, I am all for it, so get going and I will be running.

The Hon. the Speaker: Do honourable senators wish to have further debate? Are honourable senators ready for the question?

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

FINANCIAL ADMINISTRATION ACT BANK OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Nolin, for the second reading of Bill S-228, An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports).

Hon. Hugh Segal: Honourable senators, I know that if I speak now, it will bring this matter to an end. I want to adjourn, if I can, and reserve my time.

To bring the house up to date, this bill has been passed by this place twice. It passed second reading in the House of Commons. The government put it into its campaign platform. It won the election. The civil servants are now in control of the process and it has not been introduced. We are waiting again for something to come forward.

Honourable senators, I want to leave it on the Order Paper. With your permission and indulgence, I want to adjourn for the remainder of my time.

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

(On motion of Senator Segal, debate adjourned.)

[Translation]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FOURTH REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion by the Honourable Senator Oliver, seconded by the Honourable Senator Dickson, for the adoption of the fourth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*question of privilege regarding a Government of Canada website*) presented in the Senate on May 13, 2009.

Hon. Joan Fraser: Honourable senators, I would like to congratulate the chair of the Committee on Rules, Procedures and the Rights of Parliament. Under the circumstances, this study could have become very partisan. Committee members could easily have succumbed to the kind of partisan divisions and battles we have witnessed elsewhere. The committee members avoided such behaviour. All committee members upheld the committee's serious, non-partisan tradition, but the chair always takes the lead, and I am sure that we are all grateful for the tone he set.

[English]

When Senator Oliver spoke to this report last week, he gave an interesting and instructive introductory lesson on parliamentary privilege. I commend it to the reading of all honourable senators who were not fortunate enough to hear it. He also rehearsed the events that had led to this work by the committee. Then he mentioned the fact that we had heard from Laurent Marcoux, who was at that time — and I think still is — Acting Director General of Operations, Communications and Consultations at the Privy Council Office.

Then I am not sure what happened. I think Senator Oliver ran out of time, because he did not describe what the committee had found. I wanted to discuss that subject ever so slightly before urging honourable senators to adopt the report.

I stress that the committee did not engage in a search for blame. It did not blame Mr. Marcoux, although he, as head of the department, fittingly accepted ultimate responsibility for the erroneous statement that appeared on the Government of Canada website.

However, as far as I can determine, there was no appetite at all in the committee to go on a lovely witch hunt and find someone, high or low, to hold responsible for this event. I think the concern was much more for the preservation of not only the privileges but the general respect of the Senate in which we all believe.

• (1610)

The committee was satisfied — and notes in its report that it was satisfied — with Mr. Marcoux's assurances that such an event is unlikely to recur, and that steps have been taken to ensure that it does not recur, including, interestingly, a learning plan which will include a course module on the role of the Senate. I think that would be useful not only for people in the Privy Council Office, but throughout the bureaucracy — and who knows, maybe even in the House of Commons.

The committee also said, however, that it was deeply regrettable that the inaccurate information remained on the government website for more than two weeks, even though it could have been removed earlier. It noted, again with regret, that no notice of correction or apology was posted to explain the error when it was, at last, removed. The committee went on to say:

Even more troubling, however, is that the statement from the actionplan.gc.ca website was not *just* inaccurate; it was also an affront to the Senate. . . . The statement that "Senators must do their part and ensure quick passage of

this vital legislation" is at odds with the autonomy and independence of the Senate. The Senate cannot be coerced to adopt a legislative proposal or to adopt it in a given timeframe. In addition, this partisan rhetoric on a Government of Canada website put the public service into an untenable position where its non-partisanship, political neutrality and impartiality are placed in jeopardy.

Your committee finds this unacceptable terminology offensive to the authority, dignity and privileges of the Senate. . . .

I thought it was important for all senators who may not have read the report to realize that those were the findings, unanimously adopted, of the committee.

The committee went on to make a few very simple recommendations that I think are constructive and in no way offensive to anyone. We recommended:

1. That a comprehensive review of the . . . website be undertaken with the view to remove not only factual errors, but also any statement that might affect the non-partisanship, political neutrality and impartiality of the public service;
2. That the Clerk of the Privy Council take every step necessary to convey to all responsible managers:
 - (a) the non-partisanship, political neutrality and impartiality of the public service; and
 - (b) the institutional role of the Senate.

As I suggested, the Privy Council Office is already, apparently, taking in hand the need to instruct people about the institutional role of the Senate, which is good.

Finally, we recommended:

3. That the conclusions learned in this matter be communicated strongly to all responsible managers of Government of Canada websites.

Honourable senators, in my view, this report was a firm but fair statement to which all senators could reasonably subscribe. The recommendations were also fair and not in any way part of a partisan or witch-hunting game. I would urge honourable senators to adopt this report.

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

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

BUDGET IMPLEMENTATION BILL, 2009

STUDY ON ELEMENTS DEALING WITH THE NAVIGABLE WATERS PROTECTION ACT (PART 7)—NINTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ADOPTED

On the Order:

Resuming debate on the consideration of the ninth report of the Standing Senate Committee on Energy, the Environment and Natural Resources entitled: *Report Addressing Bill C-10, Navigable Waters Protection Act*, tabled in the Senate on June 11, 2009.

Hon. Grant Mitchell moved the adoption of the report.

He said: Honourable senators, I would like to make several points about this report. It is a good report, done by a great committee. We worked hard, heard from a lot of witnesses and enjoyed working together. It was a very healthy environment — pun intended — and we came up with this report.

There are a couple of points that I would like to emphasize. One is that some of us — not all of our members — were unhappy that it was included in the Budget Implementation Act. That is ground that has been ploughed many times in this chamber. I would just like to add my voice to the chorus of voices that expressed their dismay about that process.

Second, this piece of legislation, or the element that addressed the Navigable Waters Protection Act in Bill C-10, seemed more ominous to people than perhaps it necessarily had to. I think, in part, that was because the way that the argument was made in its defence was ultimately misleading and contradictory — unnecessarily so.

The government was quick off the mark to say that these changes were necessary simply to streamline the process of review — environmental, navigable waters and other review — of projects because there was so much pressure to get projects under the stimulus package approved and under way. However, at the same time, in the process of defending this, many witnesses kept saying that, yes, we need to do it because we have to streamline projects, but really it is only small projects and minor waters that will be affected.

There is an inherent contradiction here. If the projects are small and if they are on small waters, how could speeding them up to get them done have any real impact on the question of getting projects out to stimulate the economy? These are small projects that will not stimulate the economy.

As we raked our way through that contradictory position, it finally became clear — and it was stated forthrightly by one of the officials — that we will be able to get a lot of minor projects off the list, thereby freeing up resources to deal with major projects.

That is a legitimate argument. It remains to be seen whether that will have a profound impact, but it is at least a hypothesis worth testing. We will see. It begs the question that we may need

to revisit the process in a year or two to see if it has worked in the way the government said that it should.

The second feature of this legislation that many people felt was ominous was that a Navigable Waters Protection Act review triggers other environmental reviews. If you do not do the former, you will not get to the latter. That was the problem for many people. We do not want to miss out on environmental reviews of projects that absolutely and fundamentally require them.

It was argued that some measures would protect us against that concern. One measure is that all the standards for a Navigable Waters Protection Act project have to be adhered to even if a project is exempted from specific review, or the project can actually be knocked down. That is the penalty, a powerful one.

Again, it remains to be seen whether we actually do miss out on environmental reports or reviews that need to be done. It also begs the question that in a year or two, this committee needs to go back and do a reassessment to see if what we were being told turns out to be true. I want to thank everyone for their work on the committee, and I would urge honourable senators to support this report.

Hon. Elaine McCoy: Honourable senator, with respect to this report, I want to commend the committee, which worked long and hard. It did indeed see a long list of witnesses and really did delve into the Navigable Waters Protection Act. Certainly, I endorse Senator Mitchell's and the committee's recommendation for a one-year review to see how the department has improved its process.

• (1620)

The administration of the Navigable Waters Protection Act has driven municipal and provincial officials in Alberta crazy with frustration for the past 20 years or more. It became apparent during the committee's hearings, and most particularly when a witness from the Alberta Transportation testified that the legislation is not wrong, but the way in which it is administered is wrong. There is absolutely no sense of strategic approach to the review of projects that come under the purview of the Navigable Waters Protection Act.

To illustrate, officials iterated time and again that they have to examine and review every small dock on a recreational lake, no matter how remote, with the same diligence as they conduct a review of the Confederation Bridge. When one hears an explanation like that, and they have been in the business of regulations, they know right away that the officials are not approaching their task with the required efficiency and effectiveness. They do not need legislative changes to improve the efficiency of their administration. The parliamentary secretary who shepherded this legislation through, Brian Jean, MP for Fort McMurray—Athabasca, appeared before the committee as a witness and gave a brilliant example. He said that two inspectors drove all the way from Edmonton to Northern Alberta to look at his brother's dock on a remote lake. The inspectors insisted they had to come and see it, and then they drove all the way back to Edmonton. Later, it was discovered there were only two inspectors for this program in all of Alberta. Thus, we understand why the frustration levels have risen so high.

The same witness gave us an example of a permit that he received, finally, for refurbishing an existing weir in Calgary. It took 20 months. Time and again, he said that he asked for guidelines from the department. The department said that they would not give him any guidelines. They said that he should just put something in and they would tell him if it was right. He said that 70 per cent of the problem was administration.

I trust that the stakeholders will continue to press, and this place should continue to press, the officials of the Navigable Waters Protection Program to conduct an efficiency audit and to learn how to perform their jobs in an effective manner. That audit would benefit Canadians all across the country.

Another point that has not been raised this afternoon, but which is critically important in my mind, is that the minister has been given absolute discretion — a fiat. It is tyranny in the making. The minister has been made a dictator on decisions under the Navigable Waters Protection Act as to what a minor work or a minor waterway will be. The minister has been removed totally from the oversight of Parliament, whether it be the House of Commons, the Senate or a combination thereof. The minister has been given the power to make decisions as the minister sees fit.

We see this trend in proposed legislation over and over again these days. I rise today to say that we should correct it and change this legislation, when we have the opportunity to do so, to remove that authority from the Navigable Waters Protection Act.

The act says that the minister can pass ministerial orders, which are said not to be statutory instruments. There is no requirement for the minister to consult and there is no requirement for the minister to report, but eventually the minister would reveal what the minister has decided. That trend is leading to what Professor Donald Savoie calls, “court government to the dictatorship of the executive.” It is a trend that needs to be reversed. This place should not endorse legislation that adds to, rather than corrects, a bad practice in governance.

The new act has created another problem that has not been addressed. It has removed the ability of the minister to remove obstructions and obstacles in navigable waters to ensure that they are safe. There are 6 million boaters in this country, not to mention all the First Nations who often use our navigable waters for recreational and commercial purposes. If the minister has made one of these whimsical orders not to review a particular waterway, then the minister has precluded the ability to maintain the safety of that water. I assume that oversight was not likely the intent of the drafters of the legislation, but it needs to be corrected.

The legislation should be brought back to correct those two egregious faults by first, ensuring that the minister operates in the future by, and with, the consent of the elected and appointed representatives of Parliament; and second, ensuring that the minister consults with affected Canadians when a decision is made. We need to restore the minister's ability and, thereby, the department's ability, to ensure the safety of these waterways for all Canadians who use them on a regular basis.

Hon. Lorna Milne: Will Senator McCoy accept a question?

Senator McCoy: Yes.

Senator Milne: When the honourable senator said that this legislation gives the minister such extraordinary powers and is not subject to statutory review, does she mean that it will not come before the Standing Joint Committee for the Scrutiny of Regulations, where parliamentarians can take a look at it?

Senator McCoy: That is my understanding. Senator Banks was particularly vigilant in pursuing that point. From the responses that he elicited, it is my understanding that it is absolutely true. It might not matter much, except for the way in which this small part of a huge department is being run. I had thought of writing a witty speech about this issue because I am reminded of Charles Dickens' department of hopelessness. Every approval had to go to the department and every approval became stuck there for ten decades or more. That is what happens when an application is made under the Navigable Waters Protection Program.

The minister normally operates on the advice of the department but in this case, the department is running an inefficient and ineffective operation. For that reason, it is important to have the input of Parliamentarians and the citizens of Canada, who know what they are talking about.

• (1630)

Hon. Tommy Banks: Honourable senators, Senator McCoy is right when she refers to the inadvisability of our agreeing to the devolution of what ought to be responsibilities of Parliament to what we have come to regard as an administrative branch. We do not have an administrative branch in the Canadian Parliament. Government is a function of Parliament — not the other way around.

We have been doing this since long before I came here from governments of both stripes. We talked about this when we passed Bill C-10 and another omnibus “supposedly” government implementation act in the previous government. That bill contained amendments to 22 other acts of Parliament that have nothing to do with budget implementation. We all remember the arguments that were made as to why we should pass Bill C-10. It contained amendments to 42 acts and enacted two new acts of Parliament — none of which had anything to do with budget implementation.

Parliament — including this part of Parliament, the government before this, the government before that, the present government and maybe the next one — is giving to ministers of the Crown — in other words, granting to Her Majesty — the authority to do things that they used to have to ask Parliament to do. Beginning in 1215, they started to have to ask someone else whether the Crown could do those things. We are giving away our store and we have been doing it bit by bit over the years.

Senator McCoy has called attention to a particular phrase in legislation that we have come to adopt and we are giving away the store when we adopt it. That phrase is “for the purposes of this act” or words to that effect — also this regulation or this ministerial order. We are saying this duck is a duck, but it is not a duck for the purposes of this act.

Therefore, we are saying that this regulation being referenced will not to be susceptible to scrutiny by the last red line we have in this place to ensure that regulations — once they are promulgated

and published in the *Canada Gazette* — conform to the intent of the act the government and the Crown has been given to promulgate by Parliament. The last line of defence that Parliament has to ensure those amendments conform to the intent of the act and do what they said they would is the Standing Joint Committee for the Scrutiny of Regulations.

When an act says this is not a statutory instrument for the purposes of a statutory instrument act, there is only one reason to do that. I asked several witnesses from the government in respect of not only this, but other bills as well: Can you tell me another reason for this language other than to avoid the scrutiny of Parliament? There is no other answer. The only reason for the inclusion of such language by this government or any government before this — Liberal governments have done this as often, if not more often, than Conservative governments — is to avoid the scrutiny of Parliament.

Parliamentary democracy is not efficient — witness the length of time I am taking to talk about this. Dictatorships — the other end of the stick — are extremely efficient. We have decided in this country not to have a form of government that is efficient for its own sake, but rather one that does things like scrutinize regulations brought in by the Crown after the fact.

We pass framework legislation, too often, that says nothing much more than a title. This is what this bill is about. You will tell us later how it will actually be employed. We have always been able to rely upon the Standing Joint Committee for the Scrutiny of Regulations at least to ensure regulations introduced have something to do with the bill and do not contradict it.

There are 15 occasions in Bill C-10 that employ the words “is not a statutory instrument for the purposes of this statutory instrument act.” We all remember the reasons for which we passed this bill. We have given the Crown the means of promulgating regulations that will not be susceptible to the scrutiny of Parliament.

Honourable senators, this is a mistake against which we must guard in the future. In the case of the present bill, as Senator McCoy said, it goes a step further. The things that will actually implement the rubber hitting the road in respect of the Navigable Waters Protection Act — which, as everyone can understand, has a great deal to do with budget implementation — are not even regulations. They are ministerial orders, which also are said not to be statutory instruments.

Honourable senators, when we come back and deal with bills like this, I hope that we will do our job to ensure the authority of Parliament to establish how money will be collected and spent. This is the business of government. It should receive our fullest attention and care.

Thank you.

Some Hon. Senators: Hear, hear.

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

(Motion agreed to and report adopted.)

STUDY ON ISSUES RELATED TO MANDATE

SIXTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled: *With Respect, Canada's North*, tabled in the Senate on May 13, 2009.

Hon. Gerald J. Comeau (Deputy Leader of the Government), for Senator Angus, moved the adoption of the report.

Hon. Grant Mitchell: Honourable senators, I want to emphasize once again that this was a powerful report. I am grateful that the committee was released by the Senate to spend time in the North. Each member who had the opportunity to take the trip found it to be a powerful, profound and moving experience.

We discovered many things while on the trip, but I would like to emphasize one in particular; the impact of climate change on the North. It has been said sufficiently often that it is almost trite, I am sure, that the North is really the canary in the mine when it comes to climate change.

I would like to list some of our clear observations that climate change is occurring and comment on the response of the people who live there to climate change. It is a telling experience to see the reactions of people who are experiencing climate change.

After arriving in the North, it soon became apparent to the committee members that climate change has progressed to a point where the permafrost is melting. One does not have to be a scientist to figure that out, but can simply observe what is occurring in many ways. One of the most profound indications of climate change and the melting of the permafrost is that the roads are beginning to waiver. Driving on these permafrost roads is almost like riding a roller coaster. It will not get better, honourable senators; it will get worse.

There are many stories of structural problems because homes and buildings are beginning to sink into the permafrost. There is much talk of observation that ice roads critical to supply in the development of the North are forming later and dissolving sooner. Not only is that an indicator of a problem but it creates a problem. The problem it creates, among others, is that it forces prices up. We saw evidence of milk costing four dollars a litre, and probably every one of us in this place has heard of the stories of huge costs.

• (1640)

We were told by the people of Tuktoyaktuk and by others that the caribou herd in that region had dropped from 160,000 animals to 40,000 or 45,000 animals in five years. They told us that there was rain in December, two Decembers ago. Furthermore, there was thunder and lightning in Tuktoyaktuk in December. There is also evidence that the coastline in Tuktoyaktuk is eroding. Many houses in that town, if not eventually all of them, are vulnerable. Why is that erosion occurring? It is not because the ice is melting and creating more water that then fills up the ocean, although the ice that is on land contributes to that problem. It is occurring because much more water is exposed. Generally speaking, water in the seas and the oceans is exposed to higher heat. Water expands and that is what elevates the level of water. That change

is what is threatening, among other places, Tuktoyaktuk. There is lots of evidence of animal and insect species moving north that have never been seen there before.

I underline this situation, honourable senators, because we see a drought now in the West, in Alberta. It will probably be a sustained drought this summer — I am not sure, but I hope not. We see evidence of this change in our lives in Canada, with more abrupt and more vicious storms and variations in weather that we have not seen before. The impact is not as vivid and as profound as it is for the people in the North perhaps because it is not as intense. Those people who live in Tuktoyaktuk, Inuvik and elsewhere know there is a problem because they live with it every day. Their traditional hunting areas and hunting patterns, right down to modern construction issues, are exacerbated, changed and fundamentally destroyed because of climate change.

Honourable senators, it is interesting that the people of these communities are taking specific measures to reduce their emissions — as futile as reducing their emissions is. Their emissions are infinitesimally small in the scope of the world, but they are reducing them out of desperation because they see the impact.

Our committee met with the ambassador from Australia to Canada last week. He outlined the program that Australia is now implementing to deal with climate change. It is a strong program. He said that the turning point for the people of Australia was the massive, uncontrollable wild fires that have occurred over the last number of years. They realized that this situation was not ordinary. It was not normal, it was not natural and it should not occur. Australia is taking powerful, major steps to do something about it.

Honourable senators, I hope that the government will consider this report as one more piece of evidence — not quite scientific, but there is a lot of scientific evidence — on an infinitely high pile that says, Yes, climate change is occurring; yes, it is occurring because of the human activity and because of the kind of human activity that we in Canada do; and, yes, we need to do something about it and we need to lead the world in doing something about it.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Is there continuing debate? Question?

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

NATIONAL SECURITY AND DEFENCE

QUORUM FOR SUBCOMMITTEE ON AGENDA AND PROCEDURE—DEBATE CONTINUED

On the Order:

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

That it be an instruction to the Standing Senate Committee on National Security and Defence that it adopt a motion to provide that its Subcommittee on Agenda and Procedure may only convene provided that it meets its quorum of three members and that one member from each recognized party is present.

Hon. Tommy Banks: Honourable senators, I had undertaken to speak today. However, in light of advice that I heard from Your Honour, which included the line “once a day is enough, young man,” I wish to move the adjournment for the remainder of my time.

(On motion of Senator Banks, debate adjourned.)

[Translation]

THE HONOURABLE SENATOR YOINE GOLDSTEIN

INQUIRY WITHDRAWN

On the Order:

Resuming debate on the inquiry of the Honourable Senator Tardif calling the attention of the Senate for the purposes of paying tribute to the Honourable Yoine Goldstein, in recognition of his outstanding career as a member of the Senate of Canada and for his many contributions and service to Canadians.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, with leave of the Senate, I request that inquiry No. 19 be withdrawn from the Order Paper.

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

Hon. Senators: Agreed.

(Inquiry withdrawn.)

[English]

THE SENATE

MOTION TO RECOGNIZE APRIL 25 ANNUALLY AS WORLD MALARIA DAY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Eggleton, P.C.:

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

Hon. A. Raynell Andreychuk: Honourable senators, I discussed this matter with Senator Jaffer. To expedite it, I will remove my name from this item so that it can be moved.

Hon. Mobina S. B. Jaffer: Question.

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

(Motion agreed to.)

[Translation]

IRAN'S 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 know that my excellent friend, Senator Segal, is anxiously awaiting my speech. I can tell you that there will be some very important developments on July 10 in Moscow when Mr. Obama meets with the Russian authorities about this issue, which we are very concerned about.

My speech is divided into two parts. The first consists of a proposal that the region be completely nuclear-free. I know that you will agree with me on that. I am not targeting any particular country. In the Middle East, people always think of Israel, but there are also Pakistan and India. My first proposal is that the Middle East and this fragile region be denuclearized.

The second part has to do with the fact that we will never find a solution to the problems that are plaguing this region and threatening global security. There will need to be a generalized peace process in this region.

I will speak more at length on this, for the remainder of my allotted time, when we come back in September. Consequently, with leave of the Senate, I propose to be allowed to finish my speech in due course.

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

OFFICIAL LANGUAGES

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

On Motion No. 84 by the Honourable Senator Chaput:

That the Standing Senate Committee on Official Languages have the power to sit at 3:30 p.m., on June 22, 2009, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, with leave of the Senate, I move that this motion, standing as item No. 84 in the name of Senator Chaput, be withdrawn.

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

Hon. Senators: Agreed.

(Motion withdrawn.)

[English]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, we are expecting Royal Assent by written declaration. It is under way as we speak. I suggest that we suspend the proceedings until 5:20 p.m. I think that the clerks should be back from Rideau Hall by then.

For those of you who wish to come by my chamber, I will be happy to greet you. Please do not go too far away so that we can return here as soon as we hear that the clerks have been returned from Rideau Hall.

(The sitting of the Senate was suspended.)

• (1740)

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

June 23, 2009

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 23rd day of June, 2009, at 5:12 p.m.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Tuesday, June 23, 2009:

An Act to amend the Marine Liability Act and the Federal Courts Act and to make consequential amendments to other Acts (*Bill C-7, Chapter 21, 2009*)

An Act to amend the Criminal Code (organized crime and protection of justice system participants) (*Bill C-14, Chapter 22, 2009*)

An Act respecting not-for-profit corporations and certain other corporations (*Bill C-4, Chapter 23, 2009*)

An Act to promote safety and security with respect to human pathogens and toxins (*Bill C-11, Chapter 24, 2009*)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 (*Bill C-48, Chapter 25, 2009*)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 (*Bill C-49, Chapter 26, 2009*)

[English]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Before I proceed to the adjournment, honourable senators, I would like to thank all of those who ensure that the Senate functions as it should. I would like to thank all my colleagues on both sides of the chamber. I would also like to thank the Clerk and his capable team of table officers for their valued advice; the Black Rod and his team, including the Mace Bearer and the pages, who are always there when we need them; the stenographers and interpreters, who always seem to know exactly what we are saying, even though sometimes we may not be quite sure what we are saying.

I would also like to thank the members of the protective service, who greet us graciously every day; the committee attendants and the messengers, for their hard work; and the maintenance personnel, who make this place shine.

Again, I say thank you, and offer my best wishes for a safe and enjoyable adjournment.

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, September 15, 2009, at 2 p.m.

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

(Motion agreed to.)

(The Senate adjourned to Tuesday, September 15, 2009, at 2 p.m.)

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been **completed**)
(2nd Session, 40th Parliament)

Tuesday, June 23, 2009

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

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Customs Act	09/01/29	09/03/03	National Security and Defence	09/03/31	1	09/04/23	*09/06/11	10/09
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	09/06/09	5	09/06/11		
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 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act to implement the Free Trade Agreement between Canada and the States of the European Free Trade Association (Iceland, Liechtenstein, Norway, Switzerland), the Agreement on Agriculture between Canada and the Republic of Iceland, the Agreement on Agriculture between Canada and the Kingdom of Norway and the Agreement on Agriculture between Canada and the Swiss Confederation	09/03/31	09/04/22	Foreign Affairs and International Trade	09/04/23	0	09/04/28	*09/04/29	6/09
C-3	An Act to amend the Arctic Waters Pollution Prevention Act	09/05/05	09/05/13	Transport and Communications	09/05/28	0	09/06/02	*09/06/11	11/09
C-4	An Act respecting not-for-profit corporations and certain other corporations	09/05/05	09/06/10	Banking, Trade and Commerce	09/06/22	0 observations	09/06/23	*09/06/23	23/09
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 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-6	An Act respecting the safety of consumer products	09/06/16							
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	09/06/18	0 observations	09/06/22	*09/06/23	21/09
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	09/06/22	0 observations	09/06/23	*09/06/23	24/09
C-12	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 (<i>Appropriation Act No. 4, 2008-2009</i>)	09/02/12	09/02/24	—	—	—	09/02/26	09/02/26	1/09
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	09/06/18	0	09/06/22	*09/06/23	22/09
C-15	An Act to amend the Controlled Drugs and Substances Act and to make related and consequential amendments to other Acts	09/06/09							
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	09/06/11	0 observations	09/06/16	09/06/18	14/09
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	09/06/11	0 observations	09/06/16	09/06/18	13/09
C-21	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2009 (<i>Appropriation Act No. 5, 2008-2009</i>)	09/03/24	09/03/25	—	—	—	09/03/26	*09/03/26	3/09
C-22	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 (<i>Appropriation Act No. 1, 2009-2010</i>)	09/03/24	09/03/25	—	—	—	09/03/26	*09/03/26	4/09

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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	09/06/09	Foreign Affairs and International Trade	09/06/16	0 observations	09/06/17	09/06/18	16/09
C-25	An Act to amend the Criminal Code (limiting credit for time spent in pre-sentencing custody)	09/06/09	09/06/16	Legal and Constitutional Affairs					
C-26	An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime)	09/06/16							
C-28	An Act to amend the Cree-Naskapi (of Quebec) Act	09/05/27	09/06/04	Aboriginal Peoples	09/06/09	0	09/06/10	*09/06/11	12/09
C-29	An Act to increase the availability of agricultural loans and to repeal the Farm Improvement Loans Act	09/05/27	09/06/09	Agriculture and Forestry	09/06/11	0	09/06/16	09/06/18	15/09
C-32	An Act to amend the Tobacco Act	09/06/17							
C-33	An Act to amend the War Veterans Allowance Act	09/06/04	09/06/09	National Security and Defence	09/06/17	0	09/06/18	09/06/18	20/09
C-38	An Act to amend the Canada National Parks Act to enlarge Nahanni National Park Reserve of Canada	09/06/17	09/06/17	Energy, the Environment and Natural Resources	09/06/18	0	09/06/18	09/06/18	17/09
C-39	An Act to amend the Judges Act	09/06/10	09/06/11	Legal and Constitutional Affairs	09/06/18	0	09/06/18	09/06/18	19/09
C-41	An Act to give effect to the Maanulth First Nations Final Agreement and to make consequential amendments to other Acts	09/06/16	09/06/17	Aboriginal Peoples	09/06/18	0	09/06/18	09/06/18	18/09
C-48	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. 2, 2009-2010</i>)	09/06/22	09/06/22	—	—	—	09/06/23	*09/06/23	25/09
C-49	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. 3, 2009-2010</i>)	09/06/22	09/06/22	—	—	—	09/06/23	*09/06/23	26/09

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Library and Archives of Canada Act (National Portrait Gallery) (Sen. Grafstein)	09/01/27							
S-202	An Act to amend the Canada Elections Act (repeal of fixed election dates) (Sen. Murray, P.C.)	09/01/27							
S-203	An Act to amend the Business Development Bank of Canada Act (municipal infrastructure bonds) and to make a consequential amendment to another Act (Sen. Grafstein)	09/01/27	09/05/06	Banking, Trade and Commerce					
S-204	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	09/01/27							
S-205	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	09/01/27	09/03/31	Legal and Constitutional Affairs	09/06/04	1	09/06/10		
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	09/06/18	0	09/06/18		
S-209	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	09/01/27	09/06/22	Legal and Constitutional Affairs					
S-210	An Act respecting World Autism Awareness Day (Sen. Munson)	09/01/27	09/03/03	Social Affairs, Science and Technology	09/05/14	0	09/05/26		
S-211	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	09/01/27	09/06/10	Legal and Constitutional Affairs					
S-212	An Act to amend the Canadian Environmental Protection Act, 1999 (Sen. Banks)	09/01/27							
S-213	An Act to amend the Income Tax Act (carbon offset tax credit) (Sen. Mitchell)	09/01/27							
S-214	An Act to regulate securities and to provide for a single securities commission for Canada (Sen. Grafstein)	09/01/27							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-215	An Act to amend the Constitution Act, 1867 (Property qualifications of Senators) (Sen. Banks)	09/01/27	09/03/24	Legal and Constitutional Affairs					
S-216	An Act to amend the Federal Sustainable Development Act and the Auditor General Act (Involvement of Parliament) (Sen. Banks)	09/01/27	09/03/11	Energy, the Environment and Natural Resources	09/04/02	0	09/04/23		
S-217	An Act respecting a National Philanthropy Day (Sen. Grafstein)	09/01/27	09/05/05	Social Affairs, Science and Technology	09/05/14	2	09/06/02		
S-218	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	09/01/29							
S-219	An Act to amend the Bankruptcy and Insolvency Act (student loans) (Sen. Goldstein)	09/02/03	Bill withdrawn pursuant to Speaker's Ruling 09/05/05						
S-220	An Act respecting commercial electronic messages (Sen. Goldstein)	09/02/03	09/04/02	Transport and Communications					
S-221	An Act to amend the Financial Administration Act (borrowing of money) (Sen. Murray, P.C.)	09/02/04							
S-222	An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Murray, P.C.)	09/02/04		Subject matter 09/06/17 Energy, the Environment and Natural Resources					
S-223	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	09/02/04							
S-224	An Act to amend the Canada Elections Act and the Parliament of Canada Act (vacancies) (Sen. Moore)	09/02/05	09/05/14	Legal and Constitutional Affairs					
S-225	An Act to amend the Citizenship Act (oath of citizenship) (Sen. Segal)	09/02/10							
S-226	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	09/02/11							
S-227	An Act to amend the Income Tax Act and the Excise Tax Act (tax relief for Nunavik) (Sen. Watt)	09/02/11	09/06/16	National Finance					
S-228	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	09/03/03							
S-229	An Act to amend the Fisheries Act (commercial seal fishing) (Sen. Harb)	09/03/03							
S-230	An Act to amend the Bank of Canada Act (credit rating agency) (Sen. Grafstein)	09/03/10							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-231	An Act to amend the Investment Canada Act (human rights violations) (Sen. Goldstein)	09/03/31							
S-232	An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act (Sen. Goldstein)	09/03/31	09/06/16	Banking, Trade and Commerce					
S-233	An Act to amend the State Immunity Act and the Criminal Code (deterring terrorism by providing a civil right of action against perpetrators and sponsors of terrorism) (Sen. Tkachuk)	09/04/28							
S-234	An Act to amend the Canada Pension Plan (retroactivity of retirement and survivor's pensions) (Sen. Calbeck)	09/05/06							
S-235	An Act to provide the means to rationalize the governance of Canadian businesses during the period of national emergency resulting from the global financial crisis that is undermining Canada's economic stability (Sen. Hervieux-Payette, P.C.)	09/05/12							
S-236	An Act to amend the Canada Elections Act (election expenses) (Sen. Dawson)	09/05/26							
S-237	An Act for the advancement of the aboriginal languages of Canada and to recognize and respect aboriginal language rights (Sen. Joyal, P.C.)	09/05/28							
S-238	An Act to establish gender parity on the board of directors of certain corporations, financial institutions and parent Crown corporations (Sen. Hervieux-Payette, P.C.)	09/06/02							
S-239	An Act to amend the Conflict of Interest Act (gifts) (Sen. Cowan)	09/06/23							
S-240	An Act respecting a national day of service to honour the courage and sacrifice of Canadians in the face of terrorism, particularly the events of September 11, 2001 (Sen. Tkachuk)	09/06/23							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

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