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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, February 10, 2009

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

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS ON FORTY-FIFTH ANNIVERSARY AS MEMBER OF PARLIAMENT

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I rise today to congratulate our colleague the Honourable Senator Marcel Prud'homme for serving Canadians both as a senator and as a member of the other place for the past 45 years.

Senator Prud'homme was first elected as a Liberal on this very date in a 1964 by-election and went on to be re-elected an impressive eight times before he was named to the Senate in 1993.

I almost hate to admit it, honourable senators, but I actually remember being here when that happened.

This was very big news in the life of Marcel and the Liberal Party, but the really big news in Canada and all over the world was the arrival of the Beatles in New York a few days earlier to launch their North American debut with an appearance on "The Ed Sullivan Show." Having said that, Marcel made quite a grand entrance of his own here in Ottawa.

Interestingly, Senator Prud'homme's predecessor in the riding of Saint-Denis, Azellus Denis, served nearly 56 years in this chamber and in the other place. Both of these men remind us that Quebecers have a long and honourable history of serving Canada.

• (1405)

Senator Prud'homme came to Ottawa during a time of minority government. Lester B. Pearson's Liberals had won the 1963 general election but they were still seven seats short of a majority. This was a time when the Social Credit movement was active and could still outperform the NDP at the polls. Back then, the NDP, having changed its name from the Co-operative Commonwealth Federation, or CCF, actually was the "New" Democratic Party. It remains a mystery why they keep the name after 45 years.

Throughout his career, Senator Prud'homme has always been a tireless advocate for peace, human rights and the dignity of all human beings. In 1992, he was appointed to the Queen's Privy Council by the Right Honourable Brian Mulroney to honour his time served as a parliamentarian.

For a time, Senator Prud'homme walked the halls of this building as chair of the Quebec Liberal caucus. Following his nomination to the Senate, however, my honourable colleague has

sat in this chamber as an independent. Canadian politics depends upon partisanship and honest debate of the issues of the day by our political parties but I am glad that there are independent voices like those of Senator Prud'homme in this chamber. Eschewing partisanship from time to time has allowed our honourable friend to speak his mind openly and freely on any number of issues, which is the great strength that he brings to this place. Honourable senators, I do not always agree with him, but I respect him greatly.

Senator Prud'homme, I offer you my sincere congratulations and that of my colleagues on your 45 wonderful years of service to Canada and to Parliament and for a job well done.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I add my congratulations and best wishes to those just expressed by the Leader of the Government in the Senate.

Senator Prud'homme, today you have achieved a noteworthy milestone: 45 years in Parliament is certainly something to be proud of. In the 141 years since Confederation, you are the ninth longest serving parliamentarian in our country's history — a remarkable achievement.

Much has changed since you were elected to Parliament on February 10, 1964, as the member for Saint-Denis. From the introduction of televised proceedings and 24-hour news channels to BlackBerry and blogs, Canada's political culture has seen great changes. Through it all, your clarity of purpose and desire to improve the lives of Canadians from all walks of life has greatly benefited our country.

Senator, you are one of a select group of parliamentarians who can claim an in-depth knowledge of both houses of Parliament. I remember meeting you at a Liberal meeting in Halifax when you were a Liberal member of Parliament. We were both much younger than we are today but I recall being impressed by the same statesmanship and gentlemanly presence that you display today and for that I commend you. The experience you gained through your remarkable nine terms as a member of Parliament in the other place has contributed greatly to our proceedings in the Senate. Your continuing contributions are as valid an argument as I can think of against eight-year term limits.

On behalf of your friends on this side of the chamber, I wish to express our gratitude for the example you have set in Parliament. I encourage our 18 new colleagues to take the time to learn from you as they begin their new careers as senators. You are a model for all parliamentarians to follow. You have always carried yourself with the utmost dignity, conviction and statesmanship. It is a great honour for me to call you my friend and colleague. Senator Prud'homme, congratulations, best wishes and happy forty-fifth anniversary.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, 45 years ago today, our colleague, the Honourable Marcel Prud'homme, won his very first federal election, thus beginning what was to be one of the longest and most productive parliamentary careers in Canadian history.

At the age of 30, Senator Prud'homme was an aspiring young lawyer when he agreed to represent the Liberal Party of Canada, then under the leadership of the Right Honourable Lester B. Pearson, in a by-election in the Montreal riding of Saint-Denis. A few years before that, he had been drawn to provincial politics.

• (1410)

In fact, it was back in 1960, with Jean Lesage and his dream team, that Senator Prud'homme first wanted to run for public office in Montreal-Laurier. However, his leader asked him to withdraw from the race and Marcel agreed to step aside for a journalist who was to become a dominant figure on the political landscape in Quebec and Canada: René Lévesque.

On February 10, 1964 — and this is very important — he won an absolute majority, the first in a long, uninterrupted line of nine popular victories. Now he will admit quite candidly that that first federal election was the most difficult one. I want to emphasize that he won it with an absolute majority. He got more votes than all of his opponents put together. He represented his fellow citizens, the people of Saint-Denis, until 1993, when he accepted the Right Honourable Brian Mulroney's invitation to continue his parliamentary career in the Senate of Canada.

Considered by his colleagues as the true corporate memory of Canadian politics, he has served under nine prime ministers. He was appointed as a parliamentary secretary three times by the Right Honourable Pierre Elliot Trudeau, first to the Minister of Manpower and Immigration in 1971, then to the Minister of Regional Economic Expansion in 1972 and finally to the Secretary of State for Canada the same year.

Extremely active in the Liberal Party of Canada — anything less would have surprised us — he was elected president of the Young Liberals in 1958 and president of the national Liberal caucus of senators and members of Parliament in 1987 and served several times as president of the caucus of senators and federal members from Quebec in the Parliament of Canada.

One day, Marcel will tell you his story about how hard my party and I tried to win the riding of Saint-Denis. Every time, Marcel Prud'homme emerged victorious, with a bigger majority than the time before. I see that my time is up, honourable senators. I would have liked to talk about Senator Prud'homme's efforts to defend the Arab cause and how he came to be recognized as the ambassador for that cause in the Parliament of Canada, but that will be for another time. In a few months we will unfortunately have to say goodbye to our colleague. Honourable senators, today we celebrate the long parliamentary career of our friend Marcel, but we pay special tribute to his determination and the wisdom of his choices.

Bravo, Marcel!

Hon. Lucie Pépin: Honourable senators, few parliamentarians have had the privilege of sitting in both the House of Commons and the Senate. Few of us can boast that we have served Canadians under 10 prime ministers of Canada. Senator Prud'homme has done just that.

Without having really aged, this young man today has 45 years of service to Parliament under his belt and has earned the enviable title of dean of both houses of Parliament.

Young man, I commend you on that achievement.

The son of a prominent doctor, our young man took to political life at an early age and quickly became concerned about the fate of the little people around him. He still possesses that quality today, because he has never stopped nurturing his relationship with his people, as he puts it so well.

[English]

Senator Prud'homme has received a number of honorary degrees and distinctions, but the most important distinction for him is the one he gave himself after realizing how much the residents of Saint-Denis loved him and still do. "My favourite title," he often remarks, "is honorary doctor of the street."

After withdrawing from the Quebec provincial election to make way for a certain René Lévesque, our young man entered federal politics. On February 10, 1964, the people of Saint-Denis elected him as their member of Parliament.

[Translation]

He was subsequently re-elected eight times as a member of the Liberal Party of Canada until Prime Minister Brian Mulroney appointed him to the Senate in 1993.

• (1415)

This tells us a great deal about the universal appeal of our colleague.

Throughout his career, Senator Prud'homme has been known for extending his hand to countries that, at times, were our enemies. He has maintained a steadfast belief in the virtues of patient dialogue.

[English]

"My policy is to go to the people," Senator Prud'homme told us on November 28, 2007. "If no one responds at first, I will try again the next day. I know that sooner or later people will respond. This is the kind of thing we should be able to do in the Senate, even more than in the House of Commons."

This kind, affable, courteous, charming and determined man is an inspiration to us all.

[Translation]

Honourable senators, I will stop there in order to spare the modesty of our young man. I will close by promising to be part of the action if, after leaving the Senate, our tireless colleague follows through with his threat to seek a seat in the House of Commons once more.

Dear friend, young man, dear senator, congratulations and thank you. Your efforts have helped to enhance the value and the prestige of this chamber. Our thoughts are with you.

[English]

Hon. Nancy Ruth: Senator Prud'homme, I read through a stack of your press clippings telling of praise, controversy, vehement disagreements and reconciliations. Such is the joy and sadness of life. I read the Senators' Statements from your fortieth anniversary, full of your accomplishments and your commitments to Canada.

In life, we repeat our beliefs over and over again. Those beliefs are what we teach. Marcel, you taught me the meaning of four words: reconcile, laugh, love and reach out. For these words, their actions and you: Merci, mon ami.

Hon. Michael A. Meighen: Honourable senators, I did not intend to speak today, but my emotions have gotten the better of me, as they often do. Sitting beside Marcel these past few months has renewed memories that go back a long time. In fact, I do not remember how many others, Senator Prud'homme, can claim to have known you for many more than 45 years.

[Translation]

My connection to Senator Prud'homme goes back to student politics in Quebec and the famous class of 1963 at Laval University, my class, which included former Prime Minister Brian Mulroney and many others whom you know well.

[English]

The fact is, as the leader said, Senator Prud'homme fulfils an important role in this chamber by sitting as an independent senator. Indeed, he came into the chamber as such because he replaced another independent senator in the person of my late stepfather, Hartland Molson. I think I can say without fear of contradiction from above or below that Senator Prud'homme has more than lived up to the reputation of Senator Molson and the role that an independent senator should play, at least as far as Senator Molson always believed, which was that, without that independent role, the Senate was a lesser place.

[Translation]

Bravo, my friend! Congratulations on your forty-fifth anniversary of parliamentary life. I will be one of those voting for Marcel Prud'homme the next time he stands for election.

ROUTINE PROCEEDINGS

AUDITOR GENERAL

DECEMBER 2008 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the December 2008 report of the Auditor General of Canada.

COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

DECEMBER 2008 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the December 2008 report of the Commissioner of the Environment and Sustainable Development as well as an addendum to both reports containing petitions in connection with environmental matters received between January 5 and June 30, 2008.

• (1420)

NATURAL RESOURCES

CANADIAN NUCLEAR SAFETY COMMISSION AND ATOMIC ENERGY OF CANADA LIMITED— REPORTS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Canadian Nuclear Safety Commission's report regarding two separate leaks at the National Research Universal (NRU) reactor and the Atomic Energy of Canada Limited's report regarding the heavy water leak at the NRU reactor.

CANADIAN HERITAGE

OFFICIAL LANGUAGES— 2006-07 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2006-07 Annual Report on Official Languages of the Department of Canadian Heritage.

INTERNATIONAL TRADE

2008 LEGISLATIVE REVIEW OF EXPORT DEVELOPMENT CANADA—REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the report prepared on the 2008 Legislative Review of Export Development Canada.

TREASURY BOARD

2007-08 DEPARTMENT REPORTS AND ANNUAL REPORT TO PARLIAMENT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2007-08 Departmental Performance Reports and the Annual Report to Parliament.

[English]

COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Terry Stratton, Chair of the Committee of Selection, presented the following report:

Tuesday, February 10, 2009

The Committee of Selection has the honour to present its

SECOND REPORT

Pursuant to rule 85(1)(b) of the *Rules of the Senate*, your committee submits herewith the list of senators nominated by it to serve on the following committees:

STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES

The Honourable Senators Brazeau, Brown, Campbell, Carstairs, P.C., Dyck, Hubley, Lang, Lovelace Nicholas, Peterson, Raine, Sibbeston and St. Germain, P.C.

STANDING SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

The Honourable Senators Baker, P.C., Callbeck, Duffy, Eaton, Fairbairn, P.C., Housakos, Lovelace Nicholas, Mahovlich, Mercer, Milne, Mockler and Rivard.

STANDING SENATE COMMITTEE ON BANKING, TRADE AND COMMERCE

The Honourable Senators Eyton, Fox, P.C., Gerstein, Goldstein, Greene, Harb, Hervieux-Payette, P.C., Massicotte, Meighen, Moore, Oliver and Ringuette.

STANDING SENATE COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Senators Adams, Angus, Banks, Kenny, Lang, Merchant, Mitchell, Neufeld, Peterson, Sibbeston, Spivak and St. Germain, P.C.

STANDING SENATE COMMITTEE ON FISHERIES AND OCEANS

The Honourable Senators Adams, Campbell, Cochrane, Cook, Hubley, Johnson, MacDonald, Manning, Raine, Robichaud, P.C., Rompkey, P.C. and Watt.

STANDING SENATE COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL TRADE

The Honourable Senators Andreychuk, Corbin, Dawson, De Bané, P.C., Di Nino, Downe, Fortin-Duplessis, Grafstein, Mahovlich, Segal, Stollery and Wallin.

STANDING SENATE COMMITTEE ON HUMAN RIGHTS

The Honourable Senators Andreychuk, Brazeau, Dallaire, Goldstein, Jaffer, Nancy Ruth, Martin, Pépin and Poy.

STANDING COMMITTEE ON INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

The Honourable Senators Comeau, Cordy, Dawson, Downe, Furey, Greene, Jaffer, Kinsella, MacDonald, Massicotte, Munson, Rivard, Robichaud, P.C., Stollery and Tkachuk.

STANDING SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

The Honourable Senators Angus, Baker, P.C., Bryden, Campbell, Dickson, Fraser, Joyal, P.C., Milne, Nolin, Rivest, Wallace and Watt.

STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

The Honourable Senators Baker, P.C., Carstairs, P.C., Greene, Jaffer and Stratton.

STANDING SENATE COMMITTEE ON NATIONAL FINANCE

The Honourable Senators Callbeck, Chaput, Day, De Bané, P.C., Di Nino, Eggleton, P.C., Gerstein, Mitchell, Nancy Ruth, Neufeld, Prud'homme, P.C. and Ringuette.

STANDING SENATE COMMITTEE ON NATIONAL SECURITY AND DEFENCE

The Honourable Senators Banks, Day, Kenny, Manning, Meighen, Moore, Tkachuk, Wallin and Zimmer.

STANDING SENATE COMMITTEE ON OFFICIAL LANGUAGES

The Honourable Senators Champagne, P.C., Chaput, Comeau, Fortin-Duplessis, Goldstein, Losier-Cool, Jaffer, Mockler and Poulin.

STANDING COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

The Honourable Senators Andreychuk, Brown, Corbin, Cools, Duffy, Fraser, Furey, Joyal, P.C., Keon, Losier-Cool, McCoy, Nolin, Oliver, Robichaud, P.C., and Smith, P.C.

STANDING JOINT COMMITTEE FOR THE SCRUTINY OF REGULATIONS

The Honourable Senators Bryden, Cook, Dickson, Eyton, Hervieux-Payette, P.C., Moore and Wallace.

STANDING SENATE COMMITTEE ON SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

The Honourable Senators Callbeck, Champagne, P.C., Cook, Cordy, Dyck, Eaton, Eggleton, P.C., Fairbairn, P.C., Keon, Martin, Pépin and Segal.

STANDING SENATE COMMITTEE ON TRANSPORT AND COMMUNICATIONS

The Honourable Senators Adams, Bacon, Cochrane, Dawson, Eyton, Fox, P.C., Housakos, Johnson, Mercer, Merchant, Wallace and Zimmer.

Pursuant to rule 87 of the *Rules of the Senate*, the Honourable Senator LeBreton, P.C. (or Comeau) and the Honourable Senator Cowan (or Tardif) are members ex officio of each select committee.

Respectfully submitted,

TERRY STRATTON
Chair

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

Senator Stratton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

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

Hon. Senators: Agreed.

(On motion of Senator Stratton, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.)

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

[Translation]

THE ESTIMATES, 2008-09

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (B)

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

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2009.

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

Hon. Senators: Agreed.

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

(Motion agreed to.)

[English]

CITIZENSHIP ACT

BILL TO AMEND—FIRST READING

Hon. Hugh Segal presented Bill S-225, An Act to amend the Citizenship Act (oath of citizenship).

(Bill read first time.)

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

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

[Senator Stratton]

• (1425)

[Translation]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

PARLIAMENTARY MISSION TO CZECH REPUBLIC AND FOURTH PART OF 2008 ORDINARY SESSION IN FRANCE, SEPTEMBER 25 TO OCTOBER 3, 2008— REPORT TABLED

Hon. Yoine Goldstein: Honourable senators, I have found the appropriate moment to finally table this report. I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its participation in the parliamentary mission to the country that will next hold the Presidency of the Council of the European Union, and also to the fourth part of the 2008 ordinary session of the Parliamentary Assembly of the Council of Europe, held in Prague, Czech Republic and in Strasbourg, France from September 25 to October 3, 2008.

WILDFIRES IN AUSTRALIA

NOTICE OF INQUIRY

Hon. Céline Hervieux-Payette: Honourable senators, pursuant to rule 57(2), I give notice that two days hence:

I will call the attention of the Senate to the alarming situation of the disastrous fires in Australia, which have taken hundreds of lives as well as totally razing some areas of that continent, and the fact that protecting the safety and well-being of its citizens in the face of such disasters requires a clearer ecological and humanitarian direction for the sake of all mankind.

[English]

THE ARCTIC

NOTICE OF INQUIRY

Hon. Bill Rompkey: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to Canadian policy in the Arctic, especially matters concerning the Inuit and First Nations, the environment, resources and Canadian sovereignty and control.

QUESTION PERIOD

FINANCE

BUDGET 2009

Hon. Art Eggleton: Honourable senators, my question is to the Leader of the Government in the Senate. Thousands of child care spaces across the country are now at risk. In the province of Ontario alone, it is reported that some 22,000 spaces may be lost,

and while many of them may be in the city that I am from, they are also throughout the province in many rural and smaller communities. This is a result of the cancellation of the 2005 agreement between the federal and provincial governments.

In Budget 2009, the government suggested minor changes to the National Child Benefit which, together with the program that they initiated a couple of years ago on the Universal Child Care Benefit, could produce \$136 a month for quality, affordable child care. However, the cost is somewhere in the neighbourhood of \$700 a month.

Why did the government not implement a dedicated funding plan for child care spaces in the 2009 budget?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, my honourable friend talks about the 2005 agreement. The fact of the matter is that the 2005 agreement did not produce one single child care space.

Senator Cowan: That is because you cancelled it.

Senator LeBreton: Even your own Tom Axworthy said it was a deathbed repentance of a commitment that was never kept.

Honourable senators, no doubt there is great pressure on provincial and municipal governments in relation to the issue of child care, but the reality is that there have been no cuts to child care funding from the federal government to the provinces. In fact, we have increased federal investments for early childhood development to the highest level in Canadian history. This government is investing three times more than the previous Liberal government ever invested in early learning and child care.

• (1430)

In addition, funding for child care will increase by 3 per cent next year as the Canada Social Transfer is set to increase. By using the CST to transfer funds, we are respecting provincial and territorial jurisdictions.

We will not be doing what the previous government did in the mid-1990s to deal with a difficult economic situation; we will not be taking money out of the provinces for important things like health care and child care.

Senator Eggleton: Honourable senators, there was an agreement and a payout of funds, and those funds have now been cancelled. They are no longer available in Ontario for child care spaces, which is creating the problem I just mentioned. The leader talks about the history and politicizes it, but let us talk about the present. Let us talk about the economic and people challenges that we face today. The government is not addressing the reality of the cost of child care in 2009.

We know that subsidized daycare is integral to our economy because it enables parents to work or, if they are unemployed, to enter training programs to upgrade their skills. The reason given by the government when it cancelled that program in 2006 was to add choice to the system. I remember those words very well. If thousands of child care spaces are lost, what choices are there for parents?

Senator LeBreton: Honourable senators, to reiterate what I said in response to the honourable senator's first question, no child care spaces were created in the agreement to which he refers.

As I have said before, due to the support of this government, the provinces and territories have announced the creation of over 60,000 new child care spaces since March 2007. As a direct result of the funds that have been transferred from the federal government to the provinces, the provinces are creating 60,000 new spaces.

I saw the reports on the situation in Toronto. The Government of Ontario, like all provinces and territories, will receive an increase in the funds that are transferred from the federal government. Given that this area falls within their jurisdiction, the provinces and territories will decide on the best use of these funds.

Again, the provinces and territories are providing 60,000 new child care spaces. That funding will increase the next fiscal year, unlike what happened in the mid-1990s when this money was withdrawn from the provinces and territories.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, the Leader of the Government in the Senate has, for the first time in my recollection, used the number of 60,000. Senators on this side have repeatedly asked the government to table the results of their plan; that is, to tell us how many child care spaces have been created in this country since the cancellation of the program to which Senator Eggleton referred and the reintroduction of the baby bonus program by this government.

Would the Leader of the Government in the Senate undertake to table details of the 60,000 child care spaces that have been created by the provinces and indicate the source of the information?

Senator LeBreton: Honourable senators, the number of 60,000 was provided by the provinces. I will do my best to provide Senator Cowan, by written response, with as much information as possible on this matter.

AGRICULTURE AND AGRIFOOD

JOB LOSSES

Hon. Lorna Milne: Honourable senators, on Friday, Statistics Canada reported that the Canadian agriculture sector lost nearly 33,000 jobs in the past year. To put this in perspective, almost 1 in every 10 farmers or agricultural workers lost their jobs in the past year.

• (1435)

When I ask the Leader of the Government in the Senate what the latest federal budget is doing to address this crushing assault on our agricultural industry, I expect she will put on her usual display of overly fulsome smoke and mirrors. However, in reality, this budget introduced little that would encourage Canadian farmers to think their voices are being heard by this Conservative government.

On behalf of the producers who still remain in the industry, can the Leader of the Government in the Senate tell us where the beef is in this budget to address those pressing concerns?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, I will try to answer the honourable senator's overly fulsome question.

There have been many job losses in all sectors of the Canadian economy. As I said last week, there is not one single person who is not completely overwhelmed by these numbers. There are many initiatives in the stimulus package to help all of the industries, including the agricultural industry. The Minister of Agriculture has done a lot of work dealing directly with farmers.

I would say to the honourable senator that to get money flowing to the sectors that need it so desperately, we must all put our overly fulsome comments behind us, get to work together and pass the budget.

Senator Milne: I thank the Leader of the Government in the Senate for that response. I admit I am a little surprised when I see that two of the spending commitments in the last Conservative election platform are actually found in the latest budget. I congratulate her on that very much.

When the Conservative election platform was written, however, Conservatives publicly stated that we were in fine economic condition and that we would never run a deficit. The commitments to our farmers put forward by this Conservative government will result in only \$85 million in new spending in 2009-10. That is for a sector that lost 10 per cent of its workforce last year alone.

It is clear that times have changed since the election document of the leader's party was written. Her government has spent billions, and she does not begin to attempt to address the crisis in the agricultural sector. Why did the government choose to abandon Canadian farmers when they need help and when the entire sector is struggling to keep on its feet?

Senator LeBreton: Of course, the honourable senator is quite right. When the campaign platform was written, none of us, including leading economists, people of all political parties and all provinces of various political stripes, could have predicted the situation that was about to unfold. We have put together an aggressive stimulus package in the budget to address many of the issues, but one only has to listen to the pleas the President of the United States made last night to understand the severity of the situation and the need for all governments to work together.

This government has met and consulted widely on the budget, including many people in the agricultural sector. The budget was put together after these unprecedented consultations and is now before Parliament. I believe that it is incumbent on all of us to pass the budget implementation bill and get these measures out into the public. Once we have done that, we can work to address the serious economic problems that all sectors face, not only the agricultural sector.

• (1440)

However, we must pass the budget implementation bill and then we should all work together. Canadians want us to, and the government wants to do everything possible to see the country through this difficult time.

As the honourable senator knows, the Prime Minister made a commitment to the other G20 leaders when he met with them in Washington on November 15, to participate in this massive

stimulus, and the government is honouring that commitment. The important thing now is to pass the budget implementation bill and let these programs go to work.

Senator Milne: I have a further supplementary question to help the Leader of the Government with some of her initiatives. In the labour market survey of job losses from January 2008 to January 2009 that Statistics Canada released, the highest decline in jobs was in agriculture. In agriculture, jobs have declined by 9.6 per cent, while manufacturing jobs have dropped by 7.4 per cent. This decline is a crisis in our agricultural community and I encourage the leader to do as much as she possibly can for this community.

Senator LeBreton: I totally agree. These job losses are staggering. No one in the country can say that they are not troubled by these numbers.

The honourable senator is right. The government intends to do everything possible to pass the bill. We are grateful to the official opposition for their support. It is incumbent, as I said a moment ago, on all of us to pass this bill and help our fellow Canadian citizens as quickly as possible.

Hon. Terry M. Mercer: Continuing with Senator Milne's line of questioning to the Leader of the Government in the Senate, the carnage continues in the agricultural industry. Last month, 300 workers at two poultry processing plants in Kentville and New Minas, in Nova Scotia's Annapolis Valley, were given their pink slips. As those senators who are members of the Standing Senate Committee on Agriculture and Forestry will know in conducting their study on rural poverty, the carnage in rural Canada is widespread.

These 300 workers are not reported in the numbers Senator Milne represented. They will not be reported until their final workday, which is February 28, so the news will continue to worsen.

The United States has introduced a stimulus package that contains a fair amount of help for the agricultural sector. How do we compete against this help if this government has not responded with specific policies and help for the agriculture industry, not only on the farm but off the farm and in processing as well?

These jobs are important; these jobs will not be replaced easily in the Annapolis Valley in Nova Scotia. Many of these jobs at both plants are occupied by women who have been there for many years. How will the government address this continuing problem?

I am talking about two plants in the Annapolis Valley, but I am sure many other senators can give examples of similar problems in their own provinces.

Senator LeBreton: Thank you, Senator Mercer. Of course they could. Every single person could provide an example. The problem we are facing in Canada is a result of the worldwide economic crisis.

If the honourable senator watched President Obama on television last night — he spoke for almost an hour — it was clear that our largest trading partner and the country that we

depend on most for our own economic health is in serious trouble. We have to hope, now that the U.S. Senate has passed the stimulus package, that the reconciliation committee between the U.S. Senate and the House of Representatives comes up with a package and passes it quickly.

• (1445)

We have tremendous packages here in Canada that will help. A lot of work can be done in Canada. However, until our largest trading partner, our neighbours to the south, enter some sort of recovery mode, we in Canada and, of course, people worldwide, face a serious situation.

In response to Senator Mercer, the job losses announced last Friday are serious. The government is anxious to have the budget passed so we can move quickly into those communities in the country with projects to put people back to work.

Of course, as the honourable senator knows, after a long consultation with various people prior to the budget — people asked for an extension to Employment Insurance — we have extended EI for five weeks. Massive retraining programs are also part of that package, all of which the provinces and the various industries asked for. There is also work-sharing.

The government is doing everything possible. We are working with our provincial and territorial counterparts and industry to lessen the blow as much as possible for people who have lost their jobs and people who fear losing their jobs.

Senator Mercer: It is all well and good for Senator LeBreton to talk about waiting for the turnaround in the United States and to speak to the fact that we will catch some of the wind that goes with that turnaround. However, that approach does not help the 300 workers at the two ACA Co-operative plants in Nova Scotia. It does not help them pay their mortgages or pay their car payments. It does not help them to buy books for their school children.

We need to be specific and start by saying that the extension of EI benefits by five weeks is not the answer: It is a stop-gap measure. What happens when the EI runs out, the economy has not turned around and these 300 people in the Annapolis Valley still find themselves unemployed?

Senator LeBreton: I am not as pessimistic as the honourable senator. I want to correct the honourable senator's notion that I said all we could do was hope for a recovery in the United States. I said no such thing. There are many things we will do and have included as part of our budget stimulus in this country; many things that will help put people back to work here.

However, the reality, especially in the manufacturing sector, is that, until the economy recovers in the United States and the market for our products grows again, we will have to work hard to create stimulus through rebuilding projects in this country — all work that needs to be done, by the way — to stimulate the economy, put people to work and help as best we can to see our way through this crisis.

I remind honourable senators that, as bad as the crisis is, we are still in the best position in the world to deal with it, according to the International Monetary Fund.

FOREIGN AFFAIRS

ZIMBABWE—GOVERNMENT ACTION

Hon. Hugh Segal: Honourable senators, my question is to the Leader of the Government in the Senate. It relates to the continuing massive imposition of cruelty upon the people of Zimbabwe. The most recent statistics indicate that 94 per cent of Zimbabweans are jobless, and the vast majority — close to 7 million citizens — survive on international food aid. Additionally, due to hunger and lack of proper sanitation, children are dying of cholera every day.

However, *The Times* of London now reports that in planning for President Mugabe's birthday this month, the following has been ordered:

. . . 2,000 bottles of champagne (Moët & Chandon or '61 Bollinger preferred); 8,000 lobsters; 100kg of prawns; 4,000 portions of caviar; 8,000 boxes of Ferrero Rocher chocolates . . .

It is all for that birthday celebration.

I know that honourable senators on both sides voted unanimously to withdraw Canadian diplomatic recognition from Zimbabwe some months ago and that the minister has been good enough to take that matter up with her colleagues.

Today, I ask her to inquire what further action Canada is undertaking with respect to this endless oppression of our brothers and sisters in Zimbabwe and the lack of any meaningful international action to bring this horrific travesty to an end.

• (1450)

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, words do not describe the disgust of the world in regard to this situation. I believe Minister Cannon has had several meetings with his counterparts in La Francophonie and the Commonwealth, as well as in neighbouring states to Zimbabwe. I will be happy to obtain an update from him as to the next steps.

[Translation]

TREASURY BOARD SECRETARIAT

OFFICIAL LANGUAGE TRAINING

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. The Canada Public Service Agency is about to be merged with and integrated into the Treasury Board Secretariat, and will now be known as the Office of the Chief Human Resources Officer. The agency had official language-related responsibilities, including recruitment and language training.

Will the new office assume these official language-related responsibilities?

The Canada School of Public Service will continue its sole mandate of offering training and professional development services to the public service. How will the relationship between the school and the new office be defined, and how will they share the responsibilities for official languages?

[English]

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): As the honourable senator will know, the announcement was made last week by the government as a result of the recommendations of a former Clerk of the Privy Council, the Honourable Paul Tellier, and a former Deputy Prime Minister, the Right Honourable Don Mazankowski.

The honourable senator is quite right; the amalgamation is taking place. With regard to the specific responsibilities and how they will be restructured under the new program, I do not have that information at my fingertips, but I will be happy to take the honourable senator's question as notice and provide her with the answer.

CITIZENSHIP AND IMMIGRATION

EMPLOYMENT

Hon. Pierrette Ringuette: Honourable senators, I wish to return to the issue of job losses in Canada. We have lost thousands of jobs in the forestry sector and are losing jobs in agriculture, as well as in the mining and manufacturing sectors. Job losses in Canada amount to 216,000, which is statistically huge.

I would like the leader to undertake to deliver the following request to cabinet: that the government bring back the policy of "Canadians first" with regard to jobs and that it halt the program of foreign workers so that Canadians will have the first opportunity to obtain these jobs and to work in Canada.

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, we know that this is a very difficult year for Canadians, which is exactly why we have taken unprecedented steps in our Economic Action Plan to help those who have been hardest hit. This plan will stimulate the economy, help create and maintain jobs, and, most important, provide new support and skills training for those who find themselves unemployed.

We have all acknowledged that part of the problem is with single-industry towns where industries shut down and there is simply no work unless provisions are made to retrain the workers. That is exactly what we intend to do. That is why, through Employment Insurance, we added the extra five weeks for training.

As I have said to Senator Milne, Senator Mercer and others, we should all work together, in the interests of our fellow Canadians, to pass the budget implementation bill and get the stimulus package flowing so that people in these communities will have some hope for either retraining or finding other work.

[Senator Chaput]

• (1455)

Senator Ringuette: Honourable senators, this is not a budget issue because it would cost the government zero dollars to bring back a Canadians first for jobs policy. We must reconsider that during this current fiscal situation, we are providing foreign workers with visas to work in Canada while Canadians are seeking jobs.

Senator LeBreton: Honourable senators, we have been working very hard with our neighbours to the south to deal with protectionist measures. I think it was very clear when the G20 leaders met in Washington on November 15 that the worst thing anyone could do was to revert to protectionist measures. It will serve no economy and no country well. Therefore, I was glad to see that the United States Senate actually did not pursue the "buy American" clause.

Senator Ringuette: The honourable senator does not understand the meaning of "protectionist," which refers to the purchase of goods and services, not human resources. Please, could the honourable senator speak to her cabinet colleagues and review the policy regarding foreign workers' visas?

Senator LeBreton: What the honourable senator is suggesting is also protectionist and I am interested to know whether her party supports that position.

FOREIGN AFFAIRS

STATUS OF OMAR KHADR

Hon. Yoine Goldstein: Honourable senators, this question concerns Canada-U.S. relations.

The current government has steadfastly refused to join like-minded states in defending human rights and the rule of law. Canada remains the only Western nation with its citizens still detained in Guantanamo Bay — one who was captured as a child soldier. However, Canada really has reached a new low.

Can the government explain why the Government of France, in raising Omar Khadr's case directly with Secretary of State Hillary Clinton, has done more to defend his fundamental rights as a Canadian citizen and a child soldier than Mr. Khadr's own government?

Hon. Marjory LeBreton (Leader of the Government and Minister of State (Seniors)): Honourable senators, this is a very short answer. Our position with regard to Mr. Omar Khadr has not changed. We are well aware of the situation regarding Guantanamo Bay.

Mr. Khadr has been accused of some very serious crimes. The government is monitoring the situation now that there has been an administration change in the United States. At the moment, we have nothing further to add to that particular case.

ORDERS OF THE DAY

BUDGET 2009

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Comeau calling the attention of the Senate to the budget entitled *Canada's Economic Action Plan*, tabled in the House of Commons on January 27, 2009 by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on January 28, 2009.

Hon. Stephen Greene: Honourable senators, it is an honour and a privilege to stand here in this place, but while I know it is true that I am here, I still cannot quite believe it.

When you sign on to the Reform Party of Canada as I did, you give up all hopes, dreams, aspirations or midnight cravings that you might one day be appointed to the Senate of Canada. Yes, I have a confession to make; I am a recovering member of the Reform Party of Canada. Honourable senators, it is a privilege to be part of “the magnificent 18.”

About a hundred years ago, Sir Wilfrid Laurier predicted that the 20th century would belong to Canada and while we all know that the 20th century was very good for Canada and that Canada was very good for it, the 20th century actually belonged to the United States. The U.S. became the arsenal of democracy in World War II and then launched the world on the largest and longest period of economic growth in its history. It also defeated communism, not on the battlefield, but on a better field — in the marketplace of economic and humanitarian ideas. The ideas of capitalism and democracy simply proved to be better than the ideas of communism and totalitarianism — and everyone knew it, even, ultimately, the communist leadership. As the century closed, we saw more and more people and countries embracing democratic and capitalist ideas.

• (1500)

About 10 years into the new century, things look a little different. We are faced with global economic turmoil the likes of which we have not seen before. While many agree that the causes are many, it is difficult to find agreement on what those causes are. We know, however, that, as a result of the actions of a few, the reputation of credit has been damaged. Thus, it has become the goal of governments around the world to repair that reputation through fiscal stimuli, including infrastructure spending, selected bailouts of industries and companies, and middle-class tax cuts so that people can remain employed and access credit if they choose to do so. No one knows for sure if these methods will work but all governments are trying them because there does not seem to be other reasonable alternatives. However, the irony is that to repair consumer and corporate credit, governments are adding to taxpayer debt.

We in Canada are fortunate. As a result of more than 10 years of balanced budgets and a growing economy, we enjoy one of the lowest debt-to-GDP ratios in the world. This situation means that the government debt shared by Canadian taxpayers will not rise to the levels that will be borne by taxpayers in other

countries. When the economic turmoil subsides or comes to an end, Canadians will be able to keep their taxes low relative to taxes in other countries, and take advantage of the good times when they return. We must thank the Conservative movement for this good fortune beginning with Preston Manning and Stephen Harper of the Reform Party. They saw sooner than anyone else in any other party that the deficit needed to be eliminated as soon as possible.

About 15 years later, we are thankful that we have a Conservative government and Prime Minister Stephen Harper, who understands these issues well. He has favoured us with an escape plan from our deficits. It is a five-year plan where the deficits peak and disappear by year five. Our Prime Minister understands these issues not only from the perspective of a professional economist but also as someone whose political tradition embraces balanced budgets as an article of faith.

I am proud to say that I share that faith. I joined the Reform Party in 1991, was a founding member of the Reform Association of Halifax, was the association's first candidate in 1993, securing 14.8 per cent of the vote, the second highest Reform vote east of Ontario. Almost one in six people in Halifax — in Halifax — voted Reform in 1993.

Until that election, the mentors in my life came from business. The first was Peter Nicholson, a Liberal, as many people in this chamber know. This proves only that no mentor is perfect. Peter was one of the architects of the 1995 budget, which could not have happened without the presence of the Reform Party in opposition. All through 1994, Preston and Stephen pounded on the government about the deficit. I know because I was there. In the early 1980s, I was Peter Nicholson's assistant in a large Nova Scotia seafood company, which the Liberal government of the day was doing its best to put out of business. Those Liberal policies did not shake Peter's confidence in the Liberal Party but they certainly politicized me, whereupon I began to work for the election of Brian Mulroney. As a result, I wrote a substantial part of the party's fisheries policy in 1984. Peter taught me about the art of government lobbying and the writing of cogently argued and beautifully written position papers — these lessons from a great Liberal and wonderful friend, which I used to help unseat the Liberal Party.

I thank Brian Mulroney for the North American Free Trade Agreement. I agree with David Emerson's comments last week that we should investigate a customs union as the logical next step. We should do everything we can to expand the market access around the world. No time like now demonstrates this more thoroughly.

After a sojourn at the Canadian Consulate in Boston, I became assistant to John Risley, who was building a seafood company called Clearwater Fine Foods. John taught me almost everything I know about business and entrepreneurship. I was at the company for eight years but in 1988 I had a daughter, Lana, who is now in the midst of a brilliant university career, and so my thoughts began to turn from seafood to worrying about Canada's future.

I began to focus on the debt and deficit as serious problems that would affect the future of both my daughter and Canada. To me, the established parties of the day provided no relief so I began to cast around for a new option. About this time, there began to

appear on various CBC panels a young political commentator from the Reform Party who made sense to me. His name was Stephen Harper. His comments and the way in which he conducted himself encouraged me to check out the Reform Party. I found that it held the same views as I on the debt-deficit, the Charlottetown Accord and the Senate.

After losing the 1993 election, I was content that I had done my duty. I was back in my office at Clearwater when Preston Manning called to ask me to be his chief of staff. Being Preston's chief of staff was a wonderful experience but a frustrating time because we had trouble communicating our message. We were all new, did not know one another and had little concept of organization or team.

Those years were important to me for three reasons: I learned from Preston what political action really was and how political change could be brought about; in Stephen Harper, I watched from close quarters the formulation of a brilliant political mind and the shining personal example and potential of our Prime Minister; and I was able to hire about 70 people, many of whom are now either in the Prime Minister's Office, or a minister's office, or working successfully in an Ottawa firm or as members of the House of Commons.

I became a devoted follower of our Prime Minister, and it is a point of pride that when the Alliance leadership became available I was one of the first people to encourage him to run for it. In succeeding years, I was Nova Scotia campaign co-chair in various leadership and federal elections.

Some people would call me a party hack for that work, but in the words of Senator Gerstein, I proclaim it. I embrace it with fervour — political work by active and thoughtful volunteers is a necessary part of our democracy — and all democracies.

To be a Nova Scotian and a Reform Party member was almost oxymoronic in the 1990s. Some of my friends wondered if I had taken leave of my senses. There were exceptions, of course, one of them being Fred Dickson. In the 1990s, few Nova Scotia Progressive Conservatives were more prominent than Fred, yet Fred never hesitated to offer friendship and advice. For that reason, he is one of my mentors, and I am thrilled that he is my seatmate in this august chamber. I was happier almost when he and Mike were named than when I was named.

As we all know, the Constitution says that we are provincial representatives. This is why I feel particularly fortunate to have served in the government of Rodney MacDonald, Premier of Nova Scotia. The premier accomplished some great things over the two years I was there: he enhanced the Atlantic Accord and he resolved and won the "Crown share" payments — a federal-provincial dispute that lasted almost three decades. He accomplished these things through diplomacy and firm but patient and careful negotiations. This approach contrasts with the Premier of Newfoundland and Labrador who, every time, prefers war to diplomacy, to the detriment of Newfoundland and Labrador and Canada.

Premier MacDonald reversed the province's policy on public-private partnerships, enhancing investment and infrastructure opportunities. He opened the province's first publicly funded

private health clinic. He presciently said no to the Commonwealth Games, which saved infrastructure dollars for spending throughout the whole province, which is so important in these difficult times. He launched a program to spend \$1.7 billion on seniors' homes. He launched a universal prescription drug program. By the end of this year, only two jurisdictions in North America will be connected 100 per cent with broadband — Nova Scotia and Kentucky. This broadband connection will mean that high-tech jobs do not need to be urban jobs. He accomplished all these things and not only extended Premier John Hamm's record of balanced budgets but also paid down the debt, like any good Conservative.

Perhaps most significant of all for the future, Premier MacDonald passed the Environmental Goals and Sustainable Prosperity Act, which is a unique piece of legislation linking the health of the Nova Scotia environment with the state of the economy. I treasure my time in the premier's office and proudly name Premier MacDonald and my brilliant co-workers in his office as my mentors. I was present at every provincial cabinet and budget meeting. I believe that the knowledge of the stresses and strains, and hopes and dreams of my provincial government will serve me well in this chamber.

There you have it, honourable senators: an understanding of who my mentors are tells you something about me. I believe, first and foremost, in ideas. I do not care where they come from or who gives them to me. Sometimes this makes me more bipartisan than partisan.

On the notion of bipartisanship, we in this chamber can make a special contribution. We can look for ways to eliminate needless party divisions. In this spirit, I suggest that we abolish Question Period. The government is never happy with the questions; the opposition is never happy with the answers; there is no audience, in any case; and it will be ever thus. Question Period, potentially, stands in the way of the real work we must do here.

• (1510)

Honourable senators, I am a fiscal conservative but not a social conservative. I am pro-American and have lived in Washington, D.C., and in Boston. My world heroes in my lifetime are Margaret Thatcher and Ronald Reagan and, because I love the United States and believe the world depends on its leadership, I welcome with open arms the presidency of Barack Obama.

I believe I have a pan-Canadian approach that will serve me well here. Nova Scotia is my province by choice, not by birth.

[Translation]

I was born in Montreal, and the Canadiens hockey club is my passion. The Bell Centre is my church.

[English]

I went to high school in Mississauga. My mother, brother and sister reside in Southern Ontario. I feel just as at home in Toronto as I do in Montreal or Halifax, and I once belonged to a political party that rode out of the West with a home office in Calgary. What could be more Canadian than that — but there is more.

My mother was born on Canada Day, the first of July. She is honoured in a war museum on the island of Jersey for her espionage work during World War II. She is intensely patriotic and so am I.

My knowledge of the needs of the province and people of Nova Scotia, as well as my knowledge of politics, economics and world affairs, has convinced me that this federal budget is exactly what Nova Scotia and Canada need right now. It is a budget that is right for the times.

Will this budget enable the 21st century to belong to Canada? I believe that this budget, together with the other policies we Conservatives have, which claim and defend our North, which protect our environment and invest in the green economy, which enhance the skills of our workers and improve the efficiencies of our businesses and which project Canadian power, prestige and ideals abroad, whether through our musicians, artists and sports heroes or our men and women in uniform, all of these things give Canada and Canadians an opportunity to claim our place in the 21st century.

Honourable senators, I will be honoured to vote for this budget and I encourage both sides of this chamber to do so.

Hon. Fabian Manning: Honourable senators, as this is my first opportunity to speak in this honourable chamber, I will begin by expressing thank you to a number of people. First and always to my family, I thank my wife Sandra and our children, Fabian Jr., Mark and Heather, for their continued love and support. To my extended family members, the Mannings and the Doheys, a sincere thank you for your continued encouragement and assistance.

With that rock-solid family foundation, I have travelled a 20-year political journey from a town councillor in my home community of St. Bride's, Placentia Bay, Newfoundland, to a member of the House of Assembly of Newfoundland and Labrador, to a member of the House of Commons in the nation's capital, and now to where I am so honoured and privileged to stand today, in the Senate of Canada. My family has always stood by my side, even during very turbulent political times. For that and many other reasons I will be forever grateful.

Honourable senators, I was born, raised and continue to live in the small fishing community of St. Bride's, population 400, on the Cape Shore in the unique and wonderful province of Newfoundland and Labrador under the watchful eye of two wonderful parents, Walter and Julia Manning. They instilled in me at an early age the unwavering belief that anything is possible if you work hard, play fair and respect the opinions of others.

I have followed those words of advice for many years, and I truly believe that they have played a pivotal role in my life's journey and have been a major part of my success. It was indeed a dream forged into reality when my dad joined me here in Ottawa for my swearing-in on January 26. Mom could not join us due to health concerns. I know they are proud of my accomplishments, but not as proud as I am to call them my parents. I want to thank them for everything they have done.

Thank you also to the people of the provincial districts of St. Mary's—The Capes and Placentia—St. Mary's, and the federal riding of Avalon in Newfoundland and Labrador, for

supporting me throughout the past 15 plus years. To the thousands of people who voted for me, contributed financially and volunteered each and every time in any way during my six election campaigns, I say a sincere thank you from the bottom of my heart. I enjoyed each and every day, even though there were some moments of anguish; it has been an experience of a lifetime, indeed, a dream come true.

I want to say thank you also to my staff throughout the years who have assisted me in so many ways to work on behalf of our constituents, and who have stayed loyal to me throughout all the twists and turns of my political life.

I offer a special thank you to the members of the Senate for their warm welcome, especially to Senator Ethel Cochrane who fulfilled the role of sponsor on the day of my swearing-in. I wish to recognize my other Newfoundland and Labrador colleagues on the other side, in that other party, the first of whom is Senator Cook, a fine lady who I have travelled back and forth to Ottawa with on several occasions and enjoyed many political conversations. Then there are the three amigos, Senator Rompkey, Senator Furey and Senator Baker, who are fine, decent men in their own right, but for goodness' sake, do not let them fool you into thinking they are the three wise men from the East, because if they were they would be on this side of the Senate.

Some Hon. Senators: Hear, hear!

Senator Manning: I appreciate the work they have done in their careers on behalf of Newfoundlanders and Labradorians and Canadians. That is exactly where I want to focus my few comments this afternoon, because while we are all here representing a province or a territory, we are indeed working each and every day to make Canada, the greatest country on Earth, even that much greater.

Honourable senators, I am a proud Newfoundlander and Labradorian. That windswept rock in the ocean is not just a piece of granite; it is and always will be home. I am proud of the culture and heritage of our land, its people and tradition of telling the stories of our ancestors, the real pioneers, through story and song to the rest of the world.

I am proud of the many politicians of all political stripes who have brought our message to the nation's capital to educate those who may not know, or in some cases may not care to know, the way of life and the struggles of the people of Newfoundland and Labrador for over 500 years.

In 1949, Newfoundland and Labrador became the tenth province of Canada. Many questions still linger in the minds of many of our people about that marriage, whether it was the right thing to do, whether the entire procedure in 1948 and 1949 was above-board, whether we were welcomed in or done in by the rest of Canada and the mother country; but, alas, we have endured and in a few more weeks we will mark the sixtieth anniversary of that union.

For me, and for many of my fellow Newfoundlanders and Labradorians, this is a time to reflect and to think about the future. While we are not immune to the global economic

situation, I truly believe that we have much to offer, much more to be grateful for, and much opportunity to generate a creative, constructive and productive working relationship, which we believe will not only benefit our province but also the rest of this fine country.

There is a need to raise the bar on politics in Newfoundland and Labrador above the misrepresentation of the “fighting Newfoundlanders,” which is all too often used for short-term popularity versus what is in the long-term best interests of our province in being part of this country.

I pledge today that one of my goals as a senator will be to work each and every day to bring Newfoundland and Labrador further into this Confederation and to ensure that our voices are heard, our issues are raised and our concerns are dealt with.

How we do that is the question. I believe we have opportunities through the media, our caucuses, our one-on-one discussions with MPs, senators, bureaucrats and the Prime Minister.

I believe we need to move ahead with Senate reform so that smaller provinces, such as Newfoundland and Labrador, are provided with a more equitable voice in this federation. From my experience here in Ottawa for the past three years, I fully understand that the country is governed from the heartland, but what makes us whole is our hinterland. From the Avalon Peninsula of Newfoundland and Labrador to the waters of the Pacific Ocean off British Columbia, to the ice caps of the North, we are a country with opportunity, a country of tolerance and a country of hope that is the envy of many throughout the world.

Honourable senators, I also believe that every school child, regardless of what part of Canada they call home, from the smallest village to the largest city, sometime during their 12 to 13 years of school life, should receive financial assistance to travel to Ottawa and experience what happens here, how important the decisions are that are made here, and how fortunate we are to be able to say we are Canadians. I truly believe there is a need for those living many miles from the Peace Tower to feel the peace that true Canadianism symbolizes to the world.

Honourable senators, at this time I wish to take a moment to express my sincere gratitude to the soldiers of the Canadian Forces for the sacrifices they make each day, in places like Afghanistan and in other parts of the world, to ensure that the people of our country can continue to enjoy the peace and hope that we do today because these brave young men and women from far and wide, *O Canada*, are standing on guard for thee.

Our freedom did not come without a price. Many lives have been lost or destroyed on the battlefields of Europe and elsewhere to ensure our democracy and way of life continue.

• (1520)

Following my visit to the hallowed fields such as Beaumont Hamel, Vimy Ridge and other sites, I give thanks every day for the life I have and the country I am so fortunate to live in.

In the Senate, we will work together and, at times, we will disagree on the ideas and suggestions others will make. I am confident that as a representative for Newfoundland and

Labrador there will be times of great debate on issues relating to my province, because as my father often said, “There are days we would rather fight than eat.” Honourable senators, we will survive and we will be a better place.

In closing, I wish to thank the Right Honourable Stephen Harper, Prime Minister of Canada, for having the confidence and trust in me to appoint me to the Senate of Canada. I have worked closely with the Prime Minister throughout the past three years. I have not agreed with all the decisions our government has made, but I have assisted in making some changes on behalf of Newfoundland and Labrador. Most importantly of all, whether it was in the caucus or one-on-one with Mr. Harper, I was always given the opportunity to speak openly and freely; and, by the way, I wrote this speech myself and did not need the Prime Minister's Office approval.

Senator LeBreton: Good for you.

Some Hon. Senators: Hear, hear!

Senator Manning: I thank the Prime Minister for his cooperation and look forward to working with him in the future.

Honourable senators, a kind, gentle man by the name of William Young, known to all of us back home as Willie, resides close to me in a place called Young's Lane in my hometown of St. Bride's. Willie, a retired fisherman, told me a long time ago that I put Young's Lane on the map. From Young's Lane in St. Bride's to the Senate of Canada is a long way, but I am here, honourable senators, to represent people such as my neighbour Willie Young and his wife Cecilia, and I will give my best each day. I have the honour and privilege to walk into this honourable chamber on behalf of Newfoundland and Labrador.

I would like to conclude with the words of the last two verses of the Ode to Newfoundland, the official national anthem of Newfoundland, written by Sir Cavendish Boyle while serving as its governor from 1901 to 1904:

When blinding storm gusts fret thy shore,
And wild waves lash thy strand,
Thro' spindrift swirl and tempest roar,
We love thee, wind-swept land,
We love thee, we love thee
We love thee, wind-swept land.

As loved our fathers, so we love,
Where once they stood we stand,
Their prayer we raise to heaven above
God guard thee, Newfoundland
God guard thee, God guard thee,
God guard thee, Newfoundland.

Hon. Pamela Wallin: Honourable senators, as the late comedian George Carlin once seriously said, “Life is not measured by the breaths we take but by the moments that take our breath away.” This is one such moment. The burden of our responsibility collectively and as individuals is weighty but welcome and we would not be here if we were not up for the challenge.

While speaking with my mother the other day, I asked her what she was doing. She said: “I am re-reading your biography, trying to figure out how my daughter wound her way from Wadena,

Saskatchewan to the Senate of Canada.” I told her to put down the book, look across the room at my father and that he should do the same toward her and they would both see the reason that I stand here today.

My family helped me set my moral compass. My father inspired curiosity, encouraged me to look things up. It was always about doing your homework. It was a show of respect, he said, and a lesson that served me well in the thousands of interviews and encounters I have had over the years. My mother, my mentor, the English teacher, always encouraged me to speak my mind with one important caveat — to speak only once that mind was informed. I promise you, honourable senators, I will always try to meet my mother’s standard.

However, perhaps the single most important of life’s lessons they taught was this, and they did so by deed, not word, and it is in my shorthand, not theirs: Character always trumps genius. Simply put, you can be smart, but if you are not kind and decent, fair and generous when it is difficult to do so, then all the brains in the world are for naught. We need compassion and concern, instinct and intuition. Families impart such values and communities let you practice them.

I have come to appreciate that what happens at the beginning of our lives profoundly shapes and determines almost everything that follows. In small-town Saskatchewan we lived life in the Legion Hall, in the church basement or at the curling rink. Everybody baked and grew a garden, and our dads hunted and we ate what they killed. Small towns represented a sense of freedom in my era because there were no strangers to fear. We learned tolerance and accommodation. You must play well with others in a small town because people are your neighbours for a lifetime. In a city, a community of strangers, you can ignore the outstretched hand, probably with impunity; but if you have learned your lessons well, you will know, as the saying goes, that our real character is what we do when we think no one is looking.

Our small towns are fewer and farther between these days as technology, demographic shifts and economics exact their toll, which is why I was so pleased with our recent economic action plan. The plan is bolstering the spirit and the spine of our communities with programs that will allow today’s kids to skate on ice rinks but also have access to the Internet, and imagine a life away from their small towns but know when they head home the roads will still take them there. They will learn what community spirit is all about.

It is such a special honour to be representing Saskatchewan. The people who built my province were brave, fearless and resilient with a work ethic beyond belief. They transformed a bald, harsh prairie into farms, towns, cities and real communities. They built railways, roads, stores and theatres and even invented a strain of wheat that grew faster because the summer was so short. They carved out a society and offered a vision of what could be all the while instilling in each of us a desire to build for the next generation what they had left us — a legacy.

As a former premier once said, Saskatchewan takes on and completes two world-scale megaprojects every single year: seeding and harvest. Today, we are also the world’s largest producer of uranium and supply one third of the world’s potash. We produce so much oil and gas that energy truly is our trump card. We have

coal, copper and zinc, lentils, mustard and peas and yes, even diamonds, and we still have 45 per cent of Canada’s arable farmland. The world’s food basket has become the commodity superstore. *The Globe and Mail* has declared Saskatchewan the new “it” province, the place to be, to work, to live, to invest and now even the place to stay or to come home to. It is our time.

We can leverage the success of today into security for the succeeding generations by encouraging education, entrepreneurship and innovation. Saskatchewan has joined the club of “have” provinces and, with prudent behaviour, we will continue to outperform national growth averages despite all the turmoil that surrounds us.

As a daughter of Saskatchewan, I am proud of where we are headed and how we are getting there, and Canadians are an incredibly creative and innovative people. Who else would have built this great east-west act of faith known as Canada against all odds and against the seductive tug and pull of the natural north-south trade routes?

There was not a day that went by when I was Consul General of Canada in New York that I was not thankful for the free trade agreement because it offered a way for us to at least manage or negotiate our differences, although we did not always settle them. However, in a relationship as large and as complex as the one we have with America, there will always be disagreements, but when we disagree, we must do so agreeably.

That being said, getting along does not always mean going along. A relationship is not a zero-sum game. We are not enhanced by diminishing them. Their loss is not our gain, and we do not grow in spite of them but because of our proximity to them. It is also true that this relationship is asymmetric, but it does not imply that we are subservient, just smaller. We do not need to be so defensive or fearful. Eleanor Roosevelt once said: “No one can make you feel inferior without your own consent.”

Canada and the U.S. must work together to meet the challenges of globalization, to fight the protectionism we see today and to survive together the economic crisis we are experiencing. Lest we forget: Security still trumps trade, and it will for a generation to come.

Our borders are much thicker post 9/11 and our land crossings are often choke points, hurting productivity, competitiveness and trade. Our economies are linked and highly integrated. We will always do business across that border, so an open and secure border must be a priority for us. Two billion dollars worth of goods and services cross that border every day. More than 20 per cent of all American exports come to Canada. We are the largest market for 39 of the 50 states. Canada sells 87 per cent of everything we make and create to America, generating 40 per cent of our own income. We do more trade as a country with the head office of Home Depot in Atlanta, Georgia, than we do with the country of France.

• (1530)

Honourable senators, this is a powerful relationship. Just imagine if you ran the corner store and sold 87 per cent of everything off your shelves to one family. Would you not want to know everything you possibly could about those people? Would you not learn to understand them? Would you not learn to know what motivates them and what matters to them?

What should we do to come to understand, to ensure that we have influence and access to the United States? Canada, I was repeatedly told, too often seeks to engage America by wagging our fingers and proclaiming our values or our policies or our political systems as superior rather than simply different. Not surprisingly, this hectoring strategy does not work, not even if you are right, because Americans are quite rightly proud of who they are and what their values are, and so should we be. Let us just try understanding the place. It seems that despite free trade agreements and more than 100 million border crossings by our citizens each year, proximity is still no guarantee of understanding.

Historian Bartlett Brebner's decades old observations still hold troublingly true: "Americans," he once wrote, "are benevolently ignorant about Canada, while Canadians are malevolently well informed about the U.S." As one Canadian political wit once said, "They are our best friends whether we like it or not and we are their best friends whether they know it or not."

The reality is that we are friends and relatives. We play on each other's hockey teams, attend each other's universities and work for one of the thousands of cross-border companies that exist. We invest in each other's entrepreneurship and we vacation in each other's backyards. Our comedians, our songwriters and our authors entertain and our journalists deliver the news to American homes and Canadian homes, and we all, on both sides of the 49th, readily consume the culture that Canadians have helped create.

That is why the blatant anti-Americanism that has been so in vogue in the last decade is not very constructive, nor is it very intelligent. We express these views at our peril, not for fear of some punitive American retaliation, but because it is the antithesis of what we purport to be: open, welcoming and generous as a people.

In my view, "not being Americans" does not qualify as an affirmation of Canadian sovereignty, and too often we have made the classic mistake of personalizing our foreign policy. If we do not like the president, then we do not like his policies. Let us hope that the coming visit of President Obama will allow us to try once and for all to stop this ad hominem approach to foreign policy.

Those who have been dismissive of the difficult road that Americans have been walking in the post-9/11 world should pause and realize that there but for the grace of God go all of us. Just remember how we reacted in this country when we faced our own terrorist threat: Soldiers were on our streets, people were rounded up and jailed, and the War Measures Act was imposed.

Charles Dickens once wrote that what is meant by knowledge of the world is simply an acquaintance with the infirmities of man. In other words, to be truly knowledgeable, we must recognize human frailty. Surely we can do this.

We are doing this in Afghanistan, where we have worked alongside the Americans and other allies, and we have seen so many of our brave young men and women stand tall. They have changed lives, they have saved lives and they have risked their own in the process. It is such a profound sacrifice and contribution.

Honourable senators, our soldiers should also know that they are not just making a difference in Afghanistan. Their commitment has ensured that this country is no longer a spectator nation.

As we all know, in life, in politics, in business and at war, the first act of all persuasion is clarity of purpose. You have to know why you are doing what are you doing, and you have to believe in it. You have to believe in your mission if you want others to do the same.

Let me quote the words of one Canadian colonel who served in Afghanistan:

Victory is the preservation of hope while gradually equipping the Afghans with the tools of state to continue the preservation of hope on their own.

That is our purpose, and we have shown leadership.

I read an interesting definition of leadership recently:

A good manager does the thing right. A leader does the right thing.

This is what we ask and expect of our soldiers each and every day, to use their judgment and not only do the thing right, but do the right thing. We should expect no less of our leaders, and that means of ourselves. We need leaders who believe, as someone once put it, that government is supposed to be a safety net, not a hammock.

Government cannot be the answer to all problems, but it can and must in times of crisis enable change and support those who are ready to help themselves, and those who cannot, to save their communities, their livelihoods, their sense of purpose and their pride.

Honourable senators, the measures outlined in the economic plan will help restore confidence, which in turn will allow us to bridge the gap between our aspirations and our achievements. Attitude matters, actions even more so, and that responsibility belongs to each of us.

The late American journalist Sydney Harris once wrote that:

An idealist believes the short run doesn't count. A cynic believes the long run doesn't matter. A realist believes that what is done or left undone in the short run, determines the long run.

Honourable senators, we need to be realists in this place. We need clarity of purpose, and we need the leadership of people such as the Prime Minister who, in taking a page from Wayne Gretzky's book, "skates to where the puck is going to be, not where it has been."

We have all come to this place because of the support of our families and communities and because of hard work, but also because of the small events and large ones, the wins and losses, the life-changing crises, the moments in time — those subtle, silent forces — that change your life if you let them.

Serendipity would take me on a path from the dream to be a French teacher to the risky reality of being a social worker in a maximum security penitentiary. A chance phone call would lead to a career in journalism, and 30 years later, in the aftermath of the horrors of 9/11, another such call would take me from observer to participant, out of my comfortable TV studio and across the border as Canada's Consul General in New York City.

Since then, serendipitous encounters have taken me into boardrooms and think-tanks and, yes, even to the front lines in Afghanistan — and now this most profound honour, a chance to serve my province and my country.

Margaret Chase Smith, who lived to the age of 97, was the first woman to be elected to both the U.S. House of Representatives and Senate, and her record for the longest-serving female senator in history has not yet been surpassed. She said:

My creed is that public service must be more than doing a job efficiently and honestly. It must be a complete dedication to the people and to the nation with full recognition that every human being is entitled to courtesy and consideration, that constructive criticism is not only to be expected but sought, that smears are not only to be expected but fought, that honor is to be earned but not bought.

Honourable senators, I will work every day to improve and reform this place so that we can earn the honour and respect of those we serve, not assuming it will flow by virtue of our title or some imagined sense of self-importance. I, for one, am truly grateful for the chance to serve through Canada's Senate.

(On motion of Senator Tardif, debate adjourned.)

SPEECH FROM THE THRONE

MOTION FOR ADOPTION OF ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Gerstein:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Michaëlle Jean, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Patrick Brazeau: Honourable senators, as a relatively young man used to the political arena, I am not often at a loss for words.

• (1540)

As I rise to address this chamber, I am moved by the significance of our endeavours and I am very mindful of the enormity of what I have been called to do for my country.

Just days ago we gathered in this chamber with Her Excellency, the Governor General, to hear the reading of the Speech from the Throne for the Second Session of our nation's Fortieth Parliament. In it, our government demonstrated its sincere commitment to broad and sweeping consultation as it confronts perhaps the most severe economic crisis in three generations.

Budget 2009, and our government's economic plan contained within it, reflects a true spirit of effective consultation. What is more, it delivers meaningful accommodation of the needs, aspirations and ideas heard from the myriad segments of Canadian society who were engaged in the pre-budget consultations.

This government and this economic plan engage Canadians and key segments of our society, including the Aboriginal leadership. As we collectively strive to contend with and pragmatically overcome the malaise gripping the world's economies, I urge honourable senators to offer their full endorsement of these measures.

We are perhaps the most fortunate of people in the world to have the good fortune to live in a country as great as Canada. Our nation is vast and the opportunities it presents to its citizens are equally broad and virtually limitless.

[Translation]

I was honoured when the Prime Minister asked me to sit in this chamber to serve Quebecers, Aboriginal peoples and everyone in this wonderful country. However, honourable senators, I think I may have misled the Prime Minister. When he asked me to be a senator, I should have told him the truth: that it would unfortunately be impossible, because I have CH tattooed on my heart.

I understand the importance of my responsibilities, and serving my country is paramount.

[English]

It is indeed an honour and a privilege to have the opportunity to serve in this chamber, to contribute my experiences and expertise on matters pertaining to Aboriginal affairs, Senate reform, Canadian unity and others.

Honourable senators, I knew early on in life that I was determined and destined to undertake public service to my country. I recall clearly, at the age of 10, being struck by the charisma, leadership and countenance of Brian Mulroney. As I grew into my teens I looked to the example of Prime Minister Mulroney as one that I sincerely wished to emulate.

Here was a man who had risen from humble beginnings, an equally proud Quebecer and Canadian, fluently bilingual, and exuding a quiet confidence and competence, who successfully led his party to the biggest electoral victory in Canadian history.

During this period, my own journey was filled with twists and turns. I was born a non-status Indian, the son of an Indian man who married a non-Aboriginal woman. I was raised in Maniwaki, Quebec. In the eyes of the non-Aboriginal population I was too Indian, and yet in the eyes of the Indian population I was not Indian enough because I lived off reserve.

Following the passage of Bill C-31 in 1985, my brothers and I regained status. Suddenly, and with the stroke of a pen, I was considered a status Indian. Where is the justice in having a colonial, discriminatory and racist piece of legislation, such as the Indian Act, prescribe who is and who is not an Indian?

[Translation]

I realized then that something had to be done to change the situation. I could not wait to take the first step. If a change was needed, it had to start and end with me.

[English]

As I grew into young adulthood, I watched Canada's Aboriginal affairs undergo change, upheaval, renewal and, at times, almost complete stagnation. The sun both rose and set on the Meech Lake Accord, the Oka crisis, the Charlottetown Accord, the Royal Commission on Aboriginal Peoples, and the government of the day's response to it, *Gathering Strength: Canada's Aboriginal Action Plan*.

One might say I was on a similar road, gathering strength in my own fashion as I considered my destiny. Throughout the peaks and valleys in Canada's Aboriginal public policy I considered, as a young First Nations person, what could and should be done to deal with the unmitigated plight of Aboriginal peoples.

At the dawn of the new millennium, the opportunity to become involved in Aboriginal representative politics came about. I joined the Congress of Aboriginal Peoples as a summer student in 2001, and first ran for political office in 2002. Though unsuccessful at my initial foray into elected politics, I remained undeterred. I was successful in 2004, winning the position of vice-chief and as national chief in 2006.

This achievement was a bittersweet one for me. On the same day I became the vice-chief of the Congress of Aboriginal Peoples, I was also at the bedside of my dying mother, who was hours away from succumbing to cancer. Despite her failing presence, her pride in my achievement and the encouragement she gave me in her darkest hours has resounded in me ever since.

Honourable senators, please believe me when I tell you that her words of wisdom and strength have echoed in my mind time and again over the past few weeks as I have endured the repeated public assailing of my character.

My parents' belief in me, my dedication to the truth, the need to live with honour and honesty, the memory of my mother and the respect of my father have sustained me through this ordeal.

[Senator Brazeau]

In November 2008, I was re-elected as national chief by the Congress of Aboriginal Peoples to serve a four-year term. During my tenure there, I advocated for the rights and interests of status and non-status Indians and Metis people. I frequently spoke about the need for greater accountability, transparency and responsibility. I talked regularly about the growing need for Aboriginal peoples to move away from government dependency and towards greater self-sufficiency. I provoked debate about the need to eliminate the single greatest barrier to Aboriginal economic development and the biggest single contributing factor to perpetuating Aboriginal poverty, the Indian Act.

Under my leadership in 2008, the Congress released its report entitled *Where Does the Money Go?* This report examined over 6,000 grants and contributions issued by the federal government to various Aboriginal communities, organizations, tribal councils and service-delivery organizations.

Oddly, our research and review resulted in this report raising more questions than it answered, and thus begs further analysis of the issue. Yet, the ultimate question remains: With over \$10 billion being invested annually on programming and services for the Aboriginal community, how can it be that Aboriginal people still live in unmitigated, poverty-stricken situations?

I firmly believe the simple answer to that question is an issue of the need for greater and rigorous measures of accountability. My position on this matter and on Aboriginal issues in general has ruffled feathers and invited criticism. Clearly, it has also resulted in the creation of some powerful enemies.

[Translation]

Honourable senators, the extensive media coverage of my appointment to the Senate of Canada proves that.

[English]

It is unfortunate, to say the very least, that the reports have nearly all been centred on stereotypical notions of Aboriginal people, which remain needlessly perpetuated in certain quarters of Canadian society.

Sadly, and for whatever reason, nearly all of the criticism surrounding me has been of a personal nature. No one seems to have bothered assailing my professional positions. I note, with a profound sense of irony, that one of my critics has in fact adopted my platform as his own as he seeks election to the organization that purports to speak for on-reserve First Nations people.

To my critics I feel a duty to offer the following: If standing up for the needs of grassroots Aboriginal peoples, if seeking to make a lasting difference for Aboriginal peoples in this country, if endeavouring to move beyond the status quo and dismantle the native establishment are to be considered so dangerous as to provoke attacks upon me personally, then so be it.

One thing remains paramount, regardless of whatever attacks come my way, for whatever reason, I am now, have always been and will forever be a proud, loving and responsible father of three, and soon to be four, children. Those who spend time attacking me

know that I will be spending my time dealing with the real challenges and issues confronting Canada's Aboriginal population.

Some Hon. Senators: Hear, hear!

[Translation]

Senator Brazeau: I am prepared to endure such attacks, but determined to act nobly, humanely and morally.

[English]

In 2006, Prime Minister Harper's government introduced the Federal Accountability Act, which I fully endorsed. Again, sadly, and most unfortunately, other Aboriginal organizations successfully lobbied the other place to ensure that First Nations organizations were exempted from the provisions of that act. One can only question and wonder where the sense of earnest stewardship of the needs of Aboriginal peoples is in the adoption of such a position.

Honourable senators, we know that the 2006 election brought about a new government and a new way of conducting Canada's Aboriginal affairs. During the campaign that preceded his election, Prime Minister Harper made an historic commitment to the off-reserve Aboriginal constituency. In so doing, he laid the groundwork for the virtual re-engineering of the relationship between Aboriginal peoples and the Government of Canada.

• (1550)

Stephen Harper foresaw a way to move forward on behalf of Aboriginal peoples that was rooted in accountability, progressive in its approach, sustainable in its investments and courageous in its provisions. In the past three years, much has been achieved, virtually all of it reflective of the Prime Minister's commitments.

Mr. Harper's government continues to make history as we move beyond the imprudent mistakes of the past and choose instead a more reflective, pragmatic, inclusive and collaborative way forward. The rendering by our government last June of the apology to the survivors of Indian residential schools was, I believe, an unparalleled and positive event in the history of Canada's Aboriginal peoples.

On June 11 and 12, 2008, I had the privilege to speak both on the floor of the other place and on the floor of this noble chamber, respectively. Honourable senators, it was a defining and historic moment for Aboriginal people and for us all as Canadians.

Later in June 2008, I was privileged to attend again in this chamber to view the final debate on, and granting of Royal Assent to, legislation granting the same measures of protection of human rights to First Nations people as had been enjoyed by virtually every other Canadian since the coming into force of the Canadian Human Rights Act over 30 years ago. I had advocated rigorously for the adoption of such measures in my previous capacity and had consulted at length with grassroots First Nations peoples. Their stories of rights being denied and of discrimination within their own communities by many of their

leaders were compelling, and the passage of this important legislation was a resonant reminder of this government's commitment to our country's First Nations citizens.

Honourable senators, I have committed to Prime Minister Harper, as I commit to you today in this chamber, and to all Canadians, that I will work tirelessly and to the best of my skills and abilities to render service towards building upon these achievements and continuing to improve measurably the fiscal and social relationship between Canada and its Aboriginal peoples.

I know mine is a youthful voice in this chamber, and for that I remain humbly appreciative to Prime Minister Harper's commitment to engage the fastest growing segment of Canada's Aboriginal population, that is, Aboriginal youth. I am eager to deliver real results for the people of Quebec and for members of Canada's diverse Aboriginal community.

I am proud to serve Canada and I am privileged to serve in this chamber. I am honoured to serve this Prime Minister and his government and, in so doing, to work for the benefit of the citizens of my home province and on behalf of Canada's Aboriginal peoples from coast to coast to coast.

I encourage honourable senators to put aside any partisan interests and to work as one in supporting the Economic Action Plan. It is a plan that is good for Canada, encourages entrepreneurship among its young peoples, and fully engages Aboriginal Canadians to play a role in the economic stimulus so essential to our nation's fiscal well-being.

[Translation]

I believe I am part of a strong, very effective team. Honourable senators, you are all my teammates. No matter what game I play, I always play to win.

[English]

Together, we, in this chamber, can provide a win for Canada's Aboriginal population. Let us engage our country's Aboriginal peoples. Let us engender and sustain debate on the absolute and pressing need to eliminate the Indian Act in order that we might replace it with a more accountable, progressive statute reflective of the 21st century, and of which our nation's Aboriginal peoples can be proud. Let us work tirelessly toward providing real benefit, real opportunity and real hope for our Aboriginal peoples in need, and so deserving of our accommodation.

Investing in this generation of our Aboriginal peoples and stimulating hope and belief in a better Canada for our country's First Nations is an investment in Canada. Surely such investments will yield significant human dividends for generations to come. After all, hope is not something we should dream of; hope is something we should create.

Honourable senators, I offer my sincere thanks to you for your attention and I ask for your full commitment to these noble endeavours.

(On motion of Senator Comeau, debate adjourned.)

[Translation]

BUSINESS OF THE SENATE

MOTION TO CHANGE COMMENCEMENT TIME ON WEDNESDAYS AND THURSDAYS AND TO EFFECT WEDNESDAY ADJOURNMENTS ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government),
pursuant to notice of January 27, 2009, moved:

That, for the remainder of the current session,

- (a) when the Senate sits on a Wednesday or a Thursday, it shall sit at 1:30 p.m. notwithstanding rule 5(1)(a);
- (b) when the Senate sits on a Wednesday, it stand adjourned at 4 p.m., unless it has been suspended for the purpose of taking a deferred vote or has earlier adjourned; and
- (c) when a vote is deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings, immediately prior to any adjournment but no later than 4 p.m., to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and that committees be authorized to meet during the period that the sitting is suspended.

(Motion agreed to.)

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein moved second reading of Bill S-205, An Act to amend the Criminal Code (suicide bombings).

He said: Honourable senators, this bill has been on the Order Paper for four years. The bill, then numbered Bill S-43, was first placed on the Order Paper in October 2005. I will not go through all the iterations, but it was reintroduced as Bill S-210 on October 27, 2007. It was finally given second reading and then fully considered by the Standing Senate Committee on Legal and Constitutional Affairs. It was passed in the committee without amendment and given third reading here on May 24, 2008. It then went to the other place, only to die on the Order Paper upon prorogation.

Here we are back at it again. For the purpose of the record, I will reiterate some of the arguments, as we now have new senators who have not had the benefit of previous debates.

This legislation started as Bill S-43. It then became Bill S-206, then Bill S-210, and it is now Bill S-205. The simple amendment encapsulated in this bill clarifies the explicit gap in the language

of section 83.01 of the Criminal Code. The proposal is to amend that section of the Criminal Code by adding the following after subsection (1.1):

(1.2) For greater certainty, a suicide bombing comes within paragraphs (a) and (b) of the definition “terrorist activity” in subsection (1).

This amendment, honourable senators, is a definitional clause to include suicide bombing explicitly in the Criminal Code. It will establish suicide bombing per se, the very words, as a criminal offence. This bill, honourable senators, goes to the very nature and purpose of the criminal law.

Law and Canada are inseparable. This bill goes to the very purpose of criminal law, and the major purpose of this chamber, as we all know, is to create laws. That is the heart and essence of our business as senators.

Only last week in *The New York Times* there was a story of an imprisoned grandmother in Iraq who specialized in enlisting her children, her grandchildren, her family and other children to become suicide bombers. How obscene that is, yet how timely.

Canada, unlike other countries, is a country created by laws, not by violence. In 1908, the great English author Rudyard Kipling, on a visit to Canada, wrote to his family his impressions of Canada and Canadians. Here is a quotation from that letter:

... the law in Canada exists and is administered, not as a surprise, a joke, a favour, a bribe ... but as an integral part of the national character — no more to be forgotten or talked about than one’s trousers.

Earlier, in 1861, John Anderson, a fugitive slave being discharged for murder by the Court of Common Pleas in Upper Canada said:

I have never known that there was so much law in the world as I find in Canada.

The late Robertson Davies, in his 1954 masterpiece, *Leaven of Malice*, wrote these words:

... never go to law for simple vengeance; that’s not what law is for. Redress, yes; vengeance, no.

In 1960, the Right Honourable Lester Bowles Pearson, a mentor of this senator and others in this chamber, spoke these words in House of Commons debates:

Incorruptible and respected courts, enforcing laws made by free men in Parliament assembled and dealing with specific matters and, with specific sanctions to enforce their observance; these are the best guarantees of our rights and liberties. This is the tried and tested British way, and is the better course to follow than the mere pious affirmation of general principles to which some political societies are addicted.

The paramount purpose of our work in Parliament is no more and no less than to make laws. That is what we do; that is what Parliament does.

• (1600)

Parliament transforms experience into principles, and these principles are then expressed in explicit laws. We make laws and we administer the execution of those laws, especially criminal laws. Parliament has an exclusive oversight of criminal law power, and this power is tied to the question of freedom, liberty and security, which are the organizing principles at the heart of federal governance. Criminal laws are Parliament's definition of our civilization's standards of conduct and care.

To fall below these standards of care by unwanted conduct is to invite penalties, prompting state action and, more important, to provide a clear, unequivocal warning against conflict, a prophylactic against uncivilized conduct that is actual, apparent, intentional or unintentional.

Ultimately, criminal law seeks to prevent and ostracize egregious conduct and, in the process, to transform the attitude and intentions of those who practise such conduct. It is to transform public opinion, public conduct and private conduct.

Ignorance of the law is no excuse. All citizens are presumed to know the law. *A fortiori*, there is a clear and present obligation of Parliament to ensure that the criminal laws are clear and lucid, especially because of their criminal consequences. To deprive a person of his liberty because of precipitous or unwanted conduct requires lucidity of the highest order. That is why the common jargon, phrases and parlance have been picked up specifically in our Criminal Code and in other criminal law, for example, as in England, with terms like "kidnapping," "murder" and "theft." We took common parlance and moved it explicitly into the code so the public would not be confused and would clearly understand the law.

The Criminal Code is bound up in the protection and security of people and properties. Two of the Tablets of the Covenant, Moses' Ten Commandments, are clear and simple: "Thou shalt not kill" and "Thou shalt not steal." Words are as important as the laws themselves. Laws rest on practice, moral principles and clarity. Natural laws float above the normative laws. Natural laws encapsulate our moral principles. The normative laws draw upon the natural laws and specify the enforcement of moral offences with particularity and precision; hence, the high onus of proof and the high presumption of innocence when offensive conduct results in the loss of liberty.

Therefore, at the core of the debate on this bill lies the core of our culture, our civilization, namely, the reverence for life and the sanctity of life rather than the promotion of a cult of death. Put another way, criminal law purpose is to unify normative principles and social standards. As the great judge Oliver Wendell Holmes once put it, "no grand principle is worth a damn unless it is applied to specific cases."

Let me turn to the specific question of suicide bombing. Both suicides and bombing of innocents are condemned in the Old Testament, the New Testament and, surprisingly, the Quran itself. Let me quote from the website of the Iraq Foundation: "Suicide bombing is a terrorist activity." Therefore, on their website, the Iraq Foundation supports the predecessor of this bill, Bill S-206. It is on their website. By the way, I did not know about this website until it was brought to my attention. The website goes on to state the following:

We, the undersigned, support and seek your support for Senate Bill S-206, which amends Section 83.01 of the Criminal Code to ensure suicide bombing is clearly within the definition of "terrorist activity".

Suicide bombing has become an all too frequent practice in many countries throughout the world. Thousands of civilians are killed and maimed to advance a cause based on falsely implanted expectations of glory and martyrdom. We say no cause can justify suicide bombing.

Bill S-206 aims beyond those who strap explosives to their bodies and look where they can cause maximum pain, suffering, death and dismemberment. It will help focus on those who promote terrorism by teaching, organizing and financing the killers in the name of ill-conceived ideology, distorted belief or abhorrent political conviction. The amendment will assist law enforcement agencies to pursue the individuals promoting this heinous tactic.

Penal statutes must unambiguously state which actions are criminalized. Rather than assuming that suicide bombing is currently covered by implication in the Code, this amendment specifies suicide bombing as prohibited terrorist activity.

Arnold Toynbee, in his magnificent work, *A Study of History*, is dedicated to analysis of the rise and fall of civilizations. He traces the characteristics that led to the disintegration of a civilization. He examines the schism in the social body and the collective experience. He then examines the "outward and visible sign of inward and spiritual rift" resulting from internal schism.

Toynbee explores this underlying schism in society that is characteristic of a disintegrating civilization. He looks deeper into what he calls "the schism in the souls of members of a disintegrating society," the individual members of sect societies.

A society unravels, Toynbee notes, when an individual looks at his failed or failing society, his disintegrating society, and becomes a "truant" and turns to so-called "martyrdom." It is a way of stepping beyond the current malaise of his fragmenting society, much like a soldier who no longer seeks to minimize the risk to his life while inflicting damage on others. Instead of this course, the "truant" from society, as Toynbee says, chooses to court death, to take the offensive in the face of manifest moral defeat, decay and drift. Having failed to reform his own society and cultural environment, the suicide now seeks to master his own self.

Honourable senators, I will not go on with this, but I urge you to read Toynbee because he makes the point in historic terms. He concludes that "the pain is the punishment for the sin of idolatry worshipping the creature rather than the Creator."

Honourable senators, the problem with suicide bombing goes beyond martyrdom when the suicide intentionally targets other innocent lives as a measure of success and thus promotes the cult of death, overriding the reverence for life, including his own.

Roscoe Pound, a leading American teacher and writer, in his magnum opus, *An Introduction to the Philosophy of Law*, defined 12 organizing ideas of law from ancient times to the present, from Mosaic law to the Code of Hammurabi, to Greek and Roman

law, to medieval law and to the origins of social then economic justice. The common thread — the organizing idea of the rule of law throughout the ages — has always allowed greater political freedom and security of individuals aligned with reciprocal duties to refrain from aggressive violent conduct towards others that would limit, in the extreme case, suicide bombings to end innocent human life. This work, honourable senators, I commend to you. It is a brilliant analysis of this problem.

Reverence for life is a linchpin of all religions and the keystone of the rule of law. All our laws are wrapped around this central idea.

I raise the question of suicide bombing because it cuts so contrary to the essence of our concept of civilization and our reverence for life.

There are two arguments against this amendment. The first is that the notion of criminalization of suicide bombing is already implicit in the criminal law by other words; so have said some of the critics. I return to my original thesis. The criminal law should and must incorporate accepted and clear-headed words that emerge from common usage in order to enhance the clarity of the criminal law in the public mind.

The express, operative precautionary words in the amendment are for “greater clarity.”

In the Ouimet report, the *Report of the Canadian Committee on Corrections: Towards Unity: Criminal Justice and Corrections*, 1969, said the following:

No conduct should be defined as criminal unless it represents a serious threat to society, and unless the act cannot be dealt with through other social or legal means.

It is accepted by the Law Commission of Canada that the criminal law ought to be “pruned” to differentiate between what it calls “real crimes.” The commission wrote:

To count as real crime, an act must be morally wrong . . . The real criminal law should be confined to wrongful acts seriously threatening and infringing fundamental social values.

I am directing my comments to this particular bill, but these comments and principles have a wider significance because of the other criminal justice measures that shortly will come before the Standing Senate Committee on Legal and Constitutional Affairs.

The second argument against this bill, more vague and inexact, is that this amendment would somehow dilute the application of international law as illustrated in international relations or treaties. Allow me to address yet again this latter argument.

The Latin phrase *pacta sunt servanda* means “agreements must be honoured.” That maxim from Roman law is presupposed to be the organizing principle of international law. Unfortunately, in international law, the principle and the practice diverge. This principle has not been observed nor has it been practised. What, then, is the relationship between treaty law and domestic law? The aim is the same, but the practice of enforcement is obviously different. International law has no direct enforcement mechanism other than the International Court of Justice, with its limited

mandate, funding and access. The articles of the UN Charter empower the Security Council to enforce its resolutions.

• (1610)

I will not belabour a self-evident proposition other than to say that the UN actions of enforcement have been episodic, inconsistent and highly politicized. Politics rather than justice, equality and the rule of law have governed its enforcement policies.

Enforcement policies in the United Nations depend on a coalition of the willing. The Security Council has been politically polarized on issues of enforcement contrary to the hopes of the architects of the UN Charter itself, including our late and revered former Prime Minister Lester Bowles Pearson, one of Canada’s greatest foreign ministers, and, of course, the late, great and very honourable Louis St. Laurent, who also served as a great and innovative foreign minister. Both of them were unhappy and displeased with the UN; hence, they moved forward on NATO. That is a historic fact as well.

Observers such as the brilliant Senator Moynihan, in his book *On The Law of Nations*, argue that enforcement of the international rule of law by one state unilaterally is ineffective, especially when politically renounced by other states. This, of course, was not the intention of the fathers of the UN, especially Canada.

So, we are in a no-man’s land of good intentions when it comes to international law. The best way to address this chasm of enforcement is to establish and enforce domestic law — hence this amendment. A made-in-Canada law will resonate throughout the international community.

When Senator Eggleton first approached me on the subject, it was his view and that of an outstanding Canadian, former Justice Reuben Bromstein of the Supreme Court of Ontario, that we should pass merely a resolution in this chamber.

I concluded that that would not, in any way, shape or form, enhance the situation in Canada. The only way to enhance the situation in Canada would be by an amendment to our Criminal Code. I think that Senator Eggleton and Mr. Justice Bromstein agreed with that, and hence this amendment.

Senator Moynihan argued that the canons of international law are thought to be normal, necessary and satisfactory, so the international law and domestic law converge in the same objectives: renunciation of aggressive conduct, aggressive violence against innocent individuals, with the political purpose to sow terror in democratic states to retard the growths of freedom, liberty, stability and, above all, the security of the individual and the reverence for life.

Death is the most serious crime that can be inflicted on a person and it carries the harshest penalties in criminal law — so says the Law Commission of Canada; so says our Criminal Code. To leave an express void in our domestic criminal law against acts of suicide bombers is neither salutary nor celebratory for peace, order and good government in Canada. Canada can lead the way internationally in its express criminal law to suffocate and hopefully eradicate suicide bombing as a weapon of choice for whatever purpose.

Honourable senators, I will not belabour the point any further other than to say that a resolution encapsulating calls for addressing suicide bombing has been consistently passed by the OSCE — 56 states. Our honourable colleague Senator Di Nino is the chairman of our delegation and he can affirm that statement.

At meeting after meeting, the 56 democratic states of the world, the largest international parliamentary human rights organization in the world, on which I serve as vice-president, have passed resolution after resolution condemning suicide bombing and recommending that they be passed explicitly in domestic legislation. This is not a simple whim of Senator Eggleton, Justice Bromstein or myself; this has the support of 56 other nations.

There they have difficulty because they say they want to propose this not only as suicide bombing but as a “crime against humanity.” I argued earlier that the idea is to make it much more specific, congruent and coherent as it applies to our own domestic laws — clarity again, clarity.

As I said, honourable senators, this amendment fully accords with Jewish, Christian and Muslim teachings against the intentional homicide of innocent persons by persons committing suicide by their tragic action.

Honourable senators may recall that on July 18, 2005, in response to a suicide bombing in London on July 7, more than 500 British Muslim religious leaders and scholars offered condolences to the families and victims, and issued a fatwa which stated in clear and unequivocal language that the use of violence and the destruction of human lives are vehemently prohibited. This fatwa was proclaimed by the British Muslim Forum outside the British houses of Parliament.

The Secretary-General of that organization, the BMF, Mr. Gul Mohammad, quoted from the Quran, Surah al-Maidah, paragraph 5, verse 32:

Whoever kills a human being . . . then it is as though he has killed all mankind; and whoever saves a human life it is as though he has saved all mankind.

He then stated:

Islam’s position is clear and unequivocal: murder of one soul is the murder of the whole of humanity; he who shows no respect for human life is an enemy of humanity.

Approximately 50 Muslim leaders and scholars from around the U.K. stood together outside the houses of Parliament to support Mr. Gul Mohammad as he publicly read out that fatwa.

In a separate statement, the British Muslim Forum, with nearly 300 mosques in the U.K. affiliated to it, noted that this fatwa would be read out in all mosques across Britain on July 22, 2005, which it was. The public statement also said:

We pray for the defeat of extremism and terrorism in the world.

Then, honourable senators, 40 Islamic leaders and scholars met in London’s Islamic Cultural Centre and issued yet another declaration denouncing suicide bombers.

Since the time of Moses, the intentional taking of human life has been prohibited. Witness the story of Cain and Abel. This edict is encapsulated in the sixth of the Ten Commandments. At Sinai, in the two Tablets of the Covenant that Moses unveiled, the idea of freedom was limited or circumscribed by the Ten Commandments. One tablet dealt with honour and respect and the other with human well-being. This is found in Exodus 20:13 and Deuteronomy 5:17.

The original Hebrew text of the Old Testament uses different words for “intentional” versus “unintentional” killing. The King James Version, in modern translation, now uses this translation: “Thou shalt not murder.” This translation is more linguistically nuanced and more closely represents the original meaning of the ancient Aramaic text. The Hebrew word “tirtzach” in the sixth Commandment is “ratzach,” which ordinarily refers to intentional killing without cause and accidental killing.

I say this, honourable senators, to explain that this runs deep into the Christian, Jewish and Muslim religions.

The Talmud went on to explain the references to suicide and said — and it is very remarkable that it is similar to the Quran:

For the world was created for only one individual to indicate that he who destroys one human life is considered as if he destroyed the whole world.

In effect, the Quran echoes the precise principle as laid out in the Talmud.

Hebrew law considered accidental killing as not punishable. Thus, in the Old Testament, there were cities of refuge where people could flee to escape retribution. Under the Old Testament, breaking other sacred laws such as honouring the Sabbath is permissible if breaking that law will save just one human life. To protect one’s own life against intentional murder by another, the law of self-defence is equally permissible.

Christian theology, including Protestant, Catholic, Orthodox and Eastern Rites denominations makes it equally clear, prohibiting intentional murder of innocent people — Matthew 19:18, Corinthians 6:19 to 20 all prohibit the taking of human life intentionally.

The entire rationale of our Criminal Code is precise to ensure that crimes are proved beyond a reasonable doubt. Strict onus of proof remains with the state. Clarity is essential when the powers of the state are arraigned against any person.

The Criminal Code is a codification of our laws. Is there any reason, honourable senators, not to clarify the Criminal Code and make suicide bombings an express, explicit criminal offence?

On a careful reading of the Criminal Code and the Anti-terrorism Act, there is no specific criminal offence of suicide bombing, per se, and the Anti-terrorism Act will return to us again and again in other forms. Those who are on that committee will once again re-examine that question.

A specific prohibition against suicide bombing would directly assist and enhance the prosecution of those unsuccessful suicide bombings and those who individually and collectively conspire to assist in suicide bombings. Peace, order and good government, as I said, lie at the base of Canada's system of the rule of law.

Suicide bombing is contrary to the very heart of our constitutional principles. Criminal law as it stands does not expressly prohibit those who intentionally choose to take their own life as a means of taking as many lives as possible. If suicide bombing is tantamount to homicide, the Criminal Code should eliminate any doubt about it as a clear-cut, express criminal offence.

This surgical amendment will help bring attempted suicide bombers, those teaching this cult of death and those collaborating with them or assisting them directly or indirectly, to justice.

• (1620)

This surgical amendment would discourage, as the Criminal Code should, the encouragement of such conduct that we conclude is abhorrent to our entire civilized society. While this is a modest amendment, it represents an important clarification in the principles deeply embedded in our natural law and in the Criminal Code.

The nature of criminal law is to mediate between morality and reason. The purpose of criminal law is to draw precise lines between what is acceptable and what is abhorrent. In the process, criminal law forewarns, censures, ostracizes, isolates and seeks to undermine and reduce, if not expunge, aberrant behaviour from our society. The criminal law requires precision rather than vagueness as the state arraigns its mighty powers against the aberrant behaviour of the individual.

I believe, honourable senators, I have made a case to remediate our Criminal Code and criminal law expressly to prohibit suicide bombing.

I commend to honourable senators a book entitled *Dying to Win: The Strategic Logic of Suicide Terrorism*, by Robert Pape, a professor at the University of Chicago. In it, he painstakingly analyzes a demographic profile of suicide bombers and the groups who conspire to assist them. He concludes that, for the most part, these individuals are neither poor, desperate, nor uneducated religious fanatics. More often than not, they are well-educated, middle-class political activists.

Honourable senators, when I read this book, I called Mr. Pape and I asked him what was happening since he published the book. He stated: "Suicide bombing continues to raise rapidly around world." Regrettably, honourable senators, it has become an intentional weapon of choice in every violent corner of the globe.

In Iraq and Afghanistan, innocent lives, particularly Canadian lives, have been lost because of suicide bombers. We are fighting against suicide bombers abroad, so surely at home we can make this activity an explicit criminal offence.

Should we not lead the other countries of the Organization for Security and Co-operation in Europe who have condemned suicide bombing as abhorrent to civilized societies?

Canadians Against Suicide Bombing was organized and led by former Mr. Justice Bromstein, and thousands upon thousands of citizens have signed its petition. Numerous outstanding Canadians have been listed as supporters of this bill. The former Mr. Justice Bromstein has urged the United Nations and Parliament to take action to remediate against this uncertainty in the criminal law.

I commend the former Mr. Justice Bromstein who has taken this responsibility upon himself. When he retired as a judge, he took his voluntary responsibilities to the highest level of civic duty in our country. I believe we should all commend him.

The website of the Canadians Against Suicide Bombing has received over 75,000 hits, which indicates a deep interest in this issue from Canadians in every corner of the land. The legal views I have reviewed include those of the great professor of law, formerly the editor of *The Canadian Bar Review*, known to many lawyers in this chamber: Professor Jean Castel.

Honourable senators, I urge the speedy adoption of this bill. This amendment would send a clear message of abhorrence and condemnation to those who would praise, plan or implement suicide bombing against innocent citizens here and abroad.

Honourable senators, I conclude with a quote from another mentor of mine, my distinguished former dean and friend, the late Cecil Augustus Wright of the University of Toronto Law School. In a speech he made at the University of Toronto, he quoted from Mr. Justice Frankfurter of the U.S. Supreme Court. He said:

Fragile as reason is and limited as law is as the institutionalized medium of reason, that's all we have standing between us and the tyranny of mere will and the cruelty of unbridled, undisciplined feeling.

Honourable senators, this amendment reaches into the pith and substance of our Criminal Code. I will briefly summarize what took place in the Standing Senate Committee on Legal and Constitutional Affairs that, after considering the predecessor bill, approved it. I commend all honourable senators who served on that committee, who cross-examined the witnesses and ended up with an instructive and educated rhetoric. At the culmination of the committee hearings, the committee recommended the adoption of that former bill without amendment.

The evidence before the committee was overwhelmingly in support of the bill. The only opposition was offered by representatives of the Department of Justice. They said that elements of suicide bombing were already contained in the Criminal Code and, as a result, cause confusion with respect to prosecutions. However, the RCMP responsible for prosecutions, called by the government as a government witness, denied this confusion. They refuted the testimony of the Department of Justice officials. I wish to be careful in summarizing their evidence because honourable senators will read the record. In effect, the RCMP said they supported the bill but suggested, perhaps, that it did not go far enough.

In addition, other witnesses were called: Professor Patrick Monahan, Dean from York University's Osgoode Hall Law School. He is well known to Parliament and spoke in favour of the bill. Other witnesses who supported the bill include: Ed Morgan from the University of Toronto Law School, an

international expert who talked about international ramifications; Leo Adler, a defence lawyer with international experience; and Mark Sandler, an outstanding defence lawyer.

The most telling piece of evidence called by the committee was the representative of the Canadian Council of Criminal Defence Lawyers, William Trudell. Amazingly, he supported this bill. As the members of the Standing Senate Committee on Legal and Constitutional Affairs will recall, it is a rare occasion when that association supports or accepts any amendment of the Criminal Code put forward either by the government or by private members.

I urge honourable senators who have any questions about the bill to read Mr. Trudell's evidence, which is instructive, as well as the transcripts, which are not long. I also urge honourable senators to return the bill as quickly as possible to the Standing Senate Committee on Legal and Constitutional Affairs who, after full deliberation, approved it without amendment and so approved it at third reading and sent it to the other place. The bill went to the other place and died on the Order Paper in the second to last Parliament.

Now, honourable senators, we must repeat the process. However, the Senate can expedite the process and expedite the hearings in the Standing Senate Committee on Legal and Constitutional Affairs.

Honourable senators, let me conclude with this point. I have said that this bill is supported by thousands of Canadians and it is. However, explicitly supporting the bill as well are three former Prime Ministers: The Right Honourable Kim Campbell, the Right Honourable John Turner and The Right Honourable Jean Chrétien. By the way, they are all former attorneys general. As well, the bill is supported by the former Chief Justice of Ontario, himself also an attorney general of Ontario, and it is also recently — last week — supported by former Prime Minister Paul Martin, who has added his support.

Four former prime ministers support this measure and urge its speedy adoption. Four former provincial premiers support this bill, as well as religious leaders from every religion in Canada, and distinguished Canadians including Ed Broadbent, a former leader of the NDP. This bill has overwhelming bipartisan support because these supporters all understand that the purpose of suicide bombing is to kill innocent people for political, ideological or so-called religious objectives and to sow terror in the hearts and minds of the population. This cult of death is anathema to every organized religion, be it Christian, Muslim, Jewish, Hindu, Buddhist or others. Agnostics and atheists alike all abhor "suicide bombing" as contained in this bill.

The Criminal Code is an educative tool. It is also a tool for deterrence. In recent weeks alone, honourable senators — and this evidence is anecdotal — I have counted in the newspapers over 150 deaths caused by suicide bombings across the world, as well as countless injuries, damage and pain.

This bill, honourable senators, will send a clear and simple message to the international community that Canada stands resolutely against suicide bombing, whether at home or abroad, in any way, shape, form or under any circumstances.

Honourable senators, I urge, once again, its speedy adoption and the expedition by the committee back to this chamber so it can be sent over to the House of Commons.

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

Senator Grafstein: Yes.

Senator Segal: I thank the honourable senator for taking the question and will defer to his judgment and the judgment of others in the Senate who are more learned in the law than I am.

The honourable senator and I have heard various ministers of the Crown indicate they had no objection to this amendment. I researched this matter; it was the subject of my maiden speech in this place some years ago. I checked with the RCMP, who first had the view that it added to confusion and then came around to a second position on the matter.

Can the honourable senator explain why he thinks this bill is still being held up? If the ministers seem to be in favour, but officials in the Department of Justice who never want anyone to mix with the Criminal Code at any time have their view and everyone else has a broad consensus, what is happening here?

Who would take the view of being permissive about suicide bombing, or less than precise about its inclusion, and why, in his view, would they be determining the lack of progress on this issue?

• (1630)

Senator Grafstein: I am not a frustrated senator. I have many bills before this place and some of them have been here for 10 years. Each and every one of my bills have been widely supported across the country, from coast to coast to coast. As I pointed out, this bill was not originally my idea; it came from another person.

I would need a psychiatrist to explain to me why this chamber, which is supposed to represent a chamber of sober second thought, would not move quickly on this matter. Dr. Freud, were he alive, could perform psychological analyses on every senator in the room to determine why he or she would not proceed quickly with this bill. Far be it from me to understand the minds and hearts of the men and women in this chamber.

I cannot understand why, despite unbelievable support from four former prime ministers, four attorneys general and provincial premiers, the Senate will not move quickly with this bill. The honourable senator should ask the members on his side. I do not understand why we do not move the bill quickly on this side; I just do not know.

Hon. John G. Bryden: Would the honourable senator take a question?

Senator Grafstein: Of course.

Senator Bryden: Is there a criminal justice system, other than ours, that contains this amendment?

Senator Grafstein: Senator Bryden, I do not know the answer to that question, but I do know that this matter has been debated by 56 countries, and at the end of every meeting I have attended in the last seven or eight years, each country has approved a form of

resolution dictating or requesting that individual parliaments pass this amendment. Some parliaments have used the words “crimes against humanity,” but the wording of this bill is more purposeful.

I have not performed an analysis of other states, but I can say that in recent time, some democratic states have been reluctant to confront this problem. I think their reluctance was based on a sense of political correctness; they did not want to injure the feelings of moderate citizens in their states. I will not go into the analysis of moderation versus extremism, but sometimes moderates take the extreme position by doing nothing.

I cannot answer the question completely, but if the matter comes to committee, I will try to examine it more precisely. I have spoken to dozens of parliamentarians, and they all say, “This is motherhood; let’s get it done.”

Senator Bryden: We all know how persuasive Senator Grafstein is and that it is better to give in because he will wear you down.

I have dealt with the honourable senator for almost 15 years and I understand why he has won so much support for this bill; however, I think that part of the problem is that the amendment singles out one type of action that affects all kinds of innocent people.

In doing so, the amendment seems to initiate steps of heinousness in acts of war or acts of terrorism, and so on. Some of us find difficulty in singling out the situation of the hundreds of innocent civilians who are blown up by a suicide bomber and the hundreds of civilians who are blown up by roadside bombs built by people who set them up correctly so as to avoid being blown up.

I should not be making a speech. I should take the adjournment. I have not used this line for a long time: I am just a country boy.

One needs all the help one can get with Senator Grafstein. Every time we go through this discussion, I cannot help but think: Who do you charge? The suicide bomber is dead.

Senator Grafstein: Senator Bryden, that is not necessarily true.

Senator Segal: The bomber might be involved in a conspiracy.

Senator Bryden: Then we should have a section that deals with conspiracy to recruit suicide bombers.

I will raise another problem, and I might be on the committee that considers this bill. The honourable senator’s comment of using people as ammunition in a war, a civil war, is well taken. There were many discussions after 9/11, when the suicide bombers caused such devastation and killed so many people. Everyone condemned that attack, probably everyone in the world except the perpetrators, who were suicide bombers; they blew themselves up.

A peculiar position that was taken in relation to that event is to the effect that if you are going to go to war against the most powerful country in the world, and if you do not have smart rockets or smart bombs, bombs that see around corners and can precisely take people out, and if you are going to have a weapon,

then you use people; you use the materials that are at hand. Unfortunately, when it is an unfair fight, in many instances the method is to use human material and wrap people in the bombs because the use of edgy technology, where the bombing can be done from a distance is unavailable.

I do not know that there is a huge difference between suicide bombing and carpet bombing. It is my understanding that up to this stage, over 1,000 civilians, many of them women and children, have died because they were caught in the fight.

I do not expect the honourable senator to comment, but there is a feeling of unease among a number of people concerning this bill. I cannot explain it exactly except that it is a feeling that I have. That may explain why this issue has slowed down, but it is certainly not because of the honourable senator’s presentation or the fact that he does not make a wonderful case, because he does. I am sure everyone will look forward to debating the issue again in committee.

• (1640)

The Hon. the Speaker: Are there further comments and questions?

Hon. Gerald J. Comeau (Deputy Leader of the Government): My understanding was that the last intervener opened up his comments by saying he had a question to Senator Grafstein. I want that to be on the record as a question rather than the second speaker, who is generally allowed 45 minutes. I wanted that matter confirmed on the record.

Senator Tkachuk: Great question!

Senator Grafstein: I am a small town boy. I come from a town equally as small as the honourable senator’s.

The honourable senator puts an important issue to the Senate. The question is moral equivalency of violence. I think there is a huge distinction between a suicide bomber who decides to inflict —

The Hon. the Speaker: I regret to inform the honourable senator that his 45 minutes have expired. Senator Grafstein is asking for an extension of his time.

Senator Comeau: No more than five minutes.

The Hon. the Speaker: It is agreed, five minutes.

Senator Grafstein: There is a huge difference in terms of moral equivalency between the two cases. By the way, let us assume for the moment that I agree with the honourable senator about the carpet bombing analogy. How does that analogy relate to this particular provision?

Take them one case at a time. Deal with this provision.

The brilliance of the Criminal Code and the common law is to deal with specific cases, one at a time. If the honourable senator has a problem with carpet bombing and thinks it is important for an express provision dealing with carpet bombing to be in the Criminal Code, let him come forward with his provisions. Let us examine them.

I do not think it is fair, frankly, to put up a straw argument — and it is a straw argument to compare carpet bombing with suicide bombing. I do not think they are in the same venue.

Obviously, if the honourable senator wants to come forward with an amendment dealing with the egregious impact of carpet bombing, then let him do what I did. Come forward and deal with it. However, the brilliance of the Criminal Code and the common law system is one case at a time. I think I have made this case.

(On motion of Senator Andreychuk, debate adjourned.)

INCOME TAX ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Grant Mitchell moved second reading of Bill S-213, An Act to amend the Income Tax Act (carbon offset tax credit).

He said: Honourable senators, I rise with great pleasure to present my bill, Bill S-213

I want to explain what this bill is designed to accomplish and then deal with some of the arguments I can anticipate that some of you might be inclined to make.

This bill will provide a tax credit to individual Canadians who invest in green projects to reduce carbon emissions, in addition to what might otherwise have been done, had this initiative not been taken: therefore, they will be required to provide something additional. There are significant mechanisms by which third parties can verify real reductions.

The ultimate design of this bill and of this credit is to give individual Canadians the inspiration and the way to invest specifically in environmental improvement in the reduction in the carbon footprint. The purpose is ultimately to confront climate change in a constructive way and to give Canadians the mechanism to do that.

I would limit the tax credit to the first tax rate of 15 per cent. If someone invests \$1,000, they would receive a tax reduction of about \$150.

There is precedent for this reduction in the government's own tax policy. For example, if I were to invest in hockey skates and pads for one of our sons, I would be entitled to a 15-per-cent reduction on a \$500 tax credit. That would give me back about \$77.

With this program, consider that Canadians might be inspired to invest as much as \$1 billion. At the 15-per-cent tax rate, the actual cost to the treasury would be \$150 million. That money is a small part of the \$64-billion deficit the government has brought in largely to create stimulus.

Each and every dollar of the \$1 billion levered by the 15 per cent needed to implement this change would go directly into investments, farms and Canadian business. That money could be used to invest in and to create jobs and profits essential to stimulating the economy at a time when we are facing one of the worst economic crises, as so many people have said, since the 1930s.

This kind of directed investment — directed by what is a relatively minimal tax credit at the margin in the bigger picture — would have huge leverage. Certain initiatives taken in the government's current budget have been proven in the U.S. experience to leverage about 10 cents on every dollar.

In this case, people will need to find investments; they must spend this money to receive the tax credit, *ergo*, the impact will be about one for one. It is not unlike the idea that we should receive a tax credit for building a deck in our backyard because that money goes directly into the economy and creates jobs right now. This tax credit would allow me to invest in a green project that is perfectly certified and I would receive the 15 per cent reduction.

There are those people who will argue against this initiative, probably, on a few fronts. First, there are those people who deny climate change. They deny that carbon emissions are a problem. However, there are far fewer of those people now because the evidence is so compelling it would be hard to stand up and say there is no climate change.

The second form of denial is that the climate change is not created by human activity. However, there is such profound consensus among scientists on this issue that there can be almost no doubt that human activity contributes to climate change. As I was thinking about the power of this science and the overwhelming consensus, I considered the observation that there were, and probably still are, leaders in South Africa who still believe that HIV does not lead to AIDS, in spite of all science to the contrary. The inclination to deny that climate change results from human activity is tantamount to that denial as well.

The third way they will argue against this initiative is to say that carbon credits are, among other things, Russian hot air and we will not invest in those things; or that they are not made in Canada and we will not address anything that is not made in Canada — we will not invest in credits elsewhere. The last way is to say that this approach is only a way to let the rich off the hook by buying their way out of reducing their pollution. Of course, we ask the rich to buy all kinds of things for society. I would deem it consistent to ask them to buy these credits because it would be so profoundly important for both the environment and investments in our economy, thereby creating jobs and stimulus.

• (1650)

For those who believe that credits do not work, there is huge evidence of the credibility of carbon credits. There is a \$92-billion market in carbon credits in Europe. Alberta is the first jurisdiction in North America to impose a cap system. Bless Premier Stelmach's heart because it is at least a start. That cap is based on intensity targets and is not fully adequate, but it does create a cap. Companies that cannot get down to that cap level of emissions because they have not had the time, the technology or the inclination can buy credits from someone who has reduced their carbon footprint in an additional way, third-party verified. That becomes an investment in the party from whom they buy the credit.

Do honourable senators know what Alberta has done? Farmers are creating those credits and selling them at \$6 per tonne. I do not know how many people are aware of this, but the money from the sale of those carbon credits goes directly into the farmers' pockets.

In Europe, one tonne of carbon offset costs about \$15. To put this into perspective, let us consider Kyoto. If we did absolutely nothing to reduce our carbon footprint in Canada, instead of buying a hybrid car, sealing our windows or walking instead of driving, we would have to buy carbon credits in the amount of 250 million tonnes to meet our Kyoto obligations. If we went to the market in Europe to buy those carbon credits, where we would pay \$15 per tonne, it would cost us \$3.8 billion each year to meet our Kyoto obligations. At \$6 per tonne here in Canada, we could pump money into every farm across this country that could want to and would want to create real credits, and it would cost \$1.5 billion per year for the five years. What did we reduce in GST? I use the term “we” lightly. I should have said “your government.” It would be \$13 billion a year, so \$1.5 billion or, at maximum, \$3.8 billion. We could solve the Kyoto problem and set the stage for leadership in the world, establish this policy in the culture and the context of Canadians’ minds and begin to solve a problem that is every bit solvable if we would simply get started. We need leadership.

In some sense of not doing credits, which we certainly have seen with this government, is a moot point because President Obama will bring in a cap-and-trade system. Let it be known to those on this side who want a made-in-Canada policy, it will not be made in Canada; it will be made in the U.S. and it is likely that we will be dragged along, instead of getting ahead of it, which raises serious implications for Canada. In the term “cap and trade,” the word “trade” means carbon credits, and it means carbon markets like the one in Europe and the one in Alberta. How does it work? Companies will be given a cap to reduce their emissions from one point to a better point. If they cannot get to that point, then they can buy the required amount from someone who is able to get below that point. We will find that companies will take that money and invest it in an individual business or farm to meet their obligations. Credits cannot go on forever and they will not, but they will provide a way to deal with the low-hanging carbon emission “fruit,” as it were. This will establish a huge opportunity in the future green economy. The next Industrial Revolution will be stimulated by this kind of activity in the United States. As I said earlier, it is a breath of fresh air to have such indications from President Obama.

However, Canada will miss that economic opportunity if the government continues its current direction such that we are not prepared to take advantage of that market. If we have not worked with our industry and our farms to develop the structures for carbon credits and reducing our emissions, we will not be able to compete with U.S. firms that have done so. If we do not have a market in Canada for carbon credits, when we are forced by the U.S. regime to lower our carbon emissions, our companies will have to buy them from the U.S. markets. Where will that money go? It will be invested in American firms that had the foresight, supported by government, to reduce carbon. It will go to their technologies, which they will sell around the world, and will create jobs that we could have had but de facto will lose. All we need is some leadership.

No matter the record or the rhetoric of this government, I am profoundly concerned that there simply is not the intensity and the commitment to make this work. We heard almost three years ago that the government would have a cap-and-trade system. We saw the government that got into power cancel all of the climate change plans of the previous Liberal government. When I asked the Minister of the Environment to give me the studies in defence

of their action, I was told that a study had not been done. I can show honourable senators the quote. It is not that the government has a commitment but rather that the government has an ideological aversion to investing in or intervening in the economy, even though it is required to do so in this sense. To say that those who want to deal with climate change can go ahead and do so is akin to saying that those who want to win a world war can go off and do so. No, there has to be specific leadership at the government level to work with the various sectors in our society and our economy to make this happen.

This program need not be particularly expensive. It would take a small portion of the amount that will be invested in the stimulus package of the current budget. It would have tremendous leverage in creating stimulus because most of it would go into investment and creating jobs and profits that are the basis of our capitalist system. At a personal level, it would draw the attention of Canadians to the possibility that climate change could be dealt with. It would give Canadians at least one specific mechanism with which they could do so. It is not only an actual tool to meet specific objectives but also an educational tool.

I feel a tremendous sense of urgency, and I implore honourable senators to feel this same urgency. Climate change has not been addressed by this government. In fact, this government has run away from it. This could be a simple, straightforward and effective solution to not only deal with that issue but also to begin to change the culture of Canadians so that they can see the possibilities and become leaders in their own right. Canadians have been waiting too long for government to provide leadership.

(On motion of Senator Comeau, debate adjourned.)

CANADA ELECTIONS ACT PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Wilfred P. Moore moved second reading of Bill S-224, An Act to amend the Canada Elections Act and the Parliament of Canada Act (vacancies).

He said: Honourable senators, I am pleased once again to submit for your consideration Bill S-224, An Act to amend the Canada Elections Act and the Parliament of Canada Act. Honourable senators will recall that my previous bill, which coincidentally had the same number in the second session of the previous Parliament, received second reading in this place, was passed in committee and received third reading on May 29 of last year. Unfortunately the bill did not pass the other place before that session prorogued.

• (1700)

As with the previous bill, the new bill would limit the discretion of prime ministers with respect to vacancies in both houses of Parliament. It is designed to remove the temptation that prime ministers sometimes feel to abuse the discretion they have in favour of their own party. The bill would establish a time frame for filling Senate vacancies within 120 days, and House of Commons vacancies within a similar time frame.

The bill calls for the writ of election to be issued within 60 days and for the polling day to be fixed no later than 60 days after the writ. In addition, the bill would put an end to the selective calling of by-elections, providing that by-elections must be held in the sequence in which the relevant vacancies occurred.

I want to briefly reiterate my reasons for proposing Bill S-224. Above all, I am concerned about the right of the people and of the provinces and territories to full and timely representation in both houses of Parliament. In addition, I believe that the level of discretion that now exists poses a risk to the independence of the legislative branch, which should be free from control or influence by the executive. The past behaviour of prime ministers in addressing vacancies in both houses is another justification for the concern about increasing concentration of power in the Office of the Prime Minister. Finally, I am motivated by a desire to preserve the capacity of each house to function without the impairment that results when there are too many prolonged vacancies.

Honourable senators, our Constitution reflects a compromise reached by the Fathers of Confederation and embraced by each of the provinces that have joined Canada ever since. Compromise is a Canadian value. Our Constitution guarantees the rights of the provinces which were and continue to be the conditions upon which the provinces entered Confederation.

One of the key conditions was representation in both houses of the new federal Parliament. I do not argue that these constitutional provisions are immutable. I do say, however, that it is not for prime ministers to interfere with them unilaterally by manipulating the broad discretion that currently exists with respect to filling vacancies. It is difficult to be definitive, but there is no doubt that somewhere along the way a lingering vacancy ceases to be the result of simple omission or even neglect, and it begins to serve as an illustration of disregard for the rule of law. So long as the current arrangement is the law of the land it must be respected. Failure to fill vacancies in both houses in a timely way is to deny citizens, provinces and territories their rights under the Constitution.

With respect to the House of Commons, a prime minister should not be able to call by-elections in one riding because he thinks he can win, while leaving vacancies in another region to languish for fear the opposition will win them. In one recent case, citizens in Toronto Centre had to wait over eight months for a by-election, while citizens in another part of the country were, by the grace of the Prime Minister, allowed to have a new representative in less than two months. That is worse than just crass partisanship; it is a denial of the constitutional rights of every citizen to be represented in Parliament in a timely way.

What is more, the current government agreed that the excessive discretion of the prime minister needed to be curtailed when it proposed to establish fixed dates of election. Indeed, the potential abuse of prime ministerial discretion was the sole justification for that initiative. Perhaps it was an oversight but, when it made those changes, the government failed to impose similar limitations on by-elections.

As Professor Ned Franks of Queen's University noted in his appearance before our Standing Senate Committee on Legal and Constitutional Affairs which studied the previous bill:

... Australian by-elections are governed by the principle that electors should not be left without representation any longer than necessary.

Unfortunately, the same principle does not govern by-elections in Canada. The current government established fixed election dates so that prime ministers could not fiddle with the timing of general elections to their party's advantage, but it has left the timing of by-elections open to prime ministerial machinations.

I will now turn to the Senate. The Constitution requires that vacancies be filled.

Senator Segal: They were.

Senator Moore: I do not remember the honourable senator advocating that. It is nice to hear him among the converted.

By convention, this is achieved when the prime minister advises the Governor General to make an appointment, but this does not mean that the prime minister has the option of leaving seats vacant. I will quote Professor David Smith of the University of Saskatchewan when he appeared before that committee. He said:

Is it possible for the chief adviser of the Crown not to give advice when in fact it is only on advice that you have democratized our system of government? How then can you not give advice? I do not think discretion extends to not doing something. It has a breadth of range of things you may do, but I not think it includes doing nothing.

Regrettably, the current government seemed to have a different view, and despite recent appointments that view has not changed.

Honourable senators, I do not want to repeat the arguments I have made in debate on the previous bill about the unconstitutionality of the Prime Minister's refusal to appoint, a policy which he actually articulated in an appearance before one of our special committees. However, I do want to recall those discussions to your attention because they are pertinent. The Prime Minister has, I am happy to say, finally abandoned his unconstitutional policy. We see the result here in this chamber, with 18 new members. I welcome each of them.

I am especially pleased that my own province of Nova Scotia now has a full complement. Until a few weeks ago, Nova Scotia was lacking 30 per cent of its representation in the Senate. I want to acknowledge my long friendship with Senator Fred Dickson. We have known each other for many years and, for those of you who do not know, Fred was the energy and tactician behind the election victories of our former colleague senator, doctor, premier John Buchanan. I also want to welcome Senators MacDonald and Greene. I look forward to working with them on behalf of the people of our province.

As much as I welcome them, recent appointments do not remove the underlying problem that my bill addresses. The appointments do not prevent this or any future prime minister, whatever the party affiliation, from repeating the mistake of leaving vacancies to pile up for years at a time. Moreover, the current government has acknowledged by its actions that it was in the wrong, but it has never admitted its mistake. Presumably, the

government reserves the right to revert to its policy of attrition if it should appear advantageous at some future stage, whatever the remainder of its mandate may be. My bill is still needed because there currently exists nothing to prevent a recurrence of an official policy of piling up vacancies.

At the outset of my remarks I mentioned executive control over the legislative branch and the widespread concern about the concentration of power in the Office of the Prime Minister. It has been 160 years since responsible government began in Nova Scotia. Responsible government means that the executive is accountable to Parliament. It also means that ministers serve only at the pleasure of the elected house. In a way, Parliament is the watchdog over the executive. The increasing power of the prime minister is out of step with this fundamental design.

Today, we confront a situation where the executive has significant control and very broad discretion over filling vacancies that occur in both houses of Parliament. That situation is contrary to the principles of institutional independence and responsible government. It is unworthy of a modern democracy like ours. We cannot effectively promote democratic practices abroad if we fail to observe them at home. The current level of discretion in the hands of the prime minister has no principled basis. It makes both houses of Parliament susceptible to manipulation by the prime minister and it is high time we fixed it.

Bill S-224 would curtail that discretion and remove the improper influence of the executive over the legislative branch while preserving the capacity of government to plan for holidays, provincial elections, weather and other contingencies when issuing writs for by-elections for the House of Commons.

Honourable senators, in the last Parliament all of us on both sides of this chamber felt the weight of the vacancies as we worked to carry on our committee and legislative studies. At one point the Senate had more committees and subcommittees than there were senators on the government benches. That was not good for the institution, it was not good for the government, and it was not good for the opposition. I have spoken on this point at length in the past, so I will not dwell on it now, but it remains a key reason for circumscribing the discretion of prime ministers.

• (1710)

The House of Commons has always placed time limits on the filling of its vacancies, and with good reason. Bill S-224 would put the Senate on par with the House of Commons and ensure that its membership cannot be reduced to the point where it becomes dysfunctional.

Let me briefly outline the issues raised in the Standing Senate Committee on Legal and Constitutional Affairs when it was examining Bill S-224 in the last Parliament.

Honourable senators, when the former government leader in the other place appeared in committee, he talked a lot about the government's proposals for Senate reform and attempted to equate my initiative with the status quo. He seemed to want to create a false choice between my bill and an elected Senate. That is still an important point because I fear that the government will attempt to create this false dichotomy again.

Bill S-224 does not deal with that suggested Senate reform, but rather deals with securing the proper functioning of both houses. Vacancies affect both houses. In addition, no matter what the future brings for the Senate, there will be vacancies. Several provinces have clearly rejected the Prime Minister's current reform initiative, not least because of his unilateralist approach to federalism. However, even if the Prime Minister were to succeed with his proposals, the Senate he envisions will have vacancies. Regardless of the Senate we have today or in the future, prime ministers should not be allowed to let vacancies pile up for years. My bill is needed both for the status quo and for any Senate vacancy-filling process that might exist in the future.

Honourable senators, a concern was raised that my bill could result in by-elections being called with a voting day very close to the fixed date of a general collection. In fact, the existing provisions of the Canada Elections Act address this concern and make provisions for it. My bill merely places a clear time frame on the election to fill a vacancy, and prohibits the selective calling of by-elections to the detriment of the democratic rights of citizens who are without a representative in the House of Commons.

Some of the discussion in committee focused on what could happen if a Senate vacancy were due to be filled immediately after a government is defeated in the House of Commons or defeated in a general election. Obviously, such a government would have lost the legitimacy under our constitutional conventions to tender binding evidence to the Governor General. One senator expressed concern that a future prime minister could intimidate a Governor General into making appointments in such a situation. He raised the spectre of an overbearing prime minister arguing that the law requires the Governor General to accept the advice.

Honourable senators, that concern is allayed by a closer look at how the bill has been drafted. The bill does not constrain the Governor General at all. It merely creates a statutory obligation on the prime minister to tender advice, but does nothing to disturb the settled convention that a Governor General will refuse to act on such advice when it is tendered by a defeated government. That convention was firmly established in 1896 when Lord Aberdeen refused to make appointments on advice from Sir Charles Tupper, who had been defeated in a general election. Bill S-224 does not affect that convention.

In our committee deliberations, government senators raised the theme of legal sanctions and their view that the provisions of Bill S-224 are unenforceable in court. With respect, I think the concern raised misses the point. If we look at things through that lens, much of the constitutional fabric of our country is not enforceable; that is to say, there are no real sanctions against a prime minister who violates all sorts of provisions in the Constitution — both written and unwritten. Indeed, if Bill S-224 would be unenforceable, so too would be the fixed election law that Mr. Harper so desperately passed when he became Prime Minister. We did not hear government senators raise those objections when they were trying to convince us to support a fixed election law. Hence, it would hardly be credible for them to deploy that argument against a bill that seeks to secure the membership of both houses of Parliament.

In short, the object of my bill is not to sanction a prime minister who fails to respect the Constitution. My objective is to clarify the law.

I would like to take a moment to put on the record that my decision to pursue this legislation does not reflect a change in my original position. I have always been of the view that the Constitution clearly requires that vacancies be filled. The provisions are mandatory, not permissive. Vacancies have lingered because the Constitution does not contain a specific time frame, and it is difficult to know when a prime minister has waited too long. Bill S-224 does not attempt to sanction prime ministers; it attempts to bring clarity to the issue and to draw the line so we will know when a prime minister has crossed it. In light of such clarity, the political consequences of failing to act are more likely to move the prime minister to action.

Honourable senators, in conclusion, after reflecting on our committee deliberations, I decided to alter my bill slightly to address the problem with unlimited writ periods for by-election to the House of Commons. My bill would establish a 60-day limit on by-election campaigns. I feel that including this provision makes the bill more effective at serving its fundamental objective, namely, the timely filling of vacancies in both houses of Parliament.

I am the first to admit that prime ministers of both major parties have occasionally gone too far with the discretion and powers entrusted to them in respect of vacancies in both houses of Parliament. They have shown through their actions that prime ministers cannot be trusted with such power. None of them has ever attempted to make a convincing case that the existing discretion is actually necessary.

Bill S-224 is a modest attempt to curtail the abuses of the past. With this measure, I hope to ensure that the rights of citizens, provinces and territories to representation in Parliament can no longer be manipulated, delayed or denied outright. The bill would limit executive power in relation to the legislative branch. Finally, it would ensure that the membership of both houses is maintained at levels that will allow them to function properly.

Honourable senators, I urge you to support this bill once more.

(On motion of Senator Comeau, debate adjourned).

COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Committee of Selection (*membership of Senate committees*), presented in the Senate earlier this day.

Hon. Terry Stratton: Honourable senators, I move adoption of the report.

Hon. Elaine McCoy: Honourable senators, I rise briefly this afternoon first to congratulate the leadership of the Conservative Party and the Liberal Party for coming to an agreement on committees and, therefore, allowing the Senate to proceed to what is probably its highest and best purpose, namely, to review legislation and pursue inquiries and studies of its own volition.

I am reminded that Canadians value very highly the role the Senate plays. In its role, many consider the Senate as the chamber

of sober second thought, but many also consider it as Canada's pre-eminent think-tank — a council of elders where we take great delight in competing for ideas and policies rather than politics and power.

This is also my first opportunity to welcome the 18 new senators to the Senate. I, too, am delighted to see the Senate now at full complement and look forward to their participation. I think this will greatly enhance the outcomes of our work, insofar as each of the new senators I observe has now been assigned to two committees, roughly, as have most senators in the chamber, as is the practice.

• (1720)

I want to put on record, however, that one or two of our traditions seem to be slipping away. We have 17 committees for which nominations have been put on the floor today, and only four of those committees have an independent member nominated to sit on them.

Some years ago now, I believe it was Senator Carstairs who was given credit for introducing a tradition into this chamber that would see an independent member sitting on each of our committees. This tradition, again, spoke to our best and highest purpose, which was to encourage full debate and independent thinking.

I see in this latest nomination round perhaps a little of that highest and best purpose being eroded insofar as perhaps not all our senators are being used to their best capacity. I would say, on behalf of my independent colleagues, that sometimes we have more time to consider the ideas, agendas and witness testimony that come before us insofar as we do not have to attend as many caucus meetings. We have more time to study the brilliant ideas that are brought forward by our colleagues, not to mention other Canadians.

I wanted to put that issue on record; to keep an eye on this tradition as we go forward. Having said that, I look forward to working with all senators in this session. I urge that we now turn our minds to some of the major issues that face Canada today and to reach out in the next session to put more of our own studies on the record. We are famous for remarkable studies that have brought issues in this country forward decade by decade. For example, I think of the Croll report on poverty. I think of the Kirby report on mental health. I think of the report on soil at risk. Senator Fairbairn was part of that study, and it is still being quoted. I think of the marijuana report, which is one of our best sellers, as it turns out. I believe Senator Nolin and Senator Banks were involved in that report.

I look forward to an inquiry. I hope we all support Senator Ringuette's proposition to look at the credit card and debit card situation in our financial institutions today.

I congratulate this chamber for bringing to the forefront of the public policy debate in Canada the proposal to censor Canadian films through tax provisions, which the Senate caught when the House of Commons passed legislation in less than 60 seconds and overlooked that major incursion into our freedom of speech.

We have good things to accomplish here, and we have more things to accomplish here, particularly in these times of global challenges, from an economic, environmental and social point of view.

With that comment, I conclude. Again, I congratulate the leaders for bringing the selection committee's report to us so quickly. I look forward to many great things from all 105 senators over the next session.

Hon. Gerald J. Comeau (Deputy Leader of the Government): May I ask a question of the honourable senator?

Senator McCoy: Yes.

Senator Comeau: Which committees has it been suggested that she sit on?

Senator McCoy: I have been nominated to the Rules Committee, and I am pleased to sit on that committee. I gather that response answers the honourable senator's question?

Senator Comeau: Yes, definitely.

Senator Stratton: By way of explanation so the chamber understands, independent senators choose by whom they are to be whipped. Some are whipped by the Liberals and are appointed to committees by the Liberals. Some are whipped by the Conservatives and are appointed to committees by the Conservatives. If there is an omission anywhere, I want to know so that we can rectify the situation.

Senator McCoy: That is not my understanding. I have not asked to be whipped to participate in the Rules Committee. That was not a condition of the nomination that was put forward, to my knowledge. No one has mentioned that condition to me in this particular instance. However, that may be a practice that I simply have not understood.

Senator Comeau: May I pursue this matter briefly? Generally, all of us are asked prior to the forming of committees as to which committees we wish to serve on. In other words, we are asked for our committee preferences.

Did someone send a letter to Senator McCoy asking which committees she wished to serve on? If so, who sent that letter?

Senator McCoy: Please do not misunderstand my comments. I am not standing to complain today. I am, however, pointing out that a tradition of this Senate seems to be eroding, and that is with respect to the participation of independents on committees. I think there might be more room for that tradition to be acknowledged in the future.

Senator Andreychuk: On the contrary.

Senator McCoy: As to Senator Comeau's specific question, I received an email from Senator Stratton's assistant asking what preferences I might have in terms of committee support. I responded as an independent to the Government House Leader, to the Government Deputy House Leader, to the government whip, to the Opposition Leader, the Opposition Deputy Leader and to the opposition whip, since I do not consider myself to be governed by any caucus, or I would have joined a caucus.

In fairness, as an independent, I responded to all, and I put forward my three preferences, which the honourable senator received.

[Senator McCoy]

Senator Stratton: The fact that Senator McCoy received a letter or an email from my office would indicate that she was being whipped by the Conservative side. If she chooses otherwise, she must let us know. I have gone through the list, and I think all the independents are serving on committees.

Senator McCoy: No.

Senator Stratton: If I am wrong, then I want to know.

Senator McCoy: Three independents are not serving on committees. I have been through the list as well, and all the independents are serving on one committee or fewer.

At this morning's meeting of the Selection Committee, which I attended as a witness, Senator Stratton did not put my name forward, so I do not think there is any misunderstanding here as to who is being whipped.

Senator Stratton: No. Forgive me, but Senator McCoy's name was put forward because it is in the report of the Selection Committee as serving on the Rules Committee. The honourable senator's name was put forward.

Senator McCoy: I do not think Senator Stratton can make the assumption that I am being whipped by the Conservatives since no Conservative nominated me to a committee.

Senator Di Nino: That is a definition.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I hesitate to jump into this discussion, but I am in now.

My understanding of the situation, in my discussions with Senator LeBreton and in my previous experience as whip when Senator Stratton and I were performing this duty, is that it is not so much a question of deciding which independents accept the whip of which party as it is of the two parties agreeing to who would be responsible for placing the independents on various committees.

In that case, we agreed on this side that we would be responsible for placing Senator McCoy and Senator Cools. My understanding is that Senator Murray did not want to be placed on a committee, and I think that the government side was perhaps placing Senator Rivest —

Senator Comeau: Senator Prud'homme.

Senator Cowan: — Senator Spivak, Senator Prud'homme and Senator Atkins. It is perhaps a question not of whipping so much as it is of accepting responsibility for committee placements.

• (1730)

In Senator McCoy's case, she indicated to us, by way of copy of her letter to the government side, what her preferences were and we were able to accommodate her.

The Hon. the Speaker: Are there any further comments on Senator McCoy's intervention?

Senator Stratton: This is not a speech, right?

Hon. John G. Bryden: Honourable senators, this is not a speech, but it is aimed at Senator Stratton. I could not believe the choice of words that the honourable senator used, that senators in this chamber are whipped. We are not whipped. We are, each of us, independent decision-makers. Those who have been in this chamber for a period of time know that we have gone through many debates in this chamber and that no whipping has occurred.

There were groups that came together. We were able to improve our position in relation to our ethics office and Ethics Officer, and we have accomplished many things. There are many crossovers. One person from each party has the title of whip and receives a little extra pay.

To be clear, the whips attempt, along with the leadership on both sides, to ensure that everyone has an opportunity to choose the committee to which they feel they can contribute the most and in which they are most interested. We should just hang the word whip outside the bar.

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.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, as noted in the ruling of the chair of January 28, 2009, the 20 sitting days provided under rule 28(3.2) for the Standing Senate Committee on Energy, the Environment and Natural Resources to consider the user-fee proposal referred to it have begun with the adoption of the Selection Committee report this afternoon.

THE HONOURABLE MARILYN TRENHOLME COUNSELL

INQUIRY—DEBATE CONTINUED

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 Marilyn Trenholme Counsell in recognition of her outstanding career as a member of the Senate of Canada and for her many contributions and service to Canadians.

Hon. Vivienne Poy: Honourable senators, much has been said in tribute to the Honourable Marilyn Trenholme Counsell, but I would like to add a few words of my own.

Marilyn is a woman for whom I have the greatest respect. During her tenure in this chamber, she worked tirelessly on behalf of Canadians. As a doctor, Marilyn has seen the struggles of people in her community living with illness and poverty. She was particularly concerned with the children who suffered when their parents were unable to make ends meet. The compassion she felt as a doctor guided her when she became a senator.

Marilyn received an MA and Doctor of Medicine from the University of Toronto, and I am proud that we share the same alma mater.

Her daughter Lorna's convocation took place during my term as Chancellor of the University of Toronto, and on that occasion I was delighted that I could provide her and her family with front-row seats in Convocation Hall and invite them to the chancellor's office for photographs.

On a personal note, last spring when I was in the hospital donating a kidney to my son, Marilyn was most solicitous and kind. It was the support of people like Marilyn that helped me recover my strength so that a few weeks later I was able to return to this chamber with renewed vigour.

Thank you, Marilyn. I wish you the greatest success in the future. This is not goodbye because I look forward to seeing you in Fredericton on my next visit there.

Hon. Jane Cordy: Honourable senators, I rise today to pay tribute to Senator Marilyn Trenholme Counsell, a colleague from Atlantic Canada. Senator Trenholme Counsell was appointed to the Senate in 2003, and I am sure she is wondering where the time has gone.

Since she has been here in Ottawa, she has been diligent in pushing forward issues related to families and children. Those of us on the Standing Senate Committee on Social Affairs, Science and Technology know first-hand of her passion for early learning and child care. In fact, it was because of her passion that the committee embarked on a study examining the state of early learning and child care in Canada.

I know that the committee will continue to study and finalize our report, and I also know that Marilyn will be watching closely. I personally want to thank her for her hard work and perseverance on this file. She has made an outstanding contribution to public life in her home province of New Brunswick as an MLA and a minister and as Lieutenant-Governor, and here in Ottawa where she has served Canadians well. She will be missed. My best wishes to Marilyn and her children, Giles and Lorna. I look forward to seeing what new projects Marilyn will undertake at this next stage in her life.

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

THE SENATE

**MOTION TO STRIKE SPECIAL COMMITTEE
ON AGING AND TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE, MEET DURING
ADJOURNMENTS OF THE SENATE AND REFER
PAPERS AND EVIDENCE FROM PREVIOUS
PARLIAMENT ADOPTED**

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Hubley:

That a Special Committee of the Senate be appointed to examine and report upon the implications of an aging society in Canada;

That, notwithstanding rule 85(1)(b), the committee be comprised of seven members, namely the Honourable Senators Carstairs, P.C., Chaput, Cools, Cordy, Keon, Mercer, and Stratton, and that three members constitute a quorum;

That the committee examine the issue of aging in our society in relation to, but not limited to:

- promoting active living and well being;
- housing and transportation needs;
- financial security and retirement;
- abuse and neglect;
- health promotion and prevention; and
- health care needs, including chronic diseases, medication use, mental health, palliative care, home care and caregiving;

That the committee review public programs and services for seniors, the gaps that exist in meeting the needs of seniors, and the implications for future service delivery as the population ages;

That the committee review strategies on aging implemented in other countries;

That the committee review Canada's role and obligations in light of the 2002 Madrid International Plan of Action on Ageing;

That the committee consider the appropriate role of the federal government in helping Canadians age well;

That the committee have power to send for persons, papers and records; to examine witnesses; to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, pursuant to rule 95(3)(a), the committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;

That the papers and evidence received and taken and work accomplished by the committee on this subject during the First and Second Session of the Thirty-ninth Parliament be referred to the committee; and

That the committee submit its final report no later than April 30, 2009, and that the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

An Hon. Senator: Question!

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

(Motion agreed to.)

(The Senate adjourned until Wednesday, February 11, 2009, at 1:30 p.m.)

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