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THE HONOURABLE PIERRE CLAUDE NOLIN
ACTING SPEAKER

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
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THE SENATE

Thursday, April 29, 2010

The Senate met at 1:30 p.m., the Honourable Pierre Claude Nolin, Acting Speaker, in the chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

MS. ANTONINE MAILLET, C.C.

CONGRATULATIONS ON TRIBUTE

Hon. Rose-Marie Losier-Cool: Honourable senators, it is with great pleasure and particular pride as an Acadian that I rise today to pay tribute to a great Acadian, author Antonine Maillet.

This grande dame of Acadian literature and French-language theatre will be honoured on Saturday evening at the Soirée des Éloizes 2010 in Moncton. At this premier Acadian cultural event, Antonine Maillet will receive the tribute award, which is presented to an Acadian who has distinguished herself through her commitment to promoting the arts, the scope of her work or her outstanding artistic vision.

Honourable senators, most of you know who Antonine Maillet is, and for good reason. In a literary career that has spanned more than half a century and shows no sign of winding down, even though she is now over 80, this child of Bouctouche has written nearly 20 novels, of which the most popular are likely *Mariaagêlas* and *Pélagie-la-Charrette*.

She has also written or translated nearly 15 plays, including the well-known works *Gapi et Sullivan* and *Évangéline Deusse*. She is also the author of three collections of short stories and a humorous tourist guide to Acadia. But I would be remiss if I did not mention her best-known work, immortalized by a former colleague of ours, the honourable Viola Léger. *La Sagouine*, a series of monologues, is currently running in Toronto.

Former provincial premier Louis J. Robichaud gave Acadian New Brunswickers a political voice. But it was Antonine Maillet who gave Acadia a cultural and social voice, and she still does to this day.

The commitment and passion that have inspired her for so long have been recognized with numerous honours, decorations and awards. The most prestigious of these include the Governor General's Award, which she won in 1972 for her novel *Don l'Original*, and the Prix Goncourt, which she received in 1979 — the first such award presented to a Canadian — for her novel *Pélagie-la-Charrette*.

She is a Companion of the Order of Canada and a Member of the Order of New Brunswick, and France has honoured her several times by appointing her an Officier des Palmes

académiques, an Officier des Arts et lettres, a Commander of the National Order of Merit and an Officer of the Order of the Legion of Honour. A National Film Board co-production of Ginette Pellerin's film *Antonine Maillet — The Possibilities Are Endless* has just been released.

Honourable senators, I invite you to join me in congratulating Antonine Maillet on everything she has accomplished to date and in encouraging her in everything she hopes to do in the future.

[English]

PHYSICAL ACTIVITY FOR CHILDREN AND YOUTH

Hon. Nancy Greene Raine: Honourable senators, Tuesday I was shocked to see the 2010 Report Card on Physical Activity for Children and Youth. The results are disturbing.

The report card was released by Active Healthy Kids Canada and its partners, ParticipACTION and the Obesity Research Group at the Children's Hospital of Eastern Ontario. I commend these organizations on their work that lets us monitor progress in the field of childhood obesity.

According to the latest report card, Canadian children under the age of five years are dangerously inactive. Fewer than half of them are engaging in regular physical activity as part of their daily routine — that is for children under the age of five.

Perhaps even more alarming is that the average child now starts watching television at the age of five months. Ninety per cent of children are watching TV before their second birthday, although that is not recommended. In fact, no television time is recommended before age two.

Despite the negative impact of early childhood screen exposure, new e-parenting products continue to be sold. A recent survey shows that four of the ten best-selling education apps in the iTunes store are aimed at children less than four years of age.

With increased television viewing, is it any wonder that preschool obesity is on the rise in Canada? Studies show that children who are obese before age six are likely to remain so later in childhood and throughout life. Children who are overweight between the ages of two to five years are four times more likely to be overweight adults.

Although work is ongoing to fill the gap, Canada does not have physical activity guidelines for preschool-aged children. International guidelines suggest that all children of this age should participate in at least two hours of physical activity every day, made up of many short sessions that include play, games, walking and recreation.

Honourable senators, the Active Healthy Kids Canada report card is well worth reading. We are making progress on some measures, but we fail in all the important areas of physical

activity. Only 12 per cent of Canadian children and youth meet Canada's physical activity targets of 90 minutes per day.

Honourable senators, it is clear to me that Canada is suffering from an inactivity crisis. More must be done to address this serious problem. I know honourable senators have been sent a copy of the report. Please read it. We must all work together to address the problem.

[Translation]

THE HONOURABLE ROBERT BOURASSA

Hon. Dennis Dawson: Honourable senators, everyone in this chamber has a memory of their arrival in politics, a person or event that stood out the most. In my case, this memory is without a doubt the election of Robert Bourassa on April 29, 1970, 40 years ago today.

For a CEGEP student, a young, would-be politician, seeing a young, 36-year-old man become premier of Quebec was the sign of changing times. This young man, a federalist and an economist, inspired Quebecers who thought that the Liberal Party and Quebec had a future within Canada.

I feel a little self-conscious, and I see my friend, Senator Jean-Claude Rivest, who was much closer to Mr. Bourassa. I encourage you to visit the website www.plq.org to see photos of Senator Jean-Claude Rivest when he was much younger, and you will also see mention of parliamentarians who are now in the Senate and who had a connection to Mr. Bourassa in the past.

I will acknowledge right now that Mr. Bourassa's first six years as premier were not without controversy, but I would like to focus on his great achievements, the effects of which are still seen in Quebec and Canadian society today.

The list is extensive. First, there was the health insurance system in November 1970. The Quebec health insurance system was implemented by the Bourassa government and gave all Quebec citizens access to free health care. The introduction of the health insurance card — the *carte soleil* or "*castonguette*," named after Claude Castonguay, the health minister who was also a member of this Senate.

• (1340)

There was also the James Bay hydroelectric project. Mr. Bourassa launched work on the enormous James Bay hydroelectric complex in May 1972. As the largest building site in Quebec's history and the largest in the world at the time, it created 100,000 jobs. Everyone remembers the 1973 campaign, which was an exciting time for Quebec.

Then there was the legal aid program in June 1973. Premier Bourassa implemented the first legal aid program to preserve access to impartial justice for people of modest means.

The creation of the *Conseil du statut de la femme* was another of Mr. Bourassa's achievements. Two years prior to 1975, International Women's Year as designated by the UN, Robert

Bourassa's government created a council on the status of women. That is yet another connection between Mr. Bourassa and this august chamber, honourable senators.

Our former colleagues, Lise Bacon, Solange Chaput-Rolland and Thérèse Lavoie-Roux, were all influential women in Mr. Bourassa's party and his cabinet. Ms. Bacon still follows our debates, and I would like to say hello.

The Official Languages Act, Bill 22, came along in July 1974. Mr. Bourassa passed Bill 22, the first bill to make French Quebec's official language. The National Assembly passed the bill in July.

In June 1975, the Quebec Charter of Human Rights and Freedoms was adopted. Mr. Bourassa got the Charter passed long before such things became fashionable among other provinces.

Finally, there was the signing of the James Bay and Northern Quebec Agreement. This was an agreement between Quebec and the Cree and Inuit peoples with another connection to our Senate. Senator Charlie Watt negotiated on behalf of the Inuit and the Cree. At the time, I was the director of student employment services. I could go on listing Mr. Bourassa's accomplishments, but my time is limited. Nevertheless, I assure you that I will have another opportunity to talk to you about Mr. Bourassa, whose achievements make both Quebecers and Canadians proud.

[English]

VISITORS IN THE GALLERY

The Hon. the Acting Speaker: Honourable senators, I draw your attention to the presence in the gallery of Mr. Terry Wickens, Mr. Gordon Strathy, Mr. Al Tobio, Mr. Bill Black and Mr. Alex MacDonald. These men are Canadian veterans who served during the Korean War. They are guests of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS

TAX CONVENTIONS IMPLEMENTATION BILL, 2010

SECOND REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE PRESENTED

Hon. Michael Meighen, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, April 29, 2010

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

SECOND REPORT

Your committee, to which was referred Bill S-3, An Act to implement conventions and protocols concluded between Canada and Columbia, Greece and Turkey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, has, in obedience to the order of reference of Wednesday, March 31 2010, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

Chair

MICHAEL A. MEIGHEN

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

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

THE SENATE

NOTICE OF MOTION TO STRIKE SPECIAL COMMITTEE ON ANTI-TERRORISM

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, two days hence, I will move:

That a Special Committee of the Senate be appointed to consider any matters relating to anti-terrorism that may be referred to it by the Senate from time to time;

That, notwithstanding rule 85(1)(b), the special committee comprise nine members namely the Honourable Senators Furey, Joyal, P.C., Jaffer, Marshall, Nolin, Segal, Smith, P.C., Tkachuk, and Wallin, and that four members constitute a quorum;

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, notwithstanding rule 92(1), the committee be empowered to hold occasional meetings in camera for the purpose of hearing witnesses and gathering specialized or sensitive information;

That the papers and evidence received and taken and work accomplished by the Special Senate Committee on the Anti-terrorism Act and the Special Senate Committee on Anti-terrorism since the First Session of the Thirty-Eighth Parliament be referred to the committee for the purposes of its work; and

That, pursuant to rule 95(3), the committee be authorized for the remainder of the current session to meet on any Monday which immediately precedes a Tuesday when the Senate is scheduled to sit, even though the Senate may then be adjourned for a period exceeding a week.

ITALIAN-CANADIAN RECOGNITION AND RESTITUTION BILL

FIRST READING

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons with Bill C-302, An Act to recognize the injustice that was done to persons of Italian origin through their “enemy alien” designation and internment during the Second World War, and to provide for restitution and promote education on Italian-Canadian history.

(Bill read first time.)

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

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

[*English*]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

2009 FALL MEETINGS OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, OCTOBER 9-12, 2009—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association to the 2009 Fall Meetings of the OSCE Parliamentary Assembly, held in Athens, Greece, from October 9 to 12, 2009.

ELECTION OBSERVATION MISSION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, JANUARY 15-18, 2010—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association to the Election Observation Mission of the OSCE Parliamentary Assembly, held in Ukraine, from January 15 to 18, 2010.

ELECTION OBSERVATION MISSION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, FEBRUARY 5-8, 2010—REPORT TABLED

Hon. Consiglio Di Nino: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe

Parliamentary Association to the Election Observation Mission of the OSCE Parliamentary Assembly, held in Ukraine, from February 5 to 8, 2010.

• (1350)

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER DOCUMENTS FROM STUDIES ON BILL S-210 DURING SECOND SESSION OF THIRTY-NINTH PARLIAMENT AND BILL S-205 DURING SECOND SESSION OF FORTIETH PARLIAMENT TO CURRENT STUDY ON BILL S-215

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

That the papers and evidence received and taken and work accomplished by the Standing Senate Committee on Legal and Constitutional Affairs during its study of Bill S-210, An Act to amend the Criminal Code (suicide bombings), during the Second Session of the Thirty-ninth Parliament, and of Bill S-205, An Act to amend the Criminal Code (suicide bombings), during the Second Session of the Fortieth Parliament, be referred to the committee for the purposes of its study on Bill S-215, An Act to amend the Criminal Code (suicide bombings) during the current session.

[Translation]

WORLD ECONOMIC CRISIS

NOTICE OF INQUIRY

Hon. Consiglio Di Nino: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the repercussions of the recent global economic crisis on society.

[English]

QUESTION PERIOD

HUMAN RESOURCES AND SKILLS DEVELOPMENT

RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. Before the last election, I was pleased that the government renewed its commitment to RRAP, the Canada Mortgage and Housing Corporation's Residential Rehabilitation Assistance Program. The commitment was renewed for five years, though no additional money was added.

That disturbs me because the list in my province for the homeowner program is five years. Therefore, when that program was renewed, the funding would only be enough to cover the current waiting list. New applicants, anyone who applies during this current five-year period, will have to wait until that current backlog is completed, so they may not get any funding.

This program, as you know, helps low-income Canadians to repair their own homes so they can live in safe and secure houses. It creates jobs and stimulates the economy. Why did this government not invest more in what is clearly a valuable program?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I was hopeful for a moment that we would hear some kudos for a program that the government was supporting, but that was a fleeting thought.

With regard to the actual funding, I will have to get more details. However, there is no doubt that housing is an important first step toward self-sufficiency. It helps lower income Canadians, vulnerable Canadians, and it contributes to the community and the economy.

In regard to the serious situation of homelessness, we have improved the process so that those closest to the community level have direct involvement. We are consulting with all levels of government, and listening to local communities and organizations to identify priorities and needs and find effective long-term solutions.

In September 2008, we announced \$1.9 billion over five years for the renewal of our Homelessness Partnering Strategy. We are currently investing in more than 1,100 homeless projects across the country, of which 200 are Aboriginal-specific projects. As well, these major investments in affordable housing are creating thousands of jobs, which are also benefiting communities and people in the workforce in those particular areas across the country.

I do believe, with that kind of money and those kinds of dollars, that the government has made a commitment, firmly believes in the commitment and will continue our good work in this area.

Senator Callbeck: I am pleased that the Leader of the Government in the Senate will seek more information as to why the government did not invest more in this program.

There is a waiting list of roughly 250 people in my province. At the current level of funding, because they can only do 40 or 50 projects a year; that means it will take five years to complete that waiting list. This means that some people on that list will have to wait four or five years to get assistance and new applicants may never get any funding at all.

The recent budget was supposed to be about stimulating the economy and getting Canadians back to work. Here is a program that will do both, but this program was not even mentioned.

I would like to know what the government intends to do about these staggering waiting lists for this homeowner program. Will the government consider using supplementary estimates to invest more in this very worthwhile program?

Senator LeBreton: Honourable senators, it really does not matter what program the government announces or puts significant funds into, it is never enough for the honourable senator. In any event, I will go through some of the figures. Remember that we work with the provinces on these programs.

This is the kind of money we have put into these programs: over \$2 billion over two years for constructing new and renovating existing social housing; \$600 million for new housing and repairs to existing social housing on reserve and in the North; \$400 million for housing for low-income seniors; and \$75 million for people who live with disabilities.

These are significant dollars. I regret that the honourable senator does not find that the government's efforts in this area are sufficient. I believe we have made a significant step forward in an area that was woefully lacking in any support in the past.

INTERNATIONAL COOPERATION

MATERNAL AND INFANT HEALTH INITIATIVES

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate. I do not know of anyone in this chamber, or indeed outside of it, who believes that abortion should be a form of birth control. Clearly, contraception is the preferred option; but often, contraception is regrettably not available in the Third World and if it is available, it is far too expensive.

In Ethiopia, for example, with a population of some 80 million people, there were 380,000 abortions last year. Three quarters of those abortions were done illegally and thousands of women in Ethiopia continue to suffer as a result of these botched abortions.

Abortion is legal in Ethiopia. Therefore, can the government tell the chamber this afternoon what will happen to maternal child care programs in Ethiopia? Is it now going to eliminate all of those who provide abortion as part of their maternal child benefit?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I think I made it clear in my answers two days ago about this issue.

Each country in the G8 community is contributing to this positive program for improving the lives of mothers and children. I regret that this important program, targeted to maternal health and the health and lives of young children, has become bogged down in an abortion debate, which is unnecessary. As I mentioned before, every country that will participate in this program will bring to the program their own expertise and make their own contribution.

• (1400)

I will read into the record — because I think this says it all — a news statement from Toronto, which was headlined:

Time to Measure Success in Lives Saved, Not Political Points Scored: Development Leaders Say

Every year nine million women around the world watch as their children die from painful, preventable illnesses that often cost dimes, not dollars, to treat. Hundreds of thousands more women die in childbirth because they lack access to dependable health care close to home.

For groups like ours, who are working to make a difference in the lives of these millions of women and children, the upcoming G8 in Canada provides an historic opportunity to chart a course out of this desperate terrain.

And yet, instead of pushing forward in support of an initiative that could benefit millions, we are allowing the potential for hope and opportunity to be swallowed up by a political debate about abortion that is stifling the potential for progress.

We know from recent polls that abortion is a sensitive issue for Canadians and debating abortion in the context of this initiative will not resolve the domestic debate. Rather, it will stall or table an initiative that has enormous potential to save the lives of millions of mothers and children from some of the major causes of death.

With an investment at the community level, where women and children are best able to access health care, the G8 initiative can prevent the deaths and improve the health of millions of children and women. Providing families with access to proven low cost health interventions can ensure healthier pregnancies and prevent illness and death from such diseases as malaria, diarrhoea and pneumonia. Additionally, providing education and access to family planning, including contraception, will reduce the number of unwanted pregnancies.

One thing is certain, if lack of agreement on one issue forces the G8 to delay a decision on this maternal and child health initiative, another 8.8 million children and over 300,000 mothers will die waiting. We cannot allow these lives to slip away while we take up a debate on abortion here in Canada.

It's time to focus on the hope and opportunity that this G8 Initiative on Maternal, Newborn and Child Health presents and end the suffering of millions of families around the world. It's time to commit significant and new investments to meet this need. It's time to measure success in lives saved, not political points scored.

This was signed by Kevin McCort, President and CEO of Care Canada; Rosemary McCarney, President and CEO of Plan Canada; Christina Dendys, Executive Director of RESULTS Canada; David Morley, President and CEO of Save the Children Canada; Kimberly Moran, President and CEO of UNICEF Canada; and Dave Toycen, President and CEO of World Vision Canada.

Senator Carstairs: If the honourable minister would read an Order Paper from December 2009, she would know that I put a motion before the Senate urging the G8 and G20 to concentrate on maternal and child health. The initiative has my full support. I want to know whether this government, because of its recent statements, will stop funding organizations, such as the ones in Ethiopia, that provide support for abortions as part of their maternal child benefit.

Will the minister stop that funding?

Senator LeBreton: I would think that Senator Carstairs would applaud the efforts of the government. Canada is one part of the G8 partnership. It was agreed in Halifax by the ministers responsible to proceed with this plan. There was an agreement between all G8 countries that collectively they will put great efforts into this endeavour. In Africa, some countries have laws opposite to what the honourable senator states.

To suggest that Canada's great contribution to this collective effort will impede the ability of another country to support a particular part of the treatment is wrong. We should celebrate the efforts to save the lives of children and their mothers.

Senator Carstairs: Honourable senators, I realize that it is Question Period and not answer period. However, it would be nice to know this government's funding policy on maternal and child health with respect to organizations that have nothing to do with the G8, many of which currently fund abortions. Will the minister continue or cut that funding?

Senator LeBreton: With regard to funding that is done through CIDA, all of these programs are ongoing. As under this and previous governments, all projects funded through CIDA are reviewed by CIDA. I have been informed that CIDA does not fund any projects aimed specifically at increasing the availability of abortion. That seems to be at odds with the honourable senator's belief. I thought her remark was rather unoriginal: This is Question Period but not answer period. I have heard that comment in both houses for years.

The government is focused on making a positive difference to improve the lives of mothers and children in the developing world in ways that unite Canadians rather than divide them. Canada's contribution to maternal and child health will include family planning. The details and the dollars committed will come in a final decision at the G8 meeting in June. The United States has stated that they are aligned with Canada on this important initiative. Every country will bring their expertise and dollars. The object of the meeting is to provide good nutrition, safe drinking water, hygienic products and facilities, and trained medical people close to where these mothers and children live. That is a laudable goal for Canada in conjunction with the other members of the G8.

The honourable senator said that she was not asking about the G8. I answered her question about CIDA. Surely to goodness, Canadians can unite in their desire to make a difference in the lives of millions of children and their mothers.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, the leader was talking about funding organizations that promotes abortions. Senator Carstairs was talking about NGOs

currently in receipt of funding either directly or indirectly from the Canadian government for their services to promote maternal and child health, which may include abortion. The question is simple: Those organizations have been receiving funding directly or indirectly from the Canadian government. Will that funding stop as a result of the clarification of Minister Oda?

Senator LeBreton: I am sure that Senator Carstairs appreciates the new leader's interpretation of what she said. All programs that receive funding directly or indirectly from the government continue. As honourable senators know, many of these programs are conducted under CIDA. All programs go through reviews. I said earlier that CIDA does not fund any project specifically aimed at increasing the availability of abortions. I do not know what else I can say to the honourable senator.

Hon. Grant Mitchell: Honourable senators, despite enormous pressure to change its declaration, the government remains steadfast in its determination not to fund anything to do with abortions under the G8 maternal and child health initiative, even if a woman is a victim of rape as a weapon or her life is threatened by the pregnancy. That causes one to think about the level of commitment on the part of this government to oppose funding abortions in any way. That causes one to think about what this government would do about abortions in Canada the first time they have the chance.

Would the Leader of the Government in the Senate tell us what the government will do to the funding for abortions for Canadian women when they have the chance?

• (1410)

Senator LeBreton: I thank Senator Mitchell and point out to him that we have now been in government for four years.

Senator Comeau: There will be many more!

Senator LeBreton: Honourable senators, the government has committed that we will never open the abortion debate in Canada.

I remind Senator Cowan and Senator Carstairs that this issue has been before Parliament. It was put in the other place as a motion before Parliament, and it was defeated. Therefore, I do not know why the honourable senator has difficulty accepting a motion that was defeated in the other place with the help of members of his own party.

Senator Mitchell: I have difficulty accepting many of the leader's promises because I believed the government would not tax income trusts, and that is just the tip of the iceberg.

Honourable senators, I return to this idea of international funding. I do not know how he knew this, but the Prime Minister said that Canadians do not want their foreign aid money spent on funding abortions in any way.

The Government of Canada has been giving money to the International Planned Parenthood Federation since the 1980s, in the time of the leader's friend, Mr. Mulroney, up until December 2009. That funding has not been renewed. Could the

leader tell us why not? Is it just a coincidence that the federation also happens to be a Canadian-based NGO that provides funding for advice and services in abortion to parts of the world outside Canada?

Senator LeBreton: This program funded through CIDA is under review, I imagine.

The honourable senator shares his interpretation of the view of this subject in Canada. I can tell the honourable senator what the view in Canada is: Whether they are pro-life, pro-choice or anywhere in between, Canadians are divided on this matter. However, the people of Canada are overwhelmingly united in the belief that a debate on abortion does not contribute to our efforts to help people in Third World countries. Such a debate does not serve any purpose to the people of Canada and does not assist those who are dealing with serious illness and the deaths of mothers and children. As it was pointed out in this press release, the Canadian public does not want the government to become embroiled in a debate at the expense of the people we are trying to help.

Senator Mitchell: Honourable senators, the idea that everything that could remotely be blamed on the Conservatives must be someone else's fault is wearing a little thin. It is a little rich, actually.

How is it possible that debate about an issue like this is delaying the government's program? The government has absolute authority to proceed with this program. They do not even need a vote of the houses to do so. Even if it does, I assume it is in the budget bill, is it not? That measure seems to be progressing.

How is it that debate delays anything? If the honourable senator really believes that, gosh help us, the government will be proroguing again pretty soon.

Senator LeBreton: Honourable senators, I do not even know what Senator Mitchell is talking about. We are committed to this program. We are not delaying our efforts to participate and lead the charge and the G8 to contribute to this worthwhile program. Therefore, I have no idea what the honourable senator is talking about.

I am simply saying that, as was pointed out by aid organizations in this very good press release, it would be a shame if a valid and good program to save the lives of millions of children and their mothers is embroiled in debate on abortion and pushed off the agenda.

[Translation]

HERITAGE

FESTIVAL FUNDING

Hon. Francis Fox: My question is for the Leader of the Government in the Senate and has to do with another matter.

As the minister knows, festival season is fast approaching. In conversation this week, Alain Simard, president and founder of the Montreal Jazz Festival and head of the Festival de la

francophonie, said that the major festivals in Montreal, in Quebec, and perhaps in other big cities across the country, have not yet received any response from the minister about the funding they could usually expect.

Can the minister ask her colleague about this so that these people get a response as quickly as possible before the various festivals are due to open?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Senator Fox's question is one that I am able to answer without allowing things that have nothing to do with the subject get in the way.

As honourable senators know, we have increased funding to arts and culture by 8 per cent, which is a significant amount. I will be happy to find out from my colleague, the Honourable James Moore, as to when these announcements might be made.

ORDERS OF THE DAY

SENATORIAL SELECTION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Bert Brown moved second reading of Bill S-8, An Act respecting the selection of senators.

He said: Honourable senators, Bill S-8 is an act respecting the selection of senators. It is an offer to the provinces to draft their own legislation, hold elections in their provinces and to fill future vacancies in this chamber with elected senators.

When the bill comes into effect, it will not be a legal directive to the provinces. Bill S-8 will give the voters of each province an opportunity to democratically choose future senators or leave the decision to the office of the current Prime Minister and future prime ministers.

Honourable senators, I will begin with a little of the history of how we arrived at this bill and what motivated us to take on this cause. I quote from Claire Hoy's book, *Nice Work: The Continuing Scandal of Canada's Senate*:

On Thursday, October 13, 1864, the fourth day of the Quebec conference, Macdonald introduced a resolution drafted by the Canadian cabinet on just what would happen to the Senate. The proposal ignited a full week of rancorous debate over both the composition of the Senate and whether members would be appointed or elected. It is important to recall the population disparity between the various players at the time of the Confederation debate since fears from the smaller groups of being smothered by the larger ones was at the heart of the disagreement.

[Senator Mitchell]

• (1420)

Two years before the act of Confederation was signed in Prince Edward Island, a man by the name of George Brown explained:

Our Lower Canada friends have agreed to give us representation by population in the Lower House, on the express condition that they shall have equality in the Upper House. On no other condition could we have advanced a step;

Mr. Hoy also quotes Sir John A. Macdonald in 1865 Confederation Debates:

In order to protect local interests, and to prevent sectional jealousies, it was found requisite that the three great divisions into which British North America is separated, should be represented in the Upper House on the principle of equality.

That is how this chamber began. The desire for equality of the provinces in the Senate stems from those quotes. The provinces are sovereign and each has its own legislature to empower, to pass legislation on health care, education, social services, manpower and immigration. This bill has been over 26 years in the making.

On August 13, 1983, a few Albertans decided to form a national Triple-E committee to promote the election of senators, change the representation by province and preserve the powers of the Red Chamber. For two years, forums were held in towns across the province to discuss Senate reform. The government became involved, and in 1985, a special select committee of Albertans filed a report to that end. The legislature passed a Senatorial Selection Act. Despite nationwide media criticism of an election for senators, the Alberta government chose democracy.

Early in the fall of 1989, the Triple-E committee was invited to speak to the parliamentary committee on the Meech Lake Accord. Dr. David Elton and I made presentations to that joint committee of the House of Commons and the Senate. A brief window of opportunity opened when Prime Minister Mulroney said he would only appoint senators from a list of names submitted by a province.

Alberta, in 1989, held the first senatorial election concurrently with a municipal election. There were provincial Progressive Conservative, Liberal and Reform Party of Alberta candidates and independents. The names and number of votes for each candidate were put on a list and given to the Prime Minister. Months later, in June of 1990, the winner of that election, retired General Stan Waters, a Reform candidate, walked into history as the first elected senator in Canada's Parliament.

The Triple-E committee participated in the hearings of the Charlottetown Accord held in Halifax, Montreal, Toronto, Calgary and Vancouver. The Charlottetown Accord died on a vote in 1992 primarily because it did not, in the minds of most Canadian voters, meet their expectations. It took on the interests of the provinces, the interests of Quebec, the interests of Aboriginal people, the issue of gender parity and the issue of Senate reform. Too many ideas in one document gave each voter at least one reason to vote no. All but two provinces voted against the Charlottetown Accord in a referendum in 1992.

There were subsequent Alberta elections for senators-in-waiting in 1998 and again in 2004. The two Reform candidates who won in 1998 were passed over by Prime Minister Chrétien and Prime Minister Martin, despite there being a number of Senate vacancies in Alberta during their tenures as prime ministers.

In 2004, three Progressive Conservative candidates and one independent were elected, and they too were passed over by Prime Minister Martin. In 2007, Prime Minister Harper appointed the winning Progressive Conservative candidate to the vacancy created by the retirement of long-serving Liberal Senator Dan Hays.

As that appointee, on behalf of Prime Minister Harper, I began a third Canada-wide trip to promote senatorial elections. Five provinces and two territorial government premiers or ministers of intergovernmental affairs agreed with elections, as long as the Prime Minister covered the cost of the elections.

A number of Liberal MPs and senators protested that Senate elections could be constitutionally challenged. To date, there have been no constitutional challenges after three elections. The New Democratic Party has for many years claimed the Senate should be abolished. This is not politically possible and is not what the people of Canada want. For over a generation, numerous polls in every province have shown a large majority of Canadians everywhere want future senators to be elected by the same people who vote for provincial MLAs and federal members of Parliament. I quote:

Probably on no other public question in Canada has there been such unanimity of opinion as on that of the necessity for Senate reform.

The author of that quote is Robert Mackay. The book is *The Unreformed Senate of Canada*, written in 1926.

During the life of the Triple-E committee, we have communicated verbally and in writing with 60 provincial premiers and Prime Ministers Trudeau, Clark, again Trudeau, Turner, Mulroney, Campbell, Chrétien, Martin, and Prime Minister Harper. Prime Minister Harper is the only prime minister in Canada's history that has ever committed to Senate elections from the time he was a member of Parliament, Conservative Party leader and up to and including his years as Prime Minister.

Despite the desires of Canadians for election of senators, neither the House of Commons members nor the senators have voted to begin a serious attempt to elect future members to the Red Chamber. Prime Minister Harper was faced with growing Senate vacancies after more than a year in power. A Liberal senator actually introduced a bill proposing that the Prime Minister should be constitutionally required to fill Senate vacancies. Lacking any opposition support for Senate elections in the Houses of Commons or the Senate, Prime Minister Harper appointed 18 senators in 2009. The steadfast reluctance to embrace any form of elections would, over a nearly two-year period, make appointments of Conservatives predictable until a majority is reached. That was the only way to end the 13-year Liberal majority in the Senate.

The Liberals have held Senate majorities for 70 years with only two brief exceptions to date. The last Liberal majority in the Senate refused to deal with Canadians' expressed desire to bring democracy to the Red Chamber and refused to open the door to Senate elections. Honourable senators, that situation has changed.

That brings me back to Bill S-8, an act respecting the selection of senators, the bill I speak to today, honourable senators. This bill cannot be constitutionally challenged because it is an offer from the Prime Minister to the provinces to hold senatorial elections. It is in no way a legislative command. For those provinces that develop their own legislation to elect senators who would represent their voters in a Senate of the future, the provinces should know that Prime Minister Harper will consider the outcome, as he has with Alberta senatorial elections and will in Saskatchewan and Manitoba's future senatorial elections.

Provinces will not be forced to hold such elections. There will be no threats, no pressure, no penalty, only the will of the Canadian voters. Provinces that do not hold democratic elections for future vacancies created naturally by retiring senators will again force prime ministers to appoint without the votes of the people.

This bill is but the first step to a reformed Senate. The next two steps can only be done when elected senators prove their worth to their provinces and when elected senators are close to a majority in the Senate. Within a decade, that is possible.

• (1430)

At some future point, the provincial governments and Parliament will need to draft a stand-alone constitutional amendment to agree on the future representation in the Senate and retain the supremacy of the House of Commons without crippling the powers of the Senate. Faced with a confirmed constitutional reform of the Senate, the Senate chamber has only a 180-day suspensive veto.

Honourable senators, this historic act by our Prime Minister will ultimately lead to the provinces and territories having a real voice, a vote and, if necessary, a veto. This amendment will constitute sober second thought, backed up by the elected members in both houses of Parliament.

At the same time, a veto of a bill by the Senate will not be a vote of confidence. The bill will simply die and the Commons can rewrite the bill or, realizing that a majority of elected senators in each of seven provinces representing more than 50 per cent of the population oppose the bill, let it expire.

Honourable senators, I propose Bill S-8, An Act respecting the selection of senators, for your thoughtful consideration on behalf of Prime Minister Stephen Harper, who made possible the journey of the bill to this chamber and at this time.

I quote Lord Andrew Adonis, who recently spoke to the 700-year-old House of Lords when he said:

... the time has now come to make it legitimate in the only way that a legislative assembly can be legitimate in the modern world, which is to be elected ...

I am prepared to answer all the questions that members of this chamber ask of me in the coming months. However, at the end of each question or concern honourable senators bring forward, the overarching final answer will be: We do this not for any political affiliation or philosophy. We do it to give voice to the Canadian people, and for democracy in this chamber, and for this century.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I have a couple of questions, and I wonder if I can take the honourable senator's offer to answer them.

Senator Brown described his cross-country speaking tour, and I know he has been across the country speaking to premiers and other provincial political leaders over the past couple of years, and probably before then. The honourable senator mentioned that a number of them had agreed to this type of process, providing they did not have to pay for it.

As I understand the proposal contained in this bill, it will be a provincial responsibility and therefore all costs associated, both with the running of the elections and running for election, will be borne at the provincial level — there will be no federal contribution.

Have any of the provincial governments — and I perhaps leave Alberta aside because Alberta has already financed three Senate elections — indicated to the honourable senator that they are prepared to participate in the process described in this legislation?

Senator Brown: In answer to the honourable senator's question about who will pay for elections, there is only one taxpayer in this country. Taxpayers are paying either provincial or federal taxes. Which tax they are paying is irrelevant.

The reason the bill copies Alberta's act electing senators by provincial methods is because the premiers that we contacted on the third trip across Canada wanted a buy-in. They wanted to know that if they go ahead with elections of any kind, that the prime minister will be forced in some way, or at least forced by his or her character, to go forward with the winners of those elections.

That is the reason why we have the provinces not only hold elections but those elected are answerable to the provincial leader of the party they represent, the way I am. I am an invited member of this caucus, but also I am an elected member of the provincial caucus of Alberta. I still join them, when I can, in their chambers.

I think that is about all I need to tell the honourable senator on that question, unless he has another one.

Senator Cowan: Honourable senators, I do have another question, and I want an answer to the first question. Can Senator Brown identify the provinces that have indicated that they are prepared to support a process they will pay for? I recognize the business about there being one taxpayer, but the money will come out of provincial government revenues. Can the honourable senator name the provinces that have indicated to him that they are prepared to support a process where they would run elections for election to a federal body?

[Senator Brown]

Senator Brown: Honourable senators, Saskatchewan has passed legislation. They have not mentioned in their bill, as far as I can read it, whether they expect someone else to pay or they will pay themselves.

In June 2007, Manitoba passed an act that is funny in its scope. It starts off with, “Whereas we prefer to abolish the Senate,” and then has many more “whereases,” but it says if the Prime Minister wants to elect senators, we will elect ours.

Last year, a committee was created to travel across Manitoba to see how Manitobans would elect their senators, not “if.” That committee completed its work when we testified on a day in May of last year. The committee was ready to put forward their proposal for how elections would occur when the Prime Minister appointed their Premier, Gary Doer, Ambassador of Canada to the United States.

From then on, the committee decided to hold their bill until they had picked a new premier and everyone was satisfied with the proposal. I understand they have completed the proposal and will submit it soon.

Former Senator Pat Carney pointed out that British Columbia has legislation for electing senators that now lies dormant because it had a sunset clause. When Pat Carney left this chamber, she said that legislation could be reactivated with a one-sentence amendment. I am not sure where British Columbia stands on the legislation now.

When I travelled to Prince Edward Island, Premier Robert Ghiz — who, interestingly enough, is the son of the first premier I spoke to in Prince Edward Island — welcomed the idea with open arms. However, he also asked that the federal government pay for it. P.E.I. had a proposal many years ago for the first Triple-E Senate in this country.

Senator Cowan: I take it that the answer is that no provincial government has indicated they are prepared to support this bill and pay the costs? No one is committed to that; is that correct?

Senator Brown: This bill, honourable senators, is a framework for the provinces. It is not to be copied exactly. Legislation is up to the provinces. It says in the summary of the bill that legislation enacted by a province or territory needs only to be substantially in agreement with Bill S-8 to hold democratic elections. Legislation is up to the province.

I doubt that the Prime Minister wants to pay for those elections for the simple reason that because we expect people who run in these elections to represent a provincial political party, not a federal one, the intent is to allow the provinces to have immediate, direct input into every bill considered by the House of Commons.

• (1440)

Senator Cowan: That leads back to the next series of questions. As the honourable senator says, the scheme is that the elections will be provincially sponsored, run and financed, both the elections for candidates themselves and the machinery of the election, if I can refer to it that way.

The candidates are either independents or persons who receive the endorsement of registered political parties in the provinces. Will there be any restriction on the participation of federal political parties, some of which are not represented at a provincial level in some provinces? Some parties are both federal and provincial, but will there be any restriction on the participation of federal political parties in these elections or restrictions on the role of third parties? I ask that question because, in the previous effort of the government to introduce this electoral concept, there was a lot of language about trying to control, rightly, the influence of third parties on these election contests.

I do not see any mention of that in this bill. I should like to have the honourable senator clarify whether there will be any restrictions or whether there are contemplated to be any restrictions on the role of federal political parties or other third parties in these election campaigns.

Senator Brown: Yes, honourable senators, if you read the summary, you will find that if the Prime Minister is recommending Senate nominees to the Governor General for province or territory, he would be required to consider names from the list of nominees submitted by the provincial or territorial governments. The list of nominees would be determined by an election held in accordance with provincial or territorial laws enacted to implement the framework.

I think it is clear that they expect the people who would be elected to represent the province. The reason for that is that this chamber has become a partisan place over a long period of time. It represents either the federal Liberals or the federal Conservatives, but it does not present the NDP or any political party of a province.

Senator Cowan: I understand that, honourable senators, but my question is this: Is there anything in the bill that indicates whether or not there will be any restrictions, controls, or parameters for the involvement of federal political parties or third parties? That is my question. It is not about whether or not this chamber is too partisan. My question is in relation to the elections that will lead to this list of nominees that will be considered by a prime minister. My question is this: Are you looking to restrict or prevent the participation or influence of federally registered parties, not provincially registered political parties, or third parties?

Senator Brown: I do not think there is any intent by the Prime Minister — I do not speak directly for everything he says — to have federal political parties involved in those elections.

Senator Cowan: You are saying that the intent of this legislation is to prevent federal political parties from participating in the election of those persons to be considered for nomination by the Prime Minister to this chamber?

Senator Brown: That is correct.

Senator Cowan: Could I ask the honourable senator to read proposed section 1 of the bill? Clause 1 of the schedule states:

1. Senators to be appointed for a province or territory should be chosen from a list of Senate nominees submitted by the government of the province or territory.

That is similar to the summary that the honourable senator referred to a few moments ago.

One of the proposals that has been suggested by the Province of Quebec is that if the Prime Minister — and, these are not the precise words but the intent — wants to know who to appoint from the Province of Quebec, he should ask the premier of the province. The premier would then consult the National Assembly of Quebec and the National Assembly of Quebec would suggest a name or names. Would that be an acceptable solution to this government?

Senator Brown: It was acceptable in the consultations we conducted in Halifax, Toronto, Montreal, Calgary and Vancouver. During the Charlottetown Accord, Quebec proposed the same thing, namely, that senators be elected by the members of their National Assembly. I do not think there is any restriction that would prevent Quebec from doing that again.

Let me tell the honourable senator what I think would happen. Quebec did not give women the right to vote until 1940. This time, I think the populace of Quebec would want to know why they do not directly elect their senators when other provinces were doing so.

Senator Cowan: The honourable senator is quite correct that, with the proposal here, it is up to the provinces to adopt a framework similar to what is set out in the appendix to this bill. However, if that were the position of the Province of Quebec and a list were provided, would it be an acceptable solution to the democratization that he proposes?

Senator Brown: Yes, because I do not think there is anyone who votes in the National Assembly of Quebec that is a member of the federal government. They are members of the Quebec parties. They are Quebec MNAs. That is, they are not in the federal government; they are in the Quebec government.

Senator Cowan: I refer the honourable senator to proposed section 37 of the appendix, Part 2, page 16. I will read it, if you would explain it. It states:

37. Despite any law of the province or territory that permits a voter to mark the ballot by writing the name of the candidate or the registered political party of the candidate of the voter's choice on the ballot, a voter in that province or territory may mark in writing only the name of the candidate or candidates, as the case may be, on such a ballot.

Would the honourable senator explain what that means and in what circumstances it would apply?

Senator Brown: It simply explains what I said, namely, that you can either be a representative of a provincial political party in order to vote or you can be an independent.

Senator Cowan: This section talks about writing the name on a ballot. Presumably, ballots are preprinted. One does not go into a ballot booth and write the name of a party or a candidate on a ballot. I have never seen that.

Senator Brown: I must admit that it may be something that was in the Alberta legislation, probably to accommodate the Aboriginal people that had not registered as political parties. That is the only answer I can give.

Senator Cowan: Would the honourable senator mind checking on that and getting back to me?

Senator Brown: I will.

The Hon. the Acting Speaker: Is the Honourable Senator Brown prepared to take further questions?

Senator Brown: Yes.

Hon. Hugh Segal: Would Senator Brown be good enough to explain what appears to be quite a movement here from the previous proposal in a prior Parliament, which was for a broad referendum in which people could vote in their federal ridings at the time of a federal election to fill vacancies in their own province; versus this approach, which is focused on a province-by-province basis? If it passes and some provinces agree, you may have some provinces voting to send senators; others demurring.

Could the honourable senator explain that transition to colleagues in the chamber?

Senator Brown: I would be happy to explain that transition, honourable senators. In the United States, in 1903, the Americans had appointed their senators by the members of their legislative assemblies for 90 years. The State of Oregon decided that they wanted to elect their future senators, so they set up an election. That election was called unconstitutional and illegal. They went ahead and voted for two future senators. The MLAs decided to ignore that election and, for the next state election in Oregon for MLAs, every single MLA was tossed out. Then the State of Oregon held another illegal, unconstitutional election and voted for two senators. They were the first two elected senators to enter the American chamber. Eleven years later, they passed the Seventeenth Amendment to the United States Constitution to give them the right to elect their senators. That was the first Triple-E Senate in America. I believe that by then, two thirds of the states had gone forward with elections, which still meant one third of them were not electing senators.

• (1450)

Hon. Sharon Carstairs: I am interested in the honourable senator's reply with respect to Manitoba because the Manitoba report is clear that it will permit Senate elections provided the federal government pays for them. In addition, Saskatchewan indicated that that is their concern also; that province wants to ensure that the federal government pays for this election.

The only province that I am aware of — and I seek the senator's clarification — that is prepared to pay for Senate elections is the Province of Alberta.

Senator Brown: We were in communication with both Saskatchewan and Manitoba as late as last week, and I can neither deny nor agree with the honourable senator's assessment.

Senator Carstairs: Honourable senators, my second question has to do with a change that was made with respect to the voting procedure in this bill. In past legislation, it was to be a single transferable ballot. In this bill, it is first past the post. Can you explain that change?

Senator Brown: In response to the honourable senator's question I suggest she look at the framework of this bill as being just that; a framework.

Senator Cowan has already asked whether Quebec might want to elect its senators by the members of their National Assembly. I think also that other provinces might want to use a single transferable ballot in order to elect more than one senator-in-waiting at a time.

As I said at the beginning of my speech, this act is not a command to the provinces. It is an offer to substantially meet the requirements of a democratic election.

Senator Carstairs: Honourable senators, if the government is prepared to make an offer to the provinces, which is what this bill purports, why would the federal government not just sit down with the provinces and talk about Senate reform?

Senator Brown: Honourable senators, we had an agreement in Charlottetown with every province in this country for an elected, equal and effective Senate. There were just too many other items in the Charlottetown Accord and, despite a large number of votes for one issue or another, the overall outcome was that all but two provinces voted against the accord. If the senator were to get a copy of it, she would find it is almost an inch thick and deals with just about everything under the sun.

Hon. Anne C. Cools: Honourable senators, I thank Senator Brown very much for his comments. I must admit I found them most interesting and a little bit bewildering. Honourable senators, the question I wish to put to Senator Brown is in respect of the Constitution and the phenomenon of the exercise of power. As we all know, in this country the exercise of all power by the government, by the Parliament of Canada, has to be authorized by the BNA Act, the British North America Act, which is renamed the Constitution Act, 1867.

Could Senator Brown share with us the sections of that act that authorize the bringing of this bill to this house?

Senator Brown: Honourable senators, I believe it is the section that allows provinces to be sovereign under the parts of legislation that I have mentioned, which are manpower and immigration, education, et cetera. Provinces are allowed to hold elections in that area every time an election comes forward. This bill invites them to use that same power to decide who they want to sit in this chamber.

Senator Cools: Is Senator Brown referring to section 92 of the Constitution Act, 1867?

Senator Brown: I do not disagree with the honourable senator, I am just saying that there are a great many in the media of this country who have called Senate elections illegal and unconstitutional, but no one has ever attempted a Supreme Court challenge on whether Alberta or any other province has the right to hold such elections.

Senator Cools: The honourable senator's view would be most interesting that something is only illegal if someone challenges it and gets a judgment from the court saying that it is illegal.

I would like Senator Brown to answer my question. What is the constitutional authority for the moving of this bill? I can discern nothing in section 92 that gives any province or any other body for that matter, the power to elect senators.

Senator Brown: Senator Cools is probably correct. However, I served on a committee chaired by the Deputy Leader of the Government of Alberta, Jim Horsman. I sat on that committee during its first tour of Canada and, at the end of that tour, it was decided to draft legislation to hold senatorial elections.

We had many communications from the federal government that told us if we did anything that touched the Constitution our election would be declared ultra vires. I am sure the honourable senator knows what that means.

We did not receive a response from the government saying that there was anything in the bill that was ultra vires. That is why we have been able to hold three elections in the province of Alberta, and Alberta is deciding whether it will hold one again this fall for three senators-elect, in waiting, or whether it will be included in the provincial election next year.

Senator Cools: Honourable senators, I thank Senator Brown again. He speaks with great earnestness, which is to be respected, but I continue to be troubled at all times that these bills and these propositions never seem to be able to point to a distinct basis in any constitutional authority. Any time I ever put a question to any proponent, I never seem to be able to get an answer, which leads me to believe that there is great uncertainty, if not enormous error in it, and in point of fact there is no authority in the British North America Act for any kind of election whatsoever to the Senate.

Is it possible, Senator Brown, that the BNA Act does not even contemplate elections of senators? Is that possible?

Senator Brown: Honourable senators, I think Senator Cools is correct that there is no authority under the Constitution. The fact is that under the Constitution there is also no objection. If there were, the government would have come down on it a long time ago.

I do remember a number of times when the committee passed the legislation of Alberta through that process and no one had ever come up with a statement calling it ultra vires. That is all I can say on that question.

Senator Cools: Is it possible that the senator could only be looking at some examples of complicity in lawlessness?

Hon. Grant Mitchell: Honourable senators, I have a couple of questions for Senator Brown.

When people saw that the Prime Minister broke his fixed terms elections act arbitrarily, summarily, to serve his own political ends, and certainly to deny the “values” that he had placed in that bill, there was grave concern.

• (1500)

I want to explore the extent of a prime minister’s obligation under this act. I am concerned immediately when I see at clause 22.(2) that there seems to be a strict requirement. I will read clause 22.(2):

If only one person is to be elected, the candidate with the highest number of votes must be declared elected.

It goes on in subclause (3) to specify the same sentiment with more people running, or needing to be elected. If you go to the first clause of the bill, on page 3, it says the following:

Senators to be appointed for a province or territory should be chosen from a list of Senate nominees submitted by the government of the province or territory.

“Should” is certainly not “must” or “shall.” The first question is, what does that mean? In any event, could the Prime Minister simply disregard the act and select whoever he wants from the list of “elected” or from any list at all? I will give the honourable senators an example.

If the Senate were tied at 52 Liberals and 52 Conservatives, one position was available, and a Liberal came first in the election, can the honourable senator give us assurance that the Prime Minister — remember his history — would appoint the Liberal thereby giving the majority in the Senate to the Liberals?

Senator Brown: Yes, he would. I take great umbrage at the honourable senator’s suggestion that the Prime Minister negated his own term limits bill. If the honourable senator would read that bill, he would find a phrase in there — I will try to quote it as closely as I can, although do not have a copy of the bill with me — that says, in effect, nothing in the above act disposes of the authority of the Governor General. That was always the out for that bill if it became necessary to hold an election for whatever reason.

I can tell the honourable senator there is a better chance that this Prime Minister will appoint the winner of any election in any province than any Liberal prime minister in history would.

The Hon. the Acting Speaker: Does the Honourable Senator Brown wish to ask permission for more time to continue the debate? It is up to you to ask for more time — five minutes.

Senator Mitchell: The honourable senator is saying that the Prime Minister left himself an out, despite adamant statements to the contrary. If you read the fine print, it was there. I look at the fine print here. Is the same kind of weasel clause not right here, the first one: “Senators to be appointed for a province or territory should be chosen . . .”? There is nothing determinate there at all.

Senator Brown: If the honourable senator listened to my speech, he would know that the second step of this process is when enough elected senators have entered this chamber, the provinces

will have had eight years to decide a stand-alone constitutional amendment that does not include everything under the sun so that they can deal with just two issues.

One is the future representation of the Senate, and the second is the method by which to preserve the veto power of the Senate. Those are crucial, and the only governments that have a right to do that are the federal government and seven out of ten provinces representing 50 per cent of the population. That was in my speech, senator.

(On motion of Senator Cowan, debate adjourned.)

[Translation]

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO HEAR PARLIAMENTARY REPRESENTATIVES FROM POLAND ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government),
pursuant to notice of April 28, 2010, moved:

That the Senate resolve itself into a Committee of the Whole, chaired by the Speaker, after Prayers on Wednesday, May 5, 2010, in order to receive Bogdan Borusewicz, Speaker of the Senate of the Republic of Poland, accompanied by other Polish parliamentarians and the Ambassador of Poland to Canada;

That Speaker Borusewicz’s remarks be preceded by a welcome statement from the Leader of the Government or her designate and followed by a statement of appreciation from the Leader of the Opposition or his designate;

That television cameras be authorized in the Senate chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings;

That photographers be authorized in the Senate chamber to photograph the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings;

That the Committee of the Whole rise and report to the Senate following the remarks of the Leader of the Opposition or his designate, after which the sitting shall continue with Senators’ Statements;

That, notwithstanding the order adopted by the Senate on April 15, 2010, if the Senate has not reached the end of Government Business at 4 p.m. on Wednesday, May 5, 2010, the sitting continue beyond that time, until the end of Government Business; and

That committees scheduled to meet on Wednesday, May 5, 2010, have power to sit from 4:15 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Senator Mitchell]

He said: Honourable senators, the Speaker of the Senate of the Republic of Poland will be here that day and, if honourable senators agree, the Speaker of the Senate would like to welcome him among us in this chamber.

[English]

Hon. Anne C. Cools: Honourable senators, I think that most of us would agree that it seems like a very good idea and a good and desirable thing to do. Our Speaker is extremely well respected internationally, and, in addition to that, is well qualified in many international affairs. I would like to pledge my full support to this endeavour.

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

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

(Motion agreed to.)

• (1510)

[Translation]

GOVERNANCE OF CANADIAN BUSINESSES EMERGENCY BILL, 2010

SECOND READING—DEBATE ADJOURNED

Hon. Céline Hervieux-Payette moved second reading of Bill S-205, An Act to provide the means to rationalize the governance of Canadian businesses during the period of national emergency resulting from the global financial crisis that is undermining Canada's economic stability.

She said: Honourable senators, the G20 is currently discussing the governance of businesses and I am compiling all of the information that I am receiving. Some members of my staff are attending today's conference on these important issues. Therefore, I wish to postpone my speech in order to include all of the research and the measures put in place by various G20 countries to prevent another global crisis like the last one and to ensure Bill, S-205, is in line with international demands and circumstances.

(On motion of Senator Hervieux-Payette, debate adjourned.)

NATIONAL PHILANTHROPY DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Chaput, for the second reading of Bill S-203, An Act respecting a National Philanthropy Day.

Hon. Andrée Champagne: Honourable senators, I am pleased to speak once again to Bill S-203, which calls on the government to designate the 15th day of November in each and every year as National Philanthropy Day.

Honourable senators, it is no exaggeration that Canada would not be the country it is today were it not for the efforts of millions of Canadians. Our country thrives on a philanthropic spirit. The altruism and the actions of Canadians are evident in our health care, education and social service systems, in our sports and leisure organizations, and in all aspects of Canadian life.

Individually or as members of organizations, big or small, these Canadians have helped build this nation. From the early days of colonization, their vision, dedication, mutual aid, physical effort and monetary donations have helped define us as a nation. Philanthropy has given Canadians an enviable quality of life at home, and has helped build our country's international reputation as a dedicated and committed country. More often than not, this has come about without any sort of official announcement.

Sometimes, it is only after the fact, after we follow the trail of an individual who is long gone, that we recognize people for the significant philanthropic work they have done.

Our lack of recognition has not slowed down or hampered the determination of other Canadians who continue to look beyond their own lives to help others in many ways. In many respects, philanthropy is its own reward.

Philanthropy is recognized in many ways in Canada. One particular way of recognizing it is National Philanthropy Day, November 15.

After being celebrated for the first time in 1986, National Philanthropy Day has gained momentum across North America. It has been adopted by philanthropic organizations as a day to reflect on their achievements and often as a day to mark the achievements of caring individuals.

The Canadian chapter of the Association of Fundraising Professionals — one of the many organizations behind the creation of the current celebration — adopted the national day in the mid-1990s, using it to mark the culmination of the year's major achievements and to promote public awareness.

If I may, honourable senators, I would like to briefly discuss the bill itself.

The Government of Canada can designate a special day, week, month or year in several ways, either by royal proclamation, legislation, declaration by a minister, or by a motion in the House of Commons. Every year, the Government of Canada receives many requests from organizations and advocacy groups asking for special recognition for their particular cause.

Let me be clear, I support the designation of November 15 as National Philanthropy Day. The Minister of Canadian Heritage has already recognized this day through one of the means I just mentioned, namely, a ministerial declaration.

Clause 3 of Bill S-203 states:

The Minister of Canadian Heritage and Official Languages shall make a declaration that the 15th day of November in each and every year be recognized throughout Canada as "National Philanthropy Day".

Honourable senators, as I just mentioned, the minister already issued a ministerial declaration on October 27, 2009, designating November 15 as National Philanthropy Day. Clause 3 of this bill is therefore redundant. I wanted to draw your attention to that point.

According to the 2007 Canada Survey of Giving, Volunteering and Participating, the altruism of Canadians is dynamic and always changing. Approximately 23 million Canadians made a financial donation to a charitable or non-profit organization, with a total value of \$10 billion — an increase of nearly 3 per cent in the number of donors and 12 per cent in the value of donations compared to 2004.

Canadians also dedicated nearly 2.1 billion hours of volunteer time, equivalent to almost 1.1 million full-time jobs. This represents an increase of 4.2 per cent over 2004.

The traditional avenues used by Canadians to channel their philanthropic spirit — religious organizations, the health sector, social services, the arts — continue to benefit from this generous support.

Annual fundraising campaigns like the United Way's raise billions of dollars to support vital initiatives to improve lives and enhance community well-being across Canada.

Honourable senators, our fellow citizens are also generous in difficult times, such as when devastating events and natural disasters strike.

In February 2010, following the major earthquake in Haiti, 14 Canadian charities raised \$154.4 million. According to the latest data, the Canadian Red Cross raised \$122 million, including \$91 million in individual donations. Generosity is a truly Canadian quality.

Honourable senators, during the last session our former colleague, Senator Grafstein, introduced this bill, which was passed in the Senate and sent to the other place, where it was then referred to a committee.

• (1520)

I would like to thank Senator Mercer for having taken up the torch during this session. I am eager to debate this bill in committee.

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

Hon. Senators: Question!

The Hon. the Acting Speaker: It is moved by the Honourable Senator Mercer, seconded by the Honourable Senator Chaput, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Tardif, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Moore, for the second reading of Bill C-464, An Act to amend the Criminal Code (justification for detention in custody).

Hon. Elizabeth (Beth) Marshall: Honourable senators, I am pleased to rise today to speak to Bill C-464, An Act to amend the Criminal Code (justification for detention in custody), which passed third reading in the House of Commons on March 22. Bill C-464 was introduced in the House of Commons by the member of Parliament from Avalon and unanimously supported, as amended, by the House of Commons Standing Committee on Justice and Human Rights on March 16 of this year. This bill has the extremely important goal of protecting Canada's children from dangerous accused during the bail process.

I take this opportunity to offer my deepest condolences to the family and friends of young Zachary Turner, and especially his grandparents, Kate and David Bagby, who have worked tirelessly on behalf of Zachary and all children. This government is committed to protecting Canadian citizens, young and old, and to building an effective criminal justice system.

Bill C-464 proposes to amend paragraph 515(10)(b) of the Criminal Code to read that detention of the accused in custody is justified:

... where the detention is necessary for the protection or safety of the public, including any victim of or witness to the offence or any person under the age of 18 years, —

— which is the part of the paragraph that is being inserted —

— having regard to all the circumstances including any substantial likelihood that the accused will, if released from custody, commit a criminal offence or interfere with the administration of justice;

Honourable senators, Bill C-464 is a private member's bill. It is not a government bill. Regardless, honourable senators, I am of the view that this bill is consistent with this government's commitment to tackling crime and ensuring the safety of the public.

[Senator Champagne]

To date, this government has a long list of accomplishments of tackling violent crime. For example, as honourable senators know, Bill C-25, Truth in Sentencing, received Royal Assent on October 22, 2009 and is now in force. That bill serves to limit the amount of credit courts can grant convicted criminals for the time they have served in custody prior to their sentencing. Since this government has come to office, it has pursued an aggressive legislative agenda to tackle crime. Bill C-464 is entirely compatible with this agenda.

The proposed amendment to the Criminal Code bail provision will serve expressly to remind courts to consider the safety and protection of children under paragraph 515(10)(b). The paragraph this bill seeks to amend already indicates that courts are to consider “the protection or safety of the public” when determining if an accused should be detained in custody. The provision is broadly cast and encompasses all potential vulnerable persons whose safety may be in jeopardy if an accused person is released pending trial. Nonetheless, there is clearly significant merit to reminding courts specifically to consider also the safety of children during the bail process.

Bill C-464 does not propose to change the standards with respect to the release or detention of the accused at the bail stage. The law states that because detention results in complete loss of liberty, bail shall be denied only when there is just cause to do so. This bill does not challenge that principle. It proposes only that, before an accused is released, the courts consider the safety and protection of children. Members of the Justice and Human Rights Committee in the House of Commons worked together to consider and pass a government motion aimed at strengthening this bill to remind courts to consider the protection of all children and not only the children of the accused, which was the intent of the original amendment. Together, the Member of Parliament from Avalon and the Justice Committee have created a bill that will strengthen and clarify the bail provisions.

It is clear that legislative amendments alone will not address all child protection issues. The federal government must continue to work together with its provincial and territorial counterparts to ensure children grow up in a crime-free environment in their homes and on the streets.

As honourable senators know, bail issues are complex. Bail hearings happen shortly after the alleged offence before all the information is known and while an investigation may be ongoing. Often assessing the risk of an accused to commit further offences at this juncture is not easy. An effective bail system, however, is critical to public safety and is of great importance to this government. Currently, federal, provincial and territorial officials are developing comprehensive reforms to the bail regime. We are working to develop efficient and practical ways to ensure the risk of releasing an accused person is appropriately assessed, and that public safety is thoroughly considered.

In closing, honourable senators, I will indicate that I appreciate the opportunity to speak to this bill. The tragedy of Zachary Turner's death, which precipitated this amendment, occurred in my home province of Newfoundland and Labrador and within a short distance of my own home. Subsequent to that tragedy, as Senator Banks indicated earlier this month, the Office of the Child and Youth Advocate in Newfoundland and Labrador commissioned a review, which was released in October 2006.

Having said that, I also refer back to my previous statement that the child welfare regimes within the various provinces also have a responsibility to protect children. This amendment alone will not protect children. Protection measures will have to be taken in unison with other measures, such as child welfare legislation and child welfare policies and procedures.

The Hon. the Acting Speaker: Will the honourable senator accept questions?

Senator Marshall: Yes.

Hon. Anne C. Cools: Honourable senators, I was touched to learn that the Honourable Senator Marshall is close to this particular tragedy. I am also pleased that the honourable senator raised the question of the provincial side of the affair, which is child welfare and child protection.

The honourable senator seems to be well acquainted with the situation, but this bill is primarily about an amendment to the Criminal Code. Since the honourable senator seems to know so much about the situation, can she share more of her knowledge with us? The first question that springs to mind is, what happened to the child protection processes? If the honourable senator has such information, can she share it with us for the record?

• (1530)

Senator Marshall: There was some debate whether the amendment put forward was worthwhile. In the end, I think all people who participated in the debate, especially in the House of Commons, agreed that this amendment would be helpful.

I was a resident of Newfoundland and Labrador at the time of the tragedy. I entered provincial politics later that year and I was appointed Minister of Health and Community Services. While I was in that position, the child death review was carried out. The review took a couple of years.

A lengthy report came out of that review. It was very critical of child welfare people in the province. It had significant ramifications for that area of the Department of Health and Community Services. People were reassigned as a result of this tragedy.

The report concluded that young Zachary should not have died. While child welfare people had been concerned about Zachary's mother, it seemed that Zachary did not get the attention he deserved. More focus should have been on Zachary and his protection because he was the child in this case.

The Honourable Senator Banks talked about the DVD he distributed to members. I did not see that video. Why? I read the report as a result of the child death review. Once I began to read the report, I could not put it down. It grabbed hold of me and I had to read it cover-to-cover.

Reading the report of the child death review was traumatic. It put forward a large number of recommendations for the provincial government, and specifically for the Department of Health and Community Services. The department has implemented many of those recommendations over recent years.

Obviously, I have since left the department. There is now a separate Department of Child, Youth and Family Services. It was a member of the Department of Health and Community Services. A separate department was created to look after children. There has been a significant increase in staffing, a revision of policy and a review of legislation. The report had far-reaching implications for the provincial government.

Senator Cools: Honourable senators, we are privileged to have a person like the Honourable Senator Marshall in the Senate. Are the people who undertook the child death review from the coroner's office?

Senator Marshall: No, an independent person contracted by the Child and Youth Advocate's office conducted the child death review. I believe when Senator Banks spoke two weeks ago, he mentioned the name of the gentleman. His name must be in the *Debates of the Senate*.

Senator Cools: Honourable senators, during that review, does the honourable senator know if they would have looked at section 233 of the Criminal Code, which deals with infanticide? For example, if the mother had succeeded in only killing the child and not killing herself, she could have been charged with infanticide. As we know, infanticide is a very strange provision in the Criminal Code. Possibly the honourable senator could amplify on infanticide since she was a minister in the field. Most people believe that infanticide means the killing of a child, but it does not; it means the killing of a child by a female person — the mother.

What Senator Banks and Senator Marshall have done for us is to bring home to honourable senators the vulnerability of these little people, children and, quite often, the inadequacy of Criminal Code provisions to protect them.

Senator Marshall: Honourable senators, Senator Cools poses a very interesting question. I read the report a number of years ago before I came to this chamber. I read it in the context of child and family services, and what had been done.

I do not recall any reference to the Criminal Code in the review. However, I went online recently while preparing for this speech and found a copy of the report. I could not find any reference to the Criminal Code. I will not say the reference is there or not there; I am simply saying I could not find it while scrolling through the report.

Senator Cools: Honourable senators, perhaps when this bill goes to committee, the committee might address the particular question of the charge of infanticide. Infanticide was only put into the Criminal Code about 60 years ago. It is most interesting because there was a time where no court could convict a woman for killing her own child. Section 233 on infanticide, in effect, reduces responsibility and penalties for the offence. It was put into the Criminal Code as a way to have some kind of tool when these awful, horrible, terrible things happen.

Honourable senators, people in positions of authority, quite often, do not respond the way they should because they labour under a belief that women are angelic and that no woman could

kill her child, which is not the case. The phenomenon of women killing their children for a short time was described in the field of psychiatry as the Medea Complex. Now that I know the honourable senator worked in this field, I am eagerly looking forward to the debate. Protection of children is a difficult, complex and extremely challenging matter, especially when the persons who may be doing harm are the children's parents. It is a difficult area under the best of conditions.

Honourable senators, I plan to speak to this bill. I hope that as the committee's study proceeds, perhaps, we can even bring some coroners to appear as witnesses. I am sure they will tell the committee that this business of parents killing their children is rare, but it is still far too common.

Senator Marshall: I thank the honourable senator for her comments and her interest.

(On motion of Senator Cools, debate adjourned.)

LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON PROVISIONS AND OPERATION OF DNA IDENTIFICATION ACT—THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Legal and Constitutional Affairs (*budget—study on the DNA identification Act—power to hire staff and to travel*), presented in the Senate on April 27, 2010.

Hon. Joan Fraser: Honourable senators, this is simply a report for a small budget of approximately \$9,000 for the Standing Senate Committee on Legal and Constitutional Affairs to conclude its statutory review of the DNA Identification Act. That work is almost concluded. We probably will not spend the \$9,000 allocated, but we ask for the funds in case we find ourselves in need of them. I expect most of the sum will be returned to the Senate.

The Hon. the Acting Speaker: Debate?

An Hon. Senator: Question!

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

(Motion agreed to.)

• (1540)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*study on questions of privilege*), presented in the Senate on April 27, 2010.

Hon. David P. Smith: Honourable senators, I rise to speak on the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament, dealing with the procedure for questions of privilege presented to this chamber on Tuesday, April 27, 2010.

Honourable senators may recall that the genesis of this report dates back to 2006, when the committee decided to examine an inconsistency that had come to light between rule 43 and rule 59(10). These rules pertain to the notice period required for questions of privilege. Rule 43 provides a comprehensive mechanism whereby questions of privilege are raised, which includes both a written and oral notice requirement. However, rule 59(10) states that questions of privilege can be raised without notice.

This had never really been an issue for honourable senators until 2006. The obvious conflict between the two provisions became apparent after the Speaker was called upon to rule on the process whereby questions of privilege can be raised in the Senate. The Speaker's ruling of October 26, 2006, indicated that the inconsistency originated at the time of the substantial changes to the rules made in 1991. Before then, the process for dealing with a question of privilege was to raise it without notice. It appears that, when the amendments were made to replace the old process by adding rule 43, a necessary correlative change was not made to what is now rule 59(10).

A series of rulings since 2006 dealing with this matter have established that, unless a deliberate decision is taken by the Senate to change rule 43, rule 59(10) is only available for questions of privilege that arise out of circumstances that prevent a senator from providing the notices required under rule 43. The Speaker has also noted that the Senate would benefit if the Standing Committee on Rules, Procedures and the Rights of Parliament were to consider this issue. This was a good suggestion and the committee chose to consider the matter. However, to be clear, this was a decision taken by the committee itself.

Let me note this is not the first time the committee has looked into the matter. The committee presented recommendations during the first and second sessions of the Thirty-ninth Parliament, as well as the second session of the Fortieth Parliament. Those recommendations died on the Order Paper, most recently when the Prime Minister prorogued Parliament, which members on this side of the Senate did not feel was necessary, but that is another matter and not before us today.

The report currently before the Senate essentially reflects the content of those earlier reports. It is, however, a new report from this session and, as such, contains the current committee's recommendations.

Essentially, the committee has dealt with three issues in this report: First, the procedure for question of privilege; second, the level of information required in the written and oral notice for questions of privilege; and third, the prohibition as to when points of order can be raised in the chamber.

To deal with the first issue, the committee recommends that a senator must give a written notice of a question of privilege three hours before the Senate meets or by 6 p.m. on Thursday if

the matter is to be raised on a Friday. It must also give oral notice of the question of privilege during Senators' Statements, and this reflects the current provisions of rule 43.

If a senator is made aware of a question of privilege after the deadline for written notice, oral notice during Senators' Statements will suffice, and questions that arise during a sitting may be raised immediately.

There are also provisions allowing us to deal with matters that arise during the sitting. These are new and allow the Senate the flexibility to have such an important matter come before it but in a way that is coherent with the current rule 43.

On the second issue, the committee supports what the Speaker concluded in his ruling of October 2006, which said that any written and oral notice must clearly indicate the subject matter of the question of privilege so that senators have the opportunity and time to prepare.

On the third issue, when points of order can be raised — and I am referring to “points of order” here — the committee recommends that the prohibition on the consideration of points of order apply to Senators' Statements, Daily Routine of Business, Question Period and Delayed Answers, so as to ensure that the time limited regular business of the Senate at the start of the sitting is not unduly interrupted. As part of this proposal, the report makes provisions for when either questions of privilege that occur during the sitting or points of order that arise before Orders of the Day will be taken into consideration.

Those are the basic elements of the report, and reflect those of the report presented last May. Since the new session commenced in January, the Rules Committee once again considered the report and made minor and reasonable amendments to it, such as increasing the amount of time allocated for consideration of questions of privilege and points of order, after Delayed Answers, to 45 minutes from 30 minutes.

The committee discussed the report and adopted it on Tuesday of this week, and I believe my comments reflect the background and primary contents of the report.

I believe other honourable senators wish to speak to it at some point.

(On motion of Senator Cools, for Senator Carstairs, debate adjourned.)

STUDY ON CURRENT SOCIAL ISSUES OF LARGE CITIES

THIRTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED DURING SECOND SESSION OF FORTIETH PARLIAMENT AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *In from the Margins: A Call to Action on Poverty, Housing and Homelessness*, tabled in the Senate on December 8, 2009, during the Second Session of the Fortieth Parliament.

Hon. Art Eggleton: Honourable senators, I move, seconded by the Honourable Senator Segal:

That the report be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Human Resources and Skills Development being identified as minister responsible for responding to the report, in consultation with the Ministers of Citizenship and Immigration and Multiculturalism; of Indian Affairs and Northern Development; of Finance; of Justice and Attorney General of Canada; of Health; for Status of Women; of Transport, Infrastructure and Communities and the Presidents of the Treasury Board and of the Queen's Privy Council for Canada.

Honourable senators, first I want to express appreciation to the members of the Subcommittee on Cities who participated in this study. It occurred over a period of two years. It took a little bit longer with the election and prorogation periods bringing us to a stop for some time, but we got it done.

• (1550)

I want to express appreciation to the members of the committee: the deputy chair, Senator Segal, who has long been a champion of measures to help people escape poverty in this country; honourable senators Cordy, Dyck, Keon, Martin and Munson, who also have participated directly; and a number of other senators who are members of the Standing Senate Committee on Social Affairs, Science and Technology, the parent committee, who also participated. My thanks to them, and also to the staff, particularly Havi Echenberg at the Library of Parliament, who worked extensively on the writing of what is almost a 300-page report. We were glad to obtain permission to produce something in a more condensed fashion, complete with a compact disc — a more readable form that has been circulated among a number of interested communities.

In our study of poverty, housing and homelessness, the committee held some 35 hearings, hosted 5 round tables and visited some 20 agencies in 9 cities across Canada. We had the opportunity to hear from close to 200 witnesses, some of whom were people who live in poverty or are homeless themselves. Other witnesses work for community agencies, are academics at universities or work in various volunteer organizations.

What we heard, frankly, was appalling. We found that a staggering one in ten Canadians lives in poverty. The rate has been even higher at other times. That is 3.4 million people, the equivalent of every man, woman and child in Nova Scotia, Newfoundland and Labrador, New Brunswick, Prince Edward Island and Saskatchewan combined.

For these people, for our fellow citizens, every day is a battle with insufficient income, unaffordable housing, inadequate clothing and unsatisfactory nutrition. Every day brings wrenching decisions about whether they have enough money to buy groceries or whether they use the money to pay the rent; can they buy shoes for the kids or do they make a mortgage payment; and also whether they drop out of school and take a job to help the family struggling to get by. These families cannot even dream about getting ahead.

One witness who had experienced poverty expressed it this way:

Poverty steals from your soul leaving you with little or no hope. It robs you of all that can be good in life. It leaves you isolated, lonely and hungry. Every day is a struggle.

What is particularly disturbing to me is that approximately 800,000 of those living in poverty are children, a statistic that is all the more deplorable given Parliament's commitment back in 1989 to eliminate child poverty by the year 2000. Instead, we have hardly made a dent, with double digit rates of child poverty in most of the provinces of this country.

Honourable senators, we all understand the moral arguments against poverty: the jarring juxtaposition of suffering and want in a land of plenty; and the unacceptable toll in terms of lives diminished, dreams deferred and potential denied.

What I do not think many people realize is the economic cost of poverty — how it costs each and every one of us, forcing up our tax bills, depressing the economy, increasing health care bills and breeding alienation and crime.

Today I want to examine those economic costs and outline some of the measures we have proposed to lower them because, make no mistake, with the demographic and economic challenges before Canada today, we simply cannot afford poverty any longer.

A recent Ontario study, guided by economists and policy experts such as Don Drummond, Judith Maxwell and James Milway, estimates that poverty costs this country about \$7.5 billion every year in health care costs alone, and between \$8 billion and \$13 billion in lost productivity. All told, the study sets the bill for poverty at over \$30 billion annually. That is more than half the current federal deficit.

Imagine what eliminating poverty could mean for our fiscal situation; to our ability to pay for things like education, innovation and health care and to our capacity to help the elderly?

Let me bring the Canadian Chamber of Commerce into this issue. In a recent report, they put the looming demographic challenge in stark terms — as our population ages and the growth in the working age population slows, we will face significant labour shortages. One third of the current workforce will retire in the next 20 years. Put another way, we will have about half the ratio of people working, paying taxes, contributing to pensions and health care than we have today.

In its report, the Canadian Chamber of Commerce said that to address the coming shortages in our labour supply, we need to tap into the underutilized segments of our society — for example, older people, Aborigines, the disabled and new immigrants.

Those groups are the very groups — along with lone parents, which are largely lone mothers — that our study found were the most vulnerable to poverty. It turns out the same groups that are languishing in poverty are the ones that we will need to fill the jobs and pay the taxes in the future.

Here we have the intersection of two of the greatest challenges facing our society: the ongoing economic costs of poverty, and the demographic time bomb of aging.

The good news, and I think the tremendous opportunity, is that we can address both at the same time. If we give more people a way out of poverty, we will help fill the jobs that need filling. Give more people a way out of poverty and we will save billions of dollars that poverty is costing all of us.

It is not as if we are not doing anything about poverty. According to Statistics Canada, we spend \$150 billion every year in federal and provincial transfer payments to individuals, and that money does not include education and health care costs. What are we getting for \$150 billion a year? The short answer is not enough.

Those numbers of children, for example — 800,000 living in poverty — are not only sterile statistics; they are a flashing red light. We know that a child born poor has a greater chance of dying in infancy and that if the child lives, is likely to have a lower birth weight and more disabilities.

As they grow, the children are more likely to suffer from poor nutrition and poor health. They will miss more school and, slowly but surely, they will fall further and further behind. Not surprisingly, they are less likely to do well and more likely to drop out of school.

As adults, they will have higher rates of chronic illness. With a poorer education, they will earn less, pay less in taxes, be less productive workers, have more health problems and use more social services. It will be a vicious cycle instead of a virtuous circle, and all of that means higher costs to society.

Our committee also discovered something else, something more systemic about poverty in this country. We saw that decades of social policy-making by all levels of government, well meaning as it may have been, has resulted in two equally devastating results.

First, even when all the programs are working as they should, the resulting income is often only enough to maintain them in poverty. Second, at their worst, existing policies and programs actually entrap people in poverty, creating unintended but nonetheless perverse effects that make it almost impossible to escape the reliance on income security programs or homeless shelters.

As Senator David Croll put it in his landmark committee report almost 40 years ago now:

... we are pouring billions of dollars every year into a social welfare system that merely treats the symptoms of poverty but leaves the disease itself untouched.

Another quote of his I like to cite is one where he says:

It was obvious that the poor do not choose poverty. It is at once their affliction and our national shame. Unlike the poor of earlier days, they know how poor they are and so they face the future with little hope and mounting anger. The children of the poor, and there are many, are the most

helpless victims of all and find even less hope in a society whose social welfare system from the very beginning destroys their dreams of a better life.

Along with that great work of Senator Croll, we have had other examples of solid work done in this chamber by its members on the questions of poverty. The Standing Senate Committee on Agriculture and Forestry conducted a study on rural poverty. Senator Cohen, a previous member of this body before my time, wrote a book on the subject. She was passionate about the issue. There has been some great work done in this institution.

Here is the situation, in sum: We spend over \$150 billion a year; and we have almost three and a half million people living in poverty, including 800,000 children. Any corporation that spent \$150 billion a year on programs without achieving its goals would conclude it needs reworking. We should too. I do not think Canadians want us to spend their tax dollars on things that do not work.

• (1600)

However, there are some good signs. During our work, we found examples of promising practices and programs, largely community based, that actually work. We identify and celebrate these initiatives in our report. Sadly, these examples are pockets of promise in an otherwise dysfunctional system that must be overhauled. Our committee studied the whole range of income security programs, everything from tax breaks to social assistance, Employment Insurance to Old Age Security, along with the Guaranteed Income Supplement. We made a number of specific recommendations, 74 in all, for improvement. I will touch on a few of them.

With Employment Insurance, the biggest problem is that most of the unemployed do not qualify for benefits. What sense does that make? Recommendations 7 through 15 in our report suggest a number of specific changes to make income support for the unemployed more responsive and effective. On education and training, as honourable senators well know success in today's fast-moving job market often depends on having the right skill. There is a clear connection between the level of education achieved and the level of income received, yet we found a classic Catch-22 situation: Poverty keeps many people from acquiring the kind of education and training they need; yet their lack of skills keeps them from getting the jobs that would lift them out of poverty. Breaking the cycle is critical, and breaking it begins at the earliest years of life.

Study after study confirms that children who arrive at school ready to learn become adults prepared to succeed. Among our recommendations, therefore, is a nationwide federal-provincial initiative on early childhood learning, with the emphasis on learning. Referring to early childhood development programs, the recent report of Canada's Chief Public Health Officer, Dr. David Butler-Jones, notes that a dollar invested in the early years saves between \$3 and \$9 in the future spending on the health and criminal justice systems, as well as on social assistance.

We also witnessed first-hand the importance of middle school support for vulnerable children and for high school completion, as well as literacy upgrading and skills building at every age. That is why we propose offering additional tax support for

post-secondary education for students in groups like Aboriginals who are under-represented in those institutions, as well as for initiatives that keep disadvantaged young people in school.

According to one study, if Aboriginal Canadians were able to increase their education attainment to the level of other Canadians, our cumulative economic output would grow by an additional \$179 billion by 2026 and government tax revenues would be \$3.5 billion higher. Obviously, that is good for Aboriginal people and good for all Canadians.

One of my favourite community-based programs to help keep kids in school is the Pathways to Education Program. At Toronto's Regent Park, they were instrumental in lowering the high school dropout rate from 56 per cent to 10 per cent and increasing the number of high school graduates going on to post-secondary education from 20 per cent to 80 per cent. Those numbers are phenomenal.

The Hon. the Acting Speaker: Does the honourable senator wish more time to speak?

Senator Eggleton: Yes. I understood that as the mover of the report I would have 45 minutes.

The Hon. the Acting Speaker: A speaker is allowed 45 minutes on a bill.

Hon. Gerald J. Comeau (Deputy Leader of the Government): No more than five minutes.

Senator Eggleton: We need more programs like that. I was pleased that the Minister of Finance, in his recent budget, provided \$20 million so that Pathways to Education could tell other people about their programs. That can be a benefit right across the country.

We also looked at health because there is a strong connection between being poor and having poor health. The poorest quarter of Canadians use twice the health care services that those in the wealthiest quarter use. According to Statistics Canada, poverty reduces life expectancy more than cancer does. Also in our study, we saw examples of things that worked, such as tax credits, including the National Child Benefit Supplement, which puts money into the hands of low-income individuals and households. As a critical step to eradicating child poverty, we propose increasing the NCBS to \$5,000 by 2012 from the current \$3,400. The Working Income Tax Benefit supplements low income earnings and holds great promise by making work pay. We recommend increasing the benefit so that no recipient would fall below the poverty line.

I will say a quick word on those who struggle with disabilities. They are highly marginalized, face exclusion from quality education, have lower employment rates and are more likely to be poor. We believe that what is needed is to provide a basic income guarantee for people with severe disabilities. Just as the Guaranteed Income Supplement lifted tens of thousands of seniors out of poverty, a guaranteed income for those with severe disabilities would immediately take about half a million people off the social assistance roles.

On housing and homelessness, I think all honourable senators understand intuitively the importance of having decent shelter. A home anchors a person and a family, provides the foundation for higher educational attainment and leads to greater stability in the workplace. Health experts also tell us that adequate housing is a key determinant of health and long-term health outcomes. Today in Canada, at least 3 million people are struggling to find affordable housing. We need to do a better job. We need leadership from the federal level. Our report provides a number of relevant recommendations.

Addressing the issue of homelessness is not only about doing the right thing morally but also about dollars and cents. It is more expensive for us to leave someone on the street than to provide them with decent housing and support services. Recently, Premier Ed Stelmach of Alberta said that an average homeless person costs society roughly \$100,000 per year, including health costs. He said that the annual cost per person drops to \$35,000 annually if that person is given a long-term home.

We need to do a better job on both housing and homelessness. It is time for the federal and provincial governments to come to grips with the issue and develop a national housing and homelessness strategy.

Underlying our report is a simple common-sense premise: Social programs should lift people out of poverty, not keep them there. It is time to give people the tools they need to lift themselves into a better life. Poverty is not benign. It affects us all. It costs us all. We spend a lot of money and do not get the results we should get. We do not need to spend more money. I emphasize that. We do not need to spend more money, but we need to spend smarter, and more efficiently and effectively.

In today's global economy, with the looming demographic challenge of an aging population leading to a shrinking workforce, the importance of creating those opportunities of unleashing the creative contribution of those trapped in poverty is more important than ever. In a very real sense, honourable senators, the future level of our prosperity depends on addressing the current level of our poverty. Simply put, we cannot afford poverty anymore.

Hon. Hugh Segal: Honourable senators, I rise in support of the motion before the house for consideration. I have a couple of points that might be relevant to honourable senators on this side. This report looks at federal and provincial issues as they relate to poverty income, security and homelessness, and not just from the perspective of the federal government. It is clear about not wanting to spend more taxpayers' money and about spending the existing revenues of \$140 billion to \$150 billion per year by federal-provincial governments more efficiently and more effectively. It pays tribute to helpful programs, such as Minister Finley's extension of EI benefits and Minister Flaherty's Working Tax Benefit. These important initiatives have to be addressed over time but are steps in the right direction. The report also pays tribute to the reinvestment in social housing that the present government has put in place and which is so vital to the questions and challenges that we face.

I will make one point about the notion of this report being a base for further work. The report takes the position that we have an income security hodgepodge of programs across Canada that clearly are not reducing the level of poverty while they cost a tremendous amount of money.

• (1610)

In every province of the country, except for Newfoundland and Labrador, recipients of welfare are earning, as a family of four, between \$11,000 to \$19,000 less than the low-income cut-off. Even if you take the market basket measure of our friends at the Fraser Institute, welfare still pays well below that level.

What the report suggests is that this is a great opportunity for a green paper to look at income security across Canada, to look at best practices elsewhere, to look at how we can make it more effective and efficient and to do it in a way that involves the provinces, business, the private sector and the many NGOs that work so hard on this issue, church organizations and others in their own communities.

The opportunity for this report to play a positive role here is suggested by the calendar. The time period during which the provinces and Ottawa have to renegotiate the transfer payments put into place by the Martin administration, transfer payments that relate to health care going up 6 per cent a year, and other issues, is 2013 and 2014. It is important that that negotiation, the members of the committee would suggest, not be a sterile debate about who pays for what, but rather what we can do together to make it better. Poverty is not a partisan issue. People on this side care as much about it as people on that side. People in this government care as much about it as people in the previous administration. Provinces are trying to work hard.

[Translation]

Quebec announced a strategy to fight poverty; New Brunswick, Nova Scotia and Newfoundland did as well. The Yukon is following suit. A few weeks ago, the Yukon Legislative Assembly held a two-day, all-party meeting to discuss the inclusion of poverty.

[English]

This is an opportunity for the Senate to put some facts, figures and ideas in the marketplace of ideas in a way that is most constructive, and I commend the passage of this report to your earliest consideration.

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

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

STUDY ON RISE OF CHINA, INDIA AND RUSSIA IN THE GLOBAL ECONOMY AND THE IMPLICATIONS FOR CANADIAN POLICY

FIRST REPORT OF FOREIGN AFFAIRS AND
INTERNATIONAL TRADE COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the first report (interim) of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *Canada and Russia: Building on*

today's successes for tomorrow's potential, tabled in the Senate on March 31, 2010.

Hon. Consiglio Di Nino: Honourable senators, I have consulted with Senator Andreychuk. I wish to speak to this report, and I am asking that it be adjourned in my name.

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

CONTRABAND TOBACCO

INQUIRY—DEBATE ADJOURNED

Hon. Hugh Segal rose pursuant to notice of March 10, 2010:

That he will call the attention of the Senate to the seriousness of the problem posed by contraband tobacco in Canada, its connection with organized crime, international crime and terrorist financing, including the grave ramifications of the illegal sale of these products to young people, the detrimental effects on legitimate small business, the threat on the livelihoods of hardworking convenience store owners across Canada, and the ability of law enforcement agencies to combat those who are responsible for this illegal trade throughout Canada, and the advisability of a full-blown Senate committee inquiry into these matters.

He said: Honourable senators, I have been doing a fair amount of work talking to police officers, both uniformed and undercover, enforcement agencies, First Nation groups and others, but the work is not at a stage where I can make a coherent case on this inquiry, so I would like to, with honourable senators' indulgence, move the adjournment in my name for my remaining time.

(On motion of Senator Segal, debate adjourned.)

THE SENATE

MOTION TO RECOGNIZE NATIONAL KOREAN WAR
VETERANS DAY—DEBATE ADJOURNED

Hon. Yonah Martin, pursuant to notice of April 15, 2010, moved:

That the Senate recognize and endorse July 27th annually as National Korean War Veterans Day.

She said: Honourable senators, with deepest respect and gratitude to our honoured veterans of the Korean War, including the veterans and their families present in our chamber today, I rise to draw your attention to the motion in my name that the Senate recognize and endorse July 27 annually as National Korean Veterans Day.

The armistice signed on July 27, 1953, ended the three-year military conflict but did not bring an end to the civil war. Canadians from coast to coast to coast pause on November 11 of each year to remember those who have served our nation during

times of war and peace. In order for Canadians of all generations to truly understand the service and sacrifice of our armed forces, we must capture the significance of Remembrance Day and extend our commemorative activities and events throughout the year, such as Vimy Ridge Day, April 9; Liberation of Holland Day, May 5; and Merchant Navy Day, September 3.

I would like to add that at this approximate time, on this day and in honour of our veterans, MLA Harry Bloy, the government liaison to the Korean community of British Columbia, is speaking in the Victoria Legislature to proclaim June 25, 2010, as the Sixtieth Anniversary of the breakout of the war.

To veterans Mr. Terry Wickens, Mr. Gordon Strathy, Mr. Al Tobio, Mr. Bill Black and Mr. Alex MacDonald and all veterans of the Korean War, I owe them my very existence, as do my parents and every person of Korean descent in the world today. On behalf of all of us, please accept our deepest gratitude to you, our unsung heroes of democracy and freedom, and for the sacrifices of your fallen and departed comrades.

[The senator spoke in Korean.]

We sincerely thank you.

The Korean War was a result of the political division of the Korean Peninsula by agreement of the victorious allies at the end of World War II. At the Potsdam Conference in July and August 1945, without consulting the Korean people, the allies unilaterally decided to divide Korea, a clear violation of the Cairo Conference.

Korea had been ruled by Japan prior to the end of the war. In 1945, following the surrender of Japan, the peninsula was divided along the thirty-eighth parallel with the United States troops occupying the southern part and Soviet troops occupying the northern part.

The failure to hold free elections throughout the Korean Peninsula in 1948 deepened the division between the two sides with the thirty-eighth parallel becoming the de facto political border between the two Koreas.

Although reunification negotiations continued in the months preceding the war, tension intensified. Cross-border skirmishes and raids at the thirty-eighth parallel persisted and escalated into open warfare when North Korean forces invaded South Korea on June 25, 1950. International reaction was swift. The United Nations Security Council met on the same day and called for an immediate cessation of hostilities.

• (1620)

As the day wore on and North Korean forces pressed onward, it became clear that they did not intend to comply with the United Nations demands.

A second UN resolution called on the members to furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area. Over the following days and weeks, member states committed their troops, Canada included.

[Senator Martin]

Despite having no special national interest in the Far East and with armed forces just large enough to protect domestic interests, Canadians answered the call of duty. The first Canadian aid to the desperate UN forces was answered by the Royal Canadian Navy. The fact that Korea is a peninsula offered unusual scope for naval support. Eight ships of the Royal Canadian Navy joined their UN and Republic of Korea navy colleagues, performing a great variety of tasks.

In addition to blockading the enemy coast and supporting the UN land forces, they protected the friendly islands and brought aid and comfort to the sick and needy in isolated fishing villages.

I wish to make note of my support of Senator Segal's motion in support of our fine Canadian Navy in its centennial anniversary in 2010, whose legacy includes the important contributions it made during the Korean War.

Following the Canadian Navy, later in June of 1950, a squadron of the Royal Canadian Air Force was assigned to transport duties with the UN. By August, it had become clear that the Korean crisis had deepened. The Canadian government authorized the recruitment of the Canadian Army Special Force, CASF, to carry out Canada's UN obligations. In December 1950, the 2nd Battalion of the Princess Patricia's Canadian Light Infantry landed in Korea, and in May, the CASF followed.

On the sea, in the air, on the ground, in the hills — through some of the most intense fighting and the worst conditions, against great odds, resilient, valiant — Canadians were there to make a difference.

During the battle of Kap'young, Canadians were there, heavily outnumbered and surrounded, the brave soldiers of the 2nd Battalion, Princess Patricia's Canadian Light Infantry, along with their Australian comrades, endured fierce night fighting to prevent the Chinese breakthrough that would have seen the recapture of Seoul.

During the battle of Chail-Li, Canadians were there. The newly-arrived Canadian battalions were deployed in support of the U.S. 25th Division assault along the Ponchon River. In the course of this operation, the Royal Canadian Regiment launched an attack upon the village of Chail-li and a neighbouring hill. The attack was successful, perhaps too successful, as the brigade's advance had created a deep salient in the enemy lines and the units, without protection on the flanks, were forced to withdraw.

During the battle of Hill 187, Canadians were there. The 3rd Battalion of the Royal Canadian Regiment withstood a strong enemy assault on its position on Hill 187. The attack was repulsed, but the engagement cost the Canadians heavy casualties — 26 killed, 27 wounded and 7 taken prisoner.

During the battle of Hill 355, Canadians were there as the Chinese launched another series of attacks in one engagement against the Royal 22nd Regiment positioned at the focal point on Hill 355, an important feature that dominated most of

the divisional front. During the night of November 23 to 24, the Royal 22nd Regiment was attacked several times after heavy shelling, but no ground was lost, even when one of their forward platoons had been dislodged and another surrounded.

Just days before the ceasefire, at the “Hook” they stood and died alongside their UN comrades as wave after wave of Chinese attacks attempted to remove them from their position.

The armistice of July 27, 1953, ending three years of war, took place because Canadians were there — 26,791 Canadians, who were asked to fight for a country they did not know and for a people, like my parents, whom they may have never met, and 12 years later I would not have been born. Five hundred and sixteen soldiers made the ultimate sacrifice to give the people of South Korea — my family — our precious freedom.

At the end of the war, Canadians returned to a peaceful nation that almost seemed to be unaware of the conflict across the ocean that had taken 516 Canadian lives and hundreds of thousands of others.

For decades, the media ignored it. For the most part, reference to the war was buried in archives to occasionally arise as a footnote to history and most frequently referred to as the Korean conflict. The Korean War was aptly called the “Forgotten War” because it was not a Canadian conflict but a United Nations conflict. The Korean War was a forgotten war because it ended in a stalemate, not a triumphant victory, because the fewer casualties and combatants were overshadowed by the world war fought just a few years earlier.

While the memories of the war began to fade and the legacy of the Korean War was archived in Canada, the people of South Korea and Korean immigrants around the world remained forever grateful.

Since 1953, the Republic of Korea has risen from the ashes of war to transform itself from being the second-poorest nation in the world to becoming one of the leaders of the industrialized world, now standing among the G20 nations.

On June 26, 2010, one day after the sixtieth anniversary of the Korean War, it is symbolic that Canada and Korea will co-chair the G20 summit in Ontario.

Honoured veterans, may you see South Korea success as your own, for none of it would have been possible had it not been for your selflessness, courage and sacrifice. I embody the deep history of Canada and Korea. The Korean War is not a fading memory but a sharp reality at the heart of every person of Korean descent living today. It is a sharp reality to those families that have been separated by the thirty-eighth parallel, including my own.

As my mother’s short-term memory deteriorates, she spends much of her time reliving the past, including her vivid memories of the Korean War. I remember too when my father refused to waste food, like mouldy rice. He would scrape off the top layer of mould and mumble as he put a spoonful of the perfectly good rice in his mouth: “Do you know how much we starved during the war?” We would joke that his stomach could handle anything, even a bowl of rocks.

Honourable veterans, you are the living heroes of the Korean people. Days of national commemoration bring Canadians of all generations and many backgrounds together to honour and remember the significance of an event or period in history. Together we can thank those who fought for our freedoms and pass the tradition of honouring and remembering our soldiers to the next generation so that Canadians may never forget why and how we came to enjoy our freedom.

In the coming months, Canadians from across the country will take time to honour, in a multitude of ways, all those who served during the Korean War. Commemorative ceremonies in Victoria and Burnaby, British Columbia to Ottawa and Brampton, Ontario have already been planned and others will be scheduled.

The fallen will be remembered, their achievements and sacrifices acknowledged and the lessons learned passed on to a new generation of Canadians.

June 25, 2010 will mark the sixtieth anniversary of the breakout of the Korean War. July 27, 2013 will mark the sixtieth anniversary of the ceasefire.

On April 9, Canadians gathered to mark the end of an era with the passing of our last Canadian World War I veteran, Mr. John Babcock. Let us join as a nation to remember our soldiers of the “Forgotten War” before it is too late.

Let us give our veterans the hero’s welcome they deserved back in 1953. Many Korean War veterans are no longer with us to witness the respect they deserve; however, there are those who are thankfully still with us. Some of them are in this chamber.

• (1630)

I ask all honourable senators to support this motion to recognize July 27 as National Korean Veterans Day and show our Canadian veterans of the Korean War that they are not forgotten and will never be forgotten.

[Translation]

Hon. Suzanne Fortin-Duplessis: Honourable senators, I would like to thank Senator Martin for her remarks today. She spoke from the heart and stirred our emotions.

I would like to add to her list a very devoted and courageous man, Mr. Pierre Couillard, who lives in my area, and who distinguished himself in the air force during the Korean war.

Thus, I join the Honourable Senator Martin in thanking and honouring all those who defended her country and fought in Korea.

Thank you, again, for your speech.

[English]

Hon. Joseph A. Day: Honourable senators, I had not intended to speak today on this motion, but I believe that it is an extremely important motion that I wish to speak strongly in favour of, and I would not want the opportunity to pass to indicate support from this side of the chamber.

As the Chair of the Subcommittee on Veterans Affairs, I had the honour to visit the Korean battlefields as well as to attend a service that we held with the Minister of Veterans Affairs at the time in Pusan. There is no one, who has had the opportunity to visit that grave site where those brave Canadian soldiers — many of whom fell during that conflict — are buried, who would not be moved by that particular site.

I can tell honourable senators that there is a duplicate of the monument that appears in Pusan in back of the National Arts Centre close to the National Defence building. Not many people know the monument is there. The monument of a soldier holding a young Korean child recognizes the tremendous contribution of Canada in the Korean war — I call it a war — the Korean conflict. There was never an agreement with the United Nations to call it a war, but it was a war to anyone who participated in it.

Honourable senators, there are other points I want to make on this particular motion, and I note that it is not time-sensitive. I will speak in favour, but I ask for the indulgence of honourable senators and move adjournment of this matter, so that I may prepare for it, for the balance of my time.

(On motion of Senator Day, debate adjourned.)

BUSINESS OF THE SENATE

The Hon. the Acting Speaker: Honourable senators, before I recognize Senator Comeau for the adjournment motion, I do not want to end the week without thanking honourable senators for their confidence. Fulfilling the role of Acting Speaker was a great experience for me.

Hon. Senators: Hear, hear!

The Hon. the Acting Speaker: It is beyond my authority to say it is only my first week, but the future will tell. Thank you very much.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motion:

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 4, 2010, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, May 4, 2010, at 2 p.m.)

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

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

(3rd Session, 40th Parliament)

Thursday, April 29, 2010

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

GOVERNMENT BILLS (SENATE)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|--|-----------------|-----------------|----------------------------------|----------|-------|-----------------|------|-------|
| S-2 | An Act to amend the Criminal Code and other Acts | 10/03/17 | 10/03/29 | Legal and Constitutional Affairs | | | | | |
| S-3 | An Act to implement conventions and protocols concluded between Canada and Colombia, Greece and Turkey for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income | 10/03/23 | 10/03/31 | Banking, Trade and Commerce | 10/04/29 | 0 | | | |
| S-4 | An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves | 10/03/31 | | | | | | | |
| S-5 | An Act to amend the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999 | 10/04/14 | | | | | | | |
| S-6 | An Act to amend the Criminal Code and another Act | 10/04/20 | | | | | | | |
| S-7 | An Act to deter terrorism and to amend the State Immunity Act | 10/04/21 | | | | | | | |
| S-8 | An Act respecting the selection of senators | 10/04/27 | | | | | | | |

GOVERNMENT BILLS (HOUSE OF COMMONS)

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-----|---|-----------------|-----------------|-----------|--------|-------|-----------------|----------|-------|
| C-6 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2010 (<i>Appropriation Act No. 5, 2009-2010</i>) | 10/03/24 | 10/03/29 | — | — | — | 10/03/30 | 10/03/31 | 1/10 |
| C-7 | An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2011 (<i>Appropriation Act No. 1, 2010-2011</i>) | 10/03/24 | 10/03/29 | — | — | — | 10/03/30 | 10/03/31 | 2/10 |

COMMONS PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|--|--------|-------|-----------------|------|-------|
| C-232 | An Act to amend the Supreme Court Act (understanding the official languages) | 10/04/13 | | | | | | | |
| C-268 | An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years) | 10/03/04 | 10/04/21 | Social Affairs, Science and Technology | | | | | |
| C-302 | An Act to recognize the injustice that was done to persons of Italian origin through their “enemy alien” designation and internment during the Second World War, and to provide for restitution and promote education on Italian-Canadian history | 10/04/29 | | | | | | | |
| C-464 | An Act to amend the Criminal Code (justification for detention in custody) | 10/03/23 | | | | | | | |

SENATE PUBLIC BILLS

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|--|--------|-------|-----------------|------|-------|
| S-201 | An Act to amend the Office of the Superintendent of Financial Institutions Act (credit and debit cards) (Sen. Ringuette) | 10/03/04 | 10/03/30 | Banking, Trade and Commerce | | | | | |
| S-202 | An Act to amend the Canadian Payments Act (debit card payment systems) (Sen. Ringuette) | 10/03/04 | 10/04/20 | Banking, Trade and Commerce | | | | | |
| S-203 | An Act respecting a National Philanthropy Day (Sen. Mercer) | 10/03/04 | 10/04/29 | Social Affairs, Science and Technology | | | | | |
| S-204 | An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.) | 10/03/09 | | | | | | | |
| S-205 | An Act to provide the means to rationalize the governance of Canadian businesses during the period of national emergency resulting from the global financial crisis that is undermining Canada's economic stability (Sen. Hervieux-Payette, P.C.) | 10/03/09 | | | | | | | |
| S-206 | An Act to establish gender parity on the board of directors of certain corporations, financial institutions and parent Crown corporations (Sen. Hervieux-Payette, P.C.) | 10/03/09 | | | | | | | |
| S-207 | An Act to amend the Fisheries Act (commercial seal fishing) (Sen. Harb) | 10/03/09 | | | | | | | |
| S-208 | An Act to amend the Conflict of Interest Act (gifts) (Sen. Day) | 10/03/09 | | | | | | | |
| S-209 | An Act respecting a national day of service to honour the courage and sacrifice of Canadians in the face of terrorism, particularly the events of September 11, 2001 (Sen. Wallin) | 10/03/09 | | | | | | | |

| No. | Title | 1 st | 2 nd | Committee | Report | Amend | 3 rd | R.A. | Chap. |
|-------|---|-----------------|-----------------|---|----------|-------|-----------------|------|-------|
| S-210 | An Act to amend the Federal Sustainable Development Act and the Auditor General Act (involvement of Parliament) (Sen. Banks) | 10/03/09 | 10/03/18 | Energy, the Environment and Natural Resources | 10/04/22 | 0 | 10/04/27 | | |
| S-211 | An Act respecting World Autism Awareness Day (Sen. Munson) | 10/03/10 | 10/04/20 | Social Affairs, Science and Technology | | | | | |
| S-212 | An Act to amend the Excise Tax Act (tax relief for Nunavik) (Sen. Watt) | 10/03/10 | 10/03/31 | National Finance | | | | | |
| S-213 | An Act to amend the International Boundary Waters Treaty Act (bulk water removal) (Sen. Murray, P.C.) | 10/03/23 | | | | | | | |
| S-214 | An Act to amend the Bankruptcy and Insolvency Act and other Acts (unfunded pension plan liabilities) (Sen. Ringuette) | 10/03/24 | | | | | | | |
| S-215 | An Act to amend the Criminal Code (suicide bombings) (Sen. Frum) | 10/03/24 | 10/03/31 | Legal and Constitutional Affairs | | | | | |
| S-216 | An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act in order to protect beneficiaries of long term disability benefits plans (Sen. Eggleton, P.C.) | 10/03/25 | | | | | | | |
| S-217 | An Act to establish and maintain a national registry of medical devices (Hon. Sen. Harb) | 10/04/14 | | | | | | | |

PRIVATE BILLS

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