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THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, June 8, 2010

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

Prayers.

[*Translation*]

AFGHANISTAN—FALLEN SOLDIER

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed, I would ask you to rise and observe one minute of silence in memory of Sergeant Martin Goudreault, who was tragically killed while serving his country in Afghanistan.

Honourable senators then stood in silent tribute.

[*English*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before calling Senators' Statements, I wish to advise the house that Inuktitut will be used during today's sitting. The floor language will be on channel 1; English will be on channel 2; and French will be on channel 3.

SENATORS' STATEMENTS

WORLD OCEANS DAY

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

Hon. Charlie Watt: Honourable senators, in the aftermath of the Gulf of Mexico oil spill, this World Oceans Day provides Canadians with an essential opportunity to reflect. Today, I want to address the state of Canada's Arctic waters, particularly the issue of contamination and pollution. Offshore oil and gas drilling and exploration are of grave concern to Canadians, as are other pollutants currently dumped into our Arctic waters.

Over the past couple of weeks, calls have been renewed for a moratorium on drilling in the Beaufort Sea. Environmental risks and measures must be properly addressed and assessed and plans put in place to address oil spills.

For years, I have been on the record as a member of the Standing Senate Committee on Fisheries and Oceans saying that the Arctic — the land of the Inuit — does not have the ability to deal with a major oil spill in our waters. The equipment simply does not exist for clean-up. To sanction this type of industry is not responsible.

Those of us who live near and rely on Arctic waters do not have confidence in the federal government's management of contaminating spills in our waters. Its track record is not good. The perspective of Inuit traditional knowledge must be heard and respected by the scientific community.

Last week, Canadian Press released the results of an investigation into the National Enforcement Management Information System and Intelligence System. This is solid information kept by Environment Canada. It appears this information has been hidden from us, and Environment Canada is not living up to its mandate to protect the environment and its inhabitants.

The database, as outlined, details the spill of millions of litres of harmful contaminants in our Arctic waters, including sewage and jet fuel. One of the most frequent offenders or polluters of Arctic waters is the Government of Canada. The Department of Fisheries and Oceans, Indian and Northern Affairs Canada, the Royal Canadian Mounted Police and the Canadian Coast Guard are listed as offenders.

• (1410)

Honourable senators, the greatest spills, in terms of pure volume, are sewage related. Issues with proper infrastructure in this regard are chronic in the North. Petroleum products account for nearly two thirds of all northern spills. From January 2004 to November of last year, the Environment Canada database lists 75 diesel spills across the North, which flowed into the Arctic Ocean. That is followed by 28 sewage spills, 26 spills of unspecified or unknown contaminants, and 25 jet-fuel spills.

We need to be concerned about these threats to Canadian Arctic waters. I suggest that, while the federal government of Canada is reviewing its Arctic environmental protection rules and regulations, it also look at how it is polluting the Arctic Ocean, and examine ways to address these problems. I also suggest more transparency on the spills happening in our waters.

The Hon. the Speaker: Honourable senators, the Honourable Senator Watt has exceeded his three-minute time under Senators' Statements.

Senator Watt: I have a bit more to say, if I could be allowed to finish. May I ask for an extension?

The Hon. the Speaker: Is it agreed, honourable senators, that the honourable senator be granted a short extension?

Hon. Senators: Agreed.

Senator Watt: Thank you.

[Editor's Note: Senator Watt spoke in Inuktitut — translation follows.]

The Canadian Press reports that it took two years and a complaint to the Information Commissioner to pry this information from Environment Canada under the Access to Information Act. This is not acceptable. Information about spills and contamination of our waters should be transparent and accessible to all Canadians.

[Translation]

**THE RIGHT HONOURABLE
MARTIN BRIAN MULRONEY, P.C., C.C.**

Hon. Donald H. Oliver: Honourable senators, I am honoured to rise today to pay tribute to one of the most fascinating politicians in our history, the Right Honourable Brian Mulroney.

[English]

It was 27 years ago this week that Brian Mulroney became the leader of the Progressive Conservative Party of Canada at the national leadership convention in Ottawa. Nearly 3,000 delegates congregated in the Ottawa Civic Centre on June 11, 1983, to elect the next party leader. Seven candidates were in the running for the top job, including former Prime Minister Joe Clark and former Minister of Finance John Crosbie.

After four ballots, Brian Mulroney was chosen leader of the party with nearly 55 per cent of the votes. Two days later, *The New York Times* observed that Mulroney projected "himself as a model Tory and a new kind of Canadian politician," and so began Brian Mulroney's life in federal politics.

Brian Mulroney went on to campaign across Canada to convince Canadians that our party was ready to govern again after years of Liberal rule. He ran a successful campaign promising to improve our economy, our ties with the U.S. and federal-provincial relations. At that time, a journalist from *The Globe and Mail* reported that:

He sold himself to Conservatives across the country as a man who could win, the leader who could bring them to victory after so many years in the frustrating political wilderness. He was asking them to look at him and believe.

Across the country, a majority of Canadians believed. On September 4, 1984, a year after becoming leader, Brian Mulroney led the PC party to the largest landslide majority government in Canadian history. Our party's number of seats in the House of Commons increased by 108 to reach a record-breaking 211 out of 282 seats. To this day, 1984 remains the last time a winning party received more than 50 per cent of the national popular vote.

For 10 years, Prime Minister Mulroney governed Canada and proved to be a skilful negotiator with a forceful style and an astute sense of politics. Under his leadership, the Progressive Conservative Party adopted a number of history-making statutes that made Canada a more progressive, economically sound and inclusive country. His astonishing political legacy includes such

initiatives as the North American Free Trade Agreement, the Acid Rain Accord, Canada's Green Plan for the Environment and the Canadian Multiculturalism Act.

Honourable senators, Brian Mulroney's victory at the 1983 PC leadership convention was a turning point in Canadian history. It led to two consecutive majority governments and 10 years of well-balanced Conservative rule in Ottawa.

In 1983, Mr. Mulroney said: "My father dreamed of a better life for his family. I dream of a better life for my country." In so many ways, he realized his dream.

Honourable senators, please join me in paying tribute to one of our country's most fascinating politicians, the Right Honourable Brian Mulroney.

[Translation]

**L'ALLIANCE JEUNESSE-FAMILLE
DE L'ALBERTA SOCIETY**

CONGRATULATIONS ON TENTH ANNIVERSARY

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I am excited to rise today to commemorate the tenth anniversary of the Alliance Jeunesse-Famille de l'Alberta Society. The AJFAS is a non-profit francophone organization that works actively in French immigrant communities in Alberta to promote Canadian cultural diversity.

Its mission is to prevent crime among French-speaking immigrant youth and families and to facilitate their integration into Alberta's social and professional life.

Since its creation, the organization has been committed to facilitating the social and professional integration of immigrants, fighting racism and crime, promoting women's rights and encouraging the spirit of democracy.

[English]

As Canadians, we need to address the issues surrounding the racial, cultural and ethnic diversity that makes up our country. As a people, we face many challenges and we need to instill positive values in our youth, such as understanding, accepting and appreciating those differences that form the fabric of Canadian life.

• (1420)

One of the AJFA's signature initiatives is the Caravan against racism and discrimination, whose presentations are made in schools throughout Alberta to teach our youth about the effects of racism, prejudice and discrimination, and to promote intercultural exchanges. This initiative is one of the pillars of AJFA's activities, and it is important that we salute it.

[Translation]

The Alliance Jeunesse-Famille de l'Alberta Society is a key part of our community. As a proud member of the francophone community in Alberta, I salute the excellent work they have been doing for the past 10 years.

[Senator Watt]

[English]

CANADIAN MISSION IN AFGHANISTAN

Hon. Hugh Segal: Honourable senators, I am rising to express my profound appreciation to the members of the House of Commons' Special Committee on the Canadian Mission in Afghanistan, who visited Afghanistan recently and returned late last week. They did so to make their own assessment of the situation on the ground and to see first-hand the remarkable work being done by Canadian Forces and humanitarian, development and diplomatic personnel.

Members of Parliament Kevin Sorenson, Byron Wilfert, Jim Abbott, Claude Bachand, Bob Dechert, Jack Harris, Laurie Hawn, Deepak Obhrai, Bob Rae and Pascal-Pierre Paillé, who made the trip, deserve our appreciation and gratitude, as do those who facilitated their movements on both the military and civilian sides.

When I rose in this place on March 30 to express hope that there would be a full parliamentary debate on next steps in Afghanistan after 2011 and my strong view that, whatever the configuration of the post-2011 Canadian contingent, Canadian Armed Forces be part of that presence, I was hopeful that our colleagues in the other place would have a chance to see the context for themselves.

There is now an opportunity for a full parliamentary debate in both chambers — not a narrow, partisan debate, but a broad, multi-partisan, national interest debate — where proposals for the mix of forces and civilians deployed to Afghanistan can be openly and frankly discussed.

Canadian Forces were involved in the earliest assaults on Taliban strongholds. Canadians helped to stabilize Kabul to allow the formation of the first Afghan government, the democratic process and subsequent elections. Canadian Forces were then deployed to Kandahar province, the most violent and difficult of areas, to hold the line almost alone and contain the insurgency so people in other parts of Afghanistan could get on with their lives.

None of us can know what the final phase in Afghanistan will bring in terms of a constructive framework for stability and self-government, but it is clear that Canadian military experience, perspective, local sensitivity and highly-trained capacities need to be a vital part of that final phase.

[Translation]

THE LATE SERGEANT MARTIN GOUDREAULT

Hon. Marie-P. Poulin: Honourable senators, yesterday Sergeant Martin Goudreault became the one hundred forty-seventh Canadian soldier to die in Afghanistan. He was originally from Sudbury.

As a senator representing Northern Ontario, I would like to offer to his parents, Mr. and Mrs. Aurèle Goudreault, my sincere condolences. He was only 35 years old and a member of the Combat Engineer Regiment, based in Edmonton.

With your leave, I will read what his parents said about him today:

[English]

We are both incredibly proud of Martin; he was doing what he truly wanted to do . . . be in the army. He joined the engineers because it was a challenge and he was always challenging himself. At one point in his career, he completed the combat diver course because it was the hardest course he could do at that time. His love of boating grew and whenever he was on the water, he was in his element. One time he travelled down to the United States to certify as a lifeguard so that the particular community could have a trained lifeguard and kids would be able to swim. He just loved people.

Martin was easy going; he never argued, he was funny and he always had so much energy. He was a joker who liked to kid around and he never sweated the small stuff. When it came to his job, his men always came first. His priority was looking after his troops and he was easy to talk to.

He was never scared of saying what was on his mind. When he went on his first tour to Afghanistan, he was really gung-ho to go over there and do his part. After he went over there and saw the kids, he realized he needed to go back and make a difference. And he knew that he was making a difference.

May Martin Goudreault rest in peace. May his parents and family be surrounded by kindness in this time of grief.

SCHOOLBOYS' REGATTA

CONGRATULATIONS ON SIXTY-FIFTH ANNUAL REGATTA

Hon. Linda Frum: Honourable senators, I rise today to congratulate all those who participated in the sixty-fifth annual Schoolboys' Regatta, held in St. Catharines, Ontario, hosted by the Canadian Secondary School Rowing Association. The Schoolboys' Regatta is the championship competition for Canadian high school rowing. This year, 2,500 athletes from 133 schools across Canada and the United States participated in this prestigious event.

Special congratulations are due to E.L. Crossley, a co-ed high school in Fonthill, Ontario, whose men's and women's crews won the overall championship for an incredible eighth consecutive year. Second place in men's points went to Toronto's Upper Canada College.

Maternal pride obliges me to mention that my son was a member of the gold-winning, junior men's lightweight eight. However, I wish to give my praise and kudos to the thousands of enthusiastic young athletes from across Canada and the United States who arrived at last weekend's regatta ready to give their all after months and years of dedicated training and practice.

In their pursuit of excellence and in their display of good sportsmanship, all those young athletes brought honour to themselves and their respective high schools. The CSSRA, the city of St. Catharines, Ontario and the custodians of the Royal Canadian Henley Course also deserve applause for their superb efforts hosting Canada's premier scholastic rowing event.

[Translation]

ROUTINE PROCEEDINGS

PRIVACY COMMISSIONER

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT— 2009 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the annual report of the Office of the Privacy Commissioner of Canada on the Personal Information Protection and Electronic Documents Act for the period of January 1 to December 31, 2009.

THE ENVIRONMENT

CANADA NATIONAL MARINE CONSERVATION AREAS ACT—DOCUMENTS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, an order amending Schedule 2 to the Canada National Marine Conservation Areas Act, together with a report to Parliament entitled *Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site*.

[English]

HEALTH

THE FUTURE OF PALLIATIVE CARE IN CANADA— DOCUMENT TABLED

Hon. Sharon Carstairs: Honourable senators, pursuant to rule 28(4) and with leave of the Senate, I would like to table a document entitled *Raising the Bar: A Roadmap for the Future of Palliative Care in Canada*.

[Translation]

THE ESTIMATES, 2010-11

MAIN ESTIMATES—FOURTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

[Senator Frum]

Tuesday, June 8, 2010

The Standing Senate Committee on National Finance has the honour to present its

FOURTH REPORT

Your committee, to which were referred the 2010-2011 Estimates, has, in obedience to the order of reference of Tuesday, March 9, 2010, examined the said Estimates and herewith presents its second interim report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of report, see today's Journals of the Senate, p. 507.)

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

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

• (1430)

[English]

WORLD AUTISM AWARENESS DAY BILL

SIXTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, June 8, 2010

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SIXTH REPORT

Your committee, to which was referred Bill S-211, An Act respecting World Autism Awareness Day, has, in obedience to the order of reference of Tuesday, April 20, 2010, examined the said bill and now reports the same with the following amendments:

1. *Preamble, page 1:* Replace line 2 with the following:

“a significant number of families in Canada;”.

2. *Preamble, page 1:* Delete lines 6 to 8.

3. *Preamble, page 1:* Delete lines 15 to 17.

4. *Preamble, page 2:* Delete lines 1 and 2.

Respectfully submitted,

KELVIN KENNETH OGILVIE
Deputy Chair

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

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

[Translation]

NATIONAL PHILANTHROPY DAY BILL

SEVENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, June 8, 2010

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

SEVENTH REPORT

Your committee, to which was referred Bill S-203, An Act respecting a National Philanthropy Day, has, in obedience to the order of reference of Tuesday, April 27, 2010, examined the said bill and now reports the same with the following amendments:

1. *Preamble, page 1:* Replace, in the French version, line 20 with the following:

“qu’il est important de rendre hommage à”.

2. Delete clause 3, page 2.

Respectfully submitted,

KELVIN KENNETH OGILVIE
Deputy Chair

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

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

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO STUDY ORDER AMENDING SCHEDULE 2 OF CANADA NATIONAL MARINE CONSERVATION AREAS ACT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move that the Order Amending Schedule 2 to the Canada National Marine Conservation Areas Act, together with the Report to Parliament entitled *Gwaii Haanas National Marine Conservation Area Reserve and Haida Heritage Site*, tabled in the Senate on Tuesday, June 8, 2010, pursuant to the Canada National Marine Conservation Areas

Act, S.C. 2002, c. 18, sbs. 7(1), be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources for consideration.

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

Hon. Senators: Agreed.

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

(Motion agreed to.)

COMMERCIAL SEAL HUNT

NOTICE OF INQUIRY

Hon. Mac Harb: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the fact that the government’s lack of leadership in the face of the collapsing commercial seal hunt has failed Canadians and alienated our international trading partners.

[English]

QUESTION PERIOD

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

HOMELESSNESS AND HOUSING IN THE NORTH

[Editor’s Note: Senator Watt spoke in Inuktitut — translation follows.]

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

The need for adequate housing is at a crisis point in every Inuit region of Canada. According to the Canadian Mortgage and Housing Corporation, 31 per cent of households in Nunavut and 40 per cent of households in Nunavik are overcrowded. In the North, the need for housing is three times higher for Aboriginal families than for non-Aboriginal families who are provided housing because of their employment.

Inuit face tremendous disadvantages to home ownership because of climate, the costs of shipping to remote communities, high taxes and the need to pay for goods one year in advance. We struggle with low purchasing power caused by extremely high prices and limited supply of materials in a non-existent economy.

The Inuit would like to know when the federal government will develop a national strategy for eliminating homelessness in the Arctic. Will this plan include programming for increasing Inuit participation in home ownership?

Hon. Marjory LeBreton (Leader of the Government): The honourable senator points out a difficult and serious issue to which there is no easy solution. The issue of homelessness adds to the complexity of the housing problem. The honourable senator will acknowledge that the government's first budget established an additional \$300 million for housing in the North and \$300 million was also allotted to help the provinces with off-reserve housing, which had no direct effect on the issue in the North. The government created the First Nations Market Housing Fund, and Canada's assigned \$400 million over two years in direct support for on-reserve housing and \$200 million for housing in the North. Obviously, that was an important step.

• (1440)

The issues that the honourable senator raises are difficult and complex. One of the difficulties, as the honourable senator pointed out, is accessibility to supplies. Having said that, the government has earmarked considerable funds for housing in the North, and I would be happy to seek more details from my colleague, the Minister of Indian Affairs and Northern Development. Perhaps he can provide us an update, especially in view of the report that the honourable senator has just cited.

[Editor's Note: Senator Watt spoke in Inuktitut — translation follows.]

Senator Watt: Honourable senators may have read a recent article in the news. It seems apparent that the federal government was not willing to help people in Nunavik obtain accessible housing. I think that needs further investigation. The longer we wait, the harder it becomes, and the federal government has to be reactive right now because the crisis is there.

Senator LeBreton: Honourable senators, as I indicated in my first answer, we have earmarked significant funds for housing in the North. I will be happy to bring the honourable senator's specific concerns to the minister's attention and ask for an update on the progress with regard to the specific concerns the honourable senator raised.

ENVIRONMENT

HYDROELECTRIC POWER GENERATION IN THE NORTH

Hon. Nick G. Sibbeston: Honourable senators, this is Canada. It is endearing and good to hear Senator Watt speak one of the Aboriginal languages of our country. I also speak a language spoken in the North, a Dene language. We are not advanced to the point where I can use it in the Senate chamber, but I recognize that this has been done by my colleague, and it is nice to hear.

My question for the Leader of the Government in the Senate concerns hydroelectric power. The oil fiasco that we see in the Gulf of Mexico, the increasing environmental consciousness about our oil sands development in northern Alberta, and the dangers of environmental catastrophe from offshore drilling for oil make hydroelectric development and other clean sources of power much more attractive.

In the North, we have many rivers that could be used for producing electricity. One such project is the Taltson River hydro project in the southern area of the North. The project is presently undergoing an environmental review process.

In the Throne Speech, the federal government said it would move to clean sources of electricity, but it has not provided any support thus far. A promise has been made by the federal government. I would ask the federal government to act on its promise, particularly with this project in the Northwest Territories.

I ask the Leader of the Government in the Senate if she would confer with her colleagues, the Minister of Indian Affairs and the Minister of the Environment, to see if they can assist this hydro project in the North. There is a review process that is being undertaken at present, but there is also a need for a financial kick-start.

Could the Leader of the Government in the Senate do that for the people in the North?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, our government has set an objective that 90 per cent of Canada's electricity needs be provided by non-emitting sources — such as hydro, nuclear, solar or wind power — by 2020. *Canada's Economic Action Plan* included a \$1 billion Green Infrastructure Fund to create clean energy generation and a \$1 billion Clean Energy Fund to support critical research, development and demonstration of new and innovative renewable projects.

I cannot speak directly to the project about which the honourable senator has referred; however, I would hope that he is well aware of the government's commitment to these kinds of funds. I will be happy to inquire about the specific project the honourable senator mentioned to find out if the application has been received and at what stage of the process that application is.

Obviously, all of us desire to find alternative sources of energy, and we only have to look at the news every night to have that reinforced.

The fact is that we are a diverse country. Some parts of the country have resources that are conducive to hydroelectricity, such as tidal power in Atlantic Canada. However, this is a diverse country, and hydroelectricity is not available to all Canadians. Obviously, the government's plan with regard to non-renewable resources must reflect the part of the country that the application is from.

TRANSPORT

NAVIGATIONAL SERVICES IN THE NORTH

Hon. Bill Rompkey: Honourable senators, my question is for the Leader of the Government in the Senate. About a year ago, the Standing Senate Committee on Fisheries and Oceans made a number of recommendations about the Arctic. Among them was the recommendation to make NORDREG compulsory. NORDREG is the shipping regulations for the North.

On the Atlantic coast, the regulations were compulsory. On the Pacific coast, they were compulsory. In the Arctic, they were voluntary. The government accepted the recommendation and did make NORDREG compulsory in the Arctic, but only for vessels 300 tonnes and larger. Half a loaf is better than no loaf at all but, with the opening up of the Northwest Passage and more ships going through there, would the minister encourage her colleagues to go the whole way and ensure that every ship going through the Northwest Passage reports to Canadian authorities?

Hon. Marjory LeBreton (Leader of the Government): The honourable senator is quite right — half a loaf is better than no loaf at all, which was the case before. I would be happy to take the honourable senator's question as notice and get an update on the status of that particular action.

Senator Rompkey: My colleague Senator Watt has referred to the danger of pollution in pristine Arctic waters. That danger is very real and very close. Ships that are 300 tonnes or more carry oil, and that can be spilled. However, ships that are below 300 tonnes can carry terrorists, drug smugglers, illegal aliens and criminals. We have already experienced one issue when a small Norwegian ship landed armed people in the Arctic without Canadian authorities knowing.

It is important that those regulations are compulsory not only for the larger ships, but for smaller ships as well.

Senator LeBreton: I agree, honourable senators, that there is a renewed threat from a host of sources, and we cannot be too safe with regard to our North and who is traversing it. As I said, I will be happy to get an update on the policy of the government in this area.

CANADIAN HUMAN RIGHTS COMMISSION

CLOSURE OF BRANCH OFFICES

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. The Canadian Human Rights Commission deals with discrimination complaints from federally-regulated industries, such as the airlines, banks, federal departments and agencies. The Commission stands up for the rights of Canadians who feel they are being discriminated against.

• (1450)

In late March, Canadians learned that nearly half of the human rights offices across Canada were being closed. Halifax, Toronto and Vancouver were on the chopping block. That means there is no office in Atlantic Canada, and our nearest one is Montreal.

Will the Leader of the Government in the Senate tell us why the government made that decision? What data and evidence were used to make the decision to close the offices of the Canadian Human Rights Commission?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am happy to obtain an answer to the honourable senator's question. She has asked similar questions with regard to other agencies, and often the monies were better

spent delivering services. In this particular case, I am sure there are good and valid reasons, but I will take the honourable senator's question as notice.

Senator Callbeck: I thank the honourable leader very much for her undertaking. I will appreciate receiving an answer.

The three offices that the government will close in Halifax, Toronto and Vancouver are well used. In fact, these three offices alone account for 70 per cent of all signed complaints that came to the Canadian Human Rights Commission. That means the remaining offices will see a large increase in workload. I understand that the three offices that will be closed employed over 20 people.

Does the closure of these offices mean that there will be fewer people to assist with human rights complaints and to help people who feel that their rights have been violated? How will this government ensure that the commission's level of service remains the same?

Senator LeBreton: Honourable senators, as I mentioned in my first answer, I am sure that there are good and valid reasons. I will obtain a detailed answer.

I am not speaking about the Canadian Human Rights Commission, but in many other organizations, with the use of new technologies and streamlined facilities, there are many ways for people to access the various services without having an office in a specific location. I do not know whether that is the case in this regard. I am only using that situation as an example in other areas.

As I said in my first answer to the honourable senator, I will obtain information as to the reasoning behind these office closures.

NATIONAL DEFENCE

FUNDING FOR VALOUR PLACE

Hon. Tommy Banks: Honourable senators, my question is for the Leader of the Government in the Senate. Members of the Standing Senate Committee on National Security and Defence, on the return leg of one of their visits to Afghanistan, stopped at the United States military hospital in Landstuhl, Germany, a state-of-the-art surgical facility to which severely wounded American and Canadian soldiers are sent after primary treatment in the field.

While we were there, we visited Fisher House, which is a big, warm, friendly house on the campus of, but not physically connected to, the hospital. It is a place in which the families of severely wounded soldiers come to stay so as to provide support for their wounded husbands, wives, sons or daughters during their treatment or sometimes, sadly, to say goodbye to them. While we were there, we saw and met with several families, including Canadian families, who were staying at Fisher House for both of those purposes.

In 1990, the American industrialist and developer Zachary Fisher started the Fisher House program. There are 29 Fisher Houses now operating in the United States. Since the inception of that program, more than 50,000 families of soldiers, including Canadian families, have stayed in Fisher Houses. By law, in the United States, those families may not be charged anything for their stay.

Honourable senators, I am proud to say that in Edmonton, the business community and several prominent citizens, inspired by the example of Fisher House, have embarked on an undertaking to build such a facility to accommodate the families of the many wounded Canadian Forces members who are receiving treatment in Edmonton's Glenrose Rehabilitation Hospital or University of Alberta Hospital. It is to be called Valour Place.

Before the fundraising campaign has even begun, which it has not yet, those Edmonton businesses and individuals have contributed millions to the project. The Government of Alberta has committed a further \$1 million.

In light of the sacrifice of those who place themselves in harm's way in the interests of all Canadians, and in consideration of their families, will the Government of Canada contribute at least matching funds for the building of Valour Place?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I appreciate that Senator Banks provided me with advance notice of his question. I was aware of this project, but not to the extent that I have become since Senator Banks raised the matter.

In Edmonton, Canadian Forces members can and do receive further treatment at the Glenrose Rehabilitation Hospital and the University of Alberta Hospital. While undergoing treatment there, the Department of National Defence is also able to provide limited private military quarters, modified singles' quarters and an allowance to house families of the injured in commercial accommodation. These services are provided in addition to the services offered by Veterans Affairs Canada, private organizations and charities.

However, it is important to note that the department and the government recognize that much more can be done in Edmonton and also in other rehabilitation centres across the country. Therefore, I have been asked to inform the honourable senator that the Department of National Defence is currently examining several options that will facilitate the rehabilitation of our members further and reduce the burden placed upon them and their families during the crucial period of their recovery.

I thank the honourable senator for drawing the matter to my attention.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to present, in both official languages, the answer to an oral question raised by Senator Tardif on March 25, 2010, concerning Status of Women,

violence against women; and the answer to questions raised by Senator Hubley on April 14, 15, and 28, 2010, concerning Fisheries and Oceans, the snow crab quota.

STATUS OF WOMEN

VIOLENCE AGAINST WOMEN

(Response to question raised by Hon. Claudette Tardif on March 25, 2010)

Violence against women is an issue on which our Government is focusing. Our Government has done more than any other Government in the history of this country to keep all women safe. Since 2007, the Government has funded 150 projects, totaling \$28.7 million towards elimination of violence against women. Through the Women's Partnership Fund, the Government of Canada helps women escaping violence to have better access to higher quality services at women's shelters across Canada. Projects under that Fund facilitate the national exchange of "proven, promising and innovative" practices to design and establish a national network of women's shelters across Canada. Through the Women's Community Fund, we are supporting projects for women, in rural, remote, urban, and cultural communities, in every province and territory. For example, Community Living Peterborough's project *Young Women's Leadership Group* is helping women with intellectual disabilities to become mentors to other disabled women so they can teach others about women's rights, independent living and leadership. More women groups than ever before are applying for funding under this program and because the program is working, our government has increased funding to its highest level ever. Since 2007, we have funded 341 projects that have had a direct impact on 140,000 women and an indirect impact on 1,744,665 women.

The Government of Canada has offered unprecedented support and respect to Aboriginal women. They are the most vulnerable people in our society, suffering as victims of violent crimes more than any other group. Our 2010 Budget invested \$10 million over two years to address the high number of missing and murdered Aboriginal women. The Government is currently providing funding through "Evidence in Action" to strengthen the ability of 2,500 Aboriginal women and girls across Canada to recognize and respond to issues of gender-based violence within their families and communities, as well as strengthen the ability of communities to break the cycle of violence. Our \$7 million allocation to the Family Violence Initiative is used to address violence against Aboriginal women.

Our Government has also made substantive and procedural changes to the Criminal Code of Canada to increase the safety of women and children by protecting children from sexual predators, protecting vulnerable women from sexual slavery and human trafficking. We have also acted to bring in new laws to make sure that women are safe from rapists and murderers. Concrete action will be taken by the Minister of Justice to ensure that law enforcement and the justice system meet the needs of Aboriginal women and their families.

[Senator Banks]

FISHERIES AND OCEANS

SNOW CRAB QUOTA

(Response to questions raised by Hon. Elizabeth Hubley on April 14, 15 and 28, 2010)

As part of the usual DFO Science advisory process, the scientific advice prepared by DFO is available to the Public through the Canadian Science Advisory Secretariat (CSAS) web site. These reports are released few weeks following the peer review meeting. It must also be noted that fishing industry stakeholders are always participants to the science peer review meetings. DFO conducts an annual assessment of the snow crab resource in the southern Gulf of St. Lawrence then all reports produced over the last years are available on this internet site. In 2010, two reports have been produced. One refers to the new assessment of the status of the stock and another relates to the identification of interim precautionary approach reference points for this stock.

A link to these two most recent scientific advice and complete references are provided below.

http://www.dfo-mpo.gc.ca/CSAS/Csas/Publications/SAR-AS/2010/2010_015_E.pdf

DFO. 2010. Assessment of snow crab in the southern Gulf of St. Lawrence (Areas 12, 19, 12E and 12F). DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2010/015.

http://www.dfo-mpo.gc.ca/CSAS/Csas/Publications/SAR-AS/2010/2010_014_E.pdf

DFO. 2010. Reference points consistent with the precautionary approach for snow crab in the southern Gulf of St. Lawrence. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2010/014.

The Southern Gulf of St. Lawrence snow crab fishery is one of the most researched fisheries in Canada — DFO scientists have been monitoring and studying this stock for more than twenty years, and their research has been peer reviewed.

The science on which the Minister has made, and continues to make management decisions is thorough and the Minister has complete confidence in its accuracy. To support longer term sustainability of the fishery, DFO has already begun to take advantage of up-to-date science to enhance its precautionary framework for the management of this stock.

Based on current science-based evidence on the cyclical nature of the stock, the framework, when completed, will establish decision guidelines for setting the annual Total Allowable Catch (TAC) that will help to minimize the risks of adversely affecting the biomass when it is at the lower points of its abundance cycle.

This approach will further support conservation, and improve the longer-term predictability of fishery management decisions so that the industry can plan for the future.

The Department has met with all Southern Gulf Snow Crab fleets to offer flexibilities with respect to some of the rules governing quota reallocations. Fleets will be able to create partnering arrangements and combine several licence holders on one vessel. This will allow harvesters to reduce their costs and help to address the challenges of this fishing season. This added flexibility will be in place for 2010 and we will consult with industry and First Nations on a longer term approach.

A number of harvesters from traditional fleets, as well as First Nations have already taken advantage of the flexibility options offered, and the Department continues to field questions and receive requests. The Minister has asked her officials to continue to explore other administrative measures available to DFO that will help harvesters address the challenges of this fishing season.

ANSWER TO ORDER PAPER QUESTION TABLED

HEALTH—NORTH AMERICAN FREE TRADE AGREEMENT TECHNICAL WORKING GROUP

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 11 on the Order Paper—by Senator Downe.

[English]

ORDERS OF THE DAY

MOTOR VEHICLE SAFETY ACT CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

BILL TO AMEND—THIRD READING

Hon. Michael L. MacDonald moved third reading of Bill S-5, An Act to amend the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999.

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

Hon. Senators: Question.

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

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

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. John D. Wallace moved third reading of Bill S-9, An Act to amend the Criminal Code (auto theft and trafficking in property obtained by crime).

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

Hon. Senators: Question.

Hon. George Baker: Honourable senators, this will take a moment.

• (1500)

This bill was passed on division in the Legal Affairs Committee. This is the first sober thought on Bill S-9. This bill is being introduced in the Senate; it will now go to the House of Commons following its approval here. I will vote “on division” when the vote is recorded, as I did in committee. I will briefly explain the reason why so that the elected members of the House of Commons can give it sober second thought, perhaps amend it and then send it back here for final sober second thought.

Honourable senators, it passed on division because the police do not like certain clauses of this bill. This bill is about auto theft and the vehicle identification number. This bill, for the first time — and we commend the government for doing so — creates a law to say it is illegal to alter, eradicate or expunge the vehicle identification numbers on a vehicle.

Why is that important? Look at what happened in Times Square, New York City, recently. A terrorist attempted to blow up Times Square. The terrorist had scratched out the vehicle identification number from the dashboard to prevent the police from discovering where the vehicle came from. The terrorist was caught just as he was leaving the airport on a plane. Why? Because the police had found what they call the secondary vehicle identification number, which is put on every vehicle by all automobile makers in Canada and the United States, and other parts of the world, by international agreement. It is put on the engine and some part of the frame. It comprises 17 numbers and letters that identify where the vehicle was made, and what type of vehicle it is. In other words, it gives you every bit of information up until the sale of the vehicle. The police can then check to find out who bought the vehicle, what dealership, and that was how that terrorist was caught.

The problem with the bill we are passing is that the police do not agree with the proposed subsection 353.1 of the bill. It is clause 4 in the bill. Here is the offence made out, and we congratulate the government for this:

353.1(1) Every person commits an offence who, without lawful excuse, wholly or partially alters, removes or obliterates a vehicle identification number on a motor vehicle.

Honourable senators, that clause will become the law when this bill is passed. That is great, because that is the law in the United States and many parts of the world. In the United States or other parts of the world, you cannot even own a motor vehicle with the vehicle identification number altered or obliterated.

What are the police angry about? I will read some of their comments in just a moment. They are angry over subclause 3. When you hear what the police in this province have to say, you will understand why we are voting on division and why we are hoping the House of Commons will amend the bill. They are the elected members, not us. The government introduced the bill, and

they have a right to present their legislation. Let us just keep that in mind, and that our duty is normally sober second thought, to refine something. However, this bill originates in the Senate, the first time it is introduced.

The police are angry about paragraph 353.1(3). It states:

Despite subsection (1), it is not an offence to wholly or partially alter, remove or obliterate a vehicle identification number on a motor vehicle during regular maintenance or any repair or other work done on the vehicle for a legitimate purpose, including a modification of the vehicle.

What do the police say about that? Here is the testimony of the Chief of the Organized Crime Enforcement Bureau, Ontario Provincial Police, Detective Sergeant Stephen Boyd:

In my view, the bill inadvertently creates obstacles to the enforcement of criminal behaviour through exemptions.

Then he says:

We believe that this clause will reduce the reasonable expectation of conviction. Furthermore, the new trafficking section has a similar flaw.

Given our concerns, we suggest that more consultation is required to ensure the most effective legislation is brought forward to ensure the safety and well-being of all.

Before I continue, let me say that we have, on the Conservative side, some of the most qualified people on that committee.

An Hon. Senator: Thank you.

Senator Baker: Yes, indeed, they are. They are legal experts.

The reason they agree to this provision is the Department of Justice — and this is important — is in favour of this clause, and they have put forward their reasons why they are in favour of it. However, the police go on before the committee. They gave this example: A few weeks ago Eric Lindros' Corvette was stolen. They found the Corvette in a vehicle repair shop with all of the vehicle identification numbers removed. The mechanic said, “Well, I was given a job by someone to do a vehicle modification.” Detective Sergeant Boyd said, “What do you think the judge said to that? He said in his opinion the judiciary respected that as an excuse.” He said, “You are putting it in law now. What chance will we have to convict people?”

Honourable senators, let me present the other side. I cannot just present one side. This is the Senate, sober second thought. The other side of the story is of course that the Department of Justice says we cannot have a provision in the law — and Senator Oliver is listening to this because he taught this very section in law school — without lawful excuse. The position of the Department of Justice is that you cannot have that provision alone without some examples of lawful excuse. That is the position of the Department of Justice.

What do we say? We say “Look at the Criminal Code, a thousand pages, at similar sections, and no examples are given of what is meant by ‘lawful excuse.’” Sections 86, 87, 88, 89, 108 of the Criminal Code all have “without lawful excuse” but no

examples of what the excuse is. If you do not show up for court because there is a snowstorm, or if someone has died in your family those are lawful excuses, but they are not in the Criminal Code.

The police made one other important point. The Department of Justice put in our background papers for this bill the fact that section 354 of the Criminal Code makes it unlawful to have a vehicle in your possession with the vehicle identification number altered in any way.

• (1510)

Honourable senators, I remembered that section was added in the late 1970s. I was in the House of Commons at the time. However, the police told the committee, “Yeah, but we can’t use that section.” I went back to find out if this officer was telling the truth and if he understood it correctly.

Sure enough, I discovered on the first search for the past three years that section of the Criminal Code was not used in one reported case in Canada. Then I checked for five years. It was not used in one case in the past five years. Yet, we have all of these auto thefts going on and stolen cars being exported out of the Port of Montreal all the time.

I then checked a little bit further and discovered that back in 1983, the Ontario Court of Appeal declared the section unconstitutional, because there was a presumption in the section that if one had a vehicle with an altered VIN number, one therefore is presumed to have known one was in possession of a stolen automobile and the offence was made out. In 1983, the Court of Appeal of Ontario declared that to be unconstitutional.

What was the effect? It is that there is no law in Canada today, according to the police and I believe them after doing the check on the section, that prohibits someone from having a vehicle with an altered VIN number. Of course there are provincial laws, which is the highway traffic act of every province, which say that there must be a VIN number on the dash, just under the windshield, so that it can be seen by an officer. However, that is a minor offence under provincial highway traffic acts. It is a strict liability offence. If it is not there, then a person is guilty, but it is a minor offence with a fine. The importance of having this legislation before us is to combat terrorism and not just theft of automobiles. Therefore, I believe that explains the point of why we said “on division” on the bill.

If a decision must be made on who is right — the police or the Department of Justice — I only point this out to honourable senators: The police officers are the ones who lay the charges. They know what charges they can lay. They have to make a decision.

However, there is a protection built into our system. The Department of Justice comes in after and decides whether or not to proceed with the prosecution. There are two different matters here. The police said this bill is not good and they gave their reasons. The Department of Justice says that we really have to have a protection for people who are innocent when they alter a vehicle identification number, or they scratch out all the vehicle identification numbers on the vehicle for vehicle modification.

Now, I have a final thought on the word “modification.” We have a senator here who knows the Controlled Drugs and Substances Act inside out. We are about to study that law. One cannot seize real property when people have grow-ops for marijuana purposes unless the real property has been modified for that purpose — a modification has taken place.

In fact, what Senator Nolin had talked about in the original Narcotics Act is that the words are “substantial modification.” Therefore, we have this whole body of case law on what “modification” means.

What does “modification” mean in this bill? It means exactly what it means in case law: if one alters something. The police are afraid that if “for the legitimate purpose of modification,” is put in this bill as an excuse, then they will not be able to enforce the law and unintentionally, perhaps, we will be making it worse than it is at present.

My suggestion is that we pass this on division and let the other place, in reading the transcripts of this proceeding and of the committee, use their judgment as elected members and then perhaps we will have a second shot at sober second thought.

Hon. Daniel Lang: Honourable senators, I, too, am a member of that committee, and I have attended all the meetings that were called and heard all the witnesses. I take the opposite view from my learned colleague across the way. I want to say that I believe there should be a protection built into the law for those individuals who work on vehicles on a daily basis and who may inadvertently, or because of the modification, have the VIN number removed, and therefore they will not be then breaking the law.

My learned colleague makes this appear too simple to members of this house who have not been part of the committee. We have had numerous witnesses before the committee, the vast majority of them supporting the need for the legislation, just as my colleague said. We need legislation in place as it relates to auto theft and the fact that criminal elements of this country are stealing vehicles at a rate of 20,000 a year. Those vehicles are being either transported out of this country or put into chop shops and distributed as parts. It is a multi-million dollar operation.

The part that I find disturbing about this legislation — and I speak once again to the previous senator who spoke on this subject — is the fact that it has taken five years to deal with what I would believe to be a very simple piece of legislation. It took five years to get it to this stage in this house, yet in this country, 400 vehicles a day are being stolen.

Honourable senators, I would prevail on my learned colleague to review his remarks and look at the legislation in its totality. I realize he is trying to write a perfect piece of legislation, but both he and I know that is not necessarily the case. I find it difficult to understand why anyone would vote against a piece of legislation that has the intent and purpose that I think all honourable senators would agree to, only because there is a difference of opinion between two witnesses who have come before the committee.

I would say to honourable senators that it is not our place to hold up this legislation. It is our place to expedite it. It is overdue for Canadians. I would ask all honourable senators to please support the legislation, let us get on with the business, and hopefully we can get it passed prior to the House of Commons rising for summer recess.

Senator Baker: I understand what the honourable senator is saying. He has had a lot of experience. He has been a cabinet minister in another jurisdiction for many years and for many departments, and he knows whereof he speaks.

The point of the police witnesses was that the words “without lawful excuse” are already there. It is just like in the impaired driving sections, “without reasonable excuse.” It is just like other sections of the code passed years ago with “without lawful justification or excuse.” The police are concerned that to put a further qualification in will in fact hinder them. I believe that is the main point.

Now I take what the honourable senator is saying, and it is a good point. However, the police say there is no reason, unless one has an unlawful excuse, which is there in the bill, to alter a vehicle identification number or to remove it completely. There should be no defence in the bill, and that is their objection.

• (1520)

Hon. Joan Fraser: I might make a 90-second speech to clarify who has been putting questions to whom.

The Hon. the Speaker: We are on Senator Baker’s 45 minutes. There are questions and comments.

Senator Mercer: There is never enough time for Senator Baker.

Hon. Tommy Banks: May I ask Senator Baker a question?

If I am a car thief in the process of stealing a car and sending it off from the Port of Montreal to wherever, and I want to remove the vehicle identification number from that car, I can take it to a chop shop and ask that the vehicle be modified. By doing that, the operator of the chop shop is not committing a crime and when I take possession of the vehicle again, I am not committing a crime by virtue of having possession of a vehicle that does not contain a VIN, because the VIN was removed, or the VINs were removed, in the process of altering the vehicle. Do I understand that issue correctly?

Senator Baker: The honourable senator understands it correctly. I will mention what Senator Wallace is about to say now concerning that question. I say that because Senator Wallace visits those questions and what he looks at first, in the competent legalese that he uses, is that in those matters there is *mens rea*, as you understand. However, on the specific point, the particularization the honourable senator has made, if the person who is doing the altering believes that this altering is for the purpose of modifying the vehicle and that is what his or her instructions are, then someone would have difficulty to prove otherwise. In other words, one would have to prove that the person altering had some knowledge that this vehicle was stolen or why the vehicle identification numbers were being removed or altered. The Crown would have to prove that intent.

However, the police say that proving this intent makes life difficult for them. The chief of the major crime division of the Ontario Provincial Police said that their problem is proving intent. He said that when there is something in the law that adds to their defence, gives them an excuse, it makes it more difficult for the police. That is the bottom line.

Hon. Sharon Carstairs: Honourable senators, this government has introduced a great number of bills under their rubric, if you will, of being tough on crime. However, legislation in and of itself does not prove that they are tough on crime. If the legislation is passed and then that legislation cannot be enforced because there are insufficient resources to enforce it, then we do what is dangerous as politicians: We give an expectation that something will happen when in reality that expectation does not happen.

I come from what used to be known as the auto theft capital of Canada, the city of Winnipeg. It is now, by the way, losing that reputation. It seems to be losing that reputation to the cities of Toronto and Montreal. Why? It is because Manitoba Public Insurance, according to testimony heard before our committee, has chosen to put \$52 million into an auto theft regime for recovery purposes, for dealing with what is, in my city, frequently a young person’s crime. The city has set up a system whereby these young offenders often are contacted every three hours by phone to find out where they are, presumably to ensure they are not on the street, targeting another automobile for the purpose of theft.

The entire province of Manitoba has only one million people, honourable senators, so to have \$52 million put into a resource by Manitoba Public Insurance, the result was to reduce auto theft by 73 per cent in the city of Winnipeg. That still leaves thefts high, by the way, in terms of the number of automobiles stolen, but it showed me clearly in the presentation to the committee that resources are needed. We learned, as Senator Lang told us, of the 20,000 vehicles that probably go across the border, either intact or in part. The question to the border services people was, How much in the way of additional resources will you be given? The answer was, We do not need any additional resources.

How will they find those 20,000 vehicles or their parts if they do not have those additional resources?

With the exception of what Senator Baker has stated, I think this bill is a good one. I disagree entirely with Senator Lang that there is any possibility that this chamber has prevented this bill from having speedy passage, and the only reason that I am speaking to this bill today and not taking the adjournment is so that we can deal with the bill at third reading today and we can send it to the House of Commons; hopefully, they can obtain more realistic answers to the questions than we received.

Honourable senators, if we do not provide resources, we will not solve the problem. The legislation in and of itself will not do the trick.

Senator Fraser: In the matter of the five-year delay referred to by Senator Lang, the record should show that the Standing Senate Committee on Legal and Constitutional Affairs disposed of this bill in two weeks of intensive hearings; indeed, we

reorganized our plans and timetable to proceed with this bill even more rapidly than we had planned so that the House of Commons can deal with it before they get out of town earlier than otherwise planned. We are giving them a longer summer break.

Earlier versions of this bill, I suggest to Senator Lang, notably the version that was before the same committee of the Senate last fall, were derailed not by parliamentary delays but by prorogations and dissolutions of Parliament, which of course were not within the power of the committee to change.

Senator Wallace: Honourable senators, I have a few comments to make, as the sponsor of this bill. It is one thing to sit through the committee discussion, and I know all honourable senators find this, that they know the ins and outs of the particular issue with which they are dealing in committee, and when it comes before this chamber they are not as familiar with all the issues that have come up.

I want to clarify a couple of impressions. First is that the focus and purpose of the bill is to deal in a comprehensive way with the serious problem of motor vehicle theft in this country, not simply to deal with one component, but to deal with motor vehicle theft in a comprehensive way.

I will not go through all the background behind the bill, but suffice it to say, with that comprehensive approach, the bill deals with a specific new offence of motor vehicle theft, a new offence that deals with the trafficking of motor vehicles, possession for the purpose of trafficking, the alteration of the vehicle identification number that Senator Baker has referred to, and new provisions that deal with the exportation and importation of motor vehicles and motor vehicle parts across the border. It is comprehensive. The bill was not created overnight. There is quite a history to this bill. I can say in all truthfulness that this bill is a response to law enforcement and to the request of the Attorneys General in the territories and provinces of this country. There has been extensive consultation with all of those organizations.

• (1530)

The evidence that we heard at committee, including that from the law enforcement factions, was resoundingly in favour of this bill. Honourable Senator Baker is correct; Superintendent Boyd expressed a viewpoint regarding the provisions that deal with alteration and modification of the vehicle identification number. Senator Baker said that the police are “angry.” I saw no signs of anger; quite the contrary with any of the law enforcement officials, including Superintendent Boyd, who appeared before us. The point here is that it is necessary to have a bill that will consider all the participants in the criminal chain that involve motor vehicle theft. That is exactly what this bill does.

In regard to a comment made by Senator Carstairs, I would not argue the point that resources are needed to support any bill that comes before this chamber; however, I would not want honourable senators left with the impression that we heard evidence to the effect that this amended act, the amended Criminal Code, could not be enforced with the resources that exist today or would be added. That certainly was not stated. I would not want honourable senators left with the impression that this is, somehow, a hollow bill that would amount to very little in substance.

On the point that the Honourable Senator Baker raises — and, he has heard me say this before — this point dealing with the removal or obliteration of vehicle identification numbers is not complicated. The objective is to make it clear to those who could, inadvertently, remove or obliterate those numbers, namely, those involved in the maintenance of vehicles, that they would not incur criminal prosecution if the number was obliterated or removed in the act of maintaining the vehicle. I think that makes common sense. Without the criminal intent, which someone maintaining a vehicle would not have, it would not be an offence in any event. I do not see that, with all due respect to Senator Baker, as being an issue of any significance. The committee heard that point raised by one law enforcement official. Overwhelmingly, there was tremendous support for this bill.

The final point I wish to make involves Senator Fraser’s comment and suggestions that this bill is being held up. I want to acknowledge that I had made a request at our steering committee that we change the order in which we were to address bills so that we could deal with Bill S-9 more expeditiously. I want to acknowledge and thank Senator Fraser for agreeing to do that. Without that change, we would not be here at third reading today. I do appreciate that.

In conclusion, honourable senators, I would respectfully request that this chamber support the passage of Bill S-9 at third reading.

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

(Motion agreed to and bill read the third time and passed, on division.)

SAFE DRINKING WATER FOR FIRST NATIONS BILL

SECOND READING —DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Brazeau, seconded by the Honourable Senator Lang, for the second reading of Bill S-11, An Act respecting the safety of drinking water on first nation lands.

Hon. Tommy Banks: Honourable senators, I am rising today because I promised Senator Brazeau that I would speak today on this bill. I had intended simply to urge that we send it to committee for study. However, in the intervening days, I found out some things that I did not know before.

First, I wish to point out to honourable senators that while Senator Grafstein was a member of this place, he proposed, over the past seven years, time and again — and, I do not know how many times he proposed it, but I think the Senate passed it twice, at least — a bill respecting the safety of drinking water for Canadians. If it had been passed by Parliament, it would have obviated the necessity for this or for any other bill because it went much further than this bill before us with respect to protecting the safety of drinking water for all Canadians, very much including, as Senator Grafstein continually stated, First Nations.

I have no doubt of the good intent of this bill. However, with good intentions, there are sometimes slips between the cup and the lip. I have been informed that the Assembly of First Nations is opposed to this bill. Since this is a bill that deals with drinking water on First Nation lands, I think that attention must be paid — more attention than I have been able to pay so far — to the opposition by the Assembly of First Nations to the passage of this bill.

I am further informed that the Safe Drinking Water Foundation is opposed to the passage of this bill. The foundation is not some wacko, left wing, tree hugging activist group, honourable senators. The Chairman of the Safe Drinking Water Foundation is Dr. David Schindler. He is not merely an eminent scientist; he is a pre-eminent scientist, of whom most of us have heard. The foundation of which Dr. Schindler is the chair is opposed to this bill, for reasons that include the suggestion that “the proposed federal regulations” — I am quoting that foundation — “could actually put the communities themselves at risk; that First Nation communities, in order to be able to produce truly safe drinking water and meet these regulations, will require more funding, more training, and more effective water treatment processes than are currently available. . .”

Honourable senators, and with apologies to Senator Brazeau, I will ask for the adjournment of the debate for the remainder of my time. I will attend to it as early as I can possibly get the required information.

(On motion of Senator Banks, debate adjourned.)

• (1540)

BUDGET 2010

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Comeau calling the attention of the Senate to the budget entitled, *Leading the Way on Jobs and Growth*, tabled in the House of Commons on March 4, 2010, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on March 9, 2010.

Hon. Vim Kochhar: Honourable senators, I stand here in the Red Chamber for the first time, humbled by the trust the Prime Minister has put in me, grateful of the warm welcome all honourable senators have given me and mindful of the

responsibilities as the first Indian-born senator. When I look around, I have a lot to be proud of sitting among 104 of the most talented Canadians chosen by six prime ministers.

Let me tell honourable senators about my life before I came to Canada. I was born in India 73 years ago. My 18 years in India saw the Second World War, the fall of the British Empire, the partition of India and the assassination of Mahatma Gandhi, whose philosophy had the greatest impact on my life.

At the age of 18, my father had the courage to send me to the United States to go to the University of Texas with a boat ticket and \$300 in my pocket. I think his faith and my dream carried me through.

My first memory of Canada was the glimpse of Halifax Harbour where I stopped overnight on my way to Boston about 55 years ago. Even then, I thought Canada was the best country in the world.

That first summer, I hitchhiked to California to pick peaches. On returning to university, I was lucky to find a full-time job. Pursuing full-time studies while working, I graduated from the University of Texas five years later with an engineering degree and \$10,000 in my bank account. For the next five years, I worked for InterContinental Hotels as chief engineer and project manager, building hotels around the world.

In 1967, I moved to Toronto. For six years, I managed projects in the construction of the Medical Sciences Building at the University of Toronto and Memorial University of Newfoundland. I also had the privilege of moving the historic Campbell House to its present location at University Avenue and Queen Street in Toronto. Built in 1822, it was the first brick house built for Sir William Campbell, the first Chief Justice of Upper Canada.

For the last 38 years, I manufactured and retailed custom-made Canadiana furniture through my Vimal Group of Companies in Toronto. These years have been very good for me.

Recently, the world has suffered a global downturn affecting all of us. However, with determined leadership and focused planning of our government, we came away relatively unscathed from any economic meltdown. Many stopgaps and measures were put in place to keep our country functioning well under the circumstances.

Strengthening the financial sector was one method to keep Canada strong. Our country's financial sector was able to weather the global financial crisis better than many other countries due to our sound regulatory system and well-capitalized institutions.

This month, at the G8 and G20 meetings, Canada will lead the dialogue around strengthening the international financial system. We will show how a country can maintain a strong and competitive financial sector through business financing and consumer protection.

Our financial regulatory body is always seeking to improve on our success. We are currently establishing a national securities regulator to improve protection for investors across Canada; to

[Senator Banks]

tools to maintain financial sector stability; and to simplify processes for business, thus lessening red tape and increasing savings for investors.

We are on the correct financial and employment health tracks. We have been able to create and protect Canadian jobs. Through *Canada's Economic Action Plan*, training and skills development programs have been enhanced. Building and modernizing our infrastructure has also created more jobs.

At the rate we are going, Canada is well on its way to the economy of the future. This economy will include funding investments in science, technology, and research that will put our country on the leading edge of tomorrow's economy.

I want honourable senators to know that I am a proud Canadian. Canada has been good to me. Canada has given me opportunities to work, grow and prosper. It has been a privilege and an honour to have the opportunity to serve my country.

I am also a proud Indian. My heritage has always stood me in good stead. My father taught me that making a living was not an accomplishment. It is what we can do for others that matters in life.

I have been fortunate to have mentors who put me on a special pedestal. From Senator Consiglio Di Nino, I inherited the presidency of Greater Toronto Council of Scouts Canada; from Senator Joyce Fairbairn, I inherited chairmanship of the Canadian Paralympic Foundation; from Rotary International President Wilf Wilkinson, I inherited love for the Rotary; and from a great finance minister, Michael Wilson, I learned that politics is about serving your country.

It was more than 30 years ago when I picked up the torch for the disability movement from an extraordinary woman, Marg McLeod, who pioneered Homes for Physically Disabled in Canada. At that time, Bloorview MacMillan Children's Centre was called the Ontario Crippled Children's Centre. The Centre for Addiction and Mental Health was called the Hospital for the Insane. I remember when the media called Paralympians crippled athletes; the only place for the severely disabled to live was in an institution or at home; and when any service to people who were deaf or blind was considered a waste of time and money.

I remember when, only 26 years ago, our Paralympians brought home 222 medals. We were second in the world. It was the best-kept secret in Canada because Paralympic medals had no value in the eyes of media and public perception.

When I picked up the torch, I believed that barrier-free living for people with disabilities was possible. I believed a Paralympic gold medal was as good as an Olympic gold medal. I believed that a wheelchair was no longer a symbol of a disability but a symbol of freedom for people who cannot walk. I also believe that there is absolutely nothing that people with disabilities cannot achieve and that they should be recognized for their achievements.

• (1550)

Today, honourable senators, we pause to celebrate the many milestones we have established. We celebrate our Paralympic athletes climbing the podium 19 times at the Vancouver Paralympics; they won 19 medals out of which 10 were gold, which put us third in the world.

We celebrate Lauren Woolstencroft, a triple amputee winning five gold medals in skiing, joining Chantal Petitclerc and Stephanie Dixon to form a golden girls club in Canada. Think about it, honourable senators; this will stay in our history books forever.

Yet, none of them have the profile or sponsorship to match Olympic gold medallists. To me, Paralympic gold will always be as good as Olympic gold. This is a dream I am pursuing and I will not compromise — not now, not ever.

We celebrate the founding of the Canadian Foundation for Physically Disabled Persons and the Great Valentine Gala 26 years ago. This organization symbolizes the hopes and aspirations of people with disabilities and has forever changed the way Canadians think about disability.

The Canadian Foundation for Physically Disabled Persons, through over 60 events including Great Valentine Galas, Terry Fox Hall of Fame, the Canadian Disability Hall of Fame, Rolling Rampage and the Canadian Helen Keller Centre Awards, has raised over \$25 million and has recognized and celebrated the achievements of hundreds of extraordinary Canadians who are either disabled or who have made a contribution to disability.

We celebrate the opening of Rotary Cheshire Home, where 16 deaf-blind people live barrier-free and independently in their own apartment. This is still the only facility of its kind anywhere in the world.

We celebrate the opening of the Canadian Helen Keller Centre, the only training centre for deaf-blind in Canada.

The crowning event for the Canadian Foundation for Physically Disabled Persons was 14 years ago, when it organized the Paralympic torch run from coast to coast to coast, exposing Paralympics to media, politicians and the public in general. It raised the profile for Paralympics in Canada many folds within a period of two months.

We celebrate the eighth anniversary of Jeff Adams' climb up the CN Towers 1,776 steps in his wheelchair in less than four hours.

Honourable senators, we have not achieved everything in full measure, but we have redeemed enough to celebrate. Please join me in making a difference for all Canadians living with physical disability, and Paralympic athletes. Please keep the torch lit for disability. Together we can make a difference for our fellow citizens living with a physical disability, and make Canada a society that recognizes and values diversity and difference in an inclusive way which promotes equality of opportunity.

I am truly honoured and privileged to be here in this Red Chamber and to have an opportunity to work with fellow honourable senators to make a difference in the lives of Canadians in the greatest country in the world.

Hon. Senators: Hear, hear!

(On motion of Senator Comeau, debate adjourned.)

NATIONAL DAY OF SERVICE BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Wallin, seconded by the Honourable Senator Marshall, for the second reading of Bill 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.

Hon. Pamela Wallin: Honourable senators, I noted that earlier today Senator Banks was concerned that the legislation and bills we put forward here reflect the interests of those most directly impacted by them. I came to the Senate about 18 months ago. One of the first pieces of legislation I put forward was a bill on National Day of Service. This has the support of the families of our fallen in Afghanistan and the families of the victims of Air India, 9/11 and of other acts of violence. They have asked us to put this bill forward. Can Senator Banks tell me when he intends to speak to this measure?

Hon. Tommy Banks: I understood that the honourable senator had already spoken on this bill, but I might be wrong.

Senator Wallin: My question, as I just put it, Senator Banks, was whether the honourable senator can tell me if there is some reason he continues to delay, and can he inform me when he intends to speak to this item, as it is adjourned in his name.

Senator Banks: I do not agree with the characterization of “delay.” I am looking at the question of the content of the bill and the impact that it will have on Canada. I am also focused on the question of how many days we want to have, what they mean and what they stand for and their effect.

I will comment on it when I have arrived at the relative conclusions.

(Order stands.)

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Yonah Martin moved third reading of Bill C-268, An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years).

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

Hon. Anne C. Cools: Honourable senators, many important questions were raised in this house when the bill was at second reading. It would be the expectation of many who raised questions that, at third reading, the sponsor of the bill would answer those questions and assure honourable senators that the committee had looked at the relevant issues.

It is very unusual to move a third reading without a speech or two, or three.

• (1600)

Senator Martin: Honourable senators, rather than speak to the bill — which has been studied by the committee and was returned unamended — I am happy to answer some of the questions that were raised.

However, in committee, we conducted a focused study. We had an opportunity to hear officials from Department of Justice, Statistics Canada and the RCMP; lawyers from the Criminal Lawyers' Association and from the Canadian Association of Crown Counsel; as well as from some advocacy groups. The committee, in consideration of all the important points raised, examined the bill clause by clause and the bill has come back.

I thank Senator Dyck for her thoughtful study of the bill as a critic, as well as the senators on the committee who performed their job around the table in asking questions and probing the witnesses who appeared before the committee. I also thank all honourable senators for participating in the debate during second reading.

Honourable senators, we have returned the bill with no amendments. Perhaps the honourable senator on the other side, Senator Dyck, may wish to say a few words to add to that summary. I am happy to answer questions, if the honourable senator has any.

Senator Cools: Honourable senators, I was not thinking in terms of a question and answer session with the honourable senator. What I was suggesting, or inquiring about, is that it is customary for the sponsor of the bill to give a speech at third reading. When it does not happen, it is unusual. However, it is the duty of the senator who sponsored the bill to answer the concerns and questions in the Senate that were raised on the floor of the Senate.

Honourable senators, we are all aware that the committee would have given a report. However, this bill is not at the report stage; it is at third reading, at which time the questions that were raised in debate here should be answered item by item and question by question. It is simply insufficient to say that the committee looked at it. With all due respect, this is not the committee.

Honourable senators, I was looking forward to hearing Senator Martin answer the concerns that Senator Dyck had raised and some of the questions that I had raised in my speech. Hopefully, Senator Martin raised some of those concerns in the committee, as I would have expected or hoped. It would seem to me it is appropriate, polite and good parliamentary manners, in addition to being good parliamentary debate, to let the record show that the concerns were put before the committee and that the concerns were answered — not simply to be brushed aside. That is all I am trying to say.

Maybe the best thing to do is for the Honourable Senator Martin to take the adjournment and come back in a day or two to respond to some of the concerns. They should be answered.

Senator Martin: I will reiterate, honourable senators, that I am happy to speak to this bill. However, as I said earlier, all the questions that were raised were raised again during committee and were fully answered.

I have a speech, but my judgment on this day was to move this bill along in terms of expediting the process. This bill has been before the House of Commons, where it received majority support from both Liberal and Conservative members of Parliament. In this chamber, we have had a chance to debate the bill at second reading. It went to committee, and all the questions and concerns raised were answered by different witnesses, as well as officials that appeared before us.

At this time, I would be happy to provide this information, but it would take a lot longer. However, I wish to give an opportunity for the critic to say a few words if she wishes, and to thank her once again for the good work that she did.

Senator Cools: Honourable senators, I do not understand why the critic for the bill would be answering questions that were raised on the floor of this house, instead of the bill's sponsor. Is that your intention, Senator Dyck?

Hon. Lillian Eva Dyck: I move adjournment of the bill in my name.

The Hon. the Speaker *pro tempore*: It has been moved by the Honourable Senator Dyck, seconded by the Honourable Senator Rompkey, that further debate on this motion be adjourned until the next sitting of the Senate.

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

Some Hon. Senators: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the "nays" have it.

And two honourable senators having risen:

Hon. Terry Stratton: I think His Honour should have gone one more step. Normally, when the Speaker asks for the yeas and nays, there is an initial reaction, and then the Speaker asks the question a second time to ensure His Honour has everyone's attention and that the yeas and nays are properly addressed.

May I suggest that we back off from a standing vote right now, and go back to a verbal one, to reaffirm where we are?

The Hon. the Speaker *pro tempore*: Is that the will of the chamber, honourable senators?

Hon. Senators: Agreed.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: I believe the "yeas" have it.
(Motion agreed to and debate adjourned, on division.)

SUPREME COURT ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Rivest, for the second reading of Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages).

Hon. Daniel Lang: Honourable senators, I rise today to speak to Bill C-232, An Act to amend the Supreme Court Act. At the outset, I ask all honourable senators to ask themselves why this private member's bill is before us, and will it help promote the linguistic peace that has been achieved over the last 30 years?

Why is this bill before us? We have to ask ourselves, first, is the Supreme Court working and is it working well; and second, in the present criteria for appointing Supreme Court justices, is it giving us the top legal jurists in the country?

When I look around this place, honourable senators, I think the question is answered. The answer is yes.

Knowing that the answer to these two questions is yes, I want to state for the record that I view the bill before us as a mischievous piece of legislation designed to reawaken the age-old conflict in our country over language rights.

A number of weeks ago in these chambers, the constitutional and legal reasons for not supporting this bill were laid out methodically and clearly by our learned colleague Senator

Carignan. He pointed out that the constitutional right of each and every Canadian to be able to speak in either of our two official languages is protected by section 133 of the Constitution of Canada.

Not one of the speakers to date on this bill has challenged his well-researched position. It is clear that neither the Senate nor the House of Commons has the authority to overrule or infringe upon this right.

• (1610)

A number of points of view have been expressed about this bill. I commend Senator McCoy for sharing her first-hand experience as legal counsel before the Supreme Court and for describing the way the court functions, particularly the fact that translation and the examining of the written word largely form the basis for the court's ability to make reasonable and well-thought-out decisions. Unfortunately, the political spin put forth by some proponents of this bill would have the public believe that the Supreme Court is hearing cases every day, like one of those court programs that are on TV. In fact, as Senator McCoy informed us, much of the work of the Supreme Court is done in writing. Unlike court TV, much of the work of the Supreme Court takes place behind closed doors to examine written texts, which are available in both official languages.

The question must be asked: Is the Supreme Court working well and setting the standards that we, as Canadians, expect of them? The answer is yes. Yet, if this legislation were in place prior to the appointment of the current nine justices, a number of them would not meet the criterion set by this bill. The justices of the Supreme Court are the top legal jurists in this country, and it is hard to believe that some of them would have been denied their place had this bill been in force at the time of their appointment.

Knowing the practical effect of this bill, I ask honourable senators: Why would we support a bill that would prevent a large percentage of our legal community from eligibility for membership in one of the most important institutions in Canada?

Honourable senators, if we are the institution of sober second thought, I believe it is self-evident that we cannot support a measure that takes a constitutional right away from fellow Canadians and divides us on the basis of language proficiency. It has been said by some that a justice of the Supreme Court should be bilingual because we have bilingual programs in the schools in Toronto, Vancouver and other large centres across the country. While this is true, those same senators have forgotten rural Canada, where this is not the case. How many senators have heard of small towns like Watson Lake, Yukon; or La Tuque, Quebec? These rural communities have, at best, a very basic second language program in their schools. Needless to say, these students of small-town Canada would not meet the linguistic standards of that second language as required by this bill. Honourable senators, should we deny rural Canadians the opportunity to be appointed to the highest court in the land because they were born in small-town Canada, even if they are the most qualified and most capable judicial applicants in this country? The answer is, no. We cannot and should not consciously discriminate against the best and the smartest minds from rural Canada.

I draw the attention of honourable senators to the representation on the Supreme Court. I am sure that all in this place would like to one day see the First Nations of Canada represented in the highest court of the land. Does this bill facilitate such a day becoming a reality? No, it does not. If passed, this bill would be another road block in limiting our First Nations from becoming more involved in an institution that is the cornerstone of our society.

It is common knowledge that in rural Canada, many of our First Nations have to master their native language and, depending where they live, English or French as a second language in their formative school years. Obviously, there is no one in this place who would support legislation that limits the opportunities for First Nations people to aspire to being a justice of the Supreme Court of Canada.

I look around this place and see senators representing all the regions of Canada. Many of us represent rural parts of the country, and many of us, whether in the House of Commons or in this place, are unilingual. How can we have one standard in Parliament for those who make the law and a different standard for those who interpret the law? Both functions are equally important, and I do not understand why we would make such a distinction.

Honourable senators, at the outset I asked a couple of questions: First, why is Bill C-232 before this place? Second, will it promote the linguistic peace that has been achieved over the past 30 years? I believe I have answered those questions. My conclusion is that the Senate should not support a bill that will cause division in our country and is discriminatory against students from small-town Canada.

I will vote accordingly.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Would my honourable colleague accept a question?

Senator Lang: Go ahead.

Senator Tardif: The honourable senator asks why the bill is before us and why one would support such a bill. The answer is one of equality and justice for all Canadians who have their case pled before the highest court of the land. Currently, there is an inequality. One group of citizens can have their case pled directly without the filter of interpretation, while another group cannot. That is an injustice.

Can my honourable colleague tell me whether the law is there to serve citizens or only those who aspire to sit on the bench of the Supreme Court of Canada?

Senator Lang: Honourable senators, the court is designed to hear appeals. That must be clearly and concisely put forward as we have this debate. I also ask the honourable senator how she can stand in her place and deny the constitutional rights of every young Canadian from rural Canada, whether First Nation or otherwise, who is raised in a small town with limited access to second language programs? That puts them at a distinct disadvantage should they aspire to the position of judge of the Supreme Court.

When Senator Carignan asked Senator Raine whether she understood his question that was asked in French and interpreted for the honourable senator, she said that, of course, she understood. To say that our translation services and our ability to provide that service does not do the job that it is intended to do, whether in this place or in the Supreme Court, is a fallacy.

Senator Tardif represents the great province of Alberta, which does not have bilingualism throughout the province because the Alberta Ministry of Education cannot afford to put that program in every small town in Alberta. I suggest that the honourable senator assess her situation to determine whether she wants to support a bill that would exclude some of those young people who might be in law school and might become one of the top jurists in this country but may be ineligible. I would say that is unfair and not Canadian.

Senator Tardif: Is the honourable senator aware that Beverley McLachlin, the Chief Justice of the Supreme Court of Canada, is from the very small town of Pincher Creek, Alberta? Is he aware that there are 33,000 students enrolled in French immersion programs in Alberta and over 200,000 students enrolled in French as a second language programs? Is the honourable senator aware that this bill calls for the comprehension of both official languages, not fluent bilingualism or perfect linguistic requirements as is often stated.

• (1620)

Is the honourable senator aware that this bill does not take away the constitutional right of judges to speak in either of the official languages at the Supreme Court level? The judge can use the language that he or she chooses. This bill only requires that future judges be able to understand the case that is being pled before them in either of the official languages?

Senator Lang: I would say to the honourable senator, if one analyzes the bill, what is the reason for the bill?

Senator Tardif: It is one of justice and equality.

Senator Lang: I would submit to the honourable senator with the reasoning that I put forward that I do not see it as just and equal. I see it as an infringement on the rights of other Canadians and the prospect of being appointed to the Supreme Court of Canada. I, for one, support bilingualism.

Why would you sneer? Why would you sneer?

Senator Tardif: I smiled, honourable senator; I did not sneer.

Senator Lang: That is the problem with this bill. Does it promote linguistic peace in this country when we see a debate like this ensuing between two members in the Senate? I want to say to my honourable colleague that I support French immersion. I was part of a government that introduced French immersion into the Yukon. I have four children who have taken French immersion. One of my children is a French teacher.

I want to talk about the student from Mayo or from Watson Lake. Just in the past year, a student from Watson Lake who went to the University of Victoria graduated at the top of her

class, became a clerk for the Supreme Court of British Columbia and in fact was considered for the Supreme Court of Canada. I will say to the honourable senator that, unfortunately, that particular student did not have the access to the French programs that can be found in a larger centre such as Whitehorse or Calgary.

I am saying to the senator opposite that I do not see the need for this bill. The court is working well. The criteria laid out for appointing Supreme Court justices is clear, and I do not see the purpose of this bill.

Hon. Grant Mitchell: Justice is one of the objectives of this bill. It is also true that unless we keep establishing opportunities to elevate and promote the idea of bilingualism, particularly in ways that are powerfully symbolic, we will lose momentum to extend bilingualism across the country in ways we have yet to achieve.

My colleague made the point that somehow this bill will inhibit the possibility of Aboriginal jurists being appointed to the Supreme Court. First, how will it inhibit Aboriginal jurists being appointed? Is the honourable senator suggesting that Aboriginal people cannot learn French or do not already speak French? Often they do. Second, in the absence of this bill, does the senator have a program in place that will promote Aboriginal jurists right now?

The Hon. the Speaker *pro tempore*: Senator Lang has less than 30 seconds to respond, because his time is up.

Senator Lang: Honourable senators, that was not the point. The point was that small communities do not have the programs in place because largely the province or the territory cannot afford to put them into place. It is not the capability of the student. They are being put to a severe disadvantage. Senator Mitchell knows as well as I do. He is from Alberta; he knows where those small communities are. I do not have to tell him what he already knows.

The Hon. the Speaker *pro tempore*: Senator Lang's time is up. Senator Lang, are you asking for more time?

No.

(On motion of Senator Meighen, debate adjourned.)

CLIMATE CHANGE ACCOUNTABILITY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Banks, for the second reading of Bill C-311, An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change.

Hon. Tommy Banks: Honourable senators, consideration of this bill is particularly cogent today, since the government has announced that the extent to which it has achieved its stated goals with respect to emissions is deficient in the order of 10 magnitudes.

There are two things that we can do if we set a goal and do not reach it. One is to reduce the goal, which is what the government has done today. The other thing is to better the efforts to achieve the goal in all cases.

The intent of the bill before us is, as Senator Mitchell has told us, not very far from the stated intent of the government and its program. The intent expressed here is a little more ambitious, but its reach does not by far exceed the government's present grasp.

There are, though, still Canadians, including, I understand, some few members here in this place, who have and who express, from time to time, serious reservations and sometimes doubts about whether there is climate change at all and if there is, there is an anthropomorphic contribution to it. That is right, on the other side.

Some Hon. Senators: Oh, oh.

Senator Banks: Your Honour, I will wait until others have had their say.

Thank you, colleagues.

It is not possible to answer the question about whether we contribute to climate change with any certainty. We are all guessing on both sides of the question. Most of us are guessing on the basis of the best available scientific information with which we happen to agree, but we are all guessing. Everyone is guessing. It is sort of like betting at the track. Sometimes we place bets that have little to do with the past performance information on the racing form, or even on what we have heard from the touts. Sometimes we bet because we have a hunch, we like the colour of the horse or we just feel like betting against the odds.

What we do in respect of climate change, its mitigation or our adaptation to it, is very much like a bet. What we are betting on is the future of the world. We are betting on what it will be like, maybe not despite the conventional arguments of what it will be like for our children and grandchildren but what it will be like for us because some of the touts are saying that things are happening exponentially faster than anyone believed before. We are betting on our future.

I asked a couple of experienced bettors, racing buddies of mine who are inveterate bettors, to think of that question in terms of a straight up-and-down bet. I asked them to take into account the most extreme scenarios so as to make the choices more clear; no hedging, no quinella, no trifecta, a straight on-the-nose bet. Those guys do not fool around. These are people who sometimes literally bet the farm. These are people who understand odds and the real concept of risk. I will tell you what they said.

They looked at the worst predictions, the doom-and-gloom predictions, and put that as one factor. They then looked at the opposite of those, the extremes in each case, that all the bad predictions are wrong that, as it turns out, whatever problems

there are, we are not causing them. They concluded that, in order to make the right bet, we do not need to know which of those outcomes is right. In order to make the right bet, we do not need to be certain about whether the tree huggers are right or the deniers are right. That is a good thing, if they are right, because we do not know.

I said to them that I do not understand how you can place a bet without at least believing in one of those two extreme outcomes. They said, "Do not be so impatient; we have not finished yet." They said that, for us to make the right bet, we need to consider those extreme possibilities so that we can make direct comparisons and make good choices, but since we cannot predict them with any certainty and since they are outcomes and not causes, we have to look at other factors as well, but we do have to look at them.

For the purpose of their touting they looked at simple choices between two outcomes. One is that the whole argument about our causing climate change, to whatever degree, is false. The other is that it is true. Here it is key to understanding that no one knows for sure what the physical world will do. All reasonable people, on any side of any argument, must be prepared to acknowledge at some point that they might have made a mistake. The only people who do not change their minds are fools. There are two possibilities: one, humans contribute to climate change; or, two, they do not.

• (1630)

Now we come to the other part of the question, the part that has to do with what we do control, which is what we should or should not do, what actions we should or should not take. We do control those things. Again, there are two sides. We can take significant action, or we can take no significant action. Remember, we are dealing with the extremes of the outcome.

Therefore, we have four possible scenarios. The first is that we take significant action, but it was not needed; the second is that we take no significant action, and it is a very good thing because it was not needed; the third is that we take action, and action was needed; the fourth is that we take no significant action, but we should have because action was needed.

Bet No. 1 is that we take significant action, and, as it turns out, all the panic was exaggerated and we are not contributing to the problem. What are the risks associated with that? It would be a colossal waste of money, and some of us are worried about increased taxation, overburdensome regulation, government sticking its nose into everything and, to go the whole way — and remember that we are talking extremes — massive layoffs caused by a huge economic downturn and stagnation caused by draconian regulations, spawning a recession, descending into a depression, leading to a global economic mess that would make what is going on now look like a walk in the park. That would be costly.

Let us look at Bet No. 2. That is the one in which we took no significant action and it turns out that we did not need to. That would be a good bet. We do nothing, and it turns out there was no need to do anything. What are the downsides of placing that bet? There are not any. What are the risks? None, as it turns out, that have anything to do with climate change. We win.

Let us look at Bet No. 3, the one in which we took significant action and it was a good thing we did because it turned out that the tree huggers were right. What are the risks of Bet No. 3? We still have all the costs, but in this bet those costs turned out to be wisely spent. We still had the economic disaster caused by that spending, but we saved the physical world. We can still live here. That is a reasonably positive outcome.

Look at Bet No. 4, where we took no significant action but we should have, because it turns out that the doomsayers were right. We have to look at the extremes here, too. The extremes in Bet No. 4 are really ugly. If the believers in human-caused climate change and its consequences are right and we make Bet No. 4, we are in real trouble. We would have disastrous situations everywhere — in the economic, political, social, environmental and public health spheres. There would be catastrophes across the board and on a global scale. This is the worst possible outcome and the highest possible risk. This would mean multi-metre rises in sea levels, warfare over potable water, drought, dying forests, social upheaval, floods, diminishment of arable lands — the works: famine, disease, fire, hurricanes, and total economic collapse. This risk makes Al Gore guilty of whitewashing and sugar-coating.

Therefore, we have Bet Nos. 1 and 4 as extremely negative, and Bet Nos. 2 and 3 as positive. Even if we do not like the extremes in these illustrations, even if we put in much more moderate factors and outcomes, the following advice from those touts will still apply. Our future will fall roughly into one of those four betting outcomes. Since we do not know whether or not our contributions to climate change are real, we cannot know which of those scenarios will come true. However, what we can know for sure is whether or not we will take significant action. We control that and we can know that.

It is like a lottery or a bet. We either buy Ticket *A*, in which we take significant action, or we buy Ticket *B*, in which we do not take significant action. If we buy Ticket *A*, we take significant action, and if we do that, what is the risk? We are risking global economic depression. That is the extreme. If it turns out that Ticket *A* was the right one, that we took significant action and it was needed, then the risk was worth it because, despite the depression, we still have a world that we can live in. If we bought Ticket *A* and we lose the bet and we did not need to put the world in economic depression because we are not contributing to climate change, then we have a global economic depression.

What is the risk if we buy Ticket *B* and do not take significant action? Of course, if we win that bet, if we are not big contributors to climate change and there is nothing to worry about, then we are all happy because we are not part of the problem, we did not have a depression, and everything is relatively okay. What is the downside if we lose that bet, or if we should have spent the money, if we should have put up with the inconvenience but did not, and the extreme worst happens? Then we have global economic depression, political catastrophe, social catastrophe, environmental catastrophe, health catastrophe, and on and on.

When we decide which of these bets we will make — which of these risks we will take — my horseracing friends would choose the bet that has the shortest list of worst-case scenarios. That is the list that only has one item on it: global economic depression. That is what we risk if we buy Ticket *A*, if we take action and it

turns out to be unnecessary. On the other hand, the worst-case scenario if we buy Ticket *B* is a long list, and that makes it a bad bet. We cannot control what the earth will do, but we can control what we do. We can control the place on the table on which we will place our bet, the place that determines whether we take the one single worst-case scenario risk or whether we take the long list of worst-case scenario risks, the one that says we risk everything.

Do we choose or do we guess? The answer to that should be a no-brainer. We can live in this world if we lose our bet on Ticket *A*. It will not be fun, but we can survive if we lose that bet. However, none of us would want to live in the world that would result from our losing our bet on Ticket *B*, the easy bet, the do-not-take-the-most-significant-action ticket. That risk is just not worth it, and that is what this bill is about. It is about the choice we make in the only part of those scenarios that we can control, the question of whether or not we take significant action. That is what the horse race touts said, and that is why I will vote for this bill and why we should all vote for this bill.

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

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I understand that a minister has agreed to appear before the Standing Senate Committee on Energy, the Environment and Natural Resources later on this afternoon. I know how difficult it sometimes is for committees to arrange times with ministers and so on. Given that we probably will be done quite shortly and then suspend to receive another bill, to enable the Energy Committee to sit while the Senate is sitting later on this afternoon, I move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to sit at 5 p.m. today, even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

(Motion agreed to.)

• (1640)

NATIONAL FINANCE

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS AND ADJOURNMENT OF THE SENATE—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gerstein, seconded by the Honourable Senator Eaton:

That, until June 30, 2010, for the purposes of any study of a bill, the subject-matter of a bill or estimates, the Standing Senate Committee on National Finance:

- a) have power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto; and
- b) be authorized, pursuant to rule 95(3)(a), to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week;

And on the motion in amendment of the Honourable Senator Day, seconded by the Honourable Senator Losier-Cool, that the motion be amended by replacing the words “June 30, 2010” with the words “July 31, 2010”.

Hon. Wilfred P. Moore: Stand.

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

An Hon. Senator: Stand.

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: In amendment, it was moved by the Honourable Senator Day, seconded by the Honourable Senator Losier-Cool, that the motion be amended by replacing the words “June 30, 2010” with the words “July 31, 2010.”

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

Senator Moore: No. I stand this.

Some Hon. Senators: No.

Senator Moore: It was stood.

Senator Cools: Your Honour, he said “stand.”

The Hon. the Speaker *pro tempore*: I did not hear that.

Senator Cools: Item No. 49 was to be stood until tomorrow.

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

Senator Cools: No.

Some Hon. Senators: No.

Some Hon. Senators: Yes.

Hon. Tommy Banks: Your Honour, my impression, and I think the record will show it, is that when Item No. 49 was called, Senator Moore said — and, the motion stands in his name — “stand.” It is possible that Your Honour did not hear that?

The Hon. the Speaker *pro tempore*: I apologize. I did not hear that.

Senator Banks: That is where we are at the moment, Your Honour.

The Hon. the Speaker *pro tempore*: The Honourable Senator Moore said he said it three times. I apologize; I did not hear it.

Could I ask the question again, honourable senators: Are honourable senators ready for this question now?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

[*Translation*]

Hon. Fernand Robichaud: Honourable senators, I move that this matter stand until the next sitting of the Senate.

[*English*]

The Hon. the Speaker *pro tempore*: It has been moved by Honourable Senator Robichaud, seconded by Honourable Senator Losier-Cool, that further debate be adjourned until the next sitting of the Senate.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: Adopted, on division.

(On motion of Senator Robichaud, debate adjourned, on division.)

THE SENATE

MOTION TO EXTEND WISHES OF APPRECIATION TO CANADIAN NAVY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Stratton:

That the Senate of Canada offers to the Canadian Forces Maritime Command, known today as the Canadian Navy and formerly known as the Royal Canadian Navy, on the occasion of its 100th anniversary, the Senate's best wishes and its most sincere expression of gratitude, appreciation and respect, and pays special tribute to the courage, competence, loyalty and determination of the men and women who served, serve and will serve under the White Ensign, the Canadian Forces Naval Jack and the Maple Leaf, always in the cause of freedom, humanity, peace and stability and always in the name of the people of Canada.

Hon. Bill Rompkey: Honourable senators, first, I want to congratulate Senator Segal on bringing forward this motion. As an honorary captain in the navy, he not only knows the history of the navy but also is doing his best to serve those Canadians who go to the sea in armed ships on behalf of all of us. He is a favourite son of HMCS *Cataraqui* and keeps in close touch with his home base, as well as others across the country. That role of providing the bridge between the Armed Forces and the community is an extremely important one and no one does it better than Senator Segal. I salute him.

As one who has served in the Canadian Navy, I am happy to join him. I joined in 1955, in what was then the UNTD or University Naval Training Divisions. It was possible then for students from Canadian universities to enrol as cadets for officer training in the reserves. Many of us from my university, at Memorial, did so, training ashore and afloat for three years, after which we became sub-lieutenants. Some went on to careers in the regular navy; some did not. Many of us, though, later in civilian life, stood ready to support the navy in any way we could. Still today, there is a network all across Canada of former UNTDs who support the navy and share memories of what Peter C. Newman has called “a few brief shining moments in the youth of our lives.”

For those of us from Newfoundland and Labrador, it was a “Canadianizing” experience. I was 13 when my country joined Canada and 18 when I joined the navy. I got to know a new country. I got to know a country that was the best in the world, and some of the people who lived in it, from sea to sea to sea. For all of us who joined the navy, it was a unique experience that added a dimension to our lives that had not been there previously. Perhaps only the navy can do that, because it operates not from fixed bases but from ships that draw their ships’ company from all across the country. It is interesting to note that there is still today, a strong Naval Officers’ Association and still a national UNTD Association. We learned something of what it was like to operate at sea, but we also learned what it meant to be Canadian.

This year we celebrate 100 years of naval service to our country. It was Sir Wilfrid Laurier who first had the vision for a Canadian navy. Its start was rocky, and subsequently it hit shoals from time to time over that 100-year period. Ships would be built and men would be recruited for wartime purposes when the country needed them. All too often, the peace they had fought for brought them only cutbacks and reductions. Through it all, the navy continued to serve and today ranks among the best in the world.

Canadian sailors acquitted themselves well during World War I, both at sea and in the air, but the Second World War was the coming of age for the Royal Canadian Navy and for my capital city of St. John’s. When war with Germany broke out in 1939, the RCN had so long been underfunded and short-handed that it was still little more than an offshoot of the Royal Navy. As Britain stood alone, it was essential that supplies, personnel and armaments be shipped across the Atlantic if the war was to be won. What did St. John’s, in the Dominion of Newfoundland, have to offer the Royal Canadian Navy? It offered geography, a safe harbour, a hospitable port, and men and women of the sea. St. John’s, the closest port to Europe, was chosen to host the Newfoundland Escort Force, whose duty it was to meet the convoys from Halifax and Sydney off the Grand Banks and provide an escort to Britain.

In 1941, the Newfoundland Escort Force was born. It commandeered most of what the RCN had to offer, six destroyers and seven Corvettes alongside seven RN destroyers and four Corvettes. Thereafter, Newfyjohn, as it was affectionately known by seamen of the RN, the RCN and other navies throughout the world, became known and loved.

Building the Canadian Navy was a daunting task. At the outbreak of war, the RCN consisted of 1,800 permanent force officers and men and a reserve force of 1,200. By the end of the war, close to 100,000 had served with the Royal Canadian Navy. At the outset, the RCN could muster only six destroyers, five small minesweepers and two training vessels. By the end of the war, Canada had over 370 fighting ships, most built in Canadian shipyards, like Collingwood and Kingston and many others across the country.

As a result, 23,000 allied merchant ships were able to carry 181,000 tonnes of cargo across the Atlantic under Canadian escort. Canadian vessels sank a total of 27 U-boats, plus 42 German surface ships. In all those operations, 24 Canadian warships were lost. It was a meteoric rise. In just a few years, the RCN had come out of nowhere to emerge as one of the world’s largest and finest navies. By the end of the war, our navy had become the fourth largest navy in the world.

As well, the process of “Canadianization” had begun. No longer was the Canadian Navy merely an offshoot of the Royal Navy. Perhaps the heaviest blow the navy experienced was to come. After the election of 1963, Paul Hellyer, Minister of National Defence, set about what he thought was his legacy — the integration and unification of the armed forces. It certainly was. The three separate services of the Armed Forces — the Royal Canadian Navy, the Canadian Army, and the Royal Canadian Air Force — ceased to exist as of February 1, 1968.

The navy fought for its survival and its identity, but it lost the fight. Admirals like Landymore, with distinguished war records, were retired early, if they had not already been fired. Many officers retired as a form of protest, but all to no avail. The RCN ceased to exist and was replaced by Maritime Command.

• (1650)

Confusion reigned in National Defence Headquarters and morale took a serious hit. Somehow, the Canadian Navy rose above the blow it had taken and continued to serve with distinction. In 1968, Standing Naval Force Atlantic of the North Atlantic Treaty Organization was formed. Since that time, Canadian ships have served with the force and Canadian naval officers have commanded from time to time. Canadian destroyers and frigates have served with helicopters on board — a purely Canadian innovation. Women have gradually achieved more prominence in the navy, eventually serving not only at sea but also in submarines and as commanding officers. We have had bilingual ships in this country for some time.

Since the 1980s, our ships have been operating increasingly with the USN, with whom we share the continent.

After the invasion of Kuwait in 1990, Commodore Ken Summers led a task force to the Persian Gulf to enforce the United Nations embargo. Captain Dusty Miller was the second in

command and was appointed Combat Logistics Force Coordinator. These men were in charge of a force that consisted of 10 escort ships and 20 replenishment ships from a dozen or more nations. The Canadian Navy had proved its competency and professionalism. Canadians abroad were assuming command of coalition fleets.

Thereafter, the navy continued to serve at home and abroad. This year, a Halifax-Class frigate and an Iroquois-Class destroyer provided aid to the victims of Haiti. Recently, the HMCS *Fredericton* returned home to Halifax in time for the celebrations marking the one hundredth anniversary of the navy. The frigate had spent six months in the Arabian Sea, the Gulf of Aden and the Horn of Africa countering pirate activity and terrorism with NATO partners.

Today, the navy operates effectively in the protection of Canada's shores and operates proudly and successfully in blue water anywhere in the world. Honourable senators, we salute the Canadian navy, a world-renowned force with its own insignia, customs, practices and history. It is a navy that reflects the diversity, creativity, competence and multiculturalism of the country itself.

As one who served in the Naval Reserve, I am especially proud of the service men and women from my province who have given, and give today. Over 10 per cent of personnel in the navy today are from Newfoundland and Labrador, although we have less than 2 per cent of the population. HMCS *St. John's*, HMCS *Corner Brook* and HMCS *Goose Bay* are reminders of our long association with the sea and with the navy.

Today, we salute the navy for 100 years of exemplary service. We express the hope that they will go from strength to strength and in naval fashion we say: Bravo Zulu — well done.

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

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Segal, seconded by the Honourable Senator Stratton, that the Senate of Canada offers to the Canadian Forces — shall I dispense?

Hon. Senators: Dispense.

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

(Motion agreed to.)

MOTION TO RECOGNIZE NATIONAL KOREAN WAR VETERANS DAY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Segal:

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

Hon. Joseph A. Day: Honourable senators, I spoke for part of my time on this particular matter. I understand the matter may be somewhat time-sensitive, since activities relating to this event may apply.

Therefore, with honourable senators' permission, I will conclude my remarks, again, by congratulating the Honourable Senator Martin for bringing this initiative to this chamber. I also thank her for her remarks. As the honourable senator presented her statement, I thought how appropriate her remarks were and how appropriate it was for her to bring this motion before the chamber. Honourable senators, the motion is that the Senate recognize and endorse July 27 annually as National Korean War Veterans Day.

Korea was divided along the thirty-eighth parallel at the end of the Second World War. Not unlike East Germany and West Germany, we had the creation of North Korea and South Korea. The Russians were in the north; the Americans were in the south. One society developed in the north based on a communist regime. The Russians soon left, but the communist regime continued. In the south, the Americans have remained in large force, but the administration is democratic and they have a free and open market. All honourable senators are aware of the tremendous contribution made to the world economy by South Koreans.

Honourable senators, I will present a little history to put this measure into context. On June 25, 1950, North Korea invaded South Korea by crossing the thirty-eighth parallel. That invasion was the beginning of the conflict. The United Nations acted quickly and called for nations to assist South Korea. Canada responded quickly and had ships on the way by July 12.

That action is an example of the beginning of Canada's role in supporting United Nations activities. That mission was the first mission of the United Nations after the Second World War ended a short five years prior.

How did Canada respond? Canada had over 26,000 Armed Forces personnel serving over the course of the three-year Korean War. Over 8,000 members of the army served in all ranks. The Royal Canadian Navy had 15,500 officers and men. The Royal Canadian Air Force had approximately 264 airmen and airwomen. Another 22 RCAF pilots served with the U.S. Fifth Air Force. Honourable senators can see that Canada responded in a significant way.

On the fiftieth anniversary of the conflict, I joined a delegation from Canada to South Korea. One matter that stands out in my mind is our visit to the Wall of Honour in Seoul. Canada is featured extremely well in that particular wall of honour. Canada was the third largest foreign nation contributor to the United Nations effort in Korea. That effort of the men and women of the Armed Forces that served in that particular war is worth remembering for honourable senators.

We call it a war. However, for many years, it was called the Korean Conflict for diplomatic reasons. That is part of the reason why I am inclined to support strongly this particular motion. For so many years, the war has been known as the "forgotten war." The soldiers — the men and women who served — have felt that personally.

• (1700)

If one comes to a balance and says “We have so many days set aside for so many different things, are we not really diluting things to the extent that it will get lost? What is wrong with November 11, which is Armistice Day for the First and Second World War?” Those veterans are celebrated on that day. I know Veterans Affairs Canada wishes to recognize all peacekeepers and war participants on one day, and that will continue on November 11.

However, that does not mean we cannot recognize those men and women who served in the Korean War. This motion does that.

Honourable senators, I also had the opportunity to visit the commonwealth grave site in Busan with the Minister of Veterans Affairs and the delegation. In that particular war, over 516 soldiers were killed. A large percentage of those are buried in the grave site in Busan.

It is a very well-kept and -maintained grave site. It is highly respectful. At that grave site, there is a monument of a soldier, holding a Korean child under one arm, showing the soldiers who had come to help the future of Korea.

A duplicate of that memorial is located not far from the National War Memorial here in Ottawa. I would invite honourable senators to take the time to visit that memorial because it helps recognize and, to a degree, correct some of the wrongs committed in not recognizing the tremendous contributions made by those soldiers.

Compare the 26,000 Canadians who participated in the Korean War to the war we are very familiar with now in Afghanistan, where we have 3,000; that is 26,000 versus 3,000. It puts it into perspective somewhat.

In conclusion, I would like to again thank the Honourable Senator Martin for bringing forward this motion. I believe it is appropriate and will be much appreciated by our aging Korean War veterans. I would encourage honourable senators to support it.

Hon. Yonah Martin: Honourable senators, I wanted to rise and thank Senator Day for his words of support.

The Hon. the Speaker: Honourable senators, it is my obligation to advise the Senate that if Senator Martin, who has already spoken, speaks now, it will have the effect of closing the debate.

Senator Day: I assumed she was asking a question.

Senator Martin: As Senator Day mentioned, the timing is important in that June 25 is the sixtieth anniversary of the break-out of the war.

I know that Canadian veterans were invited to Korea in April. I received an email yesterday from Dennis Moore, a retired sergeant. A photo of a beautiful little girl he was holding was attached, and he called her “the treasure;” the reason why they

did what they did, which was to see South Korea flourishing and rising above the ashes as they are today. A veteran who served in Korea and watched his comrades fall wanted to thank the Senate for considering this motion.

Also, July 27 is the Armistice Day and there will be a commemorative ceremony. However, the veterans who were here represented all of the veterans who selflessly served and made a difference in this democracy that exists today in South Korea. Their sacrifices were not in vain.

I thank Senator Day for his heartfelt comments and for speaking to this item in a timely manner.

The Hon. the Speaker: It was moved by the Honourable Senator Martin, seconded by the Honourable Senator Segal, that the Senate recognize and endorse July 27 annually as National Korean War Veterans Day.

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

Hon. Senators: Agreed.

(Motion agreed to.)

STATE OF PALLIATIVE CARE

INQUIRY—DEBATE ADJOURNED

Hon. Sharon Carstairs rose pursuant to notice of June 1, 2010:

That she will call the attention of the Senate to the state of Palliative Care in Canada.

She said: Honourable senators, earlier today I tabled in this chamber a report entitled *Raising the Bar: A Roadmap for the Future of Palliative Care in Canada*.

As many honourable senators in this chamber know, this has been a passion of mine for the last 15 years. However, in reality, it goes back longer than that. Due to the way my parents died in 1980, I became engaged in death and dying issues.

Ninety per cent of Canadians who die can benefit from palliative care, yet, at best, just over 30 per cent of Canadians are presently receiving palliative care services in Canada. Palliative care is a whole-person health care that is multi-disciplinary in nature, can or should happen in any care setting, and aims to relieve suffering and improve the quality of both living and dying. It is care which should begin at the diagnosis of a life-threatening condition and continue to the end of the life. It views the patient and family as recipients of care and continues to include bereavement services for families after the death of their loved one.

When I was appointed to the Senate in 1994, I immediately became a member of the Special Senate Committee on Euthanasia and Assisted Suicide, and quickly became convinced of the need for better palliative care services in Canada. That committee tabled its report, entitled *Of Life and Death*, in June 1995, so it is no coincidence that I am tabling this report also in June, some 15 years later.

There have been significant improvements in providing quality palliative care to Canadians, yet we need to raise the bar much higher because there are still far too many Canadians needlessly dying in pain and unnecessary suffering. As honourable senators know, I have remained a dedicated advocate for the improvement of palliative care services. This is the third report since 1995, and I hope that it will yet again set out a vision for palliative care in the future, with both realistic and attainable goals. Its recommendations are a roadmap, I hope, to achieving those goals.

I would like to first begin by acknowledging the great support I receive from my staff in preparing all of the reports I have done in the past, including this one. I would also like to thank the Library of Parliament for their assistance in preparing this report, as well as the translators who have added their good words to this report.

Material for this report was gathered through a survey to which we received over 740 responses from coast to coast to coast. We had submissions and briefs; we did a media review and a literature review; we had in-person meetings and consultation sessions; we visited hospices and palliative care units; we had one-on-one interviews with key individuals in the field; and, finally, we conducted a series of round tables in all of the provinces in Canada — eight in person with Newfoundland and New Brunswick done via teleconference calls.

• (1710)

We were able to hear directly from over 160 experts — experts such as physicians, nurses, licensed practical nurses, social workers, pharmacists, music therapists, bereavement counsellors, physical therapists, occupational therapists, researchers, administrators, government representatives, spiritual care advisers, volunteers, hospice staff, Aboriginal representatives, home care workers, staff and administrators from long-term care homes and public policy analysts. All of them are involved in the provision of palliative care services. I was one of the few people who was happy that we had a longer prorogation, because I spent the entire month of February travelling from coast to coast to coast to prepare the background work for this report.

Honourable senators, like most countries, Canada is a death-denying society. We rarely discuss death and end of life, let alone accept them as natural stages of our lives. Yet, the inescapable fact remains that the mortality rate for humans is 100 per cent. We are all going to die.

Yes, it is true that Canadians are living longer, but they are living longer with complex conditions. The success of our health care system has created a situation in which we now manage chronic diseases longer and more effectively than we ever have before. It is not unusual for a person to live long enough to develop multiple chronic conditions. Our aging population, with more complex needs, is placing significant pressure on our health care system, our long-term care system and our family caregivers.

Canadians at the end of life and their families need the right interdisciplinary health and social service care, at the right time and in the right setting, based on their needs. Wherever they live in Canada, they should also expect to receive equitable access to the same quality of care. We need to spend smarter.

To realize a society where all Canadians have access to quality palliative care services, we need five things: a culture of care; sufficient capacity; support for caregivers, and I am referring specifically to family caregivers; integrated services; and leadership.

Let me begin by discussing the concept of culture of care. The health care system is being stretched and tested as never before in this country. We need to integrate palliative care services with chronic disease management, in recognition that all chronic conditions eventually have a terminal phase. Responding to the reality that people are living longer with chronic conditions, there needs to be a recognition that necessary supports must be put in place to manage a longer trajectory toward death.

Honourable senators, at one point we lived healthy lives and then we died quickly. Now the trajectory of death is slow. There is a requirement, therefore, for more services.

At least 70 per cent of Canadians do not have access to palliative care. Even when there is access, it is not equitable. We need a culture of care that recognizes death as a natural part of life. We need a system that incorporates palliative care services sooner, with earlier referral of patients to palliative care, so that the services can overlap with treatment and can continue after death to include bereavement services for those left behind.

Building capacity in Canada is essential. There are still Canadians dying in needless pain because health care providers do not know what a good death is. We need to build a capacity through our health care system, with increased research, better knowledge translation, implementation of best practices, better education for our health care providers and a health human resources staffing plan to address future needs.

All 17 medical schools across Canada now educate medical students in palliative care. This progress was made possible by the Educating Future Physicians in Palliative and End-of-Life Care project funded by Health Canada. Similar work is being done in education programs for nurses, social workers, pharmacists and pastoral care providers to ensure that training in palliative care is included in their course work.

Despite progress in many areas, there is no room for complacency. Education and training opportunities need to be ongoing and need to reach out to those in the field on a continuous basis. Programs such as Learning Essential Approaches to Palliative and End of Life Care, LEAP, by the Pallium project in Alberta, are extremely helpful in this manner.

Palliative care is multi-disciplinary by nature. Basic skills in end-of-life care must include core competencies in all health care professions. Volunteers must also be trained consistently with basic core services and skills.

Our health care professionals are also aging, and they are retiring faster than we can replace them with newly trained professionals. Primary physician and nursing shortages are common across the country. We need a strong health human resource sector, including volunteers. Honourable senators, support will never be provided entirely by professionals; there

will always be a high component need for volunteers who can support the provision of quality palliative care services to all Canadians, regardless of their location or their financial, cultural or linguistic situation.

Honourable senators, we need support for family caregivers. Caregivers are fundamental in our health care system. The increasing emphasis on health care delivery in the home setting and in the community has meant the family caregiver will continue to shoulder a greater burden of care. We need to provide family caregivers with adequate supports to keep the family unit functioning as members experience their loss.

This support means providing financial support to family caregivers who stay home to provide care. I want to make particular note of what has been done recently in the province of Nova Scotia. We need to have well-resourced home support programs to provide support to family caregivers in the home. In addition, information and resources need to be provided to all family caregivers.

The Compassionate Care Benefit is now too narrow in its application, and changes are needed to ensure those caregivers who can most benefit from this program know about it and can access it.

We also cannot afford to overlook the need for follow-up grief and bereavement support to families. We need to adapt systems and programs to facilitate caregiver support, including financial support, education, training, respite care and bereavement services.

We need, honourable senators, to better integrate services. Our health care system is designed to deal mainly with brief periods of episodic illness. Our system is not well positioned to cope with the rise of chronic illness. In addition, the various health and social service systems are not integrated sufficiently to allow caring professionals and family members to pull together the right basket of services to meet the individual needs of patients nearing the end of life.

Palliative care programs and services need to be integrated into the health care system and not be an add-on program. Programs must be fundamentally integrated. They must not be subject to annual budget adjustments — or, frankly, budget deletions.

Health and social services must not exist in silos, but in partnerships to meet the needs of the population. We need to get serious about the integration of services, and we need to overcome incompatibilities that make it difficult for patients and caregivers to transition from one care to another.

Honourable senators, above all, we need leadership. We are facing a tsunami of aging in the next few years, and we are not prepared to handle the increase in numbers of those who will require palliative care.

To give you a brief glimpse, we now provide palliative care to 30 per cent of Canadians and we have about 250,000 deaths a year. Within 10 years, we will have 400,000 deaths a year. We will deliver fewer services if we do not do something now.

Without leadership, there will continue to be a patchwork of services available to Canadians, as no single province is equipped to provide the necessary national leadership. Leadership must emerge from all quarters. Raising the bar and providing quality palliative care to all Canadians will require a multi-jurisdictional approach. It will require leadership from the federal, provincial and territorial governments, and from the community as a whole, including professional associations, community organizations and health care providers.

• (1720)

Honourable senators, to meet the goals identified for a culture of care, capacity building, caregiver support, integration of services and leadership, this report makes 17 recommendations aimed at the federal, provincial and territorial governments, and the community as a whole, including professional associations, community organizations and health care providers.

This report recommends that the federal government re-establish a Canadian strategy on palliative care as a partnership between the federal, provincial and territorial governments and the community. It also recommends that the federal government recognize and accept its role as a direct provider of health care services and ensure that those populations for which it has a direct responsibility have appropriate programs and services. Further, it recommends that the federal government establish a federal Canada Pension Plan dropout provision for caregivers.

The federal government should make changes to Compassionate Care Benefit under Employment Insurance to improve awareness, to simplify the application process, to lengthen the period of the benefit, to increase the amount of benefit, and to amend the eligibility criteria.

It recommends that the federal government establish a caregiver benefit, similar to the child tax benefit, to assist with caregiver expenses, and create a national strategy for family caregivers.

The federal government should also establish a health and social care transition fund to assist provinces and territories in continuing to realign their health care systems to meet the needs of an aging population.

Honourable senators, may I have permission to continue for five minutes?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Agreed.

Senator Carstairs: Also recommended is that the federal government establish a Canadian palliative care capacity-building fund to assist with research, knowledge translation, education and training, and a health human resources workforce plan.

The report recommends that provincial and territorial governments establish common data definitions and technologies and policies to facilitate smoother transitions between care settings; and establish system navigators to assist caregivers and patients in accessing the services they need. It further recommends that they work with the federal government and the community to establish a public awareness campaign on advanced care planning and palliative care.

The governments should collaborate with the federal government to establish a national program for those who lose income by engaging in care giving, but are not covered by the Compassionate Care Benefit under Employment Insurance.

It is recommended that palliative care services be covered under all provincial and territorial health insurance plans and that reciprocal agreements be created to eliminate waiting periods. The report also recommends the creation of a national standard of care to improve portability of services between provinces.

The report recommends to the community that professional organizations such as the College of Physicians and Surgeons and the Canadian Medical Association, promote an early referral system designed to educate and support physicians in referring patients to palliative care services at the time of diagnosis of a life-threatening illness and that they recognize that palliative care as a specialty.

The report also recommends that professional organizations work together to adopt nationally standardized core competencies in palliative care for all disciplines.

In recent years, I have seen many improvements in palliative care services in Canada. There are few hospices, few long-term facilities and few palliative care hospitals in this country that I have not visited personally. Just last week, I was in Guelph when they opened their brand new hospice. I was in Kirkland, Quebec, for the opening of their hospice, which has now been operating for 10 years.

The reality is that too many Canadians are dying in pain. Too many physicians do not know what they do not know. To realize a society where all Canadians have access to quality palliative care services, we need a culture of care and we need to stop denying death in Canada. We need to have sufficient capacity of services and support for family caregivers. We need integrated services and, above all, we need leadership.

I hope that the 17 recommendations I have just outlined will provide a roadmap for achieving this vision. It is the responsibility of every Canadian to work together at all levels to ensure that the 90 per cent of us who will not die in the direct trajectory will have quality end of life care services.

In closing, I extend my heartfelt thanks to all who work and volunteer in palliative care, who provide care and nurturing and work to alleviate physical and mental suffering at the end of life. In my travels, I have been told unanimously by those who work in the field that they have been blessed to be able to provide this gift of care to those who are dying, because they receive in return the gift of sharing in this most human of experiences. It is impossible to express enough gratitude for their contribution to the lives of others during such a serious time of need. There are no words, in any language, that can convey the extent of the gift they give of themselves. They define our most human values and remind us each and every day that the most basic and important value in life is to care for one another. I thank them publicly for all that they do.

(On motion of Senator Eaton, debate adjourned.)

[Senator Carstairs]

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF CANADIAN SAVINGS VEHICLES

Hon. Michael A. Meighen, pursuant to notice of June 3, 2010, moved:

That, notwithstanding the Order of the Senate adopted on Wednesday, March 24, 2010, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to undertake a study of the extent to which Canadians are saving in Tax-Free Savings Accounts and registered retirement savings plans, be empowered to extend the date of presenting its final report from June 30, 2010 to December 31, 2010; and

That the Committee retain until March 31, 2011 all powers necessary to publicize its findings.

(Motion agreed to.)

BUSINESS OF THE SENATE

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

That the sitting be suspended to reassemble at the call of the Chair, with a fifteen minute bell;

That committees scheduled to meet today have power to meet during this suspension, with the application of rule 95(4) being suspended in relation thereto;

That the application of rule 13(1) be suspended today; and

That, when the sitting resumes, it be either for the purpose of adjournment or to receive any messages from the House of Commons.

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

Hon. Senators: Agreed.

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

(The sitting of the Senate was suspended.)

• (1800)

(The sitting of the Senate was resumed.)

JOBS AND ECONOMIC GROWTH BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-9, An Act to implement certain provisions of the budget tabled in Parliament on March 4, 2010 and other measures.

(Bill read first time.)

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

(On motion of Senator Comeau, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.)

(The Senate adjourned until Wednesday, June 9, 2010, at 1:30 p.m.)

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