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**Thursday, February 3, 2011**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Thursday, February 3, 2011

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

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### INTERNATIONAL YEAR FOR PEOPLE OF AFRICAN DESCENT

**Hon. Lucie Pépin:** Honourable senators, as Senator Oliver has pointed out, February has become a special time to highlight the contribution that Black people have made to Canadian society. I would like to pay tribute to a few of them.

The skills of interpreter Mathieu da Costa facilitated the arrival of the first French explorers. In recognition of his bravery, Nova Scotian William Hall was the first Canadian sailor to receive the Victoria Cross. Many people attribute the expression "Real McCoy," meaning authentic, to the ingenious inventor Elijah McCoy.

Rosemary Brown, whom I knew, dedicated her entire life to fighting for women's rights.

James Calbert Best was one of the co-founders of the Civil Service Association of Canada, which would become the Public Service Alliance of Canada.

The contributions that Black people have made to our society go beyond music and sports. In almost all sectors of activity, members of this community work hard, using their talents to build our collective wealth.

However, I believe that this contribution would certainly be greater if there were fewer stereotypes. I do not think it would surprise anyone to hear me say that it is not always easy to be Black in Canada.

For example, the stereotype of the Black male as potentially dangerous still persists in our communities. According to Statistics Canada, Blacks are the group most commonly targeted by racially motivated hate crimes. The same goes for racial or ethnic profiling.

The workplace is another area where discrimination or unfair treatment can be found. The list is long. Many Canadian Black leaders are capitalizing on the Obama effect not only to restore pride among young Black people, but also to remove prejudices towards their community.

It is our role as parliamentarians to help them. There is still work to be done despite the fact that we have the Canadian Charter of Rights and Freedoms, which affirms the multicultural nature of Canada.

Honourable senators, to mark Black History Month, I invite you to create closer ties and engage in more dialogue with Black communities in your respective senatorial divisions. I am certain that you will return with the firm intention of moving forward with the proposal made by Senator Oliver in this place on June 14, 2010. Our colleague feels that we should acquire new tools fit for the 21st century to fight racism and increase Canada's tolerance in matters of race and religion.

I agree with Senator Oliver that the Senate is an appropriate place to launch such a dialogue on the contemporary issues of diversity and pluralism in Canada.

This is the perfect year for such an initiative because the UN has declared 2011 the International Year for People of African Descent. I wish all of you an enriching Black History Month.

[English]

### SENATE ACCOUNTABILITY

**Hon. David Tkachuk:** Honourable senators, in December the Standing Senate Committee on Internal Economy, Budgets and Administration made public three internal audits conducted by Ernst & Young. We initiated these audits to identify problems and to fix them. We have also started to make public senators' expenses on a quarterly basis.

While the audits found no wrongdoing, our efforts to become more transparent have led to some rather sensational reporting. First is the suggestion that we refused the Auditor General entry to the Senate. In fact, last fall we voted to invite Auditor General Sheila Fraser to look at our operations.

One newspaper said we were globe-trotting the world with our spouses. The Senate does not pay for international travel by spouses, and the audit did not say that we do.

Confusion on the difference between "second-level approval" and "a second set of eyes" has led to false reports that we object to oversight. In the private sector, sometimes a supervisor signs off on someone's expenses. That is known as second-level approval — someone higher up approves one's expenses.

In the Senate, though, we are all equal. Who will take responsibility for my expenses? I am responsible for them, and that means I have to sign for them. It does not mean that my expenses are paid without oversight. We have a whole governance structure with rules as to what is paid or not paid, and we operate within that structure.

The Constitution demands that we reside in our home province, and that means we have to incur travel expenses to attend Senate sittings and other parliamentary functions. Our expenses are sent to the Senate's Finance Directorate for approval. This department is run by trained professional accountants and

bookkeepers who ensure that each expense complies with the Senate Administrative Rules and with its policies and guidelines before any payment can be made.

Each claim is reviewed line by line by two separate financial officials. Although this review is not second-level approval per se, it is a second set of eyes, and indeed a third.

All organizations — charitable, educational, businesses on the stock exchange, large family companies, churches, and even the news media — establish their own governance structures. Ours is as effective and rigorous as anything I have experienced in the private sector.

Our expenses are not paid with a wink and a nod. Receipts are required, questions are asked, justifications and additional information are requested, and there are clear limits and rules in place. If an expense is not allowed under the rules and policies, or if our paperwork is incomplete, we pay for it out of our own pocket.

A few of our news organizations should take a few minutes to read our rules before they go on their rants.

Honourable senators, we are making ourselves more accountable to the Canadians we serve, and we will continue to manage public funds conscientiously and carefully as we carry out our duties as parliamentarians.

#### THE LATE HONOURABLE KEITH DOUGLAS DAVEY, O.C.

**Hon. Francis William Mahovlich:** Honourable senators, I rise today to pay respect to one of our former colleagues, a dedicated parliamentarian, proud Torontonian, Canadian, and steadfast Liberal supporter.

On January 17, the man known as “The Rainmaker,” Keith Davey, died at the age of 84. He will be remembered by many in this room for his tireless efforts as an effective National Director of the Liberal Party of Canada as well as for his successful role in achieving electoral victories for both Lester Pearson and Pierre Trudeau. He played a large role in shaping the face of Canadian politics with many new and innovative strategies.

He was also charismatic and convincing. My former teammate, Red Kelly, tells the story of when he was first approached to run as a Liberal Party candidate for member of Parliament in 1962. He had lunch with Lester Pearson and Keith Davey. Since Red Kelly had a young family and a flourishing career with the Toronto Maple Leafs, he shared his hesitation with the two men.

• (1340)

Mr. Pearson understood his reasons, but Keith Davey, determined to have Red Kelly as the Liberal candidate for York West, pulled the Prime Minister aside and told him not to agree with Red Kelly's reasons not to run. Ultimately, it was

Keith Davey who finally convinced Red Kelly to support the Liberal banner. He did so tirelessly as a member of Parliament for two terms while still playing for the Toronto Maple Leafs.

[Translation]

Keith Davey was appointed to the Senate in 1966 on the recommendation of Prime Minister Pearson. He served the people of Ontario in this capacity for 30 years. When he retired, he was named an Officer of the Order of Canada.

[English]

He was also a dedicated family man and will surely be missed by his wife, Dorothy, as well as his children and grandchildren. His enthusiasm and passion for politics seem to have been passed on to at least one of his sons, Ian, who served as Chief of Staff to Liberal leader Michael Ignatieff.

To paraphrase Senator Segal, who spoke about him shortly after his passing, he was a true competitor in that he wanted to win but he always remembered basic civility and was never mean to the other side in a personal way. To embody that fine balance in politics is both rare and admirable and will be greatly missed by many in the world of Canadian politics.

#### THE RIGHT HONOURABLE STEPHEN HARPER

##### CONGRATULATIONS ON FIFTH ANNIVERSARY AS PRIME MINISTER

**Hon. Doug Finley:** Honourable senators, it is with great pleasure that I rise today on the one thousand, eight hundred and twenty-third day that Stephen Harper has been Prime Minister of Canada. What was that number again? It is 1,823.

Tomorrow, he will become the eleventh longest-serving prime minister in Canadian history, passing Lester B. Pearson on this list.

Prime Minister Harper has regularly beaten the odds. Every single Ottawa pundit wrote off the Conservative Party in the spring of 2005. When Stephen Harper did form the government in 2006, the same pundits said the government would not last a year. Five years and another election victory later, Stephen Harper remains Canada's Prime Minister, and the pundits still struggle to understand why Canadians have rejected the self-proclaimed natural governing party not once, but twice.

If the pundits and the opposition do not understand it, then, to me, it must be blindingly obvious. Stephen Harper has stuck to the belief that hard-working Canadians pay too much in taxes. Income taxes have been cut across the board, taxes have been reduced significantly on job creators, and the Goods and Services Tax has been slashed by two points — a tax, I remind honourable senators, that the Liberals promised to abolish in 1993.

This government has worked hard to get tough on crime and to stop the revolving-door justice system — geared towards a system that protects the victims and their families instead of the criminal. Despite the Prime Minister and Minister Nicholson having to fight the “hug-a-thug” coalition every step of the way, this government has achieved some success in strengthening our laws,

but there remains a long way to go. I believe that recent additions to the government team, including Minister Fantino and Senator Meredith, will be a great boost to this endeavour.

Only a few months after he became Prime Minister, Stephen Harper showed his true courage on the international stage by standing as the only leader to resist Jacques Chirac in condemning Israel at the Francophonie.

Canada plays an important role in world affairs, leads the world economically and, unlike past governments, has refused to imperil core Canadian principles of freedom, the rule of law, democracy and human rights on the world stage.

Prime Minister Harper has ended the fiscal imbalance and has recognized the Québécois as a nation within a united Canada. This government apologized for the residential schools policy and the Chinese head tax, both of which were horrendous black marks on Canada's history.

I read that the opposition wants an election. That is akin to Kamikaze pilots asking for crash helmets. I have no doubt that Prime Minister Harper will prevail yet again and treat Canada to at least another 2,000 days or so of responsible Conservative government.

Congratulations to Prime Minister Harper on this momentous occasion.

#### YEAR OF THE RABBIT

**Hon. Yonah Martin:** Honourable senators, today is February 3, 2011, the first day of the lunar new year.

Happy new year.

Bonne année.

*Sae-hae bok-ma-nee bah-deux-sae-yo*, in Korean.

*Shin-nyen gwai-leux*, in Mandarin.

*Gong-hat-fa-choy*, in Cantonese.

Today is the anticipated start of the Year of the Rabbit, which quietly hops in after the sweeping tail of the roaring Year of the Tiger. The Year of the Tiger was a year of ferocity and dynamism — a year that began with great celebration at the Vancouver Olympic and Paralympic Games and ended with the swearing in ceremony of history-making honourable senators, Senator Don Meredith and Senator Larry Smith. A special New Year's greeting and welcome to our new colleagues.

According to sources, the Year of the Rabbit is projected to be a year of peace and diplomacy, hope and inspiration.

[Translation]

Honourable senators, in communities throughout Canada, Asian Canadians and others are celebrating the lunar new year by following the ancient traditions with family, friends and community members.

[ Senator Finley ]

[English]

Early celebrations well under way in the Metro Vancouver region took place last weekend. They included a dinner reception hosted by the Consul General of China, Liang Shugen, and the Spring Festival organized by the Canadian community society association in Vancouver's historic Chinatown, which celebrated 125 years in 2010.

[Translation]

Some of my favourite traditions of the lunar new year have been passed down through many generations, including mine, my daughter's and that of my nieces and nephews.

[English]

If I were home this week, I would have cleaned the house in the spirit of out with the old and in with the new. My mother and I would have cooked several days in advance of the New Year's dinner to prepare the ingredients for the special rice cake dumpling soup called *dduk-ggook*, which brings good health and luck for the new year. We make extras because everyone always has seconds.

Families like ours gather to pay respect to our elders and their ancestors, eat together and play a traditional game called *Yut-nori*. The game played with four sticks is simple yet ingenious and has entertained people for millions of generations. It can be played by a whole family or by a stadium full of people.

My daughter's favourite tradition is called *she-beh* and is a formal bow to show respect to her elders. It is what she receives after the bow that she loves most: a white envelope of New Year's money — often fresh crisp bills from her grandparents, uncles and aunts.

[Translation]

On Sunday, February 6, 2011, I will be back in Chinatown to participate in the new year parade, and on February 19, 2011, I will enjoy the new year festivities in Koreatown, along North Road between Burnaby and Coquitlam.

[English]

Honourable senators, may this Year of the Rabbit be a good year for all, especially for health. Speaking of health, candies have been placed in the reading room for all honourable senators to enjoy in celebration of the lunar new year. Our world, especially in this time, needs peace and diplomacy, hope and inspiration.

#### HER MAJESTY QUEEN ELIZABETH II

##### CONGRATULATIONS ON FIFTY-NINTH YEAR AS SOVEREIGN

**Hon. Michael L. MacDonald:** Honourable senators, Sunday, February 6 marks a most historic moment in the life of the country. On this date, Her Majesty Queen Elizabeth II will mark her fifty-ninth anniversary on the throne as Queen of Canada. Indeed, at that moment Her Majesty will enter her sixtieth year as

our sovereign. This anniversary will be only the second time in our history that a head of state will mark a diamond jubilee; the other being Her Majesty Queen Victoria in 1897.

• (1350)

Since her first visit to Canada in 1951 as princess, and in some 23 visits since, Queen Elizabeth II has demonstrated not only her affection and dedication to this country and its people, but also has consistently exemplified the essence of service — something we would all be wise to emulate.

Upon her arrival in Canada, and Nova Scotia, at the beginning of her 2010 Royal Tour last June 28, Her Majesty stated that she was glad to be home.

Honourable senators, it was good to have our Queen with us then and it is reassuring to all Canadians to know that their sovereign, the Queen of Canada, remains perhaps the most beloved and admired person in the world.

Queen Elizabeth's contribution to this country has been immense. She has not only been a witness to our history, she has been a participant in key moments during her time in our midst.

As we stand on the verge of Her Majesty's Diamond Jubilee as Queen of Canada, I invite all honourable senators, and indeed all Canadians, to reflect on this incredible woman's unfaltering and unwavering dedication to our service.

May Queen Elizabeth continue to serve our country for many more years to come, and may we all continue to demonstrate our loyalty and affection for her that is so richly deserved.

God save the Queen.

[Translation]

God save Her Majesty the Queen.

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## ROUTINE PROCEEDINGS

### JUSTICE

#### STATUTES REPEAL ACT— 2011 ANNUAL REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2011 annual report on the Statutes Repeal Act.

[English]

Honourable senators, I would like to take this opportunity to congratulate Senator Banks for the results of his original bill. We now repeal bills that are older than 10 years and that have not become law. Congratulations, Senator Banks.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### TWELFTH REPORT OF COMMITTEE TABLED

**Hon. David Tkachuk:** Honourable senators, I have the honour to table, in both official languages, the twelfth report of the Standing Committee on Internal Economy, Budgets and Administration, which deals with reports on international travel.

### BOARD OF DIRECTORS GENDER PARITY BILL

#### EIGHTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE PRESENTED

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

Thursday, February 3, 2011

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

#### EIGHTH REPORT

Your Committee, to which was referred Bill S-206, An Act to establish gender parity on the board of directors of certain corporations, financial institutions and parent Crown corporations has, in obedience to the Order of Reference of May 13, 2010, examined the said bill and now reports as follows:

Your Committee believes that Canadian corporations and institutions are best served when they do not limit themselves to the talent of just one gender and that having more women at the top improves financial performance. Therefore, gender diversity and strong corporate performance go hand in hand.

In this light, your committee sympathizes fully with the motives underlying Bill S-206's approach and applauds the bill's sponsor for her commitment in bringing the bill before Parliament and for her valuable contributions to your committees' deliberations.

Your Committee recommends that this Bill not be proceeded with further in the Senate for the reasons that follow.

Your committee believes that Bill S-206 attempts to impose requirements in federal law on the composition of provincially-incorporated and foreign-incorporated public corporations operating in Canada which raises a number of legal and constitutional issues. Moreover, while the bill gives the Director appointed under the Canada Business Corporations Act the authority to issue one-year deferrals to these non-Canada Business Corporations Act corporations, it does not seem to give the Director any authority or role in ensuring non-Canada Business Corporations Act corporations comply with the gender parity requirement;

Your committee notes that the corporate governance provisions of the Canada Business Corporations Act and other federal statutes concerning financial institutions aim to provide a framework that allows companies to decide how they should operate. Bill S-206, if enacted, would move away from this principle. The shareholders are better placed to decide on the composition of their company's board of directors;

Your committee is aware that federal corporate statutes aim at fostering best corporate governance practices with a view to have the best qualified persons sitting on board of directors. Canadian corporations are already increasing the number of women on their boards. In the period 2006-2008, twenty-one percent of new director appointments in major companies were women, up from thirteen per cent in the period of 2003-2005; and

Your committee notes that Bill S-206's requirement for statutory declarations for all applications for certificates under the Canada Business Corporations Act will increase the regulatory and paper burden on corporations and would severely compromise the current system of electronic online applications. This may increase the costs of processing these applications, which could necessitate an increase in service fees. This increase in regulation could ultimately discourage federal incorporation.

Respectfully submitted,

MICHAEL A. MEIGHEN  
*Chair*

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

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

## QUESTION PERIOD

### HUMAN RESOURCES AND SKILLS DEVELOPMENT

#### ACCESS TO SERVICE CANADA

**Hon. Maria Chaput:** Honourable senators, my question is for the Leader of the Government in the Senate.

Service Canada offers single-window access across Canada to a wide range of Government of Canada programs and services for citizens. Manitoba's experience with Service Canada, with which I am quite familiar, is a positive one in particular for rural communities and for official language minority communities. Service Canada keeps isolated rural communities and official language minorities connected to their federal government in an effective way and allows a few federal jobs to be located in these regions, outside the larger centres and out of Ottawa.

• (1400)

Service Canada recently informed employees that it will close its Nova Scotia community offices in St. Peter's, Petit-de-Grat, Whycocomagh, Port Hood and Cheticamp as of March 31, 2011. Two of those community offices offer services in French and in English. CBC News has reported that the closing of the five Cape Breton Service Canada offices is part of a move to close every community office across the country and this worries me greatly.

My question is the following: Could we know the reasons why Service Canada is cutting services in Cape Breton? Can we expect other closures? If so, which offices and when?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I did not hear the CBC report. The facts that the honourable senator has stated were of concern to me. I had not heard of them and I tended to downplay them a little when I heard they were reported on the CBC. In any event, I will be honest with the honourable senator; I have not heard of this, I do not know, and I will take her question as notice.

**Senator Chaput:** I also would like to know whether or not there has been a study of the impact of those closures on services to rural communities and to official language minorities. If there has been a study, could we have a copy of that study, please?

**Senator LeBreton:** Honourable senators, I certainly will attempt to find out as much information as I can. I do know that Service Canada has provided a very good service to Canadians across the country.

I had direct experience with this when I was the Minister of State for Seniors. Especially in rural and remote areas, many seniors accessed Service Canada facilities, whether they were actually in an office or in a mobile unit.

As I mentioned before, I have not heard of this. I will certainly attempt to obtain the information, honourable senators. Senator Chaput asks good questions that are in the public interest.

### CITIZENSHIP AND IMMIGRATION

#### FUNDING FOR SETTLEMENT SERVICES

**Hon. Art Eggleton:** Honourable senators, my question is for the Leader of the Government in the Senate. Over the Christmas recess, the government decided to cut \$53 million from settlement agencies that help newcomers to Canada, with \$43 million of these cuts targeted at Ontario. These cuts reduce the operating budgets of many organizations, some of them by up to 70 per cent.

Fourteen Toronto settlement agencies have been told they will lose all their funding from Ottawa this year. Surviving organizations will lose some 15 to 40 per cent of their funding. We are talking about agencies such as the Eritrean Canadian Community Centre, the South Asian Women's Centre and the Bloor Information and Life Skills Centre.



Ruby Banerji, an immigrant from India, in speaking about the South Asian Women's Centre, said that it helped reunite her with her two teenage sons after her husband died of a heart attack. In her words, "They gave me my life and always stand up for me. They are my family." This is one of the centres that will see severe cuts.

Will the leader help Ruby, and other Ontarians like her, and ask the government to reverse its decision on these settlement services?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the question of the honourable senator is based on false information. We have not cut settlement funding. We have tripled funding for settlement services for newcomers across the country after the previous government had frozen it for over a decade.

As the Minister of Immigration has pointed out, given the significant shift in the country in terms of where newcomers are settling, it only makes sense to realign funding across the country and move the settlement funding to where there is the greatest need.

Our government values newcomers across the country, including in Ontario. The shifting of this funding is simply a reflection of the government's responsibility not only to provide services to our new immigrants where they are settling, but also to be very mindful that this is the best use of taxpayers' dollars.

**Senator Eggleton:** Honourable senators, let us put this in some context. The leader points out that there has been a threefold increase. For many years, Ontario was not getting what it needed; it was not getting its fair share. Toronto, in particular, is by far the biggest entry point for immigration into this country. When the Ontario accord was signed, there was a substantial increase to make up for the fact that there had not been an accord before that time. One can paint this as part of the previous government, but the fact is that these are people who need these services.

The settlement agencies have now geared up their services to be able to deal with the vast numbers of people who immigrate and now they will be cut back from the level that they had attained, which was necessary for the degree of immigration into Ontario and the Toronto area, in particular.

**Senator LeBreton:** I am saying to the honourable senator that we are continuing with immigrant settlement funds. As I pointed out, we have tripled the amount.

Honourable senators should look at other measures we have taken for immigrants. When we came into office in 2006, we cut the landing fee for newcomers in half. That meant savings of approximately \$200 million to immigrants coming to Ontario. We have taken many positive steps to welcome our immigrants. We are funding immigrant settlement centres where the immigrants are.

We have cut the landing fee rate in half; we apologized for the Chinese head tax. We are putting significant dollars into the settlement centres where the immigrants actually are. This can hardly be described as turning our back on immigrants or making cuts, which we have not done.

**Senator Eggleton:** I did not say anything about the government turning its back on immigrants. What I am concerned about is that some of these agencies will be cut off entirely, I understand, and some of them are providing valuable services.

Will the government look at this matter on an individual appeal basis for some of the agencies that might be harder hit and which can demonstrate that they are providing a valuable service to the community?

**Senator LeBreton:** Honourable senators, I have said before that just because funding was sent to a certain place for a certain purpose does not mean those funds will continue to flow in perpetuity. Sometimes the need moves someplace else. Therefore, we are simply responding to the requirements.

Regarding the specific organizations that were involved in this process, if they are not in an area where immigrants are settling, it would hardly make any sense for the government to continue to put money into that area when, in fact, it would be much better to put that money into an area where there are immigrants, perhaps a hundred miles down the road.

The process that the minister and the government have followed is a good and valid process. It is meeting needs where the immigrants are. Certainly, our government has a very good record on all matters of immigration, including doing everything possible to make the settlement of immigrants in Canada as smooth as possible.

• (1410)

**Hon. Jim Munson:** Honourable senators, my question is for the Leader of the Government in the Senate, and is also in relation to Toronto-based immigrant services agencies.

Could the minister shed any light on a mysterious memo that appeared after Christmas, when these cuts were made and while Parliament was not in session?

Honourable senators, this memo was sent to the groups, and they had planned to have a meeting to talk about the cuts, or proposed cuts, or moving the money around, but they were horrified to receive this memo from a federal settlement officer from Citizenship and Immigration Canada.

Part of the memo reads:

I don't believe that CIC settlement funding is a topic for the . . . meeting and therefore it should not be an agenda item.

This was a meeting that was supposed to provide a fuller picture of the extent of the cuts and how they would impact services. It sounds like a gag order to me.

Why is the government bullying community organizations trying to help newcomers to Canada?

**An Hon. Senator:** PMO, sticking your nose into it again.

**Senator LeBreton:** Honourable senators, I do not have any knowledge of the memo to which Senator Munson refers. I have no idea what the honourable senator is talking about, but what I do know is our government tripled funding for settlement services for newcomers across Canada. Our government tripled the funding after the government that the senator opposite was so intimately involved with froze that funding for over a decade.

**Senator Munson:** Honourable senators, for the record, the federal settlement officer's name is Nina Serrano. We would like to know who vets these kinds of memos?

Honourable senators, the minister talked about wanting to go where the need is and I suggest we look at west downtown Toronto. That area has 30,000 immigrants; that is to say, one of every six people is a recent arrival. In that area, 7 per cent of the residents and 11 per cent of the immigrants do not speak English and 80 per cent are identified as visible minorities. Unemployment for visible minorities stands at 11 per cent, with 7 per cent for the average citizen. Honourable senators, 9 per cent of visible minorities in the area say they have experienced racial discrimination in housing.

Some of the agencies that have been cut in the west end are Bloor Information and Life Skills Centre, Community Action Resource Centre, Davenport-Perth Neighbourhood and Community Centre, and the list goes on.

Does the leader not think there is still a need?

**Senator LeBreton:** Honourable senators, again, there are other agencies in Toronto and Ontario where immigrants are settling. I do not have the list before me, but I am certain it is extensive. This government is providing immigrant settlement services and funds in those areas. There is nothing complicated about it. We have increased the amount of money significantly. Obviously, when we are dealing with newcomers to Canada we want to provide the best services, but we should provide them to agencies in the communities where the newcomers are actually settling. I think that is what the government is doing.

Honourable senators, at any given time with funding, no matter what the funding envelope is, there are always adjustments made to provide funds to those organizations dealing with the greatest need.

[Translation]

## INTERNATIONAL TRADE

### CANADA—EUROPEAN UNION FREE TRADE NEGOTIATIONS

**Hon. Francis Fox:** Honourable senators, my question is for the Leader of the Government in the Senate and has to do with negotiations concerning the free trade agreement between Canada and the European Union.

As the leader knows, since May 6, 2009, Canada and the European Union have been engaged in important negotiations that should lead to an economic partnership agreement in the form of a comprehensive economic and trade agreement.

As pointed out by the Institut de recherche en économie contemporaine du Québec, unlike other free trade agreements, this agreement goes well beyond the usual scope of application, given that in addition to trade in goods and services it also includes investments, government procurement and labour mobility. The negotiations are expected to conclude sometime in 2011.

Many analysts, observers and stakeholders interested in these negotiations have expressed concern over the fact that no documentation is available for them to consult in order to follow the progress of negotiations. Indeed, we are told that the only documentation available dates back to January 2010 and that nothing else has been published since that time.

Can the Leader of the Government tell us what the government has in mind in terms of a consultation process, before it goes ahead and ratifies the agreement?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** As honourable senators are aware, when we formed the government five years ago we launched an ambitious trade agenda, opening doors for Canadian businesses and companies by concluding new free trade agreements with eight countries. This is quite an initiative when one considers that there were virtually no trade agreements signed by the previous government.

At the same time, we have launched the discussions on economic partnership with India and the European Union. A trade agreement with the European Union could boost Canada's economy by \$12 billion and increase two-way trade by 20 per cent. Minister Van Loan and the European Commissioner for Trade have declared that significant progress has been achieved and that negotiations will continue. Both sides have confirmed that the negotiations are progressing well ahead of expectations.

Honourable senators, Senator Fox is aware that I do not have more details because the government and our negotiating partners for the European Union, as I have just said, continue to work on this agreement.

[Translation]

**Senator Fox:** Is it possible that there will eventually be a report on the public consultation process in Canada that should be held before this agreement is ratified?

The minister will recall that there were rather extensive public consultations on the free trade agreement between Canada and the United States. I would be very reassured to know that there will be a broad consultation process before the agreement is ratified.

My second question is on the same treaty. During their visit to Parliament Hill last week, representatives of the Dairy Farmers of Canada showed a great deal of interest in this agreement. They would like to be assured that the government's position has not changed and that supply management will not be up for negotiation.

Since the minister is suggesting that one of the main reasons for the agreement is to increase business in Canada, could she say a few words about the position the government intends to take with respect to contracts awarded by the municipalities and the provinces and government contracts, which, if I recall correctly, are excluded from the Canada-U.S. free trade agreement?

[English]

**Senator LeBreton:** Honourable senators, Senator Fox would know, because he was in government, the details of negotiations, of course, are between the parties, the governments involved. We have entered into free trade agreements with many countries, for example Panama and Jordan, and those agreements are before Parliament.

I will simply pass on to my colleague, Minister Van Loan, the honourable senator's desire to have more information. I will not make a commitment as to if and when that information will be forthcoming.

With regard to supply management, the Government of Canada has made it clear that it supports supply management and that it will continue to defend interests that are important to these industries in all international negotiations.

[Translation]

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government and follows on the excellent questions by Senator Fox.

As the minister may know, Canada's cultural industry, and that of Quebec in particular, is much smaller than that of the United States or Europe.

Canadians want a vibrant cultural industry, which, unfortunately, can only survive with help from the federal government. I need not remind the leader that Canadian artists create excellent musical and cinematographic works. A Quebec film — *Incendies* — has been nominated for an Oscar. Other Canadian works have won a number of international awards.

• (1420)

Canadian culture has not seemed to be a priority of your government in recent years. Prime Minister Harper has said he prefers to watch American channels for news. In light of such comments, are we to deduce that the Conservative government — which does not like the CBC much either — will reconsider the cultural exception in the North American Free Trade Agreement and not negotiate such an exception in the free trade agreement with the European Union?

[English]

**Senator LeBreton:** I guess the honourable senator does not want to be confronted with the facts. We have increased spending on arts, culture and heritage by 8 per cent. Our campaign promise was to maintain or increase spending on arts, culture and heritage and we have kept our word.

We reviewed spending to ensure maximum benefits go to artists, cultural groups and taxpayers, because taxpayers are footing the bill. As a result, there is more support for festivals,

theatres, museums and children's programs. We have increased direct support to arts and cultural organizations by putting a record amount into the Canada Council for the Arts to the tune of \$181 million. We doubled support for national arts training programs across Canada and we gave record levels of support to our artists on the world stage to the tune of \$22 million.

We delivered on our commitment to maintain or increase funding to the CBC. Funding to the CBC is currently at record levels. This was promised to the CBC by the previous government, but they did not live up to their promise; we did.

## NATIONAL REVENUE

### CORPORATE AND INCOME TAXES

**Hon. Grant Mitchell:** Honourable senators, in the government's sixth report to Canadians on Canada's Economic Action Plan, the analysis was presented that for every dollar spent on a corporate income tax reduction, there was a 30-per-cent, or 30-cent, multiplier effect on the economy. In contrast, for general personal income taxes, the average multiplier effect was dollar-for-dollar. On income tax reductions for low-income families, the multiplier effect was \$1.70 for every dollar of tax cut.

Why is it that, when confronted with the choice of making a tax cut, this government wants to give it to corporations rather than to families when clearly the multiplier effect, the impact on the economy and the ability to create more jobs will be as much as six times greater than from a tax reduction given to corporations?

**Hon. Marjory LeBreton (Leader of the Government):** One thing this government is known for is our commitment to relieving the tax burden on Canadians. I know it is hard for the honourable senator to accept, but his party favours higher taxes and more irresponsible spending. Our government, on the contrary, believes in keeping taxes low and our low tax plan is creating jobs for families right across the country. We reduced the overall tax burden to its lowest level in nearly 50 years. Since coming to office, we have cut over 100 taxes in every way that government collects them — personal, consumption, business, excise and more. Total savings for a typical family is about \$3,000.

As well, due to our actions, tax freedom day is now weeks earlier than it was under the previous Liberal government. We cut the GST from 7 per cent to 5 per cent, benefiting all Canadians, including those with incomes too low to even pay income tax. We have also removed over one million low-income Canadians from the tax rolls.

Honourable senators, we are making Canada a strong destination for investment and jobs with competitive taxes for our businesses. This is about creating jobs for hard-working families and helping our economy grow. The more businesses we attract to this country, the more we ease the tax burden on small, medium and large businesses. That means those businesses will have a climate to continue working and manufacturing in Canada, which means jobs for all Canadians.

I know this is hard for the honourable senator to accept, but even provincial governments of all stripes agree with this program and they support it. Regarding lowering business tax, they want to create jobs for people who live in their jurisdictions. That is why they support the government's policies in this area, unlike the honourable senator's party and its coalition partners that talk about massive tax increases that will be a massive job killer at the same time.

**Senator Mitchell:** How is it that the leader can think for one minute that lowering taxes in order to increase deficits is anything more than simply deferring taxes on future generations — generations to whom we have a huge obligation to hand a much stronger fiscal situation, not the kind of weaker fiscal situation that the leader's government has created with a \$56-billion deficit? I want to point out that the deficit was not mentioned in the laudatory comments made by Senator Finley, because he forgot to mention the abject failures of his government, particularly when it comes to deficits.

**Senator LeBreton:** First, honourable senators will remember we had a world economic crisis. Our government responded, and we responded to the need and the demands. Even when we were getting into the Economic Action Plan, the honourable senator's party and its coalition partners were demanding we spend even more.

However, there is not a \$56-billion deficit, as Senator Mitchell well knows. The Finance Minister and the government are on a deficit reduction path and we will not do what was done in the mid-1990s: We will not pay down the deficit on the backs of the provinces at the expense of health care and education, or completely strip the EI fund of all the money that was in it.

**Some Hon. Senators:** Oh, oh.

**Senator LeBreton:** The Minister of Finance has a plan to get us out of deficit while at the same time creating a climate that will continue to allow our economy to grow and create jobs. That is why all world economists and all bodies say that Canada is leading the G7 out of the recession.

**Senator Mitchell:** Every honourable senator absolutely agrees with one thing the leader said, and we have no doubt that the leader's government will not pay down the deficit because, God knows, it has never done it before. If one wants a deficit, then they should vote Conservative.

A report released today by the CIBC points out that Canadian companies are stronger than they have ever been before. There are fewer bankruptcies and they are sitting on piles of cash. At the same time, our tax rates are better than corporate tax rates in the U.S. They are very competitive.

In contrast, we have a record \$56-billion deficit. It is unprecedented — breathtaking. We have families —

**The Hon. the Speaker:** I regret to inform honourable senators that the time allotted for Question Period has expired.

[ Senator LeBreton ]

• (1430)

[Translation]

## DELAYED ANSWER TO ORAL QUESTION

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have a response to a question raised in the Senate on November 24, 2010, by Senator Hubley regarding the Convention on Cluster Munitions.

## FOREIGN AFFAIRS

### CONVENTION ON CLUSTER MUNITIONS

*(Response to question raised by Hon. Elizabeth Hubley on November 24, 2010)*

Although the Canadian Forces still possess some cluster munitions, Canada has never produced or used them in operations and the CF are in the process of disposing of all stocks.

For example, the Canadian Forces completed the destruction of their entire stockpile of MK20 “Rockeye” air-delivered cluster munitions in 2006. The only cluster munitions remaining in Canadian Forces possession are artillery based, 155mm Dual Purpose Improved Conventional Munitions. These munitions have been removed from operational inventory and are awaiting disposal. This will take place once DND and Public Works and Government Services Canada complete all procedures to allow destruction in accordance with all applicable regulations.

Similar to the Ottawa Anti-personnel Landmine Treaty, the Convention on Cluster Munitions permits states parties to acquire or retain a limited number of cluster munitions for training in cluster munition detection, clearance or destruction, and for development and research of cluster munition counter-measures, such as personal protection gear. The CF currently has no plans to retain any cluster munitions for these purposes, but this issue may be re-assessed in the future as developments warrant.

The Oslo Process was initiated “to outline the objectives and develop an action plan for a process leading to a new international instrument of international humanitarian law” on cluster munitions. Canada has fully supported these efforts to address the impact of cluster munitions on civilians and was among the first nations to sign the Convention on Cluster Munitions in December 2008.

Canada participated in the recent First Meeting of States Parties to the Convention held in Laos in November 2010 in the role of “Friend to the President” and was involved in the development of the 2011 Programme of Work that includes a framework to assist signatories with implementation and to support universalization of the Convention.

Canadian officials are currently finalizing documentation necessary for the government's formal consideration of ratification of the Convention on Cluster Munitions.

Prior to ratification of the Convention on Cluster Munitions, Canada will want to ensure that domestic legislation is in place to allow for implementation of its obligations. International instruments often involve a range of issues including policy, legal, financial, defence, and international relations which must be considered before formal ratification.

[English]

## ORDERS OF THE DAY

### CRIMINAL CODE

#### BILL TO AMEND— MESSAGE FROM COMMONS—AMENDMENTS

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons returning Bill S-6, An Act to amend the Criminal Code and another Act, and acquainting the Senate that they had passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. *Page 1:* Delete clause 1.

2. *Page 3, clause 3:* Add after line 28 the following:

“(2.7) The 90-day time limits for the making of any application referred to in subsections (2.1) to (2.5) may be extended by the appropriate Chief Justice, or his or her designate, to a maximum of 180 days if the person, due to circumstances beyond their control, is unable to make an application within the 90-day time limit.”

3. *Page 3, clause 3:* Add after line 28 the following:

“(2.7) If a person convicted of murder does not make an application under subsection (1) within the maximum time period allowed by this section, the Commissioner of Correctional Service Canada, or his or her designate, shall immediately notify in writing a parent, child, spouse or common-law partner of the victim that the convicted person did not make an application. If it is not possible to notify one of the aforementioned relatives, then the notification shall be given to another relative of the victim. The notification shall specify the next date on which the convicted person will be eligible to make an application under subsection (1).”

4. *Page 6, clause 7:* Replace line 9 with the following:

“3(1), within 180 days after the end of two years”

5. *Page 6, clause 7:* Replace line 19 with the following:

“amended by subsection 3(1), within 180 days”

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

### ELECTRICITY AND GAS INSPECTION ACT WEIGHTS AND MEASURES ACT

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator MacDonald, for the second reading of Bill C-14, An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act.

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

(Motion agreed to and bill read second time.)

#### REFERRED TO COMMITTEE

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

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

### IMMIGRATION AND REFUGEE PROTECTION ACT

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

**Hon. Nicole Eaton** moved second reading of Bill C-35, An Act to amend the Immigration and Refugee Protection Act.

She said: I am pleased to rise today to support Bill C-35, the government's legislation aimed at protecting would-be immigrants and the integrity of immigration programs by cracking down on unscrupulous immigration representatives.

As the Minister of Citizenship, Immigration and Multiculturalism has said, people anxious to immigrate to Canada can fall victim to unscrupulous immigration representatives who charge exorbitant fees and may promise would-be immigrants high paying jobs or guaranteed fast-tracked visas.

This behaviour is unethical and unprofessional, and it can lead to disastrous results for immigrants. Take the case of Irma Luque, Ricardo Miranda and their son Christian. The Miranda family sought the assistance of an immigration consultant who promised them work and visas. This consultant charged the family US \$5,000 and kept them waiting for years, yet delivered no results.

Sadly, this case is not an isolated one. Every year, many newcomers are lured by false promises and guaranteed visas by unscrupulous third-party representatives.

Consultants who advise would-be applicants before an application is made, and who are otherwise concealed from federal officials, are referred to as “ghost consultants.” These ghost consultants are often difficult to identify because their involvement is purposefully concealed and because there is currently no regulation in the pre-application period or before a proceeding has begun, creating a gaping loophole.

The bill before the Senate will amend the Immigration and Refugee Protection Act so that only authorized representatives can provide representation or advice for a fee at any stage of the proceeding or application. This amendment includes services provided before an application is submitted or a proceeding begins, thus closing a loophole in the current framework.

These representatives will be limited to lawyers, notaries in Quebec, paralegals regulated by a law society and consultants who are members in good standing of a governing body designated by the Minister of Citizenship, Immigration and Multiculturalism.

Bill C-35 will also improve how immigration consultants are regulated. There are currently no mechanisms in the act that provide for oversight of the regulatory body responsible for immigration consultants. This bill will provide the minister with the power by regulation to designate a self-regulated, non-partisan body of which a majority of its board will be elected by its members.

To enhance the government’s oversight of the designated body once legislation is in place, regulations will be drafted requiring the body to provide information for the purpose of ensuring it governs its members in the public interest.

As well, the government is presently limited in its ability to disclose information on individuals providing unethical or unprofessional representation or advice to those responsible for governing or investigating that conduct. Bill C-35 provides clear authority for such disclosure.

This disclosure provision will achieve a fine balance between protecting the privacy interests of members and applicants while still protecting potential immigrants from unscrupulous consultants. Personal information about immigrant applicants will be shared only to the extent that it is deemed to be relevant to the alleged misconduct.

In response to issues raised by stakeholders and members of the House of Commons Standing Committee on Citizenship and Immigration during the committee’s study of Bill C-35, amendments to the bill have been made.

Honourable senators, the spirit of compromise and co-operation surrounding this bill has been remarkable. Indeed, Bill C-35 was adopted at third reading without any opposition. This cooperation demonstrates the recognition by all parties of the urgent need to help protect vulnerable would-be immigrants and help safeguard our immigration system against fraud and abuse.

This spirit of compromise and cooperation has been demonstrated also through the adoption of the following key amendments: one, recognition of paralegals regulated by a law

society of a province as authorized immigration representatives; two, respect for Quebec’s jurisdiction while maintaining federal authority over the regulation of immigration consultants; three, indication in the act of the minister’s authority to revoke the designation of a body through regulations; four, doubling of maximum fines for the offence of providing unauthorized immigration representation or advice, from \$50,000 to \$100,000 upon conviction of an indictable offence, and, for summary offences, from \$10,000 to \$20,000; and, five, increasing the length of time to institute a proceeding by way of a summary conviction to 10 years, as opposed to the initially proposed 5 years — investigators would thus be provided ample time to investigate properly and fully various offences committed under the act and lay charges before the time period lapses.

I am sure honourable senators will agree that the body regulating consultants must regulate effectively and must be held accountable for ensuring their membership provides services in a professional and ethical matter.

The 2008-09 reports of the Standing Committee on Citizenship and Immigration pointed to a lack of public confidence in the body currently governing immigration consultants. In parallel to the legislative process, Citizenship and Immigration Canada has taken additional action to address this lack of public confidence by launching a transparent public selection process under current authority to identify a governing body for immigration consultants.

A call for submissions was published in the *Canada Gazette* on August 28, 2010, offering individuals or organizations interested in becoming the regulator of immigration consultants until December 29, 2010, to deliver their submissions.

• (1440)

Interested parties needed to demonstrate their capacity to regulate effectively immigration consulting activities in the public interest, thereby enhancing public confidence in the immigration process and preserving the integrity of the immigration system.

A selection committee comprised of officials from Citizenship and Immigration Canada and the Canada Border Services Agency, as well as external experts, was put in place to review the submissions received. The committee is providing the Minister of Citizenship, Immigration and Multiculturalism with a recommendation as to which of these organizations, if any, has or will have the capacity to meet the established organizational competencies that serve as selection factors for this process.

Many options were considered to address the lack of public confidence in the body currently governing immigration consultants, including the introduction of new stand-alone legislation to re-establish the body in a law society model.

It was determined that moving forward with the legislative changes to the Immigration and Refugee Protection Act found in Bill C-35 would strengthen government oversight of the regulator, improve discipline of its members through the information-sharing provision and create a new criminal offence for non-members.

The establishment of a non-profit governing body builds on previous legislative change and on the Government of Canada's experience in structuring and implementing an agreement with a non-profit body.

The chosen approach, therefore, limits the resource implications, financial and otherwise, on the Government of Canada with similar outcomes to a statutory model, making it the most practical cost- and time-efficient approach to the regulation of immigration consultants.

In addition, since the regulator of immigration consultants will need to be incorporated under the Not-for-Profit Corporations Act, which will soon come into force, this act will contain more robust remedies that will help ensure better governance and accountability from the board.

The membership will also have a larger role in holding the governing body accountable to the new terms of the act. Meanwhile, efforts to raise awareness of the risks of engaging unscrupulous immigration representatives are constantly evolving, including the update of websites in Canada and at visa offices abroad to carry warning messages to immigrant applicants.

Further service improvements, including web-based tools and video tutorials, are being developed by CIC to make it easier for applicants to apply independently to immigrate to Canada without relying on immigration representatives.

Overseas applicants seek assistance from immigration consultants for a variety of reasons. Given the fact that Canada cannot directly investigate matters in other countries, the investigation and prosecution of third parties residing abroad is challenging. That is why the Government of Canada continues to work with overseas partners to address and discourage ghost consultants who are advising applicants and are beyond the reach of Canadian law.

It is clear that fraud remains a widespread threat to would-be immigrants as well as to the integrity of our immigration system. It is also clear that unscrupulous immigration representatives are at the heart of this problem.

Honourable senators, in closing, I must again point out the commendable cooperation between the government and the opposition during the committee's study of Bill C-35, which ensured its passage in the other place. Bill C-35 is, after all, a chance to crack down on unscrupulous representatives who exploit prospective immigrants and undermine the integrity of Canada's immigration system. I am confident that honourable senators will feel the same way and will express this by supporting the bill.

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

**Senator Eaton:** Yes.

**Senator Banks:** Bill C-11, called the Balanced Refugee Reform Act, is currently before the government. Proposed section 6 of the present bill comes into force only when Bill C-11 receives Royal Assent. Can the honourable senator tell us the status of Bill C-11? It is a precursor to clause 6 of this bill coming into force.

**Senator Eaton:** I will have to inform myself as to the whereabouts of Bill C-11, which I will do at the beginning of the week.

(On motion of Senator Tardif, debate adjourned.)

## CANADA POST CORPORATION ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Peterson, seconded by the Honourable Senator Lovelace Nicholas, for the second reading of Bill S-219, An Act to amend the Canada Post Corporation Act (rural postal services and the Canada Post Ombudsman).

**Hon. Catherine S. Callbeck:** Honourable senators, this order stands in Senator Di Nino's name. I have talked to him, and he has agreed I could speak on it at any time and have it adjourned in his name.

I am pleased to rise today in support of Bill S-219, which calls on the federal government to protect and strengthen the delivery of postal services in rural communities across Canada. This is an important issue, and I strongly commend Senator Peterson for bringing it forward.

• (1450)

Rural residents recognize that our post offices are one of the cornerstones of our rural communities. They are critical for rural residents and businesses. It has been incredibly frustrating for the people of rural Canada to experience the decline of rural postal service. They have watched while this government has shut down 42 rural post offices and 55,000 rural mailboxes. This is a very important service to all Canadians. That is why this bill seeks to protect and strengthen postal services and it deserves our wholehearted support.

This bill will require that written notice be given to residents six months before a proposed change. Consultations must be taken four months before a proposed change. I agree with having these time frames enshrined in legislation. Too often, changes have been made without consulting the people who live there.

As well, this legislation requires that an ombudsman be appointed who will investigate complaints, review policies and practices, and report on any complaints, policies or practices that are not satisfactorily corrected.

There is no question that, in the span of the last half century, this country has been transformed. No longer is Canada a predominantly rural country. The major population shifts have resulted in the vast majority of Canadians now living in urban communities. In the process, rural communities have lagged the rest of the country in terms of population, social, economic and cultural opportunities, health care and education. Rural

communities throughout Canada have already lost many of the basic amenities and services they need. That is why it is even more important that the federal government fulfill its responsibilities to the people of rural Canada.

When I was a member of the Standing Senate Committee on Agriculture and Forestry, the committee released a report in 2008 called "Beyond Freefall: Halting Rural Poverty." In this report, the committee noted the loss of services in rural areas. The report stated:

The committee believes that the federal government should consider working with the provinces and the municipalities to deliver as many services as it can through as many regional and rural delivery points as possible. The role of rural post offices, for example, could perhaps be expanded to provide a range of federal, provincial/territorial and municipal services that might otherwise be unavailable and, in so doing, save the rural post office itself from closure.

Given that 67 per cent of post offices, approximately 4,400, are located in non-urban communities, there is great potential in that recommendation for rural Canada. The federal government's response to this recommendation was:

Government departments and agencies may make arrangements with Canada Post to deliver services to Canadians through rural post offices.

I hope that the departments and the agencies have and will thoroughly examine this option, and that the result will be more services for rural Canada.

We all know that the majority of Canadians are now living in urban areas, but, while the population has shifted, the future of rural Canada is still critical to the future of the whole country. The same report of the Agriculture Committee, to which I referred, states:

... it should be clear that the committee is convinced that Canada needs its rural areas. We believe that rural Canada matters a great deal for a number of important reasons. One of these is the fact, frequently mentioned by our witnesses, that rural Canada remains a crucial part of this country's economy. Rural Canada is where we produce the vast agricultural ... mineral ... forestry ... fisheries ... and energy ... wealth that pulses through our urban centres.

The report recognizes that the well-being of our economy and of our environment, not to mention the well-being of our citizens, depends on the well-being of both rural and urban Canada.

Postal services are an essential part of the fabric of our society. They allow businesses to keep in contact with customers and suppliers. They allow individuals to keep in touch with one another. Postal services are of special importance in our rural communities, as often they are the only means of ensuring mail delivery.

Already rural businesses and residents are being disadvantaged because they do not have equal access to communications and information technologies. For example, broadband is not

universally available throughout many parts of rural Canada. That makes it more difficult for rural businesses to conduct their affairs and to remain competitive. It also makes it more difficult for rural residents to access information and other resources in order to participate fully in the global society.

Honourable senators, there was a time in this country when all Canadians could mail a letter six days a week for five cents. Since that time, costs have continued to escalate and the level of service has continued to decline. The employees of Canada Post are to be commended for their dedication and hard work to maintain quality services, but they need the support and the resources to do their jobs. This bill will help to ensure that our postal services are provided in a way that meets the expectations of Canadians and provides them with the quality of service that they need and deserve.

Our postal services are a vital part of the fabric of society, helping individual Canadians and businesses to keep in touch with one another and with the world around us. It is time for the federal government to recognize the need to protect and strengthen our postal services, especially to rural Canadians. That is why I wholeheartedly support this bill and I encourage honourable senators to do the same.

**The Hon. the Speaker *pro tempore*:** Honourable senators, as previously agreed, this matter will now stand adjourned in the name of Senator Di Nino.

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

• (1500)

[Translation]

## THE SENATE

MOTION TO RESOLVE INTO A COMMITTEE OF  
THE WHOLE TO RECEIVE THE COMMISSIONER  
OF OFFICIAL LANGUAGES AND THAT  
THE COMMITTEE REPORT TO THE SENATE NO LATER  
THAN ONE HOUR AFTER IT BEGINS—  
DEBATE ADJOURNED

**Hon. Claudette Tardif (Deputy Leader of the Opposition),**  
pursuant to notice of December 9, 2010, moved:

That, at the end of Question Period and Delayed Answers on the sitting following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive the Commissioner of Official Languages; and

That the Committee of the Whole report to the Senate no later than one hour after it begins.

She said: Honourable senators, today I would like to speak about the notice of motion I tabled in the Senate on December 9, 2010.

To begin, I would like to respectfully acknowledge the importance of Senator Comeau's participation in the debate on Bill C-232. His opinions and arguments are highly respected and the ensuing discussions are always fruitful.



Honourable senators, let me get to the heart of the issue. I believe it is imperative that we invite the Commissioner of Official Languages to appear before the Senate in Committee of the Whole so that he can respond to Senator Comeau's statement that the commissioner has overstepped his boundaries by speaking out about Bill C-232.

On Tuesday, December 7, 2010, during his speech concerning Bill C-232, Senator Comeau made the following statement:

I suggest that the commissioner publicly justify how and under what mandate he is using the considerable powers and resources of the Office of the Commissioner of Official Languages to lobby for bilingualism policies that clearly fall outside the commissioner's mandate.

I would like to point out that this motion is based on the principle that the mandate of the Commissioner of Official Languages may have been misinterpreted. It is therefore vital that the commissioner be allowed to appear before the Senate in Committee of the Whole so that he can shed some light on his mandate, responsibilities and public statements since Bill C-232 was introduced in the other place.

This motion regarding the commissioner is completely justified. Given his right to be heard and to provide a public explanation, is it not therefore only appropriate to invite the commissioner to appear before the Committee of the Whole in the Senate to give him an opportunity to answer our questions and to provide us with clarification on his mandate and responsibilities?

I would also like to point out that, in his speech, Senator Comeau said that he wanted to hear the commissioner speak about his mandate at the Office of the Commissioner of Official Languages.

I would like to quote from Senator Comeau's speech in which he questioned the role of the commissioner and expressed his disappointment. He said:

This is why I am particularly disappointed and disturbed with the decision of the Commissioner of Official Languages to lobby for passage of legislation that takes away the language rights of candidates for the Supreme Court of Canada and supports the imposition of bilingualism.

Senator Comeau said that the bill has nothing to do with the Official Languages Act. He even questioned how the commissioner could use his office to lobby for a bill that goes against the principles of the Official Languages Act and the constitutionally protected rights of Canadians. According to Senator Comeau, "the commissioner is wrong and is outside his mandate to downgrade the right to a privilege to serve their country." The commissioner sent Senator Comeau a letter on December 23, 2010, in response to these statements, with a copy to me. In that letter, the commissioner stated the following:

As I understand it, I may be summoned to appear before the Senate when it resumes in 2011. I would be happy to take that opportunity to respond to your statement.

Clearly, Senator Comeau's statements are worthy of our attention. The Commissioner of Official Languages should have the opportunity to explain his position in this chamber.

Furthermore, I would like to draw your attention to the fact that my honourable colleague's comments about the commissioner's mandate have been criticized and questioned by constitutional law and language law experts. Contrary to what my honourable colleague has said, these experts have stated that Bill C-232 has everything to do with the concept of official languages and is part of the evolution of Canada's linguistic duality. The Constitution Acts, as well as the Official Languages Act, have the purpose of guaranteeing the preservation and development of official language communities in Canada, not guaranteeing the unilingualism of individuals.

Allow me to quote an excerpt from a letter published in *La Presse* on December 15, 2010, which was signed by experts such as Linda Cardinal, a professor in the School of Political Studies of the University of Ottawa, and Pierre Foucher, a professor of law at the University of Ottawa and a constitutional expert:

We must look at this bill in terms of its restorative aspect, that is, we must look at it as an attempt to right the past wrongs that French-speaking minorities have been subjected to in Canada. Let us not look at this as being motivated by revenge, but instead as being an opportunity for Canada to build new relationships with its francophone population, to encourage better dialogue and to give equal recognition to the historic contribution both peoples and both cultures have made to our country. This could also be an opportunity to strengthen the francophone identity and the French language in Canada by making it genuinely valuable.

On December 31, 2010, in a letter published in *Acadie nouvelle*, nine professors from the faculty of law at Université de Moncton said:

The debate is not whether a unilingual lawyer has the right to be appointed to the Supreme Court of Canada, but whether the defendant has the right to speak and make written observations in the language of his choice before a court that is able to understand him directly, without the assistance of an intermediary.

What the opponents of Bill C-232 seem to forget is that at the heart of the linguistic provisions is the principle of a society in which the members of the official language communities are equal partners.

In light of this and in light of the tenets of linguistic duality, the application of the Official Languages Act and the evolution of the jurisprudence, I truly hope that the commissioner's position in the debate on Bill C-232 will be explained so that it is better understood.

This is a very serious issue. I would like to share a comment made by the Honourable Michel Bastarache, a former Supreme Court justice, in a note that he sent to me on December 9:

The Commissioner of Official Languages must promote the rights of the defendant and equal access to the services of the Supreme Court. He should intervene to force the

government to not make exceptions to the equal status of languages with respect to their use in an institution as fundamental as the Supreme Court.

[English]

Allow me to remind honourable senators of the duties of the Commissioner of Official Languages as specified in the Official Languages Act in Part IX, section 56(1):

It is the duty of the Commissioner to take all actions and measures within the authority of the Commissioner with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society.

• (1510)

[Translation]

When Graham Fraser was appointed in 2006, Prime Minister Stephen Harper made the following statement, which was published in the newspaper *L'Express* the week of September 19 to 25, 2006:

Graham Fraser is an excellent candidate for the position of Commissioner of Official Languages. He will bring to the position a deep understanding of and sensitivity to Canada's linguistic duality, a profound knowledge of Canada's language policy and its impact on minority language communities, as well as the independence of mind of a journalist.

Let us therefore give the Commissioner of Official Languages, an officer of Parliament in whom the government has put its full confidence, the opportunity to appear before the Senate. Let us give him the opportunity to testify and explain his role and his statements as part of the debate on Bill C-232.

I am convinced that the clarification the commissioner will provide will serve to enhance and advance the debate on Bill C-232 and make it even more relevant and objective. We will then be able to move on to the next step, which is examination of the bill in committee.

Let us not forget that this bill was passed by the majority of members elected to serve in the other place and that it has been at second reading in the Senate for more than 300 days. The least the Senate can do is to refer Bill C-232 to committee in accordance with the Senate's traditional role as a chamber of sober second thought. Let us keep in mind that all Canadians, without exception, deserve to be treated equally before the Supreme Court, the highest court in the country.

Honourable senators, I therefore ask you to please vote in favour of this motion so that we can hear the Commissioner of Official Languages speak about his role and mandate as part of the debate on Bill C-232. We could all benefit from a better understanding of the issues.

[ Senator Tardif ]

**Hon. Claude Carignan:** Would Senator Tardif agree to answer a few questions?

**Senator Tardif:** Certainly.

**Senator Carignan:** I gather that Senator Tardif's motion responds to a request by an officer of Parliament who wants to testify as part of the debate on the bill currently at second reading stage and respond to arguments made by one of the members of this chamber.

It seems rather unusual to me for an officer of Parliament to want to enter this chamber to take part in a debate on a bill, to respond to a parliamentarian and to give his point of view. To your knowledge, has this ever happened since 1867?

**Senator Tardif:** I would like to clarify for Senator Carignan that this motion was not moved at the request of the Commissioner of Official Languages. The motion was moved following Senator Comeau's comments to the effect that the commissioner had overstepped his mandate.

These were very harsh comments against the commissioner. I think it goes without saying that we should invite the commissioner to explain his mandate and responsibilities with regard to the Official Languages Act and to answer questions.

Following Senator Comeau's comments and my notice of motion, the commissioner indicated that he was prepared to testify. It should also be noted that Senator Comeau's comments clearly indicated that he believes it is important for the commissioner to publicly explain his intentions with regard to this debate.

**Senator Carignan:** You have said that the commissioner acted within his mandate. In my opinion, the debate on this matter has to be held between members of the Senate and not by bringing a third party into this chamber. Not being an expert on parliamentary law, I would like to know whether you verified the legality of this in terms of parliamentary law at the time of adoption since we are at second reading stage of the bill.

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

**Senator Comeau:** Five minutes.

**Senator Tardif:** I must say that, as parliamentarians, we are entitled to invite the Commissioner of Official Languages. He is an officer of Parliament and there is nothing especially unusual about inviting an officer of Parliament to appear.

Also, given the remarks, I do not believe that this is a debate. We can certainly invite the commissioner to come and ask him to talk to us about his mandate, role and responsibilities. The mandate and role of the commissioner have been challenged. Instead of having a debate amongst ourselves, I think it is important to have the opinion of the person in that role and for whom the mandate and functions are well defined.

**Hon. Maria Chaput:** I move the adjournment of the debate.

(On motion of Senator Chaput, debate adjourned.)

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** I believe that another senator wished to ask a question. Senator Chaput may move the adjournment of the debate afterwards.

[*Translation*]

#### ADJOURNMENT

**Senator Chaput:** Very well.

[*English*]

**Hon. John D. Wallace:** Would the honourable senator accept a question?

**Senator Tardif:** Yes.

**Senator Wallace:** Would not the type of input you suggest the Commissioner of Official Languages provide be better placed before committee?

**Senator Tardif:** Honourable senators, I would hope that after 300 days this bill would be referred to committee. I would agree that the Commissioner of Official Languages undoubtedly would be invited to appear before committee. However, those remarks were made before the Senate as a whole. Therefore, the Commissioner should have the opportunity to present his views before the Senate as a whole.

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

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 8, 2011, at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, February 8, 2011, at 2 p.m.)

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