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**Tuesday, March 8, 2011**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

## CONTENTS

(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Tuesday, March 8, 2011

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

Prayers.

### SENATORS' STATEMENTS

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mrs. Dorothy Davey and family members of our former colleague, the Honourable Senator Keith Davey.

On behalf of all honourable senators, welcome to the Senate of Canada and thank you for being here as we move to tributes.

**Hon. Senators:** Hear, hear.

#### TRIBUTES

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

**The Hon. the Speaker:** Honourable senators, I received a notice from the Leader of the Opposition in the Senate, who requests, pursuant to rule 22(10), that the time provided for consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Keith Davey, former senator, whose death occurred on January 17, 2011.

I remind honourable senators that, pursuant to our rules, each senator will be allowed three minutes and may speak only once. The time for tributes shall not exceed 15 minutes.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, it is a privilege to pay tribute to former Senator Keith Davey, who passed away on January 17.

Tom Axworthy spoke eloquently at Senator Davey's funeral about the key role Senator Davey played in our nation's modern political development. Mr. Axworthy said:

The modern Canada we love is a product of the politics and policies of Pearson and Trudeau. They were the prime architects of our Just Society of social equity, and Charter rights.

But if Pearson and Trudeau were the architects, Keith Davey was the general contractor. He recruited the men and women to run for office, ran the campaigns and advised prime ministers on who could get the job done.

Senator Davey described himself as a "wide-eyed pragmatist," even after decades in Canadian politics. He loved the full span of politics from the grassroots — knocking on doors and getting out

the vote, especially in his beloved Toronto — to advising prime ministers and planning grand national campaigns. He never lost perspective on himself or what he was doing.

Keith Davey was a man of rock-solid convictions and, above all, of great loyalty and dedication to the Liberal Party of Canada, to the many prime ministers he served, to the Yankees, the Blue Jays and even the Maple Leafs.

Senator Davey's warmth was enveloping. The many obituaries and eulogies from across the political spectrum attest to the deep and genuine respect and affection that so many Canadians had for him. One headline expressed this particularly well: "Rain he made, sunshine he gave."

Keith Davey had an extraordinary gift for finding talented Canadians and engaging them in the political life of their country. There is a seemingly endless list of some of the very best parliamentarians in our history, all of whom were drawn to public service by Keith Davey.

During his long tenure in the Senate, Keith served on several committees, but unquestionably, the work of which he was most proud was spearheading the landmark study on the mass media entitled: *The Uncertain Mirror*. That study is still cited today as a classic example of the best work produced by this chamber. It shone a light on the potentially overwhelming influence of American media on Canada and the value of ensuring that Canadian media are able, he said: "... to promote our apartness from the American reality."

Keith Davey loved Canada.

Honourable senators, it is remarkable that in the span of a few short months, we have paid tribute to two icons of Canadian politics: Senator Keith Davey, a great Liberal; and Senator Norm Atkins, a great Progressive Conservative. Each man was a legend in his party and committed to his party with every fibre of his being. Each man relished the stuff of politics from the ground up to the highest level. Each man embodied the highest standards of integrity, decency and absolute passion for Canada. They were, of course, professional adversaries; but during their years together here in the Senate, they became deep personal friends. That, to me, is emblematic of the best of this country and the Canadian political tradition, where absolutely determined partisans with diametrically opposed views can nevertheless forge a strong friendship and work together as Senator Davey and Senator Atkins did in this chamber for the betterment of Canada.

Honourable senators, each of these great men believed in the power of politics to do good and they believed in the power of political parties to do good. They saw first-hand the power of political parties to engage citizens in the political life of the country. They fought intensely but with respect for their adversaries and, above all, with the firm conviction that the democratic process was more important than the win. They were truly honourable men.

• (1410)

Senator Davey included at the end of his memoirs a quote from Teddy Roosevelt, and it reads as follows:

The credit belongs to the man who is actually in the arena; whose face is marred by the dust and sweat and blood; . . . who knows the great enthusiasms, the great devotions, who spends himself for a worthy cause; who, at best, knows, in the end, the triumph of high achievement, and who, at worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

Honourable senators, I cannot conclude without speaking of Senator Davey's family and the deep love that he had for his children and for his beloved wife, Dorothy. They all suffered greatly over the past few years as Senator Davey's great mind was ravaged by the terrible disease of Alzheimer's. We all send our deepest condolences to them.

**Hon. Lowell Murray:** Honourable senators, I was overseas in January when Senator Davey died. Otherwise, I should certainly have been among those present at his funeral to pay my last respects.

[Translation]

I was deeply saddened by his death, although I was equally saddened by his terrible illness and the challenges it has posed for his family and loved ones for the past 15 years.

[English]

Many will recall his prodigious service and commitment to the Liberal Party and to Canada. Many more — and here I would include our late, mutual friend, Senator Norm Atkins — would want to acknowledge private and personal acts of friendship and thoughtfulness across the partisan divide. The partisan struggle is too often unnecessarily harsh, unfair and unforgiving. Those who would take it on today and in the future would do well to reflect that one of its most successful practitioners in our time, Keith Davey, was also one of the most decent and honourable of human beings.

**Hon. David P. Smith:** Honourable senators, I rise to pay tribute to the late Senator Keith Davey, who was a pillar within the Liberal Party of Canada, and a hero.

I came to Ottawa in 1961, 50 years ago. Needless to say, I was very, very young. However, I became involved with the Liberal Party at university. Within the next two or three years, I was president of the Carleton University Young Liberals, then the Ontario president, then the president of the National Young Liberals of Canada. Since I was here, hanging around Parliament Hill, I came to know Keith well. When I graduated, I was about to go to law school. He said, "No, take a year off. Be my right-hand guy at headquarters and you will be the National Youth Director, going coast to coast every few weeks." I did. Those were exciting days.

[ Senator Cowan ]

It is fair to say that Keith was a mentor, a role model and most important, a lifelong friend. If one can beatify a few Liberals from that period, the three I would suggest would be Lester B. Pearson, Walter Gordon and Keith Davey. Make them Liberal saints; I think that would be appropriate.

Keith helped make it happen for Mr. Pearson. When Jack Granatstein conducted a survey a few years ago of all the Canadian history professors and had them rank prime ministers, Mr. Pearson came in fourth, after Prime Ministers Macdonald, Laurier and King. Mr. Pearson was fourth, and Keith was there.

Keith and I had similarities. First, we were from Toronto. We were Toronto sports fans.

Keith brought to Mr. Pearson what Mr. Pearson did not have. Mr. Pearson was a great academic, a great bureaucrat and he was 52 years old before he was elected. However, Keith understood media, advertising and polling, and he had savvy political instincts. I often equate political instinct to an ear for music: One has to be born with it; if one is not born with an ear for music, one can go to a thousand concerts and still be out of tune. However, Keith had that savvy political instinct.

I will never forget the night of the 1965 election. I was with Keith and we were at party headquarters. There were 265 seats, so we needed 134 if we had the Speaker; otherwise we needed 133. We were at 131: Oh, the pain. Keith said to me, "Get out the soldier votes from the last two lists." I said, "Keith, 131. We're going down to Mr. Pearson's suite at the Chateau Laurier. We will relax and have some fun."

Right now, I would probably settle for coming within two seats of a majority, and look what Mr. Pearson did. That is what we need more of here. I have many good friends on the other side. I hesitate to identify them because I do not want to get them into trouble, but we need more of that, and Keith was great at making friends.

I will never forget the night of his seventieth birthday in Toronto at the Ontario Club. He announced that he was stepping down when Parliament rose later. We did not all realize it — only two or three people knew — but he knew what he had. It was such a classy thing to do. He wanted people to remember him at his best, and he was terrific.

Dorothy, Doug, Ian and Cathy, I cannot pay enough tribute to Keith Davey.

**Hon. Elaine McCoy:** Honourable senators, I never had the privilege of meeting Keith Davey, although I have had the pleasure of spending time with Dorothy Davey. That time was brought about by Senator Norman Atkins, who remained friends with the Daveys, and said, "This is one lady you need to know." He was right as usual about good people.

Today, in paying tribute to Senator Davey, I thought I would reinforce the impression he made on me because of the legacy he left. Although I never met him, it was like hearing a strong voice throughout the years. As honourable senators know, I have collected significant Senate reports, reports that have made a difference, and I put them on my website where people can access

them more easily than they can in the non-digital world of the library. These reports are now archived and have been made available through academic search engines, so people can access the gems the Senate has produced over the years.

One of these gems, which Senator Cowan referred to, was *The Uncertain Mirror*. It was a Senate report from a committee chaired by Keith Davey.

At that point, the Senate adopted the report he wrote by saying:

... this country should no longer tolerate a situation where the public interest in so vital a field as information is dependent on the greed or goodwill of an extremely privileged group of businessmen.

That was a statement that we all adopted in this great institution. To pay tribute to Senator Davey, we should follow his lead by upholding democracy.

Senator Davey was also concerned about the concentration of ownership in the media. Of dozens of recommendations, perhaps the most prescient was his call to action for everyday Canadians, which honourable senators can find at page 250 of the report:

Remember that freedom of the press is basic to all our freedoms, and that the greatest danger to press freedom is public apathy. So if the media bore you or bother you, don't just sit there. React. . . . Telephone the owner. Write to the editor. Call in on the hot line. Speak to the advertiser. Praise the performer. Some newspapers and magazines are beginning to open their pages to the people. They call it "participatory journalism." So participate.

That was a call to action from Senator Keith Davey, and I pay tribute to the man who had the foresight and the courage to be such an outstanding example of what the Senate can do when it is at its best.

• (1420)

**Hon. Hugh Segal:** Honourable senators, I rise as a member of a political party that experienced great damage at the hands of Senator Davey on many occasions. I rise to pay tribute to Senator Davey as an individual and as a campaigner of immense capacity.

I first met Keith Davey after the election of 1974. I was the Conservative candidate in this very constituency, and had done reasonably well in 1972 against Hugh Poulin — I came very close, about 500 votes; but in 1974, close to 32,000 Canadians left their place of work, their homes, their classrooms, to go into the auditoria where we express our sovereign electoral will to ask me to stay out of public life in a very personal way. They did so in large measure because of the successfulness of the Davey campaign.

Honourable senators, I was supporting Mr. Stanfield and the price and wage freeze policy, which had been developed, as some will remember in this room, in our own national caucus. Prime Minister Trudeau, effectively in that campaign, used a slogan for which I give him no credit at all; I give it all to Mr. Davey: Zap, you are frozen.

Even in this great city, where all the civil servants have salaries that are fixed for least a year at a time and a 90-day freeze would have no impact on them whatever except to freeze prices, the effectiveness of that campaign was able to bring my electoral history to a very rapid end at the mere age of 24. Honourable senators, I was bitter; I was angry; I was disappointed.

I received a call from Senator Davey about two months later. He told me that *Reader's Digest* was having a conference at Erindale College to review what happened in the election campaign, and that people from all political parties were being invited. Senator Davey was on the steering committee and was kind enough to suggest that I be invited as one of the kids who lost because of his effective campaign in that election.

Honourable senators, at that meeting, Keith Davey was very forthcoming about the polling background that allowed the Liberals to elaborate their effective strategy. Senator Davey told us that the polling background indicated that the people of Canada had no opposition whatever to the idea of a wage and price freeze. He told us that Canadians were, however, troubled by the fact that Mr. Diefenbaker, who was alive and well and campaigning and holding a seat in Saskatchewan, was campaigning for a wage freeze and not a price freeze. The Honourable Jack Horner, as some may recall, had a slightly different position on the matter, not to mention that the Honourable James Gillis, who had been the source of this idea, chose to divert attention in another direction.

Honourable senators, our problem was — and Keith Davey sensed it, remarkably and effectively, *ab initio* — not that the Tories had a policy Canadians did not like; it was that they had five policies on the same issue that contradicted each other. That was the principle of coherence, discipline and being focused on the message; and Keith Davey took me aside to say, "Young man, don't forget that in your career."

Senator Atkins was at the conference and he said, "Keith Davey is an opponent; he is a competent, able, determined opponent, but he is not an enemy and don't ever forget that."

**Hon. Sharon Carstairs:** Honourable senators, I first met Keith Davey through my husband John and a mutual friend of Keith's, Jim Coutts. Jim Coutts was the best man at our marriage and Keith sent us best wishes on that occasion some 45 years ago.

Honourable senators, had John and I not been in Geneva because I was attending the Committee on the Human Rights of Parliamentarians, we would have been at Keith's funeral. It seemed prophetic, though, that I would be protecting parliamentarians around the world, and therefore we sat in our Geneva hotel and raised a glass to our dear friend Keith.

White hair, sparkling eyes, military bearing, snazzy dresser — all of those things were Keith Davey. For me, as a woman in politics, it was perhaps most prophetic that in 1976, he asked me to be the chair of the federal campaign in Alberta. I should have known that would not have been an unusual thing for Keith to ask because, after all, Dorothy was so much a part of his life, but women were not asked to be federal campaign chairs in 1976. Unfortunately, I was not able to do it because I was moving to Manitoba, and therein lies a story.

I only spent two years with Keith Davey in this chamber. He chose to retire because he knew that he had Alzheimer's, a dreadful disease that will affect so many of us. I only hope that all of us bear it with the dignity of Keith and Dorothy Davey.

**Hon. Art Eggleton:** Honourable senators, I am happy to join my colleagues in paying tribute to Keith Davey, his life and times in the Senate Chamber, in service to his party, the Liberal Party of Canada, and in service to the people of this country. Yes, Senator Davey felt very strongly about all of those things; he felt very passionate about Canada.

I knew Senator Davey for most of the 35 years I have been in public office. In fact, he first recruited me to run as a candidate in a by-election in 1978. Running for the governing party was not great at that time, but, with his help, I had the opportunity to come back in the 1980s and become the Mayor of Toronto. I became Mayor of Toronto with Keith Davey's help, support and advice. Ironically, Norm Atkins was also a great supporter. Even Senator Hugh Segal will admit that he voted for me — the only Liberal he ever voted for — when I ran for Mayor of Toronto.

Keith gave great advice and great support. He was a good listener, a very kind and honourable individual. I remember meeting with him on many occasions in those years in my capacity as Mayor of Toronto. I remember many breakfasts at the Park Plaza where we would discuss the important issues of the day.

Keith Davey was known as “the rainmaker.” He chose that title for his book and that is the name that we most often attribute to him. However, honourable senators, I think the Right Honourable Pierre Elliott Trudeau penned the best description of Keith Davey on a photograph. The Prime Minister whom Keith served well over many years, wrote, “You made the sun shine.”

Honourable senators, indeed, Keith Davey made the sun shine for a great many of us. I am very grateful to him and to his family for having shared his life with us.

### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Jamie Baillie, the Member of the Legislative Assembly of Cumberland South and the Leader of the Progressive Conservative Party of Nova Scotia. Mr. Baillie is a guest of the Honourable Senator Dickson and will be meeting with honourable members of the Senate as well as the House of Commons during his visit to Ottawa.

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

**Hon. Senators:** Hear, hear!

### CANADA'S ENERGY FUTURE

**Hon. Fred J. Dickson:** Honourable senators, last week, the Standing Senate Committee on Energy, the Environment and Natural Resources held hearings in all Atlantic provinces to

receive input on the committee's study on Canada's energy future. Provincial governments, municipalities, major electricity companies, NGOs and innovators in renewable energy and other interested parties made insightful presentations during the hearings.

In my home province of Nova Scotia, we had a lengthy session, and among government presenters were the Honourable Darrell Dexter, Premier of Nova Scotia, and the Mayor of Port Hawkesbury, Billy Joe MacLean, President of the Union of Nova Scotia Municipalities.

I wish to thank the Chair, Senator David Angus, and Deputy Chair, Senator Grant Mitchell, as well as the other members of the committee in attendance for their perseverance, interest and attention throughout the proceedings. Many witnesses have acknowledged their dedication to the hearings.

Honourable senators, committee members heard testimony concerning a number of themes that include support for the Lower Churchill hydroelectric project at Muskrat Falls, transmission infrastructure, innovative technologies for renewable energy, and efficiency and conservation. Honourable senators learned that the goals associated with these items mean new jobs in Atlantic Canada and the reduction of the carbon footprint.

• (1430)

On the theme of efficiency and conservation, we learned about an LED-based lighting system developed and manufactured by LED Roadway Lighting Ltd., located in Amherst, Nova Scotia. Their website is [www.ledroadwaylighting.com](http://www.ledroadwaylighting.com).

Mr. Charles Cartmill, the CEO of the company, informed the committee thoroughly about the benefits of LED-based lighting systems, which include a significant reduction in energy usage, a reduction in greenhouse gas emissions and the creation of research and manufacturing jobs in Atlantic Canada as domestic and international policy shifts toward a greener future and an expanding market.

My colleagues learned of the enormous tidal potential of the Bay of Fundy because of the detailed presentation from John Woods and Doug Keefe of the Fundy Ocean Research Centre for Energy, or FORCE. FORCE is Canada's leading test centre for tidal technology and is funded in part by the federal government. Once again, for more information honourable senators may refer to [www.fundyforce.ca](http://www.fundyforce.ca).

The Bay of Fundy has been identified as North America's potentially best site to harness tidal energy, both because of its size and its proximity to the existing grid. According to a 2006 California-based study, about 160 billion tonnes of water flow into the Bay of Fundy on each tide. Research suggests that there may be 8,000 megawatts of potential energy in the bay, 2,000 of which can be extracted with existing technology. These are attractive numbers to a province with a peak demand of approximately 2,300 megawatts. The goal, of course, is to move tidal power into Canada's energy mix and industrial policy. I wholeheartedly support this goal and encourage all honourable senators to do the same.

Honourable senators, Canada's marine and tidal potential is a tremendous opportunity that we must seize and become the leader in before other countries, such as the United Kingdom and the United States. Not only will this have substantial economic benefits for Atlantic Canada, but it will be a major step in the right direction as we head toward a clean, renewable energy future.

Again, I thank all witnesses for taking the time to present and for their dedication to the environment and the prosperity of Atlantic Canada.

### COLORECTAL CANCER AWARENESS MONTH AND NUTRITION MONTH

**Hon. Doug Finley:** Honourable senators, I rise to speak on a subject that is undeniably close — too close. March is Colorectal Cancer Awareness Month and Nutrition Month. I am one of the estimated 22,500 Canadians who were diagnosed with colorectal cancer last year.

I have only a few minutes to address this issue, but I would like to take one of those minutes to thank the hundreds, indeed thousands, of people who wished me well. I cannot possibly respond to each and every one.

I would, however, like to acknowledge a special group of people who were very kind, and that is the senators from across the aisle. Senator Ringuette was the very first, and her words are with me to this day. This was followed by a steady stream of good wishes from Senator Cowan and so many others. I cannot begin to tell you what this meant to me.

Colorectal cancer is a devastating disease. I have survived so far because of two things: the first being my personal support structure, beginning with my wife and continuing with my amazing colleagues in the Senate, in the other place, and with my friends across the country; and the second being the wonderful staff of physicians, nurses and others at the Ottawa Hospital who have professionally, tenderly and meticulously guided this dumb country boy through a complex process, and a particular thanks to Dr. Don Wilson, whose actions led to a fast and accurate diagnosis.

Most cancer victims would prefer to keep quiet on this subject, and I can understand that. I have gone public with my disease because I hope to take some simple messages to Canadians.

The first message is that early detection is critically important. I was almost too late. I thank my wife for frogmarching me to my physician. Go see your physician now, and regularly.

Second, my disease, at the stage it was, may have been terminal 10 years ago, but research and development have vastly improved survival chances. Cancer, as a disease, can be beaten. It will take time and huge resources to do this. Unfortunately, in the meantime, an estimated 9,100 people will die of colorectal cancer this year in Canada. I would ask all honourable senators to consider whatever you might be able to do in this regard.

Third, an important factor in preventing this disease is being proactive. For those of you who know me, you would know that my lifestyle made me a prime candidate for this disease. I smoked, enjoyed the occasional scotch, and let us just say I was not exactly a marathon runner. Nonetheless, I was still quite the soccer player — just ask a few staffers from my war room in the last election. In recent years, I have been a campaign director, meaning a high-stress lifestyle, very little sleep and, as former backroom people such as Senator Smith and Senator Mercer will attest, not necessarily the healthiest diet in the world.

Fourth, knowledge and communication are important. As I grew up, no one talked about this disease. It became known as "the big C." People would attribute the death of a relative to almost anything but cancer. My friends, you can help by acquainting yourselves with the facts and by talking freely and frankly with your loved ones, colleagues, neighbours and constituents. You might just help to save a life.

**Hon. Senators:** Hear, hear!

### CANADA'S ENERGY FUTURE

**Hon. Daniel Lang:** Honourable senators, I rise today to give a further report on the visit last week to the four Atlantic provinces by the Standing Senate Committee on Energy, the Environment and Natural Resources.

As a member of the committee and having just returned, like Senator Dickson, I would like to inform the Senate on the success of our hearings. Many witnesses told us that they were pleased that the committee took the time to visit and listen. I believe I can speak for all members of the committee when I say that we learned a great deal.

We heard directly from three premiers, the heads of each province's major utilities and a multitude of other witnesses.

I, for one, was comforted, coming as I do from the northwest of Canada, to hear of the energy wealth found throughout the Atlantic provinces. The committee heard about operating wind fields, offshore oil and gas, the Bay of Fundy project to capture energy from the tides, the future of nuclear energy, the interconnection of hydro originating in Labrador to New Brunswick, and also the prospects for shale gas.

There was plenty of evidence about an energy warehouse in the Atlantic provinces and about an energy highway linking them together. It was gratifying to see that there is a great willingness among the provinces to engage in social, economic and financial cooperation on energy matters and to join the provinces together in a common energy market.

In short, there is a lot of optimism in Atlantic Canada. This optimism is rooted in the opportunities created by its energy resources and in a commitment to cooperate for the betterment of the region and the country.

As honourable senators will know, our committee is approaching the end of our two-year study on Canada's future energy needs. As we have yet to travel to some other parts of the country, we will probably have to look for an extension of our mandate.

I cannot impress upon honourable senators enough how well we have been received in all the public forums we have attended and how people feel good about our coming out, spending time with them and listening to what they have to say. On the other side of the coin, this has been an education for each and every member of the committee.

Finally, like my colleague Senator Dickson, I want to give kudos to our chair, Senator Angus. I know that he spent many hours behind the scenes to make our visit a success. I want to say that I appreciate this, and I am sure I speak for all members of the committee.

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• (1440)

[Translation]

## ROUTINE PROCEEDINGS

### AGRICULTURE AND FORESTRY

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF CURRENT STATE AND FUTURE OF FOREST SECTOR

**Hon. Percy Mockler:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Orders of the Senate adopted on Thursday, March 11, 2010, and on Wednesday, November 24, 2010, the Standing Senate Committee on Agriculture and Forestry, which was authorized to undertake a study on the current state and future of Canada's forest sector, be empowered to extend the date of presenting its final report from March 31, 2011 to December 31, 2011.

### THE SENATE

#### NOTICE OF MOTION TO URGE GOVERNMENT TO ASK THE UNITED NATIONS TO END THE IVORY COAST CONFLICT

**Hon. Roméo Antonius Dallaire:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada call upon the Government of Canada to increase its support for the United Nations in resolving the ongoing political conflict in the Ivory Coast and that the Government also recognize and implement the doctrine of Responsibility to Protect in order to mitigate the potential for a catastrophic humanitarian disaster in that country.

[English]

## QUESTION PERIOD

### HUMAN RESOURCES AND SKILLS DEVELOPMENT

#### CANADA PENSION PLAN—GUARANTEED INCOME SUPPLEMENT—CAREGIVER PROVISIONS

**Hon. Sharon Carstairs:** Honourable senators, International Women's Day is 100 years old. We celebrate the achievements of women as they have reached equality, while at the same time recognizing that for many women equality is but a distant dream. Even in our country, many women are less equal because they have been caregivers. First, they have cared for their children, then aging parents and spouses, and often disabled children who have become disabled adults.

As a result of their dedication, these women suffer income loss, income that has been diminished because of the time they took off to be caregivers, and pension income that is diminished because they have taken that time to be caregivers.

Can the Leader of the Government in the Senate explain why the Canada Pension Plan has not been amended to allow a dropout provision for those caregivers looking after the elderly, similar to the dropout option for caregivers of children?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, happy International Women's Day to all women, and to men who support women in all endeavours of equality and making the world a better place for women and children.

With regard to the honourable senator's question, the situation of caregivers is one that is upon us and growing because of aging populations. More and more people are leaving positions to provide care for younger people or, in many cases, older parents. Of course, the government is sympathetic and supportive of people who care for family members, such as elderly parents or an ill child.

As the honourable senator would know, we improved the Employment Insurance system to support this group. In June 2006, we expanded the number of different family members and others who can access compassionate care benefits. As well, for the first time, 2.6 million self-employed people have access to EI compassionate care benefits.

I hasten to point out that, until we took these measures, governments past had a record of failure in this regard and, of course, promised five times over that this situation would be addressed, and it never was.

Obviously, honourable senators, as is the case with everything the government does, there will be criticism that it is not enough. The government, the Minister of Finance and the Minister of State for Finance have been working with our provincial and territorial counterparts to improve the Canada Pension system. I believe they are making great strides to try to address this area.



Obviously, the area is a growing concern because more and more people are participating in caregiving for their families, but at least the government has made a good and genuine start.

**Senator Carstairs:** That recommendation was one of the unanimous recommendations of the study on aging that was tabled in the Senate, and was unanimously adopted in spring 2009. That was two years ago.

Can the Leader of the Government in the Senate tell the chamber this afternoon if her government is examining the provision of a tax credit for caregivers for those looking after the elderly; and, if not, why not?

**Senator LeBreton:** Honourable senators, I will take that question as notice. Obviously, many solutions and suggestions have been provided to the Minister of Finance and the Minister of State for Finance.

Again, we have made an honest effort to assist caregivers through the EI program. As I pointed out, we have also added self-employed Canadians to this group of benefactors. I will take the second question as notice.

**Senator Carstairs:** As my final supplementary question, can the Leader of the Government in the Senate explain to women throughout this country why the government has failed to raise the Guaranteed Income Supplement to a level that will raise seniors living in poverty — many of whom are women — above the poverty line?

**Senator LeBreton:** Honourable senators, again, with regard to benefits for seniors, we have made great strides in helping this particular group of people by removing seniors from the tax rolls and increasing the Guaranteed Income Supplement — including the ability to apply for it only once and not year after year, which was the case before.

I will take this question as notice. I think the honourable senator will have seen — and it is probably why she asked the question — that the Minister of Finance, the Honourable James Flaherty, has acknowledged that he is hearing a lot about, and is sympathetic to, this particular group.

[Translation]

## STATUS OF WOMEN

### DIVERSITY AND EQUALITY

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government in the Senate.

Nearly 30 years ago, I was speaking in the other place during a debate on a gender equality clause. Now, 30 years later, we would have thought that our policies would allow us to make progress.

On March 3, 2011, after studying the *Financial Post* 500 companies, Catalyst revealed that the percentage of women in senior corporate roles grew by less than one percentage point in two years, rising from 16.9 per cent in 2008 to 17.7 per cent in 2010.

• (1450)

That is a far cry from a rate of 50 per cent. Furthermore, more than 30 per cent of Canadian companies did not have any female executives, in 2008 or in 2010.

Statistics Canada reports that for the past 20 years, there has been a much larger proportion of women than men with university degrees.

In 2007, of the 242,000 students who obtained university degrees, 61 per cent were women. This gap between men and women continues to widen, which is causing some concern. In light of this, I assume that policies will be developed to correct this situation once we have reached the point where men are less educated than women.

I would like to know what programs and measures the government has planned to promote the idea of female executives, knowing that in Canadian corporations diversity is one key to economic efficiency.

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I would be very happy to recite all the things the government has done to promote women, and they have been significant. However, as the Leader of the Government in the Senate, I am not responsible for the policies of Canada's major corporations.

Evolution is taking place, although perhaps not as quickly as the honourable senator would like. I attended a function today, as did some of our colleagues, hosted by Maureen McTeer. It is clear that women have made massive strides in the last two or three decades. In terms of enrolment in university, medical schools and law schools, there are now more young women than men. Evolution will take place. However, it is not a role for the government to direct the private sector on how to conduct their business in their own individual companies and corporations.

[Translation]

**Senator Hervieux-Payette:** I disagree with the government leader on the idea that we cannot provide direction. We know very well that in the private sector one of the ways to promote dynamic policies is to offer tax benefits.

In the next budget, perhaps the government could say that corporations that do not have a program to promote female executives would not be eligible for the gifts you are going to give them.

I would like to come back to the Statistics Canada data regarding the difference in pay between men and women in the past 20 years. In 2008, women earned 83.3 cents for every dollar earned by men. It is more of the same.

How does the government plan on getting justice for half of the Canadian population and ensuring that pay for women is appropriate to their talents and abilities, knowing that they are now more educated than their male colleagues?

What measures will the government implement to encourage employers to offer identical and equal pay for similar tasks?

[English]

**Senator LeBreton:** That is the difference between the Liberal philosophy and the Conservative philosophy. Our government does not believe in interfering with industries and businesses in terms of how they should be run.

Our government has taken many measures to create jobs and provide a climate where companies will grow, hire people and contribute to the overall benefit of the country. In most businesses where there are women and men doing exactly the same job, if they are equally qualified, then, by and large, they are paid equitably. However, I will not wade into the various practices of the private sector.

I point to the support and growth of women in senior level public service positions. The departments in this government and in the public service employ many women as deputy ministers and assistant deputy ministers. In that regard, women have happily reached a level of equity in terms of their roles and their salaries in the public sector.

With regard to the private sector, the government's policies are designed to create an environment in the private sector that causes companies to grow, create jobs and hire more men and women. Obviously, that helps the country and the economy in the long run.

**Senator Hervieux-Payette:** I agree that there is a difference between Liberal and Conservative policy. Let us use support for maternity leave as an example. We have improved the situation; however, only in Quebec do women have universal access so that they can work, benefit and, at the same time, be supported. Therefore, it is a different philosophy.

Research and development are supported by tax credits. Companies that have their own daycare could not only deduct the expenditures, but also have a multiple of the deduction. There are many ways to push the agenda. When it comes to private sector, money talks. Therefore, I leave the honourable Leader of the Government to her imagination and that of her Minister of Finance to determine the ways to promote the issue so that women, family and the country are served with the proper policy.

**Senator LeBreton:** I will pass on the comments of the honourable senator. Women are not all victims, as she seems to want to portray them. Many are happy with the great strides women have made. In the 1960s and 1970s, we strove for recognition for women that we can now look at with great pleasure and pride.

There are still inequities; however, most women whom I know are satisfied with their lives, whether they are secretaries, nurses or retail workers. We are not all victims.

[ Senator Hervieux-Payette ]

## INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

### MISSING AND MURDERED ABORIGINAL WOMEN

**Hon. Lillian Eva Dyck:** Honourable senators, my question is for the Leader of the Government in the Senate. For the past year, this government has been telling us that they are serious about the disturbing issue of missing and murdered Aboriginal women and girls. They announced in Budget 2010 that \$10 million would be put towards reporting services, community healing centres and education about missing and murdered Aboriginal women.

For the past year, I and other honourable senators have continued to ask this government where this \$10 million initiative was going. Finally, we were told that money was not going towards the Sisters in Spirit initiative that has already laid the groundwork on the issue but, instead, to the RCMP to set up their own database for missing persons that may not collect information that identifies victims by their Aboriginal identity. Reports now indicate that this database will not be running until early 2013.

Why has the government decided not to use the database belonging to the Native Women's Association of Canada to mark progress on whether or not the government is eliminating violence toward Aboriginal women and, instead, to start a new database with the RCMP that will not be operational until 2013?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, this is a serious issue, as has been mentioned before on both sides.

• (1500)

The Minister of State for the Status of Women and the Minister of Public Works and Government Services, the Honourable Rona Ambrose, spoke today at lunch and at a recent performance of the Atlantic Ballet of Canada on the subject of violence against women. She outlined many of the things the government has done.

We take the issue of violence against Aboriginal women seriously. It is a serious problem. We are addressing family violence by supporting prevention and providing shelters on reserves.

Over the last year, my colleague Rona Ambrose, as Minister of State for the Status of Women, has committed over \$1.8 million for projects working to eliminate violence against Aboriginal women. The government is taking several concrete actions to address the disturbing issue of missing and murdered women. The \$10 million investment announced in October will create a new RCMP centre, which the honourable senator mentioned, for missing persons. It will also be used to improve law enforcement databases to investigate missing and murdered women; boost culturally appropriate victims' services; support the creation of Aboriginal community and educational safety plans to enhance the safety of women; and create a national website for public tips to help locate these missing women.

Obviously, honourable senators, the RCMP, as our national police force, are well equipped and have committed themselves to being part of this program. I think one of the problems was that often it was felt these cases did not receive the attention they deserved. With the Status of Women Canada now working with the RCMP and this new database, hopefully this issue can begin to be addressed because it is impossible to ignore the gravity of this dreadful situation. However, I believe the government is moving in the right direction.

**Senator Dyck:** Honourable senators, Aboriginal women are the heart of First Nations families and communities, yet sadly we know that, although they make up only 3 per cent of the population, they make up about 29 per cent of the federal prison population and about 90 per cent of the provincial prison population, especially in the Prairies.

The government has a tough-on-crime agenda, but what are they doing to alleviate the effects of such a tough, heartless agenda on the most vulnerable of Canadian citizens, Aboriginal women?

**Senator LeBreton:** I would hardly characterize the concern and the efforts that the government is making in this regard as a “tough, heartless agenda.” Our tough agenda is directed at perpetrators of crimes, not the victims of crimes.

With regard to the measures the government has taken, the Native Women’s Association of Canada received substantial funding, \$1.8 million from our government, for their new Evidence to Action II project. Jeannette Corbiere Lavell, President of the Native Women’s Association of Canada, said, “It is our belief that this announcement proves the strong commitment of the federal government to end violence against Aboriginal women and girls.”

I would hardly think that the honourable senator’s comments square with the comments of the head of the Native Women’s Association of Canada.

[Translation]

## FINANCE

### GENDER-BASED ANALYSIS

**Hon. Rose-Marie Losier-Cool:** Honourable senators, my question is for the Leader of the Government in the Senate. As we now know, the next federal budget will be tabled on March 22. This budget will affect all the people of Canada, half of whom are women and girls.

The best way to ensure that the budget fully takes into account the needs of the female half of the population is to conduct a gender-based analysis of the impact of the budget and each of its key components. We know that this type of analysis is done in many countries at different levels of government.

Relevant policies and procedures must then be changed or implemented based on the results of this analysis so as to create a positive impact for women and girls.

Can the leader tell us whether the federal government — the Harper government — has conducted or intends to conduct, before March 22, a gender-based analysis of the budget and its key components?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, one thing that I am proud to stand here as Leader of the Government in the Senate to say is that this government does use gender-based analysis, something no government has done before. We were the first government to do so. The honourable senator was in government for 13 years. I do not remember when I was sitting in opposition ever hearing anyone on the government side claim they had done such a thing because they did not. We are committed to ensuring gender-based analysis is used in all departments and agencies.

Thinking back to some of the questions from Senator Fraser, there is some concern as to how the program is administered. Status of Women Canada works with all the departments and agencies in developing the use of gender-based analysis, but it is working. As the Auditor General stated in her report a year and a half ago, the responsibility for performing gender-based analysis rests rightly where it is being conducted, and that is in the departments and agencies.

However, the short answer to the question of Senator Losier-Cool is that we are doing something that was never done before.

[Translation]

**Senator Losier-Cool:** Will the government share the results of this analysis? If such an analysis has already been conducted, can parliamentarians, particularly those who will be reviewing the upcoming budget, be given the results?

[English]

**Senator LeBreton:** I will take that question as notice, but obviously the Auditor General, who has looked at this area, believes this process is being done. I will nonetheless take the question as notice.

[Translation]

## HUMAN RESOURCES AND SKILLS DEVELOPMENT

### CHILD CARE SERVICES

**Hon. Lucie Pépin:** Honourable senators, my question is for the Leader of the Government in the Senate. It has become difficult for Canadian women to enter into and remain in the labour market because of the lack of reasonably priced child care.

YWCA Canada published a report confirming that the government’s approach to child care does not meet women’s current needs.

The authors of the report say that the federal government is acting as though women are still at home instead of providing support for working mothers.

Despite the Universal Child Care Benefit, many women stay at home or are under-employed because of the cost or lack of availability of child care.

Could the leader tell us whether the Government of Canada recognizes this situation that affects thousands of Canadian women?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, of course we recognize the importance of this area, and that is why the provinces and territories received \$250 million a year to support the creation of child care spaces. The provinces have announced 85,000 new spaces since March 2007. The provinces now have predictable and growing funding through the Canada Social Transfer, \$1.1 billion all together for early learning and child care in 2009-10, and that figure is growing at 3 per cent a year.

Contrary to the statement of Senator Pépin, our government has made the largest investment in this area in the history of the country.

• (1510)

[Translation]

**Senator Pépin:** In fact, honourable senators, families receive approximately \$100 a month all told, but they sometimes have to pay as much as \$1,200 a month for child care.

Canadians want a high-quality, accessible, affordable daycare network. How can the current government justify not showing the leadership needed to provide our country with a coherent, effective daycare system?

[English]

**Senator LeBreton:** I dare say, honourable senators, that the \$250 million that led to the announcement of 85,000 new spaces shows leadership in this area. However, the government believes in providing choice in child care. The Universal Child Care Benefit of \$100 per month per child for children under six provides about \$2.5 billion in direct support to more than two million children. As well, Budget 2010 helped single parent families keep more of this benefit after tax.

We believe in having a choice. We have the Universal Child Care Benefit. In addition, we have transferred \$250 million a year to the provinces, and 85,000 new spaces have been announced as a result. This money has been increased by 3 per cent a year.

As I said, this funding is the largest investment in the history of the country. I dare say, honourable senators, that those who choose to stay at home with their children and work have made their choices, but there are facilities available through the

transfers to the provinces and territories that allow mothers and fathers to take advantage of child care spaces provided in that way.

[Translation]

## STATUS OF WOMEN

### VIOLENCE AGAINST WOMEN AND GIRLS

**Hon. Pierre De Bané:** Honourable senators, last week I read the statistics concerning women who are physically or sexually abused by a husband, current partner or former partner. According to Statistics Canada, over the past three years, more than 600,000 women in Canada have been the victim of family violence, attacked physically by a current or former partner.

My colleague, the Honourable Senator Callbeck, asked the Honourable Leader of the Government in the Senate why the government had not developed a comprehensive strategy to fight family violence against women. In response, the leader told us what Status of Women has spent over the past three years, but she was not able to inform us if a detailed plan to fight violence against women would be implemented in the near future.

My question for the leader of the Harper government is as follows: what does the Harper government intend to provide in the next budget to deal with this unacceptable violence that affects more than 100,000 women a year?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, since 2007, Status of Women Canada has invested more than \$30 million in direct projects to end violence against women and girls. I have already mentioned the \$10 million investment with regard to murdered Aboriginal women. This \$30 million has been invested in areas such as community-based safety services, and we have increased funding for women's programs under Status of Women Canada to its highest level, doubling this program from the amount received under the previous government.

The money is invested at the community level. Minister Ambrose spoke today about a new centre that has opened for victims of violence. I will be happy to provide a long list of community-based projects.

As I said to Senator Callbeck last week, the government takes this issue seriously, just as we did when I was Minister of State for Seniors and we launched the elder abuse awareness plan. I am happy to see Minister Fantino pick up that issue and carry it forward with vigour. All these issues of family violence and violence against women, children and elders are serious matters.

The government is engaged in working with communities in the provinces and territories to combat this violence. As I said to Senator Callbeck, this is not an issue where the honourable senator can say the government does not have a plan. I will be happy to provide a long list of the various community organizations that have received funding on the subject of violence against women and girls.

[ Senator Pépin ]

[Translation]

### DELAYED ANSWER TO ORAL QUESTION

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table a delayed answer to an oral question raised by Senator Segal on March 1, 2011, concerning Foreign Affairs, the Ivory Coast, the actions of the Belarus government.

### FOREIGN AFFAIRS

#### IVORY COAST—ACTIONS OF BELARUS GOVERNMENT

*(Response to question raised by Hon. Hugh Segal on March 1, 2011)*

The UN's allegation against Belarus was based on an erroneous report. The UN has made an apology for this mistake. We have no comment on this.

## ORDERS OF THE DAY

### CRIMINAL CODE

#### BILL TO AMEND—SEVENTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

**Hon. Joan Fraser**, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, March 8, 2011

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

#### SEVENTEENTH REPORT

Your committee, to which was referred Bill C-21, An Act to amend the Criminal Code (sentencing for fraud), has, in obedience to the order of reference of Wednesday, March 2, 2011, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOAN FRASER,  
*Chair*

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

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

• (1520)

[English]

### CRIMINAL CODE NATIONAL DEFENCE ACT

#### THIRD READING

**Hon. Daniel Lang** moved third reading of Bill C-48, An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act.

He said: Honourable senators, I am very pleased to speak again today in support of Bill C-48, the Protecting Canadians by Ending Sentence Discounts for Multiple Murders Act. It is important to note that this bill is at the third stage of its life in this house and that it has arrived here unanimously.

As I said in my earlier remarks on second reading on this topic, I believe Parliament is finally speaking on behalf of 34 million Canadians who have been outraged that multiple murderers like Clifford Olson have the right to request a parole hearing.

As I stated at second reading, this bill has been before Parliament in one form or another for over 10 years. Unfortunately, this long delay between intention and action brings into question Parliament's ability to deal with issues and also its ability to come to conclusions. No wonder so many Canadians have lost confidence in the day-to-day workings of Parliament.

In committee, a witness from the Criminal Lawyers' Association spoke of a crisis of confidence in our legal system. I, for one, agree. I can think of no greater crisis of confidence than our collective failure to act on an issue such as this.

Canadians know it was wrong for our justice system to allow, to give, or to grant the right to mass murderers like Clifford Olsen to force families of his victims to relive the crimes he committed during his requests for parole.

Fortunately, we have very few mass murderers in our society, but, if the public is to respect our justice system, it is important for a bill such as this one to become law so that we can deal with those mass murderers accordingly.

I would maintain that a bill such as Bill C-48 will repair the crisis of confidence among the public referred to by the witness. By the passage of this legislation, the public will take note that Parliament has taken another step to strengthen our justice system.

Honourable senators, I look forward to your support.

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

**Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

(Bill heard third time and passed, on division.)

### KEEPING CANADIANS SAFE BILL

#### THIRD READING—DEBATE ADJOURNED

**Hon. Gerald J. Comeau** moved third reading of Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, as amended.

**Hon. Fabian Manning:** Honourable senators, I appreciate the chance to speak about yet another way our government is working to protect the safety and security of Canadians by cracking down on crime. I am sure honourable senators opposite know what I am talking about.

As the Minister of Public Safety has mentioned, our government has been committed to getting tough on crime since we were first elected more than five years ago and has backed up that commitment with concrete action.

We have listened to the needs of victims, police officers and ordinary Canadians who have all told us that the time has come to take strong measures to deal with gangs and violent crime. We have taken steps to give law enforcement officials the resources and the legislation they need to address crime and help ensure that law-abiding citizens are not afraid to walk down the streets.

We have strengthened and modernized the Criminal Code, and we have introduced measures to make sure people convicted of serious crimes are dealt with appropriately. The legislation before us today strengthens this impressive track record and will go a long way to help us keep our streets and communities safe for everyone.

Honourable senators, today we know that guns, drugs and other contraband goods often find their way onto our streets and into our school grounds due to the smuggling operations of gangs and organized crime groups.

In some cases they use land ports of entry. In others, our shared waterways with the U.S. often provide a ready-made conduit for criminals to smuggle these illegal products into Canada, threatening our homes, our families and our neighbours. Honourable senators have all heard the stories of high-powered boats skipping across the St. Lawrence or Great Lakes waterways, for example, with law enforcement agencies in hot pursuit.

The good news is that in some cases these criminals are stopped in their tracks; the bad news is that in many cases they manage to get away. That is because at the moment criminals who smuggle

illegal goods across our border with the U.S. can sometimes avoid capture by slipping across to the other side of the international boundary. Law enforcement officials from the U.S. and Canada have to call off the chase at the border due to jurisdictional limitations. This means that illegal and dangerous goods can and do eventually make their way into the hands of gangs, thugs and hooligans.

This bill would help put an end to that. It will give law enforcement officials on both sides of the border the tools needed to do their jobs effectively, which is something our government has continued to do here in Canada since first elected in 2006.

First and foremost, the legislation before us today will ratify an agreement that our government signed with the U.S. in 2009. Through this agreement, specially trained and designated Canadian and U.S. officers would work together on jointly crewed marine vessels in order to enforce the law on both sides of the international boundary line. It spells out how these joint operations will be carried out, while also proposing amendments to the Customs Act, the Criminal Code, the Immigration and Refugee Protection Act, as well as the Export and Import Permits Act and the Royal Canadian Mounted Police Act.

This bill stipulates that all operations will be conducted in a manner respecting the rights and freedoms protected by the Canadian Charter of Rights and Freedoms. Operations will also be done in a way that respects the domestic sovereignty of both nations and in accordance with the rule of law.

Operations will also be based on joint threat assessments and coordinated with existing cooperative cross-border policing programs and activities such as integrated border enforcement teams.

All these operations will be conducted under the control of law enforcement officers of the host country, assisted by the law enforcement officers of the visiting country. In Canadian waters, for example, operations are subject to Canadian laws and procedures and conducted under direction and control of a Canadian law enforcement officer. The reverse will apply when vessels are operating in U.S. waters.

While in Canada, the U.S. officers, who will be trained in Canadian law and policing procedures, will be acting as Canadian peace officers assisting the RCMP in enforcing Canadian law. Again, all enforcement activities in Canadian jurisdiction will be directed by Canadian law enforcement officers and vice versa.

As the Minister of Public Safety has noted, only specially designated and trained members of the RCMP, U.S. Coast Guard or other appropriate law enforcement agencies will be able to take part in these integrated law enforcement operations.

Rest assured that all integrated law enforcement operations in Canadian jurisdiction will also be subject to a public complaints process in order to ensure appropriate oversight and accountability.

Honourable senators, the bottom line is this: By being able to enforce the law on both sides of the border, Canadian and U.S. law enforcement officers will no longer be faced with jurisdictional challenges associated with cross-border policing that are often exploited by criminal organizations.

• (1530)

Shiprider officers will now be able to continue in the pursuit of criminals trying to evade arrest and prosecution by ducking across the border.

In addition, these operations will allow Canadian and U.S. law enforcement agencies to maximize existing border law enforcement resources.

Instead of mirroring operations on either side of the border, this integrated approach allows resources to be deployed more strategically along the border and to leverage enforcement capacity, range and capability.

Honourable senators, as the Minister of Public Safety mentioned, we have already seen positive outcomes from several Shiprider pilot projects, in 2005, 2007, and again in 2010.

Last year, as Canada hosted the world at the 2010 Olympic Winter Games in Vancouver and again at the G20 summit in Toronto, Canadian and U.S. officials worked together to deploy Shiprider officials to help secure our border waters. We were fortunate that there were no international security incidents during these two major events. However, we had the proper resources in place to respond, if needed, to criminal and terrorist activities. Officials on both sides of the border have told us that this pilot project has been very effective and that it is helping them in the performance of their duties.

Honourable senators, Canadians who live on our coasts, particularly on the south coast of British Columbia and along the St. Lawrence Seaway and Great Lakes, have asked us to do more to ensure that criminals do not use their waterways to smuggle goods out of or into Canada. We are committed to doing exactly just that.

In an era in which criminals and smugglers are becoming more sophisticated in their methods of moving illegal goods around the world, we need to work ever closer with our U.S. counterparts to secure our borders, because a secure border is an effective border.

Honourable senators, it is important to move forward with this bill, which will help us further crack down on crime. Once passed, it will mean that criminals who smuggle illegal guns and drugs across our border will have to face the consequence of their actions; they will be caught and punished. That is what Canadians want and that is what our government is delivering.

I urge all senators to support this bill and work to ensure its speedy passage.

Honourable senators, I would like to move an amendment to correct a reference to 45.88 in clause 17 of this bill. The section should correctly read 45.48. Clause 17 references the existing

Royal Canadian Mounted Police Act and therefore must reference 45.48, as this is the existing section that applies.

#### MOTION IN AMENDMENT

**Hon. Fabian Manning:** Honourable senators, I move:

That Bill S-13 be not now read a third time but that it be amended in clause 17, on page 8, by replacing line 15 with the following:

“45.48 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the *Keeping Canadians Safe (Protecting Borders) Act*.”.

**The Hon. the Speaker:** It is moved by the Honourable Senator Manning, seconded by the Honourable Senator Smith, that Bill S-13 be not now read a third time but that it be amended in clause 17, on page 8, by replacing line 15 with the following:

“45.48 who was appointed as a cross-border maritime law enforcement officer under subsection 8(1) of the *Keeping Canadians Safe (Protecting Borders) Act*.”.

Is there further debate?

**Hon. Joseph A. Day:** Honourable senators, I have a question, if the honourable senator will accept the question.

**Senator Manning:** Yes.

**Senator Day:** Thank you. I am looking at Bill S-13. I have not had a chance to review the amendment yet, honourable senators, so I will look forward to doing that. I assume we will have an opportunity to see the amendment before we are called to vote upon it.

With respect to the bill that the honourable senator has just spoken on in third reading, I am looking at the purpose in clause 3:

The purpose of this Act is to implement the Agreement, the objectives of which are to provide additional means to prevent, detect and suppress criminal offences and violations of the law in undisputed areas of the sea or internal waters along the international boundary between Canada and the United States . . .

We then go to clause 4(a), which reads: It is recognized that Canada and the United States:

. . . have a common interest in the security of undisputed areas of the sea or internal waters along the international boundary between Canada and the United States;

With those two clauses brought to the honourable senator's attention, could the senator confirm that this bill deals with the waterways that form a boundary between Canada and the United States as well as the undisputed seas that relate to both Canada and the United States?

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** On a point of order, I want to be certain that we understand where we are going. My understanding is that once Senator Manning has spoken and has moved an amendment, he no longer has the floor to respond to questions. If I am wrong, His Honour can correct me.

Honourable senators, on the issue of asking a question, if the unanimous consent of the house is given, if I am right on this point, we certainly could entertain unanimous consent for Senator Manning to debate on this item; but my understanding is that after having moved this motion, he no longer has the floor.

**The Hon. the Speaker:** Honourable senators, the understanding of the chair in regard to the Rules is that when debate is occurring on the motion in principle and a motion in amendment is introduced and that has become subject to debate, honourable senators are entitled to debate the main question as well as the amendment that is on the floor.

Honourable senators, we were on Senator Manning's time, and Senator Day rose on questions and comments. Senator Day asked Senator Manning if he would answer a question. Senator Day put his question. I understood that Senator Manning consented to the question being put.

Senator Manning, you do not have to, but do you wish to answer Senator Day's question?

**Senator Manning:** Thank you, but I do not need the protection of His Honour. I do not do anything that I do not want to do.

Would Senator Day repeat the last part of his question in regard to the waterways versus the land? I did not hear the honourable senator's question.

**Senator Day:** I could read the two clauses again. Clause 3 and clause 4 refer to the:

... undisputed areas of the sea and internal waters along the international boundary between Canada and the United States.

Does this bill relate to waterways that form boundaries and not to the land boundaries between Canada and the United States?

**Senator Manning:** The purpose of the bill is to address the concerns on the water, honourable senators. We have protection at our land borders throughout Canada where border officials check for illegal drugs and guns. Several years ago, in relation to the smuggling of guns, drugs, et cetera, into Canada via our shared waterways, we ran into jurisdictional issues with the United States Coast Guard. If U.S. Coast Guard officials were in hot pursuit of criminals, they would have to stop at what was perceived to be the Canadian border and could not follow the criminals into Canadian waters. The same held true for the Canadian Coast Guard in pursuit of criminals moving into U.S. waters.

Honourable senators, this bill gives both countries the opportunity to work together. They have been doing so on pilot projects that have worked successfully over the last couple of years. They are looking forward to putting this into legislation. The legislation is in place in the United States to protect their officers. This is an opportunity for both the Canadian Coast Guard and the U.S. Coast Guard to continue to work together to address the concerns of illegal drugs and guns being brought into our country.

**Senator Day:** I share the honourable senator's understanding of the purpose and intent of this bill dealing with waterways and not with land boundaries between Canada and the United States. I ask the honourable senator if he agrees with me that the short title is somewhat misleading when it states: "Keeping Canadians Safe (Protecting Borders)."

• (1540)

**Senator Manning:** No, I am sorry. It is not the first time that I happen to disagree with Senator Day on something. I do not agree with him for the simple reason that we are protecting the borders. We are protecting the borders on land in many ways, and we are now in the process of ensuring that the borders are protected on water.

I am sure Senator Day agrees that although any vessel travelling back and forth between our two countries, smuggling goods, drugs or guns into one of our countries, may be on the water, sooner or later it will come ashore to land. The borders are being protected, but we are extending the coverage to the peace officers who are doing their job out on the water.

**Senator Day:** That answer begs another question. The honourable senator indicates that the bill relates to borders on land as well. Can the honourable senator help me find any section in this bill that deals with borders on land as well?

**Senator Manning:** Honourable senators, this particular piece of legislation that we are putting forward is to address the concerns of the peace officers who are on working on the water, and to address the concern of illegal drugs, guns and other illegal substances brought into the country.

We have protection at our borders on land. This bill is an extension of that protection. As I said before, we have had three pilot projects in 2006, 2007 and 2010 that addressed these concerns. These pilot projects, I am sure the honourable senator will agree, are deemed to be successful on both sides of the border. This bill gives an opportunity for our forces to continue to work together to address the concerns of illegal drugs and guns being brought into our country and into the United States.

[Translation]

**Hon. Roméo Antonius Dallaire:** Honourable senators, I did not want to address the issue of ice, so I would like to move the adjournment of the debate.

(On motion of Senator Dallaire, debate adjourned.)



[English]

## CORRECTIONS AND CONDITIONAL RELEASE ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Smith (*Saurel*), seconded by the Honourable Senator Marshall, for the second reading of Bill C-59, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts.

**Hon. George Baker:** Honourable senators, I have a couple of observations concerning the bill before it goes to committee, and I will be brief.

This bill was introduced by Senator L. Smith. He is carrying the ball on this one in the Senate. I think that Senator L. Smith outlined the purpose of the bill clearly — that is, the government intent of the bill. I will quote one line from Senator L. Smith, who is academically well-known for his qualifications in economics and law but is better known, perhaps, as a professional athlete, a running back, I believe. Is that correct Senator L. Smith? Yes, running backs; that is, fellows who are hard to catch but are superb athletes.

Senator L. Smith said the following about this bill, and I quote from his speech on March 1, at page 1882 of the *Debates of the Senate*:

Bill C-59 will put an end to a system that makes individuals who commit white-collar or non-violent crimes to be eligible for parole sooner than those convicted of violent crimes.

...

Under the current system, first-time offenders convicted of fraud and other non-violent offences are eligible for day parole after serving only one sixth of their sentence. . . .

I repeat, “one sixth of their sentence.” He continues on to say:

However, with the removal of accelerated parole review, offenders convicted of these crimes will be eligible only for regular day parole at the earliest, six months prior to their first parole eligibility date.

Honourable senators, he stated clearly that the government wishes to do away with a section of the Corrections and Conditional Release Act that allows persons, after serving one sixth of their sentence, to be released on day parole.

Honourable senators, there has been a lot of criticism of these provisions in the law over the years. As a professor of law, His Honour knows that there are several provisions under which someone can be released after serving only one sixth of their sentence. This provision is not the only provision addressed in this

bill, clause 5 amending sections 125 and 126. There is also the unescorted, temporary absence provisions of the same law, section 115(1)(c), which says:

(i): one half of the period required to be served by the offender to reach the offender’s full parole eligibility date, or

(ii) six months,...

As honourable senators know, if someone is in jail and they have a sentence, they become eligible for parole after serving one third of that time. For unescorted temporary absences, it is one half of that time. One half of one third is one sixth. Therefore, persons are released under that provision of the act and, as it says in section 116, it can be for purposes of “family contact, personal development for rehabilitative purposes, or compassionate reasons.”

In subsection 116(6), it then states:

An unescorted temporary absence for purposes of a specific personal development program may be authorized for a maximum of sixty days and may be renewed, for periods of up to sixty days each, for the purposes of the program.

Two provisions in the same act allow persons to be released from prison after serving only one sixth of their sentence. This bill addresses only one of those provisions. However, the ways do not end there. If someone receives a three-year jail term, for example, for fraud, the normal parole period is one third of the sentence, which would be one year; and then six months prior to being eligible for parole, they can receive day parole. That will be six months. They would serve only six months in jail. That is one sixth of their term. If they received a three-year jail term, or anywhere approximating that, they would serve approximately one sixth of their time in jail.

That is three ways that they can serve only one sixth of their time. However, there is then a fourth way, honourable senators, that has attracted the attention of the public and made the public aware that perhaps there is something wrong with the release provisions in the law.

As honourable senators know, as an avocation I read case law. From time to time, I encounter cases in which a judge has a rant. Honourable senators have heard of Rick Mercer’s rant and Memorial University has a Rant Like Rick contest each year. The winner’s award is \$10,000 subtracted from his or her tuition. Every now and then, one hears of a judge’s rant; but a judge is not supposed to rant. I cannot imagine Senator Andreychuk ranting when she was a judge.

• (1550)

A few moments ago, I searched for and found a rant by a judge on the matter of early release. The citation is 459 A.P.R. 210 and the case is entitled *R. v. Oliver*. The judge had heard the evidence in the case of a woman in a position of authority charged with fraud. As honourable senators know, someone in a position of authority who is convicted of fraud goes to jail. The woman was

before the court and had been held for sentencing after a finding of guilt. After listening to all arguments, the judge said:

I have been thinking about this ever since I've remanded the woman in custody because of the apparent competing interests that are going on right now between correctional departments and what's going on in the courts. I don't know if judicial notice is the right term to use in all of this, but I am certainly aware as a sentencing judge of what's happening in matters where I have sentenced people to jail. Other judges have sentenced people to jail here in this jurisdiction, only to find that the next morning you read in the paper or you hear on the news that the people never even see the inside of a jail cell. I don't know how the public thinks about all of this. I certainly know what I think about it. I suppose I can only speak for myself. There has been a number of infamous incidents in this jurisdiction, especially with people who have committed offences that are deemed not to be a danger to the public in the sense of violent crimes and I am speaking of property related crimes and I guess one of the notorious ones was the case of the lawyer in this city who took a large amount of money from his clients through their trust funds and was sentenced to six months in prison by one of the judges of this court — I think *R. v. Carter* is the matter — and lo and behold, the man never even went inside — never even went inside the gates of the penitentiary. He was deemed to be not a danger to society by corrections people and the administrators and suggested that the man — that the person shouldn't have to go into jail and was sent home.

He continued and referred to the woman before him who had been convicted and said:

. . . I think she should go to jail . . . She has been in custody for — I think since what? The 15th of May? . . . So if I take that into consideration, she has probably been in custody longer now than if I had to send her to jail. . . . So I don't know what the solution is. Now, I don't know what the attitude of the corrections people would be if it is the Court of Appeal, the highest court in this province, that said that this woman should go to jail. . . . Maybe corrections would take her. I don't know. But they certainly don't seem to want to when this court sends people to jail.

. . . it is just a charade and the woman has spent a couple of weeks in custody and as far as I am concerned given everything I know, that is as much about as much or more than she probably would serve if I had sentenced her . . . given the precedents that have been set where people don't go to jail at all. I do not wish to appear hypocritical. I am tired of trying to fool people. It goes against our professional and personal integrity if the administration of this province or the corrections people are going to be the people that are going to be deciding what jail terms would be.

Honourable senators, I note that the same law that the judge was talking about applies in every province in this country. He continued:

Let the legislation be changed to reflect that. So far as I am concerned, given all of this, I am not going to sentence her to jail at all. . . . There will be a restitution order under section 725 of the Criminal Code.

Honourable senators, that was the statement of the judge. The case was then sent to the Court of Appeal, which is the highest court in each province. The Court of Appeal responded by striking down his decision. The Court of Appeal said in its decision at paragraph 5:

. . . the trial judge appears to have been essentially accurate in his conclusions respecting the potential for release of persons sentenced . . . though, of course, he had no way of knowing precisely what would happen . . .

I know honourable senators are wondering how can it possibly be that someone could be sentenced within a province and not go to jail. The Court of Appeal also said at paragraph 15:

What is very evident is that a temporary absence under the current scheme may be permanent and indeed a person sentenced to incarceration may not spend any time in prison at all.

Honourable senators, I read that because that makes four ways that under our federal and provincial laws a person does not have to serve the one-sixth time period referenced in this particular legislation.

Honourable senators, the point is this, and I am sure we will hear it in committee. Bill C-59 was read the second time in the House of Commons on February 15, 2011. It was sent to committee on February 15, 2011. The committee report dealt with hearings on February 15, 2011. The report was presented on February 15, 2011. When judges look at this change in the law, they will wonder what any of it means. Without the benefit of evidence gathered on these clauses by the Standing Senate Committee on Legal and Constitutional Affairs, judges and law students would be without direction and would wonder what the bill is all about.

Another issue exists with this bill. I reference Senator Stratton for a moment. I received information from a gentleman this morning that the decision by the Ontario Court deeming the bill passed by the Senate unconstitutional is being appealed, as Senator Stratton requested. I was not the one who said it was unconstitutional in the committee. It was the person to my right, Senator Joyal, who said that he suspected the bill might be open to constitutional challenge. Someone said to me that I had predicted such a challenge, but I never predicted that something would be deemed unconstitutional. I do not have the specific knowledge of such matters as Senator Joyal has. I was reading case law the other day and saw that he had intervened in a case before the Supreme Court of Canada a couple of years ago. I do not know where honourable senators find the time to expand beyond the job they have here in this chamber to make representations to the Supreme Court of Canada, but I congratulate him on it.

• (1600)

Honourable senators, here is what will happen: In the committee, a serious question will be raised. Everyone knows there is a problem here, but how do we solve the problem? Someone will suggest something, and this has not been examined in the House of Commons — it did not even come up.

I was in the house in 1992 when this law we are now eradicating was brought in. I was there in 1997 when it was modified. I was here in this place in 2009 when the same bill was introduced. Let me read something to honourable senators. This bill now is different from the bill introduced in 2009. The difference is clause 10. In the bill introduced in December 2009, it says: "The accelerated parole review process . . . continues to apply to offenders who were sentenced." The same clause in this bill says: "The accelerated parole review process . . . does not apply . . . to offenders who were sentenced."

Honourable senators, the bill raises a question of what is retroactive, retrospective and prospective. It raises that thorny issue of whether we can introduce a law after someone has been sentenced that changes how long they will stay in prison. Can we do it?

One would think on the face of it that there are two schools of thought. I drew out from this year a case called *Fo v. British Columbia Securities Commission*, heard in 2009. The law was changed. A person had misappropriated \$8.7 million from 26 clients. There was a maximum administrative penalty of a quarter million dollars in total for each contravention.

The British Columbia Securities Act was changed to allow for \$1 million per contravention. The person was charged and the restitution was \$6 million; he was charged with misappropriating \$8.7 million and the administrative penalty was \$6 million.

He appealed to the Court of Appeal of British Columbia. This is what that court had to say about it. I will go to clause 10 and read one sentence: "The common theme of judges and scholars throughout the centuries has been that retrospective laws are unfair and unjust."

The court goes on to find the new law unconstitutional and they quote the difference between retroactive and retrospective. They use Driedger's *Statutes: Retroactive Retrospective Reflections*. It is only one sentence and Your Honour will understand this difference; he has taught it many times:

A retroactive statute is one that operates as of a time prior to its enactment. A retrospective statute is one that operates for the future only. It is prospective, but it imposes new results in respect of a past event. A retroactive statute operates backwards. A retrospective statute operates forwards, but it looks backwards in that it attaches new consequences for the future to an event that took place before the statute was enacted. A retroactive statute changes the law from what it was; a retrospective statute changes the law from what it otherwise would be with respect to a prior event.

They go on to quote a sentence in paragraph 15. It is from Professor Ruth Sullivan, whom Your Honour and many honourable senators know personally. In her book, Sullivan and Driedger *On the Construction of Statutes* at page 559, she says:

Under the definition of retroactivity accepted by Canadian courts, a provision increasing the fine or term of imprisonment attracting to an offence would be considered retroactive if applied to offences committed before commencement of the provision.

Honourable senators, it is necessary that we go to committee to examine these matters as they relate to the constitutionality of the law itself.

In conclusion, Senator L. Smith has done an excellent job of outlining the intent of the legislation. All that remains is to see whether he gets a touchdown with this bill or whether he will receive a constitutional tackle somewhere along the way.

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

**Hon. Bob Runciman:** May I ask Senator Baker a question?

**The Hon. the Speaker pro tempore:** Will the honourable senator accept a question?

**Senator Baker:** Yes.

**Senator Runciman:** In terms of clarification, Senator Baker spoke to the issue of people never having to serve a day in a lockup. In his research, does that issue apply only at the provincial level? I think it does. I know from my own experience, for example, with intermittent sentences that the "inn is full" on weekends and, frequently, people are turned away. However, I would be surprised if that situation had ever occurred in a federal institution.

**Senator Baker:** The honourable senator is absolutely correct. However, I refer him to section 114 of the Corrections and Conditional Release Act. That section says that when someone is serving a federal sentence in a provincial institution, the provincial institution will decide the parole. That is something else we need to investigate at committee to learn exactly what the substance of that section is.

Honourable senators, I think the general public wants to see proper restitution here. Given the two most recent cases of *Lacroix* and *Jones*, where huge amounts of money were involved and prison terms of 11 and 13 years were given, perhaps some witnesses will suggest other means of ensuring that people receive the restitution they deserve.

Honourable senators, regarding the crime-related seizures of money, of forfeiture, perhaps someone can give consideration to introducing a bill making it possible that proceeds of crime can be diverted in particular cases to the victims, as proceeds to them as restitution where they cannot obtain restitution through civil action or federal law.

(On motion of Senator Tardif, debate adjourned.)

• (1610)

## AERONAUTICS ACT

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

**Hon. Michael L. MacDonald** moved second reading of Bill C-42, An Act to amend the Aeronautics Act.

He said: Honourable senators, it is with great pleasure that I rise today to speak in support of Bill C-42, An Act to amend the Aeronautics Act. Before I begin, I would like to take a moment to recognize the very important work that has already been done on this bill in the other place. I would like to commend all honourable members for their work and suggestions, which have helped make Bill C-42 the strongest legislation possible.

Honourable senators, much has already been said about Bill C-42. It is, however, not a complex piece of legislation. Put simply, Bill C-42 will allow Canadian business people and tourists to continue to fly to places such as Mexico and the Caribbean in the most cost-effective and time-efficient manner possible.

This amendment will allow Canadian air carriers to comply with the law of another country — a law which, I might add, all nations, including the United States and Canada, are perfectly within their rights to implement, as several witnesses at committee hearings, including Canada's Privacy Commissioner, have noted.

The U.S. has the sovereign right to control who enters its airspace; that fact is not in dispute. Secure Flight is not optional. If we do not act now to allow compliance with the Secure Flight Program, while at the same time complying with Canadian privacy law, all flights that currently enter U.S. airspace — say, a flight from Ottawa to Cancun — could be forced to fly around continental U.S. airspace to get to their destination.

As we have heard from representatives of the Canadian air and tourism industry at committee, this would have a crippling effect on their business. Longer flights mean more fuel used, higher operational costs and higher flight prices — all at a time when the air travel industry continues to struggle to remain competitive and in the black.

There remain, however, some persistent inaccuracies surrounding the legislation and what it will mean in practice. I am happy to have the opportunity today to dispel some of the ongoing myths that have been repeated during debates and in committee hearings in the other place.

It is important for all honourable senators and all Canadians to fully understand what this bill will do and what it will not do.

As honourable senators are aware, our government has placed a high priority on maintaining a productive dialogue and a collaborative approach with the United States' authorities on all matters relating to aviation security. Since the terrorist attacks of September 11, 2001, the United States has made several important changes to their aviation security regulations,

including the requirement that all air carriers landing planes on American soil must provide passenger information to the U.S. Transportation Security Administration.

Here in Canada, Bill C-44 came into force in 2001 to amend the Aeronautics Act and to allow Canadian air carriers to provide passenger and crew information to the United States when the flight was ending on U.S. soil.

In 2004, the United States passed the Intelligence Reform and Terrorism Prevention Act. This act, among other things, laid out requirements for the U.S. government to take over responsibility for checking passenger manifests against the U.S. No Fly List and selected lists from airlines. Subsequently, in 2008, the Secure Flight Final Rule was published to provide details on how the U.S. government would implement this regulation.

As I mentioned at the outset, the key change in this rule that impacts Canadian air travel is the requirement that airlines provide personal passenger information on all flights from Canada that pass through continental United States airspace to a third country, even if they are not landing on U.S. soil.

Honourable senators, the U.S. government did not make these regulations optional. Secure Flight is a legally mandated requirement which all nations and all airlines must comply with if they want to fly into or through United States airspace.

During the development of the Secure Flight Final Rule, we worked closely with the United States to remind them of the important work that has already taken place in our two countries to bolster aviation security on both sides of the border. We also stressed to them that any regulations set out under Secure Flight must protect the rights and privacy of Canadians, as enshrined in Canadian law, and we stressed that personal passenger data not be retained for longer than absolutely necessary.

Honourable senators, I am proud to say that our efforts helped to influence the final rule. As well, we have gained a crucial exemption for Canada and that is this: That all Canadian domestic flights are exempt from the Secure Flight Final Rule.

By way of example, if one were flying from Vancouver to Toronto and the flight passes through U.S. airspace, the air carrier does not have to provide one's personal information to the United States. This is clearly indicated in Bill C-42 and in the Secure Flight Final Rule. Let us put that misunderstanding to rest once and for all.

I will now address some of the other key misconceptions about Bill C-42.

We have heard from honourable senators in committee that, under this bill, the United States will collect excessive personal information about passengers. We have heard figures ranging anywhere from 30 pieces of information up to an unlimited amount of personal data that will be provided to the U.S.

It has been said in the committee hearings in the other place that airlines will have to provide data to the U.S. on everything from one's meal choice and health issues to one's itinerary on the

ground, and even one's race or religious background. This is simply not true, and I would like to clear up exactly what will be collected.

According to the U.S. Secure Flight Final Rule, there are 20 pieces of data that are being requested by the U.S. if passengers are flying into or through U.S. airspace to a third country. In the regulations, it stipulates that air carriers must collect three mandatory pieces of personal data — full name, gender and date of birth of all passengers and crew.

It goes on to say that, if available, air carriers must also provide to the TSA an additional 17 pieces of data. These include items like passport number, redress number, flight number, and date and time of departure and arrival. Honourable senators, this is far from the numbers we have heard bandied about in the other place.

Another myth is that personal data will be saved by the United States for 40 years. Again, this is incorrect. In most cases, the personal information sent to the United States will be held for 7 days, not 40 years. It is then permanently deleted from their data bank.

The only time that passenger information might be held for longer than seven days is if a passenger's name is thought to match a name on the No Fly List, or it raises concerns about a specific link to terrorism.

I will conclude with one final pervasive myth about this legislation. It was said in deliberations in committee in the other place that personal information of Canadian passengers will be shared with other countries that Canadian airlines overfly. As we have informed committee members, this is simply not the case. Over-flight information will be shared with only the United States.

Thanks to the good work of all parties, we have added specific wording to the legislation before us, which indicates that only the United States will receive our information. We were happy to amend the legislation in this way and to ensure that it is very clear to all Canadians that there is no risk of their personal information being shared by Canadian airlines with other nations that they may be overflying.

Honourable senators, I said at the outset that we greatly appreciate the efforts we have seen from honourable members in the other place to discuss Bill C-42 in a thoughtful and instructive manner. However, the urgency to pass this legislation is growing, as the United States wishes to implement this Congress-mandated program as soon as possible. I therefore ask that all honourable senators ensure the speedy passage of Bill C-42.

**Hon. Tommy Banks:** Will Senator MacDonald answer a question?

**Senator MacDonald:** Yes.

**Senator Banks:** I should have said "accept," not "answer," because as the Speaker pointed out before, the honourable senator does not have to answer.

A very distinguished person has called to my attention an anomaly in this bill. I wonder whether Senator MacDonald considered it or has an opinion or view on it.

There are two houses of Parliament in Canada. This house is now being asked to pass this bill into law. This bill contains, as all such bills should, a review provision, but the review provision specifies only that a committee of the House of Commons will review this legislation and that it will make its report only to the House of Commons.

Has the honourable senator considered the concept that perhaps the Senate ought to be included in this legislation when it comes to review, since we have a Transport Committee?

**Senator MacDonald:** Honourable senators, I picked up on that as well. It would seem to be reasonable that the Senate committee would also have a look at this legislation, so I would encourage us to get this through this chamber as quickly as possible and get it to committee so we can look at it.

(On motion of Senator Moore, debate adjourned.)

• (1620)

## BILL RESPECTING THE REORGANIZATION AND PRIVATIZATION OF ATOMIC ENERGY OF CANADA LIMITED

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-225, An Act respecting the reorganization and privatization of Atomic Energy of Canada Limited.

**Hon. Bob Runciman:** Honourable senators, I am pleased to have the opportunity to speak to private member's Bill S-225. The bill's sponsor, Senator Hervieux-Payette, in her opening comments told us that her bill would stabilize and revitalize Canada's nuclear industry. However, if this bill were to pass, I would suggest, honourable senators, that its impact would have quite the opposite effect. Rather than revitalizing Canada's nuclear industry, it would instead derail the government's efforts to achieve that very goal.

This chamber, just months ago, approved legislation that provides for the restructuring of Atomic Energy of Canada. I suggest with great respect that reopening this issue would be a mistake. The divestiture process is moving forward and should not be delayed.

Just last week, we read that the Ontario Municipal Employees Retirement System is considering joining with SNC-Lavalin in a bid for AECL's reactor division. The restructuring process — endorsed by this chamber — is well under way.

Honourable senators, let me return to the purpose of the legislation, which was passed by both houses of Parliament to enable the restructuring of AECL. Specifically, I am referring to Part 18 of the Jobs and Economic Growth Act, which provides the necessary approvals to reorganize AECL and allows the government to divest its holdings in part or in whole.

This legislation was structured to provide the government with the capacity to negotiate the best transaction possible to meet the policy objectives it has set out. It is obvious that the objectives to protect the interests of Canadian taxpayers, and position Canada's nuclear industry so it can seize opportunities and retain highly skilled workers, can only be met by restructuring AECL's CANDU Reactor Division.

Honourable senators, we must establish a more competitive CANDU Inc. under private ownership. The evidence is clear. It has not sold a reactor in more than a decade. Its refurbishment of the Point Lepreau reactor is taking too long and costing too much. It repeatedly returns, cap in hand, to taxpayers seeking more funding. Just this winter, in Supplementary Estimates (C), AECL is asking for another \$175.4 million, bringing the total for this fiscal year to a staggering 871.9 million tax dollars.

A restructured AECL is the only realistic way to protect taxpayers and ensure a brighter future for the nuclear industry in Canada. To achieve that goal, new legislation was required, because AECL is a Crown corporation, subject to the Financial Administration Act. That legislation was introduced, examined in committees, both in the Senate and in the other place, debated and voted on in both houses of Parliament.

The decision was made when the Senate voted on July 12, 2010, and the Jobs and Economic Growth Act received Royal Assent.

The National Finance Committee heard witnesses outline the problems with AECL and the way to a brighter future for Canada's nuclear industry. That is why I believe the decision we made then was the right one, and it remains the right decision today. There is no reason to revisit this issue.

Honourable senators, the government is doing this because it offers the best opportunity for Canada's nuclear industry to succeed in a rapidly changing environment. However, it was not a matter of just hanging out a "for sale" sign. Before embarking on this process, the government conducted a full review, a review that made it clear that the company's current structure was not suitable for the new global environment. It was, in fact, holding back the company and reducing the benefits to Canada.

In particular, the review found that the CANDU Reactor Division is too small to be a significant global player. New ownership is needed to take advantage of the opportunities and to limit the liability for taxpayers.

Honourable senators, this was the reason for enacting the legislation to allow the government to divest its holdings of AECL in whole or in part. Revisiting that legislation now can only result in delays and uncertainty — the last thing AECL or Canada's nuclear industry needs.

Honourable senators should also know that the enabling provisions of Part 18 of the Jobs and Economic Growth Act do not affect in any way the regulatory framework for nuclear energy in Canada, including the role of the Canadian Nuclear Safety Commission to regulate the health, safety, security and environmental aspects of the Canadian nuclear industry.

I have highlighted the key objectives of the existing legislation around the restructuring. I will now briefly turn to the bill.

Honourable senators, Bill S-225 would completely reverse the provisions that make it possible to restructure AECL. It will ensure the long-term stagnation and decline of the nuclear industry in Canada.

When I look at Bill S-225, I see a bill that has no connection with the real world. This bill would allow the private sector to buy no more than 30 per cent of the voting shares of AECL, with foreign entities restricted to 30 per cent of that, with the federal government retaining 70 per cent.

The sponsor of this bill, in her speech to this chamber on December 1, said that her goal is to ensure AECL "remains within the control of the federal government, while involving the private sector in a minority stake in order to raise capital . . ." She went on to say that federal control will "ensure that decisions are taken in the best interests of Canadians . . ."

Senator Hervieux-Payette is telling the private sector that she would like a few hundred million dollars from them, but their control over how it is put to use will be limited. She is telling this altruistic investor that when push comes to shove in this partnership, political considerations will win out over sound business decisions.

Private money, government control. I ask, given the track record of this corporation, what private investor in his right mind would enter into such an agreement?

Do not take my word for it. Consider the advice given to the National Finance Committee by Jan Carr, the former CEO of the Ontario Power Authority. He is an advocate of the government continuing to hold a minority stake. I want to put that on the record.

On July 5 last year, Mr. Carr told our committee:

The reason I am suggesting a minority interest is such that it does not therefore scare off commercial capital, which abhors being in a minority position. Anyone who is going to put capital in will want to be in a commercial control position, a majority.

Honourable senators, the goals of a corporation are to sell products and enhance shareholder value; the goals of a government are much different, as they should be. The hybrid creature the honourable senator envisions is entirely unrealistic. She is making an offer no one could accept.

Honourable senators, perhaps most troubling about Bill S-225 is that it runs counter to the best advice we have received. As Senator Marshall noted earlier in this debate, witnesses who appeared before the Standing Senate Committee on National Finance noted that AECL urgently needs a new direction. Witnesses with no political axe to grind, people like Mr. Carr,

who had a 38-year career in the energy industry and most recently ran the country's largest power authority, and Bryne Purchase, Executive Director of Queen's University Institute for Energy and Environmental Policy, both stated that they support the government's plan.

If the government retains 70 per cent of the company, I find it very difficult to envision a new direction. I see more of the same, and I do not believe that is an acceptable outcome for Canadians.

Honourable senators, we have a responsibility to Canadians and to the nuclear industry to respect Parliament and stay on course. This industry is too important to the economies of Ontario and Canada to do anything else.

Delaying this process through further consideration of Bill S-225 prolongs uncertainty and is negative for the industry, its employees and clients. Global opportunities are out there — and we heard about some of them through the hearings — but not if we are paralyzed by endless debate.

There was good news just last year when Prime Minister Harper hosted India's Prime Minister Singh. At that meeting, the two countries signed a nuclear cooperation agreement that will provide Canada's nuclear industry with access to India's expanding nuclear market.

• (1630)

With opportunities such as this one at our doorstep, it would be irresponsible to turn back now. That is why the Government of Canada should continue the process towards the divestiture of the CANDU reactor division. If we want the government to conclude this process in a timely fashion, as requested by all stakeholders, now is not the time to change the legislative framework.

Honourable senators, I believe it is self-evident that we cannot support a measure that will only reverse the progress that has been made, a measure that has no realistic chance of providing the new direction AECL needs. My position, with the greatest of respect to my honourable colleague, is that the debate is finished, it is over, let us not reopen it.

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

**Senator Tardif:** Question.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

(Motion agreed to and bill read second time, on division.)

#### REFERRED TO COMMITTEE

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

(On motion of Senator Tardif, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

## NATIONAL DAY OF SERVICE BILL

### SECOND READING

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.

**An Hon. Senator:** Question.

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

**An Hon. Senator:** No.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

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

(Motion agreed to and bill read second time, on division.)

#### REFERRED TO COMMITTEE

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

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

## INCOME TAX ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Rivest, seconded by the Honourable Senator Lang, for the second reading of Bill C-288, An Act to amend the Income Tax Act (tax credit for new graduates working in designated regions).

**Hon. Fred J. Dickson:** Thank you, honourable senators, for the opportunity to speak against Bill C-288, a fundamentally flawed proposal from the Bloc Québécois.

From the onset, let us be clear about what this proposal would do and how much it would cost. First, Bill C-288 would grant a temporary special \$8,000 tax subsidy for a chosen few new graduates taking, essentially, any employment in any of the ill-defined regions in this proposal.

Bill C-288 is so poorly thought out that it classifies booming Fort McMurray, the heart of Canada's oil sands, as economically depressed and would give workers there a tax subsidy. Second, it would cost nearly half a billion dollars to implement the unsound proposal that is Bill C-288.

The Parliamentary Budget Officer conducted a cost analysis of this proposal for the House of Commons Standing Committee on Finance, and that report, available on line for all to see, concluded:

... assuming no behavioural change on the part of graduates and based on the foregoing assumptions, these ranges suggest that at full phase-in the program could have a cost estimate of between over one hundred million to approximately six hundred million per annum.

Let me underline the "assuming no behavioural change," qualifier the PBO deliberately included in that statement. Clearly we would be facing a much higher cost.

Bill C-288 is a terrible and counterproductive economic policy that would not create one single job. The bill has countless problems, two of which are particularly glaring and bizarre.

First are the vague conditions surrounding "qualifying employment" in the proposal. "Vague" is a charitable way of describing them, for Bill C-288 does not identify any skill set it is trying to retain. Is the tax subsidy proposed to provide an incentive for new nursing graduates, engineers, aircraft mechanics or accountants? No one knows. As a tax subsidy, the bill does not target any particular skill or profession.

In essence, Bill C-288 would provide a temporary tax subsidy to almost any recent post-graduate employed in the designated regions under it. According to the legislation, the subsidy could be claimed by any graduate if "the knowledge and skills obtained during the individual's training or educational program are related to the duties performed."

That weak and overly broad definition clearly targets no particular skill or occupation, and does not even specify on what basis this targeting could be determined. The result ultimately is that any graduate would easily qualify, as any job makes use of general problem-solving skills naturally obtained during the course of one's education.

The list of designated regions is outdated. Bill C-288 almost comically selects the areas where these graduates would be eligible for the subsidy. Specifically, the credit would be available to any graduate taking up work in a region defined under another piece of legislation called the Regional Development Incentives Act, only excluding metropolitan areas with populations over 200,000. Under that specific act, there is a list of designated regions that have never been classified as economically challenged because "existing opportunities for productive employment in the region are exceptionally inadequate."

There is a catch, as usual. The list of designated regions has not been amended or updated since 1981, in other words, three decades. Such a seriously outdated list, based on the Canadian economy of the early 1980s, obviously has little to no bearing on the economic realities of today.

Does it make sense to believe Canada's labour market has not changed significantly in the last 30 years? Does it make sense to believe a tax subsidy based on labour market conditions of 1981 is anything but poorly thought out?

In fact, under the Bloc Québécois proposal, most parts of Saskatchewan and Manitoba are included, curiously, on the list of designated regions as economically challenged. Both these provinces have unemployment rates well below the current national average. Neither province can realistically be characterized as having limited employment opportunities, certainly not compared to other parts of the country.

Indeed, BMO Capital Markets has forecasted Saskatchewan will lead other Canadian provinces in economic growth in 2011. As noted in that BMO Capital Markets report, "real GDP is expected to rebound 4 per cent in 2011: the fastest pace in Canada. . . . Commodities sector investment will also continue to drive job growth, and the province should again share one of Canada's lowest unemployment rates in 2011."

• (1640)

As Saskatchewan Premier Brad Wall recently pointed out, Saskatchewan is tied with Manitoba for the lowest unemployment rate in the country. They edge us out by a few decimal points. This is evidence of further momentum in our economy and it is positive.

Manitoba's economy is also strong. Manitoba, which had an unemployment rate of 5 per cent, was the only province with a lower rate than Saskatchewan's.

In a Government of Manitoba news release, Minister Peter Bjornson was quoted as saying:

Manitoba's growth ready remains steady, the province's economy remains strong and more Manitobans are working than ever before. . . . Manitoba is faring well among the provinces.

The province's unemployment rate is the lowest in the country.

Based on this, honourable senators, can we honestly suggest that opportunities for productive employment in Saskatchewan and Manitoba are exceptionally inadequate, as Bill C-288 would dictate? Should we really give new graduates special tax subsidies to work there? Clearly, it would be ridiculous to do so. This is a fundamental flaw with the Bloc Québécois proposal.

To further illustrate my point, I draw honourable senators' attention to the fact that the Wood Buffalo-Cold Lake region of Alberta would also be classified as an economically challenged region under Bill C-288. Those not familiar with that area may be surprised to find that it includes Fort McMurray, whose oil production industry is one of Canada's major economic engines. An article in *Fort McMurray Today* entitled "Local unemployment Alberta's lowest" states:

... the biggest thing to note in the latest local employment numbers is how steady they remained through the economic downturn of the past year. In a year described by energy



insiders as one of the worst for Alberta's energy sector in the last 20 years, Wood Buffalo-Cold Lake still saw local employment numbers stay very consistent.

There's been very little movement throughout most of the year. Unemployment continues to sit at the lowest rate throughout the province . . .

. . . the job growth in the region has been substantially helped by developing local oilsands projects but other sectors have also been contributing.

We are stunned that the Bloc Québécois would bring forward a poorly thought out proposal suggesting that Fort McMurray, the heart of Canada's oil sands, is economically challenged and that its workers are in need of tax subsidies.

It gets more bizarre. Regions excluded in Bill C-288 include those with unemployment rates near or above the national average. For instance, new graduates taking up work in Windsor or St. Catharines — regions with unemployment rates well over 10 per cent — would be ineligible for the tax subsidy.

Without a doubt, Bill C-288 is beyond "poorly targeted," as it haphazardly selects economically challenged regions in which new graduates would be eligible for the tax subsidy.

Another problem with Bill C-288 is that it fails to help employers attract skilled workers. A special temporary tax subsidy may influence graduates' choice of where to settle and work in the short term. However, does it do anything in the long term? What happens when they are no longer eligible for the tax subsidy? What is the rationale for providing a special tax subsidy to Canadians who would work in a designated region, regardless of whether or not the tax subsidy existed?

Clearly, Bill C-288 does not have an adequate answer to these questions. Moreover, this Bloc Québécois proposal does nothing to encourage Canadians to develop the skills needed for ongoing growth in the economy and the country's prosperity. Instead, it plays a zero-sum game of encouraging new graduates to move from one area of the country where they are needed to another area where their skills may not be in short supply. In effect, Bill C-288 would serve as a major disincentive to economically efficient labour mobility in Canada.

On top of all these problems, honourable senators, Bill C-288 is blatantly unfair to new graduates who are not in a designated region. It would create serious inequities between new graduates who work in different regions of Canada. People choose where to settle and work based on a wide range of considerations. Many new graduates already choose to work in these designated regions, despite the fact that such a tax credit does not exist. For such workers, the credit would be a tax subsidy windfall. Under Bill C-288, two similar recent graduates with similar jobs and the same pay, working only a few kilometres apart, would face completely different tax bills. While one new graduate would receive a tax subsidy, another would be paying \$3,000 in federal taxes to help pay for that subsidy. How is that fair?

Canadians expect a tax system that treats them fairly and that deems this sort of inequity completely unacceptable.

Finally and most importantly, this measure would most likely not result in any new jobs for new graduates.

Honourable senators, we appreciate that Canada has weathered the global recession better than all other major industrialized countries. With the help of our Conservative government's Economic Action Plan, the economy has started on the road to recovery. In fact, Canada has created over 460,000 new jobs since July 2009. This is by far the strongest job growth in any of the G7 countries.

Jobs were created with the help of key investments to help workers and economically challenged communities. For instance, we are providing over \$2 billion in stimulus spending to support economic adjustments in regions, communities and industries most affected by the economic downturn, thus helping to secure new jobs and opportunities.

The International Monetary Fund and the Organisation for Economic Co-operation and Development forecast that Canada's economic growth will be among the strongest of the G7 this year and next. The IMF also singled out Canada for praise and said that Canada entered the global crisis in good shape and, thus, the exit strategy appears less challenging than elsewhere. This reinforces what we have been saying all along, that, while not immune to the global recession, Canada's economy entered it and will exit it in among the strongest of positions.

However, the global recovery remains fragile. Our first priority remains to implement Canada's Economic Action Plan to create jobs, lower taxes, foster growth and invest in better infrastructure.

Canada's Economic Action Plan is providing timely and temporary relief in response to extraordinary economic problems. However, we also understand that balanced budgets are essential to economic growth and job creation. That is why there is a clear, three-point plan to return to a balanced budget. First, we will follow through with the exit strategy built into the Economic Action Plan. Second, we will take action to ensure government lives within its means. Third, we will conduct a comprehensive review of government administrative and overhead costs.

The challenges in many European countries serve as a reminder of the dangers of uncontrolled deficit spending. Canadians expect their government to spend responsibly and to reduce the deficit as the recovery of the global economy gathers pace. Endorsing Bill C-288, with its exorbitant costs, is simply irresponsible.

Finally, I ask honourable senators across the aisle who are planning to support this proposal if they have accounted for its costs.

What taxes would be raised to offset the cost? What spending would be cut? According to the Liberal leader's own public edict in terms of any proposal to be fiscally credible, "One of the issues we have to confront is: How do we pay for this? We cannot be a credible party until we have an answer for that question. . . . We will not identify any new spending unless we can clearly identify a source of funds without increasing the deficit."

I ask honourable senators across the aisle these important questions.

• (1650)

Honourable senators, in conclusion, Bill C-288 misses the mark in the following ways. It arbitrarily and comically provides a tax subsidy without targeting it to current labour market needs or any particular skills or occupations. It creates significant inequities in the tax system by unfairly doling out extraordinary amounts of tax relief to some taxpayers while providing absolutely nothing for others. It plays a zero-sum game by taking from one region and giving to another, instead of trying to increase growth in all regions of our country. Finally, honourable senators, according to the Parliamentary Budget Officer it would cost over half a billion dollars.

For these reasons, I am unable to support this Bloc Québécois proposal and encourage all honourable senators to reject it similarly.

**The Hon. the Speaker *pro tempore*:** Questions or further debate?

**Hon. Fernand Robichaud:** Would the honourable senator accept a question?

**Senator Dickson:** I will accept the question.

**Senator Robichaud:** The honourable senator mentioned that the Parliamentary Budget Officer estimated that this measure would cost a certain amount of money. Senator Dickson seems to give a lot of credibility to the numbers that the Parliamentary Budget Officer puts forward.

Does the honourable senator believe the numbers he has concerning the monies required for the Correctional Service of Canada to meet the demands of this government's justice agenda? The Parliamentary Budget Officer says the government will need a lot of money. Does the honourable senator believe the numbers he has been given?

**Senator Dickson:** Honourable senators, I have before me the report of the Parliamentary Budget Officer on Bill C-288. I am not familiar with the expenditures anticipated in the prison system of Canada as a result of the crime legislation. However, the honourable senator must agree with me — and he has no doubt read this report on Bill C-288 as I have — and depending upon accepting his assumptions, there is a tremendous cost to the implementation that is dependent upon the uptake and various other factors if Bill C-288 were to be implemented. There are just too many uncertainties.

**Senator Robichaud:** I was not questioning the Parliamentary Budget Officer's numbers, as the honourable senator very well knows. I was asking Senator Dickson if he believes all the numbers he puts out.

**Senator Dickson:** Honourable senators, for clarification, in my first reply I said I was not familiar with the numbers the Parliamentary Budget Officer put out insofar as the crime legislation is concerned so I cannot comment on that, but I can speak on Bill C-288.

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

**An Hon. Senator:** Question.

[ Senator Dickson ]

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

**The Hon. the Speaker *pro tempore*:** On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

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

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on National Finance.)

## NATIONAL HOLOCAUST MONUMENT BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Boisvenu, for the second reading of Bill C-442, An Act to establish a National Holocaust Monument.

**Hon. Joan Fraser:** Honourable senators, it is my recollection that when I took the adjournment on this bill it was almost a pro forma because I was replacing Senator Tardif.

I do intend to speak to this bill the week after the break if possible, but if any other senator wishes to speak to the bill, I urge them to do so and not do the usual wait until the senator in whose name it stands has spoken.

I do intend to speak within the next couple of weeks, but I do not want to block anyone else from doing so because I think this topic is extremely important. I move the adjournment for the balance of my time.

(On motion of Senator Fraser, debate adjourned.)

## STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

### FOURTH REPORT HUMAN RIGHTS COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fourth report (interim) of the Standing Senate Committee on Human Rights, entitled: *Canada and the United Nations Human Rights Council: Charting a New Course*, tabled in the Senate on June 22, 2010.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I notice that this is at day 14. Senator Jaffer asked that I continue the debate in her name and therefore I move the adjournment in her name.

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

## GOVERNMENT PROMISES

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the litany of broken promises by the Harper administration, beginning with the broken promise on income trusts, which devastated the retirement savings of so many Canadian seniors.

**Hon. Jane Cordy:** Honourable senators, I rise today to speak to Senator Cowan's inquiry. We see, five years and two election platforms later, that this government is unable or, worse yet, unwilling to follow through on promises made to Canadian voters.

We heard from Senator Cowan about the government's broken promise on income trusts, leading to the decimation of many Canadian seniors' life savings. Senator Day brought the attention of this chamber to the government's lack of action in establishing a public appointments commission, and now we have a Prime Minister who has made over 4,600 patronage appointments in less than five years. Here it is, March of 2011, and we still have no commission.

Last week, Senator Merchant highlighted Mr. Harper's renegeing on his word to remove non-renewable natural resources from the equalization formula; a move that would have reaped Saskatchewan over \$800 million annually from the federal government.

Honourable senators, today, I want to speak to the promise made in the government's 2006 platform to address the problem of patient wait times in Canada's health care system. The 2006 Conservative election platform clearly states:

A Conservative government will:

- Push ahead with implementing the September 2004 federal-provincial Health Accord. We will ensure that:
  - Evidence-based benchmarks from medically accepted wait times, starting with cancer, heart, diagnostic imaging procedures, joint replacements, and sight restoration are established as soon as possible, as promised in the Health Accord.
  - Patient wait-time reduction targets for priority procedures identified by provinces are established by the end of 2006.

- Canadians get regular reports on progress towards meeting these wait-time targets, as promised in the Health Accord.

- We will work with the provinces and the territories to increase the numbers of, and expand educational programs for doctors, nurses, and other health professionals.

This is all from the 2006 Conservative election platform.

Each of these promises, if met, would have gone a long way to improving the quality, effectiveness and sustainability of the health care systems across the provinces and territories. Unfortunately, when it comes to establishing evidence-based benchmarks for all five priority clinical areas across the country, the government has come up well short of fulfilling their election promise. Canadian patients continue to wait for too long for their medical procedures.

According to a Fraser Institute study on wait times, in 2010 Canadians from across the country were waiting for an estimated 825,827 procedures. This showed an increase of 19 per cent from 2009.

- (1700)

In 2004, Canada's first ministers identified five priority areas for improvement in wait times — cancer, joint replacements, vision, cardiac surgery and diagnostic imaging. Each year the provinces and territories are measured for progress against these five priorities. In 2005, a Federal Advisor on Wait Times was appointed, reporting to the Prime Minister and federal Health Minister, to work with the provinces and territories to fulfill the commitments made in the First Ministers' Health Accord 2004.

In December of 2005, wait time benchmarks were agreed upon in four of the five priority areas. No agreements were made toward benchmarks in diagnostic imaging. At the time, it was stated that the provinces and territories were committed to establishing benchmarks for diagnostic imaging, but it was claimed there was not enough clinical evidence available. Five years later, there are still no wait time benchmarks for diagnostic imaging, for such tests as magnetic resonance imaging, MRI, and computed axial tomography, CAT, scans.

In June of 2006, the federal advisor issued his final report to the government. Several issues were singled out to be addressed to improve the health care system effectively and to reduce wait times. By addressing these key areas, patients would be better served, wait times would be reduced and health care systems would become increasingly responsive to the needs of patients. The federal advisor advised immediate action in the following areas: ongoing research to support benchmarking and operational improvements; adoption of modern management practices and innovations in health systems; accelerated implementation of information technology solutions; cultural change among health professions to foster development of regional surge capacity; and, finally, public education to support system transformation.

To date, the government has neither issued a response to this report nor implemented any of the recommendations.

What was promised in the 2006 Conservative election platform was to establish patient wait-time guarantees across the country for all five priority procedures, as agreed upon by the provinces and the territories in 2005. However, on April 4, 2007, Prime Minister Harper announced, “Canadians will be guaranteed timely access to health care in at least one of the following priority areas, either cancer care, hip and knee replacement, cardiac care, diagnostic imaging, cataract surgeries or primary care.”

Instead of establishing patient wait-time guarantees across the country for all five priority procedures as promised, this government has abandoned that commitment made in their 2006 election platform by allowing the provinces and territories to focus instead on a single priority to qualify for federal initiatives funding.

By removing the stipulation that funding is available contingent on meeting goals in all five priority areas, the jurisdictions are able to select the priority area in which, in most cases, they are already excelling, ultimately defeating the purpose of the original promise of shortening wait times across the board. That is like telling a student to pick one course in which the student does well and, by the way, their report card will reflect only how they do in that one course.

Surely, Canadians deserve better. Surely, Canadians deserve to believe their Prime Minister when in 2006 he promised wait-time guarantees for all five priority procedures as agreed to by the provinces and the territories.

Honourable senators, I am particularly concerned about wait times within the mental health field. Those who suffer from poor mental health must often wait a long time for treatment. The Fraser Institute reports that there is a 16-week wait from seeing a general practitioner to elective treatment for mental illness. Wait times, from meeting with a specialist to elective treatment, are nearly 130 per cent longer than the specialists feel is appropriate. Unfortunately, those who have overcome the stigma and have summoned the courage to go to their doctor about a mental health issue often are stigmatized further by having the challenge of trying to access help in a timely way.

Honourable senators, the Health Council of Canada was established to foster accountability and transparency by assessing progress in improving the quality, effectiveness and sustainability of the health care system. Their job is to report on the progress of wait-time strategies, among other things.

The Health Council of Canada has produced only one report on the issue of wait times in Canada. In 2007, they released *Wading Through Wait Times: What Do Meaningful Reductions and Guarantees Mean?* Currently, the strategic plan of the Health Council of Canada does not deal with wait times.

Part of the government’s plan to help alleviate the strain on the health care system to better equip it to shorten patient wait times was the promise to increase the numbers of, and expand educational programs for, doctors, nurses and other health professionals. In 2008, the Conservatives promised to create

50 new residency spaces and to provide \$5 million to bring Canadian doctors trained abroad back to Canada. As of today, March 2011, only 15 new residency spots have been created. As for the strategy to bring Canadian doctors trained abroad home, we are still waiting to see that strategy.

What change to patient wait times has this government been able to promote over the past five years? According to the Fraser Institute’s 2010 annual patient waiting list survey, province-wide wait times for surgical and other therapeutic treatments have increased in 2010. The average total waiting time nationwide between referral from a general practitioner and delivery of elective treatment by a specialist has risen from 16.1 weeks in 2009 to 18.2 weeks in 2010. Every province has shown an increase in waiting time periods.

The 2004 accord committed \$41 billion, with \$15 billion for a Wait Times Reduction Fund meant to assist existing provincial and territorial investments in their own wait-times reduction initiatives. The fund is to be used primarily for such things as training and hiring more health professionals, clearing backlogs, building capacity for regional centres of excellence and expanding appropriate ambulatory and community care programs and tools to manage wait times.

However, even with the promised increase in funds to build capacity and to help alleviate the strain on the system, the president of the Canadian Medical Association stated that the Ottawa Hospital alone had to cancel over 1,200 surgical procedures last year because there were no beds to serve the patients.

With \$41 billion committed to the 2004 Health Accord, where is the progress on those promises to shorten wait times across the country for those five priority areas? Where is the commitment to increase resources to help alleviate the strain on the system? Where is the plan to bring Canadian doctors overseas back home?

Canadians deserve an accountable government to follow through on their promises and report back to Canadians to ensure that tax dollars are put to good use and produce positive results.

Canadians should have timely access to the medical system, not timely access to a waiting list. Long wait lists often cause the side effects of anxiety and stress to the patient and their families.

• (1710)

Honourable senators, Canadians are not only waiting longer for medical procedures, they are also waiting too long for this government to follow through on its promises — just more instances of promises made, promises broken.

**Hon. Percy E. Downe:** Honourable senators, I would like to join the debate on Senator Cowan’s inquiry on the current government and its record of broken promises. The Conservatives have made many promises to veterans and their families. Regrettably, after five years in government, these promises have gone unfulfilled, some even ignored. Let me provide a few examples.

The Veterans Independence Program, the VIP, was established in 1981 to, in the words of the Veterans Affairs Canada website, “help clients remain healthy and independent in their homes or communities.” It provides funds for basic services such as snow removal and lawn mowing. Stephen Harper not only supported the VIP program, but he did not think it went far enough, making his position very clear when he stated in a letter:

A Conservative Government would immediately extend the Veterans Independence Program services to the widows of all Second World War and Korean War veterans regardless of when the Veteran passed away or how long they had been receiving the benefit prior to passing away.

The most prominent figure in the struggle to hold this government accountable on its promises to veterans has been 84-year-old Joyce Carter of Cape Breton, who received one of the letters signed by Stephen Harper. She summed up her disappointment, and her determination, when she confronted Prime Minister Harper outside the House of Commons in June 2007 and said:

There’s no excuse for him not to keep his promise . . . I just want him to keep his promise.

So do all Canadians.

It has been almost four years since then and elderly veterans and their spouses are still asking when Prime Minister Harper will keep his word. A promise clearly made, but, unfortunately, clearly not kept.

Then there is the case of the Veterans Health Services Review. In 2005, Stephen Harper promised he would undertake a “complete review of veterans’ health care services to ensure they meet the needs of our veterans.” Once in office, the government boasted that it represented “one of the most extensive health services reviews ever undertaken at Veterans Affairs.” Such promises could not help but raise the hopes of veterans and their families.

On March 5, 2008, then Minister of Veterans Affairs Greg Thompson appeared before the Senate Subcommittee on Veterans Affairs and described the review as “pretty well completed.” That occasion, three years ago, was the last time a Minister of Veterans Affairs, or anyone in the government, has commented publicly about the Veterans Health Services Review. Three years later, the review has all but disappeared from the Veterans Affairs Canada website. If one asks the government whatever became of it, one is told that it is “protected information.” Not only can we not find any information about the review, we cannot even ask about it. Worse still, our veterans are still being denied the improved benefits from the review.

Honourable senators, this is another troubling example of the government refusing to follow the advice of Veterans Affairs employees to improve benefits for veterans and their families. A promise clearly made, but, unfortunately, clearly not kept.

Even more troubling is the record of this government when it comes to the unfulfilled commitment to address the discrepancy between the \$3,600-limit for veterans’ funerals and the \$12,700-limit for funeral and burial expenses for Canadian Forces members.

In response to a written request I tabled in the Senate dated March 2010, the Minister of Veterans Affairs stated:

The Veterans Affairs Canada Funeral and Burial program is currently being reviewed to ensure the level of support provided continues to allow a dignified funeral and burial.

Eight months later, at a meeting the Senate Subcommittee on Veterans Affairs, I questioned the lack of progress in resolving the issue and the minister had this to say:

You said that I had talked about that in March and that this matter has yet to be resolved. You are right. This brief was even drawn to my attention approximately a month ago, and I am the one who said that this was not the time to talk about this matter. . .

Honourable senators, now is most certainly the time for this government to accept the advice of Veterans Affairs Canada employees and increase the funeral expenses of our Canadian veterans.

**Some Hon. Senators:** Hear, hear.

**Senator Downe:** Not surprisingly, honourable senators, the Royal Canadian Legion has voiced long-standing concern about the slow pace of reforming this government’s policy with repeated resolutions at their conventions calling upon the government to “take necessary action to increase the Veterans Funeral and Burial program” to a level that is the same as that of Canadian Forces members.

Indeed, in 2010, the President of the Legion declared that her organization is “extremely concerned that this important issue is being swept under the rug.” Unfortunately, the Legion’s concerns are justified, as the government has decided that it does not want to address this problem. This government owes Canadians an explanation as to when they think would be the time to talk about this matter. Veterans and their families cannot afford and should not have to wait any longer. A promise clearly made, but, unfortunately, clearly not kept.

Honourable senators, the worst example of this government’s failing to live up to its promises to veterans must be on the issue of Agent Orange. Prime Minister Harper made a promise to “stand up for full compensation for persons exposed to defoliant spraying during the period from 1956 to 1984.”

Senator LeBreton would be well aware of this promise because she was in the room in New Brunswick when Mr. Harper said those words. However, this government, led by Prime Minister Harper, announced a disappointing compensation package for those affected by the spraying of Agent Orange, offering payment only to those who served between 1966 and 1967.

In order to force the Prime Minister to honour his promise, these deserving Canadian veterans and their families have had to undertake a class action lawsuit at their own expense against the

full resources of the Government of Canada. Quite literally, to add insult to injury, it was disclosed last year that the federal government has spent \$7.8 million fighting veterans and their families in opposition to this lawsuit. The costly legal and delaying tactics of Prime Minister Harper's government has so far prevented this case from seeing the inside of a courtroom. A promise clearly made, but, unfortunately, clearly not kept.

Honourable senators, our veterans have done their jobs and met their responsibilities. It is the duty and responsibility of all Canadians to do our part in reminding this federal government that it must keep the promises made to the most deserving: the men and women who were willing to sacrifice their lives in service to Canada.

There is nothing stopping this government from keeping those many promises. Such measures would no doubt enjoy universal support in Parliament. Many of them do not even require the approval of Parliament. All that is required is the will to do so.

Canadians wonder when Prime Minister Harper will keep his promises to veterans and their families.

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

• (1720)

## THE SENATE

### MOTION TO URGE GOVERNMENT TO REVISE TWENTY DOLLAR BANKNOTE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Banks:

Whereas the \$5, \$10 and \$50 Canadian banknotes represent Sir Wilfrid Laurier, Sir John A. Macdonald and W.L. Mackenzie King respectively, and whereas each of these bills clearly mention in printed form their name, title and dates of function;

Whereas the \$20 banknotes represent a portrait of H.M. Queen Elizabeth II but without her name or title;

The Senate recommends that the Bank of Canada add in printed form, under the portrait of Her Majesty, the name and title of H.M. Elizabeth II, Queen of Canada, to the next series of \$20 Canadian banknotes to be printed.

**Hon. Michael L. MacDonald:** Honourable senators, I am delighted to participate today in the debate on Senator Joyal's motion to revise the next series of \$20 banknotes produced by the Bank of Canada. Senator Joyal is an informed student of our country's history, is appreciative of Canada's governmental institutions and is quite knowledgeable about the role these institutions play in our nation's evolution. I thank him for his

perseverance in raising issues of this nature and applaud his initiative in bringing this matter to the attention of the Senate.

As Senator Joyal points out, all former prime ministers depicted on our paper currency have their name, office and their dates of service in addition to their portraits. Yet, Her Majesty Queen Elizabeth II, who has been the Queen of Canada since 1952, does not receive similar treatment on the \$20 banknote. Rather, she looks out from her most highly circulated currency as a semi-anonymous entity, certainly recognizable to most people because of station and longevity but undefined as to her exact institutional relationship to Canada. One would think there was some uncertainty as to how Her Majesty should be described.

Nothing could be further from the truth. Queen Elizabeth II is the Queen of Canada and Her Majesty's title is not some foreign imposition or colonial anachronism; it is a directive of the Parliament of Canada. Canada is an integral member of the Commonwealth realms as established at the 1953 Commonwealth Conference. Then Prime Minister St. Laurent stated at that conference:

It must be emphasized that the Queen is Queen of Canada, regardless of her sovereignty over other Commonwealth countries.

This position was clearly articulated in an act of the Canadian Parliament in 1953. It is the law, and we are a country with the rule of law. I stress this because it is important to remind honourable senators that Canada's relationship to the Crown is direct. It does not run through the Parliament at Westminster as it did when Canada was a collection of colonies evolving politically throughout the 18th and 19th centuries. Canada has been legally independent since the Statute of Westminster was proclaimed in 1931. We are a parliamentary democracy with a constitutional monarchy and, I would suggest, a highly successful example of this form of government.

However, the inherent lesson is not merely about how the Crown is defined in Canadian law. Senator Joyal's motion serves to highlight how our history and political inheritance, in particular over the past half century, is being modified and rewritten as those in positions to influence such matters, whether elected or non-elected, either through indifference, subtle intent or outright revisionism, engage in an exercise of airbrushing away those things that run counter to their own view of what Canada is or should be. The Crown in particular has been subjected to this treatment and the circumstance identified by Senator Joyal with the \$20 banknote is but one of many examples of this practice.

Admittedly, there is a wide spectrum of opinion in respect of the continuing presence of the Crown in Canada. Many Canadians today would be described best as being benignly ambivalent about the Crown and not overly enthusiastic, but not particularly hostile. I suggest that this is not necessarily a modern or post-modern phenomenon but, in fact, has long been the case in Canada. Canadians have a long-established system of government that works well. We are inherently conservative as it relates to our governance and we fundamentally understand that the Crown is part of that governance structure.

There are some in this country who would like us to become a republic. People who believe this have every right to promote their agenda and to endeavour to convince the country that it would be

[ Senator Downe ]

the right course of action. Although this is not a sentiment that I share, this is a legitimate point of view and worthy of debate. Republicans would prefer to remove Her Majesty from our currency altogether and they would alter completely our institutional structures. Although it is not broken, they would still fix it. Republicans believe that our system of government is inherently colonial and that our relationship to the Crown is one of dependence and subservience.

This is faulty reasoning in my opinion. Whatever advantages might accrue to Canada becoming a republic, independence is certainly not one of them; our independence has long been established. Fortunately for the republicans, there is a formula in place with which they can pursue their goal. It was inserted into the Constitution Act, 1982. They have only to get every provincial legislature in the country, the House of Commons and the Senate to agree to abolish the Crown. In short, complete unanimity across the country on the issue is all they require. Perhaps over time the republicans can accomplish this feat. Realistically, our constitutional requirements make such a development a remote possibility at best. At the very least, it would appear to be a mathematical improbability.

In fairness, I should point out that republicans are not the only ones who wish to alter Canada's constitutional relationship with the Crown. There are others who would keep our institutions primarily intact but make the Governor General Canada's head of state. This is theoretically achievable but, again, is subject to the aforementioned conditions laid out in the Constitution Act, 1982.

My issue with the republicans and others is not with them having certain principles they espouse; they have every right to advocate their position in a free and democratic society. However, I have a serious problem with the subjective mindset of these groups and I will highlight two of their more egregious practices. When they argue against the presence of the Crown, they seem to know so little about it both in terms of its actual evolution as an institution and in particular its influence in the development of Canada. Their viewpoint is consistently narrow and predictable, often drawn through some ethnic prism that presupposes they are obliged to have some preordained disposition towards the Crown according to their family background or the circumstances of their birth. One of their repetitive mantras is that we should not have to put up with an English Monarch as our head of state.

In principle, I have sympathy for this position, but since the last truly English Monarch was Harold II, the last Wessex King of England who was defeated and killed at the Battle of Hastings in 1066 by the Norman French under William the Conqueror, this would not appear to be much of a contemporary concern. The Norman Conquest fundamentally changed the Crown and Great Britain, establishing French, under the Normans and the Plantagenets, as the language of the court and the law for almost three centuries and giving Norman nobles titles, land and unparalleled influence throughout the British Isles. Their reach was enormous and their influence was lasting. What we refer to today as Parliament began during this era.

The Normans remade the English Crown into a European Crown that has endured in one incarnation or another since that time. The most notable royal houses of Scotland, the Bruces and

the Stuarts, were descended from Norman ancestors, with the Stuarts creating the throne of the United Kingdom in the early 17th century when James VI of Scotland became James I of England. Before the 17th century was out, there occurred the so-called Glorious Revolution, which was neither glorious nor a revolution but a power grab designed to exclude Catholics from the throne. Westminster stripped the Crown of most of its remaining powers and, after jumping 52 places in the succession to find a Protestant successor, it placed the Hanoverians on the throne. It was believed universally that the Hanovers were German, although the line was originally Italian. The argument then that the Canadian Crown is an English throne is erroneous, a misplaced sentiment and the product of uninformed opinion and inadequate educational instruction.

• (1730)

I can forgive republicans and opponents of the Crown for lacking in knowledge, but I will hold them to account for the practice of subterfuge and of attempting to accomplish by stealth those things they cannot accomplish by law. They assume they can ignore the law, they are above the law or can alter its interpretation to whatever suits themselves. This is a particularly offensive conceit and this subversion has become far too commonplace within certain offices in the Government of Canada.

The examples of this are everywhere. It is not acceptable for officials in Heritage Canada and Government House to be actively involved in removing all references to the Crown from the Governor General's website. It is not acceptable that a Governor General can declare that office to be the head of state while the officials responsible for managing and advising this office remain mute and complicit in the face of these misrepresentations. We are a parliamentary democracy and a constitutional monarchy by law. Until such time as the law is changed, all Canadians should expect and indeed require that the law be respected by all with regard to the position and the role of the Crown.

The other historical aspect that the republicans ignored is the role that the Crown played in the establishment of Canada. When the American Revolution began, there were 15 British colonies in the eastern mainland of North America, but 2 of them, Nova Scotia and Quebec, refused to participate. The die had been cast and when nearly 80,000 Loyalists came north in 1783-84, it resulted in the creation of the Province of New Brunswick and later the establishment of Lower and Upper Canada as the loyal colonies marched on to achieve responsible government.

Canada's political development is an integral part of our identity and the Crown has always been present in that identity and that of our political institutions. This inheritance still exists today. Last June I was present when Her Majesty cut the ribbon in Halifax to rededicate the restoration of Government House in Nova Scotia. The American ambassador to Canada and his wife were attending. They were both quite animated and excited about the event, mentioning how interesting it was that Canada had retained the Crown, how different it made us from the U.S. and that it was something distinctive to Canada in North America.

A few days later, I attended the July 1 celebrations on Parliament Hill. My efforts to watch the proceedings from my office were thwarted by the crush of people attending the

event. Full of anticipation but not necessarily patience, the crowd surrounding me was composed of those of every age and background, fully representative of modern Canada and quite excited about the arrival of Her Majesty to the country's birthday celebrations. It was the largest attendance ever for a Canada Day celebration in Ottawa.

The Crown and our system of government is the one thing that has always distinguished us and separated us from the Americans. That distinction came through loud and clear at both of these events.

However, although I support the Crown as an institution, I do not consider it above criticism or beyond improvement — far from it. I previously mentioned the anti-Catholic sentiment that was so pervasive and enshrined in law a few centuries ago. At present there is a debate in Westminster over the provisions of the Act of Settlement of 1701.

I believe it is high time that we discuss the Act of Settlement in this country. Among other things, this act not only requires that the monarch be the head of the Church of England but states that anybody in line for the throne who marries a Catholic forfeits his or her place in the line of succession. Apparently, they can marry a Hindu, a Buddhist, a Muslim, a Confucian, a Quaker, a Jew, a Christian Scientist, a Wiccan, a druid, an agnostic or an atheist and give up nothing. However, they cannot be, nor can they marry, a Catholic.

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

**An Hon. Senator:** Off with their heads!

**Senator MacDonald:** This is a remnant of the religious intolerance that ran wild throughout Europe in the 17th and 18th centuries. At that time, Catholics throughout Britain and the empire were subjected to a series of penal laws, commonly known as the Test Acts. These acts deliberately marginalized, impoverished and persecuted Catholics, making it almost impossible for them to own land or hold public office.

The anti-Catholic provision in the Act of Settlement is the only remaining example of these disgraceful pieces of legislation. It is essential to remember that this religious test is not a creation of the Crown but an act of Parliament imposed on the Crown.

This brings to mind a public debate that received some attention not long ago in the city of Ottawa, a discussion that reveals once again how sloppy people can be with our history, even with the noblest of intentions. Honourable senators will recall suggestions that Wellington Street should be renamed in honour of Sir John A. Macdonald. It was argued that it was a more appropriate name than that of someone who had no connection to Canada.

It is interesting that while the many colonial figures have had their names commemorated multiple times across the country, the only thing named after the Duke of Wellington in Canada is the street that fronts Parliament Hill. As a Canadian, a Conservative and, yes, a MacDonald, I have no issue with giving Sir John A.

the credit he so richly deserves. His role in the establishment of Canada eclipses all others of his generation.

However, those who see the Duke of Wellington as nothing more than a soldier miss his significance to Canada. Yes, he was a great military leader, having fought in over 60 military campaigns, culminating in his victory at Waterloo over Napoleon in 1815. Arthur Wellesley, the Duke of Wellington, was also a parliamentarian, an Anglo-Irishman who sat in the Irish House of Commons as a young man and, following his magnificent military career, was elected to the British House of Commons, serving twice as prime minister beginning first in 1828.

During his first term as prime minister and over the objections and strenuous opposition of the House of Lords, King George IV and some in his own party, he passed the Catholic Relief Act of 1829. Thankfully, Wellington threatened to quit if the old establishment blocked his legislation and his reputation was so unassailable that they did not dare challenge him. This act removed all remaining legal impediments against Catholics throughout the British Empire, including the right to be elected to a legislature without taking an oath in which they would have to essentially renounce their religion.

**The Hon. the Speaker *pro tempore*:** I regret to advise the honourable senator that his time has expired. Does the honourable senator wish to ask for more time?

**Senator MacDonald:** Five more minutes, please.

**Senator Comeau:** That is fine.

**Senator MacDonald:** It should be noted that until that time, the first and only place in the British Empire where Catholics have been free to practice their religion without penalty was in the British colony of Quebec, since all Catholics domiciled in Quebec — the overwhelming majority of the people — had, since 1774, received the full protection of the laws contained in the Quebec Act.

This was not the case in Nova Scotia or the rest of the empire. Lawrence Kavanagh of St. Peters, Cape Breton, was elected to the Nova Scotia legislature in 1823, becoming the first Catholic to be elected throughout the old empire at that time. However, he could and did not take his seat until 1829, when Wellington passed the Catholic Relief Act.

Wellington's leadership emancipated Catholics and for that reason alone he deserves the small recognition in Canada he receives with the existence of that one street. Those who would casually remove his name do not do so out of malice, but because they are unfamiliar of the role he played during his day and unappreciative of the true significance of his contribution to Canada.

It is this ignorance of our history that Senator Joyal holds up against the light with his motion on the \$20 bill. That is why it is so important to support Senator Joyal's efforts in this matter. If anything, not only should we reaffirm the role of the Crown on the \$20 bill, we should firmly embrace the institution and make it clear that Canadians have a say in its evolution.



I trust that in the near future we can assert this commitment with a thorough debate on the Act of Settlement in our Parliament and make it clear to the other Commonwealth realms that the anti-Catholic legacy explicit in its provisions should be addressed and eliminated.

To those who think the act is of little consequence, I point out that in 2007 Her Majesty's oldest grandchild Peter Phillips married Autumn Kelly of Montreal. They now have a daughter with dual citizenship, the Queen's first great-grandchild, the closest Canadian ever to the line of succession. However, Ms. Kelly, a Catholic, was required to abandon her religion in order for her husband to keep his place in the line of succession. Surely, this is completely unacceptable in 2011, and is another area in which we can provide the leadership necessary to address and correct old wrongs that need to be righted.

• (1740)

The Senate has an important role to play in protecting the political inheritance of our country, and Senator Joyal's intervention provides all of us with the opportunity to do just that. When all honourable senators first enter this chamber, we swear an oath to the Crown. If we sit silent while others undermine the Crown, we undermine ourselves.

I support Senator Joyal's motion to instruct the Bank of Canada to include Her Majesty's title with the next series of \$20 notes, and I sincerely urge all honourable senators to support it as well.

**Hon. Percy E. Downe:** Will Senator MacDonald take a question?

**Senator MacDonald:** Certainly.

**Senator Downe:** In his wonderful speech, Senator MacDonald correctly pointed out a major flaw in the Act of Settlement. On International Women's Day, it is important to point out the second major flaw in that, which is that males supersede females in the line of succession — which is the second part the British government hopes to change.

I am wondering why we are stuck in this pattern in this country where all our currency has on it the monarchy or former politicians, and almost all our buildings paid for by all taxpayers that are federal government buildings across Canada are named almost exclusively after former politicians, and almost always men, because there were very few women participating in politics until recent years.

All Canadians pay taxes. Why do we not name buildings and why do we not put on our currency people who are Canadian heroes — Terry Fox comes to mind, or Georgina Pope. There is a statue of Ms. Pope on the street in front of the Chateau Laurier; she is a war hero. Should these people not be considered as well?

**Senator MacDonald:** I do not take any issue with anything the honourable senator has said. I am sure there are many worthy Canadians who could be adorning our bills, coins or government buildings.

In terms of the workings inside the Bank of Canada, I have no great insight on that. However, I, for one, would certainly be open to any suggestion along those lines. I support the honourable senator.

**Hon. Roméo Antonius Dallaire:** Honourable senators, Canadians have fought under the Crown overseas and participated in defending the realm since the Boer War, to start in the more modern era.

The males of the Royal Family, by tradition, join the military and perform military service as an example to the nation of the sacrifice and the potential risk of serving. It is also interesting that they always go to Sandhurst to do their military service.

Does the honourable senator not think it would be time that one of their generation come to the Royal Military College to do their service here, as part of the role of the Queen as the Queen of Canada?

**Senator MacDonald:** I think that is a wonderful suggestion, one that I would certainly encourage and support. If the Crown is to continue to be seen to be relevant, members of the Royal Family must be active in all areas of the Commonwealth. Again, I take no issue with that suggestion whatsoever.

**The Hon. the Speaker:** Further debate?

Are honourable senators ready for the question?

**An Hon. Senator:** Question!

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

(Motion agreed to.)

## THE SENATE

### MOTION TO RECOGNIZE THE ONE-HUNDREDTH ANNIVERSARY OF INTERNATIONAL WOMEN'S DAY ADOPTED

**Hon. Linda Frum,** pursuant to notice of March 2, 2011, moved:

That the Senate recognize the 100th anniversary of International Women's Day and reconfirm its commitment to the Charter's principles of equality and fairness for women and girls in Canada.

She said: Honourable senators, by putting forward this motion, it gives me great pleasure to acknowledge the one-hundredth anniversary of International Women's Day. In 1910, in Copenhagen, the idea of celebrating a special day for women was created during an international conference of working women. The inaugural International Women's Day was launched the following year in Austria, Denmark, Germany and Switzerland.

One hundred years later, this day has grown into an international phenomenon. In some countries, it is an official holiday. In other countries, it is a day to exchange flowers and gifts. In our corner of the globe, it is a day to mark the economic, political and social achievements of women.

This week will see thousands of commemorative events held all over the world, including in Canada. As one example, I know that many honourable senators today attended a special luncheon in Ottawa co-chaired by Maureen McTeer in support of the White Ribbon Alliance for Safe Motherhood and the Canadian Foundation for Women's Health.

In Canada and other developed countries, International Women's Day is a day when we stop to remember and appreciate the struggles of our maternal forbearers to achieve full equality for women. In Canada and throughout the Western world, women and girls live in freedom, enjoying equal and full democratic rights enshrined by law.

Women of my generation owe much to the generations who came before us in breaking down the barriers to equality. International Women's Day is a good day for us to remember and to say thank you.

However, today is also a good day for us to remember that there are too many other countries around the world where women do not enjoy the freedoms that are their right. They live in fear, repression and domination. They are subject to rape as a weapon of war, or are denied such basic human rights as the right not to be mutilated at birth, the right to marry whom they choose, the right to freedom of expression by dressing as they please and the right to an education.

Honourable senators, I ask you to join with me today in supporting this motion that celebrates the achievements and accomplishments of Canadian women and girls, but also lets us express our sorrow and anger over the millions of women and girls around the world who do not enjoy the freedoms they deserve and which are so unjustly and so cruelly withheld from them.

On this important centenary anniversary, we would do well to pass this motion today and not let this anniversary go unmarked and unnoticed by this chamber on this very significant date.

**Hon. Senators:** Hear, hear!

**Hon. Jane Cordy:** Honourable senators, I would like to thank the honourable senator for her motion that the Senate of Canada recognize the one-hundredth anniversary of International Women's Day, and I would like to speak on this and support her motion.

Today we celebrate International Women's Day. What is more, this year marks the one-hundredth anniversary that we, as an international community, set aside a day to recognize the tremendous work and many achievements of women the world over. This recognition comes indifferent of national, ethnic, linguistic, cultural, economic or political differences.

It is one career all females have in common — being a woman — no matter how many other careers we have had or wanted. Women who currently sit in the Senate, I am sure, are grateful today of all days to those who have paved the way for us; namely, the Famous Five, as well as Cairine Wilson, the first woman appointed to the Senate in 1930.

While we send our prayers and condolences to New Zealand for the suffering their country is currently undergoing due to the devastating earthquake that struck them weeks ago, today we can applaud them for being the first self-governing nation to extend the right to vote to all adult women in the year 1893.

Each year, the United Nations and individual countries adopt a theme for International Women's Day. The theme adopted by our Canadian government for 2011 is "Girls' Rights Matter." This theme encourages the development and security of girls in Canada and around the globe. I am hopeful that on this day next year we can reflect and report on the many advances toward this particular goal.

Last year's theme was "Strong Women, Strong Canada, Strong World," meant to encourage more women and girls into leadership roles. We have 67 women in the House of Commons and 37 women in the Senate. We can also look to the provinces. There are currently over a dozen women in this country leading provincial parties or vying for leadership. Both British Columbia and Newfoundland and Labrador have women premiers. In her province of Prince Edward Island, our own Catherine Callbeck was the first elected female premier in Canadian history.

• (1750)

**Some Hon. Senators:** Hear, hear!

**Senator Cordy:** It is my hope that because of the precedents set by these women, the new generation of young women will continue to grow, to dream, to dare and to achieve in all their endeavours, without giving a thought to gender boundaries.

As we reflect today, let us not only celebrate all that has been achieved, but let us also look ahead and hold it as a standard against all that we have yet to accomplish. Please join me, honourable senators, in celebration today and take a moment to recognize and to honour the special women in our lives.

**Some Hon. Senators:** Hear, hear!

**Hon. Nancy Ruth:** Honourable senators, today is the centenary of International Women's Day. It comes at a remarkable point in history, when women in the Middle East are poised to make significant equality and political gains. We need to support them in every way we can.

In Egypt, in particular, we have all watched with great interest the occupation of Egypt's public spaces by millions of protesters calling for fundamental change. Canadians could not fail to notice that the popular revolutions in Egypt and Tunisia, and to a degree even in Yemen and Bahrain, are the work of women and men. At least a quarter of the protesters who filled Tahrir Square every day were women, this in spite of the fact that these are historically male-dominated spaces where sexual harassment has been the norm.

Today, on International Women's Day, hundreds of thousands of women in Egypt are again back in the streets. Why? The answer is simple: They are marching for political gains and true equality for women and girls, for the revolution to have due regard for them.

It is worth noting that the committee of eight legal experts appointed by the military authorities to revise Egypt's constitution did not include a single woman — there are many women in Egypt qualified to fill this role — nor, according to Egyptian women, does the group include anyone with a gender-sensitive perspective.

Time is short to get things right for women, as there will be a national referendum on March 19 on proposed constitutional amendments. None of the amendments published to date remedy the exclusion of women from Egypt's political life.

Honourable senators, I urge members of the Senate and of the other house to support the women of Egypt in any way we can and to support the Egyptian organizations that are demanding that equality for women be enshrined as the country remakes itself.

Honourable senators, I urge the Government of Canada to make it clear to the Government of Egypt that ongoing Canadian support and engagement in Egypt is conditional on constitutional and substantive equality for women, as well as meaningful political access and participation by women.

Women in Canada had to fight for these same rights here, and we know that they are essential. Women in Egypt have fought for a new Egypt, and the new Egypt, as well as all those who support it, must hear and respect those women's voices.

[Translation]

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I too would like to congratulate Senator Frum on this motion, which I fully support.

In her message today, the Chair of the New Brunswick Advisory Council on the Status of Women told us to make ourselves heard by speaking from experience. Young women and girls in Canada enjoy certain rights today thanks to their grandmothers who worked very hard to be heard. I remember myself of 40 years ago.

Ms. Hambrook told us, "Celebrate International Women's Day on March 8 and speak up every day." While it is true that we have equal rights, we have not yet achieved equality. Women earn an average salary of \$39,400, while men earn an average salary of \$50,000 or more.

We must continue the dialogue. We must continue asking questions. We must bring forward other initiatives and other projects to achieve this equity and equality. I congratulate the senator and I support this motion.

[English]

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, as we celebrate the one-hundredth anniversary of International Women's Day, I would like to put on the record that four of our current Senate colleagues, as well as a former colleague, will be recognized at an event in Ottawa. The event has been organized by Equal Voice, a group that is dedicated to getting more women involved in Canadian politics.

The event, entitled "Leveraging Women's Leadership for the 21st Century: Changing the Game," will honour Senator Marjory LeBreton, Senator Catherine Callbeck, Senator Lucie Pépin, Senator Elaine McCoy and former Senator Pat Carney. To all these worthy recipients, we offer our most sincere congratulations. They have acted as trailblazers and as role models in each of their respective domains.

[Translation]

**Hon. Jacques Demers:** Honourable senators, I would like to thank Senator Frum.

[English]

A great mother and a great wife.

I needed some help from Senator Champagne. Ten years ago, I could not have written this, and I am so proud of myself. Thank you for accepting me.

This is for all beautiful women, and it includes every woman in this chamber. I would like to honour my mother, who was a battered person and who unfortunately died at the age of 42. This is for my great mother, whom I loved so much.

[Translation]

I am the father of three daughters, the husband of 27 years to Deborah, the grandfather of three granddaughters and the son of a mother I loved and admired greatly.

Having seen and heard my alcoholic father repeatedly abuse my dear mother both mentally and physically, I became a women's advocate.

It is inhuman and impossible to accept, and I was just a little boy. I have a lot of respect and admiration for women. Women today have made a lot of progress in the business world and in everyday life. They have become — in my case anyway, because I have three extraordinary daughters who are married and have children — role models in our society now more than ever.

When I woke up this morning, I thought about Senator Boisvenu and how difficult this must be. I lost my mother and I think of her quite often. Losing two daughters, including one under very difficult circumstances, must be unimaginable. I am also thinking of Senator Cools, who has defended women's rights.

[*English*]

Senator Meredith, who in Toronto is always willing to help out young men and, certainly more important, young women, who are taken advantage of at the age of 14 and 15.

[*Translation*]

I find it hard to believe that, in 2011, there are still men today who have no respect for women. Many women in everyday life perform miracles by giving birth to children. We forget that

women create and perform miracles. The birth of a child is a miracle. Celebrate this day, ladies, and thank you for listening.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Wednesday, March 9, 2011 at 1:30 p.m.)

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## CONTENTS

Tuesday, March 8, 2011

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>Human Resources and Skills Development</b>	
<b>Visitors in the Gallery</b>		Child Care Services.	
The Hon. the Speaker. . . . .	1937	Hon. Lucie Pépin . . . . .	1945
<b>Tributes</b>		Hon. Marjory LeBreton . . . . .	1946
The Late Honourable Keith D. Davey, O.C..		<b>Status of Women</b>	
Hon. James S. Cowan. . . . .	1937	Violence against Women and Girls.	
Hon. Lowell Murray . . . . .	1938	Hon. Pierre De Bané . . . . .	1946
Hon. David P. Smith . . . . .	1938	Hon. Marjory LeBreton . . . . .	1946
Hon. Elaine McCoy . . . . .	1938	<b>Delayed Answer to Oral Question</b>	
Hon. Hugh Segal . . . . .	1939	Hon. Gerald J. Comeau . . . . .	1947
Hon. Sharon Carstairs . . . . .	1939	<b>Foreign Affairs</b>	
Hon. Art Eggleton . . . . .	1940	Ivory Coast—Actions of Belarus Government	
<b>Visitor in the Gallery</b>		Question by Senator Segal.	
The Hon. the Speaker. . . . .	1940	Hon. Gerald J. Comeau (Delayed Answer). . . . .	1947
<b>Canada's Energy Future</b>			
Hon. Fred J. Dickson. . . . .	1940	<hr/>	
<b>Colorectal Cancer Awareness Month and Nutrition Month</b>		<b>ORDERS OF THE DAY</b>	
Hon. Doug Finley . . . . .	1941	<b>Criminal Code (Bill C-21)</b>	
<b>Canada's Energy Future</b>		Bill to Amend—Seventeenth Report of Legal and	
Hon. Daniel Lang . . . . .	1941	Constitutional Affairs Committee Presented.	
		Hon. Joan Fraser . . . . . 1947	
<hr/>		<b>Criminal Code</b>	
<b>ROUTINE PROCEEDINGS</b>		<b>National Defence Act (Bill C-48)</b>	
<b>Agriculture and Forestry</b>		Third Reading.	
Notice of Motion to Authorize Committee to Extend Date		Hon. Daniel Lang . . . . . 1947	
of Final Report on Study of Current State and Future		<b>Keeping Canadians Safe Bill (Bill S-13)</b>	
of Forest Sector. . . . .	1942	Third Reading—Debate Adjourned.	
Hon. Percy Mockler . . . . .	1942	Hon. Gerald J. Comeau . . . . . 1948	
<b>The Senate</b>		Hon. Fabian Manning . . . . . 1948	
Notice of Motion to Urge Government to Ask the United		Motion in Amendment.	
Nations to End the Ivory Coast Conflict.		Hon. Fabian Manning . . . . . 1949	
Hon. Roméo Antonius Dallaire. . . . .	1942	Hon. Joseph A. Day. . . . . 1949	
		Hon. Gerald J. Comeau . . . . . 1950	
		Hon. Roméo Antonius Dallaire. . . . . 1950	
<hr/>		<b>Corrections and Conditional Release Act (Bill C-59)</b>	
<b>QUESTION PERIOD</b>		Bill to Amend—Second Reading—Debate Continued.	
<b>Human Resources and Skills Development</b>		Hon. George Baker . . . . . 1951	
Canada Pension Plan—Guaranteed Income Supplement—		Hon. Bob Runciman . . . . . 1953	
Caregiver Provisions.		<b>Aeronautics Act (Bill C-42)</b>	
Hon. Sharon Carstairs . . . . .	1942	Bill to Amend—Second Reading—Debate Adjourned.	
Hon. Marjory LeBreton . . . . .	1942	Hon. Michael L. MacDonald . . . . . 1954	
<b>Status of Women</b>		Hon. Tommy Banks . . . . . 1955	
Diversity and Equality.		<b>Bill Respecting the Reorganization and Privatization</b>	
Hon. Céline Hervieux-Payette . . . . .	1943	<b>of Atomic Energy of Canada Limited (Bill S-225)</b>	
Hon. Marjory LeBreton . . . . .	1943	Second Reading.	
<b>Indian Affairs and Northern Development</b>		Hon. Bob Runciman . . . . . 1955	
Missing and Murdered Aboriginal Women.		Referred to Committee . . . . . 1957	
Hon. Lillian Eva Dyck . . . . .	1944	<b>National Day of Service Bill (Bill S-209)</b>	
Hon. Marjory LeBreton . . . . .	1944	Second Reading. . . . . 1957	
<b>Finance</b>		Referred to Committee . . . . . 1957	
Gender-Based Analysis.		<b>Income Tax Act (Bill C-288)</b>	
Hon. Rose-Marie Losier-Cool . . . . .	1945	Bill to Amend—Second Reading.	
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		Hon. Fernand Robichaud . . . . . 1960	
		Referred to Committee . . . . . 1960	

	PAGE
<b>National Holocaust Monument Bill (Bill C-442)</b>	
Second Reading—Debate Continued.	
Hon. Joan Fraser . . . . .	1960
<b>Study on Issues Related to National and International Human Rights Obligations</b>	
Fourth Report Human Rights Committee—Debate Continued.	
Hon. Claudette Tardif . . . . .	1961
<b>Government Promises</b>	
Inquiry—Debate Continued.	
Hon. Jane Cordy . . . . .	1961
Hon. Percy E. Downe . . . . .	1962

	PAGE
<b>The Senate</b>	
Motion to Urge Government to Revise Twenty Dollar Banknote Adopted.	
Hon. Michael L. MacDonald . . . . .	1964
Hon. Percy E. Downe . . . . .	1967
Hon. Roméo Antonius Dallaire . . . . .	1967
<b>The Senate</b>	
Motion to Recognize the One-Hundredth Anniversary of International Women's Day Adopted.	
Hon. Linda Frum . . . . .	1967
Hon. Jane Cordy . . . . .	1968
Hon. Nancy Ruth . . . . .	1968
Hon. Rose-Marie Losier-Cool . . . . .	1969
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