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OFFICIAL REPORT
(HANSARD)

Monday, March 21, 2011

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

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

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THE SENATE

Monday, March 21, 2011

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

Prayers.

BUDGET SPEECH

ACCOMMODATION FOR SENATORS IN COMMONS GALLERY

The Hon. the Speaker: Honourable senators, I wish to remind you that the Budget speech will be delivered in the other place at 4 p.m., Tuesday, March 22, 2011. As has been the practice in the past, the section of the gallery in the House of Commons that is reserved for the Senate will be reserved for senators only on a first-come, first-served basis. As space is limited, this is the only way we can ensure that those senators who wish to attend can do so. Unfortunately, any guests of senators will not be seated in the section of the gallery in the other place reserved for the Senate.

SENATORS' STATEMENTS

YEAR OF THE ENTREPRENEUR

Hon. Catherine S. Callbeck: Honourable senators, 2011 has been officially designated the Year of the Entrepreneur by the Government of Canada.

I am pleased the federal government has seen fit to recognize the hard work and innovative thinking of entrepreneurs across the country. This year is a great opportunity to highlight the contributions our entrepreneurs have made to Canada and to bring awareness and encouragement to Canada's future entrepreneurs.

Small businesses with fewer than 50 employees represent nearly 98 per cent of the total business establishments in Canada. They drive the Canadian economy, and have continued to do so in the face of economic uncertainty.

Individuals who are self-employed make up a significant portion of the total number of employed people. In 2008, there were 2.6 million self-employed people in Canada, more than 15 per cent of the total employed, and more than 1 million are women. Not surprisingly, the self-employed have seen the most gains in job growth in recent years. From 2001 to 2006, self-employment grew by nearly 19 per cent, which is double the growth of total employment.

In my home province, the most recent figures show there are more than 10,000 self-employed persons on Prince Edward Island, making up nearly 15 per cent of total employment. Even during the recession, the self-employed outperformed the rest of the private sector in terms of job creation. Where the private sector saw a loss of jobs, the self-employed added a net gain of 800 jobs. This performance is a fantastic achievement.

Honourable senators, by marking this year as Year of the Entrepreneur, it is hoped that the public's awareness will be raised on the many contributions entrepreneurs make to our economy and to our communities every day. It is hoped that even more Canadians will be encouraged to move forward in the spirit of entrepreneurship and build on our previous successes. Entrepreneurs create jobs and contribute billions every year to the Canadian economy. The entrepreneurs of today and tomorrow have a vital role to play in the country's economic future.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, we have present with us in the gallery a group of distinguished visitors from the People's Republic of China.

On behalf of all honourable senators, I welcome our friends visiting from China to the Senate of Canada.

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, today is the one-year anniversary of the closing of the 2010 Paralympic Games which were held in Vancouver and Whistler, British Columbia. These were the first Paralympic Games to be held in Canada.

We are honoured to have in our gallery four athletes from Team Canada who participated in those games: Hervé Lord, Jean Labonté and Marc Dorion from our renowned sledge hockey team; and Karolina Wisniewska, double bronze medal winner in alpine skiing at last year's games.

Olympians, on behalf of the members of the Senate of Canada, welcome to the Senate.

Hon. Senators: Hear, Hear.

[*Translation*]

OFFICIAL LANGUAGES IN ATLANTIC CANADA

Hon. Percy Mockler: Honourable senators, once again, Acadians and francophones in Atlantic Canada were all surprised to see the media coverage in the past two weeks because of an incorrect statement. As an Acadian, I was flabbergasted and amazed to once again see elected members of the House of Commons and senators on the opposition side not taking the time to check the facts before passing along unclear, vague and nebulous information regarding the Service Canada Atlantic Region.

Honourable senators, I am proud of Service Canada, whose 16,000 employees are always focused on providing quality services in both official languages across this vast country. The quality of their services is exemplary. The Harper government's adversaries are showing their lack of responsibility towards the public servants of Service Canada and towards Acadia when they deliberately confuse the facts in order to create a divide in our Atlantic communities.

[*English*]

Honourable senators, let every one of us remember this: Our country was built on the respect and understanding of our two official language communities. The Harper government believes that the strength of our federation lies on the parallel development of these two communities and the respect of their unique characteristics.

Some Hon. Senators: Hear, hear.

[*Translation*]

Honourable senators, I would like to quote Michael Alexander, the executive head of service management in the Service Canada Atlantic Region:

> The Service Canada Atlantic Region has not been designated unilingual. There has been absolutely no change in bilingual services in the region. Every Service Canada centre and employee position that had been designated bilingual remains bilingual.

Honourable senators, we have 25 executive positions in the Atlantic Region and 60 per cent of them are designated bilingual. We aim to achieve a bilingualism level of 80 per cent for executives and, furthermore, honourable senators, the 10 executive positions in New Brunswick are bilingual.

[*English*]

Honourable senators, contrary to what was said by the opposition, I wish to congratulate Minister Diane Finley for her leadership with Service Canada.

• (1410)

Ms. Finley said:

> I would also like to clarify that the Service Canada Atlantic Region has not been designated unilingual. There has been absolutely no change in bilingual services in the region. Every Service Canada centre and employee position that had been designated bilingual remains bilingual.

In fact, Service Canada is increasing the bilingual capacity of regional —

The Hon. the Speaker: Order. The honourable senator's time has expired.

[*Translation*]

ATOMIC ENERGY OF CANADA LIMITED

Hon. Pierrette Ringuette: Honourable senators, I rise today to call the attention of the Senate to the fact that the government must ensure the sovereignty and safety of our energy generation capacity by supporting Atomic Energy of Canada Limited.

[*English*]

The CANDU reactor technology is an internationally acclaimed asset that is owned by all Canadians. For over 50 years, Canadians have invested in their nuclear future. To date, Canadians have invested $9 billion in AECL, with a return of $160 billion in generated GDP benefits from electricity production, mining and a wide range of medical and professional services. This is a return on investment of over 1,800 per cent. Why would we sell something that has such a high rate of return?

The Canadian nuclear industry generates $6.6 billion annually. On a yearly basis, the industry pays $1.5 billion in taxes to the federal government and $130 million to the provinces. Directly or indirectly, the Canadian nuclear industry creates 71,000 high-quality, high-paying jobs for Canadians. We cannot afford to lose the intellectual capital that provides us with a world-class nuclear workforce.

The Vice President of the Society of Professional Engineers and Associates, Michael Ivanco, said today:

> The sale of AECL will likely lead to the breakup of the CANDU design authority and a loss of the expertise needed to ensure plants run safely and effectively decades into the future.

Do we want to give up this expertise?

We have all been following the story of the plant in Fukushima, Japan, that was damaged by the earthquake and tsunami. The plant is roughly the same age as our CANDU reactors — 40 years old. General Electric, the designer of the Fukushima plant, still maintains a team of specialists and engineers who are able to respond to this crisis.

This is an important lesson for our government to understand. The sale of AECL puts at risk the design, engineering and safety team that can be called upon in the event of an emergency. We risk losing these key people if AECL is carved up and sold. Keeping our reactors safe and maintaining our sovereignty is not a private sector mandate.

We need to maintain our energy sovereignty. We cannot afford to lose a technology that provides 50 per cent of Canada's electric power, including 50 per cent of Ontario's.

After 50 years of investment and innovation, we cannot be forced to depend on foreign corporations and governments for the technology, safety and security of a crucial national resource and such a large portion of our energy supply.

Canadians did not want the potash industry to fall into foreign hands. Why would we let nuclear power fall into foreign hands?

The Hon. the Speaker: Order. The honourable senator's time has expired.

INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

Hon. Don Meredith: Honourable senators, it was 51 years ago today, on March 21, 1960, that the police in Sharpeville, South Africa shot into an unarmed crowd, killing 69 anti-apartheid demonstrators who were marching for the right to live in their nation as a free people. Out of that tragic and barbaric event came slow change and the dismantling of apartheid in that nation. Today we mark the International Day for the Elimination of Racial Discrimination.

I was born in Jamaica four years after that infamous South African event. My birthplace was a much smaller nation that had seen its times of racial tension, some of which I sensed as a boy before moving to Canada in 1976. In growing to adulthood, I came to realize that to live free of racial discrimination is a fundamental right enshrined in Canada's Charter of Rights and Freedoms. Even when racial or ethnic tensions simmer in some of our nation's neighbourhoods, we recognize that, through our legal system and its accompanying programs, we work to ensure that all Canadian citizens are protected from prejudice. Equal opportunity represents the way things should be in an open and free society.

Two ways in which we try to ensure that Canadians of all ethnic communities get to participate fully in Canadian society are through Inter-Action, Canada's new Multiculturalism Grants and Contribution Program, and by the speeding up of the recognition of foreign credentials.

Further, we are not only encouraging tolerance and equality at home, but we are pressing for racial equality abroad. Through our work with various international organizations, we endeavour to strengthen human rights education in developing countries.

Honourable senators, I am happy and encouraged to be part of a government that works with Canadians in all parts of our great nation to ensure that we live up to this reputation of openness, equality and freedom.

[*Translation*]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to call the attention of the Senate to the United Nations International Day for the Elimination of Racial Discrimination.

The International Day for the Elimination of Racial Discrimination is observed every year on March 21 to commemorate that day in 1960, when in Sharpeville, South Africa, police opened fire and killed 69 people at a peaceful demonstration against the apartheid "pass laws." Proclaiming this day in 1966, the UN General Assembly called on the international community to redouble its efforts to eliminate all forms of racial discrimination.

On this special day, honourable senators, I would like to point out that the first article of the Universal Declaration of Human Rights affirms that all human beings are born free and equal in dignity and rights.

[*English*]

Honourable senators, the International Day for the Elimination of Racial Discrimination reminds us all of our collective responsibility for promoting and protecting the ideals that are encrypted in our Charter of Rights and Freedoms, those of tolerance, human rights, equality, diversity and justice.

Despite having formal laws in place to promote tolerance and diversity in Canada, as well as an increasing diversity in our country, incidents of racism and intolerance continue to occur. Whether it be lower integration levels, systemic rates of racial profiling or higher unemployment rates, visible minorities encounter discrimination on a daily basis.

[*Translation*]

In my home province of Alberta, awareness and educational initiatives are taking place throughout the week to commemorate and promote this special day. For instance, the Alliance Jeunesse-Famille de l'Alberta Society is organizing a day of reflection under the theme of "Racism in Canada: Fact or Fiction," during which documentaries, testimonials and presentations will be available to the community.

This year's International Day for the Elimination of Racial Discrimination is dedicated to combatting discrimination against people of African descent, which fits perfectly with the United Nations General Assembly decision to proclaim 2011 as the International Year for People of African Descent.

[*English*]

To mark 2011's International Day for the Elimination of Racial Discrimination, the Secretary-General of the United Nations, Mr. Ban Ki-moon, stated:

> The discrimination faced by people of African descent is pernicious. Often, they are trapped in poverty in large part because of bigotry, only to see poverty used as a pretext for further exclusion. Often, they lack access to education because of prejudice —

The Hon. the Speaker: Order. The honourable senator's time has expired.

• (1420)

[*Translation*]

ROUTINE PROCEEDINGS

STUDY ON ISSUES RELATED TO COMMUNICATIONS MANDATE

FOURTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE— GOVERNMENT RESPONSE TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government's response to the report of the Standing Senate Committee on Transport and Communications, entitled: *Plan for a Digital Canada.ca*, tabled in the Senate on June 6, 2010, in accordance with the motion requiring a government response adopted on October 26, 2010.

FOREIGN AFFAIRS

EXPORTS OF MILITARY GOODS FROM CANADA— 2007-09 REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Report on Exports of Military Goods from Canada, 2007-09.

CANADIAN FORCES MEMBERS AND VETERANS RE-ESTABLISHMENT AND COMPENSATION ACT PENSION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-55, An Act to amend the Canadian Forces Members and Veterans Re-establishment and Compensation Act and the Pension Act.

(Bill read first time.)

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, in view of the extreme importance of this bill to veterans, I request that we proceed to second reading later today.

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

Some Hon. Senators: No.

Senator Comeau: I see that this bill is not important to the other side.

[*English*]

Therefore, I would ask if the other side would be ready to deal with this at the next sitting.

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

Some Hon. Senators: No.

Senator Comeau: Your Honour, given that they are the ones who are clamouring for an election at the end of the week, and given the extreme importance that veterans have attached to this bill, I suppose the other side does not have the great interest that this side has, therefore we will do it two days hence.

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

Hon. Senators: Agreed.

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

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-54, An Act to amend the Criminal Code (sexual offences against children).

(Bill read first time.)

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

Hon. Gerald J. Comeau (Deputy Leader of the Government): Perhaps the other side might consider this bill because it would increase protection for children in Canada from sexual predators. Might the other side agree that we deal with this bill later on this day?

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

Some Hon. Senators: No.

Senator Comeau: I suppose the other side is indicating its colours, again. It wants an election at the end of the week, yet it is not prepared to deal with protecting our children, who are the most vulnerable in society. Therefore, I would ask if they might consider dealing with this at the next sitting.

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

Some Hon. Senators: No.

Senator Comeau: I guess the other side is showing Canadians where they stand on the protection of our children, the most vulnerable in Canadian society. We will do it two days hence, then.

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

Hon. Senators: Agreed.

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

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATED TO FOREIGN AFFAIRS GENERALLY

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That notwithstanding the Order of the Senate adopted on Tuesday, March 16, 2010, the date for the presentation of the final report by the Standing Senate Committee on Foreign Affairs and International Trade on such issues as may arise from time to time relating to foreign relations generally, be extended from March 31, 2011 to December 31, 2011.

ABORIGINAL CHILDREN IN CARE IN MANITOBA

NOTICE OF INQUIRY

Hon. Sharon Carstairs: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

> I will call the attention of the Senate to the alarming number of aboriginal children in care in the Province of Manitoba and my concerns that the group think that brought about the residential schools and the sixties scoop may be at play again.

QUEEN'S UNIVERSITY AT KINGSTON

PRIVATE BILL TO AMEND CONSTITUTION OF CORPORATION—PRESENTATION OF PETITION

Hon. Lowell Murray: Honourable senators, I have the honour to present a petition from the Board of Trustees of Queen's University at Kingston, in the province of Ontario; praying for the passage of an Act to amend the constitution of the corporation of the University in order to effect certain changes in the composition and powers of the Board of Trustees and of the University Council and the mode of election of their respective members, and to effect other technical or incidental changes as may be appropriate.

QUESTION PERIOD

OFFICE OF THE PUBLIC SECTOR INTEGRITY COMMISSIONER

STATUS OF FORMER COMMISSIONER

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

The Public Sector Integrity Commissioner of Canada is an officer of Parliament. Ms. Christiane Ouimet was appointed to this position in 2007. As we all know, there were a series of complaints against the Public Sector Integrity Commissioner that resulted in a performance audit by the Auditor General of Canada. That audit began in May 2009.

On October 7, 2010, Ms. Ouimet left the Public Sector Integrity Commission. On December 9, 2010 the Auditor General of Canada released a highly critical report on the performance of Ms. Ouimet in her capacity as Public Sector Integrity Commissioner.

Did Ms. Ouimet resign from her position, or was she fired?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the Public Sector Integrity Commissioner is an independent officer of Parliament, appointed with the approval of the leaders of all opposition parties, and Parliament. I well remember, as would the honourable senator, when Ms. Ouimet appeared before our Senate Committee of the Whole. If one reads the record, this individual was recommended for this position and received the full approval and great praise from all sides.

With regard to Senator Cowan's question as to the reasons Ms. Ouimet left her position, I will take that as notice.

Senator Cowan: My question was whether she resigned or whether she was fired. Surely the leader can answer that question.

Senator LeBreton: She was an officer of Parliament and, to be perfectly blunt and honest with the honourable senator, I do believe she offered her resignation. She was an officer of Parliament, so therefore only two things could have happened. If she were fired, it would have had to have been with the approval of all parliamentarians. If she resigned, that is a different matter. She would have simply had to inform us. However, I will seek clarification.

• (1430)

Senator Cowan: While the leader is looking for that information, let us operate on the assumption that Ms. Ouimet resigned. As the leader said, if the commissioner was fired, she would have to be fired by virtue of the provisions of the Public Act, which would provide that she could be removed for cause on address to the Senate and the House of Commons. Since that address was not made, one assumes that she resigned.

My next question is, if she resigned, why was she paid a severance package of half a million dollars?

Senator LeBreton: The government, through the Privy Council Office, sought and followed legal advice as to the terms of the former commissioner's resignation, and I believe it was a resignation. The senior levels of government, the public service and the Privy Council are examining the recommendations in the report by Auditor General Sheila Fraser.

As Minister Day has indicated publicly, once the Auditor General's report has been studied fully, we will be able to determine whether any of these funds are recoverable.

Senator Cowan: I am not asking about recovering funds; I am asking why the funds were paid in the first place. If she resigned, why was she given a severance package?

Senator LeBreton: Ms. Ouimet was a public servant in good standing for a long time. I again invite the honourable senator to read the laudatory comments from both sides of the chamber when she took this position as an officer of Parliament.

As many people know, when public servants leave their positions, the government follows a process in terms of remuneration. Legal advice was sought and the government was given the legal advice that she be compensated in her capacity as a senior public servant.

Senator Cowan: According to the Auditor General's report, 24 employees left the office of the Public Sector Integrity Commissioner of Canada between August 5, 2007 and July 31, 2009; that period is covered by the audit that we referred to a minute ago. Five more employees left after July 31, 2009.

Many of those people told the Auditor General that they left as a result of the commissioner's conduct and the resulting work environment. Did any of those employees receive a severance package from the Government of Canada and if not, why not?

Senator LeBreton: I will reiterate that this particular individual is an officer of Parliament. There are a number of officers of Parliament. This appointment was not and is not a government appointment. This appointment was made by Parliament, approved on this very floor of this chamber — if one goes back and reads the record — with a lot of enthusiasm.

With regard to the other individuals, I will take the question as notice because I am not privy to information with regard to public servants who have left. I know that the interim commissioner, Mario Dion, is reviewing all the allegations with regard to the investigations that were launched that apparently were not followed through with, and has been encouraged to ensure that no valid complaint has been overlooked.

Senator Cowan: If one draws a distinction between Ms. Ouimet, who was an officer of Parliament and therefore responsible to Parliament, and the other employees, who presumably were employed by the Public Sector Integrity Commissioner, and one seeks to say that is why severance was paid in one case and not in the other, if this person was an officer of Parliament responsible to Parliament, why were the negotiations conducted with her by the government? Why were negotiations not conducted by Parliament?

Senator LeBreton: As honourable senators well know, Ms. Ouimet was a long-standing public servant, recommended for this position and approved by Parliament. I will take the question as notice.

Senator Cowan: I have a copy of the departure agreement between Ms. Ouimet and the Government of Canada, which was posted on the Internet. It sets out the various amounts the government will pay, totalling $354,000 and $53,000 in benefits and other things. It contains a provision that says that neither party will:

> . . . make any statements which may impair the reputation or which may otherwise be detrimental to the office of the Public Sector Integrity Commissioner or the Government of Canada.

There is a sweeping gag order here.

What authority did the government have to enter into an agreement directing an officer of Parliament not to disclose information to the public?

Senator LeBreton: Honourable senators, I can say only that the documents he refers to, which of course are public, were as a result of legal advice sought by the government.

Senator Cowan: Here we have someone who leaves her office knowing that there are serious allegations against her with respect to her conduct. The government is fully aware of those allegations. They enter into negotiations with her; a report is issued, which is highly critical of her, and yet the government pays her half a million dollars.

What does the leader have to say to Canadians who would logically conclude that the only reason the government would pay this hush money is to buy her silence?

Senator LeBreton: I would say that conclusion is absolutely false. That statement is a serious accusation.

I will repeat that the government sought and followed legal advice as to the terms of the former commissioner's resignation. We are examining the recommendations in the Auditor General's report and whether the funds are recoverable, as Minister Day, the President of the Treasury Board, has said.

I take issue, honourable senators, with Senator Cowan's comments. Ms. Ouimet was an officer of Parliament. As I have pointed out, the interim commissioner has been encouraged to review each and every allegation of wrongdoing and reprisal lodged during the previous commissioner's tenure to ensure that no valid complaint is overlooked. This review is what Mr. Dion is engaged in. I hardly think that this severance money can be described as "hush money."

AUDITOR GENERAL'S REPORT

Hon. Sharon Carstairs: Honourable senators, in my time as Leader of the Government in the Senate, before the Auditor General tabled a report in both houses, she briefed the Leader of the Government in the Senate, as well as all other ministers impacted by such a report.

Can the Leader of the Government in the Senate tell us when she was briefed with respect to this particular audit report and what other ministers were briefed and when?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. The Auditor General briefs me, as the Leader of the Government in the Senate, as do all officers of Parliament with regard to their reports to Parliament.

In this particular case, I believe it was something that the Auditor General was asked to do specifically with regard to Ms. Ouimet and I was not briefed in advance.

TREASURY BOARD

ACCESS TO INFORMATION USER FEES

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Last week we learned that the federal government is considering increasing user fees as the government reforms Canada's dysfunctional access to information system. According to an internal analysis conducted by Treasury Board, responsible for overseeing the Access to Information Act:

> Amendments to the fee provisions of this act would help to control demand and reduce administrative costs.

Given that access to information is already difficult and limited under the Harper government, why is her government suggesting to further control access to information requests, a basic right of all Canadians, by increasing user fees?

Hon. Marjory LeBreton (Leader of the Government): I hate to disappoint the honourable senator, but our government has a better record. As a matter of fact, in the Information Commissioner's March 10 report, the only two organizations causing grief to the access to information regime are the CBC and Canada Post.

• (1440)

With regard to access to information fees, all access to information requests are handled by a delegated authority, and ministers and their staff are not involved in any of these requests.

[*Translation*]

Senator Tardif: Since the last reforms to the Access to Information Act were proposed, in 2002, the service standards have deteriorated considerably. For example, there are very long delays, and fewer access requests are granted due to a broader definition of security exemptions and of matters that fall under cabinet confidence.

If your government increases user fees for access to information requests, will it commit to improving service standards, including wait times and refusal rates?

[*English*]

Senator LeBreton: Honourable senators, through the Federal Accountability Act, I believe our government increased by 70 the number of organizations that fall under the Access to Information Act. As the President of the Treasury Board has pointed out, the response time has been good and is improving, with the exception of Canada Post and CBC.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting four delayed answers to oral questions. The first was raised by Senator Mercer on November 16, 2010, concerning the Atlantic Gateway Strategy; the second by Senator Dyck on February 2, 2011, concerning Status of Women—funding for Aboriginal women; the third by Senator Mercer on February 2, 2011, concerning the Atlantic Gateway Strategy; and the fourth by Senator Day on March 1, 2011, concerning Veterans—operational stress injuries.

ATLANTIC CANADA OPPORTUNITIES AGENCY

ATLANTIC GATEWAY STRATEGY

(Response to question raised by Hon. Terry M. Mercer on November 16, 2010)

> A total of $229.24 million has been committed from the Gateways and Border Crossings Fund for the Atlantic Gateway. The total amount that has been spent as of February 24, 2011 is $5,965,307.55.

STATUS OF WOMEN

FUNDING FOR ABORIGINAL WOMEN

(Response to question raised by Hon. Lillian Eva Dyck on February 2, 2011)

> Since 2007, through the Women's Program, Status of Women Canada has provided funding in support of 50 projects which provide culturally-relevant activities to address the needs of Aboriginal women and girls in the areas of ending violence, increasing economic security and prosperity, and encouraging leadership and democratic participation.
>
> These projects total an approved funding amount of over $12 million, and have addressed barriers to the participation of Aboriginal women in the social, economic and democratic life of Canada. For example, projects have: encouraged the recruitment and retention of Aboriginal women in non-traditional trades; increased financial literacy skills; and, increased opportunities for Aboriginal women to obtain leadership positions in various sectors.

Through culturally-relevant activities, these projects have supported the identification of the root causes of violence; the reduction of isolation and other societal factors contributing to violence; the identification and implementation of prevention and intervention tools; and increased awareness of individual responsibilities and roles in ending violence against Aboriginal women and girls.

In addition, the Government of Canada, through Status of Women Canada, provided $5 million between 2005-2010 to the Native Women's Association of Canada for the *Sisters in Spirit* initiative to conduct research, document the cases of the murdered and missing women, and make the public, stakeholders and Aboriginal communities more aware of the complex origins and impacts of violence against Aboriginal women.

Most recently, funding in the amount of $1.89 million was approved for the Native Women's Association of Canada project entitled *Evidence to Action II*. This project will build on the findings of previous work to strengthen the ability of communities, governments and service providers to respond to issues that relate to the root causes of violence against Aboriginal women and girls.

Other examples include:

- a project in Winnipeg, MB which engaged Aboriginal women and girls who have been in conflict with the law, or who are at risk of criminalization to provide them with personal supports and skills to assist in overcoming barriers to participation in their communities;
- a project in Prince Albert, SK which enabled criminalized Aboriginal women to increase their resolution and communication skills, as well as leadership and peer mentoring opportunities;
- a project which was delivered in ON, SK, BC, NB and QC which developed training tools and implemented strategies to facilitate and support Aboriginal women's re-integration into their communities after exiting prison; and,
- a project in Red Deer, AB which increased access to appropriate social, employment, and community supports and services for Aboriginal women who were living in transitional housing.

ATLANTIC CANADA OPPORTUNITIES AGENCY

ATLANTIC GATEWAY STRATEGY

(Response to question raised by Hon. Terry M. Mercer on February 2, 2011)

As of February 24, 2011, the following projects for Nova Scotia and New Brunswick, are to receive funding from the Gateways Border Crossings Fund (GBCF):

New Brunswick

- Route 1 Twinning
- Port of Belledune expansion and improvements
- Port of Saint John: Cruise Gateway Project
- Fredericton International Airport: Runway and Lighting Upgrades
- Greater Moncton International Airport: Runway Extension
- St John Harbour Bridge Rehabilitation Project
- Port of Belledune: Modular Fabrication and Multimodal Transshipment Facility

Nova Scotia

- Port of Halifax: South End Container Terminal Extension
- Port of Halifax: Richmond Terminals Multipurpose Gateway Extension
- Halifax Rail Cut Study
- Burnside Connector - Phase 1: connecting Hwys 102 and 107
- Truro High-Speed Interchange: junction of Hwys 102 and 104
- Rte 344: Upgrades of the access road to the proposed Melford Container Terminal
- Atlantic Gateway Marketing and Business Development
- Halifax Stanfield International Airport: Runway Extension

The total amount that has been spent on Atlantic Gateway projects as of February 24, 2011 is $5,965,307.55.

Commitments under the GBCF

See attached table.

(*For table, see Appendix A, p. 2056.*)

Status of the Gateway Strategies

- The Government of Canada is actively working with the Atlantic provinces to finalize the Atlantic Gateway and Trade Corridor Strategy. We will not rush this process, but anticipate that we will soon have approval of all parties on a comprehensive and viable strategy.

- The Government of Canada is continuing to work in partnership with Ontario and Quebec as well as with the private sector to finalize the Continental Gateway Strategy.

NATIONAL DEFENCE

OPERATIONAL STRESS INJURIES

(Response to question raised by Hon. Joseph A. Day on March 1, 2011)

Military operational stress injuries may affect Canadian Forces members and Veterans, as well as their families.

The national centre for operational stress injuries is an integral part of Veterans Affairs Canada's mental health strategy. It is located at Ste. Anne's Hospital and builds on the work performed by Dr. Paquette who was instrumental in establishing the department's first operational stress injury clinic in 2002.

The national centre for operational stress injuries now manages a network of nine outpatient clinics in collaboration with provincial health care facilities across the country, as well as an in-patient residential treatment clinic established at Ste. Anne's Hospital.

In the fiscal year 2010-2011, this network of clinics provided support to more than 2,200 veterans, Royal Canadian Mounted Police and Canadian Forces members and family members.

Going forward, the national centre and its network of operational stress injury clinics remains a key element of the government's strategy to ensure that those who served Canada, and their families, get timely and excellent care when affected by operational stress injuries.

With the expertise of its staff, the expertise in the network of clinics, and by its key partnerships, the national centre continues to be well positioned to serve as a centre of expertise to support those who live with operational stress injuries. The national centre continues to provide this specialized support by:

- implementing innovative clinical service delivery tools and approaches for those who live with operational stress injuries;
- enhancing service-provider knowledge; and,
- fostering the use of evidence informed practices in assessment and treatment best practices.

Discussions with respect to the possible transfer of Ste. Anne's Hospital to the province of Quebec, will in no way diminish or compromise the ability of the national centre or its network of clinics to fulfill its commitment to support individuals and their families who live with operational stress injuries.

[Senator Comeau]

[*English*]

ORDERS OF THE DAY

SUPREME COURT ACT

BILL TO AMEND—SECOND READING—SPEAKER'S RULING

On the Order:

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

The Hon. the Speaker: Honourable senators, I am prepared to rule on the point of order that was raised by Senator Cools on February 9, and which was also discussed the following day. The point of order asks questions about Bill C-232, An Act to amend the Supreme Court Act, and the possible need for Royal Consent and also what procedure should be followed if Royal Consent is required.

Our Parliament and our federal system of government have existed for almost 144 years. The basis of our governance structure is the *British North America Act, 1867*, a statute adopted by the Parliament of Westminster, now the *Constitution Act, 1867*. Before and since Confederation, a key component of our government has been the Crown, which forms the third constituent element of our bicameral Parliament. While the heritage which we share here in the Senate is rooted in the traditions of Westminster, over the course of time, as Canada has matured, it has become thoroughly our own in practice. With this perspective in mind, I have reviewed the point of order on the complex issue of Royal Consent.

[*Translation*]

At the outset, I wish to thank all honourable senators for their contributions to the discussion on this point of order. In particular, I wish to express my sincere appreciation to Senator Cools for raising this subject. It is not the first time that the senator has focused the attention of the Senate on the importance of Royal Consent. The senator has applied her formidable research talents and diligence to present a well documented position that underlines the importance of Royal Consent. We have all benefited from her knowledge of the history of parliamentary practice.

[*English*]

In making the argument for the need for Royal Consent, Senator Cools explained that the Sovereign, the Queen herself or the Governor General acting on her behalf, retains to this day certain prerogative powers. Among these prerogative powers, according to Senator Cools, is the appointment of judges. It is her contention that Bill C-232 would constrain the Queen's power of appointment by disabling individuals who would otherwise be qualified for a place on the bench of the Supreme Court. As this is the basic purpose of the bill, Senator Cools suggested that the

Senate might have no right to debate let alone adopt this bill absent Royal Consent. Senator Cools argued that the third reading question on the bill could not properly be put and, were this to happen, proceedings on the bill would be rendered null and void.

For this reason, Senator Cools asked the second question of her point of order, what procedure should be followed if Royal Consent is required, and was there a requirement to signify Royal Consent early in the proceedings? The position of Senator Cools was subsequently supported by the interventions made by Senator Comeau, the Deputy Leader of the Government, and Senators Carignan and Segal.

[*Translation*]

Senator Fraser and Senator Tardif, the Deputy Leader of the Opposition, had a contrary view on the need for Royal Consent with respect to Bill C-232. Speaking on February 10, Senator Fraser took note of the fact that prerogative powers can be abolished or limited by statute law. With respect to the Supreme Court, the senator noted that it came into existence by ordinary federal statute in 1875. So far as the senator could determine, there was no indication that Royal Consent was sought, let alone obtained, for the Supreme Court Act. On this basis, Senator Fraser concluded that there is strong precedent that Bill C-232 does not require Royal Consent. Senator Tardif focused the first part of her arguments on previous rulings in the Senate which suggest that debate should be allowed to continue even if it is determined that Royal Consent is required, particularly as the bill is far from reaching the final stage of the legislative process. The senator then reiterated the arguments of Senator Fraser, pointing out that the Supreme Court Act was a law passed by Parliament and that it is the right of Parliament to modify this law, including the criteria by which nominees might be qualified for appointment. As this is within the power of Parliament, Senator Tardif concluded that Bill C-232 does not require Royal Consent.

[*English*]

In reviewing the issues raised by these questions, I will first deal with the procedure to be followed with respect to obtaining Royal Consent, and will then examine Royal Consent itself. In attempting to provide the Senate with guidance on these issues, I have taken the initiative to go more deeply into the subject. The end result, I believe, is a clearer picture of what Royal Consent is and the role it plays today in our Canadian parliamentary system.

Beginning with the question of when Royal Consent should be sought or signified, there is certainly no prohibition to providing Royal Consent at the outset of deliberations on a bill. However, accepted Canadian practice suggests that Royal Consent need only be given prior to the third reading. There are several recent rulings by Speakers of the Senate that are consistent with this view. The intent of these rulings is to allow debate to the greatest extent possible. Debate should not be constrained by a procedural requirement, despite its constitutional importance, which can be signified at any stage. To do otherwise would undermine a fundamental purpose of Parliament. Accordingly, I confirm that Royal Consent, when it is required, can be postponed to the last stage.

Canadian practice also indicates that Royal Consent needs to be signified in only one house. More often than not, this has been in the House of Commons, where most government bills originate. However, Bill C-232 is a private members bill which originated in the House of Commons, and I note that no objection was raised in that chamber on the grounds of Royal Consent. In cases where a bill originates in the Senate and Royal Consent is determined to be required, it should be provided in the Senate prior to third reading. To ensure that this happens, it would be appropriate for a Speaker of the Senate to refuse to put the third reading question in the Senate until Royal Consent is signified.

• (1450)

One other point needs to be clarified. It has been stated that the absence of Royal Consent, when needed, could nullify the proceedings with respect to the related bill. This is true, but only within limits. To nullify proceedings in the Senate, the bill would still have to be in its possession. The authority of the Senate over bills applies only during the time the bills are actually in the Senate, either in the chamber for second or third reading or in committee. If the bill has been sent to the other place for its consideration, or has been passed and is now ready for Royal Assent, it is too late for the Senate on its own authority to undo its decision. Moreover, if the bill subsequently receives Royal Assent, which is the approval of the Crown, and becomes law, the question of Royal Consent becomes moot.

[*Translation*]

Turning to the more substantive question, it is clear that Royal Consent remains important and relevant. It provides an insight into the nature of our Parliament, composed as it is of the Crown, Senate, and the House of Commons. In looking into this point of order, it is also evident that Royal Consent is sometimes confused with Royal Recommendation and Royal Assent, two other features of our parliamentary practice which highlight the importance of the Crown. A Royal Recommendation signals an authorization for the expenditure of public funds. It is provided by a minister in the House of Commons as a message of the Governor General approving the spending of public monies as proposed in a bill. Royal Assent, on the other hand, is the final stage in the legislative process when a bill passed by both houses of Parliament is enacted into law by the approval of the Governor General or a deputy, either here in person in the Senate or through a written declaration. Royal Consent is neither of these. It is instead a procedural requirement whenever a bill is considered by Parliament that touches the interests of the Sovereign, either the Queen herself or the Governor General acting on her behalf. According to *House of Commons Procedure and Practice*, the precedents in Canada indicate that Royal Consent is needed "when the property rights of the Crown are postponed, compromised or abandoned, or for any waiver of a prerogative of the Crown."

[*English*]

The origins of Royal Consent date back many centuries to a time when the King actually ruled; when the Sovereign exercised personal authority and power, well before Parliament established its ultimate supremacy. A noted 19th century British constitutionalist, Lord Brougham, explained during debate in the

House of Lords in 1844 that, in an earlier age, Royal Consent was used as a veto of the Crown expressed within Parliament to avoid any collision between the Sovereign and Parliament that might subsequently become overt with the refusal of the Crown to actually grant Royal Assent. However, with the recognition of parliamentary supremacy and the subsequent development of responsible government, the use of Royal Consent became not so much a veto as an acknowledgment that a prerogative power was involved in proposed legislation. While the lack of Royal Consent can ultimately block the passage of a bill, it should not be used to override the right of Parliament to free debate, the absolute right of Parliament to discuss any topic, to exercise its fundamental right to free speech guaranteed in the Bill of Rights of 1689.

Today, many of the powers of the Crown are exercised through the executive, the government of the day headed by the Prime Minister. These are the powers performed through the Governor-in-Council and virtually all are statutory authorities sanctioned by Parliament. At the same time, there remains a range of discretionary powers available to the Crown, its ancient customary powers. The range of these prerogative powers has contracted over time, yet what remains is certainly not insignificant. They are exercised by convention and by historical precedent, without the sanction of Parliament. The most notable and recognizable of these powers perhaps is the right of the Queen or the Governor General to dissolve Parliament and to appoint the Prime Minister. Others include the right to declare war or peace, the making of treaties, the issuing of passports, and the creation of Indian reserves.

[*Translation*]

Peter Hogg has explained in his work, *Constitutional Law of Canada*, "the royal prerogative consists of the powers and privileges accorded by common law to the Crown." He went on to state that, "The prerogative is a branch of the common law because it is the decisions of the courts which have determined its existence and extent." This relationship to the common law is in fact an essential characteristic of the prerogative powers of the Crown not yet framed in statute law by Parliament. When any of these prerogative powers do become defined by statute law, strictly speaking they cease to be a prerogative power. Professor Hogg makes this point very clearly when he writes, "the prerogative could be abolished or limited by statute and once a statute had occupied the ground formerly occupied by the prerogative, the Crown had to comply with the terms of the statute." Royal Consent is part of that process of putting the prerogative power within the framework of statute law. It is an internal parliamentary procedure that acknowledges that a common law power of the Crown is coming within the scope of Parliament.

[*English*]

In 1951, for example, Parliament considered Bill 192, to have the Governor General surrender the authority to grant permission previously required to allow a citizen under the Petition of Right to institute proceedings against the Crown in the Exchequer Court. This power existed in common law and its origins are traceable to the petitions received by the King from subjects seeking legal claims against the Crown in the courts. When the petition was accepted favourably, the King issued an order or fiat addressed to the court directing in effect: Let justice be done. Immediately prior to third reading of Bill 192, the Minister of Justice informed the House of Commons that the Governor General had given his consent to have this bill put before Parliament for its determination.

[*Translation*]

Two years later, Royal Consent was signified again when Parliament debated and passed the Crown Liability Act, which made the federal Crown liable in tort for damages in much the same way as if it were a natural person. Previously, in common law, the Crown was almost entirely immune from any suit. On this occasion, Royal Consent was signified early in the process. Under the old financial procedure the bill had been preceded by a resolution stage before first reading. When the bill was read a first time, the Minister of Justice announced to the House, in the Royal Consent formula used in Canada, that the Governor General, having been acquainted with the purport of the measure to be introduced, had given consent, so far as Her Majesty's prerogatives were affected, to the consideration of the bill.

[*English*]

These examples, honourable senators, have been cited to demonstrate an essential criterion by which it is possible to determine whether Royal Consent is needed in a particular case, namely whether the prerogative in question exists through common law or through statute law. Where the power is related to common law, Royal Consent may be necessary; when related to an exercise of authority under the statute law, Royal Consent is not required.

A review of the precedents of the Canadian Parliament reveals that Royal Consent has been invoked only about two dozen times over the course of almost 144 years and many, many bills. More than a third of them occurred in the 19th century and some of these related to railways. The construction of railways was a large undertaking that involved liens with the Crown and the use of its lands. Other bills that prompted the need for Royal Consent over the years dealt with the establishment of national parks and Indian reserves. There is no evidence that any legislation relating to the Supreme Court was ever the object of Royal Consent.

• (1500)

[*Translation*]

The Supreme Court was established under the authority of section 101 of the British North America Act, 1867. This constitutional provision states that, "The Parliament of Canada may, notwithstanding anything in this Act, from Time to Time provide for the Constitution, Maintenance, and Organization of a General Court of Appeal for Canada, and for the Establishment of any additional Courts for the better Administration of the Laws of Canada." The creation of the Supreme Court was achieved by the enactment of a bill in 1875. This court has its origins in statute law; there is nothing of its existence based on any antecedent history; it has no basis in common law. The appointment of judges to the bench of the Supreme Court is pursuant to this 1875 Act. There is no common law prerogative power of appointment involved in this case.

[*English*]

It is important to add that the Letters Patent of 1947 are not, and were not, affected by the statutory creation of the Supreme Court. As provided in paragraph IV, the Governor General is authorized and empowered to constitute and appoint, on behalf of the Sovereign, all such judges as may be lawfully constituted or appointed. The Supreme Court is a lawfully constituted court and the authority of the Governor General to exercise the power of appointment was, and remains, on the advice of the appropriate minister. It is not a power that can be exercised by the Governor General independently on his own authority. Indeed, paragraph II of the Letters Patent of 1947 makes this clear. It stipulates that the Governor General, on the advice of the Privy Council for Canada, is to act on the basis of, among other authorities, "such laws as are or may hereinafter be enforced in Canada."

[*Translation*]

Bill C-232, if adopted, would be one more amendment to the Supreme Court Act. It would establish certain qualifications for appointment to the Supreme Court in addition to the ones that already exist. In addition to being a judge of a superior court or a member of a provincial bar with a minimum number of years of experience, this bill would require that candidates have a certain level of understanding in both official languages such that they would not need the assistance of interpretation. In accordance with the explanation already provided, this is an exercise of authority under statute law and there is no need to seek Royal Consent as part of the consideration of Bill C-232.

[*English*]

Honourable senators, this has been a lengthy ruling on an interesting issue. This point of order has provided an opportunity to outline the nature and scope of Royal Consent and to recognize its continuing relevance. A particular benefit brought out through the point of order was the recognition of the distinction to be made between the prerogative powers of the Crown based on common law and those exercised through statute law. Again, I wish to express my appreciation to Senator Cools and to all senators for their helpful contribution to this discussion.

In conclusion, it is my ruling that, when required, Royal Consent can be delayed to the last stage of a bill's consideration and, with respect to Bill C-232, Royal Consent is not needed.

POINT OF ORDER

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I rise on a point of order. I need to correct the record of our Debates of March 10, 2011. At that sitting, I spoke on my motion to urge the government to reverse its decision to replace the mandatory long-form census. At the conclusion of my speech, first Senator LeBreton and then Senator Greene rose to object, saying that I had misrepresented comments they had made on previous occasions here in the Senate about their own attitudes toward the long-form census.

Specifically, some months ago, they had each made statements describing their own disinclination to complete the questions on the mandatory long-form census when they received it. I had interpreted their statements as referring to the 2006 census sent out by the Harper government, and they both took strenuous objection to that suggestion.

Honourable senators, I choose my words very carefully, particularly when speaking in this chamber. I try to listen closely to what each of my colleagues on all sides of the Senate are saying as well. I certainly would never intentionally misrepresent any statement made in this chamber by any senator. I checked the *Debates of the Senate* to see the source of my alleged misunderstanding of the facts. Here is what Senator LeBreton told this chamber on October 5, 2010:

> Honourable senators, I put on the record the problems that I had a few years ago with the long-form census and how I was harassed. I do not think I lodged a complaint with Statistics Canada. I was threatened so many times I thought I had better fill it out rather than suffer the consequences.

According to the *Shorter Oxford Dictionary*, "few," which was the word she used — "a few years ago" — means "not many, hardly any." The 2006 census was some four and a half years before Senator LeBreton made those comments. The census before that was 10 years ago, and before that, 15 years ago.

Honourable senators, I think you would understand why I concluded that in referring to events of "a few years ago," I assumed that she was referring to the 2006 census, rather than the one that took place a decade or more earlier.

Senator LeBreton also appeared to interpret my remarks as suggesting that she did not fill out the census form at that time. She concluded her remarks after my speech by saying:

> I resent very much that Senator Cowan would suggest that I broke the law, as a member of the government.

Honourable senators, nowhere in my remarks did I suggest that Senator LeBreton broke the law, whether as a member of the Harper government or as a private citizen. In fact, as I said in my speech, she made it clear that she did complete the long-form census, albeit reluctantly, that is, because it was mandatory. Indeed, that was my point. She would not have answered the questions but for the fact that it was mandatory.

Senator Greene also took exception to my comments about the statement he made in the chamber describing his experience with the census. In that statement on October 20, 2010, Senator Greene described his great reluctance to answer the questions posed in the census form and finally gave it to his daughter, telling her to complete it "as a kind of game" and "to make up any answers she did not know." Those were his exact words — "to make up any answers she did not know."

After my speech on March 10, Senator Greene rose to object to my description of his statement, saying his issue was not with the 2006 census but "an earlier one under the Martin or Chrétien governments." I question why that makes a difference, because the Government of Canada and its laws apply to all Canadians, regardless of which political party they happen to belong.

On Senator Greene's point, let me quote from his statement in this chamber on October 20, 2010:

> First, I am not one who takes to the filling out of forms easily. Therefore, when the last census arrived in its incredibly long form, I put it to one side. The one thing that saved it from the trash was that it was the census from my government.

The last census, of course, was the 2006 census. Senator Greene may have misspoken when he addressed this chamber with his statement, but I believe he would agree that my interpretation of his remarks was accurate based on the words that he used. He said "the last census," and the last census was in 2006. That is a simple fact.

• (1510)

Honourable senators, the point that I was making in my speech stands uncontroverted. Senator LeBreton keeps telling this chamber that she is confident all Canadians will complete the new National Household Survey, which will contain the exact same questions that would have appeared on the mandatory long-form census. Yet, Senator LeBreton and Senator Greene both made it clear that they only answered the questions on the long-form census because it was mandatory. Whichever government sent out the census —

Senator LeBreton: We thought we would be thrown in jail.

Senator Cowan: I would not want to go too far down that road.

Whichever government sent out the census, whether it was the 2006 census, the 2001 census, or an even earlier census, is irrelevant to the issue. These two Canadians would not have completed the long-form census had it only been a voluntary household survey.

Senator LeBreton will have an opportunity to speak to this inquiry, and I will listen to her very carefully, as I would ask her to listen to me. I have an inquiry on the record. Any time Senator LeBreton would like to speak to that inquiry, I would be happy to listen carefully to what she has to say. I ask Senator LeBreton to accord me the same respect when I am speaking.

Honourable senators, these two Canadians would not have completed the long-form census had it only been a voluntary household survey. Once again, I hope that members of this chamber support my motion and ask the government to reverse its regrettable decision to do away with the mandatory long-form census.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I was listening as carefully as I possibly could to determine if there was, in fact, a point of order. I am still waiting for the point of order. It appears to be a continuation of Senator Cowan's inquiry which is on the record. I cannot see why Senator Cowan would make another speech on the same issue, other than the fact that he had already spoken to it before and had finished his speech on the inquiry, so obviously he decided to add more comments to his speech through a point of order. I do not see a point of order.

The Hon. the Speaker: I thank honourable senators for their comments. I will reserve my decision to see whether I can mine the data that is before us.

POINT OF ORDER

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, may I rise on a real point of order?

Honourable senators, during Senators' Statements, Senator Ringuette raised the issue of the sale of Atomic Energy of Canada Limited. Senator Ringuette spoke for about three minutes on this subject. As I understand it, rule 22(4) of the *Rules of the Senate of Canada* says that items that are before this chamber under other venues, under other points of debate, either as inquiries, motions or bills, should not take up the time that is reserved for Senators' Statements.

Honourable senators, Senator Ringuette could have spoken to the subject of the sale of AECL under Bill S-225. I believe Senator Hervieux-Payette has the bill before her.

Honourable senators, given that there is no such thing as raising a point of order under Senators' Statements, we have to suffer through the whole statement and get to Orders of the Day before we can raise the point of order. Honourable senators, that is my point of order.

Hon. Pierrette Ringuette: Honourable senators, I remind Senator Comeau that the issue in my statement concerned the AECL engineers who held a press conference this morning in the Charles Lynch Room. I attended the meeting.

Honourable senators, I pointed out in my statement that for 50 years Canadians have invested in their nuclear future. The engineers at AECL have spent the same 50 years investing their knowledge for Canadians. At the meeting this morning, the engineers questioned the current government's wisdom of wanting to dispel that authority, that knowledge base, that safety factor. My statement questioned whether the Government of Canada has the moral ability to dispel this knowledge base, taking into consideration the recent and continued events with regard to nuclear technology in Japan. Therefore, Your Honour, I find the point of order raised by my honourable colleague to be futile.

The Hon. the Speaker: Honourable senators, the chair will read the record for today. I will take the opportunity to remind honourable senators of the importance of rule 22(4) about not anticipating items that are on the Order Paper. There is a long history of reasons for that. I will take the matter under consideration.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) moved the third reading of Bill C-30, An Act to amend the Criminal Code.

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

[*English*]

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—THIRD READING

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

She said: Honourable senators, it is with pride that I rise today to move third reading of Bill C-35, An Act to amend the Immigration and Refugee Protection Act. I thank Senator Jaffer, the critic of this bill. "Critic" is perhaps the wrong word, as Senator Jaffer was quite supportive of it. As honourable senators know, this bill was unanimously supported in the other place. We went through it extensively at committee. With Senator Jaffer's help, we passed the bill at committee and are now bringing it back here to the Senate. I hope all honourable senators will support it.

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

Hon. Senators: Question.

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

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

AERONAUTICS ACT

BILL TO AMEND—THIRD READING

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

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

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

• (1520)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Tardif, for the second reading of Bill S-204, An Act to amend the Criminal Code (protection of children).

Hon. Nancy Ruth: Honourable senators, I speak to you as a colleague and as chair of the Standing Senate Committee on Human Rights. I want to tell you about our committee's report, which would support Bill S-204.

I see Bill S-204 as a first step in a new era of addressing family violence in this country. I wish the bill went further. I believe that the federal government should put in place a national strategy on the reduction of violence in families. I believe that we should treat families with respect. Respect does not tolerate any form of physical or mental violence in the home to anyone.

Our current laws do not protect reasonable chastisement of one spouse by another. Our laws on spousal violence used to favour those who had power over those who did not have power. Why should our law protect reasonable chastisement of a child by a parent when the parent has all the power?

Section 43 of the Criminal Code is from another time. It protects the power relationship when it should protect the child.

Since the Second World War, Canada has strengthened its laws on spousal violence, largely as the result of informed and relentless pressure from women affected by family violence. Family violence is a deeply rooted and common problem. It results in significant human and economic costs for individuals, families and our society.

Children, the most vulnerable, cannot undertake research, create grassroots resources and mount advocacy campaigns to change the law, which is so against them. Parliamentarians changed the law to protect spouses, and we should change the law to protect children.

I believe that as parliamentarians, we have to ensure that we take a systemic view of children and the use of force. We all have personal stories about corporal punishment in our families. The stories may be interesting, they may have happy outcomes or sad outcomes, but they should not govern whether we, as parliamentarians, consider corporal punishment in the home to be acceptable or not.

Taking the systemic view, Canadians live in a society that experiences and tolerates high levels of interpersonal violence in the home. The violence is often gendered and racialized; it takes advantage of the young and the old.

If we are serious about addressing this real and costly reality, we need to take a clear, consistent and comprehensive position on violence. We need to say that interpersonal violence is wrong in every instance; that there is no exception for certain categories of interpersonal violence, including the ''light'' version of disciplining children, the sort of thing the Supreme Court of Canada protected in the 2004 decision on section 43, minor corrective force of a transitory or trifling nature — it all causes some pain, discomfort or humiliation and it all leaves a legacy of justification for the next generation to continue to use it; and that there are positive alternative methods of relating and communicating for all of the situations in which violence has been the norm, including child rearing.

Canada signed the UN Convention on the Rights of the Child on May 28, 1990. We ratified it in 1991, and 20 years later, we are dealing with this same issue.

I commend to all senators the April 2007 report of the Standing Senate Committee on Human Rights entitled *Children: The Silenced Citizens*. Chapter 6 of that report focuses on violence against children. It points out that Article 19 of the convention:

> . . . provides for a broad protection of children from abuse and neglect, holding that:
>
> > Art.19(1) States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
> >
> > (2) Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Canada could have reserved section 43 of the Criminal Code when it signed and ratified the convention, but it did not. I applaud Canada's historical reticence to use reservations to "pick and choose" amongst human rights. It was as clear then as it is today that section 43 of our Criminal Code violates the convention.

Why do we make human rights commitments and then ignore them or allow them to languish in some form of half-life?

I urge honourable senators to take their lead from *Children: The Silenced Citizens*, which recommended that the federal government take steps to eliminate corporal punishment in Canada by:

> The immediate launch of an extensive public and parental education campaign with respect to the negative effects of corporal punishment and the need to foster enhanced parent-child communication based on alternative forms of discipline, and
>
> Calling on the Department of Health to undertake research into alternative methods of discipline, as well as the effects of corporal punishment on children; and
>
> Repeal of section 43 of the Criminal Code by April of 2009; . . .

The committee said April of 2009. How about by April of 2011? Let us give it a try.

The report also recommended:

> Calling on the Department of Justice to undertake an analysis of whether existing common-law defences — such as necessity and the *de minimis* defence — should be made expressly available to persons charged with assault against a child.

Parliament has a full capacity to exceed the standards of protection laid down by the Supreme Court of Canada. The court upheld the constitutionality of section 43 of the Criminal Code.

The fact that the court is not prepared to strike down a matter does not mean that Parliament is bound to maintain the provision forever. Parliament has the power to amend or repeal a provision that is constitutional, which Parliament determines should be changed. Indeed, when it comes to human rights and to equality, Parliament should hold itself to the highest standards of positive action contemplated by the provision.

Is this highest standard of positive action not what the government has held itself to in supporting maternal and child health? Bill S-204 holds Parliament precisely to that standard.

Earlier in this decade, Scotland adopted a wide-reaching National Strategy to Address Domestic Abuse in Scotland, and other countries have taken similar initiatives. The focus of this strategy was domestic violence against women. We are becoming more aware of all the aspects of physical and mental violence in the home with respect to the young and the old, with respect to women and girls and with respect to different racialized communities.

Canada has an extensive research and knowledge base on these issues. Canada has a track record of law reform and social service innovation. We remain, however, a country where violence in the home is deeply present, with violence begetting more violence.

It is time for a national strategy on violence in the home, and I urge honourable senators and the federal government to make this strategy a priority and start the strategy by passing Bill S-204.

(On motion of Senator Comeau, debate adjourned.)

• (1530)

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Brown, for the second reading of Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

Hon. Sharon Carstairs: Honourable senators, I rise to speak to Bill C-475, An Act to amend the Controlled Drugs and Substances Act (methamphetamine and ecstasy).

Honourable senators, in my review of this bill, I found no urgent reason for its passage. News stories frequently report arrests for the possession of precursors of these drugs. As honourable senators know, neither methamphetamine nor ecstasy

are naturally occurring substances; they are drugs made from products that can be found in many homes, such as cold medication and even cat litter.

Honourable senators, if arrests are being made, which they certainly are, then I fail to understand why further legislation is required. In a review of my correspondence, I have not found any letters or emails from citizens or police organizations requesting such legislation. The government clearly has not considered it a vital issue, since despite numerous so-called "tough on crime" bills; they have not chosen to move on this issue. For example, the government could have included this particular bill with Bill S-10, which targeted illegal drugs. They chose not to.

I want honourable senators to know what I have heard from hundreds of Canadians and even members of law enforcement agencies. These are the requests to pass legislation that has as its theme, a harm reduction strategy with respect to drug usage in this country. A harm reduction strategy has four essential parts. The first part of the strategy is prevention, which includes promoting healthy families and communities, protecting child and youth development, preventing or delaying the start of substance abuse among young people, and reducing harm associated with substance use. Successful prevention efforts aim to improve the health of the general population and reduce differences in health between groups of people.

Treatment is the second part of an appropriate drug strategy. Treatment includes offering individuals access to services that help them come to terms with the problems of substance use and how to lead healthier lives. These services include outpatient and peer-based counselling, methadone programs, daytime and residential treatment, housing support and ongoing medical care.

The third part of this strategy is harm reduction. This part includes reducing the number and spread of deadly, communicable diseases; preventing drug overdose deaths; increasing substance users' contact with health care services and drug treatment programs; and reducing consumption of drugs in the street.

The fourth and final aspect is enforcement. Honourable senators, in recognition of the need for peace and quiet, and public order and safety in the neighbourhoods, the enforcement aspect of the strategy targets organized crime, drug dealing, drug houses and problem businesses involved in the drug trade. It strives to improve coordination with health services and other agencies that link drug users to withdrawal management detoxification centres, treatment, counselling and prevention services.

Honourable senators, this bill does nothing with regard to prevention, treatment and harm reduction. I believe it can be argued it does not even do much for enforcement because of the number of arrests already being made for the possession of the precursors of these drugs. I would suggest to honourable senators that this bill is a feel-good bill, but it does not do any real good; it makes us believe we are doing something when in reality we are not.

I will not oppose the bill; I am simply not a very enthusiastic supporter of it. As a politician, I am always concerned that we not support legislation that raises an expectation that we are solving a problem when, in reality, we are not.

I will ask some questions. Will this bill result in one child not being attracted to drugs? The answer is no. Will this bill provide treatment for one person, particularly a teenager who might be able to be saved from a lifetime on drugs? The answer is no. Will this bill prevent overdoses, communicable diseases or increased health care costs? The answer is no. Will this bill make it easier for law enforcement agencies to make further arrests? The answer is perhaps, although they already have very far-ranging powers.

If this is the purpose, and if it does this, perhaps this bill is of some value, limited though it may be.

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

Senator Comeau: Question.

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

ITALIAN-CANADIAN RECOGNITION AND RESTITUTION BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill C-302, An Act to recognize the injustice that was done to persons of Italian origin through their "enemy alien" designation and internment during the Second World War, and to provide for restitution and promote education on Italian-Canadian history.

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

Some Hon. Senators: Question.

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

PATENT ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Sharon Carstairs moved second reading of Bill C-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

She said: Honourable senators, I rise today to speak to a bill that I think is the very best of private members' bills. I mean that Bill C-393 is the kind of bill that received support from all parties in the other place. Yes, some did not support the bill: some of those were in the Conservative Party and some were in my party. The vast majority of members of the other place — 172 in total — supported this important piece of legislation. Honourable senators, I rise with a great deal of pleasure to speak to Bill C-393, whose purpose is to reform Canada's Access to Medicines Regime, better known as CAMR.

What is CAMR and why does it need to be amended?

I would ask honourable senators to cast their minds back to 2004 when the CAMR legislation was passed unanimously, in not only the House of Commons but also here in the Senate. Its purpose was to provide inexpensive drugs to a limited number of Third World countries to ensure that human beings in those countries did not die needlessly from treatable diseases like malaria, tuberculosis and HIV/AIDS.

• (1540)

The original bill envisaged a mechanism for issuing what are known as compulsory licenses on patented medicines. These licences authorized exports of lower-cost, generic versions of the expensive, brand name medicines to eligible developing countries.

The tragedy is that, seven years later, only one licence has been issued for one AIDS drug to one country, Rwanda. The good thing is that 21,000 Rwandans will live longer and better lives as a result of this drug. Why have we been unable to manufacture and to sell to these developing countries more of these appropriate drugs?

The tragedy is that the legislation, not by itself but by way of regulation, became so cumbersome that Apotex Inc., who made the only AIDS drug, will not make any others under the current process. All other generic drug makers have also failed to respond. Yet, 23 million sub-Saharan Africans are living with HIV or AIDS, and even more suffer and die from malaria.

This bill, which fixes the problem, must be passed if we are to meet our humanitarian obligations to Africa.

This is not the first time this bill has been before this chamber in principle. Former Senator Yoine Goldstein brought this bill before us, and I took it over upon his retirement, only to have it die on the order paper because of prorogation. However, the bill did go to committee. A similar bill was also introduced in the House of Commons at the same time. As the House of Commons has a procedure to restart private members' bills after prorogation, which this institution does not, I deferred to the bill in the other place.

Now, after their passage of this bill, we have this legislation once again before us. I can only hope that on this basis it will go to committee quickly, since it has already been to our Standing Senate Committee on Banking, Trade and Commerce.

This bill has enormous support from artists, musicians, the Grandmothers to Grandmothers Campaign, church leaders and Canadians from coast to coast. Indeed, in one poll, 80 per cent of Canadians indicated they supported this initiative.

We have all received emails. Certainly, my office has received e-mails by the hundreds urging us to support this bill as quickly as we possibly can.

Honourable senators, I could spend my time this afternoon talking about those poignant, heart-wrenching cases of people who are dying needlessly in foreign destinations. However, I believe that every single member of this chamber supports the bill ensuring that drugs reach those who need them. I do not think anyone in this place does not agree with that goal.

Some Hon. Senators: Hear, hear.

Senator Carstairs: Where there may be disagreement is within the actual provisions of the bill itself. I will deal with the arguments that some have posed as to why we should not pass this bill.

One argument is that Bill C-393 would weaken current safeguards aimed at ensuring that medicines are not diverted or illegally sold. Critics of Bill C-393 have claimed this bill will weaken existing measures of Canada's Access to Medicines Regime to prevent diversion and illegal resale of medicines, or that the bill would allow substandard medicines to be exported to developing countries. These claims, in my view, were never accurate. However, in any event, such objections are no longer valid as those clauses that were giving rise to some of that negativity were removed in the House of Commons. The bill before honourable senators does not include those phrases.

All the requirements to disclose quantities of medicine being shipped, and to which countries, are also preserved. These safeguards were already deemed satisfactory by Parliament in 2004. I think they will continue to be satisfactory in 2011.

Another argument is that Bill C-393 would remove measures to ensure the quality of medicines being supplied to developing countries. Clearly, anything leaving this country must be of the highest quality. The claim made here is simply not true. Under Bill C-393, a Health Canada review must continue to be required for all exports under CAMR.

Another argument is that Bill C-393's amendments would violate Canada's obligations under the World Trade Organization treaty on intellectual property rights. Detailed analyses, including those by some of the world's leading legal experts on the subject, have shown that this argument is not correct.

All countries at the WTO, including Canada, have repeatedly and explicitly agreed that issuing compulsory licences on patented medicines to facilitate exports of lower priced, generic medicines is entirely consistent with WTO rules. WTO members agreed in the 2001 Doha Declaration that the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, TRIPS, can and should be implemented and interpreted in ways that support WTO members in protecting public health, including promoting access to medicines for all.

In the same Doha Declaration, WTO members also explicitly agreed that developing countries need to be able to make effective use of compulsory licensing to this end. This licensing is the very purpose of CAMR in the first place. Bill C-393's one-licence solution simply eliminates the unnecessary bureaucratic impediments of using the system so that the licensing system is simple and flexible to address the evolving needs of developing countries.

Independent international legal experts have confirmed that the one-licence solution complies with WTO law. These experts include one of the world's leading experts, Professor Frederick Abbott, who co-authored the leading international text on this subject and was actively engaged in negotiating the decision by the WTO general council in 2003. That decision is the basis for CAMR. Professor Abbott has twice testified before Parliament that the one-licence solution is WTO-compliant.

Earlier this year, the United Nations Development Programme convened an international consultation with legal experts who reviewed Bill C-393 and also concluded the one-licence mechanism was consistent with WTO rules. The director of the intellectual property division at the WTO secretariat has also twice testified before Parliament emphasizing that WTO members have insisted on maintaining their flexibility when it comes to legislating on intellectual property issues.

A further argument is that Bill C-393 and the one-licence solution is unfair to brand-name pharmaceutical companies. This claim makes no sense. The proposed one-licence solution does not, as some inaccurately claim, create unfair competition for brand-name pharmaceutical companies.

To be clear, nothing in Bill C-393 prevents brand-name pharmaceutical companies from competing to supply their patented products to developing countries. Indeed, we wish they would. Rather, Bill C-393 aims to enable competition by generics to supply those eligible countries, and preserves the requirement that general manufacturers pay royalties to patent holding pharmaceutical companies in the event of any compulsory license being issued according to the existing CAMR formula already enacted by Parliament. Bill C-393 is about making this requirement workable: something already endorsed by Parliament.

• (1550)

Competition in the global marketplace has been the single most important factor driving down the prices of medicines to bring them within reach of developing countries. These dramatically reduced prices have made it possible to scale up AIDS treatment, such that 5.2 million people in the developing world are now receiving these life-saving medicines, although this is still only 36 per cent of the 14.6 million who currently need it according to the World Health Organization. CAMR is supposed to enable such competition, which is increasingly important as it becomes more challenging for developing countries to obtain the Indian-made generic medicines that have been central to treatment successes so far.

Encouraging such competition is the very function of a mechanism such as CAMR. It permits compulsory licensing of patented medicines for the limited purpose of exporting lower-cost generic medicines to eligible countries. All WTO member countries have already repeatedly endorsed compulsory licensing for this purpose.

Some will argue that Canadian generic drug manufacturers will not be able to supply medicines at prices competitive with generic manufacturers elsewhere, primarily in India. This claim is simply unfounded. Indeed, the goal is not to get business for Canadian companies; the goal is to get quality medicines at the lowest possible price for as many patients in developing countries as possible. It makes no sense, I would suggest, honourable senators, to simply assume that Canadian companies cannot compete globally. They often do already.

Indeed, in the one case to date in which the CAMR legislation has been used, the Canadian generic drug company supplied the medicine to Rwanda at exactly the same price being offered by the Indian generic manufacturers: 19.5 U.S. cents a tablet, or 39 cents a day for the daily dose of two tablets. That is 39 cents a day, honourable senators, and we can save people's lives.

Furthermore, the simpler it is for developing countries and generic manufacturers to use CAMR to supply multiple developing countries, the greater the economies of scale and the lower the costs of production that can be achieved by generic manufacturers in Canada. As it stands, CAMR presently impedes effective competition by Canadian generic companies. Those who support greater competition in the market, including by Canadian companies, should support the one-licence solution proposed by Bill C-393, since it would make it easier for Canadian companies to compete globally to supply medicines at the lowest possible price. More competition ultimately benefits those developing countries that need to purchase the medicines and hence the patients in those countries.

Streamlining CAMR would undermine incentives for brand name pharmaceutical companies to research and develop new medicines, some critics say.

I do not believe that that claim is credible. Exports to high-income countries, in which brand-name pharmaceutical companies make the vast majority of their profits and on which they base their decisions about R&D, are not authorized by the CAMR legislation. CAMR only authorizes exports of generic

versions of patented medicines to certain eligible countries. Those countries were already agreed upon by Canada and all WTO members in 2003 and they are already reflected in the current CAMR as created by Parliament in 2004. Those countries represent a minor portion of total global pharmaceutical sales and the profits of brand name pharmaceutical companies. For example, the entire continent of Africa, the hardest hit by the AIDS pandemic, represents less than 2 per cent of global pharmaceutical sales. As brand-name drug companies make little or no profit in developing countries, these markets have little or no impact, I would suggest, on their investments in research and development. Leading Canadian academic experts in the economics of the pharmaceutical industry have also testified to this effect before the industry committee of the House of Commons.

Furthermore, the brand-name drug companies are entitled to receive royalties on these sales of generic medicines. Bill C-393's one-licence solution does not change these limitations and requirements in any way. Rather, it simply streamlines the licensing process so that CAMR is easy to use to supply more affordable medicines to the countries already agreed to unanimously by our Parliament.

The argument that the barrier to greater access is not the price of medicines but rather widespread poverty and the inadequate health systems of these countries is an argument that, frankly, saddens me.

Of course, there are multiple barriers to access to medicines in the developing world which vary from country to country and even within a given country. Major progress has been made in increasing access to treatment, including strengthening health systems. It is simply inaccurate to claim the quality of health or physical infrastructure in some developing countries presents an insurmountable challenge to delivering affordable medicines. For example, with determination and innovative approaches, AIDS treatment is being delivered effectively in some of the most resource-limited settings imaginable. In just a few years, millions of people have been put on life-saving AIDS drugs in developing countries, thanks to both effective global investments in health systems — for example, through the Global Fund to Fight AIDS, Tuberculosis and Malaria — and the use of generic medicines purchased at dramatically lower prices. However, we are simply not reaching the millions who deserve these treatments.

Every credible organization and expert recognizes the obvious fact that the price of medicines is a key factor affecting access to these very medicines and that the prices of medicines prevent many patients with HIV, AIDS, tuberculosis or malaria from accessing life-saving treatments. Prices are higher when medicines are available only from brand-name pharmaceutical companies that hold patents on those medicines.

Making medicines affordable, strengthening health systems and other initiatives to tackle poverty and improve health in developing countries are not mutually exclusive. Rather, they are complementary and all are necessary. All the clinics, doctors and nurses in the world will not be able to help patients if they cannot give them the medicines they require because they cannot afford to purchase them.

Streamlining CAMR could effectively assist developing countries in overcoming one of the major barriers to affordable treatment. The lower the prices of medicines, the more people can be treated with limited resources and the more resources are then freed up for investing in infrastructure and other aspects of health care that are also so needed in these settings.

Some have also suggested that fixing CAMR is not worthwhile because it does not solve all the health, poverty and infrastructure challenges of the developing world. Following this logic, progress on any one social or economic problem could be pursued only if the proposed solution resolved all problems. No one has suggested that fixing CAMR is a panacea. It is, however, a practical, tangible part of a solution that will realize positive results. Pointing to other challenges that must also be addressed is not a justification for failing to support CAMR reform.

Finally, some would argue that CAMR worked quickly once the first application for a compulsory licence was made; therefore, there are no delays or impediments to CAMR and that CAMR works well. It is true that once the first application for a licence was filed it was issued reasonably quickly. However, it is not true to claim that it took only 68 days from start to finish of the process, which is a claim often heard from the brand-name pharmaceutical companies. This simply ignores more than a year of lost time attempting to negotiate for a voluntary licence when the brand-name companies would not agree to any licence without a specific developing country being identified. As long as no specific country could be named, the licensing process was stuck in limbo and the possibility of exporting medicines was stalled.

• (1600)

The one-licence solution proposed in Bill C-393 would avoid this hurdle by not limiting a compulsory licence to authorizing supply to just one specific country, but instead authorizing exports to any of the developing countries that are already recognized currently in CAMR as being eligible importing countries.

Honourable senators, Canadians support this bill because Canadians are a generous people. They believe we must respond to those in Third World nations who are dying needlessly from diseases that we know we can either cure and/or treat.

Let us respond in this chamber with the same generosity shown by Canadians. Let us quickly send this bill to committee and let us quickly support it at third reading because it is simply the right thing to do. Canada not only can be a leader, we must choose to lead. Here is our opportunity, honourable senators.

Hon. Stephen Greene: I would like to move the adjournment of the debate.

Hon. Lowell Murray: I wonder if my friend would hold his motion long enough for me to say a few words on the bill.

Honourable senators, this is a bill that seeks to facilitate, perhaps even to expedite, the manufacture and export of needed drugs and treatments to parts of the world that still suffer grievously from the scourge of tuberculosis, malaria and

HIV/AIDS. One thinks in particular of sub-Saharan Africa, where, we are told — and I think Senator Carstairs told us today — there are some 23 million people affected with HIV/AIDS alone. That is Africa.

I would like to begin with Canada, if I may. Late in 1993, a friend of mine came to see me to tell me that he had been just diagnosed with HIV/AIDS and that the prognosis he had been given was that he had three or four good years left to him. That was in 1993.

This is 2011, going on 18 years later, and that man is still with us, still working, still going strong. Why? Because of new drugs and new treatments that have come along in this country and, I suppose, in other Western developed countries, and because of their availability here and in other Western developed countries.

In our civilization, tremendous progress was made on TB and malaria many years ago, however, the progress that has been made on HIV/AIDS, in particular, in our lifetime, in very recent memory has been stupendous.

Several weeks ago, I happened to run into another friend of mine, a man I met while I was travelling overseas on Senate business a few years ago, who is an expert on these matters. He is a medical doctor who has written and taught extensively in the field of infectious diseases and, more importantly, has worked in HIV/AIDS clinics both in this country and in Africa.

We got to discussing his field, which is perhaps rather more interesting than mine, and he told me of having been invited to the fiftieth birthday party of a man whom he had diagnosed in 1984. He told me that he is seeing patients that he first diagnosed 20 years ago and more.

Why is that? It is because of the new treatments and the new combinations of treatments and drugs that have come along, and their availability here in this country.

Perhaps this would not be news to those of you who follow these matters more carefully or know more about them than I do, but he even told me about how his profession is now able to treat the unborn child of an infected mother in the womb. In no case that he has been involved in has the baby been born with the infection. To me, as a layman — as I think most of us here are — this is truly mind-boggling to contemplate. In our very recent memory, a diagnosis of HIV/AIDS was a death sentence.

What we are talking about here is trying to do something to bring the blessings and the benefits that we have known in recent times in this country to other countries that are sorely afflicted. Senator Carstairs said 23 million in sub-Saharan Africa; 2.3 million children is the number I saw somewhere, perhaps in the record of the House of Commons or of our committee on a previous bill.

I am aware, as Senator Carstairs has said, that some objection is taken in certain quarters to parts or all of this bill. However, I have read through — albeit rather quickly — the testimony at the committee when the committee had Senator Goldstein's bill before it. While there are arguments put forward, as there usually are, by experts on both sides, I come to the conclusion that if I am in any doubt, then I will give the benefit of the doubt to this bill, because it seems to me to be the only game in town. I do not see any other proposals on the table to allow us to achieve the objective that is set out in this bill.

We know, because the media tells us, as they have been telling us in increasing volume over the past month or two, that there is always the possibility of a spring election. Let me make it clear: I am betting against a spring election. I do not believe there will be a spring election.

I know that to read the media, one would think the chances are 10:1 in favour of a spring election. As I said to Senator Greene last night, on that basis, I am prepared to put my $10 on the table for anyone who is prepared to put his $100, and I will bet against an election.

However, out of an abundance of caution and prudence in this place, we definitely should consider what we might do with a bill such as this against the possibility of dissolution in the next week or two.

I think a strong case can be made for fast-tracking this bill, not just because of the humanitarian urgency that it represents, but also because we had an identical bill before us within the past two years. That bill was Bill S-232, which was Senator Goldstein's. It went to the Standing Senate Committee on Banking, Trade and Commerce. I believe it was examined there for six days and the committee had before it a very impressive roster of witnesses. A strong case can be made, not just on humanitarian grounds but on procedural grounds for fast tracking the bill and letting it go to committee as soon as we can.

• (1610)

Honourable senators, if we are looking at the end of the Fortieth Parliament sometime in the next week or two, let us resolve to end it on a high note; let us resolve to end it on a major, bipartisan note. Let us try to do something that will do honour to this institution and to our country, and that will try also to do justice to some of the most afflicted people in the world.

Some Hon. Senators: Hear, hear!

Senator Greene: Honourable senators, Senator Murray's words are inspiring; however, I would like to adjourn the debate for the balance of my time.

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

STUDY ON ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

SIXTH REPORT OF FISHERIES AND OCEANS COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Tardif, for the adoption of the sixth report

(interim) of the Standing Senate Committee on Fisheries and Oceans, entitled: *Seeing the Light: Report on Staffed Lighthouses in Newfoundland and Labrador and British Columbia*, deposited with the Clerk of the Senate on December 20, 2010.

Hon. Dennis Glen Patterson: Honourable senators, I would like to speak to the report of the Standing Senate Committee on Fisheries and Oceans entitled *Seeing the Light,* regarding staffed lighthouses in British Columbia and Newfoundland and Labrador.

Honourable senators, my able colleagues on this committee have spoken of the findings of our report, and today I want to relate my experiences as a member of the Standing Senate Committee on Fisheries and Oceans studying this important subject.

As a member of the committee, I was sometimes asked by honourable senators why I was flying in a Coast Guard helicopter to visit lighthouses in remote locations. Some questioned me on the importance of what we were doing.

I quickly found out that this subject of lighthouses was not only absorbing, but also that very important to Canadians. We heard the Honourable Senator Bill Rompkey, the veteran and esteemed chair of our committee, describe this work as one of the most satisfying in a long and distinguished career in the Senate. I know what Senator Rompkey means, and I would like to tell honourable senators some of my experiences during our fact-finding missions regarding lighthouses.

In Grand Bank, Newfoundland and Labrador, a town of about 2,500 people on the southern tip of the Burin Peninsula, we attended a town hall meeting organized for us by Mayor Darrell Lafosse. Members of the Heritage Development Society, fishers, local artists, entrepreneurs, economic development officers, the Grand Bank Harbour Authority and mariners attended the meeting. They all came to talk about what they all called "our lighthouse," built in 1890, what it meant to them, how important a part of their community it was, and how concerned they were that it was being neglected and deteriorating. The light in the harbour is on a pier and the foundation is eroding from the action of the sea.

Honourable senators, the participants at the meeting spoke about how much they see the lighthouse as the very identity of their community and how much they want to be involved in taking care of their lighthouse. They also talked about the importance of the staffed lighthouse at Green Island, located at the mouth of Fortune Bay.

We flew by Coast Guard helicopter to the lighthouse at Green Island, where we heard from lighthouse keepers about a local mariner named Michel. The keepers pulled Michel out of the water onto their ramp just a few weeks earlier. Michel was on the way back to Saint-Pierre and Miquelon from Fortune and ran into sudden bad weather, which is not unusual in those waters. He could not go forward and could not make it back to Fortune in his 18-foot boat. Had it not been for the lightkeepers plucking he and his mother out of those wild seas and hauling his boat up on their ramp, they would not have made it. Michel showed up at the town hall meeting that afternoon and we had the opportunity to meet him in the flesh. He was so grateful to the keepers, saying they had saved his life and his mother's life, too. Honourable senators, how do you put a price on that?

Michel told us that when he left Fortune that the water was dead calm; the forecast had called for winds from 15-20 knots in the strait. However, after 20 minutes at Dantzic Point he could not even turn around. The water had turned white. The weather was so bad that he and his mother were at the Green Island lighthouse for five days before they could leave.

Honourable senators, we heard from Captain Charlie Dominaux, captain of the ferry *Arethusa*, which operates from late April to mid- September or October, between Fortune and Saint-Pierre and Miquelon. The captain has been the master of the ferry for 19 years and told us he cannot rely solely on Environment Canada weather forecasts in that area, where strong currents and winds create unpredictable, rapidly changing conditions, especially around Green Island. The *Arethusa* is 65 feet long, with a beam of 20 feet. It has a capacity of up to 96 passengers and carries up to 20,000 passengers in a season.

Honourable senators, Captain Dominaux told us of occasions when the weather forecast was 25 knots when he left Fortune. When he called Green Island, the wind was 35 knots and the sea was building. When he next called the keepers, they told him the wind was at 45 knots. He turned the ferry around. The keepers can give accurate, up-to-the-minute weather, including all-important wind direction, which is changeable.

Coast Guard officials are of the general view that technology has made staffed light stations obsolete in many cases. However, fishers told us that the automatic weather stations too often say they are not reporting or do not include rapidly-changing circumstances.

Honourable senators, while travelling in rural Newfoundland, we received a great deal of advice about the challenges of the new technology. Cellphones do not work 10 kilometres offshore, and they are land directed and do not receive signals 360 degrees. Not every mariner on the coast is equipped with GPS or radios. A representative of the Union of Canadian Transport Employees, a division of PSAC in St. John's, told us that more than 80 per cent of the vessels in Newfoundland are less than 40 feet. With the decline of the fishery, fishers are going beyond traditional fishing grounds, farther from shore and putting themselves at greater risk.

Honourable senators, Newfoundland has 9,000 kilometres of coastline. It is a province with a history of rum-running and drug smuggling. Witnesses told us that we need federal eyes on the coast. They told the committee that the lightkeepers know what is happening on the coast. Community residents spoke of the significance of a federal presence on the coast. Often the lightkeeper is the only federal servant within hundreds of miles. This means a lot, symbolically.

Other witnesses spoke of the economic significance of laying off 70 people in rural Canada. They pointed out, "We will only be redundant if we are made redundant." Some blamed the "BlackBerry crowd" in Ottawa for not understanding.

We learned last year that there was a plan in place to de-staff Green Island due to attrition. This was only averted when the minister asked the Senate committee to examine the de-staffing question last summer.

Honourable senators, this is one of the key points of our report. We recommend that each light station be examined on a case-by-case basis to determine whether de-staffing is justified and appropriate.

While using attrition as a criterion — which was clearly the modus in the remaining staffed lighthouses in Newfoundland — might be convenient for human resources planners, it is not a rational criterion for determining whether a light station should be de-staffed.

• (1620)

Rational criteria should be developed, our report recommends, taking into account public safety and the need for weather reporting. These factors are clearly important at Green Island. The report recommends including other factors such as the importance of a lighthouse to the fishery, tourism and coastal watch for sovereignty. Our report does not say, "Do not de-staff." Rather, it says to examine each situation and light station and determine the value of staff on a case-by-case basis.

I cite Green Island as a clear example of a situation where the human factor is critical to public safety given the clear evidence that bad seas can result from the changeable wind and tide in that area. Since Green Island is also close to the international fishing boundaries established between France and Canada, there may well be sovereignty reasons for keeping a human presence at that light as well.

Twillingate, on the northeast coast, was another informative visit. There, we found a community with a long history of fishing and the marine economy in transition. While there is still a fishery, marine traffic has changed. There are more pleasure craft, recreational fishers and mariners who come from Grand Falls to put their boats in the water without a lot of experience.

We visited the village of Crow Head, a former fishing community now focusing on tourism. A heritage committee has persuaded Atlantic Canada Opportunities Agency to restore the historic lightkeeper's home.

Twillingate, a nearby community of only 2,500 people, has 25,000 visitors every summer. They all come to see the light, a magnificent stone structure 300 feet above the water and built in 1875.

There is still a lightkeeper there. However, incredibly, the lightkeeper operates in a new building which affords no view of the sea at all. Most of the lightkeeper's work is answering inquiries from tourists, which he is willing, but not trained, to do. This situation is where the heritage values of lighthouses are intersecting with the traditional importance of lightkeepers as eyes on the coast. That is why our committee is now engaged in the second part of our study on the Heritage Lighthouse Protection Act. Twillingate is an example of how each situation and each light station must be examined for its circumstances, and decisions must be made about de-staffing on a case-specific basis.

We learned of light stations that have been taken over by the province and turned into valuable tourist attractions. In other situations, light stations formed integral parts of parks or heritage sites, and were administered capably by Parks Canada. In one case, in St. John's Harbour, we visited a lightkeepers' home that had been acquired privately for conversion into a bed and breakfast.

Each situation is different and deserves special consideration on its future and the future of the human beings now employed.

Honourable senators, I will say a word about lighthouse keepers. When I think of keepers, the term "salt of the earth" comes to mind as a good description. In Newfoundland and Labrador, we found that often keepers were intergenerational and proud of it. This job is not an easy one and it is not high paying. Gone are the days when keepers and their families sustained themselves on isolated stations. We visited light stations on places like Scaterie Island off Louisbourg, where the keepers' homes are rotting and decaying. There, we found a light station that has been automated like every one in Nova Scotia. It was poignant to see the remnants of the old days when families and keepers lived there year-round.

Fishers and coastal residents say the new automated lights, with their light-emitting-diode, LED, technology and solar power, do not have the same reach as those that were powered by diesel generators. They say that maintenance is not the same without a constant human presence, and I have no doubt that is true.

However, the committee report is not bucking this trend of new technology. We are saying that the particular circumstances of each light station should be examined using rational criteria before any further de-staffing takes place.

We were told by Canadian Coast Guard officials that, if further de-staffing takes place, every effort will be made to find employment within the Canadian Coast Guard for displaced keepers. In theory, this effort is encouraging. However, keepers who will be lucky to sell their houses for $10,000 in a small coastal community cannot move easily to St. John's or a larger centre to take up a new post where houses cost much more.

We also heard compelling stories from keepers who have had the constant threat of de-staffing hanging over their heads for 40 years. One keeper described it as a cloud hanging over his head. Jobs are not abundant in Newfoundland and Labrador. Uncertainty has been the watchword. One brother was told that his job as a keeper would be eliminated, so he headed to Toronto to seek his fortune, leaving his younger brother to take over. Years later, his brother is still working as a keeper.

At St. Shott's, we met a keeper who had worked 20 years as a casual worker. Some Canadian Coast Guard officials said that rescuing people in trouble was not a good justification for retaining staffed lighthouses because that only worked if they were lucky enough to be rescued near the light. However, others

told us that a lot of people are likely to be rescued near the light because that is where they go to seek shelter in bad weather. It is a refuge, a haven and a comfort.

It is clear that the Canadian Coast Guard no longer wants to be responsible for lighthouses. Technology has evolved to the point where there is no longer a need for huge Fresnel lenses floating on baths of mercury or big diesel generators. They have been replaced by much smaller LED lights and solar panels. The foghorns are computerized. Towers have been designed, the proverbial lights on sticks, which do the same jobs as the venerable lighthouses, some of which were built out of massive iron cylinders shipped from Britain in the days when Newfoundland's lighthouses were operated by the British to protect their own sailing vessels. These vessels included the Titanic, whose first distress signal was received at Cape Race, Newfoundland on April 14, 1912.

It was decided long before our committee received its mandate from this chamber that lighthouses would be de-staffed, and it happened all across Canada. When the committee began our work, there were only 51 staffed stations left: 29 in Newfoundland and Labrador, 31 in British Columbia and one so-called sovereignty light at Machias Seal Island, New Brunswick.

What did we find? Much of the work done by lighthouse keepers goes beyond the mandate of the Canadian Coast Guard, and is focused primarily on navigational aids and their maintenance. Lighthouse keepers are used extensively for weather and safety reports by kayakers, pleasure boaters, ship navigators and seaplane pilots, especially on the West Coast. Lighthouse keepers have been the first to report vessels in distress and oil spills. They monitor the coastal environment, wildlife and water quality.

Many federal and provincial departments, those responsible for transport, tourism, weather and environment, have an interest in the work done by lighthouse keepers. We hope that, in examining the issue of staffing as recommended in this report, our federal government can take a total government view of the many and diverse functions of light keepers. While it is challenging for government departments and agencies —

Hon. Kelvin Kenneth Ogilvie (The Hon. the Acting Speaker): Is the honourable senator requesting more time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I request five more minutes, please.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Patterson: While it is challenging for government departments and agencies to see the bigger picture outside their jurisdictional silos, the potential value of lightkeepers in diverse roles beyond navigational aids must be considered and accounted for in determining their value to our government overall.

We also found a high degree of interest in the role of lightkeepers on both coasts. The views of lightkeepers themselves, coastal communities and other interested parties must be sought as the Department of Fisheries and Oceans considers how to proceed next on this staffing issue.

Like the Honourable Senator Rompkey, I found this study to be significant and moving. Fascination with lighthouses was experienced by my colleagues on the committee who were fortunate to visit these Canadian landmarks. I found it fascinating that, at every opportunity, senators who visited lighthouses where we could have access to the light were always eager to climb up sometimes rusty, unpainted and rickety stairs to reach the top and see the light. We entitled our report, *Seeing the Light*.

There are intangibles involved here. We have too few symbols that unite us and bring us together in this magnificent, vast country of ours. There are lighthouses in a majority of provinces, including Ontario and Manitoba. However, Canada's largest coast by far, my own territory of Nunavut, has not a single lighthouse, nor does the Northwest Territories or Yukon. I have learned that these structures are compelling and, trite to say, iconic.

I trust the report will be valuable and informative for the Minister of Fisheries and Ocean and our cabinet colleagues in considering the future of staffed lighthouses.

• (1630)

MOTION IN AMENDMENT

Hon. Dennis Glen Patterson: Honourable senators, there is a motion before this house calling for the adoption of our report. I move that the motion be amended to read as follows:

> That the report be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Fisheries and Oceans being identified as the minister responsible for responding to the report.

The Hon. the Speaker: Continuing debate?

Are honourable senators ready for the question on the amendment?

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Patterson, seconded by the Honourable Senator Plett:

> That the report be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Fisheries and Oceans being identified as the minister responsible for responding to the report.

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

Hon. Senators: Agreed.

(Motion, as amended, agreed to and report adopted.)

[*Translation*]

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. Grant Mitchell: Honourable senators, I cannot say I am pleased to take part in the debate on this inquiry because we should not have to discuss the broken promises of the Government of Canada, but such is the situation we find ourselves in.

I will start by thanking Senator Cowan for presenting this inquiry. It is very important, especially with an upcoming election at the heart of which is an equally important issue with regard to this government, that of integrity, honesty and the government's ability to frequently say one thing and do another.

[*English*]

I cannot say that I am happy to be discussing this because one can only be disappointed when one sees how frequently this government made promises that they then went on to break, almost as though it was their default position.

[*Translation*]

Honourable senators, if ever we needed to change the rules in this chamber, the current context could provide a good incentive for changing time allocation rules. Fifteen or twenty minutes is not enough time to properly address all the times the government has broken its promises.

[*English*]

I want to discuss three broken promises. The first one is that the government actually promised that they would work with the provinces to establish a coordinated plan to deal with climate change. They have never said that they did not do that, but there are two profoundly poignant indications that they did not.

First, the Prime Minister has never met with the premiers of this country to discuss action on climate change. In fact, the Prime Minister has met with the premiers of this country only once, for about two and a half hours, about two or three years ago, on a Friday night in the middle of a hot summer. Who knows what they discussed over dinner at 24 Sussex Drive, but we do know they did not discuss climate change.

How do we know for sure that the Prime Minister and his government could not ever have coordinated a plan with the provinces? The answer is because they do not have a plan. We know that they have had five and a half ministers of the environment. They had five, one of whom was Minister Baird, and they appointed him as a part-time minister yet again, so I say five and a half. That is not bad in less than five and a half years. Since they took over, they have had less than one minister of the environment per year.

As an indicator of how they have neglected and diminished this important portfolio, it is interesting to note that the Prime Minister appointed a part-time minister of the environment for about two or three months. Can honourable senators imagine the Prime Minister of Canada appointing a part-time minister of finance for two or three months, a finance minister who would have had other high-pressure portfolios to deal with as well? Mr. Baird was house leader while he was the part-time Minister of the Environment. Clearly, the government did not have anyone in place to establish any kind of long-term, consistent plan.

Second, we know that on at least five separate occasions the government has announced new approaches to climate change. Which of those five approaches would they have discussed and coordinated with the provinces?

The first one was that they cancelled all of the climate change programs implemented by the former Liberal government. Those programs would have, even by the most rigorous of tests, established about two thirds of what Kyoto would have established and they would have stimulated the economy.

Honourable senators, the pressure then built. The government looked Neanderthal in not having a plan of any kind for climate change, so they changed again and adopted a "made-in-Canada" stance. Of course, once the U.S. began to become serious about climate change, the government said, "We will do whatever the U.S. does." When the U.S. said that they would apply a cap-and-trade system, the government said that we would do cap and trade as well.

Then, when the U.S. changed its mind because of the pressure from the extreme right of the Tea Party, the government turned around and said that it would not regulate like the U.S. would now have to regulate. Then they changed their minds yet again and said that it would regulate much the same as the U.S. would have to regulate.

With five or six plans in five years, with five and a half ministers of the environment, and with the Prime Minister meeting the premiers of this country once for two and a half hours, how could the government ever hope to fulfill a promise to coordinate with the provinces a plan of attack against climate change? Of course, the government could not.

I would wager that this government never for a moment really and truly believed that they would make any effort whatsoever to work with the provinces to establish a coordinated national plan of action to deal with climate change. If they had promised that and only said that, in truth, it would have been one promise they would have fulfilled. They could have said they had no intention whatsoever of ever dealing with climate change, and they would have fulfilled that promise because, as certain as we are all here in this chamber, they have not done anything of consequence for climate change.

• (1640)

The second broken promise is one that the government has made, perhaps not explicitly but certainly implicitly, that they were going to make Canadians feel safer with all its talk of being tough on crime and defending the borders, the tough talk about war and about being tough in that context, and the talk about crime and about being tough on those criminals. The irony is that Canadians are safer. They are much safer than they were in the 1980s and 1990s. With respect to crime, serious crime has reduced significantly. If it has, then one could argue that Canadians are, in fact, facing less crime — and they are — and objectively, therefore, should feel safer.

The one reason Canadians are not feeling safer is that the government keeps talking about how frightened they should be about crime. That is what they are becoming afraid of. The government is continuously trying to justify a policy for which this is no justification. If one wants to make people feel safer about crime, then one should stop talking about it, except in the context of establishing that it is actually going down. If the government has not made people feel frightened enough with a lack in safety on the crime portfolio, it then must promote the "defend your borders" portfolio. We need to be frightened enough to spend billions of dollars on jets that are not priced properly, without a guaranteed price and that certainly are not even completed in their construction, to defend our borders.

The vivid image that the government projected across the country was of our jets having to meet these Russia bombers at the border. These Russian bombers were built in 1952. They have propellers; they have never crossed the border. We are carrying out exercises with the Russian military and the jets that we have now probably will not fly slow enough to stay beside these kinds of bombers without stalling. If it is not enough that we should be afraid of crime when it is going down, the government has tried to establish that we should be afraid of 20th century jets — that is, bombers that are 60 years old and are driven by propellers.

There is a wonderful movie called *The American President*. If honourable senators have not seen it, then they must. Near the end of it, Michael Douglas gives this remarkable, wonderful, liberal speech. Every time that film is on, I bring my sons over and say, "Get over here and look at this. This is a remarkable, wonderful, liberal speech, boys." They, of course, are motivated and inspired by that. At one point in that speech, he says, "You know what the right wing does? They find something to make you afraid of and then they find someone to blame for making you afraid of it."

In this case, the government found a bunch of things to make Canadians afraid of. The one group that they do not blame for making them afraid is themselves. Crime is going down, honourable senators. We do not need to be afraid of crime in the way that they portray it. We do not need to be afraid of bombers from Russia that are 60 years old in the way that this government is construing it with us being afraid of them.

What we should be afraid of is this man who was hired by the PMO and who spent about four years there. This fellow, Mr. Carson, was convicted of fraud in 1981 disbarred. He was hired and put in the Prime Minister's Office, where the highest level of security should be maintained. I remember Senator Finley talking about this "hug-a-thug" thing or whatever. I wonder if he was contemplating the fact that the Prime Minister was hugging a thug in the PMO. Is that not interesting?

If Canadians need to be afraid of crime, it might be because the Prime Minister brought a convicted felon, someone who was convicted of fraud, into a place where there are sensitive secrets, sensitive documents and sensitive ideas, perhaps at the highest level. He brought in a man who was convicted of fraud and had spent time in jail. It makes no sense. If Canadians should be afraid of crime, maybe they should be afraid of that. Why is the Prime Minister not talking about that? If ever there was evidence of poor judgment, if he applies it in that way and in that context, one must wonder how he is applying it elsewhere. He is not applying it particularly effectively when it comes to crime, to jets, or to bombers with propellers from 1952.

The third broken promise that I want to mention is the broken promise of bringing integrity to government. If ever there was hypocrisy in government, it would be on that particular issue.

I was driving with my wife last Saturday, about a week ago. We talk a lot about politics. Now that our kids are gone, it is one of those deep values that hold our marriage together. We love politics. She said, "Grant, I was thinking about that fact that in the last seven days I can list how many scandals there have been." Honourable senators over there can count them, too.

First, there was Minister Oda, who lied to Parliament. That is one.

Second, there was the in-and-out scandal that came up over and over, involving four senior Conservatives very close to the Prime Minister and the Prime Minister's Office, and who have been charged with election fraud.

Third, there was the Ouimet case, which was raised by our colleague Senator Cowan today, where they paid out someone who resigned. Why would one pay someone who chose to resign? Of course there was a reason: They paid her so that she would not talk about the 228 whistle-blowing cases that they did not want her to talk about and that she never investigated. That is the third one.

We then have "the Harper government." It is no longer "the Canadian government," but it is "the Harper government," making one wonder whether it is actually a government that he is creating or a cult. Certainly, it raises questions about how he views the integrity and the sanctity of the Canadian government, putting himself above it and above the Canadian people.

We then have the two Kenney cases. He used government letterhead to raise money. "Just a mistake; sorry. If I had only been here, my staff never would have done that, because I sign all these." He also commoditized the ethnic and multicultural communities in this country.

We then have the case of Mr. Carson, who conjures up the idea of hugging a thug in the PMO.

Speaking of thugs, we then have the members of the PMO, who threw the press out of a public meeting that was being conducted by a multicultural group, whose origins were in India, at the

behest of — I do not know — the Prime Minister, perhaps? He had finished speaking, but those Canadians were not going to be able to hear another leader speak. Even though it was not their meeting, the people from the PMO threw out a bona fide Canadian political leader who had every right to be seen by that media. It is also a question of why the media would have gone.

These are just three of the many broken promises. I have often said that when it comes to criticism, this government is a target-rich environment. If ever that needed to be proven, one could just look at the number of promises they have broken. I have just spoken to three; if I had more time, I could speak of more than these.

(On motion of Senator Comeau, debate adjourned.)

FREEZING ASSETS OF CORRUPT FOREIGN OFFICIALS BILL

NINTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE PRESENTED

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

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Monday, March 21, 2011

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

NINTH REPORT

Your committee, to which was referred Bill C-61, An Act to provide for the taking of restrictive measures in respect of the property of officials and former officials of foreign states and of their family members, has, in obedience to the order of reference of Thursday, March 10, 2011, examined the said bill and now reports the same without amendment.

Respectfully submitted,

RAYNELL ANDREYCHUK
Chair

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

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

• (1650)

PARLIAMENTARY REFORM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the issues relating to realistic and effective parliamentary reform.

Hon. Jim Munson: Honourable senators, Senator Hubley is preparing her notes and would like to participate in this debate. I would like to restart the clock in her name.

(On motion of Senator Munson, for Senator Hubley, debate adjourned.)

[*Translation*]

WOMEN'S CHOICES

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Poy, calling the attention of the Senate to the choices women have in all aspects of their lives.

Hon. Lucie Pépin: Honourable senators, I will be speaking to the inquiry by Senator Poy concerning the choices of women throughout the world. I thank her for reminding us that, in some societies, inequality between men and women is still the norm.

I concur with Senator Poy on a number of the aspects of her inquiry. However, I will concentrate on maternal health, an aspect I am more familiar with.

The concern of Canadian women is to maintain the gains we have made. In certain parts of the world, the very principle of equality has not been established or is ignored. Women often have no control over their bodies and their social choices are very limited.

This was the situation of Canadian women until recently. Contraception was only legalized in 1969, and it was not until January 1988 that the Supreme Court decided that Canadian women had the freedom to choose abortion and control their own fertility. This freedom of choice, which women won with respect to their bodies, brought about changes in their lives. It was the impetus for becoming more active in society. It changed our socio-economic role.

Today, millions of women aspire to this same freedom. Unfortunately, they will not obtain it if they do not control their own fertility and if their lives are reduced to a series of pregnancies they cannot afford.

Senator Poy referred to data from the Guttmacher Institute, indicating that maternal mortality would be reduced by 70 per cent if the global needs for modern contraception were met.

According to the Society of Obstetricians and Gynaecologists of Canada, SOGC, almost 40 per cent of all pregnancies in the world are not planned. Approximately 200 million women want to delay or prevent pregnancy but are not using effective contraception.

Each year, nearly 50 million women resort to abortion, and the procedure is often carried out in unsanitary conditions. Non-medical abortions are responsible for 13 per cent of maternal deaths. Generally speaking, many of these deaths are a result of hemorrhaging, infections or unsanitary abortions. Thousands of women are dying each year from preventable and treatable illnesses. It is shocking to learn that, in sub-Saharan Africa, 1 out of every 16 women still dies during childbirth. In North America, the ratio is 1 out of every 3,700 women. Family planning through contraception can eliminate two-thirds of all unwanted pregnancies and three-quarters of all unsafe abortions.

If we really want to help women in other countries, the way we help women here, we must give them access to contraceptive devices and information on reproduction. Responsible sexuality requires sensible advice. HIV and other sexually transmitted diseases make such education even more necessary.

It is impossible to consider overcoming development challenges without ensuring the survival and well-being of mothers. We must put more emphasis on how important healthy mothers are to a society. No society can hope to progress if its mothers are not healthy, for they are a great asset.

When a mother is sick or dies, her contribution to the household and society is lost. The education of her children is compromised. We know that a million children die each year because they have lost their mothers. Any effective development strategy must involve a commitment not only to meeting the contraceptive needs of women but also to providing universal access to reliable obstetrical care for women. Unfortunately, it is still common for women to die during childbirth.

The SOGC has also stated that 35 per cent of pregnant women in developing countries do not have any contact with or access to health care professionals before giving birth and only 57 per cent give birth in the presence of a qualified caregiver.

In Ethiopia, for example, only 5.7 per cent of deliveries are attended by a qualified caregiver. Having a qualified caregiver attend the birth is the most effective method of preventing maternal death.

The first stage in life is birth. The first universal human right should be the right to give birth and to be born without risk. This is a simple question of common sense.

Experience in several countries like ours has proven that it is possible to make risk-free birthing a universal right. Unequal access to health care is also linked to the unequal status given to women in some countries. The persistence of local customs and a lack of political will explain the lack of improvement in the indicators of maternal, neonatal and infant and child health. Very often, however, the reason is a lack of resources.

Most developing countries simply do not have the resources to invest in their health systems. Those states could well develop policies that guarantee universal access to essential health services. However, if resources are inadequate, it is difficult for them to implement the policies.

It is the job of the international community to financially support the countries that attempt to offer every mother and every child universal access to care. We must also motivate countries that lag behind to recognize the importance of the health of mothers and children to their social and economic development. If we want to improve maternal health, we must ensure that women's autonomy and education are also strengthened.

The Prime Minister of Canada has recently taken some steps in the right direction, namely with the Muskoka Initiative on Maternal, Newborn and Child Health. I want to congratulate the Government of Canada and encourage it to keep listening to specialists who know that reducing maternal mortality means acting on the many root causes of child and maternal mortality.

Any initiative to keep mothers alive depends on timely access for women to emergency obstetrical care, access to qualified care during delivery and access to contraception and family planning resources.

I also invite the Prime Minister to give more support to the training of health professionals in developing countries to better meet the existing needs of pregnant women and newborn babies.

Fighting for your rights can be both frustrating and tiring, but it can also be very joyous. In Canada, we have been lucky enough to experience a few happy events that made us equals. I hope that all women will someday have an opportunity to be seen as people and not as inferior beings.

Today, we have enough knowledge to protect the lives of millions of women and children. To succeed, we must ensure that the fate of these women and children is no longer ignored or met with indifference.

• (1700)

We can take up this cause and work together so that every mother, every child, no matter where they live or what their social situation, will have the chance to live.

I thank Senator Poy for giving us the opportunity to express our solidarity with the millions of women who still do not have the opportunity to achieve full equality of the sexes. It is a human right that calls us to show greater solidarity.

[*English*]

The Hon. the Speaker: If no other honourable senator wishes to debate, this matter is considered debated.

(Debate concluded.)

[*Translation*]

CONTRABAND TOBACCO

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Segal calling the attention of the Senate to the seriousness of the problem posed by contraband tobacco in Canada, its connection with organized crime, international

crime and terrorist financing, including the grave ramifications of the illegal sale of these products to young people, the detrimental effects on legitimate small business, the threat on the livelihoods of hardworking convenience store owners across Canada, and the ability of law enforcement agencies to combat those who are responsible for this illegal trade throughout Canada, and the advisability of a full-blown Senate committee inquiry into these matters.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I see that the debate on this inquiry is at day 15. Senator Banks is absent at the moment and he has not expressed his intention not to speak to this inquiry. I therefore suggest that the debate be adjourned in his name. If, in fact, Senator Banks did not intend to speak, we can then proceed accordingly.

For the time being, I move the adjournment of the debate in the name of Senator Banks.

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

[*English*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ACCESSIBILITY OF POST-SECONDARY EDUCATION

Hon. Art Eggleton, pursuant to notice of March 9, 2011, moved:

> That notwithstanding the orders of the Senate adopted on March 18, 2010 and December 2, 2010, the date for the presentation of the final report by the Standing Senate Committee on Social Affairs, Science and Technology on access to post-secondary education in Canada be extended from March 31, 2011 to June 30, 2011 and that the date until which the committee retains powers to allow it to publicize its findings be extended from September 30, 2011 to December 31, 2011.

(Motion agreed to.)

(The Senate adjourned until tomorrow at 2 p.m.)

Appendix A

Federal commitments under the Gateways and Border Crossings Fund (as of February 24, 2011)

In total, over $1 billion has been committed to date to projects that have been either announced or approved under the Gateways and Border Crossings Fund. With respect to the remaining funds, the government is in ongoing discussions with provinces and other stakeholders to invest these funds in a variety of Gateway projects. For example, Canada committed to pay for 50 percent of eligible capital costs for the Windsor-Essex Parkway, which is part of the overall Detroit River International Crossing project.

Infrastructure Projects

Title	Project Description	Location	Federal Share ($ million)
Calgary 52nd Street: Widening	Widening of 52nd Street in SE Calgary from 2 to 4 and 2 to 6 lanes. Includes required utilities and stormwater management.	Alberta	34.50
Trans-Canada Highway in Banff National Park: Twinning	Twinning 14km of the Trans-Canada Highway in Banff National Park.	Alberta	100.00
Global Transportation Hub	Construction of the required transportation infrastructure to support the Global Transportation Hub. The works include: New Pinkie Road Corridor, upgrading and widening of Dewdney Ave, 4-laning of Pinkie Rd to Dewdney and new 2-lane Pinkie Rd to Hwy 11.	Saskatchewan	27.00
Saskatoon Circle Drive completion	Construction of a new urban highway, crossing South Saskatchewan River to complete the Circle Drive ring road.	Saskatchewan	75.84
Hudson Bay Railway Improvements	Rehabilitation of the "Bay Line", which extends from The Pas to Churchill, Manitoba. Rehabilitation of the 877-kilometre rail line includes railway tie replacement, replacing of rail switches, bridge and culvert repair, and road crossing works.	Manitoba	20.00
Highway 75 improvements	Rehabilitation of Highway 75 between Winnipeg and the Canada/U.S. border crossing at Emerson. Work includes: rehabilitation of aged concrete pavement, rehabilitation of the bridge at Plum River, and upgrades consistent with Expressway standards.	Manitoba	42.50
Trans-Canada and Yellowhead Highways: Interchange and rail grade separators	Grade-separation of the existing at-grade signalized Trans-Canada Highway (PTH 1) and Yellowhead Highway (PTH 16) Interchange, and of the Yellowhead Highway CNR Mainline Overpass.	Manitoba	21.00
Access Road to New Windsor-Detroit Crossing	The Windsor-Essex Parkway is a key component of the Detroit River International Crossing (DRIC) project that will provide a direct route connection from Highway 401 in Windsor , Ontario to a new international crossing to be constructed over the Detroit River to connect to Interstate 75 in Detroit, Michigan.	Ontario	400.00
Queenston-Lewiston Bridge Canadian Plaza Phase II Project	Construction of additional passenger and bus primary inspection lanes, commercial vehicle warehouse inspection facilities, passenger vehicle and bus inspection facilities, an animal inspection facility, and a new central building for CBSA and CFIA at the Canadian plaza of the Queenston-Lewiston international bridge.	Ontario	62.00
Blue Water Bridge: Plaza Improvements	Plaza improvements include: Plaza widening to Highway 402, Dynamic Message Signs.	Ontario	10.00

Peace Bridge: Plaza Improvements	Construction of a fifth commercial vehicle primary inspection lane and booth, and related works.	Ontario	1.00
Sault Ste Marie International Bridge: Plaza improvements	Sault Ste Marie International Bridge Plaza Redevelopment: new commercial off-load and passenger processing facilities; third lane inspection area for bus inspections; and infrastructure to support NEXUS and FAST.	Ontario	44.112
Lacolle Border Crossing Facility: Customs Plaza improvements	Improvements to commercial vehicle and bus inspection facilities.	Quebec	10.00
Route 1 Twinning	The design and build of the twinning of Route 1 between Murray Road and Lepreau (approximately 55 km).	New Brunswick	87.50
Port of Belledune improvements (total federal contribution $26.4)	Expansion and improvement of the Port of Belledune.	New Brunswick	6.00
Saint John Harbour Bridge Rehabilitation Project	Rehabilitation of the Saint John Harbour Bridge: includes bridge deck repair and infrastructure improvements.	New Brunswick	17.50
Fredericton International Airport	Runway and lighting upgrade	New Brunswick	5.2
Port of Saint John	Cruise Gateway project	New Brunswick	4.50
Greater Moncton International Airport	Runway extension	New Brunswick	4.00
Port of Belledune	Modular Fabrication and Multimodal Transshipment Facility	New Brunswick	1.50
Port of Halifax: South End Container Terminal Extension	Expansion to accommodate the next generation of container ships.	Nova Scotia	17.50
Port of Halifax: Richmond Terminals Multipurpose Gateway Extension	Upgrade and expand value-added cargo handling services.	Nova Scotia	36.50
Burnside Connector - Phase 1: connecting Hwys 102 and 107	Highway project connecting Highway 102 and Highway 107 and a major industrial park and transshipment facility.	Nova Scotia	17.50
Truro High Speed Interchange: junction of Hwys 102 and 104	Upgrade the highway interchange ramps at a key trade and travel junction.	Nova Scotia	4.50
Rte 344: Upgrades of the access road to the proposed Melford Container Terminal	To support development and operation of the proposed Melford Container Terminal.	Nova Scotia	7.50
Halifax Sanfield International Airport	Runway extension	Nova Scotia	9.00
Charlottetown Airport	Airport Terminal Expansion	Prince Edward Island	1.20
[1]Confederation Bridge	Intelligent Transportation Systems (installation of sensors to monitor bridge condition and provide warning system, video incident detection system, dynamic lighting and signage, and toll plaza transponder/electronic lane improvements).	Prince Edward Island	1.34
PEI Department of Transportation and Infrastructure Renewal	Route 1 realignment near Churchill (2.2 km realignment to eliminate sharp curves on hilly terrain). (Trans-Canada Highway between between Charlottetown and Confederation Bridge)	Prince Edward Island	3.50
PEI Department of Transportation and Infrastructure Renewal	Route 1 realignment near Tryon (3 km realignment and installation of two 4-way intersections for improved safety, efficiency and access control). (Trans-Canada Highway between Charlottetown and Confederation Bridge)	Prince Edward Island	4.50
Total:			**1,077.19**

Non-infrastructure projects

Title	Project Description	Location	Federal Share ($ million) (GBCF)
Study to develop concepts for the safe loading of grain during inclement weather	Concept study to determine and evaluate possible options for the safe loading of grain. The study is to provide a wide range of options from short to longer-term options. Solutions are to be practicable and easily implemented.	British Columbia	0.04
Pembina-Emerson Port of Entry Transportation Study	Involves a feasibility study, function design to identify transportation system improvements and opportunities to integrate intelligent transportation system solutions, and mid- and long-term planning approaches to improve the efficiency of the Pembina-Emerson Port-of-Entry.	Manitoba	0.250
Study on Movement of Goods in Greater Toronto Area	Study of the movement of goods in and around the GTA. The aim of the study is to obtain informed, current perspectives from the providers and users of the transportation system on existing and future issues.	Ontario	0.03
Blueprint for Canada-US Engagement with the Next US Administration	The objective of the project is to develop a blueprint to provide Canadian political leaders with fresh insight and momentum to kick-start a positive, forward-looking agenda with the new U.S. administration early in 2009.	Ontario	0.03
Logistics Hub Requirements Study	Evaluates the economic viability of a logistics hub in the Canadian market to foster greater activity and investment in "value added" sectors such as trade logistics and related financial and administrative services.	Quebec	0.20
Halifax Rail Cut Study	In-depth study of the technical feasibility of adapting the Halifax rail corridor to handle truck traffic to and from Halterm terminals at the Port of Halifax.	Nova Scotia	0.14
Atlantic Gateway Marketing and Business Development	To market Atlantic Gateway ports and other facilities.	Nova Scotia	2.50
Total:			**3.18**

CONTENTS

Monday, March 21, 2011

PAGE

Budget Speech
Accommodation for Senators in Commons Gallery.
The Hon. the Speaker 2028

SENATORS' STATEMENTS

Year of the Entrepreneur
Hon. Catherine S. Callbeck 2028

Visitors in the Gallery
The Hon. the Speaker 2028

Official Languages in Atlantic Canada
Hon. Percy Mockler 2028

Atomic Energy of Canada Limited
Hon. Pierrette Ringuette 2029

International Day for the Elimination of Racial Discrimination
Hon. Don Meredith 2030
Hon. Claudette Tardif 2030

ROUTINE PROCEEDINGS

Study on Issues Related to Communications Mandate
Fourth Report of Transport and Communications Committee—Government Response Tabled.
Hon. Gerald J. Comeau 2031

Foreign Affairs
Exports of Military Goods from Canada—2007-09 Report Tabled.
Hon. Gerald J. Comeau 2031

Canadian Forces Members and Veterans Re-establishment and Compensation Act
Pension Act (Bill C-55)
Bill to Amend—First Reading.
Hon. Gerald J. Comeau 2031

Criminal Code (Bill C-54)
Bill to Amend—First Reading.
Hon. Gerald J. Comeau 2031

Foreign Affairs and International Trade
Notice of Motion to Authorize Committee to Extend Date of Final Report on Study of Issues Related to Foreign Affairs Generally.
Hon. A. Raynell Andreychuk 2032

Aboriginal Children in Care in Manitoba
Notice of Inquiry.
Hon. Sharon Carstairs 2032

Queen's University at Kingston
Private Bill to Amend Constitution of Corporation—Presentation of Petition.
Hon. Lowell Murray 2032

QUESTION PERIOD

Office of the Public Sector Integrity Commissioner
Status of Former Commissioner.
Hon. James S. Cowan 2032
Hon. Marjory LeBreton 2032
Auditor General's Report.
Hon. Sharon Carstairs 2034
Hon. Marjory LeBreton 2034

PAGE

Treasury Board
Access to Information User Fees.
Hon. Claudette Tardif 2034
Hon. Marjory LeBreton 2034

Delayed Answers to Oral Questions
Hon. Gerald J. Comeau 2034

Atlantic Canada Opportunities Agency
Atlantic Gateway Strategy.
Question by Senator Mercer.
Hon. Gerald J. Comeau (Delayed Answer) 2034

Status of Women
Funding for Aboriginal Women.
Question by Senator Dyck.
Hon. Gerald J. Comeau (Delayed Answer) 2034

Atlantic Canada Opportunities Agency
Atlantic Gateway Strategy.
Question by Senator Mercer.
Hon. Gerald J. Comeau (Delayed Answer) 2035

National Defence
Operational Stress Injuries.
Question by Senator Day.
Hon. Gerald J. Comeau (Delayed Answer) 2036

ORDERS OF THE DAY

Supreme Court Act (Bill C-232)
Bill to Amend—Second Reading—Speaker's Ruling.
The Hon. the Speaker 2036

Point of Order
Hon. James S. Cowan 2039
Hon. Gerald J. Comeau 2040

Point of Order
Hon. Gerald J. Comeau 2040
Hon. Pierrette Ringuette 2040

Criminal Code (Bill C-30)
Bill to Amend—Third Reading.
Hon. Gerald J. Comeau 2040

Immigration and Refugee Protection Act (Bill C-35)
Bill to Amend—Third Reading.
Hon. Nicole Eaton 2041

Aeronautics Act (Bill C-42)
Bill to Amend—Third Reading.
Hon. Michael L. MacDonald 2041

Criminal Code (Bill S-204)
Bill to Amend—Second Reading—Debate Continued.
Hon. Nancy Ruth 2041

Controlled Drugs and Substances Act (Bill C-475)
Bill to Amend—Second Reading.
Hon. Sharon Carstairs 2042
Referred to Committee 2043

Italian-Canadian Recognition and Restitution Bill (Bill C-302)
Second Reading 2043
Referred to Committee 2044

Patent Act (Bill C-393)
Bill to Amend—Second Reading—Debate Adjourned.
Hon. Sharon Carstairs 2044
Hon. Stephen Greene 2046
Hon. Lowell Murray 2046

PAGE

Study on Issues Relating to Federal Government's Current and Evolving Policy Framework for Managing Fisheries and Oceans
Sixth Report of Fisheries and Oceans Committee Adopted.
Hon. Dennis Glen Patterson 2048
Hon. Gerald J. Comeau 2050
Motion in Amendment.
Hon. Dennis Glen Patterson 2050

Government Promises
Inquiry—Debate Continued.
Hon. Grant Mitchell. 2051

Freezing Assets of Corrupt Foreign Officials Bill (Bill C-61)
Ninth Report of Foreign Affairs and International Trade Committee Presented.
Hon. A. Raynell Andreychuk 2053

PAGE

Parliamentary Reform
Inquiry—Debate Continued.
Hon. Jim Munson 2053

Women's Choices
Inquiry—Debate Concluded.
Hon. Lucie Pépin 2053

Contraband Tobacco
Inquiry—Debate Continued.
Hon. Gerald J. Comeau 2055

Social Affairs, Science and Technology
Committee Authorized to Extend Date of Final Report on Study of Accessibility of Post-Secondary Education.
Hon. Art Eggleton 2055

Appendix A 2056

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